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THE
ROYAL SUPREMACY
AND
CHURCH EMANCIPATION.

IN THREE PARTS.

BY THE HON. COLIN LINDSAY.

LONDON AND OXFORD: J. H. AND J. PARKER.
JOSEPH MASTERS, ALDERSGATE ST. AND NEW BOND ST.;
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STRAND, W.C.

1865.

Price One Shilling and Sixpence.
THE ROYAL SUPREMACY

AND

CHURCH EMANCIPATION.

IN THREE PARTS.

I.—THE PREROGATIVES RESPECTIVELY OF THE CHURCH AND STATE, AS DERIVED FROM GOD.

II.—THE ROYAL SUPREMACY AND THE OATH OF ABJURATION.


BY THE HON. COLIN LINDSAY.

LONDON AND OXFORD: J. H. AND J. PARKER.
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ADVERTISEMENT.

Some of the following pages appeared a few years ago in the shape of a Report, submitted by me to the late "Manchester Church Society," and, as the subject treated therein is one of interest for these times "of present distress," I have ventured to republish them in the present form, with, however, considerable alterations and enlargements.

C. L.

Sillwood, Brighton, January, 1865.
THE ROYAL SUPREMACY

AND

CHURCH EMANCIPATION.

It seems evident that there is much confusion existing in the minds of many persons touching the doctrine of the Royal Prerogative and Supremacy; and the time appears to be now arrived when this most difficult and delicate question should be carefully investigated, with a view to a resettlement of the relations of Church and State, which seems urgently called for, by reason of the altered circumstances of the times we live in. There are some persons who think that the Church is the mere creature of the State, deriving her authority to teach and minister from the Sovereign, whose behests she is bound to obey. There are others again who believe that the Church was indeed founded by Christ and the Apostles, and that she exercises her function by virtue of her commission from them, but that she has sold herself to the civil power, recognizing the Monarch as her head; and that she has moreover so bound herself by oaths and declarations, that even if she were so disposed, she could not consistently free herself from her cruel bondage. There is also another class of persons, who are of opinion that the Church has never by any act of her own sold herself to the State; but that the legislature, at the instigation of an impious King, has without her consent passed many objectionable acts of Parliament, for the purpose of enslaving her to the State; and that these, by weakening her executive and crippling her energies, have deprived her of the power of resisting the wickedness of many in high places, and of maintaining, in its due integrity, the independence of the State Ecclesiastical against the Crown. These persons are at the same time of opinion that the Oath of Supremacy is so worded, that they are debarred from making any attempt to vindicate the prerogatives of the Church, and to promote her emancipation from what they believe to be a grievous thraldom.
It is proposed to investigate as carefully as possible, and to ascertain by documentary evidence, what is meant by "what is called the Royal Prerogative, and how far the Oath of Abjuration and Supremacy impedes the free action of the Church in striving to regain the rights and liberties of the Church of England as guaranteed by Magna Charta, and other ordinances and acts of Parliament." Before, however, this most difficult and delicate question can be satisfactorily approached, it is essential to ascertain what may be those Prerogatives, &c., which are inherent, respectively, first of all in the Episcopal office; and, secondly, in that of the Rulers of the world.

It is proposed, therefore, to consider—first, the "Prerogatives of the Church and State;" secondly, the constitutional meaning of the Royal Supremacy, and how far the Oath of Abjuration and Supremacy impedes the free action of the clergy in striving to regain the rights and liberties of the Church of England; and, thirdly, the necessity of emancipating the Church of England from the disabilities under which she is now suffering.

PART FIRST.

THE PREROGATIVES OF THE CHURCH AND STATE.

I. I would, in the first instance, draw attention to those inherent Prerogatives which belong to the Rulers of the Church. There are many who hold that there is no such thing on earth as a visible Church, established in the beginning by Christ Himself, its government carried on by a succession of Rulers until the present day; with these no Churchman can have anything to do, for they are not genuine Churchmen. The remarks contained in this paper must be considered as addressed to those who not only profess to be members of the Church, but who believe what she teaches, and who accept as very truth her own declaration, "that from the Apostles' time there have been these Orders of Ministers in Christ's Church, Bishops, Priests, and Deacons" (Pref. Ordination Service). Now in Holy Scripture the Rulers of the Church are designated by various titles, namely, "Apostles," "Bishops," "Elders, or Presbyters," "Angels," "Kings," and "Priests." Our Lord is called by S. Paul "the Apostle and High Priest of our profession" (Heb. iii. 1); by S.
Peter, the "Bishop of our souls." (1 Peter ii. 25.) The Twelve are styled "Apostles;" and so also are SS. Barnabas, Silvanus, Timothy, Epaphroditus (see Acts xiv. 14; 1 Cor. ix. 1-6; 2 Cor. viii. 23;* 1 Thess. i. i and ii. 6; Phil. ii. 25).* S. Peter and S. John call themselves "Elders, or Presbyters," as well as "Apostles" (1 Peter v. 1; 2 and 3 John i.); and the Chief Ministers of the Seven Churches are denominated "Angels," "Kings," and "Priests." (Rev. i. 4-6; ii. 1, 8, 12, &c.) These are various titles appertaining to one and the same office, namely, of those who had authority to govern the churches committed to their care. Since the apostolic era, however, the title of our spiritual Rulers has been restricted to that of "Bishop," out of humility and deference to those who had been called to their ministry either by Christ in Person, or by the immediate and visible agency of the Holy Ghost.

Now the first question that will naturally be raised by one tainted with erastianism is, are our Bishops "Kings" as well as Priests? There can be no doubt of it. For, in the first place, the Church is a kingdom, imperial in its character, and aggressive in its operations against the world, the flesh, and the devil; and, in the second place, the Apostles received a commission to rule this kingdom—"I appoint unto you," saith the Lord, "a kingdom, as My Father hath appointed unto Me; that ye may eat and drink at My table in My kingdom, and sit on thrones, judging the twelve tribes of Israel." (Luke xxii. 29, 30.) And, lastly, the Apostles established in every city or province one of their order, as Timothy in Ephesus, and Titus in Crete, commanding the faithful to "obey them that have the rule over them, and submit themselves." (Heb. xiii. 17.)

There can be no doubt that he who receives a "kingdom," with a commission to "rule," can be no less than a "King," having power to govern the dominion committed to him. The Church, as above stated, is the kingdom of God upon earth, composed of the souls of all who have been made spiritual subjects by baptism. Over this kingdom Christ set His Apostles, not only to "minister as Priests,"† but also to "rule" as spiritual Princes. S. Peter, in his Epistle, says, "Ye are a chosen generation, a Royal Priesthood, an holy nation, a peculiar people," which S. Paul explains as being "fellow-citizens with the saints and of the household of God; and are built upon the foundation of the Apostles and Prophets, Jesus Christ Himself being

* The Greek word for Apostle and Messenger is the same,—ἀπόστολος.† "Who am also an Elder." The Greek word is συμπρεσβύτερος—i.e., fellow-Elder, or fellow-Presbyter.
‡ ἵππουρον. Rom. xv. 16.

B 2
the chief corner-stone" (1 Peter ii. 9, and Ephesians ii. 19, 20). The Church, then, is a spiritual kingdom, under the government of spiritual Kings, who sit on thrones judging the Israel of God. And not only were the Apostles spiritual Kings, but so likewise are all who succeed them in the government of the Church. S. John, in his opening address to the seven angels of the seven Churches, says that they, as well as he, were made "Kings and Priests unto God and His Father." S. Paul, writing on the various gifts of the Holy Ghost, which are manifested in different persons in various ways, says, "Having then gifts differing according to the grace that is given to us, whether prophecy, let us prophesy according to the proportion of faith; or ministry, let us wait on our ministering; or he that teacheth, on teaching * * * * he that ruleth, with diligence" (Rom. xii. 6-8). Again, "And we beseech you, brethren, to know them which labour among you, and are over you in the Lord, and admonish you; and to esteem them very highly in love for their work's sake." (1 Thess. v. 12, 13.) "Let the Elders or Presbyters that rule well be counted worthy of double honour, especially they who labour in the word and doctrine." (1 Tim. v. 17.)

The Rulers of the Church are, therefore, spiritual Kings; and those who will take the trouble to visit any of our cathedrals in England will perceive in the choir the Bishop's throne, the emblem of regal spiritual authority and power, in which every new Bishop, soon after his consecration, is solemnly enthroned.

It being evident, then, that Bishops are no less than Princes of the royal household of God, it behoves us now to examine into the nature of their prerogatives as such. Their principal prerogative is to govern the souls committed to their charge: "Obey them that have the rule over you," said S. Paul. "Take heed, therefore, unto yourselves, and to all the flock over the which the Holy Ghost hath made you overseers [or Bishops]." (Acts xx. 28.) Our Lord invested the Apostles with judicial powers: "Moreover if thy brother shall trespass against thee, go and tell him his fault between thee and him alone: if he shall hear thee, thou hast gained thy brother. But if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established. And if he shall neglect to hear them, tell it unto the Church: but if he neglect to hear the Church, let him be unto thee as an heathen man and a publican. Verily I say unto you, whatsoever ye shall bind on earth shall be bound in Heaven; and whatsoever ye

* ἵππους.
shall loose on earth shall be loosed in Heaven." (Matt. xviii. 15-18.) S. Paul ordered the Church of Corinth to excommunicate the incestuous person, and again to absolve him on his repentance (1 Cor. v. and 2 Cor. ii.) This Apostle excommunicated Hymenaeus, Alexander, and Philetus, for heresy (1 Tim. i. 20; 2 Tim. ii. 17); and he directed Titus to cast out "an heretic after the first and second admonition" (Titus iii. 10).

Another of their prerogatives is to enact laws and administer them. The fifteenth chapter of the Acts of the Apostles fully explains how this was done, namely, by means of assemblies of the Bishops and Clergy, in some one place, for this purpose. These assemblies are called Synods, or Councils, and the laws and ordinances promulgated by them are denominated canons or constitutions. The Apostles and their successors have the right of confirming and consecrating all persons that have been elected to fill any apostolic office. S. Paul, together with the Presbytery, ordained S. Timothy, and he directed Titus to "ordain Elders or Presbyters in every city." (1 Tim. iv. 14; 2 Tim. i. 6; Titus i. 5.) They had power also to reject any one they thought fit: "Lay hands suddenly on no man," is the admonition of the Apostle to Timothy. (1 Tim. v. 22.)

The prerogatives, then, which are inherent in the Rulers of the Church of Christ, consist in the power of government; the power to punish with the spiritual sword; the power to administer justice in such ecclesiastical matters as are spiritual; the power to decide on all questions of Doctrine and Discipline; the power to confirm and consecrate all persons appointed to any apostolic office, and to reject any one they may deem unfit. Their power and authority in spiritual matters are supreme, subject to no human authority beyond that of their own order; and in their capacity, as spiritual Rulers, they recognize no superior save their Lord and Master, the King of kings and Lord of lords. It is clear, then, that the Church possesses the undoubted right of administering her spiritual affairs independently of the civil power—a right which she derived from Christ Himself, and which, therefore, must be, at all costs, preserved intact.

The Church, after the empire became Christian, was exceedingly careful in guarding the integrity of her Divine Charter. "If any Presbyter or Deacon, deposed by his own Bishop, or any Bishop by a Synod, shall dare to trouble the ears of the Emperor, whereas he ought to have recourse to a larger Synod of Bishops, and to refer to these Bishops what he considers to be right, and abide by their examination and decision—if, then, despising these, he shall trouble the Emperor, he is not entitled to any pardon, nor
be allowed another hearing, nor have hope of any future restoration.” (Canon XII. of Antioch, A.D. 341.) This canon, which was received into the code of the Universal Church, forbade any Bishop, Priest, or Deacon, without the sanction of the Metropolitan and Bishops of the province, to appeal from the Church to the civil power on any ecclesiastical question; and he who did so was considered guilty of despising the Church, and was sentenced to be cut off from all communion, without any hope of restoration.

II. The next point to be discussed is the doctrine of the Royal Prerogative, as derived from Almighty God. Holy Scripture, and the practice of the temporality, soon after the conversion of Constantine the Great, may be appropriately appealed to for the elucidation of this question.

Two apostles, S. Peter and S. Paul, have in their epistles defined the nature of the kingly office, its prerogatives, and duties. In the Epistle to the Romans, the following passage is to the purpose, and specially so as Rome was then governed by an Emperor:—“Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. ** For he [the Ruler] is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil. Wherefore ye must needs be subject, not only for wrath, but also for conscience sake. For this cause pay ye tribute also; for they are God’s ministers, attending continually upon this very thing. Render therefore to all their dues: tribute to whom tribute is due; custom to whom custom; fear to whom fear; honour to whom honour.” (Rom. xiii. 1-7.) Again, “Submit yourselves to every ordinance of man for the Lord’s sake: whether it be to the King, as supreme; or unto Governors, as unto them that are sent by him for the punishment of evildoers, and for the praise of them that do well.” (1 Peter ii. 13, 14.) It is plain, therefore, that that Prerogative which is inherent in the office of King, Ruler, or Head of the State, or in the Executive of any form of Government, being an “ordinance of man,” is to rule the people committed to his charge, to appoint governors and magistrates, to administer justice according to law between man and man, punishing the evil, and rewarding those that do well. The duty of the temporal power is, in a word, to administer the affairs appertaining to earth, its authority extending only over men’s persons and possessions; but it has no authority whatever over things appertaining to the soul. That the doctrine and distinction thus
laid down has the sanction of our Lord Himself, and that it was followed up and consistently acted upon by the Apostles, by the Primitive Church, and by the early Catholic Emperors—and that the claims frequently based on these precedents on behalf of the Sovereign of this country to intrude into the affairs of the Church are utterly untenable—will sufficiently appear from a consideration of these several precedents seriatiim. These precedents will now be considered in the light of objections urged against the view of the Royal Prerogative above laid down. And I will preface them by a consideration of the practice of the Kings of Judah, inasmuch as that practice has been so frequently appealed to by the Kings of England in justification of their proceedings as respects the Church of this nation.

1. With regard, then, to the Kings of Judah:—Even were it granted that they had authority to govern the Jewish Church and to appoint its priests, &c., this would not support the plea that Christian Sovereigns may exercise the same control over the Catholic Church. Indeed, a careful investigation of the Jewish economy would completely disprove this theory. For, in the first place, the form of government amongst the Jews was theocratic, whereas that of other nations was anything but theocratic. The Rulers under the Law were nominated by God Himself, as Moses, the first lawgiver and judge; Saul, the first King,—and on his transgressing the command of God, David and his descendants were chosen by God to govern the house of Israel in perpetuity. Now, in the case of other nations, their Rulers have not been in any sense appointed directly by God. They have been, in every instance, chosen either by the army or by the people, as the Roman Emperors of old, the Kings of the early Teutonic tribes, William III. of Great Britain, and Louis Napoleon of France; or they have acquired their dominion by conquest, as, for example, Charlemagne, William the Conqueror, &c. There is, therefore, a broad distinction to be observed between these two classes of Sovereigns, the Jewish and the Gentile; the former having received their commission to rule from God direct, the latter merely from the people—the former having ruled by an ordinance of God, the latter, as S. Peter testifies, by an "ordinance of man." Further, the fact must not be lost sight of, that the Princes, Judges, and Kings of Israel were either prophets themselves, or were under the immediate influence of prophets. Moses, Samuel, Saul, David, and Solomon were undoubtedly filled with the Spirit of prophecy; and other monarchs, as Hezekiah and Josiah, were (to
say nothing of the Urim and Thummim) in direct communication with God through prophets. Now in no case can the Gentile Princes claim such privileges as these; and, therefore, there can be no analogy whatever between the Jewish and Gentile systems of government. Lastly, on this point, it is well known that the Kingdom and Church of Judea, its King and High Priest, were typical of the kingdom and Church of the Redeemer—of Him who combines in His own Person the offices of King and Priest. These offices He has bestowed, in the reconstructed or perfected polity of His Church, not on the Kings of the earth, but on the Holy Apostles and their successors, into whose care the kingdom has been committed, and who are styled by S. John "Kings and Priests unto God and His Father." The argument, therefore, founded on the practice of the Jewish Kings in favour of a Royal Supremacy over the Church in spiritual matters falls, on all these considerations, to the ground; and the contrary conclusion stands out in bold relief, that the only real, true, and legitimate Rulers of the Christian Church are, by the appointment and delegation of the Supreme King alike of the Jews and Gentiles, the apostolic order of Bishops.

2. The example of our blessed Saviour, when He stood before Pontius Pilate, has been alleged in proof of a Royal Supremacy over the Church, but it in no wise supports that theory. He stood before the Roman governor to answer the charge of perverting the nation, and of forbidding to give tribute unto Caesar, and for calling himself a King. He was accused, moreover, of being a malefactor. These were charges affecting the civil government of the country, and consequently the Saviour (who, in His human nature, apart from His Divinity, was a subject de facto of the Roman Emperor) submitted to the jurisdiction of Caesar, and allowed Himself to be put to death, although unjustly, by his authority. There is, therefore, nothing in our Lord's submission to the judgment of Pilate to justify the claim of the civil magistrate to any supremacy over the Church of God. The rule and distinction to be observed in this matter are, on the contrary, defined by our Lord Himself on another occasion, in the emphatic words: "Render unto Caesar the things which are Caesar's, and unto God the things that are God's." (Matt. xxii. 21.)

