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THE
STATUTES
OF
MAGDALEN COLLEGE, OXFORD.

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ART. V.—*The Statutes of Magdalen College, now first translated and published by G. R. M. Ward, Esq. M. A. Barrister at Law, late Fellow of Trinity College, and Deputy High-Steward of the University. Oxford: printed and published for the Author, by Henry Alden. London: Jackson and Walford. 1840.*

IT is a convenient thing that men should couple with their actions a profession of the principles upon which they conceive themselves to act, because by so doing they establish a sort of summary jurisdiction—immediate and without appeal—to which their conduct may be referred, and thus much preliminary discussion may be avoided. Not indeed that the whole question is then settled by a decision in favour of the accused, because his court of principles may, from its falsehood, be without authority to any beyond himself; but if it condemn him, being of his own choice, he must surely be silent.

Now, if we mistake not, Mr. Ward has in the case of this publication erected such a tribunal as we speak of, and he must not therefore think us arbitrary in bringing him before it. He has, we conceive, through the medium of his motto,* and of his short preface, either directly or impliedly, laid down the following rules—rules, be it said, which we are as ready to admit as he is.

1st (for we will choose our own order in stating his principles), Mr. Ward holds, that it makes some difference in men's duties whether the matters in question be within their "charge," and whether they be concerned with them as "interested parties" or not.

2nd. That "the excellent purposes of the munificent founders of our establishments" are objects, the accomplishment of which should as much as possible be aimed at.

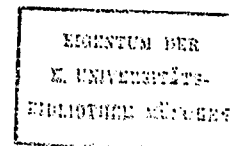
3rd. That, in speaking of other men's actions and concerns, none but a full and accurate, even though it be a rude and tiresome statement, should be given.

Here then we have a triumvirate of Mr. Ward's own choosing: let us hear their judgments in succession. And first, as to Mr. Ward's "charge" in this business. He has published one, and proposes to publish all the collegiate codes, and this whether the colleges themselves wish it or not. In other words, he intends to set these institutions in order as far as can be done by these means. He intends *pro tanto* to exercise visitorial power over them.

Now we learn from his title-page that he has various characters. Under which of them does he derive his commission? Is it as a

* "Whoso shall tell a tale after a man,
He mooste rehearse as neighe as ever he can
Everich word, if it be in his charge,
All speke he never so rudely, and so large."

Chaucer's Canterbury Tales, Prologue, 733.



Master of Arts? If so, the colleges have a pleasant prospect, for the number of those who are bound by like obligations to attack them is already inexhaustible, and there are fresh graduations daily. Besides we had thought that there were certain promissory oaths connected with that degree, which require the promotion of peace and charity amongst both persons and societies in the university, and which moreover do strongly incline against carrying beyond its precincts (even we should think before "public opinion") any cause of difference or debate.

But then Mr. Ward is a barrister at law. Does this make him Attorney-general to these charities? But he was once Fellow of Trinity College. And therefore he once had a right to interfere in the affairs of Trinity College; but what has that to do with Magdalen?

But lastly, he is Deputy High-Steward of the University. Now Mr. Ward ought to know, and, if he does not, it is high time he should be told, that not only if he were chief where he is deputy, but that if he besides this included in his proper* person the Chancellor and Vice-Chancellor, both the Proctors, the Registrar, and all the Bedels, he would nevertheless be as little entitled to meddle with the internal regulations of this college as if it were founded at Upsal or at Bologna, instead of in Oxford.

And this brings us to the intentions of founders, for which Mr. Ward professes so much regard. These intentions of course are various, to be variously and by various persons fulfilled; but it would at first sight appear difficult for a stranger to the foundation either to observe or to violate them. If we mistake not, however, Mr. Ward has discovered the only point upon which this was possible, and upon that point has done his utmost to oppose them. For let it be considered by the reader of these statutes, whether there is any one provision about which the founder has shown more anxiety than that of the jurisdiction to which his college should be subject, and the manner in which its discipline should be preserved.

He tells us himself that he† had observed and was well aware of the disorders which are apt to arise in such institutions; that he had seen the "steadfast frame of divers rules, ordinances, and statutes shaken by overmuch error, and how the gloom of thick night rushing in, had on all sides overcast the bright light of day." And in truth when we consider the almost innumerable quantity of endowed bodies, regular and secular, which existed in his

* We of course except Ingledew's composition, which is in the nature of a special trust (see the Statutes, p. 159); but as regards the foundation properly so called, neither the Chancellor nor the Proctors may even be the visitor's commissaries. Ibid. p. 156.

† Statutes, p. 159.

time, many of which were then of great antiquity, it is impossible not to be satisfied that he was as fully aware of the difficulties which he had to deal with as any one can be at this day. Indeed the thought of them seems almost to have decided him against trusting* his alms beyond his own administration, but at length he says, "after most devout invocation of the Divine aid as to what should be done, we inflexibly fasten the inward eyes of our soul on the relieving of poor scholars, being clerks, and sojourning in the schools; for we entertain a sure hope that men of letters, and who are imbued with a variety of knowledge, and who keep God before their eyes, and have a clearer ken than others of His will in the observance of rules, ordinances, and statutes, will more strictly observe our rules, ordinances, and statutes to them delivered." Here then was a distinct expression of confidence in the learning and piety of that class whom he designed to assist, and whom both in this and in many other passages, he refers for their rule of conduct and the sanction of their obligations to the all-pervading will of God. In accordance with this feeling he gave very considerable domestic powers to his college, and made it in some sort a check upon the visitor himself, and in order that none of the "individual consciences of interested parties" might be able to pretend ignorance of their duties, he desired that the whole statutes† should be read to the fellows and scholars once in each year. He did not, however, in the least design any greater publicity for them, for we find that he desired both the original Book of Statutes,‡ and all copies and exemplifications of them, to be safely kept in the chapel tower, and "strictly inhibited the president and all and each of the fellows and scholars from being over ready and hasty in displaying" these and their other evidences.

The same care is shown in respect of external jurisdiction. By the laws of that day the college was of common right subject in respect of parochial duties (sacraments, burial, and the like), to the parish in which it stood. It was moreover liable as an ecclesiastical foundation (whatever modern lawyers may say) to the ordinary visitatorial power of the Bishop of the diocese. But from both these the founder was at pains§ to exempt it, and though, with such authority as he then acted under, there was hardly any imaginable form of superintendence within or without the university which he might not have created, he deliberately preferred that of his own successors in the see of Winchester, to whom or to whose ecclesiastical representatives he chose to assign, with but one exception, a final and unappellate jurisdiction.

* Statutes, p. 160.

† Ibid. p. 139.

‡ Ibid. 54.

§ Chandler, p. 143.

Now by what ingenuity are we to reconcile Mr. Ward's practice with his profession in regard to this—to him the only violable point in the founder's intentions?

He has without any warrant but his own will condemned as insufficient the integrity of that class in whom the founder confided; he has by means of a MS., at some time or other surreptitiously obtained, denied them the exercise of that discretion, in regard to the publication of their statutes, which the founder allowed them, and of which it is well known that they endeavoured to make use. He has moreover wilfully set aside the mode of superintendence which the founder so carefully framed, and has preferred, both to the visitor and to the college, a herd of popular readers whose ignorance even of Latin, and whose total unacquaintance with academical and ecclesiastical history, render it hopeless that, with the best intentions, they should be in any degree able to judge fairly. Can Mr. Ward persuade himself that he has herein obeyed the founder's wishes? Can he deny that the founder contemplated the possibility of abuses, and that if he had thought fit he might by way of remedy have directed that these statutes should be published in English every year from "Paul's Cross," or from the stone pulpit in Magdalen College quadrangle?

Nay more, can he distinguish between the principle which induced the founder to desire this privacy of jurisdiction amidst the numerous tribunals of his day, from that which requires a like privacy now? Is President Routh less learned or less pious than Presidents Tybarde and Mayew? Is uninterrupted tranquillity less essential to study and devotion now than then? Was it more vexatious to be forced into the Court of Arches, or taken by appeal to Rome, than it is to be dragged before parliament by Lord Radnor, or before public opinion by Mr. Ward?

Lastly, are the modern tribunals, such as have lately been resorted to, more just, more wise, more deliberate than those excluded from his college by Waynflete? Bad as Rome may have been, was it worse than the triple-crowned popedom of self-will, hastiness, and party-spirit, which rules amidst the popular assemblies, and over the popular opinions, of this day?

Mr. Ward then can hardly escape censure, first as a meddler when he had no "charge," and next as a violator of intentions which he professes to hold sacred; but these are not our worst complaint against him. Has he been faithful in his usurped office of public prosecutor? Has he (to quote his own author) "as wel sayn o'word, as another?" Has he made "the wordes cosin to the dede?"

* Chandler, pp. 144, 145.

Let us ask then what ordinary reader, when he is told that these statutes are translated "from *the MS.* in the Bodleian Library"—that they are "the first in a series of all the collegiate codes;"—when they are spoken of as "the unchangeable ordinances themselves," by reference to which "public opinion no less than the individual consciences of interested parties," are "to canvass the question, how far any aberrations of practice are justified or unallowable:"—what reader, we say, when he has this volume so brought before him by a person learned in the law, and holding a judicial office in the university, can doubt that, by perusing it, he will be fully qualified, if a constituent of "public opinion," to condemn the whole Society of Magdalen College—if an "interested party," with an "individual conscience," to condemn himself, for all and every thing which may be amiss in the affairs of this foundation? And yet after all, what does Mr. Ward's translation do for us? Is it certain that it even exhausts the original provisions of the founder? Still more, does it show what is the fixed and authorized sense of the various statutes? Lastly, does it point out the changes, which, though Mr. Ward calls them "unchangeable," these ordinances have beyond all doubt undergone?

Now it appears that the foundation of Magdalen College, like that of many others, was not perfected at once; that it existed first as a Hall,* then ten† years later as a College, and as a College for twenty-one‡ years without written laws; that it then gradually received statutes, at§ intervals, and relating to detached matters; that|| the founder after this "delivered to the society his statutes in a body, still subject to his revisal, additions and alterations." That he sometimes dispensed¶ with, and sometimes expounded these statutes in a particular sense; that there is at least one statute which** was omitted (it is thought by forgetfulness) from the general body; that several decrees were afterwards added by the founder; and that, when he was dying,†† "in various matters, which for some reason or other were postponed, he declared his mind and pleasure to the president of the college, to be fulfilled by the society after his decease."

All these points are ascertainable from Chandler's Life of the founder, which must have been within Mr. Ward's reach all the time that he was busied upon his translation in the Bodleian Library. But even without this labour of research, we think that Mr. Ward might have found internal evidence in these very statutes themselves, which might have made him doubt their perfectness. Of this we have collected the proofs, and they lie ready

* Chandler, p. 49.
 § Ib. pp. 146, 152, 155, 156.
 ** Ib. p. 206.

† Ib. p. 94.
 || Ib. pp. 162-3.
 †† Ib. p. 217.

‡ Ib. p. 144.
 ¶ Ib. p. 164.

written before us; but in mercy to our readers, who have yet much to endure from us, we omit them.

