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EDWARD MALTBY: HIS EPISCOPAL SUPERINTENDENCE  
AND VIEWS AS BISHOP OF DURHAM, 1836-1856

HELEN C. FOWLER

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MASTER OF ARTS  
UNIVERSITY OF DURHAM

1989

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EDWARD MALTBY: HIS EPISCOPAL  
SUPERINTENDENCE AND VIEWS AS  
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M.A. 1989

ABSTRACT

A study of Edward Maltby's episcopal career as Bishop of Durham, 1836-1856, began with the Church Reform of 1836. The main purpose of the reform was to ensure that the salaries of the bishops of the Church of England were made more equal, but the scale still ranged from £15,000 for the Archbishop of Canterbury to £4,500 for many of the less important sees. Research in Maltby's career, focused on his belief that education, especially religious education, was vital, both intrinsically and also if crime was to be erased. Although he spoke very rarely on political issues, his personal ideology was examined; however, more detail was possible regarding his views on the pastoral and social concerns of a bishop. One of the most outstanding characteristics of the man was his ability to extend the hand of friendship to all men alike, regardless of their religious faith. Nevertheless, it was apparent that he gave priority to the Church of England and deeply regretted any attack on its security. Many of his views and opinions resurfaced in the analysis shown in Chapter 7 on Maltby's charges, which were delivered in the years of his visitations.

Because of his whiggery and his free association with Dissenters, opinion on Maltby was divided. Whilst some regarded him as a wonderful example of Christian charity, others insisted his liberalism went too far. The research contained in this thesis covers Maltby's period as Bishop of Durham until 1856 when the controversial Bishops of London and Durham Retirement Bill was passed, specifically enabling Bishop Blomfield of London and Bishop Maltby to resign their sees, owing to advanced years and ill-health.

## PREFACE

Having embarked upon a study of Edward Maltby as Bishop of Durham, 1836-1856, the principle obstacle which arose was the surprising absence of material on the man. Although, a member of the House of Lords, Maltby chose to deliver very few speeches, which created a problem in terms of discovering his political views. Furthermore, considering that he was Bishop of Durham for twenty years, one would have expected to be able to uncover vast quantities of sermons preached during his episcopacy. This was not to be; despite the existence of many sermons dating back to his earlier days, only a handful appear to remain from his administration in the north. Research into Maltby's bishopric, then, had to concentrate on his letters, charges, the few speeches he did deliver and various newspaper articles. From such sources, it was possible to construct a well-rounded picture of Maltby as a man and as a bishop.

The opening chapter of the thesis deals with the reform of the Established Church in 1836, which was also the year in which Maltby was transferred from the see of Chichester to that of Durham. Chapters 2 - 5 discuss his views on the importance of education, religious tolerance, politics and his involvement with his diocese. The following two chapters concern the running of the diocese, the first dealing with Maltby's visitations and the second, with his charges to the clergy. In Chapter 8, opposing views of Maltby are considered, whilst the final chapter is confined to the debate on the 1856 Retirement Bill, a piece of legislation specifically for Maltby and Bishop Blomfield of London.

At this juncture, I should like to take the opportunity to

thank the many people who have assisted me throughout my research. First of all, I must express my gratitude to the librarians and members of staff at the Department of Paleography, Durham; the Dean and Chapter Library and the University Library, Palace Green, for their patience and diligent efforts in obtaining additional information. Also, my supervisor, Mr. A.J. Heesom, for his invaluable advice and guidance throughout the last year. Finally, special thanks to my parents whose generosity and help continues to amaze me.

## CONTENTS

	<u>Page</u>
Abstract	i
Preface	iii
List of Tables	vii
Introduction	1
I "This Miserable Pretence of Church Reform"	8
II Educational Value	36
III Political Interest	50
IV Pastoral and Social Concerns	60
A. Pastoral Concerns: The Service of God	60
B. Social Concerns	64
V Maltby on Toleration	74
VI Maltby's Episcopal Visitations	95
VII The Bishop as Instructor of his Diocese	120
A. The "urgent claims of the Diocese"	120
B. Discipline, Charity, Tolerance and Knowledge	126
a. Beware of "misplaced zeal"	126
b. "Consider how studious ye ought to be in reading and learning the scriptures"	127
c. "Our thoughts would no longer be perplexed by the reasonings of men who ... are still fallible	129
d. "Disunion appears to frustrate the beneficent purposes of the Gospel"	131
e. "Remember how little it becomes us to set ourselves up as stern judges of men"	133
f. "Be acquainted with the state of the law as it affects the church"	136
g. "An Episcopal Charge ought not, indeed cannot be, the vehicle of regular controversy	138

CONTENTS

	<u>Page</u>
VIII Opposing Thoughts on Maltby	147
IX Maltby's Retirement	173
Conclusion	213
Appendices	215
Bibliography	236
Abbreviations	243

## LIST OF TABLES

<u>Introduction</u>	<u>Page</u>
1 Population Increase for Durham and England/Wales 1801-1851	2
2 Population Growth in various areas of Durham 1801-1861	3
3 Coastal Coal Shipments, 1850	4
4 Quantities of lead produced in 1845 and 1846	5
I <u>"This Miserable Pretence of Church Reform"</u>	
1 Percentage of Durham Incumbents holding more than one living, 1774-1857	11
2 Proposed arrangement of Episcopal Incomes in 1836	12
3 Gross Amount of the annual revenue of the Bishop of Durham, 1829-1835	24
4 Sums required for the livings of Durham Diocese in 1836	28
II <u>Educational Value</u>	
1 Statistics for the cost of crime, 1792 and 1832	41
III <u>Political Interest</u>	
1 Voting in Bishop Auckland polling district under successive Bishops of Durham, 1832-1868	56
VI 1 Percentage of returns replying that the general condition of the church building was adequate, 1837-1853	97
2 Number of parishes within each deanery in possession of all items listed in sections III and IV of the visitation questionnaire during Maltby's administration	99
3 Percentage of parish returns studied, in possession of all items listed in section V of the visitation questionnaire, 1837-1853	99
4 Percentage of parish returns studied, in possession of all items listed in section VI of the visitation questionnaire, 1837-1853	100
5 Records of parishes in receipt of charities or benefactions, 1837-1855	101/2
6 Percentage of parishes in receipt of church rates over Maltby's visitations	104

		<u>Page</u>
	7 Percentage of parishes with vicarages and percentage with churchyards during Maltby's visitations	105/6
	8 Number of churches/chapels built 1801-1861 and the percentage of population growth	106
	9 Consecration during the Administration of Bishop Maltby, 1836-1856; churchyards/burial grounds	114
	10 Consecration during the Administration of Bishop Maltby, 1836-1856; churches/chapels	115/6
VII	<u>The Bishop as Instructor of his Diocese</u>	
	1 Grants awarded for the augmentation of incumbents' incomes during Maltby's administration	122
VIII	<u>Opposing Thoughts on Maltby</u>	
	1 Average Annual Income of the Bishop of Durham, 1837-1843	154
IX	<u>Maltby's Retirement</u>	
	1 Average Annual Incomes of the Archbishops of Canterbury and York; and the Bishops of London and Winchester, as laid down in 1836	192
	2 Actual receipts, 1837-1843 (to the nearest £)	192

## INTRODUCTION

The Right Reverend Prelate is tall and stout, with considerable breadth of shoulders. His face is full without being far ... he may be considered a good-looking man ... he is about his sixtieth year, but you would not think he was much more than fifty. (1)

Born on 6th April, 1770, Edward Maltby was one of thirteen children born to George Maltby, Deacon at the Octagon Chapel in Norwich. Educated at Norwich Grammar School; Winchester and Pembroke Hall, Cambridge, Maltby graduated with Bachelor of Arts and Master of Arts degrees in 1792 and 1794 respectively. He proceeded to obtain his Bachelor of Divinity in 1801, and finally, his Doctor of Divinity in 1806.

Maltby had five sons: George Rivers, Edward Harvey, Frederick William, Henry Joseph and another, of whom no details are given. It was probable that he had all sons by his first wife, Mary, who died when Maltby was fifty-five. He did have a second wife, Margaret, but little else is known about the two Mrs. Maltbys.

Bishop Pretymann<sup>(2)</sup> presented Maltby with the prebend of Leighton Buzzard in Lincoln Cathedral in 1794, and further awarded him the vicarages of Buckden, Huntingdonshire and Holbeach, Lincs. Between 1824-1833, Maltby was a preacher at Lincolns Inn Chapel, but because of his Whiggery, had to wait until 1831 and the loss of Tory power, to be elevated to a bishopric. In 1836, Maltby was transferred from Chichester to the bishopric of Durham where he was to remain until his retirement in 1856.

The diocese to which Maltby was appointed in 1836, was divided, in the first half of the 19th century, into the archdeaconries of Durham, Northumberland and Lindisfarne. The first included the deaneries of Chester, Darlington, Easington and Stockton-on-Tees,



Bellingham, Corbridge, Hexham and Newcastle completed Northumberland, whilst Lindisfarne was comprised of Alwick, Bamburgh, Morpeth, Norham and Rothbury. In total, there were 236 benefices belonging to the see of which the Bishop was patron of 71, besides an additional eight which were under the alternate control of the Crown and the Bishop. Another thirteen were solely in the Crown's patronage and the Dean and Chapter was the patron of forty-four.

As a county, Durham was approximately 1,097 square miles, until the Act of 7 & 8 Vic. Cap. 61 attached North Durham to Northumberland, thereby reducing the figure to 1,012 square miles.<sup>(3)</sup> Besides the actual City of Durham, the county included seven ancient boroughs: Hartlepool, Barnard Castle, Auckland, Darlington, Sunderland, Stockton-on-Tees and Gateshead. The city was one of the major market towns in the region, along with Staindrop, Wolsingham, Stanhope, Sedgefield and Stockton.

There was no other county where such rapid growth of population was witnessed as in Durham. The expansion was such that it even outpaced the industrial cities of Manchester and Liverpool. Table 1 indicates the immense growth experienced in Durham in the early 19th century:

Table 1

Population Increases

Year	Population for Durham <sup>(4)</sup>	% increase	Population for <sup>(5)</sup> England & Wales	% increase
1801	149,384		8,892,536	
1811	165,239	10%	10,164,256	14.3%
1821	193,511	17%	12,000,236	18%
1831	239,256	24%	13,896,797	15.8%
1841	307,963	29%	15,914,148	14.5%
1851	390,963	27%	17,927,609	12.6%

Moreover, there was a certain redistribution of population within the area, especially the central and south-western sub-regions

which recorded the largest expansion between 1801-61. Such areas had been stimulated by the growing demand for coal and aided by the development of railways (Stockton-Darlington railway was the first public railway and was formerly opened on 27th September, 1825), large new areas were opened for mining. In addition, the north-west, central-northern and north-east sub-regions which had already been important areas of the county, continued to expand, as can be seen in Table 2: <sup>(6)</sup>

Table 2

Population Growth in various areas of Durham 1801 - 1861

Region	Population		Population Growth	% Growth
	1801	1861		
North-west	13,000	39,000	26,000	200%
Central north	26,000	69,000	43,000	165%
North-east	43,000	164,000	121,000	281%
Central	14,000	69,000	55,000	393%
South-west	7,000	51,000	44,000	629%
South-east	26,000	79,000	53,000	204%
West	20,000	37,000	17,000	85%

Teesside was just one area which experienced an upward turn in population figures, as a result of the industrial growth in the north-east. Middlesbrough, for example, was founded as a coal shipment point in 1830 and had 7,400 inhabitants by 1801. <sup>(7)</sup> Such a state of affairs was not restricted to Teesside coal. The coal mining and heavy industry became the chief elements of the economy in the first decades of the 19th century and dramatically transformed the landscape. The total production of coal in 1851 was about thirteen million tons, thirty million in 1830 and sixty-five million in 1856. <sup>(8)</sup> Approximately one-third of the total was raised in the great Northumberland and Durham coalfield. William Fordyce wrote that "the coal trade of the county is unquestionably the basis on which its commercial prosperity has been founded." <sup>(9)</sup> The coal

measures occupied the central parts of the county, although "in general the district they occupy is tame and unimposing, yet the wealth and the employment which they afford to thousands amply compensate for all other deficiencies."<sup>(10)</sup> Archdeacon Thorp spoke of Durham as possessing the three biggest colliery establishments in the world, producing a yield of over one million tons of coal per annum.<sup>(11)</sup> The growth of coal mining in Durham, in turn, boosted exports. From 1790-1799, the average export of coal was 476,634 chaldrons, but the rapid increase after 1801 ensured that by 1849, the exports exceeded those of 1801 by 190%. Coal shipments from Newcastle and Sunderland amounted to 1,956,674 chaldrons in 1801 but had risen to 5,195,880 by 1849. Table 3<sup>(12)</sup> represents the size of some of the major coastal coal shipments:

Table 3

Port	Coal Shipments (chaldrons)
Newcastle	2,270,379
Shields	241,869
Sunderland	2,066,027
Stockton	484,735
Hartlepool	1,232,560

Thus, the coal trade provided the shipbuilding with a substantial impetus. In 1814, there were twenty-four shipbuilders on the Wear, by whom thirty-one ships were built, containing 6,693 tons. By 1852, however, one-hundred-and-forty-two vessels were being built containing a total of 56,654 tons. Although the ships built in Durham were mainly for the coal trade, by the middle of the 19th century, vessels of the largest size adapted for commerce of all parts of the world were frequently launched from the region.

Whilst the Durham coalfield presented the see with great wealth, Thorp's description of the area's financial sources pointed

to another industry:

The great Coalfield of Durham and Northumberland immediately connected as it is with the lead district of the same counties, furnishes employment to a much greater number of men, and larger amounts of capital than any other mineral deposits of Great Britain. (13)

He stated that "the most productive lead mines and some of the largest quarries and lime kilns in the kingdom are within an easy distance from the same town"<sup>(14)</sup> (Durham). Out of 93,046 $\frac{3}{4}$  tons of lead ore raised and sold in Britain during 1850, 21,010 tons were raised in Durham and Northumberland.

Table 4 <sup>(15)</sup>

Quantities, in tons, of lead that were produced in 1845 and 1846

	<u>1845</u>		<u>1846</u>	
Beaumont's Mines	12,200 ore	8,130 lead	12,000 ore	8,100 lead
Teesdale Mines	2,572 "	1,688 "	2,850 "	1,870 "
Weardale Mines	560 "	372 "	560 "	372 "
Sharnberry Mines	88 "	58 "	64 "	42 "
Derwent Mines	1,626 "	988 "	1,470 "	997 "

The growth in heavy industry guaranteed the importance of railways owing to the provision of cheap transport for agricultural, mineral products, iron and glass. Minerals were the main form of traffic on the Stockton/Darlington line although it was also the first passenger service.

The mineral wealth of the see ensured that the revenues of the bishopric were much higher than the estimate calculated by the Ecclesiastical Commissioners in 1835-36. (See Chapter: This Miserable Pretence of Church Reform). For the period 1837-43,<sup>(16)</sup> the sources of the revenues were as follows:

Houses, lands, tithes, mines, quarries or other estates in land ...	£54,082. 0s. 8d
Rent and other payments reserved by leases ...	£21,389. 5s 7d

Fee Farm rents ...	£1,562.	8s	0d
Redeemed land tax ...	£2,110.	10s	0d
Fines on renewal of leases for lives ...	£30,576.	11s	5d
Fines on renewal of leases for years ...	£55,933.	12s	0d
Timber sales ...	£1,865.	12s	0d
Quit rents, fines, heriots and other profits of manors. Dividends of stock in the public funds and interest of other securities ...	£31,253.	12s	0d
Pensions, stipends etc. ...	£577.	10s	4d
Total Income ...	£184,809.	17s	11d
Total Expenditure ...	£ 82,552.	9s	1d
Thus the average net annual income for the see ...	£ 11,793.	4s	2d

Despite the vast resources of the see, the transfer of a large portion of the revenues (as seen in Chapter: This Miserable Pretence of Church Reform), met with sturdy opposition and angry outcries of the poverty of the diocese. There were, so it was argued, many requirements within Durham that should have been satisfied before any transfer was enacted. As Bishop of Durham, Maltby used his episcopal charges to discuss such claims and frequently alluded to the many spiritual needs of the see, emphasising that the surplus revenues were necessary in order to alleviate such problems.

NOTES

INTRODUCTION

- 1 J. Grant: Random Recollections of the House of Lords, 1830-1836, p.403.
- 2 Pretyman had married a daughter of Maltby's uncle, Thomas Maltby.
- 3 W. Fordyce: The History and Antiquities of the County Palatine of Durham, Vol.I, (London 1857), p.102.
- 4 1851 Population Census, 1851, Division 10, p.2.
- 5 1851 Religious Census, p.140.
- 6 J.C. Dewdney, Durham County and City with Teesside, (Durham, 1970), p.355.
- 7 W. Fordyce: The History ... of Durham, p.355.
- 8 P. Mathias: The First Industrial Nation, (New York, 1983) p.245
- 9 W. Fordyce: The History ... of Durham, p.147.
- 10 ibid., p.129.
- 11 Thorp MSS., Durham University Library, Palace Green, 658, 19th December, 1836.
- 12 W. Fordyce: The History ... of Durham, p.184
- 13 ibid., p.185.
- 14 Thorp MSS., 658, 19th December, 1836.
- 15 W. Fordyce: The History ... of Durham, p.187.
- 16 ibid., p.138.

I            "THIS MISERABLE PRETENCE OF CHURCH REFORM"<sup>(1)</sup>

The suppression of Convocations in 1717<sup>(2)</sup> had left the Established Church without any form of governing or deliberating body, a state of affairs that was deemed unsatisfactory in the early 1830's. Churchmen of all sections of the Church of England began to express the desire that there should exist some instrument for the discussion of ecclesiastical matters, a subject rendered more urgent by the rapidly expanding population for which, spiritual guidance under the present organisation, was no longer adequate. In 1834, Bishop Blomfield of London announced that an unreformed Church would never be able to satisfy the spiritual or the temporal needs of the poor.<sup>(3)</sup> Moreover, two years earlier, Archbishop Whately, one of the future Ecclesiastical Commissioners, had written to Lord Grey stating that the Church of England required "a certain body of men, whose acknowledged business shall be to legislate in ecclesiastical matters."<sup>(4)</sup> The proposed body was "not necessarily to introduce changes, but to declare deliberately and with authority, that such and such changes are or are not needed."<sup>(5)</sup> Grey and the Whigs established an Ecclesiastical Commission of Inquiry in 1832, which, while its purpose was to investigate the amount and value of Church property, also provided the embryo of the permanent body to oversee Church affairs.

Although Grey had taken the initial steps by establishing a Commission of Inquiry, as the decade progressed, the changing social conditions demanded something more dramatic. Blomfield insisted that the principle of the present arrangement lay in its attempting "to do the work of evangelists for a population of more

than fourteen million, with a machinery originally constructed for a very small portion of that number."<sup>(6)</sup> In the north-eastern areas of London, he estimated that there was only one church for every nineteen thousand people. Blomfield was not alone in his discoveries; Bishop Kaye of Lincoln found in 1836, that the diocese of Lichfield and Coventry only possessed facilities for twenty-nine thousand people, in an area where the total population was some two-hundred-and-thirty-five thousand.<sup>(7)</sup> The fact that England "was becoming a country of cities and manufactures"<sup>(8)</sup> was recognised by Archbishop Howley, one of the Ecclesiastical Commissioners, who wrote to Robert Peel in 1835 concerning social problems. The expanding populations in towns, wrote Howley, because of "its denseness and the peculiarity of its character can never enjoy the full benefits of religious instruction."<sup>(9)</sup> If the higher clergy were prepared to admit that a reorganisation of the religious worship was necessary, then it would appear that a change of direction away from the village to the city slum was required.

Grey's commission was only the beginning. On becoming Prime Minister in 1834, Peel initiated a reform of the Church by appointing an Ecclesiastical Duties and Revenues Commission, which was to enquire into and then propose measures for enhancing Church efficiency. When Peel fell from office, the Whigs regained control and issued a new commission on June 6th 1835, which was followed by the permanent body the following year.

The recommendations of the Ecclesiastical Commissioners, under the Whig Government, were presented in a series of reports which appeared between 1835-1836. Their initial hope was that

all of the proposals would be passed by three separate acts of legislation in 1836: the Dean and Chapters Act; the Pluralities and Residence Bill, and the Established Church Act. Matters did not proceed according to plan, and only the Established Church Bill received the sanction of the legislature in 1836. The Dean and Chapters Bill was forced to wait until 1840 for its final approval, mainly due to the undeniable fact that it was a "standing object of fear and loathing in every close and college",<sup>(10)</sup> which naturally ensured that it met with stern opposition from the cathedral bodies. The principle behind the measure was the suppression of the offices of all non-residents, limiting the number of canonries to four with one Dean. Sufficient dignitaries should be retained in order to perform the cathedral services satisfactorily, but there was no genuine need for the possession of more than three or four canonries, nor were they to be connected with any other duty than that of the performance of the services. There were exceptions: Westminster Abbey, Christ Church in Oxford, Durham, Ely and Canterbury were all permitted to retain six each, whilst Winchester and Exeter were allowed five each. The suppressed canonries would yield £64,699; the separate estates of the minor canons would present £17,194; the estates of the deans and canons of Durham and Ely would produce £11,777 with the separate administrations and sinecure prebends yielding £26,830. The total sum of £120,494 together with the amount derived from sinecure rectories (£8,894) would add up to the ample sum of £129,388, which would be applied to "the purpose of parishes which wanted spiritual care, and which had been very much neglected."<sup>(11)</sup> The second report of the Commissioners had stated that the wealth of the cathedral and collegiate churches

had not been disposed of in a manner most conducive to Church efficiency; now was the time to reform this error and derive a vast sum which "should be applied towards augmenting the existing provision for the life of souls."<sup>(12)</sup> However much the Commissioners may have been convinced that "their revenues were ripe for redistribution",<sup>(13)</sup> the understandable opposition of the cathedral bodies delayed the seizure of their revenues until the end of the decade.

The Ecclesiastical Commissioners further met with failure in their attempts to establish their bill on Pluralities and Residence as law in 1836. The theory was to limit the number of benefices held by one person to two (which were to be under the dispensation of the Archbishop of Canterbury), and those were to be within ten statute miles of each other with a joint value not exceeding £1,000. The principle of awarding the poorer bishops' livings and deaneries in other areas was unanimously held to be wrong, but to what extent the system should be changed, presented greater disagreement. For example, it could be argued that by attaching sinecure rectories or stalls within the diocese to the poorer bishops, their incomes could be raised to a more reasonable level. Arguments delayed the passage of this bill until 1838. Table 1 reveals what the situation was in Durham as regarded pluralities..

Table 1

Percentage of Durham Incumbents holding more than one Living<sup>(14)</sup>

<u>Year</u>	<u>Percentage of incumbents who were Pluralists</u>	<u>Average amount of preferment held</u>
1774	55%	2.47
1792	51%	2.78
1814	54%	2.53
1832	44%	2.37
1857	17%	2.27

The principle of attaching livings to the poorer bishops, that is, the holding of livings in commendam was abolished in the only bill which passed in 1836. The Established Church Bill proposed to equalise the incomes of the bishops of England and Wales by taking from the rich to give to the poor. If done efficiently, there would no longer be any need for the poorer Prelates to hold dignities or benefices in commendam.

Table 2

Proposed Arrangement of Episcopal Incomes (15)

	<u>Estimated Income</u>	<u>Future Income</u>	<u>Excess</u>
Canterbury	£18,090	£15,000	£ 3,090
York	£10,270	£10,000	£ 270
London	£13,890	£10,000	£ 3,890
Durham	£19,480	£ 8,000	£11,480
Winchester	£10,370	£ 7,000	£ 3,370
Ely	£ 9,400	£ 5,500	£ 3,900
Worcester	£ 6,500	£ 5,000	£ 1,500
Bath & Wells	£ 5,500	£ 5,000	£ 550
St. Asaph	£ 5,500	£ 5,200	£ 4,110
Bangor	£ 3,810		
	<u>£102,860</u>	<u>£70,700</u>	<u>£32,160</u>

The surplus received from the reductions, would be divided amongst the poorer bishoprics in order to ensure that each was in possession of revenues of no less than £4,500. It would further aid the establishment of two new sees at Ripon and Manchester, which were to be awarded annual salaries of £4,500 each. To re-arrange the episcopal revenues in such a manner was calculated to "improve the condition of those benefices the population of which is of considerable amount, but which are now so scantily endowed, as not to yield a competent maintenance for a clergyman."<sup>(16)</sup> Such a redistribution would be "more conducive to the efficiency of the establishment"<sup>(17)</sup> in that it would take important steps in providing the increased population of the country with "the means of instruction

according to the doctrines of the Church of England."<sup>(18)</sup>

Whilst adhering to the belief that more evenly distributed revenues would abolish the need to hold livings in commendam and would satisfy the pressing demands of the growing population, there were other aims behind the redistribution. Russell believed that "by proving that the bishops of the Church are ready, not only to concur in the correction of defects, but to yield to the general opinion of the country",<sup>(19)</sup> the public image of the Prelates would be improved. It was all too obvious that whilst the Bishop of Durham enjoyed an income of a staggering £19,480 (even higher than the Archbishop of Canterbury), the Bishop of Oxford received a paltry £1,600. Even allowing for the differences in size and population density of the two sees, "the evils of this glaring difference of income were many and obvious."<sup>(20)</sup> One such evil was the existence of translations of a bishop from one see to another. As long as the Bishop of Durham was reaping his thousands, whilst the Bishops of Oxford and Rochester were struggling on incomes of below £2,000, there would exist a sense of ambition, a desire to be transferred from a poor see to an opulent one. Naturally, a bishop was not supposed to be affected by ambition but Prelates were, after all, only human and although the incomes were not to be rearranged so as to be completely equal (in view of the differences in size and population of some sees), the changes would surely "put an end generally to the existing temptation for bishops to neglect their dioceses, in the hope of translation."<sup>(21)</sup> Moreover, the huge schedule of duties belonging to the Prelates of the more opulent sees such as Durham, argued Russell, "would prevent their situation from being objects of desire to the great majority of the bishops."<sup>(22)</sup> It was more desirable

that instead of seeking promotion, a bishop should concentrate on and devote his episcopal energies to the diocese in his care. The Commissioners believed that the changes introduced by the Established Church Bill, would ensure such dedication, But it was perhaps a pitiful sign that the supposedly holy men of the nation should be regarded as requiring the removal of temptation before they performed their tasks more efficiently.

The Established Church Bill did not only propose a redistribution of the ecclesiastical revenues and the abolition of the possession of livings in commendam, but also established the first permanent governing body of the Church since the suppression of Convocations. The bill recommended "that the Commissioners be appointed by Parliament for the purpose of preparing and laying before his Majesty in Council, such schemes as shall appear to them to be best adapted for carrying into effect ... recommendations."<sup>(23)</sup> It was to be "further enacted, that when any scheme, prepared under the authority of the said Act should be approved by His Majesty in Council, it should be lawful... to issue an order ratifying the same and specifying the time(s) when such scheme ... should take effect."<sup>(24)</sup>

Whereas Commissioners such as Russell and the Archbishop of Canterbury believed that the Established Church Bill in its form was "highly beneficial to the Church."<sup>(25)</sup>, it proposed an "effectual reform"<sup>(26)</sup> and would "establish it on a basis the most permanent and enduring",<sup>(27)</sup> other groups were not so optimistic. Radicals and anticlericals were emphatic that the proposed reform did not deserve that title, because it did virtually nothing to alleviate the problems faced by the parochial clergy, nor was it

possible (or perhaps desirable) to forbid the practise of translations between sees. In short, the bill stopped very short of the desired mark. Another area of opposition arose from those who regarded interference in church property and in church affairs as highly objectionable. The ultra-conservative clericals believed that a permanent Ecclesiastical Commission was not necessary, and potentially dangerous to the independence of the Church. This particular sphere of opposition tended to be divided between ultra-conservative clericals such as Manning and Pusey of the Oxford Movement, and genuine Tories like Sir Robert Inglis. The former denounced state interference with the Church as unthinkable whilst the latter failed to acknowledge that any reform was necessary in the first place. Finally, Durham diocese alone was "destined to give the Ecclesiastical Commissioners a great deal of trouble"<sup>(28)</sup> as it lodged protest after protest against the subtraction of the see's precious revenues.

The belief that far from initiating a sweeping reform of the Church, the Established Church Bill was "an insult to the understanding of reasonable men",<sup>(29)</sup> and that "a more substantial measure was necessary",<sup>(30)</sup> produced the hope that it would only be "the first and feeblest of a series of measures to be introduced for effecting a reform in the Church."<sup>(31)</sup> T. Fowell Buxton insisted "that no reform could be satisfactory unless it met all the more glaring and positive defects in the present state of the Church."<sup>(32)</sup> Fowell Buxton was inclined to adopt an attitude which demanded all or nothing, as was illustrated by his support for the immediate freedom of slaves, without compensation to slave owners. Another Radical, Charles Butler, was certainly in favour of Church reform, but felt that a new bill should have been presented the

following session. The amended bill should offer such satisfactory changes that there would be few, including Radicals, "who would not unite in giving them their most strenuous support."<sup>(33)</sup>

The bill was a failure in the eyes of the Radicals because it failed to equalise bishops' incomes, hence it also failed to discourage translation which many felt should have been declared illegal anyway. Nor did the bill make any reference towards the problem of church rates payable by Dissenters, a grievance which the non-Anglicans had included in their 1833 list.

The Ecclesiastical Commissioners had claimed that the measure was one of equalisation, Radicals such as William Ewart believed "it was no such thing"<sup>(34)</sup> because "all the gradations of episcopal income from £15,000 to £5,000 a year, were preserved."<sup>(35)</sup> Dr. Bowring declared that the Church of England and its bishops "was over-encumbered with wealth; its opulence was its bane; its enormous revenues were all barriers to its usefulness."<sup>(36)</sup> The huge incomes awarded to the Archbishop of Canterbury and the Bishop of Durham were "in sad contrast to primitive Christianity";<sup>(37)</sup> a similar argument was to be resurrected in the 1856 debate on the Bishops of Durham and London Retirement Bill. Bowring pointed out that the public were well aware of "the fact that the primary object of the bishops had been to provide for themselves."<sup>(38)</sup> The Radicals were inclined to believe that the lowest of the incomes proposed for a bishop (£4,500) "would suffice for the highest see named in the Bill."<sup>(39)</sup> Viscount Howick, despite his generally Radical stance within the Whig Party, found himself in agreement with Peel when objecting to the view that all incomes should be equal. He pointed out that to place Durham on an equal footing with Chichester when the former was "much larger, required greater extortion and, being

at a greater distance from London, was a more extensive bishopric"<sup>(40)</sup> would be a grave injustice and in Peel's words "a gross inequality between them."<sup>(41)</sup> Howick may have been influenced by the fact that he lived within the diocese of Durham; but the Radicals were, anyway, unmoved. T.B. Lennard emphasised that not only were the episcopal incomes unequal, the bill had also neglected to equalise livings. There were, he argued, 5,000 livings under £200 per annum, yet Durham diocese possessed one living worth £4,800, another valued at £3,300 with more at £2,000, £1,590, £1,200 and £1,000.<sup>(42)</sup> Fowell Buxton had earlier mentioned this point by questioning why, when the Commissioners Reports had stated that there were 3,500 livings with salaries below £150 per annum, 2,000 below £100 per annum and 300 under £50, "the bill proposed to apply no remedy to this state of things."<sup>(43)</sup>

The Commissioners' Report had spoken of the fact "that a vast proportion of the people of this country are left destitute of the opportunity of public worship and religious instruction."<sup>(44)</sup> Buxton declared that the bill made no attempts to remedy this evil. The Radical complaint lay in the neglect of the ordinary working clergy; Joseph Hume demanded to know what was "the justice of a measure which gave to twenty-six individuals £148,000 per annum, while to 2,026 working clergy only £141,00 a year was allotted?"<sup>(45)</sup> The bill was aimed at the aristocracy of the Church and not at the lower clergy, the injustice of an Archbishop receiving £15,000 per annum whilst some clergy were awarded less than £50 still remained. Fowell Buxton was disgusted that "there were three-hundred of the working clergy whose united incomes did not amount to the sum of £15,000 per annum."<sup>(46)</sup> He was adamant that the "lower clergy should first receive an adequate remuneration, and then the attention of the

legislature should be directed to some better regulations for affording spiritual instruction in the large, and at present, destitute districts."<sup>(47)</sup> Peel argued that the bishops required their level of income because of the "expense of residences in London and in the country, 'of contributions to charities, and of keeping up a liberal and becoming hospitality."<sup>(48)</sup> This was a rather weak argument when the original aim of the Commissioners had been to apply more extensive religious instruction to the masses which surely primarily required the boosting of the parochial clergy's resources.

The failure to establish the incomes of the bishops on a level footing, produced the charge that the Established Church Bill not only neglected to abolish the practice of translation, but actually legalised it. Charles Lushington, a liberal with a tendency towards radical reform, complained that "there are still left several great prizes for which the less opulent bishops may be supposed to contend"<sup>(49)</sup> and as the Prelates cannot resist "the seductive impulse of self-interest",<sup>(50)</sup> he believed that the bill still "encourages hypocrisy in our section of the Church."<sup>(51)</sup> As a result, it would have been desirable for the Commissioners to have rendered ~~movement~~ movement from one see to another as illegal. The maintenance of translation, Lushington exclaimed, "is hurtful to the character and interests of the whole body of the clergy, injurious to the efficiency."<sup>(52)</sup> Ewart was convinced that the removal of translations would destroy "temptations to ambition in the Church"<sup>(53)</sup> which could only enhance its welfare. The existence of translations was not unanimously recognised to be evil and harmful. Durham's M.P., Arthur Trevor, "defended the practice of translations as a great advantage to the zealous performance of the duties of the Church."<sup>(54)</sup> There would be no danger so long as

such occurrences were not too regular and in no way interfered with the performance of episcopal duties. It was, he argued, wise "to reward merit and ability by such promotions",<sup>(55)</sup> whilst Sir Robert Inglis felt that "prelates should occasionally be tried in inferior dioceses before they were placed in the higher."<sup>(56)</sup> Both Peel and Bishop Phillpotts disagreed with the Radicals over the notion that the bill encouraged translations. Peel argued that it struck "at the root of the evil ... by equalizing, to a great extent, the incomes of the bishops"<sup>(57)</sup> and so, according to Phillpotts, helped "to discourage the practice of translations."<sup>(58)</sup>

Opposition to the bill was not restricted to matters concerning the welfare of the Established Church. Certain members, for example, Hume, expressed their regret that there had been no mention of using surplus funds to enable the abolition of church rates. This tax remained the "giant-sore" of the non-Anglicans which "kept the flames of bitterness flaring."<sup>(59)</sup> The rate was a local tax voted in by the parish meeting which liberal Anglicans regarded as "a genuine and practical grievance which could be alleviated without materially affecting the interests of the Church."<sup>(60)</sup> The requirement for Dissenters to pay for the upkeep of a Church with which they had no contact was undesirable and the abolition of the church rate in Ireland in 1833, stimulated action against it in England. The Whigs were prepared to abolish it if they could produce some other source to repair the fabric of the churches. Lord Althorp introduced a bill in 1834 which would abolish the local rate but impose the burden upon the Treasury. Such a solution was not satisfactory in the eyes of the Radicals and Dissenters who argued that non-Anglicans would still be compelled to pay indirectly for the repair of the Churches of the Church of England.

The Commissioners reports of 1835-36 referred to the surplus funds, which would be obtained by the reduction of the revenues of the superior sees. Surely, therefore, this would present the government with an opportunity to apply such a surplus towards the repairs of the parish churches and thus abolish church rates. This was not carried out in the Established Church Bill, instead the surplus was divided amongst the poorer bishops and used for the establishment of two new bishops. Russell declared that it was not possible in that session or any other to find "funds sufficient to replace church rates."<sup>(61)</sup> Grove argued that if it was possible to award the Archbishop of Canterbury a disgusting £15,000, the Government would never be able to convince the non-Anglicans that there was not a sufficient surplus to replace church rates. Hutt assumed that the silence on the subject of church rates was a declaration "that they had no intention to relive the Dissenters."<sup>(62)</sup> (For Maltby's views on church rates, see Chapter: Maltby on Toleration)

Whilst the Radicals opposed the bill on the grounds that it failed to effect a dramatic enough reform of the ecclesiastical organisation, another section of its opponents believed that it overstepped the mark and trespassed upon the rights of each diocese. The most vehement opponent to this principle, was Sir Robert Inglis, who found it extremely objectionable that Parliament could "deprive one class of clergy of any portion of their revenues for the purpose of distributing it among another."<sup>(63)</sup> The poverty of one diocese should not "be relieved by a kind of legalised robbery of another."<sup>(64)</sup> Destitution was much to be lamented, but Inglis insisted that it had to be remedied by other means, as the principle within the bill "was fatal to the security of all property"<sup>(65)</sup> and could establish a dangerous precedent. The State, he emphasised, "had no right to

interfere with the property which the State had not given to the Church."<sup>(66)</sup> Lushington adopted the opposite view, that the State did possess that right and regretted that Inglis did not agree. The Archbishop of Canterbury explained that it was necessary to take "from the larger sees some portion of those revenues which in latter times had greatly increased"<sup>(67)</sup> and Russell confirmed that he had received "the approval of those affected by the Bill."<sup>(68)</sup> Nevertheless, Inglis still opposed what he referred to as "interfering with the rights of property"<sup>(69)</sup> to which the next step "would be to attain the property of lay corporations."<sup>(70)</sup>

Both Radical and ultra-conservative clericals alike opposed the idea of a permanent Ecclesiastical Commission. Baines declared that the establishment of such a Commission "would be worse than a revival of the Houses of Convocation, for its powers would be greater."<sup>(71)</sup> The idea of an executive strengthened through orders in council was deeply worrying. Manning attacked the existence of a permanent Commission as "a virtual extinction of the policy of the Church, and an open assumption of the principle that all legislative authority, ecclesiastical as well as civil, is derived from the secular power, so that of two co-ordinate authorities, which embrace and order a Christian Commonwealth, one is thereby absorbed into the other."<sup>(72)</sup> Pusey, in morbid mood, predicted that "we shall live under the supremacy of the Commission, it will be our legislative, executive, the ultimate appeal of our bishops; it will absorb our Episcopate; the Prime Minister will be our Protestant Pope."<sup>(73)</sup> Manning and Pusey objected to the Commission on the grounds that Church and State should be separate. Genuine conservatives, like Inglis, argued that as there was no precedent for such a body in ecclesiastical history, any Commission

formed should exist merely for the purpose of offering proposals without any real power. It was, argued Charles Buller, "a very bad precedent to establish - the delegating the power of legislation to a Commission"<sup>(74)</sup> and it was highly objectionable to entrust "such great powers as are conferred by this bill to a permanent Commission."<sup>(75)</sup> Rigby Wason and the Radical, Thomas Duncombe, further protested against the presentation of power to the Commissioners, Duncombe "was quite surprised that his Majesty's ministers should ever have thought of entrusting such powers to a Central Board."<sup>(76)</sup> Moreover, had a Tory Government performed a similar act, there would have been "a hundred or a hundred-and-fifty Whig patriots starting up ... declaiming simultaneously against so unconstitutional a proceeding."<sup>(77)</sup> Duncombe did not limit his attack to the idea of a permanent Commission, and the composition of the body was also subjected to his criticism. Out of the thirteen Commissioners, five were bishops who would surely only be "interested in supporting the abuses complained of"<sup>(78)</sup> whilst another three were "inveterate Tories."<sup>(79)</sup> The Marquess of Clarincoarde was concerned that the composition of the Commission would "shift and change with the change of Governments and the variations of political influence"<sup>(80)</sup> which would expose the members "to the temptation of using their power for political purposes."<sup>(81)</sup>

The concern over the establishment of a permanent Commission was not shared by Viscount Howick, who argued that the Commissioners in actual fact had "really no power independent of Parliament, no power beyond what might be necessary for arranging the practical details of the measures committed to their care."<sup>(82)</sup> He could not foresee any abuse of the principles embodied by the bill.

