

Rev Langley case against for brawling in Church. He had been appointed to the Perpetual Curacy of Wheatley in 1823 as reported in the Oxford Journal on 1st November.

On Sunday May 9th 1841 during holy service, Rev. William Hawkes Langley, Perpetual Curate of Wheatley, paused at the end of a prayer and stated that this had reminded him of his enemies. He had received a letter from the Archdeacon referring to the offer made by some Clergyman to do my duty for me (i.e. replace me). Who had the audacity to do this? Is it a Puseyite who wants to introduce Papery into the Parish? Someone has committed perjury against me in an affidavit waiting until all the witnesses were dead. Another of my enemies has written a letter to the Bishop seeking to take away my poor old uncle's living. I have been charged with adultery for having offered to help the wife of a drunken man who was being ill-treated. And there is much more in the first extract.

All this in the middle of a divine service!

The case is heard by the Arches Court in February, June and July 1842 and results in the suspension of Langley for 8 months.

In December 1843, it was reported to the Judicial Committee of the Privy Council, attended by the Bishop of London and others.

The case as reported in Hassall's 'Wheatley Records' is attached as an appendix.

1841 6 November Oxford Journal

Case against Rev. Langley

Oxford Journal 6 November 1841

ARCHES COURT, TUESDAY, Nov. 2.
THE OFFICE OF THE JUDGE PROMOTED BY BURDER
AGAINST LANGLEY.

This was a question as to the admission of the articles in a cause of brawling, promoted by Mr. John Burder, of Parliament-street, against the Rev. William Hawkes Langley, Perpetual Curate of Wheatley, in the county and diocese of Oxford. It was brought before this Court by letters of request from the Lord Bishop of Oxford, under the recent Church Discipline Act, 3 and 4 Victoria, c. 36, whereby it is enacted, that in any ecclesiastical offence charged against a person in holy orders the Bishop of the diocese may send the case by letters of request to the Court of Appeal of the province. The offence charged in the articles (which, it must be recollected, is an *ex parte* plea) to be proved by evidence is to the following effect:—That on Sunday the 9th of May last, whilst the defendant was in the performance of divine offices in Wheatley Church, shortly before the conclusion of the Litany, namely, after the response immediately following the prayer beginning "Oh God, merciful Father," he did not immediately proceed with the "Gloria Patri," but made a short pause, and the "Gloria Patri" having been read, instead of proceeding with the service, the defendant, in a chiding, quarrelsome, and brawling manner, addressed the congregation thus:—"You were, perhaps, surprised at the pause I made at the end of the prayer, but it reminded me of my enemies. I have this morning received a letter from the Archdeacon, offering some Clergyman to do my duty for me; some one in the congregation has had the audacity to write to the Archdeacon on the subject. Who has had the audacity to do this? Is it a Puseyite who wants to introduce Popery into the parish? I will, however, take care they never shall, as I will do my duty myself. I have preached the Gospel and delivered my own soul, whether the people will hear or whether they will forbear. Some one has committed perjury against me in an affidavit made before Mr. Ashurst; but he waited till the witnesses were dead, so that he could not be punished for his perjury. Another of my enemies has written a letter to the Bishop full of falsehood, to take my poor old uncle's living away; one of them has been to a dear friend of mine, the only dear friend I have at Oxford, driving falsehoods into his ears, in order to set him against me.—I have been charged with adultery; but the fact is, that one night, as I was coming from my tenants at Lobb Farm, I saw a drunken man ill-treating his wife, and I interfered for her protection, for my being a clergyman did not prevent my acting with humanity towards a female under such circumstances. The man told me I might be d—d; what was it to me? What had I to do with it? He then struck me, but the Lord gave me power, and I knocked the man down;" the defendant at the same time using the action of striking with his fist, in illustration of the manner in which he struck the man; that he then proceeded to say—"If any man can prove me an adulterer I will have my head cut off and forfeit it, and I have before mentioned this circumstance to the Bishop;" adding, "I pray for my enemies and forgive them, and hope they will repent;" that during the delivery of this address the defendant was in a very excited and impassioned state, and frequently struck the reading desk and the books in a very violent manner with his clinched fist; that he then proceeded with the service until after the response immediately succeeding the ninth commandment had been said, when, instead of proceeding with the tenth, he again addressed the congregation, adverting to the immoral conduct of "one of his enemies in the parish," and then spoke of her Majesty's Ministers, and the proposed alteration in the Corn Laws, declaring that the Ministers deserved praise for enabling any one to worship God according to his own conscience, and for wishing to give every man a cheap loaf; that all who had votes would soon be called upon to give them, urging them to give them in favour of the then Ministers, adding, "God bless the present Government. I have been attacked on account of being engaged in their service. I forgive my enemies, and hope they will repent."

Dr. Phillimore and Dr. R. Phillimore were heard in support of the articles.

The Rev. defendant appeared in person to object to their admission; but his address consisted of irrelevant matter, and of attacks upon individuals in a strain which caused the Court repeatedly to interfere in a very decided and peremptory manner. He alleged that he had been the object of persecution in the parish for a considerable time past.

Sir H. Jenner said it was unnecessary to notice the irrelevant topics introduced by the defendant. The only question was, whether the articles laid an ecclesiastical offence in an admissible form. He was of opinion they did, and therefore admitted the articles.

