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DIVORCE AND POLITICS IN LATE
NINETEENTH CENTURY ENGLAND:
DILKE AND PARNELL

A Thesis
Presented to
the Faculty of the Department of Social Sciences
Appalachian State University

In Partial Fulfillment
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Master of Arts

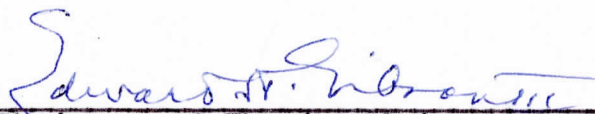
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Thomas Karl Stahl

ABSTRACT

One of the more obvious characteristics of the Victorian era in the history of England was the attitude that Englishmen held on the subject of sexual morality. The moral views to which they subscribed made no distinctions of birth, station in life, or political prominence. Involvement in moral scandal resulted in the same penalty for all.

A number of men of high station became involved in scandals because of the strict divorce laws in England. Among these were two who reached the pinnacle of political achievement and were toppled when the public became aware of their questionable morals--Sir Charles Wentworth Dilke and Charles Stewart Parnell.

The author of this paper has attempted to provide the atmosphere in which the scandals occurred; show the biographical and political backgrounds of Dilke and Parnell, both individually and in comparison; outline the particulars of the divorce cases in which they were involved; relate the effects on the career of each; and summarize the entire picture.

In so doing it has been shown that the stigma of moral scandal was applied without regard to station, degree of guilt, or credible evidence against the accused.

TABLE OF CONTENTS

	Page
TITLE PAGE	i
APPROVAL SHEET	ii
ACKNOWLEDGMENT	iii
ABSTRACT	iv
TABLE OF CONTENTS	v
INTRODUCTION	1
 Chapter	
I. THE CLIMATE	5
II. CHARLES WENTWORTH DILKE	10
Biographical Sketch	10
Political Career	16
III. CHARLES STEWART PARNELL	31
Biographical Sketch	31
Political Career	39
IV. DILKE AND PARNELL: A COMPARISON	45
Similarities	45
Differences	46
V. DIVORCE LAW IN ENGLAND	48
History	48
The Divorce and Matrimonial Causes Act of 1857	52
Plaintiff	53
Respondent	54

	Correspondent	vi
	Corespondent	54
VI.	CRAWFORD v. CRAWFORD	56
	The First Trial	60
	Public Reaction	62
	The Second Trial	70
VII.	THE EFFECT OF CRAWFORD v. CRAWFORD ON THE CAREER OF CHARLES WENTWORTH DILKE	76
VIII.	O'SHEA v. O'SHEA	83
	The Trial	85
	Popular Reaction	88
IX.	THE EFFECT OF O'SHEA v. O'SHEA ON THE CAREER OF CHARLES STEWART PARNELL	90
X.	COMPARISON OF THE CASES	96
	Similarities	97
	Differences	99
XI.	SUMMATION	101
	BIBLIOGRAPHY	105

INTRODUCTION

It shall be the purpose of this paper to examine two cases involving divorce in England during the reign of Queen Victoria. Both of the cases reflect the social stigma that was attached to this legal recourse to the solution of marital differences. These cases have been selected primarily because both concern highly respected politicians as correspondents and therefore tend to reflect the treatment given to persons in the public eye under these circumstances.

Although the circumstances were different in each divorce suit filed, there were many similarities in the aftermath of each hearing. The post-trial disposition of the cases also reveals that the prominence of the parties involved did not prevent a social stigma, and that guilt or innocence meant less to Victorians than punishment of violation of the social mores.

For a complete understanding of this subject it is necessary to delve into some of the background upon which attitudes of divorce were based. This will not in any way be a substitute for investigation of Victorian morality. It will, however, consist of some of the attitudes on family, marriage, and the home, and also a number of literary examples of the social mores regarding divorce in Victorian times.

The coronation of Victoria ushered in an increased emphasis upon the home and its protective characteristics. It also brought about a sharp decline in the popularity of the coffee house as a gathering place for English gentlemen.

Many of the mid-Victorian authors including Tennyson, Ruskin, and Carlyle laid great emphasis on the sanctity of marriage, family, and the home. This emphasis is especially notable in the works of Charles Kingsley and Coventry Patmore. Kingsley in his Yeast (1851) criticized the traditional place which love possessed in the education of the young. Love and marriage were never discussed in the presence of the young and questions on the subject were brushed aside. And Patmore stressed the uplifting experience of love in his Angel in the House (1855). Writers such as these tended to promote the strong emphasis upon the sanctity of the home, motherhood, and the purity of womanhood that set the tone for polite middle-class Victorian society.

It necessarily follows that anything that might disrupt this blessed scene would be viewed with disdain, and the perpetrator of the disruption would become a social outcast. Divorce was unthinkable under all but the most extreme circumstances.

The underlying philosophy behind all of these developments is obvious to the student of Victorian history. This movement coincided with the growth of the middle-class Evan-

gelical movement and its reaction against the evils of the Regency period during which English morals were weakened by the influences of George IV and Victoria's other wicked uncles.

Evangelicalism was able to impose its mores on society to a considerable extent. In addition, the young Queen and her devoted consort, Albert, tended to bolster these attitudes, and Englishmen from Westminster to Soho gave lip service to this new Protestant ethic and Victorian morality.

To be sure, all were not in favor of this "imposed" morality, and some continued to rebel against the strict domination of private relationships such as sex and marriage. Indeed, people of this cast of mind existed throughout the Victorian era.

These rebels opposed not only Victorian mores on marriage, but the whole set of relationships between man and woman, and proposed that, if necessary, marriage might be terminated either by agreement or by action of one of the parties.

A thread of reform agitation may be found running through the social history of England from Milton, in the seventeenth-century, through the Godwin-Shelley school, of the early nineteenth-century, and into early Victorian times. In addition, there was the fact that an alarming number of Victorian marriages were founded on commercial grounds and not on love. Whether by parental arrangement or by reluctant

consent, scores of young men and women entered loveless marriages which they lived to regret, and later, finding a true soul mate, wished to dissolve.

It is therefore not surprising that adultery and fornication abounded in spite of stern moral standards and an almost religious view of the home and the position of woman.

By 1857 there had been something of a synthesis of these beliefs in the passage of the Divorce and Matrimonial Causes Act of that year which liberalized the divorce procedure. Yet the prudery of the mid-Victorian ethic had not completely died out. Divorce was still viewed as socially unacceptable, although legally simplified and somewhat cheaper.

In his Idylls of the King (1859), Alfred Lord Tennyson treated the problem of loveless and hypocritical marriages squarely but refrained from recommending solution by divorce. In fact, he praised King Arthur for his willingness to forgive Guinevere and preserve the marriage.

As late as 1890, Victorian morality retained enough control over the attitudes of the public to oppose sexual promiscuity, adultery of a wife, and divorce in general. The social stigma remained as it had been for many years.

In this atmosphere, then, the author shall proceed to examine the fortunes and fates of Sir Charles Wentworth Dilke, Second Baronet, and Englishman, and Charles Stewart Parnell, political leader of the Irish Home Rule movement.

CHAPTER I

THE CLIMATE

In order to set the stage for the unfolding of the story which is dealt with in this paper, it is well to look backward into the social history of England between about 1830 and 1870. During that period the traditional English beliefs and opinions were transformed from an aristocratic, almost medieval, and sometimes licentious standard of morality into a middle-class, romantic, and quite strict code of ethics which formed the atmosphere in which the events discussed herein took place and which has not completely disappeared in our own day and time.

There are two features during this period of transformation that set it apart from all previous eras. The first of these is that, unlike most previous generations in which radical change occurred, the early and mid-Victorians seem to have been fully aware of the change. In fact the words "transition" or "transitional" appear in the papers and works of such notable figures as Prince Albert, Matthew Arnold, Thomas Carlyle, Benjamin Disraeli, Harriet Martineau, John Stuart Mill, John Morley, Alfred Lord Tennyson, and numerous others in Victorian literary circles in reference to their

own time.¹

The second feature peculiar to the earlier Victorian era is that this "transitional" period coincided almost exactly with such events as the liberal political changes beginning with the First Reform Bill, the "cleansing" of the Church of England by the Evangelical movement, and the culmination of one hundred years of economic changes that we know as the Industrial Revolution.

G. Kitson Clark cautions students of Victorian history to be wary of the casual use of the term "middle-class" in referring to the reformers of the "transition" period. The wide range of incomes and occupations among its members and the lack of a solid front on all of the issues of the day work against the creation of a stereotype.² Enough similarities between the leading forces of the period did exist, however, and the alliance between Low Churchmen, Dissenters, and the Whig Party was successful in working for the religious, political, and economic goals which were finally reached by 1870. The unique feature of this alliance was that each "party" to it could retain its individuality and at the

1. Walter E. Houghton, The Victorian Frame of Mind 1830-1870, (New Haven: Yale University Press, 1957), p. 1.

2. G. Kitson Clark, The Making of Victorian England, (Cambridge: Harvard University Press, 1962), p. 5.

same time contribute jointly to the destruction of the Tory-High Church-Aristocratic domination of all facets of life in England prior to 1850.

Those who lived through the entire period were acutely aware of the changes. They attributed them to such developments as the use of steam engines for propelling ships on the high seas³ and the widening of the franchise between 1832 and 1867 from 600,000 to nearly a million, with the predominant loyalty of the electorate going to the Whig-Radical-Irish alliances in government.⁴

The writings of English men of letters during the "transitional" period are full of references and opinions concerning the various facets of the change. They all attest to the fact that this was indeed a time when new and novel ideas were being introduced. They also witness that the old, almost-medieval, institutions of England were not as yet dead. Some sided with the new, some with the old, but all reported on a state of flux and change. In the end a new way of life, neither completely new nor completely old resulted. For instance Matthew Arnold saw the time as one of breaking away

3. William M. Thackeray, "De Juventute," Roundabout Papers, (Boston: D. Lothrop and Co., 1884), p. 57.

4. Elie Halevy, A History of the English People in the Nineteenth Century, (New York: Barnes and Noble, 1961), IV, 419-20.

from the Medieval and feudal practices of fixed classes, dominant church, overbearing civil government by the Crown and the nobility, and economic organization as it had existed since the Middle Ages.⁵

William Cobbett, on his "Rural Rides" between 1820 and 1830 saw feudalism still in existence:

"Talk of vassals! Talk of villains! Talk of serfs! Are there any of these, or did feudal times ever see any of them, so debased, so absolutely slaves as the poor creatures who, in the 'enlightened' north, are compelled to work fourteen hours a day, in a heat of eighty-four degrees, and who are liable to punishment for looking out a window of the factory!"⁶

There were also those who saw a need for reform but could not accomodate themselves to the civil authorities' role of carrying out such reform. Such a man was Herbert Spencer who felt that State action would interfere with systematic evolution and survival of the fittest, and would further imprison the individual to the machinery of the State.⁷

5. Matthew Arnold, Essays in Criticism, First Series; (New York: Macmillan and Co., 1883), pp. 186-87.

6. As quoted in David Thomson, England in the Nineteenth Century 1815-1914, (Baltimore: Penguin Books, Inc., 1950), p. 12.

7. British Broadcasting Corp., Ideas and Beliefs of the Victorians, (London: Sylvan Press, 1949), p. 91.

It should, therefore, be noted by the student of nineteenth-century English social and moral history that the early and mid-Victorians, and the transformation that began during their time, had a profound effect on what occurred during the final three decades of the century.

CHAPTER II

CHARLES WENTWORTH DILKE

I. Biographical Sketch

Charles Wentworth Dilke was born September 4, 1843, at 76 Sloane Street, London. He was the first son of the literary critic and horticulturist, Sir Charles Wentworth Dilke, First Baronet, and Mary Chatfield Dilke, daughter of the late Captain William C. Chatfield of the Madras Cavalry.¹

During his early life Charles Dilke was deeply influenced by his paternal grandfather into whose care he was placed by his mother shortly before her death in 1853. Under the guidance of Mr. Dilke,² Charles developed an appreciation for the arts such as his father would not have fostered in either him or his younger brother, Ashton. Charles' earliest travels, both in England and abroad, were made with Mr. Dilke.

Charles Dilke's formal education was delayed because of ill health but was supplemented by private tutoring under a Chelsea curate (1853-1856), and by completing the Kensington

1. James Richard Thursfield, "Charles Wentworth Dilke (Second Baronet) 1843-1911." The Dictionary of National Biography, (London: Oxford University Press, 1912), "20th Century 1901-1911," 502.

2. For purposes of clarity the term "Mr. Dilke" shall hereafter refer to Sir Charles' paternal grandfather, as differentiated from either Sir Charles or his father.

day-school program at home. Mr. Dilke filled in the gaps in the boy's primary education.

In 1862 Charles Dilke was admitted to Trinity Hall, Cambridge, to study law. While there he distinguished himself by winning a mathematics scholarship (1863), English essay prizes for pieces on Sir Robert Walpole (1864) and on the theory of government (1865), the Trinity Hall Law Prize (1864), and the highest university award open to a law student --the title of Senior legalist (1865). He received his LL.B. in 1866 and was called to the bar at the Middle Temple that same year. Although qualified, he never practiced law.

While at Cambridge Charles was an active member of the Cambridge Union, serving twice as vice-president and twice as president. He was also an avid member of the Trinity Hall rowing squad.

During the latter part of 1866 and all of 1867 he toured the United States, New Zealand, Australia, India, Egypt, and Italy. When he returned to England he wrote his famous book, Greater Britain: A Record of Travel in English-Speaking Countries During 1866 and 1867, a self-confessed racist work based on the premise that the Anglo-Saxon race would eventually spread its influence throughout the world. The book was published by Macmillan in 1868, and its popularity resulted in three more editions. It reflected two interesting facets of Charles Dilke's nature: first, the heritage

as a writer he had received from his father and grandfather, and second, that he was essentially an imperialist, a fact which bore fruit in his later political life.

In 1868, Charles returned to Cambridge, received the LL.M. degree, and turned his interest toward politics. It is interesting to note at this point that the political ideas which Charles Dilke was soon to exhibit at Westminster were influenced by his association with John Stuart Mill, the Utilitarian, who was greatly impressed with Charles' book, Greater Britain.³ From February 1869 until Mill's death in May of 1873 the two were constantly in touch, and Dilke accepted the role of Mill's disciple and student.

