Countdown to 1871

Faye McLeod Alice Millea Anna Petre Oxford University Archives, Bodleian Libraries

1830s

Criticism of the University, both from an educational perspective and on the grounds of inclusivity, began to build. Sir William Hamilton, a professor at Edinburgh University, called for a Royal or Parliamentary Commission to review the University's failings. More modern institutions, such as the University of London, were incorporated, and were open to non-members of the Church of England.

1834

An MP, Matthew Wood, brought in a Bill to the House of Commons for the abolition of matriculation and degree oaths in the Universities of Oxford and Cambridge. This Bill passed the House of Commons, but was defeated in the Lords.

1837

From 1636 to 1837, all students over 16 years old coming to the University had to:

- 1) subscribe to the 39 Articles of the Church of England
 - The 39 Articles are essentially a synopsis of the doctrines and practices of the Church of England, as developed after the Reformation, initiated by Henry VIII.
 - The "subscription" required those students matriculating to "subscribe" (i.e. sign their name) in a register, indicating their compliance with and belief in the 39 Articles;
- 2) take the Oath of Supremacy
 - The Oath of Supremacy was another product of the Reformation and the reign of Henry VIII. First introduced in 1535, the oath requires the person to swear that they accept the British Monarch as supreme authority in spiritual matters, and that no "foreign" person, prelate or state would have greater authority or jurisdiction. In the early days of the use of the oath, Roman Catholics who refused to swear the oath were condemned as traitors;
- 3) swear to obey the statutes of the University

From 1837, students:

- 1) had to subscribe to the 39 Articles of the Church of England;
- 2) had to take the oath of supremacy;
- 3) had to listen to a preparatory warning regarding obedience to the University's statutes

1840s

Calls for reform of the University became more frequent.

1846

Spring 1846 – A group of academics petitioned the Hebdomadal Board (the governing body of the University) demanding that a much wider curriculum be offered for the BA degree, with the inclusion of "modern subjects" such as physics. The Hebdomadal Board appointed a committee to examine how to accomplish this.

March 1848 – The vast majority of college tutors presented another petition to the Hebdomadal Board, arguing for an additional "Final" examination for the BA, offered in a range of subjects (from 1800 all students had to sit the same examinations for their BA - the Rudiments of Religion and Literae humaniores). The Hebdomadal Board were rather cautious about such radical changes, and were slow to develop the necessary statutes.

1849

March 1849 – The Hebdomadal Board presented their version of a reformed curriculum to Convocation (the University body with the final say in such matters). The proposed statutes were voted on clause by clause and became thoroughly distorted.

1850

March 1850 – The Hebdomadal Board finally managed to pass the required statutes relating to the curriculum and this allowed a limited number of additional subjects to be offered as part of the Final examinations.

23 April 1850 – Perhaps prompted by appeals from members of the University who saw that it would be almost impossible to effect larger change from within such a conservative institution, the MP James Heywood raised a motion in the House of Commons that there should be a Royal Commission of Inquiry into the Universities of Oxford, Cambridge and Dublin. Although his speech covered wider aspects of reform, one issue raised was that "although electors might vote for other Members of the House of Commons without having taken any religious test whatever, no elector could vote for a representative of either of the ancient English universities without having signed the Thirty-nine Articles". The Whig Prime Minister, Lord John Russell, stated he would advise the Crown to issue a royal Commission of enquiry.

18 July 1850 – Russell's Bill passed the House of Commons with a majority of 22 votes.

31 August 1850 – The Royal Commission was appointed to "inquire into the state, discipline, studies and revenues" of the University and the colleges. They were to have investigative but not executive powers.

Although consisting largely of clergymen, the Commissioners were notably liberal, including Henry Liddell (former tutor of Christ Church), Francis Jeune (Master of Pembroke), G.H.S. Johnson (a fellow of Queen's), Goldwin Smith (a fellow of University College and assistant secretary to the Commissioners).

19 October 1850 – The Commissioners met for the first time. They sent requests for information to the University and colleges and were met with non-compliance, alongside claims that Parliament was acting "ultra vires".

1851

21 May 1851 – Convocation (by a vote of 249 to 105) agreed to submit a petition (drafted by the Hebdomadal Board) to the Privy Council calling on the Queen in Council to cancel the Royal Commission, claiming it was "unconstitutional and illegal".

30 October 1851 – Convocation received a reply from the Privy Council concerning the University's petition. University representatives were invited to attend a hearing of the petition in Privy Council. The petition did not succeed.

1852

27 April 1852 – The Report of the Royal Commission was signed. The Commissioners, who had primarily heard evidence from those who were sympathetic to the Commission and thus disposed to reform, recommended a series of changes. These included changes to the governance structure of the University (replacing the Hebdomadal Board with the Hebdomadal Council (with a wider base of membership), and a new Congregation which would act as a form of House of Commons for matters, before they were passed to Convocation acting as a form of House of Lords). It also advocated for an increase in the number of professors, alongside a more even distribution of wages amongst them. Finally, it called for the "opening up" of colleges, removing historic, constricting requirements for fellowships and scholarships. Notably, it did not contain any recommendations regarding the removal of religious tests, as the Commissioners had decided that these were beyond their purview.

16 June 1852 – The Hebdomadal Board appointed a committee from amongst their own number to consider and report on the recommendations.

1853

December 1853 – The Hebdomadal Board published its response to the report of the Commission. The contents rejected the findings and recommendations of the Commission. E. B. Pusey's contribution made clear the stance of many more conservative members of the University, arguing that that the University must remain entwined with the Church of England.

1854

February 1854 – Hebdomadal Board proposed minor changes to the University statutes to Convocation. These were passed.

17 March 1854 — The Oxford University Bill was first introduced to the Commons. This Bill aimed to enforce many of the changes recommended by the Commission which the University had refused to act upon. However, the Bill was moderate in comparison with the recommendations of the Commission. The changes to the governance of the University were largely intact, but many fellowships could remain closed. Furthermore, colleges were to be consulted as to the reformation of their statutes. New, private halls, to extend the University, were to be permitted under license from the University's Vice-Chancellor.

31 March 1854 — Convocation agreed to submit a petition (drafted by the Hebdomadal Board) to the House of Commons in protest against the Bill. The petition, resisting government intervention in the University, described the measures outlined in the Bill as having "serious consequences which, in the judgement of your Petitioners, would flow from them to the prejudice of the good government and discipline of the University, and the vital interests of Religion itself."