We think, however, that we have adduced enough to show that, without access to the Magdalen College records, both Mr. Ward and his readers are likely to obtain but indifferent testimony even as to the final statutes of the founder. But, further than this, does Mr. Ward, by rendering these statutes into English, thereby give us at once their full and true sense? He will doubtless tell us that the "grammatical and literal" meaning alone is to be endured, and therefore that if he has used* Ainsworth discreetly, and has steered through the intricacies of case and gender, the whole work is done. But we question much whether Mr. Ward has considered that the language and forms of these statutes belong to a system of ecclesiastical law, well known and accurately defined at the time of Bishop Waynflete, but which has now become obsolete. That it is therefore at the very outset a question what a canonist of that day would have admitted to be meant by a "grammatical and literal" interpretation. We know from Lyndwood that a grammatical exposition of Holy Scripture is one which excludes "*sensus mysticos et morales*;" but a man, who on the plea of grammar had in his teaching differed from the "*determinata per ecclesiam*," would doubtless have found it but a slender protection; and so we may perhaps be inclined to suspect that a grammatical interpretation of these statutes, which should set any known rules of the canon law at defiance, would have but little countenance from the founder. Or if Mr. Ward does not like the canonists, he can hardly object to Lord Eldon; and we therefore recommend him, at his earliest convenience, to consider the opinions expressed about such interpretations by that great judge in the case of Queen's College.

Nor again will it suffice to say that this is a question of "individual conscience," and that the members who have sworn to accept none but grammatical interpretations are bound to reject all which in their individual opinions are not such. If so, the founder must have designed chaos instead of order, and must have anticipated the self-will and private judgment of our own distempered times. But, in truth, conscience was not in those days suffered to be so isolated and lawless as it is now. It had its fixed rules of conduct, and for difficult cases it had its learned doctors. It had, too, its open accusations, trials, and punishments; for though perjury upon a promissory oath is not recognized by the

* We have not had leisure to compare Mr. Ward's translation with the original, and therefore we pass no judgment upon its accuracy. We use it in this article as the most convenient way of citation. Had Mr. Ward published the Founder's Latin with his English (or without it), he would at least have contributed a valuable fragment to college history. As it is, no practical man will quote his publication as an authority.

common law, it was otherwise under the canons, and we have in fact seen a visitor's injunctions, in which he threatens his college with ecclesiastical disabilities as the consequence of violating their oaths.

And besides this, it is plain, that anxious as the founder was to cut off all those occasions of laxity which the abuse of the dispensing and interpretative powers had afforded in other foundations, he by no means intended to set up this arbitrary tribunal of "individual conscience" against all other authority. Nothing can be more clear than his dread of* "subtle contrivance" and "fraud," of "sinister† interpretation foreign to the scope of his intention," and of "far-fetched colour,"‡ which might "infringe" or "take away, or change the tenor of" any of his statutes; but at the same time he did not intend that each man should be (as it has of late been said) "his own Pope," but evidently contemplated that in any case of doubt or§ discordant opinion as to the sense of a statute, the point should be first debated within the college; and then, if no "plain and sound meaning" could be thus had, "the final judgment, interpretation, and declaration" of the Bishop of Winchester was to be "obeyed and effectually complied with" under the duty of the college oath.|| And then, again, though the Bishop of Winchester is tied to "the plain sense" and "common understanding," and though his exposition must be "grammatical and literal," yet it must be "in the highest degree, and with the greatest aptitude, answerable to the case or doubt started;"¶ and therefore not absolute and invariable, but relative to the immediate difficulty. And, lastly, in the said Bishop of Winchester for the time being the founder "reposed sincere confidence," and has left to his conscience (and not to Mr. Ward's, or to ours, or to those of "parties interested") the final resolution of all doubts. Now that in the course of near 400 years, amidst all those "changes of times and manners," which have been incessantly at work, and in continual contact with these institutions; that in this long period of revolution doubts almost innumerable must have occurred, must have been debated, and must by the competent authority have been decided, is so evident, that we are almost ashamed to call attention to it. "Nihil est tam clarum quod non valeat aliquâ dubitatione obfuscarî," say the civilians, and we think that the common law might have taught Mr. Ward as much; but in truth he admits it himself when he speaks of "aberrations of practice being justified or allowable," only he thinks that this was never found out before, and he is anxious to be admitted to a power from which the

* Statutes, p. 160.
§ Ib. p. 162.

† Ib. p. 161.
|| Ib. p. 163.

‡ Ib. 162.
¶ Ib. p. 163.

founder has excluded him, and that he should be allowed to legislate de novo upon points which, for aught he knows, have long since been decided in a manner obligatory upon the consciences of all concerned.

But granting that these are the founder's complete statutes, and that we understand them as well as the President and Fellows of Magdalen College, are they "unchangeable?" or rather have they never been changed? Is there nothing to omit—nothing of later date to add to them? Mr. Ward's own opinion is not very clear; for while he calls them "unchangeable ordinances," he also suggests the possibility of "aberrations of practice" from them! And so he leaves us in a dilemma at the very outset.

Fortunately, however, the point is not quite new to those who have had any occasion to consider such matters. And first, it is beyond doubt that William of Waynflete desired, as far as possible, to prevent all changes in his statutes except what he might make himself. This is forced upon the reader at every turn. But what was his own view of the limits of this possibility?—and what are these limits, considered absolutely and upon sound principles? We put these as separate questions, but they in fact require only one answer; for, first, we feel convinced that the founder's own view *does* agree with sound principles; and, secondly, if there were any doubt of his meaning, we should be bound in charity to refer it to those principles; and, lastly, if it were plainly at variance with them, then these principles must prevail over it. It seems then to us that the founder legitimately might, and did, intend to restrain, not only all irregular interference with his statutes, but also all legitimate exercises of power over them, which might proceed from parties having less authority than that under which he himself acted in imposing this restraint. It seems further that it was competent to him to require (as he has required) of the members of his college, by way of private and personal obligation, that they should neither voluntarily seek any relaxation or change whatsoever in their statutes, nor accept any such when the acceptance might be optional only and not compulsory. In other words, the founder, having obtained the sanction of papal and royal authority to the immutability of his statutes, might properly restrain all inferior powers from attempting to change them; but being himself born under allegiance to the State, and baptized into the obedience of the Church, he could not exempt either himself or any others so born and so baptized from his own and their primary obligations to these powers.

Whosoever therefore the supreme authority of either Church or State (according to the subject matter) should interfere, it must have been contemplated that both the founder and his found-

dation should bow before it. But then again since none can doubt that private men may establish obligations amongst themselves which shall prevail in conscience until superseded by higher duties, so it appears reasonable that the oath against dispensations, being in its origin lawful, and by no subsequent legislation rendered illicit, should prevail, as a conscientious restraint, in all cases where the interference of the supreme power should be merely permissive. If then by any legitimate authority any changes, not permissive only, but compulsory, have been made in these statutes, every obligation as well of conscience as of law, which applied to them in their original state, will sanction obedience to them as thus changed.*

We think therefore that it behoved Mr. Ward, before he called these ordinances "unchangeable," to have inquired whether some higher authority than public opinion, or private conscience, whether some more pressing occasion than changes merely of "times and manners" may not have disturbed their provisions, and thus far varied both their legal and moral force. And this he was more especially bound to do with the utmost diligence in such a publication as the present; since, as already noticed, it is avowedly designed in great part for persons unacquainted with Latin, and therefore little likely to possess that knowledge, the want of which has of late, more than once, led educated men—nay, wise and politic statesmen,—to speak in a manner little short of ludicrous about these institutions.

Fully to supply Mr. Ward's omission we hold to be impossible for any one who has not access to the Magdalen College records; and therefore we do not reproach him for the omission itself, but for embarking in an undertaking where its occurrence was inevitable, and yet where the evils resulting from it were so plainly to be foreseen. Some idea, however, may be formed of the extent of this defect, when we tell our readers that there is an act of parliament of Edward VI., by force of which, the whole of Thomas Ingledeve's composition (which occupies six pages of Mr. Ward's translation, pp. 149—155) may have been, and probably was, altogether or materially changed. That by the various acts of uniformity, and by the canons, rubrics, and injunctions connected with, or subsequent to, the Reformation, some other twelve or fourteen pages of the statutes became subject to the same process. That Magdalen College, like the rest of the University, underwent four successive visitations from Henry

* In regard to the *form* of the oath, that is a small matter, if the true sense of it be understood. We know an instance in which, immediately after some changes such as we speak of, a reference to them was introduced into the oath. It has since disappeared again from the form, but surely it is in substance there still.

VIII., Edward VI., Mary, and Elizabeth, respectively; and that, though we (who are not of the college) do not, and cannot know all that was enjoined upon it in particular, we can and do know that changes, not only in matters directly religious, but in* well-nigh every thing relating to these institutions, were upon these occasions designed, and in many cases effected, by an authority then accounted supreme.

We must be pardoned therefore for rejecting Mr. Ward's title of "unchangeable," and for finding further reasons in what has last been said, for not hastily judging the Society of Magdalen College. And, were this a fit occasion, we might be disposed to enter into other points which our translator has probably as little thought of; such, for instance, as that of the legal authority for increasing the amount of pecuniary allowances fixed by the founder, and that of the effect upon the relative incomes of the several members, and upon particular portions of the statutes themselves, arising from the gifts of other benefactors, such as we see both presently and prospectively provided for in this collection of statutes (vide pp. 26, 114, 149), to which other matters perhaps might be added. We should also be glad to enlarge upon the questions already mooted; for those respecting the completeness of any given body of statutes—the interpretation of them, and subsequent changes in them—apply so generally to Collegiate foundations, and† in some cases, and upon some points so much more strongly than to Magdalen College, that it is most desirable that Mr. Ward, and those who, both in and out of Parliament, are so ready "to thrust their sickles into other men's harvest," should be made aware with how little credit to themselves, and with how much injustice to others, this interference must of necessity be attended.

And, on the other hand, it is much to be wished that the collegiate bodies themselves should not through haste or indolence, or any latent selfishness, fall into the opposite error of sitting lightly under their oaths, or of concluding because the careless temper of their immediate predecessors has left them without formal and acknowledged rules for ascertaining their obligations, that therefore the obligations are in themselves uncertain. As we have before hinted, most of these institutions are amongst the fragments of a vast ecclesiastical system, the

* e. g. Chandler says, the "year of grace," was altered to six months.—p. 164, note. For various arbitrary changes which were successfully resisted by Magdalen College, see A. Wood, *Annals*, ii. 101, ed. Gutch.

† We could give Mr. Ward an instance in which there were two bodies of statutes given in the founder's life; another where three and some injunctions were so given. Which of these will Mr. Ward constitute the "Codes" in his series?

other remaining portions of which are exposed to the same difficulties, and have suffered by the same neglect. But from this system its leading principles have not been altogether discarded, and these, if duly called into action, will, like the impulse of the heart, gradually give vigour to every portion of the maimed, but still living, frame of our Church polity. With patience therefore, and some little labour of research, we are confident that these learned bodies may redress the neglect of those who have gone before them, and establish their domestic discipline with its attendant obligations in a manner becoming scholars and Churchmen.

