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The Development of the Lord Bishop's Role in the Manx Tynwald

by PETER W. EDGE and C. C. AUGUR PEARCE

The Isle of Man was a distinct diocese before it became a possession of the English crown in 1399. In the following centuries it retained not only a national legislature, the Tynwald, but the lord bishop of Sodor and Man. Ecclesiastical officers were to be found in Tynwald as early as 1614, and throughout the nineteenth century it included the lord bishop, the vicars-general and the archdeacon of the diocese. During the twentieth century the number of ecclesiastical officers in the legislature dwindled, until today only the lord bishop survives, and his position remains controversial.

The Isle of Man is located in the middle of the Irish Sea, roughly equidistant between England, Ireland, Scotland and Wales. Although these larger neighbours competed for control of the island, particularly between 1266 and 1346, after 1399 it became unequivocally a possession of the English crown. Between 1399 and 1765 the island was governed by a nobleman of English origin, entitled first king, and later lord, of Mann, who held his position as a vassal of the English crown. The island was granted to the first of these, Henry Percy, only weeks after Henry IV had declared its former ruler 'conquered'. Percy, however, who was also duke of Northumberland, forfeited his title shortly thereafter for involvement in his son Hotspur's rebellion, and a more trusty royal supporter, Sir John Stanley, took his place.

There were altogether thirteen Stanley lords in the male line, from the first Sir John until the lordship passed to a collateral branch in 1736; their rule was interrupted for fourteen years around the turn of the seventeenth century while the crown intervened in an inheritance dispute. Such intervention was one example of the subordination to the crown that persisted throughout this era, but in many other respects, successive kings' reluctance to derogate from

AT = Acts of Tynwald; HK = House of Keys; LC = Legislative Council; MNHA = Manx National Heritage Archives; TC = Tynwald Court

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their grant of the islands' regalities to the Stanleys ensured the freedom of the Manx to retain and develop their own institutions of government. Whilst undoubtedly following many English advances, they did so in their own way and at their own pace.¹ The reformation of insular religion was a case in point.²

The island's episcopal see had come into being well before the English conquest. The Norse rulers of the eleventh and early twelfth centuries had used the island as a base for the government of a maritime kingdom including at least the southern Hebrides, and the authority of the earliest bishops had been co-extensive. The Hebridean portion of the kingdom was lost *c.* 1156 in the days of the powerful Somerled, whose independent lordship of the Isles was soon mirrored by a separate bishopric (later amalgamated into the Scots diocese of Argyll and the Isles). But the most widely-accepted account of the see's full title 'Sodor and Man' is that it refers to these lost territories, the 'Sudreys', whose separation the Manx bishops were very slow to accept.³

The lord governed the island primarily through a council of principal officers, led by a governor, and the Tynwald – an assembly whose origins are often dated to 979, making it the oldest continuous legislature in the world. In 1765 the British crown purchased a surrender of the lords' principal regalities, and effectively took over direct rule of the Isle of Man. The island was not, however, assimilated into the territory of Great Britain, and remained a distinct jurisdiction with its own constitutional structures. From 1866 increased power was returned to these institutions, in particular to the Tynwald. Today, state authority is overwhelmingly exercised by Manx organs – the Manx courts presided over by the Deemsters; the Manx legislature, the Tynwald, composed of a dominant, directly elected, House of Keys, and a less powerful legislative council; and the Manx executive, led by a chief minister and council of ministers accountable to Tynwald.⁴

Tynwald, although meeting regularly as a single body, is for legislative purposes divided into two branches – a directly elected House of Keys, and the legislative council. The council originated in the lord's retinue of principal officials. Although the council included ecclesiastical officers as early as 1614, it was not until after the Revestment of 1765 that this became

¹ A detailed study of the tenure of the Stanley lords has been made by J. R. Dickinson: *The lordship of Man under the Stanleys: government and economy in the Isle of Man, 1580–1704*, Manchester 1996.

² For further details see C. C. A. Pearce, 'The independence of the Manx Church', *Studeyrjs Manninagh* (electronic journal of the Centre for Manx Studies), Douglas 2002 (<http://dbweb.liv.ac.uk/manninagh/sm/articles/apct.htm>).

³ An alternative theory links the title to the small island near Peel, on which the ruins of the ancient cathedral still stand within the walls of the Norse rulers' castle. It is suggested that this site, commonly called St Patrick's Isle, was once known as the island of Sodor, and that the title reflected the bishop's authority over both his home base and the larger adjacent Isle of Man.

⁴ See further P. W. Edge, *Manx public law*, Preston 1997.

established as the invariable practice. Throughout the nineteenth century the council included the lord bishop of Sodor and Man, the vicars-general and the archdeacon of the diocese. In the early twentieth century the lesser ecclesiastical officers were removed, and the council began to include a number of members elected by the Keys, as well as officials appointed by the crown or the governor. Throughout the twentieth century this element increased, until today the council consists of nine members elected by the Keys, the bishop and the attorney-general (who sits without a vote as a legal advisor).

Although the bishop's seat and vote survived this major constitutional change, it was not uncontested. From 1958 on, reform of the bishop's role was suggested – often but not invariably as part of a broader constitutional change – by individual members of Tynwald and various commissions and committees. The changes of 1980 left the bishop as the last unelected member of the council with a vote, and subject to intense scrutiny, which has continued to the present day.

Ecclesiastical membership of Tynwald before the nineteenth century

The two branches of the modern Tynwald have quite distinct origins. The tenth- or eleventh-century institution bearing that name was a 'law-speaking' assembly: two Deemsters learned in the customary law expounded and applied that law with the assistance of twenty-four respected men from all parts of the kingdom. The Manx for 'twenty-four', *chiare as-feed*, is commonly offered as the explanation of the anglicised name 'Keys'.

An early fifteenth-century account of the gathering, prefixed to the first entry in the Manx statute book, indicates the addition of a second element: that of a feudal ceremony, at which the relations between the lord and his barons could be publicly demonstrated by suit of court and the payment of fealty.⁵ These barons were the lesser magnates of the island, male landowners substantial enough to enjoy judicial rights of their own and to stand in a special relationship with the lord. The magnitude of past religious grants had eventually resulted in all the baronies being vested in ecclesiastical corporations. Alongside the bishop, the abbot of Rushen represented his community, as did the superiors of various houses across the sea. The dissolution of these houses, including Rushen Abbey, left the bishop as the only Manx baron.

