

# SPEECHES

OF

HENRY LORD BROUGHAM,

UPON QUESTIONS RELATING TO

PUBLIC RIGHTS, DUTIES, AND INTERESTS;

WITH

HISTORICAL INTRODUCTIONS,

AND

A CRITICAL DISSERTATION

UPON THE ELOQUENCE OF THE ANCIENTS.

IN FOUR VOLUMES.

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**S P E E C H E S**

**CONNECTED WITH**

**E D U C A T I O N .**

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**VOL. III.**

**A**

# INTRODUCTION.

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CHARITY ABUSES—EDUCATION COMMITTEE—  
SIR SAMUEL ROMILLY.

THE friends of Education had long been aware that there existed funds in England which ought to be applied towards the instruction of the people, and which were either diverted from that course, or were applied in a manner extremely inefficient, and very different from the intentions of those who had consecrated them to this pious use. The inquiries of the Education Committee of the House of Commons, appointed in 1816, were mainly directed to an examination of this very important subject. After continuing the investigation for some weeks, the Committee made a Report, in which the state and conduct of many schools founded by charitable persons in and near the metropolis was fully detailed, by means of an examination of the masters, trustees, and other persons entrusted with their management. The result of this inquiry was

such as brought to light a great body of curious and interesting information respecting those endowments ; it also produced unquestionable proofs of many establishments for education being conducted in an unsatisfactory manner ; and it begot the strongest suspicions that there existed misapplications of funds destined to Education, and generally of Charitable funds. Nothing further was done upon the subject in that Session ; and the Committee was only revived in the Session 1817, to be adjourned, without further prosecuting the inquiry, after making a short Report, recommending a grant of money to unendowed schools.

In 1818, however, Mr Brougham again obtained the appointment of the Education Committee ; and the impression left by the former proceedings remaining very strong and very general, their attention was first of all directed to the subject of Charity abuses. The investigation of this subject soon became as interesting as it was extensive. Many cases of very gross misapplication were discovered ; and the inquiry affected persons of distinguished station, or rather the ancestors of such persons ; for, after property originally destined to charitable uses had, during a long course of years, been applied to private enjoyment, in some cases suddenly, but in others by gradual encroachments, no heavy blame could attach to those who only continued in the practices handed down to them by their ancestors, and of the illegality of which they were probably themselves ignorant. But the interest excited by this investigation soon became so great, as to interfere with the other objects of the Committee's appointment ; and every thing that related to the extension of Education, otherwise than by improving the application of endowments, was either



neglected, or lost in the anxiety to prosecute an inquiry which, detecting abuses of those endowments, promised to the curiosity or the malignity of the public, or the spirit of faction, the discovery of individual delinquency in persons of eminent condition. The inquiry was rendered more interesting, and indeed more important, by being extended to the Universities and the great Public Schools. Eton and Winchester were thus examined, notwithstanding the objections made by the parties, especially by those connected with St Mary Winton, who set up, in bar of all examination, the obligations of an oath not to reveal the secrets of the House. The Committee heard the objection, examined the oath, and found it to contain a saving clause,—“*Nisi aliquâ necessitate cogente, seu utilitate suadente de quâ necessitate et utilitate, ipsi judicent,*” —whereupon the Committee intimated to the witnesses, that the necessity had arisen, and that it was expedient for them to decide upon complying therewith ; but it also laid down as clear law, that, although there had been no such saving clause at all, the oath never could have protected them against answering whatever questions were put by a competent authority, such as a Court of Justice, or a Committee of either House of Parliament. The inquiry was further extended to Colleges in the Universities ; and a school under St John’s, Cambridge, was minutely examined, the abuses of which were such, that although in the early days of Mr Wilberforce and Mr Daniel Sykes, both educated there, it had flourished with above a hundred scholars, it had of late years only taught a single boy, the school-room being converted into a saw-pit. The Fellows of St John’s being the visitors of this wealthy en-

dowment, of which they had the exclusive patronage, the utter neglect of their duty required investigation ; and received it very fully, but very fairly, at the Committee's hands. Yet the outcry raised by calling the Head of a House before a Parliamentary Committee was inconceivable ; and it was much increased by the reverend person himself happening to burst into tears, upon a very simple and very civil question being addressed to him in very respectful terms. It is needless to add, that this feeling soon extended itself to all the Colleges of both Universities ; and as the dissolution of Parliament prematurely closed the proceedings of the Committee, every engine of influence and intrigue was put in motion to prevent a renewal of the inquiry next Session. The labours of the Committee, however, did not close without some most valuable information being obtained touching the state of education generally in the kingdom. Much evidence was examined on this point ; and circulars having been addressed to every parish in England, Scotland, and Wales, the materials were afforded, by the answers, for preparing a digest representing the state of Education in every parish in the island. This valuable statistical document fills three folio volumes.

Notwithstanding the pains taken by all the Colleges and Public Schools, by all their numerous supporters in the Church, in the State, by members of both Houses of Parliament, all the creatures of the Court, and almost every member of the aristocracy, of what party soever, vying with each other in their zeal to protect time-honoured abuses, and to stifle irreverent inquiry, the Government found that the public voice would be too strong for them were they to resist



investigation, and therefore gave notice the second day of the next Session, of an immediate bill to extend the act of the last Session. That act, brought in through the exertions of the Committee, had appointed Commissioners to inquire concerning the abuse of charities connected with Education. The new act was to extend the inquiry to all charities, and to remedy certain important defects which had been pointed out in the former act. Mr Brougham had, in the course of the vacation, addressed a Letter to Sir Samuel Romilly, pointing out the defects of the act which the Ministers had passed, and in which they had refused to insert some of the provisions deemed by the Committee to be the most essential.

This sudden and not ill-contrived movement of Lord Castlereagh, of course prevented Mr Brougham from renewing his motion for re-appointing this Committee, and the Government bill was soon after introduced. But the important discussion on the Currency question upon Mr Peel's bill, for a while precluded all other discussions; and the Charity Abuse bill was postponed, with every thing else, until that measure had been passed, together with the financial arrangements fancifully supposed by Mr Abercromby, and one or two other Whigs, to be connected with it—persons who appeared often very fond of finding an occasion to vote with the Tory Government. The Charity Abuse bill was then at length brought forward, and Mr Brougham having been prevented from attending in his place for some weeks by a very dangerous illness, from which he narrowly escaped, was in the House merely to move an amendment, when the attack upon the Education Committee and its chairman was unex-

pectedly made, which drew forth the following reply in their defence. The question raised by Mr Brougham's opposition to the bill, related to the exemption of all Charities having special visitors, which was continued in this bill from the act of 1818. He insisted upon this exemption being now omitted, on the ground of the worst abuses having been found in specially visited charities. Lord Castlereagh persevered in supporting the exemption, upon which the cathedrals, the greater schools, and the colleges, although themselves specially exempted by name, set great store ; and after a short statement of the reasons for and against the clause had been made, Mr Peel brought forward his attack upon the whole conduct of the Education inquiry, in an able and impressive speech ; to which, of course, Mr Brougham replied. He was warmly supported by Mr John Smith, Mr Wilberforce, Mr Sheldon, Mr Frederick Douglas, and others, members of the Committee, who bore ample and impartial testimony to his courteous and fair conduct in the Chair ; nor was there any one, on either side of the House, who did not confess that Mr Peel, not himself a member of the Committee, had been grievously misled by the misrepresentations of interested parties, to which he was peculiarly exposed from his position as member for the University of Oxford, the place in all the empire where the proceedings of the Committee had excited the greatest alarm.

To the speech made on this remarkable occasion, there is prefixed\* the Letter addressed to Sir Samuel Romilly, upon the subject of Charity Abuses, in which

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\* This Speech ought to have followed the Letter above mentioned, but the printers have by mistake transposed it to page 181 of this volume.



he took an extraordinary interest, naturally heightened by his great experience in the cases connected with the subject that came before the courts of equity where he had so long reigned the undisputed chief. It is fit that this occasion should not be passed over of attempting faintly to sketch the character and endowments of so great and so good a man, for the instruction of after ages.

Few persons have ever attained celebrity of name and exalted station, in any country, or in any age, with such unsullied purity of character, as this equally eminent and excellent person. His virtue was stern and inflexible,—adjusted, indeed, rather to the rigorous standard of ancient morality than to the less ambitious and less elevated maxims of the modern code. But in this he very widely differed from the antique model upon which his character generally appeared to be framed, and also very far surpassed it, that there was nothing either affected or repulsive about him; and if ever a man existed who would more than any other have scorned the pitiful fopperies which disfigured the worth of Cato, or have shrunk from the harsher virtue of Brutus, Romilly was that man. He was, in truth, a person of the most natural and simple manners, and one in whom the kindest charities and warmest feelings of human nature were blended in the largest measure with that firmness of purpose, and unrelaxed sincerity of principle, in almost all other men found to be little compatible with the attributes of a gentle nature and the feelings of a tender heart.

