

## GORHAM AND THE PENZANCE COMMISSION

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*Many will know of the infamous ‘Gorham Judgment’ but much less is known about the greater context of opposition against evangelicals in the Diocese of Exeter in the nineteenth century. This article retells a tragic story from a different world and the great cost of standing for the gospel against hostile senior leadership.*

The outlines of the Gorham case are well enough known. In 1848, the Bishop of Exeter, Henry Phillpotts, suspected George Cornelius Gorham of being unsound in his doctrine of baptism and refused to institute him to the living of Brampford Speke in Devon. Gorham appealed to the Court of Arches, which found in favour of the bishop. Gorham then appealed to the Judicial Committee of the Privy Council, which found that his views were consistent with a possible reading of the Thirty-nine Articles, and ordered that he should be instituted. Phillpotts still resisted and appealed to every court in the land, but to no avail. On Phillpotts’ continued refusal, Gorham was instituted under the *fiat* of the Archbishop of Canterbury. The result was that Phillpotts, in effect, excommunicated his archbishop, and a significant number of clergy defected from the Church of England to Rome—including Archdeacon Manning and William Maskell, Phillpotts’ chaplain. Such is the bare outline, but there are generally ignored aspects of the story which shed a whole new light upon it.

### Evangelical Parallels

There is a body of evidence which shows that Phillpotts was determined to purge his diocese of Evangelicals, and we can look at the Gorham case as one example of this. The first well-known case was that of the Revd Henry Head, Rector of Feniton near Honiton. In August 1838, Head attacked the bishop over his baptismal doctrine, accusing him of giving ‘countenance and currency to those damnable heresies now springing up like mists among the marshes of Oxford.’<sup>1</sup>

The bishop publicly took him to task at the confirmation in October, 1838 and used his charge of 1839 to attack him. When the next confirmation came round in 1841, Head wrote an open letter which was published in *The Western Times* of 21 August, 1841, which amounted to a systematic attack upon the bishops in general for upholding the doctrines

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<sup>1</sup> *Morning Chronicle*, 6 September 1838.

of the *Prayer Book*, particularly with respect to baptism, and referred to 'the erroneous and strange doctrines which the catechism contains.'

In the interim, the Clergy Discipline Act of 1841 had become law. The bishop used it to prosecute Head. Unfortunately, Head could not afford to mount a proper defence, and so he was able to do no more than dispute technicalities. The bishop won almost by default, and Head was suspended from his parish for three years.

In 1845, Charles Grylls, perpetual curate of Lanhydrock, near Bodmin, published a series of five sermons<sup>2</sup> which were intended as a defence against Tractarianism. Phillpotts protested that they contradicted the twenty-fifth Article, which says, that sacraments are '*effectual signs of grace and God's good will towards us, by the which he doth work invisibly in us,*' and threatened to prosecute.<sup>3</sup> Eventually Grylls managed to avoid the same fate as Head, but only by submitting to the bishop and writing a grovelling apology.<sup>4</sup>

Phillpotts' treatment of James Shore was similarly 'oppressive and vexatious,' to quote Gorham. The story is long and complicated, but, essentially, the bishop used the fact that Shore's position as curate-in-charge of the proprietary chapel at Bridgetown, Totnes depended upon the Vicar of Berry Pomeroy, in order to withdraw his licence. When Shore sought to become a nonconformist in order to escape the bishop, Phillpotts managed to have him committed to Exeter Gaol.

We might also consider the case of Charles Clement Layard. In 1855, Sir John Kennaway presented him to the Incumbency of Escot, near Ottery St Mary.<sup>5</sup> Layard was summoned by the bishop. No sooner had Phillpotts come into the room than he launched into a discourse upon 'the grace of the Sacraments, which was so little understood, [and] was a subject on which he felt bound to examine any one before admitting him into his Diocese.' He then posed series of questions on baptism, to which Layard replied in the words of the Articles. Phillpotts' third question was particularly complicated, so Layard asked for it in writing and gave a carefully considered written reply. Layard said that, 'These words are in exact accordance with the terms of the Judgment of the

<sup>2</sup> Charles Grylls, *Five sermons: On the church and its ministry, on the simplicity of its doctrine and ritual, on justification by faith, and on the presence of Christ in ... on several occasions in Bodmin Church* (Bodmin: Liddell & Son, London: Hatchard & Son, 1845).

<sup>3</sup> Charles Grylls, 'Letter of 27 August, 1845' in *Correspondence between the Lord Bishop of Exeter and the Rev Charles Grylls...explanatory of certain passages in five sermons &c.* (Bodmin: Liddell & Son, London: Hatchard & Son, 1845), pp. 7ff.

<sup>4</sup> Grylls, 'Letter of 22 October, 1845', in *Correspondence*, pp. 41f.

<sup>5</sup> The details were published by the Rev C.C. Layard in *Statement of the Circumstances connected with the refusal of the Bishop of Exeter to license the Rev C C Layard to the Perpetual Curacy of Escot* (London: Nisbet, 1855).

Judicial Committee of Privy Council, in the case of *Gorham v. the Bishop of Exeter*,<sup>6</sup> as indeed they were! As a result, Phillpotts refused to have him in the diocese.

We now turn to Gorham.