Following the dissolution of Parliament in the autumn of 1868, Charles presented himself as a Radical-Liberal candidate for Chelsea and received more votes than his fellow Liberal, Sir Henry Hoare, or either of the two Conservative candidates.

In May of 1869 Charles Dilke's father died of influenza while in St. Petersburg and Charles became Sir Charles Wentworth Dilke, Second Baronet. He also acquired the family journals, Athenaeum, Notes and Queries, and an interest in

3. Roy Jenkins, Victorian Scandal, (New York: Chilton Press, 1965), pp. 42-43.

Gardeners' Chronicle.⁴ The loss of his father affected Charles quite deeply in spite of the fact that their relationship was never noted for its intimacy.

When France declared war on Prussia in 1870 Sir Charles displayed his distaste for the Second Empire and his Anglo-Saxon feeling of kinship to the Germans by volunteering as an ambulance driver in the Prussian army. He soon became disenchanted, however, with Prussian authoritarianism. Freeing himself from his responsibility, he returned to England the same day that Napoleon III was captured by the Germans at Sedan. He returned to France twice during 1871, in January, to witness the birth of the Third Republic, and in May during the fighting between the forces of the government of President Thiers and the Paris Commune. From 1871 on, Charles was among the foremost Francophiles in the House of Commons, and never again did he support a measure friendly to Prussia.

In January of 1872 he was married to Katherine Gore Shiel, the daughter of the late Captain Arthur Gore Shiel of the 89th Foot, in a private ceremony at Dilke's parish church

4. Gardeners' Chronicle was a horticultural publication on which Mr. Dilke collaborated with professional gardeners, such as Joseph Paxton, former gardener for the Duke of Devonshire. Jenkins, ibid., 13 n.

on Sloane Street. The marriage was based more on friendship than on love, but they remained happy during the two and a half years of her life that remained to her.

In 1873 Sir Charles and Lady Dilke toured the world. During this year Sir Charles published a collection of his grandfather's essays, Papers of a Critic, and a second book, The Fall of Prince Florestan of Monaco, a satire on English politics and the influence of the church.

The year 1874 was an unhappy one for Sir Charles. Katherine's death in childbirth in September combined with the failure of his book, Prince Florestan, to gain literary popularity brought Dilke to a dangerous state of mind. It would seem that Katherine's death affected him the most. He withdrew from his companions during the latter part of September and early October and was reported to have gone to Paris. When he finally returned to London in January of 1875 he stayed away from his home on Sloane Street, staying instead with Sir William Harcourt in Stratford Place. He did not return to his home in Sloane Street until Easter of that year.

While Sir Charles was recovering from his grief over the loss of his wife, he renewed his friendship with Emilia Strong Pattison, the wife of Mark Pattison, the renowned Rector of Lincoln College, Oxford. The Pattisons' marriage was not a happy one, and as a result, Emilia devoted herself to the study and criticism of art. Oxford students considered

her a specialist in art and sought her advice as a critic. All this popularity, however, did not keep her from being lonely, and it is therefore not difficult to understand what Dilke's friendship and attention must have meant to her. Their mutual loneliness would also explain why in 1875 the two became close friends and corresponded continuously for the next ten years. They found a mutual understanding and shared many ideas and opinions. One year after the death of Mark Pattison in 1884, Sir Charles and Emilia were married. It is interesting to note that in spite of the Pattison's marital problems (Emilia lived away from Pattison in India from 1876 to 1884) and the open friendship between Emilia and Dilke, the Oxford Rector held Dilke in high regard.⁵

Sir Charles became a changed man after the death of his first wife. As of 1875 he ceased to write and devoted all of his energies to the practice of politics as the Radical-Liberal member for Chelsea.

This brief biographical sketch is best divided at the year 1886. This was, of course, the date of the major interest of this paper--the divorce case in which Sir Charles became involved. The case divided his personal life into two distinct parts, the first a period of growing power and

5. Vivian H. H. Green, The Oxford Common Room, (London: Edward Arnold, 1957), p. 309.

influence, and the second characterized by political decline and obscurity. His life after 1886 will be summarized in a later chapter of this paper.

II. Political Career

Charles Dilke was elected to the House of Commons as a Radical-Liberal member for Chelsea in the Parliamentary elections of 1868. In gaining this victory he gathered a majority of the votes cast in this constituency. This majority constituted a victory for the Liberal Party as well as for himself.⁶

This same election saw the creation of the first of the four ministries of William E. Gladstone, the renowned Liberal Prime Minister. Dilke, however, was not happy with the new Cabinet which he felt contained too many Lords. He was also disappointed in the small number of Radical members in the House of Commons.

He delivered his maiden speech on March 9, 1869, in seconding a resolution by William V. Harcourt⁷ that a Select Committee be assigned to investigate the selection of electors in Parliamentary boroughs. The content of the speech

6. Dilke (Liberal) 7374, Sir Henry Hoare (Liberal) 7183, Dr. W. H. Russell (Conservative) 4177, Freaque (Conservative) 3929.

7. Later Sir William Harcourt.

was not important, but it did give evidence of Dilke's ability to master a subject.

During the remainder of the 1869 session of the House Dilke worked closely with Jacob Bright on women's rights. He gave ample evidence that he was more Radical than Liberal by his repeated opposition to resolutions by Government with which he could not agree. On one such occasion no less a personage than the Chief Whip, George Glyn, and Dilke's father, Sir Wentworth Dilke, openly criticized him, but he would not be intimidated into falling in line against his principles, and he continued to follow his own judgment.⁸

It was felt by many that the death of Sir Wentworth Dilke in May of 1869 and Charles Dilke's new literary responsibilities would cause him to reduce his political activity. It soon became obvious, however, that becoming a Baronet and an heir to the family estate had no effect on his interest in politics.

During the session of 1870 Sir Charles continued to work closely with Bright on the women's rights legislation, but he also became involved in the two major issues covered by Parliament during the year. The first of the two major issues was education. For years it had been obvious that the present sectarian education was ineffective and failed to include enough, or even a majority, of England's school age

8. Jenkins, op. cit., p. 51.

children. Debate in Parliament resulted over the place religion was to have in the new public school system which was to replace the old system. Nonconformists brought the issue to a head by the formation of the National Education League in 1869 under the leadership of the young Birmingham Radical, Joseph Chamberlain.

Dilke viewed this move favorably, but only because it offered an excellent opportunity to further the Radical cause. His Anglican Church membership did not extend to defending the church's role in education. He was more than happy to accept the offer of the chairmanship of the London branch of the National Education League from Chamberlain, and he worked hard for a suitable education bill.

The logical man in Gladstone's ministry to introduce such a bill would have been the Lord President, Lord de Grey. However, de Grey was on the verge of conversion to Roman Catholicism and had no interest in education. Next in line was W. E. Forster, a Quaker and the son-in-law of Matthew Arnold. Forster accepted the responsibility, but his sympathy for the cause of the Established Church resulted in the introduction of a weak bill in February of 1870. The National Education League and English nonconformists were very disappointed, and on March 9, a deputation of 500, of whom forty-six were members of Parliament, voiced their disapproval of the Forster bill by presenting themselves at 10 Downing

Street. Dilke acted as one of the spokesmen in the round of talks with Gladstone and Forster which followed, and he helped persuade Gladstone to consider amendments to the bill. It was at this point that Dilke disagreed with the other education forces. The Parliamentary forces felt that undenominational Bible reading would be acceptable, and the League was willing to accept an amendment calling for undenominational Protestant education⁹ but Dilke could not agree to either proposal. He therefore resigned his position as chairman of the National Education League and fought Forster's bill with only the help of Mill. His efforts were rewarded to some degree when he gained the adoption of two amendments, one requiring that school board members be elected by ratepayers, the other calling for these elections to be done by ballot.

The second main issue in which Sir Charles became involved was land tenure. John Stuart Mill forced the issue by the foundation of the Land Tenure Association as a means to stop further enclosure of the common lands and the transfer of these lands to private owners at little or no cost. Mill, Dilke, and others opposed enclosure and sale on the basis that it was not only contrary to the general will but was also a tax loss to the treasury. They were able to gain the suspension of further enclosures until such time as the

9. The Cowper-Temple Amendment.

Enclosure Act itself could be suitably amended.¹⁰

From the time of the adjournment of Parliament in July of 1870 until the early summer of 1871, Dilke was pre-occupied with the Franco-Prussian War and was rarely seen in London or in Parliament.

During late 1871, Sir Charles began a crusade which was to bring him to national prominence and into disfavor with the Queen. He had always considered himself to be a Republican, but he considered the English monarchy to be secure in the hearts of the people. However, the long period of mourning of the Queen for her beloved Albert (then in its tenth year) disturbed many of her loyal subjects. Dilke was one of these and he felt he must speak out against the expense of a royalty that removed itself from the people. He began with a speech at Newcastle-on-Tyne in November which attacked Victoria's exemption from the income tax. At Bristol, Bolton, and Birmingham he included the balance of the Civil List in his attack. As a climax to the whole campaign, he moved, in Parliament, for an investigation into the expenditures of the Crown.

It was unfortunate for Charles Dilke that his crusade came at the same time as the serious illness of the Prince of Wales. Public sympathy went out to the Queen, and Dilke's sensible proposals were regarded as heartless attacks on a

10. The amendment finally came in 1874.

distraught mother. This feeling displayed itself in the defeat of Dilke's motion, on March 19, 1872, by a 276-2 vote, an uproar in the House of Commons, a bitter denunciation by Mr. Gladstone, and the undying disfavor of Queen Victoria.¹¹ Dilke had foreseen the possibility of failure when he first heard of the Prince's illness, but he felt duty bound to pursue his course. He accepted the defeat and his ostracism from London society, toured the world with his bride, and returned to his literary endeavors.

Sir Charles stood for reelection in Chelsea during the elections of 1874 and won, but the death of Lady Dilke removed him again from active politics and drove him into seclusion in Paris until December. He finished an unhappy year with a tour of North Africa.

Dilke had recovered from the loss of his wife sufficiently to return to Parliament after the Easter recess of 1875. His activity soon proved that his three years of sporadic attendance had not affected his ability. He sponsored three significant resolutions and one major bill and met with reasonable success. One resolution, for the setting up of a committee to inquire into the workings of the Ballot

11. The Queen's secretary, Sir Henry Ponsonby, relates that "she commanded the Government to repudiate Dilke forthwith." Elizabeth Longford, Queen Victoria: Born to Succeed, (New York: Harper and Row, 1964), p. 388.

Act of 1872, carried in the House of Commons; another, for the redistribution of Parliamentary seats, won the complete support of the Liberal party but did not carry; and the third, for curbing the abuses in unreformed borough corporations, reduced the House of Commons to unrestrained laughter. The bill, which was known as the Allotments Extension Bill and involved the renting of lands held for the benefit of the poor to cottagers, gained the support of the Liberal party but also failed to carry on the floor of the House. Dilke personally looked upon all four measures as great successes.

During 1876 Dilke would have considered only one event worthy of notice. To his delight the City of Birmingham elected the Radical Joseph Chamberlain to represent it in Parliament. Dilke took personal charge of introducing his old colleague to London society.

The year 1877 was one of change for Dilke, who isolated himself from the Government and the Liberal party but began his rise to political prominence. It all began when Dilke supported Lord Hartington over Mr. Gladstone for the leadership of the Opposition. It increased with his contrary stand on the Eastern Question, which was the main issue of foreign policy from 1876 to 1878.

Dilke was completely in favor of the independence of Greece, and for all of the Balkans for that matter, but he disagreed with the Liberals on who should be the protector

of the area. The Liberals, in opposition to Lord Beaconsfield's government, favored the censure of Turkey and the extending of friendship to the Russians. Dilke said that of the two he preferred the Turks, whose despotism was less stifling.

These disagreements led him into closer agreement with the Conservative Government, and many Tories took closer interest in him. The agreement was not to last long, however, as Dilke was soon attacking the Government for the calling up of the reserves. The end result of the whole series of events was that men from both parties and all convictions, who had always considered the Chelsea Radical unapproachable, now sought his friendship and aid. In fact, no less a personage than Lord Beaconsfield was rumored to have said that, in his opinion, Sir Charles Dilke was the most useful and influential member among quite young men that he had ever known.¹²

This new-found popularity resulted in the ability to promote two important electoral reforms in 1878--the Registration Bill, which added a large number of voters to the rolls, and the Hours of Polling Bill, which extended the time of closing the polls from 4:00 P. M. to 8:00 P. M. and

12. Stephen Gwynn and Gertrude Tuckwell, The Life of the Right Honourable Sir Charles W. Dilke, (London: John Murray, 1918), I, 168.

benefitted a large number of workingmen.

The Dilke star continued to rise during 1879 when he achieved his greatest triumph in a motion for the censure of the attack by Sir Bartle Frere on the Zulus which resulted in a serious defeat of English troops at Isandhlwana.¹³ For this action, and the support of Sir George Trevelyan's motion for the enfranchising of Agricultural workers, Dilke received the acclaim of men of both parties. Rumor was widely spread that he was almost certain to become Prime Minister in the near future. He was even offered a safe seat for Manchester, with all expenses to be paid by the local committee, which he respectfully declined to accept.

In April of 1880 Charles Dilke stood for election in Chelsea and won for a third time. This election also saw a sweeping victory for the Liberal party and especially for Gladstone's Midlothian Campaign. This victory as much as assured Gladstone of the second Prime Ministry of his political career. The Radical strength in the new Parliament inspired Dilke and Chamberlain to have great hopes for advancement of the Radical cause. Certainly Gladstone must include a Radical in the Cabinet; and, if both Dilke and Chamberlain held out for the inclusion of the other, there

13. Herbert Paul, A History of Modern England, (London: Macmillan and Co., Ltd., 1905), V, 141.

might be two. This position soon became impossible to carry out and Chamberlain accepted the position of President of the Board of Trade, while Dilke became Undersecretary of the Foreign Office under Lord Granville.¹⁴

In the Foreign Office, Dilke became chief spokesman on foreign affairs in the House of Commons and was still able to remain leader of the Radicals in Parliament. Chamberlain kept him up to date on the proceedings of the Cabinet, and there was continued hope for Dilke's eventual elevation to cabinet rank.

