

appears to them most important that those anomalies should be corrected, in order that the Houses may address themselves to the consideration of the great subject of Church extension with the fullest confidence of the Church in the clerical body which shall deliberate thereupon; and that they therefore report that, in their opinion, it is to this preliminary point that it would at this time be expedient to limit the address to be presented to Her Majesty, and that they have prepared accordingly the heads of such an address.

The adoption of this report having been moved by the Bishop of London, and seconded by the Bishop of Oxford, a discussion ensued, in the course of which the Bishop of St. Asaph, the Archbishop of Canterbury, the Bishop of Lincoln, and the Bishop of Winchester objected to the report, while the Bishops of Exeter, Gloucester and Bristol, Salisbury, and Bath and Wells, spoke in favor of it, and the Bishop of Oxford, in answer to the objection that the report was in direct opposition to that agreed upon last session, explained that the circumstances were changed, because then they had no reliable information as to the practicability of the change proposed to be made in the clerical representation, whereas now they had a high legal opinion in answer to a case submitted to Sir Richard Bethell and Dr. Robert Phillimore, and which is to the following effect:—

CASE.

Convocation is summoned by a Writ from the Crown to the Archbishop. See Trevor's Two Convocations, pp. 172-3.

The Archbishop issues his Mandate to the Dean of the Province. See Trevor, pp. 175-6.

The Dean of the Province issues a Citation to the Bishops of the Province. See Trevor, pp. 177-8.

Having regard to the expression, "The whole Clergy," to the Royal Writ,  
You are requested to advise—

I. Whether it is competent to the Archbishop, upon a petition to that effect from both Houses of Convocation, by virtue of his own authority, in his Mandate commanding the Dean of the Province to summon the Bishops and Clergy of his province, to give special directions respecting the number of the Proctors, or the Clergy to be returned from each diocese, the mode of their election, and the qualifications of the electors, being Spiritual persons, varying and enlarging the directions now contained in the Mandate of the Archbishop.

And whether such directions given by the Archbishop in his Mandate would be sufficient warrant to the Bishops, and all returning officers, to conduct the elections in conformity with such directions,—the customs now existing in the several dioceses (which are neither uniform nor invariable) with regard to the election of Proctors notwithstanding.

II. And if you think the Archbishop's authority insufficient to effect the object proposed, you are requested further to state what course you would suggest for the purpose of giving the necessary validity to the Archbishop's directions.

"History of Convocation" by  
Lithbury,  
"The two Convocations" by  
Trevor, } accompany  
the Case.

OPINION.

I. The Writ to the Archbishop, respecting the assemblage of Convocation, orders his Grace to summon "the Clergy" (*Clerus*), and is silent as to the manner and mode of their representation.

It would seem that the mode of representation has varied at different times in different ways,

and among them, by the omission and addition of Proctors.

Nevertheless, it appears to us that it would not now be competent to Convocation to put a construction upon the word *Clerus*, or Clergy, so as thereby to enlarge the constituency beyond the limits assigned to it by usage, without the consent and ratification of the Crown.

I. We are of opinion that it would be competent to Convocation, having obtained the license of the Crown, to discuss the question of the alteration of their representative body, and to make a Canon enlarging it; and that such Canon, if it subsequently obtained the approbation of the Crown, would be sufficient to effect legally a new representation of the Clergy in Convocation.

RICHARD BETHELL.

ROBERT PHILLIMORE.

Stone Buildings, Lincoln's Inn, April 30, 1855.

At the close of the discussion a division took place, when there appeared, for the adoption of the report, 6—the Bishops of London, Oxford, Exeter, Salisbury, Gloucester and Bristol, and Bath and Wells; against it, 3—the Bishops of Winchester, Lincoln, and St. Asaph.