3. The Apostles, again, never recognized any other office in the Sovereign than that of governing the nations under their dominion; for they preached the Gospel, established the Church, appointed, ordained, and consecrated Bishops, Priests, and Deacons, celebrated Councils or Synods, &c. — which are overweighm-
ing proofs that the prerogative of the kingly office is confined ex-
clusively to the things of earth, and that they have nothing to do,
as Kings, with the things that belong to God; that is, the ap-
pointment of Bishops, the holding of Councils, and the execution
of the priestly office. But the fact of S. Paul having appealed
unto Cæsar has been claimed as an instance, which will now be
considered. This Apostle was seized in the Temple, and would
have been there slain, had he not been rescued by the Captain of
the Roman band. S. Paul was first brought before the Chief
Priests, and, after suffering at their hands gross indignities, was
sent by the Captain to Felix the governor, before whom he was
arraigned. The charge brought against him was that he was a
"pestilent fellow, and a mover of sedition among all the Jews
throughout the world, and a ringleader of the sect of the
Nazarenes: who also hath gone about to profane the Temple."
These were charges of insubordination by which the Jews hoped
to ensure the destruction of the Apostle. S. Paul of course
defended himself, and seems to have succeeded in convincing his
judge of his innocence. The case, however, was put off,
and he remained in prison for two years. When Festus, the
successor of Felix, arrived, he determined on settling this case,
and the Apostle was brought before him for judgment. The
Jews again brought against S. Paul many charges which they
were not able to substantiate; but Festus, instead of acquitting
him as he ought to have done, and being willing to do the Jews
a favour at the expense of the Apostle's liberty, and perhaps his
life, demanded of him whether he would go up to Jerusalem,
and there be judged of these things before him. The Apostle
was well acquainted with the oath his enemies had taken to kill
him, and that he had been brought to Cæsarea some two years
before for safety; and he also knew that he had no chance of
obtaining justice at Jerusalem; he consequently replied as fol-
lows:—"I stand at Cæsar's judgment seat, where I ought to be
judged: to the Jews have I done no wrong, as thou very well
knowest. For if I be an offender, or have committed anything
worthy of death, I refuse not to die: but if there be none of
these things whereof these accuse me, no man may deliver me
unto them. I appeal unto Cæsar." (Acts xxv. 10, 11.)
Now it is important to mark well the language of the Apostle.
The appeal was not founded on any question of Doctrine or Dis-
cipline, connected either with the Church of the Jews or with
the Christian Church, for to the Jews the Apostle had done no
wrong, but on a charge of insubordination, of which he had
proved his innocence, but could not obtain his liberty; therefore,
said the Apostle, I, who am a Roman citizen, a free man, appeal from this provincial Court to the Imperial Court at Rome. Had the Apostle appealed to Cæsar on any question touching his office as an Apostle, or his duty of preaching the Gospel, or of governing the Church of which he was a spiritual Ruler, he would have contravened one of the precepts he had on a previous occasion given to the Corinthians, and through them to the Church, that all disputes amongst the brethren should be settled by one of their own body.

From this it is evident that the Apostle, while recognizing the position of the Emperor as an earthly Ruler, having authority over men’s persons and possessions, yet inferentially denies that, in things appertaining to the Church, or on questions arising between the brethren, as such (not being in any way connected with the State) he has any authority to interfere. The conclusion, therefore, to be drawn from the foregoing observations is, that the Prerogative which is inherent in the office of Ruler consists of nothing more than the right to govern the State, to appoint civil governors, to judge in all matters regarding the well-being of the general community, to punish evildoers, and to reward the good. In short, his commission is to rule in all matters connected with the “things of Cæsar,” not “the things of God.” In fact, the King’s position in the Church is nothing more than as being the principal member thereof; and, like all other men, if he desires to be saved hereafter, he must submit to be baptized by a minister, to receive the Communion from the hands of a priest, to believe in that Faith, and, like Theodosius, conform to that discipline which the Church has laid down as of obligation. In making these observations, it is not intended to say anything derogatory of the kingly office; but it seems absolutely necessary, especially in these erastian times, that the true position of the Sovereign, as a member of the Church, should be clearly and faithfully stated.

4. Lastly, as respects the precedent of the early Emperors, it is to be observed that not only is it true that the Lord and the Apostles never recognized in the King any right to supremacy over the Church, but it is clear that the early Christian Emperors, so long as they were faithful and true to the Church’s sacred interests, never claimed any authority either to govern the Church or to judge in matters of faith and discipline. Theodosius, in his letter to the senate of Ephesus, wrote:—“We have sent Candidianus to your holy synod, but not to have any share in any questions which arise about doctrine; for it is not lawful for one not of the list of the most

Valentinian the Elder said, “It is not lawful for me, whose place is among the laity, to busy myself with matters of faith. Let, then, the Priests and Bishops, to whom this care belongs, meet apart by themselves wherever they will.” (Sozom. vi. 7.)

Honorius:—“If anything was to be determined between Prelates in matters of religion, the judgment ought to have been episcopal; for the interpretation of Divine things belongs to them; to us the obedience of religion.” (Epist. Honor. Imp. ad Arcad.)

Basil, the Emperor:—“I say it is not permitted to any layman whatsoever, in any manner to move questions as to ecclesiastical subjects, or to stand against the whole Church or an Ecumenical Synod. For to search out these things belongs to Patriarchs and Priests and Teachers, to whom the office of ruling is assigned, to whom the power to consecrate, to loose, and to bind is given, who have the keys of the Church and of Heaven; for the layman, although he is full of all reverence and wisdom, is yet a layman, and a sheep, not a shepherd.” (Allocut. Basil ad. viii. Synod. Act x.)

Justinian:—“If the offence be ecclesiastical, requiring ecclesiastical chastening or censure, let the Bishop, loved of God, judge this, and let not the most illustrious rulers of the provinces share in it. For we do not wish that such subjects should be even known to civil rulers, since these things ought to be investigated ecclesiastically, and the souls of offenders should be gained by ecclesiastical censure, according to the holy and divine canons, which our laws too do not disdain to follow.” (Novel. 83.)

These proofs are sufficient to show that the godly Emperors believed that their prerogatives were confined to things of earth, and that they had no jurisdiction whatever in ecclesiastical matters. It is true that they did sometimes interfere at the request of the Church, by either calling Ecumenical Councils, commanding Bishops to review their synodical decisions, and, in the case of Bishops being unjustly condemned, by ordering new trials, and even appointing the Bishops who should hear the case; but they (the godly Emperors) never presumed to claim Supremacy over the Hierarchy, as the following circular epistle of Constantine the Great to the Bishops, on the appeal of the Donatists, will fully show:—“What phrenzy of theirs is this, that with incredible arrogance they persuade themselves of what should not even be spoken of? They reject, I find, right judgment given, and demand mine in an imperial sentence.
How often have I myself repelled them, in their most shameless applications, with the answer they deserve! If they would have kept this in sight, they never would have made this appeal. They ask for my judgment, who myself wait for the judgment of Christ. For I say the truth, that the judgment of Priests ought to be accounted as though the Lord Himself sat and judged. For they may not think or judge save as they are taught by their Master Christ. What mean, then, these wicked men, servants, as I said, of the devil? They seek for secular judgments, forsaking the heavenly. Mad, frenzied boldness! as is done in causes of the Gentiles, they put in an appeal. Gentiles sometimes, shrinking from lesser courts, where the justice of the case can easily be discovered, interposing authority, are wont to betake themselves to appeals in greater courts. What do these detractors from the law, who, rejecting the judgment of Heaven, deem right to require mine, think of Christ the Saviour? Traitors in this, apart from all stricter investigation, they themselves by themselves have betrayed their guilt.” (Epist. ad Episc. Cathol.)*

It is true that while the godly Emperors never presumed to arrogate to themselves any supremacy over the household of God, yet there were exceptions, as, for example, in the case of the Arian Emperors, and others also who had fallen away from the truth, who strove to force on the Church heretical Bishops; but these aggressions were never submitted to by the Church, and precedents for our guidance can only be sought with fairness or security in the conduct of such Emperors as were avowed members of the Holy Catholic Church. A more plausible argument has been advanced from the circumstance that the Emperors sometimes presided at Synods, and even confirmed their decrees; but its plausibility is apparent only, for the Church has ever been willing to honour and respect the King, as long as he remained faithful and true to her interests, and she, therefore, cheerfully accorded to him the seat of honour in the Synod; while the confirmation of the decrees of these Holy Councils was nothing more than giving a civil sanction to them, and thus making them part of the law of the empire, the breach of which would be punishable by temporal penalties in addition to the ecclesiastical.

In conclusion, nothing can be more clear than that there are in this world two independent powers, both ordained by God, each governed by Rulers subject to no authority but that of God,

* See Dr. Pusey’s “Royal Supremacy,” from which this and the above quotations are taken. This is a work which ought to be studied by every Churchman at this time.
and who are invested with a supremacy over the dominions severally committed to their charge,—that these powers, or polities, are, respectively, the State and the Church,—that neither may encroach upon the domain of the other without injustice and impiety,—that, while the kingdom of man, or the State, is governed by laws and Magistrates appointed to that end by the several nations of which the human race is composed, the kingdom of God, or the Church, is governed exclusively by Rulers constituted by our Saviour Himself, having power to use the sword of justice spiritual, by which evildoers are cut off, and the good and virtuous rewarded,—and that, while it is the duty of all men, in accordance with the divine command, to "Render unto Cæsar the things which are Cæsar's," it is no less equally incumbent upon them, in obedience to the same behest, to render "unto God the things which are God's."

PART SECOND.

THE ROYAL SUPRÊMACY AND THE OATH OF ABJURATION, &c.

The theory of an union between Church and State, each preserving its own legitimate independence and freedom of action, their relations with each other being so evenly balanced as to enable them to work harmoniously together, is the most beautiful and complete ever devised by man for the good and religious government of the people; and if this magnificent theory could be reduced to practice, and fairly and honestly carried out, a very great boon would be conferred on the world. Perfection, however, is not the normal condition of man in this sinful world; the most perfect ideas may be conceived, but such is the state of our fallen nature, that we cannot realize in practice what we know to be true and right.

The relations between Church and State have never been satisfactorily adjusted from the period of the conversion of the Roman empire till now, and, it is lamentable to think, they never can be. The reason is obvious, namely, that they are naturally opposed to each other, the Church's object being the glory of God, and the supremacy of the divine law over all the earth; and that of the State the glory of itself, and its own ad-
vancement in its worldly career. At first, no doubt, the Christian Emperors befriended the Church, supported her legitimate authority, and even backed her spiritual sentences by the terror of the law; and so long as they did this, the Church did not entirely object to the interference of Princes in matters concerning her welfare. But the discipline of the Church in those days was too strict for this state of things to last very long, and the Emperors soon began to interfere in ecclesiastical affairs. The first exercise of arbitrary power they were guilty of was their usurpation of the right of appointing new Bishops to vacant sees. Theodosius was the first Emperor who presumed to assert this right. The occasion of it was a disturbance that took place at Constantinople, in which blood was spilt during an election. The Emperor ordered the Bishops "to give him in a catalogue of fit persons, reserving the power of election entirely to himself," and he selected Nectarius, an unbaptized person. The Bishops objected to this nomination; but being powerless, they obeyed, "and immediately baptized and ordained him." Theodosius the younger, on a similar occasion, appointed Nestorius to the same city, and at another time "gave his mandate to the Bishops to enthrone Proclus in this Church." (See Bingham's Antiquities, book iv., chap. 2, sec. 16.) Undoubtedly some reform was needed in the mode of electing the Bishops, but the Emperors might have assisted the Church in remedying the evil complained of without arrogating to themselves a right which was not theirs to exercise. It does not appear that all the succeeding Emperors followed the example of Theodosius, but it was the commencement of a system, afterwards developed by the Kings of France and Spain, and by the monarchs of other countries, and which has, more than anything else, tended to disturb the harmony of the relations between Church and State, and render these two powers jealous of each other. This unconstitutional exercise of supremacy over the Church contributed to promote the growth of the Papal power, for the Bishops, perceiving that they were not able single-handed to resist the tyranny of the Kings, looked to the Bishop of Rome, as being the first in rank, and most powerful in influence, to protect the Church's rights and liberties. The Popes set themselves resolutely to work in promoting the emancipation of the Church, which in process of time they accomplished. They moved the Kings to give up this usurped right to elect Bishops, and to vest it in the Cathedral chapters, reserving to them the privilege of granting the investitures. When, however, the feudal system was established in England,
this arrangement was, no doubt, for political considerations, laid aside, and the King deposed Bishops, and substituted others according to his pleasure,—and hence arose the great contest about investitures, and the right of the Church to elect her own chief Pastors. It will be remembered how this contest ended; how, in the famous Magna Charta, the Church was declared to be for ever free, and to have the right of ever afterwards choosing her Bishops. This charter remained in full force till the time of Henry VIII., who, to gratify his own impious passions, not only quarrelled with the Pope, but without any compunction annihilated the rights and liberties of the Church of England, plundered her of her property, seized her revenues, and humiliated her in every way that he could. And this brings me to the main object of this paper, namely, to enquire and ascertain, first, what is meant by the Royal Prerogative, as defined by the King and Parliament; secondly, what the Church of England has conceded to the State; and lastly, what the Oath of Abjuration and Supremacy imposes on the Clergy, and whether it hinders them from striving to regain their lost rights and liberties. I propose to investigate these subjects separately.

I. The Prerogatives of the Crown, as defined by the King and Parliament.—There were four principal Acts of Parliament passed in the reign of Henry VIII., which effectually subjugated the Church of England to the State. The first was the Act restraining appeals to Rome. This is not alleged as a grievance, because it is well known that these appeals were extremely prejudicial to the discipline of the Church, and very inconvenient to the Bishops, who were often obliged to go to Rome, and there await the pleasure of the Pope. The second was the Act of Submission, in which it was asserted that the Clergy had bound themselves "in verbo sacerdotii" never again to make canons without the King's permission. This Act was repealed by Queen Mary, but revived by Elizabeth; and, to the disgrace of the Legislature, it still remains on the statute book. The third was the 25th Henry VIII. c. 20, by which the King usurped the right of virtually, if not absolutely appointing the Bishops, a right constitutionally vested in the Cathedral Chapters. This Act was also repealed by Mary, but revived by her successor, and it still regulates the nomination and election of Bishops. The fourth was the Parliamentary declaration that the King was head on earth of the Church of England, under which title Henry and his successors (except Mary) claimed authority and power to redress all heresies and irregularities. Henry, in order to carry this declaration out, appointed a Vicar-General. He destroyed the
monasteries, and appropriated to himself and his courtiers the rich lands which appertained to them, and which had been offered to the Church for pious purposes. Subsequently to the period of this most execrable Monarch, additional statutes have been made, developing the authority of the Crown over the State ecclesiastical, some of which are extremely injurious to the well-being of the Church; such, for instance, as the 2 and 3 Will. IV. c. 92; 3 and 4 Will. IV. c. 41; and 7 and 8 Vict. c. 69, empowering the Judicial Committee of the Privy Council to receive and determine all appeals from the Church Courts concerning doctrine and discipline. It is evident, therefore, from the foregoing enumeration that the prerogatives claimed for the Crown, as defined by Parliament, are, first, the supremacy of the Sovereign over the Church of England; secondly, the right, as such, to be the ultimate judge in all questions of doctrine and discipline; thirdly, the right to nominate Bishops for vacant sees; fourthly, the privilege of summoning and dissolving the Provincial Convocations of the Church, and of debarring them from enacting canons apart from his permission. It cannot be denied that these prerogatives encroach on the rights and liberties of the Church of England as guaranteed to her by former Sovereigns. I will defer the consideration of these Acts of Parliament when discussing the meaning and scope of the Oath of Abjuration and Supremacy; and will now pass on to the second division of this subject, namely, the concessions of the Church to the civil power.

II. Concessions of the Church to the Civil Power.—It would, I think, be dishonest not to acknowledge that the Church of England has conceded much to the civil power—indeed, too much to her own loss; nevertheless, I am strongly of opinion that she has never admitted any supremacy over her Doctrine, her Rites and Ceremonies, and her Discipline. This I submit to be as clear as day, and there is abundant evidence to prove it.

1. When Henry VIII. demanded of the Convocation of Canterbury the recognition of his title “as Head on earth of the Church of England,” the clergy, after having been insulted and threatened with præmunire, did acknowledge it, with, however, a saving clause “so far as is permitted by the law of Christ.” (See Coll. Eccles. Hist., Pt. II., Bk. 1.)