Between 1880 and 1883, Dilke and Chamberlain kept the Government in constant turmoil with their threats of joint resignation in order to press for Radical goals, but each of them continued to fulfill the duties of his office in spite of these outbursts.

The first real opportunity for Dilke's advancement to the Cabinet came in the fall of 1881. The Coercion Act had been passed in order to calm conditions in Ireland, and the Irish leader, Charles Stewart Parnell, had been thrown into jail. The Irish Secretary, W. E. Forster, could not agree with Gladstone on the settlement with Parnell and thus resigned as Secretary in May of 1882. Dilke preferred Chamberlain for

14. Ponsonby, Victoria's secretary, says that, "Dilke was given the Undersecretaryship for Foreign Affairs after the Queen had extracted from him a written repudiation of his Republican views." Longford, op. cit., p. 435.

the Irish office (which both he and Chamberlain felt would be offered to one or the other of them) and felt that he should follow his associate into the Board of Trade. To their surprise, the post was filled by Lord Frederick Cavendish. Dilke's only consolation was that Cavendish had not entered the Cabinet and so it was just as well Dilke had not been asked. Dilke was even more relieved over the loss when the news arrived in London that Lord Cavendish and his secretary had been assassinated in Dublin only hours after he arrived to assume his duties as Irish Secretary.

A government reorganization followed the Phoenix Park Affair (so named because of the park where Cavendish and his secretary were murdered). This time Dilke was offered the Irish Secretaryship, without Cabinet rank. He, of course, refused under those conditions. Gladstone then appointed G. O. Trevelyan to the position.

In the fall of 1882, another government shuffle occurred because of a vacancy in the Duchy of Lancaster. Dilke was at first mentioned for this Cabinet position, but the Queen had not forgiven Dilke's attacks of 1871 enough to allow him that close to the Court. Gladstone then suggested Chamberlain for the Duchy, but Victoria would not have the Birmingham Radical either. Finally, she consented to J. G. Dodson's taking the Chancellorship of the Duchy, with the understanding that Dilke would replace him as President of the Local Government Board.

Sir Charles Dilke entered the Cabinet on December 27, 1882. The Queen seems to have resigned herself to the fact that Gladstone would include him somehow, sooner or later, and that she had best not infuriate Gladstone too much. She consoled herself by thinking of Dilke's good points.¹⁵

Dilke's star had now reached its zenith. At thirty-eight, he was the youngest member of the Cabinet and he had every reason to aspire to the leadership of the Liberal Party upon Gladstone's retirement, or soon thereafter.

During the remaining two years of Gladstone's second ministry, Dilke increased his prestige in the Cabinet, both at the Local Government Board and as Lord Granville's unofficial assistant on foreign affairs. In this own department Dilke worked for the creation of district and county councils and for the enactment of a new Government of London Bill. Possibly the most important thing he did, however, was to accept the Chairmanship of a Royal Commission on the Housing of the Working Classes. As on previous occasions, his labors during 1883 met with mixed success and failure. The plan for reorganizing the district and county councils was lacking in the depth necessary for passage on the floor of the House of Commons, and the Government of London Bill was so weakened in

15. Longford, *op. cit.*, p. 435. "Queen Victoria reckoned him a sound imperialist."

the Cabinet that it failed to pass its second reading.

The Royal Commission was another matter. Dilke's leadership and the choice of its members, although they were not all of his choosing, gained Sir Charles the praise of both the Queen and Gladstone.¹⁶ The net gains of the commission were not so prominent and consisted of only minor legislation that gave very little aid to the poor subjects of the investigation.

In foreign affairs, Dilke was often included in, or consulted on, high-level decisions. An example of this was the series of meetings held in January of 1884 which resulted in the sending of General Gordon to the Sudan for the purpose of evacuating British troops from the area at the earliest possible date. Dilke was as surprised as anyone about Gordon's decision to capture the entire Sudan without the authority to take such action. The impact of the defeat of Gordon at Khartoum the following January was that a political controversy over this matter shook the very foundations of Gladstone's ministry.

The year 1884 also saw Sir Charles working hard in support of Gladstone's Franchise Bill, which passed in the House of Commons on June 27th, and the Redistribution of

16. Included were the Prince of Wales, Cardinal Manning, Lord Salisbury, and a number of others of lesser importance.

Seats Bill, which satisfied the House of Lords and allowed the broadening of the franchise. Such bills were clearly in Dilke's area of the ministry and consumed much of his time. By August 9 he presented the first rough redistribution scheme to the Cabinet; on September 18 he produced a more detailed draft; and on November 28 all differences between the Liberals and the Conservatives had been worked out between Dilke and Lord Salisbury, the recognized leader of the Tories. The final plan for the Redistribution of Seats Bill was later passed by Lord Salisbury's ministry in July of 1885.

By early June of 1885 the Khartoum disaster, Chamberlain's Unauthorized Programme (a radical set of proposals for equalizing the benefits of England's increased standard of living), dissatisfaction over the Irish question, and the Russian invasion of Afghanistan were more than Gladstone's government could endure. When the Budget Bill was presented to the House on June 8, the thirty-nine Parnellite Irish members and six Liberals voted with the Opposition, and the Government was defeated by a margin of twelve votes. On June 24 Lord Salisbury formed a minority Government, and Sir Charles Dilke turned over the Local Government Board to Arthur Balfour.

The remainder of 1885 saw Dilke continue to preside over the Housing Commission and support the Opposition

leadership of Gladstone. Dilke's eminence continued to grow to a point that, in late summer, he was generally ranked only slightly behind the Marquess of Hartington as successor to Gladstone, if the latter decided to retire. The Liberals' prospect of winning in the fall general elections, to be held under the new franchise and redistribution acts, was considered very good. The future had never seemed so bright for Dilke.

The whole picture was shattered, however, in August. Donald Crawford, member of Parliament for Lanark, Scotland, filed suit for divorce from his wife and named Sir Charles Wentworth Dilke, M. P., as corespondent. Dilke was reelected from Chelsea in the general election, but was not offered a post in Gladstone's third ministry. In July of 1886, Charles Dilke was defeated in Chelsea for the first time since he entered politics in 1868.

CHAPTER III

CHARLES STEWART PARNELL

I. Biographical Sketch

Charles Stewart Parnell was born at Avondale, County Wicklow, Ireland, on June 27, 1846. He was the second son and eighth child of John Henry Parnell, a member of the landed gentry, and Delia Tudor Stewart Parnell, daughter of Commodore Charles Stewart of the United States Navy. The Parnell family had come to Ireland from England during the reign of Charles II and had built Avondale around the beginning of the nineteenth-century. By 1846 the family had developed a reputation for strong Irish nationalism. Unfortunately, John Henry Parnell had no interest in either politics or nationalism and preferred his fields and woods to Dublin and Westminster. Delia Parnell, on the other hand, was openly sympathetic to Irish nationalism and the Sinn Fein movement. As the grandchild of an American Revolutionary War veteran and the daughter of the so-called "American Nelson" of the War of 1812, any anti-British cause held appeal for her. Without a doubt this anti-British mother and the pro-Irish heritage influenced the ideas of the young Charles Parnell.

In 1852 Charles began his education, first at a girls' school at Yeovil, Somerset, and later privately under

the Reverend Barton at Kirk Langley, Derbyshire (1855), and the Reverend Wishaw at Chipping Norton, Oxfordshire (1863). The gaps between periods of schooling were, for the most part, the result of ill health. During this period Parnell's teachers found him to be an almost uncontrollable moody and hostile pupil. In 1865 Parnell entered Magdalene College, Cambridge. During the next four years he spent only a few weeks each term at Cambridge. It is little wonder then that when he left Magdalene College in 1869 he had neither attained a degree nor made any notable success in his studies.

From 1869 until 1872 Parnell assumed the role of landlord at his estate at Avondale¹ and lived the life of the typical young squire, making no achievements at all in education or politics.

During 1872 and 1873 Parnell travelled to the United States to visit his maternal relations and his brother, John, who had established a peach plantation in Alabama. In 1874 Parnell returned to Ireland, was elected High Sheriff of County Wicklow, and began to take an interest in politics. He had not yet shown any ability along these lines and since he was hardly a friend of the Fenians, as were his mother and sister Fanny, his political future looked dismal. He reluc-

1. John Henry Parnell's death in the summer of 1859 had left Charles in possession of Avondale.

tantly stood for Parliament in Dublin in the election of 1874 and was soundly defeated, perhaps because of his poor oratory and nervous appearance on platforms.

The death of John Martin, member for Meath, in 1875, gave Parnell a second chance. Campaigning actively, he was successful in this bid for public office and took his seat in the House of Commons on April 22, 1875,² the very day on which that body received its first taste of obstructionism at the hands of Joseph Gilles Biggar.

At this point it is important to note that the life of Charles Stewart Parnell from 1875 until 1890 falls into two distinct categories. The first was his political career, which will be discussed later in this chapter; the second was Parnell's relationship with Captain and Mrs. O'Shea. It is this second category that perhaps discloses best the peculiar nature of Charles Parnell's political career, the difficult conditions under which he was forced to work, and his embarkation on the treacherous but successful method of political obstruction of the deliberations of Parliament.

From 1875 until 1880, Parnell allowed himself no social life at all. He studied Parliament, practiced the obstruction

2. George Fisher Russell Barker, "Charles Stewart Parnell," Dictionary of National Biography, XV (1917), 332 ff.

tactics of Biggar, and travelled about Ireland attempting to rally all forces into one cohesive unit. In 1880 he and John Dillon toured the United States to raise funds for the nationalist movement. Parnell also campaigned widely in Ireland during the election which brought William E. Gladstone back to Number 10 Downing Street. All of Parnell's candidates were returned and he himself triumphed in three constituencies.

In that same 1880 election a young dandy of Irish birth but purely English ideas was returned from the County of Clare. Parnell did not care for him, but Captain William O'Shea has offered to pay not only his own expenses but also those of his Clare running-mate, O'Gorman Mahon. O'Shea immediately decided to secure his future in Irish politics by developing valuable political contacts. In order to accomplish this, he scheduled a series of dinner parties to be held at Thomas' Hotel in Berkeley Square, London, at which his wife, Katherine, acted as hostess, coming up from her house in Eltham, Kent, for these occasions. In fact, the O'Sheas had already ceased to live on amicable terms as early as 1874, but she was reluctant to bury herself in Kent and welcomed the occasional trips to London, even if she did not particularly yearn for the sight of her errant husband.

Katherine O'Shea soon became disturbed by the fact that the only invited political guest who never appeared at her

little parties was the Irish leader, Charles Parnell, although other guests were not surprised. Vexed by his refusals and the jibes of others, she vowed that, come what may, Parnell would attend her next party. To do this she had the leader paged from the floor of the House in July of 1880. Not only did he accept her personal invitation to dinner, and ultimately attend, but he also became enchanted with this woman who was so determined to seek him out.³

The fact that Parnell's original enchantment remained and grew with each passing day is amply demonstrated by his letters to Katherine O'Shea from Ireland. Barely two months after their first meeting a letter to her confided, "I may tell you also in confidence that I don't feel quite so content at the prospect of ten days' absence from London amongst the hills and valleys of Wicklow as I should have been three months since. The cause is mysterious, but perhaps you will help me to find it, or her, on my return."⁴ For Charles Parnell, whose previous fondness for his Avondale trips was striking, this statement tells the reader a great deal. This woman had truly made a deep impression upon him.

The attraction grew steadily, but it only created a

3. Katherine O'Shea Parnell, Charles Stewart Parnell: His Love Story and Political Life, (New York: George H. Doran Co., 1914), I, 125.

4. Parnell, ibid, 132.

more complex situation than the one in which Katherine already found herself at Eltham. Their mutual love now caused them to consider two alternative courses of action, neither of which was entirely satisfactory. First, they could seek to put an end to the loveless marriage between Katherine and Captain O'Shea; or, second, they could carry on a clandestine affair rather than publicize the relationship. If the former action should be chosen, the chance of winning a divorce suit under the laws of England would be remote. As a further complication, Mrs. Benjamin Wood, Katherine's aunt and total support, would undoubtedly have withdrawn the financial aid she was then rendering to Katherine, the children, and Captain O'Shea.

Under the circumstances, the only logical course to a woman who had witnessed and feared poverty and to the man who doted on her every desire was to maintain a clandestine relationship until the aunt should die, since Mrs. Wood was already eighty-seven at this time. Then a divorce could be arranged and Parnell and Katherine could consummate their love in marriage.

Thereafter Parnell would absent himself from London without informing his associates of his location and travel down to Eltham to be with his precious Katherine. Occasionally she would come up to London to be with him but usually only at times when he could not move far from Westminster and

the proceedings of the House of Commons because matters vital to Ireland were being discussed.

Apparently Mrs. Wood never suspected the deception, but as much cannot be said for Captain O'Shea. He seems to have discovered the arrangement during the summer of 1881, and he promptly challenged Parnell to a duel. Parnell was perfectly willing to give satisfaction, but Katherine prevailed upon him and he somehow managed to reconcile the Captain to the situation. From then on the Captain cooperated in an amicable manner, as long as his political future depended upon Parnell's support of him in Ireland and Mrs. Wood's money kept him living in style in London. Periodically he would defend his honor on those occasions when the press would drop hints of the Parnell-O'Shea love affair; but these defenses were usually a demand for, and an acceptance of, explanations from his wife.⁵

A controversy has arisen about the degree of knowledge which Captain O'Shea possessed about the affair. It has been suggested by some that he was completely ignorant of the nature of his wife's relationship with his political leader. Henry Harrison, in his Parnell Vindicated (1931), which was based on interviews he had with Mrs. O'Shea; Katherine O'Shea.

