

# **LIBERALISM AGAINST DEMOCRACY**

**A study of the life, thought and work of  
Robert Lowe, to 1867.**

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**Abstract.**

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This thesis concerns the political thought of Robert Lowe. Lowe was Chancellor of the Exchequer (1868-1873) in Gladstone's first Government and always regarded himself as a diehard liberal. He also exerted considerable influence as a leader writer for *the Times*. It will be argued that Lowe's relative obscurity is unjustified and that he represents a strand of liberalism that is now almost totally forgotten.

Chapter one deals with Lowe's education and upbringing. In particular how it was that although educated in a milieu where Toryism predominated, he came to identify himself so strongly with liberalism. Chapter two investigates Lowe's time in Australia during the 1840s. It is argued that Lowe pursued similar ends in Australian politics as he later did, on a larger scale, at Westminster.

Subsequent chapters investigate Lowe's views on religion, political economy and democracy. On religion, Lowe was not a sceptic, he always maintained that he was a Christian. He was, however, critical of sectarian antagonisms within Christianity. He was mistrustful of religious enthusiasm and "sacerdotalism". As a student of political economy Lowe rigidly favoured free-trade and a laissez-faire approach by the state.

Lowe's was best known for his opposition to the 1866 Reform Bill. His speeches against reform and the arguments which he deployed against democracy show that there can be a liberal case against democracy. The arguments for and against democracy were fully rehearsed almost for the last time in Britain during the 1860s. Lowe lost the battle but his case still retains a certain cogency.

The final chapters deal with Lowe's effectiveness as a politician. It is argued that he is an important figure in establishing the system of company law which now prevails throughout the developed world. Without Lowe, the system of limited liability, as we now know it, would have been much longer in coming. Indeed, with anyone other than Lowe responsible events might have taken an entirely different turn.

Finally, Lowe was at the centre of the battle for reform in the mid 1860s. There was a possibility of a political realignment involving anti-reform liberals and moderate Tories and Lowe was a central figure in all the discussions and negotiations which attempted to bring the idea to fruition. It is argued that the failure to create such a coalition, which would have had to include Lowe, was because Lowe himself could never have worked with the Tories. Contrary to some allegation, Lowe was a staunch liberal and only diverged from the majority in his party on this one major issue.

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# Introduction: Liberalism and Democracy; the case of Robert Lowe.

In a famous article, first published in 1989, American political scientist Francis Fukuyama argued that following the collapse of the Soviet Union, mankind had reached "the end of history as such: that is, the end point of [his] ideological evolution and the universalization of Western liberal democracy as the final form of human government."<sup>1</sup> In this way of thinking, "the state that emerges at the end of history is liberal insofar as it recognizes and protects through a system of law man's universal right to freedom, and democratic insofar as it exists only with the consent of the governed."<sup>2</sup> Liberalism, so-defined, necessarily implied free-market capitalism. Fukuyama thesis, subsequently developed into a book, defined "capitalism" and "free-market economics" as liberalism "in its economic manifestation", thus as "acceptable alternative terms for economic liberalism."<sup>3</sup> Hence, liberal democracy became virtually synonymous with capitalist democracy; that is, a political system where the legislature is chosen by an electoral procedure approximating to universal suffrage, combined with an economic system of largely unrestrained free-market capitalism. To be sure, most of the states which we would now regard as democratic have modified their representative systems with checks and balances such as bicameral legislatures, separation of powers, independent judiciaries and so forth. Similarly, all such democratic states intervene in the market to varying degrees for what are regarded as socially necessary purposes. But they all acknowledge universal suffrage and some degree of economic freedom as guiding principles.

Moreover, the effect of Fukuyama's intervention was, and is, clear. Capitalism and democracy were and are taken to be not merely compatible, but virtually synonymous; and both were presumed to be good. Capitalism, of course, still

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<sup>1</sup> "The End of History," *The National Interest*, Summer 1989, pp 3-18, p4.

<sup>2</sup> *ibid*, p5.

<sup>3</sup> Francis Fukuyama, *The End of History and the Last Man*, London, 1992, p44

has its critics.<sup>4</sup> But today, in the developed world at least, "democracy" is usually regarded as an unproblematically positive term.<sup>5</sup> No politician aspiring to elected office would dare to argue that democracy was not a good thing. Nor, with very few exceptions, does anyone else. It has become axiomatic that it is the best, the most efficient, and the fairest form of government. Indeed, in the post-communist, post-cold war world, liberal democracy has effectively come to be regarded as the only legitimate form of government.<sup>6</sup> It is now the standard by which those fortunate enough to live under its beneficent rule have come to judge and criticise political regimes throughout the world. According to Fukuyama, "we (even) have trouble imagining a world that is radically better than our own, or a future that is not essentially democratic and capitalist."<sup>7</sup>

But not only did Fukuyama posit the unproblematic legitimacy of liberal democracy. He also argued that there was "a fundamental process at work that dictates a common evolutionary pattern for *all* human societies - in short, something like a Universal History of mankind in the direction of a liberal democracy."<sup>8</sup> To corroborate the historical inevitability of capitalist democracy, Fukuyama invoked the authority of Hegel:

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<sup>4</sup> In Britain the Green Party are the most prominent political force opposed to capitalism. Their "philosophical basis", accessible on their website, contains the statements that: "conventional political and economic policies are destroying the very foundations of the wellbeing of humans and other animals" (103). In the United States Noam Chomsky has, for many years, been a prominent critic, not only of American foreign policy but also of capitalism and has suggested that it makes an uneasy bedfellow with democracy. In works such as: *Democracy in a Neoliberal order* (1997), *Deterring Democracy* (1991), *Manufacturing Consent: the Political Economy of the Mass Media* (with Edward S. Herman, 1988) and: *Profit over People: Neoliberalism and Global Order* (1999), he has powerfully argued that capitalism and globalisation are not necessarily associated with democracy. Indeed, that capitalism seeks to restrict democracy and direct it into channels deemed safe by global business leaders. For another alternative view see: Antonio Negri and Michael Hardt, *Empire* (Harvard, 2000); and its sequel: *Multitude: War and Democracy in the Age of Empire* (2004).

<sup>5</sup> John Dunn, *Setting the People Free*, London, 2005, pp13-21.

<sup>6</sup> *ibid*, pp13-21; Patrick J. Deneen, *Democratic Faith*, Princeton, 2005, p1..

<sup>7</sup> Fukuyama, *The End of History and the Last Man*, p46.

<sup>8</sup> *ibid*, p48.



For Hegel, the embodiment of human freedom was the modern constitutional state, or again, what we have called liberal democracy. The Universal History of mankind was nothing other than man's progressive rise to full rationality, and to a self-conscious awareness of how that rationality expresses itself in liberal self-government.<sup>9</sup>

Hegel certainly wrote that "humanity... has an actual capacity for change, and change for the better, a drive toward perfectibility."<sup>10</sup> This Fukuyama extended into Hegel's contention that :

It is this final goal - freedom - toward which all the world's history has been working. It is this goal to which all the sacrifices have been brought upon the broad altar of the earth in the long flow of time. This is the one and only goal that accomplishes itself and fulfils itself - the only constant in the change of events and conditions, and the truly effective thing in them all.<sup>11</sup>

Fukuyama naturally had his critics. Some suggested that his view was excessively "Americocentric." According to Samuel P. Huntington, "in the post-Cold War world, the most important distinctions among peoples are not ideological, political, or economic. They are cultural."<sup>12</sup> In Huntington's view "the clash of civilizations will dominate global politics. The fault lines between civilizations will be the battle lines of the future."<sup>13</sup> Contra Fukuyama, he asserted that "western ideas of individualism, liberalism, constitutionalism, human rights, equality, liberty, the rule of law, democracy, free markets, the separation of church and state, often have little relevance in Islamic,

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<sup>9</sup> *ibid*, p60. For Hegel's ideas on civil society and its organization see his *Philosophy of Right*, transl. T.M. Knox, Oxford, 1952.

<sup>10</sup> G.W.F. Hegel, *Introduction to the Philosophy of History*, Transl Leo Rauch,. Indianapolis, 1988, p57.

<sup>11</sup> *ibid*, p22-3.

<sup>12</sup> Samuel P. Huntington, *The Clash of Civilizations and the Remaking of the World Order*, London, 1997, p19.

<sup>13</sup> Samuel P. Huntington,. "The Clash of Civilizations?" *Foreign Affairs*, Summer 1993, pp22-49, p22.

Confucian, Japanese, Hindu, Buddhist or Orthodox cultures."<sup>14</sup> Huntington observed that where liberal democracy had "developed in non-Western societies it has usually been the product of Western colonialism or imposition."<sup>15</sup>

Fukuyama has also been assailed for his historicism by John Gray. "Aside from a few fundamentalist liberals such as Francis Fukuyama," Gray argues, "there can be few who any longer take seriously the Enlightenment expectation of progress towards a universal rationalist civilization."<sup>16</sup> Gray insisted that the collapse of the Soviet Union had a meaning "very nearly the opposite of that which Francis Fukuyama read into it when he interpreted it as signifying the universal triumph of the western idea and the end of history." For Gray, the end of the Soviet Union was "a setback for the westernizing Enlightenment project of which Soviet Marxism was only one expression."<sup>17</sup> Ironically, the case against historicism had been powerfully made out decades earlier by Karl Popper. Although he had been primarily concerned to demolish the intellectual pretensions of Soviet Communism and European Fascism, the thesis of Popper's book: "that the belief in historical destiny is sheer superstition, and that there can be no prediction of the course of human history by scientific or any other rational methods;" is equally applicable to Fukuyama's liberal historicism.<sup>18</sup> At the time, Popper's thesis had an enormous impact. Now, it seemed, no-one was listening any more.<sup>19</sup>

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<sup>14</sup> *ibid*, p40.

<sup>15</sup> *ibid*, p41.

<sup>16</sup> John Gray, *Endgames*, Cambridge, 1997, p52.

<sup>17</sup> *ibid*, ix.

<sup>18</sup> Karl Popper, *The Poverty of Historicism*, London, 1957, iv.

<sup>19</sup> On the impact of Popper's thesis and some of the responses to it see: Maurice Cornforth, *Open Philosophy and the Open Society* (London, 1968); B.T. Wilkins, *Has History any Meaning?* (Cornell, 1978). See also: Kenneth Minogue, "Does Popper Explain Historical Explanation" in, Anthony O'Hear (ed), *Karl Popper: Philosophy and Problems* (Cambridge, 1995), pp 225-240, and Graham Macdonald, "The Grounds for Anti-Historicism", *ibid*, pp241-258.

What no contemporary commentator on Fukuyama did was to criticise his assumption of the unproblematical compatibility of liberalism and democracy. Indeed, by and large, they share it. This in spite of the fact that until comparatively recently the more likely assumption would have been that they were incompatible. There is now, it seems, little awareness of the tension between "liberal" and "democracy" of which many nineteenth-century liberals, and even some of their more recent successors, were acutely aware. Writing just over thirty years ago, S.E. Finer observed that "until quite recent years, certainly seventy years ago, 'democracy' was a term of abuse."<sup>20</sup> Similarly, Raymond Williams wrote that democracy "was until the nineteenth century a strongly unfavourable term, and it is only the late nineteenth and early twentieth centuries that a majority of political parties and tendencies have united in declaring their belief in it."<sup>21</sup>

Their accounts respected the real historical tradition. Thus John Locke's *Two Treatises of Government*, written towards the end of the seventeenth century, inaugurated "the liberal, constitutionalist tradition."<sup>22</sup> He argued that liberty implied "a representative assembly of taxpayers to authorize taxation, for example; and an independent system of judiciary, to ensure that no innocent man was ever penalized by the State."<sup>23</sup> Yet, although Locke stated that "the Majority having... the whole power of the community, naturally in them, may employ all that power in making Laws for the Community from time to time, and Executing those Laws by Officers of their own appointing; and then the Form of the Government is a perfect Democracy,"<sup>24</sup> he went on to suggest that Oligarchy, Elective Monarchy or Hereditary Monarchy were equally

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<sup>20</sup> S.E. Finer, *Comparative Government*, Harmondsworth, 1970, p64.

<sup>21</sup> Raymond Williams, *Keywords*, London, 1983, p94.

<sup>22</sup> David Held, *Models of Democracy*, Cambridge, 1996, p74.

<sup>23</sup> Maurice Cranston, "John Locke and Government by Consent," in David Thomson - ed, *Political Ideas*, Harmondsworth, 1969, p78.

<sup>24</sup> John Locke, *Second Treatise of Government*, Chap 10, 132, Peter Laslett, (ed.), *Two Treatises of Government*, Student Edition, Cambridge, 1988, p354.

legitimate.<sup>25</sup> Locke may have anticipated many elements of constitutional government, but “it is not a condition of legitimate government or government by consent, in Locke’s account, that there be regular elections of a legislative assembly, let alone universal suffrage.”<sup>26</sup> Two hundred years later Sir Henry Maine was still persuasively arguing that democracy was filled with danger for liberty.<sup>27</sup> Maine “emphasised the affinity between nationalism and democracy” which was “full of the seeds of future civil convulsion.” He saw the danger that an extended suffrage “was bound to increase the power of the ‘wire-puller’, and the organisation and fervour of party. It is, indeed likely to become the basis of a conservative tyranny.” Maine thought that popular democracy would result in leadership becoming the slave of the “dead level of commonplace opinion.”<sup>28</sup>

Fukuyama invariably assumed that “liberalism and democracy usually go together.” He was prepared to admit that “they can be separated in theory” and even gave examples where they had been differentiated in reality: eighteenth century England (liberal without being democratic) and modern Iran (democratic without being liberal).<sup>29</sup> But he clearly regarded such juxtapositions as unusual and aberrant. Nineteenth-century Englishmen – at least those influential Englishmen who formed the political classes - would have disagreed. Theirs was perhaps the best example of a liberal constitution as distinct from a democratic state. The Victorian House of Commons may have been a representative assembly. It was certainly not elected on a democratic franchise. Writing of the period between 1815 and 1914, Michael Bentley has said that “at no time... did Britain experience democracy.”<sup>30</sup> The

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<sup>25</sup> *ibid.*

<sup>26</sup> Held, *Models of Democracy*, p82.

<sup>27</sup> Henry Maine, *Popular Government*, London, 1885.

<sup>28</sup> John Bowle, *Politics and Opinion in the Nineteenth Century*, London, 1954, p255-7.

<sup>29</sup> Fukuyama, 1992, p43-4

<sup>30</sup> Michael Bentley, *Politics Without Democracy*, London, 1996, p13.

constitution was rather aristocratic, in that the House of Lords was almost entirely peopled by the hereditary aristocracy while the elected chamber was chosen, before 1867, by less than ten per cent of the adult population.<sup>31</sup> That electorate was moreover largely drawn from the wealthier part of society. Certainly, it could not be said to have reflected the make-up of the entire adult population.<sup>32</sup> The English Constitution gradually became more democratic after 1867 with further reforms of the franchise in 1884, 1918 and 1928. But this was a slow and extended process, and by no means a universally welcome development. Nineteenth-century politicians invariably regarded democracy as either “an inspiration, a dismal inevitability or a remote and controllable tendency.”<sup>33</sup> Not until after the Great War was a majority of the adult population admitted to the franchise. In the period between the Reform Acts of 1867 and 1884, only between 16 and 18 per cent of the people had the right to vote. Even after the third Reform Act of 1884 the electorate was still composed from less than a third of the adult population.<sup>34</sup>

Neither, for the most part, did those same nineteenth-century politicians who actively promoted electoral reform intend to establish a democracy based upon universal suffrage. In the mid-1860s politicians who spoke in favour of the various Reform Bills took pains to deny that these were intended to lead to universal suffrage or the predominance of the working classes.<sup>35</sup> This was for

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<sup>31</sup> W.H. Greenleaf, *The British Political Tradition*, 3 vols, London, 1983-87, vol 1: *The Rise of Collectivism*, p206.

<sup>32</sup> The constitution described by Walter Bagehot in *The English Constitution* (Fontana edition, London, 1963) was most certainly not a democratic one. Although written before 1867 this book is still much referred to and quoted.

<sup>33</sup> Bentley, 1996, p13.

<sup>34</sup> Greenleaf, *The British Political Tradition*, p206. Alan S. Kahan suggests 20 per cent. Kahan, *Liberalism in Nineteenth-Century Europe*, Basingstoke, 2003, p22. Figures for the sizes of the electorate in 1831, 1833, 1866, 1869, 1883 and 1886 are given in: Charles Seymour, *Electoral Reform in England and Wales*, London, 1915 (Repr. 1970), Appendix 1, p533.

<sup>35</sup> Most famously, Gladstone made a speech in 1864 which appeared, on the face of it, to argue for universal suffrage. He was taken to task by the Prime Minister, Palmerston. In correspondence between the two men, Gladstone entirely repudiated the “democratic” interpretation of his remarks. Philip Guedalla (ed), *The Palmerston Papers: being the*

the simplest of reasons. Most Victorian politicians were wary of democracy. They seldom thought of extending the franchise in anything other than a limited and careful way. Even some of the advocates of Reform in 1867 noted that the passage of the Bill was "due rather to a sense of political necessity than to a hearty conviction on the part of the present possessors of power."<sup>36</sup> After the Bill had been passed, Walter Bagehot wryly noted that "many Radical members who had been asking for years for household suffrage were much more surprised than pleased at the near chance of obtaining it; they had asked for it as bargainers ask for the highest possible price, but they never expected to get it."<sup>37</sup>

The 1867 Reform Act was important because it "infused a democratic spirit into the parliamentary machine."<sup>38</sup> The 1832 Act had not done this.<sup>39</sup> The electorate was almost doubled by the passage of the Second Reform Act. True, it still numbered only around two million out of a total population (according to the 1871 census) of 22.7 million. Nevertheless, the Reform Act has often been seen as the moment when democracy came to English politics. Lord Derby himself described the measure as a "leap in the dark"<sup>40</sup> while a gloomy Thomas Carlyle wrote of "shooting Niagara."<sup>41</sup> Later historians

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*Correspondence of Lord Palmerston with Mr. Gladstone, 1851-1865*, London, 1928, Letters 228–236, pp279-288. When introducing the Reform Bill of 1866 Gladstone again stressed its limited nature. See: *Hansard 182*, cols. 19-60, especially cols. 51-56. Supporting the Government and the Bill, Sir Francis Crossley said that "if they wanted to destroy the evils of democracy they should admit those who were outside within the pale of the constitution..." *ibid*, col. 71. The Queen's Speech opening the 1867 session spoke of the "Adoption of Measures which, without unduly disturbing the Balance of political Power, shall freely extend the Elective Franchise." *Hansard, 185*, col. 6. Introducing the Reform Bill of 1867 Disraeli remarked that : we do not, however, live – and I trust it will never be the fate of this country to live – under a democracy." *Hansard, 186*, col. 7.

<sup>36</sup> Various Authors, *Questions for a Reformed Parliament*, London, 1867, preface, v.

<sup>37</sup> Bagehot, *The English Constitution*, p273, Introduction to 2nd edition.

<sup>38</sup> Charles Seymour, *Electoral Reform in England and Wales*, London, 1915, repr. 1970, p278.

<sup>39</sup> As a consequence of the 1832 Reform Act, approximately 15-20% of the adult male (over 21) population were entitled to the vote. But the suffrage was based upon property value rather than any universal principle.

<sup>40</sup> Quoted by Robert Blake, *Disraeli*, London, 1966, p474.

<sup>41</sup> Thomas Carlyle, "Shooting Niagara: and After?" *Macmillan's Magazine*, August 1867,

were equally conscious of the Act's significance. One, George Kitson Clark, wrote that "the Act of 1867 signified the acceptance... of the principle of democracy"<sup>42</sup> in the shape of household suffrage. Another, Lord Blake, thought that basing the Reform Act on the principle of household suffrage gave it "a different and more democratic principle."<sup>43</sup> Finally, Gertrude Himmelfarb wrote that:

The Reform Act of 1867 was... perhaps the decisive event in modern English history. It was this act that transformed England into a democracy and that made democracy not only a respectable form of government, but also... the only natural and proper form of government.<sup>44</sup>

Strangely, a Parliament most of whose members did not believe in democracy as we would understand it today, had passed a Reform Act which pointed inexorably in a democratic direction. So strangely in fact, that J.P. Parry has recently described the 1867 Reform Act as "an accident."<sup>45</sup> Certainly, the transformation has been acknowledged as "meandering, purposeless, fortuitous."<sup>46</sup> In any event, the exact shape which the 1867 Reform Act took was partly a consequence of the peculiarities of the parliamentary balance of forces and the desire of the minority Conservative administration of Lord Derby and Disraeli to maintain itself in office, rather than any commitment among Conservative MP's to radically expand the electorate for its own sake. Indeed, according to his son, Lord Derby was "bent on remaining in power at whatever cost, and ready to make the largest concessions with that object."<sup>47</sup> A recent biographer of Disraeli observed that "it needed no more than the

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reprinted in: *Critical and Miscellaneous Essays*, vol.5, London, 1899, pp1-48.

<sup>42</sup> G. Kitson Clark, *The Making of Victorian England*, London, 1962, p231.

<sup>43</sup> Robert Blake, *The Conservative Party from Peel to Thatcher*, London, 1985, p106.

<sup>44</sup> Gertrude Himmelfarb, *Victorian Minds*, London, 1968, p333.

<sup>45</sup> J.P. Parry, *The Rise and fall of Liberal Government in Victorian England*, London, 1993, p207.

<sup>46</sup> Himmelfarb. *Victorian Minds*, p333-4.

<sup>47</sup> J.R. Vincent (ed.), *Disraeli, Derby and the Conservative Party: The Political Journals of Lord Stanley 1849-69*, Hassocks, 1978. p294.

inspiration of party conflict and the ambition at all costs to succeed and stay in office to explain Disraeli's conduct of the 1867 Reform Bill...<sup>48</sup> Even the most eminent and sympathetic historian of the Conservative Party insisted that the "great need was for the Conservatives to stay in office on their own for long enough to show at least that they were a party of government" and that this "objective of establishing their party as a party of government explains most of the actions of Derby and Disraeli throughout the crisis"<sup>49</sup>

This is no doubt an important part of the explanation. But the Tory leaders had first to be given their opportunity. Just as important as the implications and consequences of the Reform Act itself, were the debates that preceded it. For this was perhaps the last moment when the political classes of England seriously debated the inherent merits of democracy. Subsequently, they just accepted that it was inevitable. During the debates over the Reform Bills of 1866 and 1867 the case both for and against democracy was intelligently, articulately and passionately argued. Ironically, the most principled opposition to reform in 1866 and 1867 came not from reactionary conservatism but from within thoughtful liberalism. And if anti-reform liberalism had a leader "he was that sour invigilator of cant, Robert Lowe."<sup>50</sup> To understand Lowe's opposition to democracy in general, more still his principled opposition at one of the critical moments of English political history, is to better understand the abstract, theoretical and historical relationships between liberalism and democracy. That is what this study will attempt to do.

Robert Lowe expounded the liberal case against democracy with the greatest eloquence and pungency in 1866 and 1867. Curiously, he had not hitherto been renowned in the House as an attractive speaker. Yet:

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<sup>48</sup> Paul Smith, *Disraeli: A Brief Life*, Cambridge, 1996, p143.

<sup>49</sup> Blake, *The Conservative Party*, p105.

<sup>50</sup> Bentley, *Politics Without Democracy*, p183.



Few English politicians could have spoken more spontaneously in private or more mechanically in public... When his turn came to speak he would shoot straight up from his seat, spill out his carefully chosen words in a torrent... and then trailing off in broken tones, scarcely audible to any but his immediate neighbours.<sup>51</sup>

Moreover, on the issue of franchise reform Lowe rose to new oratorical heights. He was described by a biographer of Gladstone as "the most brilliant debater in what is generally admitted to be the most brilliant series of debates (those of 1866) to which the House of Commons ever rose."<sup>52</sup> Gladstone later remembered that "so effective were his speeches that, during this year, and this year only, he had such a command of the House as had never in my recollection been surpassed."<sup>53</sup> Even the editor of a volume of essays specifically written and published to counter Lowe's own *Speeches and Letters on Reform*<sup>54</sup> was forced to concede that the case against reform had been put with "rare ability by Mr Lowe in the debates of the two last sessions. The brilliant essays on constitutional government delivered by him... embody a perfect repertory of utilitarian objections to any downward extension of the suffrage."<sup>55</sup> The same author added that Lowe's words "were received with unbounded applause at the time by the Conservative party in the House of Commons and the country"<sup>56</sup>; and also regretted that Lowe had "convinced many people that progressive enfranchisement will be mischievous to the best interests of the country."<sup>57</sup>

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<sup>51</sup> James Winter, *Robert Lowe*, Toronto, 1976, p70.

<sup>52</sup> Richard Shannon, *The Crisis of Imperialism 1865-1915*, London, 1976, p61.

<sup>53</sup> John Morley, *The Life of William Ewart Gladstone*, 2 vols. London, 1908, vol. 1, p624.

<sup>54</sup> Robert Lowe, *Speeches and Letters on Reform*, London, 1867.

<sup>55</sup> G.C.Brodrick, "The utilitarian argument against reform as stated by Mr. Lowe," in: Anon, *Essays on Reform*, London, 1867, p2.

<sup>56</sup> *ibid*, p2.

<sup>57</sup> *ibid*, footnote on p3.

Lowe was a principled and fearless defender of liberty. He saw extension of the franchise as a threat to the liberty he prized. Therefore, when the reform question was revived once again in 1865, and a Reform Bill introduced by the Leeds M.P. Edward Baines was debated in the House of Commons, Lowe acted entirely in accordance with his principles and vehemently opposed it. His speech "produced a great impression because... few members had ever heard their own convictions so articulately and comprehensively expressed."<sup>58</sup> At the same time:

Most of them seem to have been aware that Lowe had made a bold and perhaps foolhardy gesture in stating, in such uncompromising terms, his opposition to any concessions at a time when it seemed likely that Palmerston and Russell or possibly Derby and Disraeli were weighing the political advantages of some moderate alterations.<sup>59</sup>

In fact, when Palmerston died in October 1865 a Reform Bill resulted. His successor as Prime Minister, Earl Russell, supported by Gladstone as Liberal leader in the House of Commons, introduced a Reform Bill as a Government measure. Lowe's speeches against this Bill made him pre-eminent among that section of the Liberal Party (dubbed by John Bright the "Cave of Adullam") that opposed reform. During this period he was one of the best known and influential of English politicians. One observer later remembered that "he was at one time held the equal in oratory and the superior in intellect of Mr. Bright and Mr. Gladstone."<sup>60</sup> John Morley described Lowe at this moment as "glittering, energetic, direct, and swift."<sup>61</sup> Although the label "Adullamites" was originally intended as a derisive epithet, it was one which Lowe and his colleagues came to wear as a badge of honour. Moreover, Lowe's case was

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<sup>58</sup> Winter, *Robert Lowe*, p199.

<sup>59</sup> *ibid*, p199.

<sup>60</sup> James Bryce, "Robert Lowe, Viscount Sherbrooke," in: *Studies in Contemporary Biography*, London, 1903, p293.

<sup>61</sup> Morley, *Gladstone*, 1, p626.

sufficiently convincing to attract sufficient support to defeat the Liberal Reform Bill of 1866 and cause the resignation of the Government and its replacement by Lord Derby's minority Conservative administration.<sup>62</sup>

Lowe opposed the downward extension of the franchise partly because he believed that, although the Bill as it stood would not result in immediate democracy, the reductions which the Bill made in the qualification for the franchise could only be of an interim nature and must be succeeded by further reforms until universal suffrage was ultimately achieved. This, classic formulation, of the "thin end of the wedge" argument determined that, for Lowe and those who agreed with him, the real argument was over the merits or otherwise of democracy rather than simply the limited provisions of the Bill.<sup>63</sup>

Lowe began by denying the basic assumptions of the democrats. He did not acknowledge a natural, *a priori* right of political involvement. He did not agree with Gladstone that it was up to those opposed to reform to show why "every man who is not presumably incapacitated by some consideration of personal unfitness or of political danger is morally entitled to come within the pale of the Constitution."<sup>64</sup> The burden of proof, he suggested, should be on the other side. "But where," Lowe asked, "are those *a priori* rights to be found?" He could, he added, "see no proof of their existence."<sup>65</sup> Lowe then pointed out

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<sup>62</sup> Maurice Cowling, *1867: Disraeli, Gladstone and Revolution*, Cambridge, 1967, chapter 2. F.B. Smith, *The Making of the Second Reform Bill*, Cambridge, 1966, Chapter 4, pp50-150.

<sup>63</sup> Robert Lowe, *Speeches and Letters*. See especially pp61-62 where Lowe explicitly identifies the fortunes of democracy with those of the Reform Bill and the Liberal Party. Every reference to "democracy" in this book explicitly or implicitly assumes that any reform must ultimately lead to democracy. In a periodical article a decade later, Lowe observed that subsequent developments in opinion "justifies those who in 1866 and 1867 were accused of exaggeration, because they insisted that the change then made was the inevitable precursor of universal suffrage. Robert Lowe, "Mr Gladstone on Manhood Suffrage," *Fortnightly Review*, 22, December 1877, pp733-746, p738.

<sup>64</sup> Speech of 11<sup>th</sup> May 1864. *Hansard*, 175, cols.321-7.

<sup>65</sup> Lowe, *Speeches and Letters*, p35.

with his customary clarity the different standpoints from which he and those favourable to democracy were arguing:

The arguments in favour of Democracy are mostly metaphysical, resting on considerations prior to, and therefore independent of, experience, appealing to abstract maxims and terms, and treating this peculiarly practical subject as if it were a problem of pure geometry. The arguments against a democratic change, on the other hand, are all drawn, or profess to be drawn, from considerations purely practical. The one side deals in such terms as right, equality, justice; the other, with the working of institutions, with their faults, with their remedies, with the probable influence which such changes will exert.<sup>66</sup>

Lowe insisted that there could be no compromise between those who believed in democracy and held that "it is better we should be governed by large representative bodies and governed badly, than governed by small representative bodies and governed well;" and those like himself who believed "that everything is to be referred to the safety and good government of the country."<sup>67</sup> Of course, government should have the welfare of all the people at heart. But this did not mean that the best government would be obtained if all the people had a hand in it. The best should govern for the benefit of everyone.

For Lowe, and for many liberals, democracy would mean the "tyranny of the majority." This was his fundamental *liberal* objection to democracy that liberty could be stifled by the unfettered power democracy gave to sheer numbers to silence and subjugate minorities. If the majority truly ruled, what was to prevent them from enacting illiberal laws curtailing the freedom of minorities? This was a fear Lowe shared with Mill, Bagehot and de Tocqueville.<sup>68</sup> That

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<sup>66</sup> *ibid*, p3-4.

<sup>67</sup> *ibid*, p107.

<sup>68</sup> Alexis de Tocqueville, *Democracy in America* (Transl. Henry Reeve), vol. 1, London, 1862,

view of the constitution, as a mechanism for maintaining a "balance of interests" and avoiding the hegemony of a single class, was deployed by Lowe not only to stress, as Salisbury did, the necessity for the protection of property, but also more importantly for the preservation of liberty in a general sense. To Lowe "the franchise... is a means to an end, the end being the preservation of order in the country, the keeping of a just balance of classes, and the preventing any predominance or tyranny of one class over another."<sup>69</sup> It should be noted that he did not include the reflection of the popular will among the desirable ends which he sought. Indeed, the expansion of the suffrage which Baines' proposed would disturb the balance, Lowe thought, since "the majority of the 334 boroughs in England and Wales will be in the hands of the working classes immediately on the passing of the Bill."<sup>70</sup>

Not only would power be in the hands of sheer numbers, but those numbers would be composed largely of those who were not fit to exercise it, or might exercise it in an illiberal direction. Liberals should therefore oppose democracy as a danger to liberty. Lowe argued that:

Because I am a Liberal, and know that by pure and clear intelligence alone can the cause of true progress be promoted, I regard as one of the greatest dangers with which the country can be threatened a proposal... to transfer power from the hands of property and intelligence, and place it in the hands of those whose whole life is necessarily occupied in daily struggles for existence.<sup>71</sup>

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chapter 15, pp298-318; John Stuart Mill, *Considerations on Representative Government, Collected Works vol. 19*, Toronto, 1977, pp441-447; Walter Bagehot, *The English Constitution*, 5<sup>th</sup> edition, London, 1888, introduction to the second edition, pp xx-xxiv; James Madison, John Jay and Alexander Hamilton, *The Federalist Papers* (1788), edited by Isaac Kramnick, London, 1987. Madison observes (p303) that "the accumulation of all powers, legislative, executive and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny."

<sup>69</sup> Lowe, *Speeches and Letters*, p105.

<sup>70</sup> *ibid*, p119.

<sup>71</sup> *ibid*, p61.

In this scheme of things, the highest good to be striven for was liberty. This was preserved and guaranteed by *good* government. That being so, men (few people at this time, other than John Stuart Mill, thought seriously in terms of the female suffrage) should properly have to demonstrate their capacity and fitness for the franchise.<sup>72</sup> According to Lowe, "the franchise, though it ought not necessarily to be given to every one fit for it, should never be given to any one who is unfit."<sup>73</sup> This was not a peculiar view at the time. Gladstone had excluded those who demonstrated "personal unfitness" from his conception of a democratic franchise.<sup>74</sup> John Stuart Mill, although a supporter of reform, favoured an educational qualification for the franchise.<sup>75</sup> Even today, the British Constitution still retains grounds for exclusion on the basis of unfitness. In practise, only those below the age of eighteen as well as criminals and those certified insane are deemed to be unfit, but the principle remains. Lowe felt that it was positively "unwise and unsafe to go lower in search of electoral virtue."<sup>76</sup> He drew considerable opprobrium on himself by his remark (quoted out of context) that:

If you want venality, if you want ignorance, if you want drunkenness, and facility for being intimidated; or if, on the other hand, you want impulsive, unreflecting, and violent people, where do you look for them in the constituencies? Do you go to the top or to the bottom?<sup>77</sup>

For that, Lowe was accused of "an ungenerous and unjust satire... on the masses of your fellow working countrymen"<sup>78</sup> and of entertaining "harsh,

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<sup>72</sup> John Stuart Mill, *The Subjection of Women, Collected Works 21*, pp259-340. Speech of 20<sup>th</sup> May 1867 on the Reform Bill. *Hansard*, 187, cols. 817-829. Mill proposed an amendment (which was lost) to remove the word "man" and insert in its stead "person."

<sup>73</sup> Lowe, *Speeches and Letters*, p106.

<sup>74</sup> "Pale of the Constitution" speech of 11<sup>th</sup> May 1864. *Hansard*, 175, col. 324.

<sup>75</sup> Mill wrote: "I regard it as wholly inadmissible that any person should participate in the suffrage without being able to read, write, and, I will add, perform the common operations of arithmetic." *Considerations On Representative Government, Collected Works 19*, p470.

<sup>76</sup> Lowe, *Speeches and Letters*, p51.

<sup>77</sup> *ibid*, p74.

unjust, and unfortunate opinions about the working classes."<sup>79</sup> Yet, whatever his views on the working classes in general, Lowe's point was that democracy would comprehend the lowest as well and the highest and would give both an equal share in the nation's affairs. Good government was most unlikely to be the consequence of a situation where the best would be outnumbered by the mediocre and unfit. Moreover, liberty could be maintained only if "no one class" was able to "swamp or overpower another or the other classes."<sup>80</sup> Therefore, to preserve good government only the capable and intelligent should govern on behalf of, and in the interests of, all. It was to everybody's advantage that the franchise should be restricted to those who were capable of exercising it wisely for the benefit of all.<sup>81</sup> As Benjamin Jowett later recalled: "It was really an aristocracy of education and intelligence, not a democracy, with which he was in sympathy."<sup>82</sup> Even ten years after the Bill had passed, Lowe had not altered his view. He wrote that "we owe the happiness and prosperity which we have enjoyed in so large a measure, not to the guidance of the poor and ignorant, but of the educated and refined part of society."<sup>83</sup>

Lowe's views were partly coloured by his experiences in and knowledge of Australia from 1842 to 1849, and his trip to America in 1856. To prepare himself for his stay in America Lowe read, and was impressed by, Alexis de Tocqueville's *Democracy in America*.<sup>84</sup> Curiously, in early 1849, as a member

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<sup>78</sup> Letter from Mr. John D Bishop and Sixty other electors of the Borough of Calne. Reprinted in: Lowe, *Speeches and Letters*, p21.

<sup>79</sup> Letter from Joseph Guedella (member of the Reform League Executive). Reprinted in: Lowe, *Speeches and Letters*, p28.

<sup>80</sup> *ibid*, p106-7.

<sup>81</sup> Lowe said: "if you form your House solely with a view to numbers, solely with a view to popular representation, whatever other good you will obtain you will destroy the element out of which your statesmen must be made." *Speeches and Letters*, p80. He added: "If you lower the character of the constituencies, you lower that of the representatives, and you lower the character of this House." *ibid*, p88

<sup>82</sup> Personal memoir included in: Arthur Patchett Martin, *Life and Letters of the Right Honourable Robert Lowe, Viscount Sherbrooke*, 2 vols, London, 1892. Vol. 2, p480.

<sup>83</sup> Robert Lowe, "A New Reform Bill," *Fortnightly Review*, 22, October 1877, pp437-452, p449.

<sup>84</sup> Martin, *Robert Lowe*, 2, pp127-8.

of the Legislative Council of New South Wales, Lowe had actually supported the lowering of the franchise qualification. Far from being embarrassed by this apparent contradiction, Lowe argued that he had, in fact, been entirely consistent, in that there had been a depreciation of property values since his arrival in Australia which had restricted the franchise to a handful of the very wealthy.<sup>85</sup> The constitution had therefore become unbalanced. As Lowe said at the time; "I wish to give all classes power, to make each dependent on the other so that they may work for the common good."<sup>86</sup> But during 1866 and 1867 Lowe quoted both America and Australia as examples of the evils resulting from democracy: "if you want to see the result of democratic constituencies, you will find them in all the assemblies of Australia, and in all the assemblies of North America."<sup>87</sup>

If 1867 really was the "moment" when Britain became a democracy, the 1860s was also the period when the schism within liberalism and between different conceptions of liberalism became obvious, at least in England.<sup>88</sup> On one side, there were Radicals like John Bright who, while denying the label "democrat", certainly favoured more radical moves in that direction. On the other side, there were liberals who stressed the primacy of liberty and bitterly opposed the extension of the franchise as a danger to the liberal ideals of liberty, individuality and diversity. Lowe was a key oppositional figure on this – as it has become thought - conservative side of liberalism; opposing the fusion with

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<sup>85</sup> Ruth Knight, *Illiberal Liberal*, Melbourne, 1966, p182.

<sup>86</sup> Quoted in: Knight, *Illiberal Liberal*, p213.

<sup>87</sup> Lowe, *Speeches and Letters on Reform*, p88.

<sup>88</sup> According to J R Vincent, "the great debate on democracy in England was between two sections of the Liberal Party." *The Formation of the Liberal Party*, London, 1966, p253. He identified the party as having "a massive and homogeneous right wing, amounting to about half its numbers." This right wing was connected with the land. The balance was made up of various elements including radicals, industrialists, and those from the nonconformist tradition. *ibid*, p4. See also, D.A. Hamer, *Liberal Politics in the Age of Gladstone and Rosebery*, Oxford, 1972, chapters 1 and 2.



democracy which was largely accomplished in the late-Victorian period and which is now taken for granted.

Even among those liberals more disposed to support Russell and Gladstone's Reform Bill than were Lowe and his friends in the "Cave of Addullam," there were deep misgivings about electoral reform. While he lived, Palmerston's innate conservatism on the reform question had been a barrier to any meaningful measure of franchise reform being enacted by a Liberal government.<sup>89</sup> "My belief," he confided to his journal in 1857:

Is that notwithstanding the slight stir got up about changes in our Representative system by a small minority here and there at the recent Elections the Country at large, including the Great Bulk of the Liberal Party, do not want or wish for any considerable changes in our Electoral System, and certainly do not wish for that particular change which the Radical Party cry out for, namely, the admission of a lower Class than the Ten Pounder... and I am decidedly of that opinion myself....<sup>90</sup>

In fact, there were a wide range of opinions within the Liberal Party; not, for the most part, regarding the best means of promoting democracy (which few favoured) but mainly about how best to delay or forestall it. To Whigs such as Lord Lansdowne and his friends, the sort of measure which Russell might propose would "make it impossible to avert a slow drift into democracy."<sup>91</sup> In 1858 Lord Grey, a former Colonial Secretary and son of the Reforming Prime Minister, and with whom Lowe had crossed swords during his time in Australia, published an essay entitled *Parliamentary Government* which argued that "the great object of those who desire to prevent a dangerous disturbance of the balance of the constitution, ought to be, to secure the

<sup>89</sup> E.D. Steele, *Palmerston and Liberalism*, Cambridge, 1991, pp220-223.

<sup>90</sup> Quoted in: Philip Guedella, *Palmerston*. London, 1926, p346.

<sup>91</sup> Winter, *Robert Lowe*, p197.

adoption of a just and well-considered plan of Reform, instead of one based upon the principle of ultra-democracy."<sup>92</sup> Grey was opposed to piecemeal tinkering with the existing franchise saying that "there is more real danger in such small and partial measures... than in a more extensive change in our representation."<sup>93</sup> Grey took the view that if "permanent resistance to all change in the state of the Representation is... impossible, the wise course for those who hold Conservative opinions is, to show themselves ready to concur in some fair and reasonable settlement of the question of Parliamentary Reform."<sup>94</sup> What Grey regarded as "fair and reasonable" was a plan to:

Interest a larger proportion of the people in the Constitutions, by investing them with political rights, without disturbing the existing balance of power... to render the distribution of the parliamentary franchise less unequal and less anomalous, but yet carefully to preserve that character which has hitherto belonged to the House of Commons, from its including among its Members men representing all the different classes of society, and all the different interests and opinions to be found in the Nation.<sup>95</sup>

Grey contrasted the beneficent consequences of a mild but significant measure of reform with one that tended in a more democratic direction. He thought that "it can hardly be doubted, that any increased power given to the democratic element in our Constitution, must end, sooner or later, in its complete ascendancy."<sup>96</sup> This, Grey felt, "would be one of the greatest misfortunes that could befall the country."<sup>97</sup> Grey therefore advocated a reform which would be judiciously framed so as to satisfy the reasonable

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<sup>92</sup> Earl Grey, *Parliamentary Government considered with reference to a Reform of Parliament*. London, 1858, p147.

<sup>93</sup> *ibid*, p149.

<sup>94</sup> *ibid*, p149.

<sup>95</sup> *ibid*, p128-9.

<sup>96</sup> *ibid*, p129.

<sup>97</sup> *ibid*, p129.

aspirations of the as yet unenfranchised and settle the question for a significant period, but at the same time leave the balance of interests and the character of Parliament undisturbed.<sup>98</sup>

Others in the party looked to "an advanced, urban radicalism whose recommendations would include a more democratic franchise with legislation to delimit the political influence of landed wealth."<sup>99</sup> This did not necessarily mean that universal manhood suffrage should be conceded immediately and without reservation; that was far too dangerous. Even John Bright, the most influential of the radicals within the parliamentary party, did not envisage going further than the granting of household suffrage.<sup>100</sup> Indeed, a few years earlier he had sketched the outlines of a Reform Bill of his own, which did not go nearly so far.<sup>101</sup> A minority of Liberals thought that democracy was a good thing in principle; believing all too literally the sentiments expressed by Gladstone in his "pale of the Constitution" speech.<sup>102</sup> On this basis, they believed, the franchise should be gradually extended to encompass an ever greater proportion of the population, starting with what Gladstone referred to as "the upper portion of the working classes."<sup>103</sup>

As we have seen, Lowe used all the classical liberal arguments against democracy. He stressed the importance of maintaining the balance of the constitution and avoiding the domination of one particular group (in this case the working class) over the state. The poor, he reasoned, would have no reason to be careful with the public funds to which they made little or no contribution; in fact every reason for extravagance. Then he pointed out, with

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<sup>98</sup> *ibid*, pp128-9.

<sup>99</sup> Bentley, *Politics Without Democracy*, p183.

<sup>100</sup> J.E. Thorold Rogers (ed.), *John Bright's Speeches*, vol. 2, London, 1868, pp224-5.

<sup>101</sup> Bright to the Reform Club, 9<sup>th</sup> April 1859. H.J. Leech (ed.), *The Public Letters of John Bright*, London, 1885, pp71-74.

<sup>102</sup> *Hansard*, 175, cols. 321-7.

<sup>103</sup> *ibid*.

particular reference to Australia and America, that democracy overseas had not been especially successful. His listeners would have had the American Civil War fresh in their memories if any confirmation of that view was necessary.<sup>104</sup> Lowe also stressed the argument that the franchise could only be properly exercised by those with the capacity to do so, and that many of the working class just did not have that capacity. Intelligence and the capacity for sober judgement generally resided among those with wealth and property; and hence the leisure for more cerebral activities. He argued that common sense suggested that the presumption should be in favour of maintaining the status quo. Finally, he insisted that the working class were, in any case, virtually represented by the existing constitutional arrangements. These arrangements, Lowe observed, also allowed talented men early access to the House of Commons through the patronage of local magnates in small constituencies. The increase in the expense of elections due to the larger number of electors would also militate against early opportunities being given to talent. In the days before the secret ballot, the potential for corruption and the exercise of improper pressure might also be greatly increased with a large number of working class electors being dependant on others for their livelihoods. Lowe expressed the liberal case against democracy in a coherent, consistent and convincing manner which echoed many of the prejudices of the MPs who heard his speeches.<sup>105</sup>

Lowe's views on politics were by no means unique. Nor were they wholly original. In many ways he was part of an pre-existing intellectual tradition, identified by Alan Kahan as "aristocratic liberalism, a type that in some

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<sup>104</sup> The war was covered extensively by the press in Britain. See: Hugh Brogan (ed.), *The Times Reports the American Civil War*, London, 1975; Alfred Grant, *The American Civil War and the British Press*, London, 2000. In 1861 alone, Lowe himself contributed over 20 leading articles to *The Times* on the civil war and related topics in 1861 alone. He also referred to it in his Parliamentary Speeches on reform. See *Speeches and Letters*, pp 92, 148.

<sup>105</sup> Cowling, Disraeli, *Gladstone and Revolution*, p11.

respects is on the fringes of the liberal movement."<sup>106</sup> Among those whom Kahan identified with this strand of liberal thought were Alexis de Tocqueville (whose analysis impressed Lowe when he read *Democracy in America*<sup>107</sup> and which he quoted in the preface to *Speeches and Letters on Reform*<sup>108</sup>), Jacob Burckhardt, Lord Acton, Walter Bagehot and John Stuart Mill. Lowe certainly knew both Mill and Bagehot. Indeed, they were his contemporaries. But he was close to neither. Bagehot seems to have admired his intellectual powers but at the same time questioned his political acumen.

He cannot help being brilliant. The quality of his mind is to put everything in the most lively, most exciting, and most startling form... And Mr. Lowe's mode of using general principles not only is not that which a Parliamentary tactician would recommend, but is the very reverse of what he would advise.<sup>109</sup>

During the course of the debates in Parliament in 1865, 1866 and 1867 Lowe quoted or alluded to: Jeremy Bentham, John Stuart Mill, Edmund Burke, Lord Macaulay and de Tocqueville. Kahan has isolated some of the attitudes that characterised aristocratic liberalism as a "common distaste for the masses and the middle classes, [a] fear and contempt of mediocrity, the primacy of individuality and diversity."<sup>110</sup> To those of this inclination, the chief threats to liberty, individuality and diversity lay in the growth of the centralised state and the possibility of political domination by one particular group. "For the aristocratic liberals, the chief thing demanded from a nineteenth century political system, or voting system, was that it avoid the domination of a single class and the establishment of a mass-based mediocrity."<sup>111</sup> On the question

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<sup>106</sup> Alan S. Kahan. *Aristocratic Liberalism*, 2nd edition, New Brunswick, 2001.

<sup>107</sup> Winter, *Robert Lowe*, p113.

<sup>108</sup> On pp13-14

<sup>109</sup> Walter Bagehot, "Mr. Lowe as Chancellor of the Exchequer," in R.H. Hutton (ed.), *Biographical Studies*, London, 1881, p350-354.

<sup>110</sup> Kahan, *Aristocratic Liberalism*, p5.

<sup>111</sup> *ibid*, p171.

of the franchise, such Liberals did not believe that there was an automatic right to participate in politics because "although liberals liked participation in principle, they worried that participation by the wrong people would bring disaster."<sup>112</sup> Mill wrote that:

In this democracy, absolute power, if they chose to exercise it, would rest with the numerical majority; and these would be composed exclusively of a single class, alike in biases, prepossessions, and general modes of thinking, and a class, to say no more, not the most highly cultivated.<sup>113</sup>

Lowe used more abrasive language but he said essentially the same thing. The aristocratic liberal alternative was an argument based on the idea of capacity. "Where democrats talked about universal rights, and conservatives talked about historical or hereditary rights, aristocratic liberals talked about capacity: who possessed it, who might come to possess it, and by what means."<sup>114</sup> Capacity, in the context of mid-Victorian England, was indicated by property: hence all the debates over whether a £6 or a £7 or any other franchise qualification was appropriate.

On this basis, Lowe seems like a thinker within the aristocratic liberal tradition. But he was also an Englishman and a Whig. In fact, he was the son of a country parson in possession of a comfortable living and traditional whig opinions. Richard Bellamy has described English Whig doctrine as:

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<sup>112</sup> *ibid*, p170.

<sup>113</sup> John Stuart Mill, "Considerations on Representative Government," in: *On Liberty and Other Essays*, Oxford, 1998, p326.

<sup>114</sup> Kahan, *Aristocratic Liberalism*, p169. For an extended discussion of the idea of "capacity" in mid-nineteenth century liberal discourse (in France and Germany as well as England) see: Alan S Kahan, *Liberalism in Nineteenth-Century Europe*, Basingstoke, 2003, *passim*.

Combining the Lockean theory of natural rights to life, liberty and property, with constitutionalist notions of limited monarchy, mixed government, and the balance of interests, republican fears about the effects of luxury on civic virtue and an historicist thesis concerning the need to adapt political institutions to the changing customs of the populace.<sup>115</sup>

Indeed, Lowe obtained his first seat in the House of Commons through the influence of the Whig aristocrat Lord Ward, later Earl of Dudley. He later accepted the patronage of Lord Lansdowne when he became MP for Calne.<sup>116</sup>

Moreover, like so many others of his generation, Lowe complemented an obsession with politics by an interest in Political Economy. His guide in this subject was Adam Smith. But he was also familiar with the works of David Ricardo and Thomas Malthus. He was acquainted with W.S. Jevons and was a staunch adherent of the doctrines of free-trade and *laissez-faire*.<sup>117</sup> He became, soon after entering Parliament in 1852, a member of the Political Economy Club; a society to which a select company of prominent economists, bankers, politicians and academics belonged.<sup>118</sup> His views on the subject hardly ever wavered. He remained to the end of his political life an unwavering free-trader and a believer in liberal economic principles. These principles he attempted to carry into effect in Government. At the Exchequer his efforts were directed at restraining expenditure and he gained something of a reputation for rudeness to the numerous deputations from special interest

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<sup>115</sup> Richard Bellamy (ed.), *Victorian Liberalism: Nineteenth-century political thought and practice*, London, 1990, introduction, p4

<sup>116</sup> As did T.B. Macaulay, in 1830

<sup>117</sup> See Lowe's speech to the Political Economy Club on the 18<sup>th</sup> May 1876. "What are the more important results which have followed from the publication of the *Wealth of Nations*, just one hundred years ago, and in what principal directions do the doctrines of that book still remain to be applied?" Political Economy Club, *Revised Report of the Proceedings at the Dinner of 31<sup>st</sup> May, 1876, held in celebration of the hundredth year of the publication of the Wealth of Nations*, London, 1876, pp5-21. See also Lowe's article: "Recent Attacks on Political Economy," *Nineteenth Century*, 4<sup>th</sup> November 1878, pp858-68.

<sup>118</sup> Winter, *Robert Lowe*, p65.

groups who came to demand that the Chancellor should show them especial favour.<sup>119</sup> At the Board of Trade he was scathing, regarding the various passing tolls and dues which certain ports extracted from shipping on the basis of “musty parchments.” He even tried to have them abolished.<sup>120</sup> In this he was unsuccessful. But he established the principles of company law relating to limited liability which still hold good today. Additionally, he was familiar with the work of Jeremy Bentham, absorbed his writings and was more than once accused of being a utilitarian.<sup>121</sup>

Finally, Lowe was a conventional product of the early-Victorian English upper middle class. He had been educated at Winchester and Oxford; very well educated too. His efforts to achieve a double first were only partially successful; he was rewarded with a first in classics but only a high second in mathematics. Nevertheless, his accomplishments as a classicist left him easily familiar with Plato, Aristotle and Cicero. Indeed, he might easily have become an academic. He applied for the Chair of Classics at Glasgow, with a recommendation from A.C. Tait (the future Archbishop of Canterbury), only narrowly failing to get the post.

Yet although in the same intellectual tradition, and of comparable intellectual ability, as Tocqueville, Guizot or Mill, Lowe's name is much less well known today. The works of De Tocqueville, Guizot and Mill are all still in print. Yet Lowe's main contribution to political debate, the *Speeches and Letters on Reform*, is now almost unknown; long out of print and rarely referred to. True, he never produced a systematic political treatise. Most of his writings first appeared as journalism. Neither during his lifetime nor subsequently were

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<sup>119</sup> C. Rivers Wilson, *Chapters from my official life*, London, 1916, pp41-2.

<sup>120</sup> Speech of 4<sup>th</sup> February 1856. *Hansard*, 140, cols.153-178.

<sup>121</sup> e.g. G.C. Brodrick, “The Utilitarian Argument Against Reform as stated by Mr. Lowe,” *Essays on Reform*, pp1-25. Lowe alluded to Bentham in some of his Parliamentary speeches against reform. Lowe quoted Bentham in his speech of 3<sup>rd</sup> May 1866, *Hansard* 178, col. 1426.



they collected into more permanent form. Perhaps for that reason, he has never received the same attention from intellectual historians as any of these. Similarly, as a prominent politician of the mid-Victorian period he has received substantially less attention from political historians and his name is less well known to students of the period than Liberal contemporaries such as Gladstone, Palmerston and Russell; or even Bright, Cobden and W.E. Forster. Lowe is perhaps best remembered today for the furore caused by his attempt, when Chancellor of the Exchequer, to introduce a match tax in his 1871 budget; and for a misquoted remark after the 1867 Reform Act that "now we must educate our masters."<sup>122</sup> This would have surprised many of his contemporaries. James Bryce, as a young man knew many of the leading mid-Victorian Liberal politicians and later observed that:

Had Robert Lowe died in 1868 when he became a Cabinet Minister, his death would have been a political event of the first magnitude; but when he died in 1892 (in his eighty-second year) hardly anybody under forty years of age knew who Lord Sherbrooke was, and the new generation wondered why their seniors should feel any interest in the disappearance of a superannuated peer whose name had long since ceased to be heard in either the literary or the political world.<sup>123</sup>

Gladstone, by common consent one of the greatest men of the age, also paid tribute to his remarkable talents. When he returned to the highest office in 1880 and could not find a place in his government for Lowe, he overrode royal resistance in order to obtain a higher honour for Lowe than that which the Queen thought appropriate.<sup>124</sup>

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<sup>122</sup> Lowe actually said, "I believe it will be absolutely necessary that you should prevail on our future masters to learn their letters..." *Hansard*, 188, cols 1548-9.

<sup>123</sup> James Bryce, "Robert Lowe..." p293.

<sup>124</sup> M.R.D. Foot & H.C.G. Matthew (eds.), *The Gladstone Diaries*, 14 vols. London, 1968-94, vol. 9, p511.

I pressed his viscounty on the sovereign as a tribute to his former elevation, which, though short-lived, was due to a genuine power of mind, as it seemed to me that a man who had once soared to those heights trodden by so few, ought not to be lost in the common ruck of official barons.<sup>125</sup>

But even those, such as Bryce and Gladstone, who still remembered and admired his great Parliamentary performances of 1866 and 1867, often forgot that he had made important and lasting contributions in other areas such as education and company law. He also exercised considerable political influence as a leader writer for *The Times* following his return from Australia. Lowe continued to write leading articles for the newspaper even after appointment as a government minister. On occasion, he was in the fortunate position of being able to write the editorial comment in support of some his own speeches and policies: both in education policy (when he was introducing the "Revised Code" as Vice-President of the Board of Education) and the reform of the limited liability legislation.<sup>126</sup> His final leading article for *The Times* appeared in January 1868.<sup>127</sup>

Lowe's prominence and influence among his contemporaries suggest that his, by now, marginal place in the historiography of mid-Victorian intellectual and political life is unjustified. Indeed, his present obscurity is nothing less than a distortion of the historical record. This distortion is also reflected in the relative paucity of the secondary literature on Lowe. To be sure, a two-volume semi-official biography appeared in 1892. It tended towards the eulogistic. Lowe had co-operated with the author of this book, an Australian journalist, Arthur

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<sup>125</sup> Quoted in: Morley, *Life of Gladstone*, vol. 2, p201.

<sup>126</sup> Stanley Morison, *The History of The Times*, 6 vols. London, 1935-1993, Vol 2, 1841-1884, p367. The main provisions of the "Revised Code" were: payment by the number of children attending and payment by the results of inspectors examinations; concentrating on the three R's. Additionally, on the grounds that elementary education did not require highly trained teachers, grants to teacher training colleges were cut back.

<sup>127</sup> *ibid*, p452.

Patchett Martin. Volume one of the book actually begins with some reminiscences by Lowe himself; a "Chapter of Autobiography", which was written in 1876 and gives a brief account of his early life up to his arrival in New South Wales in 1842.<sup>128</sup> Indeed, just about all of the first volume is devoted to Lowe's stay in Australia which is more extensively treated than any other part of Lowe's life. Martin's book is also useful in that it also includes one or two memoirs by contemporaries, such as Benjamin Jowett, as well of some of Lowe's letters. But it points to one of the most profound difficulties facing any biographer of Lowe. Martin observed that Lowe had destroyed most of his papers and noted that "Lord Sherbrooke had, moreover, a positive repugnance to autobiography. It savoured to him of egotism; and it is solely due to the intervention of friends that he left even the brief and incomplete memoir which is here appended."<sup>129</sup>

For all the difficulties of source material, a further biography appeared in 1893 written by another Australian, James Hogan.<sup>130</sup> It, similarly, concentrated on Lowe's stay in Australia and is useful on that part of his life. The sometimes florid, and occasionally bombastic, style makes the book a more enjoyable read than Martin's. But these very same qualities sometimes make the reader suspect that scholarly rigour may have been sacrificed for the sake of literary effect. Nevertheless, Hogan had corresponded with a number of people who had known Lowe and quoted from those who troubled to reply. Not necessarily favourably; and certainly not favourably in the case of Earl Grey (Colonial Secretary for a period when Lowe was in Australia). It was, however, Martin's book which remained the standard, albeit unsatisfactory, biography. The first book on Lowe to appear in the twentieth century was Ruth Knight's *Illiberal Liberal* in 1966, a detailed account of Lowe's activities during his eight

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<sup>128</sup> Robert Lowe, "A Chapter of Autobiography," included in: Martin, *Robert Lowe*, 1, pp1-40.

<sup>129</sup> Martin, *Robert Lowe*, 1, p1.

<sup>130</sup> J.F. Hogan, *Robert Lowe: Viscount Sherbrooke*, London, 1893.

years in Australia.<sup>131</sup> This book's description of this period in Lowe's life, particularly the sometimes unfathomable minutiae of New South Wales Politics in the 1840s is authoritative. In this respect at least, it is unlikely to be superseded in the foreseeable future. It also has the merit of permitting researchers to check the consistency of Lowe's political actions and the causes he espoused in Australia with those he subsequently followed on his return to England. Finally, a new biography of Lowe by James Winter appeared in 1976.<sup>132</sup> This replaced Martin's book as the standard biography although the earlier work remains vital as a source of primary material and as a link with Lowe himself. Certainly, Winter is more critical in its treatment of Lowe than was Martin. Winter's book is also more balanced, inasmuch that Lowe's sojourn in Australia is accorded just two out of the book's seventeen chapters. T.D.L. Morgan's Ph.d. thesis: *All for a Wise Despotism? Robert Lowe and the Politics of Meritocracy, 1852-1873*, was completed in 1983.<sup>133</sup> It remains unpublished. Morgan concentrated upon the role of Lowe and others in arguing for reforms which stressed merit rather than family connections as qualifications for promotion and position. Lowe had a hand in the 1853 India Act which provided for the opening of the Indian Civil Service to competitive examination. Additionally, Lowe instigated in cabinet the reform of 1870 which opened civil service posts in Britain to competitive examination – although with important exceptions.<sup>134</sup>

What none of these studies do is to distill the essence of Lowe's Liberalism. Above all things, Lowe felt that he was a Liberal and described himself as a Liberal. Lowe viewed liberty and liberalism - and this is most important - in sharp contradistinction to democracy. Liberty was the key element in his

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<sup>131</sup> Melbourne, 1966.

<sup>132</sup> *Robert Lowe*, Toronto, 1976.

<sup>133</sup> T.D.L. Morgan, *All for a Wise Despotism? Robert Lowe and the Politics of Meritocracy, 1852-1873*, University of Cambridge, Ph.D. thesis.

<sup>134</sup> Winter, *Robert Lowe*, p263.

liberal thinking. Democracy, as Lowe saw it, was a danger to liberty. He is therefore the representative of a lost strand in liberal thinking: a strand which saw liberty and constitutional government harmoniously combined with a legislature elected on a restricted franchise. In this view, democracy is to be feared as a threat to stability and good government rather than an ideal consummation. A man was entitled to liberty in his economic, his religious or his political life. Anything which promoted liberty was to be welcomed and encouraged. Anything which restricted or threatened liberty should be interdicted. These simple principles informed Lowe's political practice to 1867. In what follows, it is hoped to show, how his unfailing belief in liberty and liberalism showed through in his ideas and his politics.

One area of historiography in which Lowe's name remains quite prominent is in the history of education. In general accounts of the development of education in England during the mid-nineteenth century, the name of Robert Lowe crops up on several occasions. This is because of his authorship of that application of classical political economy to education, the much criticised "Revised Code". As he told parliament on the 13th February 1862 on the subject of elementary education: "if it is not cheap it shall be efficient, if it is not efficient it shall be cheap."<sup>135</sup> Some writers have concentrated solely on his contribution in this field. The principal source here is David W. Sylvester: *Robert Lowe and Education*, based upon his thesis: *The Educational Ideas and Policies of Robert Lowe*.<sup>136</sup> Two other theses have been written and researched on the subject of Robert Lowe's influence on education policy. The first was by J.P. Sullivan in 1952.<sup>137</sup> The second was by W.B. Johnson in

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<sup>135</sup> *Hansard*, 165, col. 229.

<sup>136</sup> D.W. Sylvester, *Robert Lowe and Education*, Cambridge, 1974; *The Educational Ideas and Policies of Robert Lowe*, M.Phil Thesis, University of Leeds, 1975.

<sup>137</sup> J.P. Sullivan, *The Educational Work and Thought of Robert Lowe*, M.A. (Ed.) Thesis. University of London, 1952.

1956.<sup>138</sup> Lowe's educational activities, policies and thought are therefore quite well represented in the secondary literature. Indeed he is probably better known among historians of education than among general political historians. This is unfortunate. Admirable, and important, educationalist that he became, he was something more besides; above all, something much more significant as a much younger man.

Of the shorter studies of Lowe, the best known and most accessible is the chapter by Asa Briggs in his *Victorian People*.<sup>139</sup> In his bibliographical rearks Briggs, who was writing two decades before Winter, noted that "there is no satisfactory biography of Robert Lowe."<sup>140</sup> The efforts of Martin he described as "one-sided and ponderous." The praise which Hogan receives for giving a "good account of his Australian experiences"<sup>141</sup> carried with it the clear implication of inadequacy in other areas. But Briggs used as sources some shorter articles and memoirs which had been written by contemporaries of Lowe. These included Viscount Bryce's brief chapter in his *Studies in Contemporary Biography*.<sup>142</sup> There were also a few pages written by Walter Bagehot in 1871, appearing subsequently in his *Biographical Studies*<sup>143</sup>, which praise Lowe's undoubtedly powerful intellect whilst seriously questioning his abilities as a politician. G.W.E. Russell's recollections published in 1916 identified Lowe's major achievement as the defeat of the 1866 reform bill. Russell observed that "his speeches delivered during the sessions of 1866 and 1867 constitute the most forcible and most eloquent indictment of Democracy which is to be found in English literature."<sup>144</sup> More

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<sup>138</sup> W.B. Johnson, *The Development of English Education 1856-1882 with special reference to the work of Robert Lowe*,. M.Ed. Thesis, University of Durham, 1956.

<sup>139</sup> Asa Briggs, *Victorian People*, London, 1954.

<sup>140</sup> *ibid*. Obviously, this was written some years before Winter's book appeared.

<sup>141</sup> *ibid*, p312-313.

<sup>142</sup> Already quoted. See note 51.

<sup>143</sup> Bagehot, "Mr. Lowe as Chancellor of the Exchequer," in: Hutton (ed.), *Biographical Studies*.

<sup>144</sup> G.W.E. Russell, *Portraits of the Seventies*, London, 1916, p75.

recent articles on Lowe are few and far between. Christopher Duke discussed Lowe and education in "Robert Lowe - A Reappraisal;"<sup>145</sup> while Donald G Kerr in an article of 1939 discussed Lowe's contribution to the confederation of Canada<sup>146</sup>.

The result of all of this is a lop-sided, fragmentary and inadequate historiography. In terms of a narrative of Lowe's life, the period most extensively covered is the relatively unimportant time of his sojourn in Australia from 1842 to 1850. This is perhaps not surprisingly since the authors concerned - Martin, Hogan and Knight - were all Australians. But it is still seriously unbalanced. Of Lowe's public activities in England, there is now a disturbing bias in the literature toward his work in the field of education and as the originator of the "revised code." To the political historian and the historian of ideas this seems strange since he achieved his greatest fame for his parliamentary and political activities. The emphasis in this study will therefore be upon what is still lacking in all modern accounts of the man. It will be on Lowe's brand of liberalism: its origins and consequences. Its purpose will be to make clear what sort of liberal Lowe was: from there to show how his philosophical principles determined the views which he took on practical questions of free-trade, the franchise, education and so forth.

The main sources for this study will be Lowe's own writings and speeches. Regrettably, little of Lowe's private correspondence survives (although some of those letters which are still extant were printed in Martin's biography); and, so far as is known, Lowe did not keep a diary. Fortunately, Lowe's public pronouncements are readily to hand. The *Speeches and Letters on Reform*

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<sup>145</sup> Christopher Duke, "Robert Lowe - A Reappraisal," *British Journal of Educational Studies*, 14, 1965/6.

<sup>146</sup> Donald G. Kerr, "Edmund Head, Robert Lowe, and Confederation," *Canadian Historical Review*, 20, 1939, pp 409-420.

cover the period when Lowe achieved his greatest measure of public prominence and reprint the speeches he made in Parliament in 1865 and 1866 on that subject. This book also contains one or two letters he received from those, including some of his constituents, critical of his position and Lowe's characteristically acerbic responses to them. This book encapsulates the case against democracy logically expressed and is a major source for Lowe's views. Moreover, it provoked a direct response from those who favoured the extension of the franchise in the shape of the *Essays on Reform*, a collection of essays by various writers who favoured extension of the franchise.<sup>147</sup>

Most of Lowe's writings on politics and literature however, appeared only as journalism. Lowe wrote extensively and on a diverse range of subjects for the periodical press. The list of his contributions to the serious periodical press shows that Lowe commented on a great variety of subjects from the parliamentary reform to trades unions; from imperialism to the laws on bankruptcy. The importance of the periodical press as a conduit for informed opinion and a source of contemporary views on all subjects in mid-Victorian England cannot be underestimated. On the central topic of Reform and democracy there are scores of articles dating from the years 1865 to 1868 which indicate a serious debate among the educated classes.

Lowe was also, after his return from New South Wales in 1850, a leader writer on *The Times*. He was first offered this position in 1842 by J.T. Delane but the offer arrived too late to prevent his departure for the antipodes. It has proved possible to identify most of the leading articles which Lowe wrote and these will also be an important source. The significance of newspapers is especially

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<sup>147</sup> Anon, *Essays on Reform*. London, 1867. Contributors included A.V. Dicey, Leslie Stephen, Goldwin Smith and James Bryce.



great for Lowe's Australian career where contemporary newspapers such as the *Atlas* and the *Sydney Morning Herald* seem to have formed the basis of previous accounts of Lowe's career in the absence of anything else. Lowe also published a number of pamphlets on various subjects, many of which were reprints of speeches although others were specially written. Finally, Lowe spent nearly thirty years in the House of Commons followed by another ten in the Lords. His parliamentary utterances are therefore available in the official records as are the contributions he made to official committees and the record of his actions as a government minister.

Clearly, the part of his life for which Lowe is best remembered by political historians is his opposition to parliamentary reform in the mid 1860's. The centrepiece of any study of Lowe and the liberal case against democracy must be based on this episode. But Lowe was not a single issue politician. He wrote and spoke on a wide variety of issues during his public life: he even issued two pamphlets during the controversy over John Henry Newman's Tract 90; treatises to which W.G. Ward (a contemporary of Lowe's at Oxford and previously at Winchester) responded. He also published articles dealing with bankruptcy and imprisonment for debt and was, during his time at the Board of Trade, instrumental in extending the law relating to Limited Liability. After returning from Australia Lowe clearly had some knowledge of the colonies such that colonial affairs and imperialism were another subject which Lowe addressed in speeches and in print. As Chancellor of the Exchequer from 1868 to 1873 Lowe could scarcely ignore the subject of economics. But he was a student of Adam Smith long before arriving at the Treasury.

Lowe was a confirmed free-trader and earned the wrath of some of his colleagues sitting for port constituencies over his sponsorship of the Local dues for Shipping Bill, a bill which proposed to abolish ancient rights claimed

by some seaports to levy a toll on ships either entering or passing near the harbour. The original purpose which had justified these tolls had long since ceased to apply and Lowe claimed that they were an indefensible violation of free-trade principles. Early in 1877, Lowe came up against a rising star of a new generation of politicians, Joseph Chamberlain, over the latter's plan to reduce crime in Birmingham by restricting the availability of drink in that city. Lowe regarded this as a restriction on liberty and published an article to that effect.<sup>148</sup>

Lowe was also a speaker and campaigner for the cause of meritocracy and administrative reform. The Crimean war had stimulated the demand for reform in the administration of government. The Administrative Reform Association was formed to press for such reform and Lowe, for a time, supported it. He believed that it was absurd that Britain could be on the one hand the workshop of the world, while on the other it lacked the wit to move vital supplies a short distance from Balaklava to Sevastopol. Lowe may be also remembered by most historians of education as the author of the reviled "revised code" and "payment by results" during his time as Vice-president of the Committee of the Privy Council on Education. But more recent assessments of Lowe's work in education have suggested that he "played a significant part in campaigning for [the 1870 Education Act] to come when it did and in structuring the form which it eventually took."<sup>149</sup>

Throughout, the aim of this study is to isolate the guiding principles which lay behind Lowe's views and actions in all these areas. Some of the principal ideas behind his politics have clearly been identified: a belief in liberty, the notion that merit, rather than influence and connection, should determine a

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<sup>148</sup> "The Birmingham Plan of Public House Reform," *Fortnightly Review* 121, Jan. 1877, pp1-9

<sup>149</sup> Sylvester, *Robert Lowe and Education*, p2.

man's situation in life, the idea that the government should not make policy based on *a priori* principles, but on whether any action would have a beneficial effect. If it is possible to detect some common strands to Lowe's ideas on a variety of subjects then it may also be possible to identify some of his sources and antecedents. It is known, for example, that he read de Tocqueville's *Democracy in America* during his ten day voyage to America in 1856 and returned even more convinced that he was correct in his anti-democratic opinions.<sup>150</sup> We know that he read and admired Adam Smith in particular, and the political economists in general. We know that he had read John Locke and Jeremy Bentham; indeed he was accused of stating "the utilitarian argument against Reform."<sup>151</sup> Lowe's own formulation of "the greatest happiness of the greatest number" was to say that "the end of good government appears to me to be the good of all, and, if that be not attainable, the good of the majority."<sup>152</sup> The language Lowe used and his striving always to try and achieve the best, his privileging of practical consequences over *a priori* reasoning (which he derided) together suggest that he was a sort of utilitarian and his ideas can be related to the tradition of Philosophic Radicalism. Lowe certainly knew George Grote, who was a regular visitor to his home in the early 1850s. Finally, Lowe, although not himself scientifically inclined, was interested in science and was a great admirer of Darwin. Late in life he also took up such new-fangled devices such as the typewriter and the bicycle long before many of his contemporaries.<sup>153</sup>

Throughout his parliamentary career, Lowe sat as a Whig-Liberal during the period when the Liberal Party was still coalescing from disparate groups of Whigs, Peelites and Radicals. If the Party was in the process of formation,

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<sup>150</sup> Winter, *Robert Lowe*, p113.

<sup>151</sup> G. C. Brodrick, "The utilitarian argument against reform as stated by Mr. Lowe," in: *Essays on Reform*. pp1-25.

<sup>152</sup> *Speeches and Letters on Reform*, p9, preface.

<sup>153</sup> Winter, *Robert Lowe*, p59.

liberalism as an ideology was also coming under stress as it became clear that different strands of liberalism were not compatible. Lowe's struggle against democracy was not just a fight against the "tyranny of the majority" but for a type of liberalism which prized liberty above all things. He was an aristocratic liberal at a time when liberalism was becoming gradually more democratic. Indeed he was possibly the most prominent aristocratic liberal to remain active as a politician. It may be that, at least in part, the present constitution of England, embodying it does the vestiges of some aristocratic liberal principles, owes something to Lowe's views. The ideas of capacity and of balance (Queen, Lords and Commons) are still embodied in the constitution, at least in theory. Britain does not quite yet enjoy (or endure) the absolute supremacy of a popularly elected chamber. And in the exclusion of those aged under 18 (in addition to criminals and those certified insane) may be seen the survival of some notion of "capacity" as a qualification for the franchise.<sup>154</sup>

Lowe's speeches in parliament in 1866 and 1867 are still a powerful criticism of democracy when read today. Arguably his violent, often offensive, mode of expression and his unerring ability to make political enemies disguised the fact that in many ways it was Lowe who was the mainstream liberal thinker of his time; it was he who retained the liberal's distrust of state action as an interference with liberty. Perhaps the tendency Lowe's utterances had to antagonize by the use of the most astringent language may even have concealed the logical force of his arguments. If a balanced picture of Robert Lowe is to be presented, it must therefore show that his ideas and attitudes were not especially unusual amongst his contemporaries. The only thing that was unusual was the force and urgency with which he expressed them. Lowe

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<sup>154</sup> For an account of reform of the franchise in the 20<sup>th</sup> century see: John Curtice, "The Electoral System," in: Vernon Bogdanor (ed.), *The British Constitution in the Twentieth Century*, Oxford, 2003, pp483-520.

needs to be assessed in the light of the times in which he lived, rather than condemned by the democratic assumptions of the present. To do so might even bring some of those assumptions into a clearer - and more critical - light.

**Part One:  
The Education of a Mid-  
Victorian Liberal.**

**Chapter One:  
A Conventional Schooling  
and its Unconventional  
Outcome.**

The contemporaries of Robert Lowe thought him one of the most intelligent men of his day. After his death, Lowe's friend Benjamin Jowett, the Master of Balliol College, wrote to Lady Sherbrooke recalling that "when he was in his full vigour he was the best conversationalist in London, so rapid, so full of fancy, and so copious in information. Dean Milman said to me, 'No man brings more good literary talk into society than R. Lowe.' He was the life of a country-house."<sup>1</sup> A contemporary of Lowe at Oxford remembered him as "the cleverest man I have ever read with."<sup>2</sup> Walter Bagehot, although critical of his performance in high office, admitted that Lowe "cannot help being brilliant... Being almost unable to read books with his own eyes<sup>3</sup>, he knows more about books than almost anyone who has eyes. A wonderful memory, and an intense wish to know the truth, have filled his head with knowledge..."<sup>4</sup> Lady Burghclere, in the introduction to her edition of the letters of Lowe's friend, Lady Salisbury noted his "eloquence, brilliant scholarship, wide knowledge, [and] an intimate and loving acquaintance with English literature."<sup>5</sup> Elsewhere, she described Lowe as "one of the massive intellects of his generation."<sup>6</sup> A short, tongue-in-cheek but sympathetic profile in *Vanity Fair* speculated that Lowe might become Prime Minister and described him as "a man of vast learning, of great ability, and of equally great ambition."<sup>7</sup>

The sources of Lowe's education are difficult to identify. His most recent biographer, Robert Winter, wrote that he "had read and absorbed the works of Locke, Ricardo, Malthus, McCulloch, and Bentham, and he had carefully considered the counter-arguments put by Hegel, Carlyle, Coleridge, Matthew Arnold, and Alfred Marshall." Yet, Winter did not refer to any sources for this

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<sup>1</sup> Jowett to Lady Sherbrooke, 1893. E. Abbot and L. Campbell, *The Life and Letters of Benjamin Jowett*, 3<sup>rd</sup> Edition, 2 vols, London, 1897, vol.2, p416.

<sup>2</sup> James Pycroft, *Oxford Memories, a retrospect after fifty years*, 2 vols, London, 1886, vol. 1, p73.

<sup>3</sup> As a consequence of his albinism Lowe had famously bad eyesight. In old age he eventually went completely blind. For a description of Lowe's eye condition, see below p47.

<sup>4</sup> Bagehot, "Mr. Lowe as Chancellor of the Exchequer," pp352-3.

<sup>5</sup> Lady Burghclere, *A Great Lady's Friendships: Letters to Mary, Marchioness of Salisbury, Countess of Derby, 1862-1890*, London, 1933, p27.

<sup>6</sup> Lady Burghclere, *A Great Man's Friendship: Letters of the Duke of Wellington to Mary, Marchioness of Salisbury, 1850-1852*, London, 1927, p35.

<sup>7</sup> "Statesmen, no.4: The Right Honourable Robert Lowe," *Vanity Fair*, 27<sup>th</sup> Feb. 1869.



observation.<sup>8</sup> In all probability, he simply drew the appropriate inferences from the evidence of the breadth of Lowe's interests and the views contained in his writings and speeches. The only author which Lowe's "chapter of autobiography," a reminiscence of his early life, confirmed that he had read was Sir Walter Scott. Indeed, the young Robert Lowe seems to have been something of an enthusiast for Scott's works. "I enjoyed the privilege and delight of reading all the writings of the author of *Waverley* after the *Heart of Mid-Lothian* as they came out."<sup>9</sup> Later, Lowe alluded to various writers whom he had read: Adam Smith, Bentham, David Ricardo, John Stuart Mill, de Tocqueville, and Wordsworth. Regrettably, however, Lowe did not leave any records of his reading or of his intellectual development. Neither did he suggest any intellectual influences other than Bentham and Adam Smith. In the brief "chapter of autobiography," written late in life for the benefit of his biographer, he was disdainful of the idea of keeping personal records. He wrote: "I never was able to understand the use of keeping accounts or keeping a journal."<sup>10</sup>

But about one thing, we can be clear. Lowe did not attribute his later eminence to the excellence of the instruction which he had received during his formal education at Winchester and Oxford. In later years he would entertain dinner companions with stories of the harshness of life at Winchester in the 1820s. According to Jowett:

Lord Sherbrooke used to give ludicrous descriptions of the sufferings which he and other boys had endured at Winchester; in the narration of them I have heard him set the table in a roar. Whether these tales were strictly true, or merely the afterthoughts of an over-sensitive nature about an old-fashioned place of education, I cannot tell."<sup>11</sup>

Others had similar experiences. Sir Thomas Farrer dined with Lowe, Roundell Palmer, Edward Cardwell and others during the eighteen-fifties. Farrer wrote

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<sup>8</sup> Winter, *Robert Lowe*, Introduction, xii.

<sup>9</sup> Lowe, "Autobiography," p1.

<sup>10</sup> Lowe, "Autobiography," p3.

<sup>11</sup> Benjamin Jowett, "A Memoir of Robert Lowe, Viscount Sherbrooke," reprinted in: Martin, *Robert Lowe 2*, p486.

to A.P. Martin recalling the occasion. "The talk fell on Winchester, and it was characteristic of the men that Roundell Palmer, with true *esprit de corps*, stood up stoutly for his old school; while the others, and especially Lowe and Cardwell, abused it as a coarse, brutal, cruel school."<sup>12</sup> Of those twin pillars of English Public School life, fagging and prefects, Lowe subsequently wrote that "if servants are wanted they ought to be supplied from some other source than the junior scholars, and if more masters are wanted they ought to be supplied from some other source than the senior boys."<sup>13</sup>

After Winchester Lowe went up to Oxford. Jowett remembered that "he was fond of talking of his college days, but had not equally pleasant recollections of school."<sup>14</sup> Greatly preferable though he found the life at Oxford, he was highly critical of the education he received there. In a *Times* leader in 1856, Lowe wrote that the state of the University was "not so cheering to the statesman, who hopes to find in this ancient University the nucleus of an education adapted to the necessities of modern society." Despite some recent reforms, Lowe still described Oxford as a place which "casts the shadow of the Middle Ages far into the level lands of the nineteenth century, and dwells among us as a colony of the half-forgotten time before Melancthon wrote or Luther preached."<sup>15</sup> In Lowe's opinion the instruction available in Oxford left much to be desired. Still, he took a First in classics but insisted that he "had not the slightest assistance from the tutors."<sup>16</sup>

By common consent, then, Lowe was one of the cleverest and most well-read men of his age. But if his formal education had been inadequate, how had he managed to acquire such colossal learning? Part of the solution may lie in his peculiar childhood. The early years of Lowe's education were governed by his physical disability, his innate intellectual capacities, and the remarkable

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<sup>12</sup> Martin, *Robert Lowe*, 1, p72

<sup>13</sup> Lowe, "Autobiography," p12.

<sup>14</sup> Benjamin Jowett, "A Memoir of Robert Lowe," in: Martin, *Robert Lowe*, 2, p486.

<sup>15</sup> *The Times*, 11<sup>th</sup> March 1856, p9.

<sup>16</sup> Lowe, "Autobiography," pp21-2. For a more detailed assessment of teaching methods at the University during this period see: M.C. Curthoys, "The Unreformed Colleges", in : M.G. Brock and M.C. Curthoys (eds.), *The History of the University of Oxford, Vol. 6, Nineteenth-Century Oxford, part 1*, Oxford, 1997, chapter 4, pp146-173.

talents of his parents. He came from an educated clerical family in favoured circumstances. His father, also Robert, was Rector of the parish of Bingham in Nottinghamshire. Lowe's mother was also from clerical stock, being the daughter of the Reverend Reginald Pyndar, Rector of Madresfield, near Malvern. The Rev. Robert Lowe and his wife had six children. Young Bob was the second son. Like his elder sister Elizabeth, Robert junior, born on the 4<sup>th</sup> of December 1811, was an albino. He was therefore rather an odd looking boy with white hair from birth. As a young man this caused him, on more than one occasion, to be taken for a man considerable older than he actually was. Another consequence of albinism was that he had pink eyes which were extremely sensitive to light. "The eyelids," Lowe explained, "must always be nearly closed, and so I have never been able to enjoy the luxury of staring anyone full in the face." The lack of pigment in his eyes was compounded by the malformation of one eye. This was consequently "unavailable for reading." Moreover, he also suffered from the extreme hypermetropia of the other eye, which Lowe thought probably came to a focus somewhere near the back of his head. As a result, he wrote that "I began life, in fact, very much in the state of persons who have been couched for cataract, with the two additional disqualifications that I had only one eye to rely upon, and that had no *pigmentum nigrum* to protect it."<sup>17</sup>

Not surprisingly Lowe's family, in particular his mother, regarded him as a delicate child and was inclined to try to protect him from the world's dangers. "I was six years old before any attempt was made to teach me my letters," he recalled; indeed "my progress was so slow that I was eight years old before I began the great business of life – in other words, entered on the study of the Latin Grammar." When the question of young Robert's education arose, "my mother was of opinion I was quite unfit to be sent to school, and that there was no chance for me in the open arena of life." Accordingly it was not until 1822, when Lowe was already ten years old, that he was sent to a school in

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<sup>17</sup> Lowe, "Autobiography," pp4-5.

Southwell. He attended this establishment for two years, followed by a further year at another school in Risley.<sup>18</sup>

But it was not merely the influence of his mother in restraining his participation in the usual activities of boyhood which influenced the mind of the young Lowe. He also had the example of his father. The Reverend Mr. Lowe seems to have been an exceptional clergyman for his time. True, his favourite pastime was hunting but he was no Tory foxhunter. Indeed, he was something of a social reformer.<sup>19</sup> He was one of the first to establish a workhouse in his parish along the same lines as those envisaged by the 1834 Poor Law Amendment Act. This he did in 1818. Indeed, the Rector of Bingham claimed to be the innovator of the workhouse system for dealing with pauperism. In a letter to a rival claimant for this honour, his kinsman the Rev. J.T. Becher, Vicar of Southwell, Lowe senior defended his own claims. He informed his clerical colleague that "the system of forcing independence on paupers by means of a workhouse was begun at Bingham and afterwards introduced at Southwell."<sup>20</sup> One of the Overseers of the parish of Southwell, Sir George Nicholls, in *Eight Letters on the Management of the Poor, by an Overseer*, also credited the system to the Reverend Lowe.<sup>21</sup> The report upon which the new Poor Law was based acknowledged that Mr. Lowe had adopted the principle of "rendering it more irksome to gain a livelihood by parish relief than by industry."<sup>22</sup> The work of Lowe senior and Becher influenced the Royal Commissioners looking into the Poor Law. They noted with approval that Mr. Lowe had:

Devised means for rendering relief itself so irksome and disagreeable that none would consent to receive it who could possibly do without it... For this purpose he... refused all relief in kind or money, and sent every applicant and his family at once into the workhouse... But the applicant who entered the workhouse "on the plea that he was starving for want of work" was taken at his word, and told that these luxuries and benefits could only be given by the

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<sup>18</sup> *ibid*, p7.

<sup>19</sup> Adelaide L. Wortley, *A History of Bingham*, Oxford, 1954, pp53-4.

<sup>20</sup> Martin, *Robert Lowe* 1, pp48-9.

<sup>21</sup> Karl de Schweinitz, *England's Road to Social Security*, London, 1943, pp121-2.

<sup>22</sup> S.G. & E.O.A. Checkland (eds.), *The Poor Law Report of 1834*, Harmondsworth, 1974, p338.

parish against work, and in addition that a certain regular routine was established, to which all inmates must conform. The man goes to one side of the house, the wife to the other, and the children into the school-room. Separation is steadily enforced. Their own clothes are taken off, and the uniform of the workhouse put on. No beer, tobacco, or snuff is allowed. Regular hours are kept or meals forfeited. Every one must appear in a state of personal cleanliness. No access to bed rooms during the day. No communication with friends out of doors. Breaking stones in the yard by the grate, as large a quantity required every day as an able bodied labourer is enabled to break...<sup>23</sup>

Although the Lowe family was not directly connected with any of the great Whig houses, the Rector of Bingham was considered to be a man of progressive, Whig opinions. His views may indeed have been progressive. But they were not especially compassionate. The man who devised "the system of forcing able-bodied paupers to provide for themselves through the terror of a well-disciplined workhouse"<sup>24</sup> had a low opinion of the labouring population. In 1837, according to the local historian, he "described the labourers of Bingham as idle, mischievous, and profuse."<sup>25</sup> As a clergyman, the elder Lowe was emphatically a man of reason. An ancient stone circle in his parish was still used annually on Shrove Tuesday as the focus of a procession and ceremony with pre-Christian origins. He sold the stones for roadmaking and thereby put a profitable end to superstition.<sup>26</sup> Lowe's official biographer described Lowe senior as a man who "like his famous son... was an independent thinker and a social reformer; yet withal an intrepid upholder of law and order and a strong hater of the domination of the unfit."<sup>27</sup>

The commencement of any formal education having been delayed, the young Robert Lowe found that he had many idle hours to spend. With his poor eyesight denying many physical recreations to him he had ample opportunity for reading. Precisely that activity which his disability made hardest was the one he pursued most avidly. Of his boyhood he wrote that as "I did not shine as a playfellow... reading, which had been my great difficulty, became my

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<sup>23</sup> de Schweinitz, *Englands Road*..., pp121-2.

<sup>24</sup> Martin, *Robert Lowe 1*, pp48-9.

<sup>25</sup> Wortley, *A History of Bingham*, p29.

<sup>26</sup> *ibid*, p54.

<sup>27</sup> Martin, *Robert Lowe, 1*, p48.

great pleasure."<sup>28</sup> A.P. Martin quoted an anonymous manuscript source, *Prebendary Lowe and his family at Southwell*, which recalled a scene from Lowe's boyhood.

Long ago we remember, in the old vicarage drawing room... examining the face of a tall boy on the verge of manhood, who sat in a corner, with his face towards the wall, in a room which, though lighted up for company, was dim then in comparison with the lights of the present, and saw with wonder that in the almost darkness, the object of our curiosity was deeply engaged in a book he was reading. That boy was the present Lord Sherbrooke.<sup>29</sup>

Not being particularly adept at physical activities Lowe found that he "had a great wish for knowledge of all kinds. I learnt from my mother and aunts a little French and Italian, and I had a great desire to learn mathematics."<sup>30</sup>

Before embarking upon his school and university career, the young Robert Lowe had therefore been able to observe the social reforming inclinations of his father. Additionally, his disability made his parents wary of submitting him to the rigours of Public School at too tender an age. Combined with an inaptitude for physical pursuits, this had left him free to read. This freedom Lowe exploited to the full. Even before leaving for Winchester the pursuit of knowledge had become his chief activity. Typically, that which his disability made most difficult, was the activity which Lowe pursued most ardently.

Eventually, in September 1825, the thirteen year old Robert Lowe was packed off to Winchester. Early nineteenth-century public schools were notoriously austere places.<sup>31</sup> Indeed, they may have been worse than they were in the eighteenth-century. One historian has noted that "the most significant difference... between pre- and post-French revolutionary school life [was the] legalizing and regularizing of the prefect-fagging system. By 1820 or so, the system had become almost the basic means of government and education at

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<sup>28</sup> Lowe, "Autobiography," p7.

<sup>29</sup> Martin, *Robert Lowe*, 1, p55.

<sup>30</sup> Lowe, "Autobiography," p13.

<sup>31</sup> Lowe was at Winchester before the reforms which took place in the public schools, usually associated with the name of Thomas Arnold. Arnold became Headmaster at Rugby in 1829. See John Chandos, *Boys Together*, London, 1984, *passim*.

a public school.”<sup>32</sup> Certainly by the time that Lowe entered Winchester, “a Public School now referred almost exclusively to the group of boys who went to it... if the boys were the important factors in the school previously, now they virtually were the school.”<sup>33</sup> They were, effectively, self-governing communities of the boys in which the few masters (by today’s standards) largely forbore to interfere.<sup>34</sup>

But they were coming under increasing criticism. Some of the things which went on in the schools were thought barbaric; or anyway scarcely conducive to an effective, well-rounded education. “Fagging, boy-government, corporal punishment, unsupervised social liberty, the monopoly of the classics,” were more and more subjected to adverse comment.<sup>35</sup> A good deal of the growing disapprobation was initiated by an Old Wykehamist, the Reverend Sydney Smith. His articles in the *Edinburgh Review* (including a review of one of his own books, *Remarks on the System of Education in Public Schools*) attacked many aspects of the Public Schools.<sup>36</sup> Of fagging and the system of government through the prefects, Smith observed that “every boy is alternately tyrant and slave.” As to education, he “[could not] think Public Schools favourable to the cultivation of knowledge; and we have equally strong doubts if they be so to the cultivation of morals.”<sup>37</sup> Smith’s friend and colleague, Henry Brougham, also took up the case of these errant establishments. Following his election to Parliament in 1816, he managed to persuade a Select Committee to stretch its terms of reference to include the Public Schools. He even drafted a Bill to bring the schools under government control.<sup>38</sup>

Winchester adhered to its ancient traditions with great determination. In

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<sup>32</sup> E.C. Mack, *Public Schools and British Opinion, 1780-1860*, London, 1938, pp82-3.

<sup>33</sup> *ibid*, p75.

<sup>34</sup> Chandos, *Boys Together*, pp30-1.

<sup>35</sup> Chandos. *Boys Together*, p37.

<sup>36</sup> London, 1810.

<sup>37</sup> *Edinburgh Review*, 1810. Reprinted in: Sydney Smith, *The Works of the Rev. Sydney Smith*, London, 1869. pp207-213.

<sup>38</sup> Chandos, *Boys Together*, pp36-40.

Lowe's time, the Warden<sup>39</sup> of the school was the aged Bishop Huntingford of Hereford. His watchword was said to have been "no innovation."<sup>40</sup> An Old Wykehamist who sympathized with this conservative attitude of mind observed of the Bishop that "his rule of Winchester College was a long and prosperous one; and as long as it lasted he was able to carry out his favourite maxim."<sup>41</sup> One nineteenth-century educational historian observed that the "years have worked fewer changes at Winchester than at any other of our public schools."<sup>42</sup> As late as the 1860s, the Royal Commission which enquired into the Public Schools noted that "custom and tradition have always possessed great power at Winchester, and the progress of change has been slow."<sup>43</sup> Moreover, some of its habits long survived any useful purpose which they might once have had. In Lowe's time it was still the custom for the news of a vacancy at New College, Oxford (also founded by William of Wykeham and with which Winchester College was closely associated) to be brought to the school on foot by a so-called "speedyman." For his pains he was liberally refreshed with college beer. But the news which he brought had long since arrived at the school through more up-to-date means and the senior scholar was already preparing for his translation to New College. Nonetheless, "with the charming and reverent spirit of conservatism, which in those days ruled all things at Winchester, 'speedyman' made his journey on foot all the same!"<sup>44</sup>

For a boy like Lowe, with his visual disability and unusual physical appearance, life in a society of schoolboys was difficult. He later took a resigned view of his physical disadvantages and wrote that "for the purposes of relieving the weary hours of enforced society I was invaluable. No one was so dull as to be unable to say something rather smart on my peculiarities, and

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<sup>39</sup> At Winchester, the Warden was a prominent person who had general oversight of the school and responsibility for ensuring that the terms of the school's foundation were adhered to.

<sup>40</sup> T.A. Trollope, *What I Remember*, New York, 1888, p93.

<sup>41</sup> *ibid*, p93. For an account of the unreformed Public Schools see: Chandos. *Boys Together*. For the Winchester of Lowe's time see pp110-15 in particular. For a more detailed study of Bishop Huntingford's wardenship of Winchester see: Alan Bell, "Warden Huntingford and the old Conservatism," in Roger Custance (ed.), *Winchester College: Sixth-centenary Essays*, Oxford, 1982, chapter 10, pp351-374.

<sup>42</sup> W.L.C., *The Public Schools: Winchester – Westminster – Shrewsbury – Harrow – Rugby: Notes of their History and Traditions*, London, 1867, p54.

<sup>43</sup> Public Schools Commission Report, *Parliamentary Papers*, 20, 1864, p138.

<sup>44</sup> Trollope, *What I Remember*, pp69-70.



my short sight offered almost complete immunity to my tormentors.”<sup>45</sup> In later years he recalled the harshness of the life at Winchester and his own fortitude in surviving it.

This was a most important epoch of my life; ...a public school to a person labouring under such disabilities as I did was a crucial test under any circumstances, and Winchester, such as it was in my time, was an ordeal which a boy so singular in appearance. And so helpless in some respects as I was, might well have trembled to encounter.<sup>46</sup>

But Lowe was not the only boy to be bullied at Winchester. Another who was so unfortunate as to be singled out was the young Anthony Trollope. His father’s straitened financial circumstances meant that bills were left unpaid “and the school tradesmen who administered to the wants of the boys were told not to extend their credit to me.” The young Trollope “became a pariah” in consequence and suffered, as did Lowe, from “the nature of boys to be cruel.”<sup>47</sup>

There was no superior “authority to which the bullied Lowe or Trollope could appeal in the 1820s and 1830s. Trollope later wrote that “I suffered horribly! I could make no stand against it. I had no friend to whom I could pour out my sorrows.”<sup>48</sup> For the day-to-day enforcement of discipline was almost entirely in the hands of the senior boys – the Prefects. At Winchester “there were twelve Praefects in Commoners, who had the right of fagging all the rest except those in the class immediately below them, (called senior part the fifth) who were exempt...”<sup>49</sup> Lowe entered Winchester at a comparatively advanced age and therefore avoided being too greatly subjected to the indignity of fagging. This did not, however, endear him to the practice. Eventually, Lowe himself (and his friend Roundell Palmer) joined the prefectorial ranks and consequently became responsible for discipline among the junior “commoners.” Lowe described the duties of a Commoner Prefect at

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<sup>45</sup> Lowe, “Autobiography,” p9.

<sup>46</sup> Lowe, “Autobiography,” p7.

<sup>47</sup> Anthony Trollope, *Autobiography*. London, 1950, p9.

<sup>48</sup> *ibid*, p9.

<sup>49</sup> R. B. Mansfield, *School Life at Winchester College*, 3<sup>rd</sup> Edition, London, 1893, p34.

