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## ART. II.—EXCLUSION OF THE CLERGY FROM THE HOUSE OF COMMONS.

IN the year 1801 a measure was brought into Parliament, to which there had previously been no parallel in English legislation.<sup>1</sup> It was proposed to annul the constitutional rights of fifteen thousand English gentlemen of education, capacity and character, and to place them on the same footing as aliens and felons—the only two classes who were by English law disqualified from sitting in the House of Commons.<sup>2</sup> What does the reader suppose to have been the ground on which this measure was defended? Some evidence of wide-spread treason, some astonishing display of bigotry, which shocked the national conscience? Nothing of the kind. It was simply the presence in the House of an obnoxious demagogue, who chanced to have been ordained in his youth, but who was about as fair a representative of the clergy as the Duke of York, the titular Bishop of Osnaburg, would have been of the English Episcopate!

I have no disposition to impugn the conduct of the Government in trying to rid the House of Horne Tooke. A more disreputable or mischievous man never entered it. It is hard to say whether his public or his private character was the more scandalous. If Addington's Ministry had simply brought in a Bill to declare him disqualified from sitting, it might have been an unwise measure, but it would at least have been an honest and defensible one. But they chose to take up the ground—which may have been widely, though certainly ignorantly, entertained—that the clergy were constitutionally ineligible for Parliament.

Again, I do not charge the promoters of the Bill with any wish to injure the clergy. The latter appear to have been quite

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<sup>1</sup> It may be added, or in foreign legislation either. It is believed that in no other country in the world enjoying representative institutions does such a disability attach to the ministers of religion, as that which excludes the English clergy from Parliament. But see note, p. 405.

<sup>2</sup> I do not wish to be misunderstood. The clergy, aliens, and felons were the only three classes excluded *absolutely*. Other persons, no doubt, were excluded for not complying with the requirements for admission, as for not having the pecuniary qualification, or for refusing to take the required oaths. But this in every instance might be altered. A man might acquire his qualification, or conform to the Church, and so become eligible. This is what Lord Thurlow meant when he said that "the privilege of being chosen as a representative in Parliament was the birthright of every Englishman, though all Englishmen were not in possession of it." Even an alien might be naturalized, and a felon purge himself by fulfilling the term of his sentence. The clergyman alone is excluded irrevocably—*quâ* clergyman. It may be added that all the above impediments to entrance to the House have been removed by subsequent legislation, but the clergyman—*quâ* clergyman—is still ineligible.

indifferent to the measure. We hear of no remonstrances, no petitions to the House against it. There was, indeed, at that time, no inducement to them to enter Parliament. Their position was not assailed by anyone, their rights were not questioned, their property was not menaced. A Parliamentary career had no temptation for them. If anyone had brought in a Bill to prevent them from living in the Arctic regions, it could hardly have affected their equanimity less.

But the Bill was not creditable to the Government, and although they attained their object, the proceedings in Parliament were very damaging to them. They began with a simple attempt to expel Horne Tooke. On March 10th, Lord Temple moved that evidence should be taken as to whether Mr. Tooke had ever been ordained, and precedents should be searched for as to the eligibility of the clergy to sit in the House.<sup>1</sup> A committee was accordingly appointed, which reported on the 10th of April. It is not necessary to go into the details of their report, the particulars of which are elsewhere mentioned. But they afforded so slight a ground for declaring Tooke's election void, that Lord Temple's motion for "taking into consideration the return for Old Sarum" was lost by 93 to 53.

The Government were now in a serious difficulty. They must either make up their mind, like King Herod, to slay a host of innocents, in order to make sure of including their enemy among them, or they must endure his presence in Parliament. If the House had simply unseated Tooke, that might have been regarded as personal to him; and other clergymen, unless they, too, had violated all decency, might have retained their seats unchallenged. But that could not be now, and they presently resolved to release themselves from their *bête noir* by bringing in a bill to exclude from the Commons all clergymen.