22 June 1854—In the House of Commons James Heywood moved to include an amendment in the Bill, "providing that from the first day of Michaelmas Term, 1854, it should not be necessary for any person, upon matriculation at the University of Oxford, to make or subscribe any declaration or take any oath except the oath of allegiance, or an equivalent declaration." The amendment was passed by a majority of 91 votes.

29 June 1854 – the Bill, including Heywood's amendment, passed the House of Lords. A Commission was appointed to oversee the implementation of the Bill, including the revision of college statutes. Heywood's amendment meant that no students could be asked to subscribe to the 39 Articles at matriculation, nor on graduation as BA, BCL, BM or BMus.

7 August 1854 – the Bill was enacted into law.

- Clause 43 states that it is not necessary, after the first day of Michaelmas Term 1854, for anyone matriculating to make or subscribe "any Declaration, or to take any Oath, any Law or Statute to the contrary notwithstanding."
- Clause 44 states that from the same date, it will not be necessary for anyone taking a BA, BCL, BM, or BMus degree to
 make or subscribe "any Declaration, or to take any Oath, any Law or Statute to the contrary notwithstanding" with various
 provisos relating to offices and positions relating to the Church of England.

7 November 1854 – At one of the first meetings of the new Hebdomadal Council, following the motion of the Provost of Oriel, a committee was appointed to "to consider a report upon the cases in which Clauses XXIV-XLIII-XLIV of the late University Act (concerning the abolition of oaths and tests) affect the statutes of the University; and the alterations which it may be necessary or advisable to make in consequence of these clauses."

1855

26 January 1855 - The Report of the Committee on Oaths and Tests was discussed by the Hebdomadal Council. The report identified each section of the University statutes (an impressive nine pages) that would require amendment to comply with the new legislation, and suggested new text. The report also noted that the legislation "may be thought to affect the Statutes concerning the Religious Instruction to be given by Professors and by Tutors, and the Theological Examination [a compulsory part of degrees at this time] of all Candidates for the first Degree in Arts, Law, or Medicine."

It is notable that whilst the report admits that the Act no longer permited the University to *require* the Oaths and Subscriptions, named in the existing statute, upon admission to the named degree, "A Register [should be kept] in which Candidates for these Degrees or those who have been admitted to them, may, if they desire to do so, subscribe to the XXXIX Articles, or the Three

Articles in the 36th Canon. And that they should also be permitted to take the Oaths hitherto required by the statutes, and to receive Certificates of their having taken such Oaths, or made such Subscriptions."

Furthermore, the report recommended "that the Statutes bearing upon Religious Instruction remain unaltered; and that the present system of Theological Examination for Degrees be retained whole and entire".

The report was agreed to, with the exception of the recommendation relating to Religious Instruction. Instead, a committee was appointed to "consider the best means of adopting the legislation of the University in respect of religious instruction and the Examinations in Divinity of Undergraduates, to the position in which the University had been placed by Parliament."

2 February 1855 – The Hebdomadal Council, when discussing the report of the "Private Halls" Committee, agreed to Mr Mansel's motion to include the words "that every person appointed as tutor in any Private Hall be required to subscribe to the 39 Articles before entering on his duties unless he have done so at the time of his taking his Degree or subsequently." Furthermore, the Council also agreed to Provost of Oriel's motion "that provision be made whereby the students in every Private Hall may be enabled to attend prayers daily at a neighbouring Church or College Chapel or Hall, or that prayers be read daily ... within the Hall itself, and that the master shall require attendance at such prayers, except in Cases where he may see special reasons for dispensing with it." These effectively ended the opportunity for Private Halls to be sanctuaries for Nonconformists matriculating to the University.

5 February 1855 – The Report of the Committee on 'Religious Instructions and Theological Examinations' (see 26 January 1855) was circulated to Hebdomadal Council.

One of the key recommendations of the report was that "present Examinations in Theology be retained whole and entire... and that the case of Dissenters be treated as an exception. That any Candidate who wishes to claim exemption from the Examination in Theology must deliver to the Proctor who receives the names, along with his list of Books, a note from the Head of his Society, in these terms: 'A.B. not being a Member of the Church of England, has my permission to be exempted from the Theological Examination.'"

The report goes on to recommend "secular material" in which the candidate can be examined instead, at both the First and Second Public Examination.

To further underscore the difference between Conformists and Dissenters, "a separate record shall be kept by the Examiners of those who have passed the Examinations in Theology: and that they may at any time obtain from the Registrar a Certificate of the fact, on payment of sixpence."

The report was further discussed, and amendments accepted, by the Hebdomadal Council in meetings of 5, 9, 12 and 14 February 1855. These amendments appear to seek to underscore the difference between those who were members of the Church of England and those who were not. It also equated non-agreement with the 39 Articles (a subject of the mandatory theological examinations) to being not a member of the Church of England.

The changes made by the Hebdomadal Council to the report included amending the exemption certificate to read "I hereby certify that AB not being a member of the Church of England *desires* to be exempted from the Theological Examination", and that "those persons who are not examined in theology shall receive a Testamur [certificate] differently worded from the form which is now in use". The wording of certain clauses of statutes is further refined to emphasise that, in the eyes of the University authorities, adherence to the tenets of the Church of England is adherence to "religion". For example, in Statute Titulus III, Section 2, Clause 2 that words "that he must be a member of the Church of England" was to be included after the phrase "vir probitate et eruditione perspecta, religione sincerus" (A man of probity and known learning, sincere in religion).

27 February 1855 – The statute amendments formed following the amended report on 'Religious Instructions and Theological Examinations' (see 5 February 1855) were approved by Hebdomadal Council. The Council ordered that the statutes be divided into seven different portions, and be promulgated to Congregation on 3 March 1855. The explanation printed to accompany the proposed new statutes states that the amendments "(In conformity with the... act, No. XLIV) provides that on taking those Degrees [BA, BCL, BM and BMus], such subscription *may* be made of such oaths *may* be taken by those who desire it", "interpret the term *religione sincerus*, in regard to Tutors, to be 'secundum doctrinam et ritum Ecclesiae Anglicanae'" (according to the doctrine and rites of the Church of England), "Exempts Dissenters, who desire it, from being examined in Theology; and provides that those who are not so examined should make some addition to the matter of their examination; and that the Testamur should express whether the Candidate had been examined in Theology, or no."