For though it would be more easy, doubtless, to cut the knot than to untie it, and by legislation to establish a new platform for these foundations after the model of some Prussian or French academy, such is not the true principle either of our Church or of our civil constitution. To avoid small present difficulties by the sacrifice of great and ancient principles—to discard all the past as a dream, and to find reality only within the compass of the day and the feelings and wants of one generation,—may suit those who acknowledge no Fathers in the Faith, no ancestors in kindred or country. Such, however, is not yet altogether our case. The sloth and corruption of many of those to whom our ancient institutions were for the time committed has damped the ardour even of their friends, and has given their enemies power well-nigh to overthrow them. But the progress of our reforms has taught us more and more that it was to the men, and not to the things—to the persons, not the institutions—that those reforms should have been applied; and that in shaping our methods for the cure of transient evils, we were adopting schemes so narrow or so lax, that there would be henceforth little opportunity for the growth of permanent good.

That the colleges have been preserved inviolate amidst the first fever of these times cannot be made the subject of too much thankfulness; but their members must not think that the storm has altogether passed away, or that, as long as the Church has enemies, they, who are her children, can ever be in repose. Still less must they forget—what all around calls upon them so imperatively to remember—their duty to that Church in her distress, the heavy guilt of talents neglected or misapplied, the solemn account which waits upon oaths broken and trust abused.

It may be that this generation might escape with personal security from mere external change; for "vested rights" have a claim upon modern selfishness which no weight of authority, no sanctity of association, has upon modern reverence. But if it should be willing thus to escape, traitorous and dishonoured—thus "*propter vitam vivendi perdere causas*,"—there is another

account yet behind; and when men see the Church (which in her day of power protected, in her day of wealth endowed, in her day of honours delighted to honour these institutions,) deprived, in her day of need, of their assistance, through the faint hearts or the faithlessness of their sworn defenders, they will be apt to ponder upon the recompence of these things, and to remember the grave tone of the Psalmist when he refers to those "children of Ephraim who, being harnessed and carrying bows, turned themselves back in the day of battle."

But we hope, nay in some degree we know, better things of the colleges. In more than one case, even within our own knowledge, the task of honest inquiry has been begun and vigorously carried forward. And if those concerned in it will but resolve to abide fairly by its issue, and will but pursue it as a matter of law and history in regard to the facts, and of sound casuistic science in regard to the moral obligations resulting from them, we have little fear but that the thread of these old systems may be resumed, their ancient vigour and usefulness restored, and that they may yet transmit to future ages that unbroken chain of thought and feeling, by which they have hitherto, (perhaps more than any of our institutions,) bound up the past with the present history of our Church, and thus helped to maintain, amidst evil days, the sense of its continuous and Catholic existence.

Our readers, however, will think that if we have any further objects in this article it is time we should approach them; and therefore, with earnest advice to Mr. Ward to consider well before he pursues his present intention of publishing a collection of mis-statements as to college obligations, and with a hearty disclaimer of any unkindness towards him personally,*—for in truth he has but acted, perhaps inadvertently, upon one of the false systems of the day,—we will address ourselves to the remainder of our task.

We have shown above, if we mistake not, that these statutes cannot be fairly taken as evidence against the Society of Magdalen College, and as such we have repudiated them; but, on the other hand, it seems probable that they give a general outline of the foundation as it at one time or other was, or was designed to be, constituted; and in this light they present a subject of considerable interest, and one to which we wish to draw the attention of our readers.

And here, were we writing in the eighteenth instead of in the nineteenth century, the plan of our article would perhaps be this: We should say something about the "curious picture of manners"

* We wish to be understood as speaking of Mr. Ward merely as he comes before us in his publications. We are assured by those who know him, that he is a gentleman of much candour, honourable feeling, and manliness of mind, in spite of a late pamphlet of his, which we hope and expect he will one day wish unwritten.

which these statutes unfold; we should refer our readers to those parts which illustrate the change in the value of money, and quote the "*Chronicon Preciosum*," in order probably to confute it. We should then draw attention to the importance of such "evidences" and "monuments" in tracing the origin of customs and the meaning of words. After that we should soundly abuse the schoolmen for dunces, and laugh at the "superstitions of those days." The founder we might call "pious and munificent," hinting all the time that he was far beyond his age; nay, we might go so far as to assert that he was a Protestant, and perhaps succeed in proving him no Catholic. After this we should proceed to James the Second and Dr. Hough, when we should speak at large of Popery, Despotism, and the Bill of Rights. And then, having bestowed no small praise upon the "polite genius" and the "rational religion" of our own times, we might conclude with a hope that Magdalen College might long continue to promote "virtue and good breeding," "letters and civility," in this great and free nation.

And why is it that such a strain would but ill satisfy us now? Is it that we are in ourselves wiser and better than our ancestors? that we are more *capable* of deep thought and feeling than they? Is it not rather that they lived in times when men were tempted to carelessness and fell, while we are forced to be watchful, whether we will or not? For the state of good and evil amongst them may be likened to that of opposite forces during a long and unprofitable truce: ours is as the breaking up of armies and the hurrying to and fro of men preparing for the fight. And in the field we speak of there lie two hosts: on the one side are the encampments of the Church, pitched after the model set by her first captains; on the other are the gorgeous armaments of the world, and of those sects which hate the Church more than they fear the world. But between the lines there is a mixed multitude; and in it, alas! are to be seen the sworn soldiers of the cross, their weapons laid aside as cumbrous, or discarded as unpleasing to those with whom they have so long joined in pleasure and interest that they can scarce think that they are enemies. And during this hollow truce the world has quietly pressed on, and the Church has step by step receded, till at length we are come to this—that peace can no longer be feigned, and a sharp deadly struggle must ensue. Nor are we without warning of our danger: more than one blast has already sounded, and has startled even those who least wished to hear it. But we have been "eating and drinking, and marrying and giving in marriage" with the world; and now we rise up like men heated by the wine-cup, and giddy with the dance, entangled by interests we never should have pursued, softened by affections we never ought

to have indulged, and we know not our banners and our leaders, and we doubt our friends, and cannot yet strike our foes; and those who have been amongst us, but not of us, openly forsake us, and those who are faint-hearted would still fain purchase a short rest with the gold of the sanctuary, and try to "make a covenant with death, and with hell be at agreement."

No wonder then that they who remember what their cause implies, and who remembering dare neither to fear nor to despair, should look carefully around them—not to secure victory, for that they know is in other disposal than theirs—but to be sure that they fail not in the part committed to them—that they miss no advantage and leave none of the gifts of God unemployed in His cause. And, hence, where our fathers were curious antiquaries, we must be earnest inquirers for what may serve our needs. They might go into the armoury of the Church to wonder or to smile at its stores: we must go thither to search us out strong defences and keen weapons, such as were used of old; for the light trappings of the day will not protect us, nor the tactics which we have learnt of the world give us the victory over our teacher. Let us look then into the purposes and the construction of this ancient institution; and, supposing for a moment that these statutes (with the exception of such changes as it is obvious to a mere stranger must have been made in them) are entitled to the obedience of the society to which they relate, let us consider their practical bearing in these times and their value in our present necessity.

The times in which Waynflete lived were marked by great evils both in Church and State. The latter was distracted by contending princes—the former by schisms, heresies, and corruptions. Of the ecclesiastical disorders (with which we are more concerned than with the civil), the most remarkable were those arising from the rivalry of Councils and of Popes, and from the arbitrary use of power by the latter;—from the assertion of reason above faith, and from hasty and irregular, though zealous, proceedings against the authority of the Church—from the admixture of philosophy with religion—from different systems of theology warring with each other—from great danger to souls owing to appropriations and non-residence—from luxury and ignorance in the clergy—from the decay (at least in England) of sound classical learning, and from a hasty entrance into holy orders without the study of divinity—from the irregularity of the mendicant orders, who were openly at war with the priesthood, denied them their just rights, and preached up a fantastical state of poverty.*

* This description of the 15th century, about the middle of which Magdalen College was founded, may be supported from Collier, Mosheim, A. Wood, and others.

It was in these unhappy times that Waynflete, having at heart* "the exaltation of the Christian faith, the advancement of the Church, and the increase of divine worship, and the liberal arts, sciences, and faculties;" and "trusting in the goodness of the Sovereign Framer of the universe, who knows, guides, and orders the wills of all who believe in Him," sought, out of the good things which it had pleased God to bestow on him in this life, to lay up for himself a treasure in the next. He was, it is said, of "worshipful descent,"† but he did not account so highly of it, but that when he was enrolled amongst the chivalry of the Church, he followed that‡ "right proveable" custom which in those days took away from "a learned spiritual man" his father's surname, and gave him for it the name of the town in which he was born. Nor yet, though anxious that the collegiate family which he was founding "should continue for ever, and its dwelling-places endure from one generation to another," did he seek to "call the lands after his own name;" but, rather desiring a perpetuation of good works, and the honour of one of God's servants, than the indulgence of a selfish pride, he dedicated his princely foundation to the memory of a saint, whose claim upon his preference seems to have arisen from her patronage of a pious house by which he had himself been benefitted.§ Of his personal history we need say nothing more than that his eleven years' mastership of Winchester School, his Mastership and Provostship of Eton, his position in Church and State, as Bishop of Winchester, and as Lord High Chancellor, and his frequent and difficult public employments, give assurance that if ever any man was qualified by variety of experience to combine into one system whatever might best advance the Church at his day in learning, in discipline, and in social influence, he was so.

With such objects then in view and with such capacity for their attainment,|| the plan which he pursued was this:—first, "as scribes use to try their pens on a small piece of paper before they begin what they fairly intend to write,"¶ he thought fit to institute at Oxford an endowed "Hall;" but this he afterwards translated into a "perpetual College of learning in the sciences of sacred theology and philosophy."***

Of the difference between this and the previous foundation it is needless to speak. The end was in each the same, namely,††—

* Statutes, p. 1.

† Chandler, p. 3.

‡ Holingshed in Chandler, pp. 11, 12. His family name was "Patten," or "Barbour." Waynflete is a small town in Lincolnshire.

§ Chandler, p. 20.

|| We purposely omit to consider how far Waynflete copied from other institutions. The adoption of statutes by such a man is equivalent to their deliberate composition.

¶ Fuller.

*** Chandler, App. p. 393.

†† Ib. App. pp. 323 and 390.

“the extirpation of heresies and errors, the improvement of the clergy and the ornament of Holy Mother Church, whose ministrations are to be committed to fit persons, *quæ velut stellæ in custodiis suis lumen præbeant et populos illuminent doctrinâ pariter et exemplo.*”

Having these purposes the founder seems to have thought that too spiritual a character could not be bestowed upon his college. And therefore he procured the consent of the supreme ecclesiastical power as well as of the crown. The first stone of the building was laid under the high altar. The society had granted to it all parochial rights, and thus became a church. And, as a church, it was (like any other peculiar) subjected, even in the probate of wills, to the diocese of Winchester.

Within this sacred enclosure it was the founder's desire that God should be in two ways served. Directly—by praise and prayer and holy sacraments;—indirectly—by diligent study, by obedience and discipline, by unity of heart and mutual charity.