## Disputes in Penwith

Gorham was instituted to the parish of St Just in Penwith in February 1846. The feelings on the occasion were very cordial, and ‘the Bishop... not only expressed his great satisfaction that the Chancellor had listened to his request, that he would not present a young or an inexperienced man, but he suggested and assisted me in an application to the Crown, that Her Majesty would condescend to nominate a District Minister, of my own choice, in the north of my Parish; *on the ground that similarity of views was of great importance for effectual ministerial co-operation.*’<sup>6</sup>

Problems soon followed. In Gorham’s own words, ‘In a few months, however, the Bishop suddenly altered his tone.’<sup>7</sup> The cause of the trouble was Gorham’s attempts to raise subscriptions towards the building of Pendeen Church. He says, ‘In the summer he rebuked me for having used the words, ‘THE NATIONAL ESTABLISHMENT’ (instead of ‘THE CHURCH’), in a Circular for building a District Chapel.’ The bishop’s letter was certainly to the point:

I have received your ‘Circular,’ and will frankly say, that I am sorry to see you call ‘the Church’ ‘the *National Establishment*.’ I could not permit my name to be appended to a document using such a phrase to express such a sacred idea as ‘the Church’ in this land.<sup>8</sup>

Gorham was not trying to provoke the bishop. His letter of 26 August shows him very keen to smooth the bishop’s feelings:

I can sincerely say that, in using the term ‘National Establishment,’ it never occurred to me that any reader could imagine that I considered ‘the Church’ as the mere creature of the nation, or that I took a low view of its sacred character. I am very far from entertaining any such opinion. I adopted a conventional term of very general usage (in former times, at least), and which I consider as simply expressive of *the fact*, that the Church of which I am a minister is established and endowed by national consent.<sup>9</sup>

<sup>6</sup> G.C. Gorham, *Examination before Admission to a Benefice* (London: Hatchard, 1848), p. iv, italics original.

<sup>7</sup> Gorham, *Examination*, p. iv.

<sup>8</sup> Gorham, *Examination*, p. 4, italics original.

<sup>9</sup> Gorham, *Examination*, p. 5, italics original.

Gorham's next objective was to find himself a curate to ease the burden of work in the western part of his parish, but this caused him even more problems. The *Ecclesiastical Gazette* of 8 September, 1846 contained his advertisement for an assistant:

A Curate is wanted by the resident Incumbent of St. Just, Cornwall. He must be an active, pious man, free from all tendency to what is well understood by the term Tractarian error, &c.

After he had found potential candidates for the post and suggested them to the bishop, Gorham received a stiff reply. Phillpotts had obviously changed his opinion since he had told Gorham that '*similarity of views was of great importance for effectual ministerial co-operation.*'

I saw in the last 'Ecclesiastical Gazette' an advertisement from you, inviting candidates who are opposed to *Tractarian* error, or heresy, or something of that kind...I cannot but highly disapprove of a clergyman giving his name, in a public advertisement, to a vague, and therefore mischievous description, which may be, and often is, applied by the ignorant and thoughtless to some of the best and soundest ministers of the Church...I decline receiving either of the persons whom you propose, and feel it my duty to institute particular inquiry in respect to any one who may come to you under such an invitation.<sup>10</sup>

Gorham was just as stubborn and entrenched in his position as Phillpotts was in his! This is obvious from the revised advertisement which Gorham inserted in the next *Ecclesiastical Gazette*, which, he claimed, 'was altered, with a view to obviate some of the objections stated to me by the Bishop.' He had indeed changed it, but he had made the expression to which the bishop objected even more pointed by suggesting that the Tractarians were not honest in their profession of being sincere Anglicans. It now read:

A Curate is wanted by the resident Incumbent of St. Just, Cornwall. He must be an active, pious man, *who honestly embraces the doctrines, and approves the discipline, of the Church of England, but who is* free from all tendency to what is well understood by the term Tractarian error, &c.

Eventually, Gorham found Joseph Lowther Hodgson as a potential curate. Phillpotts was not going to let Gorham have a curate without making life very difficult, and wrote back immediately:

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<sup>10</sup> Gorham, *Examination*, p. 7, italics original.

I feel it my duty to desire that he see me, in order that I may satisfy myself of the soundness of his views on the great points of Christian doctrine, especially on Baptism, the foundation of all. Before I receive a stranger into my diocese, I must satisfy myself that he, on this point, agrees with the teaching of the Church in its Articles and Liturgy.<sup>11</sup>

Gorham replied on 3 December, 1846:

To my great surprise and alarm, your Lordship intimates, that he may be rejected, however sincere in his acceptance of the doctrines of the Articles and Liturgy, should he not assent to *that* interpretation of ‘the teaching of the Church, especially on Baptism,’ which your Lordship may affirm to be the true one.<sup>12</sup>

Gorham asserted in the same letter that ‘the assumed power of refusing a licence to a duly nominated and certified curate, appears to me to be full of dangerous consequences,’ especially to the unity of the Church. He went on, ‘He will present himself to your Lordship, to subscribe the Thirty-nine Articles, and to declare his conformity to the Liturgy. If the Bishop of Exeter should nullify all these solemn acts...by declining to grant a licence to my nominee, in case of his inability to conform to a private standard of doctrine,—then the much-talked-of catholicity of the Church of England will be violated.’<sup>13</sup>