2. The acts and proceedings of the Church during the reign of Queen Elizabeth (which for all practical purposes may be reckoned as the commencement of the new order of things), will clearly elucidate the Church's views on this point. She affirms, in her 37th Article, that “the Queen's Majesty hath the chief
power in this realm of England, and other her dominions, unto whom the chief government of all estates of this realm, whether they be ecclesiastical or civil, in all causes doth appertain, and is not, nor ought to be, subject to any foreign jurisdiction.” This was evidently directed (1) against the claims of the Pope to temporal authority in England, and (2) against the principle that the clergy were not amenable to the civil power for their general conduct as citizens. The object, then, of this portion of the article is to assert the right of the civil Magistrate to “have the chief government of all estates of men, whether they be ecclesiastical or civil.” And this is further defined in this same article as “that only prerogative which we see to have been given always to all godly Princes in Holy Scriptures by God Himself; that is, that they should rule all estates and degrees committed to their charge by God, whether they be ecclesiastical or temporal, and restrain with the civil sword the stubborn and evil-doers.” But while thus admitting the doctrine of the Royal Supremacy, the Church carefully restricts and confines it to matters temporal. “We give not to our Princes,” she says in this same article, “the ministering either of God’s Word or of Sacraments, the which thing the Injunctions lately set forth by Elizabeth our Queen do most plainly testify;”—the ministering of the Word here signifying the administration of the doctrine of the Church, as “this Church and Realm hath received the same,” and as in accordance with the doctrine of “the Old and New Testament, as interpreted by the Catholic Fathers and ancient Bishops” (see Canons of 1571); and the celebration of Divine Service according to the Use of the Church of England. But this is not all;—the Church not only denies authority in spiritual things to the civil power, but expressly, in the 20th Article, asserts her own exclusive jurisdiction in such matters. “The Church,” she says, “hath power to decree Rites or Ceremonies, and authority in controversies of Faith.” It is clear, therefore, from the Articles of the Church of England, that the State has no jurisdiction whatever, either over the Rites and Ceremonies of the Church, or in controversies of Faith, but only the Church. That this is apparently opposed to the civil law of England, which seems to invest the Sovereign with original jurisdiction in all these matters, is true, as will be more fully explained hereafter; but it may be here remarked that the authority claimed by the Sovereign is not to decide what is “truth,” nor what may be the ceremonial best suited for the Church, but simply to judge in all questions that may arise, which have already been ruled by the Church. The general
result then is, that beyond doubt, the 39 Articles, while admitting the authority of the Sovereign to govern his kingdom, and to punish with the civil sword all evildoers, whether they be ecclesiastical or civil, deny to him any authority over "the Word," "the Sacraments," "the Rites or Ceremonies of the Church," and in the settlement of "controversies of Faith," reserving jurisdiction on all such matters exclusively to the spiritual power.

3. I would next draw attention to the canons of the Church. The first canon of 1603 directs that all the clergy "shall faithfully keep and observe, and (as much as in them lieth) shall cause to be observed and kept of others, all and singular laws and statutes, made for restoring to the Crown of this kingdom the ancient jurisdiction over the State Ecclesiastical, and abolishing of all foreign power repugnant to the same." The second excommunicates all who shall impugn this supremacy, or deny "that the King's Majesty hath the same authority in causes ecclesiastical that the godly Kings had amongst the Jews and Christian Emperors in the primitive Church." Now it must be admitted that these two canons do apparently endorse all the statutes concerning the King's prerogative that were in force at the time these canons were passed, but which must be necessarily understood as limited and controlled by such authoritative interpretations as the Crown may have condescended to give in order to quiet the anxieties of many faithful members of the Church; therefore, whatever these statutes may assert or enact, the royal interpretation must hold good, and even supersede the clear wording of the text, if the latter should be found either directly or indirectly to be at variance with the said royal interpretation; for it must not be forgotten that the Injunctions of Henry VIII. and Queen Elizabeth had the force of law, and the Injunctions of the latter were issued after the statutes referred to had been made. Now it is well known that Queen Elizabeth, in these Injunctions, denies for herself and her successors that she has any supremacy in matters purely spiritual, but only affirms that she has authority "to have the sovereignty and rule over all manner of persons born within these her realms, &c., of what estate, either ecclesiastical or temporal, soever they be, so as no other foreign power shall or ought to have any superiority over them." The object, then, of these canons is to enforce the doctrine of the Royal Supremacy, as interpreted by the Queen's Injunctions; while it is to be observed and remembered that the Church had already defined both her own powers (in Article 20, entitled, "Of the authority of the Church") and that of the Sovereign (in the 37th Article, entitled "Of the Civil Magistrates"), and it
would be unreasonable to suppose that these canons were not intended to be in harmony with them.

The third canon anathematizes all who shall declare "that the Church of England, by law established under the King's Majesty, is not a true and Apostolical Church, teaching and maintaining the doctrines of the Apostles." The expression "under the King's Majesty" requires a few remarks. It cannot imply that the Bishops and Priests of the Church celebrate divine offices and preach the Gospel by virtue of a commission from the King, for this would contradict not only the 20th and 37th Articles of the Church, but also this very canon itself, which affirms that the Church of England and her doctrine is not Elizabethan or Stuart, but "Apostolic," deriving both her ministry and doctrines from the holy Apostles. Nor could this canon have been drawn up for the purpose of qualifying the Articles with a view of conceding more to the Crown than had been done already, inasmuch as the fifth canon excommunicates all who impugn the Articles of religion, which include the 20th and 37th. The expression, then, "under the King's Majesty" (which is also used in the seventh canon) can only have reference to the temporal authority of the English Episcopate (which at that time was considerable), over which undoubtedly the King was supreme. And besides, if these words go to prove the subjection of the Church of England in all matters purely spiritual, what would be the meaning of the sentence of excommunication which is pronounced against all who may impugn this canon, and which can only be removed, not by the "Supreme Governor," but by the Archbishop of the province wherein the offence has been committed? This per se exposes the absurdity of supposing that the Church had conceded to the Crown any spiritual supremacy, for if she had done so, she would not have threatened these impugners with the major excommunication, but with the King's displeasure, accompanied, perhaps, with the terrors of praemunire. It is remarkable that in the eighth canon (which relates to the form of consecrating Bishops) these words—"under the King's Majesty"—are left out, an omission which is most significant, as implying that the Church in this matter acknowledged no superiority over herself. And this view is confirmed by the sixth canon of the Second Book of Constitutions,* &c., of 1606.

* These canons are not legally binding on the Clergy, never having received the royal assent; but they are nevertheless of great value, as illustrating the mind of the Church of England in the 17th century, on various points "concerning the government of God's Catholic Church and the kingdoms of the whole world."
which declares those to be in error who deny "that the authority of preaching, of administration of sacraments, and of ecclesiastical government, given to the Apostles, was not to be communicated by the Apostles unto others, . . . or that because there were some personal prerogatives belonging to the Apostles, which they could not communicate unto others, therefore they had not power to communicate to some ministers, as well their authority of government over other ministers, as their authority to preach and administer the sacraments; or that in the authority of government so to be communicated unto others by the Apostles, there are not included certain degrees to be in the ministry, some to rule and some to be ruled;" or that . . . the Apostles did not "appoint some worthy persons in every city, to have the rule, government, and direction of them [i.e. the Church]; or that when such men were to be placed in such cities, the Apostles did not make especial choice of them out of the number of their said coadjutors, and likewise out of the rest of the ministry, to execute those episcopal duties which did appertain to their callings; or that . . . they did not communicate unto them as well their apostolical authority of ordaining of ministers, and powers of the keys, as of preaching and administering the sacraments." (See Cardwell's Synod., pp. 362-364, &c.) The assertions made in this canon are important, as showing that the Church of England claims to be in possession of the apostolic functions of government over herself, her doctrine, and discipline, and that she derived these not from any secular Ruler, but from the Apostles. It is clear, therefore, that the expression "under the King's Majesty," in the canons of 1603, merely relates to such coercive jurisdiction and authority as the Kings have deemed fit to confer on our Bishops, to enable them the more effectually to execute the functions of their office.

The canons of 1640 are likewise apparently erastian. The first canon declares that the government of the Church "belongs in chief to Kings," and that the power to call and dissolve councils, both national and provincial, "is the true right of all Christian Kings, within their own realms and territories." It is impossible—nay, it would be absurd—to suppose that the Church meant to ignore her own legitimate authority, as the Church of the living God, as "the keeper of Holy Writ," and the interpreter of the Word of God. What, then, can be the meaning of this expression—"belonging in chief to Kings?"

The context will explain this. The canon is profuse in its praise of "the most high and sacred order of Kings," as being of divine right, &c.; but in defining his supremacy, it restricts it to
the use of the temporal sword, almost in the very words of the 37th Article:—“A supreme power is given to this most excellent order by God Himself in the Scriptures, which is that Kings shall rule and command in their several dominions all persons of what rank or estate soever, whether ecclesiastical or civil, and that they should restrain, and punish with the temporal sword all stubborn and wicked doers.” Again, “The care of God’s Church is so committed to Kings in Scripture, that they are commended when the Church keeps the right way, and taxed when it runs amiss, and, therefore, her government belongs in chief unto Kings; for otherwise, one man would be commended for another’s care, and taxed for another’s negligence, which is not God’s way.” The Church, then, only recognizes the King’s temporal authority, to preserve order by means of the “temporal sword.”

It is evident, therefore, that the Church of England has neither by her articles, nor by her canons and constitutions, conceded to the State any portion of her divine commission to govern the people committed to her charge by means of the power of the keys, or to adjudicate in matters of Faith, or to administer the Word and Sacraments.

III. The third and most important consideration is, whether the terms of the Oath of Abjuration and Supremacy are such as to preclude the clergy from endeavouring to recover those rights and liberties which are not only inherent in their office, but which have been solemnly and irrevocably guaranteed to them by the State, ages ago, and which every Sovereign of England, at his or her coronation, has ratified.

It will considerably aid this inquiry if I transcribe the several forms of the Oath of Supremacy and Abjuration that have been prescribed from the commencement of the reign of Queen Elizabeth to the present time:

**Oath of Supremacy, from Elizabeth to William and Mary.**

“I, A. B., do utterly testify and declare in my conscience, that the Queen’s Highness is the only Supreme Governor for, as it was expressed in the oath prescribed in the time of Henry VIII. and Edward VI., ‘Supreme Head in earth of the Church of England’ of this realm, and of all other her Highness’s dominions and countries, as well

**Oath of Abjuration and Supremacy, as prescribed by Canon xxxvi. of 1603, and by William and Mary, c. 8, and still in force.**

**BY CANON XXXVI. OF 1603.**

“That the Queen’s Majesty, under God, is the only supreme governor of this realm, and of all other her Highness’s dominions and countries, as well in all spiritual or ecclesiastical things or causes, as temporal.”
in all spiritual or ecclesiastical things or causes, as temporal; and that no foreign prince, person, prelate, state, or potentate hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority ecclesiastical or spiritual, within this realm; and therefore I do utterly renounce and forsake all foreign jurisdictions, powers, superiorities, and authorities, and do promise, that from henceforth I shall bear faith and true allegiance to the Queen's Highness, her heirs, and lawful successors, and to my power shall assist and defend all jurisdictions, privileges, pre-eminences, and authorities [or, as in the oath temp. Henry VIII. and Edward VI., 'I will observe, keep, maintain and defend, the whole effects and contents of all and singular acts and statutes made, and to be made within this realm, in derogation, extirpation, and extinguishment of the Bishop of Rome and his authority, and all other acts and statutes, made or to be made, in confirmation and corroboration of the King's power, of the supreme head in earth, of the Church of England] granted or belonging to the Queen's Highness, her heirs, and successors, or united and annexed to the imperial crown of this realm. So help me, God, &c."

Now, before these several forms of the Oath of Abjuration and Supremacy can be fully understood, we must bear in mind the relation that formerly existed in this country between the Popes and the Kings of England, and also the attitude the Pope assumed in this world as "the Vicar of Christ."

It should not be forgotten that the Popes had constantly asserted their right of supremacy over Kings as well as Bishops, and to bestow and resume kingdoms at their pleasure. "We have power," says Gregory VII., "to give and to take away all the empires, kingdoms, and principalities of the world." This power they attempted to exercise at different times in England as well as abroad. Ireland was granted to Henry II., and erected into a kingdom by the Pope in Queen Mary's time.
England was claimed as a fief of the Holy See, and her Kings considered vassals of the Pope. In fact, during the whole period, from the 11th century to the 16th, there was a constant warfare carried on between the Crown and the Tiara, not so much for supremacy in spiritual matters as supremacy in temporal. Henry VIII. was not only excommunicated for his impiety, but he was, by the Pope, sentenced to be deprived of his kingdom, and his subjects were absolved from their allegiance. This was a direct attack on his sovereignty, revoking his commission as an anointed King, and stirring up his subjects to rebellion, murder, and rapine. It should also be borne in mind that, long before the 16th century, several of our Kings had endeavoured to restrain the power of the Court of Rome, especially in regard to appeals concerning ecclesiastical matters which were temporal; for example, Edward III. enacted various statutes prohibiting appeals to any foreign court, and forbidding the receiving of citations from Rome in causes pertaining to the King; and Richard II., in the same manner, forbade the purchasing of bulls, or their publication, until the King had given his licence. Now, this shows that the object these Kings had in view was to preserve intact their own regal supremacy in matters pertaining to their lawful jurisdiction. That Henry VIII. had the same object in view is evident from his Acts of Parliament. The Act restraining appeals to Rome was, as it were, a re-enacting of the Acts of a similar nature by his predecessors; and that forbidding the publication of bulls had its counterpart in the statute 16th Richard II., c. 5. It is true that Henry went further than any of his predecessors, by compelling the clergy to acknowledge him as their head, and by forcing them to promise never to make canons without his permission; but, nevertheless, his object was clear, namely, the defence and future preservation of his independence as a King; of his lawful supremacy as the only fountain of order and good government; and of his authority as the ultimate judge in all matters concerning the well-being of his subjects. Far be it from any one to justify all the acts of this execrable King, but it is essential, in order to a proper understanding of the oath of supremacy, that the leading idea in the royal mind should be fully comprehended and appreciated. Bearing in mind, then, these facts, that the dignity and independence of the Crown had been assailed by the Popes, I proceed to consider the several clauses of the oath of supremacy.

1. The first point to be considered is, the title of the Sovereign and the assertion of his jurisdiction "in all causes as well ecclesiastical or spiritual, as temporal." The title of "Supreme
Head or Governor" is evidently a political, and not a spiritual one. This is plain from the preamble of the statute 24th Henry VIII., c. 12, which was revived by the 1st Elizabeth, c. 1. "Where by divers sundry old authentic histories and chronicles, it is manifestly declared and expressed, that this realm of England is an empire, and so hath been accepted in the world, governed by one Supreme Head and King, having the dignity and royal estate of the imperial crown of the same; unto whom a body politic, compact of all sorts and degrees of people, divided in terms, and by names of spirituality and temporality, being bounden and Owen to bear, next to God, a natural and humble obedience, &c." Here it is evident that the King's title of "Supreme Head" is a political one, in which is set forth his authority and pre-eminence as King, having authority to govern "all sorts and degrees of people," namely, as comprised in two great classes—to wit, the "spirituality" and the "temporality." So that when any person takes this oath declaring the Sovereign to be "Supreme Governor," he does not mean to affirm that he is either the source of the doctrine or discipline of the Church, or that he possesses any more authority to meddle in Church matters than any other Sovereign has, but simply that he is the independent Monarch of this kingdom; that he has power and authority, without regard to the Pope or any other potentate, to administer justice according to the laws ecclesiastical and temporal.

Much stress has been laid on the words, "spiritual causes," as assuming the Queen's right to adjudicate in cases of a purely spiritual nature. But this construction is unwarranted. The word "spiritual" is, in constitutional language, a political expression denoting a distinct order of persons or things in the State. For example, the hierarchy are styled in Parliament as the "Lords spiritual," meaning a political or parliamentary division or portion in the Upper House of Parliament. The whole body of the Clergy are described by the statute above quoted as the "spirituality," in contradistinction to the laity, who are therein represented as the "temporality." This proves that the word "spiritual," in legal language, is meant to include a class of persons or things over which the Crown has jurisdiction. Therefore, when the oath declares the Queen's Supremacy over all "causes spiritual," it does not mean to say that she has any authority over the spiritual judgments of Bishops involving only spiritual penalties or excommunication, but that, inasmuch as in this country all spiritual causes are also temporal (that is, as the breach of the ecclesiastical laws and canons of England involve temporal penalties, such as fine or imprisonment, or deprivation of
a benefice), the Sovereign undoubtedly so far has jurisdiction; and this jurisdiction it is, and this only, that is acknowledged by the Clergy to be due to the Crown of this kingdom.

