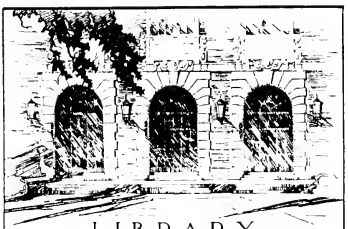

LORD SELBORNE'S LETTER

TO "THE TIMES"

AND AN ANSWER PARAGRAPH BY PARAGRAPH

BY A LAYMAN.

LONDON:
BASIL MONTAGU PICKERING,
196, PICCADILLY.
1874.

TO THE RIGHT HONOURABLE LORD SELBORNE.

My Lord,

IT has been so long the privilege of Englishmen to malign the second order of the clergy, that I should not have disputed your right to this indulgence, had you not included the laity, or a portion of the laity, in your indictment; but as you have included the laity in your accusation, you have of course unmuzzled them, and, as one of them, I beg to make the following strictures on your letter, and its mode of publication. It presented itself to the world in the columns of a newspaper, favoured with a foreknowledge of the Archbishops' bill, the words by which it is introduced, and the first words of your letter, being these,—

"An English Presbyter" asks us to publish the following letter from Lord Selborne on the Public Worship Regulation

Bill, and states that he has Lord Selborne's authority for doing so:—

"I am sorry for the great uneasiness manifested by yourself and so many others of the clergy about the Archbishop's Bill, which makes me doubt whether, if it passes, more harm or good will be done."

Now, my Lord, do you mean to tell me that any real living English Presbyter wrote to you previous to June 13th, and that this was your reply to his letter; and further, that your letter so dispelled all his anxieties and doubts that he forwarded it, after asking your permission so to do, to *The Times?* I find it very difficult to credit this view of the case. Your letter, my Lord, bears evident marks of having been written not only after the withdrawal of the Bishop of Peterborough's amendments, but of having been written after the 16th of June: read the first paragraph, and that this is the fact is pretty clear. I will call this disingenuousness. (Blot 1.)

"But at the same time I am unable to understand, or, at least, to reconcile with what I have been accustomed to think Church principles, the objections of principle made to it, and I cannot but anticipate very evil consequences in the not improbable event of the success of the opposition offered to it. The Bill—I am not speaking of it as it would stand if the Bishop of Peterborough's amendment were adopted—will, if it passes, be merely a measure for shortening and simplifying to a certain extent the legal procedure in a certain class of cases now cognizable under the present cumbrous procedure of the Ecclesiastical Courts."

In this paragraph you beg the question, for you know, or ought to know, that, on occasions agreeable to some of the bishops, they have heretofore declared that they granted letters of request under the fear and dread of a mandamus from the Queen's Bench,

that in other words the bishop had no power but to proceed where there was a complainant. Now, under this new Act, if a parishioner of St. Paul's, Covent Garden, should apply that the four daily services for which there is a special endowment, be performed, the bishop may screen the delinquent receiver of the endowment under any plea which he is ingenious enough to invent; so it is not a measure of simplifying proceedings, but of stultifying proceedings. (Blot 2.)

"It creates no new offence, but is founded solely upon the ecclesiastical law as now contained in the Prayer-book, Rubrics, and Canons agreed to by the Convocation of the Church above 200 years ago. The procedure which it proposes to alter in the cases with which it deals is one prescribed by an Act of Parliament passed during the present reign, upon the suggestion, as this would be, of the Bishops of the day. All such enactments as to procedure in ecclesiastical causes have, from the Reformation downwards, been made by Parliament. They necessarily must be so made, from the very nature of coercive jurisdiction in an Established Church, and they have always, as far as I am aware, been made without its being thought necessary to consult the Convocations of the Clergy about them. There is no doubt, both on general principles and according to the best constitutional precedents, that alterations in the Articles or Liturgy, &c., ought not to be attempted without the concurrence of the Synods of the Church; but, as I have said publicly, I am not aware that a right to be consulted on questions concerning only the legal methods of enforcing the ecclesiastical law has ever before been claimed on behalf of Convocation; and, if so, such a claim cannot now be admitted consistently with the existing settlement of the relations between Church and State described by the term 'Establishment.' How, therefore, any part of the substance of Church discipline or of the rights of the clergy can be affected by the proposed legislation is not to me apparent, unless, indeed, it is contended that the clergy have a vested interest in the continuance of technical and formal impediments to the execution of the laws of the Church. If that is meant, it is a proposition with which I am unable, either as a citizen or as a Churchman, to agree. I must

honestly say that there is something repugnant to my sense, even of morality, in a claim on the part of a large body of the clergy to be at liberty to disregard at their discretion the laws of the Church."