To accuse Phillpotts of undermining the catholicity of the Church of England was just about the worst insult which Gorham could have chosen. It must have been doubly shocking, because it was unlikely that anyone else had ever dared write to him in these terms. Gorham finally signed his ‘suicide note’ with an explicit attack upon the Tractarians:

My use of the words ‘Tractarian error,’ was grave and deliberate... Firmly believing that the errors which the Oxford Tracts revived with mischievous popularity, are most dangerous, and effective in recruiting the ranks of the *Roman-Catholic* from (what is called in un-Protestant phraseology) the *Anglo-Catholic Church*,<sup>14</sup> and of corrupting those who professedly remain in communion with her; it is my determination, by the help of God, in opposition to the ‘strange doctrines’ of that school, to uphold plain scriptural truth in its untainted purity, both by *my own* teaching, and by that of *my assistant*.

<sup>11</sup> Gorham, *Examination*, p. 9.

<sup>12</sup> Gorham, *Examination*, pp. 9–14, italics original.

<sup>13</sup> Gorham, *Examination*, p. 11.

<sup>14</sup> Only two months earlier, Newman and several of his friends had converted to Rome.

After a further exchange of acrimonious letters, for neither would allow the other to have the last word, Gorham eventually wore the bishop down with a letter, running to thirteen pages in his printed version, which was not graced with a reply from the bishop.

## The Projected Move to Brampford Speke

In 1847, just eighteen months after arriving in St Just, Gorham felt the need to move. There was an impossible amount of work in St Just for a man of his years (he was 60 that year), and the isolation had proved a problem. He recounted that

In August, 1847, the present Lord Chancellor (having understood that I wished to exchange my living for one in a situation better suited to the education of my children), signified his willingness to present me to the Vicarage of Brampford Speke, near Exeter, a small agricultural parish, with a population of only 400, which was, consequently, for the reason above-mentioned, more desirable to me than St. Just, though the income is £308 a year less.<sup>15</sup>

Gorham was not to know how thoroughly the bishop would apply the provision of Canon 39 for ‘due examination’ of those moving to new parishes and, knowing his personality, it probably would not have made any difference if he had. He therefore sent a testimonial to the bishop, to be countersigned by him and forwarded to the Lord Chancellor. On receiving this, the bishop gave ample evidence that he was hostile to Gorham before he had conducted any examination. The next thing that Gorham heard was when the bishop sent him a letter, dated 29 August, 1847, stating that, ‘after what passed last year, it must be unpleasant to me to be obliged to deal with such a matter, I need not say; but I have no other course to take but that which I have taken, in giving my signature to the paper which you have sent me.’<sup>16</sup> The bishop had indeed signed the paper which Gorham had sent him, but he had appended to it a statement that he could not in all conscience subscribe to the testimonial! It included the following:

The clergymen who have subscribed this Testimonial are highly respectable; but, as I consider the Bishop’s counter-signature of such a document, if it be unaccompanied by any remark, as implying his own belief, that the party to whom it relates, ‘has not held, written, or taught anything contrary to the doctrine or discipline of the United Church of

<sup>15</sup> *Cornwall Royal Gazette*, 5 May, 1848.

<sup>16</sup> Gorham, *Examination*, p. 34.

England and Ireland;’ and as my own experience unfortunately attests, that the Rev George Cornelius Gorham did, in the course of the last year, in correspondence with myself, hold, write, and maintain, what is contrary to the discipline of the said Church; and as what he further wrote, makes me apprehend that he holds also what is contrary to its doctrine, I cannot conscientiously counter-sign this Testimonial.<sup>17</sup>

It comes as no surprise that Gorham wrote back at great length to remonstrate with the bishop. He complained that the bishop had no evidence that he held doctrine contrary to that of the Church of England, but, if he had, why had not he not disciplined him? He also told the bishop that his countersignature was required, not to vouch for Gorham, but only to say that those clergy who had already signed were of good standing in the diocese. This must have added further annoyance to the bishop—to have one of his clergy telling him how to fulfil his office. And Gorham was correct! At least, the Lord Chancellor thought so, for he wrote to the bishop:

Having had under consideration, the observation added to your counter-signature of Mr Gorham’s Testimonial, I think it right to inform you, that I have nevertheless thought it right to sign the Fiat for this Presentation. I consider the object of the Bishop’s counter-signature is only to give validity to the Testimonials of the Clergymen.

## The Examination

Gorham therefore wrote to the bishop on 6 November, 1847, asking for an appointment to be instituted to his benefice. He received a letter from the bishop’s secretary, dated 8 November, discussing the date when the bishop could see him. The exact words are important. Barnes wrote that ‘the Bishop...desired me to say that he could not give you an appointment at Bishopstowe earlier than next Friday [12 November]; and if, as the Bishop understands, you go into Cornwall, it may be more convenient to you after this week; and you will be good enough to communicate with me your wishes.’<sup>18</sup> Later, when matters had been dragged out inordinately, and the bishop wanted to blame Gorham for the delay, he claimed that this was a firm invitation to see him on 12 November. This is hardly a fair reading, but does illustrate how both sides were willing to push the meaning of any expression to its ultimate limit.

<sup>17</sup> Gorham, *Examination*, p. 34.