The scent of spoliation and violation of the rights of property not only attracted an outcry of horror from the Radicals and the Conservative Clericals, but disgusted a third area: Durham Diocese. The Established Church Bill introduced a number of changes for the see. Hexhamshire was transferred to Durham from York, whilst Craikeshire was taken from the Dean and Chapter and placed in York Deanery. The Castle of Durham, at the request of the University of Durham, was to be removed from the Bishop and to be held in trust for that institution:<sup>(83)</sup>

We humbly recommend and propose, that the Right Reverend Edward, now Bishop of Durham, for the time being, shall hold the Castle of Durham in trust for the University of Durham and that the Warden, masters and scholars of the University should provide adequate accommodation elsewhere for the reasons why the castle is used by the clergy.

Moreover, "An Act for Separating the Palatinate Jurisdiction of the County of Durham from the Bishoprick of Durham"<sup>(84)</sup> was passed on May 16th, 1836. The Bishop of Durham, in future, "shall have and exercise episcopal and ecclesiastical jurisdiction only."<sup>(85)</sup> Such an act was not to displease Maltby; in his 1837 charge, he stated that "I view without any regret the separation of the civil function from those of a spiritual nature ... imposing as was the grandeur, and influential the patronage, attached to the ancient dignity of Count Palatine."<sup>(86)</sup>

The greatest complaint was that although the Bill of 1836 reduced the revenues of all the superior sees, "their Lordships would see that a greater defalcation of revenue was made from the Bishopric of Durham than from any other."<sup>(87)</sup> The estimated income of Durham before 1836 was set at £19,480, but was to be savagely reduced to £8,000, by all means an ample sum, but less than half

the amount the Bishop of Durham had been accustomed to receive. Table 3 lists the income received by the Bishop of Durham for the period 1829 - 1835.

Table 3 (88)

Gross Amount of Annual Revenue of the Bishop of Durham 1829 - 1835

1829	£20,668. 9s 4d
1830	£21,449 9s 1d
1831	£23,079 6s 8d
1832	£24,884 9s 10d
1833	£23,723 17s 1d
1834	£37,439 4s 8d
1835	£19,387 19s 3d
	<hr/>
	£170,632 16s 1d
	<hr/>

The Church Commissioners had felt that "it was no longer for the interests of that bishopric, nor for the good of the Established Church, that so large a sum should remain in the hands of one individual."<sup>(89)</sup> Bishop Phillpotts had supported the subtraction insisting that the "privileges of the see of Durham are a source of envy and odium, making the whole country jealous of the Church."<sup>(90)</sup> Perhaps Phillpotts had forgotten that his own income had been a source of complaint, when he was a prebend of Durham. He had even attempted to retain the very lucrative living of Stanhope in commendam with his new Bishopric of Exeter.

Russell emphasised that in so reducing the revenues of the see "very careful, anxious and daily inquiry"<sup>(91)</sup> had been made into the position of Durham. The obvious conclusion was that it would be "better to put the whole Church establishment upon a more reasonable and just foundation, than to preserve a state of things in which certain advantages might be enjoyed by the clergy."<sup>(92)</sup> But such an aim made the retention of the vast revenues previously enjoyed, quite impossible.

The measure was not received amiably within the diocese.

The Times reported that "The contemplated transfer of the surplus revenues of the Bishopric of Durham for the support of new bishoprics is creating a very powerful sensation, not only in the County of Durham, but in the north also."<sup>(93)</sup> The Marquess of Londonderry presented petitions to Parliament from Darlington, Stockton-on-Tees, South Shields and several others, protesting against the transfer of the revenues, "until the spiritual wants of the diocese of Durham had been fully provided for."<sup>(94)</sup> Petitions too, were presented from the clergy of Durham "praying for the delay of the legislative measures affecting the spiritual interests of the diocese of Durham."<sup>(95)</sup> The clergy questioned "the propriety of taking funds devoted to the spiritual wants of one diocese to supply the deficiencies of another"<sup>(96)</sup> but even if such a principle was left aside, they could not ignore "the general ill-effect of the scheme of the Ecclesiastical Commissioners upon a diocese whose necessities are great and increasing."<sup>(97)</sup> In a later petition, the clergy begged that no sanction would be awarded to the abstraction of the see's revenues until "a sufficient sum may, in the first instance, be reserved from the revenues of the Bishop and of the Dean and Chapter ... to meet the exigencies of the Diocese; by augmenting the small livings; by endowing new churches, and by making such other provision as may be requisite for its spiritual welfare."<sup>(98)</sup> The petition pointed out that Durham had experienced a rapid growth of population which deemed it necessary that additional churches and chapels were erected in many parts of the diocese, which would increase the requirement for clergymen. Such needs should be attended to before any portion of the income was deducted. The Durham Advertiser attempted to gather public opposition to the bill by frequently referring to its injustice.

The paper urged that meetings be held without delay, in every part of the diocese, for the purpose of deprecating the transfer of wealth of this county into other districts."<sup>(99)</sup> They were, therefore, "glad to perceive that efforts have been made in various parts of the county to prevent the proposed transfer"<sup>(100)</sup> in the form of petitions and memorials. Archdeacon Thorp had delivered a memorial to Melbourne, a procedure which he wrongly regarded as "the best way of proceeding and the most likely to effect our object."<sup>(101)</sup>

By the abstraction of the ample portion of the revenues, the Ecclesiastical Commissioners hoped to be able to fulfil their aim of reducing the opulence of the wealthier sees in order to provide for the spiritual welfare of the poorer bishoprics. The opponents of the transfer insisted that the Commissioners in reality would not be assisting the efficiency of the Church simply because Durham was "a diocese unequalled for its poverty."<sup>(102)</sup> The Durham Advertiser published a letter which demanded to know the justice in transferring money from Durham to the use of another see, "so long as we have towns like Darlington, Stockton, Hartlepool, South Shields, Sunderland and Newcastle provided with such very slender means, equal in no way to the demand and which in consequence must render the labours of their incumbents less effectual."<sup>(103)</sup> Arthur Trevor, Durham's M.P. described it as "an act of gross injustice",<sup>(104)</sup> as it took the property belonging to the diocese without conferring any local benefit in return. The bill was about to "plunder the see of a part of its revenues, to enrich other parts of the country."<sup>(105)</sup> The money transferred, argued Trevor, could have been retained for the purpose of religious instruction "among a class of people who, though they were his constituents, were, he

grieved to say, very devoid of that which was likely to promote happiness among men." (106) The population boom had ensured that there did not exist adequate means of "providing for the spiritual wants of persons who stand in the greatest need of careful superintendence." (107) The revenues were vital in order that the clergy could tend to the religious needs of their people. Without the usual income, the poor would suffer, as the clergy would no longer have the means to support them, with the inability to perform their Christian duty being a devastating blow to the conscientious rector. Educational and charitable institutions would have to be closed, including the Diocesan Schools Society which ran 309 schools for 23,428 children. The Society enabled poor children to receive some form of education, as it was either free of expense or at the cost of a very small sum. Such a system could not continue if the society's funds (supplied out of the Bishop and Dean and Chapter's revenues) were no longer supplied. Nor could the society rely on voluntary contributions presented by the wealthy laity, as out of £187. 3s. 6d subscribed in 1835, only £19. 0s. 0d was derived from the laity. Thus the clergy argued that it would be far more acceptable if the surplus revenues were applied for the benefit of the poorer livings. Then the parochial clergy, who were proclaimed to be everlastingly generous, could ensure that the income was used efficiently and wisely. Once appointed, Durham's new Bishop, Maltby, insisted that "it is my full intention to keep all extraordinary expenses as low as possible, but I should be sorry to find myself too much cramped as to charitable and useful institutions." (108)

The apparent poverty of the various livings of the diocese was a major weapon in the battle against the transfer. The Marquess

of Londonderry spoke of the intention of taking funds from Durham for the benefit of Wales, but "he could prove that there were livings in Durham as poor as any living in Wales."<sup>(109)</sup> The Ecclesiastical Revenues Commission had discovered sixteen livings in the patronage of the bishop with incomes below £300 per annum, (The Durham Advertiser stated twenty-two). There were apparently thirty livings in the patronage of the Dean and Chapter which were in receipt of incomes below £200 per annum<sup>(110)</sup> (The Advertiser estimated thirty-four below £300). There were, moreover, additional livings within the diocese held under an alternative form of patronage, which were equally poor. The latter point was supported by The Advertiser, which stated that there were eighty livings in patronage other than that of the Bishop or Dean and Chapter, which received less than £300 per annum.<sup>(111)</sup> The Marquess of Londonderry announced that the sums<sup>(112)</sup> listed in Table 4 would be required:

Table 4

Bishop's Livings	£ 3,318
Chapter's Livings	£ 5,419
New Churches	£ 5,000
Other Livings	£ 6,940
	<u>£20,677</u>

Thus an annual sum of £21,000 was required "out of the alleged surplus ecclesiastical revenues of the diocese."<sup>(113)</sup> That the wants of Durham should be satisfied before any redistribution of its funds was "but common justice, both as regards the inhabitants and the right distribution of the revenues left for its specific ecclesiastical requirements."<sup>(114)</sup> To do otherwise would justly create "universal dissatisfaction throughout the diocese."<sup>(115)</sup> The poor livings of the see had "an especial claim on the surplus ecclesiastical revenues."<sup>(116)</sup> The Commissioners proposed to abstract

£11,066 from the see, which if carried out, would leave the parochial clergy with little confidence "that any portion of it would hereafter be applied to the local necessities of the diocese."<sup>(117)</sup>

In their attempts to thwart the Ecclesiastical Commissioners, the inhabitants of the diocese even referred to the impossibility of entertaining the judges twice a year at the castle, as Van Mildert had been accustomed to do. The result would be that "the poorer classes be deprived of the advantages arising from the keeping of a large establishment ... the reception of judges on the occasion of the assizes would be thrown upon the shoulders of the gentry, who were but indifferently able to bear the consequent expenses."<sup>(118)</sup> The 1836 Bill rendered such an argument as worthless as the Bishop of Durham was to "be relieved from the necessity of maintaining the Castle at Durham."<sup>(119)</sup>

The Established Church Bill became the law of the nation in 1836, despite the outcries of indignation which flowed from Durham. Section 45 of the bill at least stated that out of the revenues, provision should be "made for the completion of those augmentations of poor benefices which the late Bishop (William Van Mildert) had agreed to grant, but which he left uncompleted at the time of his death."<sup>(120)</sup> Nevertheless, The Durham Advertiser estimated in 1856 that the Ecclesiastical Commissioners over twenty years took from Durham Diocese £335,309, "while they have only expended in it the sum of £72,196. If this is not monstrous, we should like to know what is."<sup>(121)</sup> The strength of the sense of injustice of the act still prevailed in 1856 when "the fearful amount of unaided spiritual requirements in various districts"<sup>(122)</sup> was still emphasised. The opinion of The Advertiser was "that the sooner the provisions of 3 and 4 of Victoria are modified, the

better - that a preclusion so unjust and shameless should be instantly annulled."<sup>(123)</sup> Roebuck in 1836 had denounced the complaints of the diocese, claiming that it was surely "the greatest satire which could be pronounced on the Church, that the district of the county where the richest bishopric in England was situated, should contain ... the most demoralised people."<sup>(124)</sup> Russell attempted unsuccessfully to console the agitated, by promising that "everything was analysed and looked into with the greatest care and anxiety."<sup>(125)</sup> Arthur Trevor, however, remained pessimistic that the vast diminution of the revenues ensured that "it would be found difficult to get persons to accept the see with such limited means."<sup>(126)</sup> He was to be mistaken, for on August 8th, 1836, Edward Maltby arrived at Auckland Castle to pick up the pieces savagely scattered by the Ecclesiastical Commissioners.

NOTES

"THIS MISERABLE PRETENCE OF CHURCH REFORM"

- 1 Hansard Parliamentary Debates, (Third Series) vol. 35, col.352
- 2 D. Bowen: The Idea of the Victorian Church, (Montreal 1968) p.35.  
Convocation was suppressed after Bishop Hoadly had been  
protected against the Tory clergy's censure.
- 3 ibid., p.20.
- 4 O.J. Brose: Church and Parliament, (London 1959), p.124.
- 5 ibid.
- 6 Bowen: The Idea of the Victorian Church, p.20.
- 7 R.A. Soloway: Prelates and People, (London 1969), p.302.
- 8 O. Chadwick: The Victorian Church, Vol.1 (London 1966), p.127.
- 9 Soloway: Prelates and People, p.301.
- 10 G.F.A. Best: Temporal Pillars: Queen Anne's Bounty, The  
Ecclesiastical Commission, (Cambridge 1964), p.306.
- 11 Hansard ... vol.35, col.21.
- 12 ibid., vol.32, col.131.
- 13 Best: Temporal Pillars, p.303.
- 14 W.B. Maynard: The Ecclesiastical Administration of the  
Archdeaconry of Durham, 1774-1856 (Ph.D.Theses, University  
of Durham, 1973, p.434).
- 15 Hansard ... vol.35, col.18.
- 16 ibid., col.128.
- 17 ibid., col.27.
- 18 ibid., col.356.
- 19 ibid.
- 20 ibid., col.15.
- 21 ibid., col.17.
- 22 ibid., cols.16-17.

- 23 Bound volume of Acts Relating to the Ecclesiastical Commissioners for England, Durham University Department of Palaeography and Diplomatic, (1844), p.2.
- 24 ibid., pp.2-3.
- 25 Hansard ... vol.32, col.133.
- 26 ibid., vol.35, col.14.
- 27 ibid., col.167.
- 28 Best: Temporal Pillars, p.307.
- 29 Hansard ... vol.35, col.543.
- 30 ibid., col.42.
- 31 ibid., col.543.
- 32 ibid., col.350.
- 33 ibid., col.532.
- 34 ibid., col.534.
- 35 ibid.
- 36 ibid., col.535.
- 37 ibid.
- 38 ibid.
- 39 ibid., col.537.
- 40 ibid., col.540.
- 41 ibid., col.38.
- 42 ibid., col.344.
- 43 ibid., col.42.
- 44 ibid., col.43.
- 45 ibid., col.528.
- 46 ibid., col.43.
- 47 ibid., col.45.
- 48 ibid., col.358.
- 49 ibid., col.32.

- 50 ibid.
- 51 ibid.
- 52 ibid., col.28.
- 53 ibid., col.34.
- 54 ibid., col.41.
- 55 ibid., col.42.
- 56 ibid., col.41.
- 57 ibid., col.355.
- 58 ibid., col.661.
- 59 Chadwick: The Victorian Church, p.81.
- 60 R. Brent: Liberal Anglican Politics, (Oxford 1987), p.14.
- 61 Hansard ... vol.35, col.525.
- 62 ibid., col.545.
- 63 ibid., vol.32, col.162.
- 64 ibid., vol.35, col.345.
- 65 ibid., col.348.
- 66 ibid., col.345.
- 67 ibid., vol.32, col.155.
- 68 ibid., vol.35, col.353.
- 69 ibid., col.349.
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- 71 ibid., col.538.
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- 85 Bill For More Perfectly Uniting to the Crown, The County Palatine of Durham, And For The Better Regulation of the Revenues of the Bishopric, Parliamentary Paper, (1836), (III), p.299.
- 86 E. Maltby: A. Charge delivered to the Clergy of the Diocese of Durham, in the Primary Visitation of Edward, Lord Bishop of Durham, (London 1837) p.5.
- 87 Hansard ... vol.32, col.127.
- 88 Taken from Gross and Net Annual Revenue of the Bishop of Durham, 1829-35, Parlt. Papers, (1851) XLII, p.15.
- 89 ibid., col.1104.
- 90 Brose: Church and Parliament, p.131.
- 91 Hansard ... vol.35, col.370.
- 92 ibid., col.369.
- 93 The Times, 4th May, 1836, p.5, col.5.
- 94 Hansard ... vol.35, col.361.
- 95 ibid.
- 96 The Durham Advertiser, 20th May, 1836, p.3, col.4.
- 97 ibid.
- 98 ibid., 17th June, 1836, p.3, col.3.
- 99 ibid., 25th March, 1836, p.2, col.2.
- 100 ibid., 29th April, 1836, p.2, col.6.

- 101 ibid., 29th April, 1836, p.2, col.4.
- 102 Hansard ... vol.35, col.363.
- 103 The Durham Advertiser, 22nd April, 1836, p.2, col.6.
- 104 Hansard ... vol.35, col.54.
- 105 ibid., vol.32, col.1102.
- 106 ibid., col.1105.
- 107 The Durham Advertiser, 17th June, 1836, p.3, col.3.
- 108 Correspondence of the Bishop of Durham, 19th July, 1836,  
Parliamentary Papers, (1851) 113.
- 109 Hansard ... vol.35, col.363.
- 110 The Durham Advertiser, 17th June, 1836, p.3, col.3.
- 111 ibid., 1st July, 1836, p.3, col.3.
- 112 Hansard ... vol.35, col.364.
- 113 ibid.
- 114 ibid.
- 115 ibid.
- 116 ibid.
- 117 ibid., col.365.
- 118 ibid., vol.31, col.1203.
- 119 ibid., vol.35, col.127.
- 120 Acts Relating to the Ecclesiastical Commissioners ...,  
Durham University Department of Palaeography and Diplomatic, p.11
- 121 The Durham Advertiser, 1st August, 1856, p.3, col.3.
- 122 ibid.
- 123 ibid.
- 124 Hansard ... vol.32, col.1102.
- 125 ibid., vol.35, col.370.
- 126 ibid., vol.32, col.1102.

The most interesting subject that  
can be offered to the contemplation  
of a man or a Christian. (1)

The strength of Maltby's dedication to the belief that education possessed everlasting values was such, that it was the only area in which he preached over-zealousness could cause no harm.<sup>(2)</sup> (See also, Chapter: The Bishop as Instructor of his Diocese.) He held this ideology because of the conviction that no one could ever be over-educated. Pursuit of knowledge was never a misuse of time.

As a young man, he had been a dedicated student, ardently interested in book collecting, an occupation which dated back to his schooldays. He purchased Erasmus' Colloquia from Mr. Beatniffe, a Norwich bookseller "whose shop I was in the habit of frequenting when a boy."<sup>(3)</sup> By 1806, he had added a Master of Arts, Bachelor of Divinity and Doctor of Divinity to his qualifications, and his early thirst for knowledge remained as he matured. Whilst preacher at Lincoln's Inn, he wrote Illustrations of the Truth of the Christian Religion, and edited two collections of Psalms and Hymns (1815 and 1824). His main classical work was Lexicon Graeco Prosodiacum (Cambridge 1815) based on T. Morrell's Thesaurus (Eton 1762). His interest extended to subscribing to other authors' works, including Beesley's History of Banbury, and a copy of Nennius' History of The Britons was dedicated to Maltby by the English Historical Society.<sup>(4)</sup>

Maltby's sermons before he was Bishop of Durham reflected his love of knowledge. He believed that the young should seize every opportunity to pursue a good education. Such a gift would

broaden their minds, thereby enabling them to converse with others on a great variety of subjects. The discourse produced by different yet intelligent minds could "seldom fail to produce an important result in the elucidation of truth."<sup>(5)</sup>

Universities were superb instruments by which to gain the wonders of a varied education. Maltby further believed that the prospect of winning distinguished prizes for educational achievement would be the encouragement that all students required in order to work diligently.

By what means can a disposition for moral excellence be successfully cherished, if not by eagerness for a prize? (6)

Maltby himself, had been a recipient of various prizes whilst at Cambridge. In 1790, he had won Brownes medal for epigrams, and additional honours for Greek odes. In 1791, he obtained the Craven scholarship and received his Bachelor of Arts degree in the following year.

Therefore, Maltby believing that some form of prize was necessary in order to stimulate students' diligence towards their studies, applied the idea to the university of Durham. Whilst Bishop of the diocese, he took an active interest in the university, and illustrated his enthusiasm by presenting the institution with several prizes for academic achievements. In 1841, ten guineas was to be awarded to the student who passed the final examination in the Hebrew text and Septuagint version of Genesis. This also included the first twenty verses of Exodus and St. Matthew's Gospel in Greek, with special reference to Hellenistic phraseology and expression. In the same year, he proposed a prize of ten guineas to the student who produced the best Latin prose essay on:

Quaedam Fuerit Romanae Republicae sub Augusto Donstitutio. His educational interests were not restricted to theology, so he also awarded prizes of thirty guineas per annum for the encouragement of literature and science, and ten guineas to the most accomplished student in mathematics. The standards he expected were high as he stipulated that the awards were only to be presented in cases of positive merit.<sup>(7)</sup>

His involvement with the university was not limited to the presentation of prizes for the students. Maltby held a dinner for the Warden, professors and tutors of the university in 1837 where he toasted "success to the University of Durham."<sup>(8)</sup> He extolled the wonders of a university education and stressed that such an institution "so seasonably provided for the growing wants of the north."<sup>(9)</sup> The Times reported that he "entered at great length into the incalculable advantages of education and showed the high importance of founding a university in that county."<sup>(10)</sup>

Maltby also involved himself in the efforts to obtain a Royal Charter for the university to enable the institution to issue degrees. The Government was willing to endow the university, but desired that all restrictions imposed upon the entrance of non-conformists be abolished first.<sup>(11)</sup> Maltby wrote to Russell convincing the Home Secretary that Bishop Van Mildert had founded the establishment on the understanding that the Government would not demand the admission of non-Anglicans. As a result, Russell replied that he had "come to the conclusion that the Charter may now be completed"<sup>(12)</sup> partly owing to "your Lordship's earnest solicitations on this subject."<sup>(13)</sup> Nevertheless, Russell declared that he would continue "to endeavour by every means in his power to effect the abolition of restrictions"<sup>(14)</sup> to which Maltby replied,

"I am entirely of your opinion."<sup>(15)</sup>

To show his concern for the welfare of the university further, Maltby donated one-hundred guineas towards the building of the Durham observatory and another hundred towards the purchase of instruments.<sup>(16)</sup> A particularly welcome donation was Maltby's twenty-four-year-old library, which he requested be called: The Maltby Library. It was presented at a time when library provision was poor, as Cosins<sup>!</sup> Library was not open to students until 1936. Maltby desired that his personal collection of books should "be rendered as accessible as possible to students, consistently with their due preservation."<sup>(17)</sup> He also added a further £1,000 towards the welfare of the university. Maltby was obviously convinced that his library would be of much greater value to the students who were still engaged in the process of learning. His collection was neither huge (2,405 books) nor impressive in terms of rare or early books, but it was still valuable for students to be able to refer to additional texts. He would, therefore, have been disappointed to discover that issue figures for his precious books were low, with only seventy issues between 1913-25.<sup>(18)</sup> Nevertheless, the collection reveals information on Maltby's educational preferences. Not surprisingly, he possessed many books devoted to theology, but the library was by no means limited to such works. Two-thirds of the books were classical texts, commentaries and works on classical languages and literatures. History, literature, philosophy and biographies were also represented. There were several dictionaries including Bosworth's of Anglo-Saxon (London 1838) and Johnson's (London 1773), and he appeared to have a greater interest in Greek playwrights than Latin ones. He possessed many editions of Greek works by Aeschylus, Sophocles, Euripides and

Aristophanes, but generally had only one edition of the Latin playwrights. Although the library did not include a great deal of English literature, there were some recent editions, for example, Chaucer (Oxford 1798), Cray (1814), Milton's Works (London 1809), and Shakespeare (London 1803).

Although he believed that education was valuable in itself, his adherence to the advantages of a sound knowledge was not entirely due to the belief that it was an asset for social intercourse. He had certainly been of the opinion in 1804, that general discourse "can never be applied to so many valuable purposes, as when it subsists between those who are employed in the improvement of their minds."<sup>(19)</sup> But he had not lost sight of the even more important fact that education assisted social virtues, checked bad habits and ruled out the ignorance which was responsible for so much evil in society. Like Lord Shaftesbury, Maltby believed that education would be a social control. Ashley declared that delay would add thousands "to the ranks of viciousness, of misery, and of disorder."<sup>(20)</sup>

There was, Maltby claimed, an undeniable link between the lack of education and crime. Early education would train the mind and be "the nucleus around which all our habits, bodily as well as intellectual are formed."<sup>(21)</sup> If children were encouraged to learn, they would not only acquire knowledge of mathematics, English and history but also of how a responsible human being living in society ought to behave. He further preached such a conclusion at St. Nicholas' Church, Newcastle in 1838 when he announced that "That which had been depraved, might have been much more profligate but for a corrective that may have been conveyed by the timely recollection of a judicious maxim or holy precept."<sup>(22)</sup> In short, his views encompassed the theory that a well-educated country would automatically

have a lower crime rate than that of an ignorant nation.

As Bishop of Durham, he had the opportunity of expressing his theory in the House of Lords. In 1839, he made one of his few speeches in Parliament. Maltby spoke of the close contact he had had with the general condition of education and had obtained his facts from those "best informed upon the subject."<sup>(23)</sup> He had collected as much relevant information as possible, in order to decipher what the true relation between crime and the lack of education was. In this, he had been assisted by the Poor Law Commissioners and "through the kindness of Mr. Chadwick."<sup>(24)</sup> All the documents he had managed to study showed that there "existed a very general desire, and indeed, a great necessity for the adoption of a more popular system of education - more applicable to the instruction of the lower classes throughout the country."<sup>(25)</sup> In an earlier speech, he presented statistics for the cost of crime in the country, which are presented in Table 1.

Table 1

	1792	1832
	£	£
Jail Rates	92,000	177,000
Prison Maintenance	45,700	127,000
Prosecutions	34,000	487,000
Constables	659	26,000

Although population had only increased 60%, expenditure as a result of crime had trebled in the space of forty years. To reduce such a cost, Maltby argued that the national system of education should be improved and that all classes were entitled to its benefits. The primary stage of the plan "must be to establish normal schools for the training of schoolmasters."<sup>(26)</sup> Thus, he hoped that the Government "will be able to make some advance to the National Society and to the British and Foreign Society",<sup>(27)</sup> in order to assist in "the

formation of normal schools."<sup>(28)</sup> The responsibility of imparting knowledge to the children would rest with the teachers and so it followed that they should also be well instructed. Therefore, he was "favourable to normal schools",<sup>(29)</sup> whilst the improvement of education generally, was a "national object"<sup>(30)</sup> and an urgent necessity. Comparisons with other countries had revealed the faults of the British system and various reports had highlighted its inavailability in certain areas. For example, in 1838, Maltby presented a report (by Stow, Director of Model Schools in Glasgow) which discussed such a problem in certain areas. Only one child in twenty-five attended school in Aberdeen, one in eighteen in Paisley parish, and one in fourteen in Dundee. One summary revealed that there were some 3,000 children above six or seven years old, living in Paisley, who could not read. In Liverpool, out of an estimated population of 230,000, 12,000 children were receiving inadequate instruction; 3,700 were educated only on Sundays, whilst 30,000 five to fifteen-year-olds were totally uneducated.<sup>(31)</sup>

Maltby was horrified at such figures and urged the Government to correct such a pathetic situation. Although the cost of improvement would be high, he reminded the Government that efficient and available education would "encourage habits of industry, and diminish every species of vice and crime,"<sup>(32)</sup> and so reduce the cost of crime. As a result, he was not ashamed to request "that some grant should be made to the Education Society at Glasgow"<sup>(33)</sup> who were dedicated to "improving the system of education."<sup>(34)</sup> Most importantly, he recommended that the present grant of £20,000<sup>(35)</sup> should be enlarged to whatever was necessary to frame an educational system that would be available to all classes and provide them with excellent tuition. The cost incurred may be great, but it would

result in "a progressive and indefinite extension of the benefits derivable from a sound system of national education."<sup>(36)</sup> Surely, he thought the Government must "prefer innocence to crime, comfort to misery, peace and good order to turbulence and licentiousness."<sup>(37)</sup> Education could achieve such harmony.

Whilst a general education would be one battle in the war against immorality and crime, religious knowledge in particular could defeat vice and allow peace and righteousness to emerge in its place. Religious knowledge according to Maltby, meant an intimate acquaintance with the Scriptures. Maltby was the proud owner of not one, but four, editions of the New Testament (1516, 1549, 1617, 1642) in addition to a much younger version of the complete Bible (Cambridge 1795). If only the nation would devote more of their lives to the perusal of God's word, he was certain that the greater part of evil could be destroyed. A theory which frequently emerged in his charges (see Chapter: The Bishop as as Instructor of his Diocese, Part II, Sections b and c). For this reason, he was amazed that there was no religious instruction within the prisons. Prisons as institutions of punishment were inhabited by the lowest forms of society who were in the greatest need of religious salvation. Maltby, perhaps somewhat naively believed, that the existence of scriptural instruction would result in all prison inmates being transformed into devout Christians. His opinion that the morally corrupt were the breed in most need of guidance, ran parallel to Jesus' own "I came not to call the righteous, but sinners."<sup>(38)</sup>

Such moral rescue lay in the Bible, an opinion which he had held many years before his arrival at Durham. To study the Bible would educate us in the ways that God wished us to follow. Maltby's

early sermons discussed the accuracy of the Bible which he believed could not be disputed. The books of the Old Testament came from an inferior race yet it was a community that had the only rational image of the omnipotent creator and his relationship with his creatures. They also lived by a code of law whereby crimes which were tolerated in other areas were punished within this race. Idolatry was forbidden, and so Maltby argued that such civilized behavior amongst an otherwise ignorant race must be owing to the guidance of God, hence their written works were inspired by the Almighty. The same idea applied to the accuracy of the New Testament where Jesus displayed "uncommon excellence and variety of excellence",<sup>(39)</sup> but the gospels were written by "unlearned and ignorant men."<sup>(40)</sup> The conclusion must be, that the gospel writers used their senses to arrive at such knowledge, and must have been witnesses of divine events. Moreover, the conversion of St. Paul from a bigoted Jew to a caring Christian in Acts was yet another point in favour of authenticity. Maltby announced that if the apostles had invented the stories of Jesus' life, they would have used the fraud to their own material advantage instead of living difficult and uncomfortable existences. Even if the accuracy of the gospel accounts could be challenged, its code of moral conduct could never be attacked. It was a code laid down by Christ and was superior to all attempts made by "the best and wisest philosophers."<sup>(41)</sup> Surely, Maltby urged, this was yet another proof of "the divine origin of our religion."<sup>(42)</sup>

If the Bible was accurate, as Maltby held it to be, then it was the primary source of religious education, which demanded a great deal of studying by an unbiased mind. He urged that everyone should read its infallible words:

Minds which are vigorously exercised in moral and mathematical reasoning, should be disciplined also in investigating the various and complicated proofs, which establish the Divine origin of the Mosaic and Christian dispensations.

(43)

The lack of religious training resulted in horrible rituals, superstition and idolatry as existed in primitive areas of the world.

Whilst pronouncing the wonderful effects of devout reference to the Holy books, his early sermons revealed the idea that certain sections were not advisable to be read by the less intellectual student. The Bible was a complicated work, so he argued, and as such was unfortunately open to misinterpretation. For example, to treat the gospels as a chronological list would "plunge ourselves and our hearers into endless difficulties."<sup>(44)</sup> The Bible contained histories, but they "proceed according to some regular and methodical arrangement,"<sup>(45)</sup> and are not always to be regarded in the literal sense. Such difficulties meant that although he encouraged Bible reading, Maltby was worried that less able minds would produce dangerous misinterpretations. Books, for example the Prophetical books, "are universally acknowledged to be difficult of comprehension even to the learned"<sup>(46)</sup> and so are prone to be "grossly misunderstood."<sup>(47)</sup> He preferred that those incapable of understanding should omit such sections and read only the intelligible ones. If such an instruction seemed strange coming from the mouth of a minister, it was perhaps explained by the belief that complete spiritual knowledge will never exist in this world. All must wait until "that glorified state where he will know."<sup>(48)</sup>

If difficulties existed in understanding parts of the Bible, Maltby believed it was the duty of himself and all clergy to be as well-informed in religious knowledge as possible. The greater the

religious understanding of a clergyman, the more he could help his congregation.

Education was, in Maltby's eyes, the greatest blessing that an individual could possess. It not only produced an interesting mind capable of varied topics of conversation, but was the creator of moral and righteous habits. Religious knowledge would guide and comfort all who sought it and so he recommended that strenuous efforts should be made to produce an excellent system of education applicable to all classes. The only reservation that resided within him was that if the uneducated misinterpreted the Bible, all its moral precepts could be distorted. He, therefore, preferred that the clergy should have the duty of guarding against such error rather than leave the unlearned to tackle the matters which were too complicated for their comprehension.

## NOTES

### EDUCATIONAL VALUE

- 1 E. Maltby: The Early Education and Training of the Poor, Truly Christian Objects, a Sermon Preached at the Church of St. Nicholas, Newcastle, Sunday August 26th 1838, (Newcastle 1838), p.7
- 2 Maltby: A Charge Delivered to the Clergy of the Diocese of Durham at the Visitation in July, August, 1841, by Edward, Lord Bishop Of Durham, (London 1841), p.18
- 3 E.A. Harbourd: Bishop Maltby and His Library, (Durham 1977), p.2
- 4 ibid.
- 5 Maltby: A Sermon Preached before the University of Cambridge, 1804, Sermons Vol.I, (London 1819), p.321
- 6 ibid., p.380
- 7 The Times, 30th December 1840, p.3, col.4
- 8 ibid., 1st February 1837, p.5, col.2
- 9 Maltby: Sermon I of Two Sermons and a Charge Delivered to the Clergy of Hexhamshire, 1842, (London 1843), p.2
- 10 The Times, 1st February 1837, p.5, col.2
- 11 R. Brent: Liberal Anglican Politics, (Oxford 1987), p.197
- 12 Thorp MSS., University of Durham Library, Palace Green, Russell to Maltby, May 13 1837, 292b
- 13 ibid.
- 14 ibid.
- 15 ibid., Maltby to Russell, May 15 1837
- 16 The Times, 11th December 1840, p.4, col.6
- 17 Harbourd: Maltby and His Library, p.13
- 18 ibid., p.14. The collection was originally situated in the

chancery room, but was moved to the newer buildings in 1929, then to the cursitor's and stocks rooms in 1936. Between 1948-58, the lack of space meant that the books had to be kept in a hut store. Finally, the books were transferred to a gallery of the Cosins Library in 1958.

- 19 Maltby: Sermon 19 (1804), Sermons Vol. I, p.381
- 20 A.J. Heesom: "The Coal Mines Act of 1842, Social Reform and Social Control", Historical Journal, 24, I (1981) p.83
- 21 Maltby: ...Sermon Preached at the Church of St. Nicholas, August 26th 1838, p.8
- 22 ibid., p.15
- 23 Hansard Parlt. Debates, (Third Series), vol.48, col.1282
- 24 ibid. Chadwick's biography made no mention of Maltby.
- 25 ibid.
- 26 ibid., vol.42, col.941
- 27 ibid., col.942
- 28 ibid.
- 29 ibid., vol.48, col.1282
- 30 ibid., vol.42, col.941
- 31 ibid., col.941
- 32 ibid.
- 33 ibid., col.942
- 34 ibid.
- 35 J. Lawson and H. Silver: A Social History of Education in England, (London 1973), p.268
- 36 Hansard...vol.48, col.1283
- 37 ibid., vol.42, col.942
- 38 The Gospel According to St. Mark, chapter 2, verse 17, The Holy Bible, R.S.V.(Catholic Edition), (London 1966)

- 39 Maltby: A Sermon (on Hebrews 12:1), Preached in the Chapel of Lincolns Inn, on Sunday 22nd November 1835, by Edward, Lord Bishop of Chichester, on Resigning the office of Preacher to that Learned and Honourable Society, (London 1835) p.16
- 40 ibid.
- 41 Maltby: Sermon Preached at the University of Cambridge, May 4th 1817, Sermons Vol.II, (London 1822), p.108
- 42 ibid. Cf, Sermon on neither the Strength nor the wit, of Man Instrumental to the Early Success of the Gospel, p.57, and Sermon on the Warning Supplied by the Conduct of Jeroboam and of the Prophet from Judah, p.263, Sermons Preached in the Chapel of Lincolns Inn, (London 1831)
- 43 Maltby: Sermon on the Studies of Religion Recommended to Laymen, Sermons Preached ... Lincolns Inn,p.375
- 44 E. Maltby: Sermons 12 of Sermons Vol.I, p.217
- 45 ibid., p.218
- 46 Maltby: Thoughts on the Utility and Expediency of the plans proposed by the British and Foreign Bible Society, (London 1812), p.7
- 47 ibid.
- 48 Maltby: Sermon 4 of Sermons Vol.I, p.73

Maltby was not in the habit of using the episcopal position, nor its accompanying seat in the House of Lords, for the expression of his political views. His sermons rarely mentioned matters concerning politics, and any referred to in his charges, related solely to the Church. Obviously, the Bishop preferred to reserve his sermons for religious issues, morality and the benefits of education and industriousness. Nevertheless, whilst a shortage of material prevents the possibility of entering into any detail upon his political theories, it was at least apparent that Maltby was a Whig.

