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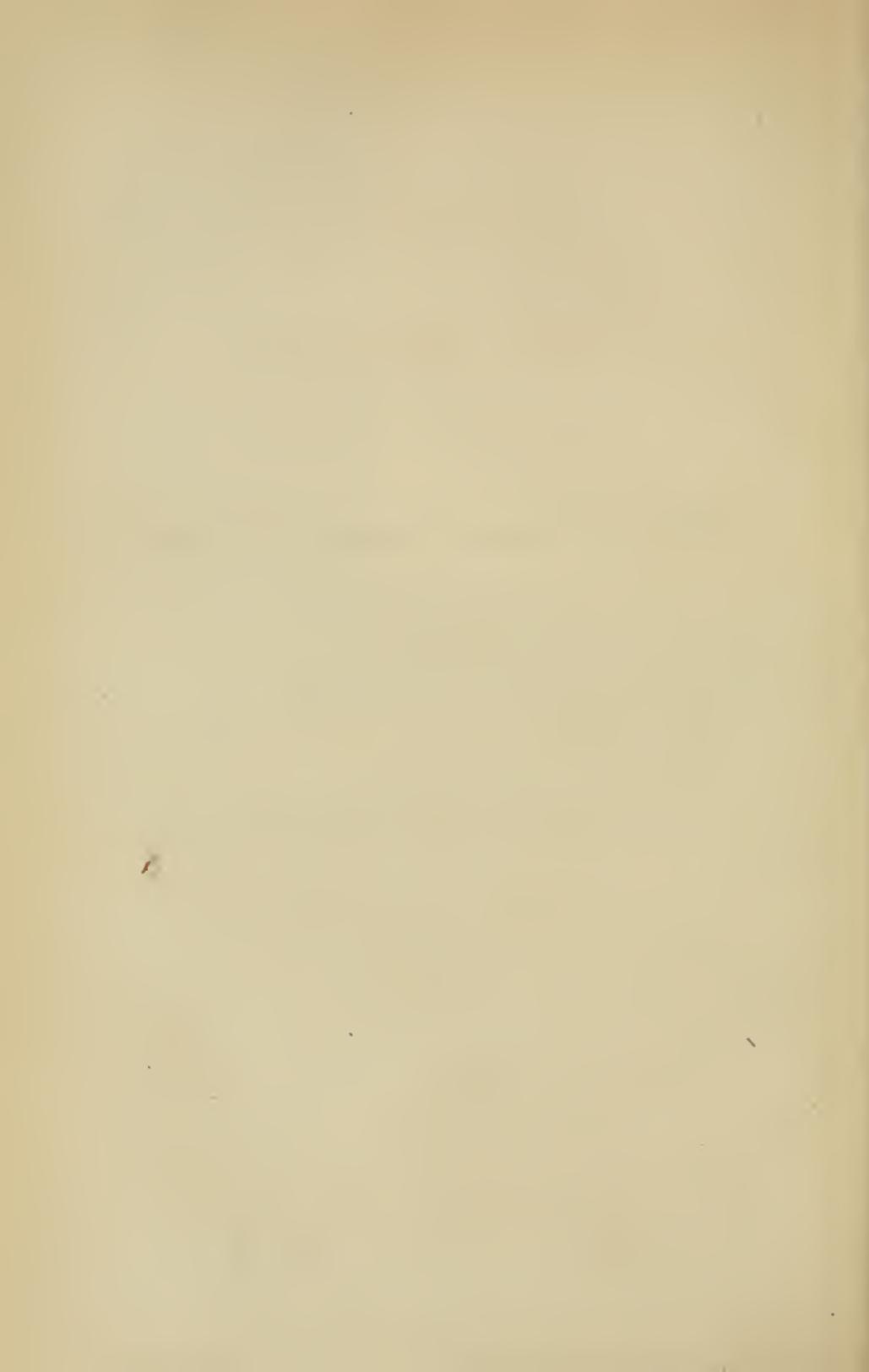


GORHAM, CLERK, *against the* BISHOP OF EXETER.

THE JUDGMENT

OF

SIR HERBERT JENNER FUST K.T.



GORHAM, CLERK, *against the* BISHOP OF EXETER.

THE JUDGMENT

OR

SIR HERBERT JENNER FUST, K.T.,

DELIVERED

IN THE ARCHES COURT OF CANTERBURY, ON
THE 2ND DAY OF AUGUST, 1849,

AS TAKEN IN SHORT-HAND.

LONDON:

SEELEYS, FLEET STREET, AND HANOVER STREET,
HANOVER SQUARE.

1849.

CORRECTIONS AND ADDITIONS.

Page 9, line 2. *for* Introduction *read* the Introduction.

Page 28, line 9, *for the read* these.

Page 30, line 23, *for* doth minister ; *read* doth minister,

Page 32, line 2 in the notes, *for* Bishop Conybeare's *read* See Bishop Conybeare's Treatise, in the.

Page 66, line 12, *for* where *read* since.

Page 70, line 1 of notes, *for* Author *read* Editor.

Page 71, line 1 of notes, *for* published *read* Preface to the published.

Page 81, line 35, *to the words* "he" (the Bishop of London, that is Banercroft), *add this note* † :—

† Sir Herbert Jenner Fust seems to have mistaken the application of the word "he," which unquestionably refers to "the Doctor," *i. e.* Doctor Reinolds, (compare pp. 178, 185,) who moved the insertion of the Lambeth Articles of 1595 "into that Book of Articles" which was "concluded 1562." Bishop Banercroft is not reported as having made any allusion to the Lambeth Articles; though he spoke on the XVIIth of our XXXIX. Articles (see p. 180). The same misapprehension is repeated in the next paragraph of this Judgment, p. 82, line 25.

J U D G M E N T, &C.

IN THE CASE

GORHAM, CLERK, *against the* BISHOP OF EXETER.

AUGUST 2, 1849.

THE Case which the Court has now to decide, was most ably and elaborately argued in the earlier part of the present year. The nature of the Question to be decided, the vast body of learning which has been imported into the discussion, and the important bearing which the decision may possibly have upon the interests of the Church and of religion, have created a more than ordinary interest in the mind of the Court, and—as can be well imagined—a corresponding anxiety and sense of responsibility.

Greatly is it to be lamented when any difference of religious opinion arises between members of the same body ; and, still more, when the parties litigant before the Court stand in the relation, as in the present case, of a beneficed clergyman and his diocesan : the parties being the Reverend George Cornelius Gorham, Vicar of St. Just-in-Penwith, in the county of Cornwall, and Diocese of Exeter, and the Lord Bishop of that Diocese. But it is useless to indulge in observations of this kind ; it is now too late to derive any advantage from them ; for the cause has arrived at such a stage as absolutely to call for the decision of the Court.

The circumstances, then, out of which the present proceedings originated are these :—Mr. Gorham, an ordained Priest of the Church of England and Ireland, a Bachelor of Divinity, and therefore of considerable standing in the

Church, was presented to the Vicarage of St. Just, in the County of Cornwall, and Diocese of Exeter, in the month of January, 1846, by the then Lord Chancellor, who exercised the right of the Crown, to whose patronage the living belonged. On that occasion Mr. Gorham, on presenting himself for Institution to the Bishop, produced such Testimonials as to his learning, ability, moral conduct, and sound religious principles, that the Bishop of Exeter did not think it necessary at that time to subject him to any personal Examination with a view of ascertaining for himself the correctness of the Testimonials with which he had been furnished. Mr. Gorham accordingly entered upon the duties of that benefice, which he still continues to possess. But, circumstances having occurred which made it desirable for him to exchange that living for another, he was presented by the present Lord Chancellor to the Vicarage of Brampford Speke, in the County of Devon, and the same Diocese of Exeter, also in the right of the Crown, in whom the patronage is vested. That presentation bears date the 2nd of November, in the year 1847. On the 6th of that month Mr. Gorham wrote to the Bishop of Exeter, requesting his Lordship to appoint an early day for his admission to that benefice; and suggesting that, as he was not removing into another Diocese, neither a Testimonial, nor the exhibition of his Letters of Orders, was requisite; but at the same time stating that he should cheerfully comply with his Lordship's wishes as far as practicable in those matters. The Presentation was tendered at the Bishop's Registry, on the 3th of the same month. An interchange of letters hereupon took place between Mr. Gorham and the Bishop's Secretary, Mr. Barnes, to which it is not necessary for the Court at present further to refer than for the purpose of stating, that the Bishop declined to institute Mr. Gorham to the living of Brampford Speke, until he had had an opportunity of satisfying himself as to Mr. Gorham's qualifications and fitness for that charge.

