A FULL REPORT OF THE PROCEEDINGS IN THE CASE OF THE OFFICE OF THE JUDGE PROMOTED BY HODGSON V. REV. OAKELEY, BEFORE THE RT. HON. SIR HERBERT JENNER FUST, KT., DEAN OF THE ARCHES, &C. &C. &C.

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A. F. BAYFORD

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A FULL REPORT

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THE OFFICE OF THE JUDGE PROMOTED

BY

HODGSON *v.* REV. F. OAKELEY,

BEFORE THE

RT. HON. SIR HERBERT JENNER FUST, KT.,

DEAN OF THE ARCHES,

&c. &c. &c.

EDITED BY

A. F. BAYFORD, D. C. L.,

ADVOCATE.

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1845.

ERRATUM.

p. 127, line 10 from the bottom, *for* "Why if," *read* "Why not? If."

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109, Fetter Lane, Fleet Street.

SEVERAL persons (including some who were present at the hearing) having expressed a desire to see in Print a fuller account than could be expected from the ordinary Law Reports, of the Informations of Counsel, and the Judgment of the Court, in the late case of the "Office of the Judge promoted by Hodgson against the Rev. Frederick Oakeley;" I have, in compliance, with a request made to me, carefully revised the Short-hand writer's notes, and submit the following pages to the reader, as a full, and, I trust, accurate account of those Proceedings.

A. F. BAYFORD.

Doctors' Commons,
Nov. 1845.

THE OFFICE OF THE JUDGE PROMOTED

BY

HODGSON *v.* OAKELEY.

Sir John Dodson, Her Majesty's Advocate, opened the proceedings:—

Sir,—This is a cause in which the office of the Judge is promoted by Christopher Hodgson, Esq., against the Reverend Frederick Oakeley, of Margaret Street, Cavendish Square, a Clerk in Holy Orders of the United Church of England and Ireland, and Minister of Margaret Chapel in the District Rectory of All Souls, Saint Marylebone, in the county of Middlesex, Diocese of London and Province of Canterbury, to answer to certain articles, heads, positions, or interrogatories, touching and concerning his soul's health, and the lawful correction and reformation of his manners and excesses, and, more especially, for having offended against the laws, statutes, constitutions, and Canons Ecclesiastical of the Realm, by having written and published, or caused to be published, a certain Pamphlet entitled, "*A Letter to the Lord Bishop of London on a Subject connected with the recent Proceedings at Oxford*," in which said pamphlet or letter doctrines are advisedly maintained and affirmed, directly contrary, or repugnant to the true, usual, literal meaning of the Articles of Religion as by law established, or some or one of them, and contrary to the said laws, statutes, constitutions, and Canons Ecclesiastical of the Realm, and against the peace and unity

of the aforesaid United Church of England and Ireland, as it is now by law established.

Upon the 8th of April last, Mr. *Dyke*, the proctor for the promoter, presented Letters of Request under the hand and seal of the Lord Bishop of London, bearing date the 3rd day of April, which the Surrogate was pleased to accept, and to decree to proceed according to the tenor thereof, the usual bond having been first given.

On the 1st Session of Easter Term, April 15th, Mr. *Bowdler* exhibited a Proxy under the hand and seal of the Rev. Frederick Oakeley, clerk, and, in virtue thereof, appeared for him to the Decree which had issued under seal of this Court. Mr. Dyke then exhibited a proxy under the hand and seal of Christopher Hodgson, Esq., his party, and brought in the said Decree, and he also, at the same time brought in the Articles with three exhibits marked A, B, and C annexed, and you were then pleased to assign to hear on admission thereof on the second Session.

On the second Session, the 22d of April, the Articles were admitted without opposition, and Mr. *Bowdler* then, on behalf of Mr. Oakeley, gave a negative issue thereto, and Mr. *Dyke* was assigned to prove by the fourth Session.

The Articles are twelve in number; and the

First, Pleads, that he, the Rev. Frederick Oakeley, clerk, knows, believes, and has heard, that by the laws, statutes, constitutions, and Canons Ecclesiastical of the Realm, all ecclesiastical persons, of what rank or condition soever, who have been admitted into Holy Orders of the United Church of England and Ireland, ought to adhere to, and maintain with constancy and sincerity, the doctrines of the said Church, as by law established, and that whosoever having been so admitted, and having subscribed, and declared his assent to the Articles of religion agreed upon by the Archbishops and Bishops of both provinces, and the whole Clergy in the Convocation, held in London, in the year of our Lord, 1562, and ratified by the Royal authority, shall revolt from, or impugn, or deprave the

said Articles, or any of them, or any of the doctrines therein contained, ought to be punished, and corrected, according to the gravity of his offence, and the exigency of the law.

The second Article pleads that he, the said Rev. Frederick Oakeley, on or about the 8th day of July 1839, did willingly subscribe the Thirty-nine Articles of religion, and also to the three Articles of the thirty-sixth Canon, and to all things contained in them, and did declare, that he would conform to the Liturgy of the United Church of England and Ireland as it was then by law established.

The third Article pleads, that he, the said Rev. Frederick Oakeley, for many years past has been, and now is, a priest or minister in Holy Orders of the United Church of England and Ireland, and minister of Margaret Chapel, in the district rectory of All Souls, Saint Marylebone, in the county of Middlesex, and diocese of London, to perform the office of minister of the said chapel, by and with the consent of Dr. George Chandler, the rector of the said district, and that he is commonly accounted as the lawful minister of the said chapel.

The fourth Article exhibits a copy of the Act on licensing Mr. Oakeley, and pleads the same to have been faithfully extracted from the Book of Acts of the Lord Bishop of London, preserved in the office, or custody, of the Lord Bishop; and lastly, it pleads the identity of the party articled, with the individual named in the Exhibit.

The fifth Article pleads, that Mr. Oakeley at sundry times, or at least once within two years previously to the date of the Decree, has advisedly in writing, or otherwise, maintained or affirmed, and has declared in writing, and otherwise, that he does maintain and affirm doctrines directly contrary, or repugnant to the true, usual, literal meaning of the said Articles of religion, as by law established, some or one of them.

The sixth pleads that Mr. Oakeley, some time in the year 1845, wrote and published, or caused to be published a certain pamphlet, entitled "*A Letter to the Lord Bishop of London on a Subject connected with the recent Proceedings at Oxford,*"