For the former purpose he provided that, besides the body of students, there should be four priest chaplains, eight clerks, and sixteen choristers;* that both his “demyes” and his fellows should, previously to their election, be “competently instructed in plain singing;”† that the twelve ministers of the altar‡ should daily perform numerous divine offices in the college chapel, “with the greatest devotion, honour and perfection.”§ “‡ And because the house of God demands unusual comeliness,” he made particular provision for the repairs of the chapel, and furnished it with splendid vestments and decorations. And he thought it a fit cause for destitution of commons,|| if all and singular the scholars and fellows were not “earnest and frequent in their attendance at the divine offices, services and duties.” He also restricted the number of those who might be absent from the college at the same time,¶ “lest by such means divine worship should fall off.” ** He moreover provided the members of his foundation with a directory for private prayer, in which the holy undivided Trinity should be worshipped, and the souls of God's servants, living and departed, prayed for. †† For the latter purpose, too, he appointed solemn and stated times and forms in the chapel. He made also large provision for divine services of various kinds, after the usage of the Church in those ages. ††† And he particularly required that “the president and each of the fellows of the said college do hear, every day, if they conveniently can, one mass, unless they be priest-fellows, who say it in their proper persons.”§§ And

* Statutes, pp. 2, 3.
§ Ib. pp. 38, 114.
†† Ib. p. 96, et seq.

† Ib. pp. 23, 27.
|| Ib. p. 62.
‡† Ib. p. 114, et seq.

‡ Ib. p. 48, and Chandler, p. 186.
¶ Ib. p. 74. ** Ib. p. 94.
§§ Ib. p. 98.

then the festivals he would have marked with particular honours, requiring the services to be performed by higher personages than the chaplains, and being very minute in his directions as to the various degrees of observance to be practised. He also remembered the curse upon him “who doeth the work of God negligently,”* and that “the house of God should be the house of prayer,” and therefore required a “calm, subdued and modest” conduct at the times of devotion; appointed a decent order in the choir and in processions, and obliged his fellows to join together in the responses;† and lastly, on the prospect of decaying means, he preferred the sacrifice of nearly the whole college to the cessation of divine offices.

For the other purposes of his foundation he made the following provisions: The persons he appointed to consist of a president, forty fellows, and thirty demyes or “poor scholars,” besides menial servants. The president was to be “the head over all the scholars, fellows, clerks and ministers, and others whomsoever being and living” in the college.‡ He was (as we learn from the charter of foundation) to be “an ecclesiastical person,”§ and (as provided by the statutes||) either a doctor of divinity, or of canon or civil law, or of medicine, (both the laws and physic being then studied by ecclesiastics,) or else a master of arts; former fellows of the College or of New College were alone to be eligible.|| His personal qualifications were to be such as might best advance “the good and wholesome government¶ and earnest care of the said college, its lands, possessions and rents, spiritual and temporal, and the preservation of its rights.” In discipline the statutes were to be his rule,** nor was he to be moved to partiality by any “prayer, fee, love, fear, hatred, envy or favour whatsoever.”†† And where his authority was insufficient, he was to call in that of the Bishop of Winchester, the patron of the college. The property, both real and personal, was to be his peculiar charge;‡‡ he was to conduct law-suits at his own discretion when trifling, with the advice of the fellows when important; he was to transact all business and maintain all college privileges. His residence, unless interrupted by the affairs of the college, was to extend to at least nine months in the year. He was to procure the speedy adjustment of quarrels. He was to look to the repairs of the college buildings.§§ He was to be obeyed by all and singular the scholars and fellows, and the officers of the college,||| in lawful and reputable injunctions, commands and acts in anywise touching scholastic exercise, and the statutes and ordinances of the college,

* Statutes, p. 124-5.
|| Stat. p. 5.
‡† Ib. p. 13.

† Ib. p. 166.
¶ Ib. p. 6.
§§ Ib. p. 15.

‡ Ib. p. 3.
** Ib. p. 10.
||| Ib. p. 49.

§ Chandler, App. 391.
†† Ib. p. 11.

where given in the presence of two fellows." He was to regulate the engagement and dismissal of the chaplains, clerks, choristers, and college servants.* His office requiring him "to bestow much and diligent care, and very many toils, and more than the rest to canvass the business of the college,"† he was to be more amply paid. He was to be furnished with a sufficient number of horses for himself and others of the college, who might with him be required to travel on its business. He was to be decently waited on;‡ to have a discretionary power of inviting college guests.§ If sick he was to be fitly provided for.|| If guilty of dilapidation, immorality, intolerable neglect or crime, or if incapacitated by disease, he was to be removed.

This slight sketch of the office of president will show, that under these (as under other) college statutes the duties of the head, as such, are comparatively little of a studious kind, and, in fact, if we remember right, we have seen instances in which the inability to practise scholastic disputations, and thus to rise in the world, is made the reason of an additional allowance. And it was doubtless with a view to this and to their public offices, that Edward the Sixth's commissioners freed the masters of colleges in Cambridge from all university exercises not necessary for their degrees,¶ and absolutely from all which were carried on within their own walls.** We must therefore feel the more grateful to those who have combined with their own immediate duties an attention to the interests of sound learning, and amongst these it is almost impertinent to say, that the existing president of Magdalen will ever occupy no common place.

But that neither the office might press too heavily upon the president, nor the discipline and business of the college depend altogether upon him, so that his absence would cause interruption, or his removal, sickness, or death, confusion, the founder provided him with assistants.

Of these the chief was the vice-president,†† who was to be "a fellow of the more discreet and elder men, and approved in life and morals," ††† who should represent the president in his absence, assist and inform him when present, and should moreover exercise some original power of discipline at all times.

Besides this officer, there were to be three others also, having discipline as their care. These were to be "of the more discreet and elderly fellows," §§ and were to be called deans. Two of them were to be masters of arts, who should "superintend the lectures and disputations of the scholars and fellows, and espe-

* Stat. p. 68.

|| Ib. p. 78.

†† Ib. p. 20.

† Ib. p. 68-9.

¶ Lamb. MS. Documents, p. 141.

†† Ib. p. 21.

‡ Ib. p. 70.

§§ Ib. p. 40.

§ Ib. p. 71.

** Ib. p. 146.

cially those of the sophisters and logicians."* The third was to be either a scholar or a graduate in divinity, who should be present at the disputations, and compel attendance at the lectures in theology.†

The vice-president and deans being thus appointed to relieve the president in matters of discipline, "three fellows of the greatest fitness, good faith, and circumspection,"‡ were to be chosen as his assistants in regard to domestic economy and the management of property. These were the bursars, whose duty it should be "to receive the rents, issues, payments in kind, and proceeds of the benefices, manors, lands, possessions, and rents, by the view, and under the attestation of the president, or vice-president." And out of them (under the same authority) to defray the daily expenses of the college. They were moreover to superintend all the weekly stores, purchases of provisions and the like. For these bursars very accurate rules were laid down in respect of the framing of vouchers, the keeping of accounts, and the custody of their keys of office. And to them, as to the above mentioned officers, certain allowances were to be made for their labours.§

There was moreover to be, as the assistant of the bursars, a "Steward of the Hall," who was to be a graduate fellow, who should be appointed weekly, and by routine, to regulate the expenditure of the week, and see to the serving of the common tables.

And lastly, to omit menials, there was to be a "Clerk of Accounts," whose title describes his office, and who was to be engaged for a salary by the president and bursars.||

To the account of these offices much might be added as to the mode of election to them, and as to the custody of muniments, the visitation of property, and other details appertaining to their discharge; but our readers would hardly thank us for these specimens of the founder's care and forethought; and therefore, having sketched the ministerial parts of the institution, we will proceed to the main body.

This having for its object "that holy Writ or Page, which is the mother and mistress of all other sciences, might dispread her tents with greater freedom, and either philosophy go on the warfare together with her,"¶ was to consist of "forty poor and indigent scholars," whose duty it should be to study in these sciences. And besides these there were to be "thirty poor scholars, commonly called demyes, who were diligently to learn grammar, logic, and sophistry."

* Stat. p. 40.

§ Ib. p. 88.

† Ib.

‡ Ib. p. 69.

§ Ib. p. 44.

¶ Ib. p. 2.

Of this double system we will imitate the statutes, in first describing the latter part. The "thirty poor scholars, commonly called demyes,"* were to be of good morals, and dispositions fully equipped for study, and able and likely to make real proficiency, competently instructed in reading and plain singing, and who should have arrived at their twelfth year." They were to be eligible from parishes and counties where college possessions lay. If not disqualified by the acquisition of property, and if approved by the president, vice-president, and three deans, they might be continued in the college till their twenty-fifth year. They were to lodge (as it seems)† in the chambers of the fellows, probably to perform services for them, and at all events to be under their control and superintendence. For the free instruction of this class (and indeed of all comers) in grammar, "which is demonstrably the mother and foundation of all the sciences,"‡ but which was not so attractive to Waynflete's demyes as logic and sophistry, there was to be a "Master-Informer" in grammar, with an assistant usher, (both to be appointed and removed by the president,) and no demyes were to be allowed to leave this study for another until they should be judged competent by the president, the grammar master, and one of the deans. For the better maintenance too of this branch of learning, (then in decay,) "two or three of the said thirty at least were diligently to apply themselves and devote their labours to the mysteries of grammar, and to verses and the other arts of humanity, for such space of time, that they might not only be of advantage to themselves, but might be able and have power to instruct and inform others also."§ They were, in short, to be made thorough philologists. The other points affecting [this class are not numerous; and as they fall more or less under consideration in speaking of the fellows, we will now pass to the latter.

Of these the founder declares it "a paramount object"|| that the number should be maintained at forty. ¶The demyes might be wholly suppressed, and even the staff of the chapel much reduced, before the insufficiency of means was to affect this number. These (who on their first election were to be called "scholars" only, and not "fellows," as being not yet incorporated into the body politic) were at the time of election to be "clerks,"** who, "having the first clerical tonsure, laboured under no canonical disability, except the defect of age, for the priesthood,"†† for which holy office they were even then to be "qualified and disposed." The most eligible candidates were to be "Bachelors or

* Stat. p. 23.

† Ib. p. 154.

‡ Ib. pp. 23, 24, and 140.

§ Ib. p. 24.

|| Ib.

¶ Ib. 166.

** Ib. p. 2.

†† Ib. p. 27.

Masters of Arts, (it is not said that they must have graduated at Oxford,) out of the number of those persons who should be virtuous, chaste, modest, and suited to study," and should have been born in the dioceses and counties which are named by the founder, and have each their allotted number of fellows. *Failing competent persons from these favoured neighbourhoods, the same principle, which regulated the election of demyes, was to be followed; and those counties were to be preferred, in which the college possessed property during the founder's life. †And in default of Bachelors or Masters from these localities, there were "persons to be chosen from the said counties and dioceses out of the elder and better qualified scholars of the faculty of arts, who should be studying in the university, but should not be graduates; and failing these latter, scholars coming from the said dioceses and counties, who should be fairly instructed in grammar, and competent and suited to the study of logic: provided however that they should have completed the fourteenth year of their age." All these (like the demyes) were, as we have already noted, to be skilled in plain singing. And, lastly,‡ they were to certify on oath that they had not the yearly income specified by the founder as inadmissible.§

The candidates were first to be elected to a probationary year, during which they were to meddle with no affairs of the College, and hold none of its offices but that of lecturer.

* Stat. p. 26 and 167.

† Ib. p. 27.