<sup>18</sup> Gorham, *Examination*, p. 49. In a later letter of 15 December, the Bishop interprets this as a firm offer of an interview on 12 November, and accuses Gorham of refusing it.

Gorham, however, was on his way back to St Just (no mean journey in 1847, with winter about to set in and before the railway had been built) and had a number of things to arrange before he could leave and take possession of Brampford Speke, so he suggested that it might be better to defer his institution until early December. He was extremely careful not to give the bishop further grounds for offence, but the secretary's reply to this letter dropped the bombshell:

The Bishop desires me immediately to acknowledge your letter of the 10th inst., and to say, in answer to it, that his Lordship feels it his duty to ascertain by Examination whether you are sound in doctrine, before you shall be instituted to the Vicarage of Brampford Speke; but that it will be his wish to conduct the Examination in such a manner as shall not be unnecessarily annoying to you, while it shall be satisfactory to himself.<sup>19</sup>

Wanting to be settled in before the winter, Gorham offered to return immediately to Exeter, but the secretary informed him that the bishop was going to be in London attending Parliament and could not see him until he returned. Actually, at this time, Phillpotts was also in London trying to prevent Dr Hampden becoming Bishop of Hereford. There was then a long correspondence, with each blaming the other for the delay, and Gorham finally obtained an appointment to see the bishop in Torquay on 17 December.

There is no need to say much about the nature of the examination, because it has been dealt with comprehensively by Nias, but it is worth noting that it went on for thirty-eight hours over five days and terminated on 22 December. In the course of this process Gorham answered eighty-five questions, all on the efficacy of baptism. Nias points out the obvious when he says that Gorham, in fighting against the 'high' doctrine of baptism, held by the bishop, was defending the tenet of justification by faith.<sup>20</sup>

One fact, of which Nias seems to have been unaware, is that the Institution documents had been prepared before the examination. It is possible that Phillpotts still had hopes of browbeating Gorham into agreeing with him, but it is more likely that his secretary had shown ill-judged initiative.

Over the New Year, Gorham went to London to take advice, and applied again for institution. The Secretary told him that the bishop would resume the examination as soon as he returned from London. When the bishop did return, he told Gorham on 25 February that he could not proceed any further with the business of the institution, because there had been a complaint against him under the Clergy Discipline Act,

<sup>19</sup> Gorham, *Examination*, pp. 50f.

<sup>20</sup> J.C.S. Nias, *Gorham and the Bishop of Exeter* (SPCK: London, 1951), p. 12.

and this must be dealt with first since it could result in his suspension from ministry. Gorham protested that since he had been accused of holding unsound doctrine, this was more important and should be dealt with first.

The bishop acceded to this request, so Gorham was subjected to further examination, with the, as yet unspecified, disciplinary charge hanging over his head. This examination began on 8 March. 1848 and took the total number of questions up to 149, answered over eight days in all. The result is well known. The bishop refused to institute Gorham, and he appealed against the decision.

But first, there was the disciplinary charge to consider. If Gorham could be found guilty of a substantial misdemeanour, he could be suspended, much as Head had been, and would no longer be in a position to take up the living of Brampford Speke, and it might even be possible to remove him from the diocese altogether.

## Setting up the Commission

At this stage Gorham did not know what the charges were—‘not a trace of its character was given to myself.’ When the official notice was given on 1 March, he was informed of his offences in only general terms: ‘that I had not conformed to the Book of Common Prayer, especially in ‘the Churching of Women,’—‘*and otherwise.*’...I could not get any knowledge of the *exact* offence, or of *the time* of its alleged commission.’

Most conscientious efforts were made to dig up some other offence by ‘an inquisitorial hunt among my parishioners.’<sup>21</sup>

On the 13th of March, a special professional agent came to St. Just, and went about my parish, to *fish up* and *collect* the then undefined ‘OTHERWISE’ offences, if possible. Enquiries were made, whether I had omitted to demand the names of Sponsors, or had done anything irregular, in administering the Sacrament of Baptism?—whether I was in the habit, or not, of repeating the address, to each person, in giving the Holy Communion?

These efforts to find more evidence did not succeed, but Gorham claimed that this did not really matter because the bishop had no real determination to bring the charges to trial, and might just have left them hanging over his head to cast doubt upon his reputation.

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<sup>21</sup> G.C. Gorham, *Proceedings of a Commission (issued by the Bishop of Exeter), June 4th, 5th, and 7th, 1856, in the Chapter House Exeter* (London: Hatchard, 1856) pp. 56f.

Perhaps I should have been left under the stigma of a mere *notice* of Commission, without any inquiry being really made, had not my Proctors *insisted* on the charge being gone into immediately; for it could no longer be doubted that those charges were, up to that moment, *indistinct* even in my accusers' mind.<sup>22</sup>

Eventually, but not without difficulty, Gorham discovered some details of the charge against him. He relates how his lawyers had to coerce the bishop into making specific charges against him:

On the 19th of April, my Proctors shamed his Lordship into making the charge somewhat more tangible: they did not hesitate to tell him, through his Registrar, that they thought 'that a Christian Bishop, who had felt it to be his "bounden duty" to proceed against a beneficed clergyman with a view to his "SUSPENSION," might be willing to afford reasonable facilities for defence.' This challenge brought, at length, on the *20th of April*, a somewhat more distinct allegation; it was said, by the Registrar, on the part of the Bishop, that I had omitted the Lord's Prayer, and the Versicles connected with it, in Churching; but he did not even then venture to name *any definite day* on which the offence was committed, and he claimed liberty to include 'OTHER' irregularities, 'if *they should be discovered in the mean time!*'<sup>23</sup>