The assembly of barons cannot, however, be considered as the forerunner of the later legislative council. The feudal court and the law-speaking assembly remained two quite distinct elements of the annual Tynwald

⁵ Session of 18 Jan. 1417.

gathering. Accounts of later Tynwalds suggest that the two elements were not regularly combined, and there is no evidence of the barons as such participating in law-speaking. Though the first entry in the statute book appears to suggest otherwise, setting out ‘divers Ordinances Statutes and Customs reputed and used for Laws in the Land of Mann, that were ratified approved and confirmed, as well by the [Lord] and divers other his predecessors, as by all Barons Deemsters Officers Tenants Inhabitants and Commons of the same Land’, this cannot be taken as a detailed indication of legislative authority. It includes several categories of people who clearly had no active part to play at that date, and is an attempt to set out the whole community in whose name the law was declared, rather than to list the active participants. The later history of the Manx baronage confirms this view.⁶ Thus, although the bishop remains a baron of the Isle of Man,⁷ this legislative role has no direct connection with this status. In this regard, it may be that the bishop’s place in Tynwald has a different origin from that of the lords spiritual in parliament. Selborne considered that the lords spiritual sat as barons, so that the bishop of Sodor and Man was excluded since before the final Revestment ‘the lands with which that See was endowed were held, not of the King directly, but of a subject who nominated the Bishop’.⁸

The true origin of the council is to be found in the retinue of advisors and officials attending the lord or, during his frequent absences, his chief officer the governor, at occasions such as the assembly of Tynwald. Sixteenth-century entries in the island statute-book show that the transition from law-speaking to law-making brought these officers a considerably more active role. In 1504 certain officers, with the Deemsters and the abbot of Rushen, formed a commission for obtaining (in the lord’s absence) the Keys’ views on a number of points of law. A differently composed body of officers, including one Deemster, was commissioned in 1532 to arbitrate in a dispute between clergy and people over ecclesiastical dues, the Keys putting the people’s case.⁹ Thereafter ordinances appear issued both by named commissioners, acting for the lord, and by ‘the Deputy and Council of the Isle’ in the Court of Exchequer.¹⁰ It seems clear that by the end of the century the lord was exercising, by himself or through deputies, a personal law-making power.¹¹ The statute book offers no evidence of any ecclesiastic being at this date numbered amongst the officers concerned. From 1541 the bishop and archdeacon had a different legislative role, however: the archbishop of

⁶ See the opinion of Deemster Heywood and A. G. Searle on John Quayle’s claim to tender fealty to the king in Tynwald, 30 June 1770: J. R. Oliver, *Monumenta de Insula Maniae*, Douglas 1860, iii. 169.

⁷ Lord’s Rents Purchase Act 1913.

⁸ Roundell Palmer, 1st earl of Selborne, *A defence of the Church of England*, London 1886, at p. 45; see also p. 24.

⁹ Sittings of 16 Apr. 1504, and 31 July 1532: *Statutes of the Isle of Man*, London 1883, i.

¹⁰ Sittings of 16 July 1561, and 29 Oct. 1582: *ibid.* ¹¹ Dickinson, *Lordship of Man*, 54f.

York's metropolitan oversight of the Isle of Man brought them seats in the northern provincial convocation, whose ecclesiastical canons were accepted as binding by the clergy of the island.

The real transformation of Tynwald into a legislative body in the modern sense took place in the seventeenth and early eighteenth centuries. Three roughly contemporaneous elements in this process can be distinguished: a reform of the method of choosing the twenty-four Keys; the recognition that the lord's legislation required the majority consent of both bodies; and, most important for our study, the definitive identification of the officers comprising the council for legislative purposes.

During the seventeenth century acts in the statute book took on a more regular form, and from 1629 the appending of legislators' signatures gave an indication of those responsible for a measure's final form. Besides the governor, the Deemsters (now treated as lord's officers themselves), attorney-general, comptroller-general or clerk of the rolls, receiver-general and water-bailiff appeared regularly in this capacity. In 'Instructions to the governor' dated 1614 and issued by Elizabeth Stanley on behalf of the incapacitated lord, her husband William, it was signified 'That her Ladyship's pleasure is that the Lord Bishop of the Island be admitted one of the Council of the Island, and he to be made privy to these Instructions, & his advice therein to be had touching the performance thereof.'¹² Then in the statute book for 1637, we find for the first time two sets of officers' signatures distinguished. Alongside the 'Officers Temporal', a group of 'Officers Spiritual' comprises the bishop, the vicars-general (his delegates for judicial business) and the archdeacon of the Isle of Man.¹³

If these are indeed the first appearances of ecclesiastics as members of the developing legislature, their dates are easily explained by reference to events in England. The Stanley lords' dual role as Manx rulers and English nobles was a channel by which the fashion of government at Westminster might influence the institutions of the Isle of Man. In 1614 James I was already known for his slogan 'No Bishop, no King', while in 1637 his son was standing firmly behind the policies of Archbishop William Laud. Both Charles I and Laud were strong believers not only in religion as part of the business of government, but in the divine authority of monarchy and episcopate to discharge that business with a minimum of interference on the part of lay popular representatives. Nor was Laud's advice to the king confined to ecclesiastical matters. James Stanley, Lord Strange, who by this time had assumed the administration of the lordship for his father, was an enthusiastic supporter of the policies of both king and archbishop. In the

¹² Instructions, 25 Oct. 1614, in correspondence taken from the cellar of Government Office, transcribed 1922 by W. Cubbon at request of the government secretary, MNHA, 1052C. An endorsement nevertheless adds 'Bp. not of the Council without the Lord his Commission. – Halsal'.

¹³ 24 June 1637: *Statutes of the Isle of Man*, i.

smaller polity for which he was responsible, it would be unsurprising if he too should feel the presence of ecclesiastics essential to the consideration of laws, and that his influence should be apparent in arrangements made for the 1637 Tynwald. Unlike the bishop, the vicars-general and the archdeacon had no counterparts in the upper house at Westminster. But as has already been observed, the council was a body of officers rather than of barons. This allowed a greater flexibility in its evolution, the body's practical roles (judicial and advisory as well as legislative) carrying greater weight than the claims of position alone. The inclusion of the vicars-general and archdeacon would allow the entire judiciary of the island to be present at council deliberations; and if the bishop followed the lord in spending substantial periods away from the island, they would be in a position to represent clerical interests and to report back on proceedings. All the ecclesiastics were, in any event, officers of the island. They took oaths of office which included an undertaking 'with his best advice & counsel to be aiding to the Captain of this Isle or Governor for the time being for the furtherance of the government and benefit of the said Isle', though this was qualified in the case of the merely judicial officers by the words 'as often as they shall be called upon or required thereunto'.¹⁴