There are some persons who imagine that the Queen has jurisdiction over the Sacraments, the Faith, the Rites and Ceremonies of the Church, and that this jurisdiction is involved in all causes which are "spiritual." This cannot be so, because the 39 Articles of the Church of England (which are also part of the law of the country) expressly exclude the Sovereign (as has been before observed) from all such supremacy:—"We give not to our Princes the ministering either of God's Word or of the Sacraments;"—and again, "The Church hath power to decree Rites or Ceremonies, and authority in controversies of Faith." And, besides, two Sovereigns have disclaimed any such supremacy. Henry VIII., in answer to the Clergy of the province of York (who had asked for some explanation as to what was meant by the title of "Supreme Head"), thus addressed them: "As to spiritual things" (meaning by these the sacraments)* "being by God ordained as instruments of efficacy and strength, whereby grace is of His infinite goodness conferred upon His people; forasmuch as they be no worldly nor temporal things, they have no worldly nor temporal head, but only Christ, that did institute them, by whose ordinance they be ministered here by mortal men, elect, chosen, and ordained as God hath willed for that purpose, who be the Clergy." (Wilkins' Concilia, vol. iii., p. 764.) This shows that the King claimed no authority over spiritual things, properly so called, which did not involve civil penalties. Elizabeth, in like manner, having occasion to explain what she understood by her title of "Supreme Governor," did so in the Injunctions set forth in the early part of her reign:—"The Queen's Majesty being informed, that in certain places of this realm, sundry of her native subjects, being called to ecclesiastical ministry in the Church, be by sinister persuasion, and perverse construction induced to find some scruple in the form of an oath, which by an Act of the last Parliament is prescribed to be required of divers persons, for the recognition of their allegiance to her Majesty, which certainly never was ever meant, nor by any equity of words or good sense can be thereof gathered; would that all

* It must not be forgotten that the word "Sacraments," especially in the time of King Henry VIII., had a larger signification than it commonly has now; so that when the King acknowledged that he had no authority or jurisdiction over them he included the sacraments of penance, orders, matrimony, confirmation, and extreme unction. Matrimony is called a Sacrament in the Homilies.
her loving subjects should understand, that nothing was, is, or shall be meant, or intended by the same oath to have any other duty, allegiance, or bond required by the same oath, than was acknowledged to be due to the most noble Kings of famous memory, King Henry VIII., her Majesty's father, or King Edward VI., her Majesty's brother. And further her Majesty forbiddeth all manner her subjects to give ear or credit to such perverse and malicious persons, which most sinisterly and maliciously labour to notify to her loving subjects how, by the words of the said oath, it may be collected, that the Kings or Queens of this realm, possessors of the crown, may challenge authority and power of ministry of divine offices in the Church; wherein her said subjects be much abused by such evil-disposed persons. For certainly her Majesty neither doth, nor ever will challenge any other authority, than that was challenged and lately used by the said noble Kings of famous memory, King Henry VIII. and King Edward VI., which is, and was of ancient time due to the imperial crown of this realm; that is, under God to have the sovereignty and rule over all manner of persons born within these her realms, dominions, and countries, of what estate, whether ecclesiastical or temporal, soever they be, so as no other foreign power shall or ought to have any superiority over them. And if any person, that hath conceived any other sense of the form of the said oath, shall accept the same oath with this interpretation, sense, or meaning; her Majesty is well pleased to accept every such in that behalf, as her good and obedient subjects," &c. (Cardwell's Documentary Annals, pp. 232, 233.)

It is clear, then, what is the meaning of this part of the oath, namely, that the Queen is "Supreme Governor" of the realm, &c., in all spiritual or ecclesiastical things or causes so far as they are cognizable by human law, and no further. This must be taken as the fair and legitimate interpretation of the doctrine of the Royal Supremacy, and the more so inasmuch as the oath, if otherwise understood, would clash with that other which the clergy have taken (and which is equally binding) expressive of their assent to the Thirty-nine Articles—which Articles, as has been shown, distinctly assert the Church's Supremacy over "the Word and Sacraments," her "Rites," "Ceremonies," and her "authority in all controversies of Faith;" and also with that most important ordination vow, viz.: "to minister the Doctrine and Sacraments, and the Discipline of Christ, as the Lord hath commanded, and as this Church and Realm hath received the same, according to the commandments of God." (See Ordination of Priests.)
I will now support the views herein enunciated by citing some passages from the writings of a few of the most eminent divines of the Church, who, like the present generation of clergy, had, in their day, taken the oath of supremacy.

Archbishop Cranmer, when asked in his examination, in September, A.D. 1555, Who was the Supreme Head of the Church? laconically replied, “Christ;” and to the question, “Whom hath Christ left here in earth as His Vicar and Head of His Church?” he answered, “Nobody”—i.e., neither King nor Pope. He admitted that the King was head of the Church within his own realm, which he thus explained, when replying to the question, “Whether Nero was head of the Church?” “Nay, it is true, for Nero was head of the Church, that is in worldly respect of the temporal bodies of men, of whom the Church consisteth; for so he beheaded Peter and the Apostles. And the Turk, too, is head [in this sense] of the Church in Turkey.” (Cranmer's Remains, vol. i., pp. 97, 98, Oxf., 1833.) All that Cranmer admitted was, that in the external policy as regards spiritual and ecclesiastical things which were temporal, the King was political head; but that over the Catholic Church the only true Head was Christ.

Bishop Jewel, who wrote strongly in favour of the Royal Supremacy, made the following admissions, which, as far as they go, are valuable testimony:—“Touching the knowledge of God's Word, and cases of religion, certain it is, the King is inferior to a Bishop. But if the Bishop be negligent, and do not his office; or if he be wilful, and do it not rightly; or if he be ignorant, and cannot do it; then is the Bishop under the Prince subject to his check, and by him may be punished. (Works, vol. v., p. 394, edit. 1848.) Jewel, therefore, held that in cases of doctrine and religion the authority of the Bishop was supreme; but if he be negligent in the execution of his office, then may the King oblige him to do his duty. This view is confirmed by another passage:—“Touching these words, rule and charge, which I said are double and doubtful, notwithstanding we say both the Prince and the Bishop have charge of the Church, yet the Prince and the Bishop have not both one kind of charge. The Bishop's charge is to preach, to minister Sacraments, to order Priests, to excommunicate, to absolve, &c. The Prince's charge is, not to do any of these things himself, in his own person, but only to see that they be done, and orderly and truly done, by the Bishops.” (Vol. vi., p. 312.)

Hooker, who, like Bishop Jewel, had very high views of the Royal Prerogative, does not deny that in purely spiritual matters
the King is subject to the Church:—"Touching that which is now on hand, we are on all sides fully agreed; first, that there is not any restraint or limitation of matter for regal authority and power to be conversant in, but of religion whole, and of whatsoever cause thereto appertaineth, Kings may lawfully have charge, they lawfully may therein exercise dominion, and use the temporal sword; secondly, that some kinds of actions conversant about such affairs are denied unto Kings; as, namely—actions of the power of order, and that power of jurisdiction, which is with it inseparably joined; power to administer the word and sacraments, power to ordain, to judge as an ordinary, to bind and loose, to excommunicate, and such like; thirdly, that even in these very actions which are proper unto dominion, there must be a certain rule, whereunto Kings in all their proceedings ought to be strictly tied; which rule for proceedings in ecclesiastical affairs and causes by regal power hath not hitherto been agreed upon with so uniform consent and certainty as might be wished." (Hooker, Eccles. Pol., Book 8, c. 2, s. 16.)

Archbishop Whitgift thus writes: "Christ is the only Head of the Church, if by the head you understand that which giveth the body life, sense, and motion; for Christ only by His Spirit doth give life and nutriment to His body. . . . Likewise He is the only Head of the whole Church, for that title cannot agree to any other. But if by the head you understand an external ruler and governor of any particular nation or Church (in which signification head is usually taken), then I do not perceive why the magistrate may not as well be called the head of the Church, i.e. the chief governor of it in the external policy, as he is called the head of the people and of the commonwealth." (Whitgift’s Def., 300, 301, as quoted in Keble’s edition of Hooker, vol. iii., p. 386, note 10.)

Archbishop Bramhall, the great vindicator of the Church of England against Rome, thus writes:—"Neither do we draw or derive any spiritual jurisdiction from the Crown; but rather liberty and power to exercise, actually and lawfully, upon the subjects of the Crown, that habitual* jurisdiction which we

* The reader should be careful, while perusing the writings of the early post-Reformation divines, to distinguish between the modern and the ancient terminology, and also between their technical and ordinary use. For instance, "habitual jurisdiction" is the same as "spiritual jurisdiction," which is entirely independent of the Crown: "actual jurisdiction" is synonymous with "ecclesiastical jurisdiction," being partly spiritual and partly temporal. The word "Head," in connection
received at our ordination; or the enlargement and dilatation of our jurisdiction objectively, by the Prince's referring more causes to the cognizance of the Church than formerly it had; or, lastly, the increase of it subjectively, by there giving to ecclesiastical judges an external coercive power, which formerly they had not. To go yet one step higher: in cases that are indeed spiritual, or merely ecclesiastical, such as concern the doctrine of Faith, or administration of the Sacraments, with the ordaining or degrading of ecclesiastical persons, Sovereign Princes have (and have only) an 'architectonical' power to see that clergymen do their duties in their proper places. But this power is always most properly exercised by the advice and ministry of ecclesiastical persons; and sometimes necessarily, as in the degradation of one in Holy Orders, by ecclesiastical delegates. Therefore, our law provides, that nothing shall be judged heresy with us de novo but 'by the High Court of Parliament' (wherein our Bishops did always bear a part), 'with the assent (that is more

with the King, is invariably used in an earthly or political sense, never in a heavenly or purely spiritual sense. Again, the word "spiritual" is often used in a temporal sense: "ecclesiastical" almost always in a temporal or legal sense, in contradistinction to what is essentially Divine, and to the Canon Law. "Jurisdiction," strictly speaking, is a word which belongs to the glossary of civil law, meaning that coercive or compulsory power which is derived alone from the Crown (acting according to its own law), for the good government of the country, and the punishment of the wicked. In this country the two jurisdictions are so commingled that it is not always easy to separate them; and, therefore, these technical legal phrases are sometimes used indifferently for both, which can only be distinguished by the sense of the passage in which they occur. Again, the word "benefice" signifies in law a certain ecclesiastical freehold, and is used in contradistinction to the word "office"—i.e., Bishop or Parish Priest. There is another remark I wish to make: it is this, that many of our Church laws were made solely by Parliament. But what was Parliament known to be composed of in the times of these old divines? It was, I think (so far as the Church was concerned), composed (1) of the House of Lords, consisting of the Lords spiritual and temporal, and (especially in Henry VIIIth's time) in nearly equal proportions; (2) of the House of Commons; and (3) of the Convocations of the two Provinces. I cannot help thinking that it will turn out to be the case that in all questions of ecclesiastical concern the Convocation had a co-ordinate voice with Parliament. It certainly had as respects the action of the Clergy. And I think the expression in the text, taken from x Eliz., cap. 1, § 36; "by the High Court of Parliament with the assent of the Clergy in their Convocation," helps to show this was the case. Hence the expression in the rubric in the Prayer Book about ornaments, "by the authority of Parliament," may include such acts of Convocation as were approved by the King or Parliament, or vice versa.
than advice) of the clergy in their Convocation.' In sum,—we hold our benefices from the King, but our offices from Christ; the King doth nominate us, but Bishops do ordain us." (Bramhull's "Vindication;" Works, vol. i., p. 272, Anglo-Cath. Lib.) This Archbishop, in another work, while admitting that all "jurisdiction, both in spiritual and temporal causes, descended from the Crown," goes on to say, "our Kings neither do challenge, nor ever did challenge, 'all jurisdiction in spiritual causes,' nor any part of the power of the Keys, either to their own use, or to derive it to others." Again: "First, with the Romanists themselves I distinguish between habitual and actual jurisdiction. Habitual jurisdiction is derived only by Ordination. Actual jurisdiction is a right to exercise that habit, arising from the lawful application of the matter or subject. In this latter the lay-patron, or much more the Sovereign Prince, have their respective interests and concurrence. Dioceses and parishes were not of Divine but human institution; and the same persons were born subjects before they were made Christians. The Ordinary gives the schoolmaster a license or habitual power to teach, but it is the parents of the children who apply or substract the matter, and furnish him with scholars, or afford him a fit subject whereupon to exercise this habitual power. Secondly, we must also distinguish between the interior and exterior court, between the court of conscience and the court of the Church. For in both these courts the power of the Keys hath place, but not in both after the same manner. That power which is exercised in the court of conscience, for binding and loosing of sins, is solely from Ordination. But that power which is exercised in the court of the Church, is partly from the Sovereign magistrate; especially in England, where ecclesiastical jurisdiction is enlarged and fortified with a coercive power, and the bounds thereof have been much dilated by the favour and piety of Christian Princes, by whom many causes have been made of ecclesiastical cognizance which formerly were not, and from whom the coercive or compulsory power of summoning the King's subjects by processes and citations was derived. It is not then the power of the Keys, or any part or branch thereof in the exercise of ecclesiastical jurisdiction, even in the exterior court of the Church, which is derived from the Crown; but it is coercive and compulsory and corroboratory power, it is the application of the matter, it is the regulating of the exercise of actual ecclesiastical jurisdiction in the court of the Church, to prevent the oppressions of their subjects and to provide for the tranquillity of the commonwealth, which belongs to
Sovereign Princes.” (Ibid., "Replication," vol. ii., pp. 128-130, &c.)

Archbishop Laud thus says, in his answer to Lord Say's speech touching the Liturgy:—"I meddle not here with the King's power, for he may be present in Convocation when he pleases, and take or leave any canons as he pleases, which are for the peace and well-ordering of the Church; as well as in Parliament, take or leave any laws made ready for him, for the good and quiet of his people. But if it come to be matter of faith, though in his absolute power he may do what he will, and answer God for it after; yet he cannot commit the ordering of that to any lay assembly, Parliament, or other, for them to determine that, which God hath entrusted into the hands of His Priests. Though, if he will do this, the clergy must do their duty, to inform him, and help that dangerous error if they can: but if they cannot, they must suffer an unjust violence, how far soever it proceed; but they may not break the duty of their allegiance." After proving his position by reference to the Fathers, and to the example of the "orthodox and understanding Emperors," and after asserting the rights of Patriarchs, Bishops, Priests "to enquire into these things," he says, "And yet this crosses not the supremacy which the King of England hath in causes ecclesiastical: as it is acknowledged both by the Church and law. For that reaches not to the giving of him power to determine points of faith, either in Parliament or out; or to the acknowledgment of any such power residing in him; or to give him power to make Liturgies, and public forms of prayer; or to preach or administer Sacraments; or to do anything which is merely spiritual. But in all things which are of a mixed cognizance, such as are all those which are properly called ecclesiastical, and belong to the Bishop's external jurisdiction; the supremacy there, and in all things of like nature, is the King's. And if at any time the Emperor or his deputy sit judge in a point of faith, it is not because he hath any right to judge it, or that the Church hath not right; but merely in case of contumacy, where the heretic is wilful, and will not submit to the Church's power. And this the heretics sometimes did; and then the Bishops were forced to appeal thither also; but not for any resolution in the point of faith, but for aid and assistance to the just power of the Church." (See Archbishop Laud's Works, vol. vi., Pt. 1, pp. 142-145, Anglo-Cath. Lib.)

ThornLyke, one of the most illustrious divines of our Church, has the following memorable passage in his work entitled "The Rights of the Church in a Christian State:"—"For seeing there
is, by this determination, no manner of co-active power in the Church, but all in the State—for excommunication constrains but upon supposition that a man resolves to be a Christian—there remains but one head in the civil society of every State, so absolute over the persons that make the Church, that the independent power thereof in Church matters will enable it to do nothing against, but suffer all things from, the Sovereign. And yet so absolute, and depending on God alone in Church matters, that if a Sovereign professing Christianity, should not only forbid the profession of that faith, or the exercise of those ordinances which God hath required to be served with; but even the exercise of that ecclesiastical power which shall be necessary to preserve the unity of the Church, it must needs be necessary for those that are trusted with the power of the Church, not only to disobey the commands of the Sovereign, but to use that power which their quality in the society of the Church gives them to provide for the subsistence thereof, without the assistance of secular powers.” (Thorndike’s Works, vol. i., pp. 561-562, Anglo-Cath. Lib.)