To the proposition that there is something repugnant to morality in a claim of a part of the clergy to be at liberty to disregard, at their discretion, the laws of the Church, I cordially agree; and, therefore, I ask that provisions in any Public Worship Bill may be inserted, to compel the bishops to obey the law of the Church and State in the performance of confirmation, in the marriage service, in the communion service, at a consecration of a bishop, and at all other times of their ministrations. It is very discreditable to their pretended love of obedience that the bishops have left themselves entirely free from the operation of this new sovereign remedy for lawlessness; were it necessary I could furnish a long list of their own errors in defect and act

". . . especially in matters which, unlike questions of faith and morals, are *juris positivi*."

So, my Lord, matters of faith, and a creed the expression of the faith, may, according to your Lordship, who has not "unlearnt the old sort of churchmanship," be left *juris non positivi*, while the Ritual symbolising the creed must be *juris positivi*. Surely our Saviour's reproof is good for this proposition, "Ye fools and blind, whether is greater, the gift, or the altar that sanctifieth the gift; the Throne, or He that sitteth thereon;" the ceremonial, or the creed that sanctifies the ceremonial? (Blot 3.)

"I have always been used to think that the principles as to Church order and organization, and episcopal authority inculcated

in (*e. g.*) the Epistles of Ignatius were Catholic; but, if so, what is to be thought of the catholicity of a party which for the sake of having its own way in matters of form and ceremony sets those principles aside, and, at least by its popular organs, pours open contempt upon them? You think that the Bishops may perhaps have been too much influenced by certain secular newspapers. But do none of the clergy of this school, and of the laymen whose minds on ecclesiastical questions have been formed by them, give their countenance to other newspapers, the spirit and tone of which savours at least as much of those things which Christians renounce at their Baptism?"

So, my Lord, you, Protestant as you profess to be, judge the Epistles of Ignatius, Catholic, but put a Popish construction on them. I think you would find it difficult to give a valid reason why you do not turn Papist at once, holding such opinions as you profess; for the all-important issue between the English Church and the Roman is that the Roman claims an absolute despotic power for her chief bishop, while the English Church protests that he has only a constitutional power: better by far to have one grand despot of some ancient power and prestige than to be burdened with the infallible decisions of twenty-eight little Popelings. If, however, the bishops had governed according to the law, you would have no cause of complaint that any Ritualistic organ had poured contempt on their Lordships; but their Lordships as a body have unfortunately rendered it impossible to respect their persons, how great soever may be our respect for their office. What, my Lord, should you think of a lawyer who told you that he grounded his decision in any particular case upon the (supposititious) fact that no such document as Magna Charta ever existed? You would laugh him to scorn. Now this is just the

position; for the Ritualists have heard *ad nauseam*, that their Lordships in this, that, and the other, are guided by the decision of Liddell *v.* Westerton, the first decision affecting Ritual; and this first Ritual decision is grounded upon a statement as ridiculous as false, and as easy to be disproved as the statement imagined regarding Magna Charta. The decision and argument of the judges is founded on the supposition that no prayer of consecration existed in the Book of Common Prayer as revised in 1552. The fact that there was such a prayer, and that it is identical with the prayer now in use with the exception of one irrelevant word[1] is a truism known to every tiro in English ecclesiastical history. If the Archbishop and the Privy Council had ruled that the moon was a green cheese, it would have been more possible to believe them, than to believe this their present statement; for the moon is not within reach, but copies of the 1552 Book can be handled and read. Bishop Tait having, as assessor, allowed the Privy Council to stultify itself in this gross manner, he or his minions forge a new decree, one equally false but not quite so palpable, and this forgery he or they try to palm off on the public, under Bishop Tait's name and authority, as the actual decree of the court.[2] (Blot 4.)