In the wake of the English Civil War, the episcopal see had been vacant, and other officers of the episcopalian polity took an understandably low profile. Even after the Restoration the signature of acts by ecclesiastics was sporadic,¹⁵ and the contention characteristic of the episcopate of Thomas Wilson (1698–1755) did not inspire governors to invite the bishop to join the council on a regular basis. There was, consequently, some doubt as to the spiritual officers' entitlement following the Revestment of 1765. Moreover, it will be recalled that in our review of Manx constitutional history, we suggested that Revestment could be read as either a substitution of the holder of the continuing lordship, or the abolition of the lordship as the rights of which it was constituted were surrendered to the king. At the time, it was asserted that 1765 had made no constitutional change save that of substituting King George for the previous holder of the lordship,¹⁶ but if we favour the latter reading, arguments for involvement in Tynwald as of right would be seriously weakened. On this reading, Henry IV's grant of the island as a fief, from which the inference was immediately drawn that the island's barons owed fealty to the lord, had introduced a feudal pyramid at the heart of Manx society and with it a series of legal concepts that were Anglo-Norman in origin, rather than Celto-Norse. Judicial rulings that the descent of the

¹⁴ The officers' oaths are appended to the *Report of the commissioners of inquiry for the Isle of Man* (1792), repr. with editorial comment by Richard Sherwood, Douglas 1882.

¹⁵ *Ibid.* appendix C at p. 68. Acts were signed by spiritual officers on 30 Oct. 1643, 24 June 1664, and in 1665, 1703, 1704, 1705, 1706, 1711, 1712, 1714, 1726, 1738, 1739, 1742, 1757.

¹⁶ See, for example, Attorney-General Sir Wadsworth Busk, 13 Oct. 1791, appended *ibid.*

lordship must follow English rules of inheritance served to confirm this. Judged by common law principles, the regalities had been a parcel of the estate held of the crown by the Percy, Stanley and Murray families. The surrender of any inferior feudal estate to the superior lord, whether or not consideration was paid, left the lord holding not his vassal's estate but his own, freed from the encumbrance of the inferior estate which thus terminated. The concession of the council's and Keys' right to concur in legislation had not been made by the king, and it was far from clear that the king was bound by it. Whether future legislation for the island would involve Tynwald, and if so how the council should be constituted, was by this reasoning a matter for royal policy decision rather than a matter of law.

The first royal governors in Castletown (Smith and Dawson), convening their fellow-officers for executive business, sent no invitation to the ecclesiastics. In 1776 the decision was taken to hold a legislative session of Tynwald, and again the bishop, vicars-general and archdeacon were not summoned. In 1784 Claudius Crigan was appointed to the see, and protested to the Home Department against the continued lack of any invitation to council. The secretary of state deferred any response pending the report of a commission on the insular constitution, but in the meantime a new governor (Alexander Shaw) reversed his predecessors' policy, giving as his reason the view that the summoning of ecclesiastics to council had become an established practice that it was not for a governor to alter without royal instructions.¹⁷

Legal submissions for and against the ecclesiastics' claim were made to the commission, the clerk of the rolls supporting the claim and the attorney-general opposing. The oaths of office mentioned above were advanced in favour of the claim, though it could be argued that the advice referred to applied only to executive business. Apart from the conflicting evidence of precedent, the attorney, Wadsworth-Busk, deployed one new argument. This was the fact that since the Murrays' patronage of the episcopal see and the archdeaconry had not been surrendered to the crown in 1765, their incumbents could now be considered as appointed 'by a subject'. They were therefore no longer qualified to advise in what had to be considered the king's council.

Behind this argument lay both a contemporary theory of government and a consideration of insular power politics. The practical consideration is simply expressed: the Murrays, who remained feudal superiors of the island and now exploited significant economic interests without any longer having a ruler's concern for the islanders' welfare, were widely disliked and there were those who welcomed any opportunity to diminish their influence – for example by reducing the standing of the clergy whom they appointed. The

¹⁷ See *ibid.* generally.

theoretical issue is slightly more complicated. Across eighteenth-century Europe it was reasoned that state authority could have only one channel, usually the monarchy. This was typified in the ‘absolutist’ regimes of France and Prussia, rejecting alternative authority such as the rights of free cities or the *proprio vigore* claims of ecclesiastical hierarchies. The same reasoning had adherents in England, particularly in relation to crown rights in the colonies; but it conflicted with the older English traditions of authority derived from the law, and the partnership of prince and people in law-making. If ‘the law’, written or unwritten, was to be seen as the product of the joint action of sovereign and subject, and the monarch’s executive and judicial roles were in reality derived from it, then there was no reason why it should not bestow such roles directly upon others, even upon those whose position did not derive directly from the king.

The Isle of Man commissioners avoided these issues. Their report, submitted in 1792, simply repeated the arguments as to the spiritual officers’ presence in the council and declined to give a legal opinion. Nor is there any extant definitive ruling of the Home Department, which simply stood by its provisional approval in October 1791 of the governor’s action in restoring the bishop.¹⁸ One must conclude, then, that the continuing summons of ecclesiastics to council was treated principally as a matter of policy, rather than as one of legal obligation.

So regarded, the decision to summon ecclesiastics to the legislature, and indeed to continue to put business to Tynwald, is explicable in the light of colonial experience elsewhere. The Isle of Man was, after all, not the only crown possession to have been governed under a feudal grant to an individual with ‘regalities’. Henry IV’s expedient had been copied by later monarchs in relation to two of the Norman islands and several possessions in the Americas.¹⁹ All of these (save Sark) had later been surrendered to the crown and thereafter administered directly through a governor; but wherever representative assemblies had come into being by concession of the lord proprietor, crown policy had been to retain such assemblies as a useful part of the mechanism of colonial government.²⁰ If the balance between governor and assembly were held correctly, this compromise could produce contented inhabitants without seriously jeopardising the royal prerogative. By 1765 the governor-council-assembly pattern was tried and

¹⁸ Home Secretary Henry Dundas to Governor Alexander Shaw, 5 Oct. 1791, MNHA, 1988/12c.

¹⁹ Examples may be found in the grant of Sark to Hélier de Carteret in 1572; of Alderney to John Chamberlain in 1584; of Avalon (Newfoundland) to Sir George Calvert in 1623; of Carlisla (West Indies) to the earl of Carlisle in 1627; of Maryland to Calvert in 1632; of Pennsylvania to William Penn in 1681.

²⁰ C. Andrews, ‘The government of the empire, 1660–1763’, in J. H. Rose, A. P. Newton and E. A. Benions (eds), *Cambridge history of the British empire*, I: *The old empire, from the beginnings to 1783*, Cambridge 1929, 409, 425.

trusted, and there was no reason to suppose that comparable institutions would not be allowed to operate in the Isle of Man.