Winchester as follows.

Thus I found myself at the mature age of sixteen invested with infinitely more power, with infinitely less control, than I have ever had since. A stick was put into my hand, and I had to walk up and down the hall and keep silence by applying the said stick to the back of any boy whose voice or conduct disturbed the silence of 130 boys.<sup>50</sup>

It was during Lowe's time as a Prefect that there was a "fags revolt" by the younger boys against prefectorial discipline. The particular target of this revolt was the senior Prefect, William George Ward; later to engage with Lowe in an exchange of pamphlets during the *Tract XC* controversy at Oxford.<sup>51</sup> Both Roundell Palmer and Ward's biographer attributed this insurrection to the fact that the prefects at that time, taken as a group, were not among those who excelled on the sports field. They did not therefore command as much respect among the "inferiors" as a more athletically inclined set of prefects might have done.<sup>52</sup> The ultimate response of Lowe's fellow prefects to the rebellion was a relaxation of discipline. This offended Lowe who saw the dangers of allowing the line to bend and held out for continued strict enforcement of the rules. "If I could have persuaded myself that there was any generosity in it I might have yielded, but I was perfectly aware that any relaxation of the reins would be imputed to fear, and to that I could not bring myself to consent."<sup>53</sup>

Lowe also seems to have been a strict fagmaster. Benjamin Disraeli's brother, James, had been Lowe's fag at Winchester. According to his more illustrious brother, James D'Israeli said of Lowe that "no one knew what a bully was till

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<sup>50</sup> Lowe, "Autobiography," p11.

<sup>51</sup> W.G. Ward (1812-1882) became a disciple of John Henry Newman at Oxford and a prominent member of the Oxford, or Tractarian, Movement. He nevertheless took Anglican orders in 1838 as a Deacon, and in 1840 as a Priest. However, in 1845 he defected to Rome following the publication of his most important work, *The Ideal of a Christian Church* (1844), which advocated the submission of the Anglican Church to Rome. For accounts of the Oxford Movement see: Owen Chadwick, *The Victorian Church, Part One: 1829-1859*, 3<sup>rd</sup> edition, London, 1971, chapter 3, pp167-231; Geoffrey Faber, *Oxford Apostles*, London, 1933; R.W. Church, *The Oxford Movement: Twelve Years 1833-1845*, London, 1892.

<sup>52</sup> Wilfrid Ward, *William George Ward and the Oxford Movement*, London, 1889, p17. Roundell Palmer, *Memorials: family and personal, 1766-1865*, 2 vols, London, 1896, vol.1, p97; Chandos, *Boys Together*, pp101-2.

<sup>53</sup> Lowe, "Autobiography," p12.

he knew *him*.”<sup>54</sup> Although Disraeli was not a completely impartial witness where Lowe was concerned, the story does have a ring of truth. In any case, cruelty by fagmasters was not uncommon and to some extent both expected and accepted. The young Anthony Trollope’s tormentor was his own brother; who was “of all my foes, the worst. In accordance with the practice of the college, which submits... much of the tuition of the younger boys to the elder, he was my tutor; and in his capacity of teacher and ruler, he had studied the theories of Draco.”<sup>55</sup> Looking back decades later, R.B. Mansfield, another Old Wykehamist, recalled “the monstrous system of fagging... and the atrocities therewith connected.”<sup>56</sup> He also observed that since his time at the school “among the more beneficial changes... [had been] the amelioration of the fagging system.”<sup>57</sup> Indeed, “fagging,” although it had many influential defenders, including Thomas Arnold, was increasingly criticised in some sections of the press.<sup>58</sup>

As at other public schools, there were two classes of pupil at Winchester. The “Scholars,” numbering about seventy in all, attended the school according to the terms of the foundation. More numerous were the “Commoners.” In the 1820s, there were approximately one hundred and thirty of them. But this number could, and did, vary considerably.<sup>59</sup> In many public schools the scholars, supposedly poorer boys being freely educated thanks to the munificence the schools’ founder, were the social inferiors of those whose fathers were paying for their education. At Winchester, that distinction of status was not so sharp. Certainly, any intention of the founder to favour impecuniousness as a qualification for a scholarship had been eroded. The Royal Commission found that the competition for scholarships at Winchester was one in which “no boy has yet been excluded... on the ground of comparative affluence.” No enquiries were made respecting the circumstances of applicants and “neither does it appear that the *ceteris*

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<sup>54</sup> Robert Blake, *Disraeli*, London, 1966, p441.

<sup>55</sup> Trollope, *Autobiography*, p8.

<sup>56</sup> Mansfield, *School Life at Winchester College*, p19.

<sup>57</sup> *ibid*, p18.

<sup>58</sup> Chandos, *Boys Together*, pp102-4.

<sup>59</sup> There were only 65 in 1856. W.L.C., *The Public Schools*, p29; *Public Schools Commission Report*, p139.

*paribus* preference in favour of poverty has been acted upon.”<sup>60</sup> This was a surprise to T.A. Trollope, who discovered upon being translated from Harrow to Winchester that by comparison,

There was no trace of any analogous feeling, no slightest arrogation of any superiority, social or other, on the part of the commoner over the collegian. In fact the matter was rather the other way; any difference between the son of the presumably richer man, and the presumably poorer, having been merged and lost sight of entirely in the higher scholastic dignity of the college boy.<sup>61</sup>

The Public Schools Commission concluded in 1864 that the situation of the Winchester scholar was “undoubtedly a very advantageous one.” Specifically, he was “well boarded, lodged, and educated.” Compared with a boy in “commoners” the Commission thought that “his position is equal, and in his own estimation superior.”<sup>62</sup> Scholars also enjoyed an advantage from the School’s connection with New College, Oxford, which elected its fellows exclusively from their ranks. Consequently, “there was a great competition” to become one of these scholars and to enjoy the associated privileges.<sup>63</sup> To select those who were to become scholars and in order to conform to the terms of William of Wykeham’s original foundation, there had to be an examination. This was a formality in which the candidate was coached beforehand as to precisely what to say and how to behave. Roundell Palmer described the procedure. “Each candidate had to construe a few lines in some Greek or Latin book, in which he was prepared, and to say ‘All people that on earth do dwell’ (without any pretence at intonation), in reply to an enquiry whether he could sing.” With that, the examination was over. But the conduct of this examination had no bearing on the candidate’s success or failure. One candidate for a scholarship, T.A. Trollope, referred to it as the mere “*simulacrum*” of an examination.<sup>64</sup> In order to gain free admittance to the school as a scholar, the boy’s father needed some influence with the six

<sup>60</sup> *Public Schools Commission Report*, p137.

<sup>61</sup> Trollope, *What I Remember*, p54. Chandos, *Boys Together*, p73.

<sup>62</sup> *Public Schools Commission Report*, p139.

<sup>63</sup> Mansfield, *School Life at Winchester College*, p28.

<sup>64</sup> Palmer, *Memorials*, 1, p85; Trollope, *What I Remember*, p68; Charles Wordsworth, *Annals of my Early Life, 1806-1846*, London, 1891, pp218-9; Mansfield, *School Life at Winchester College*, p177.

“electors” by whom they were chosen.<sup>65</sup> As it turned out, Trollope’s father did have a personal connection with one of the electors and so he became a scholar. Palmer’s father was less fortunate and so the young Roundell joined the ranks of the commoners.

Notwithstanding the privileged status of the Winchester Scholars, both they and the Commoners “rose at the same hour, attended chapel, used the school, and went on to Hills together.” But in most other respects, they lived almost separate lives.<sup>66</sup> The two groups, Scholars and Commoners, were distinguished “by a distinct *esprit de corps*.”<sup>67</sup> They were also governed by their own sets of Prefects and had different private schoolboy languages. For example, to a Scholar Prefect those beneath him in the school were “juniors.” To the Commoner Prefect, the younger boys over whom he held sway were classed as “inferiors.” The domestic arrangements of the two groups were almost entirely separate. The Commoners were “little more than the private boarders of the head-master, attending the regular lessons of the school in company with the boys on the foundation, and amalgamated with them as far as school classification and school work are concerned.” The Scholars, on the other hand, were under the domestic superintendence of the Second Master.<sup>68</sup> The sleeping arrangements of the two groups were separate. Scholars and Commoners ate separately and were nourished very differently.

Lowe’s father made no attempt to have his son admitted as a scholar and so the young Robert entered the school as a “Commoner.” The conditions which he endured at Winchester were primitive. Palmer explained that “the Commoners... were in almost all respects worse off than the College boys.”<sup>69</sup> In later years, Lowe retrospectively summed up the different conditions for college boys and commoners. “The collegers,” Lowe wrote:

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<sup>65</sup> These were: the Warden of New College, Oxford, the Warden of Winchester College, two Fellows of New College, The Headmaster, and the sub-Warden of Winchester College. Answer by the Warden (the Reverend Godfrey B. Lee) to printed questions. *Public Schools Commission Report*, p184.

<sup>66</sup> Mansfield, *School Life at Winchester College*, p35.

<sup>67</sup> Charles Wordsworth, *Annals of my Early Life*, p175.

<sup>68</sup> W.L.C., *The Public Schools*, p49.

<sup>69</sup> Palmer, *Memorials 1*, p91.

Were well lodged and fed, had an excellent playground, and the run of the schoolroom when the masters were out of it. In commoners things were very different; the bedrooms were shamefully crowded, there was a very small court – reference being had to the number of boys who were shut up in it – there was a hall of very moderate dimensions, considering that in it we lived, studied, and had our meals...<sup>70</sup>

Lowe described “miserable quarters” for living, eating, sleeping and studying. Palmer’s account of life at Winchester confirmed Lowe’s impressions. “The Commoners... were all crowded together in a large eighteenth-century brick building like a barrack, wholly destitute of architectural pretension, and of Spartan simplicity in all its arrangements.”<sup>71</sup> In Lowe’s recollection, the boys were expected to be down at 6.00 a.m. in summer and 6.45 a.m. in winter; and in school from 7.30 to 10.00 a.m. Only then was breakfast taken. This consisted of “bread as much as we could eat, a pat of butter each, and one pail of milk among 130 boys.” If, as sometimes happened, the pail of milk was upset during the daily scrummage to obtain a jugful, there was no milk for breakfast. Generally, the fare seems to have been very frugal. So much so that Lowe observed, “our pocket money, as long as it lasted, went in buying the food with which we ought to have been supplied.”<sup>72</sup> In fact, the only item of consumption which seems to have been freely and liberally supplied was beer.<sup>73</sup> If the food was inadequate, the mealtime arrangements were also poor. According to Palmer:

Our meals were not well managed. The breakfast hour was too late... after a long lesson in school which followed immediately upon morning chapel. The hour for rising was early. The dinner hour was too soon after the visits naturally paid to the pastrycook or the fruiterer during the one hour of freedom which immediately preceded it.”<sup>74</sup>

T.A. Trollope recalled that “we used to breakfast at ten, after morning school, on bread-and-butter and beer, having got up at half-past five, gone to chapel

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<sup>70</sup> Lowe, “Autobiography,” pp7-8.

<sup>71</sup> Palmer, *Memorials*, 1, p91. The building was demolished in 1839-41 and replaced by a new one.

<sup>72</sup> Lowe, “Autobiography,” p8.

<sup>73</sup> Trollope, *What I Remember*. p70.

<sup>74</sup> Palmer, *Memorials*, 1, pp93-4.

at half-past six, and into school at half-past seven.”<sup>75</sup> But both T.A. Trollope and his younger brother, Anthony, were so fortunate as to belong to the privileged class of “Scholars.” Judging from the description the elder gives of the seemingly endless consumption of beef, mutton and plum puddings; they appear to have been adequately fed.<sup>76</sup> Another contemporary scholar, R.B. Mansfield, noted that for the junior scholar “there was ample food supplied by College, the opportunity of eating it only failed.”<sup>77</sup>

If the sleeping and eating arrangements left much to be desired, and the governance and discipline of the school could be arbitrary and brutal, then the conditions in which the more studious boy could read and work were also difficult. It is significant that in his remarks upon the life he led at Winchester, Lowe made little mention of the actual education which he received. He recalled that “we were... never alone by day or by night”<sup>78</sup> while Palmer noted that “there were then no class-rooms, and except that for the six senior praefects, there were no studies.” The only recourse for a boy who wished to prepare his lessons, was the dining hall where all meals were taken. This was far from ideal.

It was not well lighted, nor was it remarkable for sweetness or cleanliness; and except at certain hours... every kind of amusement, noise, and disturbance went on there, especially in wet or cold weather. It was the only sheltered place where the mass of Commoners could congregate within the walls, when driven by stress of weather from the open court or quadrangle.<sup>79</sup>

Put another way, those who wished to acquire an education in the Winchester of the 1820s virtually had to teach themselves – or each other. Lowe and Palmer, the future Cabinet ministers, were placed next to each other and stimulated each other academically. Until Lowe departed for Oxford in the summer of 1829, they always sat together at lessons. For much of Lowe’s

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<sup>75</sup> Trollope, *What I Remember*, p70.

<sup>76</sup> *ibid*, pp70-1.

<sup>77</sup> Mansfield, *School Life at Winchester College*, p90.

<sup>78</sup> Lowe, “Autobiography,” p9.

<sup>79</sup> Palmer, *Memorials*, 1, p92.

time at Winchester he and Palmer slept in the same room. Of his relationship with Lowe at Winchester, Palmer remembered that:

It was fortunate for me that I had the stimulus of a close competition with Lowe,- ambitious, like myself, and possessed of powers which were afterwards to be displayed upon a wider field. A successful rivalry with him was not possible without effort, and the effort was constantly made. We did not always agree... but our friendship did not suffer upon the whole because we sharpened each other's wits.<sup>80</sup>

It was perhaps fortunate for both Lowe and Palmer that they had the motivation of competition with one another. Ambition and "a useful and always friendly rivalry"<sup>81</sup> had to take the place of instruction. But Palmer and Lowe were the exceptions. T.A. Trollope, in his own estimation, "left Winchester a fairly good Latin scholar, and well grounded... in Greek; and very ignorant indeed of all else."<sup>82</sup> As late as 1864, the Clarendon Report on the Public Schools concluded that the state of knowledge of the classics, English, mathematics and "general information" in young men leaving the public schools for Oxford or Cambridge remained lamentably poor. The reason for this, the Commission suggested, was that much time was wasted, "either from ineffective teaching, from the continued teaching of subjects in which they cannot advance, or from idleness, or from a combination of these causes."<sup>83</sup> On the other hand, the Commissioners admitted that "boys who have the capacity and industry enough to work for distinction, are, on the whole, well taught, in the article of classical scholarship, at the public schools."<sup>84</sup>

Largely through his own efforts, Lowe acquired sufficient learning to pass from one deeply conservative institution to another. After Winchester he was translated to Oxford, arriving at University College in October 1829. He seems to have found the change refreshing. Conditions at Winchester had not always been to his liking. Oxford, on the other hand, seems to have been far

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<sup>80</sup> Palmer, *Memorials*, 1, pp69-70.

<sup>81</sup> Palmer, *Memorials*, 1, pp69-70.

<sup>82</sup> Trollope, *What I Remember*, p101.

<sup>83</sup> *Public Schools Commission Report*, p26.

<sup>84</sup> *ibid*, p26.



more congenial. Indeed, the severity of the life at Winchester can perhaps best be appreciated from the contrast which Lowe noted between the school and Oxford. "The change from Winchester to Oxford was delightful. It was a change from perpetual noise and worry to quiet, from imprisonment to freedom, from an odious pre-eminence to a fair and just equality."<sup>85</sup> Palmer agreed with him on the benefits of the change. It "was like a new beginning of life. The liberty and independence, the refinement amounting to luxury, the society, the intellectual atmosphere, the higher tone of opinion and feeling, were all delightful." Along with Palmer, Lowe also found W.G. Ward (who also found the change "congenial") and, shortly thereafter, Edward Cardwell among the Wykehamists of his acquaintance at Oxford.<sup>86</sup>

Lowe remained at Oxford from 1829 until 1840. He was successively an undergraduate, a private tutor and a Fellow of Magdalen; then, latterly a private tutor once again. The Oxford of the 1830s was not a place of unbounded academic excellence. Indeed, it was not really a university in the modern sense of the word; that is, an institution where original, scholarly research is routinely carried out. Nor was it, for that matter, an institution dedicated to the instruction of its undergraduates. One historian has said that:

In the eyes of liberals, the state of the university at large was peculiarly odious. To them it seemed that the role of the University of Oxford was simply to repress liberalism, Romanism, and serious intellectual activity among the Anglican clergymen who were its senior members, and to keep up pressure on the Tories whom the University sent to parliament to avert all external inspection and control.<sup>87</sup>

The main purpose of Oxford University and its colleges was to act as a bulwark for the existing order; above all it served as a seminary for the Church of England. Indeed, the University might be more fairly described as an aspect of the Anglican Church rather than an educational or academic body.

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<sup>85</sup> Lowe, "Autobiography," p14.

<sup>86</sup> Palmer, *Memorials*, 1, p114; Ward, *W.G. Ward and the Oxford Movement*, p20.

<sup>87</sup> Alan Ryan, "Transformation," in: John Buxton and Penry Williams (eds.), *New College, Oxford, 1379-1979*, Oxford, 1979, pp75-6; Michael Sanderson (ed.), *The Universities in the Ninetenth Century*, London, 1975, introduction pp5-6, 9; W.R. Ward, *Victorian Oxford*, London, 1965, ch. 5, pp80-103.

In Gladstone's formulation:

It could not be denied that the object of the founders and benefactors of these institutions was the maintenance of the Established Church, and the cultivation of its doctrines in the rising generation of the country. For 800 years that wholesome object had been kept in view, and the Universities had become the preparatory seminaries to the Church Establishment."<sup>88</sup>

In effect, the Universities of Oxford and Cambridge were the societies at which the priesthood of the Church of England was trained. According to one historian, "in 1830 about half of the undergraduates aimed to become parsons, almost a third of them being parsons' sons. Of those who actually graduated nearly two-thirds used the BA as a passport to orders in the Church of England."<sup>89</sup> In any case, it seemed to many that an Oxford degree was good for little else. The Royal Commission on the University of Oxford reported that "the education imparted there is not such as to conduce to the advancement in life of many persons, except those intended for the ministry of the Established Church."<sup>90</sup> The Commission confirmed that Oxford seemed largely concerned with turning out clergymen for the Church of England and suggested that the University had little incentive to change its ways in order to attract sufficient would-be clerics.

The great bulk, we repeat, of those who actually resort to Oxford are destined for the ministry of the Church; and, so long as a Degree is required for Ordination, a considerable number of persons will repair to the University, be the education what it may, and though the expenses should remain what they are now.<sup>91</sup>

If the University of Oxford and its colleges were bastions of the Church, they were also, for the most part, Tory in politics. T.A. Trollope's father, looking for a College to which he could send his son, lighted upon Alban Hall, principally because he was a liberal and Richard Whately, its principal, was also reputed to be such. As a Liberal, Whately "stood out in strong contrast with the

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<sup>88</sup> *Hansard*, 25, 1834, col.636

<sup>89</sup> M.G. Brock, "The Oxford of Peel and Gladstone, 1800-1833," in Brock and Curthoys (eds.), *The History of the University of Oxford*, Vol. 6, p9.

<sup>90</sup> Oxford University Commission Report, *Parliamentary Papers* 22, 1852, Report p18.

<sup>91</sup> *ibid*, p18.

intellectual attitude and habits of thought of Oxford."<sup>92</sup> As landowners, the Oxford Colleges also had a vested interest in the maintenance of the Corn Laws. Neither should it be forgotten that Lowe's time in Oxford also coincided with the flowering of Tractarianism; a movement within the Church of England which saw itself, at least in part, as a reaction to the advance of liberalism.<sup>93</sup> Dean Church later observed that the Church "was really at the moment imperilled amid the crude revolutionary projects of the Reform epoch."<sup>94</sup>

To the university's critics, it seemed that too often the Colleges simply provided a means for idle young men from wealthy families to spend a few years in dissipation; alternatively for mediocre but well-connected individuals to while away their lives in comfortable and unmerited sinecures. Three years at one of the ancient universities was a rite of passage for a young man from the upper classes rather than a means of intellectual development. Mark Pattison complained that "the ordinary course of a nobleman at the University" was to misspend his time and acquire nothing."<sup>95</sup> True, the range of instruction available had been broadened to include, for example, political economy, but if the discipline in question did not help the young man to obtain his degree, he ignored it. Lowe informed the Oxford University Commission in 1852 that "my observation has been that undergraduates seldom read but for examinations, and seldom attend to instruction except from a private Tutor, whom they select and pay for themselves."<sup>96</sup> To be sure, the system was intended to prepare candidates for holy orders; furnishing them with a period of learning and training, followed by a few years of private study and reading before moving on to a parish. But these purposes had become profoundly diluted. Some of the Colleges hardly bothered with the educative function at all. Notoriously, only four bible clerks were instructed by the 1840s at All

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<sup>92</sup> Trollope, *What I Remember*, pp132-3.

<sup>93</sup> Faber, *Oxford Apostles*, pp335-8; Chadwick, *The Victorian Church*, 1, pp69-70; J.H. Newman, *Apologia Pro Vita Sua*, (1864) London, 1959, pp118-125. R.H. Froude, "Remarks on State Interference in Matters Spiritual" in: *Remains of the Late Reverend Richard Hurrell Froude*, vol 1, London, 1839, pp185-196; Richard Brent, *Liberal Anglican Politics: Whiggery, Religion, and Reform, 1830-1841*, Oxford, 1987, p63; Martin, *Robert Lowe*, 1, p125.

<sup>94</sup> Church, *The Oxford Movement*, p1.

<sup>95</sup> Mark Pattison, *Memoirs*, Fontwell, 1969, p21.

<sup>96</sup> Lowe's Evidence to Oxford University Commission, *Parliamentary Papers vol. XXII*, 1852, evidence pp12-13.

Souls. Yet Magdalen, with just thirteen undergraduates, was little better.<sup>97</sup>

The lack of educational effectiveness of Oxford was coming under increasing attack. Two articles by Sir William Hamilton in 1831, in the June and December numbers of the *Edinburgh Review*, condemned the inefficiency of the English Universities. He made Oxford the focus of his attack and the subject of a particularly unfavourable comparison with universities in Scotland.<sup>98</sup> John Morley summed up Hamilton's critique as a:

Memorable exposure... of the corruption and vampire oppression of Oxford; its sacrifice of the public interests to private advantage: its unhallowed disregard of every moral and religious bond; the systematic perjury so naturalised in a great seminary of religious education; the apathy with which the injustice was tolerated by the state and the impiety tolerated by the church.<sup>99</sup>

Hamilton insisted that "in none of the faculties is it supposed that the professors any longer furnish the instruction necessary for a degree... It is thus not even pretended that Oxford any longer supplies more than the preliminary of an academical education."<sup>100</sup> Hamilton unfavourably compared the "tutorial" system, which obtained at Oxford, with the "professorial" system common in Scotland. Such instruction as was provided for the undergraduate was the responsibility of the tutors of each individual college, appointed from among the fellows. As there might be only three tutors in any college, their effectiveness was "determined by the capacity of each fellow-tutor to compass the cyclopaedia of academical instruction." It followed that if Oxford were to accomplish "the ends of a University even in its lowest faculty, every fellow-

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<sup>97</sup> Curthoys, "The Unreformed Colleges," in: Brock and Curthoys (eds.), *The History of the University of Oxford*, 6, pp158-60.

<sup>98</sup> Sir Wm. Hamilton, "On the State of the English Universities, with more especial reference to Oxford," *Edinburgh Review*, June 1831, vol. 53, no. 106, pp384-427; "On the State of the English Universities, with more especial reference to Oxford, (Supplemental)," *Edinburgh Review*, Dec. 1831, vol. 54, No. 108, pp478-504. Both reprinted in: Hamilton. *Discussions on Philosophy and Literature, Education and University Reform*, London, 1856, pp397-472; See Also: Ryan, "Transformation," in: Buxton and Williams (eds.), *New College, Oxford*, pp75-6; Curthoys, "The Unreformed Colleges," pp149-50; Mark Pattison, *Memoirs*, Fontwell, 1969, pp53, 118-9, 130, 304.

<sup>99</sup> John Morley, *Life of Gladstone*, 1, p38.

<sup>100</sup> Hamilton, *Discussions*, p408.

tutor” would have to have been “a second ‘*Doctor Universalis*.’”<sup>101</sup> In fact, it was rare that tutors were enthusiastic and capable scholars. Often they were simply marking time until something better, usually in the form of preferment to a college living, came along.<sup>102</sup> Lowe’s evidence to the Oxford University Commission echoed much of what Hamilton had said regarding the teaching in Oxford:

I entertain the strongest possible objections to the present tutorial system. It is a monopoly of education given to the Colleges at the expense of the efficiency of the University, and has very often been grossly abused by the appointment of incompetent persons. The tutor has no stimulus to exertion beyond his own conscience... The expected living drops at last, and idle or diligent, learned or ignorant, he quits his college and is heard of no more.<sup>103</sup>

In the same vein, Mark Pattison wrote that he “found lectures regarded as a joke or a bore, contemned by the more advanced, shirked by the backward...”<sup>104</sup> He recalled one lecture on Aristotle’s *Rhetoric* with “the tutor incapable of explaining any difficulty, and barely able to translate the Greek, even with the aid of a crib.”<sup>105</sup> To Charles Wordsworth, lectures seemed to be “little more than mere schoolboys’ lessons, which, being too often ill-prepared, I felt for the most part to be dull and unprofitable.” He thought that he had not “gained much instruction from either of the Tutors under whom it was my lot to be placed, though both were unquestionably able men, and one became Archbishop of Canterbury... and the other a Bishop”<sup>106</sup> Lowe believed that the college authorities should have been actively trying to improve the quality of their teaching. Reflecting on his time as a private tutor in Oxford, he wrote that “it might perhaps have occurred to some people that I, who was able to obtain in the open field of competition more pupils than I required, might have been a useful auxiliary to the not very powerful tutorial staff of the college to which I

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<sup>101</sup> *ibid*, p409.

<sup>102</sup> M.G. Brock, “The Oxford of Peel and Gladstone,” in Brock & Curthoys (eds.), *The History of the University of Oxford*, 6, p22.

<sup>103</sup> Evidence to Oxford University Commission, *Parliamentary Papers*, 22, 1852, evidence pp12-13.

<sup>104</sup> Pattison, *Memoirs*, p53.

<sup>105</sup> *ibid*, p130.

<sup>106</sup> Wordsworth, *My Early Life*, p39.

belonged.”<sup>107</sup>

For young men who entertained hopes of gaining honours at the University the teaching available from College tutors was wholly inadequate. Mark Pattison remembered that “every one who aimed at honours had his coach, to whom he went three days a week for a fee of £10.”<sup>108</sup> One undergraduate during the 1830s recorded that “the most popular coach then was Bob Lowe, of Magdalen – the present Lord Sherbrooke.”<sup>109</sup> Another wrote to A.P. Martin that “when I first went to Oxford, Mr. Lowe was the great ‘coach’ of the period...”<sup>110</sup> Even someone as brilliant as Gladstone thought it necessary to employ Charles Wordsworth as a private tutor.<sup>111</sup> Benjamin Jowett acknowledged that private tutors “...did good service to the University at a time when the tuition of the colleges was at rather low ebb.”<sup>112</sup> It was hard work but Lowe had some interesting pupils. These included (crucially) J.T. Delane, the future editor of *The Times*, the poet A.H. Clough, the novelist Charles Reade, Stafford Northcote and Gathorne Hardy. Despite his financial needs, Lowe “would not take the money of those who would not take advantage of his tuition, nor would he receive those whom he thought incapable of attaining what they had in view.”<sup>113</sup>

College tutors, on the other hand, were not selected according to their ability or academic distinction. According to Hamilton:

A fellow constitutes himself a tutor, not because he suits the office, but because the office is convenient to him. The standard of tutorial capacity and of tutorial performance is in Oxford too low to frighten even the diffident or lazy... It is not contended that the system excludes men of merit, but that merit is in general the accident, not the principle, of their

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<sup>107</sup> Lowe, “Autobiography,” p27.

<sup>108</sup> Pattison. *Memoirs*, p26

<sup>109</sup> Rev. Henry Robinson, “St. Alban Hall, Oxford,” In L.M. Quiller-Couch (ed.), *Reminiscences of Oxford by Oxford Men*, Oxford, 1892, p350.

<sup>110</sup> Rev. Wm. Rogers to A.P. Martin, Reprinted in: Martin, *Robert Lowe*, 2, p537.

<sup>111</sup> Morley, *Life of Gladstone*, 1, p60.

<sup>112</sup> Jowett, “Memoir of Robert Lowe,” in: Martin, *Robert Lowe*, 2, p488.

<sup>113</sup> A.E. Gathorne-Hardy, *Gathorne Hardy, First Earl of Cranbrook: A Memoir*, 2 vols., London, 1910, vol. 1, p29.

appointment.<sup>114</sup>

Although there were some worthy tutors, appointments were often made for other reasons. Thomas Mozley recalled that at even at Oriel College, “cosmopolitan as it was, there was occasionally a most desperate resistance made to the choice of a meritorious and distinguished candidate, on no other ground than that he would not be found a uniformly pleasant companion.”<sup>115</sup> Lowe agreed. “The instances in which the tutorial system has worked really well are when the Tutorship of a College has fallen into the hands of some celebrated private Tutor...”<sup>116</sup> In his evidence to the Oxford University Commission, Lowe advocated the application of the principles of free trade to university teaching. It was his opinion that:

The system of private tuition ought to obtain a recognized place in the institutions of the University, of which it is the mainspring, - that it ought to replace the inefficient system of public tuition, - that the Collegial monopoly ought to be abolished, and a free choice of a Tutor left to the Undergraduates individually.<sup>117</sup>

But the powers that be in Oxford, in the shape of the Hebdomadal Board and the Vice-Chancellor, argued in their defence that “the University has for the last half century, since the year 1800, been continually engaged in a series of academic reforms, designed to adapt the system to altered circumstances, or to the advanced state of science in some departments of knowledge.”<sup>118</sup> They further insisted that any enforced changes to college statutes and the re-allocation of endowments would constitute an attack on private property. They suggested that such “trusts and vested rights [had] been created... which could not now be abrogated without great detriment to the future interests of charity, and great injustice to the persons and families and districts interested

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<sup>114</sup> Hamilton, *Discussions*, p412.

<sup>115</sup> T. Mozley, *Reminiscences, Chiefly of Oriel College and the Oxford Movement*, 2 vols., London, 1882, vol. 1, p144.

<sup>116</sup> *Parliamentary Papers*, 22, 1852, Lowe's evidence to the Oxford University Commission, p13.

<sup>117</sup> *ibid*, p13.

<sup>118</sup> Hebdomadal Board of the University of Oxford to the Duke of Wellington, May 16<sup>th</sup> 1850. Oxford University Commission Report, *Parliamentary Papers*, 22, 1852, Appendix A, p4.

in these endowments.”<sup>119</sup> In any case, the general education of young men was not the principal function of the colleges. The Board, in its protest against the proposed Commission of Enquiry into the University, said as much. The various colleges existed not to educate the young but “for higher purposes.” The board claimed that education had “been superadded to their other duties by the heads and fellows of colleges, of their own free will, to the great advantage of the community.”<sup>120</sup>

Eventually, in 1837, Lowe did obtain a minor University appointment in Oxford as a “little go” examiner, or Master of the Schools. The formal purpose of these first public examinations, or “Responsions” as they were often called, was laid down by statute. “Our duty,” Lowe noted, “was to see that the students of so many terms’ standing were not wholly wasting their time and might with propriety be allowed to continue their studies at Oxford.”<sup>121</sup> But by the 1830s, the examination had become a simple formality. Little knowledge was required in order to satisfy the examiners. Mark Pattison had no high opinion of the “Responsions,” writing that “the examination was one I could well have passed the first day I set foot in Oxford. The college had thus spent a year and two months upon me in preparing me to do what I was ready to do before I entered it.”<sup>122</sup> Characteristically, Lowe decided to take the duties of an examiner seriously. “One would have supposed,” he wrote, “that the wish of all parties would be that this duty should be strictly and creditably performed... but... frequently the matter was received with a growl and visible annoyance.”<sup>123</sup> One undergraduate who had noted Lowe’s popularity as a tutor added that such favour did not extend to his more official function. “As an examiner he was not so popular; for he was too hasty in his decisions.”<sup>124</sup> That is, inclined “to cut short the career of an idle and dissipated young man,” even though “to do so was extremely unpopular and quite contrary to the spirit

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<sup>119</sup> *ibid*, p4.

<sup>120</sup> *ibid*, p4.

<sup>121</sup> Lowe, “Autobiography,” p28.

<sup>122</sup> Pattison, *Memoirs*, p118. Strangely, Roundell Palmer actually failed his first attempt at the “Responsions.” See Palmer, *Memorials*, 1, p141.

<sup>123</sup> Lowe, “Autobiography,” p28.

<sup>124</sup> Robinson, “St. Alban Hall, Oxford,” In Quiller-Couch (ed.), *Reminiscences of Oxford*, p350.



of the place.”<sup>125</sup> In reply to an enquirer who asked him how an examination was progressing, he replied: “excellently, five men plucked already, and the sixth very shaky.”<sup>126</sup> Even much later in life, the Rector of Bishopsgate “could never shake off the feeling that [Lowe] was still the Chief Examiner in the Little-go School, wielding the great power of Pluck, which he exercised with a liberal hand.”<sup>127</sup> In Lowe’s view the academic and educational standards of both Oxford and Cambridge were purposely kept as low as possible. “Instead of a competition which of the two shall give a degree that implies the greatest amount of attainment... the competition between Oxford and Cambridge has hitherto been which can offer a degree on the easiest terms.” To a man who increasingly believed in promotion by merit this was anathema. “It was this tendency to keep down the standard of examinations in order to fill the colleges that I felt and resisted as far as my humble position admitted.”<sup>128</sup>

If the undergraduates were generally looking forward to careers in the Church, the fellows and tutors were quite likely marking time while they awaited preferment to a lucrative living.<sup>129</sup> So had it been for generations. Mark Pattison, upon his election to a fellowship at Lincoln College, noted that “the other fellows were a bad lot, the tradition of 1750 surviving into the nineteenth century.”<sup>130</sup> Certainly, election to a fellowship was seldom made purely on the grounds of merit. Fellows and tutors were not elected or appointed because they were learned men. This preferment usually owed much more to patronage. Additionally, most Fellowships were “closed.” That is, they were restricted to certain people or classes of people. For example, the lay fellowship at Magdalen to which Lowe was ultimately elected unopposed, was restricted to natives of Nottinghamshire. Fellowships at New College could only be filled by men who were scholars (not “commoners”) of Winchester.<sup>131</sup> And most Fellowships had to be occupied by Anglican clergymen, or at least

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<sup>125</sup> Lowe, “Autobiography,” p28.

<sup>126</sup> *ibid*, p28

<sup>127</sup> Rev. Wm. Rogers to A.P. Martin. Reprinted in: Martin, *Robert Lowe*, 2, p537.

<sup>128</sup> Lowe, “Autobiography,” pp29-30.

<sup>129</sup> Brock, “The Oxford of Peel and Gladstone,” in Brock and Curthoys (eds.), *The History of the University of Oxford*, 6, p22.

<sup>130</sup> Pattison, *Memoirs*, pp217-8.

<sup>131</sup> Ryan, “Transformation,” in Buxton & Williams (eds.), *New College, Oxford*, p77.

by those who were intending to become so. In 1845 around 60 per cent of fellows were in orders.<sup>132</sup>

The eventual Report of the Royal Commission was damning on the question of fellowships. The Commissioners wished to see the removal of restrictions and qualifications on Fellowships; a change which they regarded as "perhaps the most important." Of the restrictions on Fellowships they considered that "the most injurious are those which confine the Fellowships to natives of particular localities, to members of particular families, and to those who are, or have been, Scholars in the College."<sup>133</sup> It was calculated that "of five hundred and forty Fellowships, there are scarcely twenty which are open to general competition; and of these, few, if any, can be considered as absolutely free from statutable restrictions."<sup>134</sup> Roundell Palmer noted that the abolition of closed Fellowships had "opened the colleges to an amount of talent and energy hitherto unknown in them. They had hitherto been peopled by a class of inferior men – clergymen waiting for college livings, and going through a feeble routine, which was dignified by the name of tuition, to fill up the time till a living dropped in."<sup>135</sup>

There were other reasons too. Holding a Fellowship implied no obligation to do anything in the way of teaching or research. Nor was it necessary for a fellow even to reside in Oxford. A survey of 1842 by James Heywood discovered that only 196 of the 550 fellows actually lived there. A Fellowship furnished a secure but modest income; for life if necessary; more usually just until something better, usually in the shape of preferment to a good Church living, turned up. Virtually the only condition attached to a fellowship was celibacy. This was certainly the chief reason why (as in Lowe's case) fellowships were vacated.<sup>136</sup> William Tuckwell, in his *Reminiscences of Oxford*, recalled one man (Tom Brancker) who had been a brilliant scholar

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<sup>132</sup> Curthoys, "The Unreformed Colleges," in Brock & Curthoys (eds.), *The History of the University of Oxford*, 6, p164.

<sup>133</sup> Oxford University Commission Report, *Report*, p149..

<sup>134</sup> *ibid*, p149.

<sup>135</sup> Pattison, *Memoirs*, p304.

<sup>136</sup> M.C. Curthoys, "The Unreformed Colleges," in Brock & Curthoys (eds.), *The History of the University of Oxford*, 6, pp164-5.

and had even defeated Gladstone, among others, in the race for the Ireland Scholarship. Later, he had “failed to get his First, but became a fellow of Wadham, and finally dropped into the lotus-eating of a College incumbency.”<sup>137</sup> This was a common enough pattern: election to a Fellowship followed some years later by preferment to a living in the gift of the College, usually when buggin’s turn came round. It has been calculated that in 1850 there were over 400 incumbents of Oxford college livings, a figure which there is little reason to suppose had changed much during the preceding two decades.<sup>138</sup> Those who had reached higher levels in the academic hierarchy might still be looking forward to a deanery or a bishopric. It was not uncommon for a Professor (such as the controversial R.D. Hampden who became Bishop of Hereford) to be offered a seat on the bench of bishops. Even Lowe himself, during his time as a cabinet minister, prevailed upon Gladstone to offer the Master of Balliol, Robert Scott, the Deanery of Rochester in order that his friend Benjamin Jowett might succeed to the Mastership.<sup>139</sup>

Lowe undoubtedly regarded the University as inefficient and badly run. He wrote that Oxford was “governed academically and socially by what I can only describe as a clerical gerontocracy. Almost all power was vested in the heads of colleges, an office to which men seldom succeed when young, and in which there is no superannuation...”<sup>140</sup> Lowe had little affection for this self-perpetuating oligarchy. “The heads of houses had the usual quality of a narrow and factitious aristocracy – they were socially exclusive.”<sup>141</sup> Most appointments in the University or the Colleges seemed to be based on patronage rather than depending on the merit of the candidate. One notable scholar was mildly surprised to gain a reward for his abilities.

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<sup>137</sup> W. Tuckwell, *Reminiscences of Oxford*, London, 1900, pp93-4; Morley, *Life of Gladstone*, 1, p46.

<sup>138</sup> Curthoys, “The Unreformed Colleges,” in: Brock & Curthoys (eds.), *The History of the University of Oxford*, 6, p171.

<sup>139</sup> Brock, “The Oxford of Peel and Gladstone,” in Brock & Curthoys (eds.), *The History of the University of Oxford*, 6, p22. Scott was one of those who, along with W.E. Gladstone, had been beaten by Brancker for the Ireland Scholarship.

<sup>140</sup> Lowe, “Autobiography,” p27

<sup>141</sup> *ibid*, pp27-8.

My successes as University and College prizeman in 1827 led to a reward still more substantial. At the following Christmas the Dean (Dr. Smith) named me for a studentship in his gift *honoris causa*. I was, I believe, the first, or very nearly the first, in whose favour the system of mere patronage nomination, which had prevailed hitherto, was laid aside.<sup>142</sup>

John Morley in his biography of Gladstone referred to “the time honoured practice of deans and canons disposing of studentships on grounds of private partiality without reference to desert.”<sup>143</sup> Thomas Mozley, remembering his time at Oriel College stated that “with very few exceptions... elections to the foundation had become appointments made almost invariably for personal or domestic reasons.”<sup>144</sup> According to Roundell Palmer “Corpus, Balliol, and Trinity, were the only colleges in Oxford, whose scholarships were then open to free competition.”<sup>145</sup>

There had been some attempts to advance the cause of learning in the university. A chair of political economy was endowed in 1825 and occupied by Nassau Senior. Lectures in political economy had been given by the Regius Professor of Modern History from 1801. A Professor of chemistry was appointed in 1803, and Readerships in mineralogy and geology were endowed in 1813 and 1818 respectively. But these subjects lay outside the examination syllabus. Accordingly, attendance at lectures on history, political economy, astronomy, chemistry, experimental philosophy and similar subjects, was very poor and even declined as the examination system became established.<sup>146</sup>

Such was the Oxford at which Lowe arrived late in 1829. Yet from the start, he set himself high standards.

My plan... was to make myself, as far as I could, thoroughly master of what I read by every means in my power. If there was a question of the meaning of a word, I could always tell the

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<sup>142</sup> Wordsworth, *My Early Life*, p43.

<sup>143</sup> Morley, *Life of Gladstone*, 1, p37.

<sup>144</sup> Mozley, *Reminiscences*, 1, p144.

<sup>145</sup> Palmer, *Memorials*, 1, p115.

<sup>146</sup> Brock, “The Oxford of Peel and Gladstone,” in Brock & Curthoys (eds.), *The History of the University of Oxford*, 6, pp17-20.

passage where it occurred in any author that I had read. I was within the limits of my reading a complete dictionary of parallel passages."<sup>147</sup>

Lowe seems to have succeeded fairly quickly in gaining something of a reputation for academic excellence. According to Jowett, "while an undergraduate, Lowe had already a considerable academic fame..."<sup>148</sup> Curiously, Lowe, like Gladstone, was perhaps less diligent in his studies than he might have been during his first year at Oxford. University College, he observed, "was not in those days a reading college." Lowe recalled that "that year is the only period in my life during which I can tax myself with idleness." This relative lethargy did not persist and when he came up for his second year it was with renewed resolve. "I determined to take a double first-class and set to work accordingly," he wrote. Lowe studied the intelligent man's combination of classics and mathematics. Robert Peel had gained the first "double first" in 1808, followed by Gladstone in 1831.<sup>149</sup> But for Lowe "this was a great mistake. A first-class in classics was easily within my reach with moderate industry, but a first-class in mathematics was to me a very difficult... undertaking."<sup>150</sup> He had no especial talent for mathematics. Moreover the examination of diagrams and figures was a particular problem for someone with his defective eyesight.<sup>151</sup> Perhaps tackling a subject for which he was ill-suited was another indication of Lowe's contrary nature. He confessed "to rather an awkward symptom, a desire like that of Macaulay, to argue the point and to contend that what I was told was conclusive reasoning, was not conclusive at all."<sup>152</sup> Lowe was nevertheless recognised as one of the more brilliant of the undergraduates. His academic eminence was such that when "a prize was offered for the best essay by any member of the college under the degree of a Master of Arts, the Master sent for me, and requested me not to compete, and to make the fact known, for fear, as he said, I should

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<sup>147</sup> Lowe, "Autobiography," p13.

<sup>148</sup> Jowett, "Memoir of Robert Lowe," in: Martin, *Robert Lowe*, 2, p486.

<sup>149</sup> Richard Shannon, *Gladstone, vol 1, 1809-1865*, London, 1982, pp33-4; Norman Gash, *Mr. Secretary Peel: The Life of Sir Robert Peel to 1830*, London, 1961, pp56-60.

<sup>150</sup> Lowe, "Autobiography," p14.

<sup>151</sup> *ibid*, p15.

<sup>152</sup> *ibid*, p14.

discourage competition."<sup>153</sup>

Aside from his academic prowess, Lowe was chiefly remembered during his undergraduate years as a leading light of the Union Debating Society. It was here that he sharpened his wits and acquired greater knowledge of politics and political economy. He found himself rubbing shoulders and debating with some of the most powerful intellects of the university. At the time when Lowe was active in the Union many of the society's leading members were among those who later became prominent in public life. Lowe himself, Gladstone, Sidney Herbert, Lord Lincoln, A.C. Tait, Roundell Palmer, Edward Cardwell, Henry Manning, and others "formed a brilliant assemblage of talent and eloquence whose early promise has since been amply fulfilled."<sup>154</sup> Palmer remembered that it was the *milieu* in which his interest in politics was first kindled. The same applied to "many of my more intimate friends, particularly Cardwell, Lowe, and Tait, who were on the Liberal, and Rickards and Ward, who were (like myself) upon the Conservative side."<sup>155</sup> Like the rest of the University, the Oxford Union was predominantly Tory, as the debates on the Reform Bill in 1831 showed. Thus Lowe and Gladstone found themselves, as later in 1866, on opposite sides of the Reform question. But, in 1831 Gladstone was a Tory and an opponent of Reform, while Lowe was an enthusiastic supporter of the Reform Bill.<sup>156</sup> Lowe remembered "that I proposed that the King ought to make new Peers in order to pass the Reform Bill, and that I could only get four people to vote with me."<sup>157</sup>

The Oxford Union debate on the Reform Bill occupied three evenings in May 1831. The motion under consideration was: "That the present Ministry is incompetent to carry on the Government of the country." Lowe took part in this debate as a supporter of reform. At one point Earl Grey and his colleagues were described as "a vile crew of traitors." Lowe sprang to the defence of the Ministry and their proposed Reform. Francis Doyle, a regular spectator at the

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<sup>153</sup> *ibid*, p22.

<sup>154</sup> *ibid*, p16; H.A. Morrah, *The Oxford Union, 1823-1923*, London, 1923, *passim*.

<sup>155</sup> Palmer, *Memorials*, 1, p130.

<sup>156</sup> Shannon, *Gladstone*, 1, pp30-31; Morrah, *The Oxford Union*, pp47-8.

<sup>157</sup> Lowe, "Autobiography," p17.

Union's Thursday debates, "watched, affectionately and respectfully, an old gentleman with snow-white hair" who, he assumed, had come to see for himself what the rising generation were about. He was somewhat surprised when the "dear old boy" responded to the denunciation of the Government by leaping to his feet and vigorously responding to the aspersions of the young Tory. "The honourable gentleman has called His Majesty's Ministers a crew," Lowe interjected. "We accept the omen, a crew they are; and with Lord Grey for stroke, Lord Brougham for steerer, and the whole people of England halloing on the banks. I can tell the honourable gentleman that they are pretty sure of winning the race." The rowing metaphor was occasioned by the fact that the debate was taking place around boat race time. On making further enquiries, Doyle discovered that he "had been revering as an ancient sage the famous white-headed boy, Bob Lowe."<sup>158</sup>

On the other side, when the debate continued on the following evening, Gladstone proposed an amendment which stated:

That the Ministry has unwisely introduced, and most unscrupulously forwarded, a measure which threatens not only to change the form of government, but ultimately to break up the very foundations of social order, as well as eventually to forward the views of those who are pursuing this project throughout the civilised world.<sup>159</sup>

Whereas Lowe's motion supporting the creation of Peers had been heavily defeated, Gladstone carried his amendment by ninety-four to thirty-eight: all too clear an indication of the climate of opinion prevailing in unreformed Oxford.

Palmer's description of Lowe's contributions as a debater in the Oxford Union was as "a nervous, incisive speaker, always taking the Liberal side on the political questions which we discussed."<sup>160</sup> In response to the enquiries of Lowe's first biographer, A.P. Martin, Canon Melville noted that

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<sup>158</sup> F.H. Doyle, *Reminiscences and Opinions*, London, 1886, pp115-6; Morrah, *The Oxford Union*, pp47-8.

<sup>159</sup> Palmer, *Memorials*, 1, p129; Morrah. *The Oxford Union*, p48.

<sup>160</sup> Palmer to Martin. Quoted in Martin, *Robert Lowe*, 1, p76

The Union Debating Society was an early scene of those powers which in the future were to raise Robert Lowe to Parliamentary success. He was elected [on] February 16, 1831. Robert Lowe's first speech was in March following... After this he was a constant speaker... Of the many public questions in which he took part it might seem singular that only twice did he plead for any motion – all the rest being in opposition. The decidedly Tory and anti-Liberal cast of the society at that time furnishes the explanation...<sup>161</sup>

After Gladstone's departure, the Tory majority in the Union temporarily lost control. So much so that Massie of Wadham, whom Roundell Palmer described as "a clever Radical," managed to get elected as President.<sup>162</sup> Lowe was one of the "small but active Liberal and anti-clerical party at Oxford."<sup>163</sup> Certainly, he supported Massie in his election. He also took a prominent part in the subsequent dispute with the ousted group, who broke away from the Union and formed their own society, known as "The Ramblers." Sir John Mowbray later recalled that "it was a question of Union politics. The committee for a year or two had been drawn from a party that included Ward, Cardwell, Tait, and Roundell Palmer, whose government had been vehemently criticised by an opposition led by Lowe."<sup>164</sup> Another contemporary described Lowe, Massie and their colleagues as "zealous Whigs."<sup>165</sup> Although the precise details of the dispute need not now concern us, the debate over the expulsion from the Union of the seceding "Ramblers" afforded Lowe, who took the chair while Massie addressed the meeting, the opportunity of fining A.C. Tait, a future Archbishop of Canterbury, one pound for disorderly conduct.<sup>166</sup>

Lowe emerged from Oxford as a highly educated and knowledgeable young man. But this had not been achieved by the help of the tutors of his college. In effect, by diligent reading and private study, and in the *milieu* of the Union Debating Society, Lowe had educated himself very well. He graduated with a First in Classics. According to Canon Melville it was "well understood to be of

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<sup>161</sup> Canon Melville to Martin. Quoted in *ibid*, pp78-9.

<sup>162</sup> Martin, *Robert Lowe*, 1, p76.

<sup>163</sup> *ibid*, p80.

<sup>164</sup> Sir John Mowbray, *Seventy Years at Westminster*, London, 1890, p34.

<sup>165</sup> Tuckwell, *Reminiscences of Oxford*, p94.

<sup>166</sup> Martin, *Robert Lowe*, 1, p76; Lowe, "Autobiography," pp17-8; Morrah, *The Oxford Union*, pp63-74.



a high standard." Unfortunately he was not quite so successful in mathematics, only achieving a Second. This gave rise to a frequently recounted anecdote concerning Lowe. Melville wrote that he "only lost his mathematical first class through his very defective sight interfering with the clear record of his work; his nose, as was said at the time, obliterating much which his hand had written."<sup>167</sup>

The question of a future career now arose. "Prudence would have counselled me to take orders, get a Fellowship, and work my way through Oxford to whatever haven fortune might open for me; but as I had a decided objection to the Church, I determined to go to the Bar."<sup>168</sup> But before Lowe could study for the Bar he needed a reliable and regular income. A lay fellowship at Magdalen, reserved for men from Nottinghamshire was due to fall vacant in two years time. Lowe could be virtually certain of securing this position but in the meantime he had to find some other way of maintaining himself. Through necessity, therefore, he became a private tutor. When the lay fellowship at Magdalen, worth £170 per annum, fell vacant, Lowe was elected unopposed, ironic beneficiary of the old system of "closed" fellowships. He could henceforward pursue his study of the law unencumbered by the necessity of spending long hours teaching. Lowe wrote to his brother Henry in an exultant strain, explaining that "I got the Fellowship without much trouble, cause why, there was no opposition, seeing that three other horses who were to start were drawn, and I had nothing to do but to show my paces in walking over."<sup>169</sup>

There he might have remained for many years. In the event he had to resign his fellowship shortly thereafter upon his engagement to Georgiana Orred, whom he married in March 1836. He had met Georgiana at Barmouth with her sister in 1831. One of the apocryphal stories told of Lowe is that he "knew two sisters and proposed to and was accepted by one of them. He found out that he had asked the wrong one from his defective sight, but was too chivalrous to acknowledge his mistake or withdraw his proposal." In Lowe's own version

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<sup>167</sup> Melville to Martin. Martin, *Robert Lowe*, 1, p77.

<sup>168</sup> Lowe, "Autobiography," p23.

<sup>169</sup> Lowe to Henry Lowe, 6<sup>th</sup> August 1835. Reprinted in Martin, *Robert Lowe*, 1, p101.

of this episode, he wished to pass on the fellowship to a younger brother who intended to take orders and who was, in fact, subsequently elected.<sup>170</sup> Whether this account is true or not, Lowe's resignation of his college fellowship led to strained relations with his father. Robert Lowe senior disapproved of his son's plans to study for the Bar. Lowe wrote to his brother describing his position.

Matters at present stand thus: my father has interdicted me the Law, and refused to assist me in the prosecution of it. He says he will not allow me to marry without £500 a year of my own besides her fortune. He has now driven me to extremity, and I have offered to make, not five, but seven hundred a year by taking pupils here.<sup>171</sup>

As a result, he was forced to return to the drudgery of tutoring for several more years until he had made sufficient money to finance a move to London to study law full-time. But in 1838 an unexpected opportunity arose. The Chair of Greek at the University of Glasgow fell vacant upon the death of Sir Daniel Sandford. The remuneration of £2000 a year, for a session only lasting six months, was undoubtedly generous. It was an attractive post for an impecunious Oxford private tutor. More to the point, the duties were well within Lowe's capacity. The future Archbishop of Canterbury, A.C. Tait, had been invited to apply by the authorities at Glasgow University, but as an Anglican clergyman, and therefore an Episcopalian, felt unable to subscribe to the "Presbyterian and Calvinist" profession of faith which was required. Having forgiven Lowe for the £1 fine for disorderly conduct, Tait sent the authorities in Glasgow a warm testimonial in Lowe's favour. Although Lowe was an Anglican, indeed had subscribed to the Thirty-nine Articles as a condition of his studying at Oxford, he was less concerned with the theological niceties and betook himself to Glasgow in pursuit of the post.<sup>172</sup>

The Professor of Greek was elected by the thirteen professors of the *Senatus Academicus* and the choice lay between Lowe and his rival, Lushington.

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<sup>170</sup> Lowe, "Autobiography," p26.

<sup>171</sup> Lowe to Henry Lowe, early 1835. Reprinted in Martin, *Robert Lowe*, 1, pp98-9.

<sup>172</sup> R.T. Davidson & W. Benham, *The Life of Archibald Campbell Tait*, London, 1891, p68.

Lowe spent a month in Glasgow and “at the end of my canvass the numbers stood three for Lushington and the rest for me.”<sup>173</sup> He wrote to his friend Richard Michell that “I am getting on well here, the thing rests between Lushington and myself, and I do not think my chance the worst of the two.”<sup>174</sup> Lowe’s success would seem to have been assured. But his principal supporter was the Professor of Ecclesiastical History, who was at that time hoping for a translation to the more remunerative post of Professor of Moral Philosophy. Lowe’s three opponents:

Pointed out to the Professor of Ecclesiastical history that they certainly could not prevent him from electing me for the Greek Professorship, but that if he carried that it was in their power by throwing their votes into the adverse scale to prevent him from obtaining the Chair of Moral Philosophy. The menace had its effect.

Had Lowe’s application been successful, the world of mid-Victorian politics might have been denied one of its more controversial luminaries. Years later, when presented with the Freedom of the City of Glasgow, Lowe told the burghers of that city that this failure “was the greatest disappointment that ever happened to me in my life.”<sup>175</sup> He felt that he had been a victim of “a breach of faith”, from erstwhile supporters who had been prevailed upon to change their votes.<sup>176</sup> A month after sending the optimistic assessment of his chances to the Rev. R. Michell he had to confess to the same correspondent that machiavellian machinations among the Professors of Glasgow University had denied him the Chair. “Thus, after having triumphed over the united Whig and Tory interest of Scotland, Sir G. Clerk and the Lord Advocate, after having distanced Lushington in public opinion as far as he did the rest of the candidates, the turn of a straw rendered all my efforts futile.”<sup>177</sup> Lowe was later to acknowledge that Lushington was probably the better choice and had filled the post creditably since his appointment. He was nonetheless annoyed by the circumstances of his rejection and the fact that his opponent had not

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<sup>173</sup> Lowe, “Autobiography,” p31.

<sup>174</sup> Lowe to Michell, 6<sup>th</sup> July 1838. Reprinted in Martin, *Robert Lowe*, 1, p104.

<sup>175</sup> Lowe, Speech at Glasgow. *The Times*, 27<sup>th</sup> September 1872, p6.

<sup>176</sup> Lowe, “Autobiography,” p32.

<sup>177</sup> Lowe to Michell, 8<sup>th</sup> August 1838, Reprinted in: Martin, *Robert Lowe* 1, p105.

been appointed to the Chair on the grounds of merit. He reflected that he “had been sacrificed simply to the interests of a third person without the slightest regard to the merits of the case.”<sup>178</sup>

One final disappointment in Oxford was Lowe’s failure to be appointed to the post of Praelector of Logic in 1839, a post that carried with it an annual salary of £300. The duties required by the successful candidate would have been easily performed by a man with Lowe’s capabilities. Again, had he been successful, Lowe’s career might have taken a different course. It was a competitive field of seven candidates from which Lowe eventually withdrew. Although he had the small compensation of seeing his friend Richard Michell eventually elected to the post, this last disappointment closed the door on the possibility of an academic career.<sup>179</sup>

Eventually, in 1840, Lowe and his wife moved to London to take up the full time study of the Law. It was a task which presented him with little intellectual difficulty. His biographer wrote that “he seemed to find the law comparatively easy, though its useless technicalities and obsolete procedure were by no means congenial to his intellect.”<sup>180</sup> Lowe himself remembered how the requirements of the law jarred with his intellectual sensibilities. “But when I came to the mysteries of special pleading,” he wrote “I stood aghast at its mingled iniquity and absurdity... and yet so powerful is habit that the only thing I can reproach myself with as a barrister is having on one or two occasions availed myself of some of the tricks of this wretched trade in order to obtain a success to which on the merits I was not entitled.”<sup>181</sup>

Lowe was called to the Bar at Lincoln’s Inn Jan 1842. In a crowded field there seemed little prospect of immediate business, particularly during a time of

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<sup>178</sup> Lowe, “Autobiography,” pp31-2; Lowe, “Speech on accepting the freedom of the City of Glasgow”, *The Times*, 27<sup>th</sup> September 1872, p6.

<sup>179</sup> Gerard Tracey (ed.), *The Letters and Diaries of John Henry Newman*, vol. 8, Oxford, 1999, pp82-91.

<sup>180</sup> Lowe, “Autobiography,” p34; Martin, *Robert Lowe*, 1, p139.

<sup>181</sup> Lowe, “Autobiography,” p35.

economic depression.<sup>182</sup> Moreover, Lowe could feel the problems with his eyes becoming worse. "In an evil hour," he wrote, "I consulted Lawrence, Travers, and Alexander. They said that I should become blind in seven years, recommended out-of-doors employment, and spoke of Australia or New Zealand as suitable places for the purpose."<sup>183</sup> Lowe decided to follow this advice. On the 8<sup>th</sup> June 1842 he and Georgiana sailed for New South Wales on the *Aden*. Not long after their departure, a letter was sent inviting him to join *The Times* as a leader writer. "Had it reached me in time [this letter] would most probably have altered my destination, and with it my whole career in life."<sup>184</sup>

Lowe emerged from Winchester and Oxford an educated man. But he had, to a great extent educated himself. His visual disability, and the response of his parents to it in delaying his formal schooling, had guided him along the route of self-education. The lack of much useful instruction at either Winchester or Oxford had reinforced this process. All of this, of course, had to be constructed upon the foundations of a formidable innate intelligence: an intelligence which tended to react against the supposed norms of his situation. Faced with extremely poor eyesight, his chief activity was reading. Faced with the conservatism of the educational institutions which he attended, he became reform-minded. Faced with an unconcerned attitude to the acquisition of learning, he pursued knowledge fervently. Faced with stern Toryism he took up the cudgels in the cause of liberalism. Faced with the high Anglicanism of Tractarian Oxford, his Anglicanism was tolerant and latitudinarian.

Lowe left Oxford educated not just, like the bulk of his contemporaries, in the classics. He also had a good knowledge of mathematics, political economy and politics. He also had a respect for, if not a complete understanding of, the natural sciences. He was a product of conservative educational institutions

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<sup>182</sup> Peter Mathias, *The First Industrial Nation*, London, 1969, p236; Asa Briggs, *The Age of Improvement*, London, 1959, p295.

<sup>183</sup> Lowe, "Autobiography," p36.

<sup>184</sup> *ibid*, p37.

who became a reformer and, in many ways, even a radical in politics. Put another way, Lowe emphatically rejected many of the values and traditions which were upheld by Winchester and Oxford. He valued appointment and promotion by merit, whereas the public schools and especially the ancient Universities too often filled important positions solely through patronage. He stood for a liberal programme which included free trade, liberty of religious opinion and worship, and programmes of reform in education and company law to promote efficiency. He was a supporter of the Reform Bill of 1832 and the various reforming measures of the 1830s. Of one of these, "The Municipal Corporations Bill," he wrote to his brother Henry that it "seems to have satisfied all sides, which I rejoice at not a little, as it will give the Tories a decided minority in the next Parliament."<sup>185</sup> His activities in the Oxford Union as an advocate of liberal measures are well recorded. Lowe left Oxford fully confirmed in Liberal opinions. Appointment by merit, political economy, rationality and efficiency in public administration: these were the causes which Lowe already supported. Indeed, he attributed the apparent reluctance of the University and College authorities to appoint him to an official position in the University, at least in part, to his Liberalism. His known views on certain subjects, he believed, made him unacceptable as a teacher.

If such a plan as that of utilising me had ever been broached, I am sure it would have been overruled. I was popular with the fellows but I was a decided Liberal, and worse than all was known to entertain very strong opinions in favour of the repeal of the Corn Laws, a most distasteful heresy in academical eyes, as having a tendency to diminish the value of Fellowships.<sup>186</sup>

Lowe experienced (or endured) the world of the public school before the reforms of the mid-century. He succeeded as a liberal in unreformed, Tractarian Oxford. Having spent so many of his most formative years in the deeply conservative atmospheres of Winchester College and the University of Oxford, it is indeed remarkable that Robert Lowe should have emerged as a liberal with, on many subjects, quite advanced views. From a conservative

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<sup>185</sup> Lowe to Henry Lowe, 10<sup>th</sup> June 1835. Reprinted in Martin, *Robert Lowe*, 1, p100

<sup>186</sup> Lowe, "Autobiography," p27.

education he emerged as a man with strong liberal convictions. His biographer, A.P. Martin, wrote that:

From the earliest time that Lord Sherbrooke began to think, and had opinions of his own, he was, until the close of his life, on all these points, a staunch liberal. He saw nothing but good in this early Reform movement, and was a strong upholder of the policy of Grey and Brougham. What was held to be still more heinous offence in the Oxford of his day – as it touched the college revenues – he was an earnest advocate of the abolition of the Corn Laws. Mr. Froude once told me that parents were chary about sending their sons to Lowe, though he was admittedly the most successful private tutor in Oxford, for fear he might instil into their minds the ‘heresy of Free-trade.’<sup>187</sup>

According to Jowett, Lowe “had already made up his mind, while still an undergraduate, or probably in boyhood, that he was a Liberal in politics; and ten years before the repeal of the Corn Laws he was a sound Free Trader, and could give a reason of the faith that was in him.”<sup>188</sup> Jowett also hinted that this lifelong adherence to fixed principles was perhaps also his friend's chief weakness; that Lowe “might have truly argued, in an *Apologia pro vita sua*, ‘That on no important question had he ever changed his opinions; he had only stood still, while the rest of the world had gone forward.’”<sup>189</sup> Certainly, when Lowe addressed his Kidderminster constituents in 1858, he claimed a lifelong liberalism. He even employed one or two phrases which he was to re-use during the reform debates of 1866.

Ever since I could understand anything I have been a thoroughgoing Liberal. I have suffered in different ways for my opinions when they were not quite so popular as they are now; but it was my fortune early in life to take up a set of opinions in politics which I have never been obliged to change. The times have come to me instead of my being compelled to go to the times.<sup>190</sup>

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<sup>187</sup> Martin, *Robert Lowe*, 1, pp119-20.

<sup>188</sup> Jowett, “Memoir of Robert Lowe,” in: Martin, *Robert Lowe*, 2, pp486-7.

<sup>189</sup> *ibid*, pp497-8.

<sup>190</sup> *The Times*, 10<sup>th</sup> December 1858, p6.

# Chapter Two.

## Liberalism Confirmed: Lowe in New South Wales.

“A convex mirror, in which we may contemplate on a reduced scale the institutions under which we live.” Robert Lowe, *The Times*, 13<sup>th</sup> January 1865, 2<sup>nd</sup> leader.



Robert and Georgiana Lowe arrived in New South Wales in the middle of October 1842 after a four month voyage. They embarked once again for England in January 1850, following a stay of just over seven years, and never returned. According to his friend Benjamin Jowett, Lowe's "time at Sydney was perhaps the happiest and most energetic of his life."<sup>1</sup> In the mid-1850s Charles Gavan Duffy was contemplating a move of his own to the antipodes. He happened to meet Lowe and his wife at the Carlyle's house in Chelsea. Their reports of the life in Australia were favourable. Georgiana was particularly enthusiastic about the country. Duffy reported that "she declared the climate is delightful... Since they had lived in London she constantly entreated her husband to throw up his seat in Parliament and his political functions and return to the sunshine."<sup>2</sup>

Yet Lowe remains a controversial figure in Australian history. To be sure, Jowett remarked extravagantly that "he was the greatest man who ever went to Australia, and the Australians know it."<sup>3</sup> But this view was not shared by many Australians, then or since. Sir Alfred Stephen, the Chief Justice, confided to his journal that "no man ever made so many bitter foes in so short a time..."<sup>4</sup> The judgements of Australian historians are equally divergent. At one extreme A.P. Martin, Lowe's official biographer, was eulogistic. Ruth Knight, who chronicled his stay in New South Wales, was broadly sympathetic, though not uncritical. G.W. Rusden, author of the first major history of Australia was critical of him, but prepared to give credit where it was due. He observed of Lowe (whom he had known as a young man) that he had "left the colony full of admirers of his talents and distrusters of himself." However, another Australian historian, S.H. Roberts, was downright hostile. His sketch of Lowe's character includes epithets such as "guttersnipe, mountebank, caddish, traitor and place-hunter."<sup>5</sup>

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<sup>1</sup> Jowett to Lady Sherbrooke, following the death of Viscount Sherbrooke. E Abbott and L. Campbell, *The Life and Letters of Benjamin Jowett*, 3<sup>rd</sup> edn, London, 1897, vol. 2, p416.

<sup>2</sup> Charles Gavan Duffy, *My Life in Two Hemispheres*, vol. 2., London, 1898, p109-110. Duffy emigrated to New South Wales in 1856.

<sup>3</sup> Jowett to Lady Sherbrooke, Abbott and Campbell. *Life and Letters*, 2, p416.

<sup>4</sup> R. Bedford, *Think of Stephen*, Sydney, 1954, p73.

<sup>5</sup> Martin, *Robert Lowe*; Ruth Knight, *Illiberal Liberal: Robert Lowe in New South Wales, 1842-1850*, Melbourne, 1966.; G.W. Rusden, *A History of Australia*, 3 vols, London, 1897, vol.2,

But whether loved or hated, Lowe could hardly be ignored. From Rusden's three-volume *History of Australia* onwards, most general histories of the colony contain numerous references to him.<sup>6</sup> This was for the simplest of reasons. He was one of the dominating figures in the politics of New South Wales during the 1840s. His only rivals were the Governor, Sir George Gipps, and the leading representative of the squatting interest, William Charles Wentworth.<sup>7</sup> Even one of his chief detractors admitted that:

With the passage of the months, events resolved themselves into a three-cornered duel between Gipps and two members of the Council – Wentworth and Lowe. Colonial life in the forties came to centre round these three disparate personalities. They were the outstanding characters in the colony, and it was their characteristics and the reactions between them that gave the squatting issue the intense form it assumed in those years.<sup>8</sup>

The election campaign of 1848 saw Lowe at the height of his popularity. To sit in the Legislative Council as a member for Sydney was considered the acme of electoral success. A group of Sydney residents nominated him as a candidate for that city even though he was standing for another constituency. He wrote to his grandmother that "I declined the honour, but the people would not be refused, and without my becoming a candidate, returned me after a very severe contest, in which a great deal of money was spent, and immense exertions made against me."<sup>9</sup> His chief opponent in the election, W.C. Wentworth, paid a backhanded tribute to Lowe's influence. "There is no person whose speeches, whose writings, whose reports have had one-half so much weight with the Home Government in the concessions it has made to the squatters as Mr. Robert Lowe."<sup>10</sup> In a four-cornered fight in this two

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p390; Stephen H. Roberts, *The Squatting Age in Australia, 1835-1847*, Melbourne, 1935, pp229-235. Martin and Rusden had both known Lowe personally. Rusden had been briefly a contributor to Lowe's newspaper, the *Atlas*.

<sup>6</sup> e.g. Frank Crowley (ed.), *A New History of Australia*, Melbourne, 1974; C.M.H. Clark, *A History of Australia*, vol.3, Melbourne, 1973; Jan Kociumbas, *The Oxford History of Australia*, vol.2, 1770-1860, Melbourne, 1992;

<sup>7</sup> The "squatters" were the nearest thing which Australia had to a landed class. They had carved out vast tracts ("runs") which they occupied virtually by right of discovery. They held these lands, on which they grazed their sheep or cattle, from the Crown on payment of a nominal annual licence fee.

<sup>8</sup> Roberts, *The Squatting Age*, p223

<sup>9</sup> Martin, *Robert Lowe*, 1, p365.

<sup>10</sup> Rusden, *History of Australia*, 2, p367.

member constituency, Wentworth still emerged at the top of the poll but Lowe was elected in second place in a close result. He thereby displaced Wentworth's erstwhile colleague, Dr Bland, who was beaten into third place. Lowe regarded this as a great success. He wrote that it was "looked upon as quite as great a distinction, as if I had been appointed a member of any provisional government."<sup>11</sup>

Lowe's importance for Australian historians is reflected in the literature. The *corpus* of Lowe literature is small, but decidedly biased in favour of his time in Australia. Of the three major biographies, the first two were written by Australians within a year or two of his death. Both purported to be general lives but actually devoted nearly half their pages to his eight years in the colony. They remain important sources for this period of his life.<sup>12</sup> Of the only other two books about Lowe, one was a specialist account of his work in the field of education,<sup>13</sup> while the other dealt exclusively with his life in Australia. Ruth Knight in her study, *Illiberal Liberal: Robert Lowe in New South Wales*,<sup>14</sup> drew on the work of Martin and Hogan, as well as on resources locally available to the Australian historian, furnishing a detailed chronological and biographical account of Lowe's life in the antipodes. These findings will not be repeated here. Instead, it will be argued that the accusations of inconstancy, inconsistency and lack of principle with which he was assailed both in Australia and later in Britain were seriously wide of the mark. To the contrary, Lowe's politics at Oxford, in New South Wales, and afterwards at Westminster, display an adherence to certain basic principles from which he never departed.

Before he could throw himself into the rough and tumble of New South Wales politics Lowe had to establish himself in the colony. The Lowe's arrived in Sydney with a letter of introduction from Sir Edward Knatchbull M.P. to the Governor, Sir George Gipps. There was also a tenuous family connection

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<sup>11</sup> Martin, *Robert Lowe*, 1, p365.

<sup>12</sup> Martin, *Robert Lowe*; J.F. Hogan, *Robert Lowe, Viscount Sherbrooke*, London, 1893. The other is by a Canadian. James Winter. *Robert Lowe*. Toronto, 1976.

<sup>13</sup> D.W. Sylvester, *Robert Lowe and Education*, Cambridge, 1974.

<sup>14</sup> Melbourne, 1966.

between Mrs. Lowe and Lady Gipps. In any event, the hospitality of the Governor's residence was extended to the Lowes until they were able to find a suitable home.<sup>15</sup> G.W. Rusden remembered that "Gipps, able himself, delighted in the companionship of able men. Mr. Lowe shared not only the ordinary hospitality dispensed to travellers, but became forthwith a guest residing at the Governor's house, and making his fireside brighter by his wit."<sup>16</sup> Lowe impressed Gipps with his soundness on questions of political economy and free-trade. At a time when New South Wales was suffering recession, the two men agreed that State intervention in the commercial life of the colony, however popular it might be politically, could not materially change economic realities. According to Georgiana Lowe, Gipps was "constantly asking ... [Robert's] opinion on all sorts of subjects."<sup>17</sup>

But for the time being, Lowe had to be content with a watching brief over the politics of New South Wales. In spite of the depression, which affected Australia as well as Britain, he "was not long in obtaining a fair amount of business at a rate of remuneration which... seemed very ample."<sup>18</sup> This happy situation was not to last. Lowe felt that his eyesight was once again deteriorating. Consulting a Dr. William Bland Lowe received the news which he least wished to hear.<sup>19</sup> The seven years of sight, which the three doctors whom he had consulted in London had allotted him, were to be severely circumscribed. He was advised to give up all work or go blind. So for the next 6 to 8 months he was largely incapacitated. Feeling that his eyes were improving, Lowe decided to ignore medical advice and resume his business in October 1843. But by this time economic prospects were even worse than they had been a year earlier.<sup>20</sup>

Fortunately for Lowe, an opportunity would soon arrive from another source. The Lowes had been accompanied on the voyage to Australia by despatches

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<sup>15</sup> Knight, *Illiberal Liberal*, p30.

<sup>16</sup> Rusden, *History of Australia*, 2, p241.

<sup>17</sup> Knight, *Illiberal Liberal*, p31.

<sup>18</sup> Lowe, "Autobiography," p40.

<sup>19</sup> This was the same Dr. Bland whom he later defeated in the Sydney Election in 1848.

<sup>20</sup> Martin, *Robert Lowe*, 1, pp169-84.

for the Governor which included a new Constitution for the colony. Up to that time the Governor had been advised by a fifteen member council which he nominated himself. The new Constitution prescribed a unicameral legislative council composed of thirty-six members, twenty-four of whom were to be popularly elected while the remaining twelve (including six office holders) were nominated by the Governor. The Colony of New South Wales therefore embarked upon elections to fill the twenty-four elected seats on the Council. Lowe sent a letter home on the 17<sup>th</sup> June 1843, two days after election-day, in which he reported that:

We have just received our new Constitution, and everybody is very busy about the contested elections. The franchise is £20 per annum, a qualification in this country of high rents far lower than that of England, amounting, indeed, to universal suffrage, and that in an ignorant, lazy, vicious, and degraded community, the very last in the world who ought to enjoy it.

In Lowe's view the venality of the electorate was caused by the fact that "the majority of persons sent out here have been selected for their uselessness in their mother country, as if there were any inherent virtue in the Southern Hemisphere which could turn incorrigible rogues into industrious labourers."<sup>21</sup> Indeed, the election was marred by riots and disturbances, generally among those who did not have the vote.<sup>22</sup> However, Gipps could report to London that "The Elections in general went off very well." He had, however, to add that "some rioting... took place... One life was lost in Sydney, and one in Paterson..."<sup>23</sup>

The new constitution had the effect of creating an opposition to the government within the Council. Lowe later explained to the House of Commons the political circumstances of New South Wales in 1843. "The former Legislative Council of New South Wales assembled in the colony in 1843, and the first effect of its establishment was, that the Council got into a

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<sup>21</sup> *ibid*, pp168-9.

<sup>22</sup> Knight, *Illiberal Liberal*, p45.

<sup>23</sup> Gipps to Lord Stanley, 18<sup>th</sup> July 1843. *Historical Records of Australia, series 1*, vol. 23, pp42-4.

violent collision with the Governor."<sup>24</sup> The immediate cause was the economic depression. This occasioned serious discomfort for many of those who had been elected to the Council. Moreover, in that most painful of places: the pocket. They naturally wished to do something about it. Almost the first act of the new Council was to appoint a Select Committee to enquire into the monetary crisis. One of the Council's most prominent members, William Charles Wentworth, proposed three measures to ease the plight of the graziers; of whom he was one. The Solvent Debtors Bill relaxed the terms on which existing loans could be repaid. The Preferable lien Bill permitted credit to be raised on the security of flocks. The Usury Bill sought to limit interest on debts and mortgages to five per cent. This would act retrospectively as well as for loans contracted for after the Bill might be passed. Additionally, both Wentworth and another influential member of the Council, Charles Windeyer, campaigned for the introduction of protective tariffs on grain, as well as other commodities.

To a governor rigidly attached to the doctrine of free trade - one moreover who believed that the government could not legislate for economic prosperity - this was alarming. Gipps was faced with a Council in which the elected members were virtually solid in their opposition to him. According to the Governor it had been "represented to the people [that]... it was the duty of the colonists to elect no men as their representatives who did not pledge themselves to oppose [the Government]."<sup>25</sup> In such circumstances, Gipps was in desperate need of an ally who could put the Government's case effectively in the Council. He required someone with the eloquence and ability to be a counterweight to Wentworth and Windeyer. Gipps thought he had found such a man in Robert Lowe. By chance one of the appointed members of the Legislative Council, Richard Jones, resigned his seat in November 1843 following upon his bankruptcy. Gipps saw his opportunity and appointed Lowe to the vacant seat. The *Sydney Morning Herald* professed puzzlement at the choice:

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<sup>24</sup> Speech of June 14<sup>th</sup> 1855. *Hansard*, .138, col.1990.

<sup>25</sup> A.C.V. Melbourne, *William Charles Wentworth*, Brisbane, 1934, p66.

All that is known of Mr. Lowe in the colony is that he is a junior barrister who arrived here about fourteen months ago... He is a gentleman of very superior scholastic attainments, and was, until very shortly before he left England, a Fellow and tutor of one of the Oxford colleges. We are at a loss to conceive what claims Mr. Lowe had to be made a Councillor; he has had no colonial experience, he has no stake in the colony, and we must express our surprise that the Governor should have passed over all the old colonists to confer the office on a gentleman who is almost a stranger.<sup>26</sup>

Georgiana Lowe rejoiced that her husband now had “an opportunity of bringing himself before the public, [which] will be of great use to him as a barrister.” With an eye to a possible political career back in Britain she added that, “this appointment has no remuneration attending it, but much honour. Robert’s speeches will be printed and sent home with the Proceedings of the Legislative Council; his name will thus be often before the Home Government, and may thus prove of immense advantage.”<sup>27</sup>

Initially, it seemed as though Gipps had made an astute choice. Lowe was an assiduous supporter of the Government throughout the remainder of the session, which ended on the 28<sup>th</sup> December 1843. Nor was there any secret about the fact that Lowe had been brought in to the Council for the specific purpose of bolstering the Government’s debating strength. Georgiana Lowe wrote to her mother on the 7<sup>th</sup> November 1843 rejoicing in the “high honour” which had been bestowed upon her husband. She continued: “Sir George has placed him in the Legislative Council, he expressly says, to strengthen the Government, and looks forward to his being of great use.” She added, by way of circumstantial detail, that “there is a barrister, a Mr. Windeyer, an undoubtedly clever man, who has a strong party opposed to the Government – and the Home Government also; this man is a popular member – to oppose him, and to conquer if possible, is to be Robert’s main point.” G.W. Rusden commented that this passage in Mrs. Lowe’s letter “reflected the conversation of the time.” He added that “those who, like the author, were acquainted with the men and manners of the day, are well aware that Mrs. Lowe’s ardent words represented what was common knowledge when Lowe entered the

<sup>26</sup> *Sydney Morning Herald*, 10<sup>th</sup> November 1843. Quoted in: Knight, *Illiberal Liberal*, pp186-7.

<sup>27</sup> Georgiana Lowe to Mrs Pyndar, 7<sup>th</sup> November 1843. Martin, *Robert Lowe*, 1, pp187-8.

lists as the avowed champion of Gipps.<sup>28</sup> At the beginning of 1844 Gipps felt able to tell Colonial Secretary, Lord Stanley, that the accession of Lowe - "whose confirmation I look for with anxiety" - to the Council was likely to restore the fortunes of the Government.<sup>29</sup>

Lowe took the political economy which he had learned at Oxford with him to New South Wales. He had found that his views accorded with those of the Governor.<sup>30</sup> During the economic crisis which coincided with the first few months of his membership of the Legislative Council he was therefore able conscientiously to support the Government and oppose the economically interventionist schemes of its opponents in the Council. In his first speech in Council, Lowe attacked Windeyer's Monetary Confidence Bill with gusto and with an eloquence to which the New South Wales Legislative Council had not previously been accustomed.<sup>31</sup> Although the Bill passed the Council, due to the opposition majority, it was subsequently vetoed by the Governor.<sup>32</sup>

In December 1843 Lowe demonstrated his support for free trade by again backing the Governor and opposing Wentworth and others. Gipps introduced a Bill which reduced the tariff on liquor (to curb smuggling) which Lowe approved. In response, Wentworth and the opposition members of the Council opened the more general question of duties on grain and, for good measure, refined sugar. Wentworth proposed to raise the duty on flour from 1s.5d. to half-a-crown per cwt. This was attacked by Lowe (and Gipps) on free trade grounds. He reminded the Council of the effects of the Corn Laws in Britain. He also suggested that Wentworth's motives were self-serving. "As a matter of fact," he said, "the effect would be to tax the bread of the poor for the supposed advantage of a class."<sup>33</sup> He told the Council that "the essence of the

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<sup>28</sup> *ibid*, pp187-90; Rusden, *History of Australia*, 2, p242 & p242n

<sup>29</sup> Knight, *Illiberal Liberal*, p63.

<sup>30</sup> Gipps was educated at King's School Canterbury and the Royal Military Academy at Woolwich. He had served with Wellington in the Peninsular War and later in France – although he missed Waterloo. How he developed an interest in political economy is not known. Perhaps he simply took an interest in the subject as an intelligent, enquiring public man.

<sup>31</sup> Martin, *Robert Lowe*, 1, pp190-1.

<sup>32</sup> Knight, *Illiberal Liberal*, pp57-9.

<sup>33</sup> Martin, *Robert Lowe*, 1, pp194-5.



proposition is protection and prohibition. Such ideas were based upon “exploded fallacies” which had elsewhere been abandoned.<sup>34</sup> It is noteworthy that the debate in the Colony reflected controversies in the mother country. The 1840s saw the ascendancy of the Anti Corn Law League and the gradual advance of free trade, culminating in the repeal of the Corn Laws in 1846.<sup>35</sup> It was true to say that the cause of protectionism was on the retreat in the 1840s, but Lowe was exaggerating when he suggested that these “fallacies” no longer exercised considerable influence. Although professional political economists were almost all free traders, the debate generally between free trade and protection continued long after 1846 in Britain.<sup>36</sup> Other proposals, such as the idea that the Government should buy up all the mortgages in the colony (at an estimated cost of £0.5m) were also ridiculed by Lowe.<sup>37</sup>

The proper solution to the problem, Lowe argued, was not to impose protective duties on imported flour but for the home Government to reduce its tariffs. He accordingly moved in Council that the home country should “admit corn, the produce of the Australian colonies, on the same footing as Canadian corn.”<sup>38</sup> He drew up a petition to be transmitted to the House of Commons in which it was stated:

That your petitioners have learned with feelings of bitter disappointment that your Honourable House has recently refused to extend to them the privilege accorded to Canada of importing corn and flour at a nominal duty into England. The wool, the staple export of this colony, is exposed to the rivalry of the whole world, and by its competition has been the means of keeping down the price of the raw material of a most important English manufacture, whereas

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<sup>34</sup> Knight, *Illiberal Liberal*, p63.

<sup>35</sup> For an account of the League see: Norman McCord, *The Anti-Corn Law League*, London, 1968; Paul Pickering and Alex Tyrrell, *The People's Bread*, London, 2000. For documentary sources and contemporary views see Alon Kadish (ed), *The Corn Laws: The Formation of Popular Economics in Britain*, 6 vols, London, 1996. For the advance of free trade see: Donald McCloskey, *Enterprise and Trade in Victorian Britain*, London, 1981, pp155-170; P.J. Cain, *Economic Foundations of British Overseas Expansion*, London, 1980, pp17-21.

<sup>36</sup> Anna Gambles, *Protection and Politics: Conservative Economic Discourse, 1815-1852*, Woodbridge, 1999, chapter 8, pp203-229; Robert Stewart, *The Politics of Protection: Lord Derby and the Protectionist Party, 1841-1852*, Cambridge, 1971.

<sup>37</sup> Knight, *Illiberal Liberal*, p51.

<sup>38</sup> Martin, *Robert Lowe*, 1, pp221-2.

the heavy duty on Baltic timber, imposed for the protection of Canada, has been felt as a grievous tax on the British householders and shipowners.<sup>39</sup>

Another measure that Lowe favoured was the revision of the bankruptcy laws; a subject to which he would also turn his attention when back in Britain. With the economic crisis had come a spate of bankruptcies. Gipps wrote to Lord Stanley that "insolvency has occurred amongst all classes of the community," and that "persons...are driven in crowds to the Insolvent Court."<sup>40</sup> A Select Committee to look into the workings of the insolvency laws was therefore appointed. Lowe was one of its members and took the lead in questioning witnesses. He also presented the report to the Council.<sup>41</sup> The Committee proposed the abolition of imprisonment for debt. As things stood, a man might have assets worth vastly more than his liabilities but, unable to realise their value in a depressed market, had either to enter the debtor's prison or declare himself insolvent. This, Lowe maintained, distorted the market for loans and brought solvent businessmen into unfair competition with sequestered estates.<sup>42</sup>

But Lowe was not just opposed to state intervention merely to relieve the anxieties of the well-to-do squatters. Those in a more humble station also had to appreciate that the verities of political economy lay beyond the reach of government. He declined an invitation to attend a meeting of "unemployed operatives." In his letter to the promoters of the meeting explaining his reasons, Lowe's concept of the state's role in the economy was, although unwelcome to its recipients, at least even-handed.

Because the revenue (which is principally raised from the wages of the people) ought to be expended for the good of all, and not of a particular class. Because it is just as improper to spend public money to keep up wages as to keep up rent or profits. Because the attempt to prevent labour finding its level must, in my opinion, be either useless or mischievous. Because I will never be a party to spending public money in order artificially to raise the price

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<sup>39</sup> *ibid*, p223.

<sup>40</sup> Gipps to Stanley, 19<sup>th</sup> August 1843. Frederick Watson (ed.), *Historical Records of Australia, series I*, 26 vols., Sydney, 1914-1925, vol.23, pp84-7.

<sup>41</sup> This task would normally fall to the Chairman of the Committee.

<sup>42</sup> Martin, *Robert Lowe*, 1, p193; Knight, *Illiberal Liberal*, pp60-1.

which employers of mechanics in the interior must pay for their services, and thus to arrest the progress of improvement throughout the colony.<sup>43</sup>

Yet by July 1844, Gipps was beginning to regret having given Lowe his opportunity. "I have," he wrote to Stanley, "been deserted by Mr. Lowe, from whom... I expected the most effectual assistance."<sup>44</sup> To Charles La Trobe, Lieutenant Governor of the Port Phillip district (Melbourne), he complained that Lowe had, although a Crown nominee, "acted towards me in a most faithless & treacherous manner."<sup>45</sup> He was not the only one to be puzzled by Lowe's apparent changes of mind. According to Rusden "he had been taunted with treachery by many." One member of the Council, Roger Therry, suggested an unflattering comparison between Lowe and a venomous snake "which stung to death the benefactor who had warmed it to life and strength in his bosom."<sup>46</sup> The *Sydney Morning Herald* went so far as to describe him in 1845 as a "political Dick Swiveller."<sup>47</sup> W.C. Wentworth's biographer described Lowe as "the man who was known to have spoken and voted on every side of every question raised for discussion in the colony."<sup>48</sup> S.H. Roberts was especially critical of what he regarded as the tendency of this "quaintly deformed young solicitor"<sup>49</sup> to change his allegiances. "He seemed to find positive pleasure in his *volte-faces* – this political Dick Swiveller who was constant only in his inconstancy."<sup>50</sup> C.M.H. Clark described Lowe as "a man who had no principles" and "quite untouched by any generous or noble impulse."<sup>51</sup> According to G.W. Rusden he was one of those politicians who "could trim their sails to any breeze."<sup>52</sup>

Accusations of inconsistency continued to pursue Lowe years later in Britain. During the reform debates of 1866 Hugh Childers quoted speeches which

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<sup>43</sup> Martin, *Robert Lowe*, 1, p371.

<sup>44</sup> Knight, *Illiberal Liberal*, p87.

<sup>45</sup> Gipps to La Trobe, 3<sup>rd</sup> August 1844. A.G.L. Shaw (ed.), *Gipps – La Trobe Correspondence, 1839-1846*. Melbourne, 1989, p279.

<sup>46</sup> Rusden, *History of Australia*, 2, p271.

<sup>47</sup> 20<sup>th</sup> March 1845. Quoted in Ruth Knight, *Illiberal Liberal*, p118.

<sup>48</sup> Melbourne, *William Charles Wentworth*, p114.

<sup>49</sup> Roberts, *The Squatting Age in Australia*, p235.

<sup>50</sup> *ibid*, p234.

<sup>51</sup> Clark, *History of Australia*, 3, p301.

<sup>52</sup> Rusden, *History of Australia*, 2, p468.

Lowe had made in Australia. Childers purported to demonstrate that Lowe had completely changed his mind since the 1840s. "After the citizens of Sydney had done him the honour to elect him as their representative," Childers informed the House of Commons, "he had stated that he should always be ready to seek for an extension of the franchise... When he was elected he told them that he wished to see the working class powerful."<sup>53</sup> Spencer Walpole noted of Lowe's opposition to franchise reform in 1866 and 1867 that "it [was] remarkable... that the man who, in England and in opposition, resisted so violently the extension of the franchise to the people, in Australia had advocated a wide extension of the franchise..."<sup>54</sup>

His detractors had some evidence for their accusations. From being the principal and most articulate spokesman for the Governor in the Legislative Council, Lowe became his implacable enemy. He then allied himself with Wentworth and the squatting interest against the Governor. He even spoke at a dinner given in Wentworth's honour in January 1846, heaping praise on the leader of the squatters.<sup>55</sup> Subsequently, he turned against Wentworth and the squatters and vigorously opposed them in the Council. After his return to Britain and election to the House of Commons he continued to oppose the squatting interest in the editorial column of *The Times* and in parliamentary speeches.

A more detailed examination of Lowe's politics in Australia reveals a more complex picture. Above all, it is possible to identify continuity between Lowe's politics in Australia and in Britain. He addressed the subject of elementary education in both countries. Similarly, political economy and free trade were subjects upon which he expressed firm and consistent views. But principally it was the question of how the country should be governed, and by whom, that most stimulated him to express trenchant and controversial views on both sides of the world. The ultimate source of the break between Lowe and Gipps was the hybrid nature of the constitution which had arrived with Lowe in 1843.

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<sup>53</sup> 26<sup>th</sup> April 1866, *Hansard*, 182, col.2162.

<sup>54</sup> Spencer Walpole, *The History of Twenty-five Years*, 4 vols., London, 1904, vol. 2, pp153-4

<sup>55</sup> Martin, *Robert Lowe*, 1, pp290-2.

It had, in effect, granted the prominent inhabitants of New South Wales a forum in which they could express their dissatisfaction with the Government, while keeping the main levers of power in the hands of the Governor. The 1843 Constitution did not therefore grant a truly representative and responsible government to New South Wales. The biographer of Henry Parkes, one of Australia's early Prime Ministers and a friend of Lowe, noted that from 1843 to 1856 an incessant agitation for responsible government was carried on."<sup>56</sup> Lowe took part in that agitation and continued his involvement in the debate as a Member of Parliament in Britain. According to Ruth Knight, in the 1840s "no other single figure stands out more vividly both as antagonist to the Governor and the home government and as protagonist in the struggle for responsible government."<sup>57</sup>

As part of his contribution to the campaign, in 1844 Lowe started his weekly newspaper, the *Atlas*. For the first months of its existence the paper was almost entirely written by Lowe. Even after he had relinquished much of that onerous duty, he still largely directed its editorial policy. Gipps' successor, Sir Charles Fitzroy, gave his opinion of the paper to the Colonial Secretary, Lord Grey. "This Paper is occasionally written with considerable talent, but is given to offensive reflections on persons, who may, from any cause, be obnoxious to its contributors..."<sup>58</sup> One of the early leading articles which Lowe wrote for the *Atlas* clearly stated his views on responsible government for New South Wales:

The grand object to be attained, then, is legislative power commensurate with our knowledge and our wants. We can only ensure it by steadily and temperately showing that we understand and shall not abuse it... Let us show that we have that high qualification for civil liberty which consists in putting moral chains on our own passions. Let our representatives have patience, while they steadily and respectfully press in the direction of the great object; the granting of which by the mother-country will be the surest means of strengthening and

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<sup>56</sup> Charles E. Lyne, *Life of Sir Henry Parkes*, London, 1907, p29.

<sup>57</sup> Knight, *Illiberal Liberal*, p2.

<sup>58</sup> Fitzroy to Grey, 10<sup>th</sup> January 1846. *Historical Records of Australia, Series 1*, vol.26, p169.

continuing those amicable arrangements which both parent and child must be anxious to retain.<sup>59</sup>

For all the moderation and reasonableness which Lowe might sometimes express, the tone of his attacks on the existing constitutional arrangements in New South Wales left no doubt as to his views. The *Atlas* gave him the means to attack colonial rule:

The Governor, who knows little and cares less, about the colony – whose interest is in every respect anti-colonial whenever the interests of the colony and the Empire are supposed to clash – is responsible to the clerks of the Colonial Office, who care as little as he, and who know even less about us than himself. The clerks are responsible to the Colonial Secretary, who, equally unknowing and uncaring, is besides, for our special benefit, a first-rate debater, whose head is full of Corn Laws, and Factory Bills, and Repeal of the Union, whose mornings are spent, not in going through that twentieth part of the business allotted him as Colonial Minister... but in excogitating sound pummellings for Cobden, stinging invectives for O'Connell, and epigrammatic repartees for Lord John Russell.<sup>60</sup>

The paper also regularly contained satiric verse and skits which lampooned the mismanagement of the colony by the Colonial Office.<sup>61</sup> In an article of January 1845, Lowe wrote that “there are forty colonies belonging to Great Britain, all more or less misgoverned.”<sup>62</sup> At a dinner given in honour of W.C. Wentworth in January 1846, Lowe’s speech in response to the toast called for “a speedy and thorough reform of the Colonial policy of Great Britain.” He concentrated on the deficiencies and inadequacies of colonial rule. Although he did not favour the separation of New South Wales from Britain he was critical of the incompetent way in which the Colonial Office discharges its duties. “A line of demarcation should be drawn between Imperial and Colonial legislation,” said Lowe, “and all meddling interference in matters of a domestic nature should be utterly and for ever renounced. They were the best judges of their own wants, their own circumstances, and could legislate for their own welfare better than those who were totally ignorant of both...” In summary,

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<sup>59</sup> Martin, *Robert Lowe*, 1, p255.

<sup>60</sup> *Atlas*, 28<sup>th</sup> December 1844; Martin, *Robert Lowe*, 1, pp256-7.

<sup>61</sup> Martin, *Robert Lowe* 1, pp258-60.

<sup>62</sup> *Atlas*, 25<sup>th</sup> January 1845; Martin, *Robert Lowe*, 1, p257.

Lowe believed that governance of colonies through policies and instructions determined by the Colonial Office and the Secretary of State based in London, was likely to be bad government. Not only did Lowe say that the Colony should be able to regulate its own affairs without interference from Britain, he also claimed that on Imperial questions the Colonies should have a voice. After all, as they had “to share in the results of Imperial policy, it was fit they should have a voice in its deliberations.” Lowe therefore suggested that the colonies should be represented in the British Parliament. “If the representative of Middlesex claims a right to control the destinies of New South Wales, the representative of New South Wales should have a corresponding influence on the destinies of Middlesex.”<sup>63</sup>

The fact that the people of the colony did not enjoy responsible government was starkly outlined by the new “Squatting Regulations” of early 1844. The Government urgently needed to raise additional revenue to finance further emigration from the home country. Gipps had been told by the Colonial Office to expect 5000 new settlers at a total cost to the colony of £100,000. Fortunately for the Governor, the constitution which the home government had granted the colony did not confer that degree of responsible self-government which many of the colonists desired. In particular, the Legislative Council only had partial control of the finances. First, there was a permanent Civil List of £81,600 which was outside the control of the Council. Second, the government controlled the sale and lease of Crown land. This was a source of revenue which could be tapped by the Governor without reference to the Legislative Council. In Lowe’s words:

There were two funds in the colony, one of which was the ordinary revenue, that was to be appropriated by the Council, and the other the waste land fund, to be under the control of the Government; and great conflicts took place between the Council and the Government upon matters of economy. The result was, a keen struggle on the part of the Council to throw as much as possible of the expenditure of the colony upon the waste land fund, over which it had

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<sup>63</sup> Martin, *Robert Lowe*, 1, pp291-2.

no power, and on the part of the Government, on the other hand, to throw it as much as possible upon the ordinary revenue, which was left at the disposal of the Council.<sup>64</sup>

Gipps knew that there was no possibility that the Legislative Council would agree to increases in taxation to finance the passages of the proposed emigrants. He had therefore to employ the revenue raising powers which lay at his sole disposal. As Lowe later told the House of Commons:

In the beginning of 1844... the then Governor of the colony ventured upon what would now be called a *coup d'état*, and suddenly, without consulting the Legislative Council, issued an order, by which he claimed, under the prerogative of the Crown, the right to increase the sum paid as an acknowledgement for the use of this pasture-land to [an amount] which fairly raised the question as to whether such a proceeding was consistent with free government. He, for one, thought that it was not, and that the power over the purse vested in the Legislature was perfectly useless if the Government had at its entire command another resource derivable from the people, which it could raise without limit, and without reference to the assent or dissent of their representatives, and so as to afford no security for retrenchment.<sup>65</sup>

Under the old regulations, each squatter had a single licence from the Crown entitling him to the use of the "runs" that he occupied. The new regulations stipulated that separate licences must be obtained for stations in separate districts. Additionally, a single licence could only cover a maximum of 20 square miles, or 4000 sheep or 500 cattle. In effect, the squatters were going to have to pay a little more (although they were still only liable for modest sums) for the privilege of making use of the large tracts of Crown land which they occupied. Lowe's response to this arbitrary exercise of gubernatorial power was to join the Pastoral Association in 1844. This organisation existed to promote the interests of the squatters and it published a protest against the new regulations which, it was widely believed, had been largely drawn up by Lowe.<sup>66</sup> Among other criticisms, the Pastoral Association objected to the lack of security of tenure, the absence of any pre-emptive right-to-buy, the exercise of arbitrary powers by the Governor, and the artificially high minimum

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<sup>64</sup> June 14<sup>th</sup> 1855, *Hansard*, 138, col.1990.