Oxford Chronicle and Reading Gazette

5 February 1842

LAW AND POLICE.

ARCHES COURT, SATURDAY, JAN. 29.
THE OFFICE OF THE JUDGE PROMOTED BY BURDER
AGAINST LANGLEY.

This was a proceeding against the Rev. William Hawkes Langley, perpetual curate of Wheatley, in the county and diocese of Oxford, at the promotion of Mr. John Burder, of Parliament-street, for quarrelling, chiding, and brawling by words, in his parish church. The articles (which were admitted, after debate, a short time back) charged the Rev. defendant with having, on Sunday, the 9th of May, 1841, whilst in the performance of divine offices in the church, shortly before the conclusion of the Litany, and again after the response immediately succeeding the 9th commandment, addressed the congregation in a chiding, quarrelsome, and brawling manner, stating that some one in the congregation had had the audacity to write to the archdeacon respecting him: accusing some one of committing perjury against him, and another of his "enemies" of writing a letter to the Bishop of Oxford full of falsehoods; declaring that false charges had been brought against him, and charging "one of his enemies" in the parish with immoral conduct; exalting her Majesty's (late) Ministers for enabling every one to worship God according to his own conscience, and their efforts to alter the corn laws, and urging those of his parishioners who had votes to give them in favour of the then Ministers; the articles also pleaded, that the defendant, in his first address, was in a very excited and impassioned state, frequently striking the reading desk and the books in a very violent manner with his clenched fist, to the great offence of the congregation.

A responsive allegation was now offered by Mr. Langley (who conducts his own cause), which began by denying that the stat. 5 and 6 Edward VI. cap. 4, applied to his (defendant's) case, inasmuch as he, on the occasion in question, merely supplicated the prayers of his congregation in his behalf, on the ground of the slanders, frauds, and acts of violence that he had notoriously suffered, and pleaded that he did not quarrel, chide, or brawl, or conduct himself in anywise irreverently, or otherwise than the circumstances he was placed in imperatively demanded; that the words, structure and import of the words he used, and on the general character and description of the address on the occasion, were wilfully and maliciously garbled, distorted, interpolated, and misrepresented, which was manifest, and could be proved by credible testimony, as well in respect of the several propositions contained in the articles, as in regard of the malicious omission of any intimation that the address was avowedly and essentially a supplication for the prayers of the congregation, and that no offence whatever was given to the congregation, but, on the contrary, a strong and truly Christian sympathy was felt and afterwards expressed by the great majority of persons assembled for the situation and treatment of Mr. Langley, and especially that the words "some one in the congregation has had the audacity" were a false and malicious interpolation of the address; that the practice of soliciting the prayers of a congregation, with a brief and general description of the grounds thereof, is very prevalent, well-authorized, and does not subject the clergyman using it to canonical censure, whether these prayers be requested for himself or others, members of his congregation or not, as, for example, in the case of the sufferers of the Niger expedition; that the instructions for the articles were furnished by persons of bad character, and inveterately hostile to Mr. Langley, and that corruption and subornation had been employed in procuring evidence to support them. The allegation then went on to impugn the conduct and character of individuals, and the forms of proceeding in this court, alleging that the whole was calculated to frustrate the ends of justice.

Dr. Phillimore, in opposition to the allegation, observed that the case had been sent to this court by letters of request from the Bishop of Oxford, under the recent act of 3 and 4 Victoria, c. 86. His objection to the admission of the responsive allegation was not to any specific articles, but to the whole of the plea. The defendant, who conducted his own defence, and did not understand the technicalities of the proceedings of these courts, was not apparently aware of the law applicable to clergymen in the situation in which he was placed. The late Sir J. Nicholl, in the case of "Newby v. Goodwin," which was a proceeding against Dr. Goodwin for omitting passages in reading the Scriptures,

laid it down that a clergyman is not to diminish or add to the prescribed form of worship, which left nothing to the discretion of individuals. It was therefore an offence in a clergyman to alter, add to, or diminish what was contained in the established form of worship. He (Dr. Phillimore) did not think that the records of the Court furnished a more aggravated case of brawling and chiding. It was competent to the defendant to deny the words charged; but he had attempted a justification by setting up that they were uttered as a supplication for the prayers of the congregation. This, however, was equally brawling; it was not competent to him to supplicate the prayers of the congregation if not authorized by the rubric or by the heads of the church. The Rev. and learned Gentleman had alleged that the practice of soliciting the prayers of the congregation was very prevalent and well authorized. By whom was it authorized? If a clergyman introduced irrelevant prayers he violated the Act of Uniformity, and any person in the congregation who chose to do so might have him punished. The statement that the instructions for the articles were furnished by persons of bad character had nothing to do with the offence charged against Mr. Langley, which must, of course, be proved by legal and credible evidence before he could be subjected to consequences. As to the charges against certain individuals in the allegation, common

justice to them required the Court not to admit such matter. He submitted that the allegation must be rejected, and he regretted that the Rev. and Learned Gentleman had not been better advised.

Dr. R. Phillimore followed on the same side.