The lack of political speeches and personal discussions of his politics have not prevented certain of his beliefs emerging to the surface. He was certainly in favour of the union between the Church and the State, and declared that there was absolutely nothing "unscriptural" <sup>(1)</sup> in such a bond. To illustrate his point, Maltby noted that the Levitical Institution of the Jews which was separated from normal life was maintained out of the revenues of the community. So, he argued, it was acceptable for the English clergy to be financially and materially supported by the state in order that they may concentrate on holy matters. Maltby borrowed St. Paul's words to support his argument:

They who preach the Gospel shall  
live of the Gospel. (2)

However, whilst satisfied that the state had the right to support the Established Church, he was not so convinced that it should interfere in religious matters of which it was "ignorant." <sup>(3)</sup> Such was his attitude towards the Ecclesiastical Commission. He spoke in 1853, of his awareness of their good intentions as regarded

the welfare of the national Church, but they had made mistakes due to the fact that they knew little "of the actual constitution and principles of the Church."<sup>(4)</sup> In that particular instance, he was referring to the Commissioners' idea of creating many separate districts with poor endowments. Maltby, personally believed that it would have been more advisable to increase the endowments of the incumbents within the most densely populated parishes. A restrictive income was of no use to an incumbent. Hence he was opposed to the confiscation of £13,000 of Durham's revenues in 1836, because of the vast needs of the diocese. A rising, yet scattered, population ensured difficulties for many parishioners in the process of travelling to their nearest place of worship. The blessings of the religious service were, therefore, unable to reach many. Maltby could not help feeling that "it would have been more useful to the diocese, if a greater latitude had been left to the Bishop for supplying the extraordinary wants of his clergy."<sup>(5)</sup> Durham diocese required all its revenues in order to satisfy the spiritual needs of its inhabitants. Maltby believed that perhaps the Ecclesiastical Commissioners should have allowed the situation to remain the same. It seemed to him "that a scheme embracing so wide a field and extending to such a variety of objects, was adopted too much in a hurry."<sup>(6)</sup>

Maltby also led the resistance to the Commissioners in 1851 over the transfer of the patronage of twenty-three Durham episcopal benefices (proposed transfers did not take place in his administration). He re-emphasised the rise in the population which ensured that the see was not as opulent as may have appeared on paper. Moreover, he pointed out the vast sums already presented to the Commissioners and insisted that the wealth of the diocese was derived

entirely from the see itself.

As a bishop, Maltby felt that he was the most suitable person to understand the needs of his diocese, and so his dissatisfaction with some of the Ecclesiastical Commissioners' actions was imitated in his attitude towards the Charity Commissioners. In 1855, he was disappointed that the Charitable Trust Bill of the same year tended "to enlarge rather than retrench the powers given to the Commissioners."<sup>(7)</sup> This attitude was chiefly owing to his aggravation "by the conduct of those Commissioners in respect to Sherburn hospital."<sup>(8)</sup> In the specified incident, the Commissioners had dismissed Maltby's advice and had installed a medical expert instead of a clergyman as the master of the hospital. Clearly, therefore, there was the belief that matters connected with religion were best dealt with by religious figures, such as archbishops, bishops, vicars, curates and all who had studied for that very purpose. Nevertheless, he was prepared to admit that the Ecclesiastical Commission had not completely failed to nurture the welfare of the Church. Writing to Lady Grey in 1852, Maltby discussed the matter of his voluntary payments to the Ecclesiastical Commission of £2,000 per annum, "and one year, 4,000L."<sup>(9)</sup> He was happy to report that "they in their turn, behaved handsomely by apportioning it to the building of parsonage houses in the diocese."<sup>(10)</sup> He was equally content with efforts made in erecting extra churches.

Whilst Maltby said very little concerning politics, his abstention was not owing to a personal disinterest. Indeed, he was anxious to encourage his clergy and the public to be constantly aware of the political activities of the country. He urged that "the public mind cannot be fixed too steadfastly upon the principles

which appear to guide the conduct of their governors, and upon the measures which they actually pursue."<sup>(11)</sup> Such a paternalistic advice was extended to his clergy in his 1841 charge, whereby he announced that every one of them should be aware of the law and in what way it would affect them.<sup>(12)</sup> Should any difficulties in understanding the meaning of the law arise, they were to go to him for an explanation. Such an offer was proof that far from being a political recluse, Maltby followed the workings of politics closely. He just rarely talked about it, and advised his clergy to follow his example by avoiding preaching on "controversial questions."<sup>(13)</sup>

Politically, Maltby was a "Whig Bishop".<sup>(14)</sup> It was his whiggery that won for him the Bishopric of Chichester. Grey was anxious to rush him into the House of Lords in order to help the passage of the 1832 Reform Bill. As the Whigs' first appointment, Maltby did as was expected of him and voted in the act's favour and read a petition in favour of reform from Huntingdon. However, some twenty-six years later, in a letter to Lord Grey, Maltby wrote that he had "no scruple in acknowledging ... that from the first I entertained an apprehension"<sup>(15)</sup> that the Reform Bill "was carried too far."<sup>(16)</sup> It created, he wrote, "too wide a field to political agitation."<sup>(17)</sup> And yet Maltby had never appeared to entertain such doubts in 1832, which meant that perhaps he was so closely affiliated to whiggery that he preferred to vote for a bill of which he was not entirely in favour, rather than side with the opposition. Like many other Whigs, Maltby was prepared to accept the bill, rather than risk the alternatives, although feelings of gratitude towards those who had elevated him to the Bishops' bench may have played a part.

Throughout his career, Maltby voted on the side of whiggery. In 1834, he was in favour of the Poor Law Amendment Act. His reasons here, however, really had little to do with his political stance and more to do with his attitude that the old Poor Laws had been extremely harmful. Such harm was the result of the "idle and unthrifty"<sup>(18)</sup> who exploited the funds which had been intended "for the benefit of the industrious and the comfort of the afflicted."<sup>(19)</sup> The new Poor Law abolished outdoor relief, except for the sick and the elderly. The remainder were forced to enter the harsh workhouses for relief. The new law, would, Maltby promised, "ensure to the honest and active the just means of their exertions."<sup>(20)</sup>

Perhaps, his motives when voting for the Poor Law Amendment Act were not politically directed, nevertheless, Maltby's use of his vote as Bishop of Durham clearly illustrated his leanings. He voted content on Melbourne's order of the day for the House to go into committee upon the Municipal Corporations (Ireland) Bill<sup>(21)</sup> and indeed, appeared to agree with Melbourne on everything. From 1837 to 1846, both names appeared on the same side, and there was never an occasion when Maltby voted not-content and Melbourne voted content or vice-versa. Both men were in agreement that capital punishment should not be introduced in Canada, and they accepted the radical motion to revise the corn laws in 1840. Even though opposed to some of the Ecclesiastical Commissioners' work, Maltby, along with Melbourne, was content on the second reading of the Ecclesiastical Duties and Revenues Bill in 1840. The Act suppressed all non-resident prebends, all sinecure rectories and reduced the number of resident canonries per cathedral to four. Durham was one of the seven exceptions in that the cathedral was permitted to

retain six. Patronage attached to the separate members of the Dean and Chapter was to be transferred to the Bishop. Neither Maltby nor Melbourne was content on omitting Dublin from the Irish Municipal Reform Bill, nor on asking questions of the judges as to the clergy reserves in Canada (1840).<sup>(22)</sup> In short, as Bishop of Durham, Maltby used his vote as an instrument of support for the Whigs. As Bishop of Chichester, he had voted for their Reform and Poor Law Amendment Acts. After 1836, he used it to support the Irish Municipal Bill and voted with the Whigs when they were in opposition during 1841 -46.

Having instructed the clergy not to express their political views, Maltby would have been expected to live by his own advice. Mostly, he did, yet at times he succeeded in alluding to his preference for whiggery. In 1841, during the South Durham election, the chairman of the committee for the Conservative candidate, James Farrer, wrote to the Bishop enquiring "whether, in canvassing your tenants and dependants, we are at liberty to say that they may vote according to their own unbiased opinions."<sup>(23)</sup> Maltby replied that whilst he would never attempt to force anyone to vote for a candidate opposed to their beliefs, he announced that many of his people "had little opportunity of forming a correct judgement."<sup>(24)</sup> In such cases, he was willing to offer his own opinion. Moreover, he wrote, that anyone who wished to "learn my sentiments or consult my wishes",<sup>(25)</sup> should know that having "witnessed the measures of her Majesty's present Government (Whigs), I am decidedly of the opinion that they have at once the ability and the wish to promote the public good."<sup>(26)</sup> He thus managed to mention that his personal hopes lay in the success of those who were "friendly to this government"<sup>(27)</sup> and so any support he could give would "be at the service

of Mr. Bowes and Lord Harry Vane."<sup>(28)</sup> He had written in 1837, that he would be most grateful if anyone without political bias had "acted with my friends."<sup>(29)</sup> Such a hope reappeared in the 1841 letter to Hodgson, where he hoped that the "whole of what I have stated and not a part only"<sup>(30)</sup> would be communicated to anyone who wanted to know. So, although he did not believe that clergy should discuss their political leanings openly, Maltby succeeded in making his clear.

Maltby may have been a staunch Whig and, therefore, eager to aid their success (he wrote to the Whig, Lord Howick, a candidate at the Sunderland by-election in 1841, "of the cordial interest I take in your success",<sup>(31)</sup> but whatever his opinion he never "considered myself at liberty to constrain any tenant or dependant to vote in a way opposed to his unbiased opinions."<sup>(32)</sup> Maltby reaffirmed that he would never "control the settled and conscientious opinion of any one."<sup>(33)</sup> T.J. Nossiter wrote about the influence which a bishop could exercise over the electors of a county. In 1832, the eight-hundred voters of Bishop Auckland gave almost 17% greater support for the Tory candidate, supported by Bishop Van Mildert, than did the division as a whole. However, no doubt Maltby's whiggery ensured that there was no such difference during his administration, as Table 1<sup>(34)</sup> shows:

Table 1

Voting in Bishop Auckland polling district under successive bishops of Durham, 1832-68

Election	Bishops	% Tory		Difference
		B. Auckland	S. Durham	
1832	V. Mildert (Cons.)	45.6	29.1	16.5
1841	Maltby (Lib.)	25.9	25.6	0.3
1857	Longley (Lib.)	28.9	29.0	- 0.1
1865	Baring (Cons.)	42.1	33.6	8.5
1868	Baring (Cons.)	56.3	45.4	10.9

Maltby revealed a belief in freedom of opinion that was also to be discovered in his attitude towards Dissenters, (see chapter: Maltby on Toleration). During his episcopal reign, he said very little on political affairs, yet he still managed to make it blatant that he was favourably disposed to Whiggery. Although Maltby was not in the habit of attempting to convert others to his way of thinking, he was certainly prepared to disclose his opinions should anyone seek them.

NOTES

POLITICAL INTEREST

- 1 E. Maltby: A Charge delivered to the Clergy of the  
2 Archdeaconry of Lewes at the Primary Visitation of E. Maltby  
3 Bishop of Chichester, May, 1834, (London 1834), p.21  
4 ibid., p.22.
- 5 Maltby: A Charge delivered ... 1853, (London 1853), p.12.  
6 ibid.
- 7 Maltby: A Charge delivered ... 1838, (London 1837), pp.9-10  
8 Maltby: A Charge delivered ... 1853, p.11.
- 9 Earl Grey Papers, Durham University Department of Palaeography  
10 and Diplomatic. Letter dated 24th April, 1855.  
11 ibid.
- 12 Papers of Maria, Third Countess Grey, Durham University  
13 Department of Palaeography and Diplomatic. Maltby to Lady  
14 Grey, 1853 (no other date).  
15 ibid.
- 16 Maltby: Reflections upon the State and Conduct of public affairs  
17 at the Commencement of the Year 1809, (London 1809), p.5.
- 18 Maltby: A Charge delivered ... 1841, (London 1841), p.4.
- 19 Maltby: Two Sermons and a Charge delivered to the Clergy of  
Hexhamshire, 1842, (London 1843), p.64.
- 20 O. Chadwick: The Victorian Church, Vol.I, (London 1966), p.37
- 21 Earl Grey Papers, Durham University Department of Palaeography  
22 and Diplomatic. Maltby to Lord Grey (3rd) 13th May, 1858.  
23 ibid.
- 24 ibid.
- 25 Maltby: A Charge delivered ... Chichester, 1834, p.21.
- 26 Maltby: Sermon 5, Sermons Vol.II, (London 1822), p.70.

- 20 Maltby: A Charge delivered ... Chichester, 1834, p.21.
- 21 Hansard Parlt. Debates (Third Series), Vol.38, col.1329.
- 22 Bishop Phillpotts, renowned Conservative, submitted the motion which Maltby voted against.
- 23 Twelve files of material concerning, and of the time of, the Bishops of Durham from Chandler to Lightfoot, 1830-1889.  
Auckland Castle Episcopal Records, Durham University Department of Palaeography and Diplomatic; correspondence between Maltby and William Hodgson, Chairman of Farrer's committee, Hodgson to Maltby, 28th June, 1841.
- 24 ibid., Maltby to Hodgson, 28th June, 1841 .
- 25 ibid.
- 26 ibid.
- 27 ibid.
- 28 Durham Chronicle, 25th August, 1837, p.3, col.3. Maltby to Gresley. The Chronicle later referred to Bowes as "a sound and enlightened Reformer", 13th April, 1838, p.2, col.4.
- 29 Strathmore MSS., D/St/159/14, Durham County Record Office.  
Maltby to Bowes, 14th June, 1841.
- 30 Durham Chronicle, 25th August, 1837, p.3, col.3.
- 31 Twelve files of material ... Bishops of Durham, A.C.E.R., Durham University Department of Palaeography and Diplomatic.
- 32 3rd Earl Grey Papers, Durham University Department of Paeography and Diplomatic.
- 33 Twelve files of material ... Bishops of Durham, A.C.E.R., Durham University Department of Palaeography and Diplomatic.  
Maltby to Hodgson, 28th June, 1841.
- 34 T.J. Nossiter: Influence, Opinion and Political Idioms in Reformed England: Case Studies from the North-East, 1832-1874, (Hassocks 1975), p.55.

A. Pastoral Concerns: The Service of God.

Maltby's lack of involvement in politics was perhaps a result of his preference for devotion to the pastoral concerns of his diocese. Since his days as the Vicar of Buckden, he had possessed the idea that each individual was assigned a specific duty to perform during the mortal existence. The earthly life was merely a test for the benefit of God to determine how honest, industrious and righteous his creatures were. Hence our lives were to be dedicated towards the future eternity, and our actions should prepare us for the unavoidable fate. Maltby, somewhat morbidly, frequently referred to the shortness and uncertainty of life on earth, in order to emphasise the need for immediate preparation. He believed that the obstacle to morality was the human longing for comfort and luxury, items which were unimportant when it was remembered that the "seeds of decay ... accompany us in our progress through life."<sup>(1)</sup> Death can occur at the most unexpected moment and so we should all ensure that we are ready to meet it, for "in the midst of life, we are in death."<sup>(2)</sup> Such readiness, he argued, included the knowledge that our particular duty had been adequately performed. For the rich, that was the belief that they had not put their wealth to "their own arbitrary uncontrolled disposal",<sup>(3)</sup> or satisfied only "a grovelling appetite of fantastic caprice or of everlasting indolence."<sup>(4)</sup> The poor had the unenviable task of hard labour, which must be done efficiently. The important duty of parents lay in "supplying the inestimable benefit of a good example"<sup>(5)</sup> and if that failed, he suggested "a system of strict and wholesome

discipline."<sup>(6)</sup>

At the base of all individual assignments lay the one duty that was applicable to all classes: the existence of religion in our lives. Firstly, Maltby preached that "we must of course acknowledge the existence of the Being, to whom all religious adoration should be paid."<sup>(7)</sup> Once the presence of the Almighty had been recognised, all "must heartily implore the aid of the Holy Spirit to direct our erring imaginations, improve our imperfect designs, confirm our good resolutions and cooperate with us in our virtuous and increasing struggles against the world and flesh."<sup>(8)</sup> If, as Maltby believed, "Religion is by far the most important subject to which our attention can be directed,"<sup>(9)</sup> then as a vicar and subsequently a Bishop, he must have been aware of the awesome duty attached to an episcopal career. Our entry into eternal paradise depended upon our earthly behaviour, so Maltby recognised need for servants of God (like himself) to guide and advise the laity.

As Durham's Prelate, he believed that the diocese required greater spiritual instruction and that included more churches, chapels and especially extra clergymen. Durham, he announced, was cursed "with a population so scattered, as to be thrown at a most inconvenient distance from any existing places of worship."<sup>(10)</sup> He was "much afraid that the spiritual wants of this diocese are little known",<sup>(11)</sup> but its needs were great owing to the "rapidly increasing population."<sup>(12)</sup>

Considering the needs of the see, he was horrified, therefore, to receive an anonymous letter in 1850, which stated that Heworth Church was actually preventing the eager worshipper from being able to enter the church. Maltby wrote to the curate, the Reverend M. Plummer, insisting that "if there be any foundation

for the complaints which have been laid before me, I am sorry to be under the necessity of expressing my dissatisfaction that you have not put a stop to such irregularities."<sup>(13)</sup>

The growing numbers meant that "the united exertions of two or more"<sup>(14)</sup> curates in "one parish might be required and so he was anxious to assist personally "in providing additional curates in populous places."<sup>(15)</sup> This was, therefore, probably the reason why he regarded his presence at the ordination ceremony for priests as more vital to the benefits of his diocese than his attendance to the Queen's visit of the area. Lord Londonderry wrote to Maltby requesting the Prelate reverse his decision in order not to offend the Queen. Maltby was adamant that as a bishop, the ordinations were his first concern and that as he was too occupied with "my candidates for ordination",<sup>(16)</sup> he could not possibly attend. He insisted that he must be permitted to act according to what he thought was his proper duty and the examination of candidates for holy orders was more pressing.

The awareness of the great need for additional clergymen was such that Maltby even became personally involved in the hunt for men blessed with a vocation. So impressed was he by a pamphlet entitled "Christianity no Priestcraft", that he saw to its publication and made enquiries about the author. The writer was a Mr. Blythe Hurst of Winlaton, a blacksmith who worked all day to support his family and so had to study on a flame stone. Maltby wrote to the rector of Winlaton, "wishing him to see Mr. Hurst and ascertain his ability to make a ready application of his acquirements."<sup>(17)</sup> On receipt of the rector's report, Maltby wrote to Hurst and gave him advice on how to read efficiently, and which books were most suitable reading material. Some time afterwards, the two men met, the result

being that Maltby was so convinced of his vocation that he arranged for the blacksmith's ordination. Hurst was ordained and became the curate of Garrigill, near Alston. Maltby had succeed in discovering an extra clergyman who could help relieve the spiritual famine of Durham, whilst also demonstrating a freedom from the class attitudes common in his day.<sup>(18)</sup> It was also indicative of Maltby's tolerance towards those possessing a different faith, as Blythe's father was a Dissenter. (The following chapter enters into greater detail on Maltby's tolerance.)

Presence at ordination ceremonies and personal involvement in discovering extra clergymen was, according to Maltby, only the start of his duty. As the head of the Durham clergy, he possessed the responsibility of guiding the vicars and curates, who in turn, would spiritually protect the laity. His belief in the value of a theological education arose yet again as he urged all ministers to study the infallible Bible for themselves and not to rely on controversial interpretations. The Bible was a constant guide and so should be regularly consulted particularly by a vicar or a curate. Furthermore, he warned against the evil of distorting scriptural passages in order to express a personal, political or religious opinion. Thus, ministers as spiritual guides must "have recourse with increased diligence and increased faith to the unerring word of God"<sup>(19)</sup> even if this meant restricting the number of visits to the parishioners. Lethargy and neglect of ministerial duties could result in "serious and irreparable mischief"<sup>(20)</sup> and so no curate should "sleep, while vice is awake to seduce and while false principles labour to betray."<sup>(21)</sup> Hence personal participation was a necessity. In one sense he practised what he preached by his interest in the proposed burial ground in Newcastle. He wrote to the Tynemouth Town Council

and suggested that instead of a roadway to divide the consecrated ground from the unconsecrated, a two-foot wall should be erected. Initially, he was criticized for his interference, but after he had written and explained that his aim was purely to offer helpful advice, his proposition of a boundary of stones was unanimously accepted.<sup>(22)</sup>

Maltby clearly regarded himself as a dutiful Prelate and occasionally a sanctimonious tone crept into his sermons and charges, but he was aware of the importance of his position. However, at times, he took that position for granted, for example using it to present the rich living of Bishop Auckland to his nephew.<sup>(23)</sup> He also appointed his son, the Rev. Henry Joseph Maltby, to a canonry in the cathedral church in Durham, in 1852.<sup>(24)</sup> Moreover, he appeared somewhat indignant if his advice was not adhered to. In 1855, he expressed his "extreme regret"<sup>(25)</sup> that the Charity Commissioners' ideas for Sherburn Hospital were so different "from those which he entertains and which he had hoped he had clearly explained."<sup>(26)</sup> The Charity Commissioners were in favour of installing a medical expert as the master of the hospital instead of "an ecclesiastic well informed"<sup>(27)</sup> as Maltby had wanted.

#### B. Social Concerns.

If the love of money seek admission  
into our bosoms, let us shun its  
secret approaches with horror;  
recollecting that it is the root of  
all evil. (28)

Bishops, as the supposed successors to the apostles would have been expected to be the most generous circle in society. Maltby would certainly have agreed that bishops must help alleviate misery whenever possible, but his attitude towards the social condition of the poor was rather lacking in sympathy. As a Prelate, he understood and accepted the necessity to contribute large sums of money to

various charities and was convinced that he was exceedingly liberal with his financial gifts to social welfare. In 1841, he wrote to R.C. Coxe, about "the anxiety I feel to promote any improvement in the conditions of those in Newcastle. And you will always find me ready to assist in any design of piety or charity."<sup>(29)</sup> In his 1853 charge, he announced that he had donated over £70,000 to "pious and charitable uses"<sup>(30)</sup> over the past seventeen years. But his income had been estimated at between £14,000 to £16,000 per annum,<sup>(31)</sup> hence the £70,000 was not from Maltby's personal salary which was designated by law to be only £8,000, but merely from the surplus to which he not morally entitled anyway. The revenues had been so high that he had been able to donate the £70,000, give the Ecclesiastical Commission an extra £2,000 per annum (see appendix 1) and so appear extremely generous. Yet, the stipulated salary of £8,000 remained virtually untouched every year for his own personal expenditure. It was true that he could have even kept the surplus had he wanted to, but he still retained a huge salary for himself. However, he insisted that he could not "hope that I have satisfied the expectations of those who have applied to me."<sup>(32)</sup> Such people, he argued, were probably unaware of "the number of persons who like themselves have called for aid; nor possibly, could they know the principle I chiefly keep in view in the distribution of these funds."<sup>(33)</sup> The principle he adhered to was, that financial help should only be given to education and pastoral concerns such as church building and the employment of extra clergymen. He did not believe in help for objects such as food, clothing or similar necessities.

Maltby's name was notably absent from a list of subscriptions to the relief of the poor. The list included Archdeacon Thorp's name who had subscribed £500.<sup>(34)</sup> Maltby himself admitted, "I am

afraid, that I am troublesome in matters of charity" but receiving any application for charity, he desired to possess some knowledge of "their character and history."<sup>(35)</sup> He stated that "so many applications are made to me from parties of whom I know nothing."<sup>(36)</sup>

Maltby was blind to the social condition of the poor. The poor were guilty of "idleness and dishonesty"<sup>(37)</sup> and he was convinced that the Poor Laws provided "an excuse for the idle."<sup>(38)</sup> The poor, he believed, had deserted "the rugged and many independence of their forefathers"<sup>(39)</sup> and instead had thrown "themselves upon the bounty of the parish."<sup>(40)</sup> Instead, they should have worked harder to save up for times of hardship, a theory which is particularly insulting when it is considered that Maltby took no heed of his own advice and instead requested an enormous £4,500 retirement allowance.<sup>(41)</sup>

He was adamant, furthermore, that the poor exaggerated their misery. He argued that as the poor received so much exercise and fresh air, they had the advantage of good health as opposed to the rich. For the poor man, there was "a faithful wife"<sup>(42)</sup> who prepared:

a frugal, but sufficient meal at the  
close of thy daily enjoyment. The  
hopes thou has formed of a race, healthy  
and sturdy like thyself, are not cherished  
in vain! Thy bed, though hard, welcomes  
thee to refreshing slumber. (43)

Thus, he had a very homely picture of poverty. To be born in the poorest class of society meant that one could only rise, whereas the rich could only decline. The wealthy were subjected to greater temptations which could lead to the ruin of their health. The poor were luckier, because they did not have to contend with such trials nor did they have to fulfil lofty expectations. Whilst the poor man had to work hard, Maltby was only aware of the satisfaction gained from such tasks:

The poor man that carries out his  
handful of seed cannot be more joyed  
to bring in time of harvest full  
loads of sheaves into his barn as the  
reward from Heaven of his faith and  
patience. (44)

Uneven distribution of earthly possessions was part of God's plan. He argued also that the various inequalities of the world were owing to the fact that life is supposed to be a trial, in which case "it is evident there must be difficulties and discouragements put in the way of good men."<sup>(45)</sup> Maltby believed that the different classes within society were necessary for existence. Food from the earth needed to be produced by constant toil and so one class must perform that duty. But another set of people were required to execute the skilful chores. Inequality, he argued, was the law of the world.

So clueless was Maltby about the misery and suffering attached to genuine poverty, that he announced that the only thing that they needed was religion:

There is scarcely any evil, incident  
to life, but what may be in some cases  
greatly abated and in others entirely  
removed, by a vigorous effort of patience  
or the soothing consolation of religion. (46)

Hence, he believed that the best course of action was to donate his money towards the extension of religion. Similar feelings on education affected him. On visiting the widow of the late Reverend W.D. Thompson of Milford, and having discovered her family to be extremely poor, Maltby ensured that the youngest son was properly educated at Rothbury School until he was able to attend the university.<sup>(47)</sup> More churches and additional clergymen would teach the poor to be content with their lot in life and to look forward to the joyous day when eternity would arrive to erase all inequalities.

Worldly things, he urged, were of no importance so time should not be wasted worrying about them. After all, what did it matter if the poor starved, so long as they had a church to starve in!

Although he held such ludicrous views on the blessings of circumstances of poverty, Maltby was concerned about exploitation and dangerous working conditions. Proprietors of mines, he argued, did "not sufficiently attend to the moral and religious improvement of vast bodies of workmen whom they bring together for their own benefits."<sup>(48)</sup> Maltby wrote, "I am always grieved to think that, in my diocese, the laity, generally speaking, not all"<sup>(49)</sup> were very backward in donating money for church building. In another letter, he had pleaded that the "laity come forth and cooperate, to the full extent of their ability."<sup>(50)</sup> Again, his primary concern was for the salvation of their souls. This sentiment was illustrated by Lord Ashley who, in 1842, announced that within industry, "Women and children follow in the train of ceaseless toil and degrading occupation"<sup>(51)</sup> which, although bad in itself, was even more alarming when it was considered that ignorance could lead to "violence and infidelity."<sup>(52)</sup>

Nevertheless, Maltby also insisted that it was:

most incumbent on such persons to aid  
in relieving the physical sufferings of  
which they are in fact the cause, since  
they expose their fellow creatures to all  
the dangers of the coal pits and ...  
railways, both in their construction and  
subsequent operation. (53)

Owing to an incident whereby seventy-three miners had been killed in a Barnsley coalmine because of an explosion of foul air, Maltby was in favour of better ventilation and regular inspection. He spoke in Parliament of the need to prevent such horrific accidents occurring again as "the loss of life was far greater than anyone not

connected with the working of collieries could imagine."<sup>(54)</sup>

As Bishop of Durham, Maltby's priority was to ensure that religious guidance existed for the salvation of souls. Money was more wisely spent on churches, clergymen's salaries and parsonages than on essentials for the poor. He could not comprehend how the poor could be so dissatisfied with their mode of existence. Instead, they should be grateful for the "various blessings"<sup>(55)</sup> which God had not given to the richer classes. He warned his clergy not to judge too quickly, yet he was not slow in assuming that the poor were only idle. It appeared that as the years progressed, his theory remained unchanged, for in the late 1850's, Maltby "continued to sound as he did three decades earlier."<sup>(56)</sup>

NOTES

PASTORAL AND SOCIAL CONCERNS

A. Pastoral Concerns:

- 1 E. Maltby: Sermon Requiring Greater Diligence in our Spiritual Concerns, 22nd November, 1835, Sermons Preached in the chapel of Lincolns Inn, (London, 1831), p.125.
- 2 Maltby: Sermon on Death, Sermons Preached ... Lincolns Inn, pp.25-6
- 3 Maltby: Sermon (on John 9:4), preached before the University of Cambridge, 29th June, 1806, (Cambridge 1806), p.17.
- 4 Maltby: Sermon at the Annual Meeting of Subscribers to Charity Schools in Buckden, Sermons Vol.I, (London 1819), p.148
- 5 ibid.
- 6 ibid.
- 7 Maltby: Sermon 9, Sermons Vol.I, p.168.
- 8 Maltby: Sermons Requiring Greater Diligence in our Spiritual Concerns, 22nd November, 1835, Sermons Preached ... Lincolns Inn, p.125.
- 9 Maltby: Sermon 1, Sermons Vol.II, (London 1822).
- 10 Maltby: A Charge delivered to the Clergy of the Diocese of Durham in the primary visitation of Edward, Lord Bishop of Durham, 1837, (London 1837).
- 11 3rd Earl Grey Papers, Durham University Department of Palaeography and Diplomatic. Maltby to Lord Grey, 11th August, 1855.
- 12 Maltby: A Charge delivered ... 1837, p.6.
- 13 M. Plummer: A letter to the Lord Bishop of Durham, in reference to the late Proceedings in the Parish of Heworth,
- 14 Maltby: A Charge delivered ... 1837, p.7.

- 15 3rd Earl Grey Papers, Durham University Department of Palaeography and Diplomatic. Maltby to Lord Grey, 20th October, 1840.
- 16 Londonderry Papers, Durham County Record Office, Maltby to Londonderry, 6th July, 1842. D/LO/C 90 .
- 17 The Times, 23rd February, 1843, p.6, col.3.
- 18 ibid.
- 19 Maltby: A Charge delivered...1853, (London 1853), p.11.
- 20 Maltby: Sermon at an Ordination, Sermons Vol. I, p.129.
- 21 ibid.
- 22 The Times, 28th December, 1855, p.7, col.6.
- 23 Hansard Parlt. Debates, (Third Series), vol.103, col.1036.
- 24 Correspondence between the Ecclesiastical Commissioners and the Bishop of Durham relative to the appointment of Reverend H. Maltby to a canonry in Durham Cathedral, Parlt. Papers, (1852), XXXVIII, p.89. When Bishop of Chichester, Bexhill, one of the richest livings in the see, became vacant, and so Maltby "resolved that his brother-in-law should have it." Parson and the Victorian Parish, (Kent 1977), p.18 .
- 25 3rd Earl Grey Papers, Durham University Department of Palaeography and Diplomatic. Maltby to Lord Grey, March 12th, 1855.
- 26 ibid.
- 27 ibid.
- b. Social Concerns
- 28 Maltby: Sermon 9, Sermons Vol.I, p.170 .
- 29 Coxe MSS., Durham Dean and Chapter Library, Maltby to Coxe, 14th November, 1841.

- 30 Maltby: A Charge delivered ... 1853, p.21. In 1851, Lord John Russell stated that Maltby had donated a sum of more than £35,000 for the various requirements of his diocese.
- W. Fordyce: The History and Antiquities of the County Palatine of Durham, Vol.1, (London 1857), p.140n.
- 31 The Times, 15th February, 1847, p.7, col.3.
- 32 Maltby: A Charge delivered ... 1853, p.19.
- 33 ibid.
- 34 Durham Chronicle, 9th February, 1838, p.3, col.4.
- 35 Coxe MSS., Durham Dean and Chapter Library, Maltby to Coxe, 17th August, (no year).
- 36 ibid., 5th December, (no year).
- 37 Maltby: Sermon 10 (1819), Sermons Vol.I, pp.186-7.
- 38 Maltby: Sermon 5 (1822), Sermons Vol.II, p.70.
- 39 Maltby: Sermon 10, (1819), Sermons Vol.I, pp.186-7.
- 40 ibid.
- 41 The Durham Advertiser, 25th July, 1856, p.8, col.1.
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" ... the fearless advocate of religious, as well as civil liberty; but at the same time so firmly opposed to intemperate and indiscreet assaults upon the credit and permanence of our establishment" (1)

In 1836, John Newman wrote that Roman Catholics were "spreading and strengthening on all sides of us ... taunting us with our inability to argue with them." (2) (See Appendix 2) The Roman shadow was growing at such a rate that he believed the danger "of a lapse into Romanism" (3) was becoming "greater daily" (4), and justified his predictions by becoming one of the most famous converts to a religion he had once fiercely condemned. The Papal march in the 1840's was aided by Dr. Nicholas Wiseman's (Bishop of Melipotamus) efforts to "Romanise the English Catholics" (5) who currently were far too timid to effect a conversion to Rome. Such a surrender demanded that the Roman Catholic bishops must occupy the same prominent position in English society which the Church of England prelates enjoyed. However, Wiseman's long residency in Italy created distrust among the English Catholics, and that, coupled with Cardinal Acton's influence with Rome, delayed the desired restoration of the hierarchy. Acton had declared the Catholic clergy to be unfit for independence as they were too opposed to Papal authority, but in the year of his death, the removal of such a negative influence probably contributed to the new Roman attitude which had changed "from resistance to encouragement." (6) As a sign of this new energy, the Pope, Pius IX "approved the plan for an English hierarchy with an Archbishop of Westminster and seven other bishoprics" (7) on the 5th October, 1847.

The question of legal entitlements of the new bishops and the Roman revolt which chased the Pope to Gaeta, delayed all ecclesiastical activities for nearly two years. By the time Pius IX re-entered Rome, St. George's Roman Catholic Cathedral in Southwark had been opened, celebrated by "thirteen bishops and two-hundred-and-forty priests, a choir with eminent soloists from the Italian opera, and full airing from the press."<sup>(8)</sup> The following May, Newman published his Lectures on Certain Difficulties Felt by Anglicans in Submitting to the Catholic Church, which was the only book which many could not bring themselves to forgive or forget, especially as it was an attempt to reveal that the Oxford Movement had never possessed any other direction than that which drifted towards Rome. On the 29th September, 1850, Pius IX delivered the brief which established thirteen sees and went on to make Wiseman the first Cardinal-Archbishop of the new Roman hierarchy in England. The hierarchy was declared the following month, whereby the previous vicarates-apostolics were cancelled and England was divided into Roman Catholic dioceses.

It was amidst the public brandishing of "No Popery" placards, stones hurled through Catholic church windows and the public execution of Wiseman and Pius IX in effigy, that Maltby wrote to Lord John Russell, the Prime Minister, asking him what his intentions were as regarded "the late aggression of the Pope upon our Protestantism."<sup>(9)</sup> The response from Russell was the famous Durham Letter, so-called because it was addressed to the Bishop of Durham (4th November, 1850). The Letter contained a condemnation of the Pope for his "profession of supremacy ... which is inconsistent with the Queen's supremacy and with the rights of our bishops and clergy"<sup>(10)</sup> as well as insulting to

"the spiritual independence of the nation."<sup>(11)</sup> However, his sentiments were more indignant than afraid for he emphasised that "the liberty of Protestantism has been enjoyed too long in England"<sup>(12)</sup> that it would be highly unlikely that there could be "any successful attempt to impose a foreign yoke upon our minds and consciences."<sup>(13)</sup> Thus it emerged that Russell was not extremely worried about the restoration of the hierarchy, but instead used the Letter to direct his main grievance towards the "clergymen of our own Church who have subscribed to the Thirty-Nine Articles"<sup>(14)</sup> and yet have willingly led "their flocks, step by step, to the very edge of the precipice."<sup>(15)</sup> The condemnation related to the Tractarian (Newman, Keble, Pusey) revival of the old ritualism and sacramental emphasis of the early Church. He was horrified that Anglican clergyman could seriously advocate the adoption of "the superstitious use of the sign of the cross, the muttering of the liturgy so as to disguise the language in which it is written, the recommendation of ... confession and the administration of penance and absolution."<sup>(16)</sup> Thus, Russell managed to insult both Roman Catholics and the Tractarians, most of whom coincidentally "voted for the Tories."<sup>(17)</sup> Dissent within the Church of England had been a concern of Maltby's in 1834 when he expressed his regret that the Tracts had recommended a return to "those errors, from which we believed that the Reformation had set us free"<sup>(18)</sup> and had further promoted the "practices of the Church of Rome."<sup>(19)</sup>

Although Maltby agreed with Russell's condemnation of the Tractarians and the disruption to church harmony, his chief concern in the early 1850's lay with the "insolent and insidious"<sup>(20)</sup> gesture from Rome as his letter to the Archdeacon of Lindisfarne in

1851 illustrated. Maltby expressed his amazement that "any person of ordinary understanding and to whom the Scriptures are open, should be induced to wander in the darkness of Romanism when he might enjoy the pure light of our Reformation."<sup>(21)</sup> Such was his opinion of the religion practised by Rome, a denomination that was riddled with misguided rituals and beliefs, all of which ensured that it was "corrupt and tyrannical."<sup>(22)</sup> He argued that the spirit of the Spanish Inquisition still existed to a certain degree among many Roman Catholics and insisted that Roman principles lacked scriptural support. For example, the worship of images, invocation of saints and the paying of divine honours to the Virgin Mary, were all objectionable. He further argued that the granting of indulgences and the refusal of the cup to the laity in Holy Communion, were not supported by Biblical authority. Neither could Maltby understand why prayers were chanted in an outdated language. The principle of restraint upon the use of scriptures was yet another Roman rule he attacked and yet Maltby himself, in 1809, had urged that it was dangerous for certain individuals (mainly the unlearned) to study all of the Bible, for such people were capable of grave misinterpretations. It was better, he had said, that the complicated portions of the Bible should be reserved for educated theologians who could explain the proper meaning. There was no sign of this belief in 1851 when he delivered his attack on Catholic doctrines. Perhaps the most abominable fault, in his opinion, was the position of the priest in Roman society. The implication that an ordinary human had the power to forgive sins and to decide "what was a dangerous error, and of inflicting punishment"<sup>(23)</sup> was utterly deplorable. The same opinion was held of confessions which, he exclaimed, were

"pregnant with evil, moral and civil, social and domestic and too surely calculated to enslave and corrupt."<sup>(24)</sup> The law of celibacy for priests was unnecessary, and he failed to perceive how the sacrifice of a wife and family could make a man more pious.

In view of his conviction that the main traits of Romanism were both unscriptural and tragically misguided, it was not surprising that Maltby should be afraid of any idea of restoration, and, therefore, his dismay at the re-establishment of the hierarchy was understandable. Perhaps in describing the events of 1850 as an "insult", Maltby was over-reacting. The new Catholic Bishop of Birmingham had written that there was no Roman desire to convert England and that the hierarchy was "entirely concerned with spiritual matters"<sup>(25)</sup> without aggression. Moreover, the titles of the sees adopted by Rome were perfectly lawful as they chose names not in use by the Church of England. Even Wiseman tried to pacify the offended by pointing out that the new hierarchy was only geared towards the organisation of Catholics and that Anglican bishoprics existed in Jerusalem and Gibraltar without disturbance, so why was it unreasonable to establish Catholic ones in England? Nevertheless, Maltby believed that Wiseman and Rome were attempting to destroy the Reformation and reverse "the severance, which happily took place from her Communion in the 16th Century."<sup>(26)</sup> Such a reversal, Maltby firmly believed, should be avoided at all costs, even if it meant the introduction of restrictions upon the circulation of papal bulls, monastic institutions especially the Jesuits who were hardly "desirable neighbours among Protestants like ourselves."<sup>(27)</sup> If necessary, episcopal titles conferred by Rome should be prohibited. It is

reasonable to assume, therefore, that Maltby supported the Ecclesiastical Titles Act with Lord John Russell, enacted in 1851, as a direct result of his letter the previous November to Maltby.