They had a majority in the House, one of the comfortable majorities of those times, which adhered to its leaders without scruple in everything. Still, it must have been embarrassing, even to them, to have to vote that black was white, and again that it was black, several times in an evening; and the position was not improved by the extremely plain and trenchant language in which the leaders of the Opposition, Fox, Erskine, Grey and Sheridan, as well as Thurlow in the Lords, exposed their fallacies. It was clearly brought out (1) that the clergy had sat in the House without question in the times of the

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<sup>1</sup> It is probable that during the seventeenth or eighteenth centuries very few clergymen entered Parliament. Considering the position they then occupied in society, little higher than that of menial servants, very few would possess the necessary qualification, and it would have been regarded as gross presumption if they had offered themselves for a constituency. Hence probably the vague notion that they were ineligible.

Edwards; (2) that there was no proof that they had not done so in those of Richard II. and the Henrys; (3) that although some clergymen had been expelled the House in subsequent generations, it was on the express grounds that those persons were members of Convocation, and a man could not sit in both Convocation and Parliament; (4) that in 1641 an Act was passed,<sup>1</sup> which stated that great mischiefs and scandals had arisen in Church and State from the Bishops *and clergy* sitting in Parliament, and disqualified them from sitting there in future; (5) that only sixteen years before (in 1784) the election of Rushworth, a clergyman, had been disputed, and the House had declared him duly elected; (6) that no law could be found in the statute book which declared a clergyman to be ineligible; (7) lastly, if the clergy were, as the Bill stated, disqualified, where was the need of a Bill to disqualify them?<sup>2</sup>

It is curious to read the reasons urged in support of the measure. It was argued by Temple and others, (1) that although the right of self-taxation had been withdrawn from Convocation, it might be granted anew. Therefore the clergy were to be kept out of the House, because in that case they would *become* ineligible. He might as well have reasoned that no commoner ought to sit, because he might be made a peer, and so *his* presence in the House would become illegal. (2) That, if admitted, the clergy would exercise an influence at once so overwhelming and so injurious, that they would overturn everything that is valuable in the constitution! (3) that the consequence would be no less disastrous to the clergy, who would be *forced* to leave the plain and beaten road of religion, and wander into the crooked and uneven paths of politics—a doubtful compliment to the House this, one would think; (4) that although the clergy are, beyond dispute, the fittest persons of all to intervene in men's everyday affairs, they are the *unfittest* of all to intervene in their political affairs. How a man's everyday affairs are to be thus strongly marked off from his political

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<sup>1</sup> This Act was repealed at the Restoration. Considering the circumstances under which it was passed and the short time during which it was in force, I have not thought that it could be accounted a precedent. But surely its repeal by a Constitutional Parliament is tantamount to a Parliamentary declaration that the clergy have a right to sit.

<sup>2</sup> It has been denied that the clergy always possessed the right of sitting in the Commons, and Coke and Blackstone have been quoted as upholding the opposite opinion. But Coke's language on other occasions is at variance with the passage in his writings which is generally cited; and Blackstone may have meant that the clergy were excluded as possible members of Convocation. On the other hand, two of the greatest of English lawyers, Bacon and Thurlow, declare them fully entitled to sit. Their opinion exactly accords with the principle on which members were originally summoned: "Hoc omnes tangit, omnes igitur sunt conveniendi" (Matth. of Paris).

affairs Lord Temple did not explain. (5) That if the clergy sat in Parliament there would be the greatest danger of their being corrupted by the Government, who would bribe them by offers of preferment. It does not seem to have occurred to the speaker that other M.P.'s were in like peril—that lawyers might be tempted by visions of judgeships, officers in the army and navy by the prospect of rapid promotion, country gentlemen by baronetcies and coronets; nay, that as it was, a good many livings were obtained by the clergy, if not by their own actual votes, at least by those of their friends.<sup>1</sup>

But at this point of the debate it probably occurred to Lord Temple that all he had thus far been saying bore as little reference as possible to the case of Mr. Horne Tooke, whom the Bill was expressly intended to eject. *He* was not likely to exercise an overwhelming influence in the House; *he* was well in the crooked paths of politics already; *he* was not likely to be tempted to leave the plain and beaten road of religion, seeing he had never walked in it; and lastly, he was not in danger of being bribed by offers of advancement in a profession which he had openly renounced. In fact, he might plead that he had given up his calling as a clergyman, and therefore the Bill, if passed, would not affect him. Temple therefore went on to say that although a clergyman might *try* to lay aside his calling, he could not do so. *His Orders were indelible.* This phrase seems to have been at once caught up, and became the *cheval de bataille* of the supporters of Government. Mr. Thorold Rogers seems disposed to believe that it had no existence previously to the debate; in plain English, that it was coined for the occasion. But however that may be, it was, at all events, a very strange and unsuitable subject for the House to discuss. Nor is it plain what they meant by it. If it was simply that a man, having made a vow to Almighty God, Almighty God alone could release him from it, that is doubtless true. The same is the case with the baptismal and confirmation vows. But what had the House of Commons to do with that? If it was meant that Orders, regarded as a profession, could not be set aside, so that a man would be free to enter another profession—that is historically untrue. But, true or untrue, what is it to the purpose? A man who, being in Orders, wishes to enter Parliament, may have no wish to cancel his Orders, and no reason for wishing it. No vow that he has