Mr. Langley then proceeded to address the Court at considerable length in support of this allegation. He contended that supplication of the people's prayers was not to be confounded with offering prayers to Almighty God; the attempt to do so was a miserable piece of sophistry. Dr. Phillimore had asserted that it was contrary to law for a clergyman to ask the congregation for their prayers, whereas it was a universally admitted and notorious fact that they frequently did so. In the chapel in the precincts of the Tower, on the occasion of the late fire, the officiating clergyman had called upon the people to offer thanks to God for having stayed the flames. He (Mr. Langley) had been applied to on the 15th of December, by a circular issued from 13, Parliament-street, by the committee of management of the Niger expedition, to offer up prayers for the sufferers on the banks of the Niger, and he did so, not in the pulpit but from the reading desk. He could not understand how Dr. Phillimore could maintain that whatever the musty and antiquated expounders of the law might say, the practice was not well authorized and very generally prevalent among the best characters in the church. He could not support the practice by precedents fished up from the depths of antiquity, but he appealed to reason and common sense. As to his having undertaken to conduct his cause, it was partly to save expense, but principally because in order to defend himself effectually it would be necessary that transactions spread over ten years should be inquired into, and it was unreasonable to expect that any gentleman of the bar should devote so much of his time as such an inquiry demanded, the result of which he hoped would be placed before the public. The case of "Newby v. Goodwin" was inapplicable to his case; no one denied that to omit portions of the holy Scriptures was an offence. It had been said that the Act of Uniformity left nothing to the discretion of the clergyman. Was, then, a clergyman to refuse the solicitations of the committee of the Niger expedition, for example, to put up a prayer to Almighty God to look down with an eye of mercy upon the sufferers in that great measure for civilizing central Africa? Could it be the act of a Christian Parliament to preclude such offices? He asked for a little indulgence, a little charity. If he had violated the law, he exceedingly regretted it; there were several laws to which he objected, but he was the last man in the world to advise a violation of the law. That part of his allegation which pleaded that he merely supplicated the prayers of the congregation went to the substance of the charges, which were, moreover, false and malicious, by the interpolation of what he did not say, and by the omission of the fact that his address was a supplication for prayers. The defendant then proceeded to justify the latter part of his plea, in the course of which he alluded to the conduct of the Bishop of Oxford, whose judgment, he said, he thought had not been strong enough to resist misrepresentation.

Sir H. Jenner Fust—All this is irrelevant, and I will not hear it. Will you, Mr. Langley, show that charity to others which you claim for yourself, and not go into libel-

lous matter against persons who are not here to defend themselves?

Mr. Langley—I am labouring under scandalous and libellous charges. Even if my charges were false I am only doing that which is done to me.

Sir H. Jenner Fust—I cannot and I will not hear it.

Mr. Langley then proceeded to comment upon the manner in which the information for the articles had been collected, and claimed a right to plead by analogy, with the challenge of a juror, that the instructions had been furnished by persons inveterately hostile to him. In the course of this part of his argument

The Court again interposed, and declared his remarks to be irrelevant, impertinent, and scandalous.

Mr. Langley, in conclusion, hoped the Court would admit his allegation without expunging any part, and thus afford him an opportunity to defend his character. If his charges could not be established no punishment could be too great; but if they were true let him not be sacrificed.

Sir H. Jenner Fust said, the only question was whether the facts pleaded in the allegation were relevant as matter of defence, and whether they were pleaded in a form which, according to the practice of the Court, entitled them to admission. The allegation commenced with a general denial of the charge, and stated that the defendant merely supplicated the prayers of the congregation. But the manner in which he made the supplication, and the words he used, were now stated, and the Court could not take his general denial of the charge unless he stated the words which were actually used. The admissibility of the general denial, therefore, depended upon the character of the whole allegation taken together. The subsequent part, however, merely repeated the general negation, with an affirmation that it could be proved by credible testimony. But the Court could not take the meaning of the words from Mr. Langley's witnesses; he must state the words he did use, and the Court would determine their character. The Court could not take from Mr. Langley a general averment that he merely supplicated the prayers of the congregation; it must have the words themselves, and the manner in which he supplicated the congregation. With regard to the offering up of prayers for the Niger expedition, that was not the offence imputed to Mr. Langley; if it had been, his case might have been a different complexion, and if the words he did use were proper to be used, there would not, probably, have been any charge made against him. This part of the allegation, therefore, might have been rendered admissible by setting forth what the words were; but the latter part was wholly irrelevant and inadmissible. Who the persons were who gave the instructions was not stated, nor whether they had anything to do with the proceedings in this cause, or were witnesses examined in support of the articles; if not, the circumstances had nothing to do with the defence. Then there was a charge of corruption and subornation. Who were the suborners? Was it meant as a charge against the Bishop of Oxford, or the Chancellor of Oxford (one of the counsel in the case), or the Proctor of the Court, that they had been guilty of corruption and subornation? If so, the charge should have been brought in a distinct and substantive form, and not in such a covert and underhand manner. He must repeat that the gentleman who was so anxious that charity should be shown to himself was not very ready to extend it to others. He (the Learned Judge) should not condescend to notice the charges against the Bishop of Oxford, nor insult that prelate by saying one word in defence of his character. This part of the allegation was irrelevant, impertinent, and scandalous. As to the constitution of this Court, it might possibly be in the opinion of some a very improper tribunal to try questions of this description, and its forms of proceeding might possibly, in the opinions of some, be unsuitable to forward the ends of justice; but he (the Learned Judge) could not alter them; he was bound to follow the practice of the Court, and administer the law as he found it. If Mr. Langley's allegation had contained not simply a mere negation and affirmation, but the words and manner of his supplication, the Court might have considered that part of it admissible; but he (Sir H. J. Fust) was clearly of opinion that in its present form it was inadmissible, and he rejected it altogether.