This determination on the part of the Bishop appears to have originated from certain expressions which were made use of by Mr. Gorham in the course of a correspondence with his Lordship ; from which the Bishop, whether rightly or wrongly, conceived that some doubts existed as to the soundness of Mr. Gorham's religious principles ; and more particularly with respect to Baptism, which was stated to be, in his Lordship's opinion, the foundation of all Christian doctrine. Whether the suspicions of the Bishop had any sufficient foundation or not, is immaterial to the present question : the fact being that the Examination of Mr. Gorham did take place ; and the result of that Examination forms the subject of the present inquiry before the Court.

It may be proper, however, here to state, that the Lord Chancellor, in exercising that part of the patronage of the Crown which is vested in him by virtue of his high office, very properly requires that the intended presentee to a benefice in his gift should produce a Testimonial from three beneficed clergymen of the Diocese in which he resides, and that such Testimonial should be countersigned by the Bishop. Mr. Gorham having obtained that Testimonial, as required, forwarded it to the Bishop for his counter-signature ; but his Lordship did not think it right to comply with that request, without apprising the Lord Chancellor of his doubts as to the soundness of Mr. Gorham's religious views on certain points of doctrine ; and accordingly, upon the margin of that Testimonial the Bishop wrote certain observations expressive of his impressions on that point. That Testimonial is to this effect :—

“ We whose names are hereunto written, testify and make known that George Cornelius Gorham, Clerk, Bachelor in Divinity, late Fellow of Queen's College, Cambridge, now Vicar of St. Just-in-Penwith, in the County of Cornwall, and Diocese of Exeter, about to be presented by your Lordship to the Vicarage of Bramford Speke, in the County of Devon, and said Diocese of Exeter, hath been personally known to us from June, 1846, to the date of these presents ; that we have had opportunities of observing his conduct ; that during the whole of that time we verily believe that he lived piously, soberly,

and honestly ; nor have we, at any time, heard anything to the contrary thereof ; nor hath he, at any time, as far as we know or believe, held, written, or taught, anything contrary to the Doctrine or Discipline of the United Church of England and Ireland ; and, moreover, we believe him in our consciences to be, as to his moral conduct, a person worthy to be presented to the said benefice. In witness whereof, we have hereunto set our hands, this 12th day of August, in the year of our Lord 1847.”

That is signed by the three Clergymen whose names appear at the bottom of the instrument. Now the Bishop, when the Testimonial was forwarded to him for his counter-signature, wrote in the margin of it to this effect :—

“ The Clergymen who have subscribed this Testimonial are highly respectable ; but, as I consider the Bishop’s counter-signature of such a document, if it be unaccompanied by any remark, as implying his own belief, that the party to whom it relates ‘ has not held, written, or ‘ taught anything contrary to the doctrine or discipline of the United ‘ Church of England and Ireland ;’ and as my own experience unfortunately attests, that the Reverend George Cornelius Gorham did, in the course of the last year, in correspondence with myself, hold, write, and maintain, what is contrary to the discipline of the said Church ; and as what he further wrote, makes me apprehend that he holds also what is contrary to its doctrine, I cannot conscientiously countersign this Testimonial.”

The Bishop, therefore, in the exercise of that discretion and duty which are imposed on him by the law of the Church, thought it right to advise the Lord Chancellor that, in his apprehension, Mr. Gorham holds what is contrary to its doctrine as well as to its discipline ; and he thought it right that he should not suffer this Testimonial to go to the Lord Chancellor, without expressing his opinion as to the fitness of Mr. Gorham for the benefice to which he was presented.

Now this Testimonial was returned by the Bishop to Mr. Gorham, and some correspondence on the subject seems to have taken place between him and the Bishop ; the Bishop, however, declined to take any other course than that which he had already adopted ; and Mr. Gorham, after some time, communicated the circumstances to the Lord Chancellor,

by a letter which bears date the 11th September, 1847, and also in an additional letter dated the 21st of the same month. Now the Lord Chancellor (having considered the statement in the two letters, together with the Testimonial, and the observations written in the margin by the Bishop) informed Mr. Gorham, on the 11th of October, 1847, that he “proposed to sign the Fiat for his Presentation, notwithstanding the observation added to the Bishop’s signature to the Testimonial; declining,” for his part, “to enter into the question which had arisen between the Bishop and Mr. Gorham.” The Lord Chancellor on the same day wrote to the Bishop, and informed him that he had “thought it right to sign the Fiat for the Presentation,” adding, that having “been furnished with the most satisfactory Testimonials from various quarters in favour of Mr. Gorham,” his Lordship did “not think that it became him to assume the office of deciding between conflicting opinions.” As to the propriety of the decision of the Lord Chancellor, there cannot be two opinions. As the representative of the Crown, he deemed it right to satisfy himself, by the best means in his power, of the due qualifications of the person intended to be presented to this benefice; and, having received “most satisfactory Testimonials from various quarters,” in addition to the usual Testimonials from the Diocese of Exeter (although unaccompanied by the unqualified counter-signature of the Bishop), his Lordship wisely and rightly, if I may so speak, signed the Fiat for the Presentation; considering “that whatever power the law may give to the Bishop, upon the ground of life or doctrine, over the Presentee, must follow, and cannot precede, the presentation.” As I have already stated, the presentation was made out, and tendered to the Bishop, who declined to proceed to institute Mr. Gorham until he had been subjected to Examination.

Whether the Bishop exceeded the bounds of discretion, or exercised that discretion with which he is entrusted wisely, by adding to his counter-signature the representation of his impressions with respect to Mr. Gorham; whether it ought

to have been considered simply as a record of the respectability of these three clergymen whose signatures were attached to the Testimonial, or whether he was right in concluding that something more was due from him to the Lord Chancellor who had required the Testimonial,—is not for the Court to decide. All that can be said is,—it may possibly admit of some doubt whether the Bishop was not justified in considering his counter-signature to a Testimonial of this kind as attesting more than the mere respectability of the clergymen whose signatures it bore.

But, be that as it may, the Bishop determined to proceed to the Examination of Mr. Gorham, and that Examination commenced upon the 17th December, 1847. It proceeded upon the 18th, 20th, 21st, and 22nd of the same month; and, after an interruption of some duration, it was renewed on the 8th March, 1848, and proceeded on the 9th, and finally terminated on the 10th of that month. On the 11th Mr. Gorham was informed that the Bishop would decline to institute him to the living of Brampford Speke, and on the 20th March formal notice to that effect was given to Mr. Gorham, the Bishop assigning, as the reason for refusal, “unsound doctrine,” without entering into the particulars of that unsoundness.

Now there the matter rested until the month of June, 1848, when a Monition was extracted from the registry of this Court, on the behalf of Mr. Gorham, in which it was stated that he had been presented to the living of Brampford Speke (I quote—not all the formal words of the Monition—but the effect of them)—that he had offered himself to the Lord Bishop of Exetèr for Institution—that he was “prepared to subscribe the three Articles as required by the 36th Canon, and to make the Declaration required by the Act of Uniformity, and to take all necessary Oaths as by law required;” and although Mr. Gorham “was, and still is, capable and duly qualified, as well by his private character, age, and learning, as also by the purity, probity, and

integrity of his life, to be instituted into, invested in, and admitted into the said Church, with all its rights, members, and pertinents . . . nevertheless the Right Reverend Father in God Henry Lord Bishop of Exeter, who was well acquainted with all and each of the premises, and who ought therefore in virtue of the premises to have admitted the aforesaid Reverend George Cornelius Gorham, Clerk, into the Vicarage and parish Church aforesaid; declined and refused to do right and justice in that behalf," or, in the formal words of the Monition, " unjustly and unrighteously (saving always all due reverence and honour) has delayed and still delays so to do." The tenor of the Monition was to call upon the Bishop to institute (within the time therein specified) Mr. Gorham to this Vicarage of Brampford Speke, in the county of Devon, and diocese of Exeter, or to show cause why Mr. Gorham should not be instituted to it: and it intimated that if the Lord Bishop did not appear, or if appearing he did not set forth a lawful cause, to the contrary, the Court would proceed to admit and institute Mr. Gorham to the Vicarage and parish Church aforesaid, in the absence of the Bishop, in pain of his contumacy.

This was the tenor of the Monition which was served upon the Bishop of Exeter. The Bishop appeared to that Monition by his Proctor, the Proctor praying to be heard on his Petition, the object being to state the grounds upon which his Lordship sought to justify his refusal to institute Mr. Gorham to this living. To that Act on Petition Mr. Gorham made a Reply by his Proctor: and a Rejoinder having been made on behalf of the Bishop, the Act was concluded. The Question came on for hearing before the Court, and it is now standing for its decision.

