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Bernard Lord Manning Edited by Ormerod Greenwood

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PART I

THE CONSTITUTION

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CHAPTER 1

WHO THEY WERE

THE PROTESTANT Dissenting Deputies have left two memorials. One is the series of changes in our laws and habits of thinking to which they contributed, and which it is the purpose of this book to record; the other is in the ‘memorials and the things of fame, that do renown this city’—the face of London itself.

Those who have passed at any time through Ludgate Circus will have noticed the obelisks there; and the curious may have made their way through the traffic to read the inscriptions on them. The one on the right, facing St Paul’s, is inscribed from his fellow-citizens to Robert Waithman; the other, across the road, to John Wilkes. The two obelisks represent the two Londons, one raffish, the other ‘respectable’. John Wilkes, ‘Liberty’ Wilkes, the hero of the *North Briton* and the Middlesex elections, has his place in every history book; but the fame of Robert Waithman has gone, like his linen-draper’s shop which once stood where the obelisk now stands. To have been M.P., and Sheriff, and Lord Mayor of London—even that does not ensure immortality, it seems.

In Trafalgar Square stands a column, with Nelson at the top, and lions by Landseer at the base; but Sir Morton Peto, Bart., M.P., who erected it—and built also the Hungerford Market, the Lyceum and St James’s Theatres, the Reform and Constitutional Clubs—Sir Morton Peto is a name in books of reference.

The City of London has a famous Library and Museum, which grew from the vision of one man, Sir Charles Reed, M.P. A well-known educational institution on the south bank of the river Thames, Morley College for Working Men and Women, derives an endowment from the Victorian philanthropist, Samuel Morley; whose fortune contributed also to the foundation of the ‘Old Vic’. Men like these made London what it is, a grimy, ugly, fascinating,

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eccentric, human, and sometimes lovely city. ‘Si monumentum requiris, circumspecte.’

Yet these men, because they were *Dissenters*, lived under a stigma. Through the accidents and the prejudice of history, their country reserved certain duties, powers, rights, honours and responsibilities for members of the National Church alone. The issues fought out at Marston Moor and Naseby, symbolized on the scaffold outside the Banqueting Hall of Whitehall, and recorded in the Petition of Right and the Clarendon Code left a legacy of hatred expunged only with the passing of centuries.

The Protestant Dissenting Deputies consisted (and consist) of two members chosen annually from each congregation of the ‘three denominations, Presbyterian, Independent and Baptist,’ (to use their time-honoured phrases) ‘in and within twelve miles of London’ (originally ten miles), ‘appointed to protect their civil rights’. From these Deputies is elected the Committee of 21; and by the Committee are chosen the officers: the Chairman (frequently a distinguished Nonconformist active in public life, but not necessarily a member of the body), the Vice-Chairman and Treasurer, and the Secretary, who for two hundred years has always been a solicitor. Sir Morton Peto and Sir Charles Reed held the office of Chairman; Robert Waithman and Samuel Morley sat on the Committee. Men like these have been the Protestant Dissenting Deputies.

But why of three denominations only, and why chosen from within ten (or twelve) miles of London? The answer to these questions lies in the historical circumstances of the Deputies’ inception.

The story begins with the penal code imposed by the victorious Royalists returning to power with Charles II in 1660. In spite of the Declaration of Breda, which had promised ‘liberty for tender consciences’, and in spite of the King’s avowed desire for toleration, the Cavaliers rejected a scheme for widening the Church of England to include at least the Presbyterians, and still more emphatically the notion of giving civic recognition to different faiths. They sought a National Church on the old Elizabethan model, and imposed the Act of Uniformity (1662).

But half a century of civil strife lay between them and the

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Elizabethan Church, though it took them twenty years to recognize this. The first result of the Act of Uniformity was the expulsion of 2,000 clergy from their cures on 'Black Bartholomew's Day', 1662—the division of English life into Church and Dissent was set. Once again, in 1689, an attempt was made to secure 'comprehension'—that is, to reconstitute a National Church by dispensing with the Thirty-Nine Articles of the Church of England, recognizing Presbyterian ordination as valid, making forms of ritual optional, and revising the liturgy, canons, and constitution of the ecclesiastical courts. But by 1689 no one wanted this solution; instead of *comprehension* we got *toleration*.

