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CLERICAL TENURE OF FELLOWSHIPS.

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A

LETTER

TO

SIR WILLIAM HEATHCOTE, BART. D.C.L.

M.P. FOR THE UNIVERSITY OF OXFORD.

BY THE

REV. FREDERICK MEYRICK, M.A.

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OXFORD,

JOHN HENRY PARKER.

1854.



SIR,

IT is with the greatest satisfaction that not a few of your Constituents have seen the declaration by which you have bound yourself to oppose many of the clauses of the University Bill in Committee. I trust that the Amendments which you may move may be considerable, and that your watchfulness will not pass proposals, small or great, which may be fraught, either immediately or in their consequences, with evil to our ancient University.

In venturing to address a few remarks to you on the subject of the Clerical tenure of Fellowships, I will not occupy your time with a formal argument to prove that it is right and desirable that University Education should in the main be in the hands of the Clergy of the Church. This has been already done, amply and incontrovertibly, in more than one publication which the present crisis has brought forth<sup>a</sup>. I will therefore take that for granted, and confine myself to the minor point, of attempting to shew the disastrous effects of some of the Clauses of the present Bill, supposing that the assumption in question is true. My excuse for writing must be, that this point has been little dwelt upon either in Parliament

<sup>a</sup> Evidence of the Regius Professor of Hebrew, p. 123. Evidence of the Regius Professor of Ecclesiastical History, p. 237. Report of the Tutors' Association, No. IV.

or elsewhere; and there is risk, lest amidst fears for our Independence<sup>b</sup>, fears lest the National Faith pledged to our Founders be violated<sup>c</sup>; fears for the rights of poverty, of schools, and of localities<sup>d</sup>, the subject of the interference with the Clerical tenure of Fellowships, which is yet one of paramount importance, may be overlooked.

The 35th clause of the Bill stands as follows: "No person, elected after the date of the passing of this Act to any Fellowship in any College in Oxford, shall be liable to vacate the same by reason only of his not having taken Holy Orders, if, at the time of his attaining the standing at which Holy Orders are or may be required by the Statutes thereof, not less than three-fourths of the entire number of the Fellows of such College who may have attained the said standing shall have actually entered into the same." I would respectfully call your attention to the enormous change in our position which this apparently moderate enactment will cause.

The reason why Fellows take Holy Orders at present is, that the Fellowships to which they have been elected were founded for clerical holders, and consequently Fellowships are held by Clergymen, just as certain medical appointments are held

<sup>b</sup> Objections to the Government Scheme for the present subjection and future management of the University of Oxford, by Charles Neate, M.A. Senior Fellow of Oriel College.

<sup>c</sup> National Faith considered in reference to Endowments, by Henry Arthur Woodgate, B.D. late Fellow and Tutor of St. John's College.

<sup>d</sup> New College Memorial, &c.



by physicians, and certain military posts by soldiers. But pass this Bill, and why will future Fellows take Holy Orders? Not because their Founders willed it; not because it is implied by their being Members of the Foundation, just as much as it is implied that men are lawyers who go to Lincoln's Inn; but because the Houses of Parliament in the 17th year of Queen Victoria have declared it to be in their judgment expedient, that a certain arbitrary number of the Teachers within the University of Oxford should be clerical. What security is there in such a tenure as this? Suppose that the House changes its mind, (and what is more likely?); that it declares in a few years' time, that one half or one third is a sufficient proportion of clerical Fellows. Suppose a Bill introduced wholly removing the "clerical restriction." How could it be opposed? On no ground, except that of inexpediency. Every thing else is cut away. Not on the ground of principle, for the principle is here given up: not on the ground of Founders' Wills, for Founders' Wills are here violated: not on the ground of right, for the right is here yielded: but simply upon the ground of inexpediency, on which I regret to see, that the battle is already being fought. Right and Justice are immutable, and remain the same yesterday, to-day, and to-morrow. Views of expediency shift with shifting majorities, and depend upon the temper of mind of those who have to judge. If we deprive ourselves of the power of appealing to the former, by throwing ourselves for our support on the latter, we shall find too late that the reed has broken beneath our weight.