The report being carried, the following address to her Majesty was agreed to:—

"We, your Majesty's faithful subjects, the Archbishop, Bishops, and Clergy of the province of Canterbury, assembled in Convocation, humbly represent to your Majesty that committees of Convocation have sat, and after careful consideration have reported to Convocation on various subjects deeply concerning the spiritual welfare of this realm—viz., on the measures needful for enforcing discipline amongst the Clergy, the extension of the Church, the modification of her services, and the reform of the representation of the Clergy in the provincial synod of Canterbury. We are convinced that the full consideration of these subjects is of great moment to the well-being of our Church; but, in order that our deliberations on these, or such other matters as your Majesty shall see fit to submit for our consideration, may be so conducted as to give to the Church the fullest satisfaction that in their mind the Clergy will be fairly expressed, we humbly submit to your Majesty that the representation of the Clergy in the Lower House of Convocation ought to be amended. On consulting very high legal authorities, we are informed that such an amendment may lawfully be carried into effect, if your Majesty shall be pleased to grant us your Royal license to consider with a view to agreeing on any such amendments, and shall afterwards approve of the same when submitted to your Royal consideration.

"We venture, therefore, humbly to pray your Majesty to grant us your Royal license to consider of a constitution hereupon; and in order that these deliberations may include the Clergy of the northern province, we further pray your Majesty to grant a similar license to the Convocation of the Province of York, and to sanction our communicating with that body, with a view to uniting, under your Majesty's approval, our deliberations hereon."

The Bishop of Oxford then moved the following resolution, which was likewise agreed to:—

"That since the last meeting of this House, the House having received an opinion of Her Majesty's Solicitor-General and Dr. Robert Phillimore, pointing out a safe and easy mode, if it should be sanctioned by Her Majesty, of amending the representation of the Clergy in the Lower House, it appears to this House that the reasons which led them, at the last session, to postpone the consideration of this subject, no longer exist, and that they can most effectually consult for the cause of Church extension, by

seeking in the first instance, an amendment of the representation of the Clergy in the Lower House of Convocation."

The Prolocutor was then summoned, and the resolution and address were presented to him, with a request that he would submit them for consideration to the Lower House, and report upon them, if possible, the next day.

Their Lordships then adjourned.

UPPER HOUSE.—Friday.

Their Lordships having re-assembled on Friday morning, the proceedings were for some time conducted with closed doors, and eventually their Lordships adjourned till two o'clock, when the Prolocutor with his assessors attended to present the following amended address:—

"We, your Majesty's faithful subjects, the Archbishop, Bishops, and Clergy of the province of Canterbury, assembled in Convocation, humbly represent to your Majesty.

"That committees of Convocation have sat, and after careful consideration, have reported to Convocation on various subjects deeply concerning the spiritual welfare of this realm—namely, on the measures needful for enforcing discipline amongst the Clergy, the extension of the Church, the modification of the services, and the reform of the representation of the Clergy in the provincial synod of Canterbury. We are convinced that the full consideration of these subjects is of great moment to the well-being of our Church. But in order that our deliberations on these, or any matters which your Majesty shall see fit to submit for our consideration, may be so conducted as to give to the Church the fullest satisfaction that, in the mind of the Clergy, will be fairly expressed, we humbly submit to your Majesty that the representation of the Clergy in the Lower House of our Convocation ought to be amended.

"We venture, therefore, humbly to pray your Majesty to grant us your Royal license to consider and agree of a constitution hereupon, to be afterwards submitted to your Majesty."

The amendments were, after considerable discussion, agreed to.

The Prolocutor afterwards brought up the report on the Fees of Bishops' Secretaries, and on the Maintenance of Parsonage Houses, which were ordered to lie on the table for consideration next session.

LOWER HOUSE.—Thursday.

In the Lower House, which met in the Jerusalem Chamber, the Prolocutor having nominated the Deans of Norwich and Worcester, the Archdeacons of Nottingham and St. Alban's, Dr. Russell and Chancellor Martin as his assessors, and some formal business having been disposed of, the Prolocutor laid before the House a report of the committee on Gravamina, on the subject of church rates, presented in the schedule of the Rev. Cannon Wordsworth.

The report, after declaring it to be desirable that church rates should be limited to charges strictly necessary for maintaining the fabric of the church and the churchyard in decent order and repair, proceeds to recommend the adoption of the course pointed out by the Royal Commission in 1830, making it imperative on the churchwardens, within a certain period after their appointment, to submit to the vestry an estimate of the expenses to be incurred in the ensuing year, together with a detailed statement of the items, when, if the vestry refuses to make a sufficient rate, the Quarter Sessions are to be appealed to, and in either case, the Quarter Sessions having made or affirmed the rate, it is to be enforced in the same way as the poor rate. The report further suggests the adoption of the recommendation of the commis-