5. Francis S. L. Lyons, The Fall of Parnell, (Toronto: University of Toronto Press, 1960), p. 53.

herself in a book published later; and F. S. L. Lyons, in his The Fall of Parnell (1960), all attest to the narrow possibility of this belief. Unless Katherine had been maintaining relations with both of the men simultaneously, the births of children in 1882, 1883, and 1884 would have left no doubt in the mind of Captain O'Shea that an affair did exist.⁶

Assuming knowledge and collusion on the part of Captain O'Shea, let us attempt to discover what prompted him to file suit for divorce from Katherine in December of 1889. In the first place, Parnell was no longer a political necessity to O'Shea; and the Captain now placed his future on the rising star of the Birmingham Radical, Joseph Chamberlain, with whom he had communicated on a number of occasions in negotiating the Kilmainham Treaty of 1881. Secondly, Mrs. Benjamin Wood died early in 1889, leaving the bulk of her estate (estimated by O'Shea at £200,000) to Katherine as had been expected all along by both Captain and Mrs. O'Shea. However, the estate was not willed to them jointly as he had assumed it would be. He had waited for nothing! His collusion had netted him no benefit whatsoever and his financial future seemed very dismal.

6. Although this was not used to defend O'Shea's ignorance of the affair, Joan Haslip states, in her Parnell, (New York: Frederick A. Stokes Co., 1937), that the evidence seems to indicate that Katherine was indeed having relations with both men during these years, p. 172.

Fortunately for Captain O'Shea, the other survivors of the Wood family contested the will and the estate became involved in litigation. His course was clear. If he could convince the authorities that Katherine's faithful service to her aunt was accompanied by deception and immorality, of which he was of course unaware, then she would be unlikely to inherit the entire estate. Certainly the other survivors would be grateful enough to him to share the inheritance which he had brought into their hands.

Prior to making the final decision, O'Shea communicated his plans to Cardinal Manning, who advised against divorce. O'Shea ignored this advice and on December 24, 1889, filed legal action for divorce from Katherine Wood O'Shea on the grounds of adultery and named Charles Stewart Parnell as corespondent.

II. Political Career

As has been stated, Parnell was returned to the House of Commons from the constituency of Meath in a by-election in 1875. During this first session he spoke fifteen times but left no particular impression on that body. More important, however, was the fact that he was able to observe J. G. Biggar, the obstructionist Irish member who chose not to follow the moderate leadership of Isaac Butts in dealing with the English members of the House. Biggar's parliamentary tactic

made a profound impression on the young Parnell. He immediately realized the greater value to Ireland of obstruction and adopted it himself to the delight of Biggar and the displeasure of Butts, Gladstone, and the English members.

Parnell seems to have inspired the Irish members to follow him in stalling the business of the House in order to call attention to the needs of Ireland. It is not surprising that, when Isaac Butts died on May 5, 1879, Parnell was elected as leader of the Irish Parliamentary Party and obstruction became the official policy of the delegation. Parnell realized that this parliamentary tactic would not in itself gain Ireland the things she needed most. He saw that only a collective force, combining all of the nationalist movements and led by the Parliamentary Party, could achieve these goals. Therefore Parnell joined forces with Michael Davitt in founding the Land League and urging the Fenians and other nationalists to join with the Parliamentary Party in presenting a united voice of Ireland to England and the world.

Parnell also travelled to the United States to rally the support of Irish nationalists there, urging them to accept his views and cooperate with this "new departure" from previous Irish policy. The American Clan-na-Gael did accept this innovation, with some reservations, and Parnell returned to Ireland with promises of moral and financial support for

the Land League and the unification of all Irish factions.

In the election of 1880 Parnell was returned from three Irish constituencies, Meath, Mayo, and Cork. He chose to sit for the latter. The Land League grew and became more popular with the people of Ireland, but it was strongly opposed in England because of the use of the boycott against landlords who foreclosed on mortgages, against their agents, and against the Irishmen who rented cottages from which others had been evicted. Parnell and thirteen other Land League leaders were arrested in November and tried for inciting the people to unjust acts, but the jury dismissed the case.

During 1881 Parnell continued to obstruct Parliament and opposed the unsatisfactory Irish Land Bill. In October his leadership of the Land League again led to his arrest and imprisonment in Kilmainham prison. It was from this place that Parnell negotiated with Prime Minister Gladstone, through Captain O'Shea and Joseph Chamberlain, on possible Home Rule legislation to end lawlessness and injustice in Ireland. Finally the so-called "Kilmainham Treaty" was concluded, which guaranteed Parnell's cooperation and the use of his influence if Gladstone's government would press Home Rule legislation for Ireland. As a result of this arrangement Parnell was released from prison in May of 1882.

During the following years Parnell's unique political

career and personal prestige rose to new heights in England as well as Ireland. Although the Home Rule Bill failed he won the advantage in continued cooperation with Gladstone, and he honestly believed that Gladstone was the only man who could push Home Rule through Parliament. Parnell was therefore doubly disappointed and dissatisfied with the Irish program of the Liberal Party in 1885. A breach between himself and Gladstone resulted, and Parnell negotiated with Lord Randolph Churchill in order to obtain a more suitable arrangement from the Conservatives. Parnell's demands, such as the restoration of Grattan's parliament and the right of Ireland to tax all imports, even British goods, made it perfectly clear that he was playing the two English parties against each other for Ireland's gain. Gladstone, wary of the opinions of the Whigs in his party, could not meet Parnell's demands; and Ireland's support was thrown to the Conservatives, bringing about the failure of the Liberals to gain a majority in the elections of 1885. Unfortunately for Parnell and Ireland the Conservative government of Lord Salisbury was disappointed in the election returns and became even more oppressive than the Liberals had ever been in Ireland. The Salisbury government therefore caused Parnell to admit his mistake; and it in turn fell to the Liberals in 1886.

Again Parnell placed all of his hopes in the ability

of the Liberals to relieve Ireland's woes, and he introduced a Land Bill for the reduction of rents fixed before 1885 as an immediate step for the relief of Irish tenants in distress. The bill failed by a majority of ninety-five in the House and lawlessness again broke loose in Ireland. Parnell either could not or would not stop this.⁷

In April of 1887 the London Times began a series of articles on the subject of "Parnellism and Crime." The editors claimed to possess letters connecting Parnell directly with atrocities in Ireland, one of which was a letter linking him with the Phoenix Park murders of Lord Cavendish and his secretary Burke. Parnell denied the charges calmly before the House of Commons and in early 1888 asked for a Select Committee to investigate the charges. The Times had not expected him to do so because of the facts about extremism in Ireland which might be detrimental to him. Instead of the Select Committee a commission of judges was appointed to investigate. The commission held hearings throughout the winter of 1888-89 and established that the letters in question were the clever forgeries of one Richard Pigott, a disreputable Dublin journalist whose desire for money knew no political ties, loyalty, or

7. Herbert Paul, A History of Modern England, (London: Macmillan and Co., Ltd., 1905), V, 81-82.

patriotism.⁸ Parnell was exonerated and awarded costs of £5,000 from The Times.

It now seemed as though Charles Stewart Parnell was invulnerable as a political leader and was riding the crest of a tide of popularity bearing him aloft as a sort of messiah for the salvation of oppressed Ireland. The great triumph was soon shattered, however, for on Christmas Eve, 1889, Captain William O'Shea filed his petition for divorce from Katherine O'Shea, naming Charles Parnell as corespondent.

8. In My Life and Loves, (New York: Grove Press, Inc., 1963), p. 684, Frank Harris states that Pigott offered him, as editor of the Fortnightly Review, these letters prior to selling them to The Times. It should be recognized that Frank Harris did have the reputation of being a scandal monger who was not always careful with the truth.

CHAPTER IV

DILKE AND PARNELL: A COMPARISON

I. Similarities

From the foregoing biographical sketches of two of the most controversial of the numerous late Victorian political figures, the reader should be able to discover a number of striking similarities in their personal lives and political careers.

First, the two men were born within three years of each other during a time of political turmoil and expansion of popular government among British peoples in both England and Ireland. Second, the family into which each was born was upper middle-class landed gentry and each had some background of political awareness.¹ Third, both young men received private educations during their formative years and each was admitted to Cambridge University at the age of nineteen. Fourth, each was a traveller, Dilke more widely because of his world tours, since Parnell limited his journeys to the United States and the Continent. Fifth, each entered active politics and the English House of Commons at a relatively early age,² and both gained a reputation there for championing an unorthodox phil-

1. Sir Wentworth Dilke sat in Parliament; the Parnells were pro-Irish; and the Stewarts were anti-British.

2. Dilke was twenty-five; Parnell was twenty-nine.

osophy as compared to that of their party leadership.

By the same token each was something of a gadfly to the governments in office between 1868 and 1886, Dilke by his attacks on the Queen and the Civil List, and Parnell by his Irish Obstructionism. Moreover, both men gained a certain prominence, popularity, and significant political power during the relatively short time they sat in Parliament. Dilke was mentioned as a likely future Prime Minister during 1885 and 1886, while Parnell was clearly recognized as the "uncrowned king of Ireland."

Finally, both were toppled from the height of political prominence because of involvement in a divorce action in which they were named corespondents.

II. Differences

While the facts outlined above show a number of close parallels in the private lives and careers of the two subjects of this paper, there are also a number of significant differences that should be taken into consideration in such a comparison.

First, the respective educational histories show wide variances. Dilke apparently encountered little difficulty with his studies, attained both the baccalaureate and the masters degrees, became prominent in debating in the Cambridge Union, and received a number of scholastic awards. Parnell's

educational career, from beginning to end, was characterized by both scholastic and behavioral difficulties and self-isolation, and he left Magdalene College without having taken a degree and attained no lasting record at college. Certainly these show personality differences, and perhaps difference of academic ability. Second, Dilke married twice, in 1872 and again in 1885, while Parnell remained a bachelor until the final year of his life. Third, although they were radicals, their political creeds were not the least compatible, in spite of Dilke's support of Gladstone's leadership in the area of Local Government for Ireland while he was in the cabinet. Fourth, on the rare occasions when Dilke and Parnell met, neither seems to have made a very lasting impression on the other. Finally, the private lives of the two, as revealed in the divorce cases of Crawford v. Crawford and O'Shea v. O'Shea, seem to indicate questionable moral conduct and poor judgment of people on the part of Dilke, but obvious and prolonged violation of the moral customs of the day on the part of the more calculating Parnell.

So evenly balanced are the similarities and differences of these two Victorian figures and their careers that, in the opinion of the writer, they furnish excellent examples by which to judge the English moral beliefs of the late nineteenth century. This in turn tends to validate a comparison of the divorce cases in which they were involved.

CHAPTER V

DIVORCE LAW IN ENGLAND

I. History

Modern divorce customs in England seem to have had their origin in the sixteenth century as a result of the desire of King Henry VIII to divest himself of his first wife, Catherine of Aragon, and remove the control of the Roman Catholic Church over matters spiritual and temporal in his realm.

The tactics he used differed substantially from those of the Protestant Reformation in Europe. Lutherans and Calvinists were repudiating control by the Church of Rome, denying the sacramental character of marriage, and teaching the dissolution of the bond where adultery could be proven. With few exceptions, remarriage was generally allowed following divorce proceedings. The High Church of England, however, continued to uphold the indissoluble character of marriage. The only exceptions to this rule were by private act of the English Parliament.¹

Agitation for more liberal divorce legislation may be found throughout the social history of England and should not

1. Final Report of the Committee on Procedure in Matrimonial Causes, (London: His Majesty's Stationery Office, 1947), Command 7024, p. 6.

be considered as a nineteenth-century phenomenon, even though it was in that period that the first marriage law reform was achieved.

John Milton, in the seventeenth century, had examined the problem and wrote several pamphlets in favor of liberalizing divorce.² Mary Wollstonecraft Godwin, in the late eighteenth century, published Vindication of the Rights of Woman, an excellent analogy of the inequality of the double standard used in the decision to grant private divorce acts in Parliament. In this work Mrs. Godwin explores the hopeless finality of loveless marriage for the downtrodden woman.³

The agitation was also championed by the great Utilitarian, Jeremy Bentham, and his disciple, John Stuart Mill. The latter approached the problem from a philosophical standpoint rather than following Bentham's Utilitarian argument.⁴ All of these notable English literary figures contributed to the promotion of inquiry into the justice of divorce procedures.

2. The Doctrine and Discipline of Divorce, 1643; The Judgment of Martin Bucer, Concerning Divorce, 1644; Tetrachordon, and Colasterion, 1645; all of these probably stemmed from Milton's unhappy marriage to Mary Powell. James H. Hanford, Encyclopedia Americana, (New York: Americana Corp., 1967), XIX, 136.

3. Published by Everyman's Library in London, 1929, along with The Subjection of Women, by John Stuart Mill.

4. Bentham in his Treatises on Civil and Penal Legislation, 1802, and Mill in Parliament and in The Subjection of Women, 1869.

The jurisdiction in all cases and in all considerations of the marriage laws lay in the hands of the Ecclesiastical Courts of England from the English Reformation until the middle of the nineteenth century.⁵ The primary role of these Courts in cases of marital difficulty was chiefly one of attempting reconciliation. Considering this fact, one need not wonder why divorce, though a legal redress for an unbearable situation since the sixteenth century, was neither generally nor financially available to the middle and lower classes in England and was in fact still considered unspeakably disgraceful. As an example, it was not until 1887 that Queen Victoria would allow even the innocent party to a divorce suit to attend court.⁶

By 1853 agitation had resulted in the appointment of the first Royal Commission on Divorce Laws. The commission was composed of Lord Campbell, Lord Beaumont, Lord Redesdale, Dr. Lushington, and Messrs. Pleydell Bouverie, Spencer Walpole, and William Page Wood. After due deliberation, the commission found little at fault with the law, as it stood, but advocated

5. George M. Young and W. D. Handcock, English Historical Documents, 1833-1876, (New York: Oxford University Press, 1956), XII, 531.

6. Robert C. K. Ensor, England 1870-1914, (Oxford: Clarendon Press, 1936), p. 169.

that divorce procedure be "amplified, simplified and cheapened."⁷

The bill which resulted from the recommendation of the Royal Commission never reached the floor of the House of Commons, since the Crimean War kept it from any consideration during the balance of the session of 1854. The bill was introduced by Lord Palmerston's ministry of 1856, but it failed to pass the House of Commons.