<sup>65</sup> *ibid.*

<sup>66</sup> Rusden, *History of Australia*, 2, pp255-6.



price of land (set at £1 per acre in 1842) which effectively excluded any possibility of substantial tracts of land being purchased.<sup>67</sup>

The Land question was one to which Lowe devoted much of his political attention during his stay in Australia. It was inextricably associated, indeed in many ways it was synonymous, with the constitutional question. As such, "the series of brilliant and impassioned speeches on [it] had raised the fame of Robert Lowe as an orator to the very highest pitch among the whole of the colonists, urban and pastoral, of New South Wales."<sup>68</sup> The Legislative Council, dominated as it was by Wentworth and his followers, set up a Select Committee, with Lowe as a member, to examine the matter. According to Rusden, Lowe vigorously opposed the unfortunate Governor: "...though Mr. Lowe in the House did not take up a hostile attitude, in committee he was sedulous in extracting answers unfavourable to his late patron's policy, and out of doors his impetuosity as an opponent knew no bounds."<sup>69</sup> Initially, Lowe had united in common cause with Wentworth. Consequently the *Atlas* reflected the Pastoral Association's views. It opined on the 31<sup>st</sup> January 1846 that:

Squatting runs, however they may be viewed by the Government at home, have for some years been considered in this country as a species of *quasi* property... we believe that the right of pre-emption, with the lease for twenty-one years, without auction, and at a fixed and moderate rent, would tend more to produce such a favourable result than any other. Such a title to property would carry with it, not only a period of time sufficient to enable us to recover from our losses, but would secure to us that fixity of tenure... which is necessary alike to our pecuniary success, and to the creation of those domestic ties which alone can render a community moral and happy."<sup>70</sup>

Having been the chief prop of the Governor he was now the "intimate advisor" of the Pastoral Association and was generally credited with having written the Select Committee report which, not surprisingly, adopted the views of the

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<sup>67</sup> *ibid*, p256.

<sup>68</sup> Martin, *Robert Lowe*, 1, p347.

<sup>69</sup> Rusden, *History of Australia*, 2, p260.

<sup>70</sup> Crowley (ed.), *A Documentary History of Australia*, vol.2, *Colonial Australia 1841 – 1874*. Melbourne, 1980, pp117-8.

squatters.<sup>71</sup> Having vigorously opposed the Governor Lowe eventually had to resign his nominated seat on the Legislative Council. He was subsequently returned unopposed for one of the elected seats on the Council at St. Vincent and Auckland. In his election address he informed his prospective constituents that he was “friendly to the squatters, considering that upon their success alone can the prosperity of the agricultural interest be securely based.”<sup>72</sup> After being duly elected he explained in his post-election speech that he had turned against the Government because “when I saw a system of district taxation introduced, and persevered in after remonstrances from the Council... I could not support that Government.”<sup>73</sup> A less charitable historian has suggested that Lowe had thrown up Gipps for entirely different reasons. “The truth was that... Lowe had acquired considerable interests in Land and had joined the Pastoral Association, because he could see an opening future by taking up the cudgels of the opposition against the harassed Governor.”<sup>74</sup> But according to G.W. Rusden this was not the case. “Robert Lowe was among the fortunate. In a time of depression he had bought tenements in Sydney as a qualification for a seat in the Council. After the discovery of gold their value increased prodigiously... rents in Melbourne and in Sydney rose eight or nine hundred per cent.”<sup>75</sup>

Lowe's alliance with Wentworth and the squatters proved to be only temporary. Although he had combined with Wentworth to defeat the Governor's new squatting regulations, Lowe had actually opposed Gipps *For quite* different reasons. The outrage of the squatters was primarily grounded on self-interest, whatever grandiose constitutionalist language they may have adopted in public. They wished to maintain their exclusive right to the use of the lands which they leased from the government at a nominal cost.<sup>76</sup> Lowe's opposition was the reaction of a liberal who believed in free and representative institutions and abhorred the exercise of arbitrary power by an

<sup>71</sup> Rusden, *History of Australia*, 2, pp260, 262.

<sup>72</sup> Martin, *Robert Lowe*, 1, p274.

<sup>73</sup> *ibid*, p275.

<sup>74</sup> Roberts, *The Squatting Age*, p232.

<sup>75</sup> Rusden, *History of Australia*, 2, p640.

<sup>76</sup> Winter, *Robert Lowe*, p40.

autocratic authority. It was not long, therefore, before Lowe turned against his erstwhile allies and their aspirations. In fighting the Governor's new squatting regulations, Lowe remained true to the principle of governance by responsible and representative institutions. But he always maintained a second principle: that such institutions should not become the sole preserve of one particular sectional interest. After the dispute between the squatters and the Governor had been decided in favour of the former, it soon became apparent to Lowe that the squatting interest had become an even greater danger to freedom. In characteristically colourful language, Lowe later related to the House of Commons how the squatters had achieved their pre-eminent position. "These parties were much in the position of the ancient tyrants... who, by professing that they were in danger from the enemies of the people, obtained body-guards to protect them, and then turned round and used those guards to enslave the very communities which had given them to them."<sup>77</sup> Their domination over the vast tracts of the colony was now almost complete. They had obtained from the home government a large part of what they wanted.<sup>78</sup> The squatters had obtained security of tenure - almost a *de facto* ownership - at a nominal cost.<sup>79</sup>

Not surprisingly, the squatting interest favoured the revised regulations.<sup>80</sup> They now discovered Lowe as their implacable foe. His speech to the Legislative Council on the 1<sup>st</sup> June 1847 opposed the new regulations. They had set the squatters in a uniquely privileged position of unrivalled power. This one small group of people had achieved a political and economic predominance which he always opposed. "What right had any particular class

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<sup>77</sup> Speech of June 14<sup>th</sup> 1855. *Hansard*, 138, col.1991.

<sup>78</sup> The land policy of the new Colonial Secretary in Lord John Russell's Government, Earl Grey, was embodied in the Waste Lands (Australia) Act and the subsequent Orders in Council which amplified it. The Crown lands were divided into three classes. "Settled:" where runs were to be leased from year to year. "Intermediate:" where eight year leases were granted subject to two months notice if the land was required for sale. And "unsettled:" where occupying squatters were given fourteen year leases with the right to a second fourteen year term if the lands were unsold. Additionally, squatters of the intermediate and unsettled districts had the pre-emptive right to buy their runs (at the £1 an acre minimum price) thus exempting the land from a public auction. The squatters had therefore gained security of tenure at modest cost. The minimum price of land was prohibitively expensive and so there was little chance of any squatter's run being sold from under him.

<sup>79</sup> Martin, *Robert Lowe*, 1, pp327-8.

<sup>80</sup> *ibid*, pp337-46.

of a community to the grant of particular rights and privileges denied to others." It was, he observed ironically, "one of the blessings we owe to legislation 16,000 miles off."<sup>81</sup> The squatters had their political preponderance in the Council. In the Pastoral Association they also now "found that they possessed a powerful organisation in their favour" which they could now use for purposes other than simply defeating the proposals of the Governor.<sup>82</sup> In September, in characteristically hyperbolic style, Lowe told the Council that the effect of the new law "would be to lock up all the lands of the colony, to reduce the rest of the population to a state of vassalage and serfdom, to throw abroad in the land the torch of discord, jealousy, and dissension."<sup>83</sup> According to his biographer, Lowe "never long kept away from his main theme – the iniquity of handing over so much of the public lands to the squatters."<sup>84</sup> A decade later and half a world away Lowe was just as firm in his views on the land policy of Earl Grey. The squatters had succeeded:

In securing to themselves a great portion of the waste lands. [The Act] merely confiscated... tracts of land as large as England, Scotland, and Ireland united, for the benefit of some 2000 people, giving them leases of them, with pre-emptive rights to purchase at the then minimum price the land which they held on such leases.<sup>85</sup>

The land question having been settled for the time being, the matter of responsible government for the colony came to the fore once again. The constitution of 1842 was to be radically changed. Earl Grey informed Sir Charles Fitzroy, Gipps' successor as Governor, of his intentions in a despatch of 1847. The principal changes were twofold. First, a new bicameral legislature would be established. The upper House was to be nominated by the Crown while the lower House was to be composed of the representatives of the colonists. Second, the representatives were to be chosen by an electoral college formed from the moribund district councils. Grey wished to revive these bodies by having them "bear to the House of Assembly the

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<sup>81</sup> *ibid*, p329.

<sup>82</sup> Speech of Lowe, June 14<sup>th</sup> 1855. *Hansard*, 138, col.1991.

<sup>83</sup> Martin, *Robert Lowe*, 1, p302

<sup>84</sup> *ibid*, p331.

<sup>85</sup> June 14<sup>th</sup> 1855. *Hansard*, 138, cols.1991-2.

relations of constituents and representatives.”<sup>86</sup> The publication of this new constitution brought forth “strong manifestations of opinion” in opposition to it. The Governor passed to the Colonial Office “petitions, very numerous signed” against any changes in the constitution not approved by the colonists.<sup>87</sup> Lowe and Wentworth, now competing for the privilege of being seen as the leader of the campaign for responsible government, were both on the platform at the great public meeting of 21<sup>st</sup> January 1848 at the Victoria Theatre, Sydney. They were among a succession of speakers who denounced the proposed new constitution on the grounds that it did not give the colony the responsible government that it urgently wanted.<sup>88</sup> G.W. Rusden attended the meeting and recalled that Lowe had been vehement in his denunciation of the proposed new constitution. He urged his hearers to:

Put it from them as a thing accursed, and have no part whatever in working it. Let them leave the wretched offspring of tyranny and indolence stillborn – dead. Let them, when they find the colonists will not pollute their souls by putting any of its foul provisions into operation, take their scheme back amidst the shouts of ridicule which shall reverberate throughout the empire.<sup>89</sup>

Regardless of the protests of the colonists, legislation was introduced into the imperial Parliament and the Australian Colonies Government Act passed in 1850.<sup>90</sup> However, some changes were made as a result of colonial representations. Ominously, there was “an alteration in the franchise of electors, calculated to give a fairer share in the representation to the occupiers of pastoral land;” *i.e.* the squatters.<sup>91</sup> At the same time, however, the new constitution allowed the colony to fix its own electoral boundaries. Grey wrote to Fitzroy that he was “empowered... with the assistance of the existing Legislative Council of the whole Colony, to form new electoral

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<sup>86</sup> Martin, *Robert Lowe*, 1, p373; Earl Grey to Lord John Russell, November 1<sup>st</sup> 1852. Earl Grey, *The Colonial Policy of Lord John Russell's Administration*, 2 vols., London, 1853, vol.2, letter IX, pp89-90.

<sup>87</sup> *ibid*, p90.

<sup>88</sup> Martin, *Robert Lowe*, 1, pp374-6

<sup>89</sup> Rusden, *History of Australia*, 2, p381.

<sup>90</sup> The Act provided for the separation of the Port Philip District (Melbourne). A legislature with 10 members appointed by the Governor, and 20 elected by the colonists, was also established.

<sup>91</sup> Grey to Lord John Russell, November 1<sup>st</sup> 1852. Grey, *Colonial Policy*, 2, letter IX, p93.

divisions...<sup>92</sup> This it proceeded to do in a manner which drew fire from Lowe. In Parliament, he drew fellow MP's attention to:

The iniquitous electoral division of the colony – a division by which all power was thrown just where it ought not to be, and by which property and population were alike swamped and sacrificed – a division which was merely geographical, and which treated all counties as equal, though some of them were the seats of populous cities and others mere sheepwalks.<sup>93</sup>

The prime example of this was the city of Sydney itself which was located in the County of Cumberland. Although that County “contained four-ninths of the population... out of the thirty-six members constituting the Assembly, [it] only returned eight, the others being given to thinly peopled districts...”<sup>94</sup>

As the campaign for responsible institutions continued, the Colonial Office hit upon the idea of asking the local legislature to draft its own constitution and submit it for imperial approval. In New South Wales, the Legislative Council therefore appointed a Select Committee to devise this constitution. The draft that emerged late in 1851 was chiefly written by Wentworth and was eventually submitted for the approval of Parliament in London. The parliamentary debates on the proposed new constitution eventually took place in 1855, by which time Lowe was a member of the House of Commons. But before speaking in the House on the subject of the Australian constitution, Lowe had the opportunity of rehearsing the arguments in the editorial column of *The Times*. Lowe knew perfectly well who was behind the proposed constitution. He wrote that “a party made up of the relics of the ‘emancipist’ faction<sup>95</sup>, and of settlers interested in giving weight and preponderance to the licensed occupants of Crown lands, were very powerful in the Council.”<sup>96</sup> Lowe was scathing in his denunciations of the proposals. “No calm spectator can doubt,” he wrote, “that they are the result of the most

<sup>92</sup> Grey to Fitzroy, August 30<sup>th</sup> 1850. Grey, *Colonial Policy*, 1, Appendix p462.

<sup>93</sup> Speech of May 17<sup>th</sup> 1855. *Hansard*, 138, col.722.

<sup>94</sup> *ibid*, col.722.

<sup>95</sup> “Emancipist” was the term used in the colony to describe those citizens who, arriving as convicts, had become free upon the expiry of their sentences.

<sup>96</sup> *The Times*, 31<sup>st</sup> October 1853, 2<sup>nd</sup> leader, p6.

grasping selfishness, the most narrow and illiberal ambition..."<sup>97</sup> In other words, the Constitution which the Council proposed to the home Government "was not the primary object of the measure... almost every provision it contained for that purpose was made subordinate to the ulterior object of obtaining for certain colonists the absolute possession and ownership of enormous tracts of the public lands."<sup>98</sup>

Lowe described himself as "a witness as well as an advocate in this case." He believed that the proposed constitution was "an iniquitous device on the part of a small oligarchical clique." This clique had managed to get "all the power into its own hands" and conceived that by the means of these arrangements that "it would be thus able to retain it and to exclude the people from that fair share to which they had a right."<sup>99</sup> Lowe accused the squatting interest of gerrymandering, and the Colonial Office of having been taken in by a Council which had tried to portray itself as representative of Australian opinion. In Lowe's view the Council "in no respect represented the public opinion of the colony."<sup>100</sup> It "was so packed and manipulated that it did not represent the great mass of the colonists."<sup>101</sup> Lowe wrote to Henry Parkes, the future Australian Prime Minister that "the scheme appears to me to be designed to retain power in the hands of the present public men, and to exclude, or at any rate to render helpless for your good, the talent and respectability which every ship is carrying to you."<sup>102</sup>

In other words, the governance of New South Wales had fallen into the hands of a single interest group – the pastoral magnates. Power had passed from the hands of the Governor and the Colonial Office and into the hands of the squatters. Lowe's solution was a widening of the franchise. This might appear strange when one recalls Lowe's later opposition to the downward extension of the franchise in Britain in the mid-1860s. It would not have seemed odd to

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<sup>97</sup> *ibid.*

<sup>98</sup> June 14<sup>th</sup> 1855, *Hansard*, 138, cols. 1989-90.

<sup>99</sup> May 17<sup>th</sup> 1855. *Hansard*, 138, col. 723.

<sup>100</sup> *ibid*, col. 722

<sup>101</sup> *ibid*, col. 724.

<sup>102</sup> 6<sup>th</sup> April 1853. Martin, *Robert Lowe*, 2, p102.

anyone who remembered Lowe at Oxford in the early 1830s when he had then favoured reform. In each case the object was the same: to prevent one particular group or interest gaining overwhelming power. In Britain, in 1832, the landed class appeared to have no serious competition for power. In the 1860s, it seemed to Lowe that the working classes, with their numerical superiority, would eventually succeed to absolute power if the suggested reform were to take place. In Australia, in the early 1840s, the Governor's access to an independent source of finance had created the possibility that he could circumvent such representative institutions as existed. In the late 1840s, it was the squatters who seemed to exercise hegemonic power through their control of the Legislative Council. Lowe therefore wished to extend the vote to sections of the working classes so as to counterbalance this. The committee working to have Lowe elected for Sydney in 1848 included, in the material which they had published in the *Sydney Morning Herald* the message: "Brother electors! Vote for Lowe and an extension of the Franchise."<sup>103</sup> He was quoted as having said: "It is my wish to make you great and powerful, and to educate you, to fit you for the possession of power. I do not fear to entrust ample unrestrained power into the hands of the people, so long as they also possess the knowledge which can teach them how to wield it."<sup>104</sup> None of this should be interpreted as support for universal suffrage. When the Constitutional Association was formed in 1848, the Committee resolved, among other things, that "whoever paid taxes had a right to elect his own representatives." Asked to move the this resolution at a public meeting, Lowe replied to Henry Parkes, who was to become his friend and a future Australian Prime Minister, that "I cannot move your first resolution because I do not agree with it either as a statement of an abstract right or of the spirit of the British Constitution."<sup>105</sup>

Lowe simply wished to extend the franchise in New South Wales so that the urban inhabitants of the colony could act as a counterweight to the seemingly all-powerful squatters. He told an audience at the City theatre in Sydney early

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<sup>103</sup> *Sydney Morning Herald*, 1<sup>st</sup> August 1848.

<sup>104</sup> *ibid*, 1<sup>st</sup> August 1848.

<sup>105</sup> Lowe to Parkes, 20<sup>th</sup> January 1849. Knight, *Illiberal Liberal*, p211.



in 1849: "I wish to give all classes power to make each dependent on the other so that they may work for the common good." The difference between Australia in 1848 and Britain in 1866 was that in the former case the working classes were threatened by squatter hegemony. In the latter, it was they who were threatening to swamp an educated and responsible minority.

I expressed a wish to see the working classes powerful, because I believed them to be intelligent. It never occurred to me that the working men wanted the franchise for the purpose of saddling themselves on the neck of the public... The franchise is to be given to the working classes, not to enable them to put money in their pockets, but to prevent its being taken out.<sup>106</sup>

Put another way: different problems required different solutions. In Britain, Lowe tried to maintain the £10 electoral qualification. In Australia, the £20 electoral qualification had been set by the 1842 constitution. Since that time there had been considerable deflation. Prices and wages had greatly fallen. Lowe therefore thought it right and sensible that the franchise qualification should be lowered. There were a number of people who had held the suffrage and had voted in the inaugural elections. But during the elections of July 1848, without any relative change in their circumstances, these same people were unable to vote.<sup>107</sup> Lowe had similarly favoured the proposal to reduce the qualification for district councillors. In December 1843, the Governor had proposed to reduce the property qualification for district councillors from £1000 to £500. Economic depression & deflation had made the £1000 qualification prohibitive for all but the wealthiest men. While most of his fellow Councillors opposed the reduction, hoping thereby to make the District Councils unworkable, Lowe supported it.<sup>108</sup>

In August 1844, Lowe was the only member of the Council who did not sit for the Port Phillip district (Melbourne) to vote for its separation from New South Wales. Again, the principle upon which he acted was that of effective representation. The distances involved in travelling between Melbourne and

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<sup>106</sup> 22<sup>nd</sup> January 1849. *Sydney Morning Herald*. 24<sup>th</sup> January 1849.

<sup>107</sup> Knight, *Illiberal Liberal*, p211.

<sup>108</sup> *ibid*, p59.

Sydney effectively meant that representation of the former place in the Legislative Council was restricted to inhabitants of the latter. In his speech to the Council on 20<sup>th</sup> August 1844 he employed his customarily sharp logic:

Suppose that Port Phillip were separated from this colony and annexed to Canada, with the right of sending six representatives to its Assembly. They might, no doubt, find six Canadians who would take the office on themselves, but was that representation? And if not, what was the practical difference between Canada and Sydney?<sup>109</sup>

But Lowe also proposed the abolition of Sydney Corporation. Lowe did not favour the granting of responsible and representative institutions for their own sake. He simply believed that in some instances business would be better conducted thereby. In the case of Sydney Corporation “the question... narrowed itself to... whether the elective principle, as applied to corporations, is attended with beneficial results.” In the case of the colony as a whole, Lowe judged that government by representative institutions was better than by the Colonial Office in London. Sydney Corporation, on the other hand, was notoriously corrupt and inefficient and so its abolition would be beneficial.<sup>110</sup>

Mr Lowe went on to say that what he as a taxpayer wanted was to see the streets cleansed, drained, lighted, and paved in the most efficient and the most economic way. In lieu of the idle frippery of mayors, aldermen, and councillors, he would appoint – not *elect* – a body of paid commissioners. These commissioners would have a plain, businesslike duty before them, which they could perform without any long speeches before or after dinner.”<sup>111</sup>

In his last months in Australia a further controversy, linked with the land question and political power, came to the fore. It was proposed by Earl Grey to restart the transportation of convicts to the colony. The squatters favoured the resumption of transportation because they would be provided with a ready supply of cheap labour. Most of the existing population regarded the matter in a different light. The incoming convicts would be in competition with them for employment. Additionally, there was moral opposition to the proposal.

<sup>109</sup> Martin, *Robert Lowe*, 1, p242; Rusden, *History of Australia*, 2, p279.

<sup>110</sup> Speech of 9<sup>th</sup> September 1849. Martin, *Robert Lowe*, 1, p392.

<sup>111</sup> *ibid*, p394.

Nevertheless, a Legislative Council dominated by the squatting interest agreed, in April 1848, to the resumption of transportation (or "exileism" as it was now euphemistically renamed).

In June 1849 the convict ship *Hashemy* arrived at Port Jackson. Lowe threw his weight behind the opponents of transportation and against the squatters.<sup>112</sup> A protesting crowd, estimated to comprise some four or five thousand people gathered at the Sydney Circular Quay on the 11<sup>th</sup> June 1849 to greet the *Hashemy*. Lowe addressed the crowd. "It was at that moment," according to J.F. Hogan, that "he attained the zenith of his power and popularity, and reached his highest and noblest achievement as an orator..."<sup>113</sup> In his speech, Lowe explicitly linked the question of transportation with that of the land. He agreed that the attempt to introduce more convicts was to be regarded "only as a sequence to that oppressive tyranny which had confiscated the lands of the colony for the benefit of a class."<sup>114</sup> In other words, the purpose of the resumption of transportation was almost entirely to benefit the squatters at the expense of everyone else. A protest against transportation, partly written by Lowe, was sent to the home government. The fourth of its five points argued that "it is in the highest degree unjust, to sacrifice the great social and political of the colony at large to the pecuniary profit of a fraction of its inhabitants."<sup>115</sup> Hogan wrote that he had "conversed with men who were present at that great historic gathering, and their testimony is unanimous that Lowe's speech... was his highest, most brilliant, and most sustained flight of oratory during his years of public life in Sydney."<sup>116</sup>

Here again, however, Lowe was accused of inconsistency. Gladstone became Colonial Secretary at the beginning of 1846. He made enquiries of the Governor concerning the resumption of transportation to New South Wales.

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<sup>112</sup> Knight, *Illiberal Liberal*, p216; Martin, *Robert Lowe*, 1, pp380-4; Hogan, *Robert Lowe*, pp5-8; Rusden, *History of Australia*, 2, pp467-73.

<sup>113</sup> Hogan, *Robert Lowe*, p5.

<sup>114</sup> *ibid*, p8.

<sup>115</sup> Crowley (ed.). *A Documentary History of Australia* 2, p155.

<sup>116</sup> Hogan, *Robert Lowe*, p6.

The Governor consulted the Legislative Council which established a Select Committee to discuss the question. Wentworth was the Chairman of the committee, upon which Lowe also sat. The report which they produced was later described by Gladstone's Whig successor, Earl Grey, as "very able."<sup>117</sup> It favoured the qualified resumption of transportation. According to Grey, the committee had initially observed "that if transportation from this Country to any part of Australia could be entirely put an end to, this would be... 'most conducive to the interests and most agreeable to the inclinations' of the Colonists."<sup>118</sup> However, the committee felt that the home Government were determined to resume transportation and therefore the best they could do would be to try to mould and modify the proposals. Grey inferred from the Report that it was "obvious that the compulsion to receive convicts... to which they professed to yield, was not one to which they submitted with any great reluctance."<sup>119</sup> When Lowe was co-opted as a candidate for Sydney in the Legislative Council elections, Wentworth complained that he was being unfairly charged with responsibility for the new wave of transportation. "Why do you not clamour down others with this charge?" he said in an election speech. "Why do not you, who are most bitter against me, affix it on your idol, Mr. Robert Lowe, who was as deeply implicated in the Transportation Report as I was?"<sup>120</sup> G.W. Rusden also emphasised Lowe's apparent change of view. He noted that "the versatile Lowe had thrown [himself] into the opposition to that transportation report for which, with Wentworth, [he] had been responsible."<sup>121</sup>

A.P. Martin has suggested that Rusden was not impartial on this question; being "a gentleman who was at this time engaged in pastoral pursuits in New South Wales, and... therefore a supporter of 'exileism.'" Nevertheless, it does seem curious that Lowe, who had put his name to a report which "described in... glowing terms the advantages which would result from [transportation], both to the Colony and the Mother-country," should subsequently denounce

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<sup>117</sup> Grey, *Colonial Policy*, 2, letter VIII, Grey to Lord John Russell, October 30<sup>th</sup> 1852.

<sup>118</sup> *ibid*, p36.

<sup>119</sup> *ibid*, p38

<sup>120</sup> Rusden, *History of Australia*, 2, p366.

<sup>121</sup> *ibid*, p365.

the very practice which he had previously approved. In his speech at the Circular Quay he had used typically blunt language.

It was a question of whether the inhabitants of this colony should be subjected to the contamination of trebly convicted felons, and whether they should submit to a measure to enhance the value of their confiscated lands... It was a struggle for liberty – a struggle against a system which had in every country where it prevailed been destructive of freedom."<sup>122</sup>

Lowe did not oppose transportation as such, either in 1849 or subsequently. He was prepared to accede to it in 1847 because, as the Committee's report concluded, it looked as though it was going to happen anyway. The only thing to do was to try and make the best of it and turn it to advantage. His outright opposition came when he realised that it was being used as a device by the squatters to benefit themselves. Lowe's opinions of the merits or otherwise of transportation were entirely determined by what he thought would be the merits (or demerits) of particular schemes. In 1847, the Committee of which he was a member had concluded that, providing their suggestions for improving the Colonial Office's scheme were adopted "the seeds of a great community would be sown on this continent, which would shoot up with a vigour and rapidity unexampled in the history of our race..."<sup>123</sup> In 1849, he happily "undertook the task of seconding the adoption of the protest of the people of the colony of New South Wales, against the outrage which had been so insultingly and offensively perpetrated upon them by the resumption of transportation."<sup>124</sup>

In New South Wales, the land and constitutional questions were inextricably linked with arguments about political economy. Specifically, a minimum price for the sale of Crown land had been fixed at £1 per acre by the 1842 Land Sales Act.<sup>125</sup> Along with most of his colleagues Earl Grey, the Colonial Secretary from 1846 until 1852, was a free trader. Indeed, he was described as "one of the Whig leaders to adopt free trade principles" and "an almost

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<sup>122</sup> Martin, *Robert Lowe*, 1, p384.

<sup>123</sup> Quoted by Earl Grey. Grey to Russell, October 30<sup>th</sup> 1852. Grey, *Colonial Policy*, 2, p39.

<sup>124</sup> Crowley (ed.), *A Documentary History of Australia*, 2, p155.

<sup>125</sup> Martin, *Robert Lowe*, 1, p253.

passionate and decidedly dogmatic free-trader..."<sup>126</sup> In his account of his stewardship of colonial policy he explained that he "thought it our duty to maintain the policy of free trade, and to extend its application to the produce of the Colonies."<sup>127</sup> Nevertheless, Grey defended the artificial minimum price of land both in and out of office.<sup>128</sup> Regarding this policy, Lowe remarked to the Legislative Council in June 1847 that:

It is somewhat strange that such a doctrine as this should be inculcated by Earl Grey, the strenuous, the uncompromising advocate of Free-trade, the enthusiastic admirer and follower of Cobden, and the consistent supporter of all the great measures which have been passed of late years for ensuring the freedom of the commerce of Great Britain.<sup>129</sup>

Lowe's convictions on the benefits of free trade were at least as strong as those of the Secretary of State. A price fixed by law for any commodity was anathema to him. Although a reduction of the £1 per acre minimum price of land had been one of the original demands of the pastoral association, Lowe noted that it had not been pursued with any vigour. The high price demanded for Crown land made it virtually unsaleable. This suited the squatters very well, since they could continue to occupy their runs without fear that the land might be sold from under them. Lowe's opposition to the fixed minimum price of land was therefore founded on two of his most cherished principles. A "*laissez-faire*" view of political economy, and opposition to the political domination of one particular group. In September 1846, Lowe carried resolutions in the Council on the price of land. "Eloquently he spoke in favour of sale." So long as this minimum price was maintained the land question would remain unsettled. The squatters would remain in possession of their runs to the exclusion of all others.<sup>130</sup> In 1848, Lowe managed to get himself appointed as the Chairman of a Select Committee on the £1 "upset price" of land. Unsurprisingly, with Lowe in charge, this committee reported in favour of a reduction in price.<sup>131</sup> Lowe's object in pursuing the reduction in the price of

<sup>126</sup> John M. Ward, *Earl Grey and the Australian Colonies*. Melbourne, 1958, p18.

<sup>127</sup> Grey to Lord John Russell, April 27<sup>th</sup> 1852. Grey, *Colonial Policy*, 1, letter I, p4.

<sup>128</sup> Grey to Lord John Russell, October 1<sup>st</sup> 1852. *ibid*, letter VII, pp303-20.

<sup>129</sup> Martin, *Robert Lowe*, 1, p330.

<sup>130</sup> Rusden, *History of Australia* 2, pp361-2.

<sup>131</sup> *ibid*, p427.

land was the opening up of the vast tracts of Crown land, then dominated by the squatters, to a greater number of smaller proprietors. He presented a petition from some of his constituents in St. Vincent & Auckland to the Legislative Council on May 11<sup>th</sup> 1847. The petition asked for the minimum price to be reduced to five shillings. It also proposed a plan for a system of "deferred payments" so that a purchaser could pay in instalments. "Only in this way," said Lowe, "could a genuine yeomanry be formed in Australia."<sup>132</sup>

In the field of education, Lowe's interests and activities foreshadowed what was to come when, a decade and more later, he was the responsible minister in Palmerston's government. But his interest in education also suggested opinions in other areas. Most controversially, education was inextricably linked with religious and church questions. Initially, he moved in the Legislative Council for a Committee to enquire into public education. The Council decided to appoint such a Committee, with Lowe in the Chair, on the 21<sup>st</sup> June 1844. Just as in the mother country, religion was the battleground upon which the fight for elementary education took place. Consequently, note was taken of the denominational composition of the Committee. Including Lowe himself, it comprised five Anglicans, two Roman Catholics, two members of the Church of Scotland, and a Quaker.<sup>133</sup>

The Committee's report was presented to the Council on the 28<sup>th</sup> August 1844. Having completed this task, Lowe resigned his nominated seat since he was no longer a supporter of the Governor. Ironically, however, on the issue of elementary education, he and Gipps were much closer than they had been on constitutional questions. Both Gipps and his immediate predecessor, Governor Bourke, had attempted to introduce a general system of education based upon what was known as the "Irish National system". This involved a general course of study with clergymen allowed to come into the schools to provide religious instruction to the children of their denomination. These plans

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<sup>132</sup> Martin, *Robert Lowe 1*, p298.,

<sup>133</sup> *ibid*, pp225-6; F.R. Baker, *The Educational Efforts of Robert Lowe in New South Wales*, Sydney, 1916, pp5-6.

had foundered upon the rock of clerical opposition.<sup>134</sup> In particular, the Anglican Bishop of Sydney, William Grant Broughton vehemently opposed such ideas. Bourke had got so far as to have requested the home Government to send out teachers either of the National Schools Society or the British and Foreign School Society.<sup>135</sup> Gipps attempted to introduce the National system while the Bishop was away visiting Norfolk Island. He failed. A school had been built at Wollongong, at a cost of over £2600 but was objected to from all religious directions – Anglican, Catholic and Wesleyan. The Anglican and Roman Catholic clergies raised subscriptions for their own independent schools. There was also the possibility of a further two denominational schools. The National school remained empty until 1851, described by Lowe as “a monument [to] intolerance and bigotry.”<sup>136</sup>

The report reflected Lowe's preferences and opinions: first, that a system of elementary education was required: and secondly, that such a system was best, most efficiently and most cheaply provided by a national, non-denominational system. Education, according to Lowe, was a good thing irrespective of the religious affiliations of the instructed. In a speech of October 1846 he informed the Legislative Council that “money is given for the purpose of education by the State because it is a general good to be applied in the same way to all denominations.”<sup>137</sup> In this Lowe followed Adam Smith.<sup>138</sup> Smith maintained that men were “necessarily formed by their ordinary employments.” For most, these consisted of a few repeated, simple tasks. Therefore some education was a necessary thing for the ordinary man. Without it he would be rendered “incapable of relishing or bearing any part in rational conversation,” or of “conceiving any generous, noble, or tender sentiment, and consequently of forming any just judgement concerning many even of the ordinary duties of private life.” Similarly, he would be “equally

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<sup>134</sup> Knight, *Illiberal Liberal*, pp82-3.

<sup>135</sup> The former encompassed Anglicans and Wesleyans. The latter supposedly had the support of all Protestants but in practice just non-conformists other than Wesleyans. On the origins of the “Irish National System” see: Richard Brent, *Liberal Anglican Politics: Whiggery, Religion, and Reform, 1830-1841*, Oxford, 1987, ch. 7.

<sup>136</sup> Knight, *Illiberal Liberal*, pp83-4.

<sup>137</sup> Martin, *Robert Lowe*, 1, p322.

<sup>138</sup> Sylvester, *Robert Lowe and Education*, p23.



incapable of defending his country in war." In a developed society, this was "the state into which the labouring poor, that is, the great body of the people, must necessarily fall, unless government takes some pains to prevent it." With no mention of denominational wrangling, Smith therefore advocated the public provision of education. He advocated "establishing in every parish or district a little school, where children may be taught for a reward so moderate that even a common labourer may afford it: the master being partly, but not wholly, paid by the public..."<sup>139</sup>

Lowe agreed. "There is a point where the doctrine of *laissez-faire* ceases to be applicable," he later observed.<sup>140</sup> The Committee of 1844 had come to a very similar conclusion regarding public expenditure on education. It reported that: "no money can be expended to better advantage than that which is appropriated to such a purpose."<sup>141</sup> In presenting the Report to the Legislative Council Lowe stressed the urgency of taking immediate action on education. "There are a large number of children growing up in ignorance," he said, "and if we do not educate them other people will. Large drafts of criminals are coming over here and they will educate the children.... No where in the world is education more required than it is here."<sup>142</sup> In Lowe's view there was no practical alternative, in a country like Australia which was relatively sparsely populated, to a general system of education. At a public meeting shortly after the Report's completion he said that "either this system must be adopted or the children of the colony must go, as they had gone, without education, either religious or secular."<sup>143</sup>

On the shortcomings of the existing provision of elementary education the Committee felt "bound to express their conviction that a far greater proportion of the evil has arisen from the strictly denominational character of the public

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<sup>139</sup> Adam Smith, *Wealth of Nations*, Book V, Chapter 1, Part 3, Article 2, Penguin Classics Edition, Harmondsworth, 1999, pp368-75.

<sup>140</sup> Robert Lowe, "Recent Attacks on Political Economy," *Nineteenth Century*, 4, November 1878, pp858-68, p868.

<sup>141</sup> Martin, *Robert Lowe*, 1, p231.

<sup>142</sup> Knight, *Illiberal Liberal*, p84.

<sup>143</sup> Public meeting of 7<sup>th</sup> September 1844 at the School of Arts. *ibid*, p91.

schools."<sup>144</sup> This arose, Lowe thought, from two causes: first, there was the sheer wastefulness of having the children of different religious denominations educated separately. The Committee stated what now appears obvious:

The first great objection to the denominational system is its expense; the number of schools in a given locality ought to depend on the number of children requiring instruction which that locality contains. To admit any other principle is to depart from those maxims of wholesale economy upon which public money should always be administered."<sup>145</sup>

In 1848, the Colonial Secretary Deas Thompson introduced legislation for the National system of education in the Legislative Council. Under a denominational system, he observed, "each of the denominations would want a chance to have a separate school in the same district, while under the general system only one building would be required." This was precisely Lowe's argument and that of the 1844 Committee.<sup>146</sup> They therefore recommended that "one uniform system shall be established for the whole of the Colony, and that an adherence to that system shall be made the indispensable condition under which alone public aid will be granted."<sup>147</sup> Second, Lowe disliked religious rivalry and sectarian competition. He was scathing in his denunciation of denominational exclusiveness. The report argued that "the very essence of a denominational system is to leave the majority uneducated in order to imbue the minority with peculiar tenets."<sup>148</sup> The denominational system was, by its very nature, inefficient in promoting education. Its effect "had been to keep the many in darkness, whilst for the sake of show it had educated the few." This was the inevitable consequence of a situation in which "the teaching of doctrinal points of religion was mixed up with the principles of ordinary education."<sup>149</sup>

At a meeting held on the 3<sup>rd</sup> September 1844, Lowe moved "that it is the duty of the State in every Christian community to provide the means of a good

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<sup>144</sup> Martin, *Robert Lowe* 1, p226.

<sup>145</sup> *ibid*, p226.

<sup>146</sup> *Sydney Morning Herald*, 12<sup>th</sup> May 1848.

<sup>147</sup> Martin, *Robert Lowe*, 1, p227.

<sup>148</sup> *ibid*, p227.

<sup>149</sup> *ibid*, p324.

common education, to be conducted agreeably to the principles of the Christian religion.”<sup>150</sup> Following the presentation of the Report, the Legislative Council requested the Governor to place the appropriate funds on the estimates to finance the general system of education. According to John Dunmore Lang “The Governor, on the plea of national bankruptcy, vetoed it... at the direct instigation of Bishop Broughton.”<sup>151</sup> Although personally he favoured a system along these lines, his principal friend and supporter in the colony was the same Bishop Broughton who opposed anything to do with non-denominational education.<sup>152</sup>

Lowe continued to speak on the subject of education. In a speech to the Council in October 1846, he pressed his case for a pragmatic approach to education and again moved that the Governor be requested to place the necessary funds on the estimates to provide non denominational schools “to be conducted on the principles of Lord Stanley’s National System of Education”, including the appointment of “a Board favourable to that system.”<sup>153</sup> Although the motion passed the Council, it was vetoed by the Governor.

The objection urged to this system when it was first brought forward was that it was a godless and irreligious system. Now, I am ready to confess that I am an advocate for irreligious teaching – that I would have people made shoemakers or tailors without the aid of religion at all. ... So also I am for an irreligious system of arithmetic, for I can see nothing but evil from blending theology with simple addition, or cosmogony with subtraction. God forbid that I should wish children to be brought up irreligiously. I would have a child instructed in religion as in anything else, but what I want is that religion should not necessarily be mixed up with instruction in reading, writing, and arithmetic.<sup>154</sup>

In the refusal of the Governor to assign funds to the general system of education, Lowe saw the malign influence of Bishop Broughton.<sup>155</sup> He never

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<sup>150</sup> Baker, *Educational Efforts of Robert Lowe in New South Wales*, p7.

<sup>151</sup> Martin, *Robert Lowe 1*, pp250-1.

<sup>152</sup> Rusden, *History of Australia 2*, p271.

<sup>153</sup> Martin, *Robert Lowe, 1*, p320.

<sup>154</sup> *ibid*, p321.

<sup>155</sup> Rusden, *History of Australia, 2*, pp360-1.

ceased to attack the Bishop in print in the *Atlas*. Gipps' successor, Sir Charles Fitzroy reported that: "its attacks on the Bishop of Sydney, which are constant, would seem to indicate far more personal feeling than of difference of opinion on public matters with those they oppose."<sup>156</sup>

Lowe associated a general system of education with a tolerant, unsectarian Christianity. He appealed to the Legislative Council:

Which system, I ask, is the best and most holy; which will most conduce to the happiness and enlightenment of mankind; which is the system which will most harmoniously lead the scattered population of the colony to a sense of the blessings that education is designed to bestow? Is it not the general system – the system of education in common – that we should prefer in a young community like this, while it is yet ductile, while the fountains of the river of education are yet unpolluted by the prejudices of older nations?<sup>157</sup>

The objections of Bishop Broughton and those of other denominations who opposed general education were the objections of "sectarian parties" who displayed a "spirit of bigotry and sectarianism."<sup>158</sup>

Lowe's speech on this occasion, although it was specifically made for the purpose of advancing the cause of non-denominational elementary education, also dwelled upon Lowe's general views upon religious matters. Indeed, they show a great continuity with the opinions which he expressed at other times in his life upon religious matters. On the opinions of those who thought like the Bishop of Sydney, Lowe was forthright.

I contend that it is the duty of the Crown to put this spirit down. To see that men are not brought up to dwell on these differences in the forms and modes of worship, or let them assume the mere appearance of religion, till in the heat of controversy and bigotry they forget that they are Christians. It is the part of the Government to repress these things, and to introduce a system which will teach them to live in harmony, to enlighten men, to soften them

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<sup>156</sup> Fitzroy to Earl Grey, 10<sup>th</sup> January 1846. *Historical Records of Australia, Series 1*, vol. 26, p169.

<sup>157</sup> Martin, *Robert Lowe*, 1, p323.

<sup>158</sup> *ibid*, p324.

– to teach them that religion is a blessing and not a curse, and that the great principle of all religion, whatever garb its doctrine might assume, is the same.<sup>159</sup>

As later in Britain, in particular when the disestablishment of the Irish Church was under discussion, Lowe viewed the maintenance of establishments as conditional upon their utility. “No doubt the Anglican Church has had a good effect in England...,” he said, “but in Australia “there should be complete religious equality.” In other words, while the religious establishment should be maintained in England, this was not the case in Australia (or, for that matter, Ireland). Once again, he castigated the various Churches for the “incessant struggle on the part of each denomination to establish an *imperium in imperio*, within its own precincts, instead of striving to live in the links of one common brotherhood.”<sup>160</sup> Lowe regarded it as absurd that supposedly religious people were promoting ideas which “lead to these heart-burnings and jealousies – which... teach the Protestant to look on the Catholic as an idolator, and the Catholic to regard the Protestant as a heretic?”<sup>161</sup>

It has been argued that it was Lowe's experiences in Australia which turned him against democracy. His friend Roundell Palmer said that “his experience in Australia had made him distrustful of an Electorate in which the poorer and less educated part of the community might hold the balance of power.”<sup>162</sup> Lowe himself was later to refer to the state of Australia following the advent of manhood suffrage. “Look at Australia,” he wrote. “There, universal suffrage was conceded suddenly, and the working classes, immediately availing themselves of it, became masters of the situation. Nobody else has a shadow of power.”<sup>163</sup> It is certainly true that in Lowe's opinion, the consequences of democracy had been unfortunate for the colony. “In Australia there is no greater evil to the stability of society, to industry, to property, and to the wellbeing of the country, than the constant change which is taking place in the Government, and the uncertainty that it creates, and the pitting of rival

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<sup>159</sup> *ibid*, p322.

<sup>160</sup> *ibid*, p322.

<sup>161</sup> *ibid*, p322.

<sup>162</sup> Palmer, *Memorials*, 1, p56.

<sup>163</sup> Robert Lowe, *Speeches and Letters on Reform*, p53.

factions against each other.”<sup>164</sup> But this view did not arise from his years in Australia. It was not until 1858, long after Lowe’s departure, that manhood suffrage had been conceded in the colony. Lowe opposed universal suffrage there, as he opposed constitutional change elsewhere, because he believed that it allowed one particular group to dictate policy to all the others.

Lowe’s politics at Oxford were continued in Australia. Similarly, his subsequent Parliamentary career in Britain formed a natural continuation to his work in the Legislative Council of New South Wales. He wrote in *The Times* that “the Australian colonies seem destined to be a sort of convex mirror, in which we may contemplate on a reduced scale the institutions under which we live.”<sup>165</sup> He campaigned for responsible and representative government for the Colony. At the same time he vigorously opposed the domination of the legislative power by a single unrepresentative group – the squatters. For the same reasons, in Britain he had favoured the 1832 Reform Act which had self-consciously permitted (at least in theory) a wider variety of “interests” their say in Parliament. In other words, in Australia, as in Britain, he wanted to see influence shared among a variety of interests. By the same token, he opposed the reform of 1867 because, like others, he feared the ultimate consequence of the change would be universal suffrage and the domination of one interest group - the “labouring classes.” As in Britain, he took a keen interest in establishing elementary education and opposed the sectarian jealousies which always threatened the establishment of a general system of elementary education. In Australia Lowe tried to apply the wisdom of political economy. He opposed measures to circumscribe free trade. He opposed existing tariffs and denounced attempts to create new ones. He decried any idea that the state could act to ameliorate economic distress. Above all, he ridiculed the artificially high minimum price of land, set in obedience to the theories of colonization expounded by Edward Gibbon Wakefield.<sup>166</sup> In Australia, Lowe expressed his political views powerfully and

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<sup>164</sup> *ibid*, pp153-4.

<sup>165</sup> *The Times*, 13<sup>th</sup> January 1865, 2<sup>nd</sup> leader.

<sup>166</sup> Edward Gibbon Wakefield (1798-1862). Had a colourful career which included a spell in prison for trying to marry an heiress by deception. He developed a theory of systematic colonization, the relevant part of which advocated that colonial land should not be given away,

with little concern over how they might be received. Perhaps as a result, Lowe was occasionally loved, often reviled, generally admired for his powerful intellect, but seldom understood.

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but rather sold in small lots at a moderate fixed price. The money raised was then to be used to finance further colonization.

## **Part Two: The Ideas of a Mid-Victorian Liberal.**



# Chapter Three.

## Lowe, Liberalism and Religion.

No account of Robert Lowe's liberalism can afford to ignore his views on religion. This is true for several reasons. At the minimum, Victorian politicians necessarily took serious account of religious opinion at a time when all but a very few thought of themselves as Christians. More broadly, most politicians were themselves religious men, whose political views were influenced by, if not dependent upon, their religious outlook. Church questions defined contemporary politics.<sup>1</sup> Indeed, more than occasionally they divided the political parties. Religion and religious ideas pervaded every aspect of society and culture. Religion, in the form of the Established Church of England, was embedded within the state. The Sovereign was the head of the Church as well as of the State. Bishops of the Church of England sat in the House of Lords and helped to make the laws. The aristocratic families which filled the benches of both Houses of Parliament also filled the rectories, deaneries and bishop's palaces of the Nation. Ecclesiastical appointments were made by the Sovereign upon the advice of the Prime Minister, who in turn made his recommendations at least partly on political grounds. Anthony Trollope's *Barchester Towers* opens with the old Bishop of Barchester on the verge of death, just at the moment when a change of government is expected. "The illness of the good old man was long and lingering, and it became at last a matter of intense interest to those concerned whether the new appointment should be made by a conservative or liberal government."<sup>2</sup>

But increasingly, it was not just the Established Church which exercised so much social and political influence.<sup>3</sup> When Charles Dickens wrote, satirically, in *Hard Times* of "eighteen denominations" competing for the adherence of the faithful of Coketown, he was really reflecting the complex reality of Victorian urban life.<sup>4</sup> Electoral reform in 1832 had not led to an influx of nonconformist members into the House of Commons. But it had given dissent a political voice and increased political influence.<sup>5</sup> The sensibilities of

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<sup>1</sup> J.P. Parry, *Democracy and Religion: Gladstone and the Liberal Party, 1867-1875*, Cambridge, 1986, p5-9. More generally, see G.I.T. Machin, *Politics and the Churches in Great Britain: 1832-1868*, Oxford, 1977, chs. 9-11.

<sup>2</sup> Anthony Trollope, *Barchester Towers*. Penguin Classics edition, London, 1987, p1.

<sup>3</sup> Brent, *Liberal Anglican Politics*, pp252-262.

<sup>4</sup> Charles Dickens, *Hard Times*. Penguin Popular Classics edition, London, 1994, p19.

<sup>5</sup> Richard Brent, *Liberal Anglican Politics*, Oxford, 1987, p23.

denominations other than the Church of England now had to be considered. The Whigs, especially now that more dissenters had votes, became increasingly associated with promoting the rights of dissenters after 1832.<sup>6</sup> The consequence of this can be seen in some of the reforms, or attempted reforms, of the 1830s. It was during this period that the Whigs first tried to abolish Church Rates. That failed. But London University received its charter thus making it possible for Dissenters to obtain university degrees. Furthermore, the law was changed in 1836 to permit the non-Anglican registration of marriages.<sup>7</sup> All these, and other measures, went some way towards soothing nonconformist grievances.

All of which made early-Victorian Britain, if anything, more of a religious society than its immediate predecessor. As one recent historian has noted; “before 1850, especially, religious feeling and biblical terminology so permeated all aspects of thought (including atheism) that it is hard to dismiss them as epiphenomenal.”<sup>8</sup> Christianity was assumed to be part of every decent person’s mental outlook; Robert Lowe’s included. It was essential to the moral order and part of the ideological background to society. When Gladstone appealed to the House of Commons in 1866 to pass the Reform Bill because those to whom the vote was to be granted were “our fellow Christians,” Lowe responded by accurately pointing-out that almost the entire population of the kingdom might be so described, not just the comparative few to whom Gladstone proposed to give the vote. “Who are the people in this country who do not profess and call themselves Christians?” he asked.<sup>9</sup>

But at the same time, and perhaps even because of the very pervasiveness of religion, there was growing unease over whether Christianity was as secure in its hegemony over the world of ideas as it had been. The perceived advance of “infidelity” seemed to be taking place on several fronts. The influential philosophy of Utilitarianism was developed by thinkers, such as Jeremy

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<sup>6</sup> *ibid*, ch.1, pp19-64.

<sup>7</sup> *ibid*, pp12-15, 256-8.

<sup>8</sup> Boyd Hilton, *The Age of Atonement: The Influence of Evangelicalism on Social and Economic Thought, 1785-1865*, Oxford, 1988, preface ix.

<sup>9</sup> Lowe, *Speeches and Letters on Reform*, p125.

Bentham and John Stuart Mill, who were sceptical concerning religion. Mill, indeed, regarded himself as never having had a religion, at least in the commonly understood sense of the word.<sup>10</sup> J.A. Froude's *Nemesis of Faith* appeared in 1849. Charles Bradlaugh's first pamphlet, *A Few Words on the Christian's Creed*, was published in 1850.<sup>11</sup> The investigations of geologists such as Buckland and Lyell had led to conclusions which cast doubt upon the literal truth of the Bible.<sup>12</sup> Darwin, whom Lowe had met and admired, published a theory of natural selection which flatly contradicted the literal interpretation of the Old Testament account of the creation, and was the cause of huge controversy.<sup>13</sup>

More specifically, to write about Victorian politics without acknowledging the influence which religion exercised on it is to miss a vital determinant of much contemporary political thought and action.<sup>14</sup> This is certainly true in the case of Robert Lowe. Religion, whether about the status of the Church of England, or concerning the rivalry of various Christian denominations, was central to the debates in which Robert Lowe became directly involved. This was particularly true of elementary education, for which Lowe had ministerial responsibility between 1856 and 1864, and where denominational influence and control over schools, which Lowe opposed, was an important issue. With the debate on university reform, it was the established status of the Church of England which was thought to be at stake. The Anglican exclusiveness of the ancient universities and the consequent exclusion of other denominations from the benefits of an education at Oxford or Cambridge came under the

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<sup>10</sup> John Stuart Mill, *Autobiography*, Harmondsworth, 1989, p52.

<sup>11</sup> Centenary Committee (eds.), *Champion of Liberty: Charles Bradlaugh*, London, 1933, p107.

<sup>12</sup> For an account of the progress of geological study in the first half of the nineteenth century see: Nicolaas A. Rupke, *The Great Chain of History: William Buckland and the English School of Geology (1814-1849)*, Oxford, 1983.

<sup>13</sup> J.H. Brooke, "Darwin and Victorian Christianity", in: J. Hodge and G. Radick (eds.), *The Cambridge Companion to Darwin*, Cambridge, 2002; David L. Hull, *Darwin and his Critics*, Chicago, 1973; A.N. Wilson, *God's Funeral*. London, 1999, passim; Robert M. Young, "The Impact of Darwin on Conventional Thought," in Anthony Symondson (ed.), *The Victorian Crisis of Faith*, London, 1970, pp 13-31; Gertrude Himmelfarb, *Darwin and the Darwinian Revolution*, London, 1959, esp. book 4, pp200-254; D.R. Oldroyd, *Darwinian Impacts*, Milton Keynes, 1980, pp 193-203.

<sup>14</sup> Curiously common still. See K. Theodore Hoppen, *The Mid-Victorian Generation, 1846-1886*, Oxford, 1978, part 2; and more generally, W.D. Rubinstein, *Britain's Century: A Political and Social History, 1815-1905*, London, 1998, chs. 7-10.

critical eyes of reformers such as Lowe. Here, the dissenters had the support of Lowe who told the House that they “ought not to be satisfied until they are enabled... to participate in the full privileges of the University.”<sup>15</sup> The Irish question, the running sore of Victorian politics, was yet another important political issue in which religious sensibilities were a major consideration. Lowe wrote several leading articles in *the Times* on the position of the Roman Catholics in Ireland and spoke strongly in parliament in favour of the disestablishment of the Anglican Church in Ireland. In the eighteen-seventies Lowe became involved in the temperance debate, a cause which was predominantly, though not exclusively, espoused by nonconformists and evangelicals; certainly advocated by them on moral and scriptural grounds.<sup>16</sup> Hence the polemical significance of Lowe’s response to Joseph Chamberlain’s proposals to restrict the availability of drink in Birmingham, not in religious terms but on the grounds of free-trade and liberty.<sup>17</sup>

Given the crucial importance of religion to nineteenth-century politics it might be thought odd that none of Lowe’s biographers have discussed the question of his religion at any length. Those authors who have written about Lowe have largely directed their efforts toward the examination of his life and politics while giving little consideration to his religious opinions and their relationship to political questions.<sup>18</sup> This is understandable. Lowe made a deliberate choice of a secular career. This was in spite of his background in the Church. He was the son of a clergyman with a lucrative benefice. His mother was also the daughter of a clergyman. He enjoyed a conventional Anglican upbringing in a Nottinghamshire rectory. From public school at Winchester College he went up to Oxford, where he was surrounded by men who “were mostly country gentlemen or embryo clergymen whose ambition was centred on... obtaining a degree as a necessary preliminary to taking orders.”<sup>19</sup> He was

<sup>15</sup> Speech of 21<sup>st</sup> March 1866. *Hansard*, 182, col.698.

<sup>16</sup> Richard J. Helmstadter, “The Nonconformist Conscience,” in: Gerald Parsons (ed.), *Religion in Victorian Britain, vol. 4, Interpretations*, Manchester, 1988, p81.

<sup>17</sup> Robert Lowe, “The Birmingham Plan of Public House Reform,” *Fortnightly Review*, 121, January 1877, pp1-9.

<sup>18</sup> See: Winter, *Robert Lowe*; Sylvester, *Robert Lowe and Education*; Knight, *Illiberal Liberal*; Martin, *Robert Lowe*; Hogan, *Robert Lowe*.

<sup>19</sup> Robert Lowe, “Autobiography,” pp15-16.

long enveloped in an atmosphere in which Anglican thought and teaching, and religious debate and controversy, were part of everyday life. It was certainly the intention of Robert Lowe senior that his son should enter the Church.<sup>20</sup> Even Lowe junior, much later in life, admitted that “prudence would have counselled me to take orders, get a fellowship and work my way through Oxford to whatever haven fortune might open for me.”<sup>21</sup> Had he pursued this plan, his intellectual pre-eminence would no doubt have eventually brought him to a comfortable college living and the gentlemanly life of the parsonage for the remainder of his days. Alternatively, if academic success had come his way in the shape of a Chair or Head of House, a deanery or even a mitre would not have been out of the question for a man of his abilities.<sup>22</sup> But Lowe elected not to follow convention and the wishes of his father. Instead of taking holy orders he fixed upon the law for his future career.<sup>23</sup> Moreover, he insisted that he had selected the legal profession, not because of any particular enthusiasm for the law, but because after unsuccessful applications for various academic posts at Glasgow and at Oxford it was the only other option to a career in the Church, to which he had a “decided objection.”<sup>24</sup>

Secondly, although he lived in an avowedly religious age, Lowe conscientiously avoided the subject of his personal religion in his writings and speeches. He did not expand upon the nature of his objection to an ecclesiastical career. Nor did he give many clues as to the true nature of his religious views. His rejection of a clerical career could have arisen from several causes. Lowe might have entertained doubts about Christianity in general. But this would scarcely made him unique among intelligent, educated Victorians. He may have disagreed with the particular doctrines of the Church of England. More prosaically, he might not have looked forward to the life of a

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<sup>20</sup> Martin, *Robert Lowe*, 1, p98.

<sup>21</sup> Lowe, “Autobiography,” p23.

<sup>22</sup> It was not uncommon for men to be plucked from their university posts and given ecclesiastical preferment. Richard Whately went from Professor of Political Economy at Oxford to the Archbishopric of Dublin in 1831. Half a century later, in 1884 William Stubbs, Regius Professor of Modern History at Oxford became first Bishop of Chester and later, in 1889, of Oxford. Mandell Creighton, Dixie Professor of Ecclesiastical History at Cambridge was appointed to the See of Peterborough in 1891.

<sup>23</sup> Martin, *Robert Lowe*, 1, p98.

<sup>24</sup> Lowe, “Autobiography,” p23.

clergyman. Or perhaps he rejected a clerical career because his contrary nature rebelled at following a path which had been mapped out for him. On the face of it he could hardly have made a more suggestive demonstration of doubt than by declining to follow a career in the Church. But in Lowe's case this by no means entails that he had an irreligious outlook.

Unlike some of his contemporaries Lowe did not express his political views in religious terms, nor characterise political policies as religious imperatives. Many Victorian politicians – think of Gladstone - wore their Christianity on their sleeves and explicitly linked their political and religious views. Robert Lowe was not among these. Accordingly, the evidence for Lowe's religion is not very clear. Moreover, the inferences to be drawn from his speeches and writings, and from biographical detail admit of differing conclusions concerning his religious views. Lowe's explicit engagement with theological questions constituted a comparatively brief episode in his intellectual life. In 1841, he attacked the Oxford Movement and the infamous *Tract XC*, written by J.H. Newman. This surprised one of his closest friends who regarded Lowe as one who "generally stood aloof from religious controversy."<sup>25</sup> After his two pamphlets on the subject he stood aloof once more. Whereas Gladstone delved into the mysteries of theology with the full force of his powerful intellect, writing books and articles on the subject,<sup>26</sup> Lowe seldom alluded to the matter.

It was a silence that implied scepticism. A few advanced thinkers of that time harboured unvoiced doubts. But, in the 1820s and 1830s, these men for the most part wisely kept their views to themselves. Not until the late 1860s could John Stuart Mill write of the "great advance in liberty of discussion, which is one of the most important differences between the present time and that of my childhood..."<sup>27</sup> To confess unbelief in the eternal verities of the Christian religion in a society in which fidelity to Christianity was a necessary element of

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<sup>25</sup>Palmer, *Memorials*, 1, p382.

<sup>26</sup> Such as: *The State in its Relations with the Church* (1838), 4<sup>th</sup> edition, Farnborough, 1969; or, *Church Principles Considered in their Results* (1840).

<sup>27</sup> Mill, *Autobiography*, p53.

respectability was not easy. Social pressure kept the doubters in line. Writing in 1881, J.A. Froude observed that “public opinion was in this sense the guardian of Christianity in England sixty years ago. Orthodox dissent was permitted. Doubts about the essentials of the faith were not permitted.”<sup>28</sup>

Moreover, Charles Bradlaugh demonstrated that even in the 1880s to avow openly religious scepticism was a course that could lead to controversy and difficulty for the rising politician. Lowe was one of those who thought that Bradlaugh should have been permitted to take his seat by affirming his allegiance rather than taking what, to him, would have been an empty oath. Indeed, he regarded the whole business of oaths with a sceptical eye.<sup>29</sup> Mill, Lowe’s parliamentary colleague from 1865 to 1868, observed from his acquaintance with many of the prominent men of the early and mid-Victorian era that:

The world would be astonished if it knew how great a proportion of its brightest ornaments... are complete sceptics in religion; many of them refraining from avowal, less from personal considerations, than from a conscientious, though now in my opinion a most mistaken apprehension lest by speaking out what would tend to weaken existing beliefs, and by consequence (as they suppose) existing restraints, they should do harm instead of good.<sup>30</sup>

Third, Lowe openly advocated the diminution of the temporal power and political influence of the Church. By the end of his political career he was reduced to arguing that the only reason why the Establishment should be maintained was that it was useful. Lowe’s contributions to the debates on Irish disestablishment stressed this point.<sup>31</sup> At other times he appeared to advocate a modern secular state. Lowe’s official biographer, A.P. Martin, summed up his views on the church:

As to the Church, Lowe held, as against Keble, Pusey, and Newman, that instead of being

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<sup>28</sup> J.A. Froude, “The Oxford Counter-Reformation” in: *Short Studies on Great Subjects*, vol. 4., London, 1881, p238.

<sup>29</sup> Robert Lowe, “Parliamentary Oaths,” *Nineteenth Century*, August 1882, pp313-20. Rigorous in its logic and forensic in its analysis in true Loweian style.

<sup>30</sup> Mill, *Autobiography*, pp53-4.

<sup>31</sup> See below p151; *Hansard*, 191, cols.728-48; 194, cols.1978-94



weak or oppressed, she was altogether too powerful and dominant, especially at the University. He was therefore opposed root and branch to the 'Oxford' or 'Tractarian' movement, the aim of which was to combat, and, if possible, overthrow the rising tide of Rationalism and liberalism in England by the revival of mediaeval theology, and the strenuous assertion of the power and authority of the Church."<sup>32</sup>

One thing is clear: in the context of the prevailing Tory and Anglican attitudes in Oxford during the 1830s and 1840s, Lowe seemed a doubtful son of the Church. There were several aspects to his opinions which incurred the disapproval of Anglican Oxford. To declare oneself a liberal in politics, as Lowe did repeatedly during his University career, was an act with religious overtones; at least it was at that time and place. It suggested that in the relationship between Church and State, it was the Church which should be the junior partner. As a free-trader, Lowe favoured the abolition of the Corn Laws and therefore espoused a policy which appeared to threaten the chief source of college wealth – the income from land ownership. Given that the university was regarded by traditionalists as an institution of the Church, this could also be construed as an attack on the Church. Lowe's liberal politics also encompassed support for a reform of the ancient universities. Instead of being seminaries for the Church of England, he believed that they should be secular institutions dedicated to efficient higher education. On that view, those ancient seats of Anglican exclusiveness would have to be open to all, including dissenters. Indeed, Lowe argued throughout his career that education, particularly elementary education, should be conducted, if not directly by the State, then the State should at least have the role of inspecting schools and maintaining standards. The function of the State was to represent "in the matter of education not the religious but the secular element."<sup>33</sup> From his period in New South Wales onwards, Lowe consistently argued that a general, rather than a denominational, system of public education should be supported.

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<sup>32</sup>Martin, *Robert Lowe*, 1, p120.

<sup>33</sup> Robert Lowe, *Primary and Classical Education*, Edinburgh, 1867, p4.

But none of the above demonstrates that Lowe was a religious sceptic or an enemy of the Church. On the contrary, it rather suggests that he was concerned to maintain a Church which was efficient, effective, and which was able to command broad support. Equally, his views on elementary education and the universities were not anti-religious, nor even anti-Anglican. He simply wished to make those systems efficient and effective. Lowe was brought up in the Church of England and remained an Anglican throughout his life. It is certain that on a number of occasions Lowe made affirmations of his Christian belief; such as upon first taking his seat in Parliament. More particularly, he explicitly declared his adherence to the Church of England by subscribing to the Thirty-nine Articles when going up to Oxford. Upon being appointed to the chairmanship of the Select Committee on education of the New South Wales Legislative Council in 1844, Lowe was listed among the members of the Church of England on the Committee.<sup>34</sup> Early in the same year, he laid explicit claim to Anglican membership when he employed a plea of "moral insanity" in the courts in trying to defend a disgraced former naval officer, John Knatchbull, on a charge of murder. The *Sydney Morning Herald* alleged the irreligious character of such a defence. Lowe wrote a barbed reply to the newspaper in which he laid specific claim to be following Anglican doctrine. He insisted: "though you may consider the foundation of the whole system of divine Government to be man's free agency and consequent responsibility, the Church of England, whose Articles I have repeatedly subscribed, does not."<sup>35</sup>

The evidence of Lowe's character suggests that his outward adherence to the forms of the Christian faith cannot have been merely for show. Lowe was rarely a humbug. Of all politicians, he was the least likely to be overly concerned about offending conventionally-minded people. During his time as Chancellor of the Exchequer, it was said of him that "the officials who are brought into contact with him, the deputations who go to him with complaints or petitions, the Members of Parliament who venture to come athwart his

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<sup>34</sup> F.R. Baker, *The Educational Efforts of Robert Lowe in New South Wales*. Sydney, 1916, p6. The members of the Committee were listed by denomination: four Anglicans (including Lowe), two Roman Catholics, two Presbyterians, and one Quaker.

<sup>35</sup> Martin, *Robert Lowe*, 1, p199; Pycroft. *Oxford Memories*, 1, pp72-3.

course, all are made to feel, in the most unpleasant manner, the hard angular independence of his mind."<sup>36</sup> He was invariably prepared to say unpopular things if he believed them to be true. For example, during the debates on parliamentary reform in 1866 he had said exactly what he thought of the potential new working class electors. An influential group of his Calne constituents thought it their "duty to protest" against Lowe's views. In response, instead of conciliating his electors Lowe delivered a stern rebuke. He refuted the charges which had been made against him point by point without sparing the feelings of his correspondents.<sup>37</sup> In other words, if Lowe had been an agnostic or a doubter then he would have said so. Since he did not say so, indeed as he said quite the opposite, we may reasonably conclude that Lowe was a Christian and an Anglican. The principal point at issue therefore is not the fact of his Christian faith; but rather its nature.

Lowe's Christianity was modified and informed by rationalism and liberalism. In that sense he maintained the faith in which he was brought up. However, it did not suffuse his life and direct his practical concerns to the same degree as it did many of his contemporaries. Along with many other educated Victorians, Lowe was interested in developments in natural science which apparently challenged a literal interpretation of the Bible. There were differing contemporary responses to this departure. Some lost their faith entirely in the face of scientific progress. Others denied the evidence and logic of the science and maintained a traditional view.<sup>38</sup> But there were also many more intelligent men, including Lowe, who felt able to incorporate the evidences of geology and biology into their Christianity. At Oxford some members of the Church regarded science with suspicion. Newman had condemned the "irreligious veneration of the mere intellectual powers." His first University sermon warned against scientific research.<sup>39</sup> From the pulpit he expressed his negative view of science and scientists; that: "...those philosophers, ancient

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<sup>36</sup> T. Wemyss Reid, *Cabinet Portraits*, London, 1872, p47.

<sup>37</sup> John D. Bishop and sixty other electors of Calne to Lowe, March 28<sup>th</sup> 1866. Lowe to John D. Bishop and Others, April 4<sup>th</sup> 1866. Reprinted in: Lowe, *Speeches and Letters*, pp21-7

<sup>38</sup> Rupke, *The Great Chain of History*, pp42-50.

<sup>39</sup> M G Brock, "The Oxford of Peel and Gladstone," In: Brock & Curthoys (eds.), *The History of the University of Oxford*, vol. 6, part 1, p51.

and modern, who have been eminent in physical science, have not infrequently shown a tendency to infidelity.”<sup>40</sup> But if Newman associated scientific interest with religious unbelief, not everyone agreed. For example, William Buckland, the geologist, argued in his Oxford Lectures that the biblical “days” of creation were not twenty-four hour days but might be immense epochs of time. Buckland was a clergyman who eventually became Dean of Westminster.<sup>41</sup> Adam Sedgwick, Professor of Geology at Cambridge was another clergyman and Canon of Norwich.<sup>42</sup> Buckland and Sedgwick were among those who sought to accommodate the discoveries of science within Christianity.

Lowe always showed an interest in natural science. He welcomed the growth of rational explanations for phenomena which had previously to be explained in terms of miracles and divine intervention. In the summer of 1831 he met Charles Darwin.

I am proud to remember that though quite ignorant of physical science, I saw a something in him which marked him out as superior to anyone I had ever met: the proof which I gave of this was somewhat canine in its nature, I followed him. I walked twenty-two miles with him when he went away, a thing which I never did for anyone else before or since.<sup>43</sup>

Twenty-eight years after Lowe’s meeting with Darwin the *Origin of Species* was published. He read the book and was “completely fascinated” by it.<sup>44</sup> A.P. Martin wrote of him that he had “that love of truth for its own sake, which

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<sup>40</sup> D.M. Mackinnon & J.D. Holmes (eds.), *Newman’s University Sermons*, London, 1970, p194.

<sup>41</sup> William Buckland (1784-1856). Anglican clergyman and first Professor of Geology at Oxford University. He is famous as the first person to identify and name a dinosaur. Buckland was selected as one of the authors of the *Bridgewater Treatises*. In *Reliquiae Diluvianae* (1823), Buckland argued that the evidence of geology confirmed the occurrence of a universal flood.

<sup>42</sup> Adam Sedgwick (1785-1873). Anglican clergyman who was appointed Woodwardian Professor of Geology at Cambridge in 1818. Made major contributions to the understanding of the geology of Britain and is regarded as one of the great figures in the “heroic age of geology.” At one time, Charles Darwin was his field assistant and they remained friends until Sedgwick’s death. However, Sedgwick read the *Origin of Species* with “more pain than pleasure.” His best known work was *Discourse on the Studies of the University*, which went through five editions between 1833 and 1850. He also admitted women to his lectures and argued for the admission of dissenters to the Universities.

<sup>43</sup> Lowe, “Autobiography,” pp19-20.

<sup>44</sup> Martin, *Robert Lowe*, 2, p202.

throughout life made him always turn to the achievements of science with the greatest respect."<sup>45</sup> According to Jowett:

There was yet another branch of knowledge which exercised a great fascination over him; this was Natural Science. He hardly knew anything of it, but it seemed to him to have the promise of the future. It was the only knowledge in the world which was both certain and also progressive. Of Charles Darwin he spoke in a strain of respect which he would not have employed towards any other living person."<sup>46</sup>

That interest in the sciences was also reflected in Lowe's evidence to the Oxford University Commission. Lowe told the Commission:

I must also express my hope that the Physical sciences will be brought much more prominently forward in the scheme of University Education. I have seen in Australia, Oxford men placed in positions in which they had reason bitterly to regret that their costly education, while making them intimately acquainted with remote events and distant nations, had left them in utter ignorance of the laws of Nature, and placed them under immense disadvantages in that struggle with her which they had to maintain.<sup>47</sup>

Lowe also took a great interest in Political Economy; another discipline held by some Churchmen to be antithetical to theology. At Oxford, it was clergymen who opposed political economy with the greatest vehemence.<sup>48</sup> But there were also Churchmen who sought to incorporate political economy within Christianity. Part of the reason why Richard Whately, the future Archbishop of Dublin, agreed to succeed Nassau Senior in the Drummond Professorship of Political Economy at Oxford in 1829 was to prevent the science becoming exclusively secular.<sup>49</sup> As with the natural sciences, men such as Whately, J.B. Sumner, and Edward Copleston saw the necessity of

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<sup>45</sup> *ibid*, p201.

<sup>46</sup> Jowett, "A Memoir of Robert Lowe, Viscount Sherbrooke," in: Martin, *Robert Lowe*, 2, p497.

<sup>47</sup> Oxford University Commission Report, *Parliamentary Papers* 22, 1852, p79.

<sup>48</sup> A.M.C. Waterman, *Revolution, Economics and Religion*. Cambridge, 1991, p10; Richard Brent, "God's Providence: Liberal Political Economy as Natural Theology at Oxford, 1825-1862," in: M. Bentley (ed.), *Public and Private Doctrine*, London, 1993, p90.

<sup>49</sup> E.J. Whately, *Life and Correspondence of Richard Whately D.D.*, vol. 1, London, 1866, p67; Waterman, *Revolution, Economics and Religion*, p206.

harmonising Christianity and Political Economy.<sup>50</sup> Similarly, Lowe's interest in political economy at Oxford during the 1830s was no more a sign of his infidelity than it was for these eminent clerics. Yet Lowe combined this interest in natural science with being an avid student of the Bible. His friend and the Master of Balliol College, Benjamin Jowett, observed that "he had read through the Hebrew bible five times, and was always inclined to linger over the prophet Isaiah."<sup>51</sup> Of course, such biblical scholarship could indicate a mere academic interest in the scriptures. On the other hand, to go to the trouble of learning Hebrew in order to peruse the Bible so extensively suggests that either Lowe was a genuine believer or and that he had a strong desire to penetrate the essential truths of Christianity.

The apparent conflict between faith and science was in full flow during the time when Lowe was in Oxford. J.A. Froude expressed the contemporary antithesis between the high church revival and natural science in stark terms:

Now, while one set of men were bringing back mediaevalism, science and criticism were assailing with impunity the authority of the Bible; miracles were declared impossible; even Theism itself was treated as an open question, and subjects which in our fathers' time were approached only with the deepest reverence and solemnity were discussed among the present generation with as much freedom as the common problems of natural philosophy or politics.<sup>52</sup>

It was this revival of "mediaevalism," in the form of the Tractarian movement, that provided a focus for Lowe to express, almost for the first and last time, a definite view upon a religious controversy. Although Lowe had already made his mark as a liberal controversialist at the Oxford Union, his first writings to command any attention were two pamphlets defending the Church of England and the Thirty-nine Articles against the sophistry, as he saw it, of J.H. Newman's infamous *Tract XC*.<sup>53</sup> The very fact that Lowe's first forays into

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<sup>50</sup> Waterman, *Revolution, Economics & Religion*, especially chapter 5. Sumner became Archbishop of Canterbury; Copleston became Bishop of Llandaff.

<sup>51</sup> Jowett, "Memoir," in: Martin, *Robert Lowe*, 2, p496.

<sup>52</sup> Froude, "The Oxford Counter-Reformation," in: *Short Studies on Great Subjects*, 4, pp232-

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<sup>53</sup> Robert Lowe, *The Articles Construed by Themselves*, London, 1841; *Observations*

print were on a religious subject are surely important indications of serious religious thinking. If Lowe was going to declare his religious views then the Oxford of the 1830s and early 1840s, during the height of the Tractarian controversy, would have been a likely time and place for him to have done so.

When Lowe went up to Oxford it seemed to traditionalists as though liberalism and freedom of religious belief and worship might be starting to gain ground over traditional Anglican exclusiveness. It was Liberalism which those who governed the University and Colleges feared. The Test & Corporation Acts had been repealed in 1828. Catholic Emancipation had been enacted the following year.<sup>54</sup> These liberalising measures passed under the auspices of a Tory Government had caused Robert Peel, who had supported the repeal, to resign his parliamentary seat for Oxford University, fight it again, and lose. Peel was defeated by Sir Robert Inglis, a robust defender of the Established Church and the University. Inglis was elected with the support of such future Tractarians as J.H. Newman, John Keble and R.H. Froude.<sup>55</sup> Oxford was exclusively Anglican and staunchly Tory. Men such as Inglis, and those who voted for him, wished it to remain so. But some at Oxford felt that their world was being threatened: Church and State were under attack from an unholy alliance of liberals and latitudinarians on the one hand and papists on the other.<sup>56</sup> Oxford University, as an institution of the Church, was similarly threatened. In William Palmer's apocalyptic words:

The Reformed Parliament which had just met, and which included very few faithful and avowed members of the Church of England, was presided over by a ministry connected with all that was dangerous in religious principle, zealous friends of Rationalists, Deists, Socinians, Dissenters, and Roman Catholics, all of whom were equally bent on the destruction of the Church.<sup>57</sup>

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suggested by "A Few More Words in support of No.90." Oxford, 1841.

<sup>54</sup> M.G. Brock, "The Oxford of Peel and Gladstone, 1800-1833," In: Brock & Curthoys (eds.), *The History of the University of Oxford*, vol. 6, part 1, pp53-5.

<sup>55</sup> *ibid*, p58; John Henry Newman, *Apologia Pro Vita Sua*, London, 1959, pp105-6; Gash, *Mr. Secretary Peel*, pp560-3.

<sup>56</sup> J.C.D. Clark, *English Society 1660-1832*, 2<sup>nd</sup> edition, Cambridge, 2000, Chapter 6, pp 501-564, "The end of the Protestant Constitution."

<sup>57</sup> William Palmer, *A Narrative of events connected with the publication of the Tracts for the*

Palmer was doubtless exaggerating. But he expressed the fears and the sense of impending doom felt by those who identified Oxford University with the Church of England.<sup>58</sup> J.H. Newman also viewed the advent of a Whig government with alarm. "Again, the great Reform Agitation was going on around me as I wrote. The Whigs had come into power; Lord Grey had told the Bishops to set their house in order... The vital question was how were we going to keep the Church from being liberalised?"<sup>59</sup> Newman seems almost to have been in a state of panic and "thought that if Liberalism once got a footing within [the Church], it was sure of the victory in the event."<sup>60</sup> His conclusion was that he must take part in "the stand which had to be made against Liberalism."<sup>61</sup>

Lowe's first venture into print sought to defend the traditional doctrines of the Church of England against the Tractarians. It was Liberals and liberalism that were the prime targets for the ire of the Tractarians. John Keble's sermon on "National Apostasy" delivered in 1833 was a response to the decision by the Whig government to suppress a number of Irish bishoprics and apply the revenue thus released to other purposes. This was conceived by high Churchmen as an erastian attack on the Church. Newman was preoccupied with the issue: "the Bill for the Suppression of the Irish Sees was in progress, and filled my mind. I had fierce thoughts against the Liberals."<sup>62</sup>

Fifty years after the event, J.A. Froude, younger brother of one of the most prominent Tractarians, described the Oxford Movement as a "rocket which had flamed across the sky,"<sup>63</sup> In Dean Church's view:

The movement, in its many sides, had almost monopolised for the time being both the intelligence and the highest religious earnestness of the University, and either in curiosity or

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*Times*, London, 1883, p38.

<sup>58</sup> Maurice Cowling, *Religion and Public Doctrine in Modern England*, vol. 2, Cambridge, 1985, chapter 1.

<sup>59</sup> Newman, *Apologia*, p118;

<sup>60</sup> Newman, *Apologia*, p119.

<sup>61</sup> Newman, *Apologia*, p125.

<sup>62</sup> Newman, *Apologia*, p120.

<sup>63</sup> Froude, "The Oxford Counter-Reformation," *Short Studies*, 4, p231.



inquiry, in approval or in condemnation, all that was deepest and most vigorous, all that was most refined, most serious, most high-toned, and most promising in Oxford was drawn to the issues which it raised.<sup>64</sup>

Sir Francis Doyle observed of Newman that his "extraordinary genius drew all those within his sphere, like a magnet, to attach themselves to him and his doctrines."<sup>65</sup> Mark Pattison, who had initially been drawn into the Tractarian vortex only later to escape from it, characterised it as a disease: "the infection of the party spirit which was lying about on all sides like contagious matter in cholera time."<sup>66</sup> During 1837 and 1838 Newman, his personality, his doctrines, even his mannerisms seemed to exercise an almost total fascination for the University.<sup>67</sup> Even over those apparently repelled by it: Frederick Temple, a future occupant of Lambeth Palace, wrote to his mother of Newman that "all his acquaintance imitate his manner and peculiarities... mere association leads them to imitate him."<sup>68</sup>

To this generalisation Lowe seems to have been an exception. Benjamin Jowett, in his memoir of Lowe, recalled that "during the latter part of his residence at Oxford the Tractarian movement swept over the University. At that time questions of theology chiefly stirred the minds of his own generation; but they had little or no interest for him. He was outside the Tractarian party and their sphere of influence..."<sup>69</sup> Roundell Palmer, when questioned about Lowe's response to the Oxford Movement, replied that:

Robert Lowe never took any very active interest in theological or ecclesiastical controversies, and I do not believe he was so much even as personally acquainted with the leaders of the Oxford movement. But he was always opposed to their views; and on one occasion, after the publication on Newman's Tract, No. 90... he published a short pamphlet on the subject of the true rule of interpretation applicable to such a document as the Thirty-Nine articles of the

<sup>64</sup> R.W. Church, *The Oxford Movement*, London, 1892, pp181-2.

<sup>65</sup> Francis Doyle, *Reminiscences and Opinions*, London, 1886, p145.

<sup>66</sup> Mark Pattison, *Memoirs*, Fontwell, 1969, p172.

<sup>67</sup> Owen Chadwick, *The Victorian Church*, 2 vols, London, 1970-72, vol. 1, p169.

<sup>68</sup> Temple to his mother, May 31<sup>st</sup> 1841. E.G. Sandford (ed.), *Memoirs of Archbishop Temple By Seven Friends*. London, 1906, pp456-7.

<sup>69</sup> Jowett, "A Memoir of Robert Lowe, Viscount Sherbrooke," in: Martin. *Robert Lowe*, 2, p488.

Church of England.<sup>70</sup>

Palmer was correct in his belief that Lowe was not usually an active debater of religious questions. It does seem however that he at least knew some of the leading Tractarians. Both Lowe and Palmer remembered W.G. Ward from their days as schoolfellows at Winchester. Lowe also seems at least to have met Newman (and Mark Pattison) and to have been slightly better acquainted with the future Dean of St. Paul's (and sympathetic historian of the Oxford Movement), R.W. Church. Newman recorded in his diary for the 11<sup>th</sup> April 1841: "Bloxam and Mozley to dinner in Common Room with me – Johnson, Pattison, Mules, Lowe with Church, - Christie, Cornish, Fraser, Marriott, R. Williams."<sup>71</sup>

Although Lowe was not drawn into what Pattison called "the whirlpool of Tractarianism"<sup>72</sup> Lowe could hardly fail to be aware of the theological struggle going on around him. Newman eventually seceded to Rome in 1845 by which time Lowe was already in Australia. Nevertheless, during the period of the greatest controversy, from 1833 until the Tract XC debacle in 1841, Lowe was either an undergraduate, fellow of Magdalen, or a private tutor, and hence a first hand witness to the religious debates which gripped Oxford. The proof that he was deeply concerned with religion came in 1841. In that year the ninetieth and last, and most controversial, of the "Tracts for the Times" appeared. *Tract XC* was an attempt by Newman to suggest that the Thirty-nine Articles of the Church of England were "patient," as he put it, of a Catholic interpretation.<sup>73</sup> Lowe's first published works on a matter of public controversy were two pamphlets attacking Newman's means of interpreting

<sup>70</sup> Lord Selborne to J.F. Hogan, 1893. Quoted in: J.F. Hogan. *Robert Lowe*, pp75-6.

<sup>71</sup> Gerard Tracey (ed), *The Letters and Diaries of John Henry Newman*, vol. 8, p170. The index confirms that the "Lowe" referred to is the future Viscount Sherbrooke, while the "Church" with whom he is bracketed is R.W. Church, Fellow of Oriel and later Dean of St. Paul's. Church was the author of the only account of the history of the Oxford Movement by a contemporary witness to mention Lowe's contribution to the *Tract 90* debate.

<sup>72</sup> Pattison, *Memoirs*, p182.

<sup>73</sup> On the reception of *Tract 90* see: Ian Ker, *John Henry Newman*, Oxford, 1988, pp216-227; P.B. Nockles, "Lost Causes and Impossible Loyalties": The Oxford Movement and the University" in Brock and Curthoys (eds.), *The History of the University of Oxford*, 6, pp240-4. *Tract 90* gave rise to a considerable pamphlet literature. According to Roundell Palmer: "pamphlets were published on all sides some of them by men who generally stood aloof from religious controversy." Palmer, *Memorials*, 1, p382.

the Articles and defending the Church of England. Lowe wrote to his friend Richard Michell that “I have read Newman’s last tract... from which I am half inclined to think he has a hankering for popery after all, and not merely a speculative predilection for Catholicism, as I used to think.”<sup>74</sup> The use of the pejorative term “popery” suggests an almost visceral antipathy towards Roman Catholicism, perhaps part of his Anglican upbringing, which was to be echoed later in the pages of *The Times* in leading articles on Catholicism and the Pope.

Having anticipated Newman’s defection to Rome, Lowe now joined in the avalanche of criticism. His first pamphlet, *The Articles Construed by Themselves*, appeared anonymously and explicitly rejected Newman’s method of interpreting the Articles. In it, Lowe set to work to reduce the interpretation of the thirty-nine articles as a religious test to first principles. There was, he believed, a straight choice between two modes of understanding the Articles; the “internal,” and the “external.” The former simply involved taking the actual words of the articles as literally as possible. The latter involved applying to the articles either the supposed intentions of the framers, or the beliefs of the subscriber. To Lowe, “the only sound principle,” and the honest way to understand the articles was the “internal,” literalistic principle. The “external” method, “which must lead to confusion and evasion,” is the means of interpretation favoured by Newman. For Lowe, the question was: “do we bind ourselves by what their framers wrote, or by what we think they meant to write?” His answer was that the articles should be interpreted “clearly by what they wrote, for it is to that we subscribe.” Lowe finally dismissed Newman’s argument with contempt. “The principle which would interpret the Articles by reference to our own belief is radically immoral, the true principle being, as was shown above, to interpret them by themselves.”<sup>75</sup> He described Newman as a “deep casuist” and his argument as “absolutely worthless as a practical guide to the conscience.”<sup>76</sup>

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<sup>74</sup> Martin, *Robert Lowe*, 1, p132.

<sup>75</sup> Martin, *Robert Lowe*, 1, p120-5

<sup>76</sup> Lowe, *The Articles Construed by Themselves*. London, 1841.

Lowe's salvo in the Tract XC battle brought forth a response from his erstwhile schoolfellow W.G. Ward, who responded with his own pamphlet; *A Few More Words in Support of No. 90 of the Tracts for the Times*.<sup>77</sup> Ward argued that the Articles might with propriety be subscribed to in a non-natural sense. Lowe was suggesting, said Ward, that the authors of the Tracts were "advocate[ing] a Jesuitical and disingenuous principle, by which any thing may mean any thing, and forms may be subscribed at the most solemn period of our life, only to be dishonestly explained away."<sup>78</sup> This suggestion Ward denied. For him the question was this: "Are we to look at the Articles as of the nature of a creed intended to teach doctrine, or of the nature of a joint declaration intended to be vague and to include persons of discordant sentiments?"<sup>79</sup>

Lowe, now revealing that he had been the author of his initial pamphlet, replied to Ward in his turn with *Observations suggested by "A Few More Words in support of No 90."*<sup>80</sup> In this pamphlet, he took the arguments of Ward and applied his merciless logic to them. "The first thing that strikes us is, that a man may, according to this view, conscientiously sign the articles without ever having read them; that if he can satisfy himself that he was not intended to be excluded, he is not excluded." Lowe pointed out that the adherents to religious sects founded since the Articles were framed could feel entitled to be admitted to the Church of England, because, nearly three centuries ago, the framers of the Articles could not have intended to exclude members of sects which did not then exist.<sup>81</sup> To this sally, Ward responded with his *Appendix to A few more words in support of no. 90 of the Tracts for the Times, in answer to Mr. Lowe's pamphlet*.<sup>82</sup> For Lowe, that was the end of his career as a religious controversialist and he never again ventured into print to comment directly on a theological question

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<sup>77</sup> Oxford, 1841.

<sup>78</sup> W.G. Ward, *A Few more words in support of No. 90 of the Tracts for the Times*, Oxford, 1841, p5.

<sup>79</sup> Ward, *William George Ward and the Oxford Movement*, pp169-70.

<sup>80</sup> Oxford, 1841.

<sup>81</sup> Martin, *Robert Lowe*, 1 pp123-9.

<sup>82</sup> Oxford, 1841.

Roundell Palmer thought that Lowe's contribution to the debate was "a very sensible one."<sup>83</sup> Dean Church, who had known both Lowe and Newman at Oxford, took a different view. In his history of *The Oxford Movement* Church criticised Lowe for his simplistic approach to the question.

Mr. Lowe, not troubling himself either with theological history or the relation of other parties in the Church to the formularies, threw his strength into the popular and plausible topic of dishonesty, and into a bitter and unqualified invective against the bad faith and immorality manifested in the teaching of which No. 90 was the outcome.<sup>84</sup>

However, Church had first paid Lowe the compliment of noting that he and Ward were "the more distinguished of the combatants" in the furious debate which the tract had occasioned. It can be inferred, therefore, that Lowe was someone whose opinions were taken seriously in 1840s Oxford. The biographers of A.C. Tait, the future Archbishop of Canterbury, by listing Lowe among the principal contributors to the debate, also admitted the significance of Lowe's opinion in the context of 1840s Oxford. They noted the intensity of the pamphlet war and listed some of the more prominent men who took an active part.

The controversy soon waxed vehement, and on either side indignant pamphlets followed one another in rapid succession. Among those who thus defended the controverted Tract were Dr. Pusey, W.G. Ward, Frederick Oakeley, and William Palmer of Magdalen. Among the pamphleteers on the other side were Professor Sewell and William Palmer of Worcester (both of whom had been friends of the Tract writers), C.P. Golightly, and Robert Lowe.<sup>85</sup>

But Lowe was not attacking the author of *Tract XC* on abstruse points of theology. In a sense, Dean Church's charge that Lowe had ignored history and doctrine in writing his pamphlet was partly accurate. Lowe based his attack on the way in which the author of the Tract had argued his case, the logic of the arguments used, and the conclusions which he seemed to wish to draw.

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<sup>83</sup> Palmer, *Memorials*, 1, p382.

<sup>84</sup> Church, *The Oxford Movement*, p255.

<sup>85</sup> Davidson & Benham, *Life of A.C. Tait*. p85.

The tone and content of Lowe's contribution to the debate on *Tract XC* suggests two things. First, a reasoned defence of traditional, Protestant, Anglicanism based upon the Thirty-nine Articles against the alien romanizing tendencies of Anglo-Catholicism. Second, that Lowe's disagreement with Newman and his followers was not simply an intellectual difference of opinion. The strength of Lowe's feelings on the matter should not be underestimated. In a letter to Richard Michel, he wrote that if a vote to censure Newman was proposed, it would "give me an excuse, to myself, for revisiting *Alma Mater*, and venting the concentrated venom of years in one vote."<sup>86</sup>

Lowe was consistent in his religious opinions. Although he wrote little upon religion some of his opinions can be stated with reasonable certainty. First, he was an Anglican. He was born into the Anglican Church and remained a member of it throughout his life. He affirmed his adherence to the Church of England on several occasions. He subscribed to the Thirty-Nine articles more than once: for example upon becoming an Oxford undergraduate. He publicly, and vehemently, defended the traditional interpretation of the Articles in print. On those few occasions when called upon to do so he stated that he was a member of the Church of England.

Secondly, his instincts were decidedly protestant. According to Jowett "he was an enemy to sacerdotalism, and while at the Council Office had had many encounters with the clerical party."<sup>87</sup> Lowe seems to have been suspicious of clerical authority, even at Oxford, seeing it as inimical to liberalism. Canon Melville, a friend of Lowe's, replied to the enquiries of A.P. Martin that Lowe had been one of the "small but active Liberal and anti-clerical party at Oxford."<sup>88</sup> Lowe was equally powerful in his invective against the Roman Catholic Church proper and the claims of the papacy to temporal authority. Lowe's series of leading articles directed against the Pope and Roman Catholicism were virulent in their condemnation of the Roman church's obscurantism and its claims of sovereignty over their adherents. The Catholic

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<sup>86</sup> Lowe to R. Michel, undated. Martin, *Robert Lowe*, 1, p133.

<sup>87</sup> Jowett, "Memoir," in: Martin, *Robert Lowe*, 2, p493.

<sup>88</sup> Martin, *Robert Lowe*, 1, p80.

Church, particularly in Ireland, was, according to Lowe, “the decided, if not the declared enemy of knowledge and enlightenment.”<sup>89</sup> Worse still, “the great mass of the priesthood and of their followers are under the control of a foreign potentate...”<sup>90</sup>

Thirdly, Lowe believed in religious liberty just as he believed in political and economic liberty. If Lowe was himself was a liberal, he was also perhaps inclined to view the Almighty in the same light. One of A.P. Martin's correspondents informed him of a conversation where “... Mr Knox, told me that... he once heard Mr. Lowe say: ‘I utterly refuse to believe in a God who is worse than I am’ – worse, that is, according to the standard of human morality - worse in the sense of inflicting everlasting punishment on anyone, or, indeed, of any punishment except for remedial ends.”<sup>91</sup> Initially, the religious liberty which Lowe advocated simply required tolerance of the various Christian sects while maintaining the Anglican establishment. Time and again, both in speeches and in articles for *The Times*, Lowe expressed exasperation at denominational and religious rivalry and intolerance which frustrated his wish to establish an efficient and liberal educational system. This was particularly the case in Ireland where Lowe thought that “it is quite time that some one should vindicate what used to be the Liberal idea of comprehensive and tolerant education.”<sup>92</sup> The same problems affected University education. Lowe was annoyed at the abandonment, in favour of separation, of the “noble idea of a united education for all classes in Ireland...”<sup>93</sup> Instead, it was proposed to support separate denominational universities “where each denomination should be put into the hands of its clergy, to be instructed in doctrines of bigotry, intolerance, and mutual animosity.”<sup>94</sup>

But it would be a mistake to conclude that Lowe's liberal and latitudinarian view indicated indifference. It was possible to be both a liberal and a

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<sup>89</sup> *The Times*, 13<sup>th</sup> November 1859, 1<sup>st</sup> leader.

<sup>90</sup> *ibid*, 10<sup>th</sup> November 1859, 2<sup>nd</sup> leader.

<sup>91</sup> Reminiscence by the Hon. Lionel A. Tollemache, in: Martin, *Robert Lowe*, 2, p527.

<sup>92</sup> Speech 31<sup>st</sup> May 1867. *Hansard*, 187. col.1451.

<sup>93</sup> *ibid*, col.1454.

<sup>94</sup> *ibid*, col.1455.

Churchman. Lowe was opposed to traditional, Tory, Oxford Anglicanism. But this did not mean that he was out of sympathy with a modern, revitalized, Anglican, Church. To the leading men of the Oxford Movement in the 1830s, liberalism might have seemed only one step removed from atheism. Yet viewed in a wider context liberal views on the Church, what Richard Brent has called "liberal Anglicanism," was held by sincere churchmen and Christians.<sup>95</sup> In the 1830s, when Lowe was at Oxford and putting forward liberal opinions in opposition to the prevailing climate of opinion, the reform of the Church was an important political issue.<sup>96</sup> Those proposals which aimed at internally reforming the Church of England in the 1830s were initially uncontroversial, from a party political point of view because they were attempts to rouse the Church from its comfortable torpor. The first report of the Ecclesiastical Commissioners was aimed at revising and modernising the Church's internal arrangements. Although there was controversy within the Church and in Parliament over the reforms, the conflict was not a party political one. Proposals involving the reduction in numbers of cathedral canonries, or on the restriction of pluralism, or the equalisation of Episcopal incomes might be contentious, but not strictly in a party political sense<sup>97</sup> Both the Whigs and the Tories had a hand in creating what eventually emerged as the Ecclesiastical Commissioners in 1836. Both parties were still predominantly Anglican and were therefore interested in reinvigorating the Church.

By contrast, when the dispute affected the position of the Church in the State and its temporal influence there was serious divergence between the views of the parties. For example, Brent has noted that:

The religious issues on which party political conflicts took place in the 1830s, and thus in which liberal Anglicanism may be most clearly traced, included whether parliament was justified in appropriating the surplus revenues of the Irish Church to non-ecclesiastical purposes, whether the universities of Oxford and Cambridge should admit non-Anglicans to their degrees, and whether the state should fund schools not under the direction of the

<sup>95</sup> Brent, *Liberal Anglican Politics*, passim.

<sup>96</sup> Geoffrey Best, *Temporal Pillars*, Cambridge, 1964, Chapter 6; J.P. Parry, *The Rise and Fall of Liberal Government in Victorian Britain*, London, 1993, pp134-141; "An Anglican Layman," *Episcopal Reform*, London, 1851.