Now, before entering on the merits of the Case, the Court must observe on the manner in which the Question has been brought before it. On a former occasion I took the opportunity of stating, that the mode of proceeding by Act on Petition was neither convenient nor consistent with practice; and

I have not been satisfied, by any thing which has since occurred, that the opinion I then threw out was erroneous. On the contrary, I am more strongly convinced that a formal proceeding by Plea and Proof was not only the most proper mode, but the best, if not the only mode calculated to bring the real Question immediately before the Court. In the Petition the Pleading is, as usual in such cases, vague and loose, and the Answer to it is also vague and loose; but if the mode of proceeding by Plea and Proof had been adopted, the Court would then have had all the case brought specifically to its notice; the doctrines of the Church of England, upon which it was meant to rely on behalf of the Bishop, would have been specifically and precisely stated; and the points in which it was said that Mr. Gorham had impugned the doctrines of the Church of England, would also have been precisely laid before the Court. But, as the Case at present stands, it was not improperly, nor without foundation, stated, in the course of the argument, that it was impossible, from the manner in which the Examination had been conducted, to discover what were the real opinions of Mr. Gorham on the subject of Baptismal Regeneration—the Question which is brought before the Court, as will appear by the Act on Petition, to which I will presently refer; for I think it is extremely difficult, from the way in which the Case has been brought before the Court, exactly to define the Question which the Court is called upon to decide.

The evidence which has been produced before the Court, if evidence it may be called, is most unsatisfactory; and the mode in which that evidence has been produced is still more unsatisfactory: for, it consists merely of two short Affidavits from Mr. Gorham; of no Affidavit on the part of the Bishop at all; but of a Book,* annexed to his Act on Petition, con-

* The title of the Book, filed in the Registry of the Court by the Bishop, is:—*Examination before Admission to a Benefice by the Bishop of Exeter, followed by refusal to institute, on the allegation of unsound doctrine respecting the efficacy of Baptism. Edited by the Clerk examined, GEORGE CORNELIUS GORHAM, B.D., Vicar of St. Just-in-Penwith, Cornwall; presented*

taining no fewer than between 200 and 300 pages (including Introduction and Correspondence), and of 149 Questions addressed to Mr. Gorham, and the Answers to those Questions, upon which the whole Case before the Court turns. Now this itself cannot be considered in the nature of evidence strictly speaking; but, without any single explanation being offered to the Court, the Book was brought by the Bishop's Proctor into the Registry, and was laid before the Court when the Case came on for hearing for the first time: so that the Court is to find its way, as well as it can, to the allegation of the doctrine of the Church of England, and the points on which Mr. Gorham is stated to have expressed and entertained opinions contrary to that doctrine. I say this is not a convenient mode of proceeding; nor is it the correct mode; according to the practice of the Court. When the Case came on, on a preliminary* objection, it appeared that the proceeding ought to have been by Plea and Proof, by Answers, and by the Examination of Witnesses; or, if that was not sufficient, by pleading parts of the Book on which it was contended that Mr. Gorham's opinions might be shown to be contrary to the doctrine of the Church of England. The law, as I have said, would have been pleaded specifically—the law of the Church—the doctrine of the Church of England; the Answer of Mr. Gorham would have been taken to the allegation; Mr. Gorham would have been entitled, if no witnesses had been examined, or if they had been examined, to plead in Answer to the allegation; and to have shown, in reference to the Book produced by the Bishop, as evidence of the facts contained in his allegation, that his doctrine was consistent with, and not in opposition to, that of the Church of England.

Now the Court is well aware of the difficulty in which

Vicar of Bramford Speke, Devon; and formerly (for eighteen years) Fellow of Queen's College, Cambridge. 1848. (pp. xlvii and 230.)

* The learned Judge refers to the objection, that the Bishop ought to have concluded his Examination within 28 days from the Presentation having been tendered, according to the provisions of the 95th Canon.

(from the want of former precedents in cases of this description) the parties may have been placed ; but still some directions may be found in our books of practice, to which we are in the habit of almost daily resorting even at this time—in Clarke and Oughton particularly ; and it may be collected from those writers on ecclesiastical law to whom we are in the habit of looking—namely, from Watson, Godolphin, Burn, and others—that the proceedings should be, as I have already stated, by Plea and Proof, by Answers, by the Examination of witnesses, by Counter-plea, and by the Examination of witnesses on the other side. The form of proceeding is distinctly set forth by Oughton in page 157, and several following titles, under the head ‘*De Causis Beneficialibus* ;’ but it is not necessary—it would be a waste of time—to refer more particularly to the sections of Oughton, to which I have already adverted, because both parties have adopted another mode of proceeding. The Bishop gives in an Act on Petition ; he annexes a Book which is said to contain the whole of what passed at the Examination, both as to Questions and Answers, both as to Protests and Remonstrances ; and everything connected with the Examination is contained in that Book which is produced before the Court, and which is, in fact, the only evidence before it. Both parties, therefore, are in error ; and the Court had no opportunity of correcting the practice till the Cause was ready for hearing, because it saw nothing of the proceedings. All it knew was, that the Bishop appeared by Act on Petition in answer to the Monition extracted by Mr. Gorham ; and it was concluded before the Court had an opportunity of seeing it : therefore it could give no opinion as to the propriety of the proceedings or the facts stated.

Now, I have already stated that in the Act on Petition the averments are loose and vague. The Bishop, being called upon to make an Answer to this Monition, appears by his Proctor ; and this Act on Petition is intended to contain the grounds upon which the Bishop justifies his

refusal to institute Mr. Gorham to the living of Brampford Speke.

A question was made in the course of the proceedings, and some observations were addressed to the Court, as to who was to be considered as the party proceeding in this case, upon whom the *onus probandi* lay. The Court thought it perfectly immaterial whether the Bishop was to be considered as the Defendant (—as nominally clearly he was, in the course of proceeding; the Monition having been taken out on behalf of Mr. Gorham—), and the Court still thinks it perfectly immaterial in which character he appears, or upon which party the *onus probandi* lies. But I think Mr. Gorham has made out a *primâ facie* case in his Affidavit, to lead the Monition, served on the Bishop, entitling him to be instituted to the Vicarage, unless cause shall be shown to the contrary. He asserts that his Presentation, which is not denied, was offered to the Bishop; that the Bishop delayed to institute him, notwithstanding he was qualified by age, by ordination, by standing in the Church, by Presentation, and by an offer to do all that he was required by law to do before he was instituted. Mr. Gorham had, therefore, made a *primâ facie* case, which called for an Answer on the part of the Bishop, to justify his refusal to institute him under these circumstances. Therefore, I hold that the *onus probandi* lies on the Bishop. Mr. Gorham is not, in the first instance, called upon to state more than he has done in the Monition, which constitutes a *primâ facie* title to Institution.

On behalf of the Bishop, then, it was represented that Mr. Gorham, having been “presented by the Crown to the Vicarage of Brampford Speke, in the county of Devon, and diocese of Exeter, soon after applied to the Lord Bishop of Exeter for Institution;” that his Lordship “proceeded to examine Mr. Gorham, in order first to ascertain his sufficiency and fitness to hold the said Vicarage, as he was both of right entitled, and in duty bound to do, as well by the Statutes of the Realm as by the Constitutions and Canons of the Church.”

(—There were some observations addressed to the Court as to the right of the Bishop to examine Mr. Gorham ; and though the right of the Bishop was not positively denied, yet it was stated to be an unprecedented act, under the circumstances, that he should have proceeded to examine him as to his sufficiency to hold the Vicarage.—) It was, then, further alleged on behalf of the Bishop, “that it appeared to him, in the course of his said Examination, that Mr. Gorham was of unsound doctrine respecting that great and fundamental point—the efficacy of the Sacrament of Baptism ;—inasmuch as he held and persisted in holding that Spiritual Regeneration is not given or conferred in that Holy Sacrament ; in particular, that Infants are not made therein members of Christ and the children of God.” Here is the averment, then, of the points in which Mr. Gorham is of unsound doctrine ; and the Bishop goes on to state that this is “contrary to the plain teaching of the Church of England in her Articles and Liturgy, and especially contrary to the divers Offices of Baptism, the Office of Confirmation, and the Catechism, severally contained in the Book of Common Prayer and Administration of the Sacraments, and other rites and ceremonies of the Church ;” and, “on that account, the Bishop refused to institute Mr. Gorham to this Vicarage.” He further alleged and submitted, “that the holding of such unsound doctrine concerning the said Sacrament by Mr. Gorham, was and is a good and sufficient cause of the Bishop’s refusal to institute him to the Vicarage.” Then it annexes this Book, which is stated to contain “the whole” of the Examination of Mr. Gorham before the Bishop, the Questions addressed to him by the Bishop, and the Answers given to those Questions by Mr. Gorham.