The observer who gazes upon the character of this great man is naturally struck first of all with its most prominent feature, and that is the rare excellence which we have now marked, so far above every gift of the

understanding, and which throws the lustre of mere genius into the shade. But his capacity was of the highest order ; an extraordinary reach of thought ; great powers of attention and of close reasoning ; a memory quick and retentive ; a fancy eminently brilliant, but kept in perfect discipline by his judgment and his taste, which was nice, cultivated, and severe, without any of the squeamishness so fatal to vigour—these were the qualities which, under the guidance of the most persevering industry, and with the stimulus of a lofty ambition, rendered him unquestionably the first advocate, and the most profound lawyer, of the age he flourished in ; placed him high among the ornaments of the Senate ; and would, in all likelihood, have given him the foremost place among them all, had not the occupations of his laborious profession necessarily engrossed a disproportionate share of his attention, and made political pursuits fill a subordinate place in the scheme of his life. *Jurisperitorum disertissimus, disertorum vero jurisperitissimus*. As his practice, so his authority at the bar and with the bench was unexampled ; and his success in Parliament was great and progressive. Some of his speeches, both forensic and Parliamentary, are nearly unrivalled in excellence. The reply, even as reported in 11 *Vesey junior*, in the cause of *Hugonin v. Beasley*,\* where the legal matters chiefly were in question, may give no mean idea of his extraordinary powers. The last speech which he pronounced in the House of Commons, upon a bill respecting the law of natural-

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\* A case exceedingly resembling this, *Macabe v. Hussey*, was argued in the House of Lords in October 1831, by Mr O'Connell, and his argument was a masterpiece, according to the judgment of all who heard it.



ization, which gave him occasion to paint the misconduct of the expiring Parliament in severe and even dark colours, was generally regarded as unexampled among the efforts of his eloquence ; nor can they who recollect its effects ever cease to lament with tenfold bitterness of sorrow, the catastrophe which terminated his life, and extinguished his glory, when they reflect that the vast accession to his influence, from being chosen for Westminster, came at a time when his genius had reached its amplest display, and his authority in Parliament, unaided by station, had attained the highest eminence. The friend of public virtue, and the advocate of human improvement, will mourn still more sorrowfully over his urn than the admirers of genius, or those who are dazzled by political triumphs. For no one could know Romilly, and doubt that, as he only valued his own success and his own powers, in the belief that they might conduce to the good of mankind, so each augmentation of his authority, each step of his progress, must have been attended with some triumph in the cause of humanity and justice. True, he would at length, in the course of nature, have ceased to live ; but then the bigot would have ceased to persecute—the despot to vex—the desolate poor to suffer—the slave to groan and tremble—the ignorant to commit crimes—and the ill-contrived law to engender criminality.

On these things all men are agreed ; but if a more distinct account be desired of his eloquence, it must be said that it united all the more severe graces of oratory, both as regards the manner and the substance. No man argued more closely when the understanding was to be addressed ; no man declaimed more powerfully when indignation was to be aroused or the feelings

moved. His language was choice and pure ; his powers of invective resembled rather the grave authority with which the judge puts down a contempt, or punishes an offender, than the attack of an advocate against his adversary and his equal. His imagination was the minister whose services were rarely required, and whose mastery was never for an instant admitted ; his sarcasm was tremendous, nor always very sparingly employed. His manner was perfect, in voice, in figure, in a countenance of singular beauty and dignity ; nor was any thing in his oratory more striking or more effective than the heartfelt sincerity which it throughout displayed, in topic, in diction, in tone, in look, in gesture. “In Scauri oratione sapientis hominis et recti, gravitas summa, et naturalis quædam inerat auctoritas, non ut causam, sed ut testimonium dicere putares. Significabat enim non prudentiam solum, sed, quod maxime rem continebat, fidem.”\*

Considering his exalted station at the bar, his pure and unsullied character, and the large space which he filled in the eye of the country, men naturally looked for his ascent to the highest station in the profession of which he was, during so many years, the ornament and the pride. Nor could any one question that he would have presented to the world the figure of a consummate judge. He alone felt any doubt upon the extent of his own judicial qualities ; and he has recorded in his journal (that invaluable document in which he was wont to set down freely his sentiments on men and things) a modest opinion, expressing his apprehension, should he ever be so tried, that men would

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\* *Cic. Brutus.*



say of him “*dignus imperio nisi imperasset.*” With this single exception, offering so rare an instance of impartial self-judgment, and tending of itself to its own refutation, all who had no interest in the elevation of others, have held his exclusion from the supreme place in the law, as one of the heaviest items in the price paid for the factious structure of our practical government.

In his private life and personal habits he exhibited a model for imitation, and an object of unqualified esteem. All his severity was reserved for the forum and the senate, when vice was to be lashed, or justice vindicated, the public delinquent exposed, or the national oppressor overawed. In his family and in society, where it was his delight, and the only reward of his unremitting labours, to unbend, he was amiable, simple, natural, cheerful. The vast resources of his memory,—the astonishing economy of time, by which he was enabled to read almost every work of interest that came from the press of either his hereditary or his native country, either France or England,—the perfect correctness of his taste, refined to such a pitch that his pencil was one of no ordinary power, and his verses, when once or twice only he wrote poetry, were of great merit,—his freedom from affectation,—the wisdom of not being above doing ordinary things in the ordinary way,—all conspired to render his society peculiarly attractive, and would have made it courted even had his eminence in higher matters been far less conspicuous. While it was the saying of one political adversary, the most experienced and correct observer\*

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\* Mr Charles Long, afterwards Lord Farnborough.

among all the parliamentary men of his time, that he never was out of his place while Romilly spoke without finding that he had cause to lament his absence,—it was the confession of all who were admitted to his private society, that they forgot the lawyer, the orator, and the patriot, and had never been aware, while gazing on him with admiration, how much more he really deserved that tribute than he appeared to do when seen from afar.

If defects are required to be thrown into such a sketch, and are deemed as necessary as the shades in a picture, or, at least, as the more subdued tones of some parts for giving relief to others, this portraiture of Romilly must be content to remain imperfect. For what is there on which to dwell for blame, if it be not a proneness to prejudice in favour of opinions resembling his own, a blindness to the defects of those who held them, and a prepossession against those who held them not? While there is so very little to censure, there is unhappily much to deplore. A morbid sensibility embittered many hours of his earlier life, and when deprived of the wife whom he most tenderly and justly loved, contributed to bring on an inflammatory fever, in the paroxysm of which he untimely met his end.

The Letter here printed was communicated in manuscript to him while attending the sick bed of that excellent person, whose loss brought on his own. It tended to beguile some of those sorrowful hours, the subject having long deeply engaged his attention; and it was the last thing that he read. His estimate of its merits was exceedingly low; at least he said he was sure no tract had ever been published on a more dry subject, or was likely to excite less attention. The in-



terest of the subject, however, was much undervalued by him ; for the letter ran through eight editions in the month of October.\*

That he highly approved of the labours of the Committee, however, and that the conduct of its Chairman shared fully in his approval, there can be no doubt. In the last will which he made, there is a warm expression of personal regard and a strong testimony to public merits, accompanying a desire that his friend would join with another whom he had long known intimately, and whom he consequently most highly and most justly esteemed, Mr Whishaw, in performing the office of literary executor. The manuscripts which he left were numerous and important. The most interesting are the beautiful Sketches of his early life, and the Journal to which reference has already been made. But his commentaries upon subjects connected with jurisprudence are those of the greatest value ; for they shew that most of the reforms of which he maintains the expediency, have since his decease been adopted by the Legislature ; and they thus form a powerful reason for adopting those others which he recommends, and which are not now less favoured by the general opinion of mankind, than were the former class at the early period when he wrote. The injunction to his friends contained in his will, was truly characteristic of the man. He particularly desired them, in determining whether or not the manuscripts should be published, only to

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\* The last book of any importance read by him was Mr Hallam's first great work, of which he justly formed the highest opinion, and recommended the immediate perusal of it to the author of the Letter, as a contrast to that performance, in respect of the universal interest of the subject.

regard the prospect there was of their being in any degree serviceable to mankind, and by no means to throw away a thought upon any injury which the appearance of such unfinished works might do to his literary character. Whoever knew him, indeed, was well persuaded that in all his exertions his personal gratification never was for a moment consulted, unless as far as whatever he did, or whatever he witnessed in others, had a relish for him exactly proportioned to its tendency towards the establishment of the principles which formed, as it were, a part of his nature, and towards the promotion of human happiness, the grand aim of all his views. This is that colleague and friend whose irreparable loss his surviving friends have had to deplore, through all their struggles for the good cause in which they had stood by his side ; a loss which each succeeding day renders heavier, and harder to bear, when the misconduct of some, and the incapacity of others, so painfully recall the contrast of one whose premature end gave the first and the only pang that had ever come from him ; and all his associates may justly exclaim in the words of Tully regarding Hortensius, “*Augebat etiam molestiam, quod magnâ sapientium civium bonorumque penuriâ, vir egregius, conjunctissimusque mecum consiliorum omnium societate, alienissimo reipublicæ tempore extinctus, et auctoritatis, et prudentiæ suæ triste nobis desiderium reliquerat : dolebamque, quod non, ut plerique putabant, adversarium, aut obtrectatorem laudum mearum, sed socium potius et consortem gloriosi laboris amiseram.*”

**S P E E C H**

**ON**

**MOVING THE FIRST READING**

**OF**

**BILLS ON EDUCATION,**

**DELIVERED IN THE HOUSE OF LORDS,**

**DEC. 1. 1837.**

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## S P E E C H.