28 February 1855 — At a meeting of Hebdomadal Council, during a discussion of the report of the Trusts Committee, Professor Pusey suggested that the following wording should be added to statutes regarding professors "Professores ex eorum numero eligantur, qui in Venerabilem domum Convocationes admisse fuerint" or "Professores omnes intra Ecclesiam Anglicanam sunto" (let all professors be within the Church of England). This would ensure that any professors would either be chosen from amongst the members of Convocation (meaning they would have to have subscribed to the 39 Articles) or (more baldly put) that they must be members of the Church of England.

- 3 March 1855 The Statute on Oaths and Tests was submitted to Congregation. Several amendments were proposed, amongst them:
 - 1) That the Aularian Statute (relating to Halls) "De Divinis Officiis ab Aularibus observandis" be altered so that taking communion was optional but that no undergraduate in "these ancient <u>public</u> Halls should absent themselves from the daily service without the permission of the Principal."
 - 2) That no Greek or Latin book be substituted for theology. That knowledge of the four gospels be required for first public exam. That for the 2nd exam, candidates should be examined in the "facts and other contents of the Old and New Testament and in the Evidences for the Truth of Christianity."
 - 3) "That Dissenters who are willing shall be allowed to take up the Bible without the Articles, some such Treatise as Butler's analogy being substituted."
 - 4) That the words "secundum doctrinam et ritum Ecclesiae Anglicae" (according to the teaching and the rites of the Church of England) not be inserted.
- 5 March 1855 The amendments proposed to the new Statute on Oaths and Tests when they were promulgated to Congregation on 3 March 1855 were discussed.

All of the amendments suggested by Congregation were rejected by Hebdomadal Council. The Council resolved that the new statute should be proposed to Congregation in portions to "be considered" on 13 March 1855.

- 7 March 1855 The Hebdomadal Council continued to discuss the report of the Trusts Committee (see 28 February 1855). Instead of Professor Pusey's submitted wording, the Master of Balliol moved that the following wording be adopted "Ego AB me cultui et ritibus Ecclesie Anglicanae conformem praestabo, neque sciens committam, sive in docendo sive aliter, ut per me Doctrina aut Disciplina ejus capiat detrimentum." (I AB will offer myself as confirming to the worship and rites of the Church of England, and I will not knowingly do anything, either in teaching or in any another way, that its Learning and Discipline may not be damaged through me). This motion was carried.
- 12 March 1855 The Hebdomadal Council continued to discuss the report of the Trusts Committee (see 7 March 1855). Professor Pusey, clearly concerned that the wording proposed by the Master of Balliol did not require the professors to *believe* in the Church of England, nor practice its rites, moved to insert "in Communione Ecclesiae Anglicanae censeri volo, cujus" (I wish to be included in the Communion of the Church of England, whose...). When this was rejected, he made a further suggestion, to instead insert the wording "ex animo et sincere" (truly and sincerely). This was also rejected. The Registrar, somewhat wearily it seems, recorded "The report of this committee was finally adopted. Resolved to promulgate in Congregation on March 19 [1855]."
- 13 March 1855 The Statute on Oaths and Tests was once again read before Congregation. No member offered any remarks or amendments and Congregation was dismissed.
- 15 March 1855 The Hebdomadal Council reviewed the statutes drafted to enact the recommendations of the Committee regarding Private Halls Statute (see 2 February 1855). These were approved, and they were ordered to be promulgated to Congregation on 22 March 1855.
- 16 March 1855 The Hebdomadal Council ordered that the Statute on Oaths and Tests (see 5 March 1855) which had been proposed and accepted in Congregation on 13 March 1855 should be submitted to Convocation on 24 April 1855.
- 20 March 1855 The proposed statutes regarding the requirements for professors (see 12 March 1855) were promulgated to Congregation. These became known as the "De Dotationibus" statutes. Eight members of Congregation suggested amendments to the statutes, although the nature of the amendments is not recorded.
- 22 March 1855 Congregation considered the statute regarding Private Halls. It is recorded that amendments were suggested, although the nature of these is not described.

- 23 March 1855 It was reported to the Hebdomadal Council the "The Rector of Exeter mentioned that a very high legal authority had pronounced that an expression in the Statute on Oaths and Tests viz 'quem extra Ecclesiam Anglicanam sit" [i.e. those statutes which identified those, and applied to those who were outside the Church of England] were illegal. Resolved that Counsel's opinion be taken on the question. The case was accordingly, prepared, read and approved."
- 21 April 1855 It was reported that Hebdomadal Council had received the opinions of Sir Richard Bethell (legal counsel) regarding "certain words contained in the new Statute on Oaths and Tests". Hebdomadal Council ordered that the questions that they had asked of Bethell, and his responses, be printed and circulated in the University.

This circular was issued as "Hebdomadal Council Order No. 22". The questions pertained to whether it ran contrary to the 1854 Act of Parliament to require candidates to obtain certificates from their Head of House stating that they were "extra Ecclesiam Anglicanam sunt" (not members of the Church of England) in order to be exempt from the Religious parts of the examinations.

Bethell's response was to reassure the University that the wording of the statutes was not contrary to the law. The Act forbade the University from requiring candidates to make a declaration either at matriculation or when they were taking their degree. The *designation* of candidates into two categories, members and non-members of the Church of England was not explicitly prohibited. Furthermore, that the Certificate obtained, not from the candidate, but from the head of house, and obtained at the point of examination, not degree conferral, could not be "considered as a declaration from the Candidate within the meaning of the Act."

24 April 1855 – The Statute on Oaths and Tests passed Convocation, and was to put into effect a month later. The final wording of the required certificate, in order to be exempted from Religious examinations was:

"Ego A.B. [Head of College] – testor M.N. [Undergraduate] quum extra Ecclesiam Anglicanam sit, petere ut ab examination in rebus theologicis excusetur.

Signed - A.B. [Head of College]"

This translates as "AB certifies that MN petitions to be excused from the examination on the ground that he is not a member of the Church of England."