But it may be objected, that it *is* altogether a matter of expediency, that there is no right *to be* violated. This depends upon the view which we take of the light in which Holy Orders were regarded by our Founders. If they were simply regarded by them as *an accidental condition*, under which it might be desirable for those whom they benefited to hold their Fellowships, then I allow that no wrong is done by the supreme Trustee, the State, stepping in and saying, that the provisions which enforce that condition shall be altered; but if the Fellowships were founded, with such exceptions as are made by the Founders themselves, *for those who took Holy Orders*, then a grievous injustice is done, by State interference, both to the Founders and to the Church<sup>e</sup>. Which of these alternatives is true, cannot, I think, be doubted. "It should be borne in mind," says the Report of the Cambridge Commission, "that in the case of several of the Colleges it was manifestly the intention of the Founders to appropriate their endowments to the maintenance of a succession of men, who should devote themselves to the service of God *in the ministry of the Church*!"

<sup>e</sup> There is a medium between denying that Founders' Wills may be altered at all, and saying that they may be altered on all points. There are paramount objects and provisions, and there are subordinate objects and provisions. The latter may be rightfully altered by the will of the supreme Trustee, the State: the former may not, at least in equity, unless it can be said that they are not only relatively but absolutely harmful.

<sup>f</sup> P. 171. There is one view of which I would wish to speak with all respect, both from regard to the writer, and the temper of mind from which it arises, which yet I cannot acquiesce in.

But suppose that a principle *is* yielded, yet, it is said, we shall practically go on much the same. People are lulled to sleep by the small change, which they say will be effected. Small change! Have we not learnt the effect of giving up a principle, on which alone a stand can be made? Do we not know how premises are pushed to their logical conclusions? Pass this clause, and the ascendancy of the clerical element (though not acknowledged "in the preamble" to be "the pest and bane of Oxford") will be gradually but inevitably ousted from the University.

And if it is a small change, why should it be made at all? On account of the cry from without? But there is no cry. Because the Commissioners have recommended the removal of the "restriction?" But this is precisely the point on which, owing to the special constitution of the Oxford Commission, their proposals should be regarded with suspicion.

Sir J. Awdry argues, that the object of Founders in general was to "influence through the Church the active mind of the nation," and consequently, that we should be now effecting their purpose, by associating in the Colleges laymen in the active professions. Surely the best method conceivable even in the present day of "influencing through the Church the active mind of the nation," is that of placing the Clergy of the Church in a position where they may educate themselves and others, not only in their own peculiar studies, but in those professions which engage the thought and care of men in active life. It is the best means of bringing the mind of the Church to bear on the mind of the world. There is great risk, that the new studies introduced into the University should be "appropriated" to laymen. There is an ominous identity of numbers between lay-Fellowships, and Fellowships which may be appropriated to special studies in each College. Such an appropriation would be a great evil.

The Cambridge Commissioners, on the other hand, argue against such removal, on the ground both of right and expediency, and “recommend only such a relaxation in the law of some of the Colleges, as would allow of a reasonable interval of time before a newly-elected Fellow should be required to enter into Holy Orders, or vacate his Fellowship<sup>g</sup>.”

And what purpose is it supposed to effect? To remove a temptation to take Holy Orders on improper motives? This temptation scarcely works at all at present, and with equal propriety, Livings might be done away with on the same grounds. Nor would this temptation be removed by the present enactment. On the contrary, scandals would, as I shall presently shew, be more likely to arise in future than at present. Is it to retain some few individuals whom we may otherwise lose, owing to their not having a call to take Holy Orders? But first, this is not a necessary, however desirable, thing; next, it is not, except accidentally, effected by the Clause; and thirdly, it may be much more perfectly effected, by a permission being given to the Visitor of each College to grant dispensations to a limited extent, at the request of the College; and by such permission no principle is violated, or paramount object overridden. This is the proposal of the Report of the Tutors' Association, which emphatically condemns by anticipation the Government Clause in these words: “We do not think uniformity in this respect a thing necessary or desirable: and

<sup>g</sup> Report of the Cambridge Commission, p. 171.

except in such cases of dispensation as are above specified, we see no reason for interfering with the regulations laid down by different Founders on the subject<sup>h</sup>.”

<sup>h</sup> It has been frequently said, and has been re-echoed from many quarters, that the Bill has had great regard to the recommendations of the Tutors' Association. It can do no good either to ourselves or to our friends in Parliament that this should be believed to be the case more than it is. I will therefore point out some of the provisions of the Bill, in which it is opposed to the suggestions of the Association.