Before the end of 1661 the Cavaliers had passed the Corporation Act, preventing anyone for the future from holding municipal office unless he received the sacrament according to the Church of England. In 1664 the Conventicle Act interfered directly with liberty of worship by preventing more than four persons from assembling with a household for religious worship outside the forms of the Church. The Five Mile Act of 1665 excluded Dissenting ministers and schoolmasters from the towns, their chief strongholds. Like other persecuting Acts, from the time of Elizabeth onwards, these laws were only spasmodically enforced; but after the failure of Charles's effort to remit them by the Declaration of Indulgence, the Test Act (1673) extended the ban of the Corporation Act to all offices of trust under the Crown. From 1673 until the Deputies achieved the repeal of the Test and Corporation Acts in 1828, it was impossible in form of law for anyone but a member of the Church of England to be a minister of the Crown, a member of a Corporation, an officer in the armed forces, or a responsible Civil Servant. Although from the beginning of George I's reign indemnity Acts were passed which gave some relief, the Indemnity was not merely partial and unsatisfactory, but left the stigma of the 'penal laws' (as the Dissenters called them), a stigma which bred fresh grievances.

In 1689 the Toleration Act brought hope to the Dissenting bodies. Macaulay, in a famous passage of his *History*, makes a vigorous defence of this measure.¹ He admits that it 'abounds with

¹ *History of England*, vol. III, pp. 87-8.

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contradictions', and that the provisions are 'cumbrous, puerile, inconsistent with each other, inconsistent with the true theory of religious liberty', and even that 'it recognised persecution as the rule, and granted liberty of conscience only as the exception'. But Macaulay condemns these objections as doctrinaire, and defends its practical value: 'it put an end, at once and for ever . . . with scarcely one audible murmur . . . to a persecution which had raged during four generations'.

Such praise may be considered excessive when it is realized that the Act applied only to Protestants who accepted the Trinity; that Catholics and unorthodox Dissenters were barred (except for the Quakers, who had specific provision made for them); and that the Act did not repeal the Clarendon Code, it merely stated that the statutes should not be construed to extend to any person 'who should testify his loyalty by taking the oaths of Allegiance and Supremacy, and his Protestantism by subscribing the Declaration against Transubstantiation'.¹ According to Macaulay, 'the rule remained in force only against a few hundreds of Protestant Dissenters, and the benefit of the exception extended to hundreds of thousands'. But if this were true in 1689 (which is not proved), what was to prevent it from becoming less true with the passage of time, the shift of opinion, and the growth of new religious movements? During the 18th century a large part of the Presbyterian body became Unitarian—and this excluded them from the benefit of the Act. The same period saw the growth of Methodism and attempts were made, and successfully made, to put the Conventicle Act into force against the Methodist congregations. In 1689, Baptists were excused from affirming the validity of infant baptism, and Quakers had merely to express their recognition of the Trinity and the validity of the Scriptures; but all others had to profess their belief in the Articles of the Church of England, four only excepted. The Independents and Presbyterians of 1689 might have no difficulty about doing this, but their grandchildren might feel differently. Historians have too confidently followed Macaulay in supposing that the Toleration Act put an end to Dissenting grievances; so far from being ended, they were in

¹ Macaulay, *op. cit.*, p. 82.

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certain ways augmented during the 18th and 19th centuries.

Until 1753, Dissenters might be married in their own meeting-houses, for the *public contract* between the parties constituted a legal marriage, though the *ceremony* was not recognized. But Lord Hardwicke's Act, passed in 1753 'against clandestine marriages', made all weddings illegal except those celebrated by the clergy of the Established Church; this state of affairs continued (in law) until 1836, but even after that date marriages were celebrated outside the Church under a series of disabilities.

During the 18th century also, the Dissenting bodies had a hard struggle to maintain recognition of the validity of their forms of baptism, although during the Middle Ages and up to the end of the 17th century it was clearly understood by Canon Law that baptism even by a heretic, a layman, or a woman was valid, if it had been performed in the name of the Father, the Son, and the Holy Ghost.

This question was of particular importance, because it involved the right to burial in parish churchyards, which might be denied, by the rubric of the Book of Common Prayer, to 'any that die unbaptised, or excommunicate, or have laid violent hands on themselves'. No other dispute gave such prolonged trouble to the Dissenters (and to the Committee of Deputies) as the right of burial; for in country places the churchyard was often the only burial place, and where the clergy were ignorant, prejudiced, or at loggerheads with Dissenters in the parish, the legal ruling which the Deputies secured was not enough to secure the end of the trouble. Cases were frequent down to the end of the 19th century, and have even been known during the twentieth.