A striking summing-up by Mr. Justice Manle in a bigamy case at the Warwick assizes in 1845, the report of the Royal Commission, and the bills introduced in 1854 and 1856 had, however, prepared the public mind for some alteration of the law. The bill, especially that clause which enabled the guilty parties to marry again, was vigorously resisted by William E. Gladstone--who was much influenced in the matter by Bishop Wilberforce--initially on the second reading and then clause by clause in committee.⁸ The number of speeches which Gladstone made in committee is said to have exceeded a hundred. But his efforts were in vain.⁹ Lord Palmerston in reintro-

7. Francis Gribble, The Fight for Divorce, (London: Hurst and Blackett, Ltd., 1932), p. 191.

8. This is recorded in greater degree in Gladstone's Gleanings, VI, 106, and in John Morley's Gladstone, I, 568-72.

9. William Hunt and Reginald L. Poole, (editors), A. Political History of England, (London: Longmans, Green and Co., 1907), XII, 160-61.

ducing the bill in 1857 declared that it must be passed if the House sat until October, and it was indeed passed on August 21, 1857.¹⁰

The House of Lords put up only token opposition, chiefly from the Ecclesiastical members such as Bishop Wilberforce, on the grounds that the legislation was ill-advised in matters spiritual. The act therefore passed both Houses of the Parliament, received Royal Assent, and became a part of the Law of England.¹¹

II. The Divorce and Matrimonial Causes Act of 1857

The Act primarily provided that a court be established with exclusive jurisdiction in Matters Matrimonial in England and with authority in certain cases to decree the dissolution of marriage, leaving the parties free to marry again as soon as it was clear that there would be no appeal from the decision.¹² A petition for divorce was now placed on the same footing as any other civil action. In 1860 and 1866 addi-

10. There is some contradiction as to Palmerston's statement. Hunt and Poole record his saying, "if the house sat till October," but in Hansard's Parliamentary Debates, 3d Series, CXLVII, 1996, it is stated "we will sit till September if it be necessary."

11. Herbert Paul, A History of Modern England, (London: Macmillan and Co., Ltd., 1906), II, 89.

12. Young and Handcock, op. cit., p. 351.

tional Matrimonial Causes Acts were passed to prevent abuse of the new privilege by the addition of the decree in two parts: the first, granted at the time of the hearing, was to be provisional. The second, the decree nisi, would take effect after a certain period of time if the Queen's Proctor did not intervene in the interim.¹³ This intervention could come about in cases where an outside party wished to challenge the decree, where collusion between the divorce litigants could be proven, or where there were new material facts that had not been produced at the original hearings.

The jurisdiction of this court was, by Section Sixteen of the Judicature Act of 1873, vested in Her Majesty's High Court of Justice and, by Section Thirty-four of the same act, assigned to the Probate, Divorce, and Admiralty Division of that Court.¹⁴ The roles of the principles in divorce cases were outlined as follows:

Plaintiff. The Plaintiff, or the party bringing the action, by Section Twenty-seven of the Act, if the husband, need only prove that his wife had been guilty of adultery since the marriage. If the Plaintiff was the wife she must

13. The Matrimonial Causes Act of 1860 set the interim at three months; the Matrimonial Causes Act of 1866 increased this to six months.

14. Napoleon Argles, How to Obtain a Divorce, (London: Effingham, Wilson and Co., 1895), p. 1.

prove adultery, but also that it was coupled with either incest, bigamy, rape, sodomy or bestiality, cruelty, or desertion without reasonable excuse for two years or upward. If the decree was thus granted and no collusion or nullifying evidence were proven by the Queen's Proctor, the final decree nisi would be awarded in six months time.¹⁵

Respondent. The Respondent, or the party against whom the action was directed, might, upon notification of the suit against him or her, obtain counsel and plead innocence or file counter charges. In such cases the same evidence would be required of the Respondent as that demanded of the Plaintiff.

Corespondent. The Corespondent, or the party with whom the adultery was alleged to have occurred, might, upon notification of the charge against him or her, obtain counsel and plead innocence. If both Plaintiff and Corespondent were male, and if the Plaintiff proved the charge, the Corespondent was required to pay damages to the Plaintiff. If both Plaintiff and Corespondent were female, the guilty Corespondent would be under no such obligation.

The English clergy generally refused to recognize the religious validity of the Act and declined to marry a divorced person.¹⁶

15. Argles, ibid, p. 77.

16. Hunt and Poole, op. cit., p. 161.

This document obviously left much to be desired, especially from the standpoint of any woman who became involved as either Respondent or Plaintiff, but it was a giant step toward erasing some of the social ills that plagued nineteenth-century English morality. The law as adjusted from time to time stands as the cornerstone of English divorce proceedings. There has never been a bill introduced in Parliament to make private and voluntary acts of normal sex expression punishable by the criminal law.¹⁷

The Divorce and Matrimonial Causes Act of 1857, as amended in 1860 and 1866, was the law under which suits were brought against the principles of this paper: Sir Charles Wentworth Dilke in 1886, and Charles Stewart Parnell in 1889.

17. Geoffrey May, Social Control of Sex Expression, (New York: William Morrow and Co., 1930), p. 221.

CHAPTER VI

CRAWFORD v. CRAWFORD

As of the early part of July, 1885 Donald Crawford, member of Parliament for Lanark, Scotland, had received several anonymous letters whose exact authorship was never conclusively determined, but which accused Mrs. Crawford of infidelity. Some of the letters also named "the member for Chelsea" as the guilty man in the affair.

The forty-eight-year-old Crawford suspected that these accusations about his wife might be true inasmuch as she was considerably his junior at twenty-two and their four-year marriage had not been the most ideal match.

As to the charge against Dilke in the letters there seems to have been some doubt as to Crawford's opinion. The letters did not change his courtesy toward the member for Chelsea in their chance meetings in the House of Commons or elsewhere. Certainly this would not have been the case if Crawford had believed the letters. There does exist one possibility, however, that might have led him to force himself to be courteous to Sir Charles. Crawford was at that time attempting to advance himself into the Home Office and would not have been likely to offend publicly one of the Queen's ministers. Evidence has also come to light that Crawford suspected another man of the adultery and hired a

detective to observe his wife's actions and movements during June of 1885.

A final letter arrived on July 17 which called Crawford a fool and accused him of being afraid to touch the traitor. Crawford proceeded to his wife's room, confronted her with the accusations made against her honor, and asked for an explanation. Mrs. Crawford broke down and confessed her infidelity naming Sir Charles Dilke as "the man who ruined me."¹ She also confessed other indiscretions but asked Crawford not to ruin or implicate anyone else.

Two days later a Mrs. Rogerson, a friend of the Dilke family, informed Sir Charles of these developments. Mrs. Crawford had come to Mrs. Rogerson and told her everything that had taken place. Sir Charles immediately contacted his friends, Joseph Chamberlain, Sir Henry James, and J. B. Balfour for advice. James and Balfour approached Mr. Crawford and exerted every effort to settle the charges out of the public eye. Crawford remained unmoved by their suggestions and offers. The petition for divorce was filed on August 5, 1885 against Virginia Crawford and Sir Charles Wentworth Dilke.²

1. James L. Garvin, The Life of Joseph Chamberlain, (London: Macmillan and Co., Ltd., 1933), II, 41.

2. Roy Jenkins, Victorian Scandal, (New York: Chilmark Press, 1965), p. 223.

Dilke's spirits, which had risen somewhat by knowing that James and Balfour were in contact with Crawford between July 19 and August 5, sunk deep when the news of the divorce petition reached him. Chiefly he was concerned for the feelings of his intended bride, Emilia Pattison.

Sir Charles' immediate reaction was to offer his resignation from Parliament; but Chamberlain, his fellow Radical, convinced him that this would be foolish and might be viewed as an admission of guilt. Instead, Chamberlain suggested that Dilke come to his home at Highbury, near Birmingham, for a rest. This was undoubtedly a wise decision, since Dilke had been working quite hard on the Redistribution of Seats Bill and at the Local Government Board. The shock of the divorce petition had placed him under great mental strain and he was near a physical collapse. While at Highbury Sir Charles communicated frequently with Mrs. Pattison concerning his feelings about the Crawford matter. He also kept up with his office correspondence and regained some of his old vigor by exercise and rest.

It was during this time that Mrs. Pattison sent Dilke from her retreat in Madras a telegram of reassurance of his innocence and, on August 18, she announced the engagement of herself and Sir Charles in the London Times. When Dilke left Highbury in mid-September he crossed over to Paris to await her arrival. The couple returned to London and were married

in the Chelsea Parish Church on October 3, 1885,³ well before the Crawford case had come to trial and most likely the time had been moved up as a gesture of confidence that Dilke needed at the time. The couple did not return to 76 Sloane Street until early November, having stayed at the Oatlands Park Hotel near Weybridge.

In spite of the scandal surrounding his name Dilke was persuaded to stand for election in Chelsea in November, 1885. He managed to poll 4,291 votes to 4,116 for his Conservative opponent.⁴ He was not, however, included in the third Gladstone Government that was formed in January, 1886. Gladstone himself does not seem to have been affected by the scandal, in his attitude toward Sir Charles, but the pressure from Buckingham Palace was more than the Prime Minister could withstand.⁵ Therefore when the new Parliament was seated Dilke assumed a seat behind Gladstone in the House of Commons. He gave his

3. Garvin, op. cit., p. 41.

4. Chelsea had become a single member constituency under Dilke's own Redistribution of Seats Bill, passed in July, 1885.

5. Virginia Cowles, in her Gay Monarch (New York: Harper and Bros., 1956), (also published in England as Edward VII and His Circle), p. 167, says that, "to her (Victoria's) intense relief, came a scandal which ruined Dilke's career, and removed him once and for all from the Queen's notice." Elizabeth Longford in her Queen Victoria: Born to Succeed, (New York: Harper and Row, 1964), p. 486, says, "she (the Queen) prided herself on keeping Dilke out altogether;..." from the Government in 1886.

support to the Home Rule Bill but was far too preoccupied with the Crawford matter to stand out as an effective member during January and February.

I. The First Trial

The hearing on the divorce petition of Crawford v. Crawford was held before Mr. Justice Butt on Friday, February 12, 1886. The petitioner, Mr. Crawford, was represented by Mr. Inderwick, Q. C.; the respondent, Mrs. Crawford, was neither in attendance nor represented by counsel; Sir Charles Dilke was represented by the Attorney-General, Sir Charles Russell, and the former Liberal Attorney-General, Sir Henry James. Joseph Chamberlain was also present for non-technical assistance and consultation.

Mr. Crawford was placed in the witness box and repeated the detailed, circumstantial confession of his wife which, if true, implicated Sir Charles Dilke alone. Two witnesses were called for the petitioner. Anne Jamieson, the Crawford's former parlormaid, testified to Mrs. Crawford's absence overnight from the home on two occasions and to several calls paid to Mrs. Crawford by Sir Charles Dilke. She also entered the name of Captain Forster as a similar visitor during 1884. The second witness was George Ball, a butler in the home of Mrs. Robert Harrison, Mrs. Crawford's sister, who refuted the explanation given by Mrs. Crawford concerning her whereabouts

on the two occasions of overnight absence that Miss Jamieson had mentioned.⁶ This was the entire case for the petitioner.

On the basis of such a weak case against Dilke; the absence of a vital defense witness, Fanny Stock; Mrs. Crawford's absence--and the possibility of dangerous and irrelevant cross-examination of Dilke by Inderwick--Russell, James, and Chamberlain agreed that Dilke should not go into the witness box in his own defense. Dilke reluctantly accepted the advice of counsel and was thus placed in a position of not being able to repudiate, either individually or through his defense counsel, the statements which so gravely affected his character and reputation.⁷ In all fairness to the counsel and Chamberlain it should be noted that the absence of a corroborating witness like Fanny Stock, who was mentioned in Mrs. Crawford's confession, seriously hampered the success of an active case for the defense. In addition certain hints about Dilke's relations--some years before--with Mrs. Crawford's mother, Mrs. Eustace Smith, were also revealed in the confession and subject to cross-examination by counsel for the petitioner.

Mr. Justice Butt on reviewing the evidence brought

6. Jenkins, op. cit., p. 236.

7. London Times, Saturday, February 13, 1886, 9.

before him agreed with the decision of Dilke's counsel, saying "It appears to be the Law of England--in fact, there is no doubt of it--that such a confession, though evidence against her who makes it, is not evidence against any other person."⁸ Therefore he granted the decree nisi⁹ against the respondent and dismissed the charge against Sir Charles Dilke with costs to be paid by Mr. Crawford.

This really amounted to two separate decisions which ran counter to each other, and was therefore open to question. It appeared as if Mrs. Crawford, against whom the action was brought and against whom the decree nisi was handed down, had indeed committed adultery; but that the only corespondent mentioned in the case, Dilke, had not committed adultery with her. Although Sir Charles was thus exonerated by the court, with costs, the decision to keep him out of the witness box was generally viewed as damning evidence against his innocence.

II. Public Reaction

On February 16, four days after the hearing of the case of Crawford v. Crawford, the public began to voice its

8. Times, loc. cit.

9. The decree nisi was a conditional decree of divorce, to be published after a period of six months, if the Queen's Proctor did not intervene to prevent publication.

disapproval over the decision. Its foremost spokesman emerged in the person of William T. Stead, editor of London's Pall Mall Gazette. Stead was said by some to be a puritan who was overly fascinated by sex scandals, but he now acted so as to voice the questions that all London was asking. Why had Sir Charles Dilke refused to take the witness box to clear his name? Did he have something worse to hide than Crawford's accusations?

The first blow of what eventually became a campaign to get at the truth came in a page one editorial in the Pall Mall Gazette of February 16. The editorial demanded that Sir Charles resign from his seat in the House of Commons. Stead claimed that Dilke had promised the electors of Chelsea, the previous August, that he would do this if he could not clear his name during the trial. The tone of the editorial was generally friendly to Dilke, but the demand for action was clear. This article launched a newspaper campaign which lasted, on and off, until the intervention of the Queen's Proctor that came in July.