‡ Ib. p. 50.

§ Ib. p. 29.

§ These provisions we are the more particular in noticing, because we believe that a due attention to the qualifications of candidates is among the most direct duties to founders, and one of the most obvious means of securing that the other portions of the statutes should meet with a ready obedience. And at the same time we have reason to fear that it is in this point that modern practice is exposed to danger. For, on the one hand, those preferences of particular neighbourhoods, which were as much the deliberate objects of choice as any other provision of the founders, and probably rested either upon some kindly associations of feeling, or upon a just regard for the interests of those portions of the country in which the colleges in question held property, but which they did not benefit by residence, have, if we are rightly informed, been of late slighted in one of the universities. And again, on the other hand, there is, to some degree, both at Oxford and Cambridge, an over-attention to intellectual qualities, if not to the exclusion, yet to the detriment of qualifications arising out of moral habits, of destination in life, and of the requisite indigence: and college places may thus sometimes become the rewards of a short and brilliant academical career, instead of being the means of support in future and higher studies, and the livelihood of a humble diligent clergy. To this error, surely, it must be attributed that in cases where the taking of priests' orders is appointed at a particular period, and all the training of the statutes is made to point that way, yet laymen, who never design any holy office, are admitted into such fellowships, and are even considered to be so well entitled to them, that the loss of them, when the period of ordination arrives, is considered almost a hardship. And yet, undoubtedly, the founders usually designed that where holy orders were at any time to be taken, there the previous period should be spent in preparation for them. And this, Waynflete, as we have seen, very positively declares to be his meaning.

And then, so careful was the founder in the selection of fit persons, that he provided that they should undergo a second election at the expiration of the year, before they should become "true fellows."*

Of the persons elected it was not to be the choice only, but the "office," the "bounden duty" and the condition of their maintenance, to study in their appointed faculties.† If they should withdraw from college, with the intention of deserting study, their interest in the foundation was to cease.

Of the whole number, two or three were, by special selection and permission, to give themselves to the laws, and other two or three to medicine, under the same conditions.‡ Both these being then, as we have before observed, ecclesiastical studies, and §almost certainly the former, probably also the latter, being allowed with a special view to the advantage of the college.

The rest were to proceed in due form through arts, and then "forthwith to turn aside to the faculty of divinity, to which they were constantly and diligently to apply themselves, and not to meddle with the other faculties, saving only in the vacations."|| To maintain proper diligence, not only the university exercises were required, but the reading of essays in the college, the hearing and discussing of Holy Scripture, and frequent private disputations were enjoined.¶ And, as we have already noticed the appointment of teachers in grammar, so it was also provided that there should be one or more lecturers in logic** and sophistry, who were to be chosen from amongst the fellows; and inasmuch as the founder, "with the greatest and most glowing desire of heart, did covet the diligent, profound, and assiduous instruction, not only of the scholars and fellows of his college, but also of all and singular other students, especially those who devote themselves to the faculties of philosophy and sacred theology in the university of Oxford,"†† he provided three lectureships, one in natural, another in moral philosophy, and the third in divinity, whose lectures were to be open gratuitously to students from all parts, and of all kinds‡‡, and whose capacity was to be so much an object that the best men in the university (even though not of the college) were to be selected, and the statutes respecting places

* Stat. p. 30.

† Ib. pp. 1, 2, 62, 82, 83.

‡ Ib. p. 3.

§ By the statutes of Queen's College, Cambridge, there is to be one physician and one jurist. "*Medicus autem teneatur gratis subvenire, suo consilio et industria, præsidenti et sociis hujus collegii, quandoque eorum aliquis egrotaverit infra Cantabrigiam; si ad hoc per eorum aliquem fuerit requisitus:—Jurista vero civilis teneatur suo consilio, in omnibus collegii negotiis, gratis collegio subvenire, et coram quocunque iudice gratis dicere pro collegio,*" &c.—c. 31.

|| Stat. pp. 63, 64.

¶ Ib. pp. 59, 61, 130.

** Ib. p. 143.

‡‡ Ib. p. 84.

‡‡ Ib. p. 86.

of birth was to be set aside (if necessary), in order to their admission, should they wish it, to the first vacant fellowships.*

But a mere academical study of theology was not what the founder designed that his fellows should be content with. We have seen before how he provided both for their private and public devotions, and for their bearing inferior parts in the celebration of divine service. But as he required that even at their election they should be disposed for the priesthood, so he ordained that all but the civilians and the physicians should, within one year after their necessary regency in arts, cause themselves to be promoted to sacerdotal orders, unless some lawful impediment should intervene;† and, when thus ordained, each was with all speed to acquire a practical knowledge of his duties by causing himself "to be instructed devoutly and frequently in preaching, and in celebrating the divine offices."‡ Particular portions of the chapel service too were to be occasionally performed by the priest-fellows; but lest these provisions should be turned to abuse by causing the neglect of residence and its accompanying studies and discipline, he guarded against the temptation which induced many a priest of those days

"To run unto London, unto Seint Poules,
To seken him a Chanterie for Soules," §

by ordaining that none of his fellows should celebrate divine service "in any other place than in the said college, so long as he be a collegiate there, by way of yearly service, or under any other colour," || or receive any salary for so doing; and, lest the meaning of this restraint should be considered obsolete in these days, it is further provided, that the more plausible excuse of cure of souls shall be also disallowed; the parish of Horsepath alone being to be served by a fellow.

Further, to maintain that ecclesiastical spirit which he so much designed to inculcate, the founder having considered "the Wise One's saw," which teaches that "the clothing of the body, the laughter of the teeth, and the gait of a man, report concerning him; and that the truth itself of the Holy Ghost commands that the man who hath not a wedding garment be cast out;"¶ and detesting the "grievous and passing perverse abuse" which induced

* Stat. p. 37. It is worth remarking with how much care the offices of these lecturers are appointed. Their remuneration was to be handsome (pp. 86—7), particularly that of the Theologian, who was to occupy a high station in the college (p. 89). The two philosophy lecturers might hold ecclesiastical benefices of a fair amount (p. 84), and the divine any amount of revenue whatsoever (p. 83), with their offices. Marriage too is not prohibited in their case, unless they become fellows. And thus men of mature years and great learning may at any time be procured to fill these places.

† Stat. 58.

‡ Ib. 59.

§ Chaucer, Prologue, 511.

|| Stat. p. 59.

¶ Stat. p. 126—7.

clerks so to dress "that one who takes a hasty glance cannot distinguish a clerk from a layman," (we presume they inclined to black neckcloths, and velvet collars and waistcoats,) he prescribed the use of a sort of cassock, probably not unlike that in which the clergy even of the last century were not ashamed to walk the streets of London; he forbade also idle adornings of the person, the use of rich facings or borders, the carrying of arms, the indulgence in field-sports* and games of chance, the frequenting of taverns; and was careful that even when they were "away at their birth-places, they should be clad as clerks, and be of seemly behaviour touching morals." †

To describe the whole system of discipline which was to regulate the habits of these persons would be tedious and useless, unless we had space to consider the mutual connexion of the parts, and the wisdom, improved by the experience of ages, which probably was exercised even upon the minutest provisions in it. To men who are not used to see large bodies of studious and devotional clergy assembled together for common objects, many regulations may appear absurd, which yet for the due working of the whole, may be indispensable. But, as we have said, into these considerations we have not room to enter. We may note however, as separately worth attention, the reading of the Bible at meals, which is a very ancient custom of the Church, and has been (as how could it be otherwise?) abundantly sanctioned since the Reformation—the use, within due limits ‡, of Latin in conversation—the prohibition (as reasonable now as then, and both now and then very prudent) of the discharge of menial offices within the walls by women—and lastly, the provision which disallows the introduction of independent members (except of a certain class) probably from the disorders which they might cause in so ecclesiastical a system; a provision, be it observed, which is very valuable as discountenancing the modern error of looking at the colleges only as boarding-houses to the university.

Nor do we design to examine the various modes of election, the different methods of enforcing subordination, the authority of the patron or his ecclesiastical representatives, the gradations of rank, and mutual checks on power and trust within the college; nor yet the engrafted foundations, such as those of Ingledewe and Forman. We pass rather to the moral principles by which the founder designed that his institution should be upheld, and which at the same time it should be the means of teaching. These may be briefly described as the constant sense of God's presence, and

* Stat. p. 75.

† Ib. p. 73.

‡ Ib. p. 81. "The presence of strangers or laymen, or other reasonable cause," are allowed as excuses.

of a future judgment; as charity and forbearance between the members of the body; and as devotion to one common cause.

Of the first of these, the passage which we have above cited (p. 357) gives proof that, notwithstanding all his precautions, he was aware that upon the piety of the persons, and not upon any mechanical arrangements, the success of his scheme must after all depend. We see, therefore, that, in accordance with this view, he was careful to bind his whole society together by oaths of the most comprehensive kind. He moreover continually refers to Almighty God as the judge of errors and the averter of evils which he foresaw; and besides the general provisions for devotion, we find that with the election of the president* he combined a mass of the Holy Spirit, and with the solemn reading of the statutes before Easter, and the scrutiny into the lives of his society which was then to be made, a mass of the Holy Trinity † thus doubtless designing that upon occasions like these, when interested or angry passions might arise, there should be produced amidst them "a great calm" by the presence of such high mysteries.

In regard to charity, the founder was very express; ‡ for he did "enact, ordain, and command, with strong injunction, and in the bowels of Jesus Christ did adjure the president of the said college, and all and each of the fellows and scholars, present and to come, that in all things and above all things they do ever hold, faithfully maintain and observe unanimity and mutual charity, peace and concord among one another; and be urgent with all their might, and pant after the cherishing and nurturing thereof."

And lastly, as to a common cause: this was to be the welfare and honour of the college, through it the advancement of the Church, and through the Church, the glory of God; and therefore, when men once became members of the college, they were to be as persons professed under a rule, and incapable of passing to another foundation. § Its secrets they were faithfully to keep, its privileges to defend; its offices they durst not refuse, and for its business they were to be ever at command. The hall and chapel, which were the types of their collective life, were to be maintained in splendour. They were to elect those whom they believed likely to do honour to the institution; they were to escort their brethren upon solemn academical occasions; they were to instruct and advise each other, and to wear a common dress; they were to be careful lest their own conduct should bring discredit upon their society; they were to feel an affectionate gratitude towards it, and to be animated with "a virtuous zeal" for its good government; they were to remember its founder and be-

* Stat. p. 4, 5.

† Ib. p. 55.

‡ Ib. p. 99.

§ Ib. p. 36.

nefactors with continual prayers; and when promoted, as it was designed that many of them should be, to higher stations in the Church, they were not to forget their early home, but "by sound advice, benefits, favours, and aids, as far as in them lay," sedulously to advance its interests.