The suggestion that restrictive measures should be enforced against Romanism was not because Maltby was unsympathetic towards those of different faiths, but because of his devotion to the welfare of the Church of England. He possessed "the most anxious wish not to see a church, in the prosperity of which my own is essentially involved, injured in the slightest degree"<sup>(28)</sup>, and for that reason alone he had suggested the imposition of restraining laws, but only if absolutely necessary. It was because of the belief that England had nothing to fear, that he had been so in favour of Catholic Emancipation in 1829. On that occasion he had possessed such faith in the strength of the Anglican Church that he could not possibly see how removing disabilities against the Catholics could damage its security. Maltby emphasised that "those who have supported the claims of the Catholics ... are not so disinclined to the cause of Protestantism"<sup>(29)</sup> as to lead the Church of England into "any danger."<sup>(30)</sup> In addition, he believed that great advantages were to be gained from releasing the Catholics, because as long as the grievances remained, they would feel it dishonourable to change their allegiance to Anglicanism.<sup>(31)</sup> Remove the disabilities, put "Protestant and Catholic upon the same footing",<sup>(32)</sup> and it would be "no longer dishonourable"<sup>(33)</sup> for the Catholics "to alter their sentiments"<sup>(34)</sup> and drift towards the Established Church. Even if the Catholics started to create turmoil, Maltby suggested that further legislation could always put them firmly back in their place.

Convinced as he was of the superiority of Protestantism, it did not occur to him that his argument encompassing the probable conversion of Catholics could equally lead to a Protestant conversion to Rome. Oblivious as he was in 1829 to the power of Romanism, it was not surprising that his tone of speech in 1851 as compared with 1829 should be one of indignation and shock. Although Maltby believed that the welfare of the nation could be promoted "by a more enlarged system of toleration",<sup>(35)</sup> a sentiment which he genuinely nurtured, at least up to a point. Whenever the interests of his beloved Church were threatened by any variation of dissenting worship, be it Roman Catholicism, Unitarianism or dissent within the established faith, Maltby was not quite so liberal. The difference in attitude between 1829 and 1851 could further support the theory that he was only willing to adhere to the principle of religious freedom when it was convenient for the Church of England, rather than one which he lived by at all times. His hostility to what he perceived as attacks on the Church of England, therefore, was not limited to Roman Catholics. Such a characteristic was illustrated by his reaction to the demands by Protestant Dissenters for the removal of further disabilities. He was "not prepared for such a peremptory demand for the abatement of grievances "<sup>(36)</sup> and insisted that the Dissenters should be aware of the difficulty in removing some prohibitions "even if no disinclination existed in any quarter."<sup>(37)</sup> Moreover, he was greatly concerned that "such a demand would in many cases, be accompanied by the expression of a wish to effect ... a separation of Church and State",<sup>(38)</sup> a bond which he argued was entirely in accordance with the Scriptures. Maltby believed the Dissenters were exaggerating their hardships. After all, the repeal of the Test and

Corporations Act in 1828 had ensured that officers of corporations no longer had to renounce the canon or to receive the Holy Communion according to the Church of England at least once a year. Catholics were not requested to reject transubstantiation anymore in order to hold an office so surely, he argued, the Dissenter should be content.

The Dissenters were far from content. One of their biggest grievances was the payment of a church rate to an establishment with which they had no contact. Although the amount was small, the principle was large. The rate was a local tax and had to be voted in by a majority; thus the only remedy was to obtain that majority. Tories denounced Whig aims to abolish church rates as a movement towards the destruction of the Church. The Whigs, however, could perceive no danger and so attached themselves to the cause, claiming "that the abolition of church rates would not adversely affect the position of the Anglican Church."<sup>(39)</sup> When the demand for the removal of rates became connected with the agitation for disestablishment, the Whigs adopted a similar stance to that of Maltby by abandoning the issue, and so the matter was not settled until Gladstone's bill of 1868. Maltby had never regarded church rates as an injustice towards Dissenters because, he claimed, they benefitted just as much as the Established Church by improved religious and moral instruction. He pointed out that the will of the majority had always been sufficient to tax all occupants of a community including those who disapproved. For example, those who objected to military activities were still compelled to pay taxes towards that purpose;<sup>(40)</sup> therefore, Dissenters were wrongly indignant that they should pay for what the majority had voted for. But, if they persisted in the expression of their annoyance, then

they could not expect the relief of another grievance in the form of permission to bury their dead according to their practices, but in parochial cemeteries. The very reason the Dissenters had complained about the church rate was that they gave money to an establishment with which they had no intercourse, so to request to be able to bury their people by their particular ceremony in a Church of England cemetery, would mean that they would be deriving some benefit after all. On those grounds, they should expect to pay rates. Furthermore, Maltby believed that to grant relief would "interfere with that order and consistency of Divine Service, which every religious sect asserts its right to maintain."<sup>(41)</sup>

One could be forgiven for assuming (on the basis of his comments and opinions so far) that Maltby was not benevolently disposed towards Dissenters and their grievances. His letter to the Archdeacon of Lindisfarne in 1851 revealed a great dislike of Catholicism, whilst his willingness to see its subjects emancipated in 1829 could have stemmed from his belief that it would lead to their conversion to Protestantism. Irritation appeared to be present in his treatment of the list of grievances presented by the Dissenters in 1832, and yet he firmly believed "that all alike should have that justice awarded them which all alike Churchmen and Dissenters were entitled to."<sup>(42)</sup> In short, Maltby was eager to see the removal of disabilities against nonconformists except where it clashed with the welfare of the Church of England. The Dissenters Chapels Bill of 1844 did not interfere nor harm the Established Faith and so Maltby was able to speak in its favour. The Bill was introduced to prevent a large number of suits being brought against Unitarians, the object of which was to regain churches, chapels or trusts which had fallen into Unitarian

hands. Such churches and trusts, it was argued, had been established when many dissenting religions were illegal; for example, 178 of 223 Unitarian chapels in England, Scotland and Wales were originally orthodox.<sup>(43)</sup> If the Bill did not pass, the Unitarians stood to lose most of their chapels. A similar case related to the fund donated by Lady Hewley in 1704 to maintain "the poor and Godly preachers of Christ's holy gospel"<sup>(44)</sup>, yet it had since fallen into the care of the Unitarians. Therefore, attempts were made to retrieve the trust, and it was argued that since it had been established in 1704 when Unitarianism was illegal, the Unitarians had no entitlement to its benefits. About two or three hundred cases were predicted and so the Government prepared the Dissenters Chapels Bill which declared "that where no particular religious doctrines or mode of worship were prescribed in the trust, there should be protection to congregations able to prove twenty-five years of continuous procession."<sup>(45)</sup> Although the Bill met with "clamorous opposition",<sup>(46)</sup> Maltby was not part of it, for he declared that "he had very great sympathy with the rights of property."<sup>(47)</sup> Such a bill, he believed, was intended to promote justice, and he could not understand why there should exist such strong opposition to it.

On occasions, Maltby had failed to comprehend how nonconformists could feel aggrieved, but his support for the 1844 Dissenters Chapels Bill and his attitude towards the marriage service illustrated the opposite view. One of the grievances laid down in 1833 was that the Dissenters were unable to solemnize their own marriage services according to their practice. In 1834, Maltby expressed his understanding that they should feel indignant and suggested that if the Dissenter could propose a method whereby the

institution of marriage remained unharmed, it would surely be considered and not meet with "unfair opposition."<sup>(48)</sup>

Whilst Maltby sensed no danger in the Dissenters Chapels Bill or awarding freedom as regarded the performance of marriage, there was one area where he believed absolute equality and lack of restriction must be enforced. That area was education. To deny a nonconformist the opportunity of obtaining a degree on the grounds of his religious sentiments was highly improper and injudicious. Perhaps, in order to illustrate his disapproval, he involved himself and became a senate of University College, London, an institution aimed primarily at non-Anglicans. Education to Maltby was too important to deprive anyone of, whether he was a Roman Catholic, Unitarian or staunch Church of England. He could not recognise any relevance between the freedom to obtain educational excellence and religious opinions (except in theology degrees). In 1837, he wrote to Lord John Russell, that it would provide him "unfeigned satisfaction if the founders of the University of Durham, shall become convinced that the requiring of subscription to the Article of Religion is at once impolitic and unjust"<sup>(49)</sup> because "the mere attainment of classical or scientific knowledge is the object"<sup>(50)</sup> and not religious opinion.<sup>(51)</sup>

The belief that the disability which prevented nonconformists from graduating at Cambridge (and even from attending at Oxford) was probably one of Maltby's reasons for his defence of Dr. Hampden. In his pamphlet Observations on Religious Dissent (November 1834), Hampden had declared his allegiance to the relaxation of subscription to the Thirty-nine Articles and "wished all tests to be so removed that dissenters might come (to the universities) freely."<sup>(52)</sup> However, his Bampton Lectures of 1832 received

little attention at the time, but were unearthed in 1836 when Melbourne offered him the regius professorship of divinity at Oxford. Newman, Keble and Pusey (Tractarians) all pointed to the lectures as proof of Hampden's heresy, thereby making him an improper choice for the task of instructing the Oxford undergraduates. Oxford petitions and the accusation that "his theology failed to possess the confidence of the university"<sup>(53)</sup> did not prevent Hampden's appointment, but a censure was imposed upon him. The object of the censure was to deprive him "of his place on the syndicate for choosing select preachers"<sup>(54)</sup> and he was not to be "consulted when a sermon was called in question before the vice-chancellor."<sup>(55)</sup> The censure was still held in 1847 when Hampden was appointed the Bishop of Hereford, an appointment which met with the same vigorous opposition that had faced Hampden in 1836. Thirteen bishops signed a letter of protest, of which Maltby was not one. In a letter to Lord John Russell, he expressed his bewilderment over the affair and saw no justification in the opposition to Hampden. Maltby explained that he had read "his writings"<sup>(56)</sup> including the lectures "so violently objected to"<sup>(57)</sup> and had found no reason for the attack on Hampden's orthodoxy. Thus, Maltby obviously shared some of Hampden's views. Certainly the two men had been in agreement over the question of relaxing the necessity of subscription to the Thirty-nine Articles as a condition for university entrance, but Maltby had not regarded Hampden's words as an attack on the Church of England. It was simply an expression of the belief that the wonders of education should be available to all the nation's subjects and not Anglicans alone. Hampden's lectures of 1832 "distinguished an original, simple and scriptural gospel

from the various dogmatic formulas introduced by Greek influence and later by schoolmen."<sup>(58)</sup> He stressed that the "development of a complicated technical theology"<sup>(59)</sup> had provided nothing beneficial towards the condition of a religion, and that attempts had been made to establish religious truth by way of "elaborated argumentation."<sup>(60)</sup> Hampden regarded Christ as God's revelation and through Christ the moral code of life was revealed. Pretentious theologians (for example, Newman) had created complications within religion that were not intended, by Christ, to be there and the main point of the Thirty-nine Articles was only to deny "wrong notions, not expressly sanctioned by Revelation."<sup>(61)</sup> With such views, Maltby had "never found ... the slightest ground for attack"<sup>(62)</sup> and shared Hampden's preference for a simple religious faith based on the revelation of God through Christ. The elaborate and ostentatious practices of the Tractarians, including the use of candles, fasting and making the sign of the cross, were just a few of "a variety of antiquated forms and ceremonies"<sup>(63)</sup> advocated by Newman and Pusey. In no way, did their revival add "to the purity of faith",<sup>(64)</sup> but instead threatened "a revival of the follies of gone superstition",<sup>(65)</sup> such as those enacted by the Roman Catholics, which, as seen, he attacked in 1851. As Hampden was accused of unorthodoxy, it would follow that Maltby was equally so if he agreed with the Bishop of Hereford's sentiments, but for many, Hampden was not in the least heretical. Archbishop Howley and Samuel Wilberforce believed that he had not promoted unorthodox views, whilst the latter "believed Hampden to hold the true faith."<sup>(66)</sup> Maltby supported Protestantism because he was convinced of its closeness to the work of the apostles:

its services breathe the same spirit and preserve the same doctrine; it supplies an incentive to youth of the country to employ themselves in the cultivation of sacred literature. (67)

But he would have preferred the existence of Christian unity whereby faith would only be explained as "a pious humble belief in God and in Christ, the Son of God."<sup>(68)</sup>

The belief that faith in God should be uncomplicated and that all individuals of educational merit should be admitted into universities regardless of religious opinion, were not the only topics with which Maltby agreed with Hampden. The latter had created another stir "by refusing to deny the name of Christian to Unitarians",<sup>(69)</sup> a sentiment possessed by Maltby. In 1838, the Bishop of Durham subscribed to a volume of the Unitarian William Turner's sermons, a gesture which was most displeasing to the Archdeacon of Durham, the Reverend Charles Thorp, who expressed his concern at the attention the subscription had attracted in the St. James Chronicle. However, whilst maintaining his own theological orthodoxy, Maltby was more ready than many clergy of his day to recognise that it was possible to learn from those with a different approach "how much soever he differs from the Church."<sup>(70)</sup> He was, therefore, insistent that his gesture was not in the least offensive, especially as the sermons subscribed to were of a practical rather than controversial nature, and "unconnected with the Articles of Faith."<sup>(71)</sup> Maltby argued that just because he personally differed from the Unitarian opinion, it did not authorise him to ignore the individual qualities that Turner as a person rather than as a Unitarian possessed. His subscription was, he declared, merely a "courtesy to an eminent person, for whom, setting aside his religious views",<sup>(72)</sup> and not a declaration of an allegiance to the Unitarian religion. He directed his reasoning to the bishops subscription in 1788 to another Unitarian, Dr. N.

Lardner's works, which included his "heterodox letter on the logos"<sup>(73)</sup> and the "defence of all his erroneous opinions."<sup>(74)</sup>

If it was acceptable in 1788 for bishops attached to the Church of England to subscribe to a Unitarian's works, then he demanded to be enlightened as to what the difference was in his case.

His attitude towards Turner illustrated Maltby's belief that each person possessed merits or faults which had nothing to do with their religious opinions and that on these grounds alone, a person should be judged. As a bishop, he was happy to invite members of different religious denominations to various dinners. Whilst Bishop of Chichester, for example, he invited another Unitarian (Dr. M. Fullager) to a public dinner. (Fullager was strongly opposed to church rates and a militant for diestablishment.) On a similar occasion, he was accompanied by Father M. Tierny, who was a Roman Catholic chaplain. Any resultant condemnation, Maltby took little or no notice of, for he did not believe that he or anyone else had the right to judge. In a sermon preached in 1815, Maltby argued that the Pharisees' ostentatious and santimonious mannerisms, such as publicly praying, should have taught that it was dangerous to believe that you alone are correct in opinion.

The history of the Christian world  
abounds in the most humiliating and  
mortifying proofs that over-wearing  
confidence in their own superior  
purity and the love of spiritual  
domination over others, were by no  
means essentially confined to the Jews. (75)

Differences of opinion would always exist, but the gospels "prescribe indulgence towards those who are in error; and moderation to those who offend."<sup>(76)</sup> Nor should we "erect ourselves into judges of other men's consciences"<sup>(77)</sup> but leave that judgement to

God. For such reasons, Maltby did not avoid the company of Dissenters, although in one letter to the Tynemouth Town Council, he expressed his satisfaction "that the chapel for the celebration of the service for the dead was at a proper distance from a similar chapel for the use of Dissenters."<sup>(78)</sup> This appeared to be an exception and his friendly disposition towards nonconformists was perhaps even more creditable when it is remembered that difference in denominational preference could erect huge barriers between the nonconformists and the orthodox. To display religious habits which were worthy of criticism could "sever friendships of a lifetime."<sup>(79)</sup> Maltby was willing to give praise where he thought it was due; he described three Roman Catholics: the Duke of Norfolk, Lord Beaumont and Lord Camoys as "honourable"<sup>(80)</sup> men, because they denounced their Roman faith out of loyalty to the Crown in 1850. Furthermore, he described English Catholics as being a great deal more "loyal and tranquil subjects, kind and liberal"<sup>(81)</sup> than their Roman counterparts. However, the latter statement could equally be taken as a judgement upon the disposition of foreign Catholics.

For Maltby, the equality of Dissenters was of major concern; he believed that every individual was entitled to possess a particular opinion without being condemned for it. He acknowledged that complete agreement on all religious matters was nothing but an unobtainable dream, but expected a greater effort towards Christian unity to be made within the Church of England itself. The welfare of the Church under which he served was of such importance to him, that any harsh comments made on Dissenting doctrine were purely defensive; for he was convinced that the error of judging another religious subject to be so mistaken as to deprive

him of eternal life, was the surest way to defeat the principles of charity which Christ revealed.

NOTES

MALTBY ON TOLERATION

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- 3 ibid.
- 4 ibid.
- 5 O. Chadwick: The Victorian Church, (London 1966), p.283.
- 6 ibid., p.283.
- 7 ibid., p.286.
- 8 ibid.
- 9 J. Prest: Lord John Russell, (London 1972), p.321.
- 10 A. Wyatt Tilbey: Lord John Russell, (London 1930), p.120.
- 11 ibid.
- 12 ibid.
- 13 ibid.
- 14 ibid.
- 15 ibid.
- 16 ibid.
- 17 Chadwick: The Victorian Church, p.297. For the voting of  
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- 41 ibid., p.13.
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- 44 Chadwick: The Victorian Church, p.393.
- 45 Ward: Religion and Society in England, p.204.
- 46 Hansard...vol.74, col.579.
- 47 ibid., vol.76, col.800.
- 48 Maltby: A Charge Delivered...Lewes 1834, p.12.

- 49 Thorp MSS., Durham University Library, Palace Green, Maltby  
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- 50 ibid.
- 51 Although Maltby desired that Dissenters should be admitted  
into the universities, he convinced Russell that Bishop  
Van Mildert had founded Durham University in the belief  
that such an admission would not be rendered compulsory.  
By doing so, Maltby helped to secure the Royal Charter  
for the University.
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- 53 ibid., p.119.
- 54 ibid.
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- 56 G.P.Gooch: Later Correspondence of Lord John Russell,  
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- 57 ibid.
- 58 Chadwick: The Victorian Church, p.116.
- 59 G. Faber: Oxford Apostles, (London 1974) p.356.
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- 63 Maltby: A Charge Delivered...1841, (London 1841), p.11.
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- 65 ibid.
- 66 Chadwick: The Victorian Church, p.243.
- 67 Maltby: A Charge Delivered...Lewes 1834, p.31.
- 68 Prest: Lord John Russell, p.321.
- 69 Chadwick: The Victorian Church, p.94.
- 70 The Times, 5th November 1838, p.5, col.3.

- 71 ibid.
- 72 ibid.
- 73 ibid.
- 74 ibid.
- 75 Maltby: Sermon Preached at the University of Cambridge,  
December 1815, Sermons Vol. I, (London 1819), pp.210-11.
- 76 Maltby: Sermon on Charity to be Observed in Religious  
Differences, Sermons Preached in the Chapel of Lincolns  
Inn, (London 1831), p.245.
- 77 ibid.
- 78 The Times, 30th November 1855, p.4,col.6.
- 79 Elliott-Binns: Religion in the Victorian Era, p.120.
- 80 The Times, 17th January 1851, p.5, col.5.
- 81 ibid.

Although there are records for Maltby's 1837, 1841, 1845, 1849 and 1853 visitations, only those of the churchwardens remain in existence, and even those appear to be incomplete. The lack of clergy returns meant that in order to gain some insight into the condition of the see, at least in Maltby's later years, the documents for the primary visitation of his successor had to be consulted.

The actual layout of the questionnaire sent to the churchwardens did not change for the 1841-1853 visitations. The 1837 paper only differed in that it contained one question which was omitted from subsequent visitations, whilst lacking another. The main body of the questionnaire was the same except after 1837, the questions were more clearly arranged. This was perhaps a result of the fact that the cramped style as illustrated in the 1837 specimen, ensured that the receiver would reply in an equally confusing manner. Some would answer in sections whilst others would just scribble a general "yes" or "no" so as to make it ambiguous whether they were answering the whole question as one, or if they were slyly avoiding certain issues. (Appendix 5 illustrates the different arrangement between the 1837 questionnaire and the subsequent ones.)

The churchwardens' returns dealt with the fabric of the church building. The questionnaire made enquiries into the condition of the roof, doors, floor, pews, bells and whether or not damp was a problem. It also required to know if any part of the church had been sold, taken down to repair or disposed of. The interior "accessories" of the church were also dealt with. It was asked whether or not the parish had a Bible, prayer book, book of homilies

printed table of degrees, and the Ten Commandments. There was a section on the communion "equipment", asking about the communion rails and table, the cup and flagon. Further items were also dealt with, such as the font, pulpit, register books, iron chest to keep the latter in, and a silver plate for alms. The final page requested details on the size (if any) of benefactions donated to the church, enquired if the parish was in receipt of rates, and asked about the state of the vicarage (again, if any).

The one question which appeared on the 1837 document, but omitted thereafter, enquired:

Hath a Terrier of the Glebe Lands,  
Houses etc. been taken according to  
the canon of our Church and the usage  
of this diocese and delivered to the  
Bishops' Registrar? (1)

Only some 26.2% answered in the affirmative, whilst the remainder confessed that they did not know of any, or else failed to answer. Surprisingly, the question was greeted with several bemused replies. Wolsingham (Stockton deanery) did "not know of a proper terrier"<sup>(2)</sup> and Witton le Wear, (Darlington deanery) did "not know where anything has been done."<sup>(3)</sup> Hamsterley (Darlington deanery) was "not aware",<sup>(4)</sup> Great Stainton (S.D.) replied "not known"<sup>(5)</sup> and Muggleswick (Chester deanery), answered that "nothing of the kind known"<sup>(6)</sup>. In view of such a response, it was not too unexpected when the question was subsequently omitted.

The general condition of the church/chapel buildings was the first section on the questionnaire. Taking all five visitations together, 80% of the returns examined, replied that the condition of their structure was satisfactory. Table 1 shows that Bamburgh deanery was the only area to present a low percentage of flawless churches.

Table 1

Percentage of returns replying that the general condition of the church building was adequate (7)

Deanery	1837	1841	1845	1849	1853
Darlington	63%	73.7%	100%	61.5%	64.5%
Stockton	91%	80%	90%	85%	77.3%
Chester	95.8%	100%	95.8%	81.8%	78%
Newcastle	79%	80%	82.3%	85.7%	92%
Easington	92.3%	89%	88.2%	85%	69.6%
Corbridge	89%	100%	87%	84%	71.4%
Morpeth	87.5%	85%	76.5%	60%	84.2%
Alnwick	90%	89.5%	65.2%	72.7%	79%
Bamburgh	44.4%	80%	72.7%	47%	63%

Over Maltby's administration, there were only a handful of churches which seemed to be in a completely dilapidated state: Sockburn (S.D.) reported in 1838 that a new church was being built to replace the old crumbling one. In the same year, Ninebanks (Newcastle deanery) wrote that their building was not in a good condition and Excomb's (D.D.) was under repair.<sup>(8)</sup> Alnham church (Alnwick deanery) was in an inadequate state, for the 1849 visitation owing to poor windows, uneven floors and general disrepair. Hartlepool (S.D.) appeared to have the greatest problem. In 1849 and 1853 the church warden stated that there were various problems, for example in 1849, there were flaws in the roof, pews and chancel window. In 1853, there was the additional burden, as the tower was in such a precarious state that it could fall at any time.<sup>(9)</sup>

Hartlepool was one of the few exceptions, for most churches, if they reported a problem, had only minor defects, such as a cracked window, faulty door or roof repairs. The most recurrent problem appeared to be a difficulty, or even inability, in kneeling in the pews because of a shortage of space. Such a problem was experienced at Trimdon (S.D.), Wallsend (N.D.), Rock (A.D.), Norham

(B.D.) in 1841. In 1845, the difficulty with pews was discovered at Ovingham and Mickley (Corbridge deanery), Chatton (A.D.) and roughly eight other parishes.

Perhaps part of the explanation for a relatively low rate of dilapidated churches was the draining of the churches of the diocese. Between 1837-1853, the number of parishes with drains rose nearly 30%. Although in 1837, thirty-four suffered some earth lying against the church walls, many without drains insisted that damp was not a problem. A few did have a need for some form of drainage, for example, St. Helen, Auckland (D.D.), Hamsterley (D.D.), Monkhesildon (E.D.), Gateshead (C.D.), Alston (Co.D.), Alnham (A.D.), Allerton (A.D.) and Edingham (A.D.). Coniscliffe's (D.D.) pew floor and aisles were two feet below the surface in 1841. Ryhope (Easington deanery) complained that no care was taken to prevent or remove any earth. Nevertheless, by the 1845 visitation, only 14% of the returns examined stipulated that the earth level was a nuisance, although S.D. appeared to have four extra parishes complaining. D.D. had the biggest problem in 1849 as twelve out of twenty-six parishes were having difficulties with drainage. However, the majority were still damp-free and by 1853 86.7% of the returns replied that the earth level in their parishes created no hardship.

Twenty-one parish returns from D.D. between 1837-1853 reported flaws in their bells. This was the poorest record and yet still amounted to only 16% of the deaneries entire returns. S.D. had the most impressive record as only 5.9% of its returns, over the same period, registered a fault. Bells were not the only item to be dealt with, as sections III to VI enquired about the possession of various utensils to assist the performance of communion and the church service as a whole. Table 2<sup>(10)</sup> takes the returns of all

five visitations together and lists the numbers studied from each deanery that either possessed all items listed in sections III - IV of the questionnaire or less.

Table 2

Number of parishes within each deanery in possession of all items listed in sections III and IV of the visitation questionnaire. That is: Bible, Common Prayer Books, Book of Homilies, Table of Degrees and Ten Commandments:

Deanery	All items	Two or three	Only one	None
Darlington	24	76	27	-
Stockton	16	78	7	1
Chester	35	77	15	-
Newcastle	34	48	35	-
Easington	17	59	34	-
Corbridge	20	73	10	1
Morpeth	16	66	5	1
Alwick	26	65	12	-
Bamburgh	29	37	5	-

Sections V and VI dealt with the possession of a font, and items to assist the performance of communion. Tables 3 and 4<sup>(11)</sup> take the diocese as a whole and presents the percentage relative to each visitation.

Table 3

Percentages of parish returns studied, in possession of all items listed in section V of the visitation questionnaire. That is, a font, communion table, metal basin or plate, communion cup, flagon and decent communion rails:

Year	All items	One or more items missing
1837	88%	10%
1841	74.5%	25.5%
1845	77.5%	22.5%
1849	77.4%	22.6%
1853	72%	27%

Table 4

Percentage of parish returns studied, in possession of all items listed in section VI of the visitation questionnaire. That is, pulpit, reading desk, register books, iron chest:

Year	All items	One or more items missing
1837	78%	20.8%
1841	88.8%	10.7%
1849	78%	21%
1853	77%	21.5%

When asked whether or not any part of church building had been taken down, sold or disposed of, very few returns answered in the affirmative. Only 78 out of approximately 920 papers examined, replied that part of the church had been tampered with for one reason or another. The two commonest causes for taking down part of the church was to remove cracked bells and sell them to help pay for new ones, and to dispose of old lead in order to repair the roof. For example, according to 1837 returns, St. John's, Newcastle (N.D.), Slaley (C.D.), Greatham (S.D.), Eaglescliffe (S.D.) and Kirknewton (B.D.) were just a few who sold bells to help pay for new ones. Likewise, Stannington (Morpeth deanery), Mitford (M.D.), Bolam (M.D.), St. Oswald's (C.D.),<sup>(12)</sup>Wolsingham (D.D.) all sold lead in order to finance necessary repairs to the roof or other areas of the church. Not all were lucky enough to have a choice, for Hamsterley (D.D.) replied in the 1845 visitation, that some lead had been stolen from them.

Other churches had had to go slightly further than the mere sale of bells and lead. Stamfordham (Co.D.) was in the process of rebuilding according to the 1849 return. In 1841, Wolviston (S.D.) announced that its church had been enlarged in 1830. St. Nicholas

(E.D.) had taken down part of the church at the east end, whilst Hartleppol (S.D.) was busy rebuilding the porch. Holy Trinity, Hartlepool (S.D.) had a more serious problem in that the spire had been blown down.<sup>(13)</sup> Fortunately, such an occurrence was rare and the majority of returns made no mention of having sold or disposed of any materials.

In 1837, just over half of the diocese stated that they had received or were receiving some form of benefaction. Sixty-seven (40%) did not and fourteen (8.3%) did not answer. D.D. had the highest number of benefactions and B.D. the highest percentage. Figures are given in Table 5:<sup>(14)</sup>

Table 5

Year	Deanery	Numbers in receipt of charities/benfns.	Not in receipt	Unanswered
1837	Darlington	15	10	1
	Stockton	10	6	4
	Easington	4	8	2
	Chester	11	10	3
	Newcastle	8	9	2
	Corbridge	11	7	-
	Morpeth	6	8	2
	Alnwick	12	8	-
	Bamburgh	8	1	-
		85 (50.6%)	67 (39.8%)	14 (8.3%)
1841	Darlington	15	4	2
	Stockton	12	7	-
	Easington	8	9	1
	Chester	11	11	-
	Newcastle	5	10	-
	Corbridge	6	3	-
	Morpeth	6	14	-
	Alnwick	12	6	1
	Bamburgh	3	10	1
		78 (49.7%)	74 (47.1%)	5 (3.2%)



Table 5 (continued)

1845	Darlington	15	11	-
	Stockton	9	11	-
	Easington	7	10	-
	Chester	9	14	1
	Newcastle	11	5	1
	Corbridge	15	7	1
	Morpeth	6	10	1
	Alnwick	13	10	-
	Bamburgh	3	6	2
		88 (49.4%)	84 (47.2%)	6 (3.4%)
1849	Darlington	14	12	-
	Stockton	7	11	2
	Easington	6	14	-
	Chester	17	15	-
	Newcastle	10	11	-
	Corbridge	13	11	1
	Morpeth	7	8	-
	Alnwick	14	7	1
	Bamburgh	13	3	1
		101 (50.8%)	92 (46.2%)	4 (2%)
1853	Darlington	13	17	1
	Stockton	11	11	-
	Easington	9	12	2
	Chester	12	19	1
	Newcastle	11	14	-
	Corbridge	12	15	-
	Morpeth	8	10	1
	Alnwick	10	7	-
	Bamburgh	8	11	-
		94 (43.1%)	116 (53.2%)	6 (2.8%)

The majority of benefactions were not for the Church and its maintenance, but donated for the benefit of the poor, widows of the parish and for educational purposes. Repairs of the church or chapel were either paid by the trustees or by voluntary contribution, for example, St. John in Weardale (D.D.). Only a few had endowments for the church itself, such as Norton (S.D.) which received £14 per annum for repairs; Whickham (C.D.) and Widdington (M.D.), the latter having £250 left to its chapel.

Parishes in receipt of money for the benefit of the poor included, in 1837, Heighington (D.D.) who had a benefaction of £48 for charitable uses. Witton le Wear (D.D.) reported a donation of £120 which was to clothe the poor, Jarrow (C.D.) had £170 for the relief of the poor and Kirkhaugh (Co.D.) had a bequest of £50 to be paid to eight poor widows every Christmas. Examples for the 1841 visitation included Bolden (C.D.) with £7.17.0d for the poor of their parish and Slaley (Co.D.) who had £7. 0. 0d for the disabled. In 1845, Aycliffe (D.D.) was able to give their poor, bread every Sunday owing to a donation of £100, whilst Egglestone (D.D.) gave £13 to their oldest man every year. Cornfield appeared to have the largest benefactions of £300 for the poor, and an additional £500 for the parish as a whole.

Several parishes received their finances from land. Staindrop (D.D.), according to the 1841 return, let land at £69 per annum which went to the poor. Hamsterley (D.D.) received £28 per annum from their land which enabled the parish to provide twenty-four loaves every fortnight. In 1849, Hartlepool (S.D.) replied that the rents of several houses in trust helped with the repairs of the church.

Financial assistance was frequently awarded for educational purposes. In the 1837 visitation, Haydon (Co.D.) had facilities for free instruction of children within the chapelry. Longhorsley answered on the 1849 return that the parish had received a benefaction for their school of £100 some years earlier, and more recently had been awarded an additional £500 for the same purpose. Another £700 had been added to Longhorsley's finances by 1853, whilst at the other end of the scale, Bothall (M.D.) had the considerably smaller sum of £2. 16. 0d.

Few parishes complained of the misuse of benefactions. One exception was Wolviston (S.D.), who complained in both the 1853 and 1845 visitations that they had been presented with two-and-a-half acres of land which, however, they were unable to retrieve from the hands of the Billingham churchmen; a state of affairs that they found highly objectionable.

A larger proportion of the diocese were in receipt of church rates. Only 13% of the returns examined replied that their parish was unable to obtain rates. Often the reason was a refusal on the part of the parishioners to pay the rates, for example, Shildon (D.D.), Jarrow (D.D.) and St. John, Newcastle who had had no rates since 1832. Table 6<sup>(15)</sup> lists the percentages of returns examined over the five visitations in receipt of church rates:

Table 6

Corbridge deanery	87.4%
Stockton "	86.3%
Darlington "	84%
Morpeth "	84%
Chester "	80.7%
Easington "	80.4%
Bamburgh "	77.5%
Alwick "	76.7%
Newcastle "	76.3%

The necessity to erect more parsonage houses was a topic which Maltby dealt with in his charges. The visitation returns dealt with the condition of the vicarage in each parish, if, of course, one existed. The returns showed that many parishes were without a parsonage. The figures in Table 7<sup>(16)</sup> prove that the majority of the diocese possessed churchyards. Only Darlington (D.D.), Wolviston (S.D.) and St. Thomas (E.D.) had no yard in 1841. In 1845, only Ferryhill (D.D.), St. Andrews (E.D.), Rothbury (A.D.) and Tweedmouth (B.D.) were without good yards. St. Thomas and St. Andrew's (E.D.)<sup>(17)</sup> were still without in 1849 with Barnard Castle

(D.D.)<sup>(18)</sup> and Bywell St. Peter (Co.D.), St. Paul's (A.D.) adding their names. By 1853, Hartlepool (S.D.), St. Giles, Durham (E.D.),<sup>(19)</sup> and St. Peter's (N.D.) were amongst those which lacked a churchyard or at least a decent one. Ponteland (N.D.) had a yard, but stated that it was a disgrace. There were many more parishes without a parsonage house; 76% of the diocese over the five visitations had one, compared with 96.2% who had yards. The 1857 Longley visitation recorded that 99 out of 131 parishes had parsonages (five built since 1850).

Table 7

Year	Deanery	Percentage of parishes that had vicarages	Percentage of parishes that had churchyards
1837	Darlington	62.9	96.3
	Stockton	86.4	95.5
	Easington	84.6	100.0
	Chester	58.3	100.0
	Newcastle	42.1	100.0
	Corbridge	72.2	100.0
	Morpeth	81.3	100.0
	Alnwick	75.0	100.0
	Bamburgh	77.8	100.0
	Average	69.6%	98.8%
1841	Darlington	75.0	100.0
	Stockton	94.7	94.7
	Easington	77.8	94.4
	Chester	86.4	100.0
	Newcastle	53.3	100.0
	Corbridge	88.9	100.0
	Morpeth	85.0	100.0
	Alnwick	84.2	100.0
	Bamburgh	86.7	93.3
	Average	81.5%	98%
1845	Darlington	73.1	96.2
	Stockton	85.0	100.0
	Easington	52.9	93.8
	Chester	78.3	100.0
	Newcastle	64.7	100.0
	Corbridge	82.6	100.0
	Morpeth	76.5	100.0
	Alnwick	91.3	95.7
	Bamburgh	77.8	72.7
	Average	75.3%	96.1%

Table 7 (continued)

		%	%
1849	Darlington	80.8	
	Stockton	85.0	
	Easington	70.0	
	Chester	57.6	
	Newcastle	57.1	
	Corbridge	84.0	92.9
	Morpeth	66.7	100.0
	Alnwick	95.5	91.0
	Bamburgh	82.4	88.2
	Average	74.9%	95%
1853	Darlington	80.6	100.0
	Stockton	86.4	86.4
	Easington	77.3	87.0
	Chester	81.3	96.8
	Newcastle	60.0	92.0
	Corbridge	89.3	100.0
	Morpeth	68.4	100.0
	Alnwick	84.2	89.5
	Bamburgh	78.9	100.0
	Average	78.4%	94%

The 1841 visitation introduced an additional query, that of church building and the need for extra accommodation for worship. Table 8<sup>(20)</sup> reveals the progress of church building in the diocese from 1801-1861:

Table 8

Number of churches/chapels built 1801-1861 and the percentage of population growth:

Decade	Number of new churches/chapels	Percentage population growth
1801-1811	1	10%
1811-1821	1	17%
1821-1831	11	24%
1831-1841	17	29%
1841-1851	23	27%
1851-1861	5	

Over the period, various parishes reported that church building or enlarging had been, or was in progress in their area. Parishes in D.D. included Wolsingham, Stanhope, Ingleton, St. John's, Darlington; Bishopwearmouth, Sunderland; in E.D.; St. John's and St. Andrew's,

Newcastle, Gateshead (N.D.); Hartburn, Elsdon (M.D.), Ancroft (B.D.);<sup>(21)</sup> Warkworth, Chatton (A.D.) and Stanton (S.D.) also appeared on the list. (Table 9 lists the consecrations 1836-1856.)

The primary visitation of Bishop Longley in 1857, after Maltby's retirement, (clergy returns) wanted to know how many extra sittings had been added to the churches within the last ten years (1847-1857). 163 out of 248 parishes replied that no extra sittings had been established. Nearly 4.5% answered that between 50-100 new sittings had come into being, almost 9% had added under 50, but only 3.2% had provided over 100. Bishopwearmouth had had the largest instalment, with 534 new sittings introduced in 1850. Concerning the need for new buildings, details were also required as to which parishes required additional church/chapel accommodation. Although Maltby referred to the desperate need for churches in his charges, the returns did not reflect such an urgency. In 1841, most deaneries returned only one or two questionnaires which expressed a desire for further accommodation for its worshippers. C.D. was an exception with Whickham, Ryton, Winlaton, St. Hilda and Chester le Street all reporting that extra space was necessary. Carham (B.D.) stated that as their population was 1,174 in 1831 and their church could only house a hundred, another building was vital. By 1845, Chester le Street, Hedansley, St. Margaret - Durham (all C.D.); Heighinton, Barnard Castle, Stanhope (all D.D.); Hartlepool, Eaglescliffe (both S.D.); Berwick upon Tweed, Norham<sup>(22)</sup> (both B.D.) were among the parishes feeling the effect of a swelling population. Alnham, Embleton and Chatton (all A.D.), needed more accommodation in 1849. Lanchester<sup>(23)</sup> (C.D.) stated that two or three district churches would be a welcome addition while Holy Trinity parish,

South Shields had a church with a capacity for only 1,200, but a population of 10,000. In N.D., Longbenton required a new church for the northern part of the parish, and Horton (M.D.), complained that their chapel was four miles away from the bulk of the population. Jarrow (N.D.) stated that they had a population of 4,000 yet their church could accommodate only 10% of it. Chester Le Street replied in the 1853 visitation, that extra church space was needed for outlying hamlets. Other parishes stating a shortage of room, included Seaham, Coxhoe, St. Paul and Shildon in E.D. and St. Bartholomew from D.D. However, the numbers of returns reporting that the accommodation was satisfactory outweighed the complaints by far. Overall, less than 10% of the diocese appeared to need further accommodation, with C.D. apparently having the largest problem.