<sup>97</sup> Brent, *Liberal Anglican Politics*, pp6-8; Chadwick, *The Victorian Church*, 1, pp103-5.



Anglican Church or the British and Foreign School Society. The stands taken on these topics became, to a very great extent, the determinants of Whiggery and Toryism in this period.<sup>98</sup>

From the perspective of the early twenty-first century, it is perhaps difficult to appreciate the extent to which party allegiance could be identified by opinions on Church and religious questions. Lowe was a Liberal in politics and an Anglican in religion. There were identifiably different Whig and Tory attitudes towards the Church. Toryism stood foursquare for the established Church, its central role in the state, and the preservation of its privileges. Liberal Anglicans wanted reform, not because they wished to destroy the Church, but because they believed that reforms were necessary to strengthen and preserve it.

Young W.E. Gladstone expressed the high Tory view in its most extreme form. His book *The State in its Relations with the Church* appeared in 1838 to a mixed reception. The work appeared to suggest, in almost impenetrable prose that, as T.B. Macaulay put in his scathing review of Gladstone's book in the *Edinburgh Review* of April 1839, "the propagation of religious truth is one of the principal ends of government, as government." The state, according to Gladstone, had a duty to maintain the Church of its choice, even to the extent, it seemed, of reserving all Government posts for communicating members of the Anglican Church. John Morley recorded that some Churchmen "approved, many of them very warmly," of Gladstone's case for the maintenance of ecclesiastical privilege. However, many Tory politicians, Peel included, thought he had perhaps gone a bit too far.<sup>99</sup> But Gladstone was only restating what he had already said in the House of Commons in 1835: That "the Government, as a government, was bound to maintain that form of belief which it conceived to contain the largest portion of truth with the smallest admixture of error."<sup>100</sup> Lowe's position on the Church, as expressed in Parliament when he was Chancellor of the Exchequer, could hardly have

<sup>98</sup> Brent, *Liberal Anglican Politics*, pp7-8.

<sup>99</sup> T.B. Macaulay, "Gladstone on Church and State," *Edinburgh Review*, April, 1839. Reprinted in *Critical & Historical Essays*, London, 1877, p466; Chadwick, *The Victorian Church*, 1, pp477-8; John Morley, *The Life of Gladstone*, 1, London, 1908, pp130-3.

<sup>100</sup> *Hansard*, 27, col. 512.

been more different. During the debates on the Irish Church Bill in 1869 he outlined a thoroughgoing erastian position with regard to church establishment: "I contend... that these public corporations, exercising public functions and spending public money are neither more nor less than departments of State, over which it is the duty of the State to watch just as much as over any other public department."<sup>101</sup>

This was the antithesis of the Tory and Anglican approach. In the 1830s, Gladstone had been determined to maintain the Establishment because its doctrines were true. At the time he characterised his Whig opponents as regarding the Established Church merely as a matter of convenience: "no matter what the religion,- no matter whether it be true or false,- the fact of its existence was sufficient – wherever it existed it was to be recognised; it was not the business or the duty of a government to endeavour to influence the belief of the subjects."<sup>102</sup> Later, as Liberal Prime Minister he proposed a measure, the disestablishment of the Irish Church, which seemed to deny the very principles which he had asserted three decades before. While Gladstone proposed Irish disestablishment on the grounds of justice and fairness, his Chancellor of the Exchequer, Lowe, justified it on the grounds of expediency. In his view the establishment of the Anglican Church in Ireland merely gave the predominantly Catholic populace a further excuse for disaffection. He also expressed the case in terms of liberty: that "the Irish Church is founded on injustice; it is founded on the dominant rights of the few over the many, and shall not stand."<sup>103</sup> Numbers were also an important part of Lowe's case. Based on the results of the census of 1861, Lowe told the House that of "every 100 average Irishmen... seventy-eight will be Roman Catholics,... twelve will be members of the Irish Church."<sup>104</sup>

Lowe also opposed religious exclusiveness in education. Both in Australia and after returning to England Lowe played an important role in establishing and

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<sup>101</sup> March 22<sup>nd</sup> 1869. *Hansard*, 194, col.1987.

<sup>102</sup> *Hansard*, 27, col. 512.

<sup>103</sup> *Hansard*, 191, cols. 747-8.

<sup>104</sup> *Hansard*, 191, col.729.

reforming the systems of elementary education. Lowe argued that the state should be even-handed in its support of denominational schools. He opposed the idea that only those elementary schools supported by the Established Church were entitled to state aid. In this respect at least, Lowe had embraced the idea of a secular state which treated the various religious denominations equally. He had always attacked and opposed denominational exclusiveness and the attempts of the religious to apply their doctrines to matters of public policy. During the debates on the 1870 Education Bill, Lowe told the House that “we do not sit in this House to discuss religious questions, nor to inflame sectarian differences, but to endeavour to meet a pressing want of the people of England.”<sup>105</sup>

A quarter of a century earlier he had rejected denominational education in Australia on utilitarian grounds. The Lowe Committee on the state of education in New South Wales reported in August 1844. The report reflected Lowe's views that “the number of schools in a given locality ought to depend on the number of children requiring instruction which that locality contains.” As far as the inadequacies of the current system were concerned, “a far greater proportion of the evil has arisen from the strictly denominational character of the public schools.”<sup>106</sup> In Australia, Lowe characteristically managed to place himself at odds with both the Anglican and Roman Catholic prelacy, when the committee of the legislative council on education (the Lowe Committee) which he had proposed and of which he was chairman, recommended a non-denominational system overseen by “a board composed of men of high personal character, professing different religious opinions.”<sup>107</sup>

This policy he again favoured back in England when education fell within his remit as a Government Minister. Displaying his “Liberal Anglican” credentials, Lowe regarded “denominational differences” as an “evil of the system” as it stood. It had been the announced intention of the government “to assist the voluntary efforts of certain denominations” where elementary education was

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<sup>105</sup> 15<sup>th</sup> March 1870. *Hansard*, vol. 199, col. 2065.

<sup>106</sup> Martin, *Robert Lowe*, vol. 1, p226.

<sup>107</sup> F.R. Baker. *The Educational Efforts of Robert Lowe in New South Wales*. Sydney, 1916.

concerned. Lowe regretted that the doleful consequence of this policy was that the different denominations now drew up founding documents for their schools “with greater care, and that a perfect manual had been produced in which the different sects of Christians had been marked out in a distinct manner. In his opinion, it was much to be regretted that the money of the public should be spent on schools founded on that exclusive principle.”<sup>108</sup> Lowe suggested that grants should only be made to denominational schools providing that they undertook not to compel a child “to learn the formularies of the sect to which the school belonged if its parents objected.”<sup>109</sup> Lowe also wished to abolish the wasteful and expensive privilege by which denominational schools in receipt of support from the state had the right to inspection by an inspector of the same denomination.<sup>110</sup> He regarded the proposed abolition of denominational inspection by the 1870 Education Bill as “a very great point.”<sup>111</sup>

These views, expressed in England in 1870, had not greatly altered from those which he expressed in 1844, in Australia, when he moved at a public meeting in Sydney “that it is the duty of the State in every Christian community to provide the means of a good Common Education to be conducted agreeably to the principles of the Christian religion.”<sup>112</sup> Such views had brought forth accusations that Lowe favoured “a Godless system.” As he pointed out to the New South Wales Legislative Council, “at the rate we are going we shall soon be obliged to have different roads as well as different schools, in order that the Roman Catholics and Protestants might not meet for fear they should attack each other.”<sup>113</sup>

But where University reform in England was concerned, the issues of toleration and even-handedness came into conflict with what many staunch churchmen regarded as fundamental to the maintenance of the Church of

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<sup>108</sup> *Hansard*, 155, col.318.

<sup>109</sup> *Hansard*, 155, col.318.

<sup>110</sup> *Hansard*, 155, cols. 318-9.

<sup>111</sup> Speech 15<sup>th</sup> March 1870. *Hansard*, 199, col. 2059.

<sup>112</sup> Speech of 2<sup>nd</sup> September 1844. Martin, *Robert Lowe*, 1, p246

<sup>113</sup> Speech of the 9<sup>th</sup> October 1846, quoted in: Baker, *Educational Efforts of Robert Lowe*, p9.

England. While Lowe may wanted to provide an effective university education to everyone who was capable of benefiting from it, regardless of religious affiliation, the Universities themselves saw their purpose in a different light. The main religious point at issue concerned the admission of non-Anglicans to the Universities. There were plenty of Tory defenders of the old order to be found. In 1834 Sir Robert Inglis, the M.P. for Oxford University, told the House of Commons that “nothing in history can be more certain than that the Universities never were founded with any view to the education of Dissenters; to the education, in short, of any one, at any time, differing from the Church established at that time.”<sup>114</sup> The arch-traditionalist Bishop of Exeter, Henry Phillpotts, was even more alarmist. “I apprehend that the application which has been made to Parliament, to force Dissenters into the Universities, is not so much an application to remove disabilities from the Dissenters, as an application to persecute the Church of England.”<sup>115</sup> Sir Robert Peel took a similar line. “If we have not the right to exclude Dissenters from the benefits of University education,” he said, “we have not the right to maintain the connexion between the Church and the State. The arguments by which a system of education limited to members of the Establishment can be maintained... are identical with those by which the Establishment itself can be supported.”<sup>116</sup>

For these Tories the University was an institution of the Church. Lowe believed, on the other hand, that the Universities were national institutions and access to them should not depend upon adherence to a particular religious sect. In a speech at Kidderminster in February 1855, Lowe admitted that “during the session of 1853 I was called upon on one occasion to vote against the admission of Dissenters to the Universities – those seats of learning which I have the strongest conviction present in my mind should be open to all.”<sup>117</sup> In parliament Lowe took part in debates on the Universities and observed that “any attempt to limit the University to members of the Church of England is a most foolish and mischievous policy... The University should be

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<sup>114</sup> *Hansard*, 22, col. 683.

<sup>115</sup> *Hansard*, 22, col. 1000.

<sup>116</sup> *Hansard*, 22, col. 704.

<sup>117</sup> *The Times*, 22<sup>nd</sup> February 1855, p12.

thrown open to admit the whole nation, and be co-extensive with the domain of human intellect itself."<sup>118</sup>

Lowe's Anglicanism was combined with his liberal belief in liberty in a synthesis in which his religion and politics were connected and consistent. First, this "Liberal Anglicanism" insisted that there were core beliefs which formed the basis of a common Christianity which transcended the theological squabbles of the religious denominations. "How much better," said Lowe, "how much nobler, to invite a common people – common by birth, by language, and every national tie – to acknowledge in one brotherhood of feeling, one God, one faith, and one revelation."<sup>119</sup> These "Christian truths... were common to members of all Christian sects, and... were independent of dogma..."<sup>120</sup> Thus, according to Richard Brent, Liberal Anglicans such as Lord John Russell were more inclined to religious toleration. They "saw no incompatibility between admitting Dissenters and Roman Catholics as members of the political nation (reforms which they actively approved rather than accepted as acts of political survival) and maintaining the Anglican Church."<sup>121</sup> In any event, the State maintained an Episcopalian Church in England and Ireland, while simultaneously maintaining a Presbyterian one in Scotland; suggesting that, even when Tory governments were in office, expediency had a major part to play in Church establishment. Although the Anglican Church to which Lowe adhered was Episcopalian, but had he succeeded, as he very nearly did, in obtaining the Professorship of Greek at Glasgow for which it seems that he would have had few qualms over making a Protestant profession of faith which was Presbyterian and Calvinist.<sup>122</sup>

Lowe was sympathetic towards greater religious toleration. In his speech at Kidderminster in December 1858 he gave his view of Church, and other, matters:

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<sup>118</sup> Speech on abolition of University tests, 21<sup>st</sup>. March 1866. *Hansard*, 182, col.697.

<sup>119</sup> Speech of 9<sup>th</sup> October 1846. Quoted in: Baker, *Educational Efforts of Robert Lowe*, p9.

<sup>120</sup> Brent, *Liberal Anglican Politics*, p28.

<sup>121</sup> *ibid*, p28.

<sup>122</sup> Davidson and Benham, *Life of Archibald Campbell Tait*.

When all are agreed on the great principle of free trade, the principle of pure and perfect religious toleration, the duty of economy in all the departments of the State, and all those questions which used to separate the Liberals and the Tories, the liberals may lose, but the country will be the gainer."<sup>123</sup>

This toleration amounted to more than merely simple indifference. Moreover, Lowe had gone beyond simple toleration of other religions. He favoured impartiality. The state, in Lowe's view, should not act as an evangelist for the Established Church and an enforcer of its doctrines:

The Privy Council now occupies an impartial position among all religious bodies... When therefore I said that the Privy Council represented the secular element, I think it could not be otherwise, because, having to deal with Jews and Christians, with Roman Catholics and Protestants, with members of the Church of England and Dissenters, it must stand on secular ground if it would be perfectly impartial.<sup>124</sup>

That was in 1862. A few years later, as Chancellor of the Exchequer, Lowe gave the House of Commons his attitude toward religion. By this time, Lowe's toleration and impartiality had developed into the view that other each man's faith was a thing to be respected. He looked forward to:

a time when we shall give up not only the idea of persecution, but the language of toleration – that is to say, when we shall come to admit that one man's faith is not a thing to be tolerated by another man, but to be respected, and when we shall obliterate from the statute book and from our minds any notion of social or other superiority as attaching to a man's religion, and when it shall be free for every man to choose his own creed and to walk according to it.<sup>125</sup>

Second, this belief in a "common Christianity" and the respect which should be accorded to other faiths suggested a view of Church establishment which was founded primarily upon its usefulness. If no particular religious sect could be said to possess a monopoly of truth, then this had implications for the theory of Church Establishments. Traditional churchmen held to the establishment on the grounds that it was the duty of the state to propagate

<sup>123</sup> *The Times*, 10<sup>th</sup> December 1858, p6.

<sup>124</sup> Speech on the Revised Code for Education, 5<sup>th</sup> May 1862. *Hansard*, 166, col.1241.

<sup>125</sup> 22<sup>nd</sup> March 1869. *Hansard*, 194, cols.1991-2.

religious truth, Lowe, and other like-minded liberals did not necessarily think that the Church of England was the sole repository of religious truth. They had to find another rationale for maintaining the establishment. They found it in the principle of utility. While the Tories might consider Church and State to be the mutually supporting pillars of the constitution, there by right and tradition; some Whigs thought otherwise. Lord John Russell, whom Richard Brent identifies as the most significant figure amongst his "liberal Anglicans," quoted Paley with approval:

The authority of a Church Establishment is founded in its utility, and whenever, upon this principle, we deliberate concerning the form, propriety, or comparative excellency of different establishments, the single view under which we ought to consider any of them is, that of a scheme of instruction, the single end we ought to propose by them is, the preservation and communication of religious knowledge. Every other idea, and every other end, that have been mixed with this, as the making of the Church an Engine, or even an ally of the State; converting it into the means of strengthening or diffusing influence; or regarding it as a support of regal, in opposition to popular, forms of government; have served only to debase the institution, and to introduce into it numerous abuses and corruptions.<sup>126</sup>

Lowe agreed. The justification for establishments, according to him, lay principally in their utility: did the establishment benefit the nation or not. In parliament he stated unequivocally "that the only ground on which a national church could be supported was that it was good not only for those who belonged to it, but also for those who did not."<sup>127</sup> This issue became particularly urgent in respect of Ireland during Lowe's time as a Cabinet Minister. He spoke in favour of the disestablishment of the Irish Church, which he justified on utilitarian grounds. Lowe described the Irish Establishment as "an obstacle and a hindrance to the State, and, so far from bringing [the people] into harmony with the Government, sets the great bulk of the nation against it, and multiplies ten-fold the difficulty of governing the country."<sup>128</sup>

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<sup>126</sup> *Hansard*, 27, col. 367.

<sup>127</sup> Speech on Church Rates Bill, 9<sup>th</sup> March 1859. *Hansard*, 152, col.1592.

<sup>128</sup> *ibid*, col.1982.



Third, both the notion of “a common Christianity” and that of an Established Church founded upon its utility, led to progressive views on education. He favoured a non-denominational system of elementary education in which there would still be religious instruction, but based on general Christianity rather than upon the doctrines of a particular denomination. He was exasperated at the attitudes of the religious denominations in opposing this ideal. In the Universities too, Lowe sought to abolish their Anglican exclusiveness and reform them from narrow seminaries of the Church of England into national institutions dedicated to the dissemination of knowledge. In effect, Lowe wished to reform education at all levels from being the means of propagating and reinforcing religion, to the means of imparting a general education.

Put another way, Lowe had therefore arrived at world view in which Christianity and Liberalism were mutually supportive. One of the main pillars of Lowe’s liberalism was a belief in liberty. This was equally true of views on religion. He believed that nobody should be subject to disabilities or discrimination purely as a result of their religious opinions. A Church which sought to enforce its primacy by means of disabling laws aimed against other denominations, or by forcing those who chose to worship elsewhere to pay for its upkeep, or by restricting educational privileges to its members; was not strong but weak. Liberalizing the Church would strengthen it. In political economy, Lowe always held to the twin doctrines of “laissez-faire” and free trade. If free trade in goods and services was a good thing, if careers in the civil service and elsewhere should be open to all the talents, then surely there should be free trade in religion and ideas also. In general, Lowe preferred moderation in religious doctrine. His writings also suggest that he retained the fears of “popery” on the one hand, and a distaste for “enthusiasm” on the other, between which the Established Church traced a *via media*. He used a deprecating tone when describing a fellow passenger on the voyage out to Australia: “Mr. W., a landowner in Van Diemen’s Land, a very good,

gentlemanlike, and well-informed man, though his religion was tainted with enthusiasm and illiberality..."<sup>129</sup>

Although Lowe wrote and said little about religion, his opinions seem to have been a mixture of old and new. Part of his outlook on religious matters was inherited and a product of a traditional upbringing in an Anglican rectory. But many of the views on the role of religion and the churches in modern society which he later evolved were remarkably ahead of his time. On the traditional side, Lowe retained, to the end of his life, a loyalty to the Church of England. Lowe explicitly stated that he had repeatedly subscribed to the Thirty-Nine Articles of the Church, and he had defended them in print against the sophistries of Newman. He was a reader and student of the Bible and could quote it with the same facility and readiness of memory as he could the classical authors.

Lowe's loyalty to the Church of England and his Christianity belief also, in some ways, wore a more modern aspect. He held the advances of science in high regard and was an especial admirer of Darwin. We can infer from this that Lowe's study of the scriptures was probably informed by an allegorical and symbolic, rather than a literal, understanding of their meaning. Lowe advocated respect for the religious views of others and the freedom for any person to practise such religion as they chose. He did not think that any Christian denomination, including his own, necessarily had a monopoly of truth and therefore held that Church Establishments were merely a matter of convenience and utility to be disposed of if, as in the case of the Church in Ireland, their effects were pernicious. But Lowe never advocated the disestablishment of the Church of England: this in spite of his view that the state should deal equally with all religious denominations. He always remained a defender of the Church against attacks from both its Catholic and Nonconformist critics.

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<sup>129</sup> Extract from Lowe's journal of the voyage, in Martin, *Robert Lowe*, 1, p147.

Lowe also, particularly in his education policies, seemed to be moving towards a recognisably modern conception of the state; that is, to a separation between religion and the practical world of politics and economics, education and business. For all that, Lowe's liberalism and the views on Church and University reform which accompanied it, although condemned by its Tractarian critics as virtually synonymous with atheism, were in fact attempts to strengthen and revitalize the Church. His professions of belief in the Church of England and the Thirty-nine Articles may, therefore, be taken at face value. It is reasonable to conclude that he was a sincere Christian, protestant, and Anglican. So too that he was sincere in believing that the Church must modernise and embrace the new sciences if it were to survive. Most prominent among the new sciences was the emerging discipline of (liberal) political economy.

**Chapter Four.**  
**The Deductive Science of**  
**Political Economy.**

The formative years of Robert Lowe's life coincided with the rise to prominence of the "science" of political economy. As one historian has put it:

Something called political economy came of age in Britain in the first third of the nineteenth century... It captured public attention like a fad, acquired media, spokespeople, and classics that it did not have before, and was conspicuously brought to bear on a wide assortment of urgent economic problems in the spectacle of public life.<sup>1</sup>

And it culminated in a general acknowledgement of the received wisdoms of political economy throughout the councils of the nation. Government policy was increasingly influenced by the doctrines of political economy. First the Whigs and then a powerful group of liberal Tories (including Huskisson, Liverpool, Peel, Canning and Robinson) were influenced by political economy; specifically by the views of David Ricardo and J.R. McCulloch.<sup>2</sup> The twin bastions of nineteenth-century public policy, free trade and laissez-faire, were erected upon the foundations of the writings of the first economists and their immediate successors and supporters. These were also the foundations of the public philosophy of Robert Lowe. More: they were the inspiration which lay behind his activities in reforming company law and education, in promoting free trade, and in favouring retrenchment in government expenditure and taxation.

The advance of political economy had initially been slow. Adam Smith's *An Inquiry into the Nature and Causes of the Wealth of Nations* had been first published in 1776. It had gone through five editions by the time of Smith's death in 1790. But the father of modern economics had many other interests and wrote widely on other subjects, including philosophy, jurisprudence and even astronomy.<sup>3</sup> Over forty years elapsed before the next synoptical work on

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<sup>1</sup> Gary F. Langer, *The Coming of Age of Political Economy, 1815-1825*, Westport, Conn. 1987, p1. For the development of economic ideas after the death of Adam Smith in 1790, "when his writings became subject to the inevitable processes of interpretation and misinterpretation," see: Donald Winch, *Riches and Poverty: An Intellectual History of Political Economy in Britain, 1750-1834*, Cambridge, 1996, p1.

<sup>2</sup> Langer, *The Coming of Age*, pp1-75; Barry Gordon, *Economic Policy and Tory Liberalism, 1824-1830*, London, 1979, see especially chapter 1.

<sup>3</sup> R.H. Campbell and A.S. Skinner, "General Introduction" to: Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 2 vols., Oxford, 1976, vol. 1, pp42-3.

political economy, that by David Ricardo, appeared in 1817.<sup>4</sup> The only serious political economists active at the turn of the nineteenth century were T.R. Malthus<sup>5</sup> and, possibly, Henry Thornton.<sup>6</sup> However, by the time that Lowe arrived in Oxford the landscape of Political Economy had undergone rapid change. The few English texts dealing with political economy had been considerably augmented and the ranks of the recognisable political economists substantially reinforced. David Ricardo, encouraged by James Mill, had completed his *Principles of Political Economy and Taxation* in 1817. Malthus' *Principles of Political Economy* was published in 1820. A book of the same title by J.R. McCulloch appeared in 1825. James Mill defined the *Elements of Political Economy* in 1821. Others with a claim to be regarded as serious practitioners included Colonel Robert Torrens, J.L. Mallet, Thomas Tooke, William Baring, Nassau Senior and S.J. Loyd.<sup>7</sup>

All were early members of the Political Economy Club, founded in 1821.<sup>8</sup> Ricardo, Mill, Malthus and George Grote were perhaps the best known among the founding members of the club. It was formed by political economists and interested laymen to discuss economic questions. The twenty founders of the club soon increased its membership to thirty. This was then set as a limit, thus ensuring the future exclusivity of the organisation. Certainly, there was no difficulty in filling the ten initial vacancies or, indeed, any of those that arose in the future as members retired or died. The Club met monthly to discuss questions related to political economy. Members were not permitted to remain mere onlookers. Among the regulations of the Club was the requirement that

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<sup>4</sup> David Ricardo, *Principles of Political Economy and Taxation*, London, 1817.

<sup>5</sup> As Professor of political economy at the East India Company's Haileybury College, Malthus has a strong claim to being regarded as the first professional economist. It is possible that the establishment of the workhouse at Bingham by Lowe's father, the Reverend Robert Lowe, was inspired by knowledge of Malthus's *Essay on Population*. Given the intellectual interests of Lowe's father and the fame (or notoriety) of Malthus's book this is not an unreasonable suggestion. Unfortunately there is no direct evidence to confirm it nor any to suggest that he passed on any ideas he had gleaned from Malthus to his second son.

<sup>6</sup> Phyllis Deane, *The Evolution of Economic Ideas*, Cambridge, 1978, pp45-6.

<sup>7</sup> Political Economy Club, *Centenary Volume*, London, 1921, pp358-360; Deane, *The Evolution of Economic Ideas*, chapters 4 & 5; Langer, *The Coming of Age of Political Economy*, pp2-3 & chapter 3.

<sup>8</sup> Political Economy Club, *Minutes of Proceedings, 1821-1882, Roll of Members, and Questions Discussed*, vol.4, London, 1882. All the members for the period are listed, with the dates of their election and their death, or resignation.

“at each meeting three of the members in alphabetic rotation shall be required to propose each some doubt or question on some topic of Political Economy...” Perhaps equally onerous was the duty placed on members to “regard their own mutual instruction, and the diffusion among others of just principles of political economy, as a real and important obligation.”<sup>9</sup> Despite, or perhaps because of, these provisions, the Club became a forum where influential men – academics, financiers, businessmen, civil servants, Members of Parliament, Cabinet Ministers and even Prime Ministers - discussed important questions of the day from the point of view political economy.<sup>10</sup>

By the 1820s, political economy was already having an influence outside the immediate circle of the early economists. The Ricardo memorial lectures of 1824 were attended at various times by such political luminaries as Lord John Russell, Lord Howick, Lord Lansdowne, Lord Liverpool, William Huskisson, George Canning and Robert Peel. Contemporary literary references to Political Economy having become “the fashion” or “the rage” became commonplace.<sup>11</sup> Charles Greville, during a financial crisis in 1825-6, recorded in his diary that “so great and absorbing is the interest which the present discussions excite that all men are become political economists and financiers, and everybody is obliged to have an opinion, and never was there a question on which there were more truly *quot homines tot sententiae*.”<sup>12</sup> Thomas Carlyle noted in *Signs of the Times* (1829) that “the philosopher of this age is not a Socrates, a Plato, a Hooker, or Taylor, who inculcates on men the necessity and infinite worth of moral goodness... but a Smith, a De Lolme, a Bentham, who chiefly inculcates the reverse of this,- that our happiness depends entirely on external circumstances...”<sup>13</sup> Jane Marcet, in

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<sup>9</sup> *ibid.* p37.

<sup>10</sup> Among the prominent politicians, other than Lowe, who introduced debates at the Club were A.J. Balfour, Sir Charles Dilke, Sir William Harcourt, and A.J. Mundella. See: Political Economy Club, *Minutes of Proceedings*, pp313-378, for a full list of the questions discussed from 1821 until 1882, and the names of the members who introduced the debates.

<sup>11</sup> Langer, *Coming of Age*, pp2-3; Hilton, *The Age of Atonement*, pp40-1.

<sup>12</sup> Lytton Strachey & Roger Fulford (eds.), *The Greville Memoirs, 1814-1860*, 8 vols., London, 1938, vol.1, p158.

<sup>13</sup> Thomas Carlyle, “Signs of the Times,” *Critical and Miscellaneous Essays*, vol. 2, London, 1869, pp313-342, p325. Originally published in: *Edinburgh Review*, 98, 1829.

*Conversations on Political Economy* (1816), even tried to render the subject accessible to a genteel audience.<sup>14</sup>

The academic study of political economy was also starting to grow at about the time that Robert Lowe was in Oxford. The Drummond Chair of Political Economy was founded at the University in 1825.<sup>15</sup> Its first occupant was Nassau Senior. A second chair was founded in 1828 at University College, London. It was held until 1837 by J.R. McCulloch. Having succeeded Senior as Drummond Professor at Oxford (Senior's five year term having expired) Richard Whately was shortly thereafter preferred to the Archdiocese of Dublin. He founded the Whately Chair of Political Economy at Dublin University in 1832.<sup>16</sup> But it was in Scotland that political economy had best been kept alive from the time of Adam Smith until the early nineteenth century. Dugald Stewart, Professor of Moral Philosophy at Edinburgh University was largely responsible for transmitting Smith's ideas to an assortment of men who went on to wield considerable influence in the early decades of the nineteenth century and beyond. Stewart had been a pupil of Smith and also his first biographer.<sup>17</sup> He delivered the first lectures on Political Economy at a British University in Edinburgh during the 1790s. Among Stewart's students were at least two, James Mill and J.R. McCulloch, who became important economists in their own right. Also under his tutelage were all four founders of the *Edinburgh Review*: Henry Brougham, Francis Horner, Francis Jeffrey, and Sidney Smith.<sup>18</sup> Horner was effectively the parliamentary spokesman for political economy until his death in 1817. The *Review* became no less important a general propagator of economic ideas throughout the land in the

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<sup>14</sup> Jane Haldimand Marcet, (1769-1858) also published explanatory works on such subjects as Chemistry, Botany, Natural Philosophy, and Grammar.

<sup>15</sup> Sydney Checkland, "The Advent of academic economics in England," *The Manchester School of Economics and Social Studies*, 19, 1951, p46

<sup>16</sup> A.M.C. Waterman, *Revolution, Economics and Religion*, Cambridge, 1991, p202; Langer, *Coming of Age*, pp2-3; E.J. Whately, *Life and Correspondence of Richard Whately, D.D.* London, 1866, pp143-4.

<sup>17</sup> Smith was Professor of Logic at Glasgow from October 1751, and of Moral Philosophy from April 1752. His lectures encompassed political philosophy and science, rhetoric, jurisprudence, logic and history, as well as political economy.

<sup>18</sup> Langer, *Coming of Age*, p19; Deane, *The Evolution of Economic Ideas*, p14; Salim Rashid, "Dugald Stewart, 'Baconian' methodology, and political economy," *Journal of the History of Ideas*, 46, 1985.



early decades of the nineteenth century.<sup>19</sup> J.R. McCulloch wrote frequently for the review. Richard Whately published his "Oxford Lectures on Political Economy" in its pages. James Mill, T.R. Malthus, and Thomas Chalmers, as well as the four principals all wrote economic articles for the periodical.<sup>20</sup> As well as Whately, both Nassau Senior and Herman Merivale among the early holders of the Drummond Professorship at Oxford, wrote frequently for the *Review* on economic topics. The very first number, in October 1802, included a short article on the "utility of country banks" by Francis Horner, and a longer piece by the same writer reviewing Henry Thornton's *An Enquiry into the Nature and Effects of the Paper Credit of Great Britain*.<sup>21</sup> Thereafter, virtually every number contained at least one article, sometimes three or four, on political economy or related matters.<sup>22</sup>

Yet, in spite of such progress, political economy had not yet achieved universal acceptance as a *bona fide* branch of knowledge. During the early nineteenth century it was still subject to systematic objection, particularly from religious and high Tory quarters. In part, this was because it was still tainted by association with the utilitarian philosophy of Jeremy Bentham. After all, both James and John Stuart Mill combined the roles of the philosophic radical and that of the political economist. Moreover, it was the elder Mill who formulated the rules of the Political Economy Club. It was he too who, in 1811, introduced Ricardo and Bentham. And it was Mill once again who encouraged Ricardo to enter parliament and encouraged him to complete his *Principles of Political Economy and Taxation*.<sup>23</sup> Indeed, it has been suggested that among the radicals in Parliament "Benthamite philosophy and understanding of the role of government were powerful influences, and the economic doctrines of

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<sup>19</sup> Langer, *Coming of Age*, p20. For the role of the *Edinburgh Review* as a propagator of political economy in the first three decades of the nineteenth century, see especially: Biancamaria Fontana, *Rethinking the politics of Commercial Society: The Edinburgh Review, 1802-1832*. Cambridge, 1985; John Clive. *Scotch Reviewers: The Edinburgh Review, 1802-1815*, London, 1957, especially pp124-150; George Pottinger, *Heirs of the Enlightenment: Edinburgh Reviewers and Writers, 1800-1830*, Edinburgh, 1992, pp108-121.

<sup>20</sup> *The Wellesley Index to Victorian Periodicals, 1824-1900*, vol.1, pp430ff

<sup>21</sup> Rivington, London, 1802. See *Edinburgh Review*, October 1802.

<sup>22</sup> Langer, *Coming of Age*, pp19-20.

<sup>23</sup> Waterman, *Revolution, Economics and Religion*, p202.

Ricardo widely accepted as their explicit complements.”<sup>24</sup> Leslie Stephen went so far as to say that Ricardo’s *Principles of Political Economy and Taxation* was, on matters of political economy, the Philosophic Radicals’ bible.<sup>25</sup> The “pleasure-pain” principle and the “greatest happiness” principle were at the very least analogous to the view of human motivation based upon self-interest upon which Adam Smith had grounded his work.<sup>26</sup>

To many traditionally minded Christians, the associated ideas contained in philosophic radicalism and political economy were nothing less than irreligious. Salim Rashid has suggested that the prejudice against the study of political economy at this time “was especially prevalent among clergymen and other devout Christians...”<sup>27</sup> So much so that even Adam Sedgwick was minded to write that:

Utilitarian philosophy, in destroying the dominion of the moral feelings, offends at once both against the law of honour and the law of God. It rises not for an instant above the world; allows not the expansion of a single lofty sentiment; and its natural tendency is to harden the hearts and debase the moral practice of mankind.<sup>28</sup>

If this was especially true of utilitarianism, then political economy was deemed in some quarters to be equally inimical to the Christian religion.<sup>29</sup> Thus Malthus, a clergyman, had been assailed for the allegedly unchristian views contained in the *Essay on Population*. According to his biographer he became “the best-abused man of the age.”<sup>30</sup>

When Lowe was at Oxford, the most obdurate opponents of the study of political economy “were the Tractarians... who... accept[ed] the study

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<sup>24</sup> Gordon, *Economic Doctrine and Tory Liberalism*, p8.

<sup>25</sup> Leslie Stephen, *The English Utilitarians*, 3 vols., London, 1900, vol. 2, p187.

<sup>26</sup> Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 2 vols, Penguin Classics Edition, Harmondsworth, 1970 & 1999, vol.1, pp117-121, book 1, chapter 2.

<sup>27</sup> Salim Rashid, “Richard Whately and Christian Political Economy at Oxford and Dublin,” *Journal of the History of Ideas*, 38, 1977, pp147-55, p149.

<sup>28</sup> Adam Sedgwick, *A Discourse on the Studies of the University*, (1833), Leicester, 1969, pp64-5.

<sup>29</sup> A.M.C. Waterman, *Revolution, Economics and Religion*, Cambridge, 1991, pp10-12.

<sup>30</sup> James Bonar, *Malthus and His Work*, 2<sup>nd</sup> edition, London, 1942, p1.

grudgingly if at all, maintaining that it, in common with all studies, must be held subservient to theology."<sup>31</sup> In the opinion of J.H. Newman, it were better if Christians treated with "especial caution" ideas which "tend to the well-being of men in this life: the sciences, for instance, of good government, of acquiring wealth, of preventing and relieving want, and the like..." It was the emphasis which political economy laid upon worldliness which was, in Newman's view, "especially dangerous."<sup>32</sup> In that way, political economy seemed to embody the same threat to religion as biology or geology. Put bluntly, its analysis of human psychology seemed to be at variance with Christian teaching.<sup>33</sup> To Whately, Newman wrote that his (Whately's) "views on religious and social questions... seem[ed] ... to be based on the pride of reason and tending towards infidelity..."<sup>34</sup>

This challenge had to be met. Indeed, Whately accepted the Drummond Chair in succession to Senior partly as a means of demonstrating that political economy did not necessarily tend towards infidelity. Yet, equally, he understood his mission as being to rescue the fledgling new science, whose triumph he saw as inevitable, from the clutches of the ungodly. For just as sciences such as geology and biology posed difficulties for Christianity - suggesting the alternatives either of rejection or assimilation - so political economy offered the same, stark choice. Whately chose to try to assimilate political economy within Christianity. He wanted to recapture political economy for Christianity because:

...it seems to me that before long, political economists, of some sort or other, must govern the world; I mean that it will be with legislators as it is with physicians, lawyers, &c. - no one will be trusted who is not supposed at least to have systematically studied the sciences connected with his profession. Now the anti-Christians are striving hard to have this science to themselves, and to interweave with it their own notions; and if these efforts are not met, the

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<sup>31</sup> Checkland, "The Advent of academic economics in England," p56.

<sup>32</sup> J.H. Newman, *Parochial and Plain Sermons*, vol.7, 1869, No.189, 8<sup>th</sup> March 1829, p30.

<sup>33</sup> Richard Brent, "God's Providence: Liberal Political Economy as Natural Theology at Oxford, 1825-62." pp90-1. In: Michael Bentley (ed.), *Public and Private Doctrine: Essays in British History Presented to Maurice Cowling*. Cambridge, 1993, pp85-107.

<sup>34</sup> Newman to Whately, 28<sup>th</sup> October 1834. Whately, *Life of Richard Whately*, 1, p236.

rising generation will be at the mercy of these men in one way or another – as their disciples, or as their inferiors.<sup>35</sup>

But in these early stages of the development of the discipline, there was no consistency of approach or general consensus about the proper boundaries of the science. Whately tried to combine coherent political economy with traditional Christianity. If the argument from design held true, then the world described by political economy was equally a part of God's creation with the natural world. To this end, he followed Smith and Ricardo in favouring the deductive method. Along with most of the other early occupiers of the Drummond Chair, he held that political economy "consisted in deducing consequences from first principles, and not in the accumulation of observed facts."<sup>36</sup> The primary task, therefore, was to establish the facts and definitions upon which the logical edifice of the science could be built.

Other Christian critics, particularly at Cambridge, argued against that approach. William Whewell and Richard Jones suggested an inductive science of political economy.<sup>37</sup> In other words they wished to adopt an experimental approach to the new science. Observations and statistical data would be derived from the world and provide the basis for theoretical generalisations. Instead of predicting real events from theoretical models, induction seeks to derive theory from the accumulation of experimental and observational data.

.Adam Sedgwick was one of the most outspoken Cambridge critics of the deductive approach. In 1833, he wrote that "...all systems of political philosophy based on the doctrines of utility, and deduced by *a priori* reasoning from assumed simple principles are either mischievous or impracticable. Universal systems, like universal nostrums, savour more of political quackery than political philosophy."<sup>38</sup> Whewell, in a book critical of Ricardo's *Principles*,

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<sup>35</sup> Whately. *Life of Richard Whately*, 1, p67.

<sup>36</sup> Brent, "God's Providence..." p96; Richard Whately. *Introductory Lectures on Political Economy*, London, 1831, p158.

<sup>37</sup> Boyd Hilton, *The Age of Atonement*, p51.

<sup>38</sup> Sedgwick, *A Discourse*, p73.

suggested that many of the deductions which Ricardo made from his original principles were not accurate descriptions of the real world.<sup>39</sup> Political economy, argued Whewell and Jones, could not be a deductive science. Unlike theology, the “queen of all the sciences”, it could only describe what it saw; and then make policy recommendations based upon empirical observation. According to Sedgwick; “among the greatest blunders the economist has committed, has been a hasty spirit of generalisation, an affectation of deductive reasoning, and a rash attempt to usurp, before his time, the chair of the law-giver.”<sup>40</sup> Nevertheless, both Whately at Oxford, and Whewell and Jones at Cambridge were not opposed to the study of political economy *per se*. They merely wished to incorporate it within a Christian, preferably Anglican, framework. Thus Sedgwick wrote that “the maxims of utility must ever be held subordinate to the rules of morality and the precepts of religion.”<sup>41</sup> But he acknowledged that “political economy has, however, now a permanent place among the applied moral sciences, and has obtained an honourable seat in most of the academic establishments of the civilised world.”<sup>42</sup>

The divergence in the attitudes of the religious towards the fledgling science of political economy was mirrored in politics. Broadly speaking, traditional Toryism was suspicious of the new science. On the other hand Whigs, and liberal Tories, were more inclined to accept it and incorporate it into their politics. The ideas of political economy resonated more strongly with liberals and radicals than they did with conservatives and reactionaries. The importance of political economy in the pages of the Whig *Edinburgh Review* was not reflected in its Tory counterpart, the *Quarterly Review*. Those on the Tory side of politics who did attend McCulloch’s “Ricardo Memorial Lectures” in 1824 were among the more liberal minded supporters of the party.<sup>43</sup> Among the Tories, Barry Gordon has noted the influence of political economy on

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<sup>39</sup> William Whewell. *Mathematical Exposition of some of the leading doctrines in Mr. Ricardo's "Principles of Political Economy and Taxation."* Cambridge, 1831.

<sup>40</sup> Sedgwick, *A Discourse*, p75.

<sup>41</sup> *ibid*, p71.

<sup>42</sup> *ibid*, p75.

<sup>43</sup> Barry Gordon, *Economic Doctrine and Tory Liberalism*, London, 1979, p11.

those politicians he identifies with “Tory liberalism.” Chief among these were men such as Peel and Huskisson – regarded as “the real author of the financial measures of the Government.”<sup>44</sup>

It has been suggested that the growth of political economy in the first half of the nineteenth century, both as an academic discipline and as a guide to public policy, was associated with the advance of liberal ideas generally. Thus Gary Langer has argued that “political economy was consistent with and, indeed, a scientific expression of the economic and political ideologies of liberalism and individualism triumphant at the time.”<sup>45</sup> Robert Lowe was one of those influenced by the growing interest in political economy. To be sure, the Oxford at which Lowe arrived in 1829 still regarded political economy with suspicion. There, anyway, many understood by it “the new doctrines of Smith and Ricardo, which judged all policies on the basis of wealth alone, and those of Malthus, which appeared to make a mockery of Christian charity.”<sup>46</sup> This did not deter Lowe. By the 1830s he had already espoused the cause of Adam Smith and political economy. He had also become a “free trader,” a supporter of the abolition of the Corn Laws, and an economic, as well as a political, liberal.<sup>47</sup> In 1833 he used Smith as an authority in a Divinity examination:

Examiner: Which gave the better counsel to Rehoboam, the old men or the young?  
 Lowe: The old men. It was quite right to lighten the taxation.  
 Examiner: Did not Solomon obtain large revenues by commerce.  
 Lowe: I don't think so. Princes have, as Adam Smith tells us, always been bad traders.<sup>48</sup>

Lowe retained his beliefs in the axioms of political economy throughout his life. He also retained his interest in the subject. When his article “Recent Attacks on Political Economy” appeared in November 1878, *The Times*

<sup>44</sup> *ibid*, passim; Strachey & Fulford (eds.), *The Greville Memoirs*, p157.

<sup>45</sup> Langer, *Coming of Age*, p2.

<sup>46</sup> Salim Rashid, “Richard Whately and Christian Political Economy,” p149.

<sup>47</sup> Martin, *Robert Lowe*, .1, pp119-20.

<sup>48</sup> Lowe, “Autobiography,” p20.

commented that Lowe had “turned aside for a moment from politics to his favourite study of political economy.”<sup>49</sup> As a former Chancellor of the Exchequer and a thinker on political economy Lowe’s views on the subject were considered of sufficient weight to induce the newspaper to devote a leading article to discussing the opinions expressed in this article. In it expressed his continued faith in classical political economy. “The doctrine of Adam Smith remains unshaken,” Lowe wrote, “one of the noblest monuments to the power of the human mind and of the curious felicity of an unique method.”<sup>50</sup>

Lowe was not a professional political economist. But his views on political economy were taken seriously by contemporaries. Of this, we can be certain. Any early-Victorian with pretensions as a political economist was elected to membership of the Political Economy Club. Even excepting the founder members,<sup>51</sup> the list is impressive. Nassau Senior was elected in 1823, Wm. Baring in 1828, J.R. MacCulloch in 1829, S.J. Loyd (Lord Overstone) in 1831, Edwin Chadwick in 1834, John Stuart Mill in 1836. W.S. Jevons, A.C. Pigou, Robert Giffen, Alfred Marshall and J.M. Keynes were all later members. Among politicians, Gladstone, Stafford Northcote, Dilke and Balfour were all elected to membership of the club. Writers and thinkers such as The Reverend Sidney Smith, Walter Bagehot, James Fitzjames Stephen and Henry Sidgwick were members. To this august body of economists, statesmen and thinkers, Lowe was elected in 1853, shortly after entering Parliament; only its eighty-first member.<sup>52</sup> At the meeting to celebrate the centenary of the publication of *The Wealth of Nations* in 1876 it was Lowe, with Gladstone in the Chair, who gave the main address on the achievements of Adam Smith. He was followed by Leon Say, the French Minister of Finance and son of J.B. Say, the originator of Say’s law.<sup>53</sup>

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<sup>49</sup> *The Times*, 4<sup>th</sup> November 1878, p9.

<sup>50</sup> Robert Lowe, “Recent Attacks on Political Economy,” p864.

<sup>51</sup> See above, pp164-5.

<sup>52</sup> Political Economy Club. *Centenary Volume*, pp358-367.

<sup>53</sup> Robert Lowe, speech of 31<sup>st</sup> May 1876 to the Political Economy Club. “What are the more important results which have followed from the publication of the *Wealth of Nations*, just one hundred years ago, and in what principal directions do the doctrines of that book still remain to be applied?” Political Economy Club, *Revised Report of the Proceedings at the Dinner of*

On the development of the science of political economy, Lowe wrote in *The Times* that:

In one sense people have been practising political economy since the beginning of the world – that is, they have been dealing with money, with wages, with prices, with imports, with exports, with monopolies, since the beginning of time; but, so far from practising a science, their practise has been... the very reverse of scientific.<sup>54</sup>

For Lowe, as for most subsequent historians of economic thought, the man who had codified and systematized political economy was Adam Smith. “The creation, accumulation, distribution, and consumption of wealth were treated by Adam Smith by the deductive method, and... he achieved a success as complete as it was unique. The fabric rose up, like Jonah’s gourd, in a single night.”<sup>55</sup> Even if he did not originate all the ideas contained within the *Wealth of Nations*, he arranged them into a wholly novel and coherent system.<sup>56</sup> In Lowe’s judgement, while in some areas, such as free trade, “Turgot anticipated by nearly 30 years the discoveries of Adam Smith,”<sup>57</sup> it was Smith to whom the credit was due for “the triumphs of the hundred years which have followed the publication of the *Wealth of Nations*.”<sup>58</sup>

Lowe attributed Smith’s success to the method of his analysis. For Smith deployed the deductive method to arrive at conclusions which, Lowe believed, thereby achieved a status not inferior to that of the positive sciences. In this, he was followed by Ricardo and most of the early holders of the Drummond professorship at Oxford. According to Lowe, Adam Smith had raised “Political Economy to the dignity of a deductive science.” Indeed, it was the only one of what we would now call the social sciences which had attained that distinction.<sup>59</sup> Lowe’s view of political economy as a deductive science was in

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31<sup>st</sup> May, 1876, held in celebration of the hundredth year of the publication of the *Wealth of Nations*. London, 1876, pp5-21.

<sup>54</sup> *The Times*, 24<sup>th</sup> June 1860, 2<sup>nd</sup> leader, p8.

<sup>55</sup> Lowe, “Recent Attacks,” p863.

<sup>56</sup> Phyllis Deane, *The Evolution of Economic Ideas*, p6.

<sup>57</sup> *The Times*, 17<sup>th</sup> January 1860, 1<sup>st</sup> leader.

<sup>58</sup> Lowe, “Recent Attacks,” p860; Robert Lowe, “Trades Unions,” *Quarterly Review* 123, October 1867, pp351-383, p362.

<sup>59</sup> *Political Economy Club, Revised Report*, p7.



striking contrast to his view of politics. Time and again, most memorably during the reform debates in 1866, he stressed that politics was an inductive science, in no way amenable to *a priori* reasoning. Thus, Lowe explicitly compared the advances of the science of political economy with similar efforts in other, related fields. "No doubt the attempt was made, and a noble attempt it was, by Mr. Bentham and Mr. Mill and others to raise politics to a like eminence." They failed, however to "raise a demonstrative and deductive science of politics, as Smith did a science of Political Economy."<sup>60</sup>

Lowe was confident that the theories and prescriptions of political economy had attained degree of certainty analogous to those of the exact sciences. This confidence is striking. In 1876, he felt able to speak of "the certainty attained by Political Economy."<sup>61</sup> As early as 1858, he informed the readers of *The Times* that political economy "had passed out of that region of compromise and conjecture... and got into the region of abstract truth, which works out conclusions deducible from its premises with something very nearly approaching to mathematical precision."<sup>62</sup> The proof that political economy had achieved the status of a science lay in its ability to make accurate predictions about the world. "The test of science is prevision or prediction, and Adam Smith appears to me in the main to satisfy that condition. He was able to foresee what would happen and to build upon that foresight the conclusions of his science."<sup>63</sup> Moreover, like the positive sciences, political economy had continually advanced in its knowledge of the world and its ability to form correct conclusions and make accurate predictions. "Nothing more clearly proves the title of political economy to the dignity of a science," wrote Lowe, "than the fact that the better it is understood and the more its abstract deductions are tested by experience, the more general and better they become."<sup>64</sup>

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<sup>60</sup> *ibid*, p7.

<sup>61</sup> *ibid*, p20.

<sup>62</sup> *The Times*, 14<sup>th</sup> October 1858, 2<sup>nd</sup> leader.

<sup>63</sup> Political Economy Club, *Revised Report*, p7.

<sup>64</sup> *The Times*, 9<sup>th</sup> June 1864, 2<sup>nd</sup> leader.

Smith's principal contribution lay in his formulation of a consistent theory of human psychology. For this, he drew the highest praise from Lowe. "I think," he said, "that Adam Smith is entitled to the merit, and the unique merit, among all men who ever lived in this world, of having founded a deductive and demonstrative science of human actions and conduct."<sup>65</sup> Smith, at least as he was understood by Lowe, conceived of human beings as individuals pursuing their material self-interest. Accordingly, he wrote that in our dealings with other men, "we address ourselves, not to their humanity but to their self-love, and never talk to them of our own necessities, but of their advantages."<sup>66</sup> Lowe, following Smith, believed that self-interest was the foundation of political economy, "not by the arbitrary act of its founders, but by the nature of things themselves." Political economy was able to call upon the resource of human selfishness as a predictive tool in a way which other moral sciences could not. "But once place a man's ear within the ring of pounds, shillings, and pence," Lowe wrote, "and his conduct can be counted on to the greatest nicety."<sup>67</sup>

Lowe did not thereby claim to be able to predict the behaviour of a particular person in every circumstance. Clearly, there were variations in the way in which individuals might perceive their interests in any situation. For all that, Lowe did not allow for too much deviation. Moreover, he insisted that the theory was very accurate when applied in the aggregate. "I do not of course mean," he admitted, "that everybody really always acts alike where money or money's worth is concerned, but that the deviations from a line of conduct which can be foreseen and predicted are so slight that they may practically be considered as non-existent."<sup>68</sup> Lowe was prepared to admit the existence of sources of motivation other than the bare desire for material wealth. But "these extraneous motives tend so much to cancel each other, that they may be neglected without perceptible error."<sup>69</sup>

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<sup>65</sup> Political Economy Club, *Revised Report*, p8.

<sup>66</sup> *Wealth of Nations*, p119.

<sup>67</sup> Lowe, "Recent Attacks," p864.

<sup>68</sup> *ibid*, p864.

<sup>69</sup> *ibid*, p864.

It was this view of human psychology upon which the theories of Adam Smith, and those of the political economists who followed him rested. Moreover, it was a view which Lowe held with possibly even greater rigidity than his vicarious mentor. Neither did he change his opinion with the passage of time. James Bryce later wrote of Lowe, when the former certainties of political economy had become less secure, that “even in those days of rigid economics, he took an exceptionally rigid view of all economic problems, refusing to make allowance for any motives except those of bare self-interest.”<sup>70</sup> Based upon such secure foundations, Lowe believed that political economy could be constructed logically, as a deductive science. Thus, he insisted:

Nothing is more certain than that the main truths of Political Economy do not rest on a *posteriori* arguments, but that they rest upon assumptions with regard to what mankind will do in particular circumstances, which assumptions experience has verified and shown to be true.<sup>71</sup>

Lowe looked at the world and considered that it amply demonstrated the truth of Smith’s assumptions about the motivation of human actions. He thus praised Smith as “the only man who has ever been able to found a science dealing with the conduct of mankind in their transactions with each other upon a clearly deductive and demonstrative basis, and who has established the truth of his predictions...”<sup>72</sup> Having established the basis of human action and constructed a logical edifice upon it, political economy thereby achieved a complete, explanatory system. Indeed, by 1860 Lowe concluded that the main questions of political economy had been satisfactorily answered: “we know tolerably well the theory of rent, profit, wages, and money, and are possessed of the formulae by which we can solve problems on these and cognate subjects which our ancestors were unable to understand.”<sup>73</sup> Moreover, from these premises Lowe reached remarkably simple conclusions. He summed up Adam Smith’s ideas as amounting to the simple facts that:

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<sup>70</sup> James Bryce, *Studies in Contemporary Biography*, London, 1903, p304.

<sup>71</sup> Political Economy Club, *Revised Report*, p8.

<sup>72</sup> *ibid*, p20.

<sup>73</sup> *The Times*, 24<sup>th</sup> November 1860, 2<sup>nd</sup> leader, p8.

The causes of wealth are two, work and thrift; and the causes of poverty are two, idleness and waste; and that these will be found, the longer you reason out from those simple propositions all that is necessary to be known, with regard to the subject of the production and accumulation of wealth.<sup>74</sup>

All the main principles of political economy had therefore been discovered. Lowe was able to “claim for political economy a success more brilliant and more lasting than any other of what are loosely called the moral sciences can lay claim to.”<sup>75</sup> His message to the readers of *The Times* was that the psychological principles upon which political economy was based had restricted the field still open for further study. They had even made further investigation potentially dangerous.

I do not profess to be very sanguine that many new or striking discoveries are in reserve for [political economy]. If I have correctly stated the cause of its success, any attempt to widen the field will only deprive it of that basis of certainty which it derives from the practical uniformity of the feelings and wishes of mankind with regard to wealth.<sup>76</sup>

To the members of the Political Economy Club and their guests, Lowe had the same - for some of them no doubt somewhat depressing - message: “I do not myself feel very sanguine,” he told them, “that there is a very large field... for Political Economy beyond what I have mentioned...” Emphasising the point just a moment later, Lowe insisted that it was unlikely that there would be “any very large or any very startling development of political economy.”<sup>77</sup> Presumably recalling his experiences as a member of the Club since 1853, and his regular attendance of its meetings and contributions to its debates, he even suggested that the differences among political economists had largely been resolved. “The controversies that we now have in political Economy, he wistfully recalled, “...are not of the same thrilling importance as those of earlier days; the great work has been done.”<sup>78</sup>

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<sup>74</sup> Political Economy Club, *Revised Report*, p13.

<sup>75</sup> Lowe, “Recent Attacks,” p868.

<sup>76</sup> *ibid*, p868.

<sup>77</sup> Political Economy Club, *Revised Report*, p20.

<sup>78</sup> *ibid*, p20.

Not everyone was quite so convinced. John Bright argued, to the contrary, that political economy was “in its infancy.” Lowe acknowledged the force of the observation to the extent that public men were still arguing about political economy and had “come to distinct conclusions” on economic questions. But for him, that only implied that the theory developed by the political economists had “outstripped its application to human affairs.” The theory of political economy was “in a very forward state of development.” It was the public and political understanding and application of the theory which lagged behind.<sup>79</sup> The task which now faced the politicians was to put the ideas of the political economists, founded as they were on scientific certainty, into practice. The stage had been reached where “nothing is left to the nation but to rejoice that it has found on one subject at least the right path.”<sup>80</sup>

In truth, much work had already been done in the middle of the nineteenth century in changing the attitude of government towards economic questions. The most politically significant event had been the abolition of the Corn Laws. However, Lowe believed that although this “glorious triumph”<sup>81</sup> had been important, it was only one among many reforms which was necessary if the science of political economy was to be applied to government with the maximum beneficial effect. Thus, he wrote:

In order to bring our finance into accordance with the teaching of this new science, every class of Englishman has been called on during the last 20 years to submit to heavy sacrifices. We have burdened ourselves with an Income Tax, agriculturalists and manufacturers have surrendered a qualified monopoly of production, and have been content, without the least reserve, to meet the competition of the whole world.<sup>82</sup>

These sacrifices had led to untold additions to the prosperity of the nation. The credit for these welcome reforms Lowe assigned to the political economists. Moreover, Lowe claimed that the persuasive logic of political economy had resulted in:

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<sup>79</sup> *The Times*, 24<sup>th</sup> November 1860, 2<sup>nd</sup> leader, p8.

<sup>80</sup> *The Times*, 14<sup>th</sup> October 1858, 2<sup>nd</sup> leader.

<sup>81</sup> Political Economy Club, *Revised Report*, p15.

<sup>82</sup> Lowe, “Trades Unions,” p365.

Among other things, the repeal of hundreds of galling taxes on almost all the comforts of life and on the food of the people, the repeal of the corn and navigation laws, the cessation of smuggling, the placing of the currency of the country on a thoroughly sound and satisfactory basis, the establishment of limited liability in joint-stock companies, the principle of payment by results, open competition for public appointments, and the abolition of the absurd system of bounties and drawbacks.<sup>83</sup>

Put another way: the fruits of political economy lay as much in politics as through economics. It was in the application of the now established principles of political economy to government that the work remained to be done. This was to be Lowe's self-conscious sphere of activity. Accordingly, to his understanding, good government consisted mainly of enacting the principles of political economy into law. In this task, Lowe believed that real success was actually possible. He wrote that "political economy is not exactly the law of the land, but it is the ground of that law. It is assumed as its basis and foundation."<sup>84</sup> It was therefore incumbent upon those who aspired to government to be conversant with the principles upon which their duties rested. About this, Lowe was uncompromising in his views: "no one is fit to be a Secretary of State, or even an Under Secretary, who is not master of every question in the science of political economy that may come before him."<sup>85</sup>

But how was the State to induce the system of laws to conform to the principles of political economy? Lowe argued that the State should seek to establish the legal framework in which the "invisible hand" could operate most effectively.<sup>86</sup> He did not see the office of Chancellor of the Exchequer as an engine of macroeconomic manipulation. The Treasury simply existed to provide funds for those regrettable, but necessary activities of government. "The Chancellor of the Exchequer is a man whose duties make him more or less of a taxing machine. He is entrusted with a certain amount of misery

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<sup>83</sup> Lowe, "Recent Attacks," p868.

<sup>84</sup> Lowe, "Trades Unions," p365.

<sup>85</sup> 17<sup>th</sup> March 1865. *Hansard*, vol. 177, col.1862

<sup>86</sup> The term "invisible hand" appears just once in *The Wealth of Nations*; in Book IV, Chapter ii, paragraph 9. Lowe asked: "Who could have imagined it possible that a state of society resting on the most unlimited and unfettered liberty of action, where everything may be supposed to be subject to free will and arbitrary discretion – would tend more to the prosperity and happiness of man than the most matured decrees of senates and of States?" Speech of the 1<sup>st</sup> February 1856. *Hansard*, 140, col. 138.

which it is his duty to distribute as fairly as he can..."<sup>87</sup> The power of raising taxes did not therefore exist for either artificially encouraging activities of which the Chancellor approved, or discouraging those which he personally disliked but simply for the purpose of raising revenue. In effect, the Government did not have a significant macroeconomic role to play. Lowe's financial statements dealt with the minutiae of raising the required revenue to meet projected expenditures rather than the broad sweep of economic policy.<sup>88</sup> He insisted that it was absurd to think "that when reverses of trade or pauperism occur... it is in the power of Government to interfere to restore the prosperity of trade. No more fatal delusion than that can be conceived..."<sup>89</sup> All that was required was that "each year [should] honestly bear the burden of its expenditure."<sup>90</sup>

Not that there was ever any shortage of people keen to encourage the state to relieve distress here, or support a struggling industry there. As Chancellor of the Exchequer, Lowe was continually receiving deputations requesting the assistance of the state for some project or other. By and large, he made himself unpopular by sending them away empty handed with a lecture on self-reliance and the necessity of economy in government ringing in their ears. "Here again," Lowe said:

Political economy would have pointed out... that to raise the people from poverty to wealth is not the duty, because it is not in the power, of a Government. When Government has removed all obstacles to the accumulation of property, has given security to the person and a good administration of justice, it has done its part...<sup>91</sup>

The duty of the Treasury was to keep the expenditure of the government to a minimum. To this end, he believed the department should actively seek to discourage new expenditures. At a minimum, it should be prepared to reign back other departments that might seek to increase expenditure. Lowe saw

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<sup>87</sup> Robert Lowe, *Financial Statements of the Chancellor of the Exchequer, 1869 and 1870*, London, 1870, p28.

<sup>88</sup> *ibid*, passim.

<sup>89</sup> Speech, 3<sup>rd</sup> May 1870, *Hansard*, 201, col.166.

<sup>90</sup> Robert Lowe, Letter to *The Times*, 9<sup>th</sup> June 1879, p11.

<sup>91</sup> *The Times*, 24<sup>th</sup> November 1860, 2<sup>nd</sup> leader, p8.

government spending, and the taxation required to finance it, as little short of an evil. This was especially true to the extent that it impinged on the free action of the “invisible hand.”<sup>92</sup> Taxation and government should therefore be as light and unobtrusive as possible. Lowe pointed to the beneficial effects of reducing taxation in his first widely reported parliamentary speech in the budget debate of December 1852. On that occasion, the Chancellor of the Exchequer (Disraeli) had the good fortune to have a surplus with which to dispose. This should, Lowe argued, be done “by their making still further remissions of taxation, on the same principle as those remissions had been made, which led to the wonderful extension of trade, commerce, and increasing revenue which all acknowledged...”<sup>93</sup>

Insofar as the state had a positive economic role, it lay principally in the maintenance of a stable currency. In a letter to *The Times* discussing the power of the Scottish banks to issue notes (of which he disapproved) Lowe argued that “the creation of money is the business of the state, not of any trading association.” The currency now consisted not only of the precious metals but also of bank notes. The issue of bank notes was, in effect, the creation of money and the power of private banks to issue notes Lowe regarded as “an anomaly which we may tolerate [rather] than a right which we ought to extend”<sup>94</sup> Lowe, however, realised “the great truth that the original and principal use of money is not the hoarding of treasure, but the providing a means of exchange, and that the fact that money possesses generally a certain value of its own is not a part of its nature.”<sup>95</sup> The fact that gold and silver were the usual commodities from which money was minted was purely accidental. “Anything which can be obtained in a limited quantity, with a certain ascertainable amount of labour, and which is divisible, will serve the purposes of money.”<sup>96</sup> Gold was chosen as the measure of monetary value simply for reasons of convenience. Lowe postulated a situation in which “by some convulsion of nature the precious metals gold and silver were utterly

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<sup>92</sup> Speech at Sheffield. *The Times*, 5<sup>th</sup> September 1873, p3.

<sup>93</sup> 13<sup>th</sup> December 1852, *Hansard*, 123, col.1349.

<sup>94</sup> Letter to *The Times*, 1<sup>st</sup> December 1873, p12.

<sup>95</sup> Lowe, “What is Money?” *The Nineteenth Century*, 11<sup>th</sup> April 1882, pp501-9, p507.

<sup>96</sup> *ibid*, p507.



destroyed... the only result would be that we should have resort to some other contrivance. The main business of life would go on as before, and the only difference would probably be that we should be obliged to have recourse to a paper currency...<sup>97</sup>

This was an advance on the ideas of Smith. Although considerable concerns were expressed during the eighteenth century over the growth of paper currency, the pre-Ricardian idea of money assumed that "real" money was metallic.<sup>98</sup> The Bank of England suspended cash payments in 1797 and stimulated the growth of new monetary theories "which developed largely independently of the mainstream economic doctrine stemming directly from... [the] *Wealth of Nations*."<sup>99</sup> In this respect, Lowe adopted a position which had been substantially outlined by Ricardo during the "bullionist" controversy of 1809 to 1811. It was also a stance assumed by "Thornton, Ricardo, Horner, Wheatley, Malthus, Mushet and Huskisson and indeed by most of the leading members of the early nineteenth-century community of economists."<sup>100</sup> Lowe himself stated the position succinctly to the House sixty years after Ricardo. "It is quite necessary that the coinage of this country should correspond with gold and silver; but I am not aware there is any necessity it should actually consist of those metals."<sup>101</sup> Lowe held to the same views which had also been adopted, following Ricardo, by the "currency school."<sup>102</sup> These were the bases of the Bank Charter Act of 1844.<sup>103</sup> The fundamental proposition was that a currency which was composed of both of paper and metal should behave as though it was a purely metallic one. Lowe stipulated three conditions: "first, the paper must be convertible to gold on demand; second, sufficient security must be held by the issuers to secure payment of the notes; third, mixed

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<sup>97</sup> *ibid*, p507.

<sup>98</sup> Phyllis Deane, *The Evolution of Economic Ideas*, pp44-5.

<sup>99</sup> *ibid*, p45.

<sup>100</sup> *ibid*, p48.

<sup>101</sup> 6<sup>th</sup> August 1869, *Hansard*, 198, col.1413.

<sup>102</sup> P.L. Cottrell and B.L. Anderson. *Money and Banking in England*. London, 1974, p89; Hilton, *The Age of Atonement*, p134; Phyllis Deane, *The Evolution of Economic Ideas*, p53; Mark Blaug, *Economic Theory in Retrospect*, 2<sup>nd</sup> edition. London, 1968, pp201-2.

<sup>103</sup> Phyllis Deane, *The Evolution of Economic Ideas*, pp53-4.

currency must be at all times exactly of the same amount, and consequently of the same value as a purely metallic currency would be."<sup>104</sup>

The change in the attitude of government towards the reduction in the regulation of economic activity was derived in large part from the doctrines of Adam Smith. The pursuit by individuals of their self-interest would, as if by an "invisible hand," lead to benefits for the society as a whole. The best way of reaping the mutual benefits of this mechanism was to leave every man free in the pursuit of his interests. Where perfect competition prevailed the price mechanism would ensure the optimum outcome. A system in which the prime mover was the self-regarding action of individuals necessarily reduced the role of the state to a minimum. Undesirable occurrences were corrected by the invisible hand. Progress was ensured through the increasing division of labour.<sup>105</sup> This was also essentially Lowe's view. In his version:

...any proceeding on the part of a government which attracts capital to a course in which it otherwise would not go, or repels capital from a course in which it would go, must be injurious, because every man is the best judge of his own interest, and in doing the best for himself he is doing the best for the state. Therefore those two agencies, the attractive and the repellent agencies, being eliminated, there remains as the only agency which is left, perfect and absolute freedom.<sup>106</sup>

This was Lowe's formulation of the principles of "laissez-faire" and the "invisible hand." After Lowe's death, Benjamin Jowett, Lowe's friend and the Master of Balliol College, wrote a letter of condolence to Lady Sherbrooke. According to Jowett, Lowe "had a natural sympathy with everything that was free and spontaneous and self-acting: free trade, open competition, payment by results, non-interference, and the like."<sup>107</sup> It was a way of thinking which was fundamental to his entire world view. In his opinion "things [should be] allowed to find their natural level in every country in the world."<sup>108</sup> This belief

<sup>104</sup> Lowe, letter to *The Times*, 1<sup>st</sup> December 1873, p12.

<sup>105</sup> Robert F. Heilbroner, *The Worldly Philosophers*, 3<sup>rd</sup> edition, New York, 1967, p48-53; B.N. Ghosh, *The Living Ideas of Dead Economists*, Leeds, 2001, pp81-110.

<sup>106</sup> Political Economy Club, *Revised Report*, p13.

<sup>107</sup> Abbot & Campbell (eds.) *Benjamin Jowett*, 2, p416.

<sup>108</sup> *The Times*, 16<sup>th</sup> January 1867, 3<sup>rd</sup> leader, p8.

in the efficacy of free competition was at least in part inspired by the understanding that it was in accordance with nature. “The policy... of making things equal which are in themselves unequal; of fighting against the laws of nature; of interfering with the tendency of supply to adapt itself to demand... is also opposed to common sense and natural justice...”<sup>109</sup> Thus, he saw the attempts of Trades Unions artificially to raise wages as “nothing less than an attempt to overrule by the will of man the laws of nature.”<sup>110</sup> In a speech to the House of Commons, Lowe explained this formulation of the doctrine of laissez-faire as analogous to the laws of nature. He insisted that what the political economists meant by it was not simply “leave all matters to blind chance; let everything go on as it may.” Instead, the governing principle of laissez-faire was that:

We are not to interfere with human laws where other laws so much wiser already exist. Man, Sir, with his free will, his caprices, and his errors, is as much under the rule and government of a natural law as the planet in its orbit, or as water, which always seeks its level. Those laws, planned by Infinite sagacity, have the power of correcting and of compensating errors – one extreme invariably producing another – dearness producing cheapness and cheapness dearness; and thus the great machine of society is constantly kept oscillating to its centre.<sup>111</sup>

More simply stated: allowing nature to take its course and permitting every man to pursue his own interests without either restriction, or assistance, from the state was one of “the wonders of the science of political economy, and we should do well to profit by the lesson which that science has taught.”<sup>112</sup>

Free trade was the other fundamental principle of Victorian political economy. Lowe embraced it more fervently than most. “I have been a free trader all my life,” he told the Committee on trade with foreign nations in March 1865.<sup>113</sup> Not everyone had always been so alive to the benefits of free trade. Lowe noted that before those with political and commercial influence had become enlightened “the merchants and the jobbers... were quite as stupid and quite

<sup>109</sup> *The Times*, 2<sup>nd</sup> December 1859, 3<sup>rd</sup> leader.

<sup>110</sup> *The Times*, 16<sup>th</sup> January 1867, 3<sup>rd</sup> leader, p8.

<sup>111</sup> 1<sup>st</sup> February 1856, *Hansard*, 140, col.138.

<sup>112</sup> *ibid.* col.138.

<sup>113</sup> 17<sup>th</sup> March 1865. *Hansard*, 177, col.1863.

as ignorant with regard to the advantages of Free Trade as the Trades-Union men of our day are.”<sup>114</sup> As Lowe acknowledged, “the word ‘free trade’ was for many years the watchword of a most acrimonious controversy.”<sup>115</sup> The battle had been won by the persistence of Bright and Cobden, to whom Lowe paid tribute; also the fact that the case for free trade was so persuasive.<sup>116</sup> “Nature,” Lowe observed, “makes protectionists, knowledge and observation freetraders.”<sup>117</sup> Lowe took it as axiomatic that the standard of what was right and wrong in matters of trade and economics was determined by what political economy recommended. Asking himself the rhetorical question: “what is the true language of political economy on the subject of imports and exports?” he replied that “political economy says, ‘lower your duties in order that you may get the productions of other nations as cheaply as possible’ – that is for the sake of the consumer – and it is a sound doctrine.”<sup>118</sup> Even during the 1820s the Tory Government with Robinson at the Exchequer, and the influential Huskisson at the Board of Trade, had begun to listen to the ideas of the political economists and to liberalise trade.<sup>119</sup> It was a Tory Prime Minister, Peel, who carried the abolition of the Corn Laws in 1846. From then until the early years of the twentieth century, and beyond, free trade was virtually an article of official faith. Lowe claimed, while a Minister in the department, that “it might... be justly said, that the Board of Trade had been the grave of protection and the cradle of free trade.”<sup>120</sup>

The vision of free trade which political economy offered “was expansionist, industrialist, competitive, and cosmopolitan. Its objective was economic growth through capital accumulation and the international division of labour.”<sup>121</sup> It proved persuasive. “Political economy,” Lowe announced, “has shown very clearly that to reduce imposts on the necessaries of life is highly

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<sup>114</sup> Political Economy Club, *Revised Report*, pp19-20.

<sup>115</sup> Robert Lowe, “Reciprocity and Free Trade,” *The Nineteenth Century*, 5, June 1879, pp992-1002, p994.

<sup>116</sup> *ibid.*

<sup>117</sup> *The Times*, 3<sup>rd</sup> March 1860, 3<sup>rd</sup> leader.

<sup>118</sup> *Hansard*, 177, col.1864.

<sup>119</sup> Gordon, *Economic Doctrine and Tory Liberalism*, pp14-19.

<sup>120</sup> 4<sup>th</sup> June 1857, *Hansard*, 145, col.1164.

<sup>121</sup> Boyd Hilton, *The Age of Atonement*, p69.

expedient.”<sup>122</sup> This was the mechanism by which free trade contributed to economic expansion. It was not, first and foremost, because overseas markets would become more open in response to the British reduction of tariffs. Instead, a unilateral free trade policy would operate principally by reducing the costs of production, both in terms of wages and raw materials. Therefore, any difficulty or tariff thrown in the way of free trade necessarily tended to “reduce the cheapness of our markets and the power of competing in foreign markets, which were the advantages aimed at and attained by the policy of free trade.”<sup>123</sup> The classical view of wages suggested both that they tended to subsistence (although what was considered to be a reasonable subsistence varied over time) and that they inversely related to profits.<sup>124</sup> Smith had been more sanguine about wages than his classical successors, admitting that they were influenced by a wider variety of factors.<sup>125</sup> But even he had regarded wages and profits as being inversely related, and wages as having a minimum level; that of subsistence.<sup>126</sup> The consequence of this view was that a lowering of the prices of the “necessaries of life” implied that fewer resources needed to be devoted to wages and therefore a greater share could be devoted to capital accumulation. Because economic expansion would be stimulated, together with the demand for labour, Lowe could still claim that “the working classes as a body... have profited very largely by the introduction of Free Trade.”<sup>127</sup>

For all that, Lowe vehemently denounced one contemporary heresy about the doctrine of free trade. That was the doctrine of “reciprocity;” or the idea that the essence of free trade implied equality between nations. This notion came to prominence in 1859 and 1860 in connection with a commercial treaty negotiated between Britain and France. In Lowe’s view “the reciprocal reduction of duties... [was] at variance with the new and enlightened

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<sup>122</sup> *The Times*, 24<sup>th</sup> November, 1860, 2<sup>nd</sup> leader, p8.

<sup>123</sup> *The Times*, 3<sup>rd</sup> November 1858, 3<sup>rd</sup> leader.

<sup>124</sup> David Ricardo, *Principles of Political Economy and Taxation*, Pelican Edition, ed R.M. Hartwell, London, 1971, p115; William J. Barber, *A History of Economic Thought*, Harmondsworth, 1967, p82.

<sup>125</sup> *Wealth of Nations*, 1, pp169-72.

<sup>126</sup> *ibid*, p170.

<sup>127</sup> *The Times*, 16<sup>th</sup> January 1867, 3<sup>rd</sup> leader, p8.

principles destined... henceforth to regulate the commerce of Great Britain.”<sup>128</sup> Such a policy was “contrary to all the true principles of commercial science.”<sup>129</sup> This was true for three reasons. First, Lowe thought that free trade was a policy which should, if necessary, be followed unilaterally. For the free trade for which Cobden and Bright fought and conquered was a negative – the abstinence on our part from the imposition of any tax with a view to raise the price of any commodities, and especially of food imported from abroad.<sup>130</sup> Those who had campaigned for free trade had “asked [the government] to do that which was entirely within their own power – to take off duties of their own imposing which interfered in such a striking way with the comfort and well-being of the people.”<sup>131</sup> Yet the treaty appeared to endorse protection by enshrining it in international agreements. This was tantamount, Lowe thought, to abandoning the doctrine of free trade altogether. “If we adopt the doctrine of reciprocity, so far from carrying out a system of Free Trade, we pledge ourselves to Protection or more frequently to prohibition.”<sup>132</sup> Second, reciprocity appeared to give foreign governments influence over the revenue raising powers of the British government and parliament. It was bad enough that the government should have compromised on the economic case for free trade. The idea that a British Government would adjust the duties it imposed on certain commodities in the hope of obtaining “corresponding concessions” from other powers was “still more serious.” Particularly in view of the fact that the powers concerned were “less advanced in the principles of commerce than ourselves.”<sup>133</sup> Third, duties were selective and unfair. Lowe criticised a later advocate of reciprocity, the naturalist A.R. Wallace, by pointing out that Wallace had advocated the imposition of these taxes but had not “wasted a single thought as to who is to pay them.”<sup>134</sup> The imposition of duties, according to Lowe was an abuse by Parliament “of the power entrusted to it of

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<sup>128</sup> *The Times*, 4<sup>th</sup> December 1860, 2<sup>nd</sup> leader.

<sup>129</sup> *The Times*, 26<sup>th</sup> January 1860, 1<sup>st</sup> leader.

<sup>130</sup> Lowe, “Reciprocity and free trade,” p994.

<sup>131</sup> Lowe, “Reciprocity and free trade,” p994.

<sup>132</sup> *The Times*, 2<sup>nd</sup> December 1859, 3<sup>rd</sup> leader.

<sup>133</sup> *The Times*, 26<sup>th</sup> January 1860, 1<sup>st</sup> leader.

<sup>134</sup> Lowe, “Reciprocity and Free Trade,” p997.

imposing taxes for the good of the whole nation, in order to enrich the few at the expense of the many."<sup>135</sup>

As an enthusiast for both laissez-faire and free trade, Lowe advocated policies which tended to further these objectives. Thus, in striving to extend the doctrine of limited liability to a much wider range of enterprises, Lowe saw himself as adding to the sum of economic freedoms. It was certainly a subject dear to Lowe's heart. He introduced the topic when it was debated at the Political Economy Club in 1856.<sup>136</sup> Lowe viewed the vexatious legal restrictions on limited liability and joint-stock companies as inhibiting competition and enterprise. He told Parliament that "the law, as it stood at present – the law of unlimited liability – was a restraint on competition. If there was no law of unlimited liability there would be much more competition in the different trades than there now was, and many articles would be cheapened to the consumer."<sup>137</sup> Such a law, defended on the ground that it protected the unwary, was for Lowe really an interference with liberty. In reality, he argued, the law of unlimited liability was "lulling [men's] vigilance to sleep, and depriving them of that safeguard which Providence intended for them, and helping fraudulent men to mislead and delude them."<sup>138</sup> Instead, Lowe insisted:

The principle we should adopt is this,- not to throw the slightest obstacle in the way of limited companies being formed – because the effect of that would be to arrest ninety-nine good schemes in order that the bad hundredth might be prevented; but to allow them all to come into existence, and when difficulties arise to arm the courts of justice with sufficient powers to check extravagance or roguery in the management of companies, and to save them from the wreck in which they may be involved.<sup>139</sup>

Lowe regarded the legislation liberalizing the law on limited liability as one of his principal achievements; "in the true spirit of Adam Smith, because it was

<sup>135</sup> Lowe, "Reciprocity and Free Trade," p994.

<sup>136</sup> Political Economy Club, *Centenary Volume*, p74.

<sup>137</sup> 7<sup>th</sup> December 1852, *Hansard*, 123, col.1080.

<sup>138</sup> 1<sup>st</sup> February 1856, *Hansard*, 140, col.138.

<sup>139</sup> *ibid*, col.131.

removing an obstacle to men investing their capital as they thought best and most prudent to invest it."<sup>140</sup>

Extending the benefits of limited liability was a measure which furthered economic freedom. By the same token, Lowe opposed all institutions which "by placing artificial obstacles between the buyer and the seller, must infallibly restrict the market..."<sup>141</sup> In that respect, he described Trades Unions as organisations which attempted to subvert the natural order. Instead of the individual negotiation of wages, the function of the Trades Union was to use the coercive power of collective action in order "to obtain a larger amount of wages than can be got by leaving this process of bargaining to individuals."<sup>142</sup> He did not question their right to exist. The lower classes were at liberty to form associations to promote any legal purposes which they chose, as was any other group.<sup>143</sup> However, he believed that "clear as the case against Trades Unions is on economical principles, we admit at once that the mere fact that these Societies... must be exceedingly detrimental to the interests of their members, is no ground for a legal prohibition."<sup>144</sup> Ironically, this was only achieved by the workmen "sacrificing their own individual liberty and placing themselves at the disposal of an arbitrary and irresponsible executive..."<sup>145</sup> Although thinking particularly of the Trades Unions, Lowe's analysis of the effects of Union activity had wider application. Indeed, he wrote that "every obstacle thrown in the way of free action increases the expense of production. Every rule imposed by the Union on the employer is a sort of tax levied by them for their own assumed benefit upon the rest of the community."<sup>146</sup>

The principal offence of the Trades Unions against the wisdom of political economy was their tendency to raise costs. In so behaving, Lowe believed that workmen were naively acting against their own interests.

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<sup>140</sup> Political Economy Club, *Revised Report*, p16.

<sup>141</sup> *The Times*, 9<sup>th</sup> June 1864, 2<sup>nd</sup> leader, p10.

<sup>142</sup> *The Times*, 16<sup>th</sup> January 1867, 3<sup>rd</sup> leader, p8.

<sup>143</sup> *The Times*, 26<sup>th</sup> January 1867, 3<sup>rd</sup> leader, p8. Speech of 12<sup>th</sup> July 1875 on the "Conspiracy and Protection of Property" Bill, *Hansard*, 225, col.1342.

<sup>144</sup> Lowe, "Trades Unions," p364.

<sup>145</sup> *The Times*, 26<sup>th</sup> January 1867, 3<sup>rd</sup> leader, p8.

<sup>146</sup> Lowe, "Trades Unions," p360.



If a larger sum can be extorted in England for wages than the rate of profit will bear, either the price of the article must be raised, or a certain amount of capital must be withdrawn from its production. In either case a reaction must follow, and the end will be a considerable reduction in wages."<sup>147</sup>

It was an argument which applied equally to any external influence which tended to artificially raise costs and therefore prices. Those higher prices "would limit the consumption of those commodities, and the limitation of consumption would react most unfavourably on those employed in their production."<sup>148</sup> In other words, artificially high prices would restrict consumer demand, and result in the contraction of the industry where these prices obtained and consequent unemployment in that sector. Yet their greatest crime, from Lowe's point of view, was that Trades Unions were trying to fly in the face of the acknowledged wisdom and logic of political economy. Lowe observed "that the fact that these institutions are founded in direct defiance of economical principles is one that ought to weigh gravely against them on the ground of justice, fairness, and expediency."<sup>149</sup> He spoke in terms of the "violated principles of political economy."<sup>150</sup> He questioned "whether we can tolerate for long, and on a great scale, this monstrous exception, or rather contradiction, to the rest of our system."<sup>151</sup>

To some extent Lowe tried to have it both ways. On the one hand, he condemned Trades Unions for their attempts to subvert political economy and act in contravention to the prevailing assumptions of economic freedom. Indeed, he regarded their activities as a threat the "manufacturing supremacy" of Britain and the excessive wages which "these combinations force from the masters" as making it possible for foreign countries to overtake the home country "in the race of competition."<sup>152</sup> On the other, Lowe insisted that they were actually acting in vain. The attempts of Trades Unions (or anyone else for that matter) to alter the course of nature would meet with failure. The

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<sup>147</sup> *The Times*, 16<sup>th</sup> January 1867, 3<sup>rd</sup> leader, p8.

<sup>148</sup> *ibid*, p9.

<sup>149</sup> Lowe, "Trades Unions," p365.

<sup>150</sup> *ibid*, p365.

<sup>151</sup> *ibid*, p365.

<sup>152</sup> *The Times*, 26<sup>th</sup> January 1867, 3<sup>rd</sup> leader, p8.

activities of the Trades Unions in trying to raise wages rested on a misunderstanding of how wages were determined. "The rate of wages, after all, does not depend upon the will of the recipients of wages, but upon the demand and supply of the different labour markets of the world..."<sup>153</sup> Lowe argued that the "violated principles" of political economy, Lowe thought, would "assert themselves" whatever apparent successes the unions might gain."<sup>154</sup> He considered that political economists had sufficiently shown "how a self-acting machinery, by the temptation of high profits, tends to raise wages when trade is good, and to lower them when it is bad; how vain it is to interfere with these laws, and how unfailing are the causes which make all such attempts either superfluous or mischievous."<sup>155</sup> These things were obvious to Lowe and the lesson which he wished the Trades Unions to learn was "the expediency of foregoing every attempt to raise artificially the remuneration of labour."<sup>156</sup>

Lowe was particularly critical of Trades Unions for their attempts to interfere with the price of labour. But they were not the only target of his principled wrath. Other vested interests also attempted to subvert the principles of political economy for their dubious private benefit.

That the doctrines of free trade do not apply to agriculture; that the interest of money ought not, like every other price, be permitted to regulate itself according to demand and supply; and, above all, that shipping should be secured to a country by the exclusion of foreign competition, are all heresies which have been held by distinguished men and sanctioned by great names, but which have been successively demolished by the power of reason and opinion...<sup>157</sup>

The Navigation Laws were another means of "placing artificial obstacles between the buyer and the seller." In Lowe's view, it was the expansion in the volume of trade (consequent upon the policy of free trade) that was the principal cause of the expansion in the merchant marine and not the exclusion

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<sup>153</sup> *ibid*, 16<sup>th</sup> January 1867, 3<sup>rd</sup> leader, p8.

<sup>154</sup> *ibid*, p365.

<sup>155</sup> *ibid*, p369.

<sup>156</sup> *The Times*, 16<sup>th</sup> January 1867, 3<sup>rd</sup> leader, p9.

<sup>157</sup> *The Times*, 9<sup>th</sup> June 1864, 2<sup>nd</sup> leader, p10.

of foreign competition.<sup>158</sup> Lowe demonstrated that although the repeal of the Navigation Acts had led to an increase in foreign vessels trading through British ports, home shipping had also enjoyed a period of expansion.<sup>159</sup> “What the shipowners want is,” said Lowe, “that by some difficulty thrown in the way of foreign shipping we should increase the amount of freight paid for imports and exports...”<sup>160</sup> What the shipowners needed however, were not restrictive laws to exclude foreign bottoms but “a little rubbing-up in their political economy.”<sup>161</sup>

As a minister at the Board of Trade in 1856 and 1857 Lowe attempted to abolish the rights of a number of ports - what he referred to as “musty parchments” - to levy dues on passing vessels.<sup>162</sup> To Lowe, this was another free trade measure. But he was opposed on the grounds that this was attacking private property. Lowe was exasperated by this line of argument. “I can understand property in land, because it must be appropriated by some one to subserve purposes of utility; I can understand property in capital, which is the accumulated labour of man, and which would perish without an owner.” He did not however understand the right to levy local dues on shipping as property in the same sense. In the end, Lowe was defeated. The Members from the affected municipalities, the shipping interest (the tolls were generally higher for foreign than for British vessels) and those from families whose title to their estates rested on the same sort of “musty parchments” which this dangerous man (Lowe) had just denounced, were able to defeat the Bill. The municipalities concerned maintained their privileges. Property rights took precedence over political economy.<sup>163</sup> The brewers also came under withering fire. Lowe judged that certain of their practices, such as their ownership of the public houses and their control of the tenants, were monopolistic.<sup>164</sup> When the Great Western Railway found itself in difficulties Lowe objected to “the

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<sup>158</sup> *ibid*, p10.

<sup>159</sup> *The Times*, 17<sup>th</sup> November 1858, 3<sup>rd</sup> leader.

<sup>160</sup> *The Times*, 3<sup>rd</sup> November 1858, 3<sup>rd</sup> leader.

<sup>161</sup> *The Times*, 3<sup>rd</sup> November 1858, 3<sup>rd</sup> leader.

<sup>162</sup> *Hansard*, 140, col.1353.

<sup>163</sup> 4<sup>th</sup> February 1856, *Hansard*, 140, cols.153-178; 25<sup>th</sup> February 1856, *Hansard*, 140, cols.1338-54.

<sup>164</sup> Speech on the Budget of 13<sup>th</sup> December 1852. *Hansard*, 123, cols.1352-4.

suspension, in favour of the railways, of the ordinary rules of political economy.”<sup>165</sup>

In terms of economic theory Lowe remained within the mainstream of mid-Victorian political economists. He saw himself as one of “those who adhere to the doctrines of Smith, Ricardo, and Mill...”<sup>166</sup> And in this he was largely correct. Laissez-faire, free trade and minimal state expenditure and taxation, were common ground between Smith and his successors. Indeed, those who came after Adam Smith asserted that they were no more than following in his footsteps. But there was a divergence between Smith and followers of Ricardo on the question of economic growth. The 1820s were a time when Ricardianism, as explained and popularised by McCulloch and James Mill, was in extraordinary vogue.<sup>167</sup> This was true certainly of Oxford, where the Ricardian tradition dominated through Nassau Senior. Even Whately had adopted the Ricardian method of rational deduction rather than the alternative inductive approach.<sup>168</sup> Moreover, in one vital sense, the work of Malthus and Ricardo changed the whole tone of political economy. It was following a perusal of Malthus that Carlyle coined the term “dismal science” to describe political economy.<sup>169</sup> As Robert Heilbroner has written, “between them, Malthus and Ricardo did one astonishing thing. They changed the viewpoint of their age from optimism to pessimism.”<sup>170</sup>

Smith had attempted to explain the steady development of the economy and had arrived at largely optimistic conclusions regarding the continued prosperity and growth. Malthus and Ricardo addressed a different question, that of distribution. Whereas Smith analysed a dynamic, continually expanding system, Ricardo’s treatment was more static. The essential difference between the two, as it affected the early Victorians, was in their expectation of future expansion. On the possibility of the “stationary state,” where capital

<sup>165</sup> *The Times*, 7<sup>th</sup> August 1858, 2<sup>nd</sup> leader.

<sup>166</sup> Robert Lowe, “What is Money,” p501.

<sup>167</sup> Gordon, *Economic Doctrine and Tory Liberalism*, pp10-13

<sup>168</sup> Brent, “God’s Providence: Liberal Political Economy...” pp97-8.

<sup>169</sup> *ibid*, p76; J.K. Galbraith. *A History of Economics*, London, 1987, pp80-1; Thomas Carlyle. “The Present Time” (1850), in: *Latter-Day Pamphlets*, London, 1898, pp44-5.

<sup>170</sup> Heilbroner, *The Worldly Philosophers*, p93.

accumulation would only be at a replacement level, Smith was an optimist. Ricardo was a pessimist. Smith admitted the possibility of the “stationary state.” He even described a possible chain of causation leading to it. But he regarded it as distant and unlikely. He effectively expected to see growth continuing virtually uninterrupted for the foreseeable future.<sup>171</sup> Smith wrote of “the natural progress of opulence.” The natural efforts of each man to improve his own position had “maintained the progress of England towards opulence and improvement in almost all former times, and which, it is to be hoped, will do so in all future times.”<sup>172</sup>

Ricardo viewed the “stationary state” as a much more imminent possibility. Samuel Hollander has argued that “the dominant aspect of Ricardo's system may be envisaged in terms of the joint operation of diminishing agricultural returns and the Malthusian population doctrine” leading eventually to “the advent of the stationary state.”<sup>173</sup> Like Smith, he suggested that wages and profits were inversely related: “in proportion as less is appropriated for wages, more will be appropriated for profits, and *vice versa*.”<sup>174</sup> Building on the population theory of Malthus, Ricardo thought that the tendency of an economy to expand both in terms of population and food production, which he termed “the progress of society,” would cause “the natural price of labour... to rise, because one of the principal commodities by which its natural price is regulated, has a tendency to become dearer, from the greater difficulty of producing it.”<sup>175</sup> In other words, less productive land would gradually have to be brought into cultivation and, according to the law of diminishing returns, the costs of production would therefore be higher. To sum up: “the rise of rent and wages, and the fall of profits, are generally the inevitable effects of the same cause – the increasing demand for food, the increased quantity of labour required to produce it, and its consequently high price.”<sup>176</sup>

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<sup>171</sup> Barber, *A History of Economic Thought*, p41, 45.

<sup>172</sup> Adam Smith, *The Wealth of Nations*, vol. 1, Pelican Edition, ed Andrew Skinner, Harmondsworth, 1970, p446.

<sup>173</sup> Samuel Hollander, *The Economics of David Ricardo*, London, 1979, p12.

<sup>174</sup> Ricardo, *Principles of Political Economy*, p401.

<sup>175</sup> *ibid*, p115.

<sup>176</sup> *ibid*, p401.

The increased shares accorded to rent and wages therefore necessarily squeezed profits and threatened the foundations of economic growth, that is, investment, or as Ricardo termed it, "accumulation." Economic growth, therefore, had sown the seeds of its own destruction.<sup>177</sup> Ricardo wrote that:

The farmer and manufacturer can no more live without profit, than the labourer without wages. Their motive for accumulation will diminish with every diminution of profit, and will cease altogether when their profits are so low as not to afford them an adequate compensation for their trouble, and the risk which they must necessarily encounter in employing their capital productively."<sup>178</sup>

To be sure, that unwelcome possibility could be delayed. Technological innovation would certainly put-off the evil day but could not be relied upon indefinitely. The alternative was to make sure that profits remained high. This implied that the shares accorded to wages and rents needed to be kept relatively low. That was the reasoning which lay behind the classical economists enthusiasm for free trade and the abolition of the Corn Laws. The principal objective of these measures was to keep "the necessaries of life" cheap and therefore reduce any upward pressure on wages. For the same reason, it was argued that the state should practice retrenchment so as to keep taxes, which exerted an upward pressure on prices, to a minimum. Similarly, the activities of Trades Unions were disapproved of as tending to increase labour costs, and hence prices, with a consequent squeeze on profits.

At first glance, it would seem as though Lowe was generally a follower of Adam Smith. Lowe's speeches and writings were peppered with approving references to Smith. He deployed Smith as an authority in debates and in his periodical articles. Indeed, the name of Smith can be found throughout Lowe's writings. That of Ricardo appears much more infrequently; and then only in conjunction with Smith and others. In any event, Lowe did not regard the views of Smith and Ricardo as necessarily opposed. "I entirely deny," he

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<sup>177</sup> Barber, *A History of Economic Thought*, p88.

<sup>178</sup> David Ricardo, *Principles of Political Economy and Taxation*, p141.

wrote, "that the method of Adam Smith was in substance different from the method of his illustrious successors, Ricardo, Mill, and Bastiat."<sup>179</sup> During his speech commemorating the centenary of *The Wealth of Nations* he summed up his position on the two great economists with admirable succinctness. "I might say, I think, without much exaggeration, that Adam Smith has been the Plato of Political Economy, and that Ricardo (a member of this Club) also has been its Aristotle."<sup>180</sup>

But in many ways Lowe's outlook was actually more Ricardian. For example, Lowe was critical of Adam Smith on free trade and differed from his master on the subject, for example, of the Navigation Laws.<sup>181</sup> In book IV, chapter 2 of the *Wealth of Nations*, which was "given over to a plea for free trade, protectionist measures are justified in the case of infant industries and in retaliation against foreign tariffs; the Navigation Laws are defended because 'defence is more important than opulence...'"<sup>182</sup> Lowe even went so far as to suggest that Smith had "got it wrong on the Navigation Laws."<sup>183</sup> Boyd Hilton has suggested that it was the Ricardian view of free trade which Lowe succeeded in popularising; that, in effect, he made it the accepted version of the doctrine. In his words: "thanks to Brougham and the *Edinburgh Review*, to Senior, Cobden, J.S. Mill, and Robert Lowe, this version of Free Trade became increasingly popular from the 1840s on."<sup>184</sup>

Lowe was a much more rigorous free trader than Smith. He agreed with Smith's argument on the general benefits of free trade but did not accept the exceptions in respect of the Navigation Laws and the reciprocal imposition of duties. Lowe was much more fearful of the dangers of a squeeze on profits and capital accumulation, arising from tariffs and other sources. It was high profits and levels of investment which lay at the root of economic success. "The present splendid position of the country has been gained by removing

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<sup>179</sup> Lowe, "Recent Attacks," p865.

<sup>180</sup> Political Economy Club, *Revised Report*, p10.

<sup>181</sup> *ibid*, p10.

<sup>182</sup> Mark Blaug, *Economic Theory in Retrospect*, p59.

<sup>183</sup> *The Times*, 9<sup>th</sup> June 1864, 2<sup>nd</sup> leader, p10.

<sup>184</sup> Hilton, *Age of Atonement*, p69.

every hindrance to the most rapid accumulation of capital," Lowe wrote.<sup>185</sup> He celebrated the achievements of thirty years of political economy: "we have removed all obstacles and all taxes, which stood in the way of this accumulation."<sup>186</sup> His enthusiasm to curb any activity which might conceivably act to lower the rate of profit, suggests a concern over the imminence of the stationary state. "In the highly artificial state in which we live we cannot look with indifference upon anything which threatens, however remotely, our manufacturing supremacy."<sup>187</sup> Lowe offered precisely this analysis of the effect of the activities of Trades Unions. "In their greediness to grasp at a larger of the profits than the laws of supply and demand allow," he wrote, the Trades' Unionists are sapping the foundation on which their edifice rests, and counteracting to the utmost of their power the indispensable conditions of their prosperity."<sup>188</sup>

On the other hand, Lowe seems to have inherited a more dynamic view from Smith. He was certainly more sanguine regarding continuing economic growth than Ricardo. Technological change would counteract the tendency for the rate of profit to decline. As an example of the way an economy adjusted itself naturally Lowe took the iron industry:

The stability of the iron manufacture, the pride of England, has departed. No one can say that an enemy has done this. It is, as I understand, the result of the absence of phosphorus in haematite coal, which peculiarly qualifies it for the production of steel, and steel, for many purposes, is about to supersede iron. The disturbance of industry and the loss to some persons will be great, but no one can doubt that mankind at large will be the gainers. This is the law of progress, the supersession of one invention and one process by another, the destroying one industry in order to replace it by something better, and not stagnation thinly disguised under the name of stability.<sup>189</sup>

Lowe specifically denied the Ricardian prophecies of doom. He stated baldly that "the battle of free trade was fought and won to create not a stagnant pool,

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<sup>185</sup> Lowe, "Trades Unions," p365.

<sup>186</sup> Lowe, "Trades Unions," p365.

<sup>187</sup> *The Times*, 26<sup>th</sup> January 1867, 3<sup>rd</sup> leader, p8.