By 1791, however, opinion had changed in Whitehall as to the value of a colonial episcopate. The lost colonies in southern North America had existed (like the Isle of Man) with few restrictions on alternative religion, but also without episcopal oversight of public religious provision, the king's ecclesiastical supremacy being exercised directly through his governors. With hindsight this was seen as misguided; a crown-appointed bishop would have encouraged more wholehearted conformity to the public religion, and with religious conformity would have come political loyalty. The establishment of the sees of Nova Scotia and Quebec in 1787 and 1793 was a mark of determination not to repeat the error; but it was of course central to the new policy that these bishops should take a prominent part in government, and the first incumbents of the new sees were active members of their respective colonial councils.²¹

The Isle of Man was an overseas possession of the crown, claimed to have been acquired by conquest, royal authority over which was exercised by the advice of the privy council, and which was from 1782 among the responsibilities of the new Home Department. Each of these statements was equally applicable in the 1790s to the Canadian colonies; it was not until 1801 that responsibility for the remoter colonies was transferred from the Home Department to the secretary of state for war. It is therefore possible that when the constitutional commissioners' report was received, Whitehall may have made the same link between loyalty and an episcopally-led conformity in the Manx context (where no new see was necessary, but only the confirmation of the bishop's place in council) as it was making in relation to crown possessions further afield.

Membership in the nineteenth century.

Throughout the nineteenth century the bishop, vicars-general and archdeacon remained relatively secure in their council positions. An attempt to exclude the vicars-general in 1816 was seen by Bishop Murray, who defeated it, as part of a general plan to lessen the duke of Atholl's influence, as it was assumed that clerical members of the council would naturally support him.²² Accordingly, the positions of the bishop and archdeacon were strengthened in 1826 when the last Murray Lord surrendered his patronage of the see and archdeaconry to the crown (again for a substantial consideration). The

²¹ See J. Fingard, *The Anglican design in Loyalist Nova Scotia, 1783–1816*, London 1972; A. Porter, 'Religion, missionary enthusiasm and empire', in A. Porter (ed.), *The Oxford history of the British empire*, III: *The nineteenth century*, Oxford 1999, 226.

²² Bishop Murray to duke of Atholl, 16 Nov. 1816, MNHA, Atholl papers 117/22/21.

argument could no longer be advanced that these were the ‘delegates of a subject’; though the vicars-general, whom the bishop appointed, remained precisely that.

The passing at Westminster of the Ecclesiastical Commissioners Act 1836, authorising the union of the sees of the Isle of Man and Carlisle by order in council, appears to have taken minimal account of the implications of the proposed change for Tynwald. In strict law, there would have been no necessary change: the bishop of Carlisle would also have been bishop of the Isle of Man, and entitled as such to sit in both the council and the lords. In earlier centuries there had been pluralist Manx bishops residing in the area of their English preferments, even though those preferments had not been episcopal sees. In reality, however, the proposal would have confined the bishop to Cumbria, with its greater numbers of clergy and people, for most of the year. Bishop Ward, a vehement opponent of the scheme, wrote to the archbishop of Canterbury:

For above half a century, two-thirds of the people at least have been left without churches or chapels, and the clergy suffered to slumber. Consequently the busy Methodists of England, finding the coast clear, ... have covered the Island with Methodist chapels. ... [They are] now working with double diligence against the Church and striving to retain the children in their meeting-houses. ... Remove the Bishop, and the Isle of Man will instantly become the hotbed of Dissent.²³

The legislative role of the bishop was not a relatively minor part of the case against union,²⁴ as can be seen from the six principal reasons the bishop put forward for retention of the diocese: antiquity; geographical position; the entitlement of the Manx as a distinct people to their ancient privileges; ‘the constant presence of the Bishop is necessary as head of the Council, the principal branch of the legislature of the Island, and as leading trustee of all insular charities; these are duties which cannot be exercised by an Archdeacon, or any other deputy’;²⁵ the bishop knows the Manx but can move in powerful English circles: and, finally, a resident bishop is a great moral influence and maintainer of religious interests. It was, however, a concern of Archdeacon Philpot, who noted that Tynwald ‘can pass laws (without perhaps exciting the attention of the King in Council) materially affecting the welfare of the insular Church. Over those laws the Bishop exercises a very considerable check, and in this respect his removal to Carlisle

²³ Bishop of Sodor and Man to archbishop of Canterbury, 31 May 1836, Church of England Record Centre, Bermondsey, Ecclesiastical Commissioners’ file 1232.

²⁴ See Frederick John Robinson, 1st earl of Ripon, *Annexation of the bishopric of Sodor and Man to that of Carlisle: speech of the earl of Ripon in the House of Lords*, Colchester 1837 (MNHA F22/12, 1837).

²⁵ *Memorial of the bishop of Sodor and Man to the commissioners appointed to consider the state of the Established Church with reference to ecclesiastical duties and revenues*, Colchester 1837, at p. 5.

might, I think, be attended with some danger'. The archdeacon conceded, however, that he could himself, in some measure, exert the same restraining influence in council as the bishop.²⁶

With powerful English allies, opposition to the union scheme succeeded in procuring the repeal of the enabling provision before it could be acted upon.²⁷ The success of the union movement to the point where positive legislation was required to avert it made a powerful impact, however, and the 1836 debate was referred to later in the century, when the future of the diocese was again under discussion.²⁸

The spread of Dissent was not halted by the rejection of union and as the century progressed, an increasingly Methodist House of Keys, directly elected from 1866, succeeded in procuring reforms separating the public institutions of the island from what they regarded as sectional institutions of the established Church. The pace of such legislation was only slightly slower than that in England. One such reform concerned the historic jurisdiction of the ecclesiastical courts, which had been unaffected by the 1857 English reallocation of testamentary and matrimonial business. It was not until 1874 that the jurisdiction of the archdeacon's court in these respects was merged with that of the bishop, and only ten years after that that the Manx high court took over probate, matrimonial remedies and guardianship.²⁹ These reforms left the post of the archdeacon's Official (who had occasionally assisted at executive business of the council) a virtual sinecure, and reduced considerably the workload of the vicar-general. It had already been agreed that one vicar-general instead of two should in future be appointed; in common with other judges, the previous payment by fees had been commuted for a salary from the public revenues of £400³⁰ (later raised to £500 but reduced in 1884 to £230). But the Dissenting population had come to question any public contribution, and by the turn of the century the vicar-general's salary had become a matter of contention inextricable from the question of his legislative seat.

In 1875 the governor considered that, since the 1836 legislation, 'the question of amalgamating this with an English diocese has more or less

²⁶ 'Evidence to the Royal Commission on the State of the Established Church with regard to Ecclesiastical Duties & Revenues, 8 June 1836', *ibid.*

²⁷ Sodor and Man Act 1838 (1&2 Vict. C. 30).