Stead's immediate program was, first, to report information, such as the rumor that Dilke's counsel and his friend, Joseph Chamberlain, had been responsible for the decision to stay out of the witness box;¹⁰ second, to report developments,

10. Pall Mall Gazette, Friday, February 19, 1886, 8.

such as the vote of confidence given to Dilke by the Chelsea Liberal and Radical Association;¹¹ and third, to report what other journalists were saying about the subject.¹²

On Monday, February 22, Stead temporarily changed the direction of his criticism to answer the letters reaching the Pall Mall Gazette offices. Dilke was pushed into the background as Stead demanded an explanation of Joseph Chamberlain's advice to Dilke during the trial; as he questioned the wisdom of Mr. Justice Butt's decision; and as he strongly advocated intervention by the Queen's Proctor if legally and technically possible, or action by the Queen's Ministers if intervention were not legal. It was also in this issue of the paper that Dilke's supporters began to respond to the articles of the previous week. An anonymous article entitled, "The Case for Sir Charles Dilke: By One Who Knows It" was carried on the same page as Stead's new three-pronged attack.¹³

For the balance of that week the Pall Mall Gazette

11. Ibid., Saturday, February 20, 1886, 3.

12. Birmingham Daily Times, Derby Daily Telegraph, Kensington Review, Law Times, Saturday Review, Spectator, Tablet, Weekly Register Yorkshire Post of February 19, 1866, as reprinted in the Pall Mall Gazette, Saturday, February 20, 1886, 11.

13. Pall Mall Gazette, Monday, February 22, 1886, 1-2.

encouraged comments from private citizens and continued to publish reports from other newspapers.¹⁴

On the 25th an article on page eight gave an account of a speech by Stead the previous evening before a meeting on Social Purity. Stead did not introduce the subject of Dilke but gave his views on the matter. He showed a friendly opinion toward Dilke personally, but made it clear that much was still left unanswered.

Letters now began to arrive at Stead's office which laid the blame on Chamberlain alone for Dilke's decision to stay out of the box. The Daily News criticized Stead for not publishing the letters of rebuttal sent by Chamberlain. Stead quoted these charges and answered them by saying that the Chamberlain letters were marked "private."¹⁵

Having received permission from Chamberlain to do so, Stead published the letters and his answers to them on the first two pages of the February 27 issue of the Pall Mall Gazette. The essence of this correspondence was that Stead wanted a statement from Chamberlain, who at first showed no desire to cooperate but later claimed that he had acted in Dilke's interest.

14. Liverpool Daily Post, Manchester Courier, Manchester Guardian, Sheffield Independent of February 22 (carried by the Pall Mall Gazette, Tuesday, February 23, 1886, 8.)

15. Op. cit., Friday, February 26, 1886, 8.

By the following week Stead was relaying quotes from a wider range of newspapers, some from overseas, such as the New York Herald and the New York Tribune,¹⁶ as well as other English papers not previously cited in the Pall Mall Gazette on this subject.¹⁷

During the next three weeks interest in Dilke and the Crawfords seems to have lagged slightly. Between March 4 and 24 the only articles that Stead and his staff carried were those involving a series of statements and answers between a J. Colquhoun Reade, who demanded Dilke's immediate resignation, and G. W. Osborn, the President of the Chelsea Liberal Association, who argued against any such action.¹⁸

On March 24 Stead resumed the offensive by announcing that in the future the Pall Mall Gazette would be happy to serve as a sounding board for those citizens interested in voicing disfavor of Dilke's conduct, and as a gathering agency for the names and addresses of Sir Charles' opponents.¹⁹

On March 27 an "Occasional Note" was carried which gave an account of an incident of the previous evening in the House

16. Ibid., Monday, March 1, 1886, 3.

17. Birmingham Post, Liverpool Courier, Liverpool Post (carried by the Pall Mall Gazette, Thursday, March 4, 1886, 8.)

18. Pall Mall Gazette, Monday, March 15, 1886, 13, (Mr. Reade); Wednesday, March 17, 1886, 13, (Mr. Osborn); Friday, March 19, 1886, 3, (Mr. Reade).

19. Ibid., Wednesday, March 24, 1886, 4.

of Commons. It seems as though an H. J. Wilson, M. P., had insulted Dilke by complaining about the double standard practiced by the Divorce Court. Dilke replied by challenging Wilson to fight a duel.²⁰

In early April the Pall Mall Gazette began to relay rumors it had received that the Queen's Proctor, Sir Alexander Stephenson, was about to intervene to stop the Crawford decree nisi from becoming final. By the middle of the month it was reported that both Sir Charles Dilke and Mr. Crawford had given the Queen's Proctor all of the evidence at their disposal.²¹

By early May the public opinion program of Stead and other journalists finally moved Dilke to action. He appeared before a called meeting of the Liberal Electors of Chelsea on May 3 and issued an address, dubbed by Stead as "Dilke's Apologia," which laid the whole situation before his constituents. Stead published an account of the meeting and an editorial congratulating Dilke for having taken this long overdue step toward clearing his name.²² It is interesting to note that a part of Dilke's address was correspondence between himself

20. Ibid., Saturday, March 27, 1886, 8.

21. Ibid., Thursday, April 15, 1886, 3.

22. Ibid., Tuesday, May 4, 1886, 8, ("Apologia");

1 (Stead)

and the Queen's Proctor concerning intervention to prevent the Crawford decree from becoming final.

A second period of lagging interest in the Dilke matter followed as the Pall Mall Gazette seemed content to wait for the intervention by the Queen's Proctor. Occasionally Stead would attack critical opposition newspapers, such as the Daily News, which Stead labelled as a fair weather friend of Dilke that had turned against him now that he had done the right thing;²³ and to report information about Dilke, such as his election to the presidency of the Chiswick, Turham-Green, Gunnersbury, and Bedford Park Amalgamated Liberal Association.²⁴

In June Dilke decided to stand for election in Chelsea in spite of the impending intervention. Stead published a page-one editorial entitled "How Should Chelsea Vote?"

This editorial was firm in advocating that elected members of Parliament ought to be of high moral character, regardless of party consideration. It also proposed that, if elected, Sir Charles Dilke promise to resign if the decree nisi was made final, and if he were given the opportunity to cross-examine Mrs. Crawford and her evidence.²⁵ Stead's final

23. Ibid., Wednesday, May 5, 1886, 4.

24. Ibid., Monday, May 17, 1886, 9.

25. Ibid., Thursday, June 24, 1886, 1.

published comment, before the intervention of the Queen's Proctor, stated that it was regrettable that Dilke had been refused the privilege of cross-examining Mrs. Crawford during the upcoming hearing.²⁶

The newspaper crusade on public indignation had a definite affect on public opinion as to Dilke's character. London, and all of England for that matter, was incensed by his questionable activities and his failure to deny the charges in open court. The Queen herself voiced disgust and her instinctive hatred of the predatory Victorian male as exemplified by Dilke.²⁷

Chamberlain suggested to Sir Charles that if he yet wanted to take the witness box, an action for which his counsel saw no need in late February, this might be done by a libel suit against Mrs. Crawford or intervention by the Queen's Proctor. Dilke himself rejected both of these alternatives on advice of Sir Henry James and Cardinal Manning to whom Dilke had confided all of the details the previous summer. Finally, in March, Dilke could not tolerate the attacks

26. Ibid., Thursday, July 1, 1886, 3.

27. Elizabeth Longford, Queen Victoria: Born to Succeed, (New York: Harper and Row, 1964), p. 483. Queen Victoria said, "The poor young Woman, whom he has ruined and whom he seduced, under the most atrocious circumstances, is driven out of the pale of society."

of the Pall Mall Gazette²⁸ and, against advice of counsel, he placed all of the information available to him at the disposal of the Queen's Proctor to gain intervention to prevent the decree nisi from becoming final. Having received no reply by the middle of April, Dilke wrote formally and publicly to that official saying that the charges placed against him in the first trial were untrue and unsupported. He also stated that he was prepared to deny the charges under oath. The Queen's Proctor now had no choice but to intervene.

Dilke's spirits rose again when he heard of the intervention and that Fanny Stock had been located. The remainder of the time before the intervention was spent in amassing evidence to refute the adultery charge.

III. The Second Trial

On July 16, 1886, through the intervention of the Queen's Proctor to prevent the decree nisi from becoming final, the second hearing of the divorce case Crawford v. Crawford was held before Justice Sir James Hannen. The case had not proceeded long before it became clear that Sir Charles Dilke had made a mistake. In this hearing he would be admitted merely as a legal witness and therefore would be unable to have the services of counsel. Further, there would be no

28. Frank Harris, My Life and Loves, (New York: Grove Press, Inc., 1925), III, 702. Harris says that Stead sought to hound Dilke from public life because of Dilke's doubtful morals.

opportunity to cross-examine Mrs. Crawford or any of the witnesses who might be called upon to testify.

In addition, (and this seems quite irregular to me), Dilke would be called on to testify before Mrs. Crawford or any of her corroborating witnesses had given testimony. In layman's terms he would be asked to deny, under oath and in detail, charges which had not been fully made against him. Henry Matthews, Q. C., Mr. Crawford's counsel, would be able to cross-examine Dilke and his witnesses before he presented his own rebuttal witnesses, testimony, and evidence.

It is little wonder that Sir Charles, under these conditions, did badly under examination by the Queen's Proctor, Sir Walter Phillimore, Q. C., and under the skillful cross-examination of Matthews. He did however submit adequate proof of his daily habits and his whereabouts on the specific dates previously mentioned in Mrs. Crawford's confession.²⁹

After Sir Charles testified there came a parade of corroborating witnesses, mostly servants or former servants of the Dilke household, who entered the witness box and testified to the truth of Sir Charles' statements.

Matthews cross-examined all of them vigorously but was unable to disprove their testimony. Unfortunately the

29. February 23, 1882; May 6, 1882; February 13, 1883.

elusive Fanny Stock, the key witness, had disappeared again, but Sir Charles' solicitor, Ernest Hubbard, had obtained a sworn statement from her. Nevertheless, her absence was a blow to the intervention.³⁰

Sir Walter Phillimore, having completed his case, turned the hearing over to Matthews, with the option to recall Sir Charles Dilke if he (Phillimore) felt it necessary. Matthews immediately called Mrs. Crawford to the witness box where, under examination, she repeated the facts in her written confession and elaborated on the scandal of Sir Charles Dilke's relationship with her mother, Mrs. Eustace Smith, some years previous. Phillimore's cross-examination produced additional information on the affair with Captain Forster; attempted to create a question as to the plausibility of her story; and suggested that the charge against Sir Charles Dilke was a clever fabrication. The first two aims were miserable failures and the third met with only limited success. Matthews then called Mrs. Ashton Dilke (Sir Charles' sister-in-law), Mrs. Rogerson, and Captain Forster. They added very little new information and were not seriously cross-examined. At this point the case hung on whose witnesses were the most reliable. Then Matthews produced a Mr. and Mrs. Hillier who

30. Pall Mall Gazette, Saturday, July 17, 1886, 9.

testified they had seen Sir Charles several times at 65 Warren Street, London, the supposed scene of the seductions, but also stated that they had never seen Mrs. Crawford outside the courtroom.³¹

Both the Queen's Proctor and Matthews summed up their cases on July 23rd. Matthews displayed moral indignation and vocally dismissed the testimony of Phillimore's witnesses. Sir Walter Phillimore maintained that Mrs. Crawford had not supported her accusations sufficiently through witnesses and testimony and he enumerated the ways in which she might have learned of Sir Charles' daily schedule and details about the rooms at 76 Sloane Street, which she was using as proof that she had spent time in the house.

Finally Sir James Hannen, the President of the Court, addressed the jury and charged it with its responsibility before the Law. "There was a noticeable tone of hostility displayed toward Dilke in this address, which could hardly have escaped the notice of the jurors."³² After the summation and jury instruction there could be little doubt as to the verdict that would be rendered.

The jury retired at 2:55 P. M. and returned at 3:10 P. M. To the question "How do you find on the issue whether

31. Ibid., Thursday, July 22, 1886, 11.

32. Jenkins, op. cit., pp. 320-26.

the decree nisi of the 12th of February last was pronounced contrary to the justice of the case by reason of material facts not brought to the knowledge of the court?", the foreman of the jury answered, "We find that it was not pronounced contrary to the justice of the case."³³

The President of the Court dismissed the intervention with costs against the Queen's Proctor, made arrangements for formulating the divorce decree, and dismissed the jury.

William T. Stead ended the published account of the trial with a scathing page one editorial entitled "The Verdict, and Afterwards." He made a summary of the entire hearing. In his own inimitable way he as much as said that justice had been perverted, a designing woman had obtained a divorce at the price of the career of an able elected servant, and that the jury had not even considered that Sir Walter Phillimore had ruined the entire Crawford confession. He believed that a number of factors, including mistakes by Phillimore, bias by the judge, conspiracy, and ignorance had resulted in the publication of a divorce decree in the case of Crawford v. Crawford that had unfortunately destroyed a man in public life whose adultery with Mrs. Crawford had not

33. Garvin, op. cit., II, 50.

been conclusively proved. By the same token, the question of whether Dilke had perjured himself in the witness box during the second trial had not been conclusively settled.³⁴

34. Pall Mall Gazette, Saturday, July 24, 1886, 1.

CHAPTER VII

THE EFFECT OF CRAWFORD v. CRAWFORD ON DILKE'S CAREER

As a result of the second trial, public opinion turned even more against Sir Charles Dilke although, for a time, Stead of the Pall Mall Gazette turned his interest to criticizing Mrs. Crawford and her testimony thereby easing his attacks on Dilke. This, however, did not seem to have worked to Dilke's advantage, as resentment toward him grew hotter day by day.

To be sure the area of doubt that remained after the first trial had narrowed considerably as a result of the additional testimony and the notoriety of the second hearing, though a number of Dilke's outer circle of friends had cause to waver in their support. But his closest personal friends continued to believe in his innocence and remained faithful to the end. To the general public, however, no further proof was needed than the failure of the intervention of the Queen's Proctor before such an eminent jurist as Sir James Hannen and a select jury of the City of London.

Evaluating Sir Charles' chances of success in the second trial, it is highly unlikely that under the Divorce and Matrimonial Causes Act of 1857 he could have exonerated himself. The Act provided an alleged corespondent practically

no presumption of innocence until proved guilty.