<sup>188</sup> Lowe, "Trades Unions," p359.

<sup>189</sup> Lowe, "Reciprocity and Free Trade," p996.



but a bright and beneficent river.”<sup>190</sup> The virulence of Lowe’s attacks on anything which seemed to impede the natural workings free markets seem to indicate a belief that continued prosperity was guaranteed by *laissez-faire*. In this, Lowe was at least even handed; castigating the shipowners, the ports, and the brewers as well as the Trades Unions. He was even prepared to “counter the excessive demands of English workmen by the introduction into England of foreign competitors.”<sup>191</sup>

But Lowe was not simply an academic theorist. He was also interested in the practical art of government and how Smith’s ideas could be applied to it. If anything, he was more rigid than Smith himself in his absolute adherence to the principles of free trade and *laissez-faire*. They were the prevailing wisdoms for political economists, for politicians, and for businessmen in the mid-Victorian period. Lowe certainly held to these views, being distinguished by the certainty and rigidity with which he held them. It was a certainty which could sometimes lead him into difficulties when opposed by vested interests, as in his defeat over local dues for shipping. The fundamental belief in the efficacy of free competition lay at the bottom of all Lowe’s economic views and of his attempts to reform the laws relating to business and the economy. Although he lived to see the work of neoclassical economists, such as W.S. Jevons and Alfred Marshall, he stuck to the method and the ideas of Smith and Ricardo. Benjamin Jowett said of him that “he was always a political economist of the old school, which has now, partly because it was not understood, gone out of fashion.”<sup>192</sup> He was only distinguished from that “old school” of political economy by the rigour which was reluctant to admit of any exceptions.

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<sup>190</sup> *ibid*, pp996-7.

<sup>191</sup> *The Times*, 16<sup>th</sup> January, 1867, 3<sup>rd</sup> leader, p8.

<sup>192</sup> Abbot and Campbell (eds.), *Life of Benjamin Jowett*, p416.

# Chapter Five.

## The Inductive Science of Politics: the Liberal Case Against Democracy, c.1860-1865.

“There are... three ways of treating political subjects:- the Theological, the Metaphysical, and the Inductive, or experimental. The doctrine of the divine right of Kings is an instance of the first kind of treatment of a political subject; the arguments so much relied on at reform meetings in favour of extended suffrage... are examples of the second; and discussions of the House of Commons on almost every other subject except Reform... of the third. It is considered, I believe, by most thinkers that the second of these methods is superior to the first, and the third superior to the first and second – so superior as entirely to supersede them, and to afford the only safe guide in political and in many other branches of speculation. I certainly entertain this opinion.”  
Robert Lowe. *Speeches and Letters on Reform*, p4.

The "Great" Reform Act of 1832 had been intended as a lasting settlement of the Reform question.<sup>1</sup> But at the commencement of Queen Victoria's first Parliament in November 1837, Thomas Wakley, the Radical MP for Finsbury<sup>2</sup> proposed amendments in favour of the extension of the franchise, the secret ballot and the repeal of the Septennial Act. In his response Lord John Russell, one of the main architects of the Reform Act, said that "having now only five years ago reformed the representation, having placed it on a new basis, it would be a most unwise and unsound experiment now to begin the process again..." Although Russell denied that the Reform Act was "in all respects final," he made it clear "that the entering again into this question of the construction of the representation so soon would destroy the stability of our institutions." These strictures earned him, for a while at least, the nickname "finality Jack."<sup>3</sup>

Robert Lowe entered Parliament as MP for Kidderminster in 1852. That same year, Russell, this time as the Prime Minister, once more proposed an extension of the franchise and the redistribution of seats in a new Reform Bill.<sup>4</sup> These proposals did not meet with great enthusiasm in Parliament and fell with the Government in February 1852. After the brief interlude afforded by Lord Derby's "who? who?" Tory Ministry, Russell returned to office as a member of Lord Aberdeen's coalition of Whigs, Peelites and Radicals. Although now at the Foreign Office, he was the moving spirit behind the "Representation of the People" Bill of 1854.<sup>5</sup> This Bill, like its predecessor two years earlier, sought to reduce the borough franchise qualification to £10. In the counties the vote was to be given to £10 occupiers and various "fancy franchises" were proposed.<sup>6</sup> This was withdrawn upon the outbreak of the Crimean War and was therefore similarly unsuccessful. In 1859, the short-

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<sup>1</sup> John Prest, *Lord John Russell*, London, 1972, p42; E.A. Smith, *Lord Grey 1764-1845*, Oxford, 1990, pp 263-4.

<sup>2</sup> Wakley was a practising doctor and friend of Joseph Hume and William Cobbett. He founded *The Lancet* in 1828.

<sup>3</sup> *Hansard*. 39, cols. 68-71.

<sup>4</sup> Prest, *Lord John Russell*, p331; G.I.T. Machin, *The Rise of Democracy in Britain, 1830-1918*, Basingstoke, 2001, pp46, 52.

<sup>5</sup> Machin, *The Rise of Democracy*, pp52-3.

<sup>6</sup> Charles Seymour, *Electoral Reform in England and Wales: The Development and Operation of the Parliamentary Franchise, 1832-1885*, Oxford, 1915, pp242-3.

lived Conservative Government headed by Lord Derby (with Disraeli as his chief lieutenant), not wishing it to be thought that Reform was an exclusively Whig-Liberal preserve, introduced a Reform Bill of its own. It was lost.<sup>7</sup>

The following year, 1860, Russell tried again to reduce the borough franchise qualification, from the £10 at which it had been set by the 1832 Reform Act, to £6. Like its immediate predecessors, this Bill was also withdrawn. Palmerston was hostile and many of Russell's Liberal colleagues were weary of the subject. Even the Bill's proposer appeared indifferent to its demise.<sup>8</sup> Lowe insisted that the Bill had been "sought for no ulterior good, except delivering the public from the discussion of an unwelcome topic."<sup>9</sup> It had not been brought forward as the consequence of popular enthusiasm and was "proposed only because it has been repeatedly promised, and because, though the public has never been eager to demand a performance of the promise, the men who made it insist on being allowed to accomplish it."<sup>10</sup> As he would later argue in 1866, Lowe was unable to detect any enthusiasm for Reform. "People are weary of the subject; they believe the measure to be brought forward, not to satisfy any real want, but to meet the factitious exigencies created by the selfish competition of public men." He, along with the other future leading Adullamites Horsman and Elcho, voted against this Bill.<sup>11</sup>

Lowe had not spoken on any of the Bills or Motions which had come up for discussion during his time in Parliament before 1865, but he had written a number of leading articles for *The Times* on the subject. The articles that he wrote, criticizing the Reform Bills of 1859 and 1860, employ many of the arguments which he was to repeat in the debates of 1865 and 1866. Lowe decided to spell out his ideas of how the question of Reform, and indeed all

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<sup>7</sup> Machin, *The Rise of Democracy*, pp53-4; Robert Stewart, *The Foundation of the Conservative Party*, London, 1978, pp354-8.

<sup>8</sup> Machin, *The Rise of Democracy*, pp54-5; Seymour, *Electoral Reform*, p242n.

<sup>9</sup> *The Times*, 1<sup>st</sup> March 1860, 1<sup>st</sup> leader.

<sup>10</sup> *ibid.*

<sup>11</sup> The term "Adullamites" was coined by John Bright to describe those Liberals who opposed their own Government over Reform in 1866. The reference is biblical, the cave of Adullam was "where the distressed and discontented gathered" - see *I Samuel*, ch. 22, verses 1-2.

political questions, should be approached. He ridiculed any notion of “rights” as a guide to political action, arguing that his own inductive method was the only sensible view to take. He wrote that “they who appeal so glibly to the principles of numerical equality and abstract rights as the basis of their arguments are really putting forward assumptions the truth of which cannot be shown by argument, and the falsehood of which may easily be inferred from experience.”<sup>12</sup> He conceded to the reformers that “starting from the notion of abstract equality and applying it rigorously to the matter before us, the argument is without a flaw; but,” he added, “it will be well for this country and well for the progress of political knowledge, when statesmen have been induced to receive as an axiom that measures ought to be considered, not with reference to abstract and metaphysical considerations, but to well-ascertained and practical results.”<sup>13</sup>

Lowe also questioned whether there was any need for a Reform Bill at all. He pointed out early in 1859 that “nobody has yet succeeded in showing any glaring practical defects in the present representative system. It has given us, with all its faults, personal freedom, good laws, and good government.”<sup>14</sup> This was an argument to which Lowe faithfully adhered and which he repeatedly made throughout the later Reform debates. Other articles put forward the sort of arguments which would subsequently reappear during the debates of 1865, 1866 and 1867. Lowe deprecated the idea that a single class might have hegemony over the state. Speaking of the Reform Bill of 1860 he suggests that “by this Bill the power is virtually placed in the classes below £10, and that if they choose to combine it is in their power to swamp all the rest of the constituency.” He was also concerned that the new rulers were “not exactly the materials out of which we should wish the governing classes to be composed.” In effect, the elements of the case which Lowe put before the House of Commons in the mid-1860s had mostly been assembled in his mind by 1860. The inductive political philosophy, the presumption in favour of the status quo, the fear of the masses and of “swamping.”

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<sup>12</sup> *The Times*, 21<sup>st</sup> March 1859, 2<sup>nd</sup> leader.

<sup>13</sup> *ibid*, 19<sup>th</sup> March 1860, 1<sup>st</sup> leader.

<sup>14</sup> *ibid*, 24<sup>th</sup> January 1859, 1<sup>st</sup> leader.

To these Government Bills, most of which died largely unmourned even by many of their nominal supporters, must be added all the various measures introduced by reform minded private members; including Locke King, John Bright and Edward Baines. Like all the other Reform Bills introduced between 1832 and 1867, these too were lost but they ensured that Reform, as a parliamentary question, never completely went away.<sup>15</sup> After the loss of the 1860 Reform Bill the issue was permitted to lie fallow for a year or two. However, from late 1863 there was a revival of interest in the subject as a few more articles from Lowe's pen, touching on the subject of Reform, began to appear in the columns of *The Times*.<sup>16</sup> He returned once again to his practical view of the purpose of the electoral system; that it was a mechanism for securing good government; and warned anyone considering the lowering of the franchise that "those who derive their democratic theories from abstract speculation should bear in mind that government in these days requires something more than good intentions, and that when bad laws are passed and bad measures are adopted it is much more frequently for want of intelligence than for want of good will."<sup>17</sup> Lowe encapsulated the essentials of the argument which he was to use over the next few years, in a few sentences:

To set abstract speculation above intelligence; to pull down what works well in order to set up something in its place which may not work at all; to create an agency of any kind, whether political or commercial, not with a view to the efficient discharge of the task it undertakes, but to indulge a sentiment, or reward good conduct, or to gratify expectations previously raised, or to satisfy a vague yearning for equality in persons really unequal, has never been the foible of

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<sup>15</sup> Machin, *The Rise of Democracy*, pp23-57; Parry, *The Rise and Fall of Liberal Government*, pp 175-6, 178, 210.

<sup>16</sup> *The Times*, 18<sup>th</sup> December 1863, 1<sup>st</sup> leader; 22<sup>nd</sup> December 1863, 1<sup>st</sup> leader; 26<sup>th</sup> January 1864, 2<sup>nd</sup> leader; 28<sup>th</sup> January 1864, 1<sup>st</sup> leader; 12<sup>th</sup> May 1864, 1<sup>st</sup> leader; 13<sup>th</sup> May 1864, 1<sup>st</sup> leader; 31<sup>st</sup> May 1864, 1<sup>st</sup> leader; 6<sup>th</sup> June 1864, 2<sup>nd</sup> leader; 5<sup>th</sup> January 1865, 1<sup>st</sup> leader; 13<sup>th</sup> January 1865, 2<sup>nd</sup> leader; 23<sup>rd</sup> January 1865, 1<sup>st</sup> leader; 27<sup>th</sup> January 1865, 2<sup>nd</sup> leader; 4<sup>th</sup> February, 2<sup>nd</sup> leader; 18<sup>th</sup> February 1865, 1<sup>st</sup> leader; 17<sup>th</sup> March 1865, 4<sup>th</sup> leader; 24<sup>th</sup> April 1865, 2<sup>nd</sup> leader. These are articles where the main subject was Parliamentary Reform or one of its aspects. There were others where Reform was referred to in passing.

<sup>17</sup> *ibid*, 28<sup>th</sup> November 1863, 3<sup>rd</sup> leader.

the English people. If the franchise be ever extended. It will be because the country is convinced that some practical good will be got by the extension...<sup>18</sup>

Lowe also detected a growing tendency among some Liberals to regard the "Reform of Parliament... as [one of] the main ends to be obtained by the Liberal Party."<sup>19</sup> He identified John Bright and W.E. Forster, together with Edward Baines and the MP for Huddersfield, Leatham, as dangerous reformers.<sup>20</sup> Later, commenting on the General Election of 1865, Lowe made a further observation along the same lines.

If we take for an example the Address of what is called an advanced Liberal, we find him insisting mainly on two topics – the necessity of greatly lowering and widely extending the franchise; of admitting the people within the pale of the Constitution; of protecting each individual member of the majority by secret suffrage; and making the influence of that majority everywhere irresistible by dividing the country into electoral districts as nearly as possible equal to each other.<sup>21</sup>

Lowe did not take such a view of Liberalism. At this time and in articles which dealt with the Reform question, he gave some hints as to his conception of Liberalism as it related to democracy.

True Liberality consists in the adoption of true and just principles, so far as they have been discovered, not by abstract speculation, but by practical experience, to the circumstances of the day. It is sometimes the duty of the Liberal to pull down, sometimes to support existing institutions... The same man might with perfect consistency and equal liberality press forward to the destruction of abuses thirty years ago, and stand forward as the champion of existing institutions at the present time.<sup>22</sup>

A few months later, commenting on a Private Member's Reform Bill introduced in 1864 by the Leeds MP Edward Baines, Lowe added the hope that there were still:

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<sup>18</sup> *ibid*, 18<sup>th</sup> December 1863, 1<sup>st</sup> leader.

<sup>19</sup> *ibid*.

<sup>20</sup> *ibid*, 4<sup>th</sup> February 1865, 2<sup>nd</sup> leader. Leatham got a whole leading article, by Lowe, to himself on 27<sup>th</sup> January 1865, 2<sup>nd</sup> leader.

<sup>21</sup> *ibid*, 10<sup>th</sup> July 1865, 1<sup>st</sup> leader.

<sup>22</sup> *ibid*, 18<sup>th</sup> December 1863, 1<sup>st</sup> leader.

A majority of the supporters of the present Government who take the very broadest distinction between Liberality and Democracy, and who oppose themselves to these levelling doctrines, principally because they fear that under an Assembly elected by anything approaching to universal suffrage consistent, liberal, and enlightened government would be impossible.<sup>23</sup>

Only a few years earlier, Lowe noted, the Reform Bill of 1860 had been defeated by opposition which “came quite as much from the Liberal as from the Conservative side of the House.”<sup>24</sup> Lowe was at pains to point out what many liberals seemed to be forgetting; that:

Democracy is not identical with liberality – that is, with government carried on for the benefit of the whole community, on the most enlightened principles which are afforded by the knowledge of the day. It is a peculiar form of government, like Monarchy or Aristocracy, and those who wish to persuade us to adopt it should be prepared to show that, in our state of society and civilization, the change of our form of government... will be a change for the better.<sup>25</sup>

But in spite of Lowe’s best efforts, it began to look as though democracy was becoming identified with Liberalism. Lowe had detected it among some of the more radically minded of his parliamentary Liberal colleagues. A group of his own constituents wrote him an admonishing letter after the famous debates in 1866 and charged him with “running from your allegiance to the Liberal cause on a vital point” and of “animadversions on a great Liberal principle.”<sup>26</sup> Lowe, however, never wavered from his conviction that democracy was no part of liberalism. The battles were fought out in Parliament during the mid-1860s.

The Borough Franchise Extension Bills introduced by Edward Baines in 1864 and 1865 proved to be significant preliminaries to the momentous events of 1866 and 1867. It was in 1864, during the debates on Baines’ Bill of that year, that Gladstone dispensed with the usual non-committal remarks of a Minister speaking on a Private Member’s Bill, and controversially argued “that every

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<sup>23</sup> *ibid*, 13<sup>th</sup> May 1864, 1<sup>st</sup> leader.

<sup>24</sup> *ibid*, 18<sup>th</sup> December 1863, 1<sup>st</sup> leader.

<sup>25</sup> *ibid*, 23<sup>rd</sup> January 1865, 1<sup>st</sup> leader.

<sup>26</sup> John D. Bishop and sixty others to Lowe, March 28<sup>th</sup> 1866. Reprinted in: Lowe. *Speeches and Letters on Reform*. p21.



man who is not presumably incapacitated by some consideration of personal unfitness or of political danger is morally entitled to come within the pale of the Constitution."<sup>27</sup> On the face of it, this was a clear statement in favour of universal male suffrage. However Gladstone, taken aback by the expressions of alarm which greeted these *extempore* remarks, qualified and clarified his attitude to franchise reform to such an extent that it was widely said that he had explained himself away. Indeed, a closer examination of his statement reveals that Gladstone's statement could be interpreted to mean almost anything in terms of practical policy. Introducing the printed edition of the speech he suggested that the exclusions which he allowed should be interpreted in a broad sense. He wrote that:

First, it should exclude those who are... unfitted to exercise it with intelligence and integrity. Secondly, it should exclude those with respect to whom... political danger might arise from their admission; as, for example, through the disturbance of the equilibrium of the constituent body, or through virtual monopoly of power in a single class.<sup>28</sup>

On the one hand, Gladstone increased his stock in Radical circles. On the other, he found himself embroiled in a disputatious, although scrupulously courteous, correspondence with Palmerston on the subject.<sup>29</sup> After being rapped on the knuckles by the Prime Minister, Gladstone was also admonished by Lowe on the leader page of *The Times*. Lowe commented that Gladstone had provided "an explanation, almost a retraction" and "a formal renunciation of those democratic principles and tendencies which we, in common with so many others, have most reluctantly attributed to Mr. Gladstone."<sup>30</sup> Nevertheless, in spite of all the qualifications which Gladstone subsequently made to his speech, Lowe rightly perceived that an inclusive rather than an exclusive principle, albeit hedged round with practical caveats, now guided Gladstone's thinking on franchise reform. That principle, in

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<sup>27</sup> *Hansard*, 175, cols. 321-7.

<sup>28</sup> W.E. Gladstone, "Speech on the Bill of Mr. Baines, in 1864 – Advertisement," *Speeches on Parliamentary Reform in 1866*, London, 1866, Appendix No. 4, p313.

<sup>29</sup> Philip Guedella (ed.), *The Palmerston Papers; Gladstone and Palmerston: being the correspondence of Lord Palmerston with Mr. Gladstone, 1851-1865*, London, 1928, pp279-287, letters 226 - 236.

<sup>30</sup> *The Times*, 31st May 1864, 1st leader.

substance, was that "the suffrage is the rule, exclusion from the suffrage is the exception."<sup>31</sup>

Having thus summarised the views of Gladstone, Lowe went on to express his own, contrary opinion. The "question of the franchise," Lowe wrote:

Is not a question of abstract right, but of practical expediency; that the point is not whether a man has lost his moral title to a vote, but whether it is good for the community of which he is a member that he should have a vote or no. The best franchise is that which gives us the best constituencies, and the best constituencies are those which give us the best Parliaments.<sup>32</sup>

These were sentiments which were to become familiar to those who heard Lowe's speeches on Reform in 1865, 1866 and 1867. They were also familiar to those readers of *The Times* who had read that newspaper's leading articles touching on Reform throughout the 1860s. Whereas Gladstone appeared to have adopted a deontological view of the franchise, Lowe's view was consequentialist.<sup>33</sup> Lowe's first major Parliamentary speech on the Reform question came in response to a further attempt by Baines to introduce his Borough Franchise Extension Bill in 1865. Lowe treated his Parliamentary colleagues to a reasoned exposition of the Liberal case against democracy and against lowering the qualification for the franchise. Emerging from behind the veil of anonymity which writing for *The Times* had afforded him; in his speech on May 3<sup>rd</sup> 1865, on the second reading of Baines' Bill, he rehearsed many of the arguments he was later to use during the more celebrated Reform debates of 1866. The arguments deployed on both sides were broadly similar to those which would be again employed in 1866 and 1867. Moreover, during the debate an identifiable group of Liberals opposed to franchise reform began to emerge. Other than Lowe himself, other future "cavemen," such as Lord Elcho and W.H. Gregory, spoke against the Bill. Disraeli's biographer looked upon the "most outstanding feature of the debate [as] the

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<sup>31</sup> *ibid.*

<sup>32</sup> *ibid.*

<sup>33</sup> Deontology is a theory which holds that decisions should be made primarily by considering the rights of others and one's duty. Consequentialism, on the other hand, argues that it is the results of actions which are important.

definite emergence of an anti-Reform Liberal section, of which Lowe and Horsman were the leaders."<sup>34</sup>

In his speech during the debate on the First Reading of his Bill, Baines stated that his object was "to give a moderate and yet substantial and valuable extension of the franchise to classes who constitute the great bulk of the people, and who are now entirely excluded from the privileges of the constitution."<sup>35</sup> He claimed that "the working classes comprise three-fourths of the population, and... [are] all but wholly unrepresented."<sup>36</sup> It was not merely that representation should take account of sheer numbers; Baines also spoke the Gladstonian language of moral rights. He talked of the present "defective state of the representation" which constituted "an acknowledged wrong" and "a grievance demanding practical and immediate remedy."<sup>37</sup> Baines also tried to persuade his Parliamentary colleagues that resistance to Reform was, in the long run, useless. The accession of the working classes to a share in the government of the country was inevitable and it would be better if the privileged groups yielded with a good grace rather than grudgingly and under *force majeure*. He had a "firm conviction that an extension of the suffrage was absolutely inevitable, and that it was as just and wise as it was inevitable..."<sup>38</sup> He warned his fellow Parliamentarians that "If you refuse to discuss this measure in a time of tranquillity, I am afraid you may have to consider it with claimants thundering at your doors, and with a call throughout the kingdom from political unions for household or manhood suffrage."<sup>39</sup> Baines believed that even if there was, at present, little popular agitation for reform or the suffrage, this was only a temporary state of affairs. In due course "the demand [for Reform] will as certainly be renewed with increased and augmented power as the sun will rise tomorrow morning..."<sup>40</sup>

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<sup>34</sup> G.E. Buckle, *Life of Disraeli*, vol. 4, 1855-68. London, 1916, p409.

<sup>35</sup> *Hansard*, vol. 177, col. 1372.

<sup>36</sup> *ibid*, col. 1378.

<sup>37</sup> *ibid*, col. 1372.

<sup>38</sup> *ibid*, col. 1373.

<sup>39</sup> *ibid*, col. 1377.

<sup>40</sup> *ibid*, cols. 1376-7.

The issue of fitness for the franchise was a crucial test which Parliament applied when it was called upon to admit additional classes of people to the electorate.<sup>41</sup> Gladstone, it will be remembered, had expressly excluded from his inclusive view of the moral "entitlement" to the franchise those who exhibited "personal unfitness." Part of the argument of the Reformers was that the working classes, or at least the upper strata of the working classes, were now fit to exercise the franchise. At the core of the Reform debate were the questions of what constituted fitness for the franchise; and how such fitness should be measured. Baines argued that the working classes were gaining in intelligence, education and judgement to the extent that "...no man can possibly doubt the advancement of the working classes of England in all the qualities which fit them for the exercise of the franchise."<sup>42</sup> It was therefore now only just that the topmost section of them should now be granted the parliamentary vote. However not everyone, as Baines was about to discover, was quite so sanguine about "the advancement of the people in education, virtue, and good habits."<sup>43</sup>

Lowe's speech in response to Baines was described by one of its hearers, Bernal Osborne, as "the great, exhaustive, and philosophical speech that has just been delivered to this House - a speech, than which, however I may differ from its conclusion, I will venture to say, none, even at the time of the great debates on the Reform Bill,<sup>44</sup> was ever surpassed in force or energy by any gentleman opposed to reform of any kind".<sup>45</sup> Lowe attacked Reform on all fronts. He was particularly scathing where the notion of a moral right to the vote was concerned. Lowe expounded to his listeners in the House of Commons what G.C Brodrick (another leader-writer for the *Times*) described as the "utilitarian argument against reform."<sup>46</sup> Lowe argued:

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<sup>41</sup> For a full discussion of the issue of "capacity" for the franchise see, Kahan, *Liberalism in Nineteenth-Century Europe*, esp. ch. 4.

<sup>42</sup> *Hansard*, 177, col. 1387.

<sup>43</sup> *ibid*, col. 1385.

<sup>44</sup> i.e. the "Great" Reform Bill of 1832.

<sup>45</sup> *Hansard*, 177, col. 1440.

<sup>46</sup> *Essays on Reform*, London, 1867, pp 1-25.

The true view of the science of government is, that it is not an exact science, that it is not capable of a *a priori* demonstration; that it rests upon experiment, and that its conclusions ought to be carefully scanned, modified, and altered so as to be adapted to different states of society, or to the same state of society at different times."<sup>47</sup>

In a private letter to a friend, Canon Melville, Lowe restated the principles from which he derived his attitude to electoral reform.

I have adopted the inductive method for what seemed to me good reasons. The first principle is to start unprejudiced, and abandon yourself wholly to the teaching of experience. The end being good government (in which, of course, I include stable government), before I give my assent to the admission of fresh classes I must be satisfied (not on a *a priori*, but on experimental, grounds) that their admission will make the government better or more stable."<sup>48</sup>

Lowe contrasted his inductive method of judging political questions with the deontological views of the reformers. "The inductive method abhors dogmatism, and therefore excludes finality. Its ears are always open to new facts. It recognises knowledge as perpetually advancing. It rejects no new light. It leaves overweening confidence to a *a priori* reasoners, sentimentalists, and fatalists."<sup>49</sup> Referring once again to Gladstone's notorious "pale of the Constitution" speech of 1864, Lowe sought to alarm his listeners by equating the idea that the working classes had a moral right to the franchise with the same "rights of man which formed the terror and the ridicule of that grotesque tragedy the French Revolution."<sup>50</sup> But his main point was that there was no rational basis for the view that all men (few people other than John Stuart Mill yet thought seriously in terms of women's suffrage) were entitled to a share in choosing the Government. It was simply a baseless, although plausible sounding, assertion.<sup>51</sup> "But where are those *a priori* rights to be found?" Lowe asked. One observer, Frederic Harrison, thought that this part of Lowe's argument was the one which had the greatest effect in persuading his

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<sup>47</sup> Lowe, *Speeches and Letters on Reform*, p34.

<sup>48</sup> Lowe to Melville, 27<sup>th</sup> May 1865. Martin, *Robert Lowe*, 2, p239

<sup>49</sup> Lowe, *Speeches and Letters on Reform*, pp42-3.

<sup>50</sup> *ibid.* p35.

<sup>51</sup> J.S. Mill was elected to Parliament as M.P. for Westminster and served until 1868.

listeners. "The prodigious effects of Mr. Lowe's speeches were due to this potent truth - that the exercise of political power is not a *right*, but a means to secure good government. Franchises are not an end - but only the potential means of securing prosperity and contentment in states."<sup>52</sup>

Baines' Bill, in spite of his rhetoric about injustice, grievance and the denial of rights, was by no means a measure that would have created a democratic franchise - the borough franchise qualification would have been reduced from £10 to £6. It was therefore broadly similar to the Reform Bills which Russell had introduced over the years. Yet, Lowe observed, "I know not whether that was the intention, but it seemed to me that the speeches in support of the Bill... go direct to universal suffrage."<sup>53</sup> This was an accusation which could have been levelled at the arguments adduced in support of all the Reform Bills of the 1850's and 1860's. Any measure which sought to add the upper stratum of the working class to the electorate on the ground of justice was vulnerable to the charge that justice was good for all, not merely the few. The arguments used in support of Reform often applied equally to those whom reformers still wished to exclude, as well as those whom they wished to include. Lowe was merciless in his sarcasm when pointing this out, and by taking the case of the reformers to its logical conclusion was able to point out its absurdity. Respecting the idea that there was a universal moral right to participate in the selection of Members of Parliament, Lowe argued that such rights, "If they do exist... are as much the property of the Australian savage and the Hottentot of the Cape as of the educated and refined Englishman."<sup>54</sup> If to be excluded from the franchise was a "wrong" and just cause for "a grievance," then it was not just the few hundred thousand who occupied houses valued at between £6 and £10 *per annum* who were wronged. "Those who hold this doctrine must apply it to the lowest as well as to the highest

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<sup>52</sup> Frederic Harrison, *Autobiographic Memoirs*, vol. 1. London, 1911, p70.

<sup>53</sup> Lowe, *Speeches and Letters on Reform*, p50.

<sup>54</sup> *ibid*, p36.

grades of civilisation, claiming for it the same universal, absolute, and unbending force as an axiom of pure mathematics."<sup>55</sup>

Nor was Lowe in favour of granting the franchise to groups other than those who already possessed it as a sort of reward for good behaviour. Reformers, including Baines, had expressed the view that the working classes, or some of them at least, ought to be rewarded for their thrift and industry. But according to Lowe there was no such need to reward them. The qualities which Baines claimed as a justification for lowering the franchise qualification would bring the vote without the necessity for Reform. Many who had displayed those qualities already had the vote. Indeed, Lowe calculated that with moderate restraint in the consumption of beer, a substantial number of the working class would, by using the money thus saved, be able to rent £10 houses and thus gain the franchise.<sup>56</sup> Those whom the provisions of the Bill would incorporate into the electorate would be from "the improvident class. For the provident are not only in possession of the franchise – they have soared far above it, and have got into the region of freeholders"<sup>57</sup> According to Lowe, the award of the franchise "is not a question of sentiment, of rewarding, or punishing, or elevating, but a practical matter of business and statecraft, with the view to rendering our form of government as good as possible."<sup>58</sup>

As to the argument that a gradual progress toward democracy was inevitable and unstoppable, Lowe remarked that it was:

A line of argument which is at once the foundation and the blemish of the great work of De Tocqueville. M. de Tocqueville assumed that democracy was inevitable, and that the question to be considered was... how we could best adapt ourselves to it. This is *ignava ratio*, the coward's argument, by which I hope this house will not be influenced."<sup>59</sup>

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<sup>55</sup> *ibid.* p36.

<sup>56</sup> *ibid.* p48.

<sup>57</sup> *ibid.*, pp47-8

<sup>58</sup> *ibid.*, pp37-8.

<sup>59</sup> *ibid.*, pp39-40.

Lowe had read de Tocqueville's *Democracy in America* on a voyage to the United States. He shared the Frenchman's fear that democracy offered a potential threat to liberty.<sup>60</sup> By contrast, he was not convinced of its inevitability. Later, in Parliament, he dismissed talk of the inevitability of democracy as "vague presage[s]" or "dreams and omens" by which the House should not be swayed. The question was simply whether democracy would be beneficial or not to the good governance of the country. If it was a good thing then we should, he thought, "clasp it to our bosoms."<sup>61</sup> If not, it should be, and could be, resisted.

But Lowe also clearly saw that any reduction in the franchise could not be a final settlement. Once the line had been broken, then the descent to democracy became inevitable. The sort of reform which was envisaged in the mid-1860's involved simply lowering the monetary amount of the qualification for the franchise. There was no clear principle which could be appealed to in support of any particular figure, whether £6, £7 or any other monetary amount. Any departure from the existing £10 franchise would lead to demands for further reduction until, by degrees, universal, or at the very least, household suffrage was achieved. Lowe told the House that the Bill would "cast us loose from our only safe moorings in the £10 franchise, and set us adrift on the ocean of Democracy without chart or compass."<sup>62</sup> W.H. Gregory, a future Adullamite, told the House that "the member for Calne...has shown he thought as clearly as reasoning could accomplish that the present Bill must, if adopted, be a step in that direction [democracy]" and that "universal suffrage must be the inevitable consequence of its passing into law."<sup>63</sup>

Lowe poured especial scorn on the idea that it was necessary to give way to compulsion from the massed army of the working classes and that the only

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<sup>60</sup> Marvin Zetterbaum, *Tocqueville and the Problem of Democracy*, Stanford, 1967, pp 4-6. See also: Sheldon S. Wolin, *Tocqueville Between Two Worlds*, Princeton, 2001; Seymour Drescher, *Tocqueville and England*, Harvard, 1964. For a contemporary view of de Tocqueville see the reviews of *Democracy in America* by John Stuart Mill (1835 and 1840), *Collected Works*, vol. 18, pp 47-90, 153-204.

<sup>61</sup> Lowe, *Speeches and letters on Reform*, p40.

<sup>62</sup> *ibid*, pp56-7.

<sup>63</sup> *Hansard*, 177, col. 1616.



way to avoid "great internal commotion" or even civil war was to submit to demands for democracy. "We are told that the working classes are thundering at our gates, and that we shall be in the greatest danger if we do not accede to their demands,"<sup>64</sup> he said. Even if it were true that there was strong popular pressure for Reform Lowe would have resisted. He alluded to the presentation of the Chartist Petition to the House of Commons in 1842 by Tom Duncombe MP and pointed out that on that occasion "the middle-class Parliament... did not adopt that programme. It took another course."<sup>65</sup> Parliament had successfully resisted a mass movement for Reform during the 1840s, and after 1848 Chartism had withered away. Now there was not even the excuse of a popular demand for change. Even Baines himself had been forced to admit that "the popular demand for Reform has not recently been so loud as I think it should have been"<sup>66</sup> and Lowe was not alone in observing that at present "they are not at our gates... they are making no noise."<sup>67</sup> The future Adullamite Lord Elcho, who was the next to speak after Baines, noted "the apathy of the country." He asked the rhetorical question "do we find any sign out of doors that any interest is taken in this question by the public at large?"<sup>68</sup> In 1865, as everyone knew and acknowledged, there was little public pressure for Reform.

Having dealt with the arguments of Baines, Lowe now made a few points of his own against the democratic case for Reform. In contradiction to Gladstone who had called upon the opponents of Reform "to show cause,"<sup>69</sup> why so many should be excluded, Lowe argued that the "*onus probandi*" lay upon the reformers to show why the present system, that to Lowe seemed to be working well, should be changed. According to Lowe "the burden of proof lies on him who would disturb it - not on him who would maintain it."<sup>70</sup> Lowe pointed out that nobody had "shown a single practical grievance under which the working classes are suffering which would be remedied by the proposed

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<sup>64</sup> Lowe, *Speeches and Letters on Reform*, p40.

<sup>65</sup> *ibid*, p45.

<sup>66</sup> *Hansard*, 177, col.1376.

<sup>67</sup> Lowe, *Speeches and Letters on Reform*. p40.

<sup>68</sup> *Hansard*, 177, col. 1393.

<sup>69</sup> *Hansard*, 175, col. 326.

<sup>70</sup> *The Times*, 31<sup>st</sup> May 1864, 1<sup>st</sup> Leader.

alteration."<sup>71</sup> In point of fact, the reverse was true. "I entirely deny," he said, "that the interests of the poor are neglected in this House."<sup>72</sup> The House of Commons had since 1832, in Lowe's account, "performed exploits unrivalled... in the whole history of representative assemblies."<sup>73</sup> Lowe invited his fellow MP's to examine some of the results of the present dispensation.

Look at the noble work, the heroic work, which the House of Commons has performed within these thirty-five years. It has gone through and revised every institution of the country; it has scanned our trade, our colonies, our laws, and our municipal institutions; everything that was complained of, everything that had grown distasteful, has been touched with success and moderation by the amending hand.<sup>74</sup>

But the major concern, which Lowe shared with many of his colleagues, was what he referred to as the Bill's "swamping aspect." Lowe, like many others, was worried that reform would deliver the constitution into working class hands. "If you have a large infusion of voters from the working classes," he reasoned, "they will speedily become the most numerous class in every constituency. They therefore have in their hands the power, if they only know how to use it, of becoming masters of the situation, all the other classes being, of necessity, powerless in their hands."<sup>75</sup> Once the working classes were possessed of the franchise it would not be long before they would seek to use the power thus gained "for their own purposes."<sup>76</sup> Lowe contended that the working classes had a tendency to "associate and organise themselves;" and pointed to the Trades Unions as the vehicles for this. "Once give the men votes, and the machinery is ready to launch them in one compact mass upon the institutions and property of this country."<sup>77</sup> Reform, then, would enable the working class to dictate terms to the educated and propertied classes. For this reason Lowe regarded the Bill as an illiberal measure and as inimical to liberty, as it tilted the balance of classes permanently in favour of a single group.

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<sup>71</sup> Lowe, *Speeches and Letters on Reform*, p43.

<sup>72</sup> *ibid*, p44.

<sup>73</sup> *ibid*, p52.

<sup>74</sup> *ibid*, p51.

<sup>75</sup> *ibid*, p52.

<sup>76</sup> *ibid*, p53.

<sup>77</sup> *ibid*, pp54-5.

If Baines's Reform Bill passed, Lowe believed that the purposes for which the now preponderant working-classes would use the state would not be enlightened ones. "So far from believing that Democracy would aid the progress of the State," He said, "I am satisfied it would impede it."<sup>78</sup> Referring to the Chartist petition of 1842, which he regarded as "containing a fair expression of the views of the working classes," Lowe enumerated some of the measures which he expected a Parliament dominated by the views of working-classes to take. These principally involved the transfer of property from the rich to the poor and a radical change in taxation policy so as to take out of taxation all the "necessaries of life and upon those articles principally required by the labouring classes."<sup>79</sup> In other words, Lowe expected that the working classes would use their new found power to enrich themselves at the expense of the present owners of property.

Lowe was charged with illiberalism in his opposition to Reform. These were charges which he staunchly rebutted. Lowe regarded his case as a liberal one even if his words had elicited "vehement cheers from the Tory benches."<sup>80</sup> Lowe was adamant that he held these views precisely because he was a Liberal. To the critics in his own constituency he was able to point out that he had been consistent and open in his view that Reform was unnecessary.<sup>81</sup> To the House of Commons during the debate on Baines' Bill he said:

I have been a Liberal all my life. I was a Liberal at a time and in places where it was not so easy to make professions of Liberalism as in the present day; I suffered for my Liberal principles, but I did so gladly, because I had confidence in them, and because I never had occasion to recall a single conviction which I had deliberately arrived at.<sup>82</sup>

Lowe was convinced that Democracy was no part of the liberal programme, correctly understood. For "the party of liberality and progress" to "cast in its

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<sup>78</sup> *ibid*, p60.

<sup>79</sup> *ibid*, pp44-5.

<sup>80</sup> John D. Bishop and sixty others to Lowe, 28th March 1866, Reprinted in: Lowe, *Speeches and Letters on Reform*, p21.

<sup>81</sup> Lowe to John D. Bishop and sixty others, 4th April 1866. *ibid*, pp23-7.

<sup>82</sup> Lowe, *Speeches and Letters on Reform*, p60.

lot... with... Democracy" would be a serious error.<sup>83</sup> The Liberal party might choose to "unite [its] fortunes with the fortunes of Democracy," as Baines proposed. If so, Lowe warned, then "if they fail in carrying this measure they will ruin their party, and if they succeed in carrying this measure they will ruin their country."<sup>84</sup>

Two years later, when a more sweeping Reform Bill than had ever been envisaged in 1865 looked sure to pass, H.W. Cole wrote in an article for the *Quarterly Review* that Lowe's speech on Baines' Bill "gave expression to the opinion of the overwhelming majority of the educated classes, who were at that time utterly hostile to the proposed change."<sup>85</sup> In any event, although the debate was pressed to a division it was lost. The failure of this Bill, however, was felt by some to be a turning point and a lost opportunity to bury the Reform issue for several more years. "If the political leaders on both sides of the House, who agreed with Mr. Lowe, had then summoned up courage to follow his example, and to state boldly to the public those sentiments of which they made no secret in private," lamented Cole, "the whole course of subsequent events would probably have been changed. But the golden opportunity was lost." According to the same writer, this first effort in 1865 was Lowe's most effective speech on Reform. "No speech in our recollection ever produced so great an effect upon the country as this one of Mr. Lowe's. The secret of its successes consisted in his nobly daring to declare what most people felt, but were unwilling to confess."<sup>86</sup> Lowe himself wrote that "the truth is that opinions on the subject of Reform have received a great shake by the debate on Mr. Baines's Bill."<sup>87</sup>

If Reform was not initially a prominent public issue, Lowe's speech during the debate in Parliament had made an important contribution to its rising profile and unintentionally helped to advance the very changes which Lowe did not

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<sup>83</sup> *ibid*, p59.

<sup>84</sup> *ibid*, p62.

<sup>85</sup> Henry Cole, "The Four Reform Orators," *Quarterly Review*, 122, nr. 244, April 1867, p559.

<sup>86</sup> *ibid*, pp562-3.

<sup>87</sup> *The Times*, 10<sup>th</sup> July 1865, 1<sup>st</sup> leader.

wish to see. Lowe also continued to write for *The Times*. He informed his readers that:

The views which moderate men are disposed to take are two. Those who think with Mr. Lowe consider the sole end of Reform should be the improvement of our government, while those who adopt the view shadowed out by Lord Elcho... consider that, in addition to good government, the object of a Reform Bill should be to include within the franchise all those classes which can be shown to be reasonably fit for it.<sup>88</sup>

Lowe contributed four leading articles to *The Times* on the subject of Reform during July 1865, a further two in September and two more in November.<sup>89</sup> On the 11th September he reported on a meeting of the British Association for the Promotion of Science where that body had enjoyed a "tolerably warm debate on the extension of the electoral franchise" under the title "statistics and political economy." Had Lowe not brought this to the attention of the readers of the *Times* then such an event might well have passed unnoticed.<sup>90</sup> Nine days later Lowe contributed a leading article on the subject of John Bright and Reform. Lowe warned his readers that Bright's support for measures such as that of Baines hid a democratic objective. He was "willing to take all he can by way of instalment, reserving to himself the right to demand the rest whenever opportunity shall offer." Lowe advised Bright that if he wished to get a Reform Bill through Parliament, he would need to "persuade the country that it would conduce to the public good."<sup>91</sup> He concluded the piece by telling Bright that "the work of persuasion and conviction has yet to be done; till that is accomplished nothing is accomplished. That once over, everything else will be smooth and easy."<sup>92</sup> After a final tilt at Bright's views on Reform in January 1866 that subject was passed by the paper's editor, J.T. Delane, to others; as

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<sup>88</sup> *ibid*, 22<sup>nd</sup> July 1865, 3<sup>rd</sup> leader.

<sup>89</sup> *ibid*, 10<sup>th</sup> July 1865, 1<sup>st</sup> leader; 21<sup>st</sup> July 1865, 2<sup>nd</sup> leader; 22<sup>nd</sup> July 1865, 3<sup>rd</sup> leader; 24<sup>th</sup> July 1865, 2<sup>nd</sup> leader; 11<sup>th</sup> September 1865, 2<sup>nd</sup> leader; 20<sup>th</sup> September 1865, 1<sup>st</sup> leader; 1<sup>st</sup> November 1865, 4<sup>th</sup> leader; 4<sup>th</sup> November 1865, 1<sup>st</sup> leader.

<sup>90</sup> *The Times*, 11th September 1865, 2nd leader.

<sup>91</sup> *ibid*, 20th September 1865, 1st leader.

<sup>92</sup> *ibid*.

Lowe was now an active participant in the Parliamentary struggle over the Reform Bill.<sup>93</sup>

But no Government Reform Bill could see the light of day without the support of the Prime Minister. The major impediment to the progress of electoral Reform in the early 1860s was the attitude of the Prime Minister. Lord Palmerston was known to be unenthusiastic about re-opening the reform question and preferred to adopt the strategy of letting sleeping dogs lie rather than confronting the issue boldly.<sup>94</sup> He expressed his attitude to Reform in a letter to Gladstone. "The Government may at some future time have to consider the question of changes in our representation arrangements," he wrote, "though I for one feel well satisfied with things as they are."<sup>95</sup> During the furore over Gladstone's "pale of the Constitution" speech, he had written several admonishing letters to Gladstone and used many of the arguments which would subsequently be employed by Lowe in 1865, 1866 and 1867. "No doubt many working men are as fit to vote as many of the Ten Pounders," Palmerston wrote, "but if we open the Door to the Class the Number who may come in may be excessive, and may swamp the classes above them." Additionally, "these working men are unfortunately under the Control of Trades Unions, which unions are directed by a small Number of directing Agitators."<sup>96</sup> He told Gladstone; "you lay down broadly the Doctrine of Universal Suffrage which I can never accept." Palmerston took an entirely different view to Gladstone of entitlement to the suffrage. "I intirely [sic] deny that every sane and not disqualified man has a moral right to a vote." He added; "what every Man and Woman too have a Right to, is to be well governed and under just Laws, and they who propose a change ought to shew that the present organization does not accomplish those objects."<sup>97</sup> Lowe was therefore entirely at one with the Prime Minister in the matter of

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<sup>93</sup> *ibid*, 5<sup>th</sup> January 1866, 1<sup>st</sup> leader.

<sup>94</sup> Donald Southgate, *The Most English Minister*, London, 1966, pp529-31; Steele, *Palmerston and Liberalism*, pp220-4, 228, 233; Dennis Judd, *Palmerston*, London, 1975, pp148, 150; Muriel E. Chamberlain, *Lord Palmerston*, Cardiff, 1987, pp120-121.

<sup>95</sup> Palmerston to Gladstone, 21st May 1864, Guedella (ed.), *Palmerston Papers*, letter 233, p285.

<sup>96</sup> Palmerston to Gladstone, 11th May 1864, *ibid*, letter 226, p280.

<sup>97</sup> Palmerston to Gladstone, 12th May 1864, *ibid*, letter 228, p281.

Reform. In 1865 it was he, and not Gladstone, who was in tune with the practical policy of the Government. Moreover, this was the Prime Minister which the Parliament which was to sit in judgement on the Bills of 1866 and 1867 had been elected to support. "The country has voted for those in whose hands it believed its institutions would be most safe," wrote Lowe, "and those persons are neither the followers of Mr. Bright nor Mr. Disraeli."<sup>98</sup> Baines himself had noted that "...there was apparently a lukewarmness on the part either of the Government, or of some of its more influential members on the question of Reform, which threw a fatal chill on it"<sup>99</sup> According to Lowe, Bright's attitude was that although the triumph of Reform was inevitable, it would have to wait until the death or retirement of Lord Palmerston. Bright held Palmerston partly responsible for the defeat of the 1860 Reform Bill. Lowe quoted him as saying that "one sentence from Lord Palmerston in 1860 would have passed the Bill, but Lord Palmerston refused to utter it."<sup>100</sup>

Lowe made three major speeches in 1866 on the Liberal Reform Bill: on the 13th March, the 26th April and the 31st May. G C Brodrick, although a supporter of Reform and a critic of Lowe, described them as "brilliant essays on constitutional government."<sup>101</sup> These speeches set out a reasoned case against, not only the provisions of this particular Reform Bill, but against democracy in general. This case was grounded on Lowe's inductive theory of politics which judged everything according to its consequences for good government. In large measure, of course, they repeated the arguments which Lowe had set out during the Reform debate of 1865 and in his leading articles for *The Times* over the preceding decade.<sup>102</sup> In his speech of the 13th March, on the Reform Bill's First Reading, Lowe returned to his earlier theme that the purpose of the franchise was to achieve a Parliament of the best possible

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<sup>98</sup> *The Times*, 21<sup>st</sup> July 1865, 2<sup>nd</sup> leader.

<sup>99</sup> *Hansard*, 177, col. 1376.

<sup>100</sup> *The Times*, 20th September 1865, 1st leader.

<sup>101</sup> *Essays on Reform*, p2

<sup>102</sup> A full listing of *Times* leaders attributable to Lowe is included as Appendix One. Lowe wrote 1 article on Reform in 1858, approximately 10 in 1859, approximately 18 in 1860, 2 in 1861, 1 in 1862, 2 in 1863, at least 6 in 1864, and approximately 13 in 1865. He touched on the reform in many other articles where the principal topic was something else. Lowe's principal speech in Parliament in 1865 was on the 3<sup>rd</sup> May. See: *Hansard*, 178, cols. 1423-1440.

quality. "To consider the franchise as an end in itself... is, in my opinion," Lowe said, "to mistake the means for the end."<sup>103</sup> Lowe also observed that, regardless of whether the Reform Bill passed or not, inflation (which Lowe attributed to the gold discoveries in California and Australia) was tending gradually to reduce the value of the £10 franchise and gradually increase the number of working class voters by a "process of spontaneous enfranchisement."<sup>104</sup> The stated desire of the proponents of Reform was therefore being achieved by a natural process. If this were to continue, then the time must eventually come when "we shall see the working classes in a majority in the constituencies."<sup>105</sup> He again argued in favour of the status quo. It was only "fair to existing institutions to say that the burden of proof is in their favour."<sup>106</sup>

Much of the remainder of this speech dwelt on what Lowe considered would be the deleterious effects of democracy on the governance of the nation. Although the Bill as it stood would not enact democracy, once the ten pound franchise was abandoned the descent to universal suffrage would, in his view, inevitably follow.

Supposing the Bills are passed - as they will be passed, if at all - in mere deference to numbers, at the expense of property and intelligence, in deference to a love of symmetry and equality - at least, that is the name under which the democratic passion of envy generally disguises itself, and which will only be satisfied by symmetry and equality. I feel convinced that, when you have given all the right honourable gentleman asks, you will still leave plenty of inequalities, enough to stir up this passion anew. The grievance being theoretical and not practical, will survive as long as practice does not conform to theory; and practice will never conform to theory until you have got to universal suffrage and equal electoral districts.<sup>107</sup>

A downward expansion of the electorate would, Lowe thought, "enormously increase the expense of elections, and create a great re-distribution of political

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<sup>103</sup> Lowe, *Speeches and Letters on Reform*, p64

<sup>104</sup> *ibid*, p72.

<sup>105</sup> *ibid*, p73.

<sup>106</sup> *ibid*, p66.

<sup>107</sup> *ibid*, p99.



power."<sup>108</sup> These enlarged constituencies would be expensive to contest and consequently "deter from sitting in this House men of moderate opinions and moderate means who would be very valuable members." Eventually, the sheer size of constituencies would effectively bar everyone, except "millionaires... and demagogues", from contesting them.<sup>109</sup> Lowe was not alone in thinking that the small boroughs (Lowe's own constituency of Calne fell in to this category) were a valuable part of the constitution. They were "the places which sent to Parliament such men as Chatham, Pitt, Fox, Canning, and Peel."<sup>110</sup> If the House of Commons was henceforth to be elected on a democratic franchise, "solely with a view to popular representation... you will destroy the element out of which your statesmen must be made." The young men of talent who had been able to get into Parliament through the patronage of some noble proprietor would henceforth be unable to find a seat.<sup>111</sup>

If a decline in the quality of those chosen to serve in Parliament was to be expected owing to the sheer expense of fighting elections in enlarged constituencies, then this effect could only be reinforced by the fact that those who would be added to the electorate by a lowering of the qualification for the franchise would of necessity be "of the class from which, if there is to be anything wrong going on, we may naturally expect to find it."<sup>112</sup> Lowe expected to see "an increase of corruption, intimidation, and disorder, of all the evils that usually happen in elections." He also incidentally thought that the limited measure proposed by Gladstone would probably favour the Conservatives electorally as the group to be enfranchised were frequently "addicted to Conservative opinions."<sup>113</sup> But it was the decline in the quality of Members of Parliament and that of the House itself which most concerned him. "If you lower the character of the constituencies, you lower that of the representatives, and you lower the character of this House."<sup>114</sup> Lowe also feared for the independence of Members of Parliament. He saw the danger of

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<sup>108</sup> *ibid*, p68.

<sup>109</sup> *ibid*, p80.

<sup>110</sup> *ibid*, p94.

<sup>111</sup> *ibid*, p80.

<sup>112</sup> *ibid*, p75.

<sup>113</sup> *ibid*, p76.

<sup>114</sup> *ibid*, p88.

a less intelligent and educated electorate who, on any question, might well "make up their mind on the subject before they have heard the real issue to be raised, and then force their conclusions on their representatives, though these may be far better informed."<sup>115</sup> Allied to these concerns over the quality and amenability to pressure of Members sitting for democratic constituencies, was the idea that such a democratically elected House of Commons would necessarily become more influential by comparison with the Executive, with undesirable consequences for the good governance of the country.<sup>116</sup> Lowe thought that he had detected this already happening as a result of the Reform Act of 1832 which had broadened the franchise and improved the representation. "Since I have had the honour of sitting here," he said, "it has been painful to observe the increasing weakness of the executive Government in this House." Further reform could only accelerate this undesirable process.<sup>117</sup>

All of these unfortunate consequences of Reform were merely the first stage in the decline of good Government:

The second will be that the working men of England, finding themselves in a full majority of the whole constituency, will awake to a full sense of their power. They will say, "We can do better for ourselves. Don't let us any longer be cajoled at elections. Let us set up shop for ourselves. We have objects to serve as well as our neighbours, and let us unite to carry those objects. We have machinery; we have our trades unions; we have our leaders all ready. We have the power of combination, as we have shown over and over again; and when we have a prize to fight for we will bring it to bear, with tenfold more force than ever before."<sup>118</sup>

This was the fear at the heart of all Lowe's objections to democracy: the fear of the educated and propertied, of being at the mercy of the uneducated and unreflective majority. This was the chord which he struck in his listeners and which induced a sufficient number of Liberal's to desert Russell and vote against the Bill. Lowe quoted examples of the results of democratic franchises

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<sup>115</sup> *ibid*, p89.

<sup>116</sup> *ibid*, p91.

<sup>117</sup> *ibid*, pp90-1

<sup>118</sup> *ibid*, pp76-7.

which he used to illustrate his case. "I do not want to say anything disagreeable, but if you want to see the result of democratic constituencies, you will find them in all the assemblies of Australia, and in all the Assemblies of North America."<sup>119</sup>

Lowe's returned to similar themes in his next oration in Parliament on the Reform Bill on the 26th April 1866. On this occasion, Lowe concentrated, in the first part of his speech, on what he took to be the underlying principles of the Bill; pausing to ridicule some of Gladstone's arguments in its favour on the way. In the second part, he expanded on the dire consequences for liberty should the Bill be passed. There were two possible grounds, Lowe thought, for a reform of the franchise. "The first of these grounds is, that the franchise is a thing which ought to be given for its own sake; the second is, that it is a means for obtaining some ulterior object."<sup>120</sup> Lowe himself favoured the second method of assessing the utility of the franchise. "The franchise, like every other political expedient, is a means to an end, the end being the preservation of order in the country, the keeping of a just balance of classes, and the preventing any predominance or tyranny of one class over another."<sup>121</sup> It seemed to him, however, that Gladstone was working on the opposite theory; that he had "determined to regard the question as a matter of justice, with which expediency, the good of the State, and the destiny of future ages, have nothing whatever to do."<sup>122</sup> Lowe's objective was "to show that this measure is not founded upon any calculation of results, but upon broad sweeping principles, having their rise in the assumed rights of man and other figments of that kind, which, if admitted, do not prove that the present measure is a good one, but that what is needed is universal suffrage."<sup>123</sup> The arguments of the reformers, and in particular those of Gladstone, clearly had a much wider application than simply to that comparatively small number of persons who would be comprehended by the Bill if it passed. Lowe poured scorn and ridicule on Gladstone's case for the Bill.

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<sup>119</sup> *ibid*, p88.

<sup>120</sup> *ibid*, p103.

<sup>121</sup> *ibid*, p105.

<sup>122</sup> *ibid*, p124.

<sup>123</sup> *ibid*, p127.

The right honourable gentleman says that we ought to give the franchise to the 204,000 persons who will be affected by this Bill, because they are our fellow-Christians. But is that an argument for admitting them? Why, Sir, who are the people in this country who do not profess and call themselves Christians? It is an argument, if anything, for the admission of the whole of the male, and perhaps the female, population, but it is no argument whatever for admitting the 204,000 more than anybody else. So in the same way, with the fathers of families, who are by no means peculiar to the British nation. Then, again, with regard to the taxpayers, or, as I should prefer to call them, consumers of taxable commodities, which is a very different thing. This class would include the whole of our criminals, paupers, idiots, lunatics, children, and, in fact, everybody else, and does not consist only of the 204,000 to whom this Bill refers. The argument from flesh and blood applies not only to the human race, but extends also to the animal kingdom, and, if this principle were allowed, we might have another "Beasts' Parliament," proposed after the pattern commemorated in the old epic of Reynard the Fox. The right honourable gentleman then maintains that it is a monstrous thing to exclude the working classes, because their income amounts to £250,000,000. But who are the people who enjoy the income of £250,000,000? Are they the 204,000 who are to receive the franchise? ...What he means is, that these £250,000,000 constitute the income of the whole of the working classes; but he doesn't propose to admit the whole of the working classes.<sup>124</sup>

And so on in a similar vein. What Lowe was trying to show was that the arguments of Gladstone in favour of the Bill were either "good for nothing at all, or... good for extending the franchise to the whole of the people of the country." In this, Lowe must be accounted at least partially successful.<sup>125</sup> The only reasonable conclusion which one could draw from Lowe's argument was that everyone should be enfranchised.

While the passing of the Bill would, Lowe thought, set in motion a process which would conclude in the long run with universal suffrage, he was also concerned about the immediate consequences of the Bill if it passed. According to his calculations, the lowering of the borough franchise would result in "the majority of the 334 boroughs in England and Wales" being "in the hands of the working classes immediately on the passing of the Bill."<sup>126</sup> Worse still, those new voters were, according to Lowe, held in thrall by Trades Unions and consequently there was "great danger that the machinery which at

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<sup>124</sup> *ibid*, pp125-6.

<sup>125</sup> *ibid*, p126.

<sup>126</sup> *ibid*, p119.

present exists for strikes and trade unions may be used for political purposes."<sup>127</sup> Once "this tremendous machinery" had been armed "with the one thing it really wants - the Parliamentary vote," the relentless slide into democracy must follow.<sup>128</sup> After the initial reduction in the franchise and redistribution of seats, the working classes would see the possibilities and would be in a position to:

Urge the House of Commons to pass another Franchise Bill, and another Redistribution Bill to follow it. Not satisfied with these, yet another Franchise Bill and another redistribution of seats will, perhaps, follow. It will be a ruinous game of see-saw. No one can tell where it will stop, and it will not be likely to stop until we get equal electoral districts and a qualification so low that it will keep out nobody.<sup>129</sup>

Lowe wished to spell out to his fellow MP's the consequences of a democratic franchise, one of which was the increased likelihood that the country would be plunged into war, because "if you show to the ignorant, and poor, and half educated wrong, injustice, and wickedness anywhere, their generous instincts rise within them, and nothing is easier than to get up a cry for the redress of those grievances."<sup>130</sup> Lowe returned to the evidence of contemporary, overseas, examples of democracy. He pointed out that "Victoria and New South Wales are both governed by universal suffrage, and it is as much as we can do to prevent their going to war with each other."<sup>131</sup> He quoted another example, perhaps better known to his listeners. "Look at America. A section of the American Democracy revolted and broke up the Union, the rest fought to preserve it; the war was fought out to the bitter end."<sup>132</sup> Lowe was also concerned to maintain the free trade policies which were though to be one of the main foundations of Victorian prosperity. He contrasted the zeal of the English Parliament for free trade with the apparent enthusiasm for protection evinced by democratically elected assemblies.

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<sup>127</sup> *ibid*, p140.

<sup>128</sup> *ibid*, p145.

<sup>129</sup> *ibid*, p140.

<sup>130</sup> *ibid*, p147.

<sup>131</sup> *ibid*, p148.

<sup>132</sup> *ibid*, p148.

Canada has raised her duties enormously, and justified them on protectionist principles. The Prime Minister of New South Wales, at this moment is a strong protectionist. The Ministry in Victoria were freetraders, but by the will of the people they have been converted, and have become protectionists... America out-protects protection - there never was anything like the zeal for protection in America.<sup>133</sup>

These were not the only evils to which democracy was prone. Even the limited increase in the electorate which the Reform Bill contained would increase the size of constituencies, in some cases more than others. Lowe claimed that "in many it will double, and in some treble, the legitimate expenses of elections."<sup>134</sup> But his main concern was about the potential for democracy to become despotic. The power of the Trades Unions, as Lowe saw it, to direct the working classes to ride roughshod over the wishes of the educated and intelligent portion of the community was one aspect of this fear. Another side was what he took to be the relationship between a democratic politician and the people; namely that "every Democracy is in some respects similar to a despotism. As courtiers and flatterers are worse than despots themselves, so those who flatter and fawn upon the people are generally very inferior to the people, the objects of their flattery and adulation."<sup>135</sup> Lowe again turned to the example of democratic assemblies in Australia to suggest that democracy militated against good government and suggested that in that country there was "no greater evil to the stability of society, to industry, to property, and to the well-being of the country, than the constant change which is taking place in the Government, and the uncertainty that it creates, and the pitting of rival factions against each other."<sup>136</sup>

Lowe feared for the institutions which guaranteed the liberty of the subject. "There are between the people and the throne a vast number of institutions which our ancestors have created," he observed. "Their principle in creating them seems to have been this - that they looked a great deal to liberty and

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<sup>133</sup> *ibid*, p149.

<sup>134</sup> *ibid*, p151.

<sup>135</sup> *ibid*, p151.

<sup>136</sup> *ibid*, pp153-4.

very little to equality."<sup>137</sup> But these institutions were in danger because democracy "looks with the utmost hostility on all institutions not of immediate popular origin, which intervene between the people and the sovereign power which the people have set up."<sup>138</sup> For example, a democratic state might seek to bring the judicial process and the judges under its control "In order that they may be able to administer the law, not in accordance with the law, but in accordance with the popular sentiment."<sup>139</sup> Lowe did not think that the variety of independent institutions and authorities through which power was diffused could possibly survive under democracy. A democratically chosen House of Commons would:

Not rest... until it has swept away those institutions which at present stand between the people and the Throne, and has supplied the place of them, as far as it can, by institutions deriving their origin directly from the people, being... as representative as possible, and not having the *quasi* independence which the present privileged institutions and corporations possess.<sup>140</sup>

Lowe's third major speech against the 1866 Reform Bill came on the 31st May 1866, by which time the Government had been compelled to reveal the details of the proposed redistribution of seats. Indeed, the first part of the speech dealt with the principles which should govern any redistribution. One mode of proceeding, Lowe thought, should most definitely be avoided. The idea of equal electoral districts "is not the principle upon which a Redistribution Bill ought to be based. To adopt such a principle would be to make us the slaves of numbers - very good servants, but very bad masters."<sup>141</sup> Lowe sought diversity in the representation and regretted the "visible tendency to too great a uniformity and monotony of representation."<sup>142</sup> In case it should be thought that Lowe was utterly inflexible on the question of the franchise, he was prepared to envisage a measure of enfranchisement if it involved the addition of "fresh constituencies, and by the enfranchisement of such constituencies

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<sup>137</sup> *ibid*, p158.

<sup>138</sup> *ibid*, p157.

<sup>139</sup> *ibid*, p161.

<sup>140</sup> *ibid*, p162.

<sup>141</sup> *ibid*, p174.

<sup>142</sup> *ibid*, p176.

the giving more variety and life to the representation of the country, and thus making the House what the country is - a collection of infinite variety of all sorts of pursuits and habits."<sup>143</sup> Lowe was prepared to consider Reforms if they could be shown to be beneficial. It was the simple lowering of the voting qualification which he deplored. Additionally, Lowe thought that, if anything, a reduction in the size of electoral districts would be a good thing as it would reduce the expense of elections. The sort of man who was required in Parliament should possess "sterling talent and ability for the business of the country." This would be impossible in constituencies so large that only rich men who were "prepared to pay a considerable proportion of such frightful expenses" would be able to stand.<sup>144</sup> Lowe returned again to the matter of expediency as it applied to the question of the redistribution of seats. "The real use, therefore, of an electoral district...is, that it should send to Parliament the persons best calculated to make laws, and perform the other functions demanded of the members of this House."<sup>145</sup>

Lowe urged his listeners to defeat the Reform Bill. He admitted that matters were "tending more or less in the direction... of uniformity and democracy." It was therefore the duty of the "wise statesman" not to encourage or acquiesce in these changes but "rather, if he cannot leave matters alone, to see if he cannot find some palliative."<sup>146</sup> He pointed out that Bright, and others of his stamp were supporting the Bill and the proposed £7 borough franchise because they thought that this would merely be a stage on the road to household, or universal, suffrage.<sup>147</sup> On this point, Lowe was in agreement with those who wanted democracy. They favoured the Reform Bill because it would ultimately lead to universal suffrage. Lowe opposed the Bill for the same reason. "If you once give up the notion of standing on the existing settlement... you give up the whole principle. As the Attorney General himself sees, you must go down to household suffrage at last - whether any farther is a matter on which men may differ, though, for my part, I think you would have

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<sup>143</sup> *ibid*, p176.

<sup>144</sup> *ibid*, pp178-9.

<sup>145</sup> *ibid*, pp194-5.

<sup>146</sup> *ibid*, pp196-7.

<sup>147</sup> *ibid*, p200.



to go farther."<sup>148</sup> Lowe was to only enjoy temporary success in his fight against reform. The following year all his efforts came to naught as a more radical Reform Bill than that of 1866 was passed.

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<sup>148</sup> *ibid*, p205.

**Part Three:  
The Achievement and  
Agony of a Mid-  
Victorian Liberal.**

**Chapter Six.  
Robert Lowe and  
Company Law: The Joint-  
Stock Companies Act,  
1856.**

Robert Lowe's career as a British politician is chiefly remembered for three things. First, he was Chancellor of the Exchequer from 1868 to 1873 in Gladstone's first government. Second, his opposition to the Reform Bill of 1866 and the speeches he made in that cause. Third, his reform of elementary education embodied in the "Revised Code" of 1862 and "payment by results." The Exchequer was the most important ministerial post which he occupied and should have been the summit of his career. But it became, in retrospect, something of an anticlimax. He is not remembered as an outstanding success at the Exchequer.<sup>1</sup> His opposition to the extension of the franchise, brilliant as it may have been, was only temporarily successful.<sup>2</sup> The succeeding Conservative Administration of Derby and Disraeli opportunistically enacted a more sweeping reform than any which Russell had contemplated.<sup>3</sup> The legislation for which he is most famous (or rather notorious) was his reform of elementary education. The secondary literature on Lowe and education is more extensive than on any other aspect of his activities.<sup>4</sup> The system of "payment by results" was embodied in his Revised Code of Education of 1862 which laid down the basis upon which Government grants for schools were awarded. It has been the object of unfavourable comment from educationalists ever since. One writer who has studied Lowe's educational activities concluded that:

Payment by results has brought Lowe into almost complete disrepute among writers on education. It faced criticism from the moment of its birth and it has continued to attract it ever since. To educationists the attitudes embodied in the administrative system which Lowe established have seemed stultifying in the extreme... Similarly, to later generations with more egalitarian and collectivist views of the role the state should play in providing education, the

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<sup>1</sup> Bagehot, "Mr. Lowe as Chancellor of the Exchequer," (1871) Hutton (ed.), *Biographical Studies*, p350; James Bryce, *Studies in Contemporary Biography*, London, 1903, p299; G.W.E. Russell, *Portraits of the Seventies*. London, 1916, pp80-1.

<sup>2</sup> Russell, *Portraits of the Seventies*, p75. Bryce, *Studies in Contemporary Biography*, p295. T. Wemyss Reid, *Cabinet Portraits: Sketches of Statesmen*, London, 1872, p42.

<sup>3</sup> Michael Bentley, *Politics Without Democracy*, London, 1984, pp183-196.

<sup>4</sup> Sylvester, *Robert Lowe and Education*. See also: F.R. Baker, *The Educational Efforts of Robert Lowe in New South Wales*, Sydney, 1916; J.E.G. De Montmorency, "Lowe," in: Foster Watson (ed.), *Encyclopaedia and Dictionary of Education*, 4 vols, London, 1921, pp104-116; Christopher Duke, "Robert Lowe: A Reappraisal," *British Journal of Educational Studies*, 14, pp19-35, 1965; W.B. Johnson, *The Development of English Education 1856-1882 with special reference to the work of Robert Lowe*, M.Ed. Thesis, University of Durham, 1956; J.P. Sullivan, *The Educational Work and Thought of Robert Lowe*, M.A. (Ed.) Thesis, University of London, 1952.

cheese-paring attempts of Lowe to cut expenditure on education have seemed heartlessly illiberal.<sup>5</sup>

Nor was such opprobrium wholly confined to his successors. One of Lowe's most trenchant contemporary critics was Matthew Arnold. Himself a schools inspector, he described payment by results as a principle which was "profoundly false."<sup>6</sup> In any event, Lowe's measures were to be superseded within a few years by the 1870 Education Act, invariably associated with the name of W.E. Forster.<sup>7</sup>

In short, those things for which Lowe has best been remembered were those in which he did not achieve great or lasting success. He failed in his opposition to the extension of the franchise. He was not a success at the Exchequer. His educational reforms were much criticised and repealed within a decade. Far less attention has been devoted to an earlier and important reform of which Lowe was the chief architect and promoter, and which, arguably, has simply become so vital a part of the fabric of modern life that it is now simply taken for granted. The company legislation which he initiated has since been modified and extended. But the principles which it embodied have not been reversed or changed.<sup>8</sup> The Act created the right to limited liability for a commercial enterprise by a simple process of registration. A later commentator observed that "one of the most striking features of the law of the Companies Acts is the complete absence of any restrictive conditions in respect of the formation of companies."<sup>9</sup> Indeed, Britain was the first country to take such a step and at the end of the century still had one of the most liberal company law regimes in Europe.<sup>10</sup> More recently, it has been

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<sup>5</sup> Sylvester, *Robert Lowe and Education*, p40.

<sup>6</sup> Matthew Arnold, "The Code out of Danger," Reprinted in R.H. Super (ed.), *Democratic Education*, Ann Arbor, 1962, pp247-251, p249. See also: "The Twice-Revised Code," *ibid*, pp212-243.

<sup>7</sup> Patrick Jackson, *Education Act Forster*, London, 1997; T. Wemyss Reid, *Life of the Right Honourable William Edward Forster*, 2 vols., London, 1888, vol. 1, pp 450-521; James Murphy, *The Education Act 1870*, Newton Abbot, 1972, pp36-50.

<sup>8</sup> G.P. Jones and A.G. Pool, *A Hundred Years of Economic Development in Great Britain, 1840-1940*, London, 1940, p134.

<sup>9</sup> R.H. Inglis Palgrave, *Dictionary of Political Economy*, 3 vols., London, 1894-9, vol.2, p487.

<sup>10</sup> David Landes, *The Unbound Prometheus*, Cambridge, 1969, pp197-8; Palgrave, *Dictionary of Political Economy*, vol. 2, p487.

suggested that “only a legal pedant would dispute the boast... that Victorian Britain gave birth to the modern company.”<sup>11</sup> Limited liability has been described as “one of the foundations upon which the modern British economy has been built.”<sup>12</sup> The same might be said of the whole industrialised world, which subsequently adopted the system. And it was Lowe who bore a major responsibility for making English law on limited liability. It is seldom remembered now how controversial the question of limited liability once was. Yet the change in the law to permit companies to trade on the basis of limited liability had to be argued for in the face of opposition from businessmen, political economists and politicians. Lowe was able to persuade Parliament (which had just passed an Act in July 1855 allowing for the registration of limited companies, albeit with many restrictions and caveats) to take an extremely liberal view of limited liability. He told the House when introducing the Bill that: “...the principle we should adopt is this,-not to throw the slightest obstacle in the way of limited companies being formed – because the effect of that would be to arrest ninety-nine good schemes in order that the bad hundredth might be prevented...”<sup>13</sup>

A.P. Martin suggested that it had fallen “to the lot of Robert Lowe to effect what has been truly called a revolution in the commercial history and social condition of this country.” In his view, “it was, on the whole, perhaps his greatest achievement; and... places him in the ranks of the one or two statesmen of our time, whose measures have profoundly affected the social well being of the nation and ameliorated the lot of countless generations of their race.”<sup>14</sup> Sir Thomas Farrer was a senior official at the Board of Trade during Lowe’s time and was involved with the drafting of the Bill. He recalled one of his last meetings with Gladstone late in 1893 when the conversation turned to the subject of the recently deceased Lowe: “I told how in his later and failing days Lowe had been delighted by my saying to him that I thought his Limited Liability Act had been one of the most efficient and, on the whole,

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<sup>11</sup> John Micklethwait and Adrian Wooldridge. *The Company*, London, 2003, p53.

<sup>12</sup> John Hudson, “The Limited Liability Company: Success, Failure and Future,” *Royal Bank of Scotland Review*, 161. March 1989, pp26-39, p26.

<sup>13</sup> *Hansard*, 140, col.131

<sup>14</sup> Martin, *Robert Lowe*, 2, pp112-3.

useful laws which had been passed in our lifetime.”<sup>15</sup> Arguably, the Act of 1856 had a more long-lasting effect than anything else Lowe ever did. A.P. Martin suggested that Lowe was “entitled to go down to posterity as the founder of our joint stock and limited liability legislation...”<sup>16</sup> More recently it has been argued that “if anyone deserves the title ‘father of the modern company,’ it is Lowe.”<sup>17</sup> In any event, it is very difficult to conceive of modern business without the ready availability of limited liability status. Although the limited liability company was not unknown before Lowe’s Act came into force, it was this law which made limited status generally and cheaply available.<sup>18</sup> In the 1930s H.A. Shannon recorded the progress of the limited liability company and observed that: “effective general limited liability starts with the Joint Stock Companies Act of 1856.”<sup>19</sup> In another study he noted that with the 1856 Act “General Limited Liability had come, and with it the modern era of investment.”<sup>20</sup> A contemporary observer who had taken part in the debate on limited liability and charted its progress after the changes in the law noted that “the Act of 1856 introduced quite a new era in the history of joint stock companies.”<sup>21</sup>

Clearly, The Act was not the last word in company legislation down to the present. Its essential principles, however, have survived. Lord Thring, who drafted the Bill and much other Government legislation besides, noted that “all the subsequent legislation on the subject is merely an extension of its principles.”<sup>22</sup> Indeed, a new Companies Act was passed in 1862 which absorbed the 1856 legislation.<sup>23</sup> But this was merely “a consolidating and

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<sup>15</sup> T.C. Farrer (ed.), *Some Farrer Memorials: Being a selection from the papers of Thomas Henry, first Lord Farrer, 1819-1899*, London, 1923, p92; Martin, *Robert Lowe*, 2, pp121-2. Gladstone’s reply suggested that he did not entirely agree that limited liability was an unalloyed boon.

<sup>16</sup> Martin, *Robert Lowe*, 2, p115.

<sup>17</sup> Micklethwait and Wooldridge, *The Company*, p57.

<sup>18</sup> Francois Crouzet, *The Victorian Economy*, London, 1982, p107.

<sup>19</sup> H.A. Shannon, “The First Five Thousand Limited Companies and their Duration,” *Economic History*, 2, 1933, pp396-424, p399.

<sup>20</sup> H.A. Shannon, “The Coming of General Limited Liability,” (1931). In: E.M. Carus-Wilson (ed.), *Essays in Economic History*, 1, London, 1954, pp358-379, p379.

<sup>21</sup> Leone Levi, “On Joint Stock Companies,” *Journal of the Statistical Society* 23, part 1, March 1870, pp1-41, p14.

<sup>22</sup> Henry Thring, *Law and Practice of Joint Stock and other Companies*, 5<sup>th</sup> Edition, London, 1889, p12.

<sup>23</sup> Micklethwait and Wooldridge, *The Company*, p58.

extending Act which brought in no new important principles."<sup>24</sup> Lowe's Act remained "basically unaltered until 1900."<sup>25</sup> Indeed, one of its specific provisions, that a public company must have a minimum of seven shareholders, survived until 1980.<sup>26</sup> It was the Joint Stock Companies Act of 1856 which established the main lines of company law development.<sup>27</sup>

For all that, there has been considerable debate as to how significant the Joint-stock Companies Act of 1856 really was in releasing industry from the straitjacket of unlimited liability. From the beginning there were doubters. In the early 1860s, the Bankers Magazine described the Joint Stock and Limited Liability Acts of 1855, 1856 and 1862 as "dead letters."<sup>28</sup> Lowe himself acknowledged that there had been a fairly slow start. He wrote in the *Times* that "it is now eight years since the system of joint-stock companies was fairly matured and put into operation, and how slow for a long time was its progress!"<sup>29</sup> Two years later, in another leading article, Lowe again admitted that after the Act had passed, "for a few years the system worked slowly."<sup>30</sup> These impressions seem to be borne out by the returns of the Registrar of Joint-stock companies. In the last full year of operation of Gladstone's 1844 Joint-stock Companies Act, the Registrar reported that 239 companies had provisionally registered under the Act, but only 132 had progressed to complete registration. These registrations had all been of companies with unlimited liability.<sup>31</sup> The following year, the 1855 Limited Liability Act became effective from August until superseded by Lowe's Act in July 1856. In 1855, 113 limited and 221 unlimited companies were formed. But only a minority

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<sup>24</sup> Shannon, "The First Five Thousand Limited Companies," p399n.

<sup>25</sup> P.L. Cottrell, *Industrial Finance 1830-1914*, London, 1980, p52.

<sup>26</sup> Paul L. Davies, *Gower and Davies' Principles of Modern Company Law*, 7<sup>th</sup> edition, London, 2003, p191.

<sup>27</sup> Shannon, "The First Five Thousand Limited Companies," p399n. Shannon suggests that "a textbook myth would give the place of honour to the Companies Act of 1862, a myth engendered, perhaps, by the official habit of giving summary statistics only from that Act."

<sup>28</sup> John Hudson, "The Limited Liability Company: Success, Failure and Future," p26; J.B. Jefferys. *Trends in Business Organization in Britain since 1856, with special reference to the financial structure of companies, the mechanism of investment and the relations between shareholder and company*, Ph.D Thesis, University of London, 1938, p54n.

<sup>29</sup> Robert Lowe, *The Times*, 23<sup>rd</sup> April 1864, 2<sup>nd</sup> leader.

<sup>30</sup> Robert Lowe, *The Times*, 24<sup>th</sup> May 1866, 3<sup>rd</sup> leader.

<sup>31</sup> "Report by the Registrar of Joint-Stock Companies, for the year 1854." *Parliamentary Papers*, 50, 1854-5.



completed full registration.<sup>32</sup> Up to 3<sup>rd</sup> March 1856, 157 companies were in the process of registration under the 1855 Act but only 12 limited liability companies had completed the two-stage registration process by 3<sup>rd</sup> March 1856.<sup>33</sup> In the first five and a half years of general limited liability, from July 1856 until the end of 1861, 1911 limited liability companies were formed in England: nearly 2500 if the United Kingdom is taken as a whole.<sup>34</sup> Although the initial response to the change in the law was not spectacular, there was a steady growth in the number of limited liability companies registering under the Act. This was “25 per cent higher in 1866-74 than in 1856-65, and 55 per cent higher in 1875-83 than in 1866-74.”<sup>35</sup> A contemporary statistical assessment of the effect of the Act suggested that there had been “a remarkable increase... in the number of companies registered in the second over the first period, the average number having been 543 from 1856 to 1868, and 337 from 1844 to 1855.”<sup>36</sup>

In terms of absolute numbers, there was a considerable increase in limited liability companies. But as a proportion of total business activity, the contribution of limited companies remained relatively small. Indeed, it was to be several decades before limited liability companies were to predominate. To be sure, there was an increase in the formation of registered companies following the passage of the 1856 Act, but this increase did not suggest the release of a huge pent-up demand for limited status. Indeed, it was not really until the last quarter of the nineteenth century that the joint-stock, limited liability, company began to grow in importance in British industry. J.H. Clapham suggested that “when nineteenth-century legal reformers first began to facilitate and regulate the creation of companies, and to make guarded general provision for limited liability, the response from British industry was uncommonly slow...”<sup>37</sup> Peter Mathias has argued that “the idea that a great

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<sup>32</sup> “Report by the Registrar of Joint-Stock Companies for the year 1855.” *Parliamentary Papers*, 55, 1856.

<sup>33</sup> *ibid.*

<sup>34</sup> “Report by the Registrar of Joint Stock Companies,” *Parliamentary Papers*, 55, 1862.

<sup>35</sup> H.A. Shannon, “The Limited Companies of 1866-1883,” In: E.M. Carus-Wilson (ed.), *Essays in Economic History*, 1, London, 1954, pp380-405, p380

<sup>36</sup> Leone Levi, “On Joint Stock Companies,” p6

<sup>37</sup> J.H. Clapham, *An Economic History of Modern Britain*, 3 vols., Cambridge, 1930-38, vol.2,

leap forward in English business by a law hostile to incorporation until after 1844 is completely discredited by the failure to take place of a great surge of industrial borrowing on the Stock Exchange for another generation after the legal change."<sup>38</sup> According to P.L. Cottrell, "manufacturers generally neither took immediate advantage of the change in the law nor complained about a shortage of capital."<sup>39</sup> As late as 1885 "limited companies accounted for at the most between 5 per cent and 10 per cent of the total number of important business organizations and only in shipping, iron and steel, and cotton could their influence be said to be considerable."<sup>40</sup> This point was repeated by Francois Crouzet, who also admitted that the firms concerned "were usually the biggest in their particular branch."<sup>41</sup>

But this does not mean that the 1856 Act was not a vital reform. *The Economist* remarked in the 1920s that: "The economic historian of the future may assign to the nameless inventor of the principle of limited liability, as applied to trading corporations, a place of honour with Watt and Stephenson, and other pioneers of the Industrial Revolution."<sup>42</sup> After 1856, as we have seen, British company law provided the most permissive regime in Europe and led the way in allowing almost unfettered access to limited liability.<sup>43</sup> "By the mid 1880s, the introduction of general limited liability... had proved to be a success... The general experience was that the concept was one of the most useful and powerful commercial ideas."<sup>44</sup> Indeed, by 1914 it had become the standard form of business organization.<sup>45</sup>

In other words, Lowe was prescient and farsighted in acting to resolve a question which, while not immediately pressing, would eventually become so.

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p134.

<sup>38</sup> Peter Mathias, *The First Industrial Nation*, London, 1969, p384.

<sup>39</sup> Cottrell, *Industrial Finance*, London, 1980, p47.

<sup>40</sup> P.L. Payne, "The Emergence of the Large-scale Company in Great Britain, 1870-1914," *Economic History Review*, 20, 1967, pp519-42, p520.

<sup>41</sup> Crouzet, *The Victorian Economy*, p339.

<sup>42</sup> *The Economist*, 18<sup>th</sup> December 1926.

<sup>43</sup> Palgrave, *Dictionary of Political Economy*, 1, p487; Landes, *The Unbound Prometheus*, p198; Cottrell, *Industrial Finance*, p45.

<sup>44</sup> E.A. French, "The origin of general limited liability in the United Kingdom," *Accounting and Business Research*, 21, Winter 1990, pp15-34, p27.

<sup>45</sup> J.B. Jefferys, *Trends in Business Organisation*, Abstract.

His was the major influence in the preparation of a new limited liability Bill. A.P. Martin communicated with one of Lowe's senior officials at the Board of Trade and reported that: "Sir Thomas Farrer declares that Lord Sherbrooke, Lord Thring, and Baron Bramwell were, more than any other persons, the real authors of limited liability." Farrer told Martin that:

The discussions [Lowe, Thring, Bramwell and I] had at the Board of Trade over [limited liability] were some of the most interesting and certainly the most amusing I ever had on any business. It was possible to sit later and longer with Lowe than with any other man I have served, because every point was illustrated by some apt quotation, some good story, some flash of wit.<sup>46</sup>

Lowe had been appointed Vice-president of the Board of Trade in August 1855 shortly after the previous, unsatisfactory law had been passed.<sup>47</sup> In that office he had primary responsibility for the passage of the Joint-stock Companies Act of 1856.<sup>48</sup> At the Board of Trade he found himself among men of like mind. According to his most recent biographer, at the Board he was "among the true votaries."<sup>49</sup> In the first half of the century the Board "had led he movement for commercial liberalism." The officials of the Board continued to maintain the policies of Huskisson and "the tradition of dogmatic free-traders continued into the second half of the century with such men as Giffen and T.H. Farrer."<sup>50</sup> In the House of Commons Lowe expressed the view that "it might... be justly said, that the Board of Trade had been the grave of protection and the cradle of free trade."<sup>51</sup> Lowe was not just the parliamentary mouthpiece for a reform which was largely the brainchild of departmental officials. He was a prime mover in the discussions which eventually led to the drafting of the Bill. He dictated the form which the legislation eventually took. As a result, the Bill that emerged favoured simple and straightforward access to limited liability with few safeguards save that of *caveat emptor*. Lowe had

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<sup>46</sup> Martin, *Robert Lowe*, 2, p115.

<sup>47</sup> Martin, *Robert Lowe* 2, p112.

<sup>48</sup> Martin, *Robert Lowe* 2, pp112-3.

<sup>49</sup> Winter, *Robert Lowe*, ch6.

<sup>50</sup> Lucy Brown, *The Board of Trade and the Free Trade Movement*, Oxford, 1858, pp21-2, 32.

<sup>51</sup> 4<sup>th</sup> June 1857, *Hansard*, 145, col.1162.

been almost alone in advocating this approach to limited liability during the previous few years.<sup>52</sup>

The law had not stood entirely still before the 1850s. But it had not moved much. Inevitably, limited liability had initially got rather a bad name due to the South Sea Bubble.<sup>53</sup> The so-called "Bubble Act" of 1720 practically outlawed limited liability. This Act was eventually repealed in 1825 but the suspicion surrounding the idea of limited liability remained.<sup>54</sup> Other than for those who could obtain, at great expense, a Royal Charter or a private Act of Parliament, until 1855 "English Law virtually prohibited joint-stock enterprise for ordinary trading and manufacturing purposes."<sup>55</sup> Leone Levi calculated that the cost of obtaining a charter for a company under the old system was £402 and 4d. For a bank his calculations suggested a cost of £955 3s 2d.<sup>56</sup> A Select Committee report of 1850 suggested that the cost could be "upwards of £1000."<sup>57</sup> Another Committee, the following year noted that Charters and Special Acts of Parliament could not be "obtained without much difficulty, expense and delay, and in many cases cannot be obtained at all."<sup>58</sup>

After 1825, company legislation continued to make slow progress toward general limited liability during the second quarter of the nineteenth-century. While at the Board of Trade, Gladstone promoted the Companies Registration Act of 1844, which allowed for companies to become incorporated. This meant that such incorporated companies now had a legal existence (so that they could be sued in the company's name) although still with *unlimited* liability. The registration process, however, proceeded in two stages. As such, H.A. Shannon argued that "as provisional registration was a merely formal

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<sup>52</sup> See especially Lowe's evidence to the Royal Commission into the Law of Partnership and Mercantile Law. *Parliamentary Papers* 27, 1854. Report and Evidence pp83-6; and a speech of 7<sup>th</sup> December 1852, *Hansard*, 123, cols.1079-82.

<sup>53</sup> For an account of the South Sea Bubble, see: John Carswell, *The South Sea Bubble*, London, 1960; Viscount Erleigh, *The South Sea Bubble*, London, 1933; J.H. Plumb, Sir Robert Walpole: *The Making of a Statesman*, London, 1956, pp293-328.

<sup>54</sup> Micklethwait and Wooldridge, *The Company*, p41.

<sup>55</sup> Shannon, "The coming of general limited liability," p358.

<sup>56</sup> Leone Levi, "On Joint-stock companies," p13n.

<sup>57</sup> "Report of the Select Committee on Investments for the Savings of the Middle and Working Classes," *Parliamentary Papers*, 19, 1850, pp.iii, 39.

<sup>58</sup> "Report of the Select Committee appointed to consider the Law of Partnership, and the Expediency of facilitating the Limitation of Liability with a view to encourage useful Enterprise and the additional Employment of Labour," *Parliamentary Papers*, 17, 1851, p.iii.

return of intended names and objects, it did not necessarily imply a high degree of seriousness..."<sup>59</sup> Provisional registration lapsed after a year. Only those companies which proceeded to complete registration (a minority) can be said to have been effectively formed. From the 1844 Act until Lowe's Act in 1856, 3942 companies were provisionally registered. However, only 956 of these eventually became completely registered.<sup>60</sup> Lowe's predecessor at the Board of Trade, E.P. Bouverie, had also introduced a Bill to continue the registration of companies using the process which the Act of 1844 had introduced, grafting on to it the possibility of registration with limited liability. But this system was hedged round with other caveats and restrictions. For example, the minimum share capital permitted was £20,000, and the minimum share value was £25. According to the Prime Minister (Palmerston) "the Government had surrounded the measures with restrictions and limitations which, in other circumstances, their own views might have led them to dispense with."<sup>61</sup> These restrictions were summarised by Lowe when introducing his Bill in 1856. In order for a company to become completely registered, the promoters were:

Required to execute a deed containing eleven requisites which are enumerated in the body of the Act, and thirty-eight more that are comprised in the schedule which the registrar is to see inserted in the Act. This is to be signed by at least one-fourth of the shareholders, holding one-fourth of the stock; after due compliance with which formality the company is entitled to complete registration.<sup>62</sup>

These were provisions of the 1844 Act which had been carried over into the 1855 Limited Liability Act. The 1855 Act now added a further requirement that "a deed shall be executed by twenty-five partners, holding three-fourths of the company's capital, and paying up 20 per cent each, upon which a certificate of complete registration with limited liability shall be granted to such a company."<sup>63</sup>

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<sup>59</sup> Shannon, "The first five thousand limited companies," p397.

<sup>60</sup> *ibid*, p357.

<sup>61</sup> Viscount Palmerston, 29<sup>th</sup> June 1855, *Hansard*, 139, col.356.

<sup>62</sup> Robert Lowe, 1<sup>st</sup> Feb. 1856, *Hansard*, 140, col.119.

<sup>63</sup> *ibid*.

Such was the state of the law when Lowe was appointed Vice-President of the Board of Trade (and Paymaster General) in August 1855. In the immediately preceding years, the progress of company law and the succession of enquiries into the subject suggested that the idea of limited liability had been gaining gradually greater currency.<sup>64</sup> Pressure was building for a Bill on limited liability. But not, let it be noted, *the* Bill that Lowe produced in 1856. Opinions have differed as to why such an important change in the legal framework for business should have occurred at this time.<sup>65</sup> The obvious assumption was made by Pauline Gregg:

But, above all, it was economic developments which were responsible for the reform of the law. No serious opposition stood in the way of the middle classes when they turned to amend the company laws. Without limited liability insufficient capital could be mobilized to finance their business enterprise. The Company and Joint-stock laws acted, as they themselves put it, as 'fetters on commercial freedom.' They summoned their energies, as they said, for 'unfettering the energies of trade.'<sup>66</sup>

In the same vein, David Landes has written of "the growing demand by projectors, industrialists, and investors for easier conditions of company formation."<sup>67</sup> However, as we have seen, there was no immediate rush to register limited liability companies.<sup>68</sup> Even the Act's chief progenitor lamented that the opportunity to trade freely with limited liability had not been widely taken up.<sup>69</sup> It now seems as though the view that limited liability was sought by the industrial middle-classes so that they could manufacture on an ever increasing scale with reduced personal risk was erroneous. Although there was a trend towards larger business units and a greater scale of production requiring increased amounts of capital, it had yet to reach the stage where business could only be carried on by limited liability companies.<sup>70</sup> Ultimately

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<sup>64</sup> There were 3 Select Committees and one Royal Commission which looked into questions related to limited liability between 1844 and 1854. This was in addition to a growing pamphlet literature. Jefferys, *Trends in Business Organisation*, pp19-20.

<sup>65</sup> R.A. Bryer, "The Mercantile Laws Commission of 1854 and the political economy of limited liability," *Economic History Review*, 50, 1997, pp37-56, p37.

<sup>66</sup> Pauline Gregg, *A Social and Economic History of Britain, 1760-1955*, 2<sup>nd</sup> edition, London, 1956, p307.

<sup>67</sup> Landes. *The Unbound Prometheus*, p197.

<sup>68</sup> See above, pp241-2.

<sup>69</sup> Robert Lowe, *The Times*, 23<sup>rd</sup> April 1864, 2<sup>nd</sup> leader.

<sup>70</sup> Cottrell, *Industrial Finance*, p47. According to Francois Crouzet only 5 to 10 per cent of major industrial firms had converted to limited liability by 1885. Crouzet, *The Victorian*

“the solution lay through the adoption of the joint stock form with limited liability for the shareholders.”<sup>71</sup> But in the meanwhile unlimited partnerships, sole traders and family businesses were usually capable of finding the necessary capital.<sup>72</sup> P.L. Cottrell has observed that “manufacturers generally neither took immediate advantage of the change in the law nor complained about a shortage of capital.” Additionally, “where it was acknowledged that capital was required, ways of raising finance outside the partnership had been developed in some cases since the beginning of the eighteenth century.”<sup>73</sup>

If pressure from industrialists and businessmen did not lead to the changes in the law, then what did? Others have suggested that the impetus for legal change came from the other side: from investors seeking safe outlets for funds. According to J.B. Jefferys:

The success of the industrial and commercial revolutions had resulted in London and the other commercial centres in the growth of a body of capitalists not directly engaged in trade, who were now seeking an outlet, with profit, for their accumulations. The National Debt, savings banks, the practice of joint stock banks in allowing interest on deposits, the canal and railway investments, had increased their numbers and had whetted their appetite for investment at a profit... This class were the chief instigators of limited liability.<sup>74</sup>

Both of these explanations for the advent of general limited liability were rejected by John Saville. He suggested that:

The initial impetus in the early 1850s to the Parliamentary debates and the public discussion that led to the coming of general limited liability in 1856 came not from the side of the investors, nor from that of the entrepreneurs, nor from those who argued in terms of freedom of contract. The movers were a group of middle-class philanthropists, most of whom accepted the title of Christian Socialist.<sup>75</sup>

Indeed, it was arguable that it was MPs sympathetic to philanthropic causes who initiated several Parliamentary enquiries during the early eighteen-fifties to look into the question. The Select Committee on *Investments for the*

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*Economy*, p339.

<sup>71</sup> J.B. Jefferys, *Trends in Business Organization*, Abstract.

<sup>72</sup> *ibid*, p6.

<sup>73</sup> Cottrell, *Industrial Finance*, p47.

<sup>74</sup> *ibid*, pp9-10.

<sup>75</sup> John Saville, “Sleeping partnership and limited liability, 1800-1856,” *Economic History Review* 8, 1955, pp418-433, p419.

*Savings of the Middle and Working Classes* reported in 1850. The Chairman's draft report argued that "another great obstacle to investment in all undertakings... is said to be found in the existing law of unlimited liability of partners; whereby each person taking a share in such undertaking is liable to the last acre and last shilling he possesses."<sup>76</sup> This committee gave to the idea of limited liability a hint of social amelioration. It took the view "that the difficulties which affect the law of partnership operate with increased severity in proportion to the smallness of the sums subscribed, and the number of persons included in the association."<sup>77</sup> The Committee also observed that a form of limited liability "prevails in the United States of America, France, Germany, Holland, and the Netherlands; it is said there to be of great utility in facilitating local enterprises improvements, and affording local investment."<sup>78</sup>

The following year, Parliament appointed a Select Committee "to consider the Law of Partnership, and the Expediency of facilitating the Limitation of Liability with a view to encourage useful Enterprise and the additional Employment of Labour."<sup>79</sup> This Committee echoed much of what its predecessor had reported. Indeed, as the prime mover in both Committees was the radically inclined R.A. Slaney M.P. This was hardly to be wondered at. The Committee first noted that "the subject... is one of great and increasing interest."<sup>80</sup> It went on to suggest that in respect of the middle and working classes "changes in the law should take place... to give additional facilities to investments of the capital which their industry and enterprise is constantly creating and augmenting."<sup>81</sup> For this committee, as with its predecessor, the problem lay with the existing law of partnership which rendered anyone sharing in the profits of a concern liable "to his last shilling and acre"<sup>82</sup> The solution that the Committee's report offered was the relaxation of the existing law so as to permit some form of limited liability. "It would," the Committee reported:

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<sup>76</sup> *Parliamentary Papers* 19, 1850, vi.

<sup>77</sup> *ibid*, iv.

<sup>78</sup> *ibid*, vi.

<sup>79</sup> *Parliamentary Papers* 18, 1851.

<sup>80</sup> *ibid*, iii.

<sup>81</sup> *ibid*, vi.

<sup>82</sup> *ibid*, vi.



Be of great advantage to the community to allow limited liability to be extended with greater facility to the shareholders in many useful enterprises... such as water works, gas works, roads, bridges, markets, piers, baths, wash-houses, workmen's lodging houses, reading rooms, clubs, and various other investments of a like nature, chiefly confined to spots in the immediate vicinity of the subscribers.<sup>83</sup>

This sentence from the Report illustrates the restricted idea of limited liability which was in the minds of reformers. The sweeping, general limited liability which was ultimately enacted by the Act of 1856 was not envisaged by the Committees of 1850 or 1851. The Report of the 1851 Committee confined itself to advocating "a greater facility in granting charters" and "an easier mode of borrowing additional capital, without risk to the lender beyond the amount of the sum advanced."<sup>84</sup> Even that was hedged around by the caveat that it would be "unwilling to proceed in such a matter without the greatest caution."<sup>85</sup> Indeed, when the question of limited liability arose it was generally seen as a choice between maintaining the *status quo* and the relaxation of the law in favour of something like a system of "*en commandite*" partnerships, such as was permitted in France and elsewhere.<sup>86</sup> At its simplest, this system permitted a partnership where those partners who took upon themselves the management of the business were liable to the full extent of their personal resources. Other partners who merely subscribed their capital and did not involve themselves in the conduct of affairs were liable only to the amount of their investment. John Saville observed of the early 1850s that "most of the discussion was in terms of the *en commandite* partnership rather than of general limited liability."<sup>87</sup> Others have echoed that observation.<sup>88</sup> Reviewing the evidence taken by the Committees of 1850 and 1851, and the Reports that they produced, it is clear that it was not the intention of even the most enthusiastic reformer to change the law in the radical way enacted by the 1856 legislation.