Mr. Langley intimated his wish to appeal to the Privy Council.

Sir H. Jenner Fust—Under the statute it is in the discretion of the Court to permit an appeal in this stage, and I am of opinion that this is not a case in which an appeal ought to be permitted.

Mr. Langley—Will the Court state the reason?

Sir H. Jenner Fust—The irrelevancy of the grounds of your defence.

1842 25 June Oxford Journal

Case against Rev. Langley

Oxford Journal 25 June 1842

ARCHES' COURT, SATURDAY, JUNE 18.
(Before Sir Herbert Jenner Fust.)

THE OFFICE OF THE JUDGE PROMOTED BY BURDER V. LANGLEY.

The arguments in this case were brought to a conclusion this afternoon, the Rev. W. H. Langley having occupied the attention of the Court for three days in defending himself from the charges brought against him. The principal articles exhibited against the Rev. defendant, who is the Perpetual Curate of the parish of Wheatley, Oxfordshire, have been already given at length in the papers, as well as the arguments of Counsel in support of them. It is, therefore, unnecessary to repeat them.

The Rev. Mr. Langley on this, as well as former Court days, made many attacks on the conduct and character of the Bishop of his Diocese, declaring that he (the defendant) had been persecuted by him and his Ordinary for the last ten years. He commented upon the witnesses brought forward in support of the charge against him of brawling and chiding in the parish church during divine service, and in most instances made attacks upon their characters, from which, as on the other days, he was frequently desired to desist by the Learned Judges.

Drs. Phillimore, sen. and jun. were heard in reply. The case against the defendant had been made more strong by his conduct during his defence. The Court ought to pass a heavy sentence upon the defendant, not only of long suspension, but it ought to require a certificate of character from three Clergymen before he was restored to his Living.

Sir H. J. Fust asked what period of suspension, should he so decree, the Learned Counsel thought sufficient? Also whether there was any precedent for requiring a certificate in a case of brawling, &c.? In former reported cases certificates had been required when the Clergyman attacked against had been proved to have been guilty of gross immorality.

Dr. Phillimore thought the defendant ought at least to be suspended for two years, and that though certificates had not been required in cases of brawling, still the defendant ought to be called upon to certify as to his conduct before he was restored. The result of this case, the Learned Counsel said, was looked forward to with no ordinary interest by the Clergy of Oxford. If a light sentence were passed on the defendant, there could not be a doubt but that the best interests of the Church would be injured—that dissent would increase in the unfortunate parish of Wheatley, and that the party proceeded against would still have the power to conduct himself as he had already done to the scandal and disgrace of religion and the profession to which he belonged.

The Learned Judge said he must consider this case, though he had no doubt as to what his judgment must be; but after the manner in which the arguments had been conducted, and considering the late hour of the day, he thought it better to defer his decision till next Session.

1842 2 July Oxford Journal

Rev. Langley suspended for 8 months

Oxford Journal 2 July 1842

ARCHES' COURT, MONDAY, JUNE 27.
THE OFFICE OF THE JUDGE PROMOTED BY BURDER AGAINST LANGLEY.

This was a case of office promoted by Mr. Burder, Secretary to the Bishop of Oxford, against the Rev. William Hawkes Langley, Perpetual Curate of Wheatley, in the county and diocese of Oxford, for quarrelling, chiding, and brawling by words in the parish church, whilst engaged in the performance of divine service, on Sunday, May 9, 1841, by making two addresses to the congregation assembled in the church, and by such his irreverent and improper conduct giving great offence to them, and reflecting scandal and disgrace upon his sacred profession.

Sir H. J. Fust now pronounced his sentence, having first called upon the defendant, who appeared in person, and whom the Learned Judge addressed. After detailing the proceedings and the substance of the articles, the Learned Judge proceeded to examine the evidence taken upon the articles, the defendant not having offered a plea that was admissible. He considered that the witnesses had fully established the substance of the articles, although their testimony had not gone to the extent of proving all the words alleged to have been used by the defendant, and in particular the articles had omitted to state that the defendant had solicited the prayers of the congregation on account of his supposed persecutions. The defence of Mr. Langley set up in the interrogatories and in his address to the Court (which had occupied more than fifteen hours, and which was entirely irrelevant) was that he had been the object of a conspiracy in the parish; but he had brought out or alleged nothing in excuse or even extenuation of his offence, the act, according to his own showing, having been not sudden, but deliberate. By the mode in which he had conducted his defence, casting reflections upon persons of respectability, by name, and particularly upon the Bishop of Oxford, who would have neglected the duties of his high station if he had passed over the occurrence, the defendant had aggravated his original offence. Had Mr. Langley attended to the intimation he had received from the Court on the admission of the articles, and given an affirmative issue to the articles, he would have saved much expense, and might have experienced some leniency from the Court. But he had chosen to attempt to justify himself, and the only question was the amount of punishment to be affixed to an offence which had been properly described as one of the worst cases of chiding and brawling ever brought to the notice of this Court. The proceedings had been brought under the Act 5 and 6 Edw. VI. (as well as under the general ecclesiastical law,) which prescribed suspension for a period at the discretion of the Court, and he should sentence Mr. Langley to suspension from his office for eight calendar months, from the time this sentence was published and ratified in the parish of Wheatley; he admonished him to refrain from such improper conduct in future, and he condemned him in the costs. The Court had been urged to require a certificate of good conduct; but he could find no precedent for this as part of a sentence against a Minister for brawling, and he did not see clearly how it could form part of his sentence.