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IN rising to state to your Lordships the outline of the two Bills for which I am about to claim the attention of this House, I ought first to state the reasons for which I adopt the unusual course of explaining their nature on my moving that they shall be read a first time, and why, therefore, I do not wait until they are printed. I trust that the plan I have adopted will not prove inconvenient to your Lordships ; for I feel that if I were to wait in the ordinary manner, until the Bills shall have been read a first time, and then explain to your Lordships the grounds on which I must request your Lordships' support of the measures, I should neither do justice to their framers nor to their promoters ; and besides, I really feel that I should not be able to state either the details or the principles of the bills in such a manner as they merit. I should no longer have an opportunity of removing from your Lordships' minds any objections which might start up in relation to the arrangement of my plan ; and in coming after those objections, unanswered as they would be, had taken root in your Lordships' minds, I feel that I should hardly be considered to have exercised ordinary care.

If it be said that I might take the chance of your



Lordships' attention being drawn to the Bills in the interval between their being read a first and second time, then I am favoured with an answer to this suggestion in the observations which have fallen from the Right Reverend Prelate\* and the noble Marquess,† neither of whom seem to understand that the measures which I am now about to bring forward have both of them before been under the consideration of the House ; but they appear to imagine that I am about to bring forward a new plan, and that they are wholly unacquainted with my views. I do not blame either the noble Marquess or the Right Reverend Prelate for not paying attention to the bills when they were before the House during three successive years ; nor do I blame them for fancying that I am going to break open new ground—that I am about to tread an untrodden field—and to introduce to your Lordships some new principle ; because, from time to time, the matter has been broached in Parliament, and still the House would not give its attention to the subject. The plan was before the House last session, on the first night of the session, and it was printed ; and for the purpose of preventing the confusion that usually arises in reading the clauses of Acts of Parliament, and to aid those to whom the repetitions in a statute would be obstructions, I took the liberty of circulating a digest,—an abstract of the provisions of the measure,—that no one might have the ordinary excuse for not reading the Bill, in consequence of the tediousness of wading through its details. At the end of the session it was broached again. It was not attended to at the beginning of the session, because it was then too early ; and it was not attended to at the end of the session, because it was then too late.

I cannot say that your Lordships were prevented from

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\* Bishop of London.

† Lord Landsdowne.

applying yourselves to the subject, at the beginning of the session, by the pressure of business, for there was none; and for some time afterwards, your Lordships did just as much. At the end of the session, there came an event which diffused universal joy among all classes of the people, following an event which the moment before had produced extreme sorrow—I mean the change of the sovereign. It is incidental to such occasions that questions of this kind should not be attended to; and in consequence of the desire of her Majesty that no further public business should be transacted during the session, and from the pressure of business, I was going to say—but it was rather from the distractions of pleasure which followed, it became necessary that it should again stand over. One Bill, then, which I now have to bring forward is, in its principles, the same as that which I first introduced; but in reference to the Education Bill, there has been some alteration in the measure originally proposed, and this is now introduced for the first time. With respect to this addition, I may say that I had, last session, hoped that the necessity for its introduction would have been obviated by my Honourable Friend, who was then member for Middlesex,\* having brought forward a measure respecting County Rates in the House of Commons; but his plan having fallen to the ground, I was left to devise some new provision to supply the deficiency caused by its failure; and therefore, this additional Bill is now brought before your Lordships for the first time. In all other respects the Bills are the same with the Bill of last session.

It is true that the former Bill has been divided into two, that part which relates to Education generally, having been separated from the portion which has refer-

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\* Mr Hume.



ence to the better administration of Charitable Funds ; and this division has taken place for obvious reasons. I think, my Lords, that I shall best discharge my duty to your Lordships, and to the great subject which I have to introduce, especially as the point has been indirectly discussed in the conversation which took place this night, as well as in that which occurred two nights since, if I begin by stating what appear to me to be the general principles which should be followed in any attempts : improving the extension, and the stability of popular Education ; and if, after having stated those general principles, I then explain the particular principles drawn, not only from the policy of every country, but also from the peculiar circumstances of this country and of the present time, and applicable to this measure.

No one is more aware than myself of the difference which exists between universal principles which are applicable to all countries and to all times, and those principles which are drawn from the peculiar circumstances of the present time and of this country ; and without minutely attending to this material distinction it will be impossible for our labours to end in a good result.

After detailing those general principles, both general and particular, I shall proceed to unfold the several points of the measures to which I wish, on the present occasion, to direct your Lordships' notice.

First, I think, my Lords, that there ought to be, at no time, in any country, whatever may be its constitution, or whatever its state of society, any positive or direct compulsion as to the Education of the People. I am aware, that some most respectable persons differ from me on this subject ; they are not a numerous body, but they are of great weight, because they have paid much attention to the subject, and because almost all of them are possessed of much general information.

Still, however, I cannot help feeling assured that they have been led away by looking at the circumstances peculiar to the several countries in which such a compulsory system exists. My opinion of the system pursued in those countries, and any view of those circumstances is, that their example is totally inapplicable to our own situation ; that it would be absolutely pernicious to follow it ; that persons have been led away from a view of a great evil, by the accidental mitigation of the compulsory system in the States in which it exists ; and that, instead of seeing how bad in itself the principle might be which yet worked well in those States, they have been led to believe that the compulsory system should be adopted here, where it must work ill. They have been the more led away in consequence of their honest ardour and zeal for public instruction ; and they have not brought their minds to a due consideration of the line over which the lawgiver ought not to pass, and beyond which he loses all claim to support, by the violation of the most sacred principles.

If I wished to demonstrate thoroughly that a compulsory system ought not to be introduced, I would put it to any person of common reflection whether it be safe and right, whatever may be the temptation arising from the deficiencies in the existing state of Education, from the risk to be incurred from ignorance, from the duty of the parents, from the mischief which may arise, haunt, and infect us from the breach of this duty of parents ;—I would ask that man to consider how delicate, how perilous a matter it would be, to usurp the parental office by public authority, and prescribe, by a command of the state, fortified, perhaps, by the penalties attached to an offence, the line of parental management which the father or mother should pursue in taking care of the offspring which Providence and na-



ture have committed to their care? Another answer against the compulsory principles, if, indeed, any other be wanting, would be, that it is a violation of individual liberty—a tyranny introduced, no doubt, and I admit it, for a laudable purpose; but, nevertheless, avowing the intention, that, in order to educate people, you will enslave them—that, in order to diffuse instruction amongst them, you will contract their liberty, and introduce a system which is alike novel, horrid, and unbearable to the citizens of a free state, and only fit (if fit at all) for a country ruled by a despotic government where, liberty being little known, slavery is the more bearable. This is my decided opinion. If noble Lords will neither read nor hear, I am not surprised at their want of knowledge on the subject. I know the dryness of it, but I trust your Lordships will at least bear with me while I state my views on this important question.

The next general rule which I would lay down, as fit to govern the conduct of those called upon to frame or consider measures of this kind, is not only that there should be no compulsion exercised, and no interference on the part of the Government as regards who shall or shall not be Educated at all, but that there should be no power given to the Government to Educate the people,—in other words, that the interference of the State should be excluded beyond what is absolutely necessary. With regard to the question, What course of education ought to be chosen? I should look with the greatest jealousy at the legislature of any country deciding it. It appears to me nothing more nor less than tyranny for any government to have the power of saying, “You shall have this instruction, or you shall have none”—deciding the number of schools to be established, the kind of instruction to be afforded in them, the mode of teaching to be adopted, and the description of books to be read. I am for no interference on the part of any

authority whatever, but for leaving all parties uncontrolled and ungoverned. I would have no rules laid down either by Law or by Boards, or by the joint operation of Law and Boards together. Neither would I have the Executive Government or the Legislature prescribing a course of instruction, and teaching the people according to their own model. I will presently shew how these great principles may be so modified as to obtain the object which we seek—the better Education of the people—without the breach of the principle itself. In like manner I think that no government should appoint masters—that no government ought to be intrusted with the power of naming those from whom the public at large are to receive the benefit of secular instruction ; for if any one were to give me the right of naming the teacher, without superintendence or control as to the fitness of the person appointed, I should not much trouble myself to obtain the power of prescribing the course of instruction ; since whatever course might be fixed upon, I should feel confident that it would be as much moulded by the teacher as if an Act of Parliament, or a Board, were to say what course should be taken ; both the one and the other are unfit for the task, and even if fit, would be the most improper parties to say what books shall be read, what subjects shall be taught, what shall be the order or plan of education, or what person shall teach.