"I should have supposed that, if anything were clear, these propositions were so—first, that the regulation of rites and ceremonies in the Church and the interpretation of the laws of the Church relating to them belong to public authority and not to private judgment; and, secondly, that deviations from the law

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[1] The word alluded to is "humbly."

[2] Vide Tait Brodrick and Freemantle's Privy Council Cases, p. 147.

of the Church on such matters, whether by way of defect or of excess, which may be excusable and innocent by the plea of custom, or of the honest exercise of private judgment on points not clearly determined by public authority, cease to be innocent or excusable when they are unequivocally forbidden by that authority. Nor am I able to understand how, without strange self-deceit, any men can acknowledge these truths with their lips and yet refuse practically to act upon them, because, as it would seem, the whole working system of ecclesiastical law and public authority under which they actually live is in some way contrary to their notions of what ecclesiastical law and public authority ought to be, and is, therefore, dispensed with by their private judgment as not binding on their consciences. The necessary consequence of allowing such a claim of ritual independence by individual clergymen is to let in a flood of unlimited licence in the direction both of Latitudinarianism and of Romanism; Romanism itself, in a Church whose position can only be justified if Romanism is wrong, being a form, and not the least mischievous form, of Latitudinarianism."

You will see by what I have said above that your "unequivocally forbidden," when brought to the test of fact and truth, become *very equivocally* forbidden, and that there is a little ground for repudiating the "ecclesiastical law" under which we live when that law declares there is no Prayer of Consecration in a book in which there is a Prayer of Consecration, and when to cover this lie the author or authors of it descend to forgery. (Blot 5.)

"By whatever real or apparent zeal and piety, in either teachers or disciples, such licence may be for a time accompanied, its tendency is disorganizing and destructive; and I think there is very great reason to apprehend that it may promote in the long run those developments of scepticism and infidelity which, as a matter of fact, have been concurrent with its growth."

Here, my Lord, your facts and your chronology are again at fault. Are you prepared to prove that Hume, Gibbon, Tom Paine, Darwin the elder,

Thelwall, Cobbett, Carlile, Shelley, and Keats, were "concurrent with the growth of Ritualism:" nay, rather were they not the offspring and offshoot of Hoadleyism and Hickeringillism, and were not Hoadley and Hickeringill the very prototypes of Archbishop Tait and Dean Stanley? (Blot 6.)

"It has proceeded already, to mention one point only, so far as to substitute in some churches the sacrifice of the Mass with an ostentatious imitation of Romish usages for Holy Communion."

Here, my Lord, you are either for your standing and position in the world most remarkably ignorant, or else this passage is a most unworthy piece of clap-trap.

You accuse the Ritualists of substituting the Sacrifice of the Mass for Holy Communion; do you mean that your late vicar, the Rev. Eardley Wilmot at All Souls, had a larger number of communications in a year than had the vicar of All Saints in the same neighbourhood in the same time (I will not ask you even to make allowance for the fact that All Souls Church would hold twice as many people, or thereabouts, as All Saints)? You must know, or can easily know, that such was not the case. Then if you are not talking about the number of communicants and frequency of communions, pray may I ask how you would substitute Lord Selborne for the man formerly known as Sir Roundell Palmer? I think you could not make a substitution, you could change the name but you could not alter the individual.

So we take the Reformers of 1549 and they say that, "The Supper of the Lorde and the Holy Communion is commonly called the Masse."[1] The Par-

[1] Vide The Book of Common Prayer, 1st edit., Ed. VI. 1549.

liament of that day (a professedly Christian one) declared that the book containing this statement was drawn up and made by the aid of the Holy Ghost. They also repeat the same words in their act of uniformity; see the clause relating to services in college chapels where especial mention is made of "The Holy Communion, commonly called the Mass."[1] The 1552 Reformers, generally supposed to be the most ante-Roman of all the Prayer Book revisers, do not protest against this language; they declare that they adopt it, and that the book issued in 1549 is "a very Godly order," "agreeable to the Word of God, and the Primitive Church, very comfortable to all good people, desiring to live in Christian Conversation, and most profitable;" and they further go on to say that the people who refuse it are followers of "their own sensuality," and are living "wilfully and damnably before Almighty God," and that they alter it only because of these contentious people who "live without knowledge or due fear of God."