²⁸ For an extreme example see C. Ward, *Sixty years ago: how the diocese of Sodor and Man was saved*, Douglas 1896.

²⁹ Ecclesiastical Courts Act 1874, Ecclesiastical Civil Judicature (Transfer) Act 1884 (AT). Bastardy continued as an ecclesiastical cause until the Isle of Man Judicature (Amendment) Act 1921, and the actual dissolution of marriage remained a matter for private acts of Tynwald until the Judicature (Matrimonial Causes) Act 1938 (AT).

³⁰ The single appointment and £400 salary were agreed between Bishop Vowler Short and Home Secretary Sir James Graham in 1846.

smouldered'.³¹ In contrast to earlier debates, in 1875 the primary concerns were fiscal – how could the financial position of the Manx Church best be safeguarded? While he was prepared to accept union with Liverpool, one of the governor's essentials in any negotiation was for 'the Bishop to remain a member of the Council and to reside for not less than a certain fixed period annually in the Isle of Man'. This seems to have arisen from a desire to retain the bishop's legislative role. Although a slight contrast with the balance of arguments in 1836, this does not mark a permanent emphasis on the legislative role of the bishop when discussing the future of the diocese. This attempt, too, failed, despite the persistent support of the bishop for such amalgamation, primarily due to opposition in Tynwald.³² An attempt in 1937, quickly terminated, to open up the future of the diocese provoked a vigorous response by the vicar-general, R. G. Johnson. Johnson discussed at length the impact of abolition of the diocese, and at the end of his piece, which was concerned primarily with financial issues, he listed seven objections, including broader issues such as the loss of an ancient see, and a shift in the role of the archdeacon.³³ The impact on Tynwald was not mentioned. The link between the future of the diocese and the legislative role of the bishop has, however, been a recurring theme in legislative debates since 1961.

Twentieth-century changes to the composition of the council

Although the island's religious plurality was one factor behind proposals for reform of the council in the early 1900s, the driving impetus was the desire to reduce the 'official' and hence Whitehall-oriented character of the upper branch of Tynwald. The council could not only veto any legislation but also, by its votes in the joint session known as Tynwald Court, sway the outcome of any executive policy decision within Tynwald's power (such as the budgetary control enjoyed since 1866). Recent governors such as Henry Loch had argued strongly, gaining a modicum of Whitehall support, for the obligation of council members to support gubernatorial policy with their votes, and indeed it had been extremely rare for this not to happen.³⁴

³¹ Statement of the governor to Tynwald, 26 Jan. 1875, MNHA.

³² See *Brown's Directory*, Douglas 1882.

³³ R. G. Johnson, 'Mr Alcock and the Manx Church', *Isle of Man Examiner*, 3 Dec. 1937 (MNHA).

³⁴ The correspondence (Governor Loch to Home Secretary, 30 Apr. 1881; letters in reply 11, 19 Aug. 1881; governor's minute to council members, 27 Dec. 1881; Vicar-General Jebb's reply, 4 Jan. 1882; Loch to Home Secretary, Mar. 1882, MNHA D154/4X/13–14) was not made public, so the Keys could not know that the governor had accepted that the bishop and archdeacon should retain a free vote, nor that the vicar-general considered that any restraint

In 1903,³⁵ and again in 1905,³⁶ the Keys resolved to seek the removal of both vicar-general and archdeacon from the council. These initial petitions were rejected following the intervention of Bishop Norman Straton,³⁷ but in 1907 a more wide-ranging petition by the Keys led the bishop to expand his arguments in favour of the ecclesiastical officers.³⁸ In Straton's view, the vicar-general was uniquely qualified to watch legislation affecting the religious establishment and ecclesiastical patronage (most of which was vested in the crown and so a matter of legitimate Whitehall interest). The archdeacon's contribution was also different from the bishop's, in that the latter needed experience gained from 'larger and more active spheres of ecclesiastical life and work in England', while the archdeacon should be trained 'in close connection with the life and customs of the Manx Church' and be always in a position to brief an incoming bishop on insular laws, needs and feelings. Both officers benefited from their independence of the electorate: 'the Secretary of State might feel that Island interests are better served by a Council free from undue outside pressure'. If both were removed, the bishop 'would be left alone to grapple with Bills injurious to the Church'. The Keys' petition, Straton concluded, appeared in reality to be aimed at reducing the representation of the clergy,³⁹ and 'dictated by a desire to humiliate the Established Church and to cripple it in the discharge of its work and administration'.

Four years later the Keys petition was referred to a departmental committee under Lord MacDonnell. Evidence was taken from Bishop Thomas Drury, who was – contrary to Straton's expectations – a Manxman, and whose support for the *status quo* was expressed in less denominationally defensive terms than that of his predecessor: 'I quite agree, as far as the Church of England is concerned, that the Bishop is a sufficient representative. It is not the vote of the Archdeacon that I care for; it is the value of the

on his legislative independence 'would permanently corrupt and poison the Manx constitution, and render it unworthy of being maintained at all'.

³⁵ HK 21.7.1903. For the history of constitutional reform proposals from this date onwards, this survey is generally indebted to the account in D. G. Kermode, *Offshore island politics: the constitutional and political development of the Isle of Man in the twentieth century*, Liverpool 2001, though the bishop's role is an important factor that Kermode appears wholly to overlook.

³⁶ HK 24.10.1905.

³⁷ Norman Straton to Lord Raglan, 27 Oct. 1905 (copy); Mackenzie Chalmers (Home Office) to Raglan, 21 Feb. 1906, MNHA, accession no. 9309, filed with papers on the 1931 appointment of Vicar-General Johnson.

³⁸ HK 19.2.1907; Sodor and Man to governor, 27 Feb. 1907, MNHA, accession no. 9309.

³⁹ Beneficed clergy had been disqualified from election to the Keys by the act of 1866, borrowing with modifications the provision of the House of Commons (Clergy Disqualification) act of 1801. There was no exclusion of Methodist ministers or local preachers, the latter being represented in the Keys in substantial numbers (one-third of the house in 1907).