Mr. Langley inquired where he was to reside?

The Court informed him, that it had suspended him from office only.

1843 9 December Oxford Journal

The case was reported to the Judicial Committee of the Privy Council, attended by the Bishop of London and others

Oxford Journal 9 December 1843

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL— MONDAY.

(Present the Bishop of London, Lord Campbell, Sir J. L. Knight Bruce, and the Judges of the Court of Admiralty.)

REV. W. H. LANGLEY V. BURDER.

This was, in the first instance, a suit of the office of the Judge, promoted by John Burder, Esq. (the respondent), secretary to the Bishop of Oxford, and patron of the Perpetual Curacy of Wheatley, Oxon, under the Act third and fourth Victoria, c. 36 (and was sent to the Court of Arches by letters of request), against the Rev. William Hawkes Langley (the appellant), incumbent of the Perpetual Curacy of Wheatley, on a charge of quarrelling, chiding, and brawling by words in the church of Wheatley. It appeared that on Sunday the 9th of May, 1841, whilst the appellant was in the performance of divine service, and shortly before the conclusion of the Litany, after the *Gloria Patri*, he made a short pause, and, instead of proceeding with the service, addressed the congregation (as alleged in the libel) as follows:—"You were perhaps surprised at the pause I made at the end of the prayer, but it reminded me of my enemies. I have this morning received a letter from the Archdeacon, offering some Clergyman to do my duty for me. Some one in the congregation has had the audacity to write to the Archdeacon on the subject. Who has the audacity to do this? Is it a Puseyite, who wants to introduce Popery into the parish? I will, however, take care they never shall, as I will do my duty myself. I have preached the Gospel and delivered my own soul, whether the people will bear, or whether they will forbear. Some one has committed perjury against me in an affidavit made before Mr. Ashhurst; but he waited till the witnesses were dead, so that he could not be punished for his perjury. Another of my enemies has written a letter to the Bishop, full of falsehoods, to take my good old uncle's living away. One of them has been to a dear friend of mine, the only dear friend I had at Oxford, driving falsehoods into his ear, to set him against me. I have been charged with adultery; but the fact is that one night as I was coming from my tenant's, at Lobbs Farm, I saw a drunken man ill-treating a woman. I interfered for her protection; for my being a Clergyman did not prevent my acting with humanity towards a female under such circumstances. The man told me I might be—; what was it to me; what had I to do with it? He then struck me, but the Lord gave me power, and I knocked the man down. [The appellant was here charged in the article with suiting the action to the word, by striking with his fist, in illustration of the manner in which he struck the said man.] If any man can prove me an adulterer, I will have my head cut off and forfeit it; and I have before mentioned this circumstance to the Bishop, adding, I pray for my enemies, and forgive them, and hope they will repent." The appellant was charged with being in a very excited state, and frequently striking the reading-desk with his clenched fist. It further appeared that the appellant proceeded with the divine service until after the response immediately succeeding the Ninth Commandment had been said by the congregation, when, instead of reading the Tenth Commandment, he proceeded thus:—"One

of my enemies in the parish has had four bastards; all the children of one man, by one woman; the bastards are dead, the woman is dead, all dead, dead, gone, gone out of the way." The fifth article further stated that the appellant, in his address, adverted to her Majesty's Ministers, and the proposed alteration in the Corn Laws, and declared that the Ministers deserved praise for enabling every one to worship God according to their own conscience, and for wishing to give to every man a cheap loaf; that all who had votes would soon be called upon to give them, and that the appellant urged the congregation to give their votes in favour of the then Ministers, and added, "God bless the present Government. I have been attacked on account of being engaged in their service. I forgive my enemies, and hope they will repent." Articles, alluding to the above facts, were exhibited in the Court below. The appellant, in person, opposed the admission of the articles, on the ground that on the occasion in question (as above set forth) he asked his congregation to pray for him, and stated to the Court that robbery, slander, and oppression had been practised upon him by the Bishop, by the instrumentality and at the instance of the Puseyite heretics for ten years, avowedly for the purpose of getting rid of him; he also impeached the character of the persons employed in the prosecution, of which he had been the subject. The appellant having given a negative issue to the articles, six witnesses were examined on the part of the respondent. Their evidence was in substance confirmatory of the facts set forth in the libel above quoted. To this the appellant put in an exceptive allegation. This allegation was opposed, and on the 27th of June, 1842, the Judges of the Arches' Court (Sir Herbert Jenner First) pronounced that the respondent had sufficiently proved the contents of the articles, and that the appellant had been guilty of quarrelling, chiding, and brawling, and that he was to be suspended from the ministrations of divine offices in the parish of Wheatley for the space of eight months from the day when the suspension should be notified. The Judge refused the appellant leave to appeal. From this sentence the appellant appealed to the Judicial Committee, and this morning appeared in person, and contended that the proceedings taken against him were unjust and vexatious, inasmuch as he had not acted contrary to or in violation of the rubric.