- 25 April 1855 The amendments proposed to the "De Dotationibus" statutes on 20 march 1855 were discussed by the Hebdomadal Council.
- 27 April 1855 Professor Pusey was clearly displeased with the amendments to the "De Dotationibus" statutes. He (successfully) argued for the appointment of a committee to "ascertain if any Professors are required by the act of Uniformity or the 17 & 18 Vic, Cl 81 [1854 Act] to 'make any declarations and whether the Clause 44 [which forbade the University from requiring a Declaration or Oath upon the taking of a BA, BCL, BM, or BMus] prevents the University from dispensing with any such declarations."
- 12 May 1855 the revised Private Halls Statute passed Congregation unanimously.
- 19 May 1855 The Statute on Private Halls passed Convocation, including the requirements that tutors be members of the Church of England, and that students attend daily religious services. If the University had not passed statutes enabling private halls by Michaelmas Term 1855, the 1854 Act had decreed that the Commissioners had the power to frame such statutes themselves and impose them on the University.
- 1 June 1855 A paper prepared by Dr Pusey concerning "Professors' Declarations" (the "De Dotationibus" statutes, which included the declaration from professors that they accepted and abided by the 39 Articles) was circulated to the Hebdomadal Council. The Council resolved that this should *not* be submitted to Sir Richard Bethell for legal advice.
- 8 June 1855 Hebdomadal Council decide to appoint a committee to revise the matter of "Professors Declarations".
- 21 June 1855 The Hebdomadal Council received a letter from Commissioners acting under the 1854 Act, regarding the Private Halls Statute (see 19 May 1855). The minutes record that the letter suggested "certain alterations and amendments" be made, although they do not detail what these were. Hebdomadal Council decide to reply that they could not discuss the matter until Michaelmas Term 1855.

- 5 November 1855 The report of the Professors' Case Committee ("De Dotationibus" statutes) was submitted to the Hebdomadal Council.
- 12 November 1855 Professor Pusey's motion was passed "That a Committee be appointed to examine the statute relating to professors and to examine the fact as to any professors who were not originally members of the University with the view of preparing a case for counsel in order to ascertain whether professorships are offices within the meaning of the act 17 & 18 Vic, Cl 81 [1854 Act] and other such points as it may seem to the committee admissible to ask."

- 29 January 1856-26 February 1856 Congregation meet five times to discuss the "De Dotationibus" statutes, with fresh promulgations, amendments, and the statutes being subdivided into clauses so that sections could be voted on individually.
- 11 February 1856 The matter of the Commissioners' letter regarding the Private Halls Statute (see 21 June 1855) was discussed in Hebdomadal Council. The Principal of St Alban Hall moved "That the Council are not disposed to reconsider the Private Halls Statute until they have found from experience that it requires amendment". This motion was carried.
- 22 February 1856 Hebdomadal Council received another letter from the Commissioners, regarding the Statute on Private Halls. The Commissioners received a reply, referring them to the Council's decision of 11 February 1856.
- 10 March 1856 A Report of the professoriate extension committee (see 12 November 1855) was circulated at a meeting of Hebdomadal Council. A letter from the Commissioners on the subject (dated February 9) was read. It was ordered that the Report be postponed until the first meeting of the following term, "and that the Vice Chancellor be requested to write privately to the Commissioners on the matter."
- 13 April 1856 A committee was appointed by Hebdomadal Council for considering what powers the University had "by Statute, Charter or otherwise" for "dealing with infidel or heretical books published by members of Convocation."
- 28 April 1856 An explanatory statement on the "De Dotationibus" statutes (see 10 March 1856) was circulated amongst Hebdomadal Council. Following this, the Vice Chancellor was requested by the Council to send a copy of the Statement to the Commissioners. The following section of the report is notable: "The obligation to subscribe a declaration that the Professor is of the Church of England is a new one; but all members of the University till lately were bound to subscribe the Thirty-Nine Articles, and the three articles in the thirty-sixth Canon, on various occasions."
- 21 May 1856 The Vice Chancellor read a communication to Hebdomadal Council from the Commissioners regarding the "De Dotationibus statutes". The Council agreed that the relevant committee (Trusts) should "meet, and consider the case, and frame an answer to be submitted to Council."
- 23 May 1856 A draft response to the Commissioners letter (see 21 May 1856) was submitted to Hebdomadal Council by the Trusts committee. This was approved to be sent to the Commissioners.
- 29 May 1856 The minutes of Hebdomadal Council recorded that "A second communication from the Commissioners was read referring to the "De Dotationibus Statute" (see 23 May 1856) in which it was stated that their consent to this statute was withheld, the grounds were also given, in detail... the Vice Chancellor was requested to state in reply that the whole matter would be considered by the Council... This subject not to be resumed till after the long vacation."
- 5 June 1856 At a meeting of Convocation, the text of a letter from the University Commissioners (dated 27 May 1856) was read out. The Commissioners, (with power of approval over such statutes under section 30 of the 1854 Act) stated that they were withholding their consent from this statute on several grounds. The first ground of objection was that "They [the Commissioners] consider it their duty to refrain from any exercise of their powers which may have for its object or effect the sanctioning directly or indirectly any alteration in the religious tests at present imposed on Professors. On this ground the Commissioners are compelled to dissent from Section I.9. requiring each Professor on his election to subscribe a declaration of Membership of the Church of England and from Section V.2., Section VI.3., and Section IX.2. requiring the Professor of Moral Philosophy, Anatomy and Arabic respectively to be Members of Convocation which involves subscription to the 39 Articles and the 3 Articles in the 36th Canon."

- 28 May 1857 The "De Dotationibus" statute was promulgated to Congregation, this time comprising 11 subjects and amendments proposed by five individuals.
- 16 June 1857 The "De Dotationibus" statute was again promulgated to Congregation.
- 18 June 1857 Convocation assented to the "De Dotationibus" statute. It is notable that the sections opposed to in the letter of the 27 May 1856 from the Commissioners, regarding religious oaths, remained in the statutes. Section I.9. required professors to make the following subscription to the Vice Chancellor:
- "Ego A.B. ex animo profiteor me de Ecclesia Anglicana esse" I, A.B., declare from the heart that I am of the Church of England."
- 2 July 1857 The Hebdomadal Council receive a letter from the Commissioners they assent to the different Statutes "De Dotationibus" which had been approved by Convocation on 18 June 1857.