Now this was the Case which was originally set up on behalf of the Bishop, in justification of his refusal to institute Mr. Gorham. Here, I say, it is not clearly and distinctly pointed out to the Court what the doctrine of the Church of England is ; hence the Court is forced to travel through the whole of the proceedings—through the whole of the Book—

through the various Questions, and the Answers given to them—and through other particulars contained in that Book—in order to ascertain for itself, as well as it can, the doctrine alleged to be that of the Church of England, as well as that in which Mr. Gorham is said to hold opinions contrary to it.

Now the Reply, on the behalf of Mr. Gorham, to this statement of the Lord Bishop, is to this effect. First of all, there is an admission that the Book brought in by the Bishop's Proctor contains a "true and accurate" account of what passed. The Reply further describes Mr. Gorham as being "a Bachelor in Divinity of the University of Cambridge, and for nearly 18 years a Fellow of Queen's College in that University;" stating, that "he was made a Deacon in the United Church of England and Ireland on the 10th of March, 1811; and that, on the 23rd of February, 1812, he was ordained a Priest of the said Church." So here is a qualification by age, and by ordination, for holding a benefice in any Diocese to which he may be presented. It then goes on to allege that Mr. Gorham "discharged the sacred duties devolving upon him as such Minister, in six several Dioceses, as a licensed Curate, for a period of 35 years; and that on no single occasion during such time did he ever incur the reprehension of any Bishop in whose Diocese he officiated." I do not mean to find fault with this statement, by the Proctor for Mr. Gorham, to show that there was no real ground for imputation from previous conduct; that he had not held unsound doctrine; but it does not follow that the Bishop was not justified in refusing him Institution, because no imputation of that kind had been cast upon him till the present proceeding; for the Bishop himself had been satisfied in the former instance with the Testimonial produced as to good conduct, as to moral character, as to fitness and qualification by religious principle, to hold the living of St. Just-in-Penwith, in the Diocese of Exeter. It then goes on to allege that Mr. Gorham "was presented in January, 1846,

to the Vicarage of St. Just, by the Lord Chancellor on behalf of the Crown," and that the Bishop instituted him "without previous Examination;" that "he continues to hold the said Vicarage, and that no attempt whatsoever has been made to deprive him thereof by reason of his holding any alleged unsound doctrine; and that in the month of June, 1847, [the Vicarage of Brampford Speke, in the same diocese, was offered to him by the Lord Chancellor." Then he refers to the Testimonial signed by three beneficed Clergymen (to which the Court has already adverted), and states the addition made to that Testimonial by the Bishop of the Diocese, of "certain remarks reflecting on his conduct, and expressing apprehensions of his doctrinal soundness." He says, that "various ineffectual attempts having been made to induce the Bishop to withdraw the same, the Testimonial was forwarded to the Lord Chancellor with the remarks thereon." That "Mr. Gorham received the Presentation on the 2nd of November, 1847, and that on the 8th of that month he presented himself at the Bishop's Registry, and tendered his Presentation." Various appointments were made, not for the Examination of the party (because Mr. Gorham did not prefer any request to the Bishop to appoint a time for Examination), but simply "for Institution" to the Vicarage. It goes on to state the correspondence which passed between Mr. Gorham and the Secretary of the Bishop; and affirms, that the Bishop was "repeatedly urged," if he meant to proceed to an Examination, to "commence it immediately," but that he did not do so until the 17th of December, 1847. It then goes on to detail the days on which the Examination took place; and the length of time occupied on each of those days; and the number of Questions (which amounted to 149) which were proposed to Mr. Gorham; and says that "each Question proposed, and each Answer given thereto, were reduced into writing both by the Chaplain of the Bishop and by Mr. Gorham." Then it goes on to mention that "the copy of each Question and Answer so made was retained

and is in possession of the Bishop." It also states that several conversations took place between his Lordship and Mr. Gorham, to which the Court will not particularly advert. It goes on to allege more expressly, that, "in the Book, brought in by the Bishop's Proctor, is a full, true, and accurate account of all the Questions and Answers, and also of the Conversations between the Bishop and Mr. Gorham; and also a true copy of the Testimonial, with the remarks of the Bishop appended thereto." Then the letters between the Bishop and Mr. Gorham (also in this Book) are alleged to be true and faithful copies of the originals, which are in the possession of the respective parties, those in his possession "being in readiness to be produced if required;" but no requirement has been made. It then refers to the Protest which was made against the Bishop's mode of Examination, and to the Remonstrance as to its being continued. Then it goes on—"Wherefore by reason of the premises, and referring to the contents of the said Book so brought in, . . . he denied that the Bishop of Exeter was of right entitled either by the Statutes of the Realm or by the Constitutions and Canons of the Church to proceed to examine Mr. Gorham at the time when such Examination began." Then he goes on to state when it was that the time allowed for Examination by the Canon had elapsed. That Question has been made the subject of a preliminary discussion before the Court, and the Court was of opinion that the Lord Bishop was justified in the course he had pursued; that he was not deprived by lapse of time of the exercise of that discretion with which he was entrusted by law, or that duty which he had to perform, of proceeding to the Examination of Mr. Gorham, even though the 28 days allowed by the 95th Canon had expired. Therefore it is unnecessary for the Court further to go into the particulars of that part of the Case: the Court being of opinion at that time, and still being of opinion, that the Bishop was justified in commencing the Examination of Mr. Gorham at that time, and in continuing it as he did.

Now the Reply goes on to state on behalf of Mr. Gorham, that he, the Proctor, “distinctly and emphatically denies that Mr. Gorham in his Examination, as recorded in the said Book, did maintain, or has at any time maintained, unsound doctrine respecting the efficacy of the Sacrament of Baptism ; or that he has held, or persisted in holding, any opinions thereon at variance with the plain teaching of the Church of England in her Articles and Liturgy, as wrongfully laid to his charge on the part and behalf of the Bishop.” So that here the parties are at issue ;—the Bishop avowing that Mr. Gorham did, in the course of the Examination, uphold and maintain such doctrine ;—and Mr. Gorham expressly and emphatically denying that he did hold any unsound doctrine respecting the Sacrament of Baptism, or any opinions at variance with the plain teaching of the Church of England in her Articles and Liturgy. But he goes on also to “deny explicitly and expressly, that Mr. Gorham either held, or persisted in holding, that infants are not made, in Baptism, members of Christ and the children of God, as untruly charged on the part of the Lord Bishop of Exeter ; and that he did not maintain any views whatsoever contrary to the true doctrine of the Church of England, as dogmatically determined in her Articles, familiarly taught in her Catechism, and devotionally expressed in her Services ; it having been his desire and endeavour, throughout that Examination, to explain the language both of her Articles and Liturgy (in compliance with the express directions of the Church herself) by such ‘just and favourable construction’* as would secure an entire agreement, not only of each with the others, but of all alike with the plain tenor of the Holy Scriptures, declared by the said Articles † to be of paramount and absolute authority.” Then it alleges that Mr. Gorham “presented himself to the Bishop for Institution, and was on all occasions ready and prepared to subscribe the three Articles as required by the 36th Canon in that behalf, and to make the

* See Preface to the Book of Common Prayer.

† Article VI.

Declaration required by the Act of Uniformity, in the words prescribed by that Act, and to take all the necessary Oaths as by law required ; and that there is not contained in the said Examination, nor is there to be fairly inferred therefrom, any just or legal grounds for the refusal of the Bishop to institute Mr. Gorham to the Vicarage aforesaid.”

Here, I say again, the Answer to the Act is vague ; it is a mere denial of holding doctrine contrary to the doctrine of the Church of England, in her Articles and Liturgy, with respect to the efficacy of Baptism ; but, if this had been a proceeding by Plea and Proof, both in the one case and in the other the doctrine of the Church would have been specifically pointed out in the Articles ; and the words of the Book, to which I have already referred, in which that doctrine is contravened, would have been distinctly set forth : and, consequently, in the Answer of Mr. Gorham, he must have stated precisely what he *did* say, *did* hold, and *did* maintain ; instead of the Court being referred to the contents of the Book for the doctrine he held, leaving it to decide for itself whether it was or was not consistent with the doctrine of the Church of England.