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<sup>1</sup> The Bill brought in by Mr. Hibbert and rejected in 1879, which permitted all clergymen to sit, except those in possession of benefices, was not free from a certain injustice, because no such stipulation is made in the instance of any other profession. But it has, nevertheless, a fair show of reason, and no doubt would be willingly accepted by the clergy as a satisfaction of their claims.

made, no responsibility he has undertaken at his ordination, is inconsistent with a seat in Parliament. He swore to uphold, so far as in him lay, "quietness, truth, peace, and love." Is there any reason why he should not uphold these in the House of Commons as well as elsewhere; and would the House suffer any injury if he did? Would his presence in Parliament be consultations to the advancement of God's glory, the good of His Church, the safety, honour, and welfare of our Sovereign and her dominions" which are declared to be the duty of Parliament? If he did during the morning visit the sick, comfort the afflicted, pray with the dying, would that unfit him for legislating in the evening for the welfare of England, the maintenance of right and justice for all? Are the daily avocations of the merchant, the banker, the lawyer, the physician to be held suitable employments for an M.P., but those of the clergyman alone disqualifying? If so, on what possible principle? And why, if the clergy are not to sit in the Commons, are the Bishops to sit in the Lords? Their duties are, if possible, still more sacred and solemn than those of the inferior clergy. If a Bishop, who has been engaged in consecrating, confirming, or ordaining during the day, is not rendered unfit for a debate in Parliament at night, why should a priest or deacon be so?<sup>1</sup>

But, however weak their case, the Government carried the day, and for seventy years the clergy were excluded from the House without the occurrence of further agitation of the question. During those seventy years great and radical changes had been made in the constitution. First Nonconformists, then Roman Catholics, then Jews, then infidels were admitted to the House; that is, no security for their exclusion was retained. It was broadly laid down that no man should be shut out from Parliament on religious grounds—always excepting the clergy of the Church of England. The ancient traditional freedom from attack which had rendered the clergy in 1801 indifferent to their banishment from the Legislature, had been exchanged for bitter and determined hostility. Every ancient right which the Church had possessed was called in question; Church property, of whatsoever kind, was declared to belong to the nation, which would be quite justified in alienating it—nay, which was bound to alienate it (if it saw sufficient reason), and apply it to secular

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<sup>1</sup> An additional argument to what is here urged as to the admission of the Bishops to the House of Lords is supplied by the election of the clergy as members of County Councils. The work to be done by these is even more strictly secular than that on which Parliament is engaged, seeing that Church matters can hardly come before them. If it is proper for a clergyman to concern himself with secular business in a County Council, why not in the House of Commons?

purposes. It was proposed to sell the churches and parsonage houses to the highest bidder, and allow them to be used for any purposes which the buyers chose. An attempt was made, and to a great extent succeeded, to pass off as true an enormously false statement as to the relative numbers of Churchmen and Nonconformists.<sup>1</sup> Even in Parliament the most monstrous perversions of facts were put forward, almost without contradiction, by the Church's enemies. Questions most nearly affecting the interests of the clergy were brought forward and debated on, and still the Legislature made no move towards untying the hands of the Church's natural and most efficient champions.<sup>2</sup>

At length some stir *was* made. But it could scarcely be said to proceed from the clergy, who were patient, as they have always shown themselves, under the most grievous wrongs. But there were some young men who had entered Orders early in life without due consideration of the step they were taking, and who found themselves debarred from the Parliamentary career they now desired, by Horne Tooke's Act. *They* agitated for its repeal. If they had effected that, no harm would have been done. They effected, however, something very different, or