Charles Bowdler, Gorham's proctor, added that: '*The one* instance specified being that of the wife of William Eddy, in the month of July 1846.'<sup>24</sup>

## The Sitting of the Commission

On the morning of 2 May, 1848, Gorham was summoned to the Union Hotel, Penzance, to appear before the commission of inquiry. We are told that such was the interest that the room 'was densely crowded,' for 'a considerable number of clergymen of the town and neighbourhood, as well as several lay gentlemen, were present throughout the proceedings.' Such was the state of feeling that the commission itself was followed in the local Press over the next few weeks by the most heated, and undignified, controversy, and it is from this that we can learn many of the details of the proceedings.

It was reported that Gorham had been asked whether he wanted a private, or a public hearing, and that 'he declared his particular wish

<sup>22</sup> Gorham, *Proceedings*, p. 57, italics original.

<sup>23</sup> Gorham, *Proceedings*, p. 58, italics original.

<sup>24</sup> *Penzance Gazette and West Cornwall Advertiser*, 6 June, 1848, italics original.

that the Court should be an open one,<sup>25</sup> and for obvious reasons too—publicity was his best hope of receiving anything approaching justice. Actually, this account is not accurate since Section 4 of the Act stated that a public hearing was the default option unless the accused asked for a private one.

The presiding commissioner was the Rev William Wriothlesley Wingfield, rural dean and Vicar of Gulval, and he was accompanied by four other local clergymen. The proceedings began just after 10am and ended at about 4pm.

The case against Gorham,<sup>26</sup> opened by Mr Kitson, was that in using the Office for Churching of Women he had been accustomed to omit the Lord's Prayer, with the short sentences immediately preceding; that he had done so habitually; and, *in particular*, once in the month of July 1846, when churching the wife of William Eddy, which was a violation of the rubric.

The principal witness in support of the charge was William Eddy himself; who deposed that, on churching his wife, Gorham made the omissions charged. He said:

I am a mine agent residing at Bastrage, in the parish of St. Just...On the 26th July, 1846, I went with my wife to the Church to return thanks after child-birth. Only part of the service was performed...The three sentences—'Lord, have mercy upon us,' &c., and the Lord's Prayer, were omitted. I remarked upon it at the time...I never heard Mr Gorham read the Lord's Prayer in the service of Thanksgiving. I have frequently heard him perform the service, almost every Sunday, since he has been Vicar. At different times he has omitted the three sentences, and sometimes he has only omitted one of the sentences.

The time I have been speaking to, is up to the 5th March last. On that day, Mr Gorham, from the Communion, stated to the parishioners, after the Communion Service, that he had received a letter from the Bishop, stating that some one of the parish had written a letter against him... Since the 5th of March, Mr Gorham has always read the whole churching Service and made no omissions.<sup>27</sup>

The charge thus seems ridiculously trivial to modern eyes. Even if the offence had been committed, it was acknowledged by all that the Lord's

<sup>25</sup> *Penzance Journal*, 10 May, 1848.

<sup>26</sup> The fullest account of the hearing can be gained by conflating the accounts in *The Penzance Journal* of 3 May, 1848 and *The Western Times* of 6 May, 1848. It appears that *The Penzance Gazette and West Cornwall Advertiser* did not send its own reporters, and that its reports are derivative.

<sup>27</sup> *Penzance Journal*, 3 May, 1848.

Prayer had been read twice during the course of that afternoon service, having occurred twice during the order for Evening Prayer, so Gorham was accused of omitting to read it for a third time.

Gorham's lawyer asked Eddy why the complaint had not been made before February 1848, when the alleged offence was alleged to have been committed eighteen months before, and certainly had not been committed during the four months before the charge was made since the vicar had been absent from his parish during that time. This question was, according to *The Penzance Gazette* of 9 May, forbidden by the commissioners as 'inexpedient.' At this distance, this seems a very reasonable enquiry, since it implies that there were other reasons than the liturgical irregularity for the complaint. Kitson denied in the Press that such a question had ever been asked. Gorham was later to complain that the official report to the bishop had made several unfair omissions from the evidence. He wrote in 1856:

On complaining to Mr Kitson of his several suppressions, I got some abuse, but no better answer than to this purport, that 'the depositions of witnesses' had been read over before signing; and that I or my Proctor might ourselves have taken care that the Report of Proceedings contained the facts, of the omission of which I complained!<sup>28</sup>

It does seem strange that the official report to the bishop was compiled by the very man who was trying to convict the accused. Unfortunately the actual report has not yet been traced. Eddy gave evidence that his daughter

Was baptized at St. Just, though by another officiating minister, on the same Sunday afternoon on which his wife was churched by Mr Gorham. Mr Bowdler then produced the Register of St. Just, in which the Baptism of Eddy's child was entered *on the 19th of July*, and not on the 26th; he also exhibited a certified copy, from the Register of Sancreed, of a baptism performed by Mr Gorham in that church *on July the 26th*, in proof that the Vicar of St. Just was NOT PRESENT in his own parish Church at the time when the omissions had been sworn to.<sup>29</sup>

The St Just register does show that Agnes Eddy, daughter of William and Jane Eddy, resident at Bostrays, was baptized on the 19 July, 1846. Eddy was then re-examined by Kitson who tried to show that he might have mistaken the 26 July for 19 July. Eddy must have been embarrassed when Gorham's lawyer produced more evidence. *The Penzance Gazette* then says that

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<sup>28</sup> Gorham, *Proceedings*, p. 62.