At this stage of the proceedings their Lordships called upon Dr. Phillimore, the respondent's Counsel, to sustain the sentence of the Court below, so far as it related to the refusal of the Judge to permit an appeal. After the argument of the Learned Counsel,

Lord Campbell, on the part of their Lordships, held that, on the true construction of the 13th section of the third and fourth Victoria, cap. 36, the Judge had vested in him an absolute discretion by the Legislature to allow or not, according to the circumstances of the case, an appeal; and that he had justly, under the circumstances, exercised his discretion in rejecting the exceptive allegation. The appellant, therefore, was confined to the merits of the case, as disclosed by the articles, and the evidence of the six witnesses.

Mr. Langley having addressed their Lordships on behalf of the appeal, and Dr. Phillimore in support of the sentence below,

The Bishop of London pronounced judgment on the part of their Lordships, who were of opinion that the articles were substantially proved by the evidence, and they would, therefore, report to her Majesty in Council to affirm the sentence of the Arches' Court, with costs.

CASE OF THE CURATE, 1841¹

Court of Arches, The Office of the Judge, *Burder v. Langley*, Extracts

In the Arches Court of Canterbury in 1841 it was successfully objected to the Rev. William Hawkes Langley², Curate of Wheatley, that on 9 May 1841 after the Gloria patri was read he did in a chiding quarrelsome and brawling manner, addressing the Congregation then and there present, say and declare as follows, or in words to that or the like effect, to wit, “ you were perhaps surprised at the pause I made at the end of the Prayer, but it reminded me of my Enemies. I have this morning received a Letter from the Archdeacon offering some Clergyman to do my duty for me, someone in the Congregation has had the audacity to write to the Archdeacon on the subject— Who has had the audacity to do this ? Is it a Puseyite who wants to introduce Popery into the Parish ? ... ”

William Saunders of Wheatley in the County of Oxford, Master of the National School³ at that place, thirty four years, a Witness produced and sworn on his Oath says ; “ . . . I did not do Business for James Friday⁴ and his late Wife ; when I have been gossiping in their shop, I may have made out a Bill, or written a Letter for them. . . I know the Reverend William Pusey ; I do not know Dr. Pusey, his Brother, but by sight : I was present at the Vestry, when ten pounds of the Parish Money was given to the Reverend Mr. Pusey to be laid out by him in Clothing for the Children of Wheatley ; it was given in aid of the Clothing fund of the National School : Mr. Pusey laid out that Money as well as what was contributed by the Parents, weekly, of those who came to the National School with his own addition to it at Mr. Thorpe’s, the Linen Draper’s, in Oxford ; I do not know whether Mr. Thorpe is President of the Conservative Association at Oxford ; Mr. Lovelock of Wheatley is a Draper and Postmaster : I do not know why this Money was taken out of the Parish, and not laid out with Mr. Lovelock ;⁵ Mr. Pusey is a liberal Contributor to the Fund, and the Management is left to him : Mrs. Guy, my Aunt, did apply to Mr. Langley to sign her Papers for obtaining the Post Office on the decease of her Husband ; Mr. Langley declined to sign them—at least so my Aunt told me : I do not know who told Mr. Schutz⁶ that Mr. Langley behaved very cruelly to Mrs. Guy, a poor Widow, in not seconding her Views : I never did proceed against Mr. Lovelock to make him pull down his Building. . . The Bishop’s Son, and Mr. Chillingworth,⁷ and Mr. Sneyd⁸ spoke to me on the subject of the Building, believing it to be an Encroachment. . . I drew what was laid before the Magistrates at Oxford respecting Mr. Lovelock’s Building. . . I conferred with Mr. Chillingworth of Cuddesden on the subject of it ; it is, I think, three years ago now— . . .

Mr. Chillingworth did not, that I know of, bring a Petition to Wheatley against Alteration in Church Rates : I got the Signatures of some of the most respectable Persons in Wheatley to a Petition, which Mr Denison⁹ sent down. . . I represented. . . that Divine Worship could not be kept up unless the Churches were kept in repair : I heard that Mr. Langley, as soon as he found the Petition had gone round, went round with a Counter-Petition, and got some persons who had signed the first Petition to sign his also : John Smith the Apothecary was put into the Chair when the Sum of ten pounds, before enquired about, was voted to Mr. Pusey—. . . I heard the Circumstance talked of, that John Smith on one occasion went into Mr. Langley’s House and committed some Act of Violence upon Mr. Langley,¹⁰ for which he was bound over to Keep the Peace. . . I never knew a Servant of Mr. Langley to quit his Service with Child; . . I recollect that he has had two elderly females at times and has one

¹ Extract from W. Hassall, *Wheatley Records: 956-1956*, *Oxfordshire Record Society*, (Oxford, 1956), pp. 91-95.

² He was licenced to the Perpetual Curacy of Wheatley in 1823 as reported in the *Oxford Journal* on 1st November.

³ In 1846 he left to be master of an agricultural school in the Diocese of Bath and Wells with ‘the approbation of my superiors. . . the friendship of very many of the yeomanry, and the respect and goodwill of most of the peasantry.’ Oxon. CC. Record Office, Misc. Fa. I/i

⁴ A lane running north at the east end of the High St. is called Friday’s Lane.