Such, then, was this institution of the fifteenth century. Since Waynflete's day some four hundred years have passed, and have swept away with them the memorials of both good and evil men, have changed dynasties, remodelled governments, and have witnessed the extinction of Churches; and yet it has been the pleasure of God that our constitution should still bear traces of its ancient character, that our Church should remain Catholic, and that this college, which is her offspring, should count an unbroken succession from its founder down to this day. But is this succession one of persons and property only, and not of principles? Are these still Waynflete's scholars and fellows, his cloisters and towers, his goodly manors and rectories? but are his statutes, which were as the reasoning soul of his body politic, useless and obsolete? This question, as it bears upon the DUTIES of the members of his college, we have said, and maintain, that none but themselves or their visitor can answer. We know not even that these are *the* statutes of the founder; much less do we know how far they have lawfully been changed since. But if it be asked, with reference to the possibility or the advantage of carrying out in these days such a design as that contained in these statutes (supposing it to be indeed Waynflete's, and not since abrogated by fit authority), we will pray our readers to bear with us while we state cursorily our views upon this head.

And first, we cannot help believing that in the state of things amongst us may be found full as great evils as those of Waynflete's time, and many analogous to them. We have no rival princes, it is true, but we are not therefore without civil war and rebellion; and, even if we had not these, revolutions in the principles of government are surely not less dangerous or less lasting in their effects than mere changes of the persons of the sovereigns.

And then of the Church (which is more nearly concerned in this question than the State), what shall we say? that it is far more pure in its doctrine and in the persons of its clergy now than then? Certainly, and that it therefore is entitled to a more ardent affection from its members, and a greater zeal for its honour. But shall we who pray for the Church Catholic, and yet are severed (by necessity) from one great branch of it, and (by carelessness, it would seem) from another—shall we, thus isolated, speak of the divisions of the fifteenth century with in-

difference, as though they concerned us not? Is our apathy, whether there be any councils of the Church or not, a sufficient argument against our need of them? Or again, shall we upbraid those times with heresies, or shall we make light of Papal corruptions or the irregularities of the mendicants, when we have even within the Church—aye, and amongst her clergy—those who can ill bear her creeds and offices, when we are surrounded by open dissentients from her, when self-will dispenses and enacts like Rome, and when political and sectarian opponents are busy in defaming the character, exaggerating the wealth, and arguing against even the competent maintenance of the clergy? Shall we condemn appropriations, as though tithes were now all paid to the parochial clergy, or as though lay tithe-owners were better than spiritual? or shall we speak of the neglect of souls, as though industrial wealth, in creating itself, did not create innumerable multitudes whom it suffers to live and die like the beasts? Lastly, shall we scoff at the want of learning, which Waynflete designed to remedy, as if (whatever may be said of classics) our clergy were in these days to a man deep theologians?

But if our evils and Waynflete's are in great part the same, then two important considerations at once occur:—First, that if the intentions of founders are to preserve in these days any of that weight which the authority of the Church, the sanction of oaths, the frequent recognition of the legislature, the uninterrupted principles of the municipal courts, public policy, gratitude, and good faith, conspire to give them,—then no man may presume, by arguments drawn from new circumstances in the times, to rest only in Waynflete's final and least restricted objects—the honour of God and the good of the Church—and to reject those more definite and instrumental purposes which he sought to provide for in his statutes. None can doubt that, if he had thought fit, this prelate might have met the evils of non-residence and consequent neglect of souls, of impoverished cures and popular heresies, by establishing an "Additional Curates' Fund," or augmenting small vicarages, or sending out field-preachers, or adopting any other mode of bestowing his wealth, such as men in these days are so ready to adopt. But, instead of this, we find that after much thought he deliberately chose the method of this college. By what, therefore, short of arbitrary spoliation, may his choice be disturbed?

But, secondly, this identity of disorders in the Church ought to lead us to think gravely whether, taken all in all, Waynflete's means of judging what would best remedy them may not have been fully equal to ours.

That our faith rests upon purer objects, that our clergy as a

body are more cultivated, orderly and respectable now than then, it would be sinful alike and foolish either to deny or not to be deeply thankful for. But it is no scandal upon the Reformation to say, that, since it took place, we never have had permanently entertained amongst us the same large and systematic views of Church government—the same application of means to ends—the same wisdom in the forming of character—in the modelling of institutions—in the subordination of authorities and offices—in the meeting of difficulties as they arise—in the pressing forward where the path is open—in the yielding where it is useless to resist—as distinguish in its best days the practice, and in its worst, the theory at least of the Roman hierarchy. We do not, of course, mean that this hierarchy made no undue encroachment, that it was directed to no unworthy ends; these were its sins and by them it fell; but surely where the objects are such as no Churchman can question, and the means have been allowed to survive the Reformation, it would be somewhat bold for this undisciplined age to affect more knowledge of ecclesiastical polity than was possessed by the prelates and canonists of the fifteenth century.

Even then if we could not at once understand the value of such a scheme, it would be but modesty to doubt our own judgment; fortunately however we are not reduced to so difficult a virtue, for what can any one object against Waynflete's two principal instruments for the Church's good—the maintenance of continual liturgies, and the formation of a learned, frugal, obedient clergy?

Thus in regard to divine service, although we have reduced the hours of prayer to two, and although our practice falls short even of this profession, yet no member of a Church, which has made such provision for its daily offices, can deny the efficacy of constant united prayer, or can question that the rooting out of such evils "as false doctrine, heresy, and schism, as hardness of heart and contempt of God's word and commandment;" that the government of the "holy Church universal in the right way;" that the illuminating "all bishops, priests, and deacons with true knowledge and understanding of God's word, so that both by their preaching and living they may set it forth and show it accordingly"—in short, that Waynflete's expressly chosen purposes can be in any more certain way advanced than by that method of prayer which he appointed, and of which the Church has retained the substance while by her proper authority she has changed its form.

Pass we then to the formation of an able clergy. And here all are agreed that the clergy ought to have peculiar gifts; and all

but enthusiasts, that education is one of the means towards their attainment. But what are these gifts? As they are patterns to the people, holiness and self-denial—as they are intercessors with God, habits of fervent prayer—as they are teachers of the truth, knowledge—as they are opposers of error, learning—as they are rulers, diligence—as they are subject, obedience—as they are possessors of one deposit and dispensers of the same grace, unity of heart and tongue.

Now we cannot but think that to produce in our present needs a body of men thus qualified, would be almost worth the temporary sacrifice of half the parochial ministrations of the kingdom. But certainly to reject the use of means ready fitted for the work, and to violate oaths and to disturb rights of property in order to this rejection, would be well nigh madness. For supposing that it were possible at one word to create thousands of additional churches, such as are now a days created, where should we find curates willing upon such slender stipends to undertake such charges? Or if we could make all these men "comfortable," how should we, by means of such theological attainments as are common to the mass of our present clergy, oppose the acute unbelief of the Socinians, or the textual stores of the Independents, or, still more, the systematic traditions of the Romanists? Or granted that we found both men and arguments, how could the discipline of the Church, already half obsolete, be brought to bear upon these increased numbers?

For though we are far from imputing luxury in an odious sense to our clergy, yet who will deny that the general self-indulgence of the age is to be found as often in the parsonage as in the manor-house? And, in truth, if we are not misinformed, our bishops even now experience no small difficulty in providing curates for the poorer churches already in existence. And then, as to learning, there doubtless is much classical and general knowledge amongst our clergy; but surely no one who is aware that the University reading of a layman, increased by the superstructure of one course of divinity lectures, constitutes for the most part the whole stock of our young deacons, and that they are cast, thus furnished, into a whirl of employments which precludes all hopes of further attainments—no one, we think, who knows this much of our present methods, can expect that great divines should be rife amongst us. And yet, after all, what Church in the world is there whose tenets require more learning to understand and to defend them? We have no systems of theology, satisfactory from their mere consistency, to put ready made into the hands of our clergy. We cannot tell them to preach their own views of the Bible, and yet we cannot allow them to lay that Holy Book

aside. We protest against Rome and remain Catholic, and we protest also against Geneva and are reformed. Our hand is against all error and all error is against us. We appeal to ages so remote that they seem never to have existed, and we assert a present authority in the Church, which on one side is altogether denied, and on the other is made not judge or guardian but parent of the truth. How then shall we tread this middle path, or how shall we maintain this antagonist system, but by deep regular study, and by mastering those ancient truths which we positively teach, and also those modern schemes which we oppose? There was a time indeed when the Church of England was a learned Church—when classical knowledge was valued as the key to all wisdom, and the ancient stores of many nations were brought forth by it and strewed round the cross; but of late we have prized accuracy above both extent and variety of learning, we have scanned and accented until the words became to us more than the sense, and so the amours of the gods have been preferred to the martyrdoms of saints, and the playwrights of Greece and Rome have taken their places above the fathers of the Church. The handmaid therefore now stands before her mistress, and theology, “the crowning science,” “the mother of all learning,” must yield to what was once counted good only in as far as it served her. Can we much wonder then at those old holy men who thought that no purification could cleanse the captive women, and make heathen learning a meet companion for the Church? And yet by us must this be done; and therefore high time it is that our clergy should lay upon the broad base of their present attainments that higher knowledge of which we speak. Had this been sooner thought of, does any man believe that it could at this day be a question whether the theology of Hooker, of Taylor, and of Hammond, is not after all the produce of Rome? or still more could it have been possible that the bulk of the clergy should be directed to it, as to a forgotten thing, by the voices of a few of their brethren, and these latter be forced, against every principle of their own hearts and minds, to advocate as partisans that which they hold only because it is universal?

And, lastly, how stand we for discipline? What weight has the rubric? What deference do the canons receive? Is “nothing” done “without the Bishop?” What general sense is there amongst the clergy of their enrolment into a company where but one will should prevail, where all hearts should be drawn out from themselves and centered upon a common cause?

But these things need not be further pursued. We have said thus much of them with no pleasure—and we now gladly pass to the consideration, whether *Waynflete’s* statutes may not give us an example how they may be changed.

Into their details we will not again enter. That portion of the subject with which we are now concerned may be described as the institution of a school of the Church which should afford the means of instruction to her clergy from the age of twelve years upwards: and when the time of education, commonly so called, has passed by, should give opportunity for studious men to lay up stores of knowledge for her service—which should throughout combine these means and opportunities with seclusion from the world—with habits of devotion, self-restraint, frugality, and obedience—with the constant idea of an interest external to each separate member of the body, but intrinsic to the body itself—with the sense of common wants, common honours, common losses—with the feelings of brotherly love and sacramental unity, and above all with the consciousness that the good gifts thus received were a talent for diligent traffic, that both men and angels were spectators of the discharge of those offices which for God’s honour and his Church’s welfare were here intrusted to his servants.

Now what is this but the outline of a miniature Church? It has been said by an author,* once famous but now forgotten, that civil societies and corporations owe their origin to the desire of restoring the relations which existed in the primitive family; and it is well known that religious bodies, both within and without the Church, are for the most part founded upon a parallel theory of ecclesiastical renovation. And as long as such combinations are subordinated to the Church, and derive their principles and their authority from her, surely we ought to rejoice that such helps to our weakness are allowed us. Who could realize the Church Catholic if he did not see it represented by the type of his own parish font and altar? The model, then, of ecclesiastical offices and discipline in their largest sense may be seen in the provisions of this collegiate institution; and, if so, to be reared under their influence, and gradually to accommodate the mind to their form and spirit, must surely be for the priesthood the noblest training which can be devised.

But that we may not be thought mere fanciful analogists, let us consider the question in a more tangible shape. These statutes (upon our present supposition) express the founder’s wish, and have not been, except in certain points, changed by any sufficient power. They are therefore entitled (at the least) to a priority in our regard. It rests, then, with their impugnors to dispute the method of life and study pointed out by them.