<sup>29</sup> *Penzance Gazette*, 9 May, 1848, italics original.

Mr Bowdler upset this attempt to establish the veracity of the witness, by exhibiting *another* Register certificate of a baptism performed at Sancreed, by Mr Gorham *also on the 19th of July*, in proof that he was *not* present in his parish Church even on that occasion. It was then endeavoured to throw discredit on the Register Books of both St. Just and Sancreed. On inspection of the St. Just Register, Eddy maintained that the entry of the baptism on the 19th was *false*, and fell back on his original; deposition of its having taken place on the 26th.<sup>30</sup>

Kitson further denied that the productions of the certified copies of the Sancreed registers was legal evidence; a point which Bowdler contested, though he consented to withdraw the copies for the present, and promised to establish the facts on either this or a future day by the production of living testimony.

Mrs Jane Eddy was the next to give evidence as to the fact that she had been churched by Gorham on the same day as Agnes' baptism, but cross-examined by Bowdler, she said, 'I have no ill-will against Mr Gorham—nor any complaint to make against him.' The only other witness was John Clemens, a nineteen year old mine clerk who testified that Gorham had made omissions from the service of churching, but he could not say on which dates.

## The State of the St Just Registers

Apparently, Gorham had an alibi. His registers said that Agnes Eddy was baptised on 19 July, though not by him, and the Eddys said that Jane was churched on the same day. The Sancreed registers say that Gorham was there both on that afternoon and on 26 July. Eddy claimed in his evidence that the St Just Register had been forged.

Baptism registers are very difficult things with which to tamper, because all the pages are bound in and not only is each successive page numbered, but every single entry is numbered in one long sequence from the beginning of the book to the end. However, it has to be conceded that the entries in the St Just register are not in chronological sequence, although there are no gaps. John Cockin,<sup>31</sup> the Clergyman who baptised Agnes Eddy had caused chaos. On page 274 there is an entry by Cockin for 14 July, 1846. There remain two more spaces at the bottom of the page. They bear the date of 26 July and are signed by J.L. Longmire, District Minister of Pendeen, who did not have a church building (and therefore a register) of his own.

<sup>30</sup> *Penzance Gazette*, 9 May, 1848, italics original.

<sup>31</sup> Cockin signs as 'Officiating Minister,' which would suggest that he held no official status.

The next page begins with five baptisms (including Agnes Eddy) on 19 July (and antedate those of Longmire on the previous page), and after that the entries then go on regularly.

Gorham claimed that this discrepancy occurred because Cockin missed out the two spaces at the bottom of page 274, and inserted all five of the baptisms which he performed on 19th July on a new page. When he noticed this, Gorham had asked Longmire to fill up the gaps so that the register would still record the correct total number of baptisms when it came to making the returns to the bishop. This explanation seems plausible and fits the evidence.

So, could the records have been forged? In the first place, it would have taken a great deal of foresight on Gorham's part to tamper with the date of the Eddy baptism (and to adjust the rest to fit round it) in July 1846, when the accusation was not made until February 1848. With this degree of prescience, he could have made sure that he did not give any grounds for offence in the first place!

Secondly, the disputed baptism was the fourth out of five on that day, so that changing the date of this one would have involved at least changing the date of the subsequent one—that of Elizabeth Kent, and neither entry shows any sign of having been altered. He would also have had to tamper with the Sancreed register.

What finally clinches the argument that the St Just register is a contemporary record is the fact that the Bishop's Transcript of the St Just baptisms for 1846 was signed on 31 May 1847, by three independent witnesses: J.L. Hodgson (Gorham's newly acquired curate), who was not even in St Just at the time of the Eddy baptism, and the churchwardens, a full eight months before Eddy made any kind of accusation. There was no reason, at that time, for forging it, and any later 'adjustment' would have necessitated a break-in at the diocesan office.

## The Case for the Defence

After a short adjournment of the commission, Bowdler addressed them on the propriety of the proceedings as being disproportionate to the offence. At this point he was stopped by the presiding commissioner, Rev W.W. Wingfield, who rose, in some excitement, to state that he and his brother commissioners would not be influenced by public feeling or any such considerations, but would fearlessly discharge their duty, regardless of all consequences to the party accused, or in the opinion of the rest of the world.

Bowdler submitted that it was the duty of the commissioners to take into consideration, both the nature of the offence charged, and the consequences of their finding, in order to their forming a correct judgment

as to the propriety of any further proceedings. He referred to the letter, in which the bishop had announced that suspension might follow conviction—a totally disproportionate punishment.