It appears as though this would have been the case even if Dilke had gone into the witness box during the first hearing of the case before Justice Butt.

Dilke's position as a mere legal witness in the second hearing further weakened his cause and he then had an even slimmer chance of clearing his name.

It seems fruitless to argue Sir Charles' guilt or innocence, inasmuch as nothing that could be said at this late date would have any effect on the outcome of the litigation or on Dilke's life afterward.

For some years a group of legal minds set about amassing proof of Mrs. Crawford's lies and gathering testimony from witnesses to corroborate this evidence, in case Sir Charles should be prosecuted for perjury. This was a real danger since his testimony had not been accepted as true by the jury. Surprisingly enough, and perhaps because of the knowledge that such evidence had been gathered, Dilke's enemies did not press for a perjury trial. Dilke himself saw no point in forcing the issue or bringing suit for libel against Mrs. Crawford or his attackers. Since nothing was ever done with the new evidence, the record still shows no conclusive proof of guilt or innocence beyond the opinion of the courts and the decisions of the jury.

The argument of who was to blame for Dilke's ruin also continues to plague one who studies the case, although it would probably be just as fruitless to try to discover the facts of Dilke's guilt or innocence. If, as Stead indicated, Chamberlain was the one who made the decision which eventually caused questions about Mr. Butt's verdict to arise, it may fairly be said that he probably had Dilke's welfare foremost in mind.¹ If Dilke's counsel, Sir Charles Russell and Sir Henry James, rather than Chamberlain, were responsible for the ruin, it should be recognized that these capable attorneys undoubtedly felt that the weakness of the Crawford case, the absence of Fanny Stock, and the dangers of cross-examination of Dilke justified the taking of such a course. If, as Dilke and some others assumed, he was the victim of a conspiracy, then who besides Mrs. Crawford was involved and for what motive? Although a number of possibilities as to accomplices have been ventured, no such plot has ever been proven and certainly no charges have ever been formally lodged against any person.

Sir Charles Dilke was more likely a victim of the mores of his age. Not a saint by any means, his past caught up with

1. Roy Jenkins, Victorian Scandal, (New York: Chilmark Press, 1965), pp. 350-55. Bodley, Dilke's private secretary, suspected Chamberlain as being a conspirator in Dilke's defeat.

him, whether or not he was guilty in this particular instance. The public tended to regard any involvement in a divorce or in a sexual affair outside of marriage on the part of a national figure of Dilke's station as an extremely serious offense.

Sir Charles was aware of the total damage done to his reputation and career by the two trials and the newspaper crusade against him. In a letter to Chamberlain on May 5, 1886 he stated,

The fall was, as you know, in my opinion final and irretrievable on the day on which the charge was made in July last-- as would be that, in these days of any man against whom such a false charge was made by conspiracy and careful preparation. I think, as I have always thought, that the day will come when all will know, but it will come too late for political life to be resumed with power or real use.²

Frank Harris records that he attempted to reassure Dilke that his case was not unlike that of the Duke of Wellington, who was faced with incriminating evidence of an affair, but would not be blackmailed. Dilke told Harris that that incident had occurred in an aristocratic society, not one of the middle-class to whom adultery was as bad as murder.³

2. Stephen Gwynn and Gertrude Tuckwell, The Life of the Right Honourable Sir Charles W. Dilke, (London: John Murray, 1918), II, 218.

3. Frank Harris, My Life and Loves, (New York: Grove Press, Inc., 1925), II, 538.

Dilke's analysis of his position and public attitude was proven to be quite correct. Although he claimed that Chelsea was going Tory, and would continue to become more so in the future, it is unlikely that Dilke's defeat there in July of 1886 was unaffected by the Crawford cases; and the narrow margin (176 votes) suggests that such an issue as the divorce might well have made the difference to Chelsea voters.

Sir Charles did not return to Parliament until 1892, as a member for the Forest of Dean, although he had been approached by this constituency and two others as early as 1888. He wanted Gladstone, the party leader, to inform him (Dilke) when the time was right for his return so as not to embarrass a Liberal government by returning prematurely amid a renewal of the scandal that would surely come from Stead when the news leaked out.⁴

Finally and, it should be noted, without Gladstone's permission, Dilke accepted the support of the Liberal Association in the Forest of Dean in 1892 and was then elected by a vote of 5,360 to 2,520 for his Conservative opponent. Dilke was returned from that constituency five more times before his death.

4. Jenkins, op. cit., p. 375.

Although close friends welcomed Dilke's return to Westminster, Gladstone and the leadership of the Liberal party were noticeably cool to him. He enjoyed the confidence of the new Labor party as well as many Liberals, but he never again rose to the prominence he had enjoyed under Gladstone during the 'eighties and was not offered a Cabinet post in any subsequent Liberal government.

Dilke devoted himself to industrial, foreign, imperial, and army and navy affairs during the remainder of his political career, assuming his greatest position as an active member of the Opposition under Conservative governments.

A good deal of Dilke's later life was also spent in travel on the continent with his second wife, and by a return to the family profession of writing. He wrote a number of anonymous articles for the Fortnightly Review as well as colonial and American newspapers. He also published several books, The Present Position of European Politics (1887); The British Army (1888); the two volume Problems of Greater Britain (1890);⁵ and Imperial Defense (1898) co-authored by Spencer Wilkinson.

Dilke's marriage to Emilia Pattison, although rushed by her desire to show confidence in Dilke, proved to be a

5. He hoped this would be a successful sequel to Greater Britain, the literary success of his youth, but it did not prove so.

sound and happy relationship. Until her death his chief concern seems to have been for her feelings and welfare. She never had been blessed with good health and she died, after a rigorous tour of the mining constituencies, in Dilke's arms on October 23, 1904.⁶

Sir Charles Dilke lived on to fight for the working conditions of the common man, to advance the labor movement, and to deal with foreign and imperial matters until 1911, when he succumbed to overexertion and died on January 26, at 76 Sloane Street, London.

6. Jenkins, op. cit., p. 408.

CHAPTER VIII

O'SHEA v. O'SHEA

The motives which prompted Captain William O'Shea to file suit for divorce from his wife Katherine, charging adultery, after he had seemingly condoned her relationship with Charles Stewart Parnell for eight years have already been discussed in Chapter III of this paper. Of course these reasons are only speculations, and they are of little consequence when compared with the effects of the trial itself on the career of Parnell and the political questions of the time, notably the issue of Home Rule for Ireland.

The suit was filed on December 24, 1889. When Katherine O'Shea heard the news, she was shocked and infuriated, and she immediately obtained legal counsel. She was determined to fight Captain O'Shea's charges to the bitter end. For a time she even considered filing counter suit against O'Shea, charging him with adultery, naming her own sister, Mrs. Steele, as corespondent.¹ When the case finally came to trial, Katherine did not press these suspicions, but built her defense on the fact that Captain O'Shea had been aware of

1. This opinion was based largely on Katherine's own suspicions and the fact that O'Shea was in league with the other heirs to the Wood estate, of whom Mrs. Steele was a member.

the affair with Parnell all along, but had kept this knowledge from the public eye so as to benefit himself both politically and financially. In so doing he was guilty of condoning the relationship.

Parnell, on the other hand, was not in the least disturbed when he heard the news. He did not even attempt to secure legal counsel or prepare to provide a defense. He seems to have been anxious to have the messy situation settled so that he could marry Katherine. He was so confident that the trial could not possibly affect his image that he even went so far as to release assurance to Michael Davitt, John Morley, the London Times and the Freeman's Journal stating that he would emerge from the trial with his honor intact.² It seems apparent that he was flushed with success from his previous battle with the London Times over the Phoenix Park murders in which The Times had alleged that Parnell had been involved; and when the Pigott letters were admitted to be forgeries, Parnell evidently considered himself invulnerable. From his assumed political position he termed O'Shea's charge "a broken-kneed horse" that would not be able to harm him personally.³ If either Parnell's confidence or his opinion

2. Francis S. L. Lyons, The Fall of Parnell, (Toronto: University of Toronto Press, 1960), p. 40.

3. Ibid., p. 41.

of the charge were true, he had good reason to be optimistic over the outcome.

This optimism seriously endangered Katherine O'Shea's defense. She later wrote, "Parnell would not fight the case, and I could not fight it alone." Indeed Parnell rebuked her with the explanation, "What's the use? We want the divorce. We have been longing for this freedom all these years, and now you are afraid!"⁴ That was exactly the point. She was afraid, but not for herself. The fear was rather for Parnell's work and his career. To this he said, "I have told these children what they want and they clamor for it. If they will let me, I will get it for them. But if they turn from me, my Queen, it matters not at all in the end."⁵

By children in the above statement he was referring to the people of Ireland. His attitude here reflects one of complete confidence in his support by his people.

I. The Trial

The trial began on November 15, 1890, almost one year from the date that the petition was first filed. Captain O'Shea, the petitioner, was represented by the Solicitor-

4. Katherine O'Shea Parnell, Charles Stewart Parnell: His Love Story and Political Life, (New York: George H. Doran Co., 1914), II, 147.

5. Ibid., p. 149.

General, Sir Edward Clarke; Mrs. O'Shea by Mr. Lockwood, Q. C., and Mr. Pritchard; the corespondent, Charles Parnell, was neither represented nor in attendance.

The petitioner's case was built on evidence which seemed to show that he (O'Shea) had been systematically deceived by Mrs. O'Shea and Parnell for several years.⁶ Sir Edward Clarke's evidence seemed to show conclusively that the deception had not only been prolonged, but squalid and degrading as well. This claim was supported by the uncorroborated testimony of a single witness, who was a maidservant, from Brighton, named Caroline Pethers. She claimed to have been the caretaker of a home in Brighton where Parnell, she said, had visited Mrs. O'Shea on a number of occasions.⁷ "This was very weak evidence," commented F. S. L. Lyons, "and would certainly not have held up under serious cross-examination by counsel for the defense."⁸ But the testimony was allowed to go into the record unchallenged. Mrs. O'Shea's counsel had been told, by Mrs. O'Shea herself, not to prepare for any such cross-examination. In fact Lockwood had said, at the beginning of the trial, that, "I appear with my learned friend

6. Lyons, op. cit., p. 39.

7. London Times, November 17, 1890, p. 3.

8. Lyond, op. cit., p. 39.

Mr. Pritchard for Mrs. O'Shea, the respondent in the case, and I desire to take this opportunity of stating on her behalf, that I do not intend to cross-examine any witness, call any witnesses, nor to take any part in these proceedings."⁹ With this announcement there did not seem to be any question of guilt or of the outcome of the trial. Clarke could have made it easy for himself right then and could have moved for a decision. But he felt obliged to proceed in defending Captain O'Shea's honor and presenting the facts. It would not do any harm to build a strong case against Mrs. O'Shea and Parnell.

After the petitioner closed his case, the decree nisi was awarded to Captain O'Shea with custody of the six O'Shea children under sixteen years of age. The two youngest were the daughters of Parnell.¹⁰ Katherine and Parnell were ordered to bear the cost of the trial, if it could be proved that Katherine had a separate estate.¹¹

Katherine was now legally free to become Parnell's wife as soon as the decree became final. The court costs were inimportant to Parnell, but the loss of his children to Captain O'Shea was a price he had not expected to pay. Lock-

9. Times, op. cit., p. 3.

10. Robert C. K. Ensor, England, 1870-1914, (Oxford: Clarendon Press, 1936), p. 565.

11. Lyons, op. cit., p. 39.

wood, Katherine's counsel, described his reaction to the news as "so wild and peculiar in his manner as to show signs of madness."¹² Katherine's loss was of course greater, since she had borne and raised all six of the children. The irony of it all was that within eighteen months she was to lose all of her children and the man she had sacrificed them for when Parnell died in October, 1891.¹³

II. Popular Reaction

The immediate reaction to the divorce suit was mild and it appeared as though Parnell had been right in his optimism. No change can be noted in the Parliamentary Party which still looked to him as leader and spokesman.

The Irish people still viewed him as champion and savior. The only opposition seems to have come from the higher clergy of the Anglican and Roman Catholic churches who voiced indignation over Parnell's moral standards and his obvious intention to marry the woman with whom he had committed adultery.

The probable reason for so little notice being registered was that most of Parnell's close associates were

12. Ibid., p. 70.

13. Ibid., p. 306.

already aware of his affair with Katherine O'Shea and knew it would have come to light sooner or later. Since Captain O'Shea had never been popular with them, they could hardly have been expected to sympathize with him. To the people of Ireland this was simply Parnell's own affair and had no bearing on his efforts for them and their wishes.

In England of course most observers expressed some dissatisfaction with such immorality but this had little effect on Irish voters. Gladstone, the Prime Minister, wrote a letter to John Morley in which he stated that Home Rule would be jeopardized by Parnell's position as leader of the Irish Parliamentary Party,¹⁴ but no immediate action was taken.

The later wave of reaction will be taken up in the following chapter.