Now the Bishop's Rejoinder to that Reply is a repetition in fact of what he had before stated :— that Mr. Gorham did maintain, and persist in maintaining, unsound doctrine ; did hold, and persist in holding, divers opinions on Baptism contrary to the Articles and Liturgy. This is the course which this Case has taken, and by which it has been brought to its present stage.

Now I think the Court is the party who has the greatest right to complain of the manner in which the Case has proceeded : for it is left—as I before said at the outset, and must repeat over and over again—to find its way, as well as it can, through from 200 to 300 pages,* comprehending 149 Questions, and as many Answers : moreover, those 149

* The whole Book contains 230 pages ; but the Examination occupies only 157 pages—namely, from p. 63 to p. 219 inclusive.

Questions are divided and sub-divided, so as to leave the Court in considerable difficulty in determining, from the Answer to any one of those Questions, what is the real opinion of Mr. Gorham, or what is the real doctrine of the Church of England as maintained by the Bishop of Exeter in opposition to that which is maintained by Mr. Gorham.

Now the arguments of Counsel have undoubtedly thrown considerable light upon these points. The arguments were most clearly and most ably supported by a vast body of learning which was made to bear on the Question at issue between the parties. I think the discussion of the Case occupied 33 or 34 hours (during 6 days), 15 of which fell to the lot of one Counsel, the leading Advocate* for Mr. Gorham, of which the Court by no means complains, on the contrary it is extremely obliged to the learned Counsel for the light he threw on the Case, for the able argument, the great learning and diligence which he bestowed on its consideration, and which he imparted in the most clear and lucid manner to the Court.

But the difficulties of the Court are greatly increased by the argument of the learned Counsel for the Bishop of Exeter in the first instance, and in his subsequent reply.

The Court must, therefore, now proceed to the consideration of the Case, divesting it of much extraneous matter, which very properly was dwelt upon by the Counsel on each side, but which can form no part of the decision of the Court, nor have any weight when it comes to consider the real Question which it is called upon to decide.

Now a good deal was said upon the conduct of the Bishop in requiring Mr. Gorham to undergo any Examination at all; he having been a beneficed Incumbent in his Dioecese, of whose conduct the Bishop had had sufficient opportunities of forming an opinion. The Bishop's *right* was not, certainly, denied, but it was stated to be an unprecedented exercise of

* Dr. Bayford, whose Argument has been published in a volume consisting of 232 pages.

it ; and I presume it is not a very common course to pursue—where a clergyman of long standing has been in possession of a benefice within a certain diocese—that, when he is preferred to another benefice in that same diocese, an Examination should take place ; for it is generally supposed, and must be presumed, that the Bishop has been satisfied as to the character, learning, ability, and sound doctrine of the person so to be instituted. But circumstances *may* occur, and *will* occur,—and we have experience in these Courts to show that circumstances *have* occurred,—in which it has become necessary to inquire into the soundness of the principles and of the doctrine of clergymen who have been instituted, and who have been in possession for years of preferment in the different dioceses of the country, and whose opinions have unfortunately, since the time when they were first instituted, undergone a change. The experience of this Court has taught us that the Subscription in the first instance to the Articles of Religion, which is required by the Canon, and the making of the Declaration according to the Act of Uniformity, are not altogether to be depended upon as proof of the soundness of religious principles in the present day.

The Court has already decided, and Mr. Gorham has submitted to that decree of the Court by his Counsel, that the Bishop had a right to proceed to the Examination, if he thought proper so to do, even after the twenty-eight days, named in the 95th Canon, had expired.

But it is further urged that the Bishop pushed the Examination beyond that limit which, both in point of matter and of time, the nature of the case required. It is not, however, for the Court to determine as to the course of Examination which the Bishop should pursue : he is the judge of what may be necessary on the occasion, and the length of the Examination ; and the purport and tenor of the Examination may very much depend upon the Answers which he obtained to the Questions which he, in the first instance, addressed to Mr. Gorham.

Neither is it for the Court to determine, or to give any

opinion, whether there was or was not a greater or less degree of courtesy observed, or respect shown, on one side or the other. Therefore the Court lays out of its consideration all those observations which were not improperly made by the learned Counsel, in the opening of the Case, upon the circumstances which led the Bishop to suppose that Mr. Gorham held any unsound views upon any point of doctrine or discipline. It gives no opinion on the questions, whether the Bishop was proceeding without sufficient authority, upon bare suspicion, without any information but that which he received in the course of these letters ; whether it was because Mr. Gorham had described the Church as a “ *National Establishment* ;” or had advertised for a Curate free from all tendency to “ *Tractarian Error*.” All that is matter which it may be proper for Counsel to insist upon in argument, but which it would be extremely improper for the Court to pay attention to in giving a decision upon the weighty matter which is the subject of inquiry. Again : the Court is not called upon in any manner to notice what the Bishop may have said in any of his Episcopal Charges, referred to in the argument, or in any letters addressed to a Clerk—even to Mr. Gorham himself. It is not to consider whether it is an offence in the Diocese of Exeter to allude to the Church as a “ *National Establishment* ;” or to refer to the prevalence of “ *Tractarian Error*” as that by which the Curate, whom an Incumbent nominates, is not to be infected. These are all matters extremely well suited for declamation ; they are all well calculated to raise in the minds of some persons a prejudice against the Bishop—to show that he was actuated by improper motives : but they can have no weight in the mind of the Court in forming the decision which it is called upon to pronounce upon the more weighty matter which is the subject of consideration.

Dismissing, then, all these topics from my mind—What is the Question which the Court is called upon to decide ? I have read what is stated in the Act on Petition, and I

have heard what has been said both on the one side and on the other ; and I concur in what the learned Counsel* stated, who argued for Mr. Gorham, that the Question at issue between the parties is—“ *Infant Regeneration unconditionally,*” in and by *Baptism*. It does not involve, as seems to be considered by Mr. Gorham, the unconditional efficacy of Baptism in the case of Adults as well as Infants ; but is solely confined to Baptismal Regeneration in the case of Infants. Therefore I throw out of consideration all circumstances which relate to the unconditional efficacy of Baptism generally ; and I confine myself simply to the case of Infants, it being admitted, on the part of the Bishop, that, in the case of Adults, Faith and Repentance are pre-requisites, and that the efficacy of Baptism depends, in *their* cases, upon the sincerity of their professions and promises.

But although the Question is admitted at present to be confined to this single point,—the doctrines of Infant and Adult Baptismal Regeneration are so mixed up in the Examination and discussion, that it is almost impossible to separate the two, so as to say what part of the argument applies to the one and what to the other ; and, indeed, Mr. Gorham † says, that the Baptism of Adults depends upon the same considerations and “the same principles” as those which are to be applied to Children, and that the two questions cannot be dis severed. The Court, therefore, notwithstanding the single point which is to be considered—namely, “ *Infant Regeneration unconditionally* ”—is still left to find its way through the cloud of Questions and Answers contained in this Book, to decide the doctrine of the Church which Mr. Gorham is said to impugn.

Now I would here state—and I am particularly anxious

* Dr. Bayford : see his Argument, pp. 27, 28. “ I must call the attention of the Court to the real Question before it The Bishop chose the ground, and made *Infant Regeneration unconditionally* the single point . . . to which the whole Examination tended.”

† See Examination, &c., Introduction, p. xxiv.

to have it understood—that I guard myself against being supposed to offer any opinion as to the disputed point of *Theology* between the parties. I am not going to pronounce an opinion as to whether unconditional Regeneration in the case of Infants is or is not a doctrine deducible from the Scriptures. It is no part of the duty of the Court, nor is it within its province, to institute any such inquiry as that. All that the Court is called upon to do—and all that it can properly do, as coming within the limits of its authority—is to endeavour to ascertain whether the Church has determined anything upon this subject; and, having so ascertained, to pronounce accordingly. *The authoritative declaration of the Church* constitutes the law of this Court, to which it is bound to conform, and which it is incumbent upon it implicitly to follow; without indulging any speculative opinion of its own as to whether that declaration is founded in error or in truth. The Court is to administer that law as it finds it laid down, and is not to give any opinion as to what the law ought to be. Therefore, I desire to be distinctly understood, in the observations I am about to make, as confining my attention and directing my observations to the doctrine of the Church solely, so far as I am able to ascertain it; without any allusion to those passages of Holy Writ which are, or are supposed to be, applicable to the effects of Baptism on those to whom it is administered.