Although I am stating, most strongly and distinctly, that there should be no compulsory authority exercised by the State, upon the question of whether or not children shall be taught at all, or if taught, in what manner, in what things, and by whom they shall be instructed ; although this is the principle upon which my plan is founded from beginning to end, and which I hold to be the corner-stone of any system of Education fit for a civilized community : yet I am, at the



same time, disposed to add, upon all these points,—not that an exception or modification can be admitted, far from it,—but that concurrent principles may be adopted which shall reconcile all difficulties, and enable me to gain the benefit without incurring the loss or the mischief. Thus, though decidedly against compulsion,—against forcing parents to Educate their children,—I am disposed to say,—not only that I am equally against holding out inducements or encouragement to them to neglect the Education of their children ;—because it is a duty on their part to have them instructed, and the breach of that duty is, in one sense, a moral offence (an offence, however, which ought not to be visited by the law, as the obligation is imperfect) ; but I further think it necessary, if you can, without any violation of principle,—that is, without undue interference,—without infringing on the liberty of the subject,—without committing any violation of his rights,—to hold out an incentive, and to give facilities of every sort to enable the parent to discharge his duty, and to prevent him, by all proper means, from neglecting it. If such a course as this were pursued, then would I say we have gained a benefit without incurring a risk. Accordingly, first of all, these inducements and facilities should consist in making Education cheap, good, and easily acquired : but I go further.

I have no hesitation in saying, that the proposal for amending the law, in one or two important points, with a view to promote Education, has found favour in my sight. Such amendments form no part of my plan ; but it has been often said, with a view to afford an indirect encouragement to Education, why not extend that provision of the Statute of Frauds, which prevents certain contracts from being valid unless they are in writing ? My Noble and Learned Friend\* reminds me

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\* Lord C. J. Denman.



that this is already the law in other countries ; I believe that it is so in France. It has been also said, that society in this country is now in a very fitting state for the application of such a provision under that intention. I confess I have no great objection to it. There are occasions when, without interfering with the rights of the subject, or the principles of a free State in the administration of the domestic affairs of the people, being absolutely certain that our plan is correct—and that we are perfectly justifiable, in wishing the people to do something manifestly for their own benefit, we may safely add to the encouragement held out to them by the nature of the thing, something of pressure, in case they refuse to avail themselves of such encouragement. I remember an illustration on this point, which has been employed in the discussion of a question of political economy, often broached, namely, how far a Government is justified in interfering with the industry of the people, in point of policy. The illustration to which I allude, is drawn from the history of Russia under Peter the Great. Although the country abounded with timber, the people had not at that time acquired the use of the saw ; and though the staple commodity was deal, yet the houses were most rudely fashioned, and a great waste ensued, because the workmen used no instrument for the conversion of the timber into planks but the hatchet. It appeared to the Government—indeed, it was almost as self-evident to them, as it is to us that it is the duty of parents to Educate their children—it appeared to Peter the Great—and if he never had done a worse action, he would have well earned the appellation which has been given to him—so clearly wrong, and so prejudicial to his subjects, to use the hatchet instead of the saw, that he commanded them to substitute the latter for the former instrument. A discouraging duty laid upon deals cut otherwise than

with the saw, might, it was thought, have the effect of accelerating the use of that tool. A tax was accordingly imposed, and the first year it produced a great return to the Russian exchequer; but the next year there was scarcely a ruble received; for deals had ceased to be cut otherwise than with the saw. Just so, in the present case we may impose such disadvantages on those who are not possessed of Education, as to have the effect of removing obstructions, and doing away with any unwillingness on the part of the poor, to receive its blessings. Now, if I thought the people of this country had come to a universal understanding of themselves,—that they all felt the use of Education, as well as the duty of imparting it to their offspring,—then I should be disposed to listen to the proposition, not certainly of compulsion even by an impost, but that some disadvantage, or some disqualification, should be thrown upon the uneducated; while, on the other hand, some such advantage should be given to the educated as must constitute a distinct and tangible preference in their favour, and thus accelerate the object we all have in view.

With regard to the kind of Education, I certainly should wish to see some improvement, so that instruction may not merely be brought home to every man's door by cheap mercantile schools, of which the poor may reap the advantage, but that schoolmasters may be prepared to perform, well and sufficiently, the important duties of their office. I think we should interfere as little as possible, beyond affording facilities; we ought not to force, but to help; not to control, but to co-operate.

I proceed to those principles which are more particularly applicable to this country; in other words, to consider how far the more general principles I have stated are applicable to the circumstances of England.



The vast number of schools is one circumstance to be taken into consideration. There are somewhere about 50,000 established throughout this country, 39,000 or 40,000 of which are unendowed, and supported by the exertions and subscriptions of private individuals ; the remainder are endowed. Now, I am by no means disposed to agree in the opinion, that all children taught at these unendowed schools ought to be considered charity children. The large proportion of them are not, in any sense, charity children. I have the greatest respect for those who maintain Sunday schools ; I look upon them as having done great service to the country ; but, at the same time, the Education afforded by them must of necessity be very limited and imperfect, at least to those who attend no others ; but I speak now of the unendowed day-schools, and how many of the children attending those schools are in a situation to be called charity scholars ? Not one-half. Many years ago there might have been one-half, but even then the endowed schools were included. In the year 1820, about 600,000 was the number of children who attended all the schools, endowed and unendowed ; and of that number but 300,000 were free scholars, while the other 300,000 paid. Look, then, at the increased number of day-schools, and compare those who pay with those who are gratuitously educated. I find that about 1,120,000 children attend those day-schools, and that out of that number less than 390,000 are gratuitous, while 730,000—nearly double—pay for their education.

These are facts which have been hitherto much overlooked and underrated, in my opinion, by many individuals, who, in speaking on the subject, have said that a system of Education given in the way of charity is pregnant with evil,—that it goes to lower the character of the children, and to constitute a kind of relation



between one class of society and another which should by all means be avoided, as tending to create an unwholesome state of things in that society; that it is not merely good offices on one hand and gratitude on the other, but good offices combined with a patronising spirit, and an assumption of charity which is not altogether consistent with the independence of character so greatly to be fostered; that the receiving of those benefits can hardly but be attended with feelings of subordination, not to say degradation,—with feelings which lower the individuals who receive them, and give them a notion that they are not independent, but that, being the victims of poverty, they are therefore objects of charity. Now, no one would go further, and I will say no one has gone further, than I, in deprecating the extension more than is absolutely necessary of such a system, and in wishing to see it superseded by one which will make that matter of right what is too often considered matter of favour. But to say that all those are charity schools merely because they are supported by subscriptions, and by the personal efforts, which are more valuable still, of public-spirited individuals; to say that all the children who, by the exertions of those individuals, are enabled to receive instruction, are charity children, as if they were taught in workhouse schools, is stating what no one who had minutely examined the real state of things would ever have ventured to assert.

Another fact which makes it impossible that a general system of Education can be established without regard to local circumstances, and the peculiarity of different situations, is, that whereas a system might work well in one kind of place, it would be found totally inapplicable in another. Suppose, for instance, we were inclined to adopt the course pursued by the Scottish Parliament previous to the Revolution of

1688, which has been often since recommended in the English Parliament, namely, the Parish School system. The first answer to the proposal of establishing by law a school in each parish is, that there is perhaps half a dozen schools in each parish already ; and that to add one more, without considering the circumstances of any given parish, would be a very preposterous proceeding, giving a school very probably where it is not required, while only one school is given to other parishes that stand in need of a dozen. That system was adopted in Scotland when there was hardly a school in the country, and trade and manufacture being in their infancy, there existed very little difference between town and country parishes ; but, in the present state of our towns and parishes, it would be absolutely and entirely inapplicable. A system that might be good for a commercial, might not be good for a manufacturing town. If applicable to a town parish, it might not be suited to a rural parish. If fit for one parish, it might be quite unfit for another, differing, perhaps, in every respect, as to all the circumstances of its inhabitants. Whatever system you establish should be so formed as to be capable of extension, contraction, or modification, according to the great variety of circumstances which are found to exist in various parts of the country, in different towns, and even in different villages.

Then, with regard to the question of funds. In some parts of the country, these exist in superabundance ; in others, there is a certain portion of endowment ; and in others, again, there are no funds at all.

Last of all, looking to the state of the country as regards religion, it would be quite impossible, still more strongly perhaps on this account than any other, to introduce a system which is not of an adaptable and a variable nature. There are, in all parts of the coun-



try, members of the establishment ; in some, however, a considerable portion of the inhabitants do not belong to the Established Church, but are composed of Dissenters from it. In other places there are no Dissenters. In some there are hardly any others.

Such, then, is the state of the country as regards Education. Much is already done by the schools at present in existence, by the funds provided for supporting them, and the assistance derived from the endowments on the one hand, and the payments made of the children on the other. In introducing any new measure, great care should be taken not to do any thing that may lessen the efforts which are laudably made by private individuals in support of these schools, or in any manner, to take away their funds ; but rather to assist in furthering those efforts and contributing towards those funds, than to supplant them by any other provision. It has always appeared to me that it is absolutely necessary that the system adopted should adapt itself to those peculiarities, so as not to interfere with the exertions of individuals already made and still making, but rather should encourage and stimulate those exertions.