Therefore your charge resolves itself into a charge that Ritualists have substituted Lord Selborne for Lord Selborne; unless you are at issue with the Reformers of 1549 and the revisers of 1552, who declare that Holy Communion and the Mass are one and the same thing. If they speak truly *substitution* is impossible. (Blot 7.)

Then as to "ostentatious imitation of Romish usages," are you, my Lord, so ill-informed as to the usages of the various nations in the world as not to

[1] Vide Act of Uniformity, 5, 6 Edw. cap. i. prefixed to Edward VI., 2nd book, 1552.

know that the "Ritualism," or more properly the ceremonial used in Ritualistic churches, corresponds with the ceremonial of the Eastern Church proper, with that of the Russian Church, the Armenian, the Jacobite, with that of the Eastern sects, with the Lutheran ceremonial of Denmark, Norway, and Sweden, and with that of Germany during the time that the influence of Melanchthon and Luther still remained. Have you never seen the Catechisms compiled from Luther and Melanchthon's works,[1] with their woodcuts of lights, triptychs, chasubles, and dalmatics? These usages you please to ticket as Romish are no more Romish than Oriental, no more Oriental than Russian, no more Russian than Jacobite, and no more Jacobite than Lutheran. (Blot 8.)

"If the time for repression has not come, when such things as this are done, surely it never can arise. What are the arguments against now interfering to stop ritual excesses? First—that they ought not to be restrained unless, at the same time, other evils in the Church, to which as yet no adequate remedy has been applied, are corrected. But this is the old *Rusticus exspectat dum defluat amnis*. Is it worthy of men who profess high doctrine and practice to plead the insufficiency of the restraints applied to other men's faults as a reason why they should be indulged with impunity in their own?"

To this clause I will give as an answer a reference to the Gospel according to St. John, chap. viii. verses 3 to 9. I can fancy I hear Pilate or the ex-Chancellor of that day quoting to our Lord your Latin text of "*Rusticus*," &c. (Blot 9.)

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[1] Vide among others, "Formæ Precationum Piarum collectæ ex Scriptis Reverendi Viri D. Phillippi Melanchthonis a Luca Backmeistero. *Vitebergia*, 1563." 12mo.

"Next, it is said that some parts of the law in question are uncertain and others obsolete, and that the law ought to be revised and altered before it is enforced. But there never has been, and probably there never will be, any considerable body of law in which there are not some things uncertain and some obsolete. This, however, creates no real practical difficulty in the administration of the law. What is really obsolete is not enforced, and what is uncertain becomes certain when it is authoritatively interpreted. Those parts of the law which are disputable, in liturgical as well as in other matters, bear no real proportion to those which are clear enough for all men to understand and obey them, if only they have the will. And it seems extravagant that because there are some points in which the law might advantageously be altered (and some difficulty in altering it), therefore we are to go on as if we were under no law at all. Here, again, the only party whose object this line of argument really tends to promote is the Latitudinarian. They would doubtless be well enough pleased to see a general revision of the Liturgy attempted in England, such as, since Disestablishment, has been going on in Ireland. But I have not so entirely unlearnt the old sort of Churchmanship as to be willing to help them towards the attainment of that object."

Here at last I think we have a ground of agreement; nearly all of this quotation from your letter to the *Times* newspaper is true, but it all makes *against* you and *for* the Ritualists when applied. The "parts of the law which are disputable" "bear no real proportion to those which are clear enough for all men to understand." Good; I quite admit it. It cannot be disputed with the least show of truth or reason that the laws of the Church and the Act of Uniformity enjoin (1) daily morning and evening prayer, (2) that the words of application in the Communion Service be said to each person severally, (3) that the words of Confirmation be said to each severally, (4) that a priest or bishop join the hands of those who are to be married, (5) that the children of

the parish be publicly catechised after the Second Lesson in Evening Prayer, (6) that the children to be baptised be received publicly into the congregation, not baptised after all the congregation have left the church. Not any of these plainly enjoined acts and forms are proposed to be enforced, though they are not disputable ; the only things that are to be enforced (vide Archbishop Tait's Speech) are those things which are as disputable as the statement that no Magna Charta ever existed. (Blot 10.)