Now, the first Question which is raised and presents itself to the Court is, Whether the Church has pronounced any opinion, and if so, What opinion, on the subject under consideration? That gives rise to another Question,—From what source is the Court to derive information as to the doctrine of the Church of England?

The Bishop of Exeter imputes to Mr. Gorham that he holds and avows opinions on the subject of the efficacy of Baptism which are opposed to the doctrines of the Church as set forth in her Articles and her Formularies. Mr.

Gorham denies this, and contends that his opinions are in exact conformity with those of the Church; that he agrees with the Articles, and accepts the true meaning and intention of the Formularies when construed, as he qualifies it, in connexion with the dogmatical exposition of doctrine in the Thirty-nine Articles.

Now a great deal of learning and of ingenious argument was applied to the discussion of this part of the Case; which might naturally be expected from the bearing it may have on the ultimate decision of the Question.

I have said that Mr. Gorham founds himself upon the Articles. There, he says, he takes his stand. He declares that he will not be driven from that position; that he will go as far as the Church has expressed her opinion, and where the Church is silent he will not speak.

Now the next point to be considered is the nature of the Questions originally addressed to Mr. Gorham by the Bishop. It may not be improper to state here what was the course of Examination pursued by the Bishop, and of the Answers which he received to the Questions which he addressed to Mr. Gorham. I think the very first Question throws some light upon the cause of the protracted length of the Examination, and of the very particular and precise manner in which the Bishop is afterwards obliged to frame his Questions in order to obtain from Mr. Gorham direct and specific Answers to them. Now the first Question which appears, at page 63 of this Book, is to this effect:—

“QUESTION I.—Prove from Scripture, that Baptism, and the Supper of the Lord, are severally necessary to salvation. 1st. of Baptism; 2ndly, of the Lord’s Supper.”

Here it clearly appears that the Bishop has not put the Question in that form which would draw out a specific Answer on the doctrine of the Church, as to the necessity of the Sacrament of Baptism and of the Lord’s Supper. Whether they are “*severally*” necessary is the form in which the Bishop puts the Question. Mr. Gorham is perfectly well aware of the lapse in the statement which the

Bishop made, and the learned Counsel have taken advantage of that slip so made by the Bishop, by showing that his Lordship was wrong in the mode in which he addressed the Question to Mr. Gorham; and not only so, but that he was forced to correct the error by a second Question addressed to him. Now with regard to Question I., Mr. Gorham answers, and truly answers:—

“ANSWER I.—I do not find in Scripture that the necessity of Baptism to salvation, is declared in terms *so absolute* as this proposition.”

I cannot, says Mr. Gorham, prove from Scripture that Baptism and the Lord's Supper are “*severally*” necessary to salvation; I do not find that laid down in any way. He goes on then, in a long discourse, on the question of Baptism; in which we have a reference to the words of Scripture, “Except a man be born of water and of the Spirit, he cannot enter into the kingdom of God;” with regard to which he proceeds to state,

“If the allusion be to Baptism (which, however, had not then been instituted), it undoubtedly affirms the necessity of complying with that solemn Institution, where no unavoidable impediment intervenes. Having been ordained of Christ, it cannot be slighted without the awful consequences of disobedience to his express command.”

Then he goes on to state the conclusion which he draws with respect to the first point—Baptism—that it is not indispensably necessary, that it is “only *generally necessary*, a condition to be dutifully performed.” He adds,—

“Precisely the same conclusion must be drawn from the terms used by our Lord, in his express institution of Baptism: ‘He that believeth and is baptized shall be saved.’ (Mark xvi. 16.) ‘The *general* connexion between the *sign* which he has ordained for admission into his Church, and the *faith* which that sign certifies, is here distinctly affirmed. But our Lord adds, ‘He that believeth not shall be damned.’ Here exclusion from everlasting salvation is grounded, not on the omission of *Baptism*, but on the withholding *belief* in the Son of God.”

Then he goes on, in his Answer on the second point, to say that—

“The participation of the Supper of the Lord is stated in Scripture

in the same manner, as *generally* necessary, not *essentially* requisite, to salvation."

Now the manner in which the Question is answered evidently suggested to the Bishop that he must be precise in putting the Question to which he expected an Answer. Accordingly, we find the second Question is framed in this form :—

“QUESTION II.—Does our Church hold, and do you hold, that Baptism and the Supper of the Lord are generally necessary to salvation, in terms as absolute as *this* proposition?”

The word “*severally*” was originally introduced; here the word “*generally*” is substituted; and to this Mr. Gorham gives an explicit Answer :—

“ANSWER 2.—Our Church *does* hold this doctrine, and I hold it of course.”

That is, Baptism and the Supper of the Lord are “*generally* necessary to salvation.”

The third Question is :—

“QUESTION III.—Does our Church hold, and do you hold, that by the express words of our Lord in the text, John iii. 5, ‘Except a man be born of water and of the Spirit, he cannot enter into the kingdom of God,’ we ‘may perceive the great necessity of the Sacrament of Baptism, where it may be had?’”

The Answer is :—

“ANSWER 3.—The Church states this in her Service for Adult Baptism; and the statement ‘containeth in it nothing contrary to the word of God.’”

Reference is then made to the 36th Canon, in which the Declaration of conformity to the Liturgy is enjoined; and he adds :—

“Your Lordship has already had my subscription to this acknowledgment on my Institution to St. Just; for my assent to the whole Book of Common Prayer includes my assent to this part of it.”

There is therefore a direct and positive Answer to this Question.

The fourth Question is:—

“QUESTION IV.—In the Homily of Common Prayer and the Sacraments, it is said, that,—‘According to the exact signification of a sacrament, Baptism, and the Supper of the Lord, are visible Signs, expressly commanded in the New Testament, whereunto is annexed the promise of free forgiveness of our sins, and of our holiness and joining in Christ:’ Do you hold this to be godly and wholesome doctrine?”

Then the Bishop intimates to Mr. Gorham,

“This Question is proposed in words of the Homily; not thereby to intimate that you are bound to assent to it, without reserve, because of the authority of the Homilies.”

To this Mr. Gorham answers:—

“ANSWER 4.—My subscription to the Articles, and among them to the XXXVth, appears to me to involve a sufficient reply to this Question. I prefer, and I claim the privilege of giving my assent to the two books of Homilies, generally, as containing ‘a godly and wholesome doctrine, and necessary for these times’”—

that is, the times in which they were published—

“to my basing any particular doctrine upon any detached sentence taken out of those Books.

“In claiming this privilege, I by no means intend to intimate that I ‘assent with reserve’ to this passage. On the contrary, I consider it as expressing a wholesome truth, when fairly construed; but as it has been often adduced, in controversies on the efficacy of the Sacraments, in a sense in which I do not believe the compiler of that excellent Homily to have written it, my consent could not be given to it by a naked affirmative without explanatory matter. Consecutive Questions, framed with a bearing on a particular controversy, replied to without many collateral explanations, might elicit apparent, and *only* apparent, admissions, which would not correctly represent the doctrine of the Church.”

“To prevent the possibility of misapprehension as to my reply to this passage, or others to which I may have to return a similar Answer—I add, that I fully assent to the wholesome truth contained in this quotation, *when fairly brought into connexion with the ARTICLES OF OUR CHURCH, on the nature and efficacy of the Sacraments.*”

That is the way in which Mr. Gorham qualifies his Answer to the fourth Question, proposed to him on the Homily of Common Prayer; to which he takes no objection. The Bishop had intimated that he was not bound to assent to it.

He says:—I *do* assent to it, that it is good and wholesome truth, “ *when fairly brought into connexion with THE ARTICLES OF OUR CHURCH, on the nature and efficacy of the Sacraments.*” These words are printed in capital letters, “ THE ARTICLES OF OUR CHURCH ”—as showing that Mr. Gorham here again bases himself on the teaching of THE ARTICLES, as the standard by which he is to be governed.

Then follow the three Questions which will raise the point under the consideration of the Court. Questions V., VI., and VII. are put by the Bishop in this manner:—

“ QUESTION V.—Does our Church hold, and do you hold, that every infant baptized by a lawful Minister, with water, in the name of the Father, and of the Son, and of the Holy Ghost, is made by God, in such Baptism, a member of Christ, the child of God, and an inheritor of the kingdom of heaven ? ”

taking, therefore, the words of Baptism used in the Church Service.