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<sup>83</sup> *ibid.*, vi.

<sup>84</sup> *ibid.*, ix.

<sup>85</sup> *ibid.*, vii.

<sup>86</sup> Saville, "Sleeping Partnerships," p418.

<sup>87</sup> *ibid.*

<sup>88</sup> E.g.: Christine E. Amsler, Robin L. Bartlett, and Craig J. Bolton, "Thoughts of some British economists on early limited liability and corporate legislation," *History of Political Economy*, 13, 1981, pp774-93. p775.

It was this sort of restricted version of limited liability that was examined by the *Edinburgh Review* in an article published in April 1852. The reviewer saw other potential advantages to the system.

A manufacturing enterprise, in which all the head workmen should be partners *en commandite*, and should, in consequence, feel their own interests bound up with the success of the concern, without having any right of interference with its management – would find itself possessed of quite a new element of prosperity. Economy would be studied – processes would be shortened – waste would be avoided, and energy would be infused into every department, to a degree unattainable in concerns conducted in the ordinary way.”<sup>89</sup>

The *Review* eulogised the *en Commandite* system and recommended its introduction.<sup>90</sup> So too did an article in the *Westminster Review* in 1853 that dealt with limited liability. But the major periodicals of the time did not regard it as a particularly pressing matter and other than these two articles they largely ignored the subject.<sup>91</sup> There was, however, a growing pamphlet literature on the subject; not all of it necessarily favouring reform.<sup>92</sup>

Voices calling for more radical change - a general limited liability available to all - were few and far between. A debate in the House of Commons on 7<sup>th</sup> December 1852, which purpose was to consider an application for a Charter of Limited Liability by the London, Liverpool and North American Screw Steamship Company, strayed into a more general discussion on limited liability. Lowe was able to give public expression to his views on the subject. He explicitly linked the questions of economic progress, free trade, liberty, and limited liability. In his view, the existing law “was a restraint on competition. If there was no law of unlimited liability there would be much more competition in the different trades than there now was, and many articles would be cheapened to the consumer.”<sup>93</sup> Lowe’s prescription for these ills was that they should sweep away “all those institutions and laws which tended... to restrain,

<sup>89</sup> W.R. Greg, “Investments for the Working Classes,” *Edinburgh Review*, 95, April 1852, pp405-53, p451.

<sup>90</sup> *ibid*, pp449-51.

<sup>91</sup> *Wellesley Index to Victorian Periodicals, passim*. The most important political quarterlies of the age were: *The Edinburgh Review* (Whig) and *The Quarterly Review* (Tory).

<sup>92</sup> E.g.: Woodforde Fooks, *Law of Partnership an obstacle to social progress*, (1854); Wm. Howes, *Unlimited and Limited Liability*, (1854); Edward Warner, *The Impolicy of the Partnership Law*, (1854); Lord Hobart, *Remarks on the Law of Partnership Liability*, (1853); “A Manchester Man,” (Edmund Potter), *Practical Opinions against Limited Liability*, (1855).

<sup>93</sup> 7<sup>th</sup> December 1852, *Hansard*, 123, col.1080.

embarrass, and hinder the competition of capital in different trades and employments.”<sup>94</sup> Lowe also suggested that one of the guiding principles of a reformed system should be *caveat emptor*. Those Committees which had reported, in 1850 and 1851, in favour of some relaxation of the law had stressed the necessity of safeguards against fraud. Lowe would have none of it.<sup>95</sup> In his view: “If anyone should think, upon consideration, that the credit which unlimited liability gave, was better worth having than the credit which limited liability offered, he was at liberty to make his election.”<sup>96</sup> Lowe had no doubt that the system of unlimited liability, when it had been applied, had been of benefit. “What was it,” he asked, “that had covered our land with railroads and our seas with steamships and mercantile fleets, except the power of suspending and annihilating the law of unlimited liability?”<sup>97</sup> He concluded by giving the House a foretaste of what might be expected if he were ever to find himself the responsible minister for company legislation.

He trusted that the day was not far distant when Parliament would relieve the Board of Trade... by leaving it to every set of persons who wished to associate their capital for a common enterprise to do so without having occasion to go to the Government at all... merely by making known to the public the amount of capital they put into the concern, so that the public might be aware with what they dealt.”<sup>98</sup>

Significantly, Lowe was the only speaker during the debate wholeheartedly to support unfettered limited liability. (He also, incidentally, supported the application by the Company for a Charter). There were others who took a view such as that expressed by W. Brown M.P.

He thought it would not be disputed that Joint Stock Companies necessarily carried on their business more expensively and with less economy than private individuals; and where they were chartered with limited liability, in any trade, they discouraged private competition. And what was the effect? If they were successful, the public must pay more for their services; if they were not able to pay their debts, their creditors must suffer, as they had no claim on the private fortunes of the partners.<sup>99</sup>

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<sup>94</sup> *ibid*, col.1080.

<sup>95</sup> *Parliamentary Papers*, 19, 1850, Chairman's draft report, vi.

<sup>96</sup> *Hansard*, 123, col.1081.

<sup>97</sup> *ibid*, col.1081.

<sup>98</sup> *ibid*, col.1081.

<sup>99</sup> *ibid*, col.1073.

Whatever the conclusion of the debate, J.W. Henley, the President of the Board of Trade had to admit that the House must deal with “a general question of this vast importance – the question of limited liability...”<sup>100</sup>

With this in mind, a Royal Commission into the Law of Partnership and Mercantile Law was appointed in 1853.<sup>101</sup> The Commission reported in 1854. It decided (by a majority of 5 to 3) against any change in the law but its findings and the submissions of those commissioners who had dissented from the majority view, revealed considerable diversity of opinion. The report acknowledged that “Your Majesty’s Commissioners have been much embarrassed by the great contrariety of opinion entertained by those who have favoured them with answers to their questions.”<sup>102</sup> The Commission sent a list of over thirty questions to 152 individuals and organisations.<sup>103</sup> But it all boiled down to something simpler. In effect, witnesses were asked to state whether the law should remain as it was or whether it should be modified in favour of limited liability and “to state the grounds on which that opinion is rested.”<sup>104</sup>

One of those who were asked to respond in writing to the Commission’s written list of questions was Robert Lowe. As he had done during the Commons debate of December 1852, Lowe offered the most radical view. He suggested that the assumption that the burden of proof lay upon those who wished to change the law was mistaken.

I think, on the other hand, the burden lies on those who support it. When two parties are willing to contract on certain specified conditions they have a prima facie right to do so, and those who interdict a course of such action which both deem for their interest are bound to show good reason for their interference, and not to call upon the parties interfered with to prove that their contract is prudent or discreet. Private interest is a better guarantee for caution than public superintendence.<sup>105</sup>

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<sup>100</sup> *ibid*, col.1076.

<sup>101</sup> *Parliamentary Papers*, 27, 1854.

<sup>102</sup> *ibid*, p5.

<sup>103</sup> These were people known to be interested in the subject; such as Parliamentarians, Bankers, Political Economists, and several Chambers of Commerce.

<sup>104</sup> *Parliamentary Papers*, 27, 1854, p53.

<sup>105</sup> *ibid*, Report and Evidence, Lowe’s evidence to the 1854 Royal Commission, pp83-6.

In Lowe's opinion, the appeal to natural justice, which the defenders of the *status quo* often made on behalf of unlimited liability, was misconceived. The reasoning "that he who feels the benefit should also feel the burden," he noted, might be generally "true enough as a principle of natural justice." Lowe's objection was that the law of unlimited liability prevented free agents from making contracts on other bases. "If people are willing to contract on the terms of relieving the party embarking his capital from loss beyond a certain amount, there is nothing in natural justice to prevent it." If limited liability had something about it which contravened the law of morality then it was hardly likely that Parliament would have given to the Board of Trade the power "to suspend this law in favour of certain partnerships... because we repudiate the pretensions of unlimited liability to rest on the ground of natural justice."<sup>106</sup>

Returning to his main theme, Lowe reiterated his guiding doctrine in matters of political economy. "Again, the received principle in commercial legislation is, to leave people to act for themselves and not to restrict competition." In his opinion the law of unlimited liability was such a restriction, in that it prevented certain types of contract which people might wish to make. Lowe thought he could detect an ulterior motive in all this. "When a charter is applied for at the Board of Trade, the parties opposing it are generally those embarked in the same pursuit, and the arguments which our protectionists employed against the untaxed foreigner are brought to bear against the competition of their fellow subjects." Indeed, this was the bind in which the opponents of limited liability found themselves. It was a simple matter for Lowe and those who agreed with him to make the question of limited liability analogous to that of free trade. According to Lowe it "is impossible to defend the present law on free trade principles."<sup>107</sup>

The benefits which Lowe envisaged accruing from the advent of general limited liability were those of increased competition resulting in the "cheapening [of] production, from which the public would gain far more than individuals would lose."<sup>108</sup> As for the safeguards which just about everyone

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<sup>106</sup> *ibid.*

<sup>107</sup> *ibid.*

<sup>108</sup> *ibid.*

else thought was vital if any relaxation of the law occurred, Lowe was frank. "As a general rule, I think that the creditors might be left to take care of themselves. It is not their interest to deal with an untrustworthy concern, and it is the interest of the partnership to be in as good credit as it can"<sup>109</sup> The only role Lowe sought for the state was "to offer its aid to authenticate the amount of [the limited liability company's] capital, and to audit and certify their annual balance sheet; and as the evading this authentication would be a sign of fraud, I see no objection to making it compulsory."<sup>110</sup>

Thus Lowe laid out the case for almost complete liberty in establishing limited liability companies. In this he was on his own among the witnesses from whom the Commission took evidence. Even those Commissioners who dissented from the majority report, and those witnesses who had responded to the questions in a sense favourable to reform, did not go nearly so far. Reviewing the variety of opinions which had been expressed, one of the Commissioners, Lord Curriehill, observed that:

One of these suggestions is that the existing rule of the common law should be entirely reversed, by an enactment that in no case should partners be liable for partnership debts beyond the amount of their shares of stock contributed... The number of supporters of this sweeping proposal is very few. And, I think, that it, at any rate, is inadmissible.<sup>111</sup>

What was admissible for Curriehill, however, was the system of *en Commandite* partnership which allowed for a concern to have some of its partners protected by limited liability. Even here he thought that a law permitting this "would tend to affect commercial credit injuriously" and stimulate "excessive speculation."<sup>112</sup> Those witnesses who favoured a change in the law (and by a reasonable assessment of their answers they were probably the majority, though not an overwhelming one) intended something like this. Lowe had considered such partnerships and was not enamoured of them. In such a system, as we have seen, the managing partners were unlimitedly liable, while those who merely subscribed their capital might enjoy limited liability. Lowe thought that such rules were an unwarranted intrusion

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<sup>109</sup> *ibid.*

<sup>110</sup> *ibid.*

<sup>111</sup> *ibid*, Report, pp11-12.

<sup>112</sup> *ibid*, p17.

into the affairs of the business. "I think," he wrote, "these regulations offer a specimen of over legislation, and had better be left to the partners themselves, who have the greatest possible interest in preventing anarchy and securing good government."<sup>113</sup> Most of Lowe's evidence was in the same vein. What Lowe argued for was absolute freedom to trade with limited liability, providing always that a company made it clear to those with whom it wished to trade that it did so on the basis of limited liability. Any business so constituted could organise itself and distribute responsibilities in any way it saw fit. Potential customers might then deal with it on those terms or not as they wished.

But there were other witnesses who took very different view. Indeed, the Commission accurately reported that "gentlemen of great experience and talent have arrived at conclusions diametrically opposite; and in supporting those conclusions have displayed reasoning power of the highest order."<sup>114</sup> This even extended to, for example, Directors of the Bank of England taking opposite views on the question. William Cotton thought that "any material alteration of the law generally, to affect the unlimited responsibility of partners would be an injury rather than a benefit to those engaged in business."<sup>115</sup> On the other hand, his colleague, Thompson Hankey argued that the law ought to be changed "permitting the public to make any arrangement which they may consider best and most conducive to their own security in the investment of their money."<sup>116</sup> The Governor of the Bank, J.G. Hubbard, exhibited all the caution incumbent upon a holder of his office. "I doubt the necessity," he replied, "of giving greater facilities than at present exist for the combination and employment of capital."<sup>117</sup>

Businessmen were also divided over limited liability. The Commission had sent their questions to various Chambers of Commerce. In Leeds, for example, a special meeting of the Chamber was held in January 1854 to

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<sup>113</sup> Lowe's evidence, p84.

<sup>114</sup> *Report*, p5.

<sup>115</sup> *Report*, p60.

<sup>116</sup> *Report*, p101.

<sup>117</sup> *Report*, p123.

formulate a resolution on the subject. But it could not agree.<sup>118</sup> An examination of the assorted evidence returned by businessmen from the northern cities suggests that, on the whole, there was probably a majority against limited liability. Charles Bousefield, from the Leeds Chamber of Commerce, stated that “the present stringent partnership laws have worked well, and that under the system English commerce has, for a long course of years, been conducted with great mutual confidence, and secured for English merchants generally a character for probity...”<sup>119</sup> A Huddersfield woollen manufacturer, John Brooke, told the Commission that would be reformers “should show on what grounds they think it would be beneficial to the country at large to deviate from a course which I consider has, on the whole, worked well.”<sup>120</sup> James Clark, from the Glasgow Chamber of Commerce lambasted who whole “principle of limited responsibility, “which appeared to him “to strike at the foundation of credit, and credit is to capital what the channel of a river is to the water that flows over it.”<sup>121</sup> J. Aspinall Turner, President of Manchester Commercial Association maintained the principle of unlimited liability on moral grounds, adding that “no one can have a right to enter into transactions from which he contemplated enjoying all the profits and advantages, unless he is at the same time prepared to bear all the losses, so far as his own property enables him to do so.”<sup>122</sup>

Sentiments such as these found their way into the final Report. This concluded that a change in the law would not “operate beneficially on the great trading interests of the country.” The Commission felt that no change was necessary. They pointed out that they had:

Not been able to discover any evidence of the want of a sufficient amount of capital for the requirements of trade; and the annually increasing wealth of the country, and the difficulty of finding profitable investments for it, seem to them sufficient guarantees that an adequate

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<sup>118</sup> M.W. Beresford, *The Leeds Chambers of Commerce*, Leeds, 1951, p40.

<sup>119</sup> *Parliamentary Papers*, 27, 1854, Report, p182.

<sup>120</sup> *ibid*, p159.

<sup>121</sup> *ibid*, p105.

<sup>122</sup> *ibid*, p98.



amount will always be devoted to any mercantile enterprise that holds out a reasonable prospect of gain...<sup>123</sup>

But the Commission's Report was far from being the last word on limited liability. Although the resistance to reform was considerable, the dissenting voices among the Commissioners themselves, and the wide variations of opinion expressed in the evidence ensured that the debate continued. The debate still concentrated on proposals of a more limited reform than Lowe would have preferred. The 1854 Commission had noted that "many of the opinions in favour of such a system are coupled with a recommendation of more stringent regulations than those now existing for the prevention of fraud."<sup>124</sup> It was no surprise, therefore, that when the Government decided to amend the law on limited liability, the Bill was not what Lowe would have wished.<sup>125</sup> Even so, there was no compelling reason for the Government to legislate at all. The Majority Report of the Commission had, after all, recommended no change in the law. But Palmerston had indicated his support for limited liability during the debates of 1855.<sup>126</sup> Additionally, according to Boyd Hilton, "of the Peelites, Aberdeen and Newcastle were excluded, while Graham, Gladstone, and Herbert soon went into opposition. As they were all opposed to limited liability, their departure cleared the way for its passage, to which Palmerston personally was very committed."<sup>127</sup> Most importantly, he had appointed Robert Lowe, a known supporter of limited liability, to the post of Vice-President of the Board of Trade.

Lowe had made his views on the subject known during the debates of 1855. He had supported the Partnership Amendment Bill (as it was called) with his vote, but this did not prevent him from criticising it. The job of the House was simple, he said.

All they had to do, then, was to insure that persons should know on what grounds they were contracting, that they should have complete notice of that, and then he contended that people should be left to act as they pleased, without being fettered in any way. But was that the

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<sup>123</sup> *ibid*, pp5-6.

<sup>124</sup> *ibid*, p6.

<sup>125</sup> Lowe discussed the shortcomings of the Bill of 1855 in his speech to Parliament of 29<sup>th</sup> June 1855. *Hansard*, 139, col. 352.

<sup>126</sup> See above, p245; *Hansard* 139, col. 356.

<sup>127</sup> Boyd Hilton, *The Age of Atonement*, p258.

principle carried out? Was not the Bill encumbered with all manner of restrictions beyond that particular one? Why limit it to Joint-stock Companies, and partnerships consisting of twenty-five, or five, or twenty, or any number? Why limit it to capital of any particular amount?<sup>128</sup>

Once again, Lowe enunciated the principle on which he based his view: "the right of association and the freedom of contract."<sup>129</sup> He listened while Parliamentary colleagues suggested a variety of ways in which the scope of the Bill ought to be limited. "People took a principle, the abstract truth of which they adopted, but shrank from the application of that principle, introduced all manner of exceptions, and cut it down until you could not tell whether they most trusted or distrusted it."<sup>130</sup> There were plenty of members, particularly on the Liberal benches, who said that they thought limited liability status should be easier to obtain, but wished to hedge round any reform with various caveats. Edward Cardwell, whom Lowe had singled out for criticism in this regard, had urged the House "to be particularly careful that... they did not, at the same time, by neglect of simple precautions, undermine the foundation of that prosperity and of that credit which, whatever good it might do to the rich, did still more for the poor, the enterprising, and the industrious."<sup>131</sup> H.M. Cairns believed that "when Parliament was asked to confer a benefit, it had a right to impose such terms as it thought to be demanded by a regard to the public interest."<sup>132</sup> This contradicted Lowe's opinion. He believed that it was the statutory interdiction of limited liability which was unnatural. Permitting men to trade on the basis of limited liability, if they chose to do so, was not conferring a benefit, this was the proper state of affairs in a society where "people should be left to act as they pleased, without being fettered in any way."<sup>133</sup>

Many contributions to the debate emphasised the fact that it was not businessmen and industrialists who were pressing for limited liability. One of the Liverpool Members, T.B. Horsfall, believed that commercial opinion was, in the main, opposed to a change in the law. He also reported to the House

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<sup>128</sup> Speech of 29<sup>th</sup> June 1855. *Hansard*, 139, col.352.

<sup>129</sup> *ibid*, col.352.

<sup>130</sup> *ibid*, col.350.

<sup>131</sup> *ibid*, col.349.

<sup>132</sup> *ibid*, col.353.

<sup>133</sup> *ibid*, col.352.

that “the general question of limited liability had been fully, fairly, and openly discussed at a meeting of the Liverpool Chamber of Commerce, which, after a protracted discussion of several days, came to a decision adverse to the principle of the Bill by a majority of about 200 to 100.”<sup>134</sup> The Bill eventually became law in late July 1855. The Prime Minister himself showed his support for limited liability. He admitted during the second reading debate that that the measure was not as radical as he would have wished.<sup>135</sup> He reduced the terms of the debate to a simple, easily comprehended argument for free trade.

It appeared to him that the question was one between free trade and the contrary, and that the practice of insisting on unlimited liability was one that had impeded the application of capital that might otherwise have been employed for the advantage of those who would have subscribed it, and for the improvement of the country at large.<sup>136</sup>

For this argument he was severely criticised by one of limited liability’s most influential opponents, the banker and political economist Lord Overstone. In a letter to Lord Granville, Overstone accused Palmerston of having “endeavoured through the most flimsy sophistry to associate the question with the principles of free trade...”<sup>137</sup> In the same letter Overstone was similarly critical of Lowe, who he described as “a dangerous man to a Government. Very clever – a ready writer – a ready speaker – with great logical acuteness and dialectic power. But he is an abstract reasoner, with no practical experience nor any respect for it – with no diffidence nor any self mistrust to keep him in order.”<sup>138</sup>

But barely a fortnight after the passage of what was, in Palmerston’s own view, an unsatisfactory Act, he appointed to the Vice-Presidency of the Board of Trade a man whom he knew to be the most ardent advocate of limited liability: Robert Lowe. This appointment occurred at a moment when the Prime Minister was in need of the support of *The Times*. The Government was under pressure over its conduct of the Crimean war and needed friends.

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<sup>134</sup> *ibid*, col.355.

<sup>135</sup> *ibid*, col.356.

<sup>136</sup> *ibid*, col.357.

<sup>137</sup> Overstone to Lord Granville, 21<sup>st</sup> March 1856. D.P. O’Brien (ed.), *The Correspondence of Lord Overstone*, 3 vols., Cambridge, 1971, vol.2, p643.

<sup>138</sup> *ibid*, pp644-5.

James Winter wrote: "there is no reason to doubt that Lowe's appointment to the Board of Trade was part of a deal."<sup>139</sup> It was an arrangement which could hardly have been better calculated to advance the cause of limited liability. At the same time as Palmerston promoted Lowe, he was aware that both of his chief rivals for the Liberal leadership were sceptics on the subject of limited liability. Sir Thomas Farrer had met Gladstone in his late days and had spoken to him of Lowe's pride in the Limited Liability Act. According to Farrer, Gladstone replied: "well, I have thought most of our modern legislation valuable; but I have always doubted the value and the wisdom of that reform."<sup>140</sup> As for Lord John Russell, he was known to oppose limited liability. As he wrote to another opponent of the reform, the economist J.R. McCulloch, "I am much disposed to agree with you about limited liability, tho' the current, at present, runs all the other way."<sup>141</sup>

Indeed, the question of limited liability, particularly with reference to joint-stock companies, was one where the political economists were not in agreement. Ordinarily, Lowe would have quoted the words of Adam Smith with approval and used them as a source of authority to back up his own views and demonstrate the foolishness of those who opposed them. Smith did suggest that there were potential benefits which might accrue to joint-stock, limited liability companies.

This total exemption from trouble and from risk, beyond a limited sum, encourages many people to become adventurers in joint stock companies, who would, upon no account, hazard their fortunes in any private copartnery. Such companies, therefore, commonly draw to themselves much greater stocks than any private copartnery can boast of<sup>142</sup>

But he was more concerned to illustrate the shortcomings of the joint stock form. He maintained that because the directors of such concerns were primarily risking other people's money, they would not attend to the company's affairs with the same anxious vigilance that those involved in a "private copartnery" would show. He argued that such companies were

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<sup>139</sup> Winter, *Robert Lowe*, p86.

<sup>140</sup> Farrer, *Some Farrer Memorials*, p92.

<sup>141</sup> Russell to McCulloch, 5<sup>th</sup> May 1856. O'Brien (ed.), *The Correspondence of Lord Overstone*, 2, p646.

<sup>142</sup> Adam Smith, *Wealth of Nations*, 2, p330.

unlikely to be successful in competition with private concerns, and that they could only succeed when granted an “exclusive privilege.”<sup>143</sup> But Smith still believed that the natural state of affairs was “private adventurers” trading with unlimited liability. He stated that:

To establish a joint stock company, however, for any undertaking, merely because such a company might be capable of managing it successfully; or to exempt a particular set of dealers from some of the general laws which take place with regard to all their neighbours, merely because they might be capable of thriving if they had such an exemption, would certainly not be reasonable.<sup>144</sup>

Smith’s exceptions to these general rules were those which were echoed by the various committees and commissions which had examined the question, and into the general debate.

The only trades which it seems possible for a joint stock company to carry on successfully without an exclusive privilege are those of which all the operations are capable of being reduced to what is called a Routine, or to such a uniformity of method as admits of little or no variation. Of this kind is, first, the banking trade; secondly, the trade of insurance from fire, and from sea risk and capture in time of war; thirdly, the trade of making and maintaining a navigable cut or canal; and, fourthly, the similar trade of bringing water for the supply of a great city.<sup>145</sup>

Of Smith’s successors, many were also opposed to joint stock companies and limited liability. J.R. McCulloch only accepted the company organisation as legitimate or desirable under the strictest regulation. He could envisage legitimate purposes for such organisations: such as railways, canals and public utilities. But before the 1850s he did not even envisage the possibility of limited liability companies competing in general trade.<sup>146</sup> When forced to address the specific question of limited liability he saw only the dangers of speculation, bubbles, increased rates of bankruptcy and the like. In his view: “partnerships with limited liability can be neither more nor less than unmixed nuisances. If honestly conducted they must fail in their competition with private parties, and if otherwise they will only add to the means... of wasting

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<sup>143</sup> *ibid*, pp330-1.

<sup>144</sup> *ibid*, p346.

<sup>145</sup> *ibid*, p345.

<sup>146</sup> J.R. McCulloch, *Principles of Political Economy*, 4<sup>th</sup> edition, Edinburgh, 1849, pp299-302.

capital and fleecing the public.”<sup>147</sup> McCulloch also held to the view that unlimited liability was the natural and normal condition of things. “In the scheme laid down by Providence for the government of the world, there is no shifting or narrowing of responsibilities, every man being personally answerable to the utmost extent for all his actions.”<sup>148</sup>

When appointed to the Board of Trade, Lowe’s views on limited liability and joint stock companies were unusual. Not only were there many who were absolutely opposed to the whole concept of limited liability. Even those who accepted the idea assumed that any reform would be cautious and that the public and creditors would be protected by safeguards. Lowe was almost unique in wanting general limited liability with the only safeguard being *caveat emptor*. He even pursued a line contrary to that advocated by his usual guide in such matters, Adam Smith. Other ideals overrode adherence to the theories of political economists, however distinguished. Lowe saw limited liability as a question of liberty.<sup>149</sup> Indeed, the word “liberty” peppered Lowe’s speeches on the subject during the 1850s. Those political economists who advocated laissez-faire on the one hand, but did not regard limited liability as generally permissible had, like many of his Parliamentary colleagues, failed to carry their principles through to a logical conclusion.<sup>150</sup>

Having advanced views did not prevent him from setting in motion a change in the law which would set company law more upon the liberal principles which he advocated. Therefore, on February 1<sup>st</sup> 1856 Lowe introduced two Bills to amend the Law of Partnership and Joint-stock Companies. His obituary in *The Times* stated that: “never, probably, was a clearer or more cogent argument for reform presented to Parliament than that contained in his speech in 1856 introducing the Partnership and Joint Stock Companies Bills.”<sup>151</sup> Lowe began by describing the law as it stood and pointing out its deficiencies.<sup>152</sup> He then went on to argue that the Act of 1855 had been too complex and too

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<sup>147</sup> J.R. McCulloch, *Considerations on Partnerships with Limited Liability*, London, 1856, p4.

<sup>148</sup> *ibid*, p10.

<sup>149</sup> *Hansard*, 140. col. 131.

<sup>150</sup> See above p259, for Lowe’s criticism of Cardwell and others. *Hansard*, 139, col. 350.

<sup>151</sup> *The Times*, 28<sup>th</sup> July 1892, p6.

<sup>152</sup> *Hansard*, 140, cols.111-2.

restrictive. He stated to the House that the two-stage registration process was being openly flouted and that companies would register provisionally, and then continue trading without bothering with complete registration “in open defiance of the law.”<sup>153</sup> In his view “the [1855] Act has, therefore, been practically set aside...”<sup>154</sup> Lowe’s speech was so effective and all-encompassing in its arguments that one historian observed that “there was no debate – there could hardly be any after his speech – and the Bill passed easily.”<sup>155</sup> In truth, a few members did speak after Lowe, but these contributions were generally supportive and congratulated him on his performance. In its far-reaching effects, this speech of Lowe’s was arguably one of the great unrecognised Parliamentary performances of all time and the apogee of his political career.

Lowe summarised the present position, the recent history of company legislation, and made clear his intentions.

Till 1825, the law prohibited the formation of Joint-stock companies. From that time to the present it has been a privilege; but now we propose to recognise it as a right. So with limited liability; at first it was prohibited. Then came the Statute of the 1<sup>st</sup> Victoria, which gave the Board of Trade power to relax the law in certain cases; and, lastly, the Act of last Session, extended the privileges, but still imposes restrictions. Having thus gone through the first and second stages – prohibition and privilege – we now propose to take our stand upon the only firm foundation on which the law can be placed – the right of individuals to use their own property, and make such contracts as they please, to associate in whatever form they think best, and to deal with their neighbours upon such terms as may be satisfactory to both parties.”<sup>156</sup>

But Lowe was not principally in favour of general limited liability because it would stimulate enterprise and lead to economic growth. It might well have that effect but that was a fortuitous consequence. As he told the House: “I am arguing in favour of human liberty – that people may be permitted to deal how and with whom they choose, without the officious interference of the state; and my opinion will not be shaken even though very few limited companies be

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<sup>153</sup> *ibid*, col.119.

<sup>154</sup> *ibid*, col.119.

<sup>155</sup> Shannon, “The Coming of General Limited Liability,” p378.

<sup>156</sup> *Hansard*, 140, col.130.

established.”<sup>157</sup> His main motivation for pursuing this measure was therefore a strong belief in personal liberty. In this sense at least, Lowe was a doctrinaire Liberal. But liberty also promised beneficial practical consequences. Lowe held “that a state of society resting on the most unlimited and unfettered liberty of action... would tend more to the prosperity and happiness of man than the most matured decrees of senates and of States.”<sup>158</sup>

Lowe enjoyed the unusual luxury of being able to write *The Times* editorial reviewing his own speech which appeared in the paper the following morning. Of necessity this had to be pithier than his speech in the House. He did not hesitate to impugn the motives of those who opposed limited liability. “One must dive rather low into human motives,” he began, “to get at the foundations of the commercial prejudice described last night by the Vice-President of the Board of Trade.”<sup>159</sup> Lowe believed that at the root of the objections which were raised against his Bill, was a desire by existing businessmen to restrict entry to their trades and prevent competition. He had written in his evidence to the Royal Commission of 1854 that the law of unlimited liability was an exception to “the received principle in commercial legislation [which] is to leave people to themselves and not to restrict competition.” This exception acted “in favour of large capitalists” and interfered “by prohibitive enactments on behalf of those best able to take care of themselves.”<sup>160</sup> Lowe’s Bill eventually became law, and although he had regretfully to exclude banking and insurance from its provisions, the principle of almost complete freedom in establishing Joint Stock Companies with limited liability was established.<sup>161</sup>

This had all happened rather suddenly. English company law suddenly became in 1856 the most permissive in the whole of Europe.<sup>162</sup> In the 1850s there was sufficient support for a relaxation of the law on joint-stock

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<sup>157</sup> *ibid*, col.131.

<sup>158</sup> *ibid*, col.138.

<sup>159</sup> *The Times*, 2<sup>nd</sup> February 1856, p8, 2<sup>nd</sup> leader.

<sup>160</sup> Lowe’s evidence to the 1854 Royal Commission., *Parliamentary Papers* 27, 1854. Report and Evidence, pp83-6.

<sup>161</sup> *Hansard*, 140, col.132.

<sup>162</sup> Cottrell, *Industrial Finance*, pp45,52; Palgrave, *Dictionary of Political Economy*, 2, p487; Donna Loftus, “Capital and Community: Limited Liability and Attempts to Democratize the Market in Mid-Nineteenth Century England,” *Victorian Studies*, 45, 2002, pp93-120, p93.



companies and limited liability for some sort of partial reform to take place. But the fact that the business world did not really take advantage of the legislation permitting general limited liability until the third quarter of the nineteenth century suggests that the pressure for change was not irresistible. Indeed, many prominent industrialists, businessmen, economists, bankers and politicians were against any change. Certainly, if the evidence given to the Royal Commission which reported in 1854 is any guide, opinion from all quarters was divided. Those who argued for the absolute maintenance of unlimited liability were only just in the minority. Those who argued for a change in the law to permit greater ease in obtaining limited liability status generally favoured a limited change with a battery of safeguards to ward off fraud and protect the innocent and trusting. Only one witness, Lowe, responded to the Committee's enquiry by making the case for absolute freedom in registering limited liability companies. That an Act should have been passed in 1856 which embodied this most radical position on limited liability must surely be a reflection of the views and interests of the politician responsible - Lowe - and his chief backer, Palmerston. Any other minister placed at the Board of Trade would, in all probability, have either left things as they were or produced a compromise measure: perhaps a Bill legalising the *en commandite* system, but certainly one in which limited liability was circumscribed by a battery of restrictions and could still only be obtained with some difficulty and inconvenience.

Company law evolved in England as it did in the second half of the nineteenth century, and afterwards, because Robert Lowe carried his liberal ideas through to their logical conclusion. This was not true of all his colleagues. "Liberalism is the dominant creed," he observed:

And like the Established Church, is sure to have, in addition to its true votaries, the lukewarm, the time-serving and the indifferent among its professors... nor is there as much zeal as might be wished, in applying principles already established to new cases: men will concede the freedom of trade, while in the same breath they deny the liberty of association...<sup>163</sup>

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<sup>163</sup> Robert Lowe, "The past session and the new Parliament," *Edinburgh Review*, 105, April 1857, pp552-578, p557.

Lowe's views were unusual for his time. He advocated unfettered access to limited liability status with only the protection of caveat emptor for those who chose to treat with a limited liability company. He was virtually the only person to advocate such a policy in the Parliamentary debates of 1852 and 1855, and in his response to the Royal Commission of 1854. Having been appointed Vice-President of the Board of Trade he actually carried his ideas into legislative action as far as he could. But he promoted this change in the law not as an economist, nor yet as a politician dealing with the practical problems of government. Lowe advocated freely available limited liability as a principled Liberal for whom personal liberty and freedom of association were absolute goods. Had such a man, holding such unusual views for his time on this subject, not been appointed to precisely the Ministerial Office which dealt with such questions, perhaps the history of English company law (for that matter the company law of much of the world) might well have been different.

# Chapter Seven.

## An Honest Man Among Thieves: Robert Lowe and the Politics of Electoral Reform, 1866-1867.

“It is one of the misfortunes of a life spent in the manoeuvres of faction and the combinations of party that it destroys all feeling for what is fitting and appropriate, and teaches men to regard things of the greatest consequence merely as materials for the application of a certain kind of professional dexterity.” Robert Lowe, *The Times*, 21<sup>st</sup> March 1859.

The Prime Minister may have been, according to John Bright, the principal block to reform.<sup>1</sup> But Palmerston, who had entered Parliament in 1806, was, by 1865, in his eightieth year and, no matter how robust his health still appeared to be, could not last forever. There was an expectation that the death of Palmerston and the anticipated succession of Russell would result in the Government turning its attention to Reform once more. J.D. Coleridge, the future Lord Chief Justice, wrote to his father on May 5th 1865, two days after Lowe's speech on Baines' Bill, that "not fifty Lowes can keep back a considerable infusion of democracy the moment Lord Palmerston dies, physically and politically." That event occurred on October 18th 1865. Russell succeeded to the Premiership almost automatically, in effect by right of seniority. Lowe received the news of Palmerston's death by telegram at 4 o'clock the same afternoon. He was in company with Lady Salisbury, who became a great friend of his, and she remembered that "many were the speculations as to who would be the successor. Lord Russell was generally decided upon. Mr. Lowe regretted the apparent necessity."<sup>2</sup> Given Lord Russell's record on reform over the preceding fifteen years or so and the pronouncements on the subject which he and Gladstone, his principal lieutenant, who now became the Liberal leader in the House of Commons; had made on the subject, a Government Reform Bill seemed certain.

In fact, it seems that Lowe did not have a great deal of confidence in Russell and his reconstructed Government. Two days after Palmerston's death, on the 20th October 1865, Lady Salisbury accompanied Lowe on the railway journey back to London. "In *The Times* at Newbury we read of the appointment of Lord Russell as head of the Government. There was a leading article in praise of him, which I read to Mr. Lowe on the platform, in a cold wind and thick fog - he making his running commentary of contradiction."<sup>3</sup> Lowe contributed a leading article discussing the Liberal leadership to *The Times* which appeared on the 21st October 1865, three days after Palmerston's death. Commenting on the possible candidates to succeed the late Prime Minister, Lowe was not

<sup>1</sup> See above pp218-9. Lowe, *The Times*, 20<sup>th</sup> September 1865, 1<sup>st</sup> Leader.

<sup>2</sup> Lady Winifred Burghclere (ed.), *A Great Man's Friendship: Letters of the Duke of Wellington to Mary, Marchioness of Salisbury 1850-1852*, London, 1927, pp35-6.

<sup>3</sup> *ibid*, p36.

greatly inspired by the choice available. The sort of new leader and Prime Minister which Lowe wanted, and "the only minister who has a chance of governing the country is he whose opinions are in unison with those of the moderate Liberal party."<sup>4</sup> Lowe considered that the two most likely candidates for the leadership were not in tune with moderate Liberal opinion, at least on the subject of Reform. In the case of Lord Russell, Lowe judged that "the reputation gained by one Reform Bill has been somewhat impaired by three futile attempts to pass another. Nobody knows what Lord Russell's present position with regard to Reform is." It was not, however an unreasonable supposition that he still hankered after a new Reform Bill. Russell was also at a disadvantage as he sat in the House of Lords and Lowe thought that much of the Irish support for the Government would vanish if Russell became Premier.<sup>5</sup> Gladstone's position on Reform seemed even more discordant and dangerous. Referring once again to the "pale of the constitution" speech, Lowe said that "he has got himself into trouble by a very eloquent, but a very ill-considered, declaration on the subject of Parliamentary Reform which he delivered last year, and which has been explained indeed, but not excused." Additionally, Gladstone had something of a reputation for radicalism which the speech just mentioned had reinforced. "The Radical party still profess to look to him as their future chief," wrote Lowe.<sup>6</sup> The third potential leadership candidate was Lord Granville. Should Russell fail in his attempts to form a Government, Lowe thought Granville was "probably the person under whom the greatest number of men might be induced to serve with the least offence to their pride, and with the best chance of harmony and co-operation." In spite of his membership of the House of Lords, Lowe would have preferred Granville to either Russell or Gladstone. Not only were the latter two notoriously unsound on Parliamentary Reform, Lowe was on much better terms with Granville personally and politically. Granville had pressed Lowe's case for advancement on Palmerston, and was to do so again with Russell, though without success. Had Granville obtained the premiership Lowe could reasonably have expected an important Cabinet post. Although a far from

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<sup>4</sup> *The Times*, 21st October 1865, 2nd leader.

<sup>5</sup> *ibid.*

<sup>6</sup> *ibid.*

perfect choice, Granville at least had the advantage of being "uncommitted to any very strong views in any direction."<sup>7</sup> Whereas a Russell or a Gladstone government would make a Reform Bill a virtual certainty, the same could not be said of Granville who would be more likely to carry on where Palmerston had left-off.

In the event, Russell did succeed in forming his Government and was confirmed as Prime Minister in consequence. On the 23rd October, Lowe further elaborated on some of the new Premier's shortcomings to the readership of *The Times*. Russell had not been given the reins of the highest office through outstanding personal merit, thought Lowe, but "for scarcely any better reason than that he is the oldest statesman whose hand is still firm enough to grasp them." Russell had been Prime Minister from 1846 to 1852 and on that occasion had "entirely failed to consolidate his party or satisfy his countrymen." He also compared unfavourably with his predecessor: "Lord Russell was never distinguished by that vigour of body and that exuberant elasticity of animal spirits which distinguished Lord Palmerston." But Russell's besetting sin in Lowe's eyes was his enthusiasm, even a monomania, for electoral Reform. "Lord Russell's domestic policy may be comprised in the single word Reform, and this is not the occasion to dilate on the degree in which this, his favourite idea, has been proved to be distasteful to the public opinion of England."<sup>8</sup>

Whereas Palmerston had commanded his respect the same could not be said of the new Premier. Several of Lowe's private letters to the editor of *The Times*, J.T. Delane, express a lack of confidence in the prospects of the new Government. In October 1865 he told Delane that he thought the Government could not last and that he did not wish to take office in it "except if I were to receive some enormous bribe which they are not the least likely to offer me." Lowe seemed keen to distance himself from a Government which he thought was doomed: he said that "as I don't want anything from the Government I

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<sup>7</sup> *ibid.*

<sup>8</sup> *The Times*, 23rd October 1865, 1st leader.

have kept out of their way lest they should say that I do."<sup>9</sup> The following week he wrote in the same vein, "I don't believe in the concern either as it is or reconstructed."<sup>10</sup> Lowe's comments in *The Times* also expressed a lack of confidence in the ability of the new ministry.

The Government without Lord Palmerston, and with the addition of Lord Clarendon, is assuming once more the air of an arrangement by which place and power are distributed among a few great families. Mr. Gladstone is the striking exception;... almost every other member of the Cabinet can trace his position to some other influence beyond his personal merits and abilities.<sup>11</sup>

Although Russell had given "a very few minor offices" to those not connected in some way to the great Whig families, by and large he had "planted out no young trees."<sup>12</sup> Casting his mind back to the last Russell Government, Lowe recalled that "when he found his Government losing ground, Lord Russell had recourse not to any expedients for strengthening it by widening its narrow aristocratical basis, but to a Reform Bill unsuited to the wants of the people, and, as experience proved, unwelcome to their feelings."<sup>13</sup> Whereas no one would have expected a Reform Bill from Palmerston, had he lived a little longer, the public expressions and known views of Russell and Gladstone raised the expectations of the Radicals and effectively committed the new Government to a Reform Bill. Lowe recognized that the reconstructed Government had placed itself in a position where it had to tackle the issue of Reform. He wrote in *The Times* that Russell and Gladstone were faced with:

The tremendous difficulty of taking some decisive course with regard to Reform. The question can no longer be kept open or trifled with as in the last Parliament; some resolution must be taken, and upon that resolution the Government must be constructed. We are not offering an

<sup>9</sup> Lowe to Delane, 30th October 1865, *Delane Papers*, 14/76

<sup>10</sup> Lowe to Delane, 7th November 1865, *Delane Papers*, 14/84

<sup>11</sup> *The Times*, 31st October 1865, 1st leader.

<sup>12</sup> *ibid.*

<sup>13</sup> *The Times*, 23rd October 1865, 1st leader.

opinion as to what that resolution should be, but merely pointing out the expediency of its being once taken and announced.<sup>14</sup>

If the Government was in some difficulty over tackling the issue of Reform, it faced another, and related, problem concerning the claims to high office of one of the most gifted Liberals in the House of Commons – Robert Lowe. How this problem was resolved would be indicative of the Government's intentions on the reform question. The accession of Russell to the Premiership and the retirement of Sir Charles Wood had created vacancies in the Cabinet for which Lowe, generally acknowledged to be one of the cleverest men in the House and an effective former junior minister, was an obvious candidate. According to the son of the leading Conservative politician, Spencer Walpole, "it seems impossible to doubt that if the advice of Sir Charles Wood and Lord Granville had been taken, and Lord Russell had found room for Mr. Lowe in the reconstructed Cabinet, the great philippics of 1866 would never have been uttered, and the history of England might have been strangely altered."<sup>15</sup>

But Russell was reluctant to have Lowe in the Cabinet in spite of the views of some of his senior colleagues and Lowe's undoubted claims to preferment based on ability and previous service. Lord Granville's biographer recorded that Lowe's name was put forward for inclusion in the Cabinet when the Government was formed. "The names of Mr. Bouverie, Mr. Horsman and Mr. Lowe were all suggested." Later, on Sir Charles Wood's retirement "Lord Granville wished that an offer should be made to Mr. Lowe. Lord Russell was in favour of Mr. Stansfeld."<sup>16</sup> Lowe's known opposition to Reform, to which the Cabinet, with varying degrees of enthusiasm, was committed, was an obstacle to his inclusion in the Government which had to be remodelled by Russell and Gladstone following the death of Palmerston and the departure of Wood. Nevertheless, it was still hoped that he might agree to compromise on

<sup>14</sup> *The Times*, 31st October 1865, 1st leader.

<sup>15</sup> Spencer Walpole, *The History of Twenty-five years. 4 vols.*, London, 1904. vol. 2, p154. Walpole senior was Home Secretary in Derby and Disraeli's administrations.

<sup>16</sup> Edmond Fitzmaurice, *The Life of Granville George Leveson-Gower, Second Earl Granville, KG, 1815-1891*, London, 1905, p498.



the question of franchise extension so that an offer could be made to him.<sup>17</sup> Were he able to agree to a relatively mild Reform Bill it seems that Lowe could have had a post of Cabinet rank. J.T. Delane, the editor of *The Times*, wrote to Ralph Bernal Osborne shortly after the commencement of the Parliamentary session that "little as Lord John Likes him, he might have had the India Office the other day, and might have the Home Office when Lord Grey retires."<sup>18</sup> Another version has it that Lowe was offered the Chancellorship of the Duchy of Lancaster. One of his closest confidants, Lady Salisbury believed this to be the case and had mentioned it to Sir Edward Bulwer Lytton who replied in a letter dated January 15th 1866, "you rather surprise me by the news that Lowe was offered the Duchy."<sup>19</sup> Lord Stanley recorded in his diary for the 13th January 1866 that "Gregory has had an offer of office, as Lowe had some weeks back: which indicates that Ld. Russell has great faith in the power of place to alter men's convictions or that the reform bill is meant to be one of a very moderate kind."<sup>20</sup>

It seems as though the Cabinet, although not sanguine of success, thought that Russell should sound Lowe out to see whether he would be prepared to moderate his opposition to reform to the extent that he could serve in a reforming Cabinet with Russell and Gladstone. Russell, unwilling to communicate directly with Lowe, delegated the task to Granville. "I wish you would undertake the job... If he supports us on Reform, there would be no better recruit. If he declares again that the people ought not to be represented in Parliament, we can have nothing to do with him. But he has very great abilities and very great knowledge."<sup>21</sup> Granville himself favoured making an offer to Lowe but Gladstone summed-up the view of the Cabinet and suggested the line which Granville ought to take in his discussion with Lowe.

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<sup>17</sup> *Ibid*, p498.

<sup>18</sup> A.I. Dasent, *John Delane, 1817-1879, 2vols.*, London, 1908, vol. 2, p166. The vacancy in the India Office occurred upon the retirement of Sir Charles Wood.

<sup>19</sup> Burghclere (ed.), *A Great Lady's Friendships*, pp68-9.

<sup>20</sup> John Vincent (ed.), *Disraeli, Derby and the Conservative Party: Journals and Memoirs of Edward Henry, Lord Stanley, 1849-1869*, Hassocks, 1978, p244. W.H. Gregory was another future Adullamite.

<sup>21</sup> Russell to Granville, 17th December 1865. Fitzmaurice, *Life of Lord Granville*, p498.

"There would be advantage in a friendly and courteous communication with him," he wrote:

Conveying an acknowledgement of his parliamentary station and abilities, and of his services to the Government of Lord Palmerston while he was a member of it; the desire that would have been felt to have him associated with you as a colleague, and the regret, on the other hand, which we all entertained at the fact that the strong opinion declared by him, in opposition to that of the Government, that there ought not to be any lowering of the suffrage in boroughs, interposed for the moment an insuperable obstacle.<sup>22</sup>

Lord Torrington discussed the prospects of the Government with a senior Whig, the Duke of Somerset and argued for Lowe's inclusion in the Cabinet. Somerset replied that "the difficulty was that anti-Reform speech."<sup>23</sup> Granville apparently believed that Lowe could have been malleable, within limits, on Reform. "I still think," he wrote to Russell shortly after the first of Lowe's great speeches of 1866:

That if you had sent for Lowe during the first week, telling him you must have a Reform Bill, and putting to him whether it was possible to adopt a "finality" position, he would have accepted your terms. No one can doubt that out of the Government he has been of great assistance to our enemies, and has worked great mischief to the Government and to things still more important.<sup>24</sup>

Lowe himself thought that his exclusion from office was attributable to other reasons. "Lord John doesn't mean to have me," he wrote to Delane, adding that the Prime Minister's decision, whatever the ostensible reason for it might be, was "really actuated by private animosity,"<sup>25</sup> Lowe summed-up his own position regarding the Government in the same letter in November 1865.

I really have no wish to join his Government or that you or any other of my friends should trouble yourselves about it. It ought not, and I think will not last. No good is to be got in it. If they go on for reform they are ruined, if they don't they give me a much higher position than

<sup>22</sup> Gladstone to Granville, 6th December 1865. *ibid*, p499.

<sup>23</sup> Torrington to J.T. Delane, 1st November 1865. Dasent, *Delane*, 2, p157.

<sup>24</sup> Granville to Russell, 26th March 1866. Fitzmaurice. *Life of Lord Granville*, p501.

<sup>25</sup> Lowe to Delane, 14th November 1865. *Delane Papers*, 14/92.

mere office could give. People say if only I could get over my speech. It is, I rather think a thing for them rather than for me to get over. My own judgement tells me I am better out of the concern.<sup>26</sup>

In any event, whether the bribe was insufficiently enormous or Lowe and Russell simply could not come to terms, Lowe's exclusion from the Government was a clear signal that a Reform Bill would be part of the Russell Government's programme; even though in the Queen's Speech reform was only included as the last of more than twenty items. Lowe noted further signs of impending doom. Gladstone had received an address in Glasgow which praised his opinions on Reform, these opinions being assumed to be those corresponding to the "democratic" interpretation of the "pale of the Constitution" speech. "Mr. Gladstone did not in any way repudiate or qualify any of the extreme opinions attributed to him in this address,"<sup>27</sup> Lowe observed. He also regarded the accession of G.J. Goschen and W.E. Forster to the Government as an ominous sign. Lowe considered that these two newcomers had been "taken from the more extreme wing of the Liberal party, and the natural construction of the step is that the Government... has determined to indemnify itself by a closer union with its Radical supporters."<sup>28</sup> Examining all the evidence, it seemed that there must be a Reform Bill. Lowe informed the readers of *the Times* that although the intentions of the new Government were as yet unclear in most respects, "the declarations of Lord Russell and Mr. Gladstone, the appointments which have hitherto been made, and the information which is in course of collection by the Home Office, all point decidedly to a Reform Bill."<sup>29</sup> Lowe detected little enthusiasm for it in the country, where the prospect of Reform was contemplated "with much tranquillity," and gave his readers a lengthy list of subjects with which the Government might treat more profitably during the coming session. These

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<sup>26</sup> *ibid.*

<sup>27</sup> *The Times*, 4th November, 1865, 1st leader.

<sup>28</sup> *ibid.*, 25th November 1865, 1st leader.

<sup>29</sup> *ibid.*, 7th December 1865, 2nd leader.

included the bankruptcy laws, capital punishment, life peerages, an Irish University, and the law relating to charities.<sup>30</sup>

Unfortunately for the prospects of the Government, few other than Russell, Gladstone and the Radicals were particularly keen to have a Reform Bill. According to Delane, "nobody in the Cabinet except Lord Russell and Gladstone have the least hope or desire of carrying the Reform Bill. They say the subject was disinterred only to meet the personal exigencies of Lord John, and he may carry it, if he can."<sup>31</sup> This echoed what Lowe had felt about the Reform Bill of 1860. The difference on this occasion was that now the Prime Minister was strongly identified with the Reform Bill, whereas in 1860 Palmerston had seemed sympathetic to its opponents. There would seem to have been a general feeling that the Reform Bill, and consequently Russell's Government, were doomed from the moment that the decision to proceed with franchise reform was taken. It was a mood which was even caught by the Queen. Her private secretary, General Grey, wrote to Russell on her behalf to express Her Majesty's hope "that the introduction of this measure may not be productive of embarrassment to her Ministers."<sup>32</sup> John Morley has written that "in the new parliament, the Tory party was known to be utterly opposed to an extension of the franchise, and a considerable fringe of professing liberals also existed who were quite as hostile"<sup>33</sup> Although Russell and Gladstone were committed to reform, "yet of their adherents, the majority were dubious or adverse."<sup>34</sup> Lowe thought that the Government would be ruined by attempting a moderate reform. "It is a step to universal suffrage," he wrote, "it will please nobody but Bright and co, who will look upon it as an instalment."<sup>35</sup> Failure, he thought, was inevitable. Such a Bill "failed in 1860 when it had a

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<sup>30</sup> *ibid.*

<sup>31</sup> Dasent. *Delane*, 2, p166.

<sup>32</sup> Grey to Russell, 8th March 1866. G.E. Buckle (ed.), *The Letters of Queen Victoria, 1862 – 1885. 3 vols., London, 1926-1928*, vol. 1, 1862-69, p304.

<sup>33</sup> Morley, *Life of Gladstone*, 1, p623.

<sup>34</sup> *ibid*, p623.

<sup>35</sup> Lowe to Delane, 2nd December 1865, *Delane Papers*, 14/104

much better chance than now... It is proposed by men whom nobody trusts... nobody wants it, every body fears it, every body dislikes it."<sup>36</sup>

On the Conservative side the Government's difficulties were also appreciated, although with greater relish. The leaders of the opposition sensed that Reform might afford them an opportunity to defeat, or at least embarrass, the Government. Even before Palmerston's death Lord Stanley had observed that "among the Whigs there are at least 30, probably 40, who like Elcho, Lowe, Horsman, or Enfield, would separate from their party on any occasion where it seemed to show radical sympathies." In the middle of January 1866 Sir Edward Bulwer Lytton gave Lady Salisbury his opinion that "The Government difficulties are great and I think if we are not too aggressive the Government will fall to pieces of itself."<sup>37</sup> Lord Malmesbury identified Russell's and the Government's miscalculation. "After Lord Palmerston's death," he wrote, "which followed the dissolution of Parliament, the Liberal Government met the session with a nominal majority of seventy, believing them to be staunch supporters of Lord Russell, whereas many of them were Palmerstonians, and, as such, against Reform bills."<sup>38</sup> Indeed, many Liberal members had described themselves at the election as "supporters of Lord Palmerston." Lowe himself, when seeking re-election at the General Election of July 1865 had taken the Palmerstonian line on Reform and informed the electors of Calne (his constituency), that he saw "no reason for great organic changes in institutions which... have combined order and liberty, stability and progress, in a greater degree than the institutions of any other nation."<sup>39</sup>

But until a Reform Bill was published by the Government the precise details of its contents remained unknown. How radical would Russell's latest Reform Bill be? Senior Conservatives had information that a Cabinet meeting in August 1865 had determined the necessity for a Reform Bill without deciding on the precise form such a Bill might take. Disraeli thought that the likely choice

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<sup>36</sup> *ibid.*

<sup>37</sup> Burghclere (ed.), *A Great Lady's Friendships*, pp68-9.

<sup>38</sup> Earl of Malmesbury, *Memoirs of an ex-Minister*. 2 vols., London, 1884, vol. 2, 27th June 1866.

<sup>39</sup> Lowe's election address, 1865. Lowe, *Speeches and Letters on Reform*, p19.

would be a measure which only slightly tinkered with the franchise qualification because "if on the other hand they try for a £10 and £6 franchise, a considerable secession, headed by Lowe, is inevitable: and this will probably be sufficient to defeat the measure."<sup>40</sup> Lord Stanley discussed the matter with Lowe directly in November 1865. Lowe told him that Lord Russell would be unable to get a Bill for a £6 borough franchise through the House, "if he tries it failure is inevitable, and at the same time both he and Gladstone are so pledged that they can scarcely avoid with honour making the attempt."<sup>41</sup> Lowe informed the readers of *The Times*, during the course of another article on his favourite *bete noir*, John Bright, of the choices which the Government faced in framing their Reform Bill.

The Bill which Mr. Bright desires is one giving a £10 franchise in the counties, and a household franchise... for the boroughs. The Bill to which Mr. Bright considers the Government pledged is a £5 rating or £6 rental for the boroughs, and a £10 rental for the counties. But there is a third class of proposals. He has been told that there are persons who advise Lord Russell to have a £12 or £15 franchise for the counties, and others... [who] believe that a £20 franchise would be satisfactory. In the boroughs there are those who think that... a £7 or £8 rental would be enough to admit the working men.<sup>42</sup>

Lowe thought that Bright and the Radicals would probably take whatever reduction in the franchise was on offer knowing that they could always return for more, as opportunity offered, until their democratic objectives were achieved. There was also prescience in the judgement that a Reform Bill treating both the franchise and the redistribution of seats in the same measure could not be passed as members for constituencies to be disfranchised would be unlikely to be favourably disposed towards the Bill.<sup>43</sup> In February 1866, shortly before the Reform Bill was actually introduced, Lowe was reported to be "talking with violence against Lord R[ussell]... in all companies." At the

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<sup>40</sup> Vincent (ed.), *Journals of Lord Stanley*, pp237-8, Journal entry for 27th October 1865.

<sup>41</sup> *ibid*, p241, Journal entry for 21st November 1865.

<sup>42</sup> *The Times*, 5th January 1866, 1st leader.

<sup>43</sup> *ibid*.

same time he was "quite convinced of the of the intention and power of the H[ouse of C[ommons] to throw out the new reform bill, whatever it may be."<sup>44</sup>

Lowe noted that in spite of its best efforts, the Government was struggling to whip-up any enthusiasm for reform.<sup>45</sup> This apathy on Reform seems to have been widespread. Lord Stanley's opinion was that "had votes within the House been secret, the bill would at no time have had above 100 or 120 supporters."<sup>46</sup> Sir William Heathcote remarked to Lord Carnarvon that "none of the leading statesmen are sincere in wishing for Reform itself, but are sincere in wishing to do something which shall enable them to say they have dealt with the question."<sup>47</sup> Gathorne Hardy's diary records that although there were public meetings going on to support reform "Parliamentary men appear to call them" and as yet he could see "no popular enthusiasm."<sup>48</sup>

While abortive negotiations were taking place between the Liberal Cabinet and Lowe following Palmerston's death; the Conservatives, anticipating the possibility of a Government defeat on reform, were also putting out feelers in Lowe's direction. Even before the Reform Bill was introduced both they and Lowe were looking into the possibility of alternative political alignments.<sup>49</sup> On one occasion Lowe was heard to favour the withdrawal of Russell and Derby, following which "a fusion should be effected with Gladstone if possible at its head."<sup>50</sup> One possibility which seems to have been frequently mentioned until the formation of Lord Derby's exclusively Conservative Government later in 1867, was the promotion of Lord Stanley to the Premiership to head a Government of moderate men from both parties. In November 1865 Disraeli

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<sup>44</sup> Vincent (ed.), *Journals of Lord Stanley*, p246.

<sup>45</sup> Andrew Lang, *Life, Letters and Diaries of Sir Stafford Northcote*, 2 vols, Edinburgh, 1890, Diary entry for 4th February 1866.

<sup>46</sup> Vincent (ed.), *Journals of Lord Stanley*, p253, Entry for 18th June 1866.

<sup>47</sup> A.H. Hardinge, *The Life of Henry Howard Molyneux, Fourth Earl of Carnarvon, 1831-1890*, 2 vols., London, 1925, vol. 2, p276.

<sup>48</sup> Nancy E. Johnson (ed.), *The Diary of Gathorne Hardy, later Lord Cranbrook, 1866-1892*. Oxford, 1981. p7, entry for 31st March 1866.

<sup>49</sup> F.B.Smith, *The Making of the Second Reform Bill*, Cambridge, 1966, pp70-1; Maurice Cowling, "Disraeli, Derby and Fusion", *Historical Journal* 8, 1965, pp 31-58; James Winter, "The Cave of Addullam and Parliamentary Reform", *English Historical Review* 81, 1966, pp38-55, pp39-41.

<sup>50</sup> Vincent (ed.), *Journals of Lord Stanley*, p246.

commented on this plan; "who are the moderate men of all parties who are to form this new Government? Opposite to us there is, certainly, Mr. Lowe. He could not join us alone, or, if he did, he would be fruitless."<sup>51</sup> Nevertheless, Disraeli was in contact with Lowe and trying to gauge his attitude to a junction with the Conservatives. He believed that the Government's Reform Bill would in all probability be lost due to opposition from anti-Reform Liberal MP's. According to Sir Stafford Northcote, "Dis[raeli] thinks we ought to be prepared to take office if Lord Derby is sent for. We want thirty-five men, and he asks me to consider whether we can get them. His idea is to offer Cabinet office to Lowe and Horsman, and he asks me to sound Lowe as to his probable willingness to join." Northcote did as he was asked and dined with Lowe's friend Thomas Farrer with whom he made enquiries about Lowe's views. Farrer reported that

L[owe] does not think the present Government can stand; that he has no dislike for Dis[raeli], but a good deal of contempt for him; that he has a supreme contempt for Horsman; and, finally, that he is essentially a Radical, except upon the question of the franchise. There may be a temporary alliance between L. and the Conservatives, but they cannot permanently act together on Church questions and the like.<sup>52</sup>

According to Farrer, Lowe also mentioned the idea of a moderate Government with either Lord Stanley or the Duke of Somerset as Prime Minister. Reporting back to Disraeli on the 4th February 1866, Northcote expressed "doubts as to the prudence of making any overtures to either L.[owe] or H.[orsman] until at all events the Government have shown their hand." This was for two reasons: firstly Northcote did not think either man had much of a following; and secondly that "they would alarm many of our Church supporters."<sup>53</sup> Senior Conservatives seem to have been in two minds about a possible combination with anti-reform Liberals. On the one hand Disraeli said that he was "anxious for L.[owe] to join us,"<sup>54</sup> while on the other Northcote finds that Cranborne "quite agrees in deprecating the junction with Lowe and

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<sup>51</sup> Buckle, *Disraeli*, 4, p425. Letter to Ralph Earle, 6th November 1865.

<sup>52</sup> Lang, *Northcote*, Diary entry for 3rd February 1866, p230.

<sup>53</sup> *ibid*, Diary entry for 4th February 1866, p231.

<sup>54</sup> *ibid*, p231.



Horsman." Northcote himself was inclined to counsel caution regarding approaches to Lowe and his friends. He felt that a better strategy "would be to get some of the great Whig families" over to the anti-reform side.

Nevertheless, contact between the "third party" of anti-reform Liberals and the Conservative leadership was maintained. Lowe was trying to stiffen the Conservatives against the expected Reform Bill and told the Conservative M.P. Charles Adderley that providing the Conservative Party remained solid in opposing any reform bill which the Government might introduce, he (Lowe) guaranteed a rebellion of sufficient size to give a majority of fifty against such a bill.<sup>55</sup> Gerard Noel, the future Conservative Chief Whip, reported that "the Third Party meet constantly at Elcho's house; that they number, or profess to number, about fifty followers; that they would join us but will not accept Dis.[raeli] as leader." Noel suggested that negotiations should take place between the Conservative Party and this "third party" and suggested the former Chief Whip, Sir William Jolliffe, as the man to undertake the task.<sup>56</sup> Presumably this suggestion was acted upon as two days later Northcote records the results of Jolliffe's contacts with the third party; in particular that they favoured Lord Stanley as leader with Disraeli in a subordinate capacity.<sup>57</sup> Nevertheless, in spite of Conservative misgivings about the value of most of the personnel in the anti-reform wing of the Liberals, the leaders of the party recognised that Lowe was the most important and talented of the potential rebels. "We must have Lowe; but the others are worth very little," Northcote confided to his diary on the 22nd February 1866.<sup>58</sup>

But Lowe was also concerned that the Conservative leadership, on whose help he relied to defeat any Government Reform Bill, were not themselves entirely sound on the reform question. It was, after all, only seven years since the short lived Derby Government had introduced a Reform Bill of its own. The Conservatives met at Lord Salisbury's in early March 1866 to discuss the

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<sup>55</sup> *ibid*, pp234-5.

<sup>56</sup> *ibid*, p238-9ff, entry for 20th February 1866.

<sup>57</sup> *ibid*, p241-2, entry for 22nd February 1866.

<sup>58</sup> *ibid*, p243.

question of reform. At this meeting Spencer Walpole received "a very urgent note" from Lowe "written under the apprehension that we were going to declare ourselves in favour of a measure of Reform." According to Northcote this note also suggested that Disraeli should take office, presumably after the defeat of the Government on the Reform Bill. Northcote took this as an indication that Lowe's antipathy for Disraeli was far outweighed by his opposition to reform and that the "Third Party [were] abating their pretensions" and would, if pressed, accept Disraeli if reform could be prevented thereby.<sup>59</sup>

All this occurred, let it be noted, before any Reform Bill had even been introduced by the Government. Nevertheless, the pattern had been set for the events which were to follow in 1866 and 1867. The arguments for and against Reform had been rehearsed during the debates on Baines' borough franchise Extension Bill in 1865. The case for democracy had been made by the Reformers, and virulently opposed by Lowe. At the same time the battle lines of the debates of 1866 had been drawn. Russell and Gladstone on one side; encouraged by Bright and other Radicals, and supported with varying degrees of enthusiasm by the main body of loyal Liberal MP's. Opposed to the Government were a small group of Liberal MP's, numbering around thirty or forty, who were opposed to Reform. It was Lowe who provided the intellectual and oratorical power of this group.

At the start of 1866, the reconstructed Liberal Government of Earl Russell was expected to introduce a Reform Bill. Whether or not the Cabinet was keen on Reform, there was a feeling abroad that the question had to be addressed. Some senior members of the Government had already recognized that Lowe might be an influential opponent of reform and thought it might be wise to include him in the Cabinet. Had Lowe been tempted by Cabinet office sufficiently to be a little more flexible on Reform then in all probability a mild Reform Bill would have been passed. A Liberal Government, with Lowe in the Cabinet, would have remained in office. But Lowe preferred to stick to his principles and refuse the fruits of compromise. Having failed to tempt Lowe

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<sup>59</sup> *ibid*, p25, entry for 8th March 1866.

back into the fold, by bribery or other means, the Government was now faced with the task of trying to guide its Reform Bill through Parliament in the face of opposition from Lowe and his followers, as well as the Conservatives. The fact that Lowe was not in the Government suggested that a more Radical Bill might be introduced. On their side, the Conservatives also realized that Lowe was the mainspring of the Liberal opposition to Reform and courted him accordingly. They had sounded-out Lowe as to his attitude to Reform and knew that if they could combine with the group of anti-Reform Liberal MP's of whom Lowe was the most prominent, they had a fair chance of defeating the Government on this issue. Lowe's idea of what was to come after the fall of the Liberal Government largely centred on a coalition of moderates from both parties led by either a senior Whig or a moderate Conservative; the name most often mentioned being that of Lord Stanley. As for the Conservatives, they were principally concerned to defeat the Liberal Government and get into office. Preferably, from Disraeli's point of view, without having to invite some of the rebellious Liberals into their administration. How far these plans were to come to fruition remained to be seen.

The Reform Bill was eventually introduced in the Commons by Gladstone on Monday 12th March 1866. From the first, Lowe cooperated with the Conservatives against it.<sup>60</sup> He approached Gathorne Hardy on the preceding Friday (the 9th) to try and get some speakers from the Conservative side to speak against the Bill. Hardy recorded that "he (Lowe), Horsman and Elcho are going to run at it & want to make it two nights debate." But unlike Lowe, Lord Derby's principal purpose was not the prevention of a downward extension of the franchise. His and Disraeli's primary object was to defeat the Government. They were interested in this Reform Bill principally because it provided an opportunity to do this. Derby therefore wisely decided that his best strategy lay in allowing the Government to be attacked by its own nominal supporters while he and his followers exercised "caution and

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<sup>60</sup> Johnson (ed.), *The Diary of Gathorne Hardy*, p5; Malmesbury, *Memoirs of an ex-Minister*, 2, entry for 12<sup>th</sup> March 1866; Hardinge, *The life of Lord Carnarvon*, 2, p276; Buckle, *Disraeli*, 4, p432.

silence."<sup>61</sup> Nevertheless, some co-operation was necessary and on Saturday 10<sup>th</sup>, Hardy learned that "through Walpole some arrangements had been made with Lowe who was satisfied."<sup>62</sup>

The introduction of the Reform Bill and the publication of its details did not seem to improve its prospects of becoming law. The Bill still appeared doomed. Lord Malmesbury noted that "the general impression is that it cannot pass."<sup>63</sup> Three days later on March 15<sup>th</sup> he reported that "Mr. Lowe...says he can influence from thirty to thirty-five votes, and if so we are safe."<sup>64</sup> Lowe himself was busy keeping the Conservatives up to the mark in their resistance to Reform and "was a frequent visitor in Grosvenor Street and at Hatfield." He told Lord Carnarvon of his determination to destroy the Liberal Government; "if your Party... were only true, the Government have not got a chance."<sup>65</sup> For his part, Disraeli "was in constant communication with Lowe and the Whig dissentients, mainly through Lord Elcho, and pulled the wires in the background."<sup>66</sup> At the same time he was preparing Lord Derby "for a junction with Lowe."<sup>67</sup> The Liberal Earl of Kimberley (a Cabinet Minister in all Liberal Governments from 1868 until 1895) frankly confided to his journal the reality of the position in the midst of the debate on the Second Reading of the Reform Bill. "The fact is that a certain number of old Whigs don't want Reform at all altho' they dare not say so, and none of the Tories want Reform, altho' many of them pretend they do."<sup>68</sup>

In spite of what seemed a fair prospect that the Government would be defeated, there were still two alternative strategies in the minds of the Bill's opponents. On the one hand some were in favour of a compromise and a mild Reform Bill being agreed upon. Lowe and Disraeli, on the other hand, were for fighting to defeat the Bill and the Government absolutely, albeit for very

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<sup>61</sup> Johnson (ed.), *Gathorne Hardy*, p5.

<sup>62</sup> *ibid*, p5.

<sup>63</sup> Malmesbury, *Memoirs of an ex-Minister*, 2, p349, entry for March 12<sup>th</sup> 1866.

<sup>64</sup> *ibid*.

<sup>65</sup> Hardinge, *The Life of Lord Carnarvon*, 2, p276.

<sup>66</sup> Buckle, *Disraeli*, 4. p432.

<sup>67</sup> Lang, *Northcote*, Diary for 23<sup>rd</sup> March 1866, p255.

<sup>68</sup> Angus Hawkins and John Powell (eds.), *The Journal of John Wodehouse, First Earl of Kimberley for 1862-1902*, London, 1997, entry for 20<sup>th</sup> April 1866, p186.

different reasons. Lowe was simply opposed to democracy, to which he thought the Reform Bill was a stepping stone. He opposed a compromise and argued "that we can lose nothing, and may gain much, by waiting a year." With any luck another issue would replace Reform at the top of the political agenda and the enthusiasm for Reform among some politicians, and the willingness to acquiesce in it among others, would have abated. Disraeli, on the other hand, was seeking party advantage. He was calculating the political consequences of the alternative courses open to him and was interested in defeating the Bill primarily because it was a Liberal Bill. "No matter how you modify the bill," he said, "it is still theirs, and not ours, and will give them the command of the boroughs for half-a-dozen years to come."<sup>69</sup>

In the end, of course, the often quite divergent views of Lowe and Disraeli prevailed and the struggle against the Bill was fought to a conclusion. In the meanwhile Lowe became the mainspring of the opposition and "delivered against the Bill two speeches, very powerful in rhetoric as well as reasoning, which fairly took the House by storm."<sup>70</sup> The debates on the 1866 Reform Bill "were well sustained, and remarkable as a display of intellectual power." Gladstone and Bright shone as did Disraeli himself "but no one added so much to his reputation as Robert Lowe."<sup>71</sup> Justin McCarthy wrote:

The fate of this unhappy bill is not now a matter of great historical importance. Far more interesting than the process of its defeat is the memory of the eloquence by which it was assailed and defended. One reputation sprang into light with these memorable debates. Mr. Robert Lowe was the hero of the opposition that fought against the bill. He was the Achilles of the Anti-Reformers. His attacks on the Government had, of course, all the more piquancy that they came from a Liberal, and one who had held office in two Liberal administrations.<sup>72</sup>

J.E. Denison, the Speaker of the House of Commons at the time, later remembered that Lowe's speech on the second reading of the 1866 Reform Bill "was a great intellectual effort - close reasoning, sharp hits, a polished

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<sup>69</sup> Vincent (ed.), *Journals of Lord Stanley*, 30th April 1866, p250.

<sup>70</sup> Palmer, *Memorials*, 1, p56.

<sup>71</sup> *ibid*, p56.

<sup>72</sup> Justin McCarthy, *A History of our own Times*, 4 vols., London, 1880, vol.4, p60.

steel blade wielded with a light and master hand."<sup>73</sup> After his speech on the First Reading of the 1866 Reform Bill, Lord Stanley wrote to Mrs. Lowe that "Mr. Lowe's speech on Tuesday has done more to influence affairs than any that has been delivered in Parliament within my recollection..."<sup>74</sup> Gladstone, in reporting Disraeli's speech on the second reading of the Reform Bill to the Queen noted that "it was, of course, of great ability, and was received in parts with rapturous cheers by his friends. But the extraordinary oratorical merit of Mr. Lowe's speech of yesterday rather cast it into the shade."<sup>75</sup> Everybody, even those who disagreed with him, seem to have agreed that Lowe was the oratorical star of the Reform debates and was instrumental in defeating the Bill and the Government. But Lowe was not a natural orator. Regarding his mode of speaking, one observer noted that his speech was "effectively delivered... but," he added:

think not that we mean effective action; for of this Mr. Lowe uses little or none; neither does he avail himself of those powerful auxiliaries of the orator - the expression of the countenance and the flashing of the eye. Mr. Lowe's face whilst he is speaking is almost statuesque in its immobility; and as to his eyes, poor man, he is so near-sighted that we question whether he can see the speaker in his chair; and yet, without the aid of these helps to effective oratory, he managed, with his strong, clear, and flexible voice, to deliver his speech with great effect.<sup>76</sup>

It was Lowe's speech which gained much of the attention which the debate attracted. His opposition to the Reform Bill was effective, at least in part, because he was, in all other respects, a Liberal and a former minister in two previous Liberal Governments. Gladstone told an audience at Liverpool that "Mr. Lowe is the real leader of the opposition." The Conservatives had no need to oppose the Reform Bill too vociferously and were able to keep their options open on Reform while still voting against the Bill. They were more than happy to leave the hard work of opposing the Bill to Lowe and his colleagues. According to Gladstone, this was "because they have found on the Liberal side men ready to express sentiments more violent than they

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<sup>73</sup> J.E. Denison, *Notes from my Journal when Speaker of the House of Commons*, London, 1899, p192

<sup>74</sup> Martin, *Robert Lowe*, 2, p288.

<sup>75</sup> Buckle (ed.), *The Letters of Queen Victoria*, 2nd series, 1, 28th April 1866.

<sup>76</sup> W.H. White, *The Inner Life of the House of Commons*, London, 1897, p38.

themselves were ready to give utterance to."<sup>77</sup> On the other hand, the Conservative leaders were not absolutely opposed to all Reform and would consider it, if they could reap some advantage from it. Disraeli's first biographer said of him that "he could not have taken, either with sincerity or consistency, the whole-hearted anti-democratic attitude of Lowe. He spoke instead with caution and circumspection."<sup>78</sup>

But although it was Lowe's intention to arrest the progress of Reform it is possible that he may have unintentionally accelerated it. W.E. Forster even thought that some Liberals who leaned more towards radicalism would be reconciled to the £7 franchise because the sharpness of the attacks of Lowe (and Horsman) suggested that the Bill was a measure which was more radical than it really was.<sup>79</sup> Others thought he had overstated his case. The Speaker recalled one MP as saying, "if I had heard one or two more such speeches as Lowe's, I think I should have voted with the Government."<sup>80</sup> Additionally, the violence of Lowe's opposition began to excite public interest in the Reform question. Back in 1865 Edward Baines, while introducing his Reform Bill had lamented that "the popular demand for Reform has not recently been so loud as I think it should have been."<sup>81</sup> After Lowe's speeches and the debates in Parliament, interest in Reform began to grow. Lowe and his friends had made the Reform issue far more prominent and Lowe in particular had, in some quarters, become "an object of the hatred, perhaps a mark for the vengeance" of some of the people.<sup>82</sup> The Reform League demonstration in Hyde Park with its accompanying "riot" of 23rd July 1866 was one indication that apathy was by no means universal. One phrase which Lowe used gained him considerable notoriety when taken out of context and used against him. "Let any gentleman consider the constituencies he has had the honour to be concerned with," he said, "if you want venality, if you want ignorance, if you want drunkenness, and facility for being intimidated; or if, on the other hand,

<sup>77</sup> *The Times*, 6th April 1866, p10.

<sup>78</sup> Buckle, *Disraeli*, 4, p432.

<sup>79</sup> Lang, *Northcot*, 14th March 1866, pp252-3

<sup>80</sup> Denison, *Notes from my Journal*, p192

<sup>81</sup> *Hansard*, 177, col. 1376.

<sup>82</sup> Lowe to Joseph Guedella (Reform League), 2nd January 1867. Lowe, *Speeches and Letters on Reform*, p30.

you want impulsive, unreflecting, and violent people, where do you look for them in the constituencies? Do you go to the top or to the bottom?"<sup>83</sup>

This was seized upon by the proponents of reform who suggested that Lowe's words were a condemnation of the working classes as a whole. When quoting Lowe, organisations such as the Reform League would generally omit the words "in the constituencies" from the quotation, thus altering the sense of the relevant sentences and making it appear that Lowe intended these words as a general description of the working classes. In a lively interchange of letters with Joseph Guedella, a member of the executive of the Reform League, Lowe protested that "the passage in my speech on March 13th, 1866, on which this accusation professes to be grounded, only states that that such things do unhappily exist in the constituencies, and that where they do exist they are to be found among the poorer rather than the richer voters." These subtleties were not generally appreciated and the idea that Lowe had calumniated a large proportion of his fellow countrymen gained common currency.<sup>84</sup> John Bright in a speech in Birmingham in August 1866 recommended that the offending passage in Lowe's speech "should be printed upon cards, and should be hung up in every room in every factory, workshop, and club-house, and in every place where working-men are accustomed to assemble. Let us rouse the spirit of the people against these slanderers of a great and noble nation."<sup>85</sup> Lowe accused Bright of using "the language not of Reform, but of Revolution."<sup>86</sup> A later and more sympathetic commentator characterised Lowe's strictures on the working classes rather differently. "Instead of flattering the multitude, Mr. Lowe has spoken out more plainly concerning them than any other public man, and has thereby unavoidably earned for himself much ill-will, which the efforts and

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<sup>83</sup> Lowe, *Speeches and Letters on Reform*, p74.

<sup>84</sup> *ibid*, pp21-31.

<sup>85</sup> John Bright, *The Speeches of John Bright*, p377.

<sup>86</sup> *The Times*, 18th October 1866, 1st leader.



misrepresentations of Mr. Bright and others have endeavoured to convert into positive hatred."<sup>87</sup>

What Lowe had unintentionally helped to do by his pungent language was to change the focus of the debate from a question of the precise monetary level at which the qualification for the franchise should be fixed, to one of the introduction of a mass democracy. Before 1866 the pressure for Reform had come mainly from within Parliament, the press and some of the more advanced liberal electors, there was now a change of emphasis. The movement was now beginning to take on more of a mass character. When the Government was eventually defeated on the Reform Bill the ensuing agitation was in favour of universal suffrage. In October, Lowe reported that Reform meetings were "taking place in the great towns" under the auspices of the Reform League. This agitation was claimed by a member of the League's Executive to be "unprecedented in numbers, order, and enthusiasm." Lowe was informed additionally that "the recent gatherings have been characterized by universal decorum and good conduct, by an entire absence of drunkenness, violence, turbulence, and the other vices enumerated by you."<sup>88</sup> Lowe commented on this transformation without showing any appreciation that his own speeches and actions were one of the sources of the change.

The late Government resigned office because it despaired of carrying a measure which, whatever might have been its ultimate results, would only in the first instance have added something under a quarter of a million to the existing constituencies... But what has that measure... in common with the meetings which are taking place in the great towns? Being got up by the same body, their language is always the same – a demand for Manhood Suffrage.<sup>89</sup>

Whereas John Bright saw the co-operation between the Adullamites and the Conservatives as a "dirty conspiracy",<sup>90</sup> Lowe himself saw his actions in 1866 in a more honourable light. In a private letter to a friend in Australia Lowe

<sup>87</sup> H.W. Cole, "The Four Reform Orators." *Quarterly Review*, 122, Nr. 244, April 1867, p561.

<sup>88</sup> Joseph Guedella to Lowe, 1<sup>st</sup> January 1867. Reprinted in: Lowe. *Speeches and Letters on Reform*, pp 28-9.

<sup>89</sup> *The Times*, 18<sup>th</sup> October 1866, 1<sup>st</sup> leader.

<sup>90</sup> H.J. Leech (ed.), *The Public Letters of Rt. Hon. John Bright, M.P.*, London, 1885, p108.

explained that he had been trying to prevent Parliament from committing "itself to a course from which there will be no receding, and which will ultimately lead us to a termination which you, who know England as well as Australia, can picture for yourself."<sup>91</sup> To the same correspondent he expressed his determination to "do all I can to stem the tide of democracy except forfeit my character."<sup>92</sup> It can hardly be doubted that Lowe's opposition to democracy was genuinely felt and that his actions in 1866 and 1867 stemmed from his liberal principles; because he was "a consistent and ardent Liberal"<sup>93</sup> rather than from any personal calculations. According to Roundell Palmer:

His experience in Australia had made him distrustful of an Electorate in which the poorer and less educated part of the community might hold the balance of power; and, sitting for a small Wiltshire borough, which could hardly escape disfranchisement under any scheme of Redistribution, there was nothing to restrain the free expression of his opinion.<sup>94</sup>

Lowe's opposition to Russell and his Reform Bill may, however, been given extra bite by more personal factors. As we have seen, he had been passed-over for promotion to the Cabinet when he might reasonably have expected an important post. It was also later pointed out that it was strange:

That the man who, in England and in opposition, resisted so violently the extension of the franchise to the people, in Australia had advocated a wide extension of the franchise ; and in office had sat silently by while the Reform Bill of 1860 had been proposed by his leaders. It is certain, too, that, before the Reform Bill of 1866 was introduced, he had expressed in his private letters a determination to wreck the Government.<sup>95</sup>

Lowe had also been forced to resign from his post as Vice-President of the Committee of the Privy Council on Education "in circumstances which had left him somewhat sore."<sup>96</sup> He felt that he had not, on this occasion, received the support from the other members of the Government to which he was

<sup>91</sup> Lowe to Mrs Billyard, 25th March 1866. Martin, *Robert Lowe*, 2, p277.

<sup>92</sup> Martin, *Robert Lowe*, 2, p299.

<sup>93</sup> H.W. Cole. "The Four Reform Orators," p560.

<sup>94</sup> Palmer, *Memorials*, 1, p56.

<sup>95</sup> Walpole, *Twenty-five years*, 2, pp153-4.

<sup>96</sup> Buckle, *Disraeli*, 4, p409.

entitled.<sup>97</sup> This had come on top of repeated disappointments over the promotion which he believed he merited and which senior members of the Government had several times hinted could not be long delayed.<sup>98</sup> Yet time and again, Lowe saw men of inferior ability promoted to Cabinet rank over his head. Lowe eventually came to the belief that "Palmerston appears to be consistently my enemy" and was therefore unlikely to offer him a Cabinet post.<sup>99</sup> As we have seen, it became clear shortly after Russell's accession to the Premiership that he could not expect preferment from that quarter either, unless he performed a *volte face* on the reform question.<sup>100</sup>

Undoubtedly Lowe was disappointed not to have been called to the high office he (and others) believed that he deserved. It is also true that the borough for which he sat would almost certainly be disfranchised by a redistribution of seats. But Lowe could have had Cabinet office in Earl Russell's Government had he been willing to compromise on Reform. The fact that he was not willing to do so, together with the vehemence of his speeches, strongly argues for Lowe's sincerity in the matter. Indeed, Gladstone, during his Liverpool speech in April 1866 expressed his firm belief in Lowe's intellectual honesty.<sup>101</sup> While the disappointments and perceived injustices which Lowe felt had been his lot may have added to the ferocity of his attacks on the Government in 1866, it is hard to doubt the sincerity of his opposition to Reform. In a private letter after the 1867 Reform Act had passed and the furore had died down, Lowe wrote that "when I took my decided Stand on Reform, I was told that I should not get a seat, and I said I did not care, that the stake was worth risking much more important things than that on, and that I would play the game regardless of consequences."<sup>102</sup>

But even in June 1866 there were some in the Liberal Government who thought that an agreement with Lowe and his confederates to save the

<sup>97</sup> White, *The Inner Life of the House of Commons*, pp18-19.

<sup>98</sup> Lowe to Delane, 23rd April 1863, *Delane Papers* 12/34; Delane to Lowe, 22nd April 1863, *Delane Papers*, 12/33; Lowe to Delane, 22nd June 1861, *Delane Papers*, 10/99.

<sup>99</sup> Lowe to Delane, 23rd April 1863, *Delane Papers* 12/34.

<sup>100</sup> Winter, *Robert Lowe*, pp190-193.

<sup>101</sup> *The Times*, 6th April 1866, p10.

<sup>102</sup> Lowe to Mrs. Billyard, 19th August 1868. Martin, *Robert Lowe*, 2, p354.

Government might still be possible. Lord Malmesbury received information "that the Government have promised the Adullamites to withdraw the Reform Bill altogether if they will steadily support them on all other occasions."<sup>103</sup> It seems more likely, however, that a compromise was what was on offer. The Government had gained one or two victories in votes on some minor amendments which, they felt, strengthened their position so that they could "open up negotiations with the remaining dissentients in their own party - the section led by Mr. Lowe - and arrive at some compromise in regard to the main point at issue, viz. how far the household suffrage in boroughs should be reduced." Lord Granville, as a friend of Lowe, was the appointed intermediary but his efforts proved fruitless.<sup>104</sup> The Government was encouraged in its efforts to reconcile the Adullamites by the belief, which Herbert Brand, the Chief Whip, expressed to Russell; that "Horsman and Lowe can no more coalesce with Disraeli and Co. than vinegar with oil."<sup>105</sup> But Lowe was not a man for compromise. He "was unmanageable; for he knew victory was in his hands."

The Government was defeated in the early hours of the 19th June on Lord Dunkellin's amendment to substitute a qualification based on payment of rates, for a rental qualification for the franchise.<sup>106</sup> The margin of victory for the Government's opponents was eleven votes.<sup>107</sup> Although the Queen ardently wished them to remain in office the Government reluctantly opted for resignation rather than dissolution. Lord Russell's stated reason for this was "the general apathy of the South of England on the subject of Reform."<sup>108</sup> A vote of confidence was suggested and according to W.H. Gregory, an Adullamite and Dunkellin's fellow M.P. for Galway, the rebel Liberals offered to move such a vote "but all atonement was refused."<sup>109</sup> In Gladstone's view such a "vote of confidence recognising and approving our design of

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<sup>103</sup> Malmesbury, *Memoirs*, June 3rd 1866.

<sup>104</sup> Fitzmaurice, *Life of Lord Granville*, p506.

<sup>105</sup> Brand to Russell, 29th March 1866. G.P. Gooch (ed.), *The Later Correspondence of Lord John Russell, 1840-1878*, 2 vols., London, 1925.

<sup>106</sup> Dunkellin sat as Liberal member for the County of Galway.

<sup>107</sup> *Hansard*, 184, cols. 539-644. Lowe did not speak during this debate.

<sup>108</sup> Russell to Victoria, 19<sup>th</sup> June 1866. Buckle (ed.), *The Letters of Queen Victoria*, 2<sup>nd</sup> series, 1. p335.

<sup>109</sup> William Gregory, *An Autobiography*, London, 1904, p245.

enfranchisement... Could not be carried. ... The Opposition would fiercely resist such a vote of confidence. I confess I do not wish to hear Lowe's speech upon it."<sup>110</sup>

The question of whether the Conservatives could attract a sufficient number of Adullamites to give them a working majority, and on what terms, now assumed immediate importance. Lord Stanley recalled a conversation which he had with Disraeli a few days after the Russell Government had resigned. Disraeli was "sanguine of success, eager for power, and full of his projected arrangements, which he had been discussing with Ld. D. They all turn on the supposition that a considerable number of the Adullamite Whigs, or followers of Lowe, will join us - which is doubtful."<sup>111</sup> Nevertheless, there seems to have been almost an assumption that some sort of coalition Government would be formed. This was certainly the question to which Lowe addressed himself on the leader page of *The Times*. Following the split over Reform, in what direction would the disparate elements of the Liberal party now go? "Are we henceforth to be governed, as heretofore, by some kind of coalition between Whigs and Radicals, or is the Whig party to be split in two, one part of it being lost in the Radicals and the other scarcely distinguished from the Conservatives." Lowe was disposed to think that "while a certain portion will throw in their lot with Mr. Gladstone and Mr. Bright, another portion will be disposed to unite themselves to political opponents from whom they have hitherto been estranged."<sup>112</sup> A few days later he was writing in a similar vein that in the political situation in which they found themselves "the natural remedy... is a division of the existing Whig party into two sections - one whose convictions and interests carry it into still closer union with the Radicals, the other which recognises a closer affinity and a stronger attraction to the Conservatives." Lowe's conclusion was that a "coalition is obviously the thing required."<sup>113</sup> These hints at a *rapprochement* between the Adullamites and the Conservatives were eventually to come to nought. The Conservatives themselves had initially expected that they would be forming a coalition

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<sup>110</sup> Gladstone to Russell, 22nd June 1866. Gooch (ed.), *Later Correspondence*.

<sup>111</sup> Vincent (ed.), *Journals of Lord Stanley*, 21st June 1866, p254.

<sup>112</sup> *The Times*, 29th June 1866, 1st leader.

<sup>113</sup> *The Times*, 2nd July 1866, 1st leader.

Government. As we have seen, Disraeli was planning an administration based on that assumption. The Queen advised Derby to form "a new Government on a more extended basis" and offered help in smoothing the path to this objective. She thought that it should be possible "to obtain the assistance of some, at least, of those who have been supporters, or even Members, of the late Government."<sup>114</sup> The Conservative Party met at Lord Derby's house on the 28th June and the feeling of the meeting was that it would be "very desirable to form the Government on an enlarged basis." The MP's and Peers who attended "expressed a general determination to make all personal considerations subordinate to the main object of establishing, on Liberal-Conservative principles, a Government which might obtain the confidence of the Queen and of Parliament, and hold out a prospect of permanency."<sup>115</sup>

"How comes it, then," Lowe asked, "that no coalition has been effected?" He then proceeded to answer his own question by saying that "for a Liberal to join the Government of Lord Derby would be... to pass under the yoke and surrender at discretion to a great and powerful antagonist." Although Lowe lamented that "an opportunity of re-adjusting political parties has been lost"<sup>116</sup> his differences with the Conservatives would have made it impossible to serve in a Government where they were in the majority. The leadership of the Liberal party was perfectly aware of the Adullamites' dilemma. Herbert Brand, the Liberal Whip, had warned Russell as early as the 29th March that the Conservatives "mean to try their hands provided they can secure the support of a sufficient section of alarmed and discontented Liberals, who will assist them, first in defeating you, and secondly in joining with them to form and maintain a Government."<sup>117</sup> Brand did not believe they had much chance of succeeding in either objective. Derby and Disraeli, contrary to Brand's expectation did manage to unseat the Government, but the second element proved more difficult of achievement. G. J. Goschen, in April, expressed one

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<sup>114</sup> Victoria to Derby, 27th June 1866. Buckle (ed.), *Letters of Queen Victoria, 1862-1878*, 1, p342.

<sup>115</sup> Memorandum by the Earl of Derby, 28th June 1866, *ibid*, pp 344-5.

<sup>116</sup> *The Times*, 2nd July 1866, 1st leader.

<sup>117</sup> Brand to Russell, 29th March 1866. Gooch (ed.), *Later Correspondence of Lord John Russell*.

of the reasons why the coalition never happened. Although it was thought by some that Lowe would join with the Conservatives to form a Government if the Russell administration fell, Goschen couldn't "see how he can do so, for he told us only a few days ago that he was against all religious tests whatever. How, then, bravely and honestly, can he join a party which strains every nerve to retain and perpetuate these tests?"<sup>118</sup>

Lord Derby wrote to Malmesbury on the 22nd of April that those Liberals who were voting with the Conservatives on the reform question:

Are so diametrically opposed to us on others of no less importance that, even if they had leaders with whom it would be more easy to confer than with those apparently at their head, I do not see how we could come to such an understanding as would enable us to carry on a Government together; and of the ordinary supporters of the present Administration, who will reluctantly go with them on this occasion, I cannot look to any who would have the courage to break off from their party to support a Government of which Disraeli and I should be the leaders.<sup>119</sup>

Alternatives were suggested. Lowe wrote in *The Times* that "the one insuperable objection to a coalition is Lord Derby himself... There are very few things that he cannot do; but the uniting of two discordant sections of politicians is exactly one of them."<sup>120</sup> One alternative again canvassed was an administration led by Lord Stanley, who would have been more palatable to Lowe and his colleagues than Derby and Disraeli. Back in March 1866 Stanley had recorded in his diary that the notion was "widely spread that Ld. D. if unable to form an administration, will hand the task over to me: the Whigs generally seem to believe it. To Lowe and his friends this would be a satisfactory solution of the difficulty in which their actual position places them but the Conservatives would not, I think, accept it as satisfactory to them..."<sup>121</sup> Delane told Lady Salisbury that he would be against a Conservative Government under the current leadership but would not be unhappy about a

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<sup>118</sup> Speech at Liverpool. *The Times*, 6th April 1866, p10.

<sup>119</sup> Malmesbury, *Memoirs*, 22nd April 1866.

<sup>120</sup> *The Times*, 2nd July 1866, 1st leader.

<sup>121</sup> Vincent (ed.), *Journals of Lord Stanley*, 24th March 1866, p248

Government led by Stanley. Her Ladyship passed this remark on to Lord Stanley who, in recording Delane's view in his diary, added that "Lowe has for some time been holding the same language."<sup>122</sup> Some on the Conservative side also favoured the coalition path. Two days after the defeat of the Liberal Government Hugh Cairns, a Conservative MP, future Lord Chancellor and one of those who had favoured a compromise, conversed with Gathorne Hardy. Cairns' view, according to Hardy, was that "nothing but a new head to a moderate party can answer." His projected arrangements would have put Lord Lansdowne and Lord Stanley as the leaders. Hardy himself thought there was merit in the proposal as he could not "see [his] way to a pure Derby Govt."<sup>123</sup>

In the end, the difficulties associated with forming a composite administration of Conservatives and moderate Whigs and Liberals proved insurmountable. Derby first tried to attract some Whigs into the Government, such as Lord Clarendon who was invited to remain at the Foreign Office, and then offered posts to some of the Adullamites. To W.H. Gregory he offered the Secretaryship of the Admiralty. To Lord Shaftesbury the post of Chancellor of the Duchy of Lancaster was proposed.<sup>124</sup> Lord Malmesbury dined in company with Mrs. Lowe on June 22nd who confirmed what he had already gleaned from Cranborne; "that the Adullamites would not join Lord Derby, as they looked upon that as ratting, but were ready to coalesce with our party under Lord Stanley."<sup>125</sup> Derby himself informed Stanley of the results of his overtures to Lowe and his friends. Stanley recorded that "that the Adullamites have held a council, that the result is they decline to join him... Their wish is for a coalition under some Whig chief of which I should be leader in [the] H[ouse of] C[ommons]...."<sup>126</sup> According to Malmesbury's calculations Lord Stanley could have counted on the adherence of about forty Adullamites "whilst only twelve would join Lord Derby." He advised Derby, if sent for, to tell

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<sup>122</sup> *Ibid*, 29th April 1866, p250.

<sup>123</sup> Johnson (ed.), *Diary of Gathorne Hardy*, p14.

<sup>124</sup> Gregory, *Autobiography*, p245; Edwin Hodder, *The Life and Works of the Seventh Earl of Shaftesbury*, London, 1887, Shaftesbury's journal for 29th June 1866, p617.

<sup>125</sup> Malmesbury, *Memoirs*, June 22nd 1866.

<sup>126</sup> Vincent (ed.), *Journals of Lord Stanley*, 23rd June 1866, p254.



the Queen this. He summarised Derby's efforts to put together a majority in the House of Commons after the 18th June. "He tried to form a coalition with some Whigs, and invited Lord Clarendon and the Duke of Somerset to join him. They refused. Then he did the same by the Adullamites, most of whom also declined."<sup>127</sup> According to Bright, "Lord Derby did his utmost to prevail upon Mr. Lowe to become a member of his Cabinet"<sup>128</sup> W.H. White reported the rumours that the Conservatives had offered him a place but that he had declined.<sup>129</sup> Lowe's antipathy to Derby, and most particularly to Disraeli, meant it would be very difficult for him to join a Government of which those two were the principal members. Lowe "had hoped to see Lord Stanley at the head of [the Government], in whom he had confidence, and under whom I believe he would have served; - not Lord Stanley's father, who had twice before failed, and whom he regarded as clay in Disraeli's hands."<sup>130</sup>

Lowe could probably not have worked with the Conservatives anyway. The sole basis of his co-operation with them during 1866 was the opposition to the Liberal Reform Bill. The problems that made an eventual junction between Lowe and the Conservatives difficult to envisage in March and April had not diminished by June. Roundell Palmer wrote of Lowe that "he was a decided Liberal in the whole turn of his mind."<sup>131</sup> Earlier, in March and April 1866 when the prospects for a fusion Government had been discussed, Lowe had expressed the doubts which T.H. Farrer had passed on to Stafford Northcote. Lowe himself had told Lord Carnarvon that "the principal difficulties with which a fusionist Government would have to deal, would be Church questions - though he did not think them insurmountable."<sup>132</sup> Abraham Hayward (of *Fraser's Magazine*), met Lowe and Northcote in September 1866 and noted that Lowe was "very open on all things. Liberal as ever in all but Reform, which (he says) he will oppose to the death in every shape."<sup>133</sup> Northcote's

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<sup>127</sup> Malmesbury, *Memoirs*, 27th June 1866.