The apparent lack of urgency was also reflected in the need for additional sittings in Bishop Longley's 1857 visitation.<sup>(24)</sup> 72.6% answered that no further seating was necessary, with only 10.5% stating that it was. A further 5% stated that it was not so much new fittings that were required, as a rearrangement of the old ones. Tynemouth, however, had a population of 33,000 and desperately needed extra places.<sup>(25)</sup>

In view of the fact that the 1851 census recorded that Durham county had the lowest proportion of sittings to population, (Church of England), it might have been expected that more parishes would have expressed a need for extra churches or sittings. Perhaps the reason was two-fold. First of all, that the majority of the population did not go to church. The 1851 census showed that on Sunday, March 31, 1851, the total number of congregants for the Established Church, in the northern counties, was 164,515 out of

a total population of 969,126. Had more people wanted to attend, the situation would have been impossible. The diocese alone had a population of 701,381, but only 120,554 Church of England sittings, resulting in 5.8 people per sitting, the second worst in the country.<sup>(26)</sup> However, there were 801 places of worship within the diocese for the non-Anglicans, (including Roman Catholics, see Appendix 3), compared with 307 for the Church of England. The 1851 census revealed that only 33.8% of church goers attended the Established Church, whilst 58% preferred Protestant nonconformist worship. For England as a whole, 46.7% of worshippers chose Anglican churches with 49% favouring Protestant nonconformist. Clearly, there was a larger percentage of people in Durham who chose to practise the non-Anglican way.

The 1857 visitation went into more detail on the size of a parish's congregation. The answers showed that 65% of the diocese had congregations of below 200. The highest number appeared to be in St. Nicholas' parish in Newcastle, where the vicar stated that the average congregation was 1,700, and the lowest was in Byrness where only 10, on average, attended. The Newcastle parishes, no doubt owing to denser population, all had large congregations: All Saints had 600, St. Ann's, 500, St. John and St. Paul's, 800, St. Peter's, 500,<sup>(27)</sup> with Tynemouth having 1,700 and Holy Saviour, Tynemouth, 500. South Shields, Berwick upon Tweed, Sunderland, Alnwick, Stockton, Bishopwearmouth, Gateshead Fell all reached the thousand mark. At the other end of the scale, Byrness was not the only parish with a minute congregation. Forest, Harwood, Muggleswick, Embleton and Kirkhaugh which all had fewer than 30 in attendance. The majority, though, had between 50-200.

There seemed to be a great contrast in some cases between the size of the congregation and the number of communicants. For

example, St. Nicholas in Newcastle had only 137 communicants despite a massive 1,700 sized congregation. Likewise, All Saints had only 50 communicants, yet about 600 in the congregation; and St. Ann's had only 36 out of 500 who were communicants. Tynemouth had only 70 out of 1,700, Sunderland 70 out of 1,000 and St. Hilda's in South Shields, only 60 out of 1,000. Darlington had the highest number of communicants (300) which was 30% of their average congregation, but the vast majority of parishes had very many fewer communicants than those who just attended service.

Longley's clergy returns asked for details about any rooms in the parishes which were licensed for public worship. Almost 68% of the diocese had no such room, 25% did and the remainder did not answer the question. Bishopwearmouth had an unlicensed room, but it had been sanctioned by Bishop Maltby and the same applied to Cockfield, Staindrop, Gateshead and Monkhesildon. Ford, Jarrow, Whickham, Lanchester all had two rooms. Wingate Grange had a room just for children, whilst Hartlepool, Heather Cleugh, Sighill, St. Nicholas (Newcastle), Benfieldside and Boldon all had rooms, but which were not used.

Holy Trinity at Darlington had a room which would accommodate 400, High Elwick's held 340 and had 320 people attending, so was virtually full. Indeed, attendances appear to have been more enthusiastic at these schoolrooms than in the churches and chapels, at least in terms of the percentage of space filled. Newbiggin had 185 people fitting into a room which would hold 200, Tynemouth had 70 in a room for 1,000, Coisenside had 110 in a room big enough for 140, Winlaton had a room to fit 190 attending. Seaham's room held 300 and though no figure was given, it was said to be well

filled. On the other hand, some rooms were only half full such as Bishopwearmouth, St. Margaret's in Durham, Gainford, Hurworth, Stockton, Whitworth, Fishburn, Byker District, Ford, Hexham and Longhorsley.

Newbiggin, All Saints (Newcastle), Stockton, St. Margaret's (Durham), Jarrow and Bishopwearmouth all had relatively new rooms. Others had been going considerably longer, Eardon said that their room had been operating for nearly a century. Kirkwhelpington and Seaham's had been running since 1825, Bywell St. Andrew and St. Peter, since 1837. Whitley Chapel and Witton Gilbert had been going for fourteen years; Winlaton, Whitworth, Wallsend, Morpeth, Ford, Shincliffe, Witton le Wear, Monkhesildon had all been in existence since the mid-forties. The figures show that a clear majority did not have a licensed room for public worship, but those that did had quite an impressive attendance.

Education of children was also dealt with on the clergy returns. When asked how many children in the parishes were without education, fifteen returns stated that they had no idea or no way of knowing such a thing and fourteen left the question blank. Fifty returns answered that there were children without education in their parishes: Tynemouth said that the number must be very large,<sup>(28)</sup> Horton reckoned about 600 and Painshaw about 160. Hartlepool said that several thousands of children had no education, whilst Horton Heworth, Gateshead,<sup>(29)</sup> Seaham and Deptford stated no specific figure, but said that the number would be very large. Pelton declared that for every child that was being taught, there was one that was not. Bedington answered that about 200 were going without and Bishopwearmouth said that out of a population of 14,000, 1,200 children

went without education. Boldon declared that there were twelve families in their parish who lived too far from school and Ryhope had a similar problem. Both Tanfield and High Elwick were vague about the number of uneducated children in their parishes, the former said 300-400, and the latter said between one and two thousand.

Infant schools were few and far between with around only 20 out of some 216 parishes; most of these were in the Durham area. Slightly more parishes appeared to have adult night classes (thirty), but most had only daily schools and Sunday schools. Only Sunderland with St. John's, St. Giles in Durham, north Sunderland had infant, daily, Sunday and night schools. On the more positive side, virtually every parish did have a daily and Sunday school<sup>(30)</sup> and 146 out of 225 had every child in education (65%), although this still left room for improvement.

The clergy of the parishes were also asked how often the Holy Communion was administered. Only Belmont District and Embleton said never. 44% administered it monthly and on the great festivals. 11% held it six times per annum; 21% held it four times per annum; 9% held it five times per annum and 13% held it seven times or more. Only Denton, Byrnes and Linaresdale held it just three times, with the remainder administering it once every six weeks.<sup>(31)</sup>

The visitations 1837-1853, plus the clergy returns of 1857, reveal that perhaps the diocese was not in such a dreadful condition as the opponents to the 1836 transfer implied. 80% of those examined had faultless churches, the majority had no problems with earth levels, and there was an increase in the numbers who possessed

drains. 78% of the diocese had all the communion "equipment" in good condition with the rest only missing one or two minor items. 87% of the diocese collected rates and 96.2% had decent churchyards. Less than 10% were in urgent need of extra room. No doubt the churches would have preferred more charities and there was room for improvement in the number of children being educated, but it was hard to find the great needs spoken of in 1836.

Table 9 (32)

Consecration During the Administration of Bishop Maltby 1836-1856:

Churchyards/burial grounds:

1837	St. Alban churchyard, Earsdon Holy Trinity chapelyard, Sockburn
1838	All Saints churchyard, Sockburn Holy Trinity chapelyard, Easington
1839	St. Cuthbert's chapelyard, Shadforth Bishopwearmouth churchyard Barnard Castle churchyard St. Andrew churchyard, Auckland
1840	West Rainton churchyard West Herrington chapelyard Hylton churchyard Hurworth churchyard St. Giles churchyard, Durham
1841	St. James chapelyard, Coundon St. Thomas churchyard, Collierly Holy Saviour churchyard, Tynemouth Berwick upon Tweed churchyard Chester le Street churchyard
1842	St. Helen's chapelyard, Auckland Seaton Carew churchyard Shincliffe churchyard
1843	Trinity churchyard, Darlington Tanfield churchyard
1845	Allerheads churchyard Newcastle cemetery Tweedmouth chapelyard St. Margaret's chapelyard Stranton cemetery
1847	St. Oswald's cemetery, Durham
1849	Lamesley burial ground Stockton burial ground
1851	Thornley burial ground Hetton-le-Hole burial ground Ovington churchyard
1854	Houghton-le-Spring burial ground
1855	Witton Gilbert burial ground Whickham burial ground Morpeth burial ground Ryton burial ground

Table 10 (33)

Consecrations During the Administration of Bishop Maltby 1836-1856:

Churches/chapels:

1836	Tynemouth Church Cretswell Church
1837	St. John, Shotley Holy Saviour Chapel, Newburn St. Alban Church, Earsdon Holy Trinity Chapel, Sockburn
1838	All Saints Church, Sockburn Holy Trinity Chapel, Easington Trinity Church, Darlington
1839	St. Cuthbert's Chapel, Shadforth
1840	West Herrington Chapel
1841	St. James Chapel, Coundon St. Thomas Church, Colliery Holy Saviour Church, Tynemouth St. Paul's, Newcastle St. John's, Seaham Harbour Holy Trinity, Castle Eden St. Andrew's Chapel, Bishopwearmouth
1842	St. Alban's Chapel, Windy Nook Holy Trinity Chapel, Pelton
1843	St. Peter's Chapel, Newcastle Thornley Chapel Trinity Chapel, Cambo St. Peter's Chapel, Seremerston St. Catherine's Chapel, Crook Trinity Chapel, Matfen
1844	Holy Trinity Chapel, Horsley St. John the Evangelist Chapel, Ingleton
1845	St. Peter's Chapel, Byers Green  St. Paul's Chapel, Hunwick Holy Trinity Chapel, Southwick St. James Church, Harewood St. Bartholomew Chapel, Thornley St. John's Chapel, Nent Head St. Cuthbert's Church, Blaydon
1846	St. Bartholomew Church, Croxdale St. Stephen's Chapel, South Shields St. James' Chapel, Morpeth
1847	St. Luke's Chapel, Ferryhill
1848	St. Ann's Chapel, Bishop Auckland St. Cuthbert's Chapel, Bensham Walker Church St. John the Evangelist Chapel, Tynesack and Softley

Table 10 (continued)

1849.	Holy Trinity Church, Sighill
	St. John the Evangelist, Birtley
	All Saints Church, Monkwearmouth
	Holy Trinity Church, Gaindon
1850	St. Cuthbert's Church, Benfieldside
1851	St. Mary's Church, Shincliffe
	St. Matthew's Chapel, Newbottle
1852	Holy Trinity Chapel, Hartlepool
	St. Paul's Church, Bishopwearmouth
1853	St. Mary's Chapel, Whorlton
1854	Christ Church, West Hartlepool
	Shotton Church, Easington
	St. Thomas Chapel, Eighton Banks
1855	Virgin Mary Chapel, Etal

NOTES

MALTBY'S EPISCOPAL VISITATIONS

The Durham Diocesan Records and the Auckland Castle Episcopal Records can be found at Durham University Department of Palaeography and Diplomatic.

- 1 Durham Diocesan Records, Visitation Papers, 1837. A Terrier is a book or register where site, boundary and extent of a person's land are set down.
- 2 D.D.R. Visitation Papers, 1837.
- 3 ibid.
- 4 ibid.
- 5 ibid.
- 6 ibid.
- 7 ibid., 1837, 1841, 1845, 1849, 1853
- 8 W. Fordyce in History and Antiquities of the County, Vol.I, (London 1857), spoke of Escomb Church as "an ancient building", p.598.
- 9 In 1853, there was no mention of Hartlepool's state of the tower. Fordyce's History of Durham, Vol.2, mentioned that all three bells within the tower were cracked. p.252.
- 10 D.D.R. Visitation Papers, 1837, 1841, 1845, 1849, 1853.
- 11 ibid.
- 12 In 1837, Maltby received a letter relating to the condition of St. Oswald's church. The correspondent stated that "to the first estimated repair, a considerable addition in the work had been found absolutely necessary, whereby the present subscribed fund is inadequate to the expenditure." Auckland Castle Episcopal Records, bundle containing one file of material on Durham City Parishes, Durham University Department of Palaeography, letter dated 22nd August, 1837.

- 13 Cf. Fordyce: History of Durham, Vol.2, p.164:"During a heavy gale of wind on the morning of 25th December, 1852, a portion of the upper part of the spire was blown down."
- 14 D.D.R. Visitation Papers, 1837, 1841, 1845, 1849 .
- 15 D.D.R. Visitation Papers, 1837, 1841, 1845, 1849, 1853.
- 16 ibid.
- 17 D.D.R. Consecration Book 1820-41 recorded the consecration of an additional churchyard at St. Andrew's on 2nd October, 1839.
- 18 ibid., recorded consecration of an additional churchyard at Barnard Castle on 3rd September, 1839 .
- 19 ibid., additional churchyard consecrated at St. Giles on 12th October, 1840.
- 20 W.B. Maynard: The Ecclesiastical Administration of the Archdeaconry of Durham, (Ph.D. Thesis, University of Durham, 1973), p.25. Cf. D.D.R. Books of Consecrations 1820-41 and 1841-61, which record the consecration of 60 chapels or churches.
- 21 The Times, 23rd April, 1840, p.6, col.1, grant of £30 awarded to Ancroft Parish for the purposes of building a church.
- 22 Durham Advertiser, 23rd September, 1836, Norham Church was due to be enlarged in order to alleviate overcrowding.
- 23 The Times, 23rd April, 1840, p.6, col.1, grant of £30 awarded to Lanchester Parish for the purpose of building a church at Colliery.
- 24 Volume containing tabulated extracts from visitation queries (addressed to the clergy) and their returns, 1857; A.C.E.R. The summary did not separate the parishes into deaneries.
- 25 According to the 1851 Religious Census, the population in Tynemouth in 1851 was 64,248.

- 26 The 1851 Religious Census showed that Llandaff in Wales had the worst proportion of sittings for the population, with 6.1 people per every Church of England sitting. It was ironic that the only diocese with poorer statistics than Durham should be a Welsh one considering that one of the arguments against the transfer of Durham's revenues to Wales in 1836, was that Durham was as poor, if not more so than Wales.
- 27 The 1851 census recorded that on 30th March, 1851, Newcastle had a total of 15,417 attendants at Church of England establishments, 17.3% of the population.
- 28 1851 census stated that Tynemouth had 36 public day schools.
- 29 ibid., Gateshead had 28 public day schools.
- 30 The 1851 census showed that Durham County had 153 Sunday schools governed by the Church of England.
- 31 Cf. Maynard: The Ecclesiastical Administration of the Archdeaconry of Durham, p.81. By 1856, nearly 77% of parishes in the county celebrated Holy Communion five or more times a year.
- 33 ibid.

A charge delivered to the clergy of Durham diocese was a valuable opportunity for Maltby to express his personal interpretation of the duties of a minister of the Church. The material of Maltby's charges tended to be divided into two main sections. The first of these areas concentrated on the financial and spiritual wants of the see, which had become more urgent as a result of the rising population and the redistribution of the revenues since 1836. The other section was Maltby's advice and guidance to his clergy, which in itself was split into various sections. As Bishop of Durham, he warned his clergy against over-zealousness, intolerance and urged them to diligently study the scriptures. Many of the personal attitudes discussed in Chapters 2 - 5, re-emerged in his episcopal deliverances.

A. The "urgent claims of the Diocese"<sup>(1)</sup>

In his 1853 charge, Maltby declared that there "are three special causes for expenditure"<sup>(2)</sup> which should "press upon the attention of clergymen"<sup>(3)</sup>: church building, parsonage building (and repairing such establishments), as well as erecting and maintaining schools. In all of these, it had been Maltby's "anxious wish to endeavour to assist the clergy in discovering means for accomplishing such good works."<sup>(4)</sup> The need for the specified institutions, according to Maltby, was urgent, there was no see in which there existed "so many large parishes"<sup>(5)</sup> with such "scattered"<sup>(6)</sup> populations. The uneven distribution of population ensured that a large number of inhabitants were "thrown at a most inconvenient distance from any place of worship,"<sup>(7)</sup> whilst the formation of railroads

and the opening of new pits had contributed to the increase of population. Maltby announced that such factors meant there was a great need for additional space for the parishioners to worship. Such a need was not especially reflected in the papers as only 12% of the returns studied for the five visitations expressed such a requirement, compared with 78% which had adequate room. Furthermore, 80% of the returns described the condition of the fabric of their church as good which, whilst leaving room for improvement, did not portray a desperate diocese.

The previous need for churches, schools and parsonages had been handled by the "late splendid amount of episcopal income"<sup>(8)</sup> which his predecessor, Bishop Van Mildert, had enjoyed. However, the Ecclesiastical Commissioners had significantly altered such an opulent position in 1836, shortly before Maltby's arrival. The revenues of the diocese were deprived of £13,000 per annum (which included the £1,800 per annum which the surrendered York estates had provided) in order to alleviate the problems encountered in less wealthy sees. Maltby described the reduction as an "injustice"<sup>(9)</sup> and far too "large a sum, without some proportionate return for the relief of its spiritual wants."<sup>(10)</sup> It would have been more humane and "useful to the diocese, if a greater latitude had been left to the Bishop for supplying the extraordinary wants of his clergy."<sup>(11)</sup> By 1853, Maltby estimated that the total sum paid to the Ecclesiastical Commissioners since 1836, had reached £221,900.<sup>(12)</sup>

The severe withdrawal of diocesan finances ensured that different sources of money had to be established or an additional burden imposed upon the existing ones. The boost to enterprise provided by the growth of the railways and the excessive mineral wealth of the see after 1836, delivered to its Bishop a much larger

salary than had been originally specified in 1836. In his 1853 charge, Maltby informed his clergy that the surplus had been directed towards the relief of the spiritual famine of the diocese, instead of "sordid accumulation as has been uncharitably represented."<sup>(13)</sup> (See chapter: Opposing Thoughts on Maltby) Thus he had donated large sums to both church and parsonage building as well as "other areas of public usefulness".<sup>(14)</sup> He calculated that over the past seventeen years, £14,500 had been devoted to voluntary payments, £41,067. 18s. 6d on works of piety, charity and usefulness and an extra £14,319. 7s. 8d on similar objects throughout the see. In total, Maltby claimed he had spent over £70,000 on charity and the relief of the various requirements of the diocese under his care, "not for my own selfish end."<sup>(15)</sup>

Table 1 shows that out of his income, Maltby continued Bishop Van Mildert's policy of awarding grants for the augmentation of incumbents' incomes and for providing curates in needy areas.<sup>(16)</sup>

Table 1

<u>Following grants:</u>	<u>Amounts:</u>
St. Andrew, Auckland (for a curate)	£80 per annum
St. Andrew, Auckland (for a lecturer)	£40
St. Cuthbert, Gateshead	£30
Esh	£40
Shildon	£20
Barnard Castle	£10
Lumley	£40
Tanfield	£15
Darlington	£20

The necessity for Maltby to donate the surplus finances towards the see, was rendered even more urgent owing to the "scanty endowment"<sup>(17)</sup> which prevailed throughout Durham and which was insufficient to provide "adequate remuneration to the laborious and conscientious incumbent."<sup>(18)</sup> So common were "poorly endowed livings, that a considerable amount of income furnished but scanty augmentation

when distributed among so many."<sup>(19)</sup> In 1845, he noted that the introduction of an "act to abridge the holding of benefices in plurality"<sup>(20)</sup> (1838) had further reduced the possible income of a clergyman. He advised them, therefore, "to act a prudent and circumspect part; to reduce domestic expenses within a still more narrow compass."<sup>(21)</sup> As the clergy were less able to contribute financially towards the see, he expressed his wish that the wealthy laity would afford "greater assistance"<sup>(22)</sup> towards "the building of new churches."<sup>(23)</sup> Such aid, he judged, had not been too forthcoming, a state of affairs which he "lamented",<sup>(24)</sup> especially as the majority of such men had gained their wealth "by means of the labourers, whose strength has been employed in extracting mineral treasures from the bowels of the earth."<sup>(25)</sup> Hence he appealed to their consciences by stating that it was the moral duty of the wealthy to reward the industrious labourers and supply them "with the means of grace, to lay before them the hope of futurity, and to raise them from earth to Heaven."<sup>(26)</sup> That duty could be fulfilled by providing the necessary money to build churches and chapels, (the returns for the 1841-53 visitation had shown that only 10% of the parishes examined had experienced some form of church building). Between 1800-1856, fifty-six new churches were built, but did not keep up with the population. A parliamentary enquiry of 1852-3 "noted that Durham was still in dire need of sixteen additional churches."<sup>(27)</sup>

Maltby recommended that the rich laity should contribute more generously towards the Church Building Society; the Society for the Propagation of the Gospel in Foreign Parts; and the Society for Promoting Christian Knowledge. The laity had not provided as much relief as the clergy "even though in most cases, their resources

are more ample."<sup>(28)</sup> If only they would "assist zealously and liberally",<sup>(29)</sup> the "spiritual darkness which now overshadows the minds of the poorer brethren"<sup>(30)</sup> could be cleared. Surely, the pursuit of charity would be "a more delightful employment of wealth."<sup>(31)</sup> Maltby was correct in his belief that the diocese was not blessed with excessively generous rich men. The returns from 1836-53 revealed some form of charity or endowment, most of which were small and dedicated to the relief of the poor rather than church building. The Durham Advertiser stated that if the rich merchants, coalowners etc. reflected on how much they had donated to church building, they would be surprised at how little it was.<sup>(32)</sup>

In 1859, Bishop Longley appealed to all large landed proprietors and coal owners of Northumberland for funds for church extension. Lady Londonderry frankly pointed out that the laity were the suppliers of the abstraction of the surplus revenues of the diocese and so were funding the wants of many areas of the country. Nevertheless, the Londonderrys supported the movement for church extension, in particular at Seaham Harbour.<sup>(33)</sup>

The establishment of additional churches was one requirement which Maltby referred to in his charges, parallel with the need for parsonages. 21% of the visitation returns over the sixteen years, mentioned that there was no vicarage attached to the church or chapel. Maltby was gratified that the Ecclesiastical Commission had given "encouragement ... to the building of parsonage houses."<sup>(34)</sup> The unexpected rise in his income had meant that Maltby was willing to pay the Ecclesiastical Commissioners an extra £2,000 per annum. He stated that it would "be gratifying for me if any part of it can be made available to the increased comfort of deserving clergymen

with ill-endowed livings in a large population."<sup>(35)</sup> He announced that "the residence of a clergyman among his flock is so obviously necessary to the accomplishment of the great purposes of his ministration."<sup>(36)</sup> Without a vicarage within his parish, a minister's work "will become comparatively fruitless."<sup>(37)</sup> Maltby recommended that parsonages should be built at Hunwick, Escomb, Benfieldside, Stella, Byers Green, Bank Top, Darlington, Trinity District in Gateshead. All were recipients.

The 1857 visitation (shortly after Maltby's departure), showed that 65% of the diocese possessed both daily schools and Sunday schools in which the children were educated. Fifteen parishes had no idea what proportion of children within their area received an education, whilst 22% admitted that there were children unable to obtain instruction. That 22% had to be reformed, and Maltby was "aware of how much and how generously"<sup>(38)</sup> the clergy had "seen the necessity of extending the benefits of education among your respective flocks."<sup>(39)</sup> The university had helped to alleviate the educational problems of Durham and Maltby drew the clergy's attention to "how seasonably this institution ... comes in aid of the scanty resouces which fall to the lot of too many amongst our Brethren."<sup>(40)</sup> It was natural, therefore, that Maltby was satisfied with the "very liberal endowments of scholarships, fellowships and professorships"<sup>(41)</sup> presented by The Ecclesiastical Commissioners in 1841 which "will reward the diligence of such ingenious youths as may be desirous of distinguishing themselves in the fields of literature and science."<sup>(42)</sup> The Commission had presented a scheme on the 4th June, 1841 which created eighteen additional fellowships (making a total of twenty-four).<sup>(43)</sup>

B. Discipline, Charity, Tolerance and Knowledge

Discussion of the various requirements of his see was not Maltby's sole purpose for delivering a charge. Indeed, the vast body of his speeches contained words of advice and guidance for the clergy under his supervision.

a. Beware of "Misplaced Zeal"<sup>(1)</sup>

The primary objective of any clergyman must be to promote good. This included a charitable attitude towards the sinful, the nonconformists and all who possessed some form of fault, so as to make them less worthy citizens. However, whilst an aptitude for holiness was highly commendable, Maltby drew his clergy's attention to the evils of over-zealousness which could result in a curate becoming too convinced of his own piety and purity. Such an attitude, rather than being the fulfilment of the gospels, would be an obstacle to their law of goodness. He announced that there could be "scarcely any sources from which evil may flow so securely and spread so widely"<sup>(2)</sup> as over enthusiasm, mainly owing to the ingenious disguise of the deed as a good intention. Often, any resultant harm would be excused by the party concerned, by an insistence that he meant well. In such cases, Maltby declared that an excuse was nothing more than "deceitfulness of heart" whereby "feelings of pride and selfishness" had mixed "with designs originally good."<sup>(3)</sup> It was not that Maltby wished to discourage his charges from cultivating habits composed of kindness and righteousness, he simply wished to avoid the development of a sanctimonious stance as adopted by the Pharisees of the New Testament. Such men had prayed publicly to demonstrate their religious devotion and had become so self-confident that they had proceeded to judge and condemn all who sinned. Hence if they all avoided "exceeding the

bounds of moderation"<sup>(4)</sup> they would achieve the happy medium and not offend others by a hasty judgement of their faults. So Maltby urged that, at all times, the clergy would heed to his advice:

See that ye walk circumspectly. Let  
your moderation be known unto all men.  
If it be possible leave peaceably with  
all men giving no offence. (5)

b. "Consider how studious ye ought to be in reading and learning the scriptures" (6)

Whilst emphasising the importance of restraining enthusiasm, Maltby did concede that there was one particular area where there could never be too great a quantity of zeal: knowledge. As a result, he was extremely satisfied with the establishment of the University of Durham, under Van Mildert's administration and expressed his desire "that the advantages of such an institution may be experience."<sup>(7)</sup> They were blessed with the presence of a great educational centre "on their very doors"<sup>(8)</sup> which provided the students opportunities in acquiring "a sound and comprehensive education."<sup>(9)</sup> To reject the gifts of such a "remarkable and beneficial institution"<sup>(10)</sup> would be most "unthinking and ungrateful."<sup>(11)</sup> Maltby revealed his interest in all educational subjects by expressing his satisfaction that the students could receive training in both "classical knowledge"<sup>(12)</sup> and "scientific research."<sup>(13)</sup> The wide variety of subjects available would ensure that each individual would "become excellently trained"<sup>(14)</sup> and therefore pose an impressive advertisement for the "advantages of possessing an education."<sup>(15)</sup> He further believed that the university would not only advance the splendours of education, but instruct in the area of "moral culture and religious improvement",<sup>(16)</sup> and so he was especially delighted that the institution "provided for the theological student."<sup>(17)</sup>

Theology at Durham could only increase "the proficiency of candidates for the holy orders."<sup>(18)</sup>

Whilst maintaining that a varied education provided everlasting advantages, Maltby emphasised in his charges that theology was of particular importance to a clergyman who had to impart his scriptural knowledge to the congregation. Although it was the vital duty of every curate to study the Bible in minute detail, he stressed that such a task would not be hard, for "there is nothing more delightful than hours passed in meditation upon what the Almighty has been graciously pleased to reveal to us."<sup>(19)</sup> But even if such a knowledge could not be obtained pleasurably, it was still necessary for every minister to tend to "the proper discharge of his sacred functions."<sup>(20)</sup> That included a study of the Gospels which explained Christian duty and faith. For example, Maltby announced that St. Paul "preached gospel morality enforced by gospel motives, in the strictest conformity with gospel doctrine."<sup>(21)</sup> The Apostle had further "inculcated the indispensable necessity of attention to every duty her; of duty to our neighbour, and duty to ourselves."<sup>(22)</sup> So, Maltby instructed, it was every clergyman's duty to follow St. Paul's words, to preach the gospel and teach its lessons, but that could only be obtained by regular and diligent study of God's Bible. Knowledge of religion was "the one thing needful",<sup>(23)</sup> and Maltby even went so far as to recommend that the visits to the parishioners should be reduced in favour of additional Bible reading. It was not that Maltby believed regular association with the people of the diocese was unimportant; on the contrary, he desired the establishment of additional parsonages so that a clergyman could live with his people. It was simply that he felt a clergyman could not possibly

help his parishioners or guide them to the true way of God unless they knew it explicitly themselves. Therefore, he urged that as great a portion of their valuable time as possible, should be spent in solitude in contemplation of God's word. The final result would "wax riper and stronger in your ministry."<sup>(24)</sup>

c. "Our thoughts would no longer be perplexed by the reasonings of men who ... are still fallible" <sup>(25)</sup>

If the clergy followed the advice given above and studied the Bible, then their minds and perceptions of religious truth would be clearer. However, Maltby urged that a theological study should not consist of reading commentaries alone, controversial or otherwise, but that the primary focus must be centred upon the original word. Although reading a few commentaries was not undesirable, the Bible must be maintained as the principle source. The "Holy Scripture"<sup>(26)</sup> he announced "is the food of the soul"<sup>(27)</sup> which because it was "dictated by the Holy Spirit and presented for our study and edification by the special care of His good Providence"<sup>(28)</sup> was "infallible."<sup>(29)</sup> As such, Maltby believed it was the only reliable source of truth and warned his clergy to avoid accepting the conclusions of the various commentaries and direct "their unremitting attention"<sup>(30)</sup> to the Bible.

Maltby was clearly concerned that without regular reference to the scriptures, the clergy would only study the works of "those who appeal to the imagination rather than to reason"<sup>(31)</sup> which would lead to misinterpretations of God's law. Such misinterpretations or even the distortion of scriptural passages were owing to "ignorance"<sup>(32)</sup> of which the only cure was to reject the thoughts of other men and turn to God and the apostles. Only someone guilty of misinterpretation would "divest himself of all preconceived notions; let him cautiously but manfully search into the exact signification

of words"<sup>(33)</sup> and he would understand "the precise bearing of terms"<sup>(34)</sup> and lament his past mistakes. It was, Maltby believed, the "unprofitable reading"<sup>(35)</sup> which too many of the clergy were apt to concentrate on that resulted in scriptural perversion, the law of which, if adhered to, would be the complete opposite of morality. So, he wished to "preserve them from what is unscriptural and unsound"<sup>(36)</sup> to which he attributed the majority of controversies within the Church. The beginnings of "papacy",<sup>(37)</sup> he ascribed to "the early perversion of the designs of the Gospel."<sup>(38)</sup> It was obvious that Maltby was convinced that attempts were being made to resurrect the practices of Rome, and, therefore, revealed his disapproval of the Tracts, which, he declared contained "opinions bordering ... upon those against which our Reformers strenuously contended."<sup>(39)</sup> He was clearly worried about the effect that such documents could create, especially on the younger clergy. Maltby expressed his extreme disapproval that the Tractarians had recommended "a variety of antiquated forms and ceremonies"<sup>(40)</sup> which, if adhered to, threatened "a revival of the follies of bygone superstitions."<sup>(41)</sup> For example, fasting (Tract 18), was declared to be a necessary part of Christian worship whilst the use of candles was reintroduced along with the superstitious (in his opinion) sign of the cross. In short, Maltby accused the Tractarians of introducing elements into religion which were claimed to be necessary and which Maltby announced had no scriptural support. Perhaps, because of his opposition to the Tractarians, Russell felt able to address the famous "Durham Letter" to Maltby, in which the principal attack was directed at the Tractarians, criticising the manner in which they had disrupted the harmony of the Church. (See Chapter: Maltby on Toleration.) It was Maltby's hope that the Tracts would not

influence his clergy, that instead, they would heed his words:

A thorough knowledge of the original languages; a study of the works of the best critical expounders, with a careful weighing of different opinions and arguments, will, by God's help implored in fervent but humble supplication, lead the mind to a clearer perception of the truth as it is in Jesus (42)

To study in such a manner would protect the clerical mind from man's ignorant misinterpretations.

d. "Disunion appears to frustrate the beneficent purposes of the Gospel" (43)

The work of the Tractarians had regrettably disrupted the harmony of the Established Church. Men such as Newman, Keble and Pusey had attempted to highlight the faults of the Church of England doctrine "while contempt is somewhat ostentatiously thrown upon the name of Protestant and the proceedings of our venerable Reformers."<sup>(44)</sup> As a Bishop in charge of a large number of lower clergy, he felt it to be his duty to express his deep regret that the Tractarians had "introduced among us a fresh element of discord."<sup>(45)</sup> Maltby could perceive no faults in the present doctrinal system of Bishops, Priest and Deacons. It was, he believed, the mode "best adapted to Christian communities",<sup>(46)</sup> and although he acknowledged that spiritual salvation could still be achieved under some other organisation, he did not believe that the Tractarians had the correct idea in attempting to resurrect "a more kindly split ... of the Church of Rome."<sup>(47)</sup> In 1845, he expressed his satisfaction that "the advocates for the revival of dormant customs are extremely few"<sup>(48)</sup> in Durham, but the Church, he declared, was still split between the Tractarians and the Evangelicals. The former, he stated, were guilty of "presumption in no small degree"<sup>(49)</sup> as if they alone could understand the Gospel message. The Evangelicals were a party which believed that

the direct inspiration of God was guiding them and that they alone understood His will. They took the Bible in its completely literal sense and received wide support in the London slums and the Midland towns, including the preachers, J.C. Miller in Birmingham and Robinson in Leicester. Maltby objected to the Evangelicals because they treated "sacred subjects with levity"<sup>(50)</sup> and, like the Tractarians, believed that they alone possessed the true understanding.

The presence of different parties within the Established Church was most displeasing to Maltby:

Have we not too often heard the terms, High Church and Low Church - Arminian and Calvinist - Tractarian and Evangelical? And if these names have been familiarly and commonly applied to various members and Divisions of our body; can it be denied, that we have broken that bond of unity, which is so essential to the peace and stability of the Church, and to the furtherance of the blessed Gospel.

(51)

Maltby warned his clergy that the "advantages of union"<sup>(52)</sup> were of much greater importance "than mere details of rites and ceremonies"<sup>(53)</sup> and should be the aim of all Christians, especially ministers of God. Those who attempted to shatter the unity of the Church were "enemeies of the establishment."<sup>(54)</sup>

Part of the cause of disunion within the Church was, according to Maltby, the adoption of extreme opinions which often led to the bearer believing that he/she alone possessed the only correct theory. If extremism could be erased, then Maltby felt the union could be restored and so he begged his charge not to hold "extreme opinions, as too surely pregnant with evil."<sup>(55)</sup> His 1853 and 1849 charges had expecially illustrated his theory. In the latter, he warned the clergy to be aware of the "necessity of discouraging the

admission of any extreme views at all, whether as to forms of worship, or to the more material point of doctrine."<sup>(56)</sup> Extremism, whether it prompted "the young and ardent, to magnify beyond due bounds the authority of the Church"<sup>(57)</sup> or led "to the deprecation of good works",<sup>(58)</sup> would result in an offence being "committed ... against the declared objects, and rightly understood meaning of scripture"<sup>(59)</sup> as well as "some violation of peace and charity."<sup>(60)</sup> In 1853, he emphasised "that the greater part of divisions"<sup>(61)</sup> which had disturbed the security of the Church "owe their rise to imperfect or erroneous views"<sup>(62)</sup> In Maltby's eyes, there was an undeniable connection between the adoption of extreme beliefs and the divisions within the Church. Whilst one led to the over-confident faith in a person's belief at the exclusion of all others, which must surely be wrong, the other created a poor impression of the Church, destroying any images that might exist of an Established Church in perfect agreement. The existence of disunion meant that there was too much time devoted to settling issues of doctrine and worship and not enough reserved for the fulfilment of the apostolic goodness. Maltby's charges chiefly accused the Tractarians who had failed to contribute "to the purity of our faith"<sup>(63)</sup> whilst introducing elements totally irrelevant to the Gospel purposes.

e. Remember "how little it becomes us to set ourselves up as stern judges of men." <sup>(64)</sup>

John Newman had informed his Evangelical brother "that his Evangelical formula was rank heresy"<sup>(65)</sup> and for that reason, made it obvious that all "intimacy between them was ended."<sup>(66)</sup> Such an attitude, Maltby found deeply disturbing and warned his clergy against possessing a similar viewpoint. As "concurrence

cannot always be expected",<sup>(67)</sup> differences of religious opinion would always exist and should be respected. It has already been noted in Chapter 4, Maltby on Toleration, that the Bishop thought that every individual "who takes it upon himself to pronounce judiciously, as it were, upon the religious opinions of another, and to debar him admission to the realms of everlasting bliss"<sup>(68)</sup> must surely be "infected with the intolerant spirit which animated the Inquisition of old."<sup>(69)</sup> It was greatly misguided for one person to "reserve to themselves the power of condemning"<sup>(70)</sup> and announce that, because of a difference in religious practice, any human being had "not the degree of faith requisite for salvation."<sup>(71)</sup> Maltby stressed that it made no difference whom the judgement was pronounced upon, that person would always be one of "those for whom Christ died, and whom He has commanded us to love."<sup>(72)</sup>

The belief that all individuals were entitled to adopt nonconformist religions and not be rejected because of it, was reflected in his 1837 charge where he expressed his desire that disabilities against Dissenters should be removed. In 1833, the nonconformists had presented a list of their grievances which requested, among others, the freedom to be married according to the formularies of their own church, not the Church of England and a general registration. Of these existing disabilities, Maltby had amiably announced that they were "by no means unreasonable grounds for complaint",<sup>(73)</sup> and acknowledged that their requests in these areas were clearly understandable.

Whilst urging his clergy not to judge the Dissenters, but instead to treat them as equal human beings, Maltby did release a side of his personality which revealed a certain amount of

animosity. Her regarded some of the complaints presented by the Dissenters as "unreasonable and even unjust."<sup>(74)</sup> For example, he informed his audience that the imposition of church rates upon nonconformists was perfectly just as the majority vote had always resulted in the entire community having to pay a tax whether they wanted to or not. In any case, the amount paid was generally negligible, with opulent parishioners often paying for the heavier expenses, thereby creating an insignificant burden upon the parish. In saying this, however, Maltby proved that he had failed to understand the complaint of the Dissenters who insisted that although the sum was small, the principle of paying taxes to a church with which they had no contact, was a great deal larger.