“ QUESTION VI.—Does our Church hold, and do you hold, that such children, by the laver of regeneration in Baptism, are received into the number of the children of God, and heirs of everlasting life ? ”

“ QUESTION VII.—Does our Church hold, and do you hold, that all infants, so baptized, are born again of water and of the Holy Ghost ? ”

Now these Questions were proposed, I presume, separately to Mr. Gorham; he answers them all together. He says:—

“ ANSWERS 5. 6. 7.—As these three Questions all imply the same description of Answer, I will discuss them together :”—

then, in the first instance, by way of general introduction to his Answer, he says :

“ And, generally, I reply, that these propositions, being stated in the precise words of the Ritual Services, or of the Catechism, undoubtedly must be held, by every honest member of the Church, to ‘ contain in them nothing contrary to the Word of God, or to sound ‘ doctrine, or which a godly man may not with a good conscience use ‘ and submit unto, or which is not *fairly defensible* ’ ”

—the following words are in *italics*, and distinguished by

inverted commas,* as showing they are extracted from the Book of Common Prayer—

“ ‘*fairly defensible if it shall be allowed such just and favourable construction as in common equity ought to be allowed to all Human Writings, especially such as are set forth by authority.*’— [Preface to the Book of Common Prayer.] ”

Now here it is observed that Mr. Gorham does not give a precise Answer to the Question proposed to him. He answers: “ the propositions ‘ contain in them ‘ nothing contrary to the word of God, or to sound doctrine, ‘ or which a godly man may not with a good conscience use ‘ and submit unto, or which is not *fairly defensible* ’ ”—but here he qualifies it—“ ‘ *if it shall be allowed such just and favourable construction as in common equity ought to be allowed to all Human Writings, especially such as are set forth by authority.* ’ ”

Then he goes on to state :

“ Now the ‘ *just and favourable construction* ’ of passages like these (occurring in services intended for popular use), which, *taken in their naked verbatim*, might appear to contradict the clearest statements of Scripture, and of the Church herself, must be sought,—chiefly, I., by bringing them into juxtaposition with the precise and dogmatical teaching of the Church in HER EXPLICIT STANDARD OF DOCTRINE, THE THIRTY-NINE ARTICLES ;—in the next place, II., by comparing the various parts of her FORMULARIES with each other ;—and, collaterally, III., by ascertaining THE VIEWS OF THOSE BY WHOM HER SERVICES WERE REFORMED, AND HER ARTICLES SANCTIONED.”

These are the modes in which, Mr. Gorham says, the words made use of are to be explained: 1st, by referring to THE THIRTY-NINE ARTICLES ; 2ndly, by comparing various parts of the FORMULARIES with each other ; and 3rdly, by ascertaining THE VIEWS OF THOSE BY WHOM HER SERVICES WERE REFORMED, AND HER ARTICLES SANCTIONED.

Now this gives rise to a very important question, which was made the subject of able discussion in the course of the argu-

* The *whole* quotation, from the word ‘ contain,’ is distinguished by inverted commas, in the Book from which the Judge was reading—namely, the printed Examination filed in the Court.

ment; namely, Whether the opinions and “ views of those by whom the Services were reformed and the Articles sanctioned ” can be taken to give a construction to words which, by their import and by their general acceptance, bear a different construction?—Whether the opinion of the individual Reformers can be taken in opposition to those plain and precise declarations which are made in the Formularies? This formed a great part of the discussion of the Case on behalf of Mr. Gorham; and a great deal of the learning which was imported into the Case was for the purpose of showing what were the opinions of the Reformers of the Church, by which, as it was contended, the Formularies must be construed.

I may here as well state what appears to me to have been the conclusion which that learning was intended to support; namely, that the Reformers were Calvinists; that they entertained Calvinistic or Calvinian opinions, as they are sometimes called; that, in so far as the Articles and Formularies were framed by the same persons, they must be construed with relation to Calvinistic principles, which were the principles of the Reformers; and that, being Calvinists, they must be supposed to have governed themselves by such opinions in forming the Ritual Services of the Church; so that, whatever may be the expressions made use of, they must be taken in a Calvinistic sense, and not in the sense which the plain signification to a common understanding would import. Now this, I say, gives rise to a very serious question, but to which at the present moment I shall not direct my attention (having stated what I believe to have been the meaning of Mr. Gorham’s Counsel)—Whether one mode of ascertaining the construction of the Formularies of the Church, is, by “ THE VIEWS OF THOSE BY WHOM HER SERVICES WERE REFORMED AND HER ARTICLES SANCTIONED.”

Now Mr. Gorham went on under these three heads, or divisions, at very great length to explain what were his views with respect to the points contained in these three Questions;

viz. V., VI., VII. : but it is not necessary for the Court to follow him through his statements. The purpose for which the Court principally adverts to them now, is, to see what the Question was which the Bishop proposed to raise. The Counsel understood him to confine the Question to Infant Baptism, and not to extend it to that of the Baptism of Adults.

Looking, then, at the mode in which the opinion of the Church is to be ascertained, no one, I think, can doubt, that it was rightly stated by the learned Counsel for Mr. Gorham, that THE THIRTY-NINE ARTICLES are those which are to be first consulted. If there is nothing left short ; if the Articles are not silent on any particular point ; if the words made use of are definite ; if there is doctrine dogmatically laid down as the doctrine of the Church in these Articles ;—there can be no occasion to search further. I think that what the learned Advocate maintained was perfectly correct ; and it is made out by a reference to Rogers, who was stated to be Chaplain to Archbishop Bancroft. That learned author says*—

“The purpose of our Church is best known by the doctrine which she doth profess ; the doctrine by the Thirty-nine Articles established by Act of Parliament ; the Articles by the words, whereby they are expressed ; and other purpose than the public doctrine doth minister ; and other doctrine than in the said Articles is contained, our Church neither hath nor holdeth ; and other sense they cannot yield, than their words do impart. The words be the same, and none other, than erst and first they were. And therefore the sense the same ; the Articles the same ; the doctrine the same ; and the purpose, and intention of our Church still one, and the same.”

Now no one can doubt of the propriety of these observations:—that the doctrine of the Church is best known by her Thirty-nine Articles established by Act of Parliament ; the Articles by the words whereby they are expressed—to be construed by the sense which the words made use of import.

To the same effect are the passages cited by the learned

* Rogers on the Articles, Preface, paragraph numbered 35 : edit. London, 4to., 1629.

Counsel from other Writers and Divines : from Bishop Hall* and Archbishop Whitgift.† The latter says—

“ Those points of doctrine which the Church of England at this day doth hold and maintain . . . be at large set out in sundry English books, and especially in the ‘ Apology of the Church of England,’ and the ‘ Defence ’ of the same ;”—

—alluding to Bishop Jewell’s Apology for the Church of England, and his own Defence of the Apology—

“ summarily also collected together in the ‘ Book of Articles agreed upon in the Convocation at London, anno 1562.’ ”

To the same effect were quotations from Bishops Prideaux ‡ and Stillingfleet.§ The latter observes—

“ This we all say, That the doctrine of the Church of England is contained therein [i. e. in the Thirty-nine Articles] ; and whatever the opinions of private persons may be, this is the Standard by which the sense of our Church is to be taken.”

There are other passages quoted from different Writers by the learned Counsel ; but they all go to the same effect : *primâ facie*, the Thirty-nine Articles are the Standard of doctrine. They were framed for the express purpose of “ avoiding of diversities of opinions ;” they certainly are, in the first instance, the dogmatical teaching of the Church, and, as such, are to be considered and appealed to in order to ascertain the doctrine of the Church. But, if they fall short of that, and are silent on any particular point,—to what, then, are we to resort ? Are we to resort to the opinions of those by whom the Articles may have been framed and the Formularies compiled ? or are we to appeal to other declarations of the Church ? We have it, I think, most clearly and distinctly stated by high authority, that of Bishop

* Bp. Hall’s *Olde Religion*, Epistle Dedicat., p. 12, edit. 1630.

† Abp. Whitgift’s *Defence of The Answer to the Admonition*, pp. 179, 523, 621, 738, edit. 1574.

‡ Bp. Prideaux’s *Fasciculus Controv. Theol.*, p. 6, edit. 1649.

§ Bp. Stillingfleet’s *Unreasonableness of Separation*, Part II. Sec. i., p. 513, edit. 1709.

Burnet, in his 'Pastoral Care,'* (quoted by the Counsel for the Bishop of Exeter,) that—

“ The truest indication of the sense of a Church is to be taken from her language in her *public offices*: This is that which she speaks the most frequently and the most publicly; even the *Articles of doctrine* are not so much read, or so often heard of, as her *Liturgies* are; and as this way of reasoning has of late been made use of with great advantage against the *Church of Rome*, to make her accountable for all her *public offices* in their plain and literal meaning, so I will make use of it on this occasion. It is stronger in our case, whose offices being in a tongue understood by the people, the argument from them does more evidently conclude her.”