Again, it should be kept in view, that it is not merely the means of instruction which are defective,—not merely that the schools are too few, numerous as they are, or that the children are too few, compared with the population, numerous as they are also,—for they amount, between the endowed and unendowed day-schools in England and Wales, to 1,270,000,—but the quality of the Instruction is much more defective than its amount. Many of those schools are called such by courtesy,—and by the extension of courtesy, we suppose that they give instruction to children,—though many of them should be no more called schools, if by that is meant places for the extension of knowledge ; and the teachers of them no more deserve their



name, if by teaching is understood that which enables the pupil to learn,—that which leaves him better than it found him,—that which adds to the knowledge he possessed on entering the school—than any one thing can deserve to be called by a name by which any other thing, however different, is known. I do not think this is the universal state of the schools, very far from it. Many of them afford a very admirable example. I admit that many of the National schools, and many of the British and Foreign Society's establishments, may justly lay claim to the title of schools, and that the system pursued there may, without flattery, be deemed a system of teaching ; but I will say, that a very large number,—nay, I firmly believe that by much the greater part of the 40,000 unendowed day-schools afford to the youth of England an Education which is exceedingly imperfect indeed. Upon this matter I cannot, of course, enter now into details ; but I feel convinced that I do not at all overstate my position, when I assert that at least one-fourth (I am confident above one-fifth) of those schools are in such a state of indiscipline and utter want of accommodation, and, with respect to the learning and capacity of those who assume to conduct them, so totally unprovided, that, except by courtesy,—nay, except in the language of gross flattery,—they cannot be characterized otherwise than as merely pretended and counterfeit schools.

This is a state of things which we are beyond all doubt bound immediately to remedy ; and the Right Reverend Prelate has most justly observed, that no one course can more safely or beneficially be applied to the improvement of those establishments, than that of bettering the condition and improving the Education of the persons to whom the task of Educating others is intrusted ; in short, furnishing an ample supply of well taught and sufficiently remunerated schoolmasters. It

is out of the question to suppose that a voluntary system of taxation will ever effectuate this important purpose ; for what security have we, I beg leave to ask, for that voluntary imposition of the necessary rates in those parts of the country where Education is most wanted—I mean in many of our great cities and large manufacturing towns? It is there that the number of schools is most defective, and that the kind of teaching is also the most lamentably deficient. In some of the great towns of the north, and in the metropolis itself, where it is most wanted of all, people are not to be found who can afford to give their labour, or if they have the time, with purses to afford the means for suitably Educating the poor. Yet these are indisputably the places where Education is most wanted, and for which it is the incumbent duty of the Legislature to provide it.

With a view, then, to all these circumstances, I would proceed to offer my suggestions to your Lordships' notice. First of all, it seems to be admitted on all hands that, whether we are to go further in the way of making grants of money or not, at any rate a Public Department is essentially necessary—called abroad the Department of Public Instruction, but which we should call the Education Department. This establishment is absolutely necessary, if it were only to superintend and provide for the judicious and systematic application of those funds which are occasionally set apart for purposes of Education. Accordingly, the plan which I propose consists, in the first place, in the establishing of such a Board. My object now, is to call your Lordships' attention to the duties which that Education Board will have to discharge. This forms the subject of the first Bill which I intend to submit to your Lordships.

With respect to those duties relating to the super-



intendence and administration of Charity funds, to the remedies for breach of trust, to the better and proper application of the funds for the purposes of Education, they are all matters of arrangement to be considered by themselves, and which will exclusively form the subject of the Second Bill. This division of the matter into two Bills is adopted for various good reasons. There are many persons who feel a difficulty with respect to the distribution of the charitable funds; but as to the part which is devoted to Education, I believe no difference of opinion exists. That is my reason, therefore, for separating the subject. It cannot, perhaps, be ultimately separated, because such a Board cannot properly discharge its duty without having some control over the application of the Charity funds. The Board, as originally proposed by me, was to consist of three paid commissioners, not removable unless by address to the Crown from both Houses of Parliament. To these were added three Ministers of State and the Speaker of the House of Commons; but in the plan I now propose I have omitted the Speaker, and I have also omitted one of the Ministers, so as to make the board consist of two Ministers and three life members. It is almost needless to state why I have made this change. Many persons were of opinion that the Speaker could have no time to devote to this subject; and it being avowedly my intention that the Speaker should only interfere in cases of an extraordinary nature, where his experience and authority would be required, I thought, upon the whole, that it might be proper to omit the Speaker altogether.

Then, with respect to the omission of one of the Ministers, many persons were of opinion that it would be as well to have but two, which would at the same time avoid the inconvenience of having an even number of Members constituting the Board. Accordingly,



two Ministers only are retained. It is necessary that there should be some members of the Government on the Board, because there are many things in which the concurrence of the Government will be required. If I am asked what those things are which render it necessary to have its constant interposition, my answer is, that under the proposed system there will be grants of money, and there will be the administration of those funds; and it is well known that you cannot intrust the task of distributing money to any Board of Commissioners with the same degree of confidence which would be felt, were the distribution made with the concurrence of a Minister of the Crown, whom both the country and the Parliament will look to as responsible. By the arrangement which I contemplate, the Minister of the Crown will not be the person to appoint the school-inspectors and other officers of the Board. But these appointments will be made by irremovable life Commissioners, so as to prevent the abuse of this patronage for political purposes. Of course I here speak of Ministers in the abstract; and, when I make provision against the possibility of Ministerial jobbing, I do so on the principle that we are to legislate upon general views.

The first object of the proposed Board's labours will be to Distribute the Grants which from time to time will be made available, and dispose of those other funds which either exist at present, or may hereafter be placed at their disposal. In the next place, they will have the power, but with the concurrence of the respective local interests, of Founding Schools where they do not exist, or of improving them where already established. The great and leading principle of the Bill is a concurrence, in every instance, of the local authorities—that is to say, of the people among whom these Schools are to be planted, extended, or improved—with the

Central Body, before any change whatever can take place.

While I thus obtain, on the one hand, a security against too great an interference upon the part of Government, and against the abuses which may arise therefrom, providing, at the same time, for a sufficient care of the Education of the country by the Government ; on the other hand, I provide a security against local abuses, against neglect or carelessness on the part of the local authorities, and against their obtaining for unworthy purposes the possession of funds which they ought not to have, or raising funds amongst themselves which they should not be permitted to raise. I thus take security against both the Local and Central authorities, by requiring, in every instance, the joint concurrence of both the one and the other. Your Lordships will presently perceive how the Bill is calculated to work out these objects, and provide this security. The country, for the purposes of this measure, may be considered to be divided into two distinct classes ; one, the municipal corporations, whose local affairs are committed to town-councils representing the people ; the other, into those districts of the country lying beyond the bounds of any municipal corporation, where the people have no Councils, nor any body in whom the functions exercised by their representatives in corporate towns are vested ; in short, where, in my apprehension, there is not at present existing any competent, safe, and trust-worthy body, to discharge those duties which are performed by corporations.

Now, supposing both the one and the other of this description of persons to desiderate the application of the provisions of the Bill I wish to introduce, it becomes incumbent on me to shew in what manner those provisions will be applied and will work. Suppose, in any town or parish, there is a great deficiency found



in the means of instruction—it may either be that there is no school, or that there are too few schools ; or it may be that those already existing are of a bad description, and ill provided with teachers ; or it may be that two or more of these defects, or all of them joined together (which I am afraid is too often the case) prevail. Immediately, and of course, an attempt will be made, when the Bill comes into operation, to remedy such defects by providing a sufficient supply, or a better kind of education—by extending the number of schools, or improving those that exist. But the town-council of the place can do nothing of itself. It must make its application to the Education department. It must lay a plan before the Board—an estimate of what is required, a statement of the kind of school necessary in, the different branches of education to be taught, the mode of teaching best adapted to the local circumstances, and a statement of the proposed Rules and Regulations for the management of the school, for the choice of the teachers, for the discipline, for the visitation and inspection of the schools, and for the relations between the schools and the patrons. All these rules must, by the town-council, or the new local authorities in the country (of which I shall afterwards speak), be prepared and laid before the Board, with the reasons for requiring a sanction to their proposals. If the Board, on listening to the reasons, are convinced—on examining the plan, approve of it—and, on scrutinizing the estimates, have no objection to them—if, above all, and first of all, after examining accurately the Rules and Regulations of the schools either proposed to be established, or proposed to be extended, or proposed to be improved, the Board approve of them—then, and not till then, it may give its sanction to further proceedings. It may then say to the local authorities—“ We see you re-



quire so much money to be advanced out of the Parliamentary grant. Furnish a certain proportion according to the rules which we have laid down, and you shall have the sum required." It is unpleasant to interrupt one's self in a statement, but the Right Reverend Prelate\* has made an observation which justifies me in stepping aside for a moment from the course I was pursuing.

The system hitherto adopted in giving assistance from the parliamentary grants, is exceedingly imperfect. The rule laid down by the Treasury is, that, as often as any application is made from any quarter for such assistance, it shall only be given after a certain proportion,—one-half, I believe,—of the sum required, is undertaken to be raised by the parties making the application. This rule was represented as holding the balance quite even between the British and Foreign Society and the National Society. I myself at first thought it was so ; and, during the first year, it was perfectly just, for the same number of applications were made from our Society and from the National School Society. When I say "our," it is because I happen to be a member of the British and Foreign School Society, having presided at its first meeting thirty years ago. In the beginning, then, it seemed that both Societies were on an equal footing with regard to the advances made from the parliamentary grants. But this was confined to the first year. The British and Foreign Society, and those classes whom it represents, actually exhausted their funds during that year ; they were therefore unable to make a proportionate advance in subsequent years ; so that, next year, upwards of two-thirds or three-fourths, or even four-fifths of the parliamentary grant, went to the National Society ; and necessarily so, because that Society

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\* Bishop of London.

and its friends being richer, were able to make the required proportional advances.