Although Maltby stressed that he never intended to use his charges to attack the Church of Rome (particularly as he had enjoyed social intercourse with Catholics in both his dioceses),<sup>(75)</sup> he did not always succeed in his aim. His detailed criticism of the Catholic practice of worship in his letter to the Archdeacon of Lindisfarne in 1851, following the Papal Aggression, was not illustrative of his tolerance. (See Chapter : Maltby on Tolerance.) In 1845, he preached strongly against the religious practices of Romanism. He was "so far from holding the doctrines of that Church in any reverence",<sup>(76)</sup> that he was convinced that "the severance which happily took place from her communion in the 16th century"<sup>(77)</sup> was completely justified. To the clergy, he pointed out some of the Roman principles to which he objected, such as the exalted position of the priest amongst his congregation, the assumption of infallibility and the confessional. Maltby's primary intention may have been to press upon his brethren, the wonders

of Anglicanism and to preserve them from the influence of the Tractarians whom (although they attacked Roman Catholicism), adopted many of its characteristics. Whatever the reason, he was still committing that crime which he warned the clergy not to and judged one denomination as right and the other as completely wrong. Nor did he aid the cause of Christian unity by attempting to establish some sort of educational competition (in 1853) between the Anglicans and the Catholics. On that occasion, he announced that "out Dissenting brethern of the present day are ... fully sensible of the inestimable value of knowledge, as applied to the service of religion"<sup>(78)</sup> and so he had established quality seminaries filled with able and intelligent teachers which were part of an efficient system. Although he praised the Catholics for such enterprise, he urged the Anglican clergy to make extra efforts to retain the superiority which they had previously enjoyed. Only diligence in study could prevent the Catholics overtaking the Church of England in the field of knowledge hence he almost pleaded with his curates to devote more time to reading the scriptures. So, despite criticising anyone who pronounced judgement on another because of a difference in religious opinion, Maltby himself, was a little guilty of treating nonconformists as a different set of people.

f. Be "acquainted with the state of the law as it affects the Church"<sup>(79)</sup>

Maltby's charges contained an extremely small quantity of political material and even that discussion was reserved for the law as it affected the ecclesiastical field. Of the Ecclesiastical Commission, he was aware of its good intentions towards the welfare of the Established Church, but he was not so sure that its actions had always fulfilled those benevolent aims. The legislation

of 1836 confiscated £13,000 of the diocese's revenues, an act which was unsatisfactory to Maltby in view of the spiritual needs of the diocese. A "less sweeping"<sup>(80)</sup> measure would have been wiser, a sentiment which he also applied to the 1838 pluralities act. In 1832, Hastings Robinson had calculated that out of the 12,200 preferments, 11,374 benefices, 668 dignities and 158 minor canonries, that 3,853 ministers possessed a single title, 3,304 held two, 370 held three, 73 held four and 59 held five or over.<sup>(81)</sup> Thus, there existed great inequality in the division of the preferments, an abuse which the Ecclesiastical Commissioners felt obliged to erase. The 1838 act reduced the number of benefices held by any cleric to two and which had to be within a distance of ten miles of each other. The population of each benefice was not to exceed 3,000, whilst the combined value was to be £1,000 or under.<sup>(82)</sup> Although Maltby acknowledged that "great abuses have formerly taken place in the accumulation of preferment",<sup>(83)</sup> particularly "upon relatives and favourites"<sup>(84)</sup> (Maltby, himself was accused of favouritism in 1849, when he presented the opulent living of Bishop Auckland to his nephew),<sup>(85)</sup> he was "not aware, that any imputation of the kind has been fastened upon any of the present members of the bench."<sup>(86)</sup> There was the hint that Maltby regarded the measure as unnecessarily censorious in that it further reduced the finances of a clergyman, thereby reducing the amount which he could devote towards satisfying the spiritual needs of the people. Despite disagreeing with the Commissioners in such areas, he emphasised that any point of difference had "been argued, as it should be, in a way befitting gentlemen and Christians."<sup>(87)</sup> moreover, he was willing to praise the Commission for its work as regarded church building, but he still felt "that a scheme embracing so wide a field and

extending to such a variety of objects, was adopted too much in a hurry."<sup>(88)</sup>

Maltby's statements to his clergy revealed that he was in favour of the affairs of the Church being handled by the Archbishops and Bishops rather than by non-religious officials who were liable to draw "an unsound conclusion."<sup>(89)</sup> The 1840 Discipline Act, in cases of supposed non-criminal offences, empowered the Bishop to issue a Commission of Enquiry or to "transmit the case by Letters of Request to the Provincial Court of Appeal."<sup>(90)</sup> It handed authority "to stay proceedings, with the consent of the parties, complained against and complaining."<sup>(91)</sup> Maltby believed the Act was "a great improvement"<sup>(92)</sup> as it placed the reputation of a cleric in the hands of his fellow clergy who could protect him from public scandal and exposure. The common law courts, he argued, should only be referred to on occasions when scriptural doctrines were to be enforced. The business of the Church, Maltby declared, was most efficiently handled by those committed to its welfare.

Although he did not naively hold the Church of England to be unblemished, Maltby expressed his amazement that some could accuse the Church of escaping reform. Of all the political changes, he believed that "none have been more sweeping than such as have been made in matters ecclesiastical."<sup>(93)</sup> Despite the fact that Maltby spoke rarely on the politics of religion, he urged his clergy to be aware of the "regulations as have been thought necessary, from time to time, by the authorities of the Church ... for ensuring due order and discipline throughout its several dioceses."<sup>(94)</sup>

g. "An Episcopal charge ought not, indeed, cannot be the vehicle of regular controversy." <sup>(95)</sup>

Whenever such topics were discussed in the pulpit, "Christian

morals are too often lost sight of",<sup>(96)</sup> and a "breach of charity"<sup>(97)</sup> was normally the final result. Such an idea was similar to his advice to not judge others, the theory that to announce one's opinions of a particular controversy could lead to a clergyman adopting an over-opinionated tone and losing the charity which he should always possess. It was true that Maltby rarely spoke to his clergy on politics, but he did manage to express his dislike of Romanism. Moreover, he did not exactly avoid the subject of the Tractarians as well as offering an opinion of the Ecclesiastical Commission.

Nevertheless, he urged his clergy to restrict their sermons to the discussion of morality and the duties of a Christian, subjects which were not enforced regularly enough:

Consider, I beseech you, my brethren  
the points upon which our Blessed  
Saviour's own discourses turn - with  
what earnestness he seizes every  
opportunity to explain matters of  
duty and to enforce obedience to them. (98)

No doubt it must have been tempting for a minister to introduce "doctrinal and controversial questions into the pulpit"<sup>(99)</sup> but the urge must be resisted. Perhaps Maltby's reasons, therefore, for introducing the difficult subject of the Tractarians into his charges, was the belief that his clergy were able to listen maturely to his comments without being diverted from their Christian duty, (unlike the laity). On the other hand, it could have been a blatant self-contradiction.

NOTES

THE BISHOP AS INSTRUCTOR OF HIS DIOCESE

A. "Urgent Claims of the Diocese"

- 1 E. Maltby: A Charge delivered to the Clergy of the Diocese of Durham at the Primary Visitation of Edward, Lord Bishop of Durham, 1837, (London 1837), p.6.
- 2 Maltby: A Charge delivered to the Clergy of the Diocese of Durham at the Visitation in July and August, 1853, by Edward, Lord Bishop of Durham, (London 1853), p.21. Cf. sermon, Warning Against Excess Even in What is Right, from Sermons Preached in the Chapel of Lincoln's Inn, (London 1831), pp.128-141.
- 3 ibid.
- 4 ibid.
- 5 Maltby: A Charge delivered ... 1837, p.6.
- 6 ibid. Cf. Coxe MSS., Dean and Chapter Library, Durham, 13th (no year). Maltby wrote that the population of Newcastle was very large, so he was dismayed that "there is only one church capable of holding more than about 600."
- 7 ibid., p.7.
- 8 ibid., p.8.
- 9 Maltby: A Charge delivered ... 1853, p.18.
- 10 ibid.
- 11 Maltby: A Charge delivered ... 1837, p.9.
- 12 Maltby: A Charge delivered ... 1853, pp.20-21.
- 13 ibid., p.18.
- 14 ibid.
- 15 ibid., p.21.
- 16 W.B. Maynard: The Ecclesiastical Administration of the Archdeaconry of Durham 1774-1856, (Ph.D. Thesis, University of Durham, 1973), pp.232-233.

- 17 Maltby: A Charge delivered ... 1837, p.7.
- 18 ibid.
- 19 Maltby: A Charge delivered ... 1841, (London 1841), p.20.
- 20 Maltby: A Charge delivered ... 1845, (London 1845), p.22.
- 21 ibid. The Durham Advertiser, 16th December, 1836, p.3, col.1,  
reported that the clergy in Durham had made a valiant effort in  
the cause of church building. It was hoped that the layman  
would follow suit.
- 22 ibid., p.14.
- 23 ibid.
- 24 ibid.
- 25 ibid.
- 26 ibid.
- 27 Maynard: The Ecclesiastical Administration of the Archdeaconry  
of Durham, p.417.
- 28 Maltby: A Charge delivered ... 1845, p.17.
- 29 ibid., p.18.
- 30 ibid.
- 31 ibid.
- 32 The Durham Advertiser, 16th December, 1836, p.3, col.1.
- 33 A.J. Heesom: "Problems of Church Extension in a Victorian New  
Town: the Londonderrys and Seaham Harbour", Northern History  
XV, (1979), pp.151-152.
- 34 Maltby: A Charge delivered ... 1845, p.14.
- 35 Maynard: The Ecclesiastical Administration of the Archdeaconry  
of Durham, p.316.
- 36 Maltby: A Charge delivered ... 1845, p.21.
- 37 ibid.
- 38 Maltby: A Charge delivered ... 1841, p.19.

39 ibid. Cf. The Early Training and Education of the Poor, Truly Christian Objects: A Sermon Preached in the Church of St.Nicholas, Newcastle-upon-Tyne, Sunday, 26th August, 1838, (Newcastle 1838) p.16. Maltby pleaded that the laity would finance the education of the children of the poor.

40 Maltby: A Charge delivered ... 1845, p.23.

41 ibid., p.24.

42 ibid.

43 Maltby: A Charge delivered ... 1849, (London 1850), p.23, note D.

B. Discipline, Charity, Tolerance and Knowledge

1 Maltby: A Charge delivered ... 1841, p.16.

2 ibid., p.16.

3 ibid., p.17.

4 ibid.

5 ibid., pp.17-18.

6 Maltby: A Charge delivered ... 1853, p.10.

7 Maltby: A Charge delivered ... 1841, p.21.

8 Maltby: A Charge delivered ... 1837, p.22.

9 ibid.

10 ibid.

11 Maltby: A Charge delivered ... 1845, p.23.

12 Maltby: A Charge delivered ... 1837, p.22.

13 ibid.

14 ibid.

15 ibid.

16 Maltby: A Charge delivered ... 1841, p.21.

17 Maltby: A Charge delivered ... 1837, p.22.

18 ibid.

- 19 Maltby: A Charge delivered ... 1853, p.9.
- 20 Maltby: A Charge delivered ... 1845, p.24.
- 21 Maltby: Two Sermons and a Charge delivered to the Clergy of Hexhamshire, 1842, (London 1843), p.65.
- 22 ibid.
- 23 ibid.
- 24 Maltby: A Charge delivered ... 1853, p.9.
- 25 ibid., p.11.
- 26 Maltby: A Charge delivered ... 1841, p.14.
- 27 ibid.
- 28 ibid., p.13.
- 29 Maltby: A Charge delivered ... 1845, p.9.
- 30 Maltby: A Charge delivered ... 1841, p.14.
- 31 Maltby: A Charge delivered ... 1853, p.6.
- 32 ibid., p.12. Cf. Coxe MSS., Dean and Chapter Library, Durham.  
Maltby wrote to Coxe to tell him that he was "sincerely glad of any prospect of addition to your vicarages." (25th Dec.1850).
- 33 Maltby: A Charge delivered ... 1849, p.17.
- 34 ibid.
- 35 Maltby: A Charge delivered ... 1853, p.8. Cf. Sermon on the Studies of Religion Recommended to Laymen, from Sermons Preached ... Lincolns Inn, p.376.
- 36 ibid., p.9.
- 37 ibid.
- 38 ibid.
- 39 Maltby: A Charge delivered ... 1841, p.9.
- 40 ibid., pp.11-12.
- 41 ibid.
- 42 ibid., p.14.

- 43 Maltby: A Charge delivered ... 1845, p.6.
- 44 Maltby: A Charge delivered ... 1841, p.12.
- 45 ibid., p.9
- 46 Maltby: A Charge delivered ... 1849, p.13.
- 47 Maltby: A Charge delivered ... 1841, p.12.
- 48 Maltby: A Charge delivered ... 1845, p.8.
- 49 ibid.
- 50 ibid.
- 51 Maltby: A Charge delivered ... 1849, p.11.
- 52 Maltby: A Charge delivered ... 1845, p.7.
- 53 ibid.
- 54 ibid., p.6.
- 55 Maltby: A Charge delivered ... 1849, p.11.
- 56 ibid., p.8.
- 57 ibid.
- 58 ibid.
- 59 ibid.
- 60 ibid.
- 61 Maltby: A Charge delivered ... 1853, p.9.
- 62 ibid. Cf. The Original Greek of the New Testament Asserted and Vindicated: A Sermon Preached at Spalding, 2nd August, 1825, by E. Maltby (London 1825), p.8. Maltby emphasised that a clergyman must be careful about what he says, so as not to twist the true meaning of the doctrine.
- 63 Maltby: A Charge delivered ... 1841, p.11.
- 64 Maltby: A Charge delivered ... 1845, p.12.
- 65 G. Faber: Oxford Apostles, (London 1974), p.347.
- 66 ibid.
- 67 Maltby: A Charge delivered ... 1841, p.7.

- 68 Maltby: A Charge delivered ... 1845, p.11.
- 69 ibid.
- 70 ibid., p.10.
- 71 ibid.
- 72 Maltby: Two Sermons and a Charge delivered ... 1842, p.65.
- 73 Maltby: A Charge delivered ... 1849, p.6.
- 74 ibid., p.7
- 75 Maltby: A Charge delivered ... 1841, p.9.
- 76 Maltby: A Charge delivered ... 1845, p.12.
- 77 ibid.
- 78 Maltby: A Charge delivered ... 1853, p.7.
- 79 ibid., p.4.
- 80 Maltby: A Charge delivered ... 1837, p.10.
- 81 D. Bowen: The Idea of the Victorian Church, (London 1968),p.11.
- 82 O. Chadwick: The Victorian Church, Vol.I, (London 1966), p.136.
- 83 Maltby: A Charge delivered ... 1837, p.8.
- 84 ibid.
- 85 Hansard Parlt. Debates, (Third Series), vol.103,col.1036.
- 86 Maltby: A Charge delivered ... 1836, p.16.
- 87 Maltby: A Charge delivered ... 1853, p.15.
- 88 ibid., p.11.
- 89 ibid., p.15.
- 90 Bowen: The Idea of the Victorian Church, p.119.
- 91 Maltby: A Charge delivered ... 1849, p.5.
- 92 ibid., p.4
- 93 Maltby: A Charge delivered ... 1853, p.16.
- 94 ibid., p.4
- 95 Maltby: A Charge delivered ... 1841, p.15.
- 96 Maltby: Two Sermons and a Charge delivered ... 1842, (London 1843)  
p.60.

97 ibid., p.65.

98 ibid., p.61.

99 ibid., p.65.

## VIII OPPOSING THOUGHTS ON MALTBY

Edward Maltby's episcopal career was neither remarkable nor hugely controversial. His life lacked the necessary events to turn him into a fascinating historical figure. The Guardian even referred to his lack of presence by noting that if he were to remain the Bishop of Durham for an extra ten years after his retirement, no one would notice the difference.<sup>(1)</sup> Whether or not such a statement was too harsh has little bearing on the fact that the pages of historical literature are largely unadorned with Maltby's name and actions which, at first sight, confirm the Guardian writer's sentiments. Lack of evidence poses difficulties in deciphering exactly how he was regarded by his fellow bishops, the people of his diocese and political figures. Nevertheless, there are definite indications that his political stance severely offended many with whom he came into contact, whilst the size of his income attracted various comments. He was on the one hand proclaimed to be an overwhelmingly generous man, and on the other, as a man more concerned with his personal salary than his holy duty. The latter was often alluded to and yet, it was occasionally insinuated that it was somewhat misguided. The only aspect of his character over which there appeared to be no dispute was the soundness and strength of his education.

Maltby's Whiggery kept him from being elevated to a bishop and hence the House of Lords so long as the Tories were in power. Statements suggesting "that nepotism and not merit was the passport to promotion in Church and State"<sup>(2)</sup> during the administration of the Portland Government, as well as attacking

the Tories as "an ignorant faction"<sup>(3)</sup> meant that the Tories were eager to prevent his obtaining a vote in the House of Lords. W.B. Maynard wrote that "by 1836 he seems to have acquired the reputation of being a reformer, or worse, a Radical".<sup>(4)</sup> As a result, Maltby was not invited to join the bishop's bench until the Whigs were in power whereby he became their first appointment.

Maltby's appointment as Bishop of Chichester was not too popular, not only with the Tories for obvious reasons, but also with his fellow bishops and the members of his diocese. The chief reason was the belief that his political leaning had won him the position rather than any merits he might possess as a servant of God. He could have been the most devout and holy Christian alive, but that did not alter the fact that he was appointed Bishop of Chichester "hurriedly"<sup>(5)</sup> as Grey required his "vote on the Reform Bill in the House of Lords".<sup>(6)</sup> Indeed, his installation was carried out so quickly "that it caused a scandal. The vacancy was made by the death of the Bishop of Worcester<sup>(7)</sup>....the speed was such that the congé d'éliire for Worcester arrived before the funeral of the dead Bishop".<sup>(8)</sup> The appointment confirmed Pusey's fears that the Government would appoint bishops whom they could mould. The subsequent reception of Maltby as Bishop of Durham contained words which illustrated suspicion at the manner of his elevation:

"It was not necessary for them to consider the influence by which he had been elevated to his present situation, they were simply to regard him as the head of the Church in this district". (9)

However, such words were spoken by Liddell, Chairman of the Durham Conservative Association, who would, no doubt, be less than

enthusiastic at the arrival of a Whig bishop.

Perhaps owing to his hasty appearance in the House of Lords and the feeling that he was too heavily disposed to liberalism, Maltby was far from popular amongst other bishops. Along with Bishop Bathurst of Norwich, he was the only bishop to vote in favour of the Reform Bill at its first reading in the House of Lords.<sup>(10)</sup> The penalty for holding such political views ensured that the bishops "looked on him as a Black Swan",<sup>(11)</sup> and occasionally "intimated in their places in Parliament and in the hearing of the Right Reverend Prelate himself that they consider him a wolf in sheep's clothing."<sup>(12)</sup> This unpopularity was echoed by Maltby's old headmaster at Norwich Grammar School who wrote that "whilst his literary character is illustrious and his conduct in private life quite irreproachable, he is not looked upon with a favourable eye by some of our prelates."<sup>(13)</sup> All his qualities were "insufficient to expiate the guilt of his attachment to public men whom you and I honour and to public principles which we hold sincerely and avow fearlessly."<sup>(14)</sup>

As the "first liberal Bishop of Durham",<sup>(15)</sup> Maltby caused William Beckwith to fear that the appointment would create difficulties in managing the Durham Liberals. Beckwith stated that during Van Mildert's administration, the Tories had been "united and well organised",<sup>(16)</sup> whilst the failings of the liberal representative (Sir H. Williamson), had ensured the weakness of the Liberals. The arrival of Maltby reduced the chances of presenting a "professed Tory"<sup>(17)</sup> in for the county, so Beckwith feared that an alliance between the Tories and the "Durham Doctrinaires"<sup>(18)</sup> would emerge. Such an alliance, he stressed, was already in formation "especially on the Grand Jury at the late Assizes.

On that occasion they acted in complete and perfect accordance in favour of the unreformed Durham University".<sup>(19)</sup>

Maltby was not totally lacking in support. John Fawcett in proposing his health expressed "a feeling of great satisfaction to know that he (Maltby) was a person of decidedly liberal sentiments".<sup>(20)</sup> Moreover, the address delivered to Maltby on his arrival at Auckland Castle, August 8 1836, revealed a similar gratification:

We rejoice that we behold in your Lordship, the firm and consistent advocate of free and equal Government, the steady supporter of enlightened and comprehensive views of civil and religious polity; and we hail your Lordship's elevation to the Episcopate of this important See (21)

On the few occasions when Maltby did speak on political matters, he was seen as a man who did not interfere "with the free exercise of the rights of those connected with him".<sup>(22)</sup>

Maltby's liberalism was "not confined to political questions; it is equally extended to all matters connected with the Church herself".<sup>(23)</sup> W.B. Fordyce reported on Maltby's sense of toleration which was a generally recognisable feature:

To the Christian Protestant sects which, though dissenting from the Anglican Church..Bishop Maltby has ever shown kindness and brotherly feeling.. he has been a liberal donor to their funds for religious purposes; and towards the whole dissenting body (24)

Maltby was unafraid of acting in accordance with his beliefs and created in others the attitude that he was perhaps too liberal in his religious opinions and practices. His comment in his Charge of 1837 that he was "no more disposed to exonerate Catholics than Protestants, if they are found, at any time

to forget the lessons of meekness and brotherly love", (25) received severe criticism from a correspondent to the Durham Advertiser. The critic announced that the Bishop spoke as if he was unaware of the various horrors of Catholicism as practised in Ireland. Maltby's error lay in "regarding Popery or Romanism merely as a different modification of the Christian Church from our own, instead of the most artful device of Satan". (26)

Apparently Maltby continued to offend certain people by his liberal gestures for in 1838 he created a stir by subscribing to a volume of sermons published by William Turner, a Unitarian minister. The Reverend Charles Thorp, Archdeacon of Durham, was extremely concerned at such an action and wrote to inform Maltby of his displeasure:

I need not say, my Lordship, how  
deeply I am grieved by the circum-  
stances (27)

namely, that, as a result of Maltby's subscription, various criticisms had appeared in the St. James Chronicle condemning the Bishop which had naturally aroused the attention of the clergy of the Archdeaconry. The feeling was that Maltby had overstepped the mark with his liberalism and that abstention from subscription should have been adopted for the sake of his diocese. In his book, Religion in the Victorian Era, L.E. Elliott-Binns illustrated this view:

Maltby of Durham went so far as to  
give a donation to a Unitarian  
Chapel in his diocese and to  
subscribe to a volume of sermons  
by a Unitarian minister. But  
such a course, one imagines  
was not common (28)

Maltby's action appeared to be equally unpopular with the public. The Times reported that an effigy of Maltby bearing a volume

entitled Turner's Sermons was paraded through Bishop Auckland and finally, publicly burnt in the market place:

The Bishop was dressed in his  
canonicals, bearing a torch in  
his hand and having the inscrip-  
tion of Unitarian Bishop. (29)

Such a strong reaction was perhaps slightly unexpected, considering that Van Mildert's lack of liberality, especially his opposition to the Reform Bill, had led to him being "grossly insulted in the streets of Durham".<sup>(30)</sup> One might have imagined that the arrival of a bishop with decidedly different opinions and politics would not have been treated in such an intolerant manner. However, if the spiritual needs of the diocese were as great as Maltby had stated in his Primary Charge then, perhaps, the public reaction was a demand that the precious revenues of the see ought to be saved for the Established Church.

Maltby's controversial subscription may have led to the questioning of his orthodoxy in some quarters, but others showed more faith:

What danger can there be of heter-  
odoxy in one who has been regularly  
ordained a bishop? (31)

The Durham Chronicle was most sarcastic about the whole Turner affair, and spoke of Maltby as being "gully of the horrible sin of subscribing to a volume written by a clergyman of another sect".<sup>(32)</sup> The Chronicle emphasised that the Tories had been anxious to charge Maltby "with every heresy which ingenuity can invent or malice impute",<sup>(33)</sup> purely because "he professes Liberal politics",<sup>(34)</sup> and had the nerve to be a "whig and a reformer".<sup>(35)</sup> In 1806, Bishop Barrington of Durham had subscribed to a volume of sermons belonging to a Unitarian, the Reverend Samuel Girle. On that occasion, no such

charge was brought against Barrington's orthodoxy, but then, he was a Tory. Maltby's liberalism may have made him a welcome choice as a bishop with the Whigs but it cost him his popularity with his fellow prelates, and certain members of the public.

The opinion that Maltby had only received the Bishopric of Chichester followed by Durham due to his Whiggery rather than his episcopal qualities was a theory which Maltby was no doubt anxious to disprove. To do so he needed to demonstrate his ability to manage a diocese efficiently, from a financial point of view and a religious one. On the financial side, Maltby had both critics and admirers. The former believed that he had miserably failed in his task and was even rather unscrupulous over money, whilst the latter proclaimed him to be an everlastingly generous man, always giving assistance when and where he could.

In 1847, a correspondent wrote to The Times stating categorically that Maltby was the recipient of an income, at least double, if not treble, the sum of £8,000 stipulated by the Ecclesiastical Commissioners in 1836. Such a point re-emerged in the debate on the Retirement Bill in 1856 when various members alluded to the rather substantial revenues that had marched on the path to Maltby. Gladstone, for example, expressed his amazement that Maltby should have the audacity "to ask for an allowance based upon that doubled income."<sup>(36)</sup> He was in unison with Lord Robert Cecil (Stamford), Sir H. Willoughby (Evesham), E. Cardwell (Oxford) and J.A. Roebuck (Sheffield) in the opinion that "in estimating the pension of the Bishop of Durham",<sup>(37)</sup> Parliament ought to consider the £8,000 he should have received "and not make a calculation on the basis of emoluments which

accidentally resulted from the faulty provisions of the Act of 1836".<sup>(38)</sup> Table 1 reveals Maltby's average annual income for the period 1837-1843.

Table 1

Average annual income of the Bishop of Durham (Gross and Net.) for the seven years, 1837-1843.

YEAR	GROSS INCOME	NET INCOME
1837	£19,577 13s 10d	£5,937 16s 7d
1838	£28,576 3s 5d	£14,529 14s 10d
1839	£23,745 4s ---	£10,005 17s 5d
1840	£29,806 12s 1d	£14,655 4s 5d
1841	£37,161 16s 2d	£21,667 17s 2d
1842	£23,346 8s 3d	£8,964 2s 4d
1843	£22,416 --- 2d	£6,791 16s 4d
		<u>£82,552 9s 1d</u>

Average annual income for seven years=£11,793 4s 2d.

In the face of such statistics, the correspondent found that he was at a loss "to explain the reasons why the deductions from the gross receipts...fluctuate in amount so much in different years and apparently without reference to the sum received in each year under the head of gross revenue".<sup>(39)</sup> He stated that the return was presented in "a curt and arbitrary shape, without a scrap of information to guide us to an explanation of this anomaly".<sup>(40)</sup> But, one thing was blatantly clear to the correspondent, and that was the fact that Maltby had received a vastly greater income than had been stipulated in 1836. The reason for this discrepancy appeared to be the result of a badly framed bill coupled with the extensive mineral wealth of Durham. In the 1856 discussion on the Retirement Bill, Roebuck declared that Maltby was to "pay a certain sum of money"<sup>(41)</sup> to the Ecclesiastical Commissioners and thereafter "receive all the proceeds of the estates".<sup>(42)</sup> The salary in 1836 was "estimated upon the average receipts of the diocese, taken for a period of

seven years before the acceptance of the see."<sup>(43)</sup> But, wrote The Times correspondent, the commission had failed to take the mineral property and coal supplies of the see into consideration when calculating "the value of the bishopric under the new system."<sup>(44)</sup> Because of this failure, Maltby had the entire mineral wealth at his disposal, which ensured that his revenue was substantially larger than £8,000. Such a flaw, wrote the correspondent, illustrated "the marvellous adaptation of the machinery of the Ecclesiastical Commission for making a bad bargain."<sup>(45)</sup> (See chapter: "MALTBY'S RETIREMENT" section D.)

Whereas, it was not the general opinion that Maltby was some form of mercenary thief, there was certainly the belief that he had failed his diocese in some way. The original fault may have lain with the commission, but no one could see Maltby hastily attempting to correct it. R.A. Solaway in his book, Prelates and People, believed Maltby had never had the intention of using the surplus to alleviate poverty.

A few inregenerate laissez-faire Whigs like Maltby, were suspicious of the whole trend to try and legislate away social misery. (46)

The general opinion may not have been so strong, but Maltby certainly could have managed the finances of the see more efficiently than he did. E. Horsman (Cockermouth) and the 1847 Times correspondent argued that Maltby had no right to the Church land and that all sale proceeds should become the nucleus of a public fund instead of boosting his personal income. Had the surplus been put into a fund, then, it was argued, there would "have been accumulated capital, the interest of which added to the original value of the living, would have yielded a very ample amount in perpetuity to the benefice."<sup>(47)</sup>

The system under operation, the one which Maltby should have improved, was based on the immediate production of the dioceses's resources, the proceeds of which (or a large amount) went to Maltby and the Dean and Chapter. The wealth of the Church depended upon the mineral resources of the county and such gifts should have been managed efficiently and cautiously to guard against their possible exhaustion. Horsman declared that the system at present was "one perpetual scramble of busy, incessant, rapacious, active digging"<sup>(48)</sup> and one which could create hardship for the diocese in years to come. To ensure that all successive Bishops also benefitted from the mineral resources, Horsman argued that the administration of the revenues derived from minerals must be reformed. The correspondent to The Times presented an example which he believed illustrated "the iniquity of the system."<sup>(49)</sup> A noble coalowner in the district possessed the "lease of a large track of coal under the Dean and Chapter at a mere nominal charge per chaldron according to the quantity worked each year."<sup>(50)</sup> The time had arrived for the renewal of the lease, but instead of establishing a fair annual rent on the amount of coal produced, "the small charge was continued on the quantity worked and a bonus required on the renewal of the lease."<sup>(51)</sup> The coalowner had to produce £50,000 in cash, all of which was presented to the Dean and Chapter. The correspondent's reasons for disgust was that, in effect, the Dean and Chapter was requesting an outright sale which meant immediate and vast gain for them, leaving nothing for their successors. The coalowner would unquestionably toil all hours to exhaust the coal supply before the impending renewal of the lease and hence, that mineral would be forever lost to the Church of England.

50, 000L from one individual for one lease! Such facts defy comment. (52)

Horsman felt that such a system of "spoliation and waste"<sup>(53)</sup> had been a feature of Durham diocese for too long, and whereas Maltby may not have been the sole recipient, he certainly benefited. This, it was believed, was why he allowed the persistence of such a system. "And who was to interfere? Certainly not the Bishop of the diocese"<sup>(54)</sup> as although a rector may obtain a few hundred pounds extra, "thousands found their way into the episcopal coffers; and the Bishop...received in one year no less than £21,000."<sup>(55)</sup>

The correspondent denounced "the system as a spoliation of the Church itself"<sup>(56)</sup> as he believed it stole "what ought to be the permanent property of the Church as an institution to the emolument of those who are only its transient servants."<sup>(57)</sup> The Dean and Chapter possessed a great deal of power over their colliery leases. Londonderry, for example, had to produce £100,000 for three renewals as well as a capital investment. The Chapter was able to dictate all terms and negotiations over leases and were the largest coal owners in Durham, rivalled only by the bishopric. Leases tended to run for twenty-one years, renewable at the end of every seven. It was customary that "a rent, usually nominal was reserved, and a fine, from which the censor's revenue, in fact, came, was payable at each time of renewal."<sup>(58)</sup>

In circumstances such as these, Maltby was portrayed as a man more concerned with the acquisition of vast supplies of wealth which he would annually use to boost his salary. Furthermore, he was seen as putting the sound financial organisation of his diocese a poor second to his own personal gain, and perhaps as unconcerned

about the prospective welfare of his successors. Such opinions may also have existed in the minds of the 6,000 parishioners of Sunderland who signed the petition requesting a more equal distribution of income within the diocese. Although the petitioners "did not wish to express any distrust of their patron",<sup>(59)</sup> they would feel more confident in an enquiry, if there was to be one, if it was "done under the authority of Parliament than under that of the patron and his present advisers."<sup>(60)</sup> Such a preference showed a clear distrust and perhaps, disillusionment. The petition presented by Horsman in March 1848, complained that "the religious teaching"<sup>(61)</sup> for which Durham's revenues were intended "was withheld"<sup>(62)</sup> and begged that the correction of such an injustice to be immediate. The income of the neighbouring Bishopwearmouth was very large, some £5,000, whilst Sunderland "was composed of the poorest and most wretched inhabitants, to whom religious teaching and superintendence were most necessary."<sup>(63)</sup> Maltby had failed his diocese by omitting to assist in the subtraction of a portion of Bishopwearmouth's revenues for the benefit of Sunderland's "general parochial purposes."<sup>(64)</sup> As members of the Established Church, the parishioners of Sunderland rightly felt entitled to "the blessings of its teaching and its community."<sup>(65)</sup> As it happened, Maltby had reduced the income of the rector of Bishopwearmouth from £3,800 to £2,000, but it was objected that he had not stated "the mode in which he intended to apply them."<sup>(66)</sup> Even Russell, who referred to Maltby as his "Right Reverend Friend"<sup>(67)</sup> was unaware of his motives; it was "not a subject upon which I can pronounce any opinion."<sup>(68)</sup>

Maltby's ability to manage his diocese financially is not completely clear as although one branch of opinion regarded him as

a rather underhand and, perhaps, even greedy Prelate, there were plenty of people who bore testimony to the opposite opinion. It was irrefutable that Maltby received a revenue that was greatly higher than £8,000; Parliamentary documents provide the necessary evidence (See Table 1). But it did not automatically prove that Maltby allowed his diocese to suffer so that he could gain. Several witnesses to his generosity declared that the vast portions of his income was spent on the needs of the diocese. Although a Quaker, Mewburn, expressed surprise that Maltby should have been attacked for retaining the surplus revenue after 1836. After the initial examination of the value of the see which had estimated that £8,000 was a fair income, "a great speculation arose in coal royalties."<sup>(69)</sup> The price on coal was high and many leases were due to be renewed, yet it was implied that Maltby "should have changed sides ... so that the Commission should have the better of the bargain!"<sup>(70)</sup>

Maltby had accepted the see of Durham even though £13,000 of the previous £21,000 income was to be given to the Ecclesiastical Commissioners,<sup>(71)</sup> contrary to Arthur Trevor's belief that no one would accept the see on such conditions.<sup>(72)</sup> Without the money from the mineral resources, argued Sir Charles Wood, Chancellor of Exchequer, he would never have been able to financially help the diocese to the extent that many claimed he had. Russell declared that Maltby always acted "with the greatest generosity and liberality."<sup>(73)</sup> T.E. Headlam, M.P. for Newcastle, and Durham's M.P., R.J. Mowbray, both reported that they could "bear testimony to the liberality of the Bishop of Durham's charitable donations in his diocese."<sup>(74)</sup> Mowbray spoke "of the munificent uses to which that income had been applied."<sup>(75)</sup> Rec-

eiving such support from two M.P.'s of the area (men who would surely have been any too quick to condemn if they felt Maltby was misusing the resources) was strong evidence in favour of his generosity. Lord H. Vane further noted that Maltby had "contributed liberally in the case of small livings and had even employed curates at his own expense."<sup>(76)</sup> Nor, it was stated, were Maltby's gifts confined to areas of religion alone. On his retirement, the University of Durham's Warden declared that "especial gratitude is due for your liberal benefactions to prizes and scholarships and lastly for the generous donation of your valuable library."<sup>(77)</sup> Mewburn claimed that once all the payments on repairs, churches, schools and curates had been made, Maltby's income on average was only £7,176; a sum which in the mid 19th century was still very large, but it nevertheless reveals that Maltby did not desert his diocese as others believed. Not only did he use his income to help alleviate the need for spiritual aspects, but the Chancellor of the Exchequer (C.Wood) pointed to the £2,000 extra per annum that Maltby voluntarily presented to the Commission.

William Fordyce pointed out that Maltby was ready to admit, in 1846, that coal trade had improved, therefore, "I do not think that I ought to object to the prospective charge of £13,200 upon the see."<sup>(78)</sup>

Thus, Maltby appeared to have two opposing faces. The first was one that revealed a prelate who shrewdly accumulated an income to which he was not entitled and did nothing to improve the management of financial resources. The second unveiled the generous Bishop who used a large portion of his revenue to help the needy under his charge, and who of his own free will, presented the Commission with an extra gift of £2,000 per annum.

The difference of opinion that resided over Maltby's capabilities to manage financially was also present in attitude towards his sense of duty as a bishop. One side regarded him as either being ignorant of what was required of him as Durham's Prelate, or else simply rebellious. The other opinion was one that held him to be a remarkably honorable man, obsessed with the sound execution of his job.