*Clause I.* The Association recommended, that on the Commission should sit the Chancellor of the University or his deputy, and the Visitor of the College under consideration or his deputy. Neither the Chancellor nor the Visitor, in person or in deputy, sit on the Commission. Report No. iv. p. 146.

*Clause VI.* Half of the Association was opposed to the recognition of Professors, as such, in the Hebdomadal Council; Professors, as such, are recognised. The other half recognising Professors, as such, as one of the three constituent divisions of the Council, yet checked their influence in their own division, by an equal or almost equal number of M.A.'s, not Professors. This check is not retained. Report No. ii. p. 48.

*Clause XVIII.* The Association argued at length against such a body as Congregation. There is Congregation. Report No. ii. p. 43.

*Clause XVIII.* The Association protested against Assistant or Deputy Professors. Assistant or Deputy Professors are recognised. Report No. iii. p. 85.

*Clause XXXV.* The Association argued against interfering with the regulations laid down by different Founders with regard to Holy Orders. The regulations laid down by Founders are interfered with. Report No. iv. p. 122.

*Clauses XLII. XLVI. L. LI.* The Association protested against suppressing College Fellowships for University purposes. The Bill gives the Commissioners power of demanding from Colleges revenues for University purposes, the loss of which will necessarily cause the suppression of Fellowships. Report No. iv. p. 123.

But are there any present evils which it is necessary to remedy? Is there such a great overplus of clerical influence at this moment? Are the lay-Fellows so enormously outweighed by Clergymen, as to make it necessary thus to interfere with the primary designs of Founders? The total number of Fellowships in Oxford is 546; of these, 15 happen to be vacant, and 48 are held by Undergraduates. These being excluded from the calculation, there remain 483. Of these, 305 are held by clergymen, 178 by laymen. If the Clause which I deprecate passes into law, the new lay-Fellows and expectants of lay-Fellowships produced by it will be so many, that the preponderance will be on the side of the laymen.

But we are told that Colleges may decrease their present numbers of laymen, by fixing the time at which their Fellows shall take Holy Orders at an earlier period than that which is fixed by the

The Association speaks strongly against the diminution of the number of Fellowships, in any but certain exceptional cases. The Bill allows the diminution of the number of Fellowships, for the sake of raising the income of the existing Fellows, of erecting new buildings, of establishing affiliated Halls, besides founding Scholarships, and paying and pensioning off Professors. Report No. iv. p. 111.

*Clause LVI.* The Association protested against the increase of Crown influence. The Bill makes the Visitors, when so required, send in Reports of all connected with the Colleges to the Queen in Council—"an introduction," in the words of the Quarterly Reviewer, "which is likely to lead to a further acquaintance." Report No. iii. p. 72.

I have not mentioned those points of difference, (such as the method of the election of the Hebdomadal Council,) in which I think that the Bill has improved upon the recommendations of the Association.

Statutes. This is easily said, and easily answered. Every one who is acquainted with Oxford *knows*, that if Colleges act upon such a licence at all, they will put back, not forward, the period at which Holy Orders are made necessary. This then instead of decreasing, will still further increase, the lay element in Oxford. And if I read the Bill right, while Colleges *must* allow one-fourth of their Fellows to be lay, they *may* practically by this provision, with the assent of the Commissioners, permit all their Fellows to be so, for it appears that no period is fixed at which they must require their Fellows to be in Orders. They may fix it then at 20 years, or any other nominal period.

And I would venture to call your attention to the scandals which will necessarily arise from the working of this Clause even as it stands in its amended form. Let us suppose, that in a College of sixteen Fellows, there are twelve of sufficient standing to be bound to take Holy Orders by their Statutes, and that, in accordance with this provision, three-fourths have done so, and three remain as laymen. It will be seen that there are four Fellows of not yet sufficient standing as to be necessarily in Holy Orders. These juniors will never be able to know till the very day of their Ordination arrives, whether they will be able to retain their Fellowships as laymen or no. There is too much reason to fear that this will lead to a loose irresolute frame of mind, and that cases will occur, (to the great scandal of religion,) when men who have been counting on a lay-fellowship will take Holy Orders for the sake of

preserving their income. At present men know what they are about, when they offer themselves as candidates for Fellowships.