Archdeacon as a man on the legislative Council.⁴⁰ According to Drury, it had never been suggested that other Christian bodies were disadvantaged by the ecclesiastics' council presence.⁴¹ The archdeacon represented the Manx clergy in a way that the bishop did not; no Manxman had occupied the see for centuries until Drury's appointment. The archdeacon should continue to perform this role if the clergy were to be represented at all; it was not advisable to allow them to stand for the Keys. While Drury was not prepared to defend in abstract the vicar-general's *ex officio* seat, he considered 'mere constitutional theory' insufficient to justify changing an established fact. The committee concluded that the case for the inferior ecclesiastics had not been made out. The bishop himself should remain, however, on account of 'his traditional place, the ecclesiastical interests committed to his charge, and his respected and authoritative personality'.⁴² As a result, in 1919 the inferior ecclesiastics lost their *ex officio* membership.⁴³

Bishop Straton's fears that a Tynwald with fewer ecclesiastical members would meddle with ecclesiastical matters proved unfounded. A Manx act of 1925 supplemented imperial structures and allowed for the automatic introduction into Tynwald of religious bills framed in the island's diocesan conference. A Tynwald ecclesiastical committee was created to examine and report on such bills before introduction, with the intention of reducing to a minimum the time spent in religious debate by the increasingly reluctant branches. On occasion members' enthusiasms concerning aspects of the life of the religious establishment did still come to light on the floor of the branches or of Tynwald Court; but as a rule the diocesan conference now became the forum for detailed debate of 'the ecclesiastical interests committed to [the bishop's] charge' while branch consideration of church bills grew steadily more perfunctory.

The fact that the bishop was now unsupported by other ecclesiastics in the legislature meant, however, that there was no prospect of emulating the English bishops' reduced attendance in the House of Lords. Standing orders and universal expectation continued to demand the presence of all members in the branches and in Tynwald Court, unless they excused themselves for good cause. Tynwald Court standing orders (though not those of the council) also required that all members present at a division record their votes for or against the motion; withdrawal from the chamber before the division was accepted as a method of abstention, but was expected to be invoked sparingly. It was recognised, however, that the bishop might have

⁴⁰ *Report of the departmental committee on the constitution, & c., of the Isle of Man*, London 1911, ii (Minutes of Evidence), 136, 140.

⁴¹ The evidence of David Inglis, chairman of the Isle of Man Free Church Council (*ibid.* 225), suggested otherwise, calling for the removal of both officers and the bishop on the ground of religious equality.

⁴² *Report of the departmental committee on the constitution*, i. 22.

⁴³ Isle of Man Constitution (Amendment) Act 1919 (AT).

unavoidable commitments elsewhere rather more often than other members. As well as the York convocation and bishops' meetings, this now included the Church Assembly and certain of its committees, as well as insular bodies demanding his time which had no English diocesan counterpart.

One incumbent of the see seemed nevertheless keen to take on additional public responsibilities. John Taylor was consecrated bishop in 1943, and fifteen months later the *Sunday Times* carried a learned correspondence on the question of his eligibility for a seat in the House of Lords at Westminster.⁴⁴ Research revealed a past courtesy of allowing the Manx bishop to sit, but not vote, in the Lords' Chamber, together with isolated seventeenth- and eighteenth-century opinions that he was entitled to a vote, or would be if his barony were held of the king, rather than of the Stanley or Murray lord. The Lords' Committee of Privileges had apparently planned to consider the question in relation to the family's last appointee, George Murray, but had not pursued the matter. In 1951 Taylor became the senior bishop of England and the Isle of Man outside the Lords, and enquired of the Crown Office whether a writ of summons should not be issued to him. The advice tendered to the lord chancellor, however, took it as conclusive that the Isle of Man was not 'a see in England', which the statutes now regulating the summons of lords spiritual required.⁴⁵ The bishop declining the offer of a Committee of Privileges hearing, the issue was once more allowed to drop.⁴⁶

By the time Taylor was exploring the possibilities of a place in parliament, his place in Tynwald had begun to come under threat. In 1942 Samuel Norris had inaugurated a drive for further constitutional change, in particular wishing to see an end to the 'official' dominance of the council. By 1958 council reform had joined the subject of executive government at the centre of the Keys' agenda, which formally resolved to remove the bishop's right to sit *ex officio*. A new constitutional commission, chaired by Lord MacDermott, chief justice of Northern Ireland, adopted the MacDonnell reasoning for retaining the bishop's seat. Denominational resentments were less than they had been in 1911,⁴⁷ and occasional invidious situations could be avoided by allowing the bishop to abstain in divisions.⁴⁸ The only change as regards the bishop should be to relieve him of the standing order obligation to vote on

⁴⁴ See, particularly, Sir Claud Schuster to the *Sunday Times*, 14 May 1944, and notes by P. W. Caine, MNHA1353A. The opinions in favour of a seat by right (subject to direct holding of the crown) were those of the Laudian Peter Heylyn and of Bishop Wilson's late eighteenth-century biographer C. C. Crutwell. It had been asserted that '[t]he Bishop of Sodor and Man can take his seat, but has no vote, in the House of Lords': T. Seppings, *The sees of England, Wales, Ireland and the colonies*, London 1835, 19.

⁴⁵ Ecclesiastical Commissioners Act 1847, as amended by the Welsh Church Act 1914.

⁴⁶ R. P. Cave, 'House of Lords: claim of the bishop of Sodor and Man to a writ of summons', *Journal of the Society of Clerks at the Table in Empire Parliaments* xix (1951), 127.

⁴⁷ *Report of the Ecclesiastical Committee on the Isle of Man Constitution*, para. 28.

⁴⁸ *Ibid.* para. 29.

every issue in Tynwald Court. This proposal perhaps reflected the view of some witnesses that it was primarily on 'moral issues' that he had a useful contribution to make, and that entanglement in other politically controversial topics could only damage his standing.⁴⁹

Following MacDermott the Keys accepted a more modest reform of the council, with the addition of one extra Keys' appointee.⁵⁰ The Constitution Bill, however, secured a reform that would ultimately give them everything else they wanted – the power to override a council legislative veto. Having won this trump card, the repeated threat of its use over the next two decades enabled them to ensure the removal of both Deemsters, the governor's nominees, the attorney-general as a voting member and finally the governor himself.⁵¹ The result was to convert the unelected membership of the council from a 7:4 majority in 1961 to a 1:9 minority by 1980. The surviving unelected member was the bishop.

His position soon came under attack. After an initial attempt to secure discussion of direct election to the council (and the end of the episcopal vote)⁵² in May 1982 Victor Kneale gained a second reading for his Constitution (legislative council) Bill. His bill divided the island into broader constituencies for direct elections to the council, and placed the bishop on the same non-voting footing as the attorney-general.⁵³ Kneale's second reading speech typified two aspects of the later discussion of the episcopal legislative role. First, the bishop was no longer attacked chiefly as an official government supporter, nor as an Englishman, nor as a representative of denominational privilege, nor for his personal actions or politics. His vote was simply a casualty of the widespread thinking linking legislative legitimacy to popular election, and at least in some eyes this did not necessitate depriving him of the right to sit and speak. Secondly, the voice of caution invoked the reappearing spectre of diocesan union, and assumed general concurrence that this would be an undesirable outcome. As we have noted above, since 1836 there had indeed been several proposals to unite oversight of the island with some part of northern England. Influential voices (such as that of Bishop Gordon⁵⁴) had begun to link the continuance of the diocese directly to the bishop's legislative role.