Bowdler said that it was unportable to enter evidence of a *general nature*, without specifying either time or occasion, since it was impossible to meet it with any contradiction. He illustrated this view by the clear and unquestionable contradiction which had been given to the evidence of the witness Eddy. He had already shown that Gorham had been engaged elsewhere when Eddy's wife had been churched at St Just. The single specific charge being thus disproved, and the credit of the witness in its support disposed of, there would remain only the evidence of the lad, which being *general* was *inadmissible*, and being *single* was *insufficient*, in law.

Bowdler then called as a witness the Rev Henry Comyn, Vicar of Sancreed. He said that he had been absent from his parish on the three Sundays, the 12, 19, and 26 July, 1846, and that he had requested the Vicar of St Just to perform the services on those days. He knew Mr Gorham's hand-writing and it was that which appeared in the Sancreed Registers for 19 and 26 July, 1846.

Furthermore, Mrs Philadelphia Comyn, wife of the Vicar of Sancreed, said that she was present in the parish church on those days and that Mr Gorham performed the service in the afternoon during the absence of her husband. This was corroborated by Miss Harriet Jessie Comyn, her daughter.

Gorham was sure that he was not receiving a fair trial. In his own account of the proceedings he reports that

In the official Report of the evidence and proceedings, to the Bishop, (the late) Mr Kitson withheld any distinct statement that I had produced my own Registers (on which he tried in vain, during the proceedings, to throw discredit), and he suppressed any notice of my having exhibited those of Sancreed, and the indorsements [sic] of my own sermons, all in disproof of the credibility of his witness!<sup>32</sup>

Kitson then made the most specious argument that just because the witness had been wrong about the date, it did not mean that the offence had not taken place on other occasions. After this, the hearing concluded. Amazingly, in spite Gorham's cast-iron alibi, the commissioners decided that there was indeed a case for Gorham to answer, for he might have committed the offence at some other time. Wingfield also refused to disclose that one of the commissioners had dissented from the verdict.

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<sup>32</sup> G.C. Gorham, *The Church Discipline Act made an Instrument of Vexation to the Clergy in the Diocese of Exeter* (London: Hatchard, 1856), p. 59.

Phillpotts' old enemy, Thomas Latimer, editor of the *Western Times*, had strong words to say:

Could anything be more craven or contemptible, than to set up this commission, and harass a gentleman with a petty worrying niggling investigation, on a false charge, most contemptibly, if not foully supported—and to do this at a time when there was a graver question at issue?<sup>33</sup>

After what had happened at the commission in Penzance, the bishop wisely decided not to take the case any further. If he had proceeded, the case would eventually have gone to the Court of Arches, before a High Court Judge, and he would have been harder to convince than commissioners who were, to a great extent, within his power. Phillpotts, however, was incapable of withdrawing gracefully from the proceedings—he had to be seen to win. So, within the week, the bishop's secretary wrote a letter to Gorham:

Exeter, 6 May, 1848.

Rev. Sir, - The Bishop desires me to say that the Commissioners...have reported to him that there is a *prima facie* case for proceeding against you for violating the Canon.

As however..., on the 5th March last, you publicly in the Church declared to the congregation that you were aware of some irregularities having been committed by you in the performance of Divine Service and that you fully determined that such irregularities should not be repeated in future,—and as it further appeared in evidence that, since the 5th of March last, you have avoided all alterations of the service...his Lordship does not think it necessary to order any further proceedings in this case.

I am, Rev. Sir, your obedient servant, RALPH BARNES.<sup>34</sup>

Gorham emphatically denied that he had confessed his shortcomings to his congregation, so he wrote back to Barnes:

My notice to my parishioners, on the 5th of March last, was confined to an alteration in the time of celebration of Baptisms, which, in precise Rubrical conformity (which seemed to me expedient in view of the undefined charges in the Commission), I decided should henceforth take place in the course of, instead of after the Evening Service; though the latter had been the invariable practice in St. Just. I cannot, without remark, allow such

<sup>33</sup> *Western Times*, 27 May 1848.

<sup>34</sup> *Trewmans Exeter Flying Post*, 18 May 1848.

a notice to be construed into an admission 'of some irregularities having been committed by me in the conduct of Divine Worship.'<sup>35</sup>

## The Second Enquiry

One might think that the bishop had learned his lesson and given up harassing Gorham, but such was not the case. He was still determined to find a disciplinary charge to debar Gorham from Brampford Speke. This comes to light in a long letter which Gorham wrote to *The Penzance Gazette and West Cornwall Advertiser* on 5 August, 1848. He begins:

On Thursday, July 13th, as the Vicar of St. Just was proceeding to Divine Service at St. Mary's,<sup>36</sup> Penzance, he was informed by a note from the Bishop's Registrar, Mr Barnes, that his Lordship had received a complaint from William Eddy, that the Vicar had refused to admit him to the Holy Communion on the preceding Sunday, the 9th July; and that the Bishop had appointed Eddy to be heard before the Chancellor, at Ball's Hotel, at one o'clock. Mr Barnes gave the same notice to the Vicar verbally,<sup>37</sup> before he entered the Church, and, in reply to an enquiry, added that 'the complaint *must* be heard *publicly*'...Not the slightest intimation had previously been made to Mr Gorham, either by the complainant, or by the Bishop's Registrar: so that he was taken entirely by surprise, and had not one moment to prepare for a defence against the monstrous charge which is about to be detailed.<sup>38</sup>

Fortunately for Gorham, the chancellor of the diocese, was made of more upright stuff than either the bishop or his registrar. Gorham goes on:

On giving my appearance at the Hotel, where the business of the day was transacted, Chancellor Martin observed, 'I have no power to sit *judicially*, it is a *private* inquiry.' Some churchwardens were, considerably, leaving the room; but Mr Barnes, on his own authority, said, '*they might remain: consequently the room was instantly filled to hear a scandalous charge.*

He continues:

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<sup>35</sup> *Western Times*, 20 May 1848.