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<sup>1</sup> This is not perhaps the place in which to say it, but I cannot help remarking on the absurdity of trying to ascertain the relative numbers of Churchmen and Dissenters, and of those who are neither, by the aggregate of their attendance at churches or chapels. A man may go to a Dissenting chapel (1) because there is no church near him; (2) because there is no room for him in a church; (3) because he dislikes the ritual or the preaching in some particular church; (4) because he likes the preaching of some Nonconformist divine, though he does not agree with his doctrine: such a man is not a Dissenter, though he is reckoned as one. If there were a sufficient number of churches to hold all the population, and people still chose to forego their seats in church and attend a Nonconformist chapel, then the religious census, as it was taken in 1851, would be a fair criterion. As it is, half the population *must* be reckoned as Dissenters, because there is room for only half the population in the churches.

<sup>2</sup> If there were clergymen members of the House, who had been elected on the understanding that they were to look after the interests of the Church, these statements could not be made, or, at all events, they would be harmless. It would be their duty to look up such Church matters as were brought before the House, and provide themselves with answers to questions and statements made respecting them. Thus when Mr. Richards, in 1885, stated that the number of Nonconformist ministers in Wales was 4,500, he would have been at once taken to task for multiplying the real number by three, the official return showing only 1,557. Again, when Mr. Osborne Morgan, in 1888, affirmed that the Calvinistic Methodists had 4,500 chapels in Wales, his misstatement would have been corrected, and the real number shown to be 622. These are two instances out of a great number. There is at present no one whose *special business* is to attend to these matters; no one who could be called to account for not attending to them.

rather others effected it for them. It is true they gained their own end. The Horne Tookes—those who, like him, have repudiated their Orders—are free to sit in the House, if they can get returned. But against all others, certainly against those of the clergy who have any respect for their own position and character, the door is shut as fast as ever.<sup>1</sup> In 1870, under the guise of pretended relief, there was placed on the statute book an Act perpetrating really greater tyranny against the clergy than was caused by their original exclusion in 1801. Those who passed it expressly disclaimed any interference with the spiritual effect of Holy Orders; yet they exacted that any priest or deacon desiring to sit in the House must make a formal declaration, and give it to a Bishop, and an Archbishop, to be enrolled as a legal instrument—the effect of which is that he shall be incapable of acting, or officiating in any way, as a minister of the Church for ever after. No more anomalous statute than this was ever hurried through the House of Lords in the last days of a session. Its effect is utterly indefensible on any principle, and inconsistent with any reason. It creates a restriction uncalled for and offensive, alike to electors and elected. No other of her Majesty's subjects are compelled to incapacitate themselves from doing any conceivable thing before they can sit in the House. The iniquity is made all the more glaring by all that has passed between 1801 and the present time, in opening the doors of the House of Commons to everybody else, and searching out, as it were, with that intent, every semblance of grievance to conscience. Such an Act, so totally at variance with the whole spirit of modern legislation, was not the outcome of reason or justice, but of the arbitrary will of a majority.

For there was, and still may be, a party in the House to whom, for one reason or another, the idea of the admission of the clergy in their true character is very obnoxious. I do not here refer to the avowed enemies of the Church, who, it needs not to say, find it safer and more convenient to attack the clergy in their absence than their presence, but to those who consider themselves, and doubtless are, after their own fashion, the Church's supporters. As this question will probably be before long again raised, it may be worth while to consider the objections which, avowedly or secretly, are entertained by many.

There is first the somewhat vague, but widespread per-

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<sup>1</sup> "The House, for fear that Tooke would mischief do,  
Bound fifteen thousand honest men and true;  
But when a cry was raised, and all declared  
So great a wrong must straightway be repaired,  
To free the Tookes a door they opened wide,  
But left the honest men securely tied!"