<sup>128</sup> Speech in Manchester on 20th November 1866. Bright, *Speeches of John Bright*, p377.

<sup>129</sup> White, *The Inner Life of the House of Commons*, p53.

<sup>130</sup> Palmer. *Memorials*, 1, p62.

<sup>131</sup> *ibid.* p56

<sup>132</sup> Hardinge, *Life of Lord Carnarvon*, p277.

<sup>133</sup> Hayward to W. Stirling-Maxwell, 23rd September 1866. H Carlisle (ed.), *The Correspondence of Abraham Hayward*, London, 1886.

view was that the inclusion of Lowe in a Conservative led Government "would alarm many of our Church supporters."<sup>134</sup> In any event, Disraeli did not really believe in a fusion Government and came to the eventual conclusion that there was little purpose in courting the Adullamites. He was unenthusiastic about having Lowe in the Government partly for the same reasons that Russell had been unwilling to have him in the late Liberal Government. According to Northcote, "Lowe's appointment would be rather too much of a challenge to the Reform Party, and would look like the decided adoption of an anti-Reform policy."<sup>135</sup> Malmesbury was not sanguine about the prospects of achieving a junction with the Adullamites and saw little prospect "of a coalition strengthening us sufficiently or permanently."<sup>136</sup> On his side, Lowe was concerned, as he frankly explained to Lord Stanley who had called on him, about the fact that his defection to the Conservatives would alienate the "undecided Whigs, especially... those of the old families, who would have no one to join except Gladstone."<sup>137</sup> Thus, an element of the informal coalition which had defeated the 1866 Reform Bill would revert to the support of the reforming Liberals.

It came as no surprise to Derby and Disraeli that Lowe and his fellow Adullamites had decided not to accept office under their leadership. Lord Grosvenor informed Derby on the 29th June that this was their unanimous opinion. Lowe exercised the major influence on this decision. Although he might have served under an alternative leader "he hesitated to associate himself with a Cabinet which was led in one House by Lord Derby, and in the other by Mr. Disraeli."<sup>138</sup> Northcote regarded the decision of the Adullamites not to accept office as something of a relief as it would only have caused trouble within the Conservative party.<sup>139</sup> Lord Stanley was amused to learn "that Lowe, who has repeatedly, and to all his friends, affirmed that he could

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<sup>134</sup> Lang, *Northcote*, Diary entry for 4th February 1866, p231.

<sup>135</sup> *ibid*, Diary entry for 29th June 1866, pp260-1.

<sup>136</sup> Malmesbury, *Memoirs*, April 23rd 1866.

<sup>137</sup> Vincent (ed.), *Journals of Lord Stanley*, 25th June 1866, p254.

<sup>138</sup> Walpole, *Twenty-five years*, 2, p154; Buckle, *Disraeli*, 4, p442.

<sup>139</sup> Lang, *Northcote*, Diary entry for 29th June 1866, p261.

not serve under Lord D., is now rather vexed that no formal offer has been made to him! Such are the oddities of even the cleverest politicians!"<sup>140</sup>

Lowe and his colleagues decided that they would give Lord Derby's Government their support on condition that no Reform Bill was introduced. The Speaker, Denison, remembered that "Mr. Lowe was confident, and said he had assurances there would be no Reform Bill proposed by Lord Derby."<sup>141</sup> Cranborne told Disraeli "of a strong declaration by Lowe that his valuable support was conditional on no Reform Bill being brought forward in February."<sup>142</sup> Sir William Harcourt, in conversation with John Bright, said that "Lowe told him that Disraeli told him last year that if he came into office, he pledged himself as a man of honour that he would not consent to any reduction of the Borough franchise."<sup>143</sup>

But not long after Lord Derby had taken office it began to look as though a Conservative Reform Bill might be in the offing. Lowe had received a letter from the Tory peer, Lord Ellenborough, in July 1866.

I cannot say how sorry I am not to see you amongst the members of the new Government, which mainly owes its existence to you... I hoped to see a Strong Conservative Whig Government. I am afraid such a change as has now taken place does not tend in that direction, and that next year we may see a worse measure of Reform carried than would have been borne now.<sup>144</sup>

In *The Times* a few days later Lowe expressed concern that Disraeli was not staunch in his opposition to Reform. According to Lowe "he is quite surprised that any one should find any difficulty in Reform, it is the easiest thing in the world."<sup>145</sup> To his brother, Henry Sherbrooke, he confided his fears of "your friends the Tories, and, above all, Dizzy, who, I verily believe; is concocting a

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<sup>140</sup> *ibid*, diary entry for 30th June 1866, p256.

<sup>141</sup> Denison, *Notes from my Journal*, p202.

<sup>142</sup> Buckle, *Disraeli*, 4, p501

<sup>143</sup> Bright, *The Diaries of John Bright*, London, 1930, entry for May 11th 1867, p305.

<sup>144</sup> Ellenborough to Lowe, 4th July 1866. Martin, *Robert Lowe*, 2, pp302-3.

<sup>145</sup> *The Times*, 16th July 1867, 2nd leader.

very sweeping Bill."<sup>146</sup> Lowe wrote to his Tory friend Lord Carnarvon: "I hope that the rumours which I hear are not correct, and that your Party are not going to follow Lord Derby and Dizzy in the miserable policy of imitating the Whigs in their worst measures."<sup>147</sup> The growing suspicion that Disraeli was formulating his own Reform proposals was felt by others too. Abraham Hayward wrote to Gladstone that::

The Derby people are beginning to find out that they can't stand as an anti-reform Government, and are speculating on the best mode of gaining time. They feel, also, that they cannot rely on the Adullamites. What Lowe wants is a broad basis or coalition Government, and I do not think he would object to upsetting the present.<sup>148</sup>

Although Russell had resigned office complaining of the "apathy" of the people concerning Reform, the new Government's problem was that they found that the momentum for Reform was gathering. What had been a largely Parliamentary question was becoming, partly thanks to Lowe, a popular question. Consequently it was an issue with which they were going to have to deal. At the same time they had given undertakings to Lowe and his friends, who had agreed to support the minority Conservative Government on the understanding that they would not introduce a Reform Bill. Additionally, the Conservatives had their own "Cave," which included three Cabinet Ministers: Cranborne, Carnarvon and General Peel, all of whom eventually resigned from the Government over the reform issue.

The Government was therefore uncertain as to how to proceed. Some, such as Northcote, were against bringing in a Reform Bill, whilst Disraeli was in favour.<sup>149</sup> Lord Derby reported to the Queen the results of the meeting of the Cabinet in late October 1866.

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<sup>146</sup> Lowe to Henry Sherbrooke, 16th October 1866. *Martin, Robert Lowe*, 2, p310.

<sup>147</sup> Hardinge, *Life of Lord Carnarvon*, p276.

<sup>148</sup> Hayward to Gladstone, 15th August 1866. Carlisle (ed.), *Correspondence of Abraham Hayward*.

<sup>149</sup> Hayward to W. Stirling-Maxwell, 23<sup>rd</sup> September 1866. Carlisle (ed.), *Correspondence of Abraham Hayward*.

The first meeting of the Cabinet took place on Wednesday last; and the first question which he brought under the consideration of his colleagues was the course to be pursued in reference to the question of Parliamentary Reform. ...he did not conceal from the Cabinet your Majesty's earnest desire for an early settlement of the question, and, if possible, by your Majesty's present servants: nor the gracious offer which your Majesty made, of the exercise of any personal influence ... with the principal members of the late Government, which might lead to a final and amicable settlement of this great question.<sup>150</sup>

At this meeting the decision was taken to tackle the Reform question and "it was the unanimous opinion of the Cabinet, that whatever the difficulties surrounding the question, it could not be ignored, but must be resolutely grappled with."<sup>151</sup> It seems that by the end of the year there was "a general belief that the Government must bring in a Reform Bill, and that they will bring in a Liberal one so far as borough franchise is concerned."<sup>152</sup> While the Government was considering how to tackle Reform, Lowe was enjoying lunch with Lady Carnarvon. The discussion turned to Reform and Lowe "declared that should the Conservative Party propose it, he would oppose them to the utmost of his power."<sup>153</sup> The prospects for the future, according to Lowe, were not inviting. "My opinion is... that a compromise, as it is called, will be made, which will strengthen the already over-powerful democratic element and lead to new changes in a downward democratic direction. If this be so, I have nothing before me but a life of hopeless opposition and constant vexation."<sup>154</sup>

That was in November 1866. By mid-February 1867, it seemed to Lowe that the world of politics was almost gripped by a Reform panic. Reason was left behind in a determination to deal with the reform question by any means available.<sup>155</sup> Seeing that the new Government wished to resolve the reform question, Lowe now modified his attitude. Lord Stanley was informed that some of the erstwhile Adullamites now wanted "to make terms with the government in case of an election: they to support us if we bring forward no

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<sup>150</sup> Derby to Victoria, 1st November 1866. *Letters of Queen Victoria, 1862-1878*, 1, pp371-2.

<sup>151</sup> *ibid*, p372.

<sup>152</sup> Hayward to W. Stirling-Maxwell, 24<sup>th</sup> October 1866. Carlisle (ed.), *Correspondence of Abraham Hayward*.

<sup>153</sup> Hardinge (ed.), *Life of Lord Carnarvon*, entry for 31st October 1866, p33.

<sup>154</sup> Lowe to Mrs. Billyard, 14th November 1866. Martin, *Robert Lowe*, 2, p307

<sup>155</sup> Lowe to Mrs. Billyard, 14th February 1867. *ibid*, p315.

reform bill, we to leave their seats undisturbed... Lowe's language is: 'Don't set yourself absolutely against reform, but ask for delay'..."<sup>156</sup> To Delane he wrote,

I say let us wait another year. Perhaps then the problem will be as much better understood as it is now compared with last year. The question is not to change but to supplement present constituencies and that can only be done by a measure which, 1<sup>st</sup> goes above as well as below ten pounds. 2<sup>nd</sup> which does not swamp. 3<sup>rd</sup> which fixes a limit to itself by something more than a mere number of pounds. Such a measure would be for instance to add to the present constituencies the payers of income tax. But members are not yet ripe for this and I want to wait till they are...<sup>157</sup>

Lowe had always known that a Reform Bill which juggled with the monetary amount of the franchise qualification would "settle nothing but only take away the ground we have without giving us any more."<sup>158</sup> He concluded that if Reform was inevitable, the reformed franchise would have to be established upon some logical and defensible principle. In this he was consistent. Back in 1859, when the previous Conservative administration had attempted a Reform Bill, Lowe had observed that "if we are to have a Reform, it must be based upon principle, and that principle must be adhered to."<sup>159</sup> That principle, however, he was absolutely determined should not be household suffrage, or worse. "I fancy that I see symptoms of a reaction... against any tampering or tinkering, any dealing with the subject except on some clear principle which covers the measure and no more. What do you think of adding all the payers of income tax to the existing constituencies."<sup>160</sup> This was not a solution which commended itself to all of Lowe's fellow Adullamites. When the reform proposals of Lord Derby became known there was a dinner at Lord Elcho's residence. Elcho and others now tried to persuade Lowe that household suffrage was now the only sensible resting point available. It hardly needs to be said that Lowe was not converted to the cause of household suffrage. Although he had come to the conclusion that Reform was inevitable, he

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<sup>156</sup> Vincent (ed.), *The Journals of Lord Stanley*, 5th January 1867, p283.

<sup>157</sup> Lowe to Delane, 26th December 1866, *Delane Papers*, 15/169.

<sup>158</sup> *ibid.*

<sup>159</sup> *The Times*, 24<sup>th</sup> January 1859, 1<sup>st</sup> leader.

<sup>160</sup> Lowe to Delane, 22nd December 1866, *Delane Papers*, 15/169.

maintained his opposition to a simple lowering of the franchise qualification to the last, while Elcho voted with Derby and Disraeli to establish the principle of household suffrage under the 1867 Reform Act.<sup>161</sup> Abraham Hayward reported to Gladstone that "the Cave has split already. Elcho, Lord Grosvenor, heading one section with Lowe and Horsman: Beaumont, Dunkellin, &c, with the other: the numbers about equal."<sup>162</sup>

Disraeli eventually formulated his reform proposals which he introduced to the House by resolution in February 1867. "When [he] sat down, a storm of indignation burst on his head. Lowe, who had never really shared the friendliness generally felt by the Adullamites for the Government, poured scorn on the attitude of Ministers..."<sup>163</sup> Not unnaturally, having had assurances that in return for his help in unseating the Liberal Government the Conservatives would not introduce a Reform Bill, Lowe felt that he had been duped. Harcourt had spoken with him on the subject of the apparent Conservative *volte face* on Reform and reported to Bright that Disraeli's "treachery in this makes Lowe very vicious against him."<sup>164</sup> Roundell Palmer, while believing that "a suffrage resting on a reasonable basis was better than one... of which the definition was arbitrary"<sup>165</sup> had some sympathy with Lowe and those of his mind who "could not but feel that they had been made use of, to be thrown aside when the battle was won."<sup>166</sup>

Lowe's speech of February 25th 1867, in response to Disraeli's Reform resolutions, was surely given extra bite by what he saw as Disraeli's betrayal. W.H. White described it as "a speech which for acute criticism, caustic severity, and pungent, biting, if not brilliant, wit... has scarcely ever been equalled." This time it was the Conservatives who were Lowe's target while the Liberal benches were "in a roar of laughter and cheers."<sup>167</sup> In this speech he returned to some of his old themes, and also hinted that he was hoping for

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<sup>161</sup> Denison, *Notes from my Journal*, p202.

<sup>162</sup> Hayward to Gladstone, 31st January 1867, Carlisle (ed.), *Correspondence of Abraham Hayward*, 2, p158.

<sup>163</sup> Buckle, *Disraeli*, 4, p501.

<sup>164</sup> Bright, *Diaries*, May 11th 1867, p305

<sup>165</sup> Palmer, *Memorials*, 1, p65.

<sup>166</sup> *ibid*, p62.

<sup>167</sup> White, *The Inner Life of the House of Commons*, pp53-4.

a return to the Liberal fold, describing himself as "being, at the present moment, independent of party, though I hope not for long."<sup>168</sup> It was now apparent that some sort of Reform was inevitable. Lowe admitted that "it seems to have been carried in this House, not by argument but by acclamation, that we are not to remain as we are, but to commence that course which leads direct to disaster."<sup>169</sup> The Bill as originally introduced to the House by the Conservative Government had originally included various safeguards designed to blunt the effect of household suffrage. Lowe did not have much confidence in these. He believed "that the principle of a fancy franchise is of itself a bad one, because I understand by it an arbitrary connection between two things which have no necessary connection with each other." If giving a man the vote because he is an M.A. or has a house of a certain value, or a certain amount of money in a Savings Bank etc, was an uncertain basis for limiting the franchise, then another, and safer, basis for the extension of the franchise had to be found. Lowe told the House that "it is right that the elite of the working classes should be admitted to the franchise."<sup>170</sup> The difficulty was to enfranchise the respectable elements of working class in such a way that the remainder did not shortly thereafter acquire the franchise by the further application of the same logic. The solution which he offered to the House of Commons was the plan he had previously outlined to Delane; i.e. to "retain the existing constituencies in boroughs, and add to them all payers of income tax."<sup>171</sup> This, Lowe thought, would safely add the cream of the working class to the electorate whilst simultaneously avoiding setting an arbitrary financial criterion for admission to the franchise which could be easily changed. It was along these lines that Lowe wished his colleagues to think concerning Reform. As far as his proposal to admit Income Tax payers to the electorate went, "if not right in itself, it is a specimen of the direction in which we ought to look for the extension of the franchise... it is in the direction of the

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<sup>168</sup> Vincent (ed.), *The Journals of Lord Stanley*, 25th February 1867, p291; *Hansard*, 185, col. 952.

<sup>169</sup> *Hansard*, 185, col. 962.

<sup>170</sup> *ibid*, col. 964.

<sup>171</sup> *ibid*, col. 964.



public burdens, rather than of rent or rating, that we should look for the enlargement of the franchise."<sup>172</sup>

Lowe concluded his speech with a condemnation of the way both parties had dealt with the question of reform. He urged both Government and Opposition to "give up this miserable auction - this competition between two parties which can bid the lowest, at which this country is put up for sale and knocked down to the person who can produce the readiest and swiftest measure for its destruction." Lowe returned to similar themes on March 5th 1867, when the question of Reform again arose. He accused Disraeli of allying himself with Bright in pursuit of household suffrage; Bright "approached household suffrage from below," while Disraeli "dropped down from above upon it."<sup>173</sup> Lowe felt, not without some justification, that the victory which he, in alliance with the Conservatives, had won in 1866 had now been betrayed. He asked those sitting on the Conservative benches "whether it was for the purpose of bringing forth household suffrage that we combined with the Right hon. Gentleman (Disraeli) last year to defeat the Government measure."<sup>174</sup>

By March, it was clear to Lowe that the game was up and that "we are in a fair way to be accommodated with something like household suffrage unless a gleam of good sense again shine to enlighten our darkness."<sup>175</sup> He was filled with foreboding for the future and wrote to his friend in Australia, Mrs. Billyard, that "it is very mortifying, after so much success as I had last year, to find everything betrayed and lost, and the country placed in hands which, considering the highly artificial state of society here, can only consign it to ruin."<sup>176</sup> On the 18th March, in a speech to the House, he identified the reason why Conservative members were, by and large, supporting their leaders on the introduction of household suffrage.

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<sup>172</sup> *ibid*, col. 965.

<sup>173</sup> *ibid*, col. 1359.

<sup>174</sup> *ibid*, cols. 1358-9

<sup>175</sup> Lowe to Mrs. Billyard, 23rd March 1867. Martin, *Robert Lowe*, 2, p316.

<sup>176</sup> Lowe to Mrs. Billyard, 17th May 1867. Martin, *Robert Lowe*, 2, p318.

There are a great many Gentlemen in this House who have contemplated this household suffrage with very considerable apprehension, and yet find themselves almost irresistibly attracted towards it, because they believe they find in it a new principle, going lower, perhaps, than they would themselves like to go, but still giving them something that will afford rest and tranquillity after the storms of the last fifteen years - something where they may touch ground - something so low that they cannot fall lower.<sup>177</sup>

Lowe now took a different line of argument from the one he had employed hitherto. He maintained that the Conservative Reform Bill did not involve a new principle; that the Great Reform Act of 1832 had embodied household suffrage, just as the new Reform Bill did. The difference lay in the safeguards which mitigated the full horror which household suffrage implied. "The difference is not with the nature of the thing but in the safeguard applied to it. The present safeguard is the £10 rental, and the safeguard of [Disraeli] is a certain amount of residence."<sup>178</sup>

In neither case did Lowe think the safeguards particularly secure. The £10 franchise, which had seemingly been the object of Lowe's veneration was now described as "a feeble and a frail" security against the perils of democracy. Lowe now recognised that "it is merely a figure which may be altered; it is easy to substitute one figure for another."<sup>179</sup> Still, he had managed to defeat the previous year's attempt to substitute £7 for the existing £10 franchise. But the safeguards which Disraeli had incorporated into his Bill for household suffrage seemed even more fragile than the £10 threshold had been. Certainly, Lowe believed that no durable principle lay behind the insistence on the personal payment of rates, as opposed to "compounding."<sup>180</sup> It was calculated that if compound householders were included in the electorate, roughly four times the number of people would be enfranchised by comparison with the numbers originally envisaged. "If the compound householders are to have votes," Lowe said, "you might as well, as it appears

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<sup>177</sup> *Hansard*, 186, cols. 52-3.

<sup>178</sup> *ibid*, col. 53.

<sup>179</sup> *ibid*, col. 54.

<sup>180</sup> "Compounding" was the arrangement whereby tenants paid rates to the landlord, as part of the rent, who paid the rates on their behalf to the authorities, who received one large payment from the landlord rather than numerous small amounts from individual householders. In effect, landlords who compounded acted as unofficial tax collectors.

to me, give up your machinery of rating altogether and take the simple occupation of a house, or of anything that can be called a house, as your foundation." In Lowe's view it was "a mere subterfuge to say that compound householders do not pay rates; they do pay rates, but in a different way from the ordinary way."<sup>181</sup>

Lowe therefore thought that the safeguard of the personal payment of rates, lacking any clear principle, would probably not last very long. In the event its survival was even briefer than Lowe anticipated. Compounding for rates was abolished by Hodgkinson's amendment of May 17th which Disraeli, for tactical reasons, had hastily accepted. Lowe himself thought that the compound householders could not reasonably be excluded and that to do so would be a source of discontent. Had this safeguard become part of the Reform Act "a considerable number of persons would be disfranchised by the ratepaying clauses, though in substance they might actually satisfy the demands of the franchise." This would make "the lower strata of society hostile to this particular restriction," and would "lead them to make it their business when a Member comes to his constituency for re-election to pledge him to get these clauses repealed."<sup>182</sup> Additionally, many of the compound householders were entitled to vote in municipal elections and it was therefore illogical and inconsistent to have two different franchises, both claiming to be "household suffrage," for municipal and parliamentary elections.<sup>183</sup>

If Lowe had little faith in the insistence on the personal payment of rates as a durable safeguard, the so-called "fancy franchises" appeared even less secure. They were, in any event riddled with contradictions and anomalies and Disraeli secretly planned to drop them anyway.<sup>184</sup> Lowe thought that people would not be so easily fooled. "I say you will only irritate people by giving them the franchise with one hand while with the other you set up

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<sup>181</sup> *Hansard*, 186, cols. 55-6.

<sup>182</sup> *ibid*, col. 54.

<sup>183</sup> *ibid*, col. 58.

<sup>184</sup> Robert Blake, *Disraeli*, p462.

people to swamp it with double votes."<sup>185</sup> He knew anyway that that the Government did not itself really believe in them and Lowe accused Ministers of "giving franchises in which they have no confidence." The Government were seeking to rectify one mistake by making another. "They are seeking to take into a share of the government of this country classes whom they do not think fit to partake of it, and therefore they wish to compensate that imprudence... by raising up a sort of sham oligarchy to control and counterbalance it."<sup>186</sup> Lowe thought such franchises would only cause rage, envy, irritation and discontent among those who did not possess these dual votes. In effect, he thought that it would not be long before the safeguards proposed in the Bill were dropped, leaving household suffrage, pure and simple.<sup>187</sup>

Lowe returned to the theme of the precariousness of the safeguards in his remarks on the 8th April 1867. He admitted that "if the Bill were to stand where it is, and bore in it the elements of permanence, than it would be a Bill which, I at once admit, a Conservative Government need not be ashamed of proposing."<sup>188</sup> Unfortunately, there seemed little possibility that the Bill would retain all the safeguards which had, in the first place, made it palatable to the bulk of Conservative MP's. For one thing, Lowe said, the Government did not have a majority in the House and therefore, to a great extent, did not have the future course of the Bill through its various Parliamentary stages under its control.<sup>189</sup> In effect, "but for the small matter of personal payment of rates - it means household suffrage pure and simple. What a frail bulwark to rely upon to protect the constitution of this country against the inroads of democracy."<sup>190</sup> Lowe concluded this intervention with a bitter attack on the Conservative leaders - particularly Disraeli. He pointed out what had struck many, including some, such as Cranborne, on the Conservative benches. "Right hon. Gentlemen opposite," Lowe said, "are about to carry out a policy which has

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<sup>185</sup> *Hansard*, 186, col. 60.

<sup>186</sup> *ibid*, col. 61.

<sup>187</sup> *ibid*, col. 61.

<sup>188</sup> *ibid*, vol. 186, col. 1312.

<sup>189</sup> *ibid*, cols. 1313-4.

<sup>190</sup> *ibid*, col. 1314.

not the slightest connection with that which they last year avowed and acknowledged." He accused them in language which admitted of no misinterpretation. "Never was there tergiversation so complete as that which is now displayed by those who last year acted as I have said;" and concluded with the final condemnation that "it merits alike the contempt of all honest men and the execration of posterity."<sup>191</sup>

Disraeli nevertheless sailed serenely on. Lowe, however, believed that the Government had miscalculated the likely outcome of the Bill. "It appears to me," Lowe told the House of Commons on the 9th May 1867:

To be clear that the object of the Government was originally to rest their Bill on a rating franchise. Being aware that such a proposal went very far, they sought to modify it by the two safeguards - duality and residence. They seemed in the first instance to fancy that they could include all householders who paid rates, if they could have these safeguards on which they relied. Both having been abandoned, the rating franchise began to wear in their eyes a different aspect from that which it had previously assumed. They then found that the word "personal" in the scheme became of great importance, and it was not, I believe, until within a very few weeks that they had any idea of the part which the compound-householder was destined to play in the matter.<sup>192</sup>

Yet again Lowe pointed out the illogicality and inconsistency of insisting on the personal payment of rates as a safeguard against a mass electorate. If the principle behind the Bill was that "the people who bear public burdens should have the privilege of the franchise," then there was no logical reason why compound householders should be excluded from the franchise.<sup>193</sup> Lowe himself had suggested, when putting forward his idea of adding Income Tax payers to the electorate; that in "the direction of the public burdens" was the right place to look for the extension of the franchise.<sup>194</sup> But Lowe felt that the

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<sup>191</sup> *ibid*, cols 1314-5. For the views of Cranborne see: Cranborne, "The Conservative Surrender," *Quarterly Review* 246, October 1867, reprinted in Paul Smith (ed.), *Lord Salisbury on Politics*, Cambridge, 1972, pp253-291. See also his condemnation of Disraeli and the actions of the Government in his speech on the Reform Bill of 15<sup>th</sup> July 1867, *Hansard*, 188, cols. 1526-1539. Cranborne was immediately followed by Lowe, cols 1539-1550.

<sup>192</sup> *Hansard*, 187, col. 325.

<sup>193</sup> *ibid*, col. 326.

<sup>194</sup> See above, p307; *Hansard*, 185, col.965.

condition that a householder had to pay rates personally in order to qualify for the franchise introduced an element of inconsistency and an opportunity for gerrymandering into the constituency. According to Lowe, "the franchise which we are asked to confer is one which it will depend on the caprice of the parochial officer either to give or take away; upon the disposition of individual owners of large masses of small kinds of property; upon the organisation of local bodies; upon anything, in fact, except the permanent and stable conditions of our society."<sup>195</sup> As landlords were financially rewarded for compounding the rates of their tenants, they had a vested interest in discouraging tenants from paying the rates personally to the municipal authorities and thereby obtaining the franchise.<sup>196</sup> Once household suffrage was made the basis of qualification for the franchise, there was little point in hedging it round with conditions which were unlikely to last very long anyway. Where the compound householders were concerned, "taking the test of bearing public burdens they fairly satisfy it"<sup>197</sup> and were therefore as much entitled to the vote as anyone else.

What Lowe saw as the need for a sustainable basis for the franchise seemed to point in precisely the direction in which he did not want to go; *i.e.* household suffrage. "I will say this for the franchise, that whatever it is founded upon, it should be upon something real and substantial. You should look at the essence and not at the form."<sup>198</sup> The Bill as it stood contained "capricious conditions and contingencies." which were logically and practically unsustainable.<sup>199</sup> Many agreed with him, but their conclusion was that the only reasonable place at which to stop was household suffrage. So, many of those who had voted with Lowe to defeat the moderate extension of the electorate by Gladstone and Russell in 1866, now combined with Disraeli and Derby (and Bright) to radically enlarge the electorate and establish it on a democratic principle.

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<sup>195</sup> *Hansard*. 187, col. 324.

<sup>196</sup> *ibid*, cols. 327-8.

<sup>197</sup> *ibid*, col. 326.

<sup>198</sup> *ibid*, col. 327.

<sup>199</sup> *ibid*, col. 329.

In fact, it was the proposal to drop the qualification that rates had to be paid personally which occasioned Lowe's biggest Parliamentary speech during the debates on the 1867 Reform Bill, on the 20th May 1867. Lord Stanley recorded his impressions in his diary:

A powerful speech from Lowe, in his old style... Lowe's speech was perfect of its kind: but from over-statement of his case nearly ineffective: in fact most of it might have been described as an argument against constitutional government: and by attacking all parties as equally guilty, he in fact excused all. Nevertheless, there was a truth and force in his warnings, though exaggerated: and I at least am not free from anxiety as to the future.<sup>200</sup>

The triumphs of the previous year were already in the past. Although Lowe's speeches covered the same ground in much the same way, they no longer had the power to move, as they had done in 1866. The Bill had now been effectively stripped down to its essential principle of household suffrage and, in consequence, "Power is to be transferred from an existing class to another class of voters." This had not occurred because Members of Parliament held household suffrage in great favour, but because they feared "that if they stand up for the existing order of things they may give offence to those who are to come into existence, and so lose their seats."<sup>201</sup> Lowe was now suggesting that Disraeli and Derby had all along intended to introduce household suffrage, but in order to effect their coup it was necessary in the initial stages to maintain the fig leaf of the "safeguards" so as to carry the bulk of their party with them. Lowe put himself into the minds of the Tory leaders:

We kept before the eyes of our party duality of voting, a long residence, and the compound-householder, to intervene between our proposal and household suffrage, until we had familiarized them with the idea of household suffrage, and then we dropped them one by one, assuring our party all the while - as we have been told by three Secretaries of State of the present Government - that the measure was not a measure of household suffrage, not a democratic measure, but that it was, and would be, safely guarded."<sup>202</sup>

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<sup>200</sup> Vincent (ed.), *Diaries of Lord Stanley*, 20th May 1867.

<sup>201</sup> *Hansard*, 187, cols. 784-5.

<sup>202</sup> *ibid*, col. 783.

Disraeli, said Lowe, knew perfectly well that had he presented the Bill in the first place in the condition in which it now stood, his own supporters "would have started back from it in horror."<sup>203</sup> Lowe was surprised by the complete change which had taken place between 1866 and 1867. "Nobody could get up last year without making use of the strong vernacular expression - 'swamping.' Who talks of 'swamping' now." Lowe now felt that he was "arguing a beaten and a hopeless cause... This cause, which was triumphant last year, is now lost and abandoned."<sup>204</sup> How could it be that "the same Parliament in two consecutive years, without any violent change of public opinion, or reason for conversion, rejected a Bill with a £7 franchise, and then passed a Bill for household suffrage?"<sup>205</sup>

The same consciousness of a great and inexplicable change in the attitude of public men towards Reform was also expressed in his anonymous review, in the July number of the *Quarterly Review*, of *Essays on Reform*; a collection of pro-Reform articles by a variety of authors, which had been written specifically in answer to Lowe's own *Speeches and Letters on Reform*.<sup>206</sup> Lowe commented that the pieces contained in the book were:

Relics of a period when Reform in Parliament was considered a matter of reason, and when a necessity was felt and acknowledged for doing away with the general effect of the debate of last year, which at the time seemed so discouraging to the cause of democracy. The question has now been decided the other way, but certainly not in consequence of any superiority in argument.<sup>207</sup>

In view of the fact that the writers of the *Essays on Reform* had, as it turned out, finished on the winning side it now seemed:

Curious to observe that almost all the writers of these essays are much more employed in defence than attack, in answering objections than in bringing forth charges. There is an anxiety to hedge and qualify, to limit the sweeping nature of assertions, and to guard against

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<sup>203</sup> *ibid*, col. 782.

<sup>204</sup> *ibid*, cols. 787-8.

<sup>205</sup> *ibid*, col. 799.

<sup>206</sup> *Essays on Reform*, London, 1867.

<sup>207</sup> Lowe, "Reform Essays", *Quarterly Review*, 123, Nr. 245, July 1867, pp244-77. p245



possible misconstructions, which denotes anything rather than an assured confidence in the truth of their position.<sup>208</sup>

Lowe expressed fears for the future in his *Quarterly Review* article which he repeated to the House of Commons. Although the bad effects of Reform were consciously overstated and the views of the reformers parodied, Lowe expressed the concerns which many felt over the potential consequences of this "second and by far the greater English Revolution."<sup>209</sup> Lowe admonished the House for what they were doing and endeavoured to explain to them his fears for the future: fears which, as we have seen, struck a chord with Lord Stanley. While the bulk of the working classes might not be politically conscious at present, this would not always be so. Once having got the vote they might well begin to consider what use they wished to make of it. "What must be the politics of people who are struggling hard to keep themselves off the parish - whose every day is taken up with hard, unskilled labour, and who are always on the verge of pauperism? With every disposition to speak favourably of them, their politics must take one form, socialism."<sup>210</sup> Once the working classes gained power their instinct would be "to try to remedy evils which no doubt grind them very sorely... but which most of us believe to be beyond the reach of legislation."<sup>211</sup> Lowe enumerated the measures which would be the result of the management of affairs being taken away from the middle and upper classes and given to the lower. Chief among these were a progressive Income Tax and a Wealth Tax:

Do not you see that the first step after the enfranchisement of the unskilled labour class must necessarily be to turn indirect taxation into direct taxation, so assessed as to fall mainly upon the upper classes? Are you so "soft" as to suppose that, when you have stripped yourselves of political power and transferred it to these people,... they will consider political questions fairly, and will not consider first of all how they can benefit themselves?<sup>212</sup>

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<sup>208</sup> *ibid*, p245.

<sup>209</sup> *ibid*, p277.

<sup>210</sup> *Hansard*, 187, col. 789.

<sup>211</sup> *ibid*, col. 789.

<sup>212</sup> *ibid*, col. 790.

Additionally, Lowe saw the end of the policy of free trade and the growth of protection.<sup>213</sup> But it was the conduct of elections and the quality of the representation which also concerned Lowe. He, as usual deprecated the huge increase in the expense of elections and, as he saw it, the growth of corruption which would ensue from the greater size of constituencies and a working class electorate. But Lowe warned his colleagues that they would be unlikely to retain their seats under democracy. "The men who will be sent here are not the educated and high-principled Gentlemen such as I now address - but men who will represent the passions and feelings of the lower part of these new constituencies."<sup>214</sup>

Lowe was not sanguine about the future. He told the House; "what you do now is absolutely irreversible; and your repentance - bitter as I know it will be - will come too late."<sup>215</sup> Back in December 1866, in a letter to Delane he had pointed out that once the franchise had been given it could not be subsequently taken back. It was useless to speak of "reconquering lost ground;" it could never happen."<sup>216</sup> This did not mean that Lowe entirely gave up his opposition to the Bill. In July he was induced to introduce an amendment to the Bill which would have permitted what was known as "cumulative voting." Where a constituency was represented "by more than two members, and having more than one seat vacant, every voter shall be entitled to a number of votes equal to the number of vacant seats, and may give all such votes to one candidate, or may distribute them among the candidates as he thinks fit."<sup>217</sup> This was a palliative measure against democracy of the sort which Lowe had always in the past derided. The purpose of this amendment was to increase the possibility that a representative of minority opinion in a multi-member constituency would be among those elected. If electors had to give multiple votes to different candidates, it was probable that candidates all of one party would be elected. For example, where a multi-member constituency had two seats vacant, a party could put up two candidates and if

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<sup>213</sup> *ibid*, col. 791.

<sup>214</sup> *ibid*, cols. 793-4.

<sup>215</sup> *ibid*, col. 790.

<sup>216</sup> Lowe to Delane, 26th December 1866. *Delane Papers*, 15/169.

<sup>217</sup> *Hansard*, 188, col. 1037.

the party's supporters were in the majority in the constituency, then both would be elected. If electors were allowed to use all their votes to favour a single candidate, there was a fair chance of a minority representative gaining one of the available seats. His official biographer said of Lowe that he "had no very profound belief in the various palliatives to democracy pure and simple which the Philosophic Radicals were fond of propounding."<sup>218</sup> However, supported by John Stuart Mill and Henry Fawcett (the blind M.P.) he introduced the amendment on the 5th July. He told the House that it was their "last opportunity for giving variety to the franchise." He lamented that "if this does not hit, there will be nothing left but one simple uniform franchise to be entrusted to, and left in, the hands of the lowest class in society."<sup>219</sup> As it turned out, the cumulative voting amendment was lost. Lord Kimberley commented on Lowe's effort that "the idea of stemming the democratic tide by such paper contrivances seems to me preposterous."<sup>220</sup>

The Reform Bill was again debated in the House in the middle of July. Lowe now detected a new principle contained in the revised and amended Bill.

It is the principle of a right existing in the individual as opposed to general expediency. It is the principle of numbers as against wealth and intellect. It is the principle, in short, which is contended for, and always will be contended for, by those who devote themselves to the advocacy of popular rights - the principle of equality. The Bill, so far as it has any principle at all, is founded on the principle of equality.<sup>221</sup>

He warned that the different qualifications for the borough and the county franchise offended against this principle of equality and would be a source of discontent in the counties. Therefore a further Reform Bill equalizing the franchise; as actually happened in 1884, would have to be enacted.<sup>222</sup> Additionally, the disparities in size between constituencies would also give trouble. According to Lowe, in some constituencies a voter "shall exercise one

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<sup>218</sup> Martin, *Robert Lowe*, 2, p319.

<sup>219</sup> *Hansard*, 188, col. 1037.

<sup>220</sup> Hawkins & Powell (eds.), *The Journal of Lord Kimberley*, 31<sup>st</sup> July 1867, p208.

<sup>221</sup> *Hansard*, 188, col. 1540.

<sup>222</sup> For a full account of the passage of the 1884 Reform Act, see: Andrew Jones, *The Politics of Reform, 1884*, Cambridge, 1972.

sixty-thousandth part of the electoral power, whereas in some of the small boroughs the proportion will be the seven or eight-hundredth part."<sup>223</sup> These disparities were hardly likely to appeal to an electorate where the notion of fitness from the franchise had, as Lowe believed, been abandoned; where the Government had "disregarded every principle of expediency and taught [people] to look to equality as their right instead."<sup>224</sup> Lowe concluded with a final condemnation of those who had brought forth the Reform Bill and inflicted household suffrage upon the nation. He spoke feelingly of "the shame, the rage, the scorn, the indignation, and the despair with which this measure is viewed by every cultivated Englishman who is not a slave to the trammels of party, or who is not dazzled by the glare of a temporary and ignoble success."<sup>225</sup>

Meanwhile, Lord Stanley recorded that there was:

Much talk about a coalition between the Whig opposition in the Lords, and the malcontent Conservatives, to support some amendment to the reform bill, which, as they calculate, will compel the ministry either to resign or withdraw the bill. Grey, Carnarvon, Cranborne, Lowe, are actively engaged in this project, and they appear to have secured the support of *The Times*. We shall see the result.<sup>226</sup>

The result of this conspiracy of diehards was not particularly impressive. An amendment was introduced by Lord Cairns to try and achieve a similar objective to Lowe and Mill's recently defeated "cumulative voting" amendment, albeit by slightly different means. The matter was debated in the House of Commons on the 8th August 1867 which was the occasion of Lowe's final Parliamentary intervention on the 1867 Reform Bill. He supported the amendment, designed to allow for the representation of minorities in multi-member constituencies, and, for once, the House agreed with him - by 253 votes to 204. He found himself, on this occasion, in the same lobby as not only Mill and Fawcett, but also, once again, Disraeli and the bulk of the

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<sup>223</sup> *ibid*, col. 1542.

<sup>224</sup> *ibid*, col. 1542.

<sup>225</sup> *ibid*, col. 1550.

<sup>226</sup> Vincent (ed.), *Journals of Lord Stanley*, 19th July 1867, p314.

Conservatives. Gladstone and the main strength of the Liberals voted against the amendment.

*The Times* attempted an assessment of Lowe's attitudes to Reform. Even the newspaper in whose leader column Lowe had expressed all his anti-reform arguments; where he had violently attacked Russell, Gladstone, Bright, Derby and Disraeli for either wanting democracy or crumbling in the face of pressure for Reform; was now arguing that Lowe might have been wrong, although sincere. It was granted to Lowe that "his fears are certainly not the fears of passing vexation and resentment, but the result of a deliberate conviction avowed on many occasions during the past two years." His language in opposing Disraeli's Reform Bill was described as "eloquent with indignation and despair." In the end, however, all Lowe was doing was "denouncing that which [had] become inevitable." But why, asked *The Times*, had Lowe's counsels "been rejected by statesmen of all parties." The conclusion which the writer came to was that "all have recognized, what no one but Mr. Lowe denies, the moral claim of some classes heretofore excluded to a share in representation."<sup>227</sup> Similarly, he was in some respects in a position analogous to the reformers. While many of the arguments which were used in favour of Reform Bills led directly to universal suffrage, the arguments which Lowe used ostensibly in favour of maintaining the *status quo*, could be said to lead directly to despotism. Lowe maintained throughout that the purpose of the franchise was to create a Parliament to conduct the affairs of the nation in the best possible way. "It would follow almost inevitably from this proposition that if nomination by the Crown would, in most cases, give us a better deliberative assembly than election by the people, it would be well to entrust the choice of members to Her Majesty."<sup>228</sup> Similarly Lowe's "thin-end-of-the-wedge" arguments concerning the fear that any Reform must eventually lead to universal suffrage were just as applicable to the Reform Act of 1832 as they were to the Reform Bills of 1865, 1866 and 1867.

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<sup>227</sup> *The Times*, 17th July 1867, 1st leader.

<sup>228</sup> G.C. Brodrick, "The Utilitarian Argument against Reform as Stated by Mr. Lowe," *Essays on Reform*. p8.

In 1867 the suffrage was established on the democratic principle of household suffrage by the combined votes of Liberals and loyal Conservatives who were content to follow their party. Lowe had it pointed out to him that Tory MP's had been more excited about the Cattle Plague than they were with the Reform Bill. He said - "That is quite intelligible, for the Cattle Plague ruins ourselves; the Reform Bill only our children."<sup>229</sup> In some ways, although Lowe's efforts to block reform were unsuccessful, it was his performance in Parliament during 1866 which brought the invitation from Gladstone to become Chancellor of the Exchequer in 1868. Describing the scene, on March 2<sup>nd</sup> 1867, when Lowe delivered a speech against Disraeli's Reform Bill, W.H. White commented that "whenever a Liberal Government shall again be formed, it is thought that some arrangement must be made to secure his services."<sup>230</sup>

Some persistent and recurring themes emerge from Lowe's opposition to the lowering of the franchise in the mid 1860's. Lowe's informing doctrine is of a consequentialist theory of politics. This permeates all of his speeches and writings of the mid 1860s on the franchise question. In that way of thinking, putative natural rights should not be considered as a reason for Reform. The sole function of an electorate and an electoral system is to choose the best possible members for the best possible Parliament. This might involve Reform, when the existing system was not efficient, as in 1832. But this was not necessary in the 1860s when the existing dispensation was yielding, as Lowe believed, excellent results. The character of an electorate was reflected in the men whom it elected. Lowe would never rule out Reform provided that such a Reform could be shown to have beneficial effects or be necessary to eliminate an abuse. But it was a constant theme in Lowe's speeches that unless something could be shown to be very wrong with the way things were, it were better they should be left alone.<sup>231</sup>

Secondly, the project of a realignment of parties emerges throughout 1866 and 1867 and seems to be under almost constant discussion. This usually

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<sup>229</sup> M.E. Grant Duff, *Notes from a Diary*, 2, London, 1897, 1<sup>st</sup> March 1868, p119.

<sup>230</sup> White, *The Inner Life of the House of Commons*, p53.

<sup>231</sup> Lowe, *Speeches and Letters on Reform*, pp42-3, 52, 56-7, 66.

involved the anti-Reform Liberals combining with Conservatives under a moderate leader - Lord Stanley's name being that most often mentioned. At the same time as this project was being mooted, everyone seemed to feel that such a junction between Lowe and the Conservatives was impossible. Disraeli certainly did not desire such a junction for obvious reasons. The only policy on which Lowe was at one with Disraeli, for very different reasons, was that of defeating the Liberal Government on Reform. Nevertheless, the idea of a coalition remained current almost until the very moment that Derby formed his exclusively Conservative Government.<sup>232</sup>

Finally, throughout the Reform debates there is an impression that Lowe's fears were shared by a wider circle than merely those who voted against the Bills. Throughout 1866 and 1867 it seems that politicians were voting in favour of Reform whilst being opposed or doubtful on the subject. Members of Parliament seem to have thought with Gladstone, whether they were prepared to admit it or not, that fighting against the future was an impossible task. Many no doubt felt that retaining their seats in new democratic constituencies, when it was known that they had opposed granting the vote to most of the electors, would be very difficult. Lowe's fears did resonate with his fellow MP's on both sides of the House but although much of his argument was often tacitly admitted, his colleagues could not risk supporting him.

For all Lowe's intellectual sharpness and verbal dexterity he lacked political acumen. This was a quality possessed in abundance by Disraeli. Having already emerged the loser after the political jockeying for position which occurred after the death of Palmerston, he now repeated his failure in the political manoeuvrings and machinations of 1866 and 1867. Indeed, Lowe hardly seemed to realize that there was a party political game afoot at all. His opposition to Reform had been almost entirely sincere and principled; he had meant exactly what he said throughout the debates; and so he tended to

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<sup>232</sup> Angus Hawkins, *British Party Politics, 1852-1886*, London, 1998, pp119-120; Cowling, 1867: *Disraeli, Gladstone and Revolution*, pp105-6; Smith, *The Making of the Second Reform Bill*, pp70-72; Maurice Cowling, "Disraeli, Derby and Fusion", *Historical Journal* 8, 1965, pp59-71.

assume that everybody else meant what they said too. Lowe expected that force of argument would win the day. His opponent knew that party advantage would. By the time he found out that he had been tricked it was too late. Disraeli had been able to get Lowe to do his dirty work; to put the case against Reform and democracy and draw the opprobrium for doing so; while he and his colleagues could oppose the details of the Reform Bill in a restrained, measured way without irrevocably committing themselves against Reform *as such*. Lowe helped Disraeli to put the Liberals out of office and the Conservatives into office, and then found that he had been duped. Lowe and Disraeli were essentially playing different games. Lowe was primarily interested, because of what he believed would be the consequences, in whether a Reform Bill was passed. Disraeli was primarily interested in dishing the Liberal Government and getting himself into office. For Lowe the Reform Bill embodied a vital principle; for Disraeli it was a heaven sent opportunity to score a signal political victory over his opponents.

Even though he served subsequently as Chancellor of the Exchequer and (briefly) as Home Secretary, Lowe's time as a senior Cabinet Minister was anticlimactic by comparison with the eminence which he attained during 1866. When pressing for a Viscounty for Lowe it was Lowe's opposition to the Reform Bill of 1866 and his Parliamentary performances at that time to which Gladstone pointed as justification for the honour. Not Lowe's five years service as Chancellor of the Exchequer. But the effects of his speeches in Parliament, the leading articles he wrote for *The Times*, and the publication of the *Speeches and Letters on Reform*, had a somewhat paradoxical effect. His habit of putting the argument in its starkest and most provocative form, although it staved off the immediate dangers of Baines' Borough Franchise Extension Bill in 1865, and, more seriously, Gladstone's and Russell's Reform Bill in 1866; attracted so much attention that the pressure for reform reached a state where the incoming Conservative Government could not simply ignore the issue, even had they wished to do so; and were forced to grasp the Reform nettle. Household suffrage, with few qualifications, was enacted in 1867 and Lowe was one of its chief opponents and, inadvertently, one of its



main architects. Frederic Harrison observed that “before Mr. Lowe spoke the aristocracy were secretly averse to change, the middle classes openly undecided, the people in excellent temper and in no haste. He spoke: and he gave to the first a cause to fight for; to the second, much food for doubt; to the last, the indignation which knit them into a power.”<sup>233</sup> Had Lowe been a little more flexible on Reform after the death of Palmerston, he would might been in a position within the Cabinet to help shape a moderate Reform Bill, perhaps along the lines which he later advocated late in 1866 and early 1867 when it was too late.

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<sup>233</sup> Frederic Harrison, “Our Venetian Constitution,” *Fortnightly Review*, 3, March 1<sup>st</sup> 1867, pp261-2

Conclusion.

Robert Lowe: The  
Forgotten Voice of  
Liberalism.

Robert Lowe sat in the House of Commons as a Liberal between 1852 and 1880 and accepted office in the ministries of Lord Aberdeen, Lord Palmerston and W.E. Gladstone. From school at Winchester Lowe went up to Oxford. At a predominantly Tory Oxford, where liberalism was something to be remarked upon, his liberal sympathies were noted.<sup>1</sup> Lowe himself remained a lifelong member of the Liberal Party and always regarded himself as a diehard Liberal. He was always prepared (so he said) to advocate what he regarded as liberal principles, even if in doing so he sometimes courted unpopularity.<sup>2</sup> To be fair to him, he was not one to shrink from speaking his mind and stating what he regarded as unpalatable truths.

Although Lowe always professed a himself a staunch liberal, in the view of one historian he was:

An orthodox Benthamite and doctrinaire Free-Trader who had always been part of the liberal party. But his choice of rhetoric in 1866 revealed that with regard to the political issues central to liberalism rather than the economic ones peripheral to it, he was no liberal at all.<sup>3</sup>

Indeed, in response to Lowe's speeches made in opposition to the Reform Bill of 1866, he was accused by some liberal advocates of reform of: "animadversions on a great Liberal principle."<sup>4</sup> In effect, Lowe was charged both by contemporaries and historians with being a Tory in Liberal clothing. The chief grounds for this accusation are that he denied that, in principle and subject to

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<sup>1</sup> See above, pp63, 74.

<sup>2</sup> See above p215; Lowe, *Speeches and Letters*, p60.

<sup>3</sup> Alan S. Kahan, *Liberalism in Nineteenth-Century Europe*, Basingstoke, 2003, p125.

<sup>4</sup> John D. Bishop and sixty others to Lowe, March 28<sup>th</sup> 1866. Reprinted in Lowe, *Speeches and Letters on Reform*, p21.

certain caveats, there was an abstract right of the people to participate in government.

The introduction dealt with the opinions, ideas and associations which surround the concepts of "liberalism" and "democracy". These are now not what they were in the middle of the nineteenth century. Western thinking today, at any rate in its public expression, almost universally associates liberalism with democracy (as well as free trade and free markets). So much so that the phrase "liberal democracy" is now a commonplace. One could hardly imagine one without the other. It is scarcely conceivable that anyone from the political classes of the West would disavow a belief in democracy. But in Lowe's time things were rather different. As Kahan noted, "Lowe's illiberal rhetoric... appeal[ed] to a significant minority of liberals."<sup>5</sup> Indeed, it could be argued that part of the reason why Lowe is not as well remembered today as liberal contemporaries such as Gladstone or Bright, or even Forster or Cardwell, was that he represents an alternative liberal tradition which has now been lost. In the 1850s and 1860s most liberals still favoured the restriction of the franchise to those deemed capable of exercising it wisely. It was not just Lowe who wished to limit the franchise. Even Gladstone, whose "pale of the constitution" speech had caused such a furore in 1864, did not suppose that the vote could be immediately given to the bulk of the labouring population.

There was, of course, a range of opinions within nineteenth-century English liberalism. Some liberals argued that it was desirable that the vote should be extended to as many as could be safely entrusted with it. On occasion they expressed the view that ultimately all adults might gain sufficient wisdom for the franchise to be granted to them. But at the same time they inwardly hoped that such a possibility might not arise in the particularly near future. Other liberals hoped for an extension of the franchise, but they also feared a mass electorate.

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<sup>5</sup> Kahan, *Liberalism in Nineteenth-Century Europe*, p125.

They wondered how the influence and security of property and intelligence was to be maintained if a majority of the votes were in the hands of the labouring classes. And they suspected that the classes to which they belonged, and which they represented, would be “swamped” by too great an addition of working class voters to the electorate. Most nineteenth-century liberals resolved this contradiction through the discourse of capacity.<sup>6</sup> Put in simple terms, the doctrine insisted that whilst everyone might be entitled to come, in Gladstonian terms, “within the pale of the constitution”, the dangers inherent in such a radical idea could be averted by appealing to considerations of “personal unfitness or political danger”. In practice, of course, these concepts proved to be almost infinitely elastic. They certainly allowed liberals to use rhetoric which sounded reformist and progressive.

The difficulty which nineteenth-century liberalism faced, not just in Britain but elsewhere, was that it wished to sound progressive in its views on the representation of the people, whilst ensuring that not too many of the “people” could, in practice, enforce opinions which might be dangerous for existing order. To those, contradictory, ends, Victorian Liberalism fell back time and again upon the language and doctrine of “capacity”. Liberals such as Gladstone (or John Bright, or John Stuart Mill) foresaw a possible distant future where everyone, following a long process of education and improvement, might be regarded as fit to exercise the franchise. Lowe did not share that view. Men such as Gladstone, or the authors of the *Essays on Reform*, were, at least in theory, optimists on the question of human progress and perfectibility; Lowe was not. Gladstone’s “pale of the constitution” speech began with the *a priori* assumption that all adult men were entitled to a share in the franchise. He then demonstrated that it would be unwise and impolitic to immediately concede the vote to all. The formula by which Gladstone excluded those who were “incapacitated by some consideration

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<sup>6</sup> *ibid*, *passim*.

of personal unfitness or of political danger” was open to interpretation in a wide or a narrow sense. But Gladstone’s principle was clearly an inclusive one.

Lowe took a very different view. His rhetoric during the Reform debates in 1866 argues that he did not share the optimism of many of his fellow liberals on the possibility of human progress. His principle in considering who should be granted the franchise was an exclusive one. If it could be demonstrated that granting the vote to certain persons or groups would benefit the cause of good and efficient government, it should be done. Otherwise, granting the vote was purposeless. He did not believe in the abstract right of adult males, or any other arbitrarily defined group, to the franchise. For Lowe, the franchise was a practical question. If a particular arrangement conduced to good government and the preservation of liberty then he would probably favour it.

Did this differentiate Lowe from the main body of the Liberal party in Parliament which voted for the 1866 Reform Bill? Neither Lowe nor Gladstone were democrats. In practise, they both favoured a limited suffrage. Most Liberals agreed that the progress of the labouring classes in intelligence and judgement was not such as to make a radical extension of the franchise prudent. Lowe, in common with other Liberals, was prepared to countenance the addition of “fresh constituencies” to the electorate.<sup>7</sup> He never ruled out extension of the franchise if it could be shown to be beneficial. He stated that in his view, the existing arrangements were satisfactory and there was no need to alter them. Therefore no further reform was necessary. Kahan acknowledges that there was a “significant minority” of Liberals who supported Lowe in 1866. In the end however, it was the democratic tendency within Liberalism which carried the day. But even if Lowe lost the argument over liberalism and democracy, this does not necessarily imply that he was not a liberal, as the mid-nineteenth century understood the term. Certainly he was in no doubt where he stood.

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<sup>7</sup> Lowe to Canon Melville, 27<sup>th</sup> May 1865. Martin, *Robert Lowe*, 2, p239.

I have been a Liberal all my life. I was a Liberal at a time and in places where it was not so easy to make professions of Liberalism as in the present day; I suffered for my Liberal principles, but I did so gladly, because I had confidence in them, and because I never had occasion to recall a single conviction which I had deliberately arrived at.<sup>8</sup>

For Lowe, liberalism did not entail democracy. Indeed, democracy was inimical to liberalism. In his opinion, "under an Assembly elected by anything approaching to universal suffrage consistent, liberal, and enlightened government would be impossible."<sup>9</sup> But the question of franchise reform was not the whole of Victorian Liberalism. Religion and the Church, political economy, meritocracy, elementary education and the universities were all issues on which Lowe was an enthusiastic advocate of reform. Indeed, on some of these issues Lowe was well in advance of the mainstream of the Liberal Party.

Chapter one described Lowe's education. Winchester, and University College, Oxford were traditional institutions and innately conservative. If Lowe was "no liberal at all" it is difficult to understand why he so strongly identified himself with liberalism throughout his life, when he had been educated in these diehard Tory institutions.. Many of his schoolmates and university acquaintances (such as Roundell Palmer or Gladstone) began their political careers as Tories.<sup>10</sup> But Lowe was a liberal first and last, remaining obdurately so even when this placed him on the losing side. In the Union Debating Society at Oxford this was generally the case.<sup>11</sup> But it was here that Lowe became known as a liberal and made his first serious incursions into the world of politics. Lowe was critical of the education offered at Oxford, as his evidence to the Oxford University

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<sup>8</sup> Lowe, *Speeches and Letters on Reform*, p60.

<sup>9</sup> *The Times*, 13<sup>th</sup> May 1864, 1<sup>st</sup> leader.

<sup>10</sup> See above, pp74-6.

<sup>11</sup> See above, pp75-5.

Commission demonstrated.<sup>12</sup> After graduation, and having laboured as a private tutor for a number of years he eventually obtained slight recognition as a "little go" examiner. Here he attempted to challenge the prevailing custom by taking his small duties seriously and failing men who did not come up to scratch.<sup>13</sup> Eventually, and somewhat perversely given his views on merit and his criticisms of the time-serving mentality of Oxford fellows, Lowe was elected unopposed to a lay fellowship at Magdalen (worth £170 p.a.) reserved for natives of Nottinghamshire. Equally perversely, having achieved this relative comfort and security, he shortly thereafter vacated this fellowship so as to get married. What Lowe's education and early life demonstrates is the development of a habit of mind which caused Lowe to regard prevailing wisdoms as doubtful, and to assume that existing customs were maintained because it suited someone's interest to maintain them rather than their general good sense and efficiency. Lowe was always suspicious of vested interests and was always far more effective in attack than he was in defence. His electrifying performances attacking the Government in the House during 1866 which made his name stood in contrast to the relatively anti-climactic five years at the Exchequer.

Chapter 2 outlined Lowe's career in Australia in the 1840s. Times were hard for a newly qualified barrister in the early 1840s and so Lowe and his wife departed for New South Wales. Things were not a great deal better in Australia for the aspiring young lawyer. But in New South Wales Lowe could be a bigger fish in a very much smaller sea. The relative scarcity of legal work, and problems with his eyesight which meant that he had to give it up entirely for a while, gave Lowe ample opportunity to enter the field of colonial politics. Here he was fortunate that a distant family connection gave him an early introduction into the society of the Governor, Sir George Gipps. Governor Gipps was impressed with the young man's abilities and when one of the government nominated seats on the New

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<sup>12</sup> Lowe's Evidence to Oxford University Commission. *Parliamentary Papers* vol. 22, 1852, evidence, pp12-13.

<sup>13</sup> See above p69; "Autobiography", p28.



South Wales Legislative Council fell vacant, he appointed Lowe. Gipps felt that he had recognised an able and talented politician who would be well-equipped to put the government's case and be the equal in debate of its opponents in the council. There was some opposition to Lowe's appointment, on the grounds of his youth and the fact that he was only a recent arrival from the mother country. But here was a stage upon which Lowe could shine. His political career in New South Wales was a fitting prelude to his later career at Westminster. Characteristically, having been appointed to bolster the government's intellectual and debating strength in the Council, Lowe soon found himself in opposition to the Governor. But Lowe soon found himself in opposition to the Governor and eventually resigned his nominated seat.

It was the constitutional question that led to the break with the governor. It also determined his relationships with the most wealthy, powerful and influential members of New South Wales society: the Squatters. Lowe was prominent in the campaign for representative institutions for the colony. He believed that the colony should govern itself and even enunciated a colonial version of the West Lothian question.<sup>14</sup> Why should MPs sitting for Middlesex have influence on legislation for New South Wales while representatives of New South Wales had no say whatever in the affairs of Middlesex?<sup>15</sup> But at the same time as he thought that the governance of the colony should be largely in the hands of its inhabitants, he also believed that no single interest group should dominate the government. So at the same time as he opposed the governor and the mismanagement of the colonial office in London, he was equally opposed to schemes of self-government which placed the lion's share of power in the hands of a single interest-group. As far as Lowe could see, most proposals for the self-government of New South Wales gave the Squatting interest almost absolute power.

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<sup>14</sup> See above, pp97-9.

<sup>15</sup> Martin, *Robert Lowe*, 1, pp291-2.

Subsequent accusations of inconsistency in Lowe's views on democracy and representation are been misplaced. It has been alleged that he promoted and campaigned for democracy in New South Wales, while vehemently opposing it in Britain.<sup>16</sup> The truth is more subtle. Lowe favoured an extension of the franchise in Britain in 1832, as his contribution to the Oxford Union debates showed. He favoured it fundamentally because he believed that the pre-1832 constitution placed all the power in the hands of one particular interest group – the landed interest. In New South Wales, he opposed the Governor because the existing constitutional and financial arrangements gave the Governor and the Colonial Office excessive power. He promoted representative institutions but came to oppose W.C. Wentworth and the squatting interest because he believed that they sought to reform the institutions of government in such a way that their social and economic interest group would predominate. Later, in the mid-1860s, Lowe opposed reform in Britain because he believed that it would lead to democracy. If that happened then the sheer weight of numbers would place all power in the hands of the tribunes of labour. Viewed in this light, Lowe's opinions remained consistent.

If Lowe's political activities in Australia were something less than a microcosm of his Westminster career, they were certainly a highly suggestive prelude. It was not only constitutional issues which occupied his energies. Education was a subject which interested Lowe. Lowe had been a witness to the Oxford University Commission with trenchant views on the state of University education. Later, as the Government minister responsible, he had later promoted a system of "payment by results" and the "Revised Code" in elementary education. In Australia, Lowe had sought to promote a system of elementary education.<sup>17</sup> This idea had struggled against the forces of inter-denominational rivalry and jealousy

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<sup>16</sup> See above, pp95-6.

<sup>17</sup> Sylvester, *Robert Lowe and Education*, *passim*; Baker, *The Educational Efforts of Robert Lowe in New South Wales*, *passim*.

and reinforced the suspicion of doctrinal dogmatism which Lowe had already shown at Oxford with his strictures on *Tract XC* and the Tractarians. Lowe also promoted his economic ideas in Australia. Indeed, it was Lowe ideas on the subject of political economy that first found favour with Governor Gipps and were partially responsible for his early appointment to the Legislative Council. Lowe argued in favour of free trade and time and again pointed out that intervention in economic matters by the state was futile, possibly dangerous. During the economic depression of the early 1840s which affected New South Wales he also campaigned for the revision of the bankruptcy laws, a concern to which he returned many years later.<sup>18</sup>

Lowe returned to England in 1851. He continued his legal career but most of his energies were now directed toward politics and journalism. He became a leader writer for *The Times* and was elected as Liberal MP for Kidderminster in 1852. Although Lowe's politics and his views on education and meritocracy have been documented, his religious opinions have not previously been investigated. This represents a serious gap in the historiography. Not least because Victorian politics are incomprehensible when viewed in abstract from Victorian religion As Owen Chadwick noted:

Victorian England was religious. Its churches thrived and multiplied, its best minds brooded over divine metaphysic and argued about moral principle, its authors and painters and architects and poets seldom forgot that art and literature shadowed eternal truth or beauty, its legislators professed outward and often accepted inward allegiance to divine law, its men of empire ascribed national greatness to the providence of God and Protestant faith.<sup>19</sup>

At the same time there were increasingly educated men, such as J.A. Froude or T.H. Huxley (who coined the term "agnostic"), who had become sceptical about

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<sup>18</sup> See above, p88, 92-4; Robert Lowe, "What Shall We Do With Our Bankrupts", *Nineteenth Century* 10, August 1881, pp308-316.

<sup>19</sup> Owen Chadwick, *The Victorian Church*, 2 vols. London, 1971, vol. 1, p1.

religion.<sup>20</sup> It is possible that biographers of Lowe had rather assumed that he was one of those highly intelligent and educated men who, while continuing to observe the forms of the Anglican faith, were inwardly doubtful. Detailed investigation has now suggested that Lowe was almost certainly not of this ilk. What is known of Lowe suggests that if he had been an unbeliever he would have made his views clear – and probably in as stark and controversial a manner as he could devise. Instead, the picture which emerges is of a man from a clerical family who was a sincere Christian. He was, however, far from dogmatic about his religion. Indeed, particularly when he was trying to promote elementary education in both New South Wales and Britain, he found himself fighting against entrenched denominational interests.

As the younger son of a clerical father, Lowe was intended for the Church. But instead he deliberately chose a different course. This fact in itself might have aroused suspicions of infidelity. But at Oxford Lowe was drawn into the *Tract XC* controversy and published two pamphlets attacking Newman's final tract. He argued for the disestablishment of the Irish Church. Lowe became exasperated by the petty denominational rivalries which stood in the way of educational reform. He saw little merit in maintaining the Anglican exclusiveness of the ancient universities. Nonetheless, the essential elements of Lowe's religious views seem clear. First, he was a lifelong Anglican. He subscribed the thirty-nine articles on several occasions. His fundamental criticism of Newman and *Tract XC* was that the tract perverted the essential meaning of the articles to suit the consciences of Newman and his followers. Lowe always insisted, when asked, that he was a member of the Church of England. For all that, he was suspicious of clerical authority and of the temporal power of the Church. He viewed such authority as inimical to Liberalism. Indeed, he seems to have been almost an advocate of the modern secular state in which spiritual authority over temporal matters had virtually ceased. Third, and partly because of this anti-clerical

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<sup>20</sup> See: J.A. Froude, *The Nemesis of Faith*, 2<sup>nd</sup> edn., London, 1849; Adrian Desmond, *Huxley*, London, 1998, *passim*.

instinct, he was a virulent critic of Rome and of its claims to authority. Above all, Lowe wished to promote a society based upon essential Christian beliefs which transcended the petty differences of the various denominations. In short: “how much better, “how much nobler, to invite a common people – common by birth, by language, and every national tie – to acknowledge in one brotherhood of feeling, one God, one faith, and one revelation.”<sup>21</sup> To this end, he favoured a common system of education in which a general, common Christianity was taught, and believed that the universities should be open to all.

Chapter four investigated the key question of Lowe’s views on Political Economy. It makes no claims for Lowe as an innovative or original thinker. He appeared on the scene when the founding fathers of the discipline were already gone and political economy was becoming established as a reputable pursuit. However, as a politician, Lowe was one of the first to use Classical Political Economy as a guiding precept and attempt (not always successfully) to translate theory into legislative action. Already by the 1830s, Lowe was a disciple of Adam Smith and was quoting him in examinations. It was, it may be remembered, partly his views on political economy which induced the Governor of New South Wales to offer him a seat on the colony’s Legislative Council. In 1853, shortly after entering Parliament, Lowe was invited to become the Political Economy Club’s eighty-first member. It was Lowe who gave the main address at the dinner in 1876 which celebrated centenary of the publication of the *Wealth of Nations*. Lowe was therefore a man to be taken seriously in the world of the political economist. Lowe expressed the main theoretical positions adopted by Classical Political Economy. He believed in the maintenance of free trade and always took the laissez-faire view that the state had better keep out of regulating economic matters. This did not particularly make Lowe stand out from the crowd. However, it was the status and importance which Lowe gave to political economy which was unusual. He accepted Adam Smith’s view of human psychology: that men

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<sup>21</sup> Speech of 9<sup>th</sup> October 1846. Quoted in: Baker, *Educational Efforts of Robert Lowe*, p9.

were entirely motivated by considerations of material self-interest. But more than that, he believed that, based upon that simple precept, political economy had become an exact science, analogous to physics or mathematics. Indeed, Lowe thought that by the time he made his speech in 1876, political economy was virtually complete as a science.

In terms of practical policy, Lowe had made a failed attempt to remove various port dues, based on ancient privileges, when at the Board of Trade in the 1856 and 1857.<sup>22</sup> But it was as Chancellor of the Exchequer when Lowe had the greatest opportunity of enacting the precepts of political economy into law. But Lowe's time at the Exchequer was something of an anti-climax. He did not use the power and influence of his office to manipulate or "fine tune" the economy as his successors after 1945 did. Instead (and in accordance with his ideas) he confined himself merely to holding the ring, while private efforts and acquisitive instincts did the rest. The function of the Chancellor of the Exchequer was to provide funds for those few regrettable but necessary functions of government. Put another way, Lowe was a believer in the political economy of his day. The standard classical models, including both free trade and laissez-faire, seemed instinctively right to him.<sup>23</sup> The difference lay in the depth and rigidity with which Lowe held these views. To him they were the law of nature which had better not be interfered with by man-made laws. Anyone who appeared to be subverting these natural laws was a target for attack. This applied equally, for example, to the Trade Unions for their use of combined action to try to improve the lot of worker. And to the shipowners for seeking to perpetuate the navigation acts.

In chapter five, Lowe's views on the Reform of the franchise were examined. His campaign against the extension of the vote in the mid-1860s remains perhaps the best known of Lowe's political activities. But, even in this respect, he has

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<sup>22</sup> See above, p191.

<sup>23</sup> Abbot and Campbell (eds.), *The Life and Letters of Benjamin Jowett*, 2, p416.

been seriously misrepresented. Above all, the present day assumptions in the democratic west, that democracy is an obvious, natural and unproblematically good thing, tend to cast Lowe in a very bad light. To modern eyes it is difficult to understand how a liberal could be against democracy. But although Lowe argued very strenuously against the Reform Bills of 1866 and 1867, he did so from a Liberal position. He was not attempting to defend the privileges of the rich and powerful against the incursions of rough workmen. Nor was he, in spite of powerful accusations, inspired in his opposition to reform by a belief that the labouring classes were, ipso facto, base or venal.

Nevertheless, his arguments are uncongenial to many modern liberals. First, he argued that there was no abstract right of every member of the population to have a share in governing the country. Gladstone had, in effect, admitted this abstract right in his well-known "pale of the constitution" speech of 1864. He had then had to expend considerable effort in explaining that he had not intended to argue in favour of universal suffrage. But Gladstone was caught in the classic trap of nineteenth century liberalism: how to seem in favour of the abstract right of all men to participate in government in principle, whilst actually avoiding it in practise. Like many of their contemporaries in various European countries, British Liberals fell back upon the doctrine and language of "capacity". But this could only be a temporary solution to the problem. Progressive, incremental reform, gradually extending the franchise to more and more people must be the result.

Lowe preferred to cut the Gordian knot rather than attempt to unravel it. He absolutely denied that any abstract right to political participation existed. He further argued that the science of government and of the disposition of power was a practical rather than a theoretical question. In effect, he asked: how should a nation select its rulers so as to ensure the best government? The answer seemed obvious. Make sure that the electors were drawn from the most intelligent and educated sections of society. For Lowe the *sine qua non* of

Liberalism was liberty. And so he argued that political arrangements must protect liberty. This idea was fundamental to Lowe's thinking about constitutional questions. It is the key to answering the puzzling question about how the same man could consistently argue in favour of reform in 1832, argue for lowering the franchise qualification in New South Wales in the 1840s, argue at various times both in favour and against various schemes of granting colonial self-government to Australia, and yet be so trenchantly opposed to extending the franchise in Britain in the mid 1860s.

Lowe believed that in order to protect liberty there must be a balance of those interests that wielded influence over government. For one particular group to secure hegemony over the state was tantamount to tyranny. In 1832, Lowe perceived that a single class controlled the government and his support for reform was precisely to dilute the influence of that class. In New South Wales in the 1840s (after a period of economic deflation), he saw that the property qualification for electors was now so high that the electorate was so small that a balance was impossible. Later, he opposed schemes of colonial home rule which seemed to give almost total power to the influential "squatter" class. Similarly, in the mid 1860s, Lowe heard Gladstone's "pale of the constitution" speech and could see the possible consequences. He could see that any lowering of the franchise, on the grounds that new groups were now fit to possess it, must lead by degrees to universal suffrage. There was much talk at the time about "swamping". In Lowe's opinion that is precisely what would happen. The labouring classes would be in the majority and would be in a position to do whatever they wanted without impediment. This "tyranny of the majority" Lowe opposed on the grounds of liberty.

Chapter six investigated what is arguably Lowe's most important contribution to the modern world. It is likely that had Lowe not been appointed Vice-President of the Board of Trade in the latter part of 1855 events might have taken a different



turn. Although it was not realized at the time, and very seldom since, the Joint Stock Companies Act of 1856 was an epoch making piece of legislation. True, after Lowe had legislated, there was initially very little take-up of the opportunities for the creation of new companies which the Act offered. Lowe's Act was also soon incorporated in to a new consolidating Act of 1862. But it was the principles which he, virtually alone, promoted which informed the legislation and which have since been the basis of company law. Once again Lowe followed his own principles and produced an extremely liberal piece of legislation which few would seriously have considered shortly before. There had been some relaxation of the rules enforcing unlimited liability before Lowe's Act, but the almost complete freedom which he enacted was in contrast to the piecemeal and restrictive legislation which preceded it. Although much company law has been passed since 1856, the main principles which Lowe established remain integral to company organization in Britain and around the world. In the years leading up to the 1856 Act there had been a number of official reports and commissions enquiring into limited liability. The one most immediate preceding Lowe's Act was the Royal Commission into the Law of Partnership and Mercantile Law appointed in 1853. Lowe was the only witness to give evidence to the Royal Commission to throw his weight behind almost total liberty in establishing limited liability companies.

In promoting this legislation Lowe believed that he was remaining faithful to the principles of Political Economy in which he so fervently believed. There were those who argued that unlimited liability was the natural state of affairs and to legislate to protect individuals from the material consequences of bad investment was a betrayal of *laissez-faire* principles. Lowe disagreed. He argued that men should be entirely free to make any sort of terms which they might wish to make when drawing up contracts. Providing a group of businessmen make it clear that they intend to trade on the basis of unlimited liability, others should be entirely free to treat with them on that basis should they wish to do so. Provided limited liability companies made it clear that they were limited companies, there could be

no rational objection to them on *laissez-faire* grounds. Lowe was largely responsible for the form which the legislation took and for the progress of the Bill through Parliament. He had promoted the absolute freedom of contract and the absolute freedom to trade under conditions of limited liability in Parliamentary speeches and in evidence to Royal Commissions. He had done so when most of his contemporaries, even those who favoured a reform of the existing law, thought only in terms of a limited reform along the lines of the French *en commandite* system. When it is recalled that the company legislation of Victorian Britain has provided the model which much of the rest of the world has followed, then the importance of the Act of 1856 becomes clear. The importance of Lowe as the man who virtually established the system under which much of the world's economy now operates cannot be over emphasised.

The final chapter returns to the battle for the Reform Bills of 1866 and 1867. The political machinations which led eventually to the 1867 Reform Act were complex and involved. After the death of Palmerston it was necessary to reconstruct the Government. Lowe's ability and seniority made him a potential candidate for a cabinet post. Lord Russell was advised by some colleagues to make an offer to Lowe. Lord Granville believed that an accommodation could have been reached with him. In such a case there would possibly have been a moderate, "final" reform in which Lowe might reluctantly have acquiesced. But this did not occur. Russell and Gladstone pursued a Reform Bill and were vehemently opposed by Lowe. He put the case against reform in a stark, and yet persuasive form. More importantly, his speeches demonstrated that there was a reasonable and perfectly logical case which can be made against democracy. Lowe made his case vigorously. In the short term he was successful and the Liberal Reform Bill was defeated. But the question now arose as to who would now carry on the government. There was much talk of a fusion between the Conservatives and the Liberal followers of Lowe (the Addullamites). Negotiations took place with various of Lowe's supporters to see if such a government could be formed. Lowe had been co-operating with the Conservatives. But even before the Bill had been

introduced, there were feelers put out in Lowe's direction enquiring on what terms Lowe might consider joining a Conservative cabinet. Another possibility, more frequently mentioned, was that moderates from both parties might join together in a coalition government headed by someone like Lord Stanley (Derby's son) or possibly the Duke of Somerset.

But such a junction between Lowe and the Conservatives could never have been a lasting affair. Although often mooted, Lowe could never really have worked with Disraeli and Derby. On the matter of opposing the 1866 Reform Bill Lowe could co-operate with the Conservatives but on little else. On matters relating to the Church or education, or political economy, he would soon have found himself at loggerheads with government colleagues. Lowe's professions of loyalty to Liberal principles were too absolute to have allowed him to work with the Conservatives for very long. Lowe and his friends gave their acquiescent support to the minority Conservative government of Lord Derby. But this evaporated with the advent of what Lowe regarded as the betrayal of the Conservative Reform Bill. Lowe's great triumph in 1866 now turned to ashes. He had unwittingly, through his successful defeat of the Liberal Reform Bill, brought on the very result which he most disliked. Instead of the moderate Reform Bill which Russell and Gladstone had proposed in 1866, the eventual outcome of the debates over Derby and Disraeli's 1867 Bill was the establishment of household suffrage in the boroughs. Lowe was partly to blame for this. His powerful speeches had excited considerable interest and, in the case of one of his more celebrated remarks concerning the drunkenness and venality at the bottom of the constituencies, considerable notoriety.

What, in the end should we make of Lowe's career and ideas? He was, above all, consistent and virtually unshakeable in his principles. This was so even though, as we have seen, his application of those principles might result in seemingly inconsistent conclusions. The obvious example of this is reform. Here,

his application of the rule that no one interest group should be dominant, led to advocacy of reform in 1832, opposition to reform in 1866 and 1867, support for representative institutions for New South Wales, and opposition to those concrete proposals for a colonial constitution which gave all the influence to one class. At the same time we see an almost visceral suspicion of ancient privilege and custom. If there was a received wisdom on almost any subject, Lowe could almost always be relied upon to be a doubter. His instincts on most issues were therefore reformist. Education, trade, the civil service and company law. These were among the subjects upon which Lowe sought to legislate in order to make them more rational, meritocratic and consistent.

Lowe was certainly an economic liberal in Victorian terms. Indeed, in matters of political economy and the liberalization of company law he was appreciably in advance of most of his party colleagues. But was he decidedly illiberal regarding the political issue of reform? Were economic issues peripheral to Liberalism and the political issue of reform central to it, as Kahan suggests? There were prominent liberals who always seemed to be pressing for reform, such as Russell from about 1850, and John Bright. But at the same time there were others who were opposed. One recalls Palmerston's reaction to Gladstone's declaration of 1864. The Prime Minister in effect denied Gladstone's contentions and took a position which was much closer to that of Lowe in 1866. Lowe specifically denied that Liberalism was identifiable with democracy.<sup>24</sup> For him, liberty and enlightened government were the foundations of Liberalism. No doubt the vast majority of those declaring themselves as liberals in the twentieth and twenty-first centuries would also avow that a belief in democracy was an essential part of their liberalism. But to project this view back into the middle of the nineteenth century is anachronistic.

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<sup>24</sup> See above, pp203-4.

In his own terms, Lowe was once and always a Liberal. He could never have joined a Conservative administration in 1866. He combined with them over the single issue of the 1866 Reform Bill. But he could not have served harmoniously in a predominantly Conservative government. In this sense, Lowe represents a lost strand of Liberalism. For this liberalism valued, not numbers and numerical majorities, but diversity. That was a politics in which heads should not be counted but rather weighed. It was a Liberalism which took the view that majorities threatened liberty and preferred to see a balance of interests irrespective of the weight of numbers. It was also a Liberalism which feared that politics under democracy would be reduced to an unseemly popularity contest between rival demagogues for the votes of the multitude. Who can say that, in the daily scramble for popularity and good publicity among today's politicians, at least some of the forebodings which Lowe expressed in 1866 were not in fact highly prescient?

Appendix One:  
Robert Lowe's articles in  
*The Times*.

## Robert Lowe and The Times.

### a. Lowe's leading articles.

Italicised entries are those where the attribution (to Lowe) is not backed by a documentary source (the desk diaries in *The Times* archive) but based upon the style, views expressed, the subject matter or other references. These are listed in chronological order. Those articles written before 1857 have the page number listed beside the date. From 1857 the number beside the date denotes whether Lowe's contribution was the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, or (occasionally) the 4<sup>th</sup> item contained in the leader column.

### Before 1857.

23-3-50 - 5 *Colonial Reform.*

26-2-51 - 4 *Repeal of Corn Laws*

7-7-52- 6 *1852 Election, Russell's 1852 Reform Bill*

14-12-52 - 5 *Malt Tax*

4-6-53 - 6 *Government of India*

13-7-53 - 5 *Government of India*

31-10-53 - 6 *Colonial Government*

22-2-55 - 12 *India - competitive examination*

26-2-55 - 8 *Ditto*

13-6-55 - 8-9 *Ditto*

19-6-55 - 9 *Ditto*

10-8-55 - 6

24-8-55 - 6

2-2-56/8 *Limited Liability & Partnerships*

26-2-56/8-9 *Tolls - Liverpool*

11-3-56 - 9 *Oxford*

28-7-56/8 *Pro Palmerston, Anti-Russell, Jingoism*

**From 1857.**

<b>1857</b>	1/1	1	The New Year – political prospects
	2/1	2	China – bombardment of Canton
	3/1	1	Protection in U.S. – free trade
	7/1	2	Transportation
	9/1	1	Australia
<b>1858</b>	5/3	2	General Peel
	6/3	1	The Derby Ministry – prospects
	8/3	4	Mr Sothern Estcourt's estimates – Poor Law Board
	9/3	2	Sir Fitzroy Kelly – Conservative Govt & Reform
	10/3	1	Sir John Lawrence – India
	11/3	1	The French Pamphlets – France & England
	12/3	3	The Re-opening of the session – The Conservative Govt
	22/3	1	Mazzini and Italy
	25/3	2	Lord Ellenborough
	29/3	1	The New Indian Bill
	31/3	2	Ditto
	2/4	2	The India Bill
	3/4	1	Magazines & Pamphlets
	5/4	1	The India Bill
	5/4	2	The Army
	6/4	1	Australia
	8/4	2	The Indian Telegraph
	10/4	2	Electric Telegraphs
	12/4	1	The prospects of the session
	14/4	1	India Bill
	17/4	3	India Bills
	26/4	1	India Bills



29/4	1	The ministry
3/5	1	Indian Resolutions
7/5	3	Australia
10/5	1	Lord Ellenborough's despatch to Lord Canning
13/5	3	Private Business
17/5	1	The Debate in the Lords
24/5	1	Cardwell's motion
25/5	1	Naples
27/5	1	Lamartine – French politics
28/5	2	City of London Corporation: privilege, corruption, inefficiency
31/5	1	Speech at Slough – John Russell on the Conservative Govt
4/6	1	Army Organisation
7/6	2	The transfer of Land
10/6	1	French Militarism
14/6	1	Property qualification, Jewish disabilities, Reform
15/6	2	<i>The Moniteur</i> . captive organ of French Govt, press freedom.
17/6	1	General Espinasse – repression in France
21/6	1	The Week – India Bill
22/6	1	The New Indian Bill
24/6	1	The Indian Bill Nr 3
28/6	1	The India Bill
30/6	1	Vivian's motion - C in C or Secretary for War to be supreme?
5/7	1	The Conservative Party
9/7	2	Hudson's Bay Co
10/7	2	Hudson's Bay Co
13/7	1	Duke's visit to Cherbourg
17/7	1	India Bill
17/7	3	The Statute Law Commission
20/7	3	Expenses of elections
22/7	1	Hudson's Bay Co
26/7	2	New Caledonia

30/7	3	Private Bills
31/7	3	Corrupt practices
3/8	2	The End of the Session
4/8	3	British Columbia
5/8	2	Private Business
6/8	1	Atlantic Telegraph
7/8	2	Railway Competition & Monopoly – Great Western Railway
9/8	1	Royal visit to Cherbourg
10/8	1	Mexico
11/8	1	The New Indian Directors
13/8	1	Canada
14/8	1	The peerage
16/8	1	Quarantine Laws
17/8	1	The Indian Council
19/8	1	The Bank Report
20/8	3	The Bank Report
23/8	2	The state of Turkey
24/8	1	The Danube & Prussian Politics
27/8	2	Law of the Sea
28/8	1	Vancouver Island
30/8	1	Liabilities of Directors
31/8	1	The Queens Return from Peking
2/9	1	The East India Co
3/9	1	Canada - location of capital
4/9	1	The Crisis in Turkey
7/9	2	Australia
8/9	2	The Liverpool Chamber of Commerce
9/9	2	The Indian Council
10/9	2	Indian Sanatoria
11/9	2	Railways
14/9	3	Administration of Justice

15/9	2	Canada
16/9	2	The Recent Meetings – Tories & Reform
17/9	2	The Indian Revolt
18/9	1	Emigration
20/9	2	Henley on Progress
21/9	1	Lord Derby's Stand
23/9	1	Newdegate on Reform
24/9	2	Lord Derby & Fair Play
25/9	1	Stade Dues – Zollverein, Protection, free trade, passing tolls
28/9	2	Army Fraud – press reporting of Court proceedings
28/9	3	Parliament
29/9	2	Prince Napoleon
6/10	1	Protection in France
7/10	1	Lord Canning's Reform
8/10	1	Collapse of the Western Bank of Glasgow
9/10	2	French & Spanish accusations of England
13/10	3	Protection in France
14/10	2	Free Trade in France
15/10	1	Prussian King
18/10	1	France & Portugal
18/10	2	Sir J Stephen at Islington – the Colonies
19/10	2	Conservatives & Reform
23/10	1	Submarine Telegraph
26/10	1	France & Portugal
27/10	1	Prussia
29/10	3	Manhood Suffrage
30/10	1	France & Portugal
30/10	3	Australian Colonies
2/11	1	Prussia
3/11	3	The Shipowners complaint
9/11	2	Mr Gladstone's mission – the Ionian islands

	13/11	1	Montalembert
	16/11	1	Mr Gladstone's Mission – the Ionian islands
	17/11	2	Indian Revenue
	17/11	3	The Navigation Laws
	18/11	3	Montalembert
	20/11	1	The American Elections
	22/11	1	The Bankers? In France
	23/11	1	America
	24/11	1	Shipowner's finances
	25/11	1	The sentence on Montalembert
	1/12	1	The state of Prussia
	2/12	1	America and England
	3/12	1	The pardon of Montalembert
	6/12	2	Lord Eglinton
	7/12	3	The Birmingham Reform
	14/12	2	Bright on the Game Laws
	16/12	1	Electoral Districts
	18/12	1	Mr Bright
	22/12	1	The President's message
	24/12	2	Bright at Glasgow
	28/12	1	Bright and the Aristocracy
<b>1859</b>	3/1	1	Mr Gladstone
	4/1	2	The State of Ireland
	4/1	3	America
	6/1	1	France & Austria
	7/1	1	Politics and Reform
	10/1	1	The French in Rome
	12/1	3	Divorce Court
	13/1	3	Navigation of the Elbe
	14/1	2	Mr Horsman
	15/1	1	The King of Sardinia's speech

20/1	1	Bright's Reform Bill
21/1	1	Naval Estimates
24/1	1	The Reform Bill
24/1	3	An Italian view
25/1	2	Irish Plots
26/1	1	An European Congress
28/1	2	Australia
29/1	1	Austria and Italy
1/2	1	The Meeting of Parliament
2/2	1	The Austrian Loan
3/2	2	The Italian Reaction
5/2	2	The debate on foreign affairs
8/2	3	Gladstone at Corfu – the Ionian islands
10/2	1	De Mornay's speech
11/2	1	Education
14/2	1	Transfer of Land in Ireland
15/2	2	Austria
16/2	1	Sardinia
23/2	1	The State of Europe
24/2	1	Lord Cowley's Mission
28/2	1	The Reform Bill
3/3	1	The Derby Reform Bill
7/3	1	The Emperor Napoleon
11/3	3	Louis Napoleon's policy
13/3	1	Lord John's Resolution
19/3	1	The Reform Bill
21/3	2	The Reform Debate
25/3	2	The prorogation of the House – Reform Bill
28/3	1	Political Prospects
31/3	1	The Reform Debate
4/4	1	The Ministry

5/4	1	The dissolution
14/4	1	The congress
26/4	2	Sir John Lawrence
2/5	2	The Results of the Elections
3/5	1	The French Declaration
4/5	4	Disraeli's speech
6/5	2	The Russian Alliance
7/5	2	The Italian treaties
9/5	3	The Elections
10/5	2	The West Riding
11/5	3	The Sickly Triad
13/5	2	The Results of the Dissolution
16/5	1	British Neutrality
16/5	2	The Emperor Napoleon
18/5	3	American Steam Ships
19/5	2	The Civil Service
21/5	1	The State of Parties
23/5	2	Kossuth upon the War
25/5	2	Australia
1/6	2	Roebuck at Guildford
2/6	1	The War in Italy
4/6	1	The State of Parties
7/6	2	The Liberal Party
11/6	3	Sir James Graham
13/6	1	The Ministry
17/6	2	The Next session
18/6	1	The Ministry
22/6	2	The New Ministry
29/6	1	Austria & Hungary
30/6	1	The New Session
2/7	4	½ Mr Justice Blackburn

4/7	2	The Prince Consort
7/7	1	The Indian Mutiny
11/7	2	Govt Contracts
16/7	3	The Contracts Committee
18/7	3	Election Petitions
20/7	3	Lord John Russell's despatch
23/7	1	The Freedom of the press
1/8	2	Debate on National Defences
5/8	1	Indian Finance
12/8	2	Roebuck & Mitchell
15/8	2	The Last Session
9/10	2	The Westminster Bell
9/10	3	Sir Richard Bethell
11/10	3	Indian Finance
12/10	1	Austria in Italy
18/10	3	Dr. McHale & Irish politics
25/10	1	Lord Brougham in Edinburgh
26/10	1	Mr Langdale's letter on the powers of the Pope
29/10	2	Conservative Policy & principles
10/11	2	R C Bishops
11/11	1	The Prince of Wales
12/11	2	Education
15/11	1	The French
16/11	1	Intolerance
18/11	1	Archbishop Cullen
19/11	1	France & England
21/11	1	The Emperor and his press
22/11	1	Louis Napoleon & the French Press
26/11	2	The Sunderland ship owners
29/11	3	The Canadian Tariff
30/11	2	The Irish and the Pope

2/12 3 The Sunderland Shipowners  
 6/12 1 The 4 Liverpool Brokers  
 8/12 1 Financial Reform  
 9/12 1 Parliamentary Reform  
 13/12 1 The Irish R.C.'s  
 15/12 1 The Irish Priests  
 19/12 2 John Bull  
 21/12 1 The R.C.'s  
 22/12 1 The Pope and the Congress  
 23/12 1 The Roman Catholics  
 24/12 1 France And England  
 30/12 1 Colonization  
 31/12 1 Death of Lord Macaulay

**1860**

3/1 1 The Irish R.C.'s  
 4/1 1 Parliamentary Reform  
 5/1 1 The European Congress on Italy  
 16/1 1 France & Free Trade  
 17/1 1 France & England  
 18/1 1 The Irish Bishops & the Pope  
 20/1 1 Sir F Kelly  
 21/1 1 The New Reform Bill  
 23/1 1 France & England  
 24/1 1 The Coming Session  
 26/1 1 The Commercial Treaty  
 28/1 1 The New Reform Bill  
 31/1 1 The Emperor and the Pope  
 1/2 2 The Emperor and the Pope  
 6/2 2 The Annexation of Savoy  
 10/2 1 The Annexation of Savoy  
 13/2 1 The Budget  
 14/2 1 Michel Chevalier



16/2	1	Papacy and France
17/2	3	The American Congress
18/2	3	The Papal Attitude to France
20/2	1	Disraeli's Amendment – Commercial Treaty with France
21/2	3	The Emperor and the Pope
24/2	3	The Comte de Chambord
27/2	1	Mr Gladstone – Radicalism
1/3	1	The Reform Bill
3/3	3	The Silk Duties
5/3	3	Parliamentary Reform
12/3	2	The Reform Bill
14/3	1	The Reform Bill
16/3	2	The Reform Bill
19/3	1	The Reform Bill
24/3	3	The Reform Bill
26/3	1	Gladstone's Income Tax
2/4	1	The State of Germany
4/4	1	The Business of the House
5/4	1	Indian finance
6/4	1	France & Germany
7/4	1	Australia
10/4	1	Spain
12/4	1	American Institutions
13/4	2	Reform
14/4	1	Gladstone's Budgets. Bright at Manchester
16/4	2	Reform Statistics
17/4	3	Bright as a demagogue
18/4	2	Indian Finance
21/4	1	American institutions & Reform
26/4	1	The Confederation of Germany
5/5	1	Prussia & Denmark

7/5	1	Gladstone's Finance
11/5	1	The Recall of Sir Charles Trevelyan – India
14/5	1	The Recall of Sir Charles Trevelyan – India
15/5	1	The Forms of the House
17/5	2	Trevelyan & Sir J. Wilson – India
19/5	3	The Sicilian question – Garibaldi
23/5	3	The Reform Debate debate in the Lords.
25/5	1	The meaning of the Reform Bill
26/5	2	Prospects of the Session
28/5	1	Naples & France
29/5	2	Sir Charles Trevelyan – India
31/5	1	Prospects of the Session
4/6	2	The Reform Bill
6/6	1	Disraeli as a leader
9/6	2	Education
11/6	1	The Reform Bill
13/6	3	The Reform Bill
21/6	2	The Papacy & Ireland
23/6	2	Sir Charles Trevelyan
27/6	1	The Island of San Juan
28/6	1	The King of Naples
3/7	3	The privilege Committee
4/7	1	Privilege of Parliament
5/7	1	The Privilege resolutions
6/7	1	The privilege debate (with Cooke)
9/7	2	The past week
14/7	1	Public business
16/7	2	Old parties in France
20/7	1	Parliamentary business
25/7	1	Mr Ewart on public business
30/7	1	Public Business

1/8	2	The Commercial Treaty
2/8	1	Napoleon's letter
6/8	2	The Intervention in Africa
16/8	1	Austria & Italy
17/8	2	Ceylon & India
20/8	1	Queensland
21/8	1	Garibaldi
23/8	3	The New Zealand Bill
27/8	1	Foreign Policy
29/8	2	The Committee on petitions
30/8	1	Persigny's speech – France, Britain & European affairs
31/8	1	The French Canadians
1/9	2	Lindsay's Mission to America
3/9	2	The Endowed Charities Bill
4/9	1	Sir Henry Ward
5/9	1	Austria & Venice
6/9	1	Indian Income Tax
8/9	2	Sardinia & the Pope
10/9	1	The king of Naples
11/9	2	Public life in America
2/9	1	France & Sardinia
3/9	1	Death of J Wilson – India
14/9	1	Sardinia & the Pope
15/9	1	France & Italy
17/9	2	New Zealand
18/9	1	Sardinia & Rome
19/9	1	Austria & Venice
20/9	2	Ottawa as the Capital of Canada
22/9	1	Prize Money
24/9	1	Sir John Lawson
24/9	2	The Quarterly Income Tax

	25/10	3	Frederick Peel at the Treasury
	26/10	1	Louis Napoleon's policy
	27/10	1	Austria
	30/10	1	Warsaw Conference
	30/10	2	Montalembert's letter
	31/10	1	The Prince of Wales
	3/11	2	Garibaldi, Sardinia & Italy
	5/11	2	Lord J Russell & Italy
	6/11	2	Prussia
	7/11	1	Irish Brigade & the Pope
	9/11	3	Irish Catholicism
	10/11	2	The State of Europe
	13/11	1	Sir James Hudson
	15/11	1	The American Presidency
	17/11	1	Lord J Russell
	20/11	1	The presidential election
	21/11	1	The Presidential Election
	24/11	2	Bright on Political Economy
	27/11	4	Lord Robert Montague & Italy
	30/11	1	The Dual Ministers in France
	4/12	2	The French Commercial Treaty
	9/12	2	The Irish Repealers – Disraeli
	11/12	2	Persigny on the Press – France
	14/12	1	Italy
	17/12	2	Gilpin at Northampton – Reform
	18/12	2	Austria & Venice
	20/12	1	The President's Essay – American Civil War
	24/12	1	The Limited Status
<b>1861</b>	3/1	2	Emperor of France
	3/1	3	Austrian Finance
	4/1	3	Horsman

5/1	1	Sidney Herbert – Parliamentary procedures
7/1	1	Limited Status
8/1	1	Indian Finance
9/1	1	Prussia
10/1	2	Palmerston at Southampton
11/1	2	Australian Expeditions
15/1	1	The State of Europe
16/1	1	The Slave question – relations between Canada and U.S.
17/1	1	Denmark & Germany
19/1	1	South Carolina
21/1	2	Italy
23/1	1	Prussia & Germany
26/1	1	Limited Status
29/1	1	American civil war - Seward's speech
31/1	1	Political Prospects
2/2	1	The Manchester Reformers on India
5/2	1	The Emperor's speech
6/2	1	The Commons debate on the Address
7/2	1	Parliamentary Business
8/2	1	Parliamentary Business
11/2	2	Parliamentary Business
13/2	1	The American Union
16/2	1	The liberal Party
19/2	1	Locke King's Motion
20/2	1	The Kingdom of Italy
25/2	1	The French in Rome
27/2	1	The Reformation in Italy
4/3	1	Lord Normanby's career
7/3	2	Italian Debates
9/3	2	Parliamentary Business
11/3	1	The House of Commons & the Navy

12/3	1	Limited Status
14/3	2	The American Disruption
15/3	1	The French Debates
18/3	2	Lincoln as President
19/3	1	Lincoln as President
23/3	1	The Ionian Islands
25/3	1	Indian Finance
28/3	1	The U S
29/3	2	Gladstone
3/3	1	Lord Palmerston
3/3	4	Harbours of Refuge
2/4	2	Denmark
4/4	3	The Competitive principle
5/4	1	The Confederacy
6/4	1	The Budget
8/4	1	Parliamentary Business
11/4	2	The French Corn Law
15/4	3	The Balance of Trade
16/4	3	St Domingo
20/4	2	Garibaldi
22/4	2	The Land Debate
29/4	3	Ionian Islands
2/5	1	Parliamentary Business
9/5	1	Opposition tactics
13/5	1	The Budget Bill
15/5	1	Proclamation of Neutrality
16/5	1	French Fisheries
18/5	1	International Law
21/5	2	America
21/5	3	National education in Ireland
22/5	2	Austria & Hungary