Maltby's actions as Bishop of Durham did not always receive unanimous support or praise. Lord Londonderry certainly perceived that there existed within the man, a somewhat misguided sense of duty. As a result of an imminent ordination ceremony, Maltby had refused to attend the Queen's visit to Durham. His duty, he declared, was to prepare for the work involved in the ordaining of God's next generation of servants. Londonderry, judging from his reaction, believed Maltby was gravely mistaken in thinking that a mere ordination ceremony was of more significance than a rare visit from the Queen. He wrote to Maltby emphasising that it would be "no great compliment to Her Majesty, that the Head of the Church in our county would not come a few miles."<sup>(79)</sup> Maltby had refused to be moved and succeeded in awarding Londonderry the impression that perhaps the Bishop needed to be informed of what his true duty was. Such a duty did not involve rejecting the Queen in order to attend to an ordination service, which, after all, happened fairly regularly. It had been noticed earlier that Maltby was perhaps not as enamoured of Royalty as he should have been. At Queen Victoria's coronation, Maltby was, at one time, in charge of the orb. His performance and contribution to the ceremony, however, far from impressed the Queen herself who stated that "he was remarkably maladroit and never could tell me what was

to take place."<sup>(80)</sup> Maltby had succeeded in presenting her with the orb at the wrong moment and when the Archbishop of Canterbury handed it to her at the right time, the Queen noted that Maltby had "disappeared."<sup>(81)</sup>

Maltby's apparent lack of interest in the Royal Family, even in a Queen of notorious Whig sympathies, at least at her accession, obviously irritated and bemused some (such as Londonderry). But it was not the only aspect of his performance as Durham's Prelate that was disagreeable. Reverend M. Plummer of Heworth Parish condemned him for his hastiness in assuming a certain anonymous letter to be true. The incident occurred in 1850 after Maltby had received the said correspondence, which had claimed that Heworth Churches' galleries and doors were locked during Divine service. Such a fault, the writer claimed, prevented at least twelve people from entering the building and partaking in the service of God. Maltby had assumed the letter to be true and had, therefore, written to Plummer expressing his deep disapproval and demanding immediate correction. However, it transpired that only the western door of the church was locked so as to prevent boys playing in the belfry during the service. Furthermore, the charges against Plummer had been delivered by two men, Clark and Chapman, who were nothing short of being severe nuisances. Clark did not even live in the Parish, yet had complained about the quality of service whilst both men had divided the collection money amongst themselves. Other crimes included the refusal to pay the fee for copying parish registers and the church rate. They had also had the audacity to confiscate the candlesticks and pull down the stone table. "Such," wrote Plummer to Maltby "are the men who are now coming forward to

accuse me." (82) Yet Plummer was dismayed that Maltby had failed to decipher the sordidness of the characters of the men who had accused Plummer. Maltby, he believed, should have discovered for himself, the true state of affairs, but "Your Lordship... has visited them with no rebuke." (83) Maltby had even "received a petition from them...you issued a monition, which, if legal, would have placed the church ...completely at their mercy." (84) Plummer could not understand "why you should join a set of brawling agitators in their ungodly work." (85) Such willingness indicated "how ready you were to receive accusations against the clergy of this parish." (86) (see Appendix 6)

Plummer was clearly of the opinion that had Maltby only acquainted himself with the facts of the case, such a situation in the parish would have been avoided. Maltby, by his carelessness had put Heworth church in a potentially dangerous situation. But, Maltby had not always been accused of a lack of effort with regard to work in his diocese. Mr. Laycock, at a public dinner in Durham in 1843 had spoken of the incident of Maltby and the blacksmith. The Bishop had read a pamphlet entitled "Christianity No Priestcraft", and was so impressed that he had sought the author out personally. The result was, that owing to Maltby's personal intervention, the author, by the name of Blythe Hurst, was ordained a minister of the Church. Laycock praised Maltby's efforts in securing such an appointment which would be of great use and benefit to the Church. It was, he said, "seldom that we meet with such an extraordinary instance of unwearied constancy and devotion." (87) as Blythe Hurst had shown. Yet despite the adverse conditions under which the blacksmith had worked, Maltby had discovered and ordained such a dedicated servant. Here, therefore, was an instance which

contradicted Plummer's feelings that Maltby directed all his business from his castle and by means of several advisers without participating personally. Maltby had written to Hurst, met with him and arranged his ordination; such facts could only allude to his willingness to involve himself as much as possible in his diocese.

Maltby may have been a dedicated Prelate who lived in the hope that he could improve spiritual welfare, but whether or not he performed his tasks in the correct manner was somewhat debateable. Horsman, in his motion for enquiry into the living of Bishopwearmouth, insinuated that Maltby had abused the patronage of the see. On the vacancy of Bishopwearmouth, Maltby had presented Eden, formerly rector of Bishop Auckland, to the living. Part of Horsman's reason for complaint was the manner in which Maltby had thereby presented his own nephew to the charge of Bishop Auckland, one of the richest parishes in the diocese. Not only had Maltby used his patronage for the benefit of his own family, but he had appeared to have framed some form of bargain with Eden. The arrangement seemed to rest on a condition that Maltby would present the living of Bishopwearmouth to Eden so long as he "gave up his title to a certain portion of the temporalities."<sup>(88)</sup> Such a condition was not legal as although the Bishop possessed "the right to present any one whom he pleased,"<sup>(89)</sup> he had no legal entitlement to retain a portion of the temporalities. Horsman declared that "with the patronage, the temporalities necessarily went."<sup>(90)</sup> It was believed that Maltby by his actions had insinuated "that the patronage of the Church was not a public trust ... but might be used to gratify the private wishes and feelings of the individual patron."<sup>(91)</sup> The property was not

Maltby's personal possession and, therefore, it was regarded an act of violation that he should treat it as such. As a public patron, he could neither "alienate or sell his right."<sup>(92)</sup> Horsman, whilst not wishing to openly attack Maltby, managed with perfect ease to insinuate his guilt by stating that for "much of the deficiencies which existed in our ecclesiastical system, our ecclesiastical rulers were mainly responsible."<sup>(93)</sup> Abuse of patronage was "a case of direct simony."<sup>(94)</sup>

The accusation of simony was not confined to that incident alone. The debate in Parliament on the 1856 Retirement Bill, specifically for Blomfield (Bishop of London) and Maltby, delivered a similar charge of simony. It was implied that both Prelates had met with the government, put their holy heads together and arranged a bargain whereby the sees were resigned in return for large pensions. If such a bargain existed, then it was argued, both men had been the guilty participants of a simoniacal contract.

So, there emerged a belief that Maltby misused his patronage and had too small a sense of honour to prevent him from attempting to destroy the barriers of ecclesiastical law that restrained other Prelates. As the Bishop of Durham and as a public patron, Maltby was "vested with a public trust"<sup>(95)</sup> and, therefore, possessed "a solemn and sacred responsibility."<sup>(96)</sup> Such a duty, no bishop ought to violate, yet there was clearly the opinion that he had done just that.

Whilst Horsman and several members of Parliament (for example, Gladstone, Bishop Phillpotts of Exeter, Sir James Graham) held the attitude that Maltby lacked the necessary sense of honour and duty to make him a good bishop, others defended his character. Russell declared that Maltby had always behaved "with a due regard

to that heavy and high responsibility to which he is subject as a Bishop of the established Church."<sup>(97)</sup> Peel, too, stressed that "such was the confidence he reposed in the judgement and impartiality"<sup>(98)</sup> of Maltby, that he had "placed that patronage, so far as the see of Durham was concerned, at his disposal."<sup>(99)</sup> Such confidence in Maltby, Peel declared "had not, in any respect been disappointed."<sup>(100)</sup> James Grant, in his Recollections of the House of Lords, spoke of how, in the face of the other bishops' hostility, Maltby would inform them "in plain terms that, equally regardless of their smiles or their frowns, he will quietly pursue what appears to him, the path of duty."<sup>(101)</sup>

The difference of opinion that was inherent in the majority of the aspects of Maltby's character was completely invisible in one area. Such an area was the breadth and soundness of his education. Maltby's old headmaster at Norwich Grammar School, Samuel Parr, referred to him as one of the "best informed theologians in England."<sup>(102)</sup> Russell had known him "as a scholar, devoted entirely to the pursuits of learning, not entering much into any other concerns, but those of learning."<sup>(103)</sup> In his book, Oxford Apostles, G. Faber spoke of how Maltby had taught the seventeen-year-old Pusey. Under Maltby's tuition, Pusey "was able to read to his heart's content"<sup>(104)</sup> and Maltby added "a finer edge to his scholarship."<sup>(105)</sup>

As a bishop, Maltby was something of an outcast. He possessed liberal views in both politics and religion, which made him disagreeable to the majority of bishops and the Tories. He had appeared to portray an individualistic treatment of the diocese, which was condemned by some, yet his sense of honour and devotion was praised by others. He may not have been considered "an eff-

ective speaker"<sup>(106)</sup> but "what he says is to the point,"<sup>(107)</sup> while his excellent education meant that his assistance with the University of Durham gave the institution "many advantages."<sup>(108)</sup> Furthermore, as a man, he was highly respected as an honest and honourable citizen. The Durham Chronicle described him as "so good and just a man"<sup>(109)</sup> whilst John Buddle, agent in North East coal trade, "found him a most accessible and agreeable man."<sup>(110)</sup>

## NOTES

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- 82 Rev. M. Plummer: A letter to the Lord Bishop of Durham, in reference to the Late Proceedings in the Parish of Heworth,  
(Newcastle 1852), p.16.
- 83 ibid.
- 84 ibid.
- 85 ibid.
- 86 ibid., p.14.
- 87 The Times, 23rd February, 1843, p.6, col.3.
- 88 Hansard ... vol.103, col.1037.
- 89 ibid.
- 90 ibid.
- 91 ibid., col.1038.
- 92 ibid., col.1040.
- 93 ibid., col.1037.

- 94 ibid.
- 95 ibid., col.1041.
- 96 ibid.
- 97 ibid., col.1050.
- 98 ibid., col.1055.
- 99 ibid.
- 100 ibid.
- 101 Grant: Random Recollections of the House of Lords 1830-36,  
pp.401-3.
- 102 E.A. Harbourn: Maltby and his Library, (Durham 1977), p.5
- 103 Hansard ... vol. 103, col.1050.
- 104 G. Faber: Oxford Apostles, (London 1074), p.128.
- 105 ibid.
- 106 Grant: Random Recollections of the House of Lords 1830-36,  
pp.401-3.
- 107 ibid.
- 108 The Times, 31st October, 1856, p.10, col.2.
- 109 Durham Chronicle, 19th May, 1843, p.2, col.7.
- 110 Hiskey: John Buddle 1773-1843, p.49.

I feel convinced that, whatever be the issue of this debate, or whatever the final fate of this bill, great evil and great scandal will be inflicted upon the Church. (1)

Gladstone's morbid words illustrated the opposition that sprung up against the proposed bill for allowing the Bishops of London and Durham to retire. Anglican bishops were a breed of men who were expected to cling on to their episcopal sees until death alone released them of their duties. For example, Bishop Hoadly was still moving from one Bishopric to another until he died at eighty-five as Bishop of Winchester<sup>(2)</sup> and had persisted despite bearing a physical handicap. The Bishop of Norwich, Bathurst, was an even more ludicrous example, and despite being eighty-seven years old, he was presented with the opportunity of becoming the Archbishop of Dublin, a post which he "refused with courtesy"<sup>(3)</sup> especially as he was "incapable of performing the duty of the diocese of Norwich."<sup>(4)</sup>

Maltby and the Bishop of London, Blomfield, were obviously unwilling to attempt to pursue their duties in the face of old age. Parliamentary Papers stated that both Prelates "have severally represented to Her Majesty their inability, from the state of health, to discharge the duties of their office, and their desire on that account to vacate their sees."<sup>(5)</sup> Maltby, at seventy-nine, was "nearly blind, and quite unable to discharge the duties of his bishopric"<sup>(6)</sup> whilst Blomfield had suffered a severe stroke in the autumn of 1855. "The Government then had to consider what steps could be taken to comply with their request,<sup>(7)</sup> and decided that for the present, a bill referring to Maltby and Blomfield alone, provided the most satisfactory solution. The dioceses of

London and Durham were held to have duties attached to them which were "more numerous and important"<sup>(8)</sup> than other bishoprics; therefore even if they had presented a General Bill, Durham and London would still have to be dealt with separately.

The bill met with strong opposition as newspapers and members of Parliament attacked the measure as unlawful in the eyes of the Church, and declared the proposed pensions of £6000p.a for Blomfield, and £4,500p.a for Maltby as unscrupulously large. The bill was presented before the house of Lords on July 10 1856, was concluded on July 24 and became law. The retirement allowances were to be taken out of the normal revenues of the two sees, (normal revenue of London diocese was £18,000p.a and was reputed to be between £14,000 and £16,000 for Durham). Thus £6,000 was to be subtracted from £18,000, leaving a surplus of £12,000, whilst £4,500 would be taken from Durham's ample income, leaving the total surplus from both sees at around £21,500-£23,500, which would be presented to the Ecclesiastical Commissioners.

The main points of discussion in the debates in Parliament were the wisdom in introducing such a serious measure so late in the session and the right to be able to restrict the bill to two bishops. The question of whether or not a bargain between the two men and the Government had been framed arose, as did the morality of awarding such large pensions.

A. Immediate Action or Postponement.

On the presentation of the bill, the Lord Chancellor (Lord Cranworth) was faced with severe criticism of the timing of its introduction. Many members were displeased that a bill which demanded "considerate attention"<sup>(1)</sup> should be announced so near to the conclusion of the

Parliamentary session. The Chairman of Committees, Lord Redesdale, believed that the bill demanded careful thought, and needed to "be maturely considered"<sup>(2)</sup> and desired time to discuss the matter with other members as it undoubtably was "a subject of so much importance."<sup>(3)</sup> Sir James Graham (Carlisle) and Gladstone also emphasised the need for careful examination of the proposed measure, and the fact that they did not possess the necessary time in that session to do so. Bishop Phillpotts of Exeter was amazed that "the bill was brought in on one night when scarcely a single peer was present",<sup>(4)</sup> and was adamant that the episcopal bench required extra time to consider "a matter so intimately connected with the interests of the Church."<sup>(5)</sup> Viscount Dungannon, the Earl of Powis and the Duke of Richmond united in the belief that the session was too close to its end. As so many lords and prelates were absent, they held that it would be a far wiser course of action to postpone the measure until the following session when, with time and deliberation, they would consider it. In the House of Commons, J. Henley, (Oxfordshire) was anxious to point out that as not all members had even seen the proposed bill, it would only be sensible "to defer the second reading of this bill."<sup>(6)</sup> It was believed that delaying the reading of the bill was indeed a considerably less evil than hurriedly acting upon "a faulty principle."<sup>(7)</sup>

Members of both Houses of Parliament argued that postponing the bill until they had had more time to investigate all its possible consequences would cause no hardship to the two dioceses concerned nor to the two men involved. Bishop Phillpotts announced that there existed no necessity for passing the bill before the conclusion of the present session because, "the season

during which the bishops had active duties- such as confirmations- was the earlier part of the year".<sup>(8)</sup> The duties for the latter part of the year could be "performed by commission".<sup>(9)</sup> The Earl of Shaftesbury was appalled at such a statement coming from a bishop, which, he said, implied that bishops "received large salaries and did nothing".<sup>(10)</sup> To argue in such a way would present "a stronger argument against the continuance of bishops than anything which could be urged by the most violent anti-state- Church partisan in the country".<sup>(11)</sup> After all, he asked, "is it nothing to have the spiritual charge of more than two million people?"<sup>(12)</sup> The Earl of Derby spoke in Phillpotts' defence, insisting that the Bishop of Exeter had merely meant that the "inconvenience would be least felt at the present, inasmuch as the active duties are over".<sup>(13)</sup> Although he agreed with the principle of the bill, he also agreed with Phillpotts that at the present time of year, (July), the inconvenience of postponing the bill would be considerably less than the possible evil of legislating without due thought. The Earl of Wicklow had originally been of the opinion that the dioceses did need immediate relief, but had since "had the authority of the Bishop of Durham that his diocese had not suffered in the least from his absence",<sup>(14)</sup> so he could no longer accept "that there was any great urgency in this case".<sup>(15)</sup> Both Sir James Graham and the Earl of Powis had stated that Maltby was receiving assistance from the Bishop of Manchester, and therefore was managing satisfactorily for the time being.

However, the idea that the dioceses of London and Durham would not suffer in the least by the postponement of the Retirement Bill was far from being the general opinion. The Earl of Harrowby declared that the importance of the said sees was so vast that

delay could be disastrous, thus, "they ought not for a moment to be left without episcopal superintendence."<sup>(16)</sup> As the bishops had willingly admitted their infirmities, "he thought no time ought to be lost in providing their successors."<sup>(17)</sup> In order to emphasise the urgency for immediate action, Harrowby made an analogy with a commander-in-chief, stating that even if the principle of retirement was unpopular, it was necessary "for the good of the country."<sup>(18)</sup> If necessary for secular matters, therefore, "how much more so it ought to hold in ecclesiastical affairs?"<sup>(19)</sup> The Earl of Chichester pointed out that Maltby and Blomfield had come forward and admitted their infirmities of their own accord, so would it be fair "to leave the Church in the important dioceses of London and Durham, under the care of Prelates who had themselves owned that they were unfit to hold those two important posts?"<sup>(20)</sup> He was convinced that the delay could create a very "great danger"<sup>(21)</sup> to both dioceses. Moreover, the Duke of Cleveland believed that once bishops, due to illness or old age, could no longer adequately perform the functions of their job, "they ought to be able to retire"<sup>(22)</sup> without delay. Mr. Cardwell (Oxford), felt that the first object should be to ensure that "two of the most populous and important dioceses of the Kingdom should not be left without that spiritual superintendence which the law and the constitution of the Church demanded."<sup>(23)</sup> To reject the bill would be to imply that a bishop's duties were neither essential nor numerous, an idea that was such nonsense that Mr. Monkton Milnes (Pontefract) "would not stay to argue."<sup>(24)</sup>

Besides the argument that it would be disastrous to leave such vital sees without effectual spiritual guidance, it was also announced by several members of both Houses that to delay the passage of the bill would be an unnecessary cruelty to both Maltby

and Blomfield. The Lord Chancellor regarded the bill as an act of humanity to release both bishops from duties which they could no longer execute. The Archbishop of Canterbury declared that "the most important and the most anxious duties of a bishop were those which could not be delegated to anyone else".<sup>(25)</sup> It would be a source of great misery to the prelates, to be conscious that they were "accountable for duties without the power of performing them".<sup>(26)</sup> It was only fair that, after having announced their inequalities, they should be permitted to resign their sees.

It was, therefore, stressed with urgency that the postponement of the bill would be a misguided decision in terms of the needs of the dioceses and the Prelates, "their Lordships owed it to those distinguished Prelates to pass the measure as speedily as possible".<sup>(27)</sup> If so, it was asked, why had the bill not been introduced at an earlier point in the session? The Earl of Derby spoke of how the government had been aware of the fact that Maltby had wanted to resign since the previous November, yet had filed the matter away until it had been raised some seven months later. Lord Robert Cecil was also surprised that, if the dioceses were in such desperate need of help, nothing had been done earlier, especially as both bishops had expressed a desire to vacate their sees the previous year. It was, he stated, very inefficient of the Government to "allow the evil to go on until it had reached an intolerable pitch",<sup>(28)</sup> and then at the end of the session "insist that the House should pass any measure, however pernicious in principle or careless in the manner of its construction".<sup>(29)</sup> Sir George Grey, the Home Secretary, somewhat weakly argued that it took time to frame a bill, but thought "that we should be neglecting our duty if on the ground of time alone, we were to refuse to

entertain this question".<sup>(30)</sup>

B. "An Act of Exclusion"<sup>(1)</sup>

The 1856 Retirement Bill did not legislate for all of the nation's bishops; it was a measure designed to afford immediate relief to Blomfield and Maltby alone, and ensure that the two dioceses of London and Durham were properly supervised. The introduction of a bill relating to only two prelates attracted strong opposition, and was even hailed as "one of the worst measures ever laid before parliament because it singled out two individuals".<sup>(2)</sup> It was argued, that it was unwise to deal "exceptionally and with individual cases where they should deal generally and upon broad principles".<sup>(3)</sup>

The idea of retirement for infirm and aged bishops may have been acceptable, but surely a bill applicable to all bishops was the only true justice? Sir James Graham declared that "it is notorious that the Archbishop of York has sustained a most serious and heavy calamity- that he has been struck with paralysis".<sup>(4)</sup> Furthermore, the Bishop of Norwich also was unable "to discharge the duties of the episcopate",<sup>(5)</sup> and so "would gladly avail himself of the advantages of a measure such as present",<sup>(6)</sup> and yet no provision was presented for those prelates. Viscount Dungannon argued that the positions of Blomfield and Maltby were no stronger "than were the cases at the present moment of the Archbishop of York and the Bishop of Norwich",<sup>(7)</sup> and was supported by the Earl of Derby and the Duke of Newcastle.

A special bill for the benefit of only Blomfield and Maltby was proclaimed to be highly unsatisfactory not only because it neglected the position of the remaining prelates, but because it would erect an obstacle to the passage of a general act. Sir

William Heathcote and Sir James Graham in the Commons, and the Duke of Newcastle, the Earl of Derby, and Lord Redesdale in the Lords, were all anxious of such a block. Only London and Durham, argued Graham were capable financially of awarding pensions to retiring bishops; few other dioceses would be able to do so, let alone present the Ecclesiastical Commissioners with a surplus for the fund. To pass the bill before them would "operate as a barrier to any arrangement which might afterwards be made with view of extending the principle to other bishoprics".<sup>(8)</sup> Although at present, it was economically possible to provide the retirement allowances "from the superfluities of the incomes attached to the sees",<sup>(9)</sup> there would be a time when "farther special arrangements" would be required to cope with situations when other sees are not so wealthy. As a result, "you will virtually negative"<sup>(10)</sup> the gain made to the Commission by the special act, and deprive "yourselves of the means of effecting a general measure of retirement hereafter".<sup>(11)</sup> Retirement for infirm bishops was necessary, the Bishop of Oxford stated, but a general bill would be the most satisfactory method of legislating. The most important object was to ensure that all bishops were in a state of health such that they could easily discharge their duties and that meant permitting all bishops no longer able to do so, to retire. If the bill before them was rejected then "a general measure would be brought forward next session",<sup>(12)</sup> but to pass the proposed bill "would put off indefinitely the cure of this evil".<sup>(13)</sup> The Duke of Newcastle was sorry to leave both Durham and London without proper guidance but thought it preferable to do so rather "than expose every other bishopric in the Kingdom to the risk of remaining without such a remedy as it was now sought to apply exceptionally".<sup>(14)</sup>

Whilst a general bill may have presented the most acceptable course of action relating to the question of retirement, it was not practical to present such a piece of legislation at that late period in the session. Palmerston, the Prime Minister, spoke of the intention he had had "of proposing to Parliament a general measure to provide for cases of this kind."<sup>(15)</sup> The measure, however, had been postponed but "in the meantime I received communications from the Bishops of London and Durham intimating their desire to retire."<sup>(16)</sup> The Government, as a result of the communication, believed the best course of action "would be to frame a bill limited to those particular cases."<sup>(17)</sup> Walpole (Cambridge University) held that certain members were so obsessed with the notion of a general measure that "they have allowed themselves to overlook the great inconvenience which presses upon the Church." To introduce a general bill would occupy a substantially greater amount of time than the proposed bill, and so could not be passed that session. But to reject the present bill just to wait for the general one in the next session would leave "two of the most important dioceses in the kingdom without spiritual superintendence during the autumn, winter and maybe the following spring."<sup>(19)</sup> The Earl of Chichester also agreed that there was no time to discuss a general measure that session, and although Lord Campbell would have preferred one, he believed that "it would not be fair to oblige those Prelates to wait for a general measure."<sup>(20)</sup>

Nevertheless, the measure was regarded in some quarters, as not only unjust to other bishops, but also to the lower clergy. Although it may have been Palmerston's intention to legislate in order that retirement of bishops was permissible, there was no mention of similar relief for the parochial clergy.<sup>(21)</sup> Both Bishop Phillpotts

and Lord Redesdale held that it was wrong to place Maltby and Blomfield in a different position from the remainder of the clergy. The Bishop of Oxford pleaded that the privilege "if it must be created, extend to those of the clergy who led lives of hardship and want and who required it far more than the Bishops."<sup>(22)</sup> There should, he stressed, be no law which provided the high clergy with benefits and the low clergy with none. If passed, the act would ensure that Maltby and Blomfield could do what would still be "illegal and simoniacal"<sup>(23)</sup> for a rector or a vicar. Yet, Sir William Heathcote demanded to know how a bishop could "enforce against a rector penalties for a transaction similar to that which was sanctioned by the legislature ... in the case of a bishop."<sup>(24)</sup>

The only defence presented of the seemingly unjust neglect of the main body of the clergy was the argument that the two sees of London and Durham would have to be dealt with separately, even in the event of a general bill. Monkton Milnes (Pontefract) recognised that the proposed measure was indeed exceptional but "it applied to two dioceses which were themselves exceptions to the general regulations of the Church"<sup>(25)</sup> as their incomes "were larger than those for the other dioceses."<sup>(26)</sup> This meant that there was no difficulty in "withdrawing a portion ... to the purposes of pensions."<sup>(27)</sup> It was also announced that "the revenues of these two bishoprics were not held as the revenues of the other bishoprics were."<sup>(28)</sup> Those of London were not regulated by the "operation of those Acts which regulated the financial proceedings of the Ecclesiastical Commission."<sup>(29)</sup> In Durham's case, there was a difference as Maltby's revenues "were far greater than what were now contemplated as the proper revenues of a Bishop."<sup>(30)</sup> Thus

the question of whether or not a bill should be introduced to apply to the lower clergy was immaterial as the Bishops of London and Durham could not possibly be dealt with in the same manner.

Opinion, therefore, was clearly divided. The Earl of Powis thought that too much fuss had been made over the issue. He introduced a political consideration by pointing out that if a general bill had been passed, the Prime Minister "would have been accused of taking advantage of the particular circumstances of two Bishoprics to introduce a measure giving him the revisionary appointment of a large number of Bishops."<sup>(31)</sup> Walpole insinuated that accusations against the morality of the principle of retirement, were probably due to "jealousy of the persons into whose hands the fresh appointments might fall."<sup>(32)</sup> He, therefore, warned against acting upon a principle of jealousy over "the hands into which the new appointments will be placed."<sup>(33)</sup>

C. "Violation of the Great Fundamental Principle."<sup>(1)</sup>

There had been no actual resignation of a bishop since the Reformation.<sup>(2)</sup> Bishop Pearce had attempted to do so in the middle of the 18th Century, but had been unsuccessful, so was forced to retain the see of Rochester. Archbishop Grindal had, after resisting Queen Elizabeth's efforts to force him to retire, asked to be able to relinquish his see "but, nevertheless, he died Archbishop of Canterbury."<sup>(3)</sup> There, therefore, existed the belief that a bishop should remain a bishop until death finally permitted him to rest, so the introduction of a bill designed to change one of the Church's principles was met, from some members, with horror.

It was argued, with at times strong emotive language, that the very idea of a bishop retiring was "in direct opposition to one

of the most sacred principles of the Church",<sup>(4)</sup> and that a bishop "had no right to resign".<sup>(5)</sup> The Bishop of Exeter, Phillpotts, the Earl of Derby, and Roebuck united in the belief that the bill was "utterly inconsistent with the constitution of the Church",<sup>(6)</sup> and that to pass the measure would award Blomfield and Maltby a special licence to break through the barriers of the law. Roebuck announced that all bishops should "be the conservators of the public morality",<sup>(7)</sup> and so should unquestionably "adhere to the Christian law".<sup>(8)</sup> Retirement was not a part of the Anglican law due to "the evils attending such resignations"<sup>(9)</sup> which had in the past been "corrupt bargains".<sup>(10)</sup> The Earl of Powis denounced the bill as one framed with "disregard of all Church principles and Church discipline".<sup>(11)</sup>

The measure was not only criticised on the grounds that retirement was against ecclesiastical law, but that it also treated a bishop as a "mere creature of State".<sup>(12)</sup> Bishop Phillpotts stated that the Government should have no say in whether or not the bishops should be permitted to resign as such a gift lay with "the authority of him from whom he had received his mission to exercise his office".<sup>(13)</sup> In the case of bishops, that figure of authority was the Archbishop, just as for the lower Clergy, it was the bishop. He stressed that such a rule was clearly defined in Gibson's Codex, (the rule of the canon and common law) as "Resignation can only be made to a superior",<sup>(14)</sup> (see Appendix 88), and that superior was "the metropolitan, from whom he had received confirmation and consecration".<sup>(15)</sup> This also included, that when the metropolitan see was vacant, no bishop could possibly think of resigning, but must wait for the appointment of a new Archbishop. The example of Archbishop Grindal illustrated that "an Archbishop

could not resign to the Crown"<sup>(16)</sup> as the Crown was unconnected with the spiritual duties. The Queen Elizabeth had desired Grindal's resignation but he had fought against it until he later changed his mind and became "eagerly desirous of resigning".<sup>(17)</sup> However, neither Grindal nor the Queen "were sufficient to effect their purpose",<sup>(18)</sup> as the proposed successor, Whitgift, refused to take office until Grindal was dead.

Whilst the Bishop of Exeter, Roebuck and the Earl of Derby argued that the bill was against the principles of the law of the Church, other members regarded the measure as totally inoffensive. Walpole held that it was mere common sense for an aged bishop to retire on a pension. He pointed out that in the case of Bishop Pearce's application to resign both the Lord Chief Justice and the Lord Chancellor eventually agreed that retirement was legal. Ironically it was the head of the Church who pointed out that resignation "was an acknowledged part of the constitution of the Church".<sup>(19)</sup> The Archbishop of Canterbury also stated that there were two ex bishops living in the country at the time; those of Toronto and New Zealand.<sup>(20)</sup>

The discussion of the principle of retirement tended to extend to a separate topic and argument in favour of bishops retaining their sees: the use of suffragan bishops. The possibility of acquiring the assistance of the younger and fitter bishops to ease the workload of the old men was soon dismissed. Mowbray believed that the Bishop of Manchester should not have time to help Maltby. If he did then it was "one of the strongest arguments which could be used against episcopacy".<sup>(21)</sup> The idea that the healthy prelates share the workload of the aged ones was denounced

as an argument of which none "could be more dangerous to the Church".<sup>(22)</sup> Both Mowbray and Palmerston refused to accept that a bishop from another diocese could perform the necessary tasks efficiently enough. He would have to handle each job as quickly as possible in order to return to his own see. The notion that a bishop should be close to those he works amongst would be impossible "if his duties were performed in the most rapid and perfunctory manner possible".<sup>(23)</sup> Moreover, it was unfair to expect other bishops to assume additional burdens when their lives were already "charged with duties".<sup>(24)</sup>

Sharing the duties of the infirm bishops between the able ones was clearly not the answer, but there was another solution. Gladstone and Sir William Heathcote referred to an Act of Parliament passed in 1534 which provided that any bishop unable to perform his job could choose two clergymen to assist him.<sup>(25)</sup> Any bishop in need of such help would submit two names to the Crown for one to be selected. The man chosen would be referred to as a suffragan bishop, and would aid the existing bishop in the execution of the more physical tasks, but would not possess jurisdiction and his power was reversible. Gladstone presented this as the perfect solution and was somewhat bemused that it had not been used in the first instance, if it had then all "public scandal would have been avoided".<sup>(26)</sup>

Archdeacon Hale was enthusiastic and correspondents to the Guardian had pressed for the use of such assistants in 1855.<sup>(27)</sup> Heathcote regarded a bishop's duty as more than just physical effort; a prelate may arrive at a point where he can no longer perform the active functions of his office but he could still be a spiritual asset. To illustrate his point, Heathcote referred to the Archbishop of Armagh who was so advanced in years that he could not be involved in the active aspect of his office yet "made his presence

be so delightfully felt by his kindness, munificence, generosity... that his retirement would be regarded as a grievous loss to his diocese".<sup>(28)</sup> An Act passed in 1812 to introduce suffragan bishops in Ireland had meant that the Archbishop of Armagh could still play a spiritual role. Heathcote applied this to English bishops and held that a bishop could still be a comfort to his diocese by his presence alone. Suffragan bishops would give the best of both worlds: a younger bishop to tend to the physical toil and an experienced one to use his wisdom to guide his diocese.

Although suffragan bishops may have appeared the ideal solution to Gladstone and Heathcote, drawbacks were pointed out. Palmerston found the idea "objectionable"<sup>(29)</sup> because the assistants "would be simply in the position of a subordinate"<sup>(30)</sup> and so would lack the "influence which ought to belong to his office."<sup>(31)</sup> He believed that "they ought to get a clear see and appoint another bishop on whom the responsibility would be undivided."<sup>(32)</sup> Nor did he think that having a suffragan Bishop and the ailing Bishop in the same diocese was a wise idea as "you would have possibly a conflict of opinion and a diversity of judgement."<sup>(33)</sup> As long as the old Bishop remained in the vicinity, the suffragan Bishop would lack "the influence and consideration which are essential to the due performance of the duties."<sup>(34)</sup>

#### D. "Beggarly Doles."<sup>(1)</sup>

The title of this section is taken from The Times, who sarcastically declared that the nation should regard Blomfield and Maltby as "models of unworldliness"<sup>(2)</sup> for accepting the proposed retirement pensions of £6,000 and £4,500<sup>(3)</sup> respectively. It is ironic that Maltby, when Vicar of Buckden, preached a sermon on the wisdom of

saving a portion of one's income for times when "incapable of those exertions which you now make in order to obtain the necessities."<sup>(4)</sup> He underlined the uncertainty of the earthly existence by pointing out that no one can be sure that "he shall not in a few days be attacked by some alarming disease"<sup>(5)</sup> so it was the height of wisdom to prepare financially for difficult times. To fail to save money would perhaps mean that one day, a person would have to receive assistance from "private charity or from the public bounty"<sup>(6)</sup> something, he preached, was "an act of injustice."<sup>(7)</sup> If Maltby genuinely believed in what he was preaching, then how could he explain that the single-most controversial element of his episcopal career was the matter of his rather large income? In 1847, a series of letters had appeared in The Times<sup>(8)</sup> on the subject of his salary whilst Bishop of Durham, discussing the morality of his income being £5-6,000 greater than £8,000 which the Ecclesiastical Commissioners had designated in 1836,<sup>(9)</sup> (See Appendix 7.) The Retirement Bill reopened the topic and Maltby's income over the past twenty years was discussed once more.

When the proposed pensions were introduced, (£6,000 p.a. for Blomfield, and for Maltby, "an annual pension of four thousand five hundred pounds during his life,"<sup>(10)</sup> they were denounced as immorally large. Roebuck was stunned that the bishops should require such a huge allowance, so much so that he wondered if the said Prelates had conveniently forgotten that they were supposed to be "the successors of the Apostles."<sup>(11)</sup> It was, he felt "a very curious mode of imitating their humility and poverty."<sup>(12)</sup> Both Roebuck and the Earl Galloway implied that Blomfield was the greediest because he had possessed the nerve to request "to have

the palace at Fulham for life".<sup>(13)</sup> Maltby, at least, was not so bold as to expect the residence but Roebuck still suggested that his pension should be reduced to the sum of £3,500. Lord Robert Cecil believed that the salaries of both bishops had always been "ridiculously large".<sup>(14)</sup> Hadfield calculated that Blomfield and Maltby had "received a sum of £973,000 besides the patronage attached to their bishoprics".<sup>(15)</sup> Maltby had reaped £5,000 p. a as Bishop of Chichester, "and his present income was £16,000 a year",<sup>(16)</sup> and had been so for the last twenty years. Altogether Maltby had received some £345,000<sup>(17)</sup> despite his income supposedly been limited to £8,000 p. a. Overall, the two bishops had extracted "nearly £1,000,000 of the revenue of the Church"<sup>(18)</sup> yet still wanted more. The Times emphasised this point by assuming that "with their immense receipts for so many years they must have laid by something",<sup>(19)</sup> and were echoed by Sir John Fitzgerald, (Attorney General for Ireland), who concluded that surely they were able "to provide for themselves and their families".<sup>(20)</sup> Lord Robert Cecil was worried that if they paid such vast allowances to two retiring bishops, then "how were the friends of Church extension likely to be met when they solicited private subscriptions for that important topic?"<sup>(21)</sup>

Whilst the size of the pensions was deemed wrong in principle, it was also argued that to proceed would be grossly unfair to the working bishops and the lower clergy. Viscount Dungannon and the Earl of Galloway were adamant that it was ludicrous to present Blomfield and Maltby with pensions greater "than the incomes allotted to many of the working bishops".<sup>(22)</sup> An active bishop received an average sum of £5,000 a year, yet it was proposed to award two retiring bishops much more: "that was an instance of the poverty of virtue".<sup>(23)</sup> Lord Robert Cecil stated that the money would be

taken from the poorer clergy, an act of sheer injustice as the latter were "left to support themselves out of their own means."<sup>(24)</sup> Hadfield pointed out that "there were ten thousand clergymen ... each receiving a sum, not exceeding £100 p.a."<sup>(25)</sup> Moreover, the American President had a salary of only £5,000 a year; the Pope received £1,500; whilst Roman Catholic bishops, "who worked in a way that no English bishop worked, received but £300 p.a."<sup>(26)</sup>

The belief that the amount proposed for the allowances were both immoral and unfair was not unanimous, as other members spoke in defence of the specified sums. The Earl of Chichester regarded the said allowances as "reasonable and proper"<sup>(27)</sup> considering that the bishops, at the time of the bill, were earning £18,000 and £14,000 salaries which they had expected to retain for life. A. Black (Edinburgh) agreed that the sums were large but the two men had been in receipt of even greater sums but were "willing to take less",<sup>(28)</sup> and so should be awarded the means "to live respectably."<sup>(29)</sup> To reject the bill would have meant the bishops would continue to receive the normal salaries of their sees even though they were unfit to carry on. They had honestly stepped forward, announced their problems knowing that they would have to accept a cut in salary, so surely the proposed sums were only fair?

The defence also focused on the wonderful manner in which both Maltby and Blomfield had handled their episcopal posts. Monkton Milnes spoke that after a bishop "had spent his best days in the faithful discharge of his pious functions",<sup>(30)</sup> as well as donating large sums of money to charity, "it could hardly be said that a third of his previous income was an excessive amount for his retirement allowance."<sup>(31)</sup> Lord Wynford considered that

£6,000 was entirely justifiable considering Blomfield's diligent efforts over the past years.

Blomfield's liberal use of his revenues was presented as a point in favour of him receiving the proposed £6,000, but the question of Maltby's allowance became a separate argument. Blomfield's pension was calculated on the basis that it was one third of his current income, it was naturally supposed that Maltby's should be assessed according to the same procedure. However, his income had been set at £8,000 a year, in 1836, yet over the years had exceeded that figure measurably. Thus the question arose as to whether or not his pension should be calculated according to the salary he should have been receiving or the substantially higher one which had actually been derived. Roebuck declared that Maltby had obtained his excessive salary "by an ingenious arrangement made between himself and the Ecclesiastical Commission",<sup>(32)</sup> the arrangement being that Maltby was to pay the Commission a sum and then "receive all the proceeds of his estates".<sup>(33)</sup> Lord Robert Cecil and Cardwell spoke of how Maltby had been restricted to £8,000 yet "had managed to obtain double that amount".<sup>(34)</sup> Members such as Gladstone, Roebuck and Cardwell, in the light of these revelations, recommended that when estimating Maltby's pension, "parliament ought to regard the annual salary of £8,000",<sup>(35)</sup> and not arrange it "on the basis of emoluments which accidentally resulted from the faulty provisions of the Act of 1836".<sup>(36)</sup> Roebuck moved that instead of £4,500, Maltby should be awarded an allowance of £3,000 a year which "would form a fair retirement allowance"<sup>(37)</sup> especially for someone "who was wholly incapacitated for further business".<sup>(38)</sup> At times it appeared as if Maltby was been painted as a somewhat

mercenary villain, but he was not the only prelate to have received more than the Ecclesiastical Commissioners had proposed in 1836, as Tables 1 and 2 reveal.