Nor is this the only instance in which Mr. Blackett's anti-clerical principle seems to have been acted upon. Look at the constitution of the Congregation. It has been a matter of great surprise, that in place of the simple words, "all Residents," a long list of officers and quasi-officers have been enumerated, who amount, with few exceptions, to the whole of the Residents. This surprise vanishes, if we adopt the hypothesis, that the Bill has been more or less drawn on Mr. Blackett's principle. For the two classes who are thus excluded from the Congregation, are the Parochial Clergy and the College Chaplains, together with a few Vice-Presidents, College Lecturers, and Bursars. It would perhaps have been simpler to enact in downright terms that the Congregation should consist of all Residents, except these two bodies of Clergymen; but in that case, people's attention would have been more generally called to the exclusion, and Mr. Blackett's principle must have been avowed. Why should the Parochial Clergy be excluded? They are Masters of Arts, and most of them Fellows of Colleges, and equal in every respect to their brother-Fellows. Why should the College Chaplains be excluded? To perpetuate an abuse, the existence of which is already a shame to Oxford. The Oxford University Commissioners, after having carried on their investigation with lynx-eyed zeal, have brought nothing to light which has to bring up a blush upon the cheek of the accused. But there is an abuse

which they lightly regarded: and that is the way in which Chaplains are looked upon. They are our equals in the bond of Holy Orders; they are our equals as Gentlemen; they are our equals as men of ordinary intelligence, and in most cases our equals in knowledge. Why then are they looked down upon, as (to our disgrace be it spoken) they frequently are? Because they have not been chosen to their posts by examination, and may not have an equal acquaintance with Thucydides. And this will be more and more the test of excellence after this Bill is passed. The exclusion of Chaplains from among the constituents of Congregation will serve still further to stamp a lower position upon them, and to impose the same character, so far as can be done, on those Members of Convocation who hold parochial cures in Oxford.

There are two other Clauses in the Bill which seem to have a tendency the same way. The first is Clause VI. which enacts, that one of the Professors to be elected on the Hebdomadal Council shall be chosen from among the Theological Professors; for the effect of this Clause will surely be rather to diminish than increase the number of such Professors elected. The other is Clause XLII. Sect. 7. which recognises the appropriation of certain Fellowships to certain studies. These Fellowships are one-fourth of the whole number, as though they had some reference to the number of laymen to be allowed in the College. And yet perhaps few things would be more mischievous than to remove the study of "Mathematics, Natural Science, Modern History, and other studies

recognised or to be recognised by the University" from the hands of the Clergy. It would be a very grave evil, that the Clergy should be debarred from becoming the instructors of the nation in those studies which will more and more become substantive parts of English Education. Such a course would neither tend to a strengthening and broadening of their own minds, nor to their acting upon the mind of the nation by contact with it in its intellectual pursuits.

I scarcely venture to propose a substitute for the Clause which I have been chiefly deprecating, but all appearance of presumption is removed by my suggestion being in fact nothing more than a combination of the recommendations of the Cambridge Commissioners, and the Oxford Tutors' Association. If, in the words of the former, "such relaxations in the law of some of the Colleges should be made, as would allow of a reasonable interval of time before a newly-elected Fellow should be required to take Holy Orders or vacate his Fellowship;"—if that interval were fixed at a maximum of eight years from election, so falling in with Clause XXXVI, which gives permission of eight years' non-residence;—and if, in addition, a limited power of Dispensation, as described above, were granted to the Visitor of each College; I cannot but think that every advantage of the present Clause would be gained, and many very great disadvantages would be escaped.

I will not detain you longer, except by expressing my hope, that not only these provisions to which I have here referred, but also Clauses XXIX. XXXIII. XLII. XLIV. L. LI. and LVI. may be

considerably modified, and in the last case removed. And I trust, that the spirit with which our friends in Parliament will approach the Bill will be this; that alterations, even if slightly for the better, will be dearly purchased by a betrayal of principles, on which Oxford and her noble institutions have so long flourished, the nurse at once of the manliness of the English character, and of the learning and piety of the English Church.

I am, Sir,

Yours faithfully,

FREDERICK MEYRICK.

*Trinity College,*  
*April 20, 1854.*