But how can this be done? For, first, the general principle of co-operation surely cannot be denied in an age which seems

* *Bodin de Republicâ.*

bent upon redressing the dispersion of Babel, by discovering symbols of common interest for every creed and language under heaven; which, if men are drunkards, combines them to become sober; if they are inclined for war, makes them each subscribe 5s. to promote peace; if they are disposed to almsgiving, associates them so that every one may give as little as possible, and all may be known by printed lists to be benevolent; which in politics has committee-rooms and public dinners; in amusement has clubs, with club-buttons and club-coats; in literature and science innumerable minor institutes, academies, and bodies ending in "cal," all referable to and represented in the Panhellenic meetings of the British Association; which in education, above all things, can concentrate worlds into a nutshell, and, by the aid of galleries and platforms, can simultaneously imbue hundreds of children with the knowledge which radiates, (we suppose at different points,) from the person of one teacher.

We conceive, then, it will be admitted that Waynflete might on good grounds require that the persons whom he designed to maintain should be associated together in one place; especially as the society of learned men has at all times been accounted one of the great aids of learning, and as it is indispensable to the maintenance of those common studies which constitute his scheme.

But for a body of more than eighty persons to live within the same precinct, and act unitedly, it is plain that not only a general understanding of mutual duties is requisite, but that minute rules of discipline in matters the most indifferent must be prescribed. A few mountaineers may combine for a sudden foray with but little preparation or concert, but the march of armies is a different matter; and every nerve of their soldiery must be trained to its appointed share of the work. And hence we find, that even in these lax days, when the world needs discipline for any visible purpose, there it will insist upon it. In the navy, in the army, at the bar, in manufactories, in companies, in the passage of the streets, in short everywhere that man comes in contact with man, and has to act with him or beside him, there discipline of some sort is to be found. The mechanical spirit of our day is in fact beginning to incline us to the opinion that society, from one end to another, is but a machine, and that a good political œconomist may by discipline regulate it as he will.

Modern theorists, therefore, must grant us a stringent discipline, or they will belie themselves. They must grant us further, that this discipline shall extend to the whole subject-matter of the institution; and this in our case, beside domestic arrangements, means the training of "a pious, learned, and useful clergy," from boyhood to the very grave.

But upon what principles are we to proceed? What examples are we to follow in this confessedly arduous undertaking? Are we to go to Homerton, or to Maynooth, or are we not rather to act in this respect as our Church acts in all others,—that is, by reformation and not by re-construction? Now it is well known that our doctrine and discipline, our ecclesiastical laws and customs, are all in the main based upon systems which were antecedent to the Reformation, and which were acknowledged to be of authority by the reformers in all particulars, which a reference to the more perfect pattern of the primitive Church afforded no grounds for changing. Is it too much, then, to require that our clergy should in their education be subject to a discipline established upon the same grounds as those which support every other portion of our Church polity? Is it unreasonable to say that the officers of a society, which, like the Church, justly pretends to be regulated by principles independent of changes in times and manners, should be trained in a system upon which these changes are allowed comparatively little influence? In short, upon what sound reasons can it be asserted that a method of collegiate discipline, which was relied upon before the Reformation, is inapplicable after the Reformation, except in so far as by the Reformation it was cancelled or superseded? Is it fit that we should derive clerical manners from the club-houses and drawing-rooms, or the tea parties and prayer meetings of this century? or is it right that we should look for them in the taverns, the coffee and chocolate shops, or the *Trulliber* parsonages of the last? If we are to take models amongst our clergy since the Reformation, what period can we safely select unless it be that which shall include Andrewes and Hooker at the one extreme, and Ken with his brother confessors at the other? But if this be so, then is our point disposed of, for they are in great error who suppose that during this period the ancient discipline of the colleges was either disowned or faintly enforced. It was, as far as we can learn, neither the Reformation, nor the great rebellion, nor any intermediate event, which relaxed in a material degree the minute obligations of college statutes. The Reformation bishops were strict and even harsh visitors, and the puritans loved all discipline but that which was palpably Catholic and divine. It is to the Restoration that this most fatal influence must first be attributed; and from thence onwards in the colleges, as in the Church at large, the substance of discipline was gradually withdrawn; and though the forms remained almost to our own times, they were but forms, and when new social feelings sprung up without, and a revived spirit of learning and religion within, they were swept

away like the sere leaves of autumn, and no man thought them a loss. But now again we are becoming wiser, and we begin to perceive, that though fruit be better than foliage alone, yet that without foliage fruit can scarcely be had; and as we both appreciate and long for the old rich produce of collegiate learning and piety, we must be content to seek it under the shelter of collegiate discipline.

The only proper question, therefore, in respect of the many provisions of these statutes is, how far has the Reformation* changed them? We say of many of the provisions, not of all,—because we think it plain that a distinction is to be drawn between those matters which were entirely within the founder's power to model as he pleased, and those in which he touched upon other systems over which he had no control. To put in a strong light what we mean,—Waynflete has pointed out particular seasons of the year for all the buildings required for the College to be carried on in. He has also regulated the hours of opening and shutting the gates by the alternations of certain months. Now, if by any revolution in nature these seasons were to be displaced, so that we had an Indian instead of an English year, no man, we suppose, would insist that a grammatical regard to the founder's statutes should be allowed utterly to subvert his will. And this principle (thus broadly put upon an imaginary instance) has a real application in several analogous cases. Thus the founder might adapt his college rules to those of the University as they then stood, but he could not prevent the latter from being changed, and his adaptation from thus losing its object, and becoming futile. Nor again, where there was any occasion to point out modes of proceeding connected with the laws of the land, could he so control these general laws, and the practice of the courts, as to give a continuance to his selected methods, after they had become otherwise obsolete or repealed. The same principle may be extended, though with great caution, to other matters belonging in the same way to independent and changeable systems: as, for instance, to the management of land, to the custody of money, and the like. For in these respects Waynflete was not, so to speak, building upon his own soil, where he might lay the foundation as deeply and as broadly as he pleased. He was rather mooring a vessel upon waters which, as long as they remained still, might suffer it to occupy the position which he had assigned it, but which upon the

* We say the Reformation, because the interferences of the crown, which we above mentioned, were all founded upon its ecclesiastical authority, and were conducted under the plea of changes in Church discipline. They are not therefore of any great value, as *precedents*, in the present state of the law, though in respect of changes adopted at the time, they have authority.

first change in wind or tide would either swing it round, or float it altogether away.

But these things are very different from those of the distribution of time, the mode of dress, the acquisition and use of languages, the method of study, the degree of subordination,—in short, from all those variable matters which enter into the notion of collegiate discipline. For consider a moment where any fixed, independent, general rule, is to be found for them,—any system which can challenge one quarter of the authority belonging to the will of a founder. To omit foreign countries, are the hours of rising, of going to bed, of eating, of business and relaxation, the same in London and in York, or in York and in the parsonages of Wales? Are the boys at Eton and at Harrow equally obliged to white neck-cloths, and restrained from boots; or do the spruce green coat and the fustian gaiters of a squire at quarter sessions tally with the velvet-fronted surtout and the thin Paris *bottines* of a young man about town? Again, at Mons. Clement's, all the boys were required to speak French continually. At Westminster School we believe that Hebrew is taught as part of the system. And a celebrated schoolmaster, it is said, will have his pupils write whole exercises in pure Saxon. In what knot then is this Proteus to be held, unless it be that of the founder's will, such as by competent authority it has been allowed to descend to us?

We know very well that Dr. Paley and his followers will tell us that if these things were enforced nobody would come near the colleges,—that they might be shut up for mere lack of inmates.

But upon this point we will take the liberty of speaking out. We are not of the number of those who believe that, on the whole, (respect being had to the general condition of the Church and of society,) the colleges are at present filled by a class of persons such as on account of rank or fortune ought not to be admitted to them. That there are exceptions we are not about to deny; nor yet that the construction of the statutable terms of disqualification in point of property—(we mean by restraining them to benefices and land, whereas personalty, offices, &c. are in general altogether within their spirit)—has a tendency to increase the evil. We believe, therefore, that the enforcement of the founder's regulations would not materially change the class of candidates for collegiate places; but we have before hinted that every day's experience is teaching us, that reforms had better be tried first upon persons, and not upon institutions. And so, if Dr. Paley's doctrine be applicable to the present race of college fellows, it would be to us an argument that they were not fit for the statutes, rather than that the statutes should be bent to them. No one who looks to our teeming and destitute population can doubt that the coun-

ties named by Waynflete would furnish hundreds of parents who would gladly seek for their children the founder's bounty even with double his yoke attached to it. And when we consider the gradations in the means of learning afforded by the system of parochial and grammar schools throughout the country, it is at once plain that we are ready furnished with machinery for making a cotter's son as fit for the benefits of this college as the offspring of a peer.

Whether, in respect of her clergy in general, the Church might not draw purer water from these depths,—whether she might not find in these mines a plastic earth which by her own institutions she might model for her own purposes,—whether the notions of refinement and aristocracy may not have done much to impede discipline, to spread luxury, and to hide the spiritual character of the priesthood,—are questions too vast and important to be rashly discussed; but they are also becoming daily too urgent to be put aside. We will only say, that we believe it will be found that the greatest ornaments of our Church, and of all others in the world, have for the most part owed little to the accidents of birth, and that if it is thought that gentlemanlike habits are well-nigh indispensable for the clergy (as who will deny their advantage), it must be remembered also that the Catholic Church embodies all that is most ennobling in the universe, and that it can only be where her institutions are crippled and imperfect that she can take, at second-hand from the world qualities which, in their true sense, none can bestow more amply than herself. Gentlemen, therefore, the Church must have; but they must be priest-gentlemen, not samples of the squirearchy. And if the ordinary course of society will not furnish them, as indeed it never has to any great extent, she must—as Waynflete designed she should, and as she for long used to do—make them for herself.

But lest our orthodoxy should be doubted, we must say somewhat more of the Reformation. And lest (having got safe past Exeter Hall) we should be gibbeted in Westminster for not knowing the Benthamite principle of “the greatest happiness, &c.” we will next add a word or two about expediency.