⁵ Described as one of the Parson’s party.

⁶ Last of a Whig family which inherited Shotover from the Tyrrells.

⁷ An important farmer, ‘of undoubted veracity’.

⁸ A scholarly clergyman who lived at Denton House.

⁹ A Tory curate of Cuddesdon who married the daughter of Henley of Water-perry. In his *Autobiography* he deplores religious toleration as liable to lead straight to democracy.

¹⁰ Even in the 20th century a vicar was given ‘rough music’ and burnt in effigy in his own garden.

now. The Income I derive from the National School is about forty pounds a year : I was appointed Master of it by the present Trustees : it was from Dr. Lloyd, the late Bishop of Oxford, that I received the uncontrolled Management of the School in the year 1828—and which I continued to have during my Uncle's (Mr. Guy's)¹¹ life time, who was the Master of the School—on my Uncle's death, about three years ago, I was formally appointed Master—and I am not aware that Mr. Langley was ever consulted about it. . . I recollect running to Mr. Langley—at least going to him when Mrs. Rose, my Wife's Sister, refused to receive the Man who was taken with Cholera, into his lodgings in her House : if I remember right there was a Board of Health formed in the Village at the time, and Mr. Langley was the Head of it—. . . Mr. Langley went with me immediately, and ordered the Man, who was lying in a Cart in the Road to be taken down to his House¹²—and I thought it was very kind in his part to do so . . . I only go to the Bishop's Palace¹³ when I have Business there : I have taken Refreshment there ; I took Dinner there with the Upper Servants on one occasion—on another occasion I took a Glass of Wine and a Crust of Bread ; and I have taken a Glass of Ale there. . . I have very often been to the Reverend Mr. Pusey's at Garsington—for I had a Music Class over there last Summer—which took me thrice a week ; I never had any Refreshment at Mr. Goldney's¹⁴—but at Mr. Pusey's of course I had after walking three Miles, and being engaged with my Class for an hour : the Bishop has paid me for what Business I have done for him in Land-Measuring, and made me a Compliment besides—thus if my Bill came to thirteen, or fourteen shillings, he has presented me with a sovereign. . . I do not know what may have been said in Squabbles at the Vestry Meetings—but I believe there was something said about John Cooper's having sold stones belonging to the Parish without accounting for them. . . I do not remember having heard that a Man named, or known by the Name of, Kitt, who was killed under a Waggon Wheel, threw a Stone at Mr. Langley's Head, which knocked his Hat off ; . . I heard high Words in dispute between Mr. Langley, and my Brother in Law, James Rose, near the Church Door. . . I went on to avoid the Dispute : . . I heard Rose address Mr. Langley in an angry Manner, and accuse him of having struck his (Rose's) Boy for not having taken off his Hat to him—hearing this beginning I went away to avoid hearing more. I was at Church when Mr. W. Waine,¹⁵ who married Joseph Cooper's Cousin, got up in his Pew, and uttered some Words relative to the Manner in which Mr. Langley performed the Church Service . . . Joseph Cooper¹⁶ did compose some of the Tunes which are put upon the Organ ; as to its being modest in Cooper to do so, I do not think that he had any bad feelings in doing it ; I am not Musician enough to judge whether his doing so is calculated to improve the Public Taste in Music ; . . . I was present in the Church when the late James Juggins¹⁷ acted as a sort of Scribe for the Vestry ; I do not remember any occasion when Mr. Langley refused to sign a Vestry Minute because it was not grammatical.

The Church is large, and has large Window's certainly. I have no powder to let Mr. Langley have a stove—nor to withhold it from him : the Bishop does not enable me to get great coats and warm clothing so that I do not want the stove, I wish there was a stove in the Church : I have at times in cold weather remarked the coughing in the Church—not particularly among the aged—they do cough no doubt but I have observed it more among the Children : . . . we have a Fire in the School in Winter ; I do not often wear my Hat there, when the weather is cold : the School Room is not, perhaps, a tenth part as large in Cubic bulk as the Church. . . I think they have a Stove in the little Chapel at Shotover : they have not a Fund at Cuddesden bequeathed to them for the Repair of their Church : Wheatley pays Rates, of course, to Cuddesden, its Mother Church—but I know nothing about the Wheatley People paying Rates for superfluous Luxuries at Cuddesden¹⁸. . . I do not know the Funds from which the Infant School at Wheatley has been built ; I do not know who appointed the School-Mistress. . . I do

¹¹ Valentine Guy's accounts for 6 Oct. 1828—5 Jan. 1829 included payment for 54 boys reading and 16 writing and 36 girls reading and 13 -writing, 6 hundred quills, 100 slate pencils and £i is. for ' putting the bridge over the brook 13 weeks.' Mrs. Schutz, W. H. Ashhurst esq. and the Rev. Dr. Ashhurst each paid £110 and the children £7 19 2, Oxon C.C. Record Office Misc. Fa. I/i

¹² In the High St. The archdeacon said pupils would never come to live in such a house.

¹³ At Cuddesdon, rebuilt after being burnt by the royalists by Fell. Wilberforce enlarged it, as scarcely a palace

¹⁴ At Cuddesdon.

¹⁵ Fellmonger, 1877-8, and brewer, 1852. *Directories*.