- 5 May 1863 The Uniformity Act Amendment Bill, proposed by E.P. Bouverie, receives its first reading in the House of Commons. The Bill specifically calls for the end of the requirement to undertake a "declaration of conformity" to the Church of England for those becoming professors, heads of colleges, fellows of colleges and so forth at the Universities of Oxford and Cambridge.
- 8 May 1863 In Hebdomadal Council, the Warden of New College gave notice of the following motion "that it be proposed to Convocation to petition Parliament against the Uniformity Act amendment Bill."
- 11 May 1863 A committee was appointed by Hebdomadal Council to prepare a petition to the House of Commons against the Uniformity Act amendment Bill.
- 25 May 1863 In Hebdomadal Council, "Dr Pusey gave notice of the following motion: That a Committee be appointed to frame a petition that the University be not deprived of its power of maintaining tests on degrees."
- 28 May 1863 "A Copy of the Petition to Parliament in favour of the Abolition of tests was read and laid on the Table" in Hebdomadal Council. The minutes do not report the subscribers to the petition. Whilst it is possible that this was the Cambridge petition referred to by E.P. Bouverie in his Bill (see 5 May 1863). It is more likely to be that referred to the petition presented on the 3 July 1863 by Earl Russell who rose in Parliament to "present a Petition of Heads of Colleges, Professors, present and former Fellows, and Tutors in the University of Oxford, for the Abolition of Subscription to Formularies of Faith as a Qualification for Academical Degrees."
- 1 June 1863 In Hebdomadal Council, following a motion by Dr Pusey, a committee was appointed to "frame a petition to Parliament that the University be not deprived of its power of maintaining tests on degrees."
- 2 June 1863 A petition was submitted by Hebdomadal Council to Convocation against the Bill "to repeal as much of the Act of Uniformity as relates to fellows and tutors in any College, Hall or House of Learning" (see 5 May 1863). The petition states the fear that the Bill would "render admissible to Collegiate government and instruction persons of divergent religions, creeds, or of no religion or creed whatever." One of the stated grounds for opposing the Bill is that "the Universities are seminaries of the Church of England and owe their greatness chiefly to their connexion with the Church; and that the Church would not safely entrust her future Clergy to persons who had given no security for their soundness in the Faith."
- 8 June 1863 In Hebdomadal Council it was minuted "A draft petition to the House of Commons as proposed by the Committee against the abolition of tests was produced When it appeared that the Council did not approve of the Petition." It is unclear with which parts of the petition the Council were displeased. The draft that exists from 6 June 1854 states "That without some effectual test, the University must cease to be a place of education for the Church. That the Oxford University Act, 1854, while it abolished all subscriptions and declaration at matriculation or upon taking the first degree, and so admitted all alike to the benefits of University education, left the subscription at the Degree of MA to be continued or removed at the discretion of the University, thereby shewing that the Legislature did not desire to withdraw the government of the University and the education of its students from the hands of the Church of England."

12 February 1864 – The Abolition of Tests was considered in a Commission of the House of Commons. It was resolved "that the Chairman be directed to move the House, That leave be given to bring in a Bill to provide for the abolition of certain Tests in connection with Academical Degrees in the University of Oxford." It was ordered that the Bill ordered be brought in by Mr Dodson, Mr Grant Duff, and Mr Goschen.

22 February 1864 – In Hebdomadal Council it was minuted "A draft Bill brought into the House of Commons to provide for the abolition of certain tests in connection with academical Degrees in the University was presented; under this subject Mr Mansel gave notice 'that the draft Petition prepared last year against the abolition of Tests on taking degrees be taken into consideration at the next meeting of Council.'"

29 February 1864 – A committee was formed by Hebdomadal Council to draft a petition to the House of Commons entitled 'A Bill to provide for the abolition of certain Tests in connection with Academical Degrees in the University of Oxford'.

7 March 1864 - The newly drafted petition against the "Tests Bill" was read at and agreed to by the Hebdomadal Council. It was ordered that it be proposed to Convocation for the University Seal on 11 March 1864.

The wording of this petition differs in tone from that of the 8 June 1863. The reference to the University as a "place of education for the Church" was removed, instead stating that the Bill would destroy the "government, teaching, and discipline of the University... entrusted to members of the Church of England." The section referring to the University retaining the power to enforce subscription when taking the degree of MA, and this demonstrating that that legislature desired the government of the University to remain in the hands of the Church of England has also been modified. The section merely argues that "no cause has arisen [since 1854] for depriving the University of the power, then left in its hands, of retaining or modifying those conditions as may in its deliberate judgement be best for the interests intrusted to its care."

11 March 1864 - Convocation agreed to fix the University's seal to the petition against the "Tests Bill" (see 7 March 1864).

1865

15 May 1865 – In Hebdomadal Council, the Provost of Oriel moved for a petition to the House of Commons against the Bill for the abolition of Tests on Academical Degrees. It was agreed to use the same form of petition as had been used in 1864 and the petition was to be submitted to Convocation on 1 June 1865.

1 June 1865 – Convocation agrees to fix the University's seal to the petition against the "Tests Bill" (see 15 May 1865).

1866

5 March 1866 – Hebdomadal Council appointed a committee to consider "petitions on behalf of the University against the following Bills now before the House viz

- Mr Coleridge's Bill for Tests abolition (Oxford)
- Mr Bouverie's Bill Fellows of College, Declaration
- Sir S. Grey Bill Parliamentary Oaths Amendment"

Monday 12 March 1866 – Hebdomadal Council read a draft petition to the House of Commons against "the Abolition of Religious Tests in Connexion with academical degrees and offices in the University of Oxford" and ordered that it be proposed to Convocation on 16 March 1866. Again, the wording differs from previous petitions. This petition argues "That for the efficient working of such Institutions, and for securing to them the confidence of the public, it is of essential importance that some guarantees should exist for the acknowledgement of a Religious Creed by those entrusted with their government and teaching." It petitions that the offices of the University and colleges that would be opened to Nonconformists by such a Bill, were either founded or funded (due to financial redistribution under the 1854 Act) by the Church of England, and that the removal of religious tests from office holders would therefore be unfair. In addition to this, the petition states the colleges submitted to the remodelling of their statutes based on the "existence of securities" (i.e. religious tests for those entering the degree of MA, and thus becoming eligible as office-holders within the University) and thus to remove such tests would be "unjust as well as inexpedient."

16 March 1866 – Convocation agreed to fix the University's seal to the petition against the "Abolition of Religious Tests Bill" (see 12 March 1866).