Bishop Beveridge, in his admirable dissertation on the 37th Article, says:—“In these words we have the power of the civil magistrate asserted, and the assertion of that power explained. For here it is first asserted that the King’s Majesty hath the chief government of all estates in this and the other of his dominions, both ecclesiastical and civil. And then it is added, that the power of administering of God’s Word or Sacraments is not by this assertion granted to the King, but that this power is still to keep itself within the limits of a civil power; though it may extend itself to ecclesiastical persons or causes. But for the better opening and confirming of this we must call to mind how the Most High God, the Supreme Governor of all Churches and States in the world, hath been pleased, for the more orderly government of both, to settle a distinct power in each, the power of the keys in the Church, and the power of the sword in the State, answerable to the two essential parts of man, his soul and his body; for the power of the keys committed to the Church, that reacheth to the soul only, not to the body; and the power of the sword committed to the civil magistrate, that reacheth to the body only, not to the soul; but both together they have influence both upon the soul and body, or outward man. And though both these powers be united in God, the fountain of all power, yet when derived from Him they are still separated from one another, so that they are not seated together in one and the same person; but the civil magistrate, to whom the power of the sword is
granted, to him is the power of the keys denied; and the Church, to which the power of the keys is granted, to it is the power of the sword denied. And therefore was Peter, who had the power of the keys, commanded to put up his sword, and Uzziah, who had the power of the sword, punished for using the keys; so that the Priest hath no power to execute any part of the King's office, neither hath the King any power to execute any part of the Priest's office; but these being two distinct offices and ordinances appointed by God, he that hath the keys must use them, not the sword; and he that hath the sword must use it, and not the keys. . . . But though the power of the sword and that of the keys be not seated in one and the same subject, yet it doth not follow but they may be exercised upon one and the same object, so that the selfsame person, yea, for one and the same crime, may be punished by both powers; for though they be two distinct powers, yet each of them is to be custos utriusque tabula, to look to the observance and punish the breach of both tables, but still keeping themselves within their own limits: as, for example, theft, treason, murder, are breaches of the second table, and, therefore, to be punished by the civil magistrate; yet the persons guilty of such crimes may be punished by the Church also, even excommunicated for them. So, on the other side, blasphemy, heresy, and idolatry are breaches of the first table, and so to be punished immediately by the Church; yet they may, yea, and ought to be punished by the civil magistrate too; neither is there any other power whereby a heretic or blasphemem can be put to death, but only by the power of the sword; and, therefore, it must needs be granted, that as the breaches of the second table may be punished by the power of the keys as well as by the power of the sword, so may the breaches of the first table be punished by the power of the sword as well as by the power of the keys; and, if so, the power of the civil magistrate must needs reach to spiritual or ecclesiastical, as well as secular or temporal causes; for all the first table consists of nothing else. And this, the punishing with the civil sword all manner of persons guilty of ecclesiastical as well as secular crimes, seems to be the prerogative here principally given to the King's Majesty in this article, as appears in these words: 'But we give to our Princes only that prerogative, &c., that they should rule all states and degrees committed to their charge by God, whether they be ecclesiastical or temporal, and restrain with the civil sword the stubborn and evil doers,' so that the supremacy that is here given him is, that he may punish all manner of persons for all manner of crimes, whether ecclesiastical
or temporal, with the civil sword." (Beveridge, Works, vol. vii., pp. 556-560, Anglo-Cath. Lib.)

Bishop Burnet, perhaps one of the most erastian Bishops that ever sat on an episcopal throne, has made the following admissions of the authority of the Church:—"As to ecclesiastical causes, it is certain, that as the magistrate cannot make void the laws of nature, such as the authority of parents over their children, or of husbands over their wives, so neither can he make void the law of God: that is from a superior authority, and cannot be dissolved by him. Where a thing is positively commanded or forbid by God, the magistrate has no other authority but that of executing the laws of God, of adding his sanctions to them, and of using his utmost industry to procure obedience to them. He cannot alter any part of the doctrine; ... nor can he either take away or alter the sacraments, or break any of those rules that are given in the New Testament about them; because in all these the authority of God is express, and is certainly superior to his. ... It seems very clear, that in all matters that are indifferent [as the canons or other rules of the Church], and are determined by no law of God, the magistrate's authority must take place, and is to be obeyed. The Church has no authority that she can maintain in opposition to the magistrate, but in executing the laws of God, and the rules of the Gospel; in all other things, as she acts under his protection, so it is by his permission. But here a great distinction is to be made between two cases that may happen: the one is, when the magistrate acts like one that intends to preserve religion, but commits errors and acts of injustice in his management; the other is, when he acts like one that intends to destroy religion, and to divide and distract those that profess it. In the former case everything that is not sinful of itself, is to be done in compliance with his authority; not to give him umbrage, nor provoke him to withdraw his protection, and to become, instead of a nursing father, a persecutor of the Church. But, on the other hand, when he declares, or it is visible, that his design is to destroy the faith, less regard is to be had to his actions. The people may adhere to their pastors, and to every method that may fortify them in their religion, even in opposition to his invasion. Upon the whole matter the power of the King in ecclesiastical matters among us is expressed in this Article (37) under those reserves, and with that moderation, that no just scruple can lie against it; and it is that which all the Kings, even of the Roman communion, do assume, and in some places with a much more unlimited authority. The methods of managing it may differ little, yet the
power is the same, and is built upon the same foundations. And though the term head is left out by the Article, yet even that is founded on an expression of Samuel's to Saul, as was formerly cited. It is a figure, and all figures may be used either more loosely or more strictly. In the strictest sense, as the head communicates vital influences to the whole body, Christ is the only Head of His Church; He only ought to be in all things obeyed, submitted to, and depended on; and from Him all the functions and offices of the Church derive their usefulness and virtue. But as head may, in a figure, stand for the fountain of order and government, of protection and conduct, the King or Queen may well be called the head of the Church.” (Exposition of 39 Articles of the Church of England, Article 37.)

It is manifest that the supremacy admitted by these eminent divines (most of whom were more or less tainted with erastianism) is, that the Sovereign has authority (1) to punish with the civil sword persons, be they ecclesiastical or civil; (2) to assist the Church in maintaining order and discipline by the aid of his authority; (3) to see that the Rulers of the Church do their duty, and to take care that true justice is administered, in all causes spiritual or ecclesiastical; and if injustice shall have been done, to correct the same. But the notion that he has any spiritual supremacy over the Church—that he has any authority to judge in spiritual matters—that he has power in causes involving the pain of excommunication apart from civil penalties—that he can by himself, or with the advice of the Lords spiritual and temporal and Commons, alter one iota of the Doctrine and Discipline of the Church—is utterly repudiated by the divines above quoted. Bishop Jewel lays it down that in this respect, “the King is inferior to a Bishop,” and that in “cases of religion” the authority of the Bishop is supreme. Hooker denies unto Kings “actions of the power of order,” and of “that power of jurisdiction which is with it inseparably joined,—power to administer the Word and Sacraments, power to ordain, to judge as an ordinary, &c.” Whitgift, with Cranmer, concedes that the King is the head of the Church only “in the external policy,” or, as Bramhall explains, as that “actual jurisdiction” which is “coercive, and compulsive, and corroboratory.” Archbishop Laud denies that the King has any power “to determine points of faith, either in Parliament or out,” or “to make Liturgies and public forms of prayers,” but only admits his jurisdiction over those matters which appertain to the Bishop’s “external jurisdiction.” And Burnet, and with him agrees substantially
Prebendary Thorndike, restricts the authority of the King to the
"assertion of the laws of God," to "adding his sanctions to them,
and using his utmost industry to procure obedience to them;"
and if he should attempt to alter any portion of the laws
of God, "the people may adhere to their pastors," and use
"every method that may fortify them in their religion, even in
opposition to his invasion." But Bishop Beveridge has with
singular felicity drawn the distinction between the two great
powers of the world—the Church and the State—the Priest and
the King. He says that the "Supreme governor of all Churches
and States has been pleased . . . to settle a distinct power
in each . . . answerable to the essential parts of man, his
soul and his body." To the one, he says, God has granted the
"Power of the Keys;" to the other "the Power of the Sword:
that to the King "is the Power of the Keys denied" (elsewhere
described as the Spiritual Sword), and that to the Church "is
the Power of the Sword denied." The two jurisdictions are
thus clearly defined—the one to punish the "breaches of the
first table," as blasphemy, heresy, idolatry, and immorality; the
other "the breaches of the second table," as theft, murder,
treason, &c. But, although these two jurisdictions are distinct,
and spring from two independent sources (both, however, derived
originally from One—i.e., God), yet ought they, according to
this eminent Bishop, to conjoin together, the one to help the
other; that is, the "Civil Sword" to give effect to the exercise
of the "Power of the Keys," and the "Power of the Keys"
to assist that of "the Civil Sword." It is evident, then, that
Bishop Beveridge did not understand that the oath of supreme
pledged him to hold and teach that the King was supreme
over spiritual persons, causes, and things, which were not also
temporal: of course, he admitted it over all ecclesiastical
matters as were of a temporal character, acknowledging the
right of the Sovereign to see justice duly and impartially ad-
ministered; so that no Bishop or Parish Priest should be deprived
of his temporal status or property without just and efficient cause.
The supremacy of the King, then, according to these Fathers, is
confined exclusively to persons and things temporal, and is only re-
cognized over that part of the Church which is commonly called the
Establishment *—i.e., the earthly residence of the Holy Catholic

* There are two articles in the Union Review of last May and November
entitled "The Crown in Council," wherein the author has most ably
drawn the distinction between the "Church" and the "Establishment." I
think, however, he has pushed his point too far. It should be borne in
mind that the "Establishment" is not the property of the State, but of
Church: and, even when exercised on the side of religion, it is only admitted by these Divines so long as the King acts as a friend to the Church; but when against it, it is, so far as the Church is concerned, null and void, and to be resisted in any way that may seem advisable to attain the end in view; provided always that nothing be done which may endanger the life of the King, or impair his legitimate authority, and the respect due to his name.

Once at least in the history of the Church of England, since the Reformation, has a collision taken place between the Sove-

the Church; and the Sovereign has only jurisdiction over it so far and no farther than as occupying certain freeholds situated within his dominions. This supremacy does not extend beyond that which he has over any other "Establishment," be it of a corporation or the property of any subject. But it would be a mistake to suppose that the Church and the Establishment were essentially separate things. I hold they are no more separate than the two elements which compose a man—i.e., his soul and his body. They are, indeed, essentially one—in fact, to apply the language in one of the Homilies, a great sacrament, of which the "Establishment" is the outward and visible form. No doubt the State might destroy all that portion of the Church which is tangible by mortal hand, but the result would be similar to that of the death of any individual man—i.e., converting it into a corpse—as may be witnessed this day in the religious "Estabishments" of such kingdoms as have ejected the Catholic religion. Of course the State cannot kill the Catholic Church, which is the soul of the "Establishment," any more than it can kill the immortal part of any man; but it may greatly deprive it of its power for good: witness the miserable state of the Catholic Church in the East, and in Scotland. It seems to be a law, that when the Church is deprived of its "Establishment" by a Christian community she seldom regains her former influence and power; in fact, the wicked Ruler or State which has so acted is cast off by God as a dead branch, and the Church only exists in the country for the sake of the faithful remnant. Let us, therefore, be careful not to admit that the "Church" and the "Establishment" are essentially separate and distinct bodies; and let us not deceive ourselves with the notion that the Church is not responsible for the proceedings of the present Court of Appeal, which she has over and over again recognized by her presence, and by her silence when error and wrong have been authoritatively upheld by the Judicial Committee, in the name of the Supreme Governor of all estates of men, whether ecclesiastical or civil. Let us not shirk the fact that, until the Church in Synod repudiates the judgment in the case of Gorham v. the Bishop of Exeter, she is responsible to God and man. The only portion of the Church of England which is free from the stain of that judgment is the diocese of Exeter, which, under its faithful and intrepid Bishop, boldly maintained the truth in spite of the final Court of Appeal. While asserting this, let us not take alarm; it is often many years before the Church is in a position to act for herself. Let us wait patiently for the day when she will vindicate her own supremacy over this and all other spiritual matters, following the noble example of the Bishop and Metropolitan of Capetown, by simply ignoring the right of the Civil Power to interfere in things essentially Divine and sacred.
reign and the Primate of All England, on a matter which concerned things of a spiritual or ecclesiastical nature. As this occurred in the reign of Elizabeth, within a very few years after the settlement of the vexed question of supremacy, it is doubly interesting to us, who are now so anxiously endeavouring to draw the true line of demarcation between the Prerogatives of the Crown and Mitre, and the jurisdictions that respectively belong to each.

The following extracts from a letter of Archbishop Grindal to Queen Elizabeth show what were his views touching the Queen's jurisdiction in spiritual or ecclesiastical things. It seems that the Queen took upon herself to direct the Primate to suppress "The Prophecies," and restrain "The number of Preachers." After writing in terms of adulation of the Queen, he proceeds to expostulate with her Majesty, informing her of the course he had taken in the selection of preachers, &c. and then, in accents of humility, declines to carry into effect her wishes in this respect. He says:—"Bear with me, I beseech you, Madam, if I choose rather to offend your earthly Majesty, than to offend the heavenly Majesty of God. And now being sorry, that I have been so long and tedious to your Majesty, I will draw to an end, most humbly praying the same well to consider these two short petitions following. The first is, that you would refer all those ecclesiastical matters which touch religion, or the doctrine and discipline of the Church, unto the Bishops and divines of your realm; according to the example of all Godly Christian Emperors and Princes of all ages. For, indeed, they are things to be judged (as an ancient father writeth) in ecclesia, seu synodo, non in palatio [i.e. 'in the Church, or a synod, not in a palace']. When your Majesty hath questions of the laws of your realm, you do not decide the same in your court, but send them to your judges to be determined. Likewise for doubts in matters of doctrine or discipline of the Church, the ordinary way is to refer the decision of the same to the Bishops, and other head ministers of the Church." The Primate then supports his admonition by reference to the epistles of S. Ambrose to Theodosius and Valentinianus. The last reference is so much to the point at issue at the present time, that I cannot forbear giving it. "If a Bishop be to be taught by a layman [here in application to the Sovereign], what will follow? Let the layman then dispute, and the Bishop hear: let the Bishop learn of the layman. But certainly, if we have recourse either to the order of the Holy Scriptures or to ancient times, who is there that can deny, that in the cause of faith, I say in the cause of faith, Bishops were wont to judge
concerning Christian Emperors, not Emperors of Bishops." The second petition is an earnest admonition to the Queen—(1) that in dealing "in matters of faith and religion, or matters that touch the Church of Christ," she should not "pronounce so resolutely and peremptorily, quasi ex autoritate," as "in civil and extern matters;" (2) that she should remember that Princes should "bow their sceptres to the Son of God, and ask counsel at His mouth, what they ought to do;" (3) that she should recollect she is a "mortal creature," and that she ought to "look not only upon the purple and princely array wherewith" she is "apparelled; but consider withal what is that which is covered therewith. Is it not flesh and blood? Is it not dust and ashes?" &c.; (4) reminding her that she must one day appear before "the fearful Judgment-seat of the Crucified, to receive there according" as she has "done in the body, whether it be good or evil;" (5) that although she is a "mighty Prince," yet should she "remember that He who dwelleth in Heaven is mightier. [That] He is, as the Psalmist sayeth, ‘terrible, and He who taketh away the spirit of Princes, and is terrible above all the Princes of the earth.’" The Primate then concludes by admonishing the Queen as follows: In "these religious causes," to "set the Majesty of God before your eyes, laying all earthly Majesty aside: determine with yourself to obey His voice, and with all humility say unto Him, ‘Not mine, but Thy will be done;’" to beware "lest that be verified of you, which is written of Ozeas [Joash], who continued a Prince of good and Godly government for many years together; and afterwards, ‘when he was strengthened, his heart was lifted up to his destruction, and he regarded not the Lord.’" The Primate then winds up this remarkable and noble letter by trusting that her Majesty will "go forward in the zealous setting forth of God’s true religion, always yielding due obedience and reverence to the Word of God, the only rule of faith and religion." (Lansdown M.S. 23, No. 12. See Grindal’s Remains, published by the Parker Society, Canada, 1843; pp. 387-390.) Now, whatever may be our opinion respecting the expediency of allowing and encouraging "Propheecies," &c., every true Churchman cannot but feel grateful to God for this remarkable and unanswerable testimony to the fact, that the Church never acknowledged any supremacy over spiritual things. How firmly does the Primate lay down the principle that spiritual and even ecclesiastical things are not to be judged "in the Palace," but by the Bishops of the Church, who, in matters of this sort, are supreme, even to the exclusion of the Sovereign, who is after all but a layman.
There is another example, though perhaps not exactly in point, yet it is sufficient to show that the Bishops did not accept a despotic and irresponsible supremacy. I allude to the resistance of Archbishop Sancroft and six other Bishops to the claim set up by King James II. to dispense by his own sole authority of the oath in the Test Act of Charles II. Here was an arbitrary act of the King, arising out of an exaggerated notion of his Royal Prerogative, which these Bishops petitioned against. Some may assert that was no business of theirs, in their capacity as Bishops; but the matter did not concern laymen only, whether Churchmen or Dissenters, but the discipline of the Church, for the King commanded that his dispensation, or "declaration of indulgence," "immediately after Divine Service," should "be read by the clergy in all the churches." (See Hume's Hist. of England, vol. viii., p. 181. London, 1825.) This the Bishops protested against, saying, that in "a matter of so great moment and consequence to the whole nation, both in Church and State," they could not, "in prudence, honour, or conscience, so far make themselves parties to it, as in a distribution of it all over the nation, and the solemn publication of it once and again, even in God's House, and in the time of Divine Service," &c. (Petition of the Seven Bishops, see note ibid., p. 182.) How clear is the fact gathered from the testimonies and acts of the Bishops of the post-Reformation Church, that the King has neither supremacy nor jurisdiction in matters concerning the doctrine, discipline, rites and ceremonies of the Church, or in controversies of faith.