As the 19th century wore on, and the 'penal laws' passed into history, a new crop of controversies came to exacerbate the relations between Church and Dissent, and at last to raise the demand for Disestablishment and Disendowment of the Established Church. The bitterest of these vexed questions were Education and Church Rates, but the developing mechanism of the modern State brought other problems as well. The old theory that every Englishman was born a member of the National Church, with his place in the parish as well as the city or county, was not abandoned when the

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Test and Corporation Acts were repealed; it was so deeply rooted in our history and tradition that in some form it still remains. With the complexities of modern society it became important, for instance, to have a proper register of births, marriages and deaths; but until 1836 the only official registers were those kept in the parish churches; these were neither complete nor always adequately preserved, and, among other disadvantages, they recorded baptisms, not births, though the baptism, which took place at no fixed date after the child's birth, had less value as a record. The Dissenters might keep their own registers (as the Deputies did at Dr Williams's Library), but these were not official, and the courts would not always recognize them.¹ Yet to get a civil registration, applying in the same form to all citizens, proved a difficult matter.

Then came the Education question, which still holds (and perhaps from its nature must ever hold) matter for disagreement. The Church had been responsible for teaching since the Middle Ages, and religion and education seemed inextricably entangled. At Oxford and Cambridge, still semi-clerical in their organization, no one but a member of the Church of England could take a degree (until 1870) without violating his conscience; and those familiar with Victorian biographies will remember how frequent and how intense were the struggles in the minds of young men called on to avow dogmas against which their hearts rebelled.² One solution was to establish new Universities without religious tests; the Deputies, for instance, had their share in the foundation of University College, London.

The movement for primary education began with a struggle between rival voluntary societies with the backing of opposed religious bodies. When the provision of State schools was mooted,

¹ 'This register is only considered as a private entry, and not as a public record. An entry in a father's family Bible—an inscription on a tomb-stone—a pedigree hung up in the family mansion—are all good evidence.' Note, p. 167, in *Sketch of the History of the Protestant Dissenting Deputies*, 1813.

² 'Yes, I have lied, and so must walk my way,
Bearing the liar's curse upon my head'

A. H. Clough, *Early Poems*, p. 10.

Clough, after resigning his fellowship at Oriel, was appointed head of University Hall, London.

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there were divisions among the parties themselves. Not all Dissenters, for instance, accepted the notion that the State should control or provide schools; and if there were State schools, ought they to be free from religious instruction altogether, or if religion was to form part of a State system, who should control it? The Birmingham League represented a powerful party of Nonconformists who wanted education to be secular as well as free and compulsory; and two of its leaders, Henry Richard and Edward Miall, were Deputies; but, in the Deputies and outside, there was also a body of Nonconformist opinion which rejected the theory of secular education. The Church of England still asserted its old claim to represent the nation, and the compromises with which this claim has been met are perhaps neither satisfactory nor final.

The question of Church Rates, let us hope, is settled for ever, for nothing aroused more barren strife among the fellow-Christians of Victorian England. Nonconformists were touched in their pockets by the necessity of contributing to the upkeep of a Church to which they did not belong; they were touched also in their principles; and pocket and principle foster righteous indignation, a luxury which communities and individuals can often ill afford.

From matters of this kind it is only a step to the cry for Disestablishment and Disendowment, and there were those among the Dissenters very ready to raise the cry, but the Deputies lent only half-hearted assistance. It was their deepest instinct to distrust the doctrinaire proposal; they had always proceeded against specific practical grievances, and general campaigns were outside their field.

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CHAPTER 2

THE MINUTE BOOKS AND
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THE MATERIAL from which this history is principally drawn is contained in sixteen volumes folio, the Minutes of the Protestant Dissenting Deputies, deposited in the Library of the City of London at Guildhall (Guildhall MSS. 3083, 1/16). The seventeenth volume of Minutes was destroyed by fire at the Secretary's office on the night of 10/11 May 1941, in the last and worst raid of the first 'blitz' on the City of London. An eighteenth volume was opened in 1946.

In addition, there exists one Letter Book, containing the correspondence of the Deputies from 10 April 1826, to 12 March 1834—that is, during the climax of the campaign for the repeal of the Test and Corporation Acts—and three volumes of proceedings of a Joint Committee called into being by the Deputies and sympathetic bodies at the same period:

1. 'Minutes of the United Committee appointed to conduct the application to Parliament for the Repeal of the Corporation and Test Acts.'

20 April 1827 to 15 December 1828.

2. 'Minutes of the United Committee appointed to consider the grievances under which Dissenters now labour with a view to their distress.'

19 March 1833 to 18 December 1835 [i.e. after Repeal].

3. *Ibid.*, 18 Jan. 1836 to 9 July 1838.

These, with six volumes of draft Minutes, for the period 1786–1828, mainly of the Deputies' Committees, are also deposited at Guildhall (the word 'Rough' is written and scratched out on a flysheet of the second volume of this last series). Some use has also been made of the *Minutes of the General Body of Ministers of the Three Denomina-*