16 April 1866 — Convocation agreed to fix the University's seal to a petition against a similar Bill in the House of Commons which proposed to "repeal certain portions of the Act of Uniformity relating to the declaration made by Fellows of Colleges." Amongst other arguments proposed in previous petitions, this document includes the statement that differences of religion "seriously impair" the "intimate" and "harmonious relationships" which had existed between fellows of a college. Furthermore, it states that the effect of such changes as proposed in the Bill would be to "lead students to regard religious truth as a matter of indifference."

1867

- 4 February 1867 In Hebdomadal Council the Provost of Oriel suggested appointing a committee "to consider the propriety of adopting the present 36th Canon, instead of the Canon as passed in 1603 with the view of substituting for the present subscriptions at the higher degrees the "Declaration of Assent" from the Clerical Subscription Act 1865 (28 & 29 Vic (CXXII) omitting the clause which applies only to Clergymen."
- 11 February 1867 Hebdomadal Council requested that the Provost of Oriel and Mr Griffiths prepare a statement "of the alteration proposed and agreed to relating to the 36^{th} Canon."
- 25 February 1867 In Hebdomadal Council, "Mr Mansel moved that the form of Petition used last year in opposition to Mr Coleridge [sic] Bill for the abolition of academical tests be reprinted. This was agreed to."
- 4 March 1867 Hebdomadal Council read and approved a "draft petition to the House of Commons against a Bill entitled a Bill to provide for the abolition of religious Tests in 'connexion with academical degrees and offices in the University of Oxford'". It was agreed to propose the petition to Convocation on 5 March 1867.
- 5 March 1867 Convocation agreed to put the University's seal to the petition "against a Bill entitled a Bill to provide for the abolition of religious Tests in 'connexion with academical degrees and offices in the University of Oxford.'" The text of this petition was identical to that used on 16 March 1866.
- 11 March 1867 The Hebdomadal Council agreed to postpone the report of the Committee on "subscriptions" for higher degrees (see 11 February 1867) until "till it be seen was [sic] measures may be adopted by Parliament on this subject."
- 20 May 1867 Hebdomadal Council agreed to propose to Convocation, a petition to the House of Commons against a Bill "to repeal certain portions of the Act of Uniformity relating to Fellows of Colleges".
- 23 May 1867 Convocation agreed to put the University's seal to the petition to the House of Commons against a Bill "to repeal certain portions of the Act of Uniformity relating to Fellows of Colleges". Whilst the arguments proposed in this petition are largely the same as those used in the petition of the 16 April 1866, a notable inclusion is the argument that "the colleges are places of instruction for young men of whom a large proportion are intended to Holy Orders... it is of spiritual importance that some guarantee should exist for the acknowledgement of a religious creed by those entrusted with their government and tending."
- 21 October 1867 A committee was appointed by the Hebdomadal Council (at the suggestion of the Provost of Oriel) that a committee be appointed to consider the subscription to the 39 Articles in the "manner settled by the Clerical Subscription act proposed to Council March 1867 [see 11 March 1867]."

An undated copy of a report of the "Committee on Subscriptions at the Higher Degrees" (although known to be issued between 21 October and 9 December 1867) makes the intentions of the committee very clear. "The Committee recommend that instead of Subscription to the Thirty-nine Articles, and the three articles of the Thirty-Sixth Canon of 1603, persons admitted to the Degrees of MA, BD, DD, DCL, and DM shall make and subscribe the following "Declaration of Assent" taken from the Thirty-sixth Canon as passed and confirmed in 1865 (and from the 'Clerical Subscription Act', 1865), omitting the last clause of the Declaration which applies only to the Clergy.

'I, A.B., do solemnly make the following Declaration:- I assent to the Thirty-nine Articles of Religion, and to the Book of Common Prayer, and of the Ordering of Bishops, Priests, and Deacons; and I believe the Doctrine of the United Church of England and Ireland, as therein set forth, to be agreeable to the Word of God.'"

It is clear that it is not the intention of these reforms to lessen the requirement to assent to the 39 Articles, nor remove the obligation for MAs and above to members of the Church of England.

- 25 November 1867 The Hebdomadal Council ordered that the form of the Statute on subscription to the higher degrees (see 21 October 1867) be promulgated to Congregation on 4 December 1867.
- 4 December 1867 The Statute on Subscription to the Higher Degrees was promulgated in Congregation. Amendments (not specified) in the minutes were raised by two members.
- 9 December 1867 The minutes of the Hebdomadal Council report that "the amendments proposed on the promulgation of the form of Statute Tit. VI (IX) [at Congregation on 4 December 1867] on Subscription on admission to higher degrees were read and considered but *not adopted*. Ordered that this form of Statute be submitted to the vote of Congregation on Saturday December 14."

16 December 1867 – Hebdomadal Council ordered that the form of Statute on Subscription to the Higher Degrees be submitted to Convocation on 4 February 1868.

1868

- 4 February 1868 Convocation approved the Statute on Subscription to the Higher Degrees in essentially the same form as was suggested by the Committee on Subscriptions at the Higher Degrees.
- 23 March 1868 The Hebdomadal Council received a letter from Charles Neate (MP for Oxford), dated 20 March 1868, concerning "The Oxford and Cambridge Universities Bill". The letter outlines amendments which he meant to propose to the Bill. In essence, he sought to allow the abolition of religious tests within the *University* but preserve their effect within the *colleges*. He closed his letter with the following paragraph: "The object of these amendments would be to leave the Colleges as Church of England Foundations within an open University. The practical results of the change would then be that Nonconformists and Roman Catholics, though not in strictness eligible, might in fact be occasionally elected to College Fellowships, but would not be at liberty to practice or to teach their religion within the College walls."
- 20 April 1868 Hebdomadal Council approved a petition drafted by Mr Liddon against the Oxford and Cambridge Universities Bill, and agreed that it should be submitted to Convocation on 6 May 1868.
- 5 May 1868 The Vice Chancellor reported to the Hebdomadal Board that the Chancellor had consented to members speaking in English in Convocation "on Wednesday next, when it would be proposed that the University seal should be affixed to a petition to the House of Commons against Mr Coleridge's Bill." At this point, it was still required for Convocation proceedings to take place in Latin, whilst English was acceptable for Congregation.
- 6 May 1868 Convocation approved the submission to the Houses of Parliament of the petition opposing the Oxford and Cambridge Universities Bill. The arguments of the petition rely heavily on the long-standing relationship between the University and the Church: "The effect of the said Bill... would be to break the connection both of the University as a whole, and of many of the several Colleges, with the Church of England, and thus to destroy the corporate religious character of those bodies... the said Bill would abolish the only two general securities which now exist for the conformity of Heads and Fellows of Colleges and Principals of Halls to the Church of England."