The original version of Kneale's 1982 bill would have had serious implications for the supremacy of the Keys, which were to some extent allayed by changes in the committee stage. The redrawing of the bill did not affect its implications for bishop and attorney-general, both of whom were

⁴⁹ Ibid. paras 21–43.

⁵⁰ Isle of Man Constitution Act 1961.

⁵¹ Isle of Man Constitution Acts 1961, 1965, 1969, 1971, 1975, 1980.

⁵² TC 16.6.81. Kermode, *Offshore island politics*, 279, explains this by reference to the newly-elected Keys' desire to retain their superior 'democratic legitimacy'. ⁵³ HK 4.5.82.

⁵⁴ *Isle of Man Examiner*, 24 July 1970. Archdeacon David Willoughby made the same point during the next vacancy, in the editorial of the *Sodor and Man Diocesan News* for September 1983.

still to be accorded non-voting seats in the revising chamber.⁵⁵ At this point the threat to the bishop's vote began to seem real, and this issue assumed a steadily higher profile as the bills progressed.

In January 1983 a paper prepared for the diocesan synod by a committee led by former Deemster Eason and Tom Kermeen appeared.⁵⁶ After an historical introduction, this asserted that the Manx 'were and continue to be deeply religious, especially in the practical sense'. While admitting that this might be seen exemplified primarily in the growth of Methodism, the paper drew the teeth of such an admission by praising the island's lack of religious intolerance in contrast with Ireland. A consistent episcopal record of service to Manx popular interests was claimed. Such service in the legislature was aided by the security that allowed bishops 'to gather experience and exercise foresight' without fearing possible loss of their seat. Having stressed the contentious nature of Kneale's proposals and the threat to the separate see, the paper criticised the notion that direct election was the only basis upon which public officers could be representative. It praised the 'obvious advantages of what may be described as a meritocracy' in the Westminster House of Lords, in particular the contribution of the lords spiritual; and referred to the need for continuity and stability in the membership of Tynwald. Rather than make no proposal for change at all, the paper concluded by endorsing the MacDermott suggestion of a standing order amendment allowing the bishop to abstain.

This paper was circulated to members of the Keys, where the bishop's vote now took a much higher profile in consideration of the 1982 bill's revised proposals. The principle of the Kneale reforms was approved by over two-thirds of the House.⁵⁷ In September 1983 the diocesan newsletter identified a change in the bishop's position in the legislature with the eventual demise of the diocese, and called upon readers to 'fight for our heritage, our right to have a bishop in Tynwald'.⁵⁸ By the introduction in the autumn of a new bill, some 2,700 signatures were obtained to a petition against the removal of the bishop's vote. As well as the petition, the Keys had a memorial before them from the diocesan synod standing committee, to the effect that 'the retention of the lord bishop's vote in Tynwald is in the best religious and public interests of the Island'. The memorial had the paper of January 1983 annexed to it and broadly restated its arguments.⁵⁹ The Keys were unswayed, however, and the clause admitting bishop and attorney to Tynwald on a non-voting basis was carried fifteen to nine.⁶⁰ Interestingly, Kneale himself

⁵⁵ HK 22.6.82.

⁵⁶ The paper is dated 18 Jan. 1983 and a copy is annexed to the memorial of the Diocesan Synod Standing Committee dated 3 Nov. 1983.

⁵⁷ HK 25.1.83.

⁵⁸ Letter from the archdeacon, *Sodor and Man Diocesan News*, 1983, 81.1.

⁵⁹ Memorial to the House of Keys praying to be heard by counsel, 3 Nov. 1983, HK 3.11.83.

⁶⁰ HK 8.11.83.

described the episcopal vote as a minor matter, over which he would not put the higher principles of his bill at risk.⁶¹ The reforms were ultimately blocked by the council.⁶²

When Victor Kneale returned to the fray once more in 1985, his proposal was a much more modest one. It was targeted solely at the bishop, but instead of removing his vote it permitted him to abstain and stipulated that his vote should be disregarded if it created a tie. The steam appeared to have gone out of the campaign, however, and the bill failed to obtain a second reading.⁶³

The 1990s began with the position of the bishop being threatened, once again, as part of a broader pattern of reform of the council. In October 1992 Tynwald Court appointed a select committee to consider the council's functions and election mechanism.⁶⁴ The committee's proposals were less drastic than those of the Kneale bills ten years earlier: the bishop was to lose his vote in Tynwald Court but not in the council, where it was preferable for his vote to resolve deadlock, rather than that of the president of Tynwald. Together with the attorney-general, though, he should also lose his right to move motions.⁶⁵ Although the measure failed, primarily because of the opposition of the council,⁶⁶ it is important for the contribution of Bishop Noel Jones.

Bishop Jones gave both written and oral evidence to the committee, and in July 1994 summed up his views on his own position in a major speech. Jones described his Tynwald presence as 'representative, not advisory', and repudiated any analogy with the non-voting attorney-general. He was a representative, however, not of an English Church but 'because of his involvement in the Established Church of this Island'. The first role of government was 'to advance the Kingdom of God in a Christian country', and the Manx public was already concerned at the erosion of Christian principles. No debate lay outside his interest as bishop, and the security of his position enabled him to participate with an open mind. His contact with a wide cross-section of society made it possible for his vote to reflect something of their concern.

In 1997 another general election over; it was the turn of Tony Brown MHK to move for a select committee on the council's role and constitution. Brown himself said little about the bishop's vote, except to point out changes in the role of Tynwald in relation to ecclesiastical legislation.⁶⁷ It was some time before the committee reported, and in the meantime Geoffrey Cannel MHK suggested a novel approach to the bishop's democratic legitimacy: at each

⁶¹ HK 6.12.83.

⁶² LC 15.6.84. See also the *Report of the Special Committee of the Council on the Representation of the People Bill*, 12 June 1984, and the annexed 'Memorandum of evidence' from the former Deemster Robert Eason.

⁶³ HK 5.2.85.

⁶⁴ TC 22.10.92.

⁶⁵ TC 13.7.94.

⁶⁶ TC 15.11.94.

⁶⁷ HK 22.4.97.