It did not, however, at all follow, that because applications were not made from any given place, and by the dissenting classes, therefore there did not exist an equal want of assistance there, and among them. I could name places where aid from the parliamentary grant is most pressingly wanted, and yet there are no means of raising twenty shillings towards the fund. It is, therefore, imperative upon the Treasury to alter their present system. They must have a plan capable of contraction and expansion, of variation and adaptation. To require a particular place to furnish two-thirds or three-fourths of the proportion of the sum wanted, may be, in some cases, asking too little, and in others, to require even a much less proportion of the money may be asking too much, while to require what is exactly right may probably occur only once in five hundred cases. The consequence is, that the money granted by Parliament is exhausted, and yet that Education is wanted in many places. For aught I know, the mere Educating and Training of Teachers may be alone sufficient to exhaust the parliamentary grants ; or, it may be, that the parliamentary grants should never be applied, except in those very rare instances where no fund can be got by rate locally, nor by private assistance locally. In all other cases, I apprehend, a School Rate may safely, and ought justly, and will beneficially, be directed under the sanction of the Board, with the concurrence of the local authorities. The people of such places cannot complain of the new or improved Schools, because they have consented to them by their representatives ; they cannot complain of their burden, because they have asked it by their representatives. They, and they alone, are to originate the plan. Unless they desire it, they are not to be rated ; unless they call for the tax,



the Bill gives no authority to impose any whatever upon them. So much for the liberty which the Bill affords to what may be called the Voluntary Principle, in the proper sense of the word, upon the spot. But, then, on the other hand, that the people should not at their own will and pleasure have the power of rating themselves without the authority of the Central Body, I take to be perfectly clear also ; because it does so happen, that even representatives, chosen by the rate-payers at large, are sometimes disposed to incur expenses which their constituents, if left to themselves, would not have allowed. Therefore, it is not at all superfluous to interpose a protection against the possibility of such an abuse. Accordingly, the Joint Consent of the Local authority of the district, and the Central department, is required, before any rate can be made. Observe now, my Lords, how the Bill will work with respect to these regulations, and how its provisions will prevent oppression and abuse.

Suppose a Local Body were to propound to the Board, with an estimate and statement of the want of Education in their district, a set of rules extremely injudicious—a set of rules to which the Legislature and the country ought not to afford its sanction ; suppose there should be any intolerance in the case ; suppose, for instance, the majority of the town-council should be disposed to oppress the minority ; suppose that the Dissenters should have obtained a great preponderance in that body, and should propose that no clergyman of the Established Church—(I am sure that such a case is not in the least likely to happen, but I put it merely as an illustration)—suppose that the Dissenters, having authority in that body, were to propose that no minister of the Established Church should ever be a teacher in their school, it would then be for the Board to say—constituted as it would be, first, by the



three irremovable commissioners, and then by the two responsible ministers of the Crown—whether the school applied for should be established under their authority, and under the powers and provisions of this Bill, from being a master of which, one of the school rules positively and imperatively excludes any minister of the Established Church.

I will suppose another case, which, I hope, nay, which I am quite sure, is as little likely to happen as the last I have been putting ; but suppose there shall be any town-council where, instead of the Dissenters having obtained a majority, the Churchmen have got it, and that they shall be minded to propose as one of their rules, that no Dissenter or any other than a member of the Church of England shall ever be master of the school. The Board would then have the power to say to the town-council, “ It is utterly impossible we can consent to this. It would be oppressive to the Dissenters ; intolerable to all who are not members of the Church ; not creditable to the Church itself,—nay, it would be injurious to the Church ; therefore, as friends of the Establishment, and friends of toleration, it is our bounden duty to refuse our sanction to a school, one of whose rules is of an exclusive and intolerant description.” Why then, it may be asked, what would be the consequence ? The majority of the representatives of the rate-payers might say, “ We have required to have schools established, and because one of our rules is, that no Dissenter shall be a teacher in them, we are refused assistance. Is it not hard that if we choose, as a majority, not to admit a Dissenter to be a teacher, we should be deprived of any assistance from the parliamentary grant, and not even suffered to rate ourselves ?” To which I would make answer thus. “ It is all very well for you, who happen to be a majority, that there should exist such a rule, but

there happens to be a minority as well as a majority, and I feel it my duty to interpose the shield of the Board of Education to protect that minority, so as to prevent the majority from acting intolerantly towards them, and from excluding them and their children from those very schools to the support of which you, the majority, require the Board to give you authority to levy a rate upon that minority." Well, then, what happens? The Board refuses to give the council authority to levy a rate. They must be left without a rate, and the parish must be left as it now is, and no school can be established upon this principle. Those who wish to subscribe to a school of their own, where the rule shall be that no Churchman, or that no Dissenter, as it may happen, shall be the master of the school, may do so according to the Voluntary Principle out of their own money; but they shall have no portion of a grant from Parliament; they shall have no power to levy a rate for an unjust, unequal, and intolerant purpose. In all these cases, matters would be left as they now are. I believe that such cases would be very rare, and that they are much more likely to arise in argument than to occur in practice. Your Lordships will, therefore, perceive that compulsion being excluded, that intolerance being excluded, that the joint operation of the Board and the Local authorities being required, and the control of the Board being only allowed where necessary, and where safe as well as advantageous—it may be truly said, that the Voluntary Principle, as far as it can be applied, will, according to the disposition and desires of each place, be exercised in applying the powers of this Bill for the improvement of the school, and the adoption of just and tolerant measures.

But I shall be asked, as I have been once or twice asked by one for whom I have the greatest possible regard—I mean a noble friend in the other House



of Parliament—why, when stating that additional means will be rendered necessary to carry this measure into effect in many places where there are no municipal corporations, I do not take the machinery that is at present existing, instead of introducing new machinery? You have, it is said, the machinery of the New Poor Law; you have the Boards of Guardians already formed; and Unions are likely to be erected in all those parts of the country where they do not at present exist. The Poor Law Bill, I am told, will sooner or later extend over the whole kingdom; and why not, therefore, take advantage of that important measure, for the purpose of facilitating the establishment of schools under the provisions of this present Bill, in places beyond the limits of the municipal corporations?

I think, my Lords, I can answer that question very satisfactorily, and shew how utterly it is impossible, with a view to the well-working of this new measure, as well as the right working of the Poor Law Bill itself, to make the junction between them. In the first place, the Poor Law Commissioners are sufficiently worked. The Boards of Guardians are sufficiently worked already. Indeed, I know of places, where the complaint is made that they do not attend. But I pass that over, for that is really the least of my objections. We have now to rejoice in the event of the Poor Law Bill's entire success in most cases, and in all cases of its succeeding better than I ever expected it would. Though this is certainly not a very popular topic at present, I will not conceal from your Lordships my thorough belief that the measure will, in the end, conciliate—that it is absolutely certain of conciliating all classes. But what I value it the most for, is the good which it has already done in bettering the condition of the poor, in elevating the poor man's character, in increasing the poor man's comforts,



and, above all, in imparting to his character a higher tone of moral feeling, and a greater portion of self-respect. But my Lords, notwithstanding my favour of this great measure, and my certain conviction that, in the end, all men, even those who most strenuously oppose and most bitterly denounce it, will be found reconciled to it—nay, further, will be found grateful for it; yet I cannot disguise from myself, nor conceal from your Lordships, that, in some considerable districts of the country, instead of receiving the favour which it merits, it has been encountered by a spirit of opposition not confined to the Bill itself, but extended to its authors. In those parts of the country it is still what may properly be termed an unpopular measure. But because the new Poor Law Bill is, in some respects, and in some places, unpopular, am I, therefore, to extend any part of its unpopularity, its most unjust unpopularity, to the measure which I am now submitting to your Lordships' consideration? No. A general system of Education, whether under the Bill I now propose, or under any other, cannot possibly be established, much less made universal, over the country, unless the affection and respect of the people are by all possible means conciliated; and it would be one of the least prudent, and least safe courses that could be taken, to load this new measure, and through its medium to load Education generally, with any one atom, however small, of the unpopularity, however unjust, which at present, and only at present, attends the other measure.

In like manner, no doubt, certain controversies, accompanied with great heats and contentions, will at times arise with respect to the administration of the new system of Education. The Central Board may differ from the Local authorities—the Local authorities may split amongst themselves—disputes no doubt

will oftentimes run high, and frequently, perhaps, upon the very question upon which there is the least real ground for difference, and upon which it is most desirable that there should be a perfect harmony of feeling and uniformity of conduct. Against such difficulties the Bill cannot provide, because they arise out of the infirmity of human nature. But they are difficulties peculiar to the Education measure, and unconnected with the Poor Laws. As then I refuse to load my Education Bill with any of those matters of controversy which belong to the Poor Law Bill, so on the other hand, I will not load the Poor Law Bill with any of the difficulties which are peculiar to the Education Bill—which may arise out of the Education Bill—but which cannot by possibility arise out of the administration of the Poor Law Bill, unless some injudicious union of the two systems be attempted. It is my wish, and in the framing of the Bill it has been my endeavour, to keep the two measures completely separate. I would not in any way confound them. Foreseeing a sufficient amount of difficulty in the administration of the one, I am most anxious not to introduce into it any of the bitter strife connected with the other.