- 8 March 1869 The minutes of Hebdomadal Council note "On the motion of Dr Mansel, it was agreed that it should be proposed to Convocation to affix the University seal to a petition to the House of Commons against a Bill now before the house entitled 'A Bill to repeal certain Tests and alter certain Statutes affecting the constitution of the Universities of Oxford and Cambridge' A draft form of Petition was read and agreed to and ordered to be proposed for the seal on Tuesday April 13."
- 13 April 1869 Convocation agreed to affix the University seal to the petition against 'A Bill to repeal certain Tests and alter certain Statutes affecting the constitution of the Universities of Oxford and Cambridge'. The text of the petition is identical to that submitted on 6 May 1868.

16 May 1870 – The minutes of the Hebdomadal Council record that: "Mr Liddon moved, Turner seconded – that a Petition to the House of Commons against a Bill 'to alter the law respecting Religious Tests' etc now before the House be prepared and submitted to Convocation.

Mr Liddon moved, Turner seconded – that the form of Petition just read by him be at once submitted to the Council for consideration.

Mr H Smith moved, Mr Fowler seconded, as an amendment, that the Petition be printed for the Members of the Council and considered on Monday next. The amendment was, after a division negatived.

It was ordered that the Petition, having been read and accepted by the Council, should be submitted to Convocation on Friday May 20."

20 May 1870 – Convocation approved the petition submitted by Hebdomadal Council against a Bill "to alter the Law respecting Religious Tests in the Universities of Oxford, Cambridge and Durham."

The wording of this petition largely mirrors that of 1868 and 1870. However, a new line of argument emerges. Not only would the presence of Nonconformists academics inadvertently undermine the presence and influence of the Church of England within the University, but that positions of influence may be in "the hands of persons may be conscientiously hostile to the well-being of the Established Church."

1871

20 February 1871 – The minutes of the Hebdomadal Council record that Dr Liddon moved, and it was agreed, that a further petition to the House of Commons be proposed to Convocation against the Bill regarding religious tests, and that a similar petition addressed to the House of Lords should also be submitted.

A piece of marginalia appears next to the first motion: "(N.B. This was not done – the measure having passed the House of Commons. E.J.J.)".

13 March 1871 – The Hebdomadal Council decided to persist with presenting Convocation with a petition directed to the House of Commons.

21 March 1871 – Convocation agreed to present the petition to the House of Lords, opposing the Bill "to alter the Law respecting Religious Tests in the Universities of Oxford, Cambridge and Durham."

This petition was remarkably similar to that submitted on 20 May 1870, although it incorporates some of the arguments used in previous petitions.

16 June 1871 – the Universities Test Act passed the House of Lords, and was enacted into law.

- Clause 3 with extensive and precise wording ensured that no person would be required "upon taking or to enable him to take any degree (other than a degree in divinity)" to subscribe to any article of faith, make any declaration, or belong to any specified church. Likewise, a person would not be required to attend any religious services of any religion to which he did not belong. Furthermore, a person would not be required to make any such oaths, declarations of conformity in order to hold any office, teach, or open a private hall within any of the universities.
- Clause 4 states that act would not affect the religious instruction, worship, or discipline which exist within the universities
 or colleges.
- Clause 5 states that every college of the universities will provide "sufficient religious instruction" for all students who are members of the Church of England.
- Clause 6 states that Morning and Evening Prayer (from the Book of Common Prayer) will continue to be used daily in all
 college chapels.
- Clause 7 states that no student will be required to attend a lecture if he objects on religious grounds (or if he is not of full age, if his parents or guardians object).

26 June 1871 — It was announced to the Hebdomadal Council that the Government had notified the Vice Chancellor of "their intention to issue a commission to collect information as to the revenues of the University and the several Colleges." The tantalising subsequent sentence reads "An expression of opinion on part of the members present as to the respective advantages of a Royal or a Parliamentary Commission was invited and a discussion ensued accordingly." However, the Commission was later postponed to October 1871.

16 October 1871 — The minutes of the Hebdomadal Council record "The standing orders having been suspended the Rector of Exeter moved for a Committee to consider the forms of admission to the MA degree, having respect to the recent alterations as to subscription enacted last session in Parliament. This was agreed to and the Committee named as under Rector of Exeter, Dr Pusey, Mr Griffiths, Mr Turner, Mr Smith, Principal of BNC [Brasenose College]."

Following a revision of the examination statutes, Hebdomadal Council decided that the statutes regarding the Second Public Examination should be promulgated to Congregation on the 31 October 1871. Although published in English, these differed little from their earlier Latin counterparts, including examination in the Old and New Testaments, and the 39 Articles. They permitted candidates who were not members of the Church of England to substitute "equivalent" secular matter for examination.

2 November 1871 – Hebdomadal Council were informed that "numerous amendments to the Examination statutes" had been suggested when then were promulgated to Congregation on 31 October 1871. Council ordered that these be considered in Congregation on 14 November 1871 (although Congregation did not actually meet until 16 November 1871). The *University Gazette* of 3 November 1871, shows that amendments included allowing *all* candidates (including those who were members of the Church of England) to offer substitute secular matter.

13 November 1871 - The report of the Committee on the Form of Admission to Degrees, as embodied in two forms of statute, was submitted to the Hebdomadal Council, and "was gone through clause by clause." The Council agreed that these forms of statute be promulgated to Congregation on 22 November 1871.

The committee proposed that the pre-existing version of the form of admission be used. This was that the recipient of the degree knelt before the Vice Chancellor, the Vice Chancellor would then place a book upon their head and say: "Ad honorem Domini nostri Jesu Christi, et ad profectum sacrae sanctae matris ecclesiae et studii, ego auctoritate mea et totius Universitatis do tibi licentiam incipiendi in facultate Artium, etc... in nomine Domini Patris, Filii, et Spiritus Sancti."

(To the honour of our Lord Jesus Christ and to the increase of the sacred holy mother church and of learning I with the authority of myself and the whole university do give you licence to incept in the Faculty of Arts etc... In the name of the Lord Father, Son and Holy Ghost)

The committee's suggestion was that if anyone objected to the pre-existing wording, they could signify as such "in some way" to the Vice Chancellor, and the words in italics would be omitted.