2. The portions of the oath that follow the passage above commented upon are sufficiently evident, and require no explanation,—as, for example, the provision "That no foreign prince, person, prelate, state, or potentate hath, or ought to have, any jurisdiction, &c., ecclesiastical or spiritual, within this realm,"—as well as the abjuration, as provided by the statute 1 William and Mary, c. 8, of all foreign jurisdiction, accompanied with a promise of forsaking the same, and of allegiance to the Sovereign. But the following clause, which was inserted in the form of the oath previously to the Revolution, ought, I think, to be here taken into consideration:—"That from henceforth I shall . . . assist and defend all jurisdictions, privileges, pre-eminences, and authorities granted or belonging to the King's highness, his heirs and successors, or united and annexed to the Imperial Crown of this realm." It is true that this clause does not form part of the oath as now prescribed, but nevertheless it will materially assist this investigation if it be carefully
considered; and especially so, as no change has taken place in the minds of those in authority touching the doctrine of the Royal Supremacy. Now, in pledging the clergy to defend all "jurisdictions, &c.," this clause could not have proposed to bind them to support every particular law that had been enacted in connection with religion, from the time of Henry VIII. till the Revolution, no matter how objectionable it may have been. The object of the oath was the assertion of the temporal supremacy of the King, within his own dominions, in all causes ecclesiastical or spiritual, so far only, and no further than, as they were within the lawful jurisdiction of the civil sword. The clause in question bound the clergy to defend the jurisdictions and privileges appertaining to the King, which the preceding clause indicated as having been claimed and arrogated by a foreign potentate—the two clauses are correlative—limbs of one common sentence, elements of one common oath—and the latter clause could not, according to the accepted rules of interpretation, be construed otherwise than in connection with, and in dependence upon, the former.

So long then as the clergy at that time recognized the "jurisdictions, privileges, pre-eminences, and authorities" of the King, as the temporal Ruler of his people, and as the independent keeper of the sword of justice, to the exclusion of all foreign or Papal interference, they were absolutely unshackled by the oath of supremacy, which has been the object of this investigation, and at full liberty to move for any alteration of such laws as, in their opinion, may have so pressed upon the life and energy of the Church as to impede her in the great and holy work of extending and consolidating the kingdom of Christ both at home and abroad. For be it remembered that the clergy had not only taken the oath of supremacy, but they had, by their subscription to the 39 Articles (and it is impossible to lay too much stress upon this fact), pledged themselves to the following assertions, viz.:—(1) that "the Church hath power to decree Rites or Ceremonies;" (2) that she hath "authority in controversies of Faith;" (3) that while admitting the King's Supremacy over all persons and causes, she, nevertheless, excluded his authority in the "ministering of God's Word" and of "the Sacraments." In plain language, the clergy, at that period no less than now, recognized no spiritual supremacy of the King over the Church; the Church alone, exclusively of both Papal and Royal interference, having independent authority over her own Doctrine, her Ritual, and her Sacraments. The King's jurisdiction is only recognized when temporal penalties are the consequence of the breach of the
ecclesiastical law. I would again refer here to the letter of Henry VIII. to the clergy of the province of York, and to the Injunctions of Elizabeth. The former, King Henry, admitted that in "spiritual things, meaning by them the Sacraments" (i.e. the seven Sacraments), . . . . . . "forasmuch as they be no worldly nor temporal things, they have no worldly nor temporal head but only Christ;" and the latter, Queen Elizabeth, claimed no greater authority than that asserted by Henry VIII., namely, "under God to have the sovereignty and rule over all manner of persons born within these her realms, &c., of what estate, either ecclesiastical or temporal, soever they be, so as no other foreign power shall, or ought to have, any superiority over them." And, besides, this clause is fully explained by a parallel one in the oath prescribed by Henry VIII. and Edward VI., viz.: "I will observe, keep, maintain, and defend . . . all and singular acts and statutes made, and to be made, within this realm, in derogation, extirpation, and extinguishment of the Bishop of Rome and his authority, and all other acts and statutes made, or to be made, in confirmation and corroboration of the King’s power of the supreme head in earth of the Church of England." It follows, then, that the "jurisdictions, privileges, pre-eminences, and authorities" which the clergy of old pledged themselves to defend and maintain, amount to nothing more than a recognition of the King's temporal Supremacy over the first estate of the realm, that is, the Church in her political and external character; and of his right to punish all evildoers with the civil sword.

If the clergy, therefore, should be of opinion that some of the laws of England press hard upon their rights and liberties, that they impede the free and healthy action of the Church—that they tend to corrupt her, to damage the purity of the Faith, and to demoralize the people by the suspension, for instance, of all discipline—they are free, so far as the oath of supremacy is concerned, to move for their repeal or amendment; in fact, for such a resettlement of the relations between the Church and the State as is now absolutely required, in consequence of the present state of things in this kingdom.
PART THIRD.

THE EMANCIPATION OF THE CHURCH OF ENGLAND NECESSARY FOR THESE TIMES.

I PROPOSE now to make a few remarks in application to the present state and prospects of the Church of England. It has been proved that there exist in this world two independent powers, commonly called the Church and the State, and that both have been ordained of God; that to the former has been committed the supremacy in all matters concerning the interests of the soul and of religion; to the latter the supremacy in all matters regarding the common weal, the civil rule and government of this world—to the Church, in a word, the power of the keys; to the State, the power of the sword. It has also been shown that these two great powers have always been more or less in antagonism with each other—that their interests are ever clashing; and so long as this present world shall last, their relations can never be fully or satisfactorily adjusted. This is, of course, the consequence of the fallen condition of mankind. Nevertheless, it will be agreed by all good men, that it is the duty of all to labour earnestly for the supremacy of the Divine law, not only here but over all the earth; and to continue so to labour until that happy period shall arrive, when Kings and Queens shall claim no other dignity or prerogative in the Church than that of nursing fathers and nursing mothers, and when their highest ambition shall be to "bring their glory and honour," and that "of the nations," into that Church, whose foundations are the Twelve Apostles, and whose Light is that of Christ her King, which she reflects on earth for the glory of God and the benefit of all mankind. And, if such be the case, it is a prime duty, binding upon every one, to struggle to remove all impediments which tend to hinder the realization, in some measure at least, of such a golden age as this; for though no person may venture to hope for full perfection on earth, yet it cannot be doubted that it is incumbent on all at least to strive after it, according to the precept of Our Blessed Lord, which applies to all, collectively as well as individually, viz. :—"Be ye perfect, even as your Father which is in Heaven is perfect." (S. Matt. v. 48.)

Now, what are the impediments that hinder the spiritual progress of the Church of England? Every one admits the beauty
of her Liturgy, the purity of her Faith, and the strictness of her Discipline, that is, as set forth in her formularies and canons, but most men deplore her miserable divisions, and the abeyance of all wholesome discipline; in consequence of which many have been dissatisfied, some having quitted her communion for that of the Roman Church, others having joined dissenting communities, while the majority of the people stand aloof, believing in nothing; and, feeling no inclination to join any religious society, these unhappy men, unless reclaimed, must eventually become either open or secret infidels. Now, what is the cause of all this? I cannot but think, as I have observed above, that there are three statutes at present existing, which have been and are the main cause of all the troubles of the Church, and which most decidedly destroy her independence, thereby preventing her from performing, as she ought to do, the various functions of her office:—

1. The first is the statute 25th Henry VIII., c. 20, which regulates the manner of appointing new Bishops to vacant sees. This statute is fatal not only to the independence of the Church of God, but to the spiritual welfare of the people; for though there have been many most excellent Bishops in our Church, yet have there been, from time to time, many very indifferent ones appointed.

It would not be seemly to pass judgment upon any particular prelate of the present or even the past ages of the Church, for the person of a Bishop is of too sacred a character to be lightly spoken of, but this much may be asserted, without fear of contradiction, that those who refuse to "minister the Doctrine and Sacraments, and the Discipline of Christ, as the Lord hath commanded, and as this Church and Realm hath received the same, according to the commandments of God," and who do not approve themselves "ready with all faithful diligence to banish, and drive away all erroneous and strange doctrines contrary to God's Word; and both privately and openly to call upon and encourage others to the same" (see Ordination Service), cannot be esteemed as efficient Bishops. In times past there have been Prelates who, in a greater or less degree, neglected these duties, as there have been some even in our own day who did not believe in that Doctrine and Discipline which "this Church and Realm hath received," and which they had declared before God's Altar they did believe in; and who not only did not "banish and drive away all erroneous and strange doctrines," but actually encouraged the same in a variety of ways which need not be described. It is painful to make these assertions,
but is it not true that many good Churchmen have deeply deplored the acts of some of their Chief Pastors, who did openly question some of the doctrines of the Church, and who did more or less sympathize with neologists and other heretics, to their great disquietude and grief? It is impossible to suppose that men of the virtuous and holy character which distinguished these Prelates of former days should have acted otherwise than, to their own apprehension, honestly and conscientiously; but it is equally impossible not to see and say that they were unable to grasp and appreciate the Catholic character of the Church of England in its length, and breadth, and depth—that they failed to understand the obligations they undertook to fulfil in their extent and relative subordination—and that they were unfitted for the post they held as Rulers of the House of God. There is one passage in Mr. Disraeli's remarkable speech at Oxford which, whether he meant it or not is nothing to the purpose, completely confirms the above assertion, and, coming from one who has been a Minister of State, and may perhaps be some day a Prime Minister, it has more than ordinary significance. Criticizing with just severity the crude speculations of neologists, he says, "In the first place, having examined all their writings, I believe without any exception—whether they consist in fascinating eloquence, diversified learning, or picturesque sensibility—I speak seriously what I feel, and that too exercised by one honoured in this University, and whom to know is to admire and regard; or whether you find them in the crude conclusions of Prelates who appeared to me to have commenced their theological studies after they have grasped the cæsarius, and who introduce to society their obsolete discoveries," &c., &c. Here is evidence of the unfitness of some appointments that have been made to the Episcopate, and also (unconsciously on Mr. Disraeli's part) of the mode of appointment, which enables the Sovereign or the Prime Minister to force on the Church the partizans of any school of opinion, be it orthodox or heterodox, or divines who know nothing of the first principles of theology, or those whose only recommendation is that of relationship or other connection with some in high position.

The mischief done to the cause of religion by the installation into the highest offices of the Church of even one heterodox Bishop, cannot be overrated; for not only does he corrupt the diocese over which he presides, but he perpetuates the evil by the introduction of clergymen of similar views and sympathies with himself into many of the parishes under his supervision. That this has
been the state of things during the last three centuries is patent to all; truth and error have by turns prevailed in every diocese and parish in England, insomuch, that it is now extremely difficult, indeed almost impossible, for the people, especially the poor, to understand what that Doctrine and Discipline really is, which “this Church and Realm hath received according to the commandments of God.” Now it cannot be said that this is a healthy state of things; rather, is it not fatal to the cause we have at heart? Is it not more likely to lead men to scepticism and infidelity than to the truth? No doubt there may be—as there always have been—shades of opinion on such points as are not de fide; but it is inadmissible for any sworn clergyman to preach or teach any views which are not in harmony with that Doctrine and that Discipline which “this Church and Realm hath received,” and which are contained in the Creeds, the Articles, the decrees of Œcumenical Councils, and in the Book of Common Prayer; and yet, strange to say, there have been ecclesiastics who have not only inveighed against the Doctrine and Discipline as received by this Church and Realm, but who have persecuted those who conformed to the same. This was conduct difficult to understand, for it was utterly opposed to all the known rules of morality, and, if detected in any secular society, would subject the offending parties to the just indignation of the world. But far be it from any one to charge any of the former clergy with deliberate or conscious dishonesty; for what they taught they had undoubtedly received from their fathers of old, who are mainly responsible for introducing, in their days, those several kinds of doctrine, unknown to the better ages of the Faith, which through their means have been propagated in the English Church; a process through which unsound and injurious “traditions of men” have been received by many as “the commandments of God,” instead of that only one truth which is contained in the Word of God, and taught by the Catholic Church in every successive age.

Now what is the cause of this state of things? Is it not the statute 25th Henry VIII., c. 20, which bestows on the Crown the right of nominating new Bishops to vacant sees, contrary to the law and ancient customs of the Catholic Church, and of this kingdom? By this means the Sovereign or his Minister is able to impose on the Church his own ideas concerning doctrine and discipline. Queen Elizabeth, King James, Charles I., William III., &c., have left on the Church the several impress of their minds, and in this day we may trace the influence of Cabinet Ministers even in the present Epis-
cote. The Church has at various times been either adorned or dishonoured, as the case may be, by Government appointed Bishops—men, no doubt, exemplary in their lives and conversation, for the most part learned in classic lore, and eminent in philosophy and science; but, nevertheless, with some bright exceptions, poor theologians, and greatly under the political influence of their patrons, as may be perceived by their general conduct in the House of Lords. It is impossible that Churchmen can regard with satisfaction this mode of appointment to the sees of the English Church, for it tends to create, as it has done in times past, a time-serving Episcopate. It is absolutely necessary that some change should be made in the law so as to secure for the Church the service of an independent Episcopate; that is, an Episcopate possessed with a determination of purpose, which they are willing to exercise for God, without being influenced by the political maxims and personages of the day, who, for instance, will, as a body, oppose the infamous divorce and matrimonial acts—who will defend the marriage laws of consanguinity and affinity, who will unflinchingly maintain the right of the Church to educate her children according to her own principles, without regard to the secular power; and, finally, in obedience to those declarations taken when installed in their respective thrones, boldly defend the rights and liberties of the Church of God. It is for the Church of England to move for an alteration in the present mode of appointing Bishops and other great dignitaries of the Church; and until some change has been effected, such as may make it tolerably certain that the chief Pastors of the Church shall at all times be composed of grave divines—of men full of the Holy Ghost—of men who will teach no other doctrine, and enforce no other discipline, than that "which this Church and Realm hath received"—of men who will be ready at all times honestly and fearlessly to "banish and drive away all erroneous and strange doctrines contrary to God's Word"—it is in vain, till then, for the Church of England to expect, either now or hereafter, to preserve intact that pure form of doctrine and sound words which she has received; and equally vain for her to expect to retain the love and confidence of the people of this country. Already she has lost the allegiance of half the population. The chief towns of England are utterly estranged from her, and, with a few exceptions, no organized effort, at least in any proportionate degree, is being made to reclaim them. Heresy, schism, scepticism, infidelity, and apostacy are rampant, and what has been done as yet to remedy this state of things? There is, no doubt, a
great deal of talk about reclaiming the masses, and much is
done for them in a desultory way—i.e., without organization
and discipline—but, while we are talking at meetings and con-
gresses, our poor people are dying from spiritual starva-
tion. And here I shall be met with the rejoinder that the Bishops are
too few in number to fulfil all the duties incumbent upon them.
This is true. But why, I would respectfully ask, have they not
laboured from time to time during the last hundred years
to obtain an increase in their Order? Why have they not before
this, themselves in Synod, mooted the question, and laid their case
before the Church and Parliament, and vehemently urged the
necessity of the case? And, failing this, why have they not
exercised their own inherent spiritual powers (which no Sove-
reign or State can deprive them of) of appointing Suffragan
Bishops to have the oversight of certain portions of their over-
grown and unmanageable dioceses? It is a matter for deep
thankfulness that we have for the first time an Archbishop
favourable to a large increase of the Episcopate, and that for the
first time we have a Convocation likely to back his Grace; but still
there remains the astounding fact that the Bishops of this country
till lately have been content to govern in the best way they could
their enormous dioceses, without making any systematic effort to
subdivide them, although both clergy and laity for the last twenty
years have earnestly desired it. But, in the event of any collis-
ion taking place between Religion and the State, should the
Church be denied the right of increasing the number of her
Bishops, or of expanding her ecclesiastical machinery, then let us
take heed of Bishop Burnett's admonition—"When he [i.e., the
King, or rather, in the present political state of things, the Govern-
ment] declares, or it is visible, that his design is to destroy the Faith,
less regard is to be had of his actions. The people may adhere
to their Pastors, and to any method that may fortify them in their
religion, even in opposition to his invasion." How full of
meaning for these days, even though from the pen of one deeply
imbued with the spirit of erastianism. It is true, indeed, that
this Act (25 Henry VIII., cap. 20) pretends to place the nomina-
tion of Bishops absolutely in the hands of the Crown; but, if the
Crown refuses, through its responsible ministers, to do its part,
it will be for those in authority to consider whether they ought
not to fall back on their spiritual authority and supply what the
necessities of the Church demand. True, the Crown and Par-
liament may depose the Church of England from the Establish-
ment, if so inclined. Let them try it, if they have the temerity
to do so; and, even supposing that the people support them
(which is very doubtful), worse will it be for the country in general, which in its presumption and arrogance should have expelled the Church of the living God, the only true "pillar and ground of the Truth;" and far better will it be for the Church to serve her Lord in poverty and humiliation with a faithful remnant, than in dignity and splendour, while millions upon millions, for which she is at present responsible, are perishing from want of proper Church means.