I now come to that part of the Bill which relates to the extension of the new system to those places in which there are no municipal bodies. For this purpose, keeping still to the Voluntary Principle, which runs through the whole of the plan, I propose, that if any parish or township—for I am now speaking of places which are beyond the boundaries of municipal corporations—chooses to have more schools, or to improve its present schools, it may obtain for itself such a body as shall extend to it the provisions of the Bill, and enable it to use the new powers created, through the mutual assent of the Local authority and the Central Board. For this purpose it is provided, that



if a given number (five or six for instance) of persons in the parish or township make a requisition to the parish officer, the parish officer shall call a meeting of all persons who like to attend such a meeting. Who those persons are, I will presently state to your Lordships. The bulk of them, no doubt, will be the rate-payers and owners of property in the parish or township. When these parties, together with those whom I shall by and by mention, have been summoned and assembled at the meeting convened by the parish officer, this question is to be propounded to them—"Do you choose to have a School Committee appointed?" If the majority of them say "No, we do not want it—we have Education enough," I do not force it upon them; I leave them as they were, waiting till the general progress of improvement has extended to them, and made them desirous of availing themselves of the utmost advantages that an improved system of Education can afford them. If the majority of the meeting do not agree to have a committee, still it may be said amongst them, "We are the friends of Education, but yet we think there is power enough here among ourselves—we do not like any thing in the shape of Government interference, even through the medium of such a Board as this—we do not like Boards, and we do not like rates—let us remain as we are." Very well, they may remain as they are; the Bill will not apply to them; they may continue in the course which they deem best, or which is the most agreeable to them. But if, on the other hand, the majority say, "We want schools, or, the schools which now exist want steadier friends to support them—it is not right that we should allow our Education to rest upon such precarious grounds—we want a better system of instruction, and more money for that purpose"—then, if they choose, they may appoint a School Committee, which is to be



composed of rate-payers ; and the members of the committee so appointed will have the power of levying a Rate for school purposes upon the parish. The Bill next provides for the manner in which this committee is to act, and defines with much exactitude the limit to be imposed upon the authority of the Board on the one hand, and of the School Committee on the other.

From the statement I have just made, your Lordships will perceive that what the Town Council are with respect to Education in Corporate Towns, the School Committee will be in places which have no corporations ; and, further, that, by the institution of the School Committees, the system, according to the principle I have already described, will be made quite universal throughout the whole of the country.

And now the question arises, How is the constituency to be formed which is to choose the School Committee ? Who are to be the Voters at the district meeting which chooses the School Committee ?—I beseech such of your Lordships as honour me with your attention upon this important question, not to be staggered with the proposition for the Qualification of Voters, which I am about to explain ; because I begin by stating that it is entirely new, and therefore I know is not likely to find favour in the eyes of some of those whom I address. It may also be objected to by those who are against increasing the weight of the people in their elective capacity. Furthermore, I admit that after it has been once adopted in this measure, it may be extended to other kinds of election ;—and I am sure candour can go no further than I am now going. I am raising against myself that which I feel to be the most powerful argument that can be employed against my proposition, and running the risk of alarming such of your Lordships as are generally favourable to the Bill, by admitting the possible perversion to other uses of the

principle I propose to introduce—a principle carrying with it all the startling effects of perfect novelty, with a strong liability to be extended—nay, with a great temptation to be extended to other uses, which many of your Lordships will think a perversion and an abuse of it. I admit that this part of the Bill is liable to all these objections; but still, with the feelings which I entertain upon the subject, it is utterly impossible that I can do otherwise than incorporate it in any measure upon the subject of Education which it may be my lot to bring before the Legislature.

Having pointed out the formidable nature of the objections which I am quite sure will be urged against me, and having also adverted, although I hope only for the purpose of warning your Lordships against them, to your own feelings, and your own prejudices (if I may take leave to use such a term upon such a subject)—having with that view stated the objections to my principle in their broadest dimensions, and painted my project, I really think, in its very worst colours—may I be permitted to add, in fairness to myself, and to my measure, that the principle to which I have thus adverted, is not so combined with the Bill, as to be inseparable from it; if there should be found to exist an invincible repugnance to it; so that those who approve generally of the rest of the measure, but object to that one portion of it, will not be under the necessity of voting against the whole Bill. That part of the Bill, if the objection to it shall prove insuperable, may be lopped off and cast away, without injury to the remainder. If your Lordships please to tear out that provision of the Bill with all the disgust, aversion, and abhorrence that men can entertain towards any proposition, you may do so if you please—it does not necessarily affect the rest of the measure. I hope it has vigour to survive the operation. My first hope is, that



the operation will not be performed : but it does not follow that death must ensue. Do your Lordships suppose that it is Universal Suffrage that I propose to introduce ? I think that something may be said for Universal Suffrage in an Education Bill. The qualification of those who are alone to levy the tax, requires that they shall pay the tax themselves, which they join in levying. I do not propose Universal Eligibility, or election without qualification, as regards the constitution of the School Committee. Not at all. The School Committee is to be composed of persons who pay as their neighbours pay, and who have no right to put their hands into their neighbours' pockets, without, at the same time, in the same proportion, putting their hands into their own. So that Universal Suffrage, if applicable to the Education franchise, that is to say, to the franchise for the choice of a School Committee, whose duties are to be confined exclusively to the management of school concerns, is not liable to the same objection in this instance, as it would be if applied to the election of Members of Parliament ; because, the party chosen has the qualification of being a rate-payer himself, although he may be elected by persons who, having no property, pay no rates.

But, in truth, it is not Universal Suffrage that I am anxious for ; I propose a qualification for the franchise—a qualification not only, I am much afraid, infinitely restricted in comparison with Universal Suffrage—not only a qualification, I am sorry to add, that will exclude a vast portion of my industrious, honest, worthy fellow-citizens, in every part of the country—a qualification that will not only keep out from all concern and all voice in the affairs of any one parish or township, a vast many thousands of those who would in every other respect be most fit to take part in the proceedings of these School Committees—but a qualification so

restricted, that when I state the nature of it, your Lordships will at once perceive how peculiarly appropriate it is where the question is about choosing a committee for superintending the affairs of a School. In a word, I propose an Education Qualification.

The Legislature has given the right of choosing Members of Parliament to persons who possess a £10 household franchise, or a 40s. freehold. It has also given a right to choose town-councillors to persons who are rated in any way. Of course my object is, that all those persons who are rated at any amount whatever, shall, in the first place, enjoy the right of voting for the School Committee : but then I go farther. I hold that there can be no harm, but every kind of benefit possible, in extending it in the direction I am about to describe. We want well informed persons ; we want persons of sober and industrious habits—men whom we can safely trust—men who are not likely to be led away by their ignorance, or to be debauched by bribery and corruption, to which persons of dissipated habits, and who are not respectable in their life and conversation, so often yield. I propose, then, to take those men who have given a proof that they are of sober habits—that they are of industrious lives—that they are friends to Education—that they have made efforts to Educate themselves ; men who, to a certain extent, have profited by their successful efforts, and have already, to a certain extent, become Educated men.

In the first place, I may, perhaps, be asked what test I have that these men are sufficiently Educated ? and in the next place, it may be inquired how, when I have proved the extent of their Education, I propose to unite them with the particular locality in which the provisions of the Bill are to be put in force ? In reply to these questions, I beg to state, that in order to combine the voters with the locality, I require twelve



months' residence. It is provided in the Bill that no person having the remainder of the qualification shall be at liberty to use it, unless he has also been resident in the parish or township for the full period of twelve months.

These, then, are the persons who, independent of the rate-payers, will be admitted to the franchise. The Board will have the power of enrolling, by an act of its own, all Mechanics' Institutions, all Associations for Education, all Literary Societies for all classes, and all Education Societies for all classes, under certain restrictions and according to certain rules ; so that all persons who have, for a certain time, been members of those most useful, most meritorious bodies—all persons who, for a certain time, have devoted themselves to the affairs of those societies and associations, and thus promoted the Education of others or improved their own—all those persons, having passed a certain time in such courses, shall have a right to vote, each in the parish in which he resides, for the members of the School Committee. I go a step further. I propose to extend this privilege to all persons, of whatever rank, who have been educated at either of the Universities, at the Inns of Court, at the Inns of Chancery, at the Public Schools, or any Schools whatever enrolled and connected with the Board, and of all classes of the community whatever, be they high, middle, or low—I propose that all these persons, the time they have spent at school being taken as a guarantee that they are not ignorant, illiterate, uneducated and dissolute persons, shall, after a year's residence, be admitted to the right of voting on the school affairs of the town, parish, or district in which a School Committee shall be appointed.