And first, we think it not unlikely that we may be told that although the clergy of Waynflete's day held colleges to be ecclesiastical foundations, yet the Reformation has decided that they are lay bodies, and so all our theories fall to the ground. And if our opponents be learned, they will tell us that Dr. Coveney's case settled this, as to the very college we are discussing. But to this we shall answer, that Coveney's case did no such thing, and though we admit that common lawyers, a hundred years after the Reformation, chose to settle that colleges, as a class, are lay corporations; yet we shall in the first place say, that their decision was

(upon their own principles) a wrong one, and we shall next ask, whether those who urge it against us on such points as we have been here discussing, are disposed to rescue Manchester College from the Ecclesiastical Commissioners, because Blackstone consistently classes it with the colleges in the Universities as being lay; or are willing to go a little further into the mysteries of the common law, and hold (as has been held by some of its professors) that both prebendal stalls and deaneries of cathedrals are of a temporal nature? This doctrine of the courts, although it has done much harm, is in fact merely a technical one, and leaves the internal functions of the colleges just where they were. The Reformation, it is true, by throwing into disuse the clerical tonsure, and the minor orders, did something to promote the error, since it thus restricted the notion of ecclesiastical duties to the offices of bishop, priest, and deacon. But that such institutions are in nowise adverse to the spirit of our Church, as now constituted, will appear plainly to our readers, when we tell them that we have seen the statutes of a college founded after the Reformation, which commence by speaking of “the glory of God, and building up of his Church;” which declare the objects of the foundation to be threefold, “*Dei sc: cultus, fidei incrementum, et morum probitas;*” which insist that the fellows shall be of poor estate, and consider heresy as an evil worth guarding against; which talk of oaths as the best safeguard amongst good men; which provide against dispensations from them; which require the whole inmates to attend prayers constantly, and recommend frequent communion; which will not suffer any man to be a candidate for a place in the society if he do not seriously design to pursue theology, and to take holy orders; and which express great fear lest independent members should secularize the institution; which insist upon residence, and will not hear of the fellows being drawn from their studies by any cure of souls. To these particulars many of minor importance might be added, and the same description might be given of other “lay corporations,” founded, like this college, after the Reformation. It might be shown too (though the precise changes in Magdalen College statutes are not to be ascertained by a stranger*), that the Reformation Commissioners by no means designed to break down simplicity of manners, or infringe discipline.

A reference to Dr. Lamb's MS. documents, lately published, will show that at Cambridge (and probably the same was the case at Oxford) they were jealous of wealth and station; that they

* We have given Magdalen College that full protection against external criticism to which this circumstance entitles it; but neither its members, nor those of any other college, must think that “the Reformation” is a talisman to shelter indolence or selfishness. Where its authority is cited, the particular change relied on must be traced up to it, and shown to have been specifically made by it, or else the statutes must prevail.

pecially retained the dresses appointed by the college statutes; that they by no means had the notions lately expressed by the members of Trinity College, Dublin, about the celibacy of fellows; that they contemplated the maintenance of a collegiate life, even when pestilence might require absence from the university; that they did not think common prayer a matter of indifference, or five o'clock in the morning too early for chapel; that they held the solemn commemoration of founders and benefactors to be a wholesome thing; that subordination was in their opinion indispensable; and that they accounted hardly any matter too small to be the subject of a definite rule. The same spirit, as far as we know, is to be traced in the foundations of the seventeenth century; and as for the familiar use of Latin, and frequent exercises in the way of disputation, it is well known that all the academical systems, both here and abroad, have till within comparatively late years, been conducted by the assistance of these instruments.

So much then as to Church principles; and now a word or two (before we release our readers) as to expediency. Is it not expedient that the Church, which now-a-days has but a doubtful ally in the State, should silence gainsayers and prevent an interference with her institutions, the extent and form of which she can hardly foresee? Is it not further expedient that to encourage future munificence, and to prevent occasions for disturbing the great objects to which that of former days was directed, some sacrifices of personal convenience should be made by Churchmen? And if so, can either of these expediencies be better attained than by a strict adherence to the wills of founders, even though they should in these times appear somewhat strange?

But is it not expedient, after all, that men should be made a little frugal, a little self-denying, a little obedient? Should we not be able to have a *cheaper* Church—that is, smaller stipends, less expensive superintendence—if these habits were early inculcated into the clergy? And if so, where have we such a machinery as in these statutes? And again, we suppose that it is admitted to be expedient that clergymen should understand divinity (it being their business), and how is it possible to ensure even in boys, to say nothing of men, a constant attention to study, unless by some system which, like that of disputations, will bring their knowledge often to the test? And again, are not disputations probably the most expedient way of making men accurate masters of their knowledge, and able to produce it in the best form? Indeed, are not modern debating societies and clerical divinity meetings, rather an argument that we need some such method? And again, as to the use of Latin, is it not highly expedient that an English clergyman should be able to hold con-

troversy or conversation with all the clergy of the Western Church in a language common to him with them; that theological questions should be discussed with that accuracy which long scholastic use has given to Latin for this purpose; that learned foreigners arriving in Oxford should not be put to speaking bad English or hearing worse French, but should acknowledge the brotherhood of letters implied in this universal tongue? It may be said, indeed, that it is inexpedient that Latin should be spoken lest it should lose its purity; but will it be contended that no good classical Latin was written from the time of Erasmus down to that of Dr. Johnson; or do we who write it only, write it better than they who spoke it too? Or even if there were some risk in this respect, would it be a very shocking thing if a body of divines were more accustomed to the language of the Western Church than of the Empire? Is not the Christian religion (be it reverently spoken) itself a mighty barbarism, which classical thought and language cannot represent or contain?

And then as to forms of business, dress, times of prayer, and the like, will any one who knows the slovenliness of literary habits, the neglect of order, the impatience of interruption, the difficulty of collecting the mind for devotion—of unbending it for society—which so often accompany the diligent inquiry, the strict argument, or the long deep musings of the scholar—will any one, we ask, who is aware of these evils, suggest remedies more apposite than those of Waynflete?

To be at every moment subject to a sudden command for some common object—to be forced every now and then into the practical business of life—to be obliged to attend to dress and to punctuality in hours—to have no choice but associate with men of equal or superior ability every day—and above all, to be brought continually under the influence of a choral service, and thus when the heart is narrowed to some trifling object, to have it roused and expanded, whether it will or not, into a sense of God's presence, of the communion of saints, and of the nothingness of all knowledge which does not point towards Heaven—are surely not expedient things alone, but, where they may be had, necessary, and in all ways most desirable. Indeed, without them it would be difficult to prevent the members of colleges who should reside no longer even than is requisite to make them competent theologians, from becoming unfit for parochial offices; but with statutable discipline rightly administered, and particularly with attention to those parts which relate to preaching (or "common-placing"), and by a judicious use (as far as it is allowed) of the opportunities for active clerical duties afforded by neighbouring or dependent parishes, (which might be to these divines as hospitals are to lecturers

and students in medicine), we doubt not but that we have here an "officina cleri" such as no Church in the world can surpass.*

There are yet many, very many things, which we would fain say upon this most interesting subject. We would gladly converse with our readers about those circumstances in our times and country, which have made deep learning to be almost forgotten, and the profession of "a poor scholar" to be looked on as a fanciful idleness. We should also wish to consider how far, in the true desire for knowledge, and appreciation of its limits and uses, we excel the times of Waynflete, and to trace the decay of that spirit which animated Chaucer's "clerk of Oxenforde," and was still in force when Hall, of Norwich, wrote that well-known description of his own habits of reading. We would fain speak too, of great works in theology yet undone, and ask why Magdalen might not imitate St. Maur. We should also gladly dwell upon the feeling which prompted Ridley, when near death, to remember so fondly "mine own dear college," and to hope, that of the studies there pursued he should "carry the sweet smell with him into heaven;" or which dictated Horne's exquisite description of his own musings on the Psalms. Bishop Andrewes too we should note, who thought that the colleges of which he was visitor were so much his charge as to have a place amongst his heads of prayer. But these things, and many others, we must omit, for our readers doubtless think that we have been already more than tedious, and must wish that these hasty and ill-arranged remarks were at an end.

Before we release them, however, we must ask whether some at least of our suggestions may not have helped to solve the questions with which we started? Whether the practicability of such statutes in these days does not become more clear when viewed under the light here thrown on them? And whether in the Church's warfare of which we have spoken, it is not evident that while she has her armies militant in the open field (for such may her parochial clergy be considered), or gathered, like garrisons, into her cathedrals, these† colleges are the foundries of her artillery, and the training-ground of her young troops? Must they not then be heedless captains, or weak or treacherous soldiers, who shall neglect or abandon such resources?

Let us not, however, be misunderstood. We have repeated

* Let the Bishops of Chichester and of Bath and Wells, under whose auspices two theological colleges have sprung up, be asked what use they could make of Magdalen College, if it were annexed to either of their cathedrals. We need not say, inquire what Dr. Wiseman would do with it.

† We purposely confine ourselves in this article to what may be called "Divinity Colleges," though these in fact constitute the great bulk of the foundations in both Universities. We also omit all consideration of the legal and medical studies allowed in Magdalen and other colleges, as requiring too minute an inquiry for this place.

"ad nauseam," that neither we nor Mr. Ward can judge the Society of Magdalen College upon our present information. We are anxious to add, that even if their duties should run parallel with our remarks, we should not press them hastily to act upon them. Many of our observations relate to matters of personal habit, which in advancing life are not easily changed, and all, for aught we know, may be affected by that spurious authority which the practice of several careless generations may have given them. In such a case to require of the existing members of a body that they should by one effort redress all the faults of their predecessors, would be both unwise and unjust. Unwise, because such violent and rapid changes, even from evil to good, are dangerous; unjust, because thep stouivs ate ofrethings was that which men contemplated when they entered the Society, and which arose out of no misconduct of their own. To adjust the different duties of different members of an institution thus circumstanced, belongs to a somewhat obsolete casuistry, but its main outlines will probably be attained by all, who, making duty their constant and chief end, shall endeavour that moderation and charity shall be their guides.

That great changes for the better have of late years taken place in the tone of the colleges, every one who knows any thing of the matter must admit, and if due care be taken in the election of fresh members, indigence being considered as well as talent, a docile Christian temper as well as scholastic attainments, we may yet see them filled with both "young towarde scholars and old fatherlye doctors," and each (as far as its constitution requires) representing that state for which the framers of one body of statutes wish when they say, "Collegium idcirco Persicum illud malum optamus imitare, quod omni anni tempore germinat, fructificat, et simul, cum alios maturos fructus edit, tum eodem tempore alios germinantes et novos succrescentes gerit: sic quosdam ministerio ecclesiæ obeundo idoneos et jam maturos, alios vero maturescentes et germinantes habeat."

There would then proceed forth from them a succession of hardy soldiers of the cross, knowing the truth and able to defend it; content with few comforts, and accustomed to union and obedience. While in each generation there would be some who, enamoured with deep thought, and conversant with the wisdom of all ages, would thank their founders for having provided them, amongst his other benefits, with quiet graves; and would go calmly on in study and in prayer, until they should pass to heaven so gently and so gradually that death would seem to be no palpable change, but only as one of those many shades which mark the transition of night into day, or as a line of that indis-

tinct horizon in which the eye cannot discern where the earth ends, or where the sky begins.

From these men, thus abstracted from the commerce of life, the Church would, from time to time, receive new treasures of learning, and new lessons how to live above the world. And even if any of them should be called away, and leave no visible fruits, think not, ye seekers after a sign, ye trusters only in sight, think not that they will therefore have been of the idlers of the earth; for what know ye of their influence upon those around them—how much of holy zeal, how much of charitable patience, how much of well-directed study may have arisen from the precept and example of these nameless men? And still more, how dare ye to scan the mystery of their faith in God? What know ye of sins repented, of a passionate will subdued, of victories won for the Church by prayer, of evils averted from a forgetful or rebellious nation? What did Simeon but “wait?” What did Anna but “fast and pray?” And therefore when ye charge them that they have “laboured in vain, and spent their strength for nought and in vain,” they shall, by such instances, oppose you, and shall reply, with confidence, “surely my judgment is with the Lord, and my work with my God.”

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