<sup>36</sup> Gorham later added that the occasion was the Bishop's Visitation. 'and that, I HAD NOT RECEIVED THE SLIGHTEST HINT, PREVIOUSLY!,' in Gorham, *The Church Discipline Act*, pp. 63f, capitals his.

<sup>37</sup> Gorham later said it was 'in the midst of the procession.' in Gorham, *The Church Discipline Act*, pp. 63f.

<sup>38</sup> *Penzance Gazette*, 8 August 1848, italics original.

Eddy began to read a long statement, written, he said, 'at the time.' The Chancellor observed that the writing was in *ink*, and asked whether he had taken *pen and ink* to Church? [Remember that this was before the days of fountain pens!] Eddy was confused; hesitated; and finally admitted that the written statement was *not* made 'at the time,' but was drawn up afterwards from notes made in his pew while the service of the Communion was proceeding. He then read the paper, which...affirmed as follows. He gave warning to the Vicar, on Saturday, July 8th, of his intention to communicate. On Sunday the 9th, after sermon, the Vicar sent for him to the vestry. The Rev. Mr Longmire was there; also the Clerk, whom the Vicar desired to leave, shutting the door 'in his face,' that there might be 'no witness' for complainant. The Vicar ordered him to stay away from the Lord's Table; and said, if he persisted in coming, he 'would read a distinct service to him,' for he 'should not communicate with the others;' if he was 'obstinate,' he would 'use all his power against him.'

Gorham's version was that

After sermon, he requested [Eddy's] attendance in the Vestry, where was Mr Longmire, who assisted in the services...He told Eddy that *his* soul was as important a charge to him, as that of any one of his parishioners... As several communicants were kept away by the scandal he had created, he urged him to abstain for a time from the Sacrament. If he came, however, Mr G. *would* administer it, though reluctantly. But should he give notice next month, Mr G. would wish to see him at the Vicarage, that both might look into the state of their hearts; and he trusted he might not feel it his duty to lay the case before the Ordinary, as the rubric directs...The Rev J L Longmire had the Chancellor's permission to make a statement; he fully confirmed every part of the Vicar's declaration.<sup>39</sup>

On the basis of this, the bishop decided to take no action, but Gorham, quite rightly, had a complaint to make, for Phillpotts had ignored the provisions of the Prayer Book. He wrote to Barnes:

Although it is, so far, satisfactory to me to learn that the Bishop does not deem it necessary to take further notice of the complaint of W Eddy, - I cannot but express, with due respect to his Lordship, my surprise that he should have judged it proper to refer that complaint to the Chancellor of the Diocese, on the fourth day after the supposed exclusion of my parishioner from the Holy Communion; since the law of the Church assigns fourteen days to the Minister, as the period within which he is bound to inform the Ordinary of such a proceeding.

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<sup>39</sup> *Penzance Gazette*, 8 August 1848.

The course which his Lordship took at Penzance subjected me to the inconvenience of a grossly defamatory statement being made *in a public room*...It was not possible for me effectually to abate the prejudice which my accuser was thus permitted to create in the minds of the bystanders.

## Conclusion

It can be seen from the above that Bishop Phillpott's examination of Gorham was not merely a dispassionate theological investigation, but an expression of a systematic enmity, which lasted to the end of Gorham's life, and indeed, beyond. After Gorham had gone to Bramford Speke and died in 1857, the bishop made every attempt to have his memorial removed from the church, presumably because it said that he 'maintained, with unflinching integrity, the doctrines of [the] martyred Reformers, and for nearly Fifty Years preached 'Jesus Christ and Him crucified' as the sinner's only hope.' The *Western Times* described this deed as a 'pitiful act of malignant intolerance.'<sup>40</sup>

This episode contrasts with a lovely exchange of letters between Gorham and George Oliver, the Roman Catholic priest in Exeter, six months before the former died. Gorham wrote to tell him that he had an incurable cancer of the throat, and says that, 'There is ONE whom I and you well know to be the only refuge; and in Him, His Cross, His passion and mediation, I put my trust.' This was remarkable ecumenism for 1857, and very different from Phillpotts' attitude!

Oliver wrote back the very next day to his 'dear and much esteemed Friend,' to tell him that he is earnestly praying to 'our common Lord to be your physician and comforter,' and ends with the words

Be assured, my dear friend, how I appreciate your good opinion and esteem. Happily, we are all in the hands of a most merciful God...In the meanwhile, let us pray for each other.<sup>41</sup>

Clearly, not everyone thought Gorham an intransigent heretic!

The Revd Dr DAVID PHIPPS has ministered in Coventry, Wales, Cornwall and Devon where he now lives.

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<sup>40</sup> 14 January 1860.

<sup>41</sup> *Trewmans Exeter Flying Express*, 16 July 1857.