I have thus detailed, boldly, and at once, all the points of the Bill upon which I anticipate the strongest opposition. The principle of election which I last

explained is, I know, the most formidable. I might have omitted it altogether—I might have left the franchise in country districts and in unincorporated towns upon the same footing as that upon which it already stands. But as I entertain now, and have always entertained, a very strong opinion in favour of this kind of encouragement to Education, in favour of this species of indirect—I cannot call it compulsory—furthering of education—as I have always had a very strong opinion of the merits, the transcendent merits of those industrious classes, who, to their immortal honour, struggling with every disadvantage—struggling against narrow circumstances and cramped means—struggling against the difficulties and the disadvantages that result from an imperfect Education—struggling against the obstacles and impediments presented by those who would discourage them in their efforts to improve, from a foolish and preposterous jealousy of their treading upon their own heels ; and who, for that cause, would prevent them rising in society by the best and most meritorious ladder, mental superiority—who, labouring and struggling under all these disadvantages and discouragements, still occupy the highest place in the estimation of those who look at man beneath the surface—with the heartfelt respect which I have always cherished for those persons—with the affection and love which I entertain for those classes from a long and intimate knowledge of them, and from a deep and daily increasing sense of their transcendent merit, both of understanding and honesty, and I must be permitted to add, of genuine independence ;—I believe I should not have discharged my duty, nor have acted fairly towards my own feelings and my principles, nor fairly towards the persons I have mentioned, nor fairly towards this great Catholic measure of Education, if I had not in the outset declared and explained the nature of the principles



I have been desirous of introducing into it, and which I anxiously hope will be permitted to receive the sanction of the Legislature.

I prefer making the statement boldly and at once, because I know I should not have been able to press the Bill through another stage without the necessity of apologizing to your Lordships for having, in the first instance, avoided any allusion to so new and so important a principle. But I take leave to add, that I have never concealed from your Lordships, for the last two or three years, the strong impression which prevails, in my mind, of the necessity, as I stated the other night, of a material extension of the Elective franchise, properly so called. I speak, now, not of the School franchise, but of the Parliamentary franchise. The Parliamentary franchise, it is true, has nothing to do with the measure I am now bringing forward, and ought properly, no doubt, to be altogether excluded from your consideration upon this occasion. If I advert to it at all it is for the purpose of reminding your Lordships of what I stated a few nights ago, and which has, elsewhere, been most unaccountably misunderstood. It is said that the idea of a further extension of the suffrage is a new opinion which I have recently taken up—an opinion that I have never advanced before. Why, I stated the very same thing in the last Session of Parliament. I declared, only a few months ago, standing in my place in this House, my deliberate opinion, that to amend a few of the details of the Reform Bill would not be sufficient, but that it would be absolutely necessary to extend the right of voting. I have got no new light upon the subject, although I believe others have. I hold, now, the same opinions that I held the last Session, and which I have just declared, or rather repeated. At the close of the Session, I expressly and explicitly stated what my opinions upon

this point were ; in July last, I entered upon an extensive correspondence to ascertain the proportion of persons excluded from voting ; and only about six weeks ago, I repeated the same opinions again, in a letter addressed by me to the people of Manchester. To say, therefore, that I have received anything like a new light upon the subject, is a mere forgetfulness of the whole facts of the case ; and I should not be doing full justice to other persons, nor common justice to myself, if I did not take this opportunity of alluding to the erroneous statement. But this has no connexion with the Education Bill, the franchise conferred by which is, as I have already explained, a very ample extension of the franchise as it is given either by the Reform Bill or the Municipal Corporation Bill. That part of the Bill, however, which relates to the franchise is separable from the rest. It mixes itself up with none of the other details of the measure. It appears to me to be a great improvement ; and I hope and trust the Bill will not pass without it : but if any man object to it, unless he be averse to the rest of the Bill upon other grounds, he will have no right to endeavour to defeat the whole measure on account of any disinclination or aversion which he may feel for this part of the proposition : it can with ease be separated from the remainder.

I have not introduced the vote by Ballot ; I do not consider that the vote by Ballot would be applicable to this subject. My opinions upon the extension of the Parliamentary franchise have undergone no change. I have stated formerly to your Lordships, and I now again repeat it, that I think the Parliamentary franchise ought to be greatly extended. My opinion upon the Ballot has undergone some change, and I am not ashamed nor afraid to avow it. I still think that the Ballot will afford no protection to the tenant ; I still think that it will be inefficacious to the protection of the tenant even



in towns ; but, at the same time, I cannot shut my eyes to the fearful position in which the working of the Bill has placed another class of voters, who deserve protection as well as the tenants—I mean the inhabitants of the towns, the honest tradesmen, who dare to vote as their conscience dictates. Therefore it is, that I have come to the opinion that the Ballot must be tried, unless some other measure can be devised and passed for the protection of that valuable class of the community. Having come to this opinion with the utmost reluctance—having had all along, for reasons which I need not now repeat nor explain, because I oftentimes adverted to them in the other House of Parliament—having throughout the whole of my life entertained a degree of repugnance and aversion for the Ballot, which I have never found words sufficiently strong to express ; nothing but an absolute uncontrollable necessity—nothing but the total want of any other remedy—nothing but the despair of finding (after so many fruitless attempts have been made) even the shadow of a protection to the honest and conscientious voter, in any other direction, or from any other quarter—nothing short of this could have persuaded me to overcome my great dislike of that measure. The experience of the last two or three years, and more particularly of the last election, compels me, with great reluctance, to become a convert ; and I do not hesitate to avow my conversion. However, I do not think that any necessity exists for introducing the Ballot in School elections. Here, I think, the common mode of voting would be preferable. At all events, I expect it will succeed. Whether your Lordships and the other House of Parliament shall be of opinion that the Education Suffrage shall be adopted to its full extent, or with restrictions and modifications, or shall be omitted altogether, leaving the rate-payers only to elect the School

Committee—in either case I am quite sure that there will be no necessity to prescribe any other than the ordinary mode of election in the choice of those local bodies.

I have now stated the outline of all the provisions of this measure. I am perfectly ready to admit that it is one of considerable extent, in many respects new, and in all respects dealing with interests of the highest importance. I think that the more your Lordships consider its details, and the principles upon which it proceeds, the more it will be found to deserve the name which I last year gave it, namely, a measure for the purpose of doing all that is wanted for the Education of the people, without doing more ; of interfering on the part of the Legislature and the Government as far as is necessary, and no further ; a measure for reconciling all individual desires and all local interests, and interfering with none ; supplanting nobody, suppressing no efforts, and giving rise to no vexatious heartburnings or jealousies, but simply consulting the improvement of the people, and the bettering of their condition, without at all interfering with their domestic affairs, or endeavouring to force those who, to be really improved, ought only to be enticed and drawn. It is a Bill which reconciles many apparent inconsistencies, and establishes forms, amounting, in the whole, to one great Universal System of Education, as far as anything systematic can be applied to a country, the diversities of whose local circumstances are so great and various as they are in England.

If, in bringing forward a measure upon this subject, I had overlooked or neglected the great number of schools already established, the great amount of Charitable Funds applicable to the purposes of Education, the unequal distribution of those funds, and the state of the country with respect to its religious denominations ; if, neglecting all these circumstances, I had at



once framed a plan upon some general, systematic, symmetrical principle, it would have appeared far more plausible to your Lordships, much more beautiful to contemplate, much more deserving the name of a system, much more entitled to the useless praise of symmetry and proportion ; but when it came to be worked, it would have been found applicable perfectly to no place, repugnant to the feelings, and irreconcilable to the interests of many places, and in almost all places, less advantageous than a measure founded upon the principles upon which I have now presented my plan to your Lordships' notice. I entreat your attention to the subject ; I anxiously hope for the support of the country, and for the support, above all, of those who have been the steady, the zealous, the indomitable friends of Education for all classes and all sects.

That there should be any clause in a measure of this sort excluding Religious Instruction, no man in his sober senses could ever for a moment dream. That there should be no exclusion of religious instruction, but that, on the contrary, there should be a direct recognition of it, is my very decided opinion. I certainly am one of those who think that the Bill should contain, in positive and express terms, a provision, that in all schools founded, extended, or improved under the Bill, the Scriptures shall be read. Accordingly, I have inserted a clause to that effect. When I say that the Scriptures are one of the books which should be read in these schools, I of course mean that it should not be the only book read there ; far from it ; God forbid !—for the sake of religion and of the Bible itself, God forbid !—but that, as a part of the reading in such schools, the Holy Scriptures should be used, with a proviso, of course, that any children of Jewish or Roman Catholic parents, attending such schools, shall not be required to be present when the authorized version

is read, unless the parent shall desire it, is my clear opinion, and I have framed the provision upon it. I have no doubt that this is fit and proper to be added to the Bill; and I am certain that it will still all differences upon the subject of a National System of Education.

I have sanguine hopes of the success of this measure. If it be well administered—if Education continue popular in this country—if nothing be done to raise the spirit either of political faction, or, above all, of religious discord, in the course of the passing of the Bill—and if, after it has passed and come into operation, those feelings shall continue which take their rise out of a common, and universal, and truly wise, as well as truly Christian regard for the Right Instruction of the People—then, I verily believe, that the Legislature which has passed the measure, will be acknowledged in all time to come, as having bestowed the greatest blessing that ever lawgiver conferred upon a nation, and all generations of mankind, in all ages, pointing to this Parliament, will magnify and venerate its name.