27 November 1871 – Following meetings of Congregation on 22 and 25 November, further amendments to the promulgated statute on the form of admission to degrees were reported to Hebdomadal Council. The *University Gazette* of 5 December 1871 records that some members of Congregation argued that the law required an exclusion of religion from the conferral of degrees, that all recipients should be treated equally, and that the words in italics should be entirely omitted from the statutes.

The Council ordered that these amendments should be considered in Congregation on 7 December 1871.

- 22 January 1872 Hebdomadal Council ordered that the statutes concerning conformity and forms of admission to degrees, considered in Congregation on 7 December 1871, should be submitted to Congregation on 1 February 1872.
- 27 January 1872 Further amended clauses to forms of statute on conformity and forms of admission to degrees were discussed.
- 29 January 1872 Hebdomadal Council noted that the statutes on forms of admission to degrees would be "finally submitted to vote in Congregation on February 6."
- 1 February 1872 From the *University Gazette*, it is known that additional amendments were suggested to the statute on the examination in the 'Rudiments of Faith and Religion' in February of 1872, including the suggestion of substituting scripture or ecclesiastical history for the section of examination on the 39 Articles. This would have would enabled Christian Nonconformists comfortably to sit the examination. However, this amendment was rejected by 78 votes to 36.

6 February 1872 – The statute on conformity and forms of admission to degrees finally passed Congregation with no opponents.

12 February 1872 – It was minuted in Hebdomadal Council that the statute on forms of admission to degrees would be voted on Convocation on 17 February 1872.

13 February 1872 – Following defeat of the suggested, more "liberal" amendments to the examination statutes, a revised statute on examination in the 'Rudiments of Faith and Religion' was promulgated to Congregation by Hebdomadal Council. The revised statute included examination in the 39 Articles. Non-members of the Church of England would be permitted to substitute books of scripture, or ecclesiastical history for the 39 Articles, and would also be examined in the Old and New Testament. Candidates who were not members of the Church of England, who refused to be examined in Divinity, would be permitted to substitute secular matter. Five amendments were suggested by members of Congregation.

17 February 1872 – The statutes on the forms of admission to degrees received the assent of Convocation. The committee's original suggestion of Nonconformists being able to request an alternative wording from the Vice-Chancellor was part of these statutes.

26 February 1872 – A notice of a forthcoming motion was submitted to the Hebdomadal Council by HJ Smith ""That as the legality of the proposed statute relating to the examinations in Divinity has been called into question, the VC [Vice Chancellor] be requested to take the opinion of Counsel thereon."

The cause of the concern was that the University proposed to use the same "exemption system" as they had introduced on 24 April 1855. Candidates wishing to be excused from theological examinations had to bring a certificate to the Proctor, signed by their head of house stating that they wished to be excused from the examinations as they were not members of the Church of England. The suggested form of wording read:

"Ego A.B. [Head of College] – testor M.N. [Undergraduate] quum extra Ecclesiam Anglicanam sit, petere ut ab examinatione in articulus fidei et religionis [vel in rudimentis fidei et religionis]".

A.B. [Head of College]

(essentially, that "AB certifies that MN petitions to be excused from the examination on the ground that he is not a member of the Church of England.")

1 and 2 March 1872 - Congregation considers amendments to the statute on Rudiments of Faith and Religion.

4 March 1872 – Hebdomadal Council agree that Counsel's opinion "on the Examination in Faith and Religion" should be sought. It was further agreed, on a division, that the Solicitor General should also be consulted.

15 April 1872 – Hebdomadal Council reported that "The case submitted to Sir R Palmer and the Solicitor General respecting the Examination in Faith and Religion with the opinion received upon it were read to Council and ordered to be printed in the Gazette.

The statute dealing with this matter which had been deferred till this opinion should be received was ordered to be submitted for final vote in Congregation on 23^{rd} with a view to its rejection, and a notice to this effect was circulated to members of Congregation.

An amendment embodying the recommendations of Counsel was on the motion of Mr Palmer added to the other amendments to the Examination statutes (vide supra)."

The questions posed by the University to Counsel were:

- 1) Whether it was legal to require students who were members of the Church of England to pass an examination in Divinity in order to obtain their BA.
- 2) If the above requirement was legal, whether it was legal to require those who wished to be excused from the examination to produce a certificate (as outlined in 26 February 1872)
- 3) If such a certificate were not legal, whether the University might pass the following statute: "Candidates who, being of full age, shall object on religious grounds, or for whom, not being of full age, their parents or guardians shall object on religious grounds, to an examination in the Holy Gospels [or in the 39 Articles, or in the Rudiments of Faith and Religion,] shall be permitted to offer instead thereof etc"

The response from the two members of Counsel stated that they could not agree on an answer to the second question, and thought that the form of certificate described in the third question was a "safer" of certificate than the second, "more free from objection than that contained in the tenth article of the new Statute which has been proposed: and (so long as no declaration that they are or are not members of the Church of England is required from any of the candidates for examination) our answer to the first question is the affirmative."

- 29 April 1872 Following the opinion of Counsel, Mr Palmer moved in Hebdomadal Council that the adoption of a new form of statute on Examinations in the Rudiments of Faith and Religion be approved. This was accepted by Council and the statutes were ordered for promulgation on 7 May 1872.
- 7 May 1872 The fresh statute on the Rudiments of Faith and Religion was promulgated to Congregation. The terms of the statute were similar to those of the 13 February 1871. However, following the advice of Counsel (15 April 1872) the statutes omitted all mention of the Church of England, and simply allowed those who objected on "religious grounds" to offer substitute secular examination material. Candidates had to produce a statement, confirming their objection, signed by themselves, or, if underage, signed by their parents. Amendments were suggested by members of Congregation but were, ultimately, unsuccessful.
- 18 November 1872 Hebdomadal Council ordered that the statutes concerning the Examination in Faith and Religion be voted on in Convocation on 28 November 1872.
- 9 December 1872 A draft statute on verbal amendments to examination statutes were accepted by Hebdomadal Council and ordered to be promulgated on 4 February 1873.

- 9 March 1873 Following a positive volley of proposed amendments from both Congregation and Hebdomadal Council, the Council finally ordered that the statute on Verbal amendments be submitted to Congregation on 18 March 1873.
- 24 March 1873 The statute on Verbal amendments was ordered for vote in Convocation on 29 April 1873, which it passed.