Much stress has been laid upon the necessity of effecting some change in the mode of appointing Bishops, because it is felt that the present state of the law is one great cause of the Church's weakness; and if she is ever to regain her influence over the people, and effectually spread the knowledge of the Gospel into all lands, she must be permitted herself to select her own Chief Pastors, according to the Divine law and the canons of the Universal Church. But it is held that this will be an invasion of the Royal Prerogative, which may not be parted with. That the appointment of Bishops by the Crown is no part of the inherent prerogative of the Sovereign has been already proved in the Petition* that was presented to the House of Lords in the Session of 1863; wherein it was clearly shown, from the statutes and ordinances of the realm, that Bishops should be elected not only "without any interference on the part of the Apostolic See," but without being embarrassed by any "commandment of Our Sovereign Lord the King." And any one with common sense can perceive that if cities and towns may freely elect their chief magistrates without asking leave of the Queen, so may a diocese in like manner elect its Chief Pastor. If it is an essential part of the prerogative of the Queen to nominate to vacant sees, it is equally an essential part of her prerogative to appoint the chief magistrate of each town in the kingdom. But it is maintained that as Bishops are Lords of Parliament, and as all Lords are summoned by the Queen's writ, so must she necessarily appoint the Bishops. This objection may be met by the fact that the Peers of Scotland and Ireland elect their own representatives, and those representatives, by virtue of their election, sit in the House of Lords. Why, then, may not the Church, which is the first estate of the realm, elect her own Bishops in like manner? There can be no valid reason against her possessing the same privilege as that

* This Petition has been published by the English Church Union, 11, Burleigh-street, Strand, under the title of "Increase of the Episcopate, and Right of Free Election."
of the second estate. Talk of the prerogative!—why, in these matters the right of the Crown has long been conceded to the "temporality";—let a like concession be made in favour of the "spirituality."

2. There is another statute which ought to be amended—for, as it now stands, it is impossible for the Church to make any canons or constitutions until she has first obtained the royal licence. The statute alluded to is the 25th Henry VIII., c. 19, commonly called the Act of Submission. It is well known that the object of passing this act was to cut off effectually all ecclesiastical intercourse with the See of Rome; and, that having being accomplished, there can be no reason why the suspension of free synodical functions should be any longer continued. It will be admitted that unity is essential to the well-being of the Church; and, such being the case, it necessarily follows that she ought to have power to enact such laws as she may deem advisable for the purpose of correcting abuses, and for better preserving the purity of the Faith. But here again an objection is raised, that this liberty would be an assumption of sovereign authority which belongs, it is said, exclusively to the Queen and Parliament. I would ask, in reply, is not the Church a "royal priesthood," an "holy nation," a "peculiar people," under the spiritual government of apostolical Rulers, who are invested with full and plenary "power to decree Rites or Ceremonies;" armed with "authority" to settle all "controversies of Faith;" and girded with the spiritual sword, by which they may, "by open denunciation, "cut off from the unity of the Church," by the sentence of excommunication, all evil-doers? (See Article 33rd.) Undoubtedly the Church does, in all matters concerning herself, her Doctrine, and Discipline, her Rites and Ceremonies, claim sovereign power, over which not even her Majesty herself is supreme. Did S. Paul recognize any such Royal Supremacy when he said to the Corinthians, "So ordain I in all Churches"? (1 Cor. vii. 17.) Let me not, however, be misunderstood. I am now discussing the Church's right to make canons according to ancient form, enforced only by spiritual penalties; and as the Queen only challenges political supremacy, her authority does not constitutionally apply here. There is another objection raised—namely, that the clergy have bound themselves, "in verbo sacerdotii," never again to make canons. Now, it cannot be held that the present clergy are bound by any declaration or promise made by their predecessors three hundred years ago. The clergy of the sixteenth century cannot bind their successors of the nineteenth. As well might
it be said that the oath of obedience to the Pope taken by Bishops before the Reformation is still, in a moral point of view, of obligation in the present day; for the declaration or promise, in verbo sacerdotii, not to make canons, and the oath to the Pope, were both alike made and taken by the clergy of the unreformed Church. This argument, therefore, falls to the ground; and the clergy may without hindrance move not only for the repeal or amendment of the Act of Submission, but for full liberty to make such canons as are necessary for the well-being of the Church.

3. There is another Act of Parliament which requires amendment—one which, as it now stands, wounds the consciences of all sound Churchmen. It is the statute 1st and 2nd William IV., c. 92, &c., which empowers the Judicial Committee of the Privy Council to hear appeals from the Church Courts on questions of false doctrine,* &c. This Court is composed of certain members of the legal profession who are privy councillors. No ecclesiastic until very lately had any seat at this board. It is true that in the Gorham and Lidell cases the Archbishops and the Bishop of London were invited to sit with the Committee, but they had no voice—they sat in the somewhat undignified capacity of assessors, not as judges. Formerly, the duties of the Judicial Committee, as regards these cases, were performed by a body called the Court of Delegates, composed of certain spiritual and temporal persons, named in the commission.† Doubtless the Court of Delegates was preferable to the Judicial Committee of the Privy Council in cases of this description—for in the former the Church was, at least, largely represented, whereas in the latter she is scarcely so; and there is, moreover, no provision made requiring the lay judges to be bona fide members of the Church of England. But, in truth, neither

* In fact, this was a revival of the “Star Chamber,” which “was instituted by 2 Henry VII., for trials by a Committee of the Privy Council,” and the “Court of High Commission” for trial of ecclesiastical causes, both of which were abolished by Charles I. and II. The number of Judges “were from 26 to 42, the Lord Chancellor having the casting voice.” (See Haydn’s “Dictionary of Dates,” p. 484.) The truth is, the Judicial Committee is an unconstitutional Court, legalized by Act of Parliament, in which the Sovereign is personally the Judge; and, as he is politically bound to govern by the advice of his councillors, there must always be a great danger of perversion of justice, especially in political and religious matters. It is contrary to every constitutional principle for causes, whether spiritual or temporal, to be decided “in the Palace.” The Privy Council belongs to the Palace, and as such sits in the Palace.

† It is said that for seventy years none were appointed but spiritual persons; but that made no difference in principle, for the real judge was the King, who had power to appoint whom he pleased.
of these Courts were fitted for these purposes; and certainly their constitution is utterly opposed to the first principles of Church government, and also to the Constitution of this kingdom. For, in the first place, the Great Head of the Church vested the adjudication of all ecclesiastical causes which were of a spiritual nature in the Episcopate alone, from which there is no appeal. When S. Paul excommunicated Alexander, Hymenæus, and Phileletus for heresy, and when he directed the Churches to cast out all heretics, &c., he certainly contemplated no appeal to the Emperor; evidently showing that in these matters the Church is supreme. And as it has been shown, also, the early Christian Emperors, as long as they continued faithful to the Church, not only did not claim the right of judging in these causes, but, when appealed to by parties, referred them to "the Bishops well-beloved of God," whom they considered as the lawful judges. And, in the second place, the Constitution of this kingdom recognizes this principle most fully, though in practice it is opposed to it. The statute which has been already more than once quoted, the 24th Henry VIII., c. 12, after asserting the King's Supremacy as political Head and King of the realm, "unto whom a body politic, . . . divided in terms, and by names of spirituallity and temporality," &c., goes on to state, in the following words, how all questions of the law Divine ought to be settled:—"The body spiritual whereof having power when any cause of the law Divine happened to come in question, or of spiritual learning, then it was declared, interpreted, and shewed by that part of the said body politic, called the spirituallity, now being usually called the English Church, which always hath been reputed, and also found of that sort, that both for knowledge, integrity, and sufficiency of number, it hath been always thought, and is also at this hour, sufficient and meet of itself, without the intermeddling of any exterior person or persons, to declare and determine all such doubts, and to administer all such offices and duties, as to their rooms spiritual doth appertain, . . . and the laws temporal, for trial of property, of lands, and goods, &c., was, and yet is, administered, adjudged, and executed, by sundry judges and ministers of the other part of the said body politic called the temporality; and both their authorities and jurisdictions do conjoin together in the due administration of justice, the one to help the other." Now, it is clear that the King recognized two separate "jurisdictions" within his kingdom—first, the body spiritual, which had authority in all causes touching the law Divine; and, secondly, the "temporality," in all matters
concerning the commonwealth. The statute goes on to direct how spiritual causes are to be finally adjudged—namely, after having being heard before the Diocesan, or his commissary, the appeal shall lie to the Archbishop of the province, "there to be definitively and finally ordered, decreed, and adjudged, according to justice, without any other appellation or provocation to any other person or persons, court or courts." In cases, however, which "touched the King," there was an appeal "to the spiritual Prelates and other Abbots and Priors of the Upper House assembled and convocate by the King's writ in the Convocation, being, or next ensuing, within the province or provinces where the same matter of contention is, or shall be, begun, . . . and whatsoever be done, or shall be done, and affirmed, determined, decreed, and adjudged, by the aforesaid Prelates, &c., of the Upper House of the said Convocation, . . . shall stand and be taken for a final decree, sentence, judgment, definition, and determination; and the same matter, so determined, never after to come into question and debate, to be examined in any court or courts." According to the principles of the Constitution, as witnessed by this statute (which, it is to be observed, was revived by Elizabeth, and is still on the Statute Book), all spiritual and ecclesiastical causes ought to be finally determined and adjudged, not by a Court of Delegates, nor by a Judicial Committee of the Privy Council, nor by any mixed Court of ecclesiastics and laymen, but by the "spirituality"—that is, by the Bishops of the Church, who are jure divino and jure ecclesiastico the only lawful Judges. It is true that the King developed his supremacy in the following year, by acquiring the right, for the first time since the signing of Magna Charta, of receiving and determining appeals from the Church Courts; but that by no means shakes the testimony of the statute, that all questions concerning the law Divine should be, by the Constitution, settled "by that part of the body politick called the spirituality." And here it must be remarked that the deeds of this King ought not to be taken as precedents, for he who stooped to bribe the clergy, and to coerce them by the terrors of praemunire, to compel them to acknowledge his supremacy—who, under the guise of a nursing father, robbed the Church, and humiliated her in every way that he could—who corrupted the Parliament, and obliged it to pass an act to give his proclamations the force of law—ought not, surely, to be esteemed as worthy of being followed as an example. For although, according to his interpretation, Henry did not apparently intend to claim any spiritual supremacy over the Church, yet his object was evident—namely, to silence the Church, to destroy
her discipline, and to reduce her to a mere appendage to the State. While, then, the testimony of this King is valuable so far as regards constitutional law, his conduct cannot but be regarded as a monstrous usurpation of the Divine Prerogatives of the Church, and as an unjust and tyrannical attack on her rights and liberties—liberties which had been some thirty or forty times of old confirmed by his predecessors.

There can be no doubt that the proper Court of Appeal for all ecclesiastical causes as are of a strictly spiritual nature, should be composed of the spiritual Lords of the Church; for they are judges by virtue of their office as Bishops, from whose decision there can be no legitimate appeal except to a larger Council, or to the whole Church in Ecumenical Council assembled. The course, therefore, that ought seemingly to be pursued is this—viz., that the Church should demand the revision of the statute 2 and 3 William IV., c. 92, &c., so as to restore to the Bishops their undoubted right to determine, as spiritual judges, all questions of doctrine and ecclesiastical discipline. It may be urged that this will infringe the Prerogative of the Crown, which is the fountain of justice, and consequently possesses the right of seeing justice done to all its subjects. No doubt the Crown possesses the right of judging in all "spiritual causes" which are also temporal; and it will be conceded that in questions of a purely spiritual character the Sovereign may see that justice is duly rendered—not, however, by the decrees of laymen, but by those who are the appointed guardians of the Faith. According to the principles of the Constitution, justice must be administered by the judges of the "temporality" in all civil causes, and by the judges of the "spirituality" in all ecclesiastical matters. As, therefore, lay judges preside over temporal Courts, so ought spiritual judges to preside over ecclesiastical Courts. No doubt the Bishops claim original jurisdiction in the "administration of the Word" (and this the Crown has recognized), but they also, by favour of the Crown, possess the privilege of judicially punishing evil-doers with the civil sword; so that if any clergyman should preach to the people false doctrine, they may not only suspend him from the functions of his office, but sentence him to be deprived of his benefice.

I have ventured (though imperfectly) to state the chief grievances under which the Church of England is suffering, because, as it appears to me, their removal is absolutely necessary for her welfare and usefulness. It cannot be denied that the Church of England has lamentably failed to realize the expectations of the Reformers of the sixteenth and seventeenth centuries.
She has failed in preserving England in the unity of the Faith; for the land is, as it has ever been these three hundred years past, teeming with every description of heresy and schism, and, as in the Church at Corinth, each man says, I am of Calvin, I of the Pope, I of Wesley, and I of Christ. She has failed in keeping pace with the population; for she has not, even now, with all her single-handed efforts, church accommodation for more than one-half. She has failed, through her own internal divisions, to command the respect of foreign Churches. In fact, it must be confessed that the Church of England has failed in accomplishing the great work she has been called upon to perform, and she is only now beginning to appreciate her great and holy mission.* Now, all this must be attributable to one of two things—either to a lack of Divine authority; or else to some external power which crushes her, and forcibly prevents her from performing her duty to Christ and His people. It would be wrong to suppose the former; it must, therefore, be caused by the latter. What, then, is that external power alluded to? It can be nothing else but the State, and the State alone, which paralyzes the energies of the Church, by the appointment from time to time of inefficient persons to the Episcopate; by prohibiting the Church from making canons and ordinances, as required from time to time; and by so interfering with her undoubted right to administer the ecclesiasti-

* I do not mean to say that the Church of England is singular in her failure. The Church of Rome has succeeded no better in her work than her sister of England. The countries in the Roman obedience are not a whit better, morally or religiously, than that of the United Kingdom. Her failure is, no doubt, the result of the Papal Supremacy, which crushes the free action of the Churches, and introduces into the ecclesiastical system all those corruptions which have caused at various times the alienation or fall of Churches. The arbitrary insertion of the "Filioque" clause in the Creed without Ecumenical authority severed East and West; the sale of indulgences ruined religion in Germany, and opened the flood-gates to all sorts of blasphemy, under the guise of reformation; and the dispensation for marrying a brother's widow, in the first instance, and afterwards the refusal to repair the unlawful and incestuous deed, was the origin of the schism between Rome and Canterbury. Rome has often been described as the great centre of unity; but history shows that its action has not been centripetal, but centrifugal—that is, instead of keeping the Churches together, she has in her rapid revolutionary course thrown them off. I mention this to show that whatever faults we have, arising out of an exaggerated Royal Supremacy over things sacred, the same consequences are flowing from the extreme exercise of a Papal Supremacy, which is equally crushing, and equally disastrous to the unity of the Catholic Church and to the people under her care.
cal law, as to hinder her from preserving the purity of her Faith and Discipline.

In conclusion, I would ask, is there no method by which the Church and the State may come to some mutual agreement as regards their respective rights in ecclesiastical matters? It is, indeed, comparatively speaking, easy to pull down buildings, especially when the foundations have been sapped by the decay of ages; but it is not so easy to restore and beautify. The venerable Constitution of England, which every true-born Englishman loves from his heart, and which every foreigner admires and envies, is, as every one knows, of great antiquity. The germ is to be found floating in an embryo state in the early Saxon period, if not, indeed, earlier. It gradually grew into shape, and under the master hand of the great King Alfred was reduced to a form very much as we see it at this time. Then the Church and the State were, indeed, one in faith and practice; every Englishman was a Catholic Churchman, and every Churchman a true-born citizen. The laity assisted at the Councils of the Anglo-Saxon Church by their presence and sanction, and the Prelates and others of the Clergy aided the National Assembly by their countenance and support.

The Norman Conquest, as was natural, greatly disorganized the then state of things. Personal liberty ceased; the constitutional rights of the franchise, both ecclesiastical and civil, were either confiscated or ignored. All these reached their culminating point in the reign of King Henry II. But the great Charter of Liberties restored the ancient constitution of the Realm, and, with some further developments in the direction of liberty, maintained itself intact till the reign of Henry VIII., who by reason of the exhaustion of the kingdom after the bloody wars of the Roses, and the gross corruptions that were prevalent both in Church and State, was able to destroy the liberties of the country, reducing both the "spirituality" and the "temporality" to abject slavery. The policy of this despotick King was inherited by his successors, which, as is well known, resulted in the complete overthrow of the Constitution; and, finally, in the utter ruin of the Stuart dynasty. For it was not likely that a high-spirited people like the English would long submit to political slavery. They began, especially in the time of King Charles (who unwisely pressed to an extreme the prerogative of the Crown), to demand restitution of their civil rights. First, The Petition of Rights, which was granted, followed by other "more ample concessions." (2) The Habeas Corpus Act under King Charles II.; and (3) The Bill of Rights, which was in the first instance accepted, and
afterwards made law by William and Mary. The "temporality," it will be perceived, obtained a full restitution of their rights and liberties; but the "spirituality" remained in statu quo, as it was left by the iron-handed King Henry. The ecclesiastical franchise, which he reduced to a nullity, still continues to be a sham, and, I would add, a blasphemous and mocking scandal.