Tynwald election, the electorate should be asked as a whole whether or not to accord the bishop voting rights; 51 per cent support would suffice.⁶⁸ The committee reported in October 1999, offering two alternatives: a further restriction in the existing council's role (the bishop losing his vote), or a change to direct election (in which any role at all for the bishop would need to be added in subsequently). A large majority now supported the second option, and ministers were asked to prepare legislation.

In March 2000 reform of the council was finally debated, and a motion stressing the principle of direct election was passed. Bishop Jones himself supported the call, though without prejudice to his own voting rights, for which he claimed to 'have rather more constituents than perhaps others up here'. The new bill which emerged would have radically reformed Tynwald, all voting members being chosen by the electorate, with the bishop and attorney-general joining the revising chamber with rights to speak but not to vote.

The first serious debate on the bill was at second reading in the Keys in June 2000. Once again it was clear that the episcopal vote would be an issue in its own right, but at the same time intimately bound up with the wider question of Tynwald's future shape. 'Modernising' and 'democratising' arguments were answered by former Chief Minister Walker's warning against tampering with an historic and workable system and placing in jeopardy the island's independent see. A new champion of religious representation, broadly understood, came forward in the person of Leonard Singer, one of the island's small Jewish community, who believed it right that the island should hear religious views and that a member without a vote would have no real incentive to attend Tynwald at all.⁶⁹

Despite Singer's arguments the bill received a second reading, and once again the episcopal vote appeared under serious threat. Rather than organise a petition, which because of changes in churchgoing in the Isle of Man might have been less impressive than in 1983, extra-parliamentary resistance came primarily through a campaign in the diocesan newspaper, individual lobbying of members of the Keys and the circulation of a paper (in two versions tailored to their anticipated readership) prepared chiefly by Vicar-General Faulds.⁷⁰ This paper, which appeared in its final form in September,⁷¹ erroneously traced the right of the bishop to sit in Tynwald to his position as a baron. The bishop's place in Tynwald expressed the

⁶⁸ TC 21.10.98.

⁶⁹ HK 27.6.00.

⁷⁰ Information supplied by the Revd Roger Harper in an interview kindly afforded to Dr Pearce on 29 Jan. 2002.

⁷¹ Vicar-General Faulds to chief minister's office, 29 Sept. 2000. The main arguments had been canvassed in a letter to the *Isle of Man Church Leader* signed by Faulds and Harper, with the chairmen of the Diocesan Synod Houses of Clergy and Laity, and published in the August 2000 issue.

ancient relationship between the island and the Manx Church. He was appointed after wide consultation, with a representative rather than advisory role, and with no salary from general public funds – so no analogy could be drawn with the (non-voting) attorney-general. However, his special mode of appointment freed him from political pressures, enabling him to ‘be a voice for religious belief, ... articulate the philosophical, moral and spiritual viewpoint, ... bring an independent and permanent view ... give a spiritual perspective to government that would otherwise be lost’. Though others would also bring their convictions to bear, the bishop represented ‘a continuity of moral and spiritual tradition ... of immense importance in a rapidly changing secular society’. The bishop’s ecumenical contacts enabled him to represent the wider Christian community. The bishop’s position assured Tynwald of a highly-educated, trained and experienced member ‘with proven management ability’. With a reduced public function attaching to the episcopal office, future candidates for the see might be of reduced calibre. The same argument might jeopardise the future of the island as a separate diocese altogether, with adverse effects on access to the bishop, synodical representation of Manx interests, numbers of churches and clergy.

In October, in response to a letter from Kneale, Lambeth Palace entered the debate by referring to the bishop’s role as witnessing to the importance of spiritual values in the life of the island; and noting that downgrading this role seemed curious in the context of UK reforms which recommended continuing religious representation.⁷² The archbishop of Canterbury did not wish to speculate about the response of the Church of England if the role were changed, but noted that the legislative role had been important in deciding to appoint Bishop Jones, and ‘[l]ike any other organisation, the Church would be bound to look carefully at the implications of any diminution of the Bishop’s public role and to weigh their consequences for future ecclesiastical arrangements in the Island’.

The bill moved to the all-important clauses stage in January 2001. An amendment tabled by Leonard Singer, preserving the bishop’s vote, was passed eighteen to five, but the relevant clause as a whole was then defeated eight to fifteen. At the Speaker’s invitation, Cannell withdrew his bill. It appears that other factors than support for the bishop played their part in this outcome. Allan Bell and Walter Gilbey, for example, were concerned to see the Constitution Bill off the Keys’ agenda so that more urgent legislation could be progressed before the dissolution of the Keys that autumn. The wish for Cannell to withdraw the bill may explain their support for an amendment striking at the root of his campaign. Miles Walker and Peter Karran, on the other hand, not objecting to the bishop’s vote, opposed the amendment through hostility to Cannell’s entire project – Walker believing in the *status*

⁷² J. Harris to G. V. H. Kneale, 10 Oct. 2000, MNHA.

quo, Karran in unicameralism – presumably hoping the provision on the bishop would taint the bill as a whole and cause its failure at a later stage.

The position of the bishop remains a significant constitutional issue, however. In June 2002 Edgar Quine received leave to introduce a bill to the Keys.⁷³ It provided for a legislative council consisting of the president of Tynwald, the bishop, the attorney-general and eight directly elected members. Neither the bishop nor the attorney was to have a vote, or count towards a quorum. At the time of writing the constitution of Tynwald, and in particular the place and role of the bishop, remains under active consideration.

Although unquestioned ecclesiastical representation in the council came late to the Isle of Man, during the nineteenth century a significant proportion of the branch were officers of the Manx Church sitting *ex officio*. Most of these officers were removed at the start of the twentieth century as the council began to become less a body of officials due to the introduction of indirectly elected and appointed members. As the Manx constitution developed in the twentieth century, the position of the bishop became more unusual; eventually he was the only voting member of the council who sat *ex officio*.

Debates over the role of the bishop have, inevitably, occurred primarily as a result of broader constitutional controversy. The bishop was uncontroversial in a branch of English officers – but attempts to discard an English council in opposition to a Manx Keys, an official council in opposition to a directly elected Keys, inevitably threatened his position.

As the bishop survived these reforms, however, the debate changed. He could be – and often was – seen as unfinished business from both these reforms; or as an anomaly that should not be allowed to detract from a vision of democracy based on direct or indirect election by the Manx. Most contributions to the debates after 1980, however, accept that the bishop had a distinctive place in the council. His removal might be seen as the eradication of the last vestiges of feudalism, or as a threat to the survival of the diocese, or the silencing of a vital spiritual voice. In any of these examples, however, it was assumed that the bishop mattered – that his legislative role was special.

⁷³ Constitution (Legislative Council) Bill 2003.