¹⁶ The Coopers had a kiln at the 'Old House' before building the Brickworks. In 1851 Martha Cooper acquired half the Manor pew.

¹⁷ The Juggins's occupied the best properties in the late 18th century and had a thrashing machine mentioned by Arthur Young in 1809.

¹⁸ In the early 17th century Wheatley people refused to pay for the repair of seats in Cuddesdon church which they did not use in 1630. MS. Top. Oxon. C. 56, fol. 28.

not know whether Mr. Langley has been consulted upon it, nor -whether he did, or did not know that such a Building was going to be erected and endowed, until he saw it building. . . I do not believe that there has been a conspiracy working for years with the express object of defaming and plundering Mr. Langley, by Law proceedings and other Means, of making him a Cipher in his Parish, and of making me and the Coopers Lords paramount in everything. . . I bought the Tracts against the alteration of the Com Laws, which I distributed ; I bought them. . . in Pall Mall : I am not competent to form an opinion on the dogmas of the Puseyites ; I cannot pretend to an Opinion about them, when the Professors in the University differ about them : I cannot judge of the wisdom or propriety of receiving at the National School on weekdays the Child of a Dissenter who attended a dissenting Place of Worship on the Sabbath ; there are Rules made for the management and admission into the National Schools which must be attended to, but personally I do not know that I should object to receive a Child because he went to a dissenting Place of Worship on the Sabbath:. . . I have heard Mr. Tyndale¹⁹ preach at Wheatley within the last six weeks : I do consider him a pious and well ordered Man:. . . he said that he observed a great Number of Persons outside the Church gaping at the Funeral, which was going past, and that he was afraid many of them went to the Public House,²⁰ instead of to Church, from the Number of empty Pews and Seats... ”

Ann Neighbour, of Wheatley, in the County of Oxford, Spinster, Dress Maker, aged thirty six years, a Witness produced and sworn, on her Oath says ; “ . . . I have not heard that Mr. Joseph Cooper charged Mr. Lovelock with being one of the Parson’s Party, and said that he had got the Parson and his Party under his Thumb, and would keep them there ; I do not know whether Mr. Cooper has paid for the Parish Houses on the Site of the intended Church Yard, nor whether he has received any Money for that purpose from the Bishop ; I have heard that some of the Parishioners refuse to pay their Rates until the Houses are paid for. . . I understood that Mr. Cooper acted as Bailiff to Mr. Drury of Shotover,²¹ and paid the Men. . . I know that Mr. Langley was intimate with Mr. Schutz, Mr. Drury’s Predecessor at Shotover ; . . . I cannot say from where Mr. Drury has received his Impressions of Mr. Langley’s Character : Mr. Drury is considered a charitable Man ; he has given away much at Wheatley ; he does not give anything away through Mr. Langley that I know of:. . . I never heard of a Man of Wheatley, who was caught mocking the Groans of Lying in Women under their Windows : I never saw Mr. Joseph Cooper at Church : I do not know why Mr. Way has only been Churchwarden once since he came into Wheatley ; he is most honourable, peaceable and industrious Man, and most exemplary in his attendance at Church ;²² . . . John Cooper and Joseph Cooper have been Churchwardens and Overseers often. . . I never saw John Cooper at Wheatley Church—he goes to Holton Church with his family : I do not think it right that a Man should be Churchwarden, who never comes to Church : . . .

Thomas Juggins of Wheatley in the County of Oxford, aged eighty two years.. . says “ . . . it put me quite into a tremor to see him so irritated and excited—striking the Reading Desk and Books violently. . . he talked about the Ministers, and cheap Sugar and cheap Bread. . . I understood he meant to say he was on the Liberal side of the Question—. . . Mr. Langley was intimate with Mr. Schutz—he used to go up there on Sundays to dinner : I don’t think that Mr. Drury has had any intercourse with him : Mr. Drury came out of Yorkshire more than eighteen months ago . . . I do not know how long Mr. Ashurst treated Mr. Langley with Civility—I only know that at one time Mr. Langley was Tutor to one of Mr. Ashurst’s Sons : . . many Persons of Wheatley go to Shotover instead of Wheatley, because they have such a good Clergyman there, and can hear him so well. . . I should think that William Sanders is esteemed by the Bishop. I never heard anything against his Character, and he attends Church regularly, and plays the Organ, and takes care of his Scholars. .

Thomas Sheldon of Wheatley in the County of Oxford, Shoeing Smith and Farrier, aged sixty four years,. . . says :

“ . . . I heard of James Friday’s charging Mr. Langley before the Magistrates at Oxford with having put his Fist in his Face. . . I heard that Charles Wilkins called Mr. Langley from the Club Room at Wheatley on Whit Tuesday (not Easter Monday) to speak with James Friday, when Friday charged him with putting his Fist in his Face. . . I was at Church at Wheatley last Sunday: Mr. Langley preached ; . . . I cannot give any account of the Sermon for his Voice is so broken, that he cannot be heard to follow him.”

¹⁹ Rector of Holton.

²⁰ The old church was opposite the ‘King and Queen’.

²¹ When Millais the painter was young, he used to be favourite visitor of Drury.

²² He occupied the Manor House. When it was turned into cottages in 1851 the manor part was divided and Martha Cooper obtained half though one of the cottagers in the Manor House tried to sit in it.