The Prelates and Clergy of England may not even consider the terms of a new Canon in Convocation without obtaining the previous sanction of the Crown; nor may the Church, by her own ecclesiastical judges, decide finally all questions of Doctrine and Discipline, the Sovereign undertaking this office, personally, with the assistance of his Privy Council. Nor, again, has she any control over ministerial appointments to vacant sees or benefices. Is it, then, not true that the Sovereign of this kingdom, while ruling as a constitutional Prince, so far as regards the "temporality," is, so far as concerns the "spirituality," a despotic King—knowing no will but his own; only controlled by that universal public opinion before which even the Czar and Autocrat of Russia yields and trembles? But here I would observe that while public opinion is potent for the preservation of civil liberties, it is weak for the protection of ecclesiastical rights, and for this manifest reason, because the Church, which is the visible embodiment of the Truth of God, is at enmity with the world, and the world with her. It is therefore the policy of the Crown, of Parliament, and of public opinion to keep her in check, to muzzle her mouth, that she may not utter unpleasant truths, and to bind her arms that she may not strike with the Spiritual Sword. But politicians forget that in preventing her from freely using the power of the keys for closing heaven against the wicked and profane, they at the same time prevent her from opening the portals of divine grace, whereby she might put herself in a position of winning souls to God, of infusing the maxims of truth and soberness among the people, and consequently making them good, respectable, loyal, and orderly citizens. Churchmen, therefore, cannot rely on the influence of public opinion for the protection or safeguard of their religious liberties. As the "temporality" obtained a full restitution of their rights, especially in the franchise, in freedom of discussion in Parliament, and in the administration of justice by independent judges in whom they had confidence, so ought the "spirituality" —i.e., the Church of England—to obtain a like liberty in the exercise of her ecclesiastical franchise, in her right to full and free discussion, and the making of Canons with the same freedom that exists in Parliament for the enactment of laws and
statutes; and in the administration of justice in spiritual and ecclesiastical matters by spiritual judges, independent of any influence arising from the Court, or from party, political or religious.

Now, is it possible in these days of civil and religious liberty to obtain justice for the Church of England? Are there any statesmen now in power, or who may be hereafter in power, willing to finish the great work of the restoration of liberties, by restoring to the Church those rights to which she is entitled, and which are indeed necessary not only for the benefit of religion, but for the well-being of the commonwealth? Let us hope there may be. But is it possible to draw up an ecclesiastical “Petition of Rights,” to be afterwards developed into a “Bill of Rights,” and subsequently to be converted into a statute of the Realm? It appears to me to be quite possible; and if bishops, clergy, and people (especially those who are communicants) are as faithful and true to the “Spirituality” (to which as Churchmen they belong) as they were in a former age to the “temporality” (to which as citizens they appertain), there will be no difficulty whatever in successfully carrying such a plan into effect. The terms of such a concordat between the Church and the State might be somewhat as follows:

1. That the Dean and Chapter of every Cathedral Church in the United Kingdom, and in the dominions thereunto belonging, whenever a vacancy shall occur, be entitled, with the approval of the Archbishop or Metropolitan of the province, to select three persons for the office of Bishop of the diocese, out of which three aforesaid, the Crown to choose one.

2. That all the Bishops of new sees erected either in the United Kingdom, or in any part of the dominions of the Crown, be nominated and elected (with the consent of the Archbishop or Metropolitan) by the Clergy and lay communicants of the Church, subject to the consent of the Crown, in some such manner as may be approved by the Church in Convocation or Synod.

* The Ecumenical Council of Nicea declares, A.D. 325,—“It is most proper that a Bishop should be constituted by all the Bishops of the Province; but if this be difficult, on account of some urgent necessity, or the length of the way, that at all events three should meet together at the same place, those who are absent also giving their suffrages and their consent in writing, and then the ordination be performed. The confirming, however, of what is done in each Province belongs to the Metropolitan of it” (Canon IV.) “. . . But this is clearly to be understood, that if any one be made a Bishop without the consent of the Metropolitan, the great Synod declares that he shall not be a Bishop” (Canon VI.)

Synod of Antioch, A.D. 341 (received into the Code of the Universal
3. That all Deans and other dignitaries of the Church, such as Canons, Prebendaries, or by whatever name they are designated, be appointed by the Bishop of the diocese.

4. That the Church be allowed without impediment to celebrate her national, provincial, and diocesan Synods or Convocations,* and that she be permitted to hold free discussion on any topic of ecclesiastical interest; and, further, that she have free right to make what canons, or constitutions, or ordinances she pleases, which are binding only in foro conscientiae, without any consent of the Crown being required; and likewise the right of making any canons, or constitutions, or ordinances of ecclesiastical obligation, subject to the Royal assent.

5. That the Archbishop and Bishops and Clergy of each province be entitled, with consent of the Crown, to subdivide dioceses, and provide for the election and consecration of the Bishops thereof, as provided in section 2.

6. That in all cases which may hereafter come before the Judicial Committee of the Privy Council by way of appeal from the Ecclesiastical Courts, all questions relating to the doctrine, discipline, rites or ceremonies of the Church be remitted to the Arch-

Church).—“A Bishop is not to be ordained without a Synod, and the presence of the Metropolitan of the Province. And when he is present it is altogether better that all the fellow-liturgists in the Province should meet together with him. The Metropolitan should therefore convocate them by letter; and if all can meet it is better, but, if this is difficult, it is altogether necessary that the greater part of them should be present, or give their consent in writing, so that the appointment may be made with the presence or consent of the greater part. But if things be done contrary to the established rules, the ordination shall be null,” &c. (Canon XIX.)

Laodicea, A.D. 365 (also received in the Code).—“Bishops are to be appointed to the ecclesiastical government by the judgement of the Metropolitans, and neighbouring Bishops” (Canon XII.)

* See Ecumenical Council of Nicea, A.D. 325.—“... And, in order that this enquiry may be conveniently made, it is decreed, to be proper that Synods should be assembled twice every year in every Province, that all the Bishops of the Province being assembled together, such questions may be” settled. “... And of these Synods, one is to be held before Lent... The other in the season of autumn” (Canon V.)

Chalcedon, A.D. 451.—“It has come to our hearing that the Synods of the Bishops which are prescribed by the Canons in the Provinces, do not take place; and that from this cause many of the things which are required for the right settlement of ecclesiastical matters are neglected. The holy Synod has therefore determined according to the Canons of the holy Fathers, that the Bishops in every Province shall meet together twice in every year, at the place which the Bishop of the Metropolis shall approve, and settle whatever matters may have arisen,” &c. (Canon XIX.)

Synod of Antioch, A.D. 341.—“For the occasions of the Church, and for the settlement of controversies, it is decreed, that it is right that
bishops and Bishops* of the four provinces, to be by them synodically declared, interpreted and shewed for the information and guidance of the Judicial Committee, and to be by them applied to the case before them.

Those who are not unprejudiced will acknowledge that these

Synods of the Bishops should take place in every Province twice in the year—the one after the third week of the festival of Easter, so that the Synod may be completed in the fourth week of the Pentecost, and the second Synod to take place in the Ides of October, which is the tenth of the month Hyperberetus. To these Synods the Bishop of the Metropolis is to summon the other Bishops of the Province; and Presbyters, and Deacons, and all who think that they have been in any way aggrieved, may come and obtain the judgement of the Synod. But no persons may gather Synods of themselves, without those who have the charge of the Metropolitan Sees” (Canon XX.)

* Synod of Antioch, A.D. 341.—“If any Bishop, or Presbyter, or any one on the list [of the Clergy], presumes to go to the Emperor without the consent in writing of the Bishops of the Province, and especially of the Metropolitan, he shall be deposed and cast out not only from communion, but also from the rank which he holds, as daring to trouble the ears of our most religious Sovereign, contrary to the laws of the Church. If, however, any absolute necessity obliges him to go to the Emperor, he must do this with the advice and consent of the Metropolitan and other Bishops of the Province, and be furnished with letters from them on his setting forth” (Canon XI.; also Canon XII., see page 59). “If any Bishop be tried upon any accusations, and it should happen that the Bishops differ respecting him, some pronouncing him upon his trial innocent, and some guilty, the holy Synod decrees that, for the settling of all disputes, the Bishop of the Metropolis shall call in some of the neighbouring Province to join in the judgement and terminate the dispute, and confirm what is resolved upon with those of the Province” (Canon XIV.) “If any Bishop, having been charged with any accusations, is judged by all the Bishops of the Province, and they shall all pronounce an unanimous sentence against him, he is not to be judged by any others, but the unanimous sentence of the Bishops of the Province shall remain firm” (Canon XV. See Hammond’s “Definition of Faith and Canons of Discipline,” from which the foregoing canons have been quoted. Oxford, 1843).

General Observations.—All General Councils of the Church, which have been accepted as such, are recognized by the State of England as of binding authority. The Act x Eliz., cap. i., § 36, enacts that nothing shall be “adjudged to be heresy, but only such as heretofore have been determined, ordered, or adjudged to be heresy by the authority of the Canonical Scriptures, or by the first four General Councils, or any of them, or by any other General Council wherein the same was declared heresy by the express and plain words of the said Canonical Scriptures, or such as hereafter shall be ordered, judged, or determined to be heresy by the high court of parliament, with the assent of the Clergy in their convocation.” The whole Canon Law (except such as are contrary to any law) is still in force by virtue of the statute 25 Hen. VIII., cap. 19. There is a passage in the Ordinal which seems to have been forgotten, though it is read every time a Bishop is consecrated: it is as follows—“Brother, forasmuch as the Holy Scriptures and the Ancient Canons command that we
cardinal propositions are reasonable and fair; for while the Church would regain her full liberty, the legitimate rights of the Crown would be respected and preserved intact. No Dean and Chapter could (as the Crown can do now) choose any person for the Mitre whom the Sovereign disapproved of. No new Canons of ecclesiastical obligation could be put in force, without having first obtained the sanction of the Crown; and while the delivery of the Doctrine and Discipline of the Church on disputed points would be placed as it ought to be (and as it is by right) in the hands of the legitimate Episcopal judges, the Crown would still continue to see justice duly administered, and thus the ecclesiastical subject would be protected from any unfair or intolerant exercise of ecclesiastical jurisdiction. The only difficulty that might reasonably be raised is that relating to the appointment, as proposed above, of Deans and other dignitaries. A careful consideration of the point will convince all reasonable men of its justice and expediency. The Dean and Chapter are the Bishop's Council, their duty being to advise him on all points of ecclesiastical jurisdiction and administration within his diocese. The Chapter is to the Bishop very much what the Privy Council is to the Sovereign. If, then, the Chapter of a Cathedral is to be restored to its former position as the Bishop's Council, it is reasonable he should have the right of appointing persons in whom he may have confidence as his Dean and Canons. Now, if the terms of this proposed concordat, or some other having the same main objects, be approved and carried into effect, may we not look forward to great and lasting benefits to our people? May we not hope, with God's blessing, to see in due time a great revival of true religion in this kingdom? And if such would be reasonably the result of a restoration of liberty to the Church, would it not be to the interest of the Queen, the Government, and Parliament to give in their cordial adhesion to the plan proposed?* The Church should not be hasty in laying on of hands, and admitting any to government in the Church of Christ," &c. Bishop Mant, quoting Dean Comber, has these remarks: he says, "This method of asking questions of the candidates for a Bishopric is grounded on divers ancient canons, especially on that of the fourth Council of Carthage." (See Mant's "Book of Common Prayer, with Notes," p. 823, 5th edit., Rivingtons, Lond., 1840.) Both the Church and the Realm (which legalized the Prayer Book) have recognized the Ancient Canon Law, as well as the Mediaeval Canon Law, as observed above.

* Politicians seem to believe that, in demanding the restitution of liberties, the Church is merely seeking her own selfish advantage. This is not so: the Church exists for the good of the people, her duty being to make them, by her teaching and practice, faithful to God, loyal to their Sovereign, and honest towards each other. To pursue a narrow policy of suspicion
has ever been loyal to the person of the Sovereign; indeed, it is part of her creed, and surely it is for the advantage of the State that the Church should have full play for carrying out the work of true religion in the land. It may be said by way of rejoinder that she may do all this without any such concordat as that proposed. I would answer it is an impossibility. Freedom is the very life of every institution. Where countries and institutions are free they prosper and develope according to their respective laws and aspirations; where they are not free, they languish and ultimately die. The glory, power, and wealth of this kingdom is, under God, due to her perfect political freedom. The Church languishes because she possesses no ecclesiastical liberty. She is bound hand and foot, and cannot stir without leave. Bishops like the Bishop of London may conceive and carry out magnificent schemes for the building and endowment of churches, Churchmen like Mr. Beresford Hope may initiate plans for collegiate establishments in large towns, but unless the Church is free they will all assuredly fail for lack of that spirit which is only generated by freedom of corporate action. I hold it is impossible for the Church to carry into effect any large measure for the good of her people, unless she is permitted to have the free use of her limbs in the selection of her chief pastors, in free synodical action, and in being allowed to preserve the unity of the Faith unbroken. Let no one deceive himself by supposing that the Church, any more than any other institution, can work as a body without being endowed with perfect liberty in all her ecclesiastical departments. It is simply absurd to suppose other-

towards her, is that of either a foolish or a wicked Government, whose only desire is either the physical power of the kingdom, or the indulgence of licentiousness. But Governments forget that the prosperity of all kingdoms depends upon the moral condition of the people, and if it should be that this is at an extraordinarily low ebb, then that prosperity is in considerable danger; for, when once indulgence of passions and luxury become universal, then, like the old Roman Empire, the kingdom must, as a matter of course, decline in power and wealth. Then, again, it is too often forgotten that Kings and Governments have duties they owe to God, who will exact from them and the nation the very last farthing if they fail in this respect. A prime duty it is to assist by example, by influence, and by law the Church of God in the performance of all her functions as the Spiritual Ruler, Pastor, and Teacher of the people; and also as the ordained instrument for conducting the worship of the Most High. If, however, a King or Government cannot, from peculiar national circumstances, forward, as they are bound to do, the Church of God, at least ought they to permit her, without loss of honour or property, to perform the various duties she owes to God and the people without any vexatious interference, and without being hindered by such laws and customs as are totally irrelevant to the present state of things.
wise. It is, therefore, earnestly to be hoped that the Government of the day and Parliament will see the justice of the case, and not decline to restore to the "spirituality" those rights and liberties which were solemnly and irrevocably guaranteed to her, and which are necessary for the good of all classes of the people. Should, however, the Church be denied her just rights, then must we look forward to a future, not very distant, of woe and desolation. The decay of morals and religion has been going on steadily for the last two centuries; checked, indeed, for a time, in its course, but without any great success. Indeed, the stream of vice is now greatly on the increase—faith in a judgment to come, followed by an eternity of punishment on the wicked, is manifestly less than it used to be. Truth, the great object of man's belief, is gradually fading from view, and discipline is imperceptibly becoming more and more lax. Infidelity and scepticism are eating into the hearts of our respectable and better sort of people, and like a cancer destroying all that is good and sound in their hearts. The great metropolis of this kingdom and its principal cities and towns are little else than sinks of national iniquity; in these places vice proudly rears up its head and walks unblushingly through the streets. Young men are led away by wholesale to their own destruction, and our young women are contaminated by the sights and sounds of a demoralized population. The Divorce Court witnesses to a state of moral depravity almost unknown in any former age of Christian England, showing how the well-springs of society are poisoned at their very sources. Medical men inform us that immorality amongst our young women, in the upper and middle as well as in the lower orders of the people, has of late years alarmingly increased; that that refinement of manner, that innocency of mind, and modesty of demeanour, which used to be their great charm, has sensibly diminished. And how can we wonder at it!—when the very atmosphere they breathe is polluted, when the works they peruse are suggestive of every imaginable vice, and when the press reveals to them the filthy obscenities of that abominable matrimonial tribunal, which Government and the Parliament in their wantonness established, and which is fast ruining the moral tone of all classes of Englishmen. Coroners' inquisitions inform us of the terrible truth, that infanticide is increasing to a frightful extent, proving with unerring accuracy how our fallen women are becoming more and more deadened to the most sacred instincts of nature. Murders, too, are of almost daily occurrence and of greater atrocity than they used to be; and drunkenness and larceny, by the side of these gigantic crimes, seem to be but venial peccadilloes.
Why do I give this catalogue of what, I fear, we must now acknowledge to be national crimes? It is because the character of the nation is the result of the teaching and practice of the Church: if she be remiss, or if she be prevented from doing her duty by wicked or indifferent Governments, then evil must prevail, and, unless checked and eradicated, society must of necessity become corrupt, and then the nation must in due time fall. It is to arrest this fearful calamity, which many very far-seeing men cannot but perceive is hanging over our land, that I wished to point out the only true remedy—viz., the emancipation of the Church of England from undue State control, and for the restoration of all those rights and liberties which are necessary to enable her to do her duty to God, the Queen, and the people. Should, however, the Government and Parliament of this kingdom, in their folly, refuse to comply with the Church’s just demands, then the result must be, it cannot fail to be, if we may judge from the examples of past history, national ruin, disgrace, and, ultimately, destruction; unless, indeed, the Church, the only true leaver of society, in the plenitude of her spiritual power, and in spite of all persecutions, be enabled by God to arrest and roll back to their source the prevailing wickedness of the times. It is vain to build gaols, reformatories, &c., and to appoint thousands of policemen to weed the bad from the good; unless the only wise course be adopted—in a word, unless the Church is permitted to act as her own Divine instincts direct her—the doom of England is as certain as the sun shines by day and the moon by night.

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It is because the sin of the teaching and practice of the Church is prevented from doing her just demands, that evil must prevent it. Therefore, we must be very careful not to allow our sins to lead us away from the true path of faith, the only true path of salvation, and to be ever ready to resist and turn back to the truth. It is the Church's duty to arrest and roll back the darkness of the times. It is the Church's duty to appoint those who have our interests at heart, unless the Church is ready to direct her path, the door of light and the moon bright.