14. Herbert Paul, A History of Modern England, (London: Macmillan and Co., Ltd., 1905), II, 88-89.

CHAPTER IX

THE EFFECT OF O'SHEA v. O'SHEA ON PARNELL'S CAREER

As has previously been stated the career of Charles Stewart Parnell did not seem at first to have been seriously affected by the divorce case. It was only ten days later, on November 25, 1890, that the Irish members of the House of Commons assembled in Committee Room 15 of the House for the first party conference of the current session. As the first order of business Parnell's retention as party chairman was moved, seconded, and passed by acclamation. This action is noteworthy because of the fact that the other members of the Irish Parliamentary Party must have been aware that the divorce would be likely to threaten the alliance with Gladstone and the Liberal Party. It apparently did not occur to them to sacrifice Parnell for cooperation on the part of Gladstone.¹

Upon assuming the chair, Parnell thanked the members for his reelection and only briefly mentioned the divorce proceedings. He asked them to keep their lips sealed on the

1. Gladstone's violent opposition to divorce was well known, from his resistance to the Divorce Bill of 1857. Herbert Paul, A History of Modern England, (London: Macmillan and Co., Ltd., 1905), II, 88-89.

subject for the time being until he decided that they could speak more freely about it.²

When Gladstone was informed of Parnell's reelection to the chairmanship of the Irish delegation, he directed John Morley to publish his (Gladstone's) letter of November 24th in which he had stated that Home Rule for Ireland would be seriously jeopardized by the position of Parnell as the leader of the Irish Parliamentary Party. This move brought about some serious pressures on Parnell to retire, at least temporarily, as party chief. But Parnell was never one to bow to the will of Englishmen and he resisted all such suggestions. In fact he countered the Gladstone letter by publishing, on November 29, a manifesto to the Irish people.³ In the manifesto he attacked Gladstone for his attempt to influence the Irish people against their chosen leader. It further outlined Gladstone's proposals for Home Rule as these had been presented to Parnell in December of 1889, at Hawarden, Gladstone's home: First, that the Irish members of Parliament would be retained at Westminster, but their number would be reduced from 103 to thirty-two; second, that the new Irish

2. Francis S. L. Lyons, The Fall of Parnell, (Toronto: University of Toronto Press, 1960), pp. 89-90.

3. Robert C. K. Ensor, England, 1870-1914, (Oxford: Clarendon Press, 1936), p. 185.

legislature at Dublin would be prohibited from dealing with the question of land reform; third, that the Irish Constabulary should be retained by the British; and fourth, that the Irish judiciary should be appointed by the imperial government for several years to come.⁴ By means of this document Parnell hoped to counter the efforts of Gladstone's letter, and retain the support of the people.⁵

It appears as if Parnell's efforts were in vain. On December 3 the Irish bishops issued their own manifesto which condemned Parnell on moral grounds. There can be little question of the impact of this manifesto on the Irish people. The influence of the Roman Catholic hierarchy in Ireland was undoubtedly the most important factor in the outcome of the Parnell-Gladstone power struggle.

On the same day that the bishops issued their rebuke to Parnell the Irish members again met in Committee Room 15 of the House of Commons. A heated debate resulted over the issue of Parnell's continued leadership of the party. In the end Justin McCarthy and forty-four of the Irish members left the room, leaving only twenty-six members loyal to Parnell.

4. Lyons, op. cit., pp. 174, 265, 278.

5. Gladstone promptly denied these statements and Paul, op. cit., V, 192, states that in his opinion no agreement had ever been made between the two leaders on these proposals. Gladstone only proposed that they discuss the question of Home Rule.

The new faction reassembled in another room and elected Justin McCarthy as the new chairman. Their immediate concern was to heal the split with the Liberal Party. Parnell was not willing to accept this mutiny. He took his case to the people of Ireland. On December 22 Parnell attempted to prove his power by backing a friendly candidate in the by-election in North Kilkenny. Vincent Scully was given full Parnell support against Sir John Pope-Hennessey, the Nationalist (McCarthyite) candidate. Pope-Hennessey was elected. On April 3, 1891 at North Sligo and again on July 8, 1891 at Carlow Parnell presented the same sort of test, with the same results.⁶

The consequences of these three efforts by Parnell in by-elections were disastrous in the effect upon Parnell's already poor health. He began by the day to grow steadily weaker. He had not been in sound health for some years, and had now pushed his body beyond its ability in his efforts to hold the support of the people. As a result Parnell fell ill and died at Brighton on October 6, 1891, at the age of forty-five.

What can be said in memory of this man? He was, of course, the embodiment of the nationalistic spirit of Ireland.

6. Lyons, op. cit., pp. 174, 265, 278.

His life was devoted solely to the service of his country. He mobilized Ireland's numerous nationalist groups behind the Irish Parliamentary Party, a feat which had not previously been possible. He held the balance of power in the House of Commons and on numerous occasions used this to Ireland's advantage. He bequeathed to Ireland a militancy that lived on after him. In this way he made sure that the drive for self-rule would be maintained until hope became reality.

In return for this faithful service Parnell asked only that his private life remain private and that he should be able to have the woman he loved. Had not the Catholic Church exerted its influence, the Irish people might have honored this wish.⁷

Parnell's body was returned to Ireland to be buried near the O'Connell monument in Dublin. His faithful Dublinites wept like children as his coffin passed. They remembered only his service to them, not the disgrace that caused his downfall.

Lady Monkswell says that the Irish were even sympathetic to Katherine O'Shea Parnell, his love whose heart had

7. The influence of the Irish Clergy began with the December 3 manifesto of the bishops. The presence of the priests at the polls in the Kilkenny elections gave evidence to the extent of the campaign to destroy the man who had defied social restrictions.

lost its king and lord.⁸

8. Eric C. F. Collier, A Victorian Diarist, (London: John Murray, 1944), p. 178.

CHAPTER X

COMPARISON OF THE CASES

The reader has now become acquainted with the details of the divorce cases in which Sir Charles Wentworth Dilke and Charles Stewart Parnell became involved and the impact of this litigation on their respective political careers. In an analysis of the biographical sketches we discovered that certain similarities and differences were worthy of our consideration. The same is the case in comparing the divorce actions and their results.

This observation is based on a number of factors. To begin with, the time lapse between *Crawford v. Crawford* (1886) and *O'Shea v. O'Shea* (1890) witnessed no change whatever in divorce law of England. Therefore each of the trials was held under the same legal conditions and in the same atmosphere of opinion on the subjects of divorce and sexual promiscuity. The only change that had occurred was in 1887 when Queen Victoria changed her view on admitting divorced persons to her court, but divorce was still viewed as a horrible social vice.¹

1. Robert C. K. Ensor, England, 1870-1914, (Oxford: Clarendon Press, 1936), p. 169.

I. Similarities

With this understanding of the apparently permanent character of Victorian moral judgment let us examine some significant points which stand out in both cases and therefore allow comparison to be made. First, and perhaps the most significant as far as the public was concerned, was the fact that neither corespondent took the witness box in his own behalf or to defend his honor. This is not to infer that the eventual outcome of the cases hung on this fact, but it does seem to have been a significant factor in the course which public opinion followed after each divorce case. In the Crawford case, London spoke of nothing else from the time of Mr. Crawford's original petition to the end of the second hearing.² In the O'Shea case, the Roman Catholic Church issued a manifesto condemning Parnell's moral lapses and his unconcerned refusal to give evidence.³

Second, in each case the price to the corespondents was the prominence he had gained in his own party and the confidence of Gladstone, the Prime Minister. Dilke was not

2. Frank Harris, My Life and Loves, (New York: Grove Press, Inc., 1925), II, 357.

3. Francis S. L. Lyons, The Fall of Parnell, (Toronto: University of Toronto Press, 1960), p. 148.

included in Gladstone's third ministry;⁴ Parnell was dumped by his party at Gladstone's direction.⁵ Third, guilt or innocence seems to have made very little difference to the general public. Parnell was obviously guilty; Dilke was never proven guilty, and yet the result was the same. There was no correlation between the known facts and the degree of punishment. Gladstone knew of the Parnell-Kitty O'Shea affair as early as 1882.⁶ J. G. Biggar and Timothy Healy blasted Parnell publicly for supporting Captain O'Shea "the husband of Parnell's mistress" in the Galway elections of 1886.⁷ Parnell never once denied the barbs and hints as to his moral activities. Dilke on the other hand, was genuinely surprised by the charge of Mr. Crawford. His biographers state that "those nearest him never believed in the truth of the charges."⁸ As a further indication of his innocence Dilke obtained adequate counsel, attended court, and gave some testimony during the intervention.

4. James R. Thursfield, "Sir Charles Wentworth Dilke (Second Baronet) 1843-1911", Dictionary of National Biography, (London: Oxford University Press, 1912), "20th Century", 566.

5. Lyons, op. cit., p. 148.

6. John L. Hammond, Gladstone and the Irish Nation, (Hamden, Connecticut: Anchor Books, 1964), p. 669.

7. Lyons, op. cit., p. 27.

8. Stephen Gwynn and Gertrude Tuckwell, The Life of the Right Honourable Sir Charles W. Dilke, (London: John Murray, 1918), II, xiv.

To the general public there was no difference between the two and each lost his following and would never again rise in prominence during the lifetime that remained to him.

Fourth, and last, the likelihood of conspiracy to destroy a political figure is strongly indicated in each case. Dilke believed that he was the victim of a plot in his letter to Joseph Chamberlain on May 5, 1886, when he said that "... such a false charge was placed by conspiracy and careful preparation."⁹ In Parnell's situation such conviction is not as clear, but it is entirely likely that something of this nature would have been popular with some Englishmen who found Parnell difficult to deal with and some Irishmen who were disappointed with the progress of Home Rule. J. L. Garvin, Chamberlain's biographer, says that O'Shea had now pinned his political hopes on the Radical-Liberal Chamberlain, rather than Parnell, as had previously been the case.¹⁰ This meant that O'Shea had no reason to condone Parnell's affair with Mrs. O'Shea and could pay back a few old scores. Parnell's enemies would have found O'Shea an excellent tool for conspiracy.

II. Differences

The cases were not identical, however, and there are

9. Ibid., p. 218.

10. James L. Garvin, The Life of Joseph Chamberlain, (London: Macmillan and Co., Ltd., 1933), II, 378.

also certain differences which stand out in this kind of analysis and deserve recognition. First is the fact that Dilke was widely considered to be innocent of such charges, and all Stead and others asked of him was to deny them. Parnell was generally regarded as guilty and he did nothing to refute this opinion.¹¹ Second, Dilke lost his seat from Chelsea between the two trials, by a narrow margin, but he did return to Westminster six years later, from another constituency.¹² Parnell, on the other hand, retained his seat in the House of Commons and temporarily remained leader of his party. He died at the lowest ebb of his popularity and it is not clear whether he retained enough influence at that time to have been reelected to Parliament.

What do these comparisons tell us? As with the earlier comparisons of biographies and political careers the facts seem to be sufficiently similar, though far from identical, to form an adequate basis for a parallel study of divorce litigation in Victorian England, and especially where this litigation involved prominent political figures.

11. See references for point three of "Similarities" in this chapter.

12. Returned from the Forest of Dean in 1892.

CHAPTER XI

SUMMATION

In the foregoing chapters the writer has attempted to place at the disposal of the reader the feelings of the Victorians on divorce; and the personal backgrounds, the hours of glory and the political ruin of two of the more prominent men of the day--Sir Charles Wentworth Dilke and Charles Stewart Parnell. This has been done in order to call attention to an occasionally unnoticed facet of the period of English history known as the Victorian Era. That facet was, and to some extent still is, the puritanical moral opinion on the dissolution of marriage by means of divorce, especially where sexual promiscuity was involved.

The individual cases chosen for comparison were the most widely publicized with reference to existing attitudes on divorce in the late Victorian period, but were by no means the only such cases involving prominent persons.

The fact that both men involved not as petitioners or respondents, but as correspondents, also allows us to observe a second part of the moral aspect under consideration--that of the net effect of public opinion on the lives of persons exposed in overt sexual affairs.

In common parlance the two men who are subjects of this paper were--in the last decades of the nineteenth-century

merely adulterers, in the eye of the public, no matter how moral or immoral they considered themselves to be.

At the time of the accusations of adultery each of these men had reached a pinnacle of public esteem which seemed to be beyond the reach of disaster. Dilke was a four-time elected representative of the constituency of Chelsea and was considered to be an excellent choice for high Cabinet office in the coming Parliament. As Lord Acton said, he was the head or guiding force of the Liberal Party.¹ Parnell had cemented the divisive factions of a strongly nationalistic Irish people into a concentrated force which exerted strong pressure on Parliament and demanded separation from England as a condition of the restoration of order on that troubled island. He was a hero and a messiah to the Irish people, and whatever he may have lacked in the way of a concrete ideology, genuine nationalism, or humanitarianism he more than made up for in his unusual quality of leadership.

Each of these men was pulled down from his political pinnacle at a time when the future seemed brightest. Dilke was then being mentioned as a likely replacement for the aged Gladstone as the Liberal Prime Minister. Parnell had just been exonerated, with costs, before the public of the

1. George M. Young, Victorian England: Portrait of an Age, (London: Oxford University Press, 1936), p. 174.

charge of murder following an attack by the press, notably the powerful London Times.² But fall they did and they were crushed by Victorian public opinion.

Let us examine the probable causes of these downfalls. Surely involvement in divorce action alone could not have brought down such men of prominence, even in Victorian England. This conclusion is worth considering, because there were other complications that could be considered as contributing factors. First, public opinion seems to have required a corespondent in a divorce case at least to take the witness box and publicly deny the charges against him. Neither Dilke nor Parnell did this. Dilke realized his mistake and attempted to vindicate himself by seeking a second opportunity. The second trial failed to correct the image that the public had formed as a result of the first trial. In fact, his image only suffered more from the second trial, and he became even more morally degraded in the eyes of the public. Parnell ignored the will of the public in this matter. Second, we must consider the possibility of defeat by design. Dilke was convinced that this was true in his own case³ and Frank Harris claimed that W. T. Stead was determined to hound Dilke from

2. "Parnellism and Crime" April of 1887.

3. Stephen Gwynn and Gertrude Tuckwell, The Life of the Right Honourable Sir Charles W. Dilke, (London: John Murray, 1918), I, 218.

public life.⁴ Parnell's relationship with Captain O'Shea, immediately prior to 1889, shows less and less agreement with each passing day. O'Shea found a new champion in Chamberlain for gaining political advantage. He no longer needed Parnell and his toleration of the love affair between the Irish leader and Mrs. O'Shea could be ended. After the divorce, Timothy Healy and the new anti-Parnell National Press concentrated on ridiculing the exposed sex offender, which seemed to be the only way to destroy Parnell in Ireland.⁵

Therefore, on the basis of all available facts, it would seem that as late as the last two decades of the nineteenth-century in England political ruin was the inevitable result of being exposed in a divorce case, regardless of the guilt or innocence of the political figure involved. In the cases presented in this paper, public opinion made no allowances for social status, religious affiliation, or degree of guilt. The stigma attached to behavior of this kind was applied equally to all.

4. Frank Harris, My Life and Loves, (New York: Grove Press, Inc., 1925), III, 702.

5. Conor Cruise O'Brien, (ed.), The Shaping of Modern Ireland, (Toronto: University of Toronto Press, 1960), p. 172.

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