Table 1

Average Annual Incomes as laid down in 1836<sup>(39)</sup>

Archbishop of Canterbury:	£15,000
Archbishop of York :	£10,000
Bishop of London :	£10,000
Bishop of Winchester :	£ 7,000

Table 2

Actual Receipts 1837 - 1843 (Net. to the nearest £)<sup>(40)</sup>

<u>Year</u>	<u>Canterbury</u>	<u>York</u>	<u>London</u>	<u>Winchester</u>
1837	£16,397	£12,911	£14,510	£ 9,837
1838	£20,791	£11,442	£14,110	£ 6,937
1839	£20,071	£ 9,272	£11,867	£ 7,186
1840	£25,456	£ 9,289	£11,523	£13,994
1841	£25,205	£12,131	£17,355	£ 9,744
1842	£16,489	£21,164	£20,022	£ 8,883
1843	£20,969	£19,064	£12,481	£ 9,103

Fortunately, for Maltby, the motion was defeated as other members sprang to his defence. Palmerston argued that £4,500 was "not disproportionate to the actual receipts which had been taken by the Bishop of Durham".<sup>(41)</sup> Sir George Grey and Durham's own M.P., Mowbray, spoke "of the munificent uses to which that income had been applied",<sup>(42)</sup> and the charities which Maltby had assisted. Grey also declared that there had existed no arrangements between the Bishop and the Commission, the Act had simply provided that in 1836, all "salaries should be estimated upon the average receipts of the diocese".<sup>(43)</sup> Whenever the receipts were above the £8,000 mark, "the salary was to be a charge upon those revenues".<sup>(44)</sup> It may have been a poor arrangement but Maltby was "legally in possession of the income which he now received",<sup>(45)</sup> and Grey was a witness to Maltby "having devoted

large sums to the augmentation of small livings",<sup>(46)</sup> in addition to having voluntarily offering the Ecclesiastical Commissioners an extra £2,000 a year. The sum of £4,500 was saved by a majority of thirty-three. Perhaps Bishop Phillpott's words had induced the other bishops to place themselves into Maltby's shoes: Phillpotts was sure that none of the episcopal bench "would desire to receive any unreasonable amount of retiring pension when he should become unable to fulfill his episcopal duties".<sup>(47)</sup>

The moral principle of the suggested retirement sums was not the only objection; the economic principle was also debated. Sir William Heathcote argued that to apply the bill to all dioceses and give all retiring bishops some form of pension would mean a "burden would be thrown upon the Ecclesiastical Commissioners' fund as would entirely exceed it's capacities".<sup>(48)</sup> Hildyard (Whitehaven) felt he "must protest against trenching upon the Common Fund for the retiring pensions of bishops"<sup>(49)</sup> mainly due to the fact that it was already incapable of providing for the working clergy. The bill was deemed, by Gladstone, to have been introduced "under a sort of promise which could not be fulfilled"<sup>(50)</sup> as it was not possible to sustain the two bishops' charities in addition to attempting "to replenish the Common Fund".<sup>(51)</sup>

Such objections to allowances met with members of both Houses alluding to the substantial economic gain that would be received on the passage of the bill. Cardwell stated that the measure would "economise materially the funds of the Church, which stood greatly in need of that economy".<sup>(52)</sup> He understood that a gain of £3,500 would be made as £6,000 would be subtracted

from the Bishop of London's salary of £18,000 leaving £12,000. Likewise, £4,500 would be deducted from the Bishop of Durham's £14,000 revenues, leaving £9,500. The resultant profit of £21,500 would then be split into £10,000 and £8,000 portions for the new bishops of London and Durham, which would leave £3,500 at the disposal of the Commissioners, (Cardwell later took Maltby's income to be £16,000, thereby presenting £5,500 to the Commission). The Lord Chancellor, the Earl of Chichester and Palmerston all recognised that the Commission would receive a surplus once the bill took effect. Although, Sir James Graham argued that such a boost to the funds would only last during the lifetimes of Blomfield and Maltby, even Gladstone (who was strongly opposed to the bill), observed that "the economy to be attained from this bill is the saving of a sum of from £5,000 to £5,500 per annum".<sup>(53)</sup>

There was mixed feeling over the wisdom of awarding Blomfield and Maltby such ample pensions. The Earl of Galloway was concerned that, by sanctioning the amounts, "their Lordships would create an inconvenient precedent which might greatly hamper them in years to come".<sup>(54)</sup>

#### E. "A Bill to Legalise a Simoniactal Proceeding"<sup>(1)</sup>

The most serious accusation made against the bill was that it amounted to a simoniactal contract, chiefly because it appeared that the bishops had made a conditional resignation. In other words, there was the suspicion that the two men had bargained with the Government. Their correspondence was interpreted by certain people as being an offer to relinquish their sees

on the condition that they received retirement pensions. Such a condition was an act of simony.

Acts chapter 8 describes the episode where Simon offered the Apostles money in order to receive the Holy Spirit. He was rebuked by Peter, who cried, "your silver perish with you, because you thought you could obtain the gift of God with money".<sup>(2)</sup> Members of Parliament believed that Maltby and Blomfield were committing the same sin but in reverse in that they were almost selling their sees.

In order to decipher whether or not Blomfield and Maltby were guilty of simony, the Houses announced that all correspondence between the Prelates and the Government must be examined. This would reveal the truth as to how aware both men were of the fact that a bill had been specifically framed for their benefit alone. It was argued that if the Bishops required such a personal measure, that request "would lead to the charge of a simoniacal contract".<sup>(3)</sup> Both Lord Redesdale and the Bishop of Oxford could not accept that the two Bishops would require a special law for themselves, and the latter held that Blomfield had expressed his wish to retire only to speed up the process of legislating generally. The Bishop of Oxford was convinced that Blomfield "has not been acquainted with the objections on the ground of simony",<sup>(4)</sup> and so it was indecent of the Government to take "advantage of an offer under very different supposed circumstances"<sup>(5)</sup> and render the bishops "guilty in the eyes of the great body of the Church of England of a simoniacal transaction".<sup>(6)</sup> It may be that Blomfield was aware of a private bill, but they could not determine one way or another until all relevant correspondence was disclosed. The Lord Chancellor answered that he was only too

willing to reveal the letters, but he stated that it would be immediately evident "that these right reverend prelates did not suppose they were doing anything simoniacal".<sup>(7)</sup> The letters were studied by the Houses with the result that many members disagreed with the Lord Chancellor, and that it "showed that negotiation there had been",<sup>(8)</sup> and that it "proved that there had been a bargain".<sup>(9)</sup> Lord Robert Cecil quoted the letter to illustrate his belief that a bargain existed; Maltby wrote to the Government stating that as he would "relinquish a very much larger income",<sup>(10)</sup> he did not regard an annual allowance of £4,500 unjust and "upon the assurance that this will be granted"<sup>(11)</sup> he was prepared to retire. (See Appendix 10) Lord Robert Cecil urged that Maltby was stating that unless he received the said allowance, "he would not resign".<sup>(12)</sup> Surely, that constituted a bargain? If there remained any doubt as to whether or not negotiation had occurred, Henley and Sir James Graham suggested that the reactions of Blomfield and Maltby should be studied when told that "the salaries were altered or no salaries at all were allowed".<sup>(13)</sup> If the bishops withdrew their resignations then the answer would be obvious.

Having established that a form of negotiation had occurred the next question was whether or not it was legal to form a bargain. T. Duncombe (Finsbury) was disgusted that the Government "had consented to soil his hands with so dirty a bill",<sup>(14)</sup> whilst Roebuck "held that the bill was intended to perpetrate a great scandal".<sup>(15)</sup> Duncombe thought the measure would "bring both the Church and the religion of the country into contempt".<sup>(16)</sup> There was also the fear that should the bill become law, "it would establish a precedent which would work the greatest possible

detriment to the Church of England".<sup>(17)</sup> Bishop Phillpotts declared that "it would be a declaration of the right of all ecclesiastics to make similar bargains".<sup>(18)</sup>

Simony is the act of "offering or accepting money or other reward for nomination or appointment to an ecclesiastical office",<sup>(19)</sup> or the "buying or selling of ecclesiastical preferment".<sup>(20)</sup> Gladstone described simony not as being the act of retirement in itself but as existing "in the bargain made by the individual at the time of resignation".<sup>(21)</sup> His objection was not to the principle proposed but to the idea that a condition was attached. The Bishop of Oxford announced that simony could be defined as "an intention to engage in a corrupt bargain",<sup>(22)</sup> but that neither bishop had such an intention. Even if there was no evil intended by either bishop, there was still the feeling that such evil was present within the framework of the bill in that it "was a violation of the letter as well as of the spirit of the law".<sup>(23)</sup>

Hence it emerged that the bill amounted to an act of simony not because of the idea of retirement nor that of awarding pensions but due to the conviction that the Bishops had offered a conditional resignation. Gladstone pointed out that an Act of Elizabeth I authorised a bishop to "assign to a clergyman who had resigned his benefice a certain pension".<sup>(24)</sup> The Bishop of Oxford spoke of the Act of George IV., c. 94, which permitted rectors and vicars "to resign in favour of certain near relations of the patron, without incurring the penalties of simony".<sup>(25)</sup> However, in the latter case, an extra clause had been inserted to prevent this occurring "when the living was in the hands of the Crown".<sup>(26)</sup> The main problem with the bill was that Parliament

was asking the Houses "to sanction a bargain which has already been made by the very parties who are to receive that pension."<sup>(27)</sup> He argued that his main cause of complaint was "the whole spirit of the correspondence between the Bishops of London and Durham and the noble Lord of the Head of the Government"<sup>(28)</sup> in that "The Bishops state their desire to retire upon a contract as to pensions."<sup>(29)</sup> It was true that Bishop Pearce requested George III for permission to resign but "he intended to support himself for the remainder of his days upon the private means which he possessed."<sup>(30)</sup> As a result, Gladstone declared that he would refuse to vote in favour of a bill "which sanctions in individual cases a resignation conditional on the receipt of money"<sup>(31)</sup> because he was certain that such a resignation was "tantamount to an act of simony."<sup>(32)</sup> Gladstone was not the only member to feel disgust at what appeared to be a simoniacal transaction. Sir John Fitzgerald was appalled that the bishops stated the terms upon which they would retire and the bill was opposed by Duncombe for the same reason. If Blomfield had spoken of his need to resign because he was unfit to carry out the necessary tasks, yet had not even mentioned financial provision then "Parliament would, without doubt, have dealt with him most generously."<sup>(33)</sup> but the prelate required "certain terms."<sup>(34)</sup> Duncombe did concede that Maltby "was much better"<sup>(35)</sup> than Blomfield as he did not request to retain his castle, but he was adamant that it should be left to Parliament to propose the retiring sums. The Duke of Somerset felt so strongly opposed to the bill that he was convinced that the House of Commons would call the bill "by a much stronger name than simony";<sup>(36)</sup> it would be regarded as a direct "bargain between the Prime Minister and the bishops."<sup>(37)</sup> It was further declared

that "The House is very much disposed to abolish sale and purchase in the army"<sup>(38)</sup> and yet Sir James Graham believed that the only difference between the army system and the proposed bill was that promotion is acquired by money whilst in the case of bishops "the Government deals with money drawn from ... the Common Fund."<sup>(39)</sup> Graham was regretful that the Act of 1843 to meet the case of the Bishop of Bath and Wells (mentally infirm) had not been extended to bodily infirmities because then "the whole subject would have been fully and satisfactorily dealt with."<sup>(40)</sup>

The notion of two supposedly holy bishops retiring from their sees in return for ample financial provision was simoniacal, it was argued, and was not "in accordance with the ordinance of the Church."<sup>(41)</sup> Resignation, said Napier, "must be pure, simple and absolute"<sup>(42)</sup> (see appendix 9) and cited "authorities on the subject"<sup>(43)</sup> namely Gibson's Codex and Godolphin which stated that any resignation bearing a condition was "not good, and the condition void because it is against the nature of a resignation, which must be absolute, sponte, pure et simpliciter."<sup>(44)</sup> The bishops should have resigned because they felt it was their spiritual and holy duty and should never have mentioned pensions, but trusted the Government to provide for them. The Earl of Derby agreed that the law had "for centuries prohibited anything in the way of traffic and bargain for the resignation of any office in the Church"<sup>(45)</sup>

Had all the members of Parliament agreed that the bill was simoniacal, it would never have become law, but unfortunately for both Blomfield and Maltby, there were others who stood up and pronounced the accusation of simony as ridiculous. The defence of the transaction seemed to separate into three areas, the first

being that no negotiation or bargain had ever occurred; the second, that the terms of the resignations were in complete accordance with the law; and the third argued that even if what was proposed was at present illegal, a new piece of legislation could reverse the old.

Walpole declared "there cannot be simoniacal contract without corruption, except in those cases which the law had designated as a simoniacal contract"<sup>(46)</sup> and he was convinced that the Bishops had wholly honest intentions. Palmerston and the Lord Chancellor both insisted that no bargain had been made. The latter explained that there existed only two letters from Blomfield and one from Maltby. The Bishop of Durham had expressed a wish to resign in 1855 to the Archbishop of Canterbury, but no discussion had passed between the Bishop and the Government until they had received the letter which was shown in the correspondence. Palmerston stated that the Bishops had asked to resign out of "a high sense of duty"<sup>(47)</sup> and that no negotiation whatsoever had taken place and "the bargain, if any, is to be made by the legislature."<sup>(48)</sup> Simony, he believed, insinuated that a corrupt bargain had been arranged but "nothing of the kind has taken place."<sup>(49)</sup> The Bishops had honestly stated their inability to continue and it was only sensible that "an arrangement for their retirement"<sup>(50)</sup> should be made. A. Black agreed and "did not think there was any immorality whatsoever in the transaction" and that "there could be nothing more reasonable and scriptural than to accept the offer of these two Bishops."<sup>(51)</sup> The honesty and openness of the bishops was used as an argument against the possibility of a corrupt transaction. There could be no offence in the bill because of the nature of its presentation "the whole

truth having been stated to Parliament and the whole arrangement ratified by Parliament"<sup>(52)</sup> and thus "nothing could be fairer or more entirely open than the whole transaction."<sup>(53)</sup>

Thus it was declared that no corrupt transaction had occurred and, therefore, the bill was innocent of the offence of simony and in complete accordance with the law. No doubt it was a conditional resignation, Sir George Grey stated, but "it was the expression of a desire to resign upon reasonable and perfectly legal conditions."<sup>(54)</sup> The Solicitor General (Sir R. Bethell) deplored the idea of simony and that anyone "who would devote an hour to ecclesiastical history ... ecclesiastical duties, would be perfectly convinced that what was now proposed to be done was in strict conformity with the law of the Church and in strict conformity with the municipal and conventional law of simony."<sup>(55)</sup> The 21st, 22nd and 23rd sections of the Act 26 Henry VIII, chapter iii revealed that in any resignation, it was permissible for the retiring Prelate to be awarded a pension. It was misguided, he believed, to call the bill a simoniacal contract as it was not corrupt to do as the law authorised. Walpole, moreover, argued that it was not the law that resignation should be simple, pure and absolute and had found "that conditional resignations of ecclesiastical benefices are recognised and allowed ... among the heads of the Church."<sup>(56)</sup> Gibson's Codex also stated that a resigning bishop "might assign a pension during life, out of the benefice resigned to the person resigning."<sup>(57)</sup>

It was argued, therefore, in defence of the bill that it was both legal and wise, but even if pensions and retirement were totally against the principles of the Church, a new Act could always change that law and make it legal. Cardwell announced that

the proposed measure could not possibly be simoniacal as any offence "being created by an Act of Parliament, an Act of Parliament could also remove."<sup>(58)</sup> Lord Campbell insisted "that an agreement to do this Act conditionally upon the sanction of the legislature being given is not simony."<sup>(59)</sup> The Bishops, he said, did desire what was against the law at the time "but to do it with the consent of the legislature"<sup>(60)</sup> which if the bill was passed would "be the same as if the law had never prohibited it."<sup>(61)</sup>

There was clearly the belief that Parliament should never stoop to sanction what was a promise to resign on the condition that large pensions were awarded. There was something unfitting in a bishop supposedly devoted to a holy and unworldly life, asking for retirement allowances of £6,000 and £4,500. Surely, if a bishop was incapable of adequately performing his tasks, he should have merely expressed a wish to resign and leave his provision in the hands of the Government. There, no doubt, existed those who thought that had the pensions been severely reduced or disallowed completely that the bishops would have reversed their decisions.

The 1856 Retirement Bill, therefore, faced strong opposition on its presentation. Denounced as simoniacal, corrupt and unethical, it was attacked not only by members of Parliament, but by the newspapers as well. Punch published an article entitled "Luxurious Bishops" and remarked that "the ratio of the living of a bishop in full swing"<sup>(62)</sup> could be estimated if £6,000 pension was deemed necessary. The Times commented that "scruples are laughed at in Bishops' Palaces"<sup>(63)</sup> and further noted that "bishops do not believe in simony. Few sensible men ever thought they did."<sup>(64)</sup>

However, the Record stated it was the only alternative and the Morning Post regarded the bill as "necessary and reasonable"<sup>(65)</sup> as did the Durham Advertiser who described the Act as "simple reason and justice"<sup>(66)</sup> and all imputations against the Bishops' characters were 'vulgar'.<sup>(67)</sup> The supporters of the measure believed that because the bishops had received such vast incomes and yet were prepared to relinquish them was a sign of their unworldliness. But, it could be argued that there was something greatly out of place in a supposed disciple of God who had the task of preaching against hoarding earthly riches and yet lived in a palace and received an income of £14,000 p.a.

NOTES

MALTBY'S RETIREMENT

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- 26 ibid.
- 27 ibid.
- 28 ibid.
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- 2 ibid., col.816.
- 3 ibid.

- 4 ibid., col.827.
- 5 ibid.
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- 7 ibid., col.1296.
- 8 ibid.
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- 51 ibid., col.1298.
- 52 ibid., col.1295.
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- 64 ibid.
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## CONCLUSION

*Notes -  
2000*

It would be expected that the mere reference to a bishop would conjure up images of piety, unselfishness, and a person who cared little for the material objects of life which tempt the average member of society. Unfortunately, by the time a study of the career of this particular bishop had been completed, such a picture was notably faint. Both the beginning and the end of Maltby's administration at Durham, dealt with finances and pointed to the vast salaries which greeted a bishop of the Church of England. 1836 witnessed approval and dismay that the Bishop of Durham's income should be reduced to £8,000 per annum. Twenty years later, Bishop Maltby requested a retirement allowance which was equal to many incomes of the working bishops and most certainly greater than those earned by the lower clergy. Such an application was made, despite the fact that Maltby had preached that no man should be a burden on society once he could no longer earn his living. A conscientious man, he insisted, would take great pride in putting a certain portion of his salary aside so that when the day arrived when he was too old to work, he could continue to support himself honourably. Was such a principle forgotten by 1856?

*a bit  
heavy*

On the surface, Maltby appeared to be an excellent prelate; he exercised tolerance towards non-Anglicans, promoted education and donated a substantial portion of his income towards the spiritual salvation of his diocese. Yet, his reaction to the papal aggression in 1850, proved that his friendliness towards Dissenters became distinctly cooler, when he felt them to be a threat to the Established Church. Moreover, his liberal donations to the diocese do not seem

quite so generous when it is remembered that, after 1836, Maltby received a vastly greater income than he should have done, and that he was largely uninterested in helping the poor in terms of food and clothing. He preferred to tend to their spiritual welfare in the form of additional churches and clergymen.

Nevertheless, the man's qualities must not be forgotten. His conviction that education was invaluable, extended to the belief that no one should be prevented from obtaining a university education merely because he was not an Anglican. Maltby was prepared to adhere to his principles despite the disapproval of his fellow bishops, and he felt that an individual had the right to freedom of opinion both politically and religiously. After his controversial retirement in 1856, Maltby returned to the south of England where he remained until his death in 1859 at the age of ninety.

Perhaps the most confusing factor within the study, was the insistence from both Maltby and Durham that the diocese was an exceedingly impoverished one with an urgent need for additional churches. Yet, the churchwardens' returns, whilst revealing room for improvement, did not echo the same desperation.

I should like to repeat that the lack of material on Maltby during his time at Durham was a mystery considering his lengthy administration. Despite the initial difficulties in the research it was still possible, I feel, to gain substantial insight into Maltby's career and beliefs, from the sources available.

APPENDIX 1

"MALTBY FUND" (1)

"In 1848, the Bishop of Durham made known to the Commissioners his intention of placing at their disposal a sum of £2,000 a year, over and above the contribution of £11,200 a year, to which he is legally liable. The Commissioners having determined to apply the benefaction, according to a suggestion of his Lordship, towards providing parsonage houses within the diocese of Durham, the bishop has recently made a further donation to the Commissioners for the same object. The total sum received up to the 1st November last amounted to £4,854."

APPENDIX 1 (continued)

Sums received from the Bishop of Durham: (2)

1849	1st January	£ 970. 16s. 8d	}	£1,941. 13s 4d
	2nd July	970. 16s. 8d		
1850	1st January	970. 16s. 8d	}	£2,941. 13s. 4d
	1st July	970. 16s. 8d		
	27th November	1000. 0s. 0d		
1851	1st January	970. 16s. 8d	}	£2,912. 10s. 0d
	1st July	1941. 13s. 4d		
1852	1st January	1941. 13s. 4d	}	£2,941. 13s. 4d
	1st July	1000. 0s. 0d		
1853	1st January	1000. 0s. 0d	}	£2,456. 5s. 0d
	1st July	1456. 5s. 0d		
1854	2nd January	1456. 5s. 0d	}	£3,339. 11s. 8d
	1st July	1883. 6s. 8d		
1855	1st January	1883. 6s. 8d	}	£3,766. 13s. 4d
	29th June	1883. 6s. 8d		

Amount appropriated within the diocese = £21,270. 16s. 8d

APPENDIX 1 (continued)

Parsonages endowed by the "Maltby Fund": <sup>(3)</sup>

Benefice	Amount Granted	House Built Before 1857
Barnard Castle	£400	Yes (1850)
Benfieldside	£400	Yes (1853)
Birltey	£300	Yes (unknown)
Byers Green	£280	Yes (1851)
Ingleton	£350	No
Holy Trinity South Shields	£400	Yes (unknown)
St. Stephen South Shields	£300	Yes (unknown)
Stella	£100	Yes (1851)
Wolviston	£220	Repairs

APPENDIX 2

Table showing the progressive increase in the number of Roman Catholic Chapels in England and Wales 1836-1853: (4)

<u>Year</u>	<u>Number of Chapels</u>
1836	423
1837	431
1838	429
1839	444
1840	463
1841	466
1842	479
1843	497
1844	506
1845	512
1846	520
1847	536
1848	543
1849	552
1850	574
1851	583
1852	603
1853	616

APPENDIX 3

Relative position of the Church of England: (5)

	Percentage of seating to population <sup>s</sup>		Percentage of available seating	
	<u>Church of England</u>	<u>Other</u>	<u>Church of England</u>	<u>Other</u>
England/Wales	29.6	27.4	51.9	48.1
Durham County	17.6	28.9	37.8	62.2
Northumberland	18.1	30.7	37.1	62.9
Newcastle	11.7	22.8	33.9	66.1
Gateshead	15.2	20.2	42.9	57.1
Sunderland	13.7	35.2	28.0	72.0

Places of worship and seating accommodation in Durham and Newcastle: (6)

	Number of Places		Seating Accommodation	
	<u>Durham</u>	<u>Newcastle</u>	<u>Durham</u>	<u>Newcastle</u>
Church of England	189	12	70,648	10,488
Wesleyan Methodist	204	6	45,633	3,652
Other Methodist	169	11	35,142	3,838
Presbyterian	14	5	6,550	2,770
Independents	27	2	9,575	1,036
Roman Catholics	24	2	5,250	1,744
Baptists	22	7	4,678	2,148
Other	26	9	4,927	3,738
<b>Total</b>	<b>675</b>	<b>54</b>	<b>182,403</b>	<b>29,414</b>

APPENDIX 4

(7)

Grants awarded for the building of parsonages out of the "Maltby Fund"

Maltby Fund grants during the years preceding 1st November, 1851:

<u>Benefice</u>	<u>Amount of Grant</u>
Byers Green	£ 70
Crook	300
Deptford	400
Escomb	300
Etherley	150
Hamsterley	200
Heworth St. Alban	300
Hunwick	400
Jarrow	400
All Saints, Monkwearmouth	350
Penshaw	400
Seaham Harbour	200
Sildon	100
Holy Trinity, Stockton-on-Tees	300
Wolsingham, Thornley	300

Maltby Fund grants during the year preceding 1st November, 1852:

<u>Benfice</u>	<u>Amount of Grant</u>
St. Helen, Auckland	£400
Birltey	100
Kelloe	288
Mugglewick	200
Southwick	150
Kelloe, Thornley	350
Wolsingham, Thornley	100

Maltby Fund grants during the year preceding 1st November, 1853:

<u>Benefice</u>	<u>Amount of Grant</u>
Belmont	£350
Billingham	300
St. John, Darlington	350
Holy Trinity, Darlington	300
St. Hilda, Hartlepool	300
Holy Trinity, Hartlepool	400
Kelloe	111
St. Peter, Monkwearmouth	200
Southwick	50
Usworth	400

continued...

APPENDIX 4 (continued)

Maltby Fund grants during the year preceding 1st November, 1854:

<u>Benefice</u>	<u>Amount of Grant</u>
Belmont	£ 50
West Hartlepool	400
St. Albans, Heworth	100
St. Peter, Monkwearmouth	100

Maltby Fund grants during the year preceding 1st November, 1856:

<u>Benefice</u>	<u>Amount of Grant</u>
St. John, Darlington	£ 25
Holy Trinity, Darlington	100
Hetton le Hole	300
Hylton	100
Mugglewick	200
Southwick	300

# ARTICLES

OF

## VISITATION AND INQUIRY

CONCERNING

MATTERS ECCLESIASTICAL;

GIVEN TO THE

MINISTERS, CHURCHWARDENS, AND SIDESMEN

OF EVERY PARISH WITHIN THE

DIOCESE OF DURHAM,

AT

### THE PRIMARY VISITATION

OF

THE RIGHT REV. FATHER IN GOD,

EDWARD, LORD BISHOP OF DURHAM,

IN THE YEAR 1837.

DURHAM: PRINTED BY FEWSTER & JAMES, SADLER STREET.

1837.

ARTICLES  
OF  
VISITATION AND INQUIRY

IN THE  
DIOCESE OF DURHAM.

TITLE I.

*Concerning Churches and Chapels.*

I.

1. Is your Church or Chapel (as well the Chancel as the Body thereof) in good and sufficient repair?
2. Are the Roofs well covered with Lead, Tile, Slate, or other proper covering?
3. Are the Doors and all things belonging to them firm and entire?
4. Are the Windows well glazed?
5. And are the Casements in them sufficient to air the Church or Chapel?
6. Are the Floors kept paved, plain, and even?
7. Are the Pews and Seats of the Church or Chapel kept in sufficient repair? Are they so ordered that persons may sit, stand, and kneel? Are any Pews erecting in the Chancel or Body of the Church or Chapel, without leave of the Ordinary?
8. Is Earth suffered to lie against the Walls of your Church or Chapel above the level of the pavement within, and are there Drains round your Church or Chapel so kept as to carry off the Water?

II.

1. Hath any part of your Church or Chapel been taken down?
2. Have any of the bells, Lead, or Materials thereunto belonging, been sold, or otherwise disposed of? Are the bells and every part of them entire? Are the bell-wheels, frames, ropes, and Chamber-floor, in good repair?

*Let the Answers be entered below.*

## III.

Have you in your Church or Chapel a Bible of the last Translation, and of the largest size, together with a Common Prayer Book of the same? and a Common Prayer Book for the Clerk; and are these Books entire, clean, and well bound?

## IV.

1. Have you the Book of Homilies set forth by Authority.
2. Have you a printed Table of Degrees wherein Marriage is prohibited, hung up in some conspicuous part of your Church or Chapel?
3. Have you the Ten Commandments placed at the East End of your Church or Chapel.

## V.

1. Is there in your Church or Chapel a Font of Stone set in the Western part of the same, for the Administration of Baptism?
2. Is there a convenient and decent Table for the celebration of the Holy Communion? Is it covered in time of Divine Service with a Carpet of Silk, or other decent Stuff, and with a fair linen cloth, at the time of the Administration of the Holy Sacrament?
3. Have you a Communion Cup or Chalice with a Paten and Flagon, proper for that Service? Are they kept clean, and not employed to any other use? Have you a metal Bason or Plate for receiving the Alms of the Communicants, and a Linen Cloth for covering the Bread and Wine?
4. Are the Communion Rails entire, and in good repair?

## VI.

Have you in your Church or Chapel a convenient Reading Desk for your Minister, together with a Pulpit and Cushion, all in proper repair?

## VII.

Have you a Surplice for the Minister? and is it kept clean and in good repair?

*Let the Answers be entered below.*

## VIII.

Have you Register Books for Baptisms, Marriages, and Burials within your Parish, and an Iron Chest wherein to keep the same according to Law?

## IX.

Is your Church or Chapel kept free from all profane uses?

## X.

Is your Church or Chapel uniformly kept free from dust, dirt, and every thing that is noisome and unseemly, at the charge of the Parish?

## XI.

Have any Charities or Benefactions been left to your Parish, or towards the repairing and maintaining your Church, or to any other Pious and Charitable Uses? and are they duly applied? Are your Church-Rates regularly made, confirmed, and gathered, as often as is needful, for the Repairs of the Church, and for other Things thereto belonging?

*Let the Answers be entered below.*

## TITLE II.

*Concerning the Church-Yard; and the Houses, Glebe, Tithes, and other Dues belonging to the Church.*

## XII.

1. Is your Church-Yard sufficiently fenced with Walls, Pales, or Rails? and is it kept decent and free from all annoyances?

*Let the Answers be entered below.*

## XIII.

1. Is the House belonging to your Minister, together with all the Out-houses thereunto belonging, kept in good and sufficient repair?

## XIV.

Hath a Terrier of the Glebe Lands, Houses, &c., been duly taken, according to the Canon of our Church, and the usage of this Diocese, and delivered to the Bishop's Registrar?\*

\* *Note.*—That in all cases this is to be done; whether in Parishes still subject to Tithes, or where the Tithes have been commuted by an Allotment of Land, or a Corn Rent. The Terrier is to be signed by the Incumbent, Churchwardens, and other principal Inhabitants.

# ARTICLES

OF

## VISITATION AND INQUIRY

CONCERNING

### MATTERS ECCLESIASTICAL:

GIVEN TO

THE MINISTERS, CHURCHWARDENS, AND SIDESMEN

OF EVERY PARISH WITHIN

THE DIOCESE OF DURHAM,

AT

THE ORDINARY VISITATION

OF

THE RIGHT REV. FATHER IN GOD, EDWARD, LORD BISHOP  
OF DURHAM,

IN THE YEAR 1841.

DURHAM: PRINTED BY FRANCIS HUMBLE, SADDLER-STREET.

1841.

ARTICLES  
OF  
VISITATION AND INQUIRY  
IN THE  
DIOCESE OF DURHAM.

---

I.

1. Is your Church or Chapel (as well the Chancel as the Body thereof) in good and sufficient repair?
2. Are the Roofs well covered with Lead, Tile, Slate, or other proper Covering?
3. Are the Doors and all things belonging to them firm and entire?
4. Are the Windows well glazed?
5. And are the Casements in them sufficient to air the Church or Chapel?
6. Are the Floors kept paved, plain, and even?
7. Are the Pews and Seats kept in sufficient repair?
8. Are they so ordered that Persons may sit, stand, and kneel?
9. Have any Pews been lately erected in the Chancel or Body of the Church or Chapel, without leave of the Ordinary?
10. Is earth suffered to lie against the Walls of your Church or Chapel above the level of the Pavement within?
11. Are there Drains round your Church or Chapel so kept as to carry off the Water?

II.

1. Hath any part of your Church or Chapel been taken down?
2. Have any of the Bells, Lead, or Materials thereto belonging been sold, or otherwise disposed of?
3. Are the Bells and every part of them entire?

*Let the Answers be entered below.*

4. Are the Bell-wheels, Frames, Ropes, and Chamber Floor in good repair?
5. Is any new Church or Chapel in building in your Parish, or is any additional Accommodation for the attendance of the Parishioners at Divine Worship required?

III.

1. Have you in your Church or Chapel a Bible of the last Translation and of the largest size, together with a Common Prayer Book of the same; and a Common Prayer Book for the Clerk?
2. Are these entire, clean, and well bound?

IV.

1. Have you the Book of Homilies set forth by Authority?
2. Have you a printed Table of Degrees wherein Marriage is prohibited hung up in some conspicuous part of your Church or Chapel?
3. Have you the Ten Commandments placed at the East End of your Church or Chapel?

V.

1. Is there in your Church or Chapel a Font set in the Western part of the same, for the administration of Baptism?
2. Is it of stone, or of what other material?
3. Is there a convenient and decent Table for the Celebration of the Holy Communion?
4. Is it covered in time of Divine Service with a Carpet of Silk, or other decent Stuff, and with a fair Linen Cloth at the time of the Administration of the Holy Communion?
5. Have you a Communion Cup or Chalice with a Paten and Flagon, proper for that Service?
6. Are they kept clean and not employed to any other use?
7. Have you a Metal Bason or Plate for receiving the Alms of the Communicants, and a Linen Cloth for covering the Bread and Wine?
8. Are the Communion Rails entire, and in good repair?

VI.

1. Have you in your Church or Chapel a convenient Reading Desk for your Minister?

2. Have you a Pulpit and Cushion, all in proper Repair?

VII.

1. Have you a Surplice for the Minister?
2. Is it kept clean, and in good repair?

VIII.

1. Have you Register Books for Baptisms, Marriages, and Burials, within your Parish?
2. Have you an Iron Chest wherein to keep them according to Law?

IX.

1. Is your Church or Chapel kept free from all profane uses?
2. Is your Church or Chapel uniformly kept free from dust, dirt, and damp, and every thing that is noisome and unseemly, at the charge of the Parish?

X.

1. Have any Charities or Benefactions been left to your Parish, or towards the repairing and maintaining your Church, or to any other pious and charitable uses?
2. If so, are they duly applied?
3. Are your Church-Rates regularly made, confirmed, and gathered, as often as is needful, for the Repairs of the Church, and for other things thereto belonging?

XI.

1. Is your Church-yard sufficiently fenced with Walls, Pales, or Rails?
2. Is it kept decent and free from all annoyances?
3. Is the House belonging to your Minister, together with all the Out-houses thereunto belonging, kept in sufficient repair?

APPENDIX 6

Letter from the Bishop of Durham to the curate of Hewarth, 1850:<sup>(8)</sup>

Auckland Castle  
November, 29th

Reverend Sir -

A complaint has been made to me - I am sorry to say, anonymously - by some of the inhabitants of your parish, that the clerk locks the door of the church at an improper time, so as to prevent the parishioners from attending Divine service; also that the sexton locks the doors of the Gallery, it is supposed, to save the trouble of cleaning it.

The want of free seats is much complained of. I do not know how this can be in a church so recently erected - but it is hardly necessary to inform you that, if parishioners will not occupy seats belonging to them they should be at the service of any respectable inhabitant.

If there be any foundation for the complaints which have been laid before me, I am sorry to be under the necessity of expressing my dissatisfaction that you have not put a stop to such irregularities.

I am, Reverend Sir, your obedient servant,

E. Dunelm.

APPENDIX 7

The report of the revenues of the see of Durham, for the seven years ending December 31, 1850. (9)

<u>Year</u>	<u>Income (£)</u>	<u>Expenditure (£)</u>
1844	24,558 2s 4d	13,800 16s 2d
1845	22,366 2s 11d	13,534 19s 4d
1846	27,031 6s 7d	13,823 18s 8d
1847	39,108 2s 8d	14,829 --- 11d
1848	35,124 13s 4d	13,845 17s 6d
1849	20,755 3s 1d	14,364 1s 9d
1850	38,619 8s 7d	14,256 13s ---
	<hr/> 207,562 19s 6d	<hr/> 98,455 7s 4d

APPENDIX 8

In the debate on the Bishops of London and Durham Retirement Bill, Bishop Phillpotts of Exeter recited extracts of the law of the Church, taken from Gibson's Codex: (10)

1. Resignation must be made to one who hath power to admit it, and that is, in general, to the person who granted admission to the benefice resigned; and, therefore, donatives are not resignable to the ordinary, but to the patron, who hath power to admit. But there is one exception as to the Queen. It is a true doctrine that deaneries of the Queen's gift may well be resigned to the Queen, which is much to be questioned, wherever there is a bishop, the immediate superior; because however, the Crown hath the right of nomination, yet legal possession is not to be obtained - nor by consequence to be resigned - but by canonical methods.
2. Resignation can only be made to a superior. This is a maxim in the temporal law; and is applied by Coke to the ecclesiastical law; when he says that, therefore, a bishop cannot resign to a Dean and Chapter, but it must be to the metropolitan, from whom he received confirmation and consecration.
3. Resignation must be made in person and not by proxy.
4. No resignation can be valid until accepted by the proper ordinary. That is, no person appointed to a cure of souls can quit that cure, or discharge himself of it, but upon good motives, to be approved by the superior who admitted it to him - for it may be that he would quit it for money, or to live idly, or the like. And this is the law, as well of the State, as of the Church.

APPENDIX 9

Gibson's Codex 821; Burns Ecclesiastical Law Vol. III 542.<sup>(11)</sup>

A collateral condition may not be annexed to the resignation, no more than an ordinary may admit upon condition. For the words of resignation have always been pure, sponte, absolute et simpliciter, to exclude all indirect bargains, not only for money, but for other considerations.

Godolphin pp. 277-8.

The resignation is not good, and the condition void, because it is against the nature of a resignation, which must be absolute, sponte, pure et simplicitate; a collateral condition cannot be annexed by the parties themselves; also this is an act judicial to which a condition cannot be annexed, no more than an ordinary may admit upon condition.

APPENDIX 10

The Lord Bishop of Durham to Viscount Palmerston: (12)

4, Upper Portland Place  
June, 21st.

My Lord,

In consequence of the great failure of my sight and other infirmities incident to a very advanced age, I am anxious, if allowed by law, to be retired from the fatigue and responsibility of the high office which I have now enjoyed for the last twenty years. As I shall relinquish a very much larger income, I am persuaded that your Lordship will not consider the annual allowance of £4,500 per annum by any means unreasonable. Upon the assurance that this will be granted, I shall be ready to resign the Bishopric of Durham on any day not earlier than August 1st. I could have wished to name a later day, for I fear it will not be in my power to complete arrangements for leaving Auckland at so early a date; but Lord Chichester informed me that it might be inconvenient to the Government. I, therefore, acquiesced in the confidence that I should not be hurried unnecessarily, and it may possibly be desirable that my successor, whoever he may be, should have an opportunity of conferring with me before I leave Auckland upon the state of the diocese.

I have the honour to be, my Lord, your most obedient servant,

E. Dunelm.

NOTES

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- 2 Statement of Maltby Fund, Parliamentary Papers (1856), XLVI p.157.
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- 10 Hansard Parliamentary Debates, (Third Series), Vol.143, col.828.
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- 12 The Durham Advertiser, 25th July, 1856, p.8, col.1.

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twelve files of material of, and of the time of, the Bishops of

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Bundle containing printed parliamentary Bills and Acts, 19th century.

Clergy Call Books, 1837 and 1849.

Register of Ordinations, 1836-56.

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ABBREVIATIONS

A.C.E.R.	Auckland Castle Episcopal Records
A.D.	Alnwick Deanery
B.D.	Bamburgh Deanery
C.D.	Chester Deanery
Co.D.	Corbridge Deanery
D.D.	Darlington Deanery
D.D.R.	Durham Diocesan Records
E.D.	Easington Deanery
M.D.	Morpeth Deanery
N.D.	Newcastle Deanery
S.D.	Stockton Deanery