23/5	1	Seward's letter – American Civil War
27/5	1	The Paper Duty, Reform Bill, Budget
27/5	2	Galway Contract
28/5	2	The French in Russia
29/5	3	The French Sliding scale
30/5	1	The Paper Duty
7/6	2	Parliamentary Prospects
8/6	1	The Death of Cavour
12/6	1	The Distribution of seats
17/6	2	Troops for Canada
19/6	1	The Session
24/6	1	The parliamentary Week
27/6	1	Parliamentary Business
1/7	1	Parliamentary Business
8/7	2	Sir John Ramsden & Parliamentary Reform
15/7	1	The Subscription System
16/7	1	Lord John's peerage
22/7	1	The Ministry
26/7	1	The Liberal Party
2/8	1	India
20/8	4	The Patent Laws
21/8	1	The Queen's visit to Ireland
28/8	2	The New Zealand War
30/8	2	The New Zealand War
20/9	2	American Civil War Finance – Mr. Chase
23/9	1	Russia and America
25/9	2	America
26/9	1	Education
27/9	3	Agricultural Meetings – Edward Bulwer Lytton
28/9	1	Education
2/10	3	Education

3/10	1	Duke of Saxe Coburg
4/10	1	Prussia
5/10	3	Education
7/10	2	Food in Paris
8/10	1	King of Prussia in France
9/10	3	Harbour Fleet
10/10	2	The Judges in India
11/10	1	General Peel
12/10	1	French Armies in U S
14/10	1	The Papal Allocation – The pope, France & Italy
14/10	2	Competitive System
15/10	1	Prussia and France
16/10	4	French Treaty
17/10	1	Russell as Foreign Secretary
18/10	2	Australia
21/10	3	The Colonies
22/10	2	King of Prussia
24/10	1	The American Blockade
28/10	1	Sir James Graham
29/10	4	The Duke of Argyll – American Civil War
30/10	2	The French Pamphlets
31/10	2	The Emperor and the Pope
1/11	1	Russia
4/11	2	The British Museum
5/11	1	Seward's letter – Britain & America
6/11	1	Seward's letter – Britain & America
7/11	1	The American War
8/11	3	The obsequies of MacManus – Ireland
12/11	1	The Southern States
15/11	2	Mr Leatham on Parliamentary expenditure
16/11	2	Disraeli on the Church



18/11	1	The French Budget
19/11	1	America
21/11	1	Parliamentary Reform
21/11	3	The United States & Canada
22/11	2	<i>The Moniteur</i>
23/11	2	Layard in Southwark
25/11	2	Lord Stanley's speech
26/11	2	The American News
27/11	1	The Italian Parliament
28/11	3	The Carlisle Election
2/12	2	Trent Affair
3/12	1	France & England & Canada
4/12	2	The limited Status
9/12	2	The Italian Parliament
10/12	2	The Southern States
11/12	1	Canada & the U S
14/12	3	Mrs Seward
16/12	1	Death of Prince Albert
17/12	2	The President's speech – Britain, America & the Civil War
20/12	2	Mr Cobden on the American Civil War – anti-war movement
21/12	1	American provocations
24/12	1	Funeral of Prince Albert
25/12	1	Mr Cobden on Arbitration – Trent affair

<b>1862</b>	1/1	4	America – M. Renouf's pamphlet
	6/1	1	The Royal Grief – American civil war
	13/1	1	Mr. Seward's Despatch – Trent affair
	16/1	2	Mr Gilpin on the American situation
	20/1	1	Public Business – work for Parliament to do
	24/1	3	Colonial expenditure in Canada – relations with USA
	27/1	2	M. Fould's finance – France
	31/1	1	France & the Pope

1/2	1	American finance – Mr Chase
5/2	1	American finance
8/2	1	Address of Condolence, to HM over death of Prince Consort
10/2	1	American Blockade
13/2	1	Education – Revised Code
27/2	2	The Indian Council
1/3	1	The law of Blockade
3/3	2	The Revised Code – Education
6/3	3	The Bishop of Oxford & the Revised Code
8/3	2	Education – Revised Code
10/3	1	The Blockade debate
24/3	2	American affairs
24/3	3	Turkish finances
25/3	1	Education – Mr. Walpole's resolutions
7/4	3	Gladstone and the Budget
12/4	2	The Law Courts
14/4	1	The Italian Debate
15/4	1	Indian Finance
16/4	4	Australia
21/4	1	Rattazzi's Circular – Italian affairs
22/4	1	Return of Lord Canning
23/4	1	Prince Consort's Remains
24/4	2	French in Mexico
25/4	2	The Conservative leaders
26/4	1	American slavery
1/5	1	French exhibition
5/5	2	The Re-revised code
15/5	2	The French in Mexico
20/5	2	The Irish Murders
24/5	3	Revised Code
27/5	3	French Protectionists

30/5	1	American Federal finance
6/6	1	Defence of Canada
7/6	1	American opinion
11/6	3	Law reform
13/6	1	Parliamentary prospects
16/6	1	The French in Mexico
18/6	2	The pope's allocation – condition of the Papacy
21/6	2	India & Cotton
24/6	2	American finance
25/6	2	Fortifications
27/6	2	Essays & Reviews – the Court of Arches
28/6	2	Calcutta as a Capital
30/6	1	Comte de Chamborde – French Legitimists
3/7	3	Cotton supply
4/7	1	4 <sup>th</sup> July – America
5/7	2	Laing & Indian finance
10/7	1	Cotton famine
12/7	1	Kingdom of Italy
16/7	2	Africa
17/7	2	American tariffs
18/7	1	Sir C Wood / Mr Laing
21/7	2	England & Canada
22/7	1	4 <sup>th</sup> July – America
24/7	2	Canada & self defence
24/7	3	Alleged danger of rebellion in India
26/7	3	Public accounts
28/7	2	Fortifications
31/7	1	American finance
1/8	1	The Rate in Aid Bill – relief for cotton districts
2/8	1	Cobden's attack on Palmerston & the Govt
5/8	1	Garibaldi

6/8	1	Civil War in America
8/8	1	The prorogation
12/8	1	Thiers & Napoleon
16/8	1	Seward's response: Bad relations between Britain & USA
16/8	2	Indian Law – land question
19/8	1	America
19/8	2	Canada
21/8	1	Garibaldi
22/8	1	American finance
26/8	2	The French Press
27/8	1	Garibaldi
28/8	2	Penal servitude
29/8	2	Garibaldi
30/8	1	America
30/8	4	A Shipping Fraud
1/9	1	Defeat of Garibaldi
2/9	1	Defeat of Garibaldi
4/9	3	Treaty of Commerce with Belgium
5/9	1	Confederate Conscription
5/9	2	Prussia
6/9	1	America
8/9	3	Cutlers Guild Feast – political discussions
9/9	2	Seward & the Paisley Parliamentary Reform Association
11/9	3	Great Exhibition of 1862
12/9	2	Italy
15/9	2	Australia
16/9	1	America
17/9	1	Italy
19/9	4	Diplomatic service – career opportunity
20/9	1	Laing on India
26/9	1	Lord Stanley at Stockton – on Mechanics Institutes

26/9	2	Wm Prupell Case – confessed murderer
29/9	3	Mr Galt at Manchester – Canadian self-defence
30/9	1	Germany
1/10	3	Mr Galt – Canadian refusal to pay for defence
4/10	1	The Primacy – vacancy at the see of Canterbury
14/10	2	Prussia
10/12	2	Proposed mediation – dispute between Britain & USA
12/12	3	Mr Laing on India
15/12	1	Transportation to Australia
16/12	2	Prince Alfred offered Throne of Greece
18/12	1	Prince Alfred offered throne of Greece
19/12	1	Financial Reductions – progress and meritocracy
20/12	1	Bright's speech at Birmingham
22/12	1	American affairs – free trade
23/12	1	American affairs – politics
24/12	1	Greece
29/12	2	General Butler (US) Cruelty & caprice of.
1863	1/1	3 The French Budget
	3/1	2 Principles of the British and American Constitutions
	7/1	2 American Civil War
	10/1	2 Cotton famine – France
	12/1	3 Cotton famine
	13/1	2 The Confederacy
	15/1	1 American civil war
	15/1	2 Cotton famine – supplies from India
	17/1	2 Prussian constitution
	19/1	3 Constitution of New Zealand
	24/1	1 American civil war
	26/1	2 American civil war debt
	26/1	3 Canadian Railway
	28/1	1 State and resources of Canada

29/1	1	The Greek succession
30/1	1	American civil war
2/2	1	Death of Lord Lansdowne
4/2	1	Prospects of the session
11/2	2	Endowed schools
12/2	3	Law of contract in India
14/2	4	Law of contract & imprisonment for debt in India
19/2	2	Commercial treaty with France
23/2	2	Cotton famine & American civil war
26/2	1	American civil war
2/3	1	Polish question
7/3	1	Marriage of Prince of Wales
11/3	1	Marriage of Prince of Wales
16/3	1	Russia & Poland
19/3	1	American civil war
21/3	1	France and Poland
23/3	1	Polish question
25/3	1	Income tax
28/3	3	Albert Memorial
30/3	1	Palmerston & the Govt
1/4	1	American civil war
3/4	1	Gladstone's budget
4/4	3	University of Durham
6/4	2	Turkey & the Eastern Question
9/4	1	American civil war – the Alabama
9/4	3	American civil war
10/4	1	Waste land in India
11/4	1	Russia & Poland
13/4	3	American civil war
15/4	3	Transportation to Australia
17/4	3	American civil war

20/4	1	the Budget / prosperity / gold supply & discoveries
27/4	3	Income tax
29/4	1	America
4/5	1	City of London corporation - corrupt
11/5	1	Italy
14/5	2	Indian waste lands – administration of India
18/5	3	Pointless Royal ceremonial
25/5	1	Napoleon & Thiers
25/5	3	Durham University
27/5	2	American civil war
29/5	2	Prussia
1/6	1	Russian arrogance & causes of Crimean war
6/6	1	India
8/6	1	Greek succession & Denmark & Prussia
12/6	2	Purchase of exhibition buildings by govt
18/6	1	American civil war
22/6	1	Foreign affairs in Parliament
25/6	1	Russia & Poland
27/6	1	Polish question
27/6	3	Evils of universal suffrage / Australia
4/7	1	American Civil War
6/7	2	Threat to Free Trade
7/7	3	Charities
11/7	3	Statute Law Commission
13/7	1	American Civil War
16/7	2	Greek Independence
20/7	3	Route to Australia – Australian Mail Contract
22/7	2	Russia & Poland
24/7	1	India
24/7	4	Transportation
25/7	1	Polish Question

29/7	1	End of the Session
30/7	1	Prussia, Austria & Poland
31/7	3	Australia & Transportation
1/8	1	Russia & Poland
3/8	3	American Civil War
4/8	1	Galway Railway - Ireland
4/8	3	Duke of Cambridge
21/9	3	Obituary for Edward "Bear" Ellice
25/9	1	Polish question
28/9	1	North America
29/9	1	Polish question
2/10	4	The Great Eastern
3/10	2	Russia
6/10	1	Prussia
7/10	1	Germany & Denmark
13/10	3	Sunday observance
14/10	1	Ionian islands
15/10	2	Tamworth by-election
17/10	2	State of politics & parties
19/10	1	Lincoln & American civil war
24/10	3	Resignation of Ambassador to Italy & Ld. Russell
28/10	1	State of the Parties
29/10	2	Resignation of Ambassador to Italy
30/10	3	Indian civil service
31/10	1	American paper currency – Chase the banker
2/11	1	Polish question & the Great Powers
7/11	1	Napoleon & Poland
14/11	1	Russia & France
21/11	1	Napoleon's projected European congress on Poland etc
23/11	3	Private business in H of C / Joint-Stock companies
26/11	2	Cobden & Bright – attitudes to America and Russia



	28/11	3	Poverty and the vote: Cobden, Bright & universal suffrage
	30/11	1	French proposal for a European congress
	1/12	1	Appointment of Sir J Lawrence as Governor General of India
	2/12	2	De Girardin & French views of Britain
	3/12	1	Proposed European congress
	4/12	2	Prussia & the Schleswig-Holstein question
	5/12	2	Punishment of criminals - Transportation
	10/12	1	The Emperor of Russia
	12/12	1	The pope & Europe
	16/12	1	New South Wales – law and order
	17/12	2	Transportation
	18/12	1	Liberal meeting at Leeds - Reform
	19/12	1	Emperor Napoleon
	21/12	1	French finances
	22/12	1	Cobden, Bright and Reform
	24/12	1	American civil war
	25/12	2	France & the proposed European congress
	26/12	1	Superiority of the British constitution
<b>1864</b>	1/1	4	American Civil War
	4/1	2	Emperor Napoleon
	5/1	2	China
	7/1	1	French Policy
	8/1	3	Lord Stanley on Education
	12/1	2	The French Assembly
	14/1	1	The French Assembly - Thiers
	16/1	1	The French Assembly
	16/1	2	Russia & Poland
	18/1	1	France & The Pope
	20/1	2	The French Govt & Opposition
	21/1	2	French politics

22/1	1	French politics
26/1	2	Milner-Gibson & Reform
28/1	1	Bright & Reform
29/1	3	Business of Parliament
30/1	2	Cobden & Bright – the Patent Laws
3/2	2	Prospects for the Session
5/2	2	Opening of Parliament – Palmerston's & Disraeli's speeches.
8/2	1	Schleswig-Holstein
11/2	1	Germany
18/2	1	Private Business in the House of Commons
20/2	3	Transportation to Australia
22/2	1	Schleswig-Holstein
27/2	2	Government & Opposition
5/3	1	Disraeli & the opposition
9/3	1	British isolation in foreign affairs
10/3	1	Lords debate on foreign policy
11/3	1	Denmark
14/3	1	foreign affairs
15/3	1	Denmark
17/3	1	Lord Ellenborough - Denmark
21/3	1	Parliamentary time taken up by Prusso-Danish war
25/3	3	Neutrality in American civil war
29/3	1	La Gala trial in Naples
31/3	1	Prospects of the parties & session
4/4	1	Government reshuffle
7/4	3	The Opposition
11/4	1	Garibaldi
21/4	1	French armaments
22/4	1	Garibaldi & Shakespeare
23/4	2	Transfer of Land Bill / Joint-Stock companies
27/4	3	Limited liability

28/4	2	Relationship with New Zealand
30/4	1	Prussian expansionism
2/5	1	European conference on Schleswig-Holstein
5/5	1	Ditto
9/5	1	Ditto
11/5	1	Germany & Denmark
12/5	1	Reform Bill
13/5	1	Gladstone's "pale of the Constitution" speech
17/5	2	American civil war
18/5	3	Law & the legal system in India
23/5	3	Australia & transportation
24/5	2	European conference on Schleswig-Holstein
26/5	4	Charity & the press
31/5	1	Reform - Gladstone's "pale of the constitution" speech
1/6	1	Peru
6/6	2	Reform Bills
9/6	2	political economy & protection
13/6	3	Indian currency reform
14/6	1	Praise for Lord Stanley
23/6	2	Irish emigration to America
29/6	3	Canada & the American civil war
4/7	1	Forthcoming dissolution & the session just gone
7/7	2	the colonies
11/7	1	Parties in parliament
12/7	2	Achievements of the Govt
14/7	2	British policy on slavery
15/7	2	Australia & Transportation
16/7	1	New Zealand
19/7	1	American finance -- Mr. Chase
20/7	1	New Zealand

21/7	1	Union of Canada
22/7	1	Indian Administration
25/7	3	Foreign policy
27/7	2	New Zealand
1/8	1	European politics – great powers
1/8	2	Private business in House of Commons
11/8	3	Capital of Canada – defence against U.S.
19/8	3	European politics – great powers
24/8	2	Ireland
6/9	1	Death of G C Lewis
7/9	3	Ireland
9/9	1	Germany & Denmark
10/9	2	American civil war
12/9	1	American civil war
13/9	1	American civil war
14/9	2	Ireland
15/9	1	American civil war – defence of Canada
16/9	1	Lord Stanley on Ireland
17/9	1	Imperial Defence - Australia
19/9	1	Mr. Baxter on the American civil war
21/9	1	The Empire & India
22/9	1	Italy
23/9	1	Disraeli
24/9	1	Temporal power of the Pope
28/9	2	Italy & France
29/9	1	Poland
30/9	1	Denmark & Germany
1/10	2	Mr Bentinck & Reforms
3/10	1	Spain
4/10	1	Prince & princess of Wales visits to Sweden & Denmark
5/10	1	France & the Vatican

7/10	1	Lord Wodehouse as Lord Lt. of Ireland
10/10	1	American civil war
14/10	1	France, Austria & the Pope
15/10	1	American civil war – defence of Canada
15/10	2	Gladstone on politics – Direct v Indirect Taxation
19/10	1	Greece
20/10	1	Late Duke of Newcastle
21/10	1	Lord Stanley at Kings Lynn
24/10	1	America & Canada
25/10	1	New Zealand
1/11	1	Ireland
2/11	1	The Royal Family
3/11	1	End of the Danish war
7/11	1	Slavery & the American civil war
8/11	1	Italy & France
19/11	1	Colonies & Imperialism – relations between colonies
20/11	1	Mr. Bouverie & Liberalism
22/11	1	American presidential election
25/11	1	Capital of Italy
26/11	2	Cobden & Pacifism: Denmark & America
29/11	2	Press laws in France
3/12	3	Greek constitution
7/12	1	American civil war
8/12	1	Prospects for the session – tasks for Parliament to do
13/12	3	Canadian constitution
14/12	3	Choice of capital for Italy
19/12	3	Britain & France
22/12	2	American civil war
27/12	2	Britain & Confederate prisoners
27/12	3	Prospects for the session – private Acts of Parliament
30/12	3	Atrocities by Europeans on natives – effects of colonialism

<b>1865</b>	4/1	1	Canada / USA
	5/1	1	Earl Grey on Reform
	7/1	1	Spain
	9/1	3	Canada
	10/1	1	America
	11/1	3	US Constitution
	13/1	2	Australia - democracy
	14/1	2	Bankruptcy - England & Scotland
	14/1	3	Law of Embezzlement
	16/1	1	Prussia & Denmark
	17/1	1	USA & Canada
	19/1	1	Greece
	23/1	1	Bright & Reform
	25/1	2	New Zealand
	26/1	2	Politics - Reading By-election
	27/1	2	Democracy - Mr. Leatham
	28/1	2	Greece
	30/1	1	Prussia
	2/2	1	Malt Tax & Conservative Party
	4/2	2	Lord Amberley & Reform
	6/2	1	Poor Law
	7/2	1	Various Reforms
	10/2	3	Ireland
	11/2	2	Private Business in the H of C
	13/2	3	Canada & USA
	16/2	2	Emperor Napoleon
	18/2	1	Earl Russell & Reform
	20/2	1	Russell, Reform, Capital Punishment, Germany & Denmark.
	27/2	1	Ireland - Limits of Govt action
	7/3	1	Patent Office fraud

10/3	1	Patent Office fraud
17/3	4	Lord Amberley & Reform
25/3	1	Patent Office fraud - Mr. Edmunds
27/3	1	Poor Law
31/3	1	Prussia / Austria / Germany
3/4	2	Irish Tenant Right
21/4	2	Thiers - French opposition
24/4	2	Reform - size of constituencies, J S Mill
26/4	3	Railway Tax
29/4	3	Patent Office Fraud
1/5	1	Death of Lincoln
2/5	1	Death of Lincoln
4/5	2	Limited Liability
5/5	1	Patent office fraud
6/5	4	Patent Office fraud
15/5	1	Poor Law - Union Chargeability Bill
17/5	4	Australia
19/5	1	Irish Emigration
20/5	2	Union Chargeability - Reform Meeting at Manchester
22/5	3	Persigny, France & Temporal power of the Pope
25/5	1	Napoleon
27/5	1	Jefferson Davis
29/5	1	Napoleon
3/6	3	South Kensington Museum
7/6	1	Thiers & the French opposition
10/6	1	Fate of Jefferson Davis
16/6	2	Limited Liability of Private partnerships
17/6	3	The French Legislature
19/6	3	Italy
20/6	1	King of Prussia & the Constitution

22/6	1	The Past Session
27/6	2	Leeds Bankruptcy Court
29/6	1	French Politics
1/7	2	The Lord Chancellor
1/7	4	Australia & Mr. Duffy
5/7	1	The Lord Chancellor
6/7	1	Review of Govt achievements
8/7	1	Ditto
10/7	1	Elections & Reform
11/7	2	Lord Stanley
14/7	4	Results of the elections
17/7	2	Attitudes to Catholic church
17/7	4	Conduct of the elections
19/7	3	Australian land question
21/7	2	Disraeli & Reform
21/7	3	New Zealand
22/7	3	Reform
24/7	2	Gladstone & Reform
27/7	2	Spain
27/7	3	Elections & Candidates
29/7	2	State of Ireland
31/7	1	Austria & Prussia
31/7	2	Electoral statistics
1/8	1	Trade with America
2/8	1	the Admiralty
3/8	3	Justice system
4/8	1	Position of negroes in America & Jamaica
5/8	1	Austrian Emperor
7/8	1	French elections
7/8	3	Chambers of commerce
8/8	1	Merit in the Indian civil service



9/8	3	Irish Tenant right
10/8	2	Infanticide & foundling hospitals
11/8	1	Free trade & relations with America
12/8	1	Horsham by-election
14/8	1	Naval visit to Cherbourg – foreign affairs
15/8	1	Public accounts – patent office fraud
16/8	2	Chambers of commerce – company law
17/8	1	New Zealand
18/8	3	Land reform in Australia
24/8	2	Commercial tribunals
30/8	2	Position of Canada
9/9	1	Canada & its costs
11/9	2	Reform & science
15/9	1	Lord Stanley
16/9	1	Abyssinia
18/9	2	Govt of Victoria
20/9	1	Bright & Reform
21/9	1	Ireland
21/9	2	Mexico & USA
22/9	1	Italy
23/9	1	Austria
25/9	1	Austria & Hungary
26/9	3	Cattle Plague
29/9	2	Cattle Plague
30/9	2	Edward Bulwer Lytton
2/10	1	Prussia
3/10	1	Ireland
4/10	2	Medical profession
7/10	4	Bankruptcy
9/10	1	Prussia & Denmark
10/10	1	Ireland

10/10	4	Prevention of Cholera
12/10	1	Prussia & Italy
16/10	2	Prussia - France - Denmark
18/10	1	Alabama Claims - American Civil War
21/10	2	Liberal Leadership
23/10	1	Lord J Russell as leader
25/10	1	Eulogy for Palmerston
31/10	1	New Russell Govt
1/11	4	Reform
2/11	1	Duchy of Lancaster - sinecure
4/11	1	Gladstone & Reform
8/11	1	Ireland & Poland
17/11	2	France
21/11	4	Justice & Judges in Ireland
23/11	1	Commercial Treaties
23/11	2	Protection in Colonies - Victoria
25/11	1	Goschen & Forster - pointless Government posts
27/11	1	Fenians
1/12	2	Colonies
4/12	2	Oxford University
5/12	2	Private business in the H of C
7/12	2	Prospects for Govt
11/12	3	Jamaican constitution
12/12	3	Jamaica case
14/12	1	Death of King Leopold of Belgium
19/12	4	Rinderpest & the supply of milk
20/12	1	USA
20/12	2	New Zealand
23/12	4	Disaster at sea
25/12	1	USA and Mexico
26/12	1	French finances

<b>1866</b>	2/1	3	Courts of Appeal
	4/1	2	Fenian Trials
	5/1	1	Bright on Reform
	6/1	2	Cattle Plague
	8/1	2	Bismarck
	9/1	5	Cattle plague
	11/1	3	Civil Engineers
	12/1	2	Cattle Plague
	15/1	2	Australia
	16/1	1	Fenians
	18/1	1	Bismarck
	19/1	2	Fenianism
	20/1	1	Cattle Plague
	24/1	2	Rinderpest
	25/1	2	Jamaica Case
	26/1	3	The British Museum
	2/2	2	Fenianism
	6/2	3	Sir Charles Wood
	8/2	1	Cattle plague
	15/2	1	Cattle plague Debate
	17/2	2	Cattle plague Debate
	19/2	1	Suspension of Habeas Corpus
	24/2	1	Irish education
	26/2	2	Metropolitan Railways
	5/3	2	Army Estimates
	8/3	1	President Johnson
	8/3	4	Laws of Evidence
	12/3	2	Cattle Plague
	17/3	2	Land Reform in Ireland

19/3	3	Irish Debate
22/3	3	Colony of Victoria
28/3	1	Fenian Conspiracy
9/4	3	Austria & Prussia
11/4	3	House of Commons
16/4	3	Cambridge Election
1/5	3	France, Austria & Prussia
4/5	3	Bankruptcy
7/5	1	State of India
11/5	4	Cattle plague
12/5	2	Bankruptcy
15/5	3	Spanish bombardment of Valparaiso
17/5	3	Cattle plague
21/5	1	Italy
22/5	1	Prussia & Austria
24/5	3	Limited liability
26/5	4	Limited liability
11/6	3	Limited liability
29/6	1	Position of Parties
2/7	1	Lord Derby
9/7	2	The horrors of war
16/7	2	Cranborne & Disraeli
21/7	3	Extradition
28/7	2	The Admiralty
4/8	4	Ireland and Reform
14/8	1	France & Germany
20/8	2	Army & Navy
24/8	2	Army apprentices
1/9	3	Neutrality Laws
7/9	4	Government of Victoria
16/10	2	Irish University

	18/10	1	Bright at Glasgow
	2/11	1	Irish grievances
	5/11	1	Bright in Ireland
	6/11	2	Ireland
	8/11	2	The Army
	12/11	2	Fenians / Canada
	12/11	3	India
	13/11	3	Legal changes
	17/11	2	Attorney General
	19/11	2	Cattle quarantine
	3/12	1	The procession of the Trades Unions
	10/12	1	Mutiny in India
	13/12	2	Cattle plague
	29/12	1	Australia
<b>1867</b>	3/1	1	Dufferin in Ireland
	12/1	2	Paris Exhibition
	16/1	3	Trade Unions
	18/1	2	Goldwin Smith
	22/1	1	French reform
	26/1	3	Trade Unions
	1/2	1	Bright
	1/2	4	Goldwin Smith
	25/2	3	Law Courts
	21/3	2	The Churchyard case
	25/3	2	Ireland
	30/3	1	Ecclesiastical titles
	19/4	2	Ironclads
	22/4	2	Irish Land Bills
	24/4	3	Indian prosperity
	6/5	3	Napoleon

8/5	3	The Reform Bill - Hyde Park meeting	
11/5	1	Austro-Prussian peace Conference	
16/5	1	Disarmament	
20/5	2	Railway Nationalisation	
29/5	4	The law of Treason	
31/5	2	Russia and India	
10/6	3	Bankruptcy	
12/6	1	House of Lords	
17/6	2	House of Lords	
19/6	2	Vaccination	
22/6	3	The House of Commons	
27/6	4	The Browns Charity case - Cruelty to Animals - Universities	
8/7	3	Children's Hospital	
17/7	2	New Zealand	
7/8	2	Neutral rights	
9/8	3	Extradition	
12/8	1	Irish Education	
11/11	3	America	
18/11	1	Abyssinia	
25/11	3	Abyssinia	
17/12	2	Australia	
23/12	1	Thomas Hughes on Ireland	
<b>1868</b>	3/1	2	The mission to Washington – choice of ambassador

**b. Reports of Lowe's Parliamentary Speeches in *The Times*.**

For each year, reports of speeches are given by date, page and column. For example, the entry for 1856 which reads "2-2 5f" means that the speech was reported in the edition dated 2<sup>nd</sup> February 1856, and the report appeared on page 5, in the sixth column (column f) from the left.

1852	30-11	5a	8-12	3b	24-12	3a				
1853	3-5	3b	24-6	3a	5-7	3c	12-7	3e	29-7	4d
1854	2-5	8a	30-6	7d	12-7	6e				
1855	23-2	4d	13-3	6d	28-3	7a	1-5	7f	10-5	5a
	11-5	8c	18-5	5e	6-6	8e	13-6	7b	15-6	5c&d
	18-7	7c								
1856	2-2	5f	5-2	4b	26-2	6e	27-5	8b	5-7	7c
	22-7	8b								
1857	7-2	8c	14-2	8c	27-2	10d	22-5	6f	5-6	8a
	23-7	6e								
1858	16-2	7b	14-4	8b	16-4	7c	15-5	9b	8-6	7e
	9-7	7f	20-7	7d						
1859	12-2	5d	19-2	8b	3-3	6d	9-3	9a	20-7	6b
	23-7	6c								
1860	4-1	5a	22-3	6b	9-5	6f	15-5	8a	15-8	7c
1861	21-2	6d	13-4	7a	29-5	7e	4-7	7b	5-7	8a
	11-7	6e	12-7	7a						
1862	14-2	5e	22-2	7e	1-3	6f	28-3	7f	29-3	8b
	6-5	9b	10-5	10c						
1863	12-6	6e	12-6	7c	16-6	9f	7-7	8d		
1864	12-2	7e	9-3	7c	13-4	7b	19-4	7f	14-5	8f
	11-6	9b	14-6	9d	17-6	9e				
1865	28-2	6c	1-3	6e	14-3	6f	18-3	8f	24-3	7d
	7-4	6a	4-5	9c						

1866	7-2	9a	15-2	7b	16-2	7f	17-2	7c	2-3	4b
	14-3	5e	2-3	7c	27-4	5c	11-5	9b	18-5	7c
	1-6	7c	17-7	4e	20-7	6c	27-7	7c		
1867	26-2	6d	1-3	4d	6-3	6f	19-3	6f	29-3	7b
	6-4	6c	9-4	7c	4-5	7d	7-5	6c	10-5	8c
	21-5	8b	31-5	7a	1-9	7f	6-6	8c	15-6	8f
	18-6	10b	19-6	6d	5-7	7a	5-7	8a	6-7	9b
	16-7	6d	9-8	7f						
1868	14-2	4e	13-3	6e	20-3	6d	3-4	6c	5-5	6d
	6-5	9b	15-5	7c	9-6	7a	11-6	6c	17-6	8f
	23-6	6c	24-6	7a	26-6	9e	30-6	9e		
1869	19-2	6d	13-4	7e	14-5	8b				
1870	9-2	6e	11-2	6a	11-2	6b	12-2	6c	12-2	6d
	12-2	6e	15-2	4d	19-2	6f	24-2	7f	25-2	5c
	26-2	6b	26-2	7a	26-2	7b	26-2	7e	1-3	5d
	4-3	8b	5-3	6a	5-3	7b	8-3	6c	9-3	5e
	9-3	5f	11-3	8b	16-3	8a	5-4	6c	12-4	5f
	3-5	6f	4-5	9e	7-5	6f	10-5	7e	14-5	7e
	20-5	7a	21-5	5f	27-5	7a	28-5	7d	28-5	7f
	31-5	7a	31-5	7b	10-6	6f	11-6	7d	6-7	7b
	8-7	7b	9-7	7b	13-7	7f	16-7	7c	2-7	8c
	23-7	7a	23-7	7e	9-8	5c				
1871	4-3	7e	8-3	7d	21-3	7b	22-3	7f	25-3	7a
	28-3	7b	19-4	5e	21-4	6a	21-4	8a	22-4	7b
	22-4	7e	25-4	6a	28-4	6a	29-4	6a	2-5	7c
	6-5	8a	12-5	7a	19-5	6f	20-5	7d	3-6	6d
	1-7	6f	15-8	7b	17-8	7e				



1872	9-2	7f	13-2	6d	14-2	6d	24-2	7c	27-2	5e
	27-2	7b	9-3	5e	9-3	7e	26-3	5d	5-4	6f
	1-5	7e	4-5	6f	14-5	9f	22-6	7b	29-6	7e
	9-7	6c	13-7	7e	23-7	7e	30-7	6a	5-8	5e
1873	7-2	8d	11-2	6e	11-2	7b	7-3	7c	8-3	7c
	26-3	7c	5-4	6e	8-4	5e	8-4	5e	8-4	7a
	25-4	7a	25-4	7e	29-4	5e	3-4	7e	9-5	7d
	10-6	10a	10-6	9f	5-7	7a	11-7	6d	15-7	6e
	29-7	7b	30-7	6d	1-8	6c	2-8	7a		
1874	21-3	5c	17-4	6f	6-5	7d	12-5	9f	5-6	7f
	11-6	6e	16-6	9c	17-6	6e	23-6	6f	26-6	6b
	3-7	7a	18-7	6f	21-7	8b				
1875	19-2	6e	23-2	7e	26-2	7b	5-3	6d	13-3	7a
	17-3	8f	18-3	7b	14-4	6e	5-5	9f	28-5	7d
	8-6	7b	8-6	7d	9-6	9d	15-6	7a	25-6	6c
	29-6	6d	29-6	7b	30-6	7a	3-7	8f	13-7	9d
	30-7	7b	4-8	6d	9-8	7b				
1876	22-2	6d	7-3	6f	21-3	6f	3-5	10c	5-5	7e
	31-5	9b	13-6	7f	14-6	10a	25-7	7f	8-8	4f
	9-8	7c	10-8	5e						
1877	20-2	7c	24-2	7a	21-3	8b	27-4	8d	5-5	9d
	29-6	6f	27-7	6f						
1878	2-2	6e	23-2	6d	6-4	7b	15-5	9b	1-6	9c
	2-8	6c								
1879	19-2	6e	5-3	8a	29-3	9a	23-4	9c	6-5	7d
	22-5	7a	24-5	9c						

**c. Leading Articles in *The Times* discussing Lowe.**

<b>Year</b>	<b>Date</b>	<b>Page/Column</b>	<b>Subject</b>
1866	27-4	9a	Lowe and the franchise Bill
	28-4	9c	Ditto
	22-12	6c	Lowe at Merchant Tailors Hall
1867	17-7	8d	Lowe and the Reform Bill
	4-11	6e	Lowe and classical education
	6-11	6d	Ditto
1868	24-1	6d	On Lowe's education speech
	25-1	8e	Ditto
	4-8	6c	Lowe and London University
	18-11	9a	Lowe's speech at London University
1872	3-6	11d	Lowe and the endowment of Professorships
	28-9	9a	Lowe and Forster
	28-9	9b	Sir A Cockburn & Lowe
	30-9	9b	Lowe the Alabama award
1873	31-7	9d	Lowe and A S Ayrton
	6-9	9a	Lowe at Sheffield
	8-9	7b	Lowe on Military Re-organisation
	13-12	9b	Lowe and the police
	17-12	9c	Lowe and the licensed victuallers

1874	27-1	9b	Lowe's election address
	4-2	10a	Lowe's address at London University
1876	19-4	9a	Lowe at Retford: Royal Titles Bill
	20-4	9a	Ditto
	4-5	9a	Ditto
	5-5	9a	Lowe's apology: Royal Titles Bill
	20-7	9b	Lowe on education
	14-9	9a	Lowe at Croydon
1877	7-12	9c	Lowe and Gladstone
1878	4-11	9d	Lowe on Political Economy
1879	5-11	9b	Lowe at Grantham
	6-11	9a	Lowe and the state of public Affairs
1880	7-4	9a	Lowe's election
	12-5	11e	Lowe's retirement
	30-10	9c	Lord Sherbrooke and legislation for Ireland

**d. Other reports in the Times relating to Lowe:**

<b>Date</b>	<b>Page/ Column</b>	<b>Subject</b>
27-9-37	6d	Rev. R. Lowe thrown from horse and injured
22-2-55	12a	Lowe at Kidderminster
10-12-58	6a	Lowe's Address to Kidderminster constituents
3-5-59	8d	Serious riot at Calne
29-10-64	5c	Lowe at Nottingham
19-3-66	6a	Lowe and Gladstone's quotations from Virgil
5-4-66	9f	Protest of Calne Constituents about Lowe's views on Reform

5-4-66	9f	Lowe's reply to his constituents
7-4-66	12b	Lowe on Mr. Gladstone
28-4-66	6b	The <i>Pall Mall Gazette</i> on Lowe's speech
31-10-66	10c	Lowe on the public school Latin Primer
19-11-66	4c	Lowe and Mayor Harris of Calne
19-11-66	4e	Lowe and Calne Town Council
3-1-67	7c	Lowe and the Working Classes
10-1-67	9b	Lowe and the Working Classes
21-2-67	5d	<i>Review of Speeches and Letters on Reform</i>
25-2-67	9f	Speech at the Mansion House
8-4-67	10c	Lowe on the Education debate
7-10-67	10c	Speech at Edinburgh philosophical institution
31-10-67	5e	Speech at Edinburgh University
2-11-67	8b	Lowe at Edinburgh
4-11-67	6e	Remarks on Lowe and classical education
4-11-67	8d	Speech on education
5-11-67	6d	Speech at Philosophical Institution Dinner
6-11-67	6d	Lowe and classical education
27-11-67	5d	Speech on the Abyssinian grant
20-1-68	7b	Lowe at Liverpool
23-1-68	9c	Lowe at Liverpool
23-1-68	9d	Lowe's speech on storage of gunpowder
24-1-68	5a	Lowe in Liverpool on Education
25-1-68	6a	Lowe in Liverpool on Education
3-2-68	12c	Philaethes on Mr Lowe's education speech
6-2-68	7b	Invitation to L from London University to be MP
12-2-68	5f	Lowe's answer to London University
18-2-68	5e	Lowe and London University – the Contest
10-7-68	6b	Ralph Lingen on Lowe's proposal to inspect public schools

18-11-68	6b	Lowe's speech on being elected for London University
22-12-68	4e	Lowe's speech on being re-elected for London University
28-1-69	7e	Lowe's Speech at Gloucester
22-3-69	6d	Lowe on financial economy
2-6-69	12e	Lowe on the Customs and Inland Revenue Bill
11-10-69	5d	Loss of the <i>SS Robert Lowe</i>
19-11-69	10e	P W Robertson & Lowe
24-12-69	7d	Lowe on the new way of collecting Income Tax
8-1-70	10f	Lowe on Record Offices
15-2-70	8f	Lowe's proposed consolidation of stocks
17-2-70	5e	Ditto
28-2-70	5f	Lowe and the next surplus
26-3-70	11c	Deputation to Lowe on Income Tax
10-9-70	6e	Lowe offered the freedom of the City of Elgin
14-9-70	9e	Ditto
17-9-70	5c	Lowe at Elgin
21-9-70	8a	Note on Lowe, by one of the Civil Service
28-11-70	11b	Lowe on the Royal Mint
24-4-71	12b	Confession of ignorance: – Lowe's borrowings
8-7-71	6f	Deputation to Lowe concerning Epping Forest
13-7-71	10d	Ditto
9-9-71	3b	Ayrton, Lowe & Dowse – the stand up desk
21-9-71	5c	Ditto
6-12-71	3e	Lowe at Halifax
13-12-71	6f	F G Heath on Lowe and Victoria park
8-1-72	10c	Mr Tomline, Silver Coinage & Lowe
20-1-72	11e	Lowe & the Victoria Embankment
22-1-72	12b	F G Heath & Lowe – Victoria park
31-1-72	12b	Ditto

3-2-72	6b	Lowe and the Embankment
8-3-72	7d	Deputation of brewers to Lowe
8-4-72	12b	Lowe's regular estimates
23-4-72	7f	Error of <i>Quarterly Review</i> on Lowe
24-8-72	6a	Lowe at Wick
26-8-72	7e	Lowe and the freedom of the City of Kirkwall
14-9-72	9f	Lowe in Fifeshire
17-9-72	6a	Lowe at Anstruther
19-9-72	5c	Lowe and the freedom of the City of Glasgow
24-9-72	9e	Ditto
27-9-72	6a	Ditto
3-10-72	8c	Lowe & feudal law
4-10-72	5f	Lowe & feudal law, F G Heath & Epping forest
4-10-72	7b	Lowe and the embankment
7-10-72	10e	Lowe on the Irish Press on Home Rule
8-10-72	3c	Lowe and the Embankment – notes
15-10-72	10a	Ed. Hamilton on Lowe and the Irish Parliament
18-10-72	3e	Lowe and the Irish Parliament
11-11-72	6f	Deputation to Lowe on lighthouses
12-11-72	5b	Ditto
2-12-72	6a	Speech at the ---- Corporation Dinner
13-12-72	5e	Lowe and the Duke of Leinster – Ireland
16-12-72	7d	At Swindon – speech on the Liberal Party
1-1-73	12d	On the Scotch banking monopoly
7-3-73	4f	Lowe and Income Tax assessments
10-3-73	6e	Lowe's surplus revenue
26-3-73	11b	Lowe on the graves of Hector and Achilles
14-4-73	4c	Lowe and the sugar refiners
6-5-73	9f	Lowe in the County Court
7-5-73	12c	Lowe in the County Court
4-7-73	10d	On the Civil Service Expenditure

5-7-73	5f	Letters about Lowe
10-7-73	9d	Letters about Lowe
5-8-73	12a	Lowe and the Duke of Leinster – Ireland
4-9-73	9e	Lowe and the Trades Unions Council
5-9-73	3c	Lowe at Sheffield
6-9-73	6f	Lowe at Sheffield
8-9-73	3e	Lowe and the Trades Unions Council
8-9-73	10e	Errata in report of Lowe's Sheffield speech
13-9-73	7b	Lowe opens Home Office appointments to competition
15-9-73	12e	Lowe at Sheffield – the Fenian Prisoners
13-10-73	5c	Lowe and the licensed victuallers
14-10-73	9f	Lowe and the licensed victuallers
17-11-73	7b	Lowe and the licensed victuallers
21-11-73	9f	L and the Newark magistrates
24-11-73	10e	This picture and that
25-11-73	5a	Wreck of the <i>Robert Lowe</i> at Newfoundland
6-12-73	9e	Ditto
12-12-73	3d	Lowe on the Police and the public
13-12-73	7f	L to Police Magistrates – Reed
15-12-73	12d	Deputation to Lowe by Associations of Employers of Labour
16-12-73	12d	Ditto
17-12-73	10c	Lowe on the licensing question
18-12-73	11f	Deputation to Lowe by Associations of Employers of Labour
19-12-73	5f	Ditto
22-12-73	6f	Ditto
23-12-73	8b	Ditto
29-12-73	5f	Ditto
4-2-74	5e	Speech at London University

5-2-74	5b	Lowe and the Vaccination Act
5-3-74	10e	Lowe and the General Medical Council
21-1-75	8b	Lowe on Lord Russell's abuse of him
19-4-75	8e	Lowe's correspondence with Bedford Pim
10-5-75	12c	Lowe on the reduction of the National Debt
19-5-75	8b	On competitive appointments
30-6-75	5f	Lowe's new clauses for labour laws
3-4-76	6d	Lowe and the civil engineers
19-4-76	10c	Speech at Retford
20-4-76	4f	Lowe at Retford (Royal Titles)
24-4-76	12a	<i>Saturday Review</i> on Lowe's speech
28-4-76	6c	Lowe at Retford – Parliamentary Proceedings
– Royal Titles Bill		
3-5-76	10a	Ditto
5-5-76	7e	Ditto
14-6-76	10c	Montague Bernard to Mr Lowe
17-6-76	10c	A J Dove and the Gas Bills of Mr Lowe
14-9-76	10a	Lowe on the Bulgarian atrocities (at Croydon)
30-9-76	5f	On an Autumn session
15-11-76	6b	Lowe at Bristol
23-1-77	5f	Lowe & Jo Chamberlain on Drunkenness
25-1-77	9f	Jo Chamberlain at Colston Hall – reply to Lowe
26-2-77	8b	Lowe on Oxford Examinations
27-2-77	8d	Lowe & his university
9-6-77	13e	Lowe's idea of the House of Commons
21-8-77	8f	Lowe's letter to Ruskin
25-8-77	9f	Ditto
17-9-77	7f	Lowe on Bicycling
25-10-77	8c	Lowe at the Mansion House
11-12-77	8b	Lowe on the County Franchise
12-12-77	7f	Misquotation of Lowe on the County Franchise



19-4-78	8e	Lowe on Employers Liability for Injuries Bill
22-4-78	4f	Lowe on Employer's Liability for Injuries Bill
25-4-78	5e	Lowe on Employer's liability for Injuries Bill
25-9-78	9e	Lowe on Imperialism
1-2-79	8b	Lowe at Croydon
13-2-79	8c	Griffiths on Lowe & the Egyptian National Bank
11-4-79	9b	Lowe on the County franchise
9-6-79	11f	Lowe on Govt & Income Tax
31-10-79	6f	Lowe at Grantham
5-11-79	6a	Lowe at Grantham
17-1-80	11f	Employers liability Bill
11-2-80	11c	Lowe at Croydon
25-3-80	7c	Lowe at Caterham
7-4-80	6b	Lowe at London University
23-5-80	12d	Lowe's peerage
26-5-80	5b	Lowe's peerage
1-6-80	6c	Lowe's parliamentary speeches
11-3-84	10e	Lord Salisbury on the Franchise Bill
4-11-84	8b	Lady Sherbrooke's obituary
15-5-85	10a	Review of <i>Poems of a Life</i>
14-6-87	11f	Henry Sherbrooke's obituary
14-3-88	9f	Health of Lord Sherbrooke
28-7-92	6a	Lord Sherbrooke's obituary
29-7-92	7e	Sir F Sandford on Viscount Sherbrooke
1-8-92	5a	Lord Forester on Viscount Sherbrooke
4-8-92	6b	Lord Sherbrooke's funeral
5-8-92	8a	Note on Lord Sherbrooke
5-8-92	8f	John Walter on Dr. Farrar & Lord Sherbrooke
6-8-92	8b	F W Farrar on Dr Farrar & Lord Sherbrooke
6-8-92	8b	Lord Lingen on Dr Farrar and Lord Sherbrooke
8-8-92	8e	Note on Lord Sherbrooke

9-8-92	14f	Charles Roundell on Viscount Sherbrooke
12-8-92	2f	John Rusbridger on Viscount Sherbrooke
7-10-92	12b	Lowe's will
6-1-93	8b	Lady Sherbrooke's will
16-1-93	10f	J F Hogan on Lord Sherbrooke
28-2-93	2f	Note on Lord Sherbrooke's colonial speeches
28-2-93	2f	A P Martin on Lord Sherbrooke's colonial speeches
6-3-93	4f	J F Hogan on Lowe's speeches in Australia
2-6-93	3f	Review of Martin's biography of Lowe
6-7-93	13c	A P Martin on the Late Lord Sherbrooke & Sir R Peel's pictures
12-?-93	8b	Review of Hogan's biography of Lowe
22-9-94	10d	Memorial to Lord Sherbrooke
24-9-94	11a	F W Farrar on memorial to Lowe

## Appendix Two: Robert Lowe in Parliament.

**Lowe's speeches and contributions to parliamentary debates recorded in  
*Hansard*.**

<b>Date.</b>	<b>Vol.</b>	<b>Columns.</b>	<b>Subject.</b>
<b>House of Commons.</b>			
13-12-52	123	1348-60	budget debate
14-12-52	123	1516	ditto
29-11-52	123	755-760	Courts of Common Law (Ireland) Bill 2R
7-12-52	123	1079-1082	Limited liability
10-3-53	124	1429	Indian territories committee
2-5-53	126	929-938	income tax
9-5-53	126	1315	Hutchinson's claim Bill 2R,
9-5-53	126	1298	Land Improvement, Ireland
23-6-53	128	630-642	Govt of India Bill 2R
8-7-53	128	1443-6	Ditto, order for committee,
4-7-53	128	1194-5	Asst Judge Middlesex Sessions Bill 2R
11-7-53	129	47-52	Govt of India Bill
21-7-53	129	558-559	Ditto
25-7-53	129	769-770	Ditto
25-7-53	129	785-7	Ditto
26-7-53	129	811-2	Ditto
28-7-53	129	946-953	Ditto
29-7-53	129	1014-5	Ditto
28-7-53	129	968	Hackney Carriage duties Bill
2-8-53	129	1135-7	Ditto
9-8-53	129	1591-7	Ditto
15-8-53	129	1727-9	Canterbury elections

1-5-54	132	1153-8	Oxford University Bill
11-5-54	133	178	Ditto
22-5-54	133	656-7	Public Statues Bill 2R
29-6-54	134	902-5	Oxford University Bill 3R
11-7-54	135	51-9	Tenure of Land in Madras
27-7-54	135	817-9	Finchley Rd Estate Bill 2R
4-8-54	135	1332	Canada Legislative Council Bill 2R
4-8-54	135	1339-41	Ditto
25-2-55	136	1779-87	Supply - ministerial explanations
7-3-55	137	211	Public Libraries & Museums Bill
12-3-55	137	433-6	Colonial Dept
20-3-55	137	887-9	Colony of Newfoundland Question
27-3-55	137	1227-34	Army Appointments Committee
30-4-55	137	1951	Salaries of County Court Judges, question
30-4-55	137	2022-7	Newspaper Stamp Duties Bill
9-5-55	138	263-9	Marriage Law Amendment Bill
10-5-55	138	379-84	Victoria Govt Bill
17-5-55	138	719-27	Govt of New South Wales
25-5-55	138	1212-24	Prosecution of the War
25-5-55	138	1300	Ditto
5-6-55	138	1485-6	Ditto
8-6-55	138	1658	Ditto
11-6-55	138	1756-7	Ditto
12-6-55	138	1885-90	Decimal Coinage
14-6-55	138	1959-1971	Victoria Govt Bill 2R
14-6-55	138	1989-2007	New South Wales Govt Bill
20-6-55	138	2287-90	Marriage Law Amendment Bill
25-6-55	139	83-100	Victoria Govt Bill
25-6-55	139	100-109	New South Wales Govt Bill

29-6-55	139	350-2	Partnerships Amendment Bill
17-7-55	139	981-6	Army in the Crimea
19-7-55	139	1185	Ditto
27-7-55	139	1450-7	Limited Liability
30-7-55	139	1522-3	Ditto
1-2-56	140	110-44	Joint Stock Companies/Partnerships
4-2-56	140	153-178	Local Dues on Shipping
6-2-56	140	259-61	Joint Stock Companies/Partnerships
6-2-56	140	261-2	Local Dues on Shipping
8-2-56	140	490-3	Joint Stock Companies/Partnerships
25-2-56	140	1338-54	Local Dues on Shipping
25-2-56	140	1320	Ditto
26-2-56	140	1411	Ditto
6-3-56	140	1952	Ditto
6-3-56	140	1953	Railway legislation - answer
11-3-56	140	2200-01	Joint Stock Companies Bill
14-3-56	141	210	Local Charges on Shipping
4-4-56	141	543	Joint Stock Companies
10-4-56	141	868	Local Charges on Shipping
26-5-56	142	634-666	Joint Stock Companies
3-6-56	142	897-9	Ditto
19-6-56	142	1728-33	Coalwhippers (Port of London) Bill 2R
25-6-56	142	1904-5	Nawab of Surat Treaty
26-6-56	142	2044-5	Mercantile Law Amendment Bill 2R
27-6-56	142	2092-3	Railway Accidents
4-7-56	143	341-70	Partnership Amendment No. 2
15-7-56	143	802-9	Ditto
17-7-56	143	1000-1001	Mercantile Law Amendment
18-7-56	143	1034	Merchant Seamen
21-7-56	143	1119	Mercantile Law Amendment

26-7-56	143	1477-8	Review of the Session
6-2-57	144	321-7	Passing tolls bill
9-2-57	144	346	Railway accidents Bill
10-2-57	144	454-5	Hypothecation of goods etc
20-2-57	144	455-6	Lighthouses in the China Seas
10-2-57	144	486-7	Sale of beer
13-2-57	144	681-4	Passing Tolls Bill 2R
19-2-57	144	837	Agricultural statistics
24-2-57	144	1269	Move for Commission for Railway accidents
26-2-57	144	1390	cattle disease
26-2-57	144	1476-84	War in China
27-2-57	144	1493	Cattle disease
6-3-57	144	1944	Light Dues
6-3-57	144	1954	Wrecks & casualties
17-3-57	144	2380-1	Nawab of Surat, correspondence moved for
12-5-57	145	208	Agricultural statistics
12-5-57	145	209	Shipping dues
14-5-57	145	258	Clifford's apparatus
14-5-57	145	261	The Cattle Murrain
15-5-57	145	307	The Russia Company
21-5-57	145	638-44	Dublin Port - cttee moved for
22-5-57	145	777	Returns for lighthouses - moved for
29-5-57	145	1089	Joint Stock Companies Bill, Amdnt moved
4-6-57	145	1161-73	Board of Trade Committee
8-6-57	145	1392	Cttee for Amdnt to Joint Stock Co's Bill
12-6-57	145	1638	Ditto clause 10
19-6-57	146	106	Oyster fisheries
22-6-57	146	194-6	Joint Stock Banks Cttee, leave
25-6-57	146	343	Passing Tolls on Shipping
10-7-57	146	1283	Russian Tariff

14-7-57	146	1509-10	Railway Traffic Act amndt 2R
17-7-57	146	1683	Kingstown Railway
21-7-57	147	119-20	Joint Stock Banking bill Cttee
21-7-57	147	130-1	Ditto
22-7-57	147	212-4	Great Northern Rlwy, Lords Amndts
6-8-57	147	1153	Kingstown Railway
14-8-57	147	1691	Customs tariff
4-2-58	148	685	Lighthouse at Godrevy Bay
12-2-58	148	1359	Ditto
15-2-58	148	1369	"Prince Albert", iron steam ship
15-2-58	148	1407-21	Govt of India Bill - leave
18-3-58	149	337-9	Godrevy Lighthouse
26-3-58	149	816	Enlistment of Kroomen
13-4-58	149	1041-6	Enlistment of Negroes
15-4-58	149	1130-1	Lighthouses etc
20-4-58	149	1362-3	Dublin Port Dues
14-5-58	150	711-20	Confiscation of Land in Oude
7-6-58	150	1655-9	Govt of India
10-6-58	150	1913	Joint Stock Companies
21-6-58	151	148-50	Supply - education
24-6-58	151	303	London Corporation Regulation cttee
25-6-58	151	417	Accommodation Bills
25-6-58	151	465-6	Govt of India
2-7-58	151	859-65	Govt of India
5-7-58	151	909	Govt of India
5-7-58	151	937-8	Govt of India
7-7-58	151	1058	New Trial in criminal cases
8-7-58	151	1117-9	Govt of New Caledonia Bill 2R
13-7-58	151	1429-30	Ditto
15-7-58	151	1505	Ditto



15-7-58	151	1494	Prevention of corrupt practices
16-7-58	151	1592	Ditto
19-7-58	151	1703-7	Metropolis local management 2R
19-7-58	151	1736	Ditto
20-7-58	151	1826-31	Hudson's Bay Company
11-2-59	152	310-1	Titles to Landed Estates
15-2-59	152	396	Mersey Docks & Harbour
18-2-59	152	584-7	East India Loan
2-3-59	152	1142-4	Real Estate Intestacy 2R
4-3-59	152	1308	Navy & Coast Guard
8-3-59	152	1524-38	"Charles et Georges" address moved
9-3-59	152	1591-3	Church Rates Bill 2R
30-3-59	153	1143	Bankruptcy & Insolvency
4-7-59	154	610	Clerk of the Council
8-7-59	154	945	Ditto
19-7-59	155	12-26	Public Health Bill 2R
22-7-59	155	313-323	Public Education
25-7-59	155	342-3	Public Education
27-7-59	155	371	Dept of Science & Art
4-8-59	155	997-8	Endowed Schools
3-2-60	156	541-2	Education (Scotland)
16-2-60	156	1132-3	Drilling in Schools
21-2-60	156	1472	Education Commission
21-3-60	157	971-9	Endowed Schools
21-3-60	157	986-7	Endowed schools
31-3-60	157	1708	Stamp Duties 3R
18-4-60	157	1912-3	Attorneys, Solicitors etc
8-5-60	158	905-6	Examinations for factory boy appointments
14-5-60	158	1258-61	Nuisances removal & diseases prevention

19-6-60	159	724-5	South Kensington Museum
10-7-60	159	1659-60	Nuisances removal & diseases prevention
10-7-60	159	1691-3	Roman Catholic Charities - cttee
27-7-60	160	334-5	Endowed Charities 2R
7-8-60	160	846	Industrial Schools Act amndt
14-8-60	160	1288-1299	Public education
14-8-60	160	1310-4	Dept of science & art
18-8-60	160	1548-9	South Kensington Museum
21-8-60	160	1633	Endowed Charities 2R
22-8-60	160	1711-2	Endowed Charities 2R
7-2-61	161	145	Education
20-2-61	161	688-91	Trustees of Charities Bill 2R
12-4-61	162	532-7	Affairs of New Zealand
28-5-61	163	206-10	Education of Destitute children
28-5-61	163	220	Ditto
10-6-61	163	898	Industrial Schools
11-6-61	163	936-7	Botanical Garden at Glasnevin
24-6-61	163	1480	South Kensington Museum
27-6-61	163	1646	South Kensington Museum
3-7-61	164	262-3	University Elections
4-7-61	164	356-8	Public Works (Ireland)
10-7-61	164	671-82	Vaccination
11-7-61	164	719-38	Education Commissioners Report
11-7-61	164	758-9	Public Education
11-7-61	164	759-61	Dept of Science & Art
1-8-61	164	1834	Education - R C Schools
13-2-62	165	191-242	Education, Revised Code
13-2-62	165	250-7	Ditto
27-2-62	165	803-4	Ditto

28-2-62	165	877-84	Ditto
7-3-62	165	1156	Education, Revised Code
11-3-62	165	1305	Lectureships in training colleges
18-3-62	165	1749	Education, Revised Code
25-3-62	166	68	Ditto
25-3-62	166	94	Ditto
27-3-62	166	149	Ditto
27-3-62	166	156-7	Ditto
27-3-62	166	214-31	Ditto
28-3-62	166	240-2	Ditto
31-3-62	166	315	Royal Parks
7-4-62	166	636	Education, Revised Code
11-4-62	166	970	Inspectors of R C Schools
2-5-62	166	1127	Baron de Bole
5-5-62	166	1239-43	Education, Revised Code
5-5-62	166	1267-70	Ditto
8-5-62	166	1447-9	National Education
8-5-62	166	1450	Science & Art
9-5-62	166	1526-31	Ditto
27-5-62	167	59-60	Industrial Schools
16-6-62	167	637	Examinations under the Revised Code
3-7-62	167	1336	R C Inspectors of Schools
8-7-62	168	26-9	Gymnastic Training
29-7-62	168	983-4	Vaccination Act
30-7-62	168	1006	Ventilation in Govt Schools
9-3-63	169	1228	Examination of Acting Teachers
27-3-63	170	22-25	Education Report
24-4-63	170	673	Smallpox & Vaccination
5-5-63	170	1186-1207	Education, resolutions
5-5-63	170	1227	Ditto - revised code

12-5-63	170	1582-3	Education, Revised Code
15-5-63	170	1774	Traffic in diseased meat
5-6-63	171	403	Education Reports
11-6-63	171	720-5	Inspectors of Schools, Reports
11-6-63	171	722-3	Endowed Charities
11-6-63	171	745-53	Supply - public education (Great Britain)
11-6-63	171	760-4	Supply - Dept of Science & Art
15-6-63	171	953-7	Ditto
17-6-63	171	1006-7	Endowed Schools Bill 2R
18-6-63	171	1042-4	Education - Revised code
19-6-63	171	1113	Newcastle-u-Tyne Hospital Bill 2R
19-6-63	171	1178	Parochial Schoolmasters in Scotland
23-6-63	171	1314-5	Education - Revised Code
25-6-63	171	1493-4	Newcastle-u-Tyne Hospital Bill
2-7-63	172	113	The Exhibition Buildings
2-7-63	172	130	Ditto
6-7-63	172	263-8	Royal Commission of 1851 - resolution
23-7-63	172	1282	Navigation Schools
24-7-63	172	1360	Borough of Reigate
24-7-63	172	1367-8	Smallpox in Sheep
11-2-64	173	488-91	Charitable Estates & Trusts Act
19-2-64	173	794-5	Salary of Secretary to Charity Commission
23-2-64	173	931	Vaccination of Sheep
26-2-64	173	1184	Training Colleges
4-3-64	173	1457	Vaccination
8-3-64	173	1665	Education
8-3-64	173	1685-96	Education
11-3-64	173	1823-4	Education
11-3-64	173	1824-5	Inspection of Night Schools
14-3-64	173	1908-9	Vaccination

5-4-64	174	478-9	Dismissal of Mr. Morell
12-4-64	174	903-10	Education - reports of school inspectors
18-4-64	174	1203-11	Resignation of Lowe
13-5-64	175	462-5	Education - inspectors reports
2-6-64	175	1065-6	Education - endowed schools
10-6-64	175	1562-5	Committees on private bills
13-6-64	175	1667-9	India - claims of Azeem Jah
16-6-64	175	1877-80	Charity Commissioners - cttee moved
30-6-64	176	541-50	Supply - public education
30-6-64	176	564-5	South Kensington Museum
27-7-64	176	2140	Standing Orders Revision - report
22-2-65	177	570-2	Costs of private bills
22-2-65	177	579	Felony & Misdemeanour - evidence etc
27-2-65	177	766-76	State of Ireland
28-2-65	177	869-84	Education - ctee moved for.
13-3-65	177	1578-85	Defences of Canada
17-3-65	177	1861-5	Trade with foreign nations, select cttee
23-3-65	178	148-60	Supply - Army Estimates
6-4-65	178	777-8	Wimbledon Common Bill 2R
3-5-65	178	1423-40	Baines Reform Bill 2R
19-6-65	180	448	Patent Laws
6-2-66	181	165-70	Address in answer to the Speech
14-2-66	181	483-8	Cattle Diseases Bill 2R
15-2-66	181	568-70	Ditto
16-2-66	181	618-21	Ditto
20-2-66	181	812	Ireland, Queens Univ & Queens Colleges
23-2-66	181	968	Ditto
1-3-66	181	1296-7	Devonport Election
5-3-66	181	1522-3	Works in New Palace Yard

6-3-66	181	1615	Ireland - Catholic University
12-3-66	182	114	Reform Bill - moves adj't
13-3-66	182	141-64	Reform Bill
21-3-66	182	696-9	Abolition of Tests at Oxford Univ
23-3-66	182	850-1	Cattle Disease
12-4-66	182	1149-52	Reform Bill 2R
16-4-66	182	1367-9	Reform Bill
16-4-66	182	1429	Reform Bill
23-4-66	182	1971	Reform Bill - moves adj't
26-4-66	182	2077-2118	Reform Bill
26-4-66	182	2156-63	Reform Bill
10-5-66	183	707-8	Bankruptcy Law amendment Bill 2R
17-5-66	183	1077-87	Tenure & Improvement of Land (Ireland)
31-5-66	183	1625-50	Reform Bill - cttee
4-6-66	183	1916-18	Reform Bill, cttee
5-7-66	184	716-7	Helston Election
5-7-66	184	719	Ireland, Queens Univ & Queens Colleges
16-7-66	184	864-74	Ditto
16-7-66	184	900	Ditto
19-7-66	184	1075-9	Helston Election
26-7-66	184	1541-2	Ditto
26-7-66	184	1552-4	Supply - British Museum
25-2-67	185	952-66	Reform Bill - cttee
28-2-67	185	1161-4	Education
4-3-67	185	1321-2	British North America Bill
5-3-67	185	1358-65	Reform - ministerial explanations
12-3-67	185	1702	Reform Bill - statistics
18-3-67	186	52-62	Reform Bill
21-3-67	186	371	Thames Embankment
28-3-67	186	757-62	Canada Railway Loan

28-3-67	186	798-804	Thames Embankment
5-4-67	186	1176-93	Educational grants
8-4-67	186	1310-5	Reform Bill
12-4-67	186	1603	Reform Bill
12-4-67	186	1678	Reform Bill
3-5-67	186	1985-7	Reform meeting - Hyde Park Riots
6-5-67	187	12	Explanation, Mr Osborne, Mr Dillwyn
7-5-67	187	95-6	Public Rights in the Parks
9-5-67	187	266	Public meetings in parks
9-5-67	187	323-9	Reform Bill
20-5-67	187	781-800	Reform Bill
30-5-67	187	1311-4	Reform Bill
31-5-67	187	1451-62	Ireland - Queens University
31-5-67	187	1468	Supply - University of London
5-6-67	187	1632-4	Oxford & Cambridge University Bill
14-6-67	187	1883-5	Vaccination
17-6-67	187	1996-2002	Reform Bill
18-6-67	188	18-22	Reform Bill
18-6-67	188	44	Reform Bill
4-7-67	188	101-3	Reform Bill
4-7-67	188	1017-8	Reform Bill
5-7-67	188	1116-20	Reform Bill
5-7-67	188	1036	Reform Bill
12-7-67	188	1439	Merton College
15-7-67	188	1515	Knightsbridge Barracks
15-7-67	188	1539-1550	Reform Bill
8-8-67	189	1175-9	Reform Bill
26-11-67	190	193-206	Supply - Abyssinian expedition
13-2-68	190	709-11	Election petitions & corrupt practices
12-3-68	190	1483-1503	State of Ireland

19-3-68	190	1891	R.C. University Charter
2-4-68	191	728-48	Established Church (Ireland) Bill
3-4-68	191	920	Ditto
4-5-68	191	1719-22	Church - ministerial statement
5-5-68	191	1812-4	Ditto
14-5-68	192	282	Boundary - committee
4-6-68	192	1129	Dissolution of parliament
8-6-68	192	1242-3	Reform Bill (Scotland)
10-6-68	192	1364-7	Married Women's property
16-6-68	192	1642-53	Public schools
23-6-68	192	1939	Public Schools
25-6-68	192	2182-5	Electoral petitions & corrupt practices
29-6-68	193	330-3	New Courts of Justice
3-7-68	193	628-31	Metropolitan foreign cattle market
6-7-68	193	755-9	Election petitions & corrupt practices
7-7-68	193	817-25	Public Schools
7-7-68	193	828-30	British Museum
14-7-68	193	1174-83	Election petitions & corrupt practices
15-7-68	193	1215-9	Sale of Poisons
17-7-68	193	1369	Election petitions & corrupt practices
17-7-68	193	1382	Ditto
18-7-68	193	1441	Ditto
24-7-68	193	1766-72	Metropolitan foreign cattle market
28-7-68	193	1888	West Indies - Lords Amendments
18-2-69	194	110-1	Abyssinian expedition
4-3-69	194	626	Malt Tax
4-3-69	194	641-7	Abyssinian expedition
5-3-69	194	767-8	Collection of Taxes
5-3-69	194	773-4	Supply - Abyssinian expedition
8-3-69	194	847-54	Constitution of Treasury Board



11-3-69	194	1087	Collection of assessed taxes
12-3-69	194	1187	Post office - mail packet contracts
12-3-69	194	1305-7	Post Office - mail packet contracts
16-3-69	194	1528-30	post horse & carriage licences & duties
16-3-69	194	1532-4	Income tax
17-3-69	194	1577-82	Revenue Officers Bill 2R
19-3-69	194	1789-90	Nomenclature of Diseases
22-3-69	194	1978-94	Irish Church Bill 2R
2-4-69	195	30	Consolidation of the Stamp Acts
5-4-69	195	141-2	Copyhold, inclosure & Charity Commissions
6-4-69	195	253-6	Post Office - inland postage
6-4-69	195	306-7	Fire insurances
8-4-69	195	363-400	Ways & Means - financial statement
8-4-69	195	408-9	Ditto
8-4-69	195	430-3	Ditto
9-4-69	195	486-91	Civil & diplomatic appointments
12-4-69	195	584-640	Ways & Means - financial statement
12-4-69	195	583-4	Hackney Carriages Dublin
12-4-69	195	585	Duty on Corn
13-4-69	195	757-8	Libel Bill 2R
15-4-69	195	843	Payment of income tax
15-4-69	195	844	Duty on Corn
15-4-69	195	847	Parliament - business in the House
19-4-69	195	1098	Tax on Horses
20-4-69	195	1254	New Courts of Justice
20-4-69	195	1270	Ditto
26-4-69	195	1581-2	Savings Banks
29-4-69	195	1849	Stamp Duties Exemption
29-4-69	195	1850	Licence duties on servants
4-5-69	196	106	Abyssinia - cost of the war
4-5-69	196	171-5	light Dues (lighthouses)

6-5-69	196	263	Bank of England - dividend payments
7-5-69	196	390	Income Tax (Scotland)
10-5-69	196	471	Ditto
10-5-69	196	557-9	New Courts of Justice
11-5-69	196	574	Fire Insurance
11-5-69	196	598-600	Real Property
13-5-69	196	793-808	Customs & Excise duties
27-5-69	196	811-2	Cost of Prosecutions
27-5-69	196	818-857	Customs & Inland Revenue Committee
27-5-69	196	873-4	Civil Service Pensions Bill
1-6-69	196	1097-8	Taxes on Servants
3-6-69	196	1208	Clerks of local Commissioners of Taxes
10-6-69	196	1496	New Courts of Justice
17-6-69	197	123	Payment of Income & Assesses Taxes
17-6-69	197	125-6	Loans to Dublin & Belfast
17-6-69	197	141	Bills of Exchange
18-6-69	197	318-20	Bankruptcy Bill
22-6-69	197	415	Bankruptcy Bill
22-6-69	197	441-5	Poor Law
22-6-69	197	464-6	Sunday & Ragged Schools
23-6-69	197	481-5	Money Laws (Ireland) Bill 2R
24-6-69	197	544	Civil Offices (Pensions)
28-6-69	197	670-1	Royal Parks etc
29-6-69	197	819	Prisoners - political offences
1-7-69	197	947	Tax on Shepherd's Dogs
5-7-69	197	1168	Fire Insurance Duty
5-7-69	197	1173-4	Proposed monument to Faraday
5-7-69	197	1212	Edinburgh Industrial Museum
8-7-69	197	1443-5	Supply - Houses of Parliament - Report
8-7-69	197	1478-9	Departments - Treasury etc
13-7-69	197	1805-7	House Tax

13-7-69	197	1812-16	Cattle Diseases (Cheshire) Bill
20-7-69	198	338-9	Metropolitan Board of Works (Loans) Bill
26-7-69	198	767	Telegraphs - committee
28-7-69	198	910	Land Registry Office
29-7-69	198	945-8	Missions & Embassies abroad
29-7-69	198	967-8	Flax Cultivation (Ireland)
2-8-69	198	1133-4	Metropolitan Board of Works (Loans) Bill
3-8-69	198	1213-4	National Debt
4-8-69	198	1247-8	Malt Duties
4-8-69	198	1251	Assessed Tax Papers
4-8-69	198	1282-3	Consolidated Fund (Appropriation) Bill
6-8-69	198	1371-2	Dagenham Dock Co
6-8-69	198	1411-22	Gold Coinage
10-8-69	198	1527	Gold Coinage
10-8-69	198	1529	Courts of Justice - new site
10-8-69	198	1532-4	Gold Coinage
10-2-70	199	152-5	Coinage Bill
10-2-70	199	156-60	Friendly Societies Bill
11-2-70	199	174-6	Farm Horse Licences
11-2-70	199	176-7	Thames Embankment
11-2-70	199	185-7	National Debt Acts
11-2-70	199	189-90	Savings Banks Bill
14-2-70	199	244-5	Financial Statement
18-2-70	199	531	Income Tax
18-2-70	199	531	Savings Banks Securities
18-2-70	199	532-3	Savings Banks Bill
23-2-70	199	749-54	Life Assurance Companies Bill 2R
24-2-70	199	774	Pilotage Bill 2R
25-2-70	199	800	Licence for Parish Hearses
25-2-70	199	806-7	Commercial Treaties

25-2-70	199	837-42	Stamps upon Leases
25-2-70	199	863-8	Coinage Bill
28-2-70	199	878	Excise Licences for Horses, Dogs etc
3-3-70	199	1234-5	Stamp Duty on Leases Bill
4-3-70	199	1239	Mediterranean Telegraph
4-3-70	199	1284-8	Malt Taxes
7-3-70	199	1371-2	International Coinage
7-3-70	199	1372	Stamp Duty on Leases Bill
8-3-70	199	1464-5	Stamp Duty on Leases Bill
8-3-70	199	1479	Cultivation of Tobacco
8-3-70	199	1481	Income tax on Charities
10-3-70	199	1627	Site of the Mint
10-3-70	199	1630	Savings Banks Bill
10-3-70	199	1727-30	Coinage Bill
15-3-70	199	1962	Male Servant Duty
15-3-70	199	2057-65	Elementary Education Bill 2R
24-3-70	200	574	Lighthouses
31-3-70	200	988	Debts of Spain & Portugal
4-4-70	200	1189-1202	Irish Land Commission
5-4-70	200	1283	Bank of Ireland - Payment of Dividends
11-4-70	200	1607-82	Financial Statement
12-4-70	200	1720-4	Ditto
2-5-70	201	32-3	Irish Land commission
3-5-70	201	163-73	Commercial Treaty with France
5-5-70	201	273-4	Royal Mint - coinage for foreign countries
5-5-70	201	276	Revenue collectors
6-5-70	201	324	Malting regulations
6-5-70	201	348-50	Evening Admission to National Gallery
9-5-70	201	425-6	Irish Land Commission
12-5-70	201	575	Inland Revenue Officers
12-5-70	201	576-7	Compensation to Tax collectors

13-5-70	201	714-7	Palace of Westminster - case of E Barry
19-5-70	201	970	Duty on Carriages
19-5-70	201	972-3	Patent Office - case of Mr Edmunds
20-5-70	201	1060-2	Hudson's Bay Co
24-5-70	201	1273-4	Licences on Farm Horses
26-5-70	201	1409-10	Drawback on Sugar
26-5-70	201	1410	Friendly Societies
26-5-70	201	1415-6	Irish Land Commission
27-5-70	201	1527-51	Army - Kirwee Prize Money
30-5-70	201	1633-6	Customs & Inland Revenue Bill 2R
30-5-70	201	1638-40	Stamp Duties Bill 2R
30-5-70	201	1680-83	Gun Licences Bill 2R
31-5-70	201	1701-2	Savings Banks
9-6-70	201	1784-1819	Customs & Inland Revenue Bill 2R
10-6-70	201	1879-83	Coinage contracts
13-6-70	201	1985	Stamp Duties Bill 2R
16-6-70	202	306-9	Customs & Inland Revenue
20-6-70	202	492	Licences for horses drawing road materials
20-6-70	202	494	London Zoo
23-6-70	202	852-6	Gun licences
30-6-70	202	1212-3	Ireland - agricultural returns
4-7-70	202	1361-2	Natural History Museum
5-7-70	202	1505-10	National debt
7-7-70	202	1622	Fire at Constantinople
7-7-70	202	1644-7	Elementary education
8-7-70	202	1760-6	Thames embankment
12-7-70	203	156-7	Public Service - competition
15-7-70	203	370	Civil Service Commission
15-7-70	203	374-6	Royal Mint - coinage
21-7-70	203	699	Gun licences
22-7-70	203	734	Duty on Carriages Lent

22-7-70	203	768-70	Gun licences
22-7-70	203	775-6	Statue of Viscount Gough
22-7-70	203	784	Board of Lunacy - Scotland
22-7-70	203	797-8	India - Case of Mr Mason
25-7-70	203	898-9	National Gallery
25-7-70	203	919	Ordnance Survey
25-7-70	203	921	Embassy Houses, Constantinople etc
26-7-70	203	997-8	Land Registry Office
28-7-70	203	1096	Civil Service - temporary clerks
28-7-70	203	1122	Landed Estates Court (Ireland) Bill
28-7-70	203	1139	British Museum
28-7-70	203	1143	University of London
1-8-70	203	1272-3	Epping Forest
2-8-70	203	1473-4	Harbours etc under Board of Trade
2-8-70	203	1474-8	Natural History Museum
4-8-70	203	1562	Stamp Duties
5-8-70	203	1567-8	Sanitary Act (Dublin) Amendment Bill
5-8-70	203	1574	Cost of the Crimean War
8-8-70	203	1691	Civil Service Employees
8-8-70	203	1716-22	Judicial Committee
9-2-71	204	108	Address in answer to the speech
14-2-71	204	251	Income Tax Returns
16-2-71	204	319-20	Govt life insurance office
23-2-71	204	749	Adulteration of wines
3-3-71	204	1351-4	India - civil engineers
6-3-71	204	1383	International exhibition of 1871
6-3-71	204	1388	House Tax & Landlord's Income Tax
7-3-71	204	1550	Income Tax - Servants of Private firms
7-3-71	204	1554-8	National debt
9-3-71	204	1667	Fortifying wines in bond

9-3-71	204	1670	Civil Service Commission
9-3-71	204	1749	Marriage with deceased wife's sister
10-3-71	204	1766-7	Transfer of Debenture Stocks
13-3-71	204	1873	Cost of Abyssinian War
13-3-71	204	1875-6	Epping Forest - felling timber
16-3-71	205	46	Wines in Bond
16-3-71	205	51	Civil Service Examinations
20-3-71	205	267	Half-Crown pieces
20-3-71	205	267	Purchase of High Political Offices
20-3-71	205	273	Inhabited House Duty (Metropolis)
20-3-71	205	303-4	Promotion by selection
20-3-71	25	310-1	National gallery
20-3-71	205	317-20	Miscellaneous expenses
20-3-71	205	320	Compensation to sufferers by fire at Pera
21-3-71	205	400-3	Harbours of Refuge
21-3-71	205	404-5	Customs & Inland revenue Act Amndt Bill
23-3-71	205	455-6	Wines in bond
27-3-71	205	655-6	Inland Bills of Exchange
27-3-71	205	687	Parliament - Business in the House - cttee
30-3-71	205	888	Ireland - silver coin
31-3-71	205	989	Wine measures - bottles
31-3-71	205	1032-3	Supply - civil services
3-4-71	205	1048	Tenant farmers - property tax
3-4-71	205	1049	Inhabited House Duty (Metropolis)
18-4-71	205	1256-8	Pensions commutation
20-4-71	205	1391-1420	Financial Statement
20-4-71	205	1452-4	Financial statement
21-4-71	205	1511-3	Charity Commission
21-4-71	205	1530-2	Financial statement
24-4-71	205	1609-21	National Expenditure
25-4-71	205	1685-6	Match Tax

25-4-71	205	1688	Offices of Indian Army
25-4-71	205	1690	Customs & Inland Revenue
27-4-71	205	1792-7	Financial statement
28-4-71	205	1849	Income Tax - deductions from dividends
28-4-71	205	1864-7	Epping forest
1-5-71	205	1931	Clerks in the customs house
1-5-71	205	1937	Exemption of charities from income tax
1-5-71	205	1997-2006	Financial statement
1-5-71	205	2028	Financial statement
4-5-71	206	151-2	Custom House clerks
4-5-71	206	174	Ways & means - report
5-5-71	206	326	Duchy of Lancaster
5-5-71	206	334-5	Railways - Ireland
8-5-71	206	402	Parliament - public bussiness
9-5-71	206	471-2	Woods & Forests - Crown property
10-5-71	206	577	Income Tax
11-5-71	206	623	Armoreal bearings
11-5-71	206	625-6	Taxation, direct & indirect
11-5-71	206	627	Wellington Monument
11-5-71	206	631-5	Income Tax
15-5-71	206	806	Licences for attendants on lunatics
18-5-71	206	955	Terminable Annuities
18-5-71	206	978-86	Customs & Income Tax
18-5-71	206	999-1000	Ditto
19-5-71	206	1091-6	Income Tax
22-5-71	206	1115	Income Tax on Indian Officers
23-5-71	206	1177	Silver coinage
25-5-71	206	1260	Customs - Leave of absence
25-5-71	206	1262	Adulteration of Tea
26-5-71	206	1325	Income Tax
1-6-71	206	1390	Supply - Board of Trade



1-6-71	206	1391-2	Lord Privy Seal
1-6-71	206	1411-2	Civil Service Commission
1-6-71	206	1421	Friendly Societies
1-6-71	206	1423	Office of Woods
1-6-71	206	1430-2	Queen's & Lord Treasurer's remembrances
2-6-71	206	1434-5	Adulteration of Tea
2-6-71	206	1451-67	National debt
8-6-71	206	1676	Gun Licence - volunteers
9-6-71	206	1776-7	Silver Coinage
13-6-71	206	1983-4	Army regulations
13-6-71	206	1995-6	Army regulations
15-6-71	207	70	Army -promotions & retirement
15-6-71	207	72	Customs clerk's holidays
16-6-71	207	142/148	Parliament - order - notices
16-6-71	207	165	Household of the Lord Lt. Of Ireland
16-6-71	207	170	Supply - Court of Chancery
20-6-71	207	306-7	Dept of Woods & Forests
20-6-71	207	311	Inland Revenue dept
20-6-71	207	313	Land Registry
20-6-71	207	338	New Forest
22-6-71	207	397-8	Epping forest - inclosure at Wanstead flats
22-6-71	207	400-01	Heirs of Wm Penn
23-6-71	207	512	Royal Parks
27-6-71	207	676	Science & Art Dept Buildings
27-6-71	207	682-3	Supply - harbours
30-6-71	207	942-4	Abyssinia - the Abanas Crown etc
6-7-71	207	1219-20	Criminal prosecutions
6-7-71	207	1220	Holidays of Govt Employees
13-7-71	207	1633	Inhabited house duty
14-7-71	207	1676-7	New Mint Building site
20-7-71	208	53	Designs for New Courts of Justice

20-7-71	208	56-7	Duty on Carts & Horses
21-7-71	208	136	Ditto
24-7-71	208	140	Epping forest
31-7-71	208	543	Deductions from dividends - Income Tax
31-7-71	208	558	Bonding privileges
3-8-71	208	766-7	Westminster - case of Mr Barry
4-8-71	208	925-7	Customs & Inland Revenue Act Amndt Bill
7-8-71	208	956	Guaranteed loan to Greece
7-8-71	208	1000	Income Tax commissioners
7-8-71	208	1000	Pensions Commutation
7-8-71	208	1002	License duty on Agricultural Horses
10-8-71	208	1323	Malt Duty
11-8-71	208	1441	Stamp & income tax depts
11-8-71	208	1444	Civil Service - employment of military
14-8-71	208	1599-1601	Army - supercession of Colonels
14-8-71	208	1643	Army Estimates - superannuation allowance
15-8-71	208	1652	Payment from public funds
15-8-71	208	1654	Building Societies Cheques
15-8-71	208	1728-32	Customs & Inland Rev Duties Act Amndt Bill
16-8-71	208	1738	License duty on Agricultural Horses
16-8-71	208	1738-9	Vendors of Stamps - Post Office
16-8-71	208	1750-52	Ditto
17-8-71	208	1769	Chancery Court Books
18-8-71	208	1847	Pensions Commutation
8-2-72	209	168	Business of Parl't - motion for select cttee
12-2-72	209	205	Ditto
12-2-72	209	209-11	Dr. Livingstone
12-2-72	209	215	Business of Parl't - motion for select cttee
13-2-72	209	289	Sunday Labour at Post Office
13-2-72	209	301-3	Business of Parl't - motion for select cttee

13-2-72	209	307	Lords Bills - resolutions
16-2-72	209	528	Army - the late Military Secretary
19-2-72	209	649-50	Clerks of the Ecclesiastical Commission
22-2-72	209	865-6	Audit of Public Accounts
22-2-72	209	869	New Courts of Justice
22-2-72	209	871	Court of Chancery Funds
22-2-72	209	876	Thanksgiving Day
23-2-72	209	1002-6	India - ex Nawab of Tonk
23-2-72	209	1007	Business of the House - Resolutions
26-2-72	209	1039-41	Ditto
26-2-72	209	1056	Ditto
26-2-72	209	1058-61	Ditto
26-2-72	209	1092-5	Ditto
26-2-72	209	1099	Ditto
1-3-72	209	1218	Post Office - purchase of telegraphs
1-3-72	209	1218-9	Horse dealers Licence Duty
4-3-72	209	1324-5	Silver Coinage at the Mint
5-3-72	209	1394	Science & Art Museum
7-3-72	209	1524-5	Post Office - Halfpenny Postcards
8-3-72	209	1619-20	Thames Embankment
8-3-72	209	1644-6	Abyssina - Prince Alamayon
8-3-72	209	1648	Thames Embankment
8-3-72	209	1742-6	Thames Embankment
11-3-72	209	1760-1	Land Register (Scotland) Act 1868
14-3-72	209	2005	Supplementary estimates
14-3-72	209	2009-10	Supply - cost of stationary etc
15-3-72	210	43	Royal Mint
15-3-72	210	102	Parliament - Business of the House
19-3-72	210	245-6	Collection of Income Tax
21-3-72	210	398	Coinage of Silver for Canada
25-3-72	210	598	1864 International sugar Convention

25-3-72	210	591-2	Ecclesiastical Commisioners - redundant list
25-3-72	210	592	Wellington Monument
25-3-72	210	596-7	India - Pension to Lady Mayo
25-3-72	210	603-73	Financial Statement - cttee
4-4-72	210	734	Sugar Refiners Memorial
4-4-72	210	762-73	National Expenditure
4-4-72	210	787	Court of Chancery (Funds) Bill 2R
5-4-72	210	847-8	Supply - salaries & Expenses
8-4-72	210	887	National Debt
8-4-72	210	891	Pension to Lady Mayo
11-4-72	210	1086	Coinage of Silver for Canada
12-4-72	210	1150	Legacy & Succession Duty Dept
15-4-72	210	1263	Exchequer receipts
23-4-72	210	1684	Estates of Bastards - Queen's Proctor's cha
29-4-72	210	1977-8	Pensions Bill 3R
30-4-72	210	2027-31	Ireland - Civil Service Salaries
2-5-72	211	102	Tichborne v Lushington case
3-5-72	211	200-2	Wellington Monument
6-5-72	211	283-4	Pensions Commutation Act - Lt. March
6-5-72	211	286	Ireland - exemption from taxation
7-5-72	211	372-5	Tichborne v Lushington case
10-5-72	211	604-5	Royal Mint - Silver coinage
13-5-72	211	652	Income Tax on Shootings
13-5-72	211	690-7	Court of Chancery Funds - comm
28-5-72	211	788	Army - Torpedoes - Capt Harvey
31-5-72	211	977	Privy Council
3-6-72	211	1036-7	Sugar - drawback convention
4-6-72	211	1234-5	Parliament - Business of the House
6-6-72	211	1270	Vienna International Exhibition 1873
6-6-72	211	1272-3	Tichborne v Lushington case
6-6-72	211	1278	Public Business - report of select cttee

10-6-72	211	1513	Excise - Working Men's clubs
10-6-72	211	1514	Tenant Farmers Income Tax
10-6-72	211	1531-2	Supply - Charity Commission
10-6-72	211	1539	Officers of Registrars of Friendly Societies
10-6-72	211	1541	Woods, Forests etc
10-6-72	211	1543	Works & public buildings
10-6-72	211	1553	Treasury Law Charges - progress
10-6-72	211	1556-61	Customs & Inland Revenue - comm
13-6-72	211	1723-4	Court of Chancery Funds - comm
17-6-72	211	1872/6	Court of Chancery
17-6-72	211	1879-80	County Courts
17-6-72	211	1903	Customs & Inland Revenue - comm
20-6-72	211	1993	Parliament - Counts out
21-6-72	212	55-60	Law Officers of the Crown
28-6-72	212	401-4	Albert & Europe Life Assurance Co
1-7-72	212	429-31	Pay of Temporary Writers
1-7-72	212	471	Wellington Monument
4-7-72	212	631-2	Inhabited House Duty
5-7-72	212	743	Natural History Museum
8-7-72	212	790	Inland Revenue - carriage duty
8-7-72	212	798-9	Supply - Costs of Governor Eyre
8-7-72	212	854	Supply - Customs Dept
11-7-72	212	953-4	Civil Service cooperative associations
12-7-72	212	1119-20	Tichborne v Lushington case
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15-7-72	212	1215	Military Forces Localisation (expenses) Bill
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22-7-72	212	1579-80	Thames Embankment
25-7-72	212	1754	Collection of Income Tax
25-7-72	212	1762	Law Officers Expenses

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3-8-72	213	380-1	Writers in Gov't offices
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5-8-72	213	457-8	Royal Mint - charges against the authorities
8-8-72	213	696	The New Forest
9-8-72	213	838	Floods in Shannon valley
9-8-72	213	839	Cultivation of Tobacco plant
6-2-73	214	79	Parliament - address answer to the speech
6-2-73	214	128-33	ditto
10-2-73	214	199	Business in the House
10-2-73	214	244-5	Supply - Business in the House
10-2-73	214	268-71	ditto
13-2-73	214	368	River Shannon - Ireland
17-2-73	214	540	Inland Revenue - Income Tax appeals
27-2-73	214	1058	Army Estimates - land forces
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7-3-73	214	1588-9	River Shannon - Ireland
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24-3-73	215	11-12	Ireland - Civil Service - Commission report
24-3-73	215	14-15	Attorney General Question - Law Officers
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31-3-73	215	346	Ireland - Civil Service - Commission Report
31-3-73	215	347	Sugar Duties - international conference
31-3-73	215	348	Shannon River
1-4-73	215	445-9	Taxes on Locomotion
3-4-73	215	523	Extension of telegraphs - financial irregulari
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4-4-73	215	607	India - Euphrates Valley railway
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7-4-73	215	654-713	Financial statement
21-4-73	215	788-9	Supply - Wellington Monument
24-4-73	215	920-1	Financial Statement
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25-4-73	215	1009-10	Supply - Privy Council for Trade etc
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28-4-73	215	1041-1054	Financial Statement
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6-5-73	215	1558	Extension of telegraphs - financial irregulari
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8-5-73	215	1702-5	Superannuation Act Amndt Bill - comm
9-5-73	215	1717-9	Sugar duties - international conference
9-5-73	215	1718-9	Savings Banks - investment of deposits
12-5-73	215	1815	Superannuation allowances
22-5-73	216	273	Nineveh excavations
23-5-73	216	357	Cape & Zanzibar mail contracts
23-5-73	216	411-2	Supply - Alabama claims
26-5-73	216	429	Post Office & telegraph dept - irregularities

26-5-73	216	430	Bank of England returns
5-6-73	216	538-9	Juries Bill - comm
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19-6-73	216	1173	Inland Revenue - Duty on volunteer prizes
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27-6-73	216	1498	Ireland - drainage of land
30-6-73	216	1559	Ditto
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4-7-73	216	1810-15	Ireland - civil servants
7-7-73	216	1862	Scotland - Sheriff's substitute's salaries
10-7-73	217	150-1	Customs - extra Treasury clerks
10-7-73	217	153	Post Office revenue
10-7-73	217	154	Shannon river
10-7-73	217	187	Supreme Court of Judicature - comm
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14-7-73	217	305-6	Customs - out port clerks.
14-7-73	217	308	Wellington monument
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21-7-73	217	668	Parliament - Public business
24-7-73	217	902	Civil Service writers
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29-7-73	217	1179	Cape & Zanzibar mail contracts
29-7-73	217	1215-22	Post Office - Telegraphic dept
29-7-73	217	1238	Customs - out port clerks
29-7-73	217	1246-8	Telegraphs - comm
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31-7-73	217	1363-84	Consolidated Fund (Appropriation) Bill 2R
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4-8-73	217	1528-9	Shannon River
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4-8-73	217	1553-4	Cape & Zanzibar mail contracts
20-3-74	218	107	Parliamentary Privilege - contempt of MP
16-4-74	218	679	Financial statement
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11-5-74	219	139-41	Intoxicating liquors Bill 2R
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4-6-74	219	996-7	Ditto
10-6-74	219	1348-51	Elementary Education Act Amndt Bill
15-6-74	219	1618-20	Education, Science & Art - motion for cttee
16-6-74	219	1711	Intoxicating Liquors Bill
22-6-74	220	254-60	Friendly Societies Bill 2R
25-6-74	220	428-9	Wellington monument
2-7-74	220	947-51	Ireland - Home rule
17-7-74	221	208-12	Public Worship regulation Bill
17-7-74	221	220	Ditto
20-7-74	221	369-76	Endowed Schools Act Amndt Bill
27-7-74	221	792-3	Colonial Office - official staff

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22-2-75	222	687-97	Regimental Exchanges Bill 2R
25-2-75	222	866-72	Friendly Societies Bill 2R
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12-3-75	222	1724-6	Ireland - incidence of imperial Taxation
16-3-75	222	1898-1903	Regimental Exchanges Bill 2R
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13-4-75	223	789-800	Parliamentary privilege
13-4-75	223	803-4	Ditto
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5-5-75	224	154	Parliament - public business
7-5-75	224	329-37	Financial Statement
24-5-75	224	787-8	India - Civil Servants of North West prov
27-5-75	224	977-81	Savings Banks etc - comm
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10-6-75	224	1627	Parliament - public business
14-6-75	224	1818-23	Supreme Court of Judicature Act
24-6-75	225	473-8	Agricultural Holdings (England) Bill 2R
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29-6-75	225	711-22	Indian Civil Service
29-6-75	225	724	Ditto
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2-7-75	225	906-8	Payment of Surveyor - office of works
12-7-75	225	1335-6	Employers & Workmens Bill 2R
12-7-75	225	1341-60	Conspiracy & Protection of Property

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15-7-75	225	1481-2	Appointments by Postmaster General
16-7-75	225	1579-80	Conspiracy & Protection of Property
20-7-75	225	1740-9	Conspiracy & protection of property
29-7-75	226	188-9	Agricultural Holdings (England) Bill 2R
3-8-75	226	459-62	Training of Navy Cadets - competitive exam
7-8-75	226	696-9	Remission of Penalties bill 3R
7-8-75	226	710-6	Conspiracy & Protection of Property
17-2-76	227	410-7	Royal Titles Bill
17-2-76	227	425	ditto
21-2-76	227	563-77	Supply - Suez Canal Shares
21-2-76	227	616	Ditto
28-2-76	227	1103	Supply - Civil Service Commission
6-3-76	227	1436-7	Exchequer Bonds Bill 3R
16-3-76	228	74	Egyptian Finance - Mr. Cave's report
16-3-76	228	92	Royal Titles Bill
20-3-76	228	285-8	Royal Titles bill
23-3-76	228	513-6	Royal Titles bill
24-3-76	228	567	Egypt - Mr. Cave's mission
7-4-76	228	1417-8	Parliament - petition from Boulogne
2-5-76	228	2031-3	Oaths taken by P.C. members
4-5-76	229	52-3	ditto
4-5-76	229	52-3	Royal Titles Bill - personal statement
29-5-76	229	1346	India - Nizam State Rlway - loans to Princes
30-5-75	229	1468-74	Electoral system - Constituencies
13-6-76	229	1806-12	London Municipal Govt
12-6-76	229	1748	University of Oxford Bill 2R
28-6-76	230	601-2	Real Estate Intestacy Bill 2R
29-6-76	230	620	Indian Covenanted Civil Servants
18-7-76	230	1542-3	Elementary Education

20-7-76	230	1636	Cruelty to Animals
20-7-76	230	1636	Parl't - arrangement of Public Business
24-7-76	230	1842-4	Elementary Education
4-8-76	231	522	Elementary Education
4-8-76	231	548-9	Elementary Education
7-8-76	231	710	Suez Canal Shares
7-8-76	231	710	Cruelty to Animals
7-8-76	231	717-21	Indian Civil Service - competition
8-8-76	231	831-3	Suez Canal Shares
9-8-76	231	877	Bulgarian atrocities - Turkey
9-8-76	231	885	Appellate Jurisdiction Bill
9-8-76	231	915-20	Cruelty to Animals Bill 2R
11-8-76	231	1147-52	Cruelty to Animals Bill
19-2-77	232	589-94	Universities of Oxford & Cambridge Bill
23-2-77	232	926-8	Open competition - foreign office & diplomat
20-3-77	233	236-8	Stock Exchange - Royal Commission
12-4-77	233	983	India - Fuller & Leeds case
26-4-77	233	1980-3	Universities of Oxford & Cambridge Bill
30-4-77	234	119	Ditto
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28-6-77	235	416-29	India - Fuller & Leeds
9-7-77	235	979	South Africa Bill 2R
26-7-77	235	1890-3	University Education (Ireland) Bill 3R
1-2-78	237	847-57	Supplementary Estimate - eastern question
4-2-78	237	978	Ditto
14-2-78	237	1624	Eastern Question - movement of the fleet

22-2-78	238	178-88	Household Franchise - Parliament
22-2-78	238	199	ditto
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10-4-78	239	1066-7	Employer's liability for injuries Bill 2R
14-5-78	239	1928-31	Judicial appointments
31-5-78	240	1045-8	University Education (Ireland) Bill
30-7-78	242	758	Eastern Question
1-8-78	242	872-92	ditto
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7-8-78	242	1493	Supplementary Army estimate
18-2-79	243	1418-20	Civil Service estimates - select cttee
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28-3-79	244	2001-5	Zulu War - Sir Bartle Frere
22-4-79	245	890-3	Sugar Industries
5-5-79	245	1742-6	Ways & Means - comm
19-5-79	246	712	Land Registry
21-5-79	246	992-5	University Education (Ireland) Bill 2R
23-5-79	246	1185-90	India - financial statement
25-7-79	248	1342-5	Criminal Law - case of Edmund Galley

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10-6-80	252	1587	Settled Land - committee
29-6-80	253	1108	State of Ireland - process - constabulary
6-7-80	253	1745	Elementary Education - new code
6-7-80	253	1745	Elementary education - 4 <sup>th</sup> schedule
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