suasion, that the clergy ought to have nothing to do with the affairs of this world, being concerned wholly with those of the next. It may seem strange that a notion so utterly untenable as this should influence men's minds. But there is the fact that it does, and therefore we must consider it. Traced to its source, it seems to be founded on the saying of the Apostles (Acts vi. 4): "We will give ourselves *continually* to prayer and to the ministry of the word;" that is (as such persons understand it), "We will pay heed to nothing else." But, it is reasoned, if the Apostles, the types and models of the clergy for all after-time, would not concern themselves with secular matters, neither ought their successors. But the Apostles did *not* say that they would pay heed to nothing else. The word "continually," which may have given this idea, is not in the original. What they said was that they would "employ themselves diligently" in prayer and preaching. That was work worthy of them, which distributing broken meat and keeping accounts was not. But they did not say that, if subjects worthy of their attention should arise, they would pay no heed to them. I am aware of nothing that goes to prove that the Apostles did not concern themselves with men's everyday affairs. The life of St. Paul, of whom we know most, evinces a very deep interest in the daily lives of those round him. Witness his solemn exhortation to obedience to constituted authority; his rebukes to his converts for going to law with their brethren before heathen judges; his careful advice about marriage; his intervention in the household affairs of Philemon. How could he have been "all things to all men" if he had not warmly interested himself in their secular, as well as in their spiritual, affairs? How, in fact, is it possible to separate the two? In order really to abstain from all secular matters, they must have been taken wholly out of this world—the very thing that their Master prayed they might not be (St. John xvii. 15), and have lived the life of the hermit—a life as different from that of the Apostles as it is possible to conceive. A clergyman may be, and ought to be, as earnest for the welfare of England, as jealous of her honour, as anxious to promote sound and righteous legislation, as any layman can possibly be.<sup>1</sup>

Again, there are those who, though they are genuine supporters of the Church, wish to keep her in the background

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<sup>1</sup> No person acquainted with the history of England will need to be told that for more than 500 years after the establishment of the monarchy the affairs of the State were directed entirely by ecclesiastics; that it is to ecclesiastics she owes her wisest and most enduring laws; that it was mainly by ecclesiastics that her liberties were secured. Our fathers would have thought it strange indeed to be told that the clergy were unfit persons to legislate.

as much as possible. She is to be like a person whose position in society is doubtful, but tolerated. If a man so circumstanced puts himself forward, and tries to take a lead, people will ask who he is, and what business he has to be there. But if he keeps quiet, his presence will be overlooked. Considering how closely morality is interwoven with public affairs, this is a strange course to be pursued by men, whose office—when God's honour is at stake, as is sometimes the case now—is "to speak in men's ear, whether they will hear, or whether they will forbear."<sup>1</sup> All men are, or ought to be, God's servants, and, if need be, to declare themselves such. Are the clergy alone to be forbidden to do this in public?

Many more are influenced by the fear that the admission of the clergy to the Commons will bring on Disestablishment, if (as is sometimes said) it is not in itself the beginning of Disestablishment. It is almost amusing to see how this topic of Disestablishment is for ever intruding itself into all matters connected with the Church, as inevitably as King Charles's head intruded itself into all Mr. Dick's memorials. If a clergyman wears a coloured stole, or puts up a sculptured figure over a chancel arch, or stands in an attitude which offends his people, it will bring on Disestablishment; if he refuses to take ten per cent. off his tithes, or quarrels with his churchwardens about the sittings, or the lighting or the warming of his church; if his sermons are alarmingly high, or painfully low, or objectionably broad, the same result will inevitably follow.<sup>2</sup> Disestablishment is always lurking about, ready to slip in wherever the smallest opening presents itself. It is no wonder if men argue that he will certainly slip in if the clergy are permitted to sit in Parliament. And yet one does not see, after all, what connection there is between the two. In the first place, the right of the clergy to occupy seats in the Legislature existed for many centuries, yet it did not cause or even suggest the idea of Disestablishment.<sup>3</sup> In the second place, Disestablishment, in any intelligible sense of the word, was accomplished when the Test Act was

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<sup>1</sup> Ought questions like those of divorce, involving as they do the most direct appeals to Scripture, to be discussed and determined without the voice of the clergy being heard at all? Might not the presence of two or three clergymen, who regarded that measure in a different light from that in which many laymen viewed it, have been of infinite service to the House and nation when that Act was passed?

<sup>2</sup> I remember a large crowd being gathered at the doors of one of our cathedrals on a day when some service of interest was to be performed. The doors were not opened as soon as was expected, and the complaints of the crowd took the shape of declaring that if the Church went on in that way she would soon be disestablished!

<sup>3</sup> It is sometimes argued that the Church cannot be disestablished, because she has never been established. It is quite true that no formal document can be produced declaring its establishment. No doubt, too,

repealed and the Roman Catholic Relief Bill passed. With the exception of the presence of the Bishops in the House of Lords there is now scarcely anything that could be "disestablished."