"With respect to your own feeling that there is too much distance between the Bishops and their clergy, I would content myself with calling in question its relevancy for the present purpose. Assuming the fact to be so, whether its cause may be the great size of dioceses, the mode of appointing Bishops, or anything else, our system of Church government is, after all, Episcopal, and not Presbyterian or Congregational ; and I do not see how it can be right to resist the lawful authority of Bishops, appointed under the actual law and order of the Church, because there may not be so much as we might desire of that kind of intercourse between them and their clergy which would reduce the frequency of occasion for any authoritative interference. This brings me to your suggestion that the Bishops should deal with Ritual questions in a council of (say 12) presbyters of the diocese. Whether this might be a possible and desirable arrangement, or not, it is difficult for me to judge; because we never know all the reasons for or against a particular proposition till it has become the subject of public discussion. I do not, however, think that it would be possible for any question of law to be conclusively determined in that way. The Archbishops' Bill has gone beyond the stage at which any such scheme could have been proposed by way of amendment to it ; if it were now proposed, I am sure it would receive no favour, either from the supporters or from the opponents of the Bill. In principle I know no reason why the executive authority of the Bishop should be controlled, or that of Ecclesiastical Judges superseded in ritual matters by such a Council ; nor do I know whether there are any precedents for it in the history of our own or of other Churches. And, since all coercive laws must necessarily be made for the disobedient and not for the obedient, I cannot

say that I think it at all probable that those who hold themselves under no obligation to obey either the extrajudicial advice or admonition of their Bishop, or the judicial authority of any Court, when opposed to their own practice and judgment, would be more likely to submit themselves to the advice or to the coercive authority, under an Act of Parliament, of a Bishop assisted by twelve or any other number of Presbyters."

Here I can agree with you again; I think the Archbishops' bill has gone beyond amendment; I think it is so utterly bad and dishonest that it would be a pity to insert any clause which had a chance of being workable. For myself, I ask for no council, no meddling, no muddling, no manipulating, no policy patching;[1] I desire the law to be administered in its plain grammatical sense, that the Act of Uniformity should be interpreted as any other act of parliament would be, without fear or favour, and that the judge who decides such questions of law should know enough of his own knowledge as not to be led into saying there is no Prayer of Consecration in the 1552 Book of Common Prayer, and that he should have no bishop or archbishop at his elbow to earwig and deceive on such matters. This proposed jury of twelve presbyters with which you credit the Ritualists, is not, so far as I know, a Ritualist proposition; it is rather the proposal of that ghost of a presbyter who favoured the *Times* with your letter. (Blot 11).

"I have gone so much at length into my view of this matter because you are so good as to say that there are some of your friends with whom my opinions have hitherto had some weight. If they had really, which I am far from assuming, any value, this could only be because they are formed and expressed according to the best of an honest judgment by a Churchman who

[1] Vide "A Handy Book of Privy Council Law." 8vo. London, 1871.

wishes to be faithful to the principles of the Church without regard to the praise or blame of any parties or leaders of parties. I should be glad to find favour with them; but—I do not say it now for the first time, *multo malo vos salvos esse.*

Believe me, dear ———,

Ever yours truly,

"*June* 13, 1874." "SELBORNE."

In this passage I believe there is somewhat of truth. I must myself plead guilty to having entertained some hope of honesty and truthfulness in a man who protests against the "tampering with the text of hymns;"[1] but this man is, it seems, willing to have the decrees of the final court of appeal manipulated and forged, and to place further power in the hands of one who was *particeps criminis* in such acts. Again, a man who is reported to have declined the highest honour attainable in his profession, for conscience' sake, is a person that one hopes to be able to respect to the close of his life. From such a quarter special pleading and unjust accusation, accusations which must be known to be unjust, and special pleading which would be unnecessary in any good cause, are very disappointing. It makes one lay down one's pen and ask with the Psalmist, *Quis ostendit nobis bona?*

I am, my Lord,

Your Lordship's obedient

Servant and Fellow-Layman,

B. M. P.

[1] Vide Preface to "The Book of Praise."

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