Disestablishment is nowadays simply a euphemism for Disendowment, as Disendowment is a euphemism for pillage.

Again, some are afraid of the entrance of Roman Catholic priests if the Anglican clergy are allowed to sit. This is the old false plea, "Something is just, but do not do it, because something else will follow." Justice is not to be withheld from the Romish, any more than from the Anglican clergy, but granted to both alike. And why need anyone be afraid of the presence of Roman Catholic priests? Would the House suffer by their admission? It is tolerably certain that none would be allowed to offer themselves for a constituency who were not well qualified by ability, high character, knowledge, and courtesy to represent the Romish clergy. Why should not Parliament hear from the lips of these men their views and wishes, and give them the consideration they deserve? Would they not, at all events, be a good exchange for some of the obstructives who now lead the Irish Opposition?

Lastly, many are alarmed by the scandal of a contested election, at which a clergyman, if a candidate, might be assailed by coarse and ribald language and the like. Well, it is not often the case that men of high and pure character, who give no ground for attack or retaliation, *are* thus assailed. But, at all events, a clergyman would be free to contest the university seats without drawback of this kind. And the presence even of a few clergy of high mark for learning, ability and eloquence would cause a debate on any Church question to assume a very different aspect from what it generally bears now. Doubtless it is said that the clergy are well represented by faithful laymen; but, without disparagement or ingratitude to them, faithful laymen are not clergymen. So the working man used to be represented by his employer and the field labourer by his landlord, and they, too, were "faithful laymen." But the cry now—a cry every day more respectfully listened to—is for direct representatives of trade and labour. Why are the clergy alone to be represented by deputies, not even of their own choosing?<sup>1</sup>

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the popular idea of her having been created by Act of Parliament is ridiculously untrue. She is ten centuries older than the House of Commons, older than the creation of any House of Peers, older than the monarchy of United England itself. But the Acts which excluded all persons from the Legislature except members of the Church did constitute, in a very intelligible sense, Church Establishment.

<sup>1</sup> It is also urged that the clergy are sufficiently represented in Parliament by the Bishops in the Upper House. But the Bishops are not chosen by the clergy; and besides, notoriously, a Bill is regarded as

None of the above reasons justified the refusal in 1870 to undo the undisputed wrong of 1801. It is difficult indeed to conceive how *any* reasons *could* justify it. You cannot exact any conditions for repairing a simple injustice. If an innocent man has been imprisoned, you cannot let him out on condition of his confining himself to his own house. If a man has illegally been kept out of a property to which he was clearly entitled, you cannot give him one-half instead of the whole. Nor can you, in the one case, urge that if you let the man out you must let someone else out, whom you wish to keep in ; or, in the other, that the man will make a bad use of the property, and it is better for both himself and others that someone else should hold it. In like manner, you have no right to restore the ancient rights of the clergy on condition that they will divest themselves of their sacred character. They were not required to do so before Horne Tooke's times. They ought not, in common justice, to be obliged to do so now.

Independently of this consideration, the condition exacted is alike insulting and cruel. Why is a man who holds his ordination vow sacred, yet feels that to enter Parliament would be no breach of it—why is he to be made to repudiate it? Why, if he values, as every right-minded man must do, the power given him by Holy Orders, of ministering to men's needs and sufferings—why is he to be obliged to forego these in order to possess what is already his birthright—the privilege of sitting in Parliament? Suppose some conscience-stricken sinner were to resort to him for ghostly counsel and absolution, suppose some dying sufferer were to entreat him to administer the Holy Communion to him, which otherwise, perhaps, could not be obtained at all—is he to refuse because if he complied it would be inconsistent with his presence in the House of Commons? Was it not monstrous to make such requirements—is it not equally monstrous to persist in them now?

H. C. ADAMS.



### ART. III.—COMMON PRAYER.

“COMMON PRAYER,” shall we say? or “Public Worship”? The one is an old English word which remains on the title-page of our Service Book. The other is more stately in sound and more familiar in modern language, is stamped on recent Acts

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being already threshed out when it reaches the Lords. The House of Commons is the arena where the battle is fought, and where the Church's champions ought to wage their battle.