Here Bishop Burnet states that the doctrines of the Church are best understood by her Formularies, adapted for the particular occasions to which they apply.

The same observations are made by Dr. Waterland, whose authority has never been called in question—whose learning, whose ability, and whose piety have never been doubted—he speaks in these words:—

“ The Church's public acts are open and common, and he is the best Church of England man that best understands the principles there laid down, and argues closest from them. The rest are but assertions, fancies, or practices of private men, and are not binding on us.”

To the same effect writes Bishop Conybeare, in his Treatise † on Subscription to the Articles, as to the mode in which ambiguities of language are to be solved:—

“ If words singly and separately taken are loose and indeterminate, yet their sense may be fixed by the circumstances of the Article in which they are found, and expressions of themselves doubtful may become certain by considering their coherence with other parts of the proposition; * * * * But if expressions should occur which cannot be determined by passages in other Articles, then will it be proper to inquire whether they may be fixed by our public Liturgy, or by any other monuments which have the sanction of ecclesiastical authority. The propositions set forth in any of our Articles ought to be understood in such a sense as is consistent with every other determination of the Church; because the Church cannot be supposed to intend one thing in some of her

* Bishop Burnet's Pastoral Care, p. 104, edit. 1692.

† Bishop Conybeare's Euchiridion Theologicum, vol. ii., pp. 68, 69, and 71, edit. 1825.

public acts, and the direct contrary in others: to which we may add, that those who subscribe the Articles of Religion are obliged to admit those other determinations also, and consequently must subscribe them in such a sense as will make them agree and be consistent with each other. * * * * Where the meaning of the Articles is already fixed by some public act of the Church, there no liberty can be allowed of altering the sense of it, and of adjusting it to our own interpretations of Scripture. * * * * He who subscribes one Article equally subscribes the rest, and what is more, equally professes submission to every other determination of the Church."

These are authorities which I think (—not only by the weight due to the opinions of such men as those to whom I have referred, but even by common sense, by the soundest sense—) are completely borne out as setting forth the true criteria by which doubtful expressions in the Articles are to be construed; and by which we must be guided when the Articles are silent on any particular subject.

The same doctrine was held by Lord Brougham in delivering the opinion of the Judicial Committee, in the Case of *Escott v. Mastin*, where the opinions of learned writers, of Bishops and Archbishops, as in this Case, were cited:—namely, that they are not to govern the declarations of the Church. The Case to which the Court refers was on the validity of lay Baptism, and is reported in the 4th volume of Moore's Reports of the Proceedings before the Judicial Committee, pages 103 and 104. I have the book here, but it is hardly worth referring to it further. There is a legal decision that the Rubrics are those authorities by which the law is to be applied; and the private opinions of individuals (however eminent for their piety, for their learning, and for other qualities) are not to be considered, but simply the public acts and declarations of the Church.

Now then, under these circumstances, the Question is—Is there anything doubtful upon this doctrine of the unconditional Regeneration of Infants in Baptism? The Articles, I think, which were particularly referred to, were the XXVth, and the XXVIth, which relate to the Sacraments generally, the XXVIIth, which relates to Baptism, and the XXVIIIth, which relates to the Lord's Supper.

The XXVth Article is to this effect :—

“ XXV. OF THE SACRAMENTS.—Sacraments ordained of Christ be not only badges or tokens of Christian men’s profession, but rather they be certain sure witnesses, and effectual signs of grace, and God’s goodwill towards us, by the which he doth work invisibly in us, and doth not only quicken, but also strengthen and confirm our Faith in him.

“ There are two Sacraments ordained of Christ our Lord in the Gospel, that is to say, Baptism and the Supper of the Lord.”

I do not go into the question as to the other five Sacraments of the Romish Church, because it is not necessary for the present purpose ; but it is added :—

“ The Sacraments were not ordained of Christ to be gazed upon, or to be carried about, but that we should duly use them. And in such only as worthily receive the same they have a wholesome effect or operation : but they that receive them unworthily purchase to themselves damnation, as Saint *Paul* saith.”

Now something was suggested, by the learned Counsel for the Bishop, that this simply applied to the Sacrament of the Lord’s Supper ; but it seems to me to be perfectly immaterial to consider this question. I will take it as applying to both equally ; because the worthy reception,—whatever that worthy reception may be,—is, in my opinion, according to the doctrine of the Church, equally necessary to Baptism, as it is to the Supper of the Lord ; and those persons who receive Baptism unworthily, do not receive it with any beneficial effect, or saving grace ; but they “ purchase to themselves damnation, as St. Paul saith.” But here the Article leaves it doubtful what worthy reception is. Faith and Repentance, says Mr. Gorham, are necessary, are pre-requisites to the Sacrament of Baptism, as well as to the Lord’s Supper. But where does Mr. Gorham find that ? He does not find it laid down, in this Article, what is to constitute worthy reception. That is to be sought for elsewhere.

Again ; when he comes to the XXVIIIth Article “ of Baptism,” how is that to be construed in connexion with the XXVth “ of the Sacraments ?”

“ XXVII. OF BAPTISM.—Baptism is not only a sign of profession, and mark of difference, whereby Christian men are discerned from others that be not christened, but it is also a sign of Regeneration or new Birth, whereby, as by an instrument, they that receive Baptism rightly are grafted into the Church; the promises of forgiveness of sin, and of our adoption to be the sons of God by the Holy Ghost, are visibly signed and sealed; Faith is confirmed, and Grace increased by virtue of prayer unto God.”

In this Article, therefore, is described, What is Baptism; and, What are the effects of Baptism. But it goes on to state:—

“ The Baptism of young Children is in any wise to be retained in the Church, as most agreeable with the institution of Christ.”

Now the first difficulty that suggests itself to one's mind is: if Faith is to be confirmed and Grace increased by virtue of prayer unto God, how is it that young Children are to be baptized? They can neither have Faith nor Repentance. They cannot have Faith, because they know not the promises which are made in their name; they cannot have Repentance, because they have not committed actual sin. They may have Faith and Repentance in after life; but thus early, at the outset, in infancy, Children can have neither Faith nor Repentance: one they cannot have, for the want of understanding; the other they cannot have, and are not required to have, because they have not been guilty of actual sin.

I say, comparing these two Articles, there is a doubt raised; a doubt which is to be solved by reference to some other authority. And what is that authority to be? Is it to be the authority of private individuals? I apprehend what I have stated already is quite sufficient to dispose of that question: namely, that the acts of the Church, the declarations of the Church are those which are to be considered as explaining and showing what is meant by “worthy reception;” what is meant by “Regeneration;” and what is also meant by the direction given that “The Baptism of young Children is in any wise to be retained in the Church, as most agreeable with the institution of Christ.”

We must find some means by which Children are to be brought within the description of those who are to be regenerated; to be, “as by an instrument, grafted into the Church;” and to become persons to whom “the promises of forgiveness of sins,” and of their “adoption to be the sons of God by the Holy Ghost, are visibly signed and sealed.” In some way or other they must be brought within this description.

Now Mr. Gorham suggests that Children, being “born in sin,” cannot, as such, be worthy recipients. For it is contended by Mr. Gorham, and it is insisted upon by his Counsel, that “worthy reception” is necessary in order to produce beneficial effects from the administration of the rite of Baptism;—that Children being “born in sin,” cannot, unconditionally, receive the Sacrament of Baptism with beneficial effects;—and he answers—when the XIXth Question is addressed to him by the Bishop, as to what our Church holds with respect to the regeneration of baptized infants, independently of stipulations—that, “if they die before they commit actual sin, they are undoubtedly saved.”

But there had been two previous Questions, (the XVth and the XVIIIth,) which I ought first to notice, on the same point.

∨The first of these two Questions was:—

“QUESTION XV.—Does our Church hold, and do you hold, that the entering of Infants into these stipulations, by their representatives, is necessary to their receiving the spiritual grace of Baptism?”

The Bishop pressed him upon this point, because there had been former Answers given, in which Mr. Gorham had held, that Infants are required by the Church to enter into stipulations for Repentance and Faith, by their representatives, before the Church will admit them to Baptism.

—Now his Answer to this XVth Question is:—

“ANSWER 15.—Our Church holds, and I hold, that no spiritual grace is conveyed in Baptism, except to *worthy recipients*; and as Infants are by nature *unworthy recipients*, ‘being born in sin, and the children of wrath,’ they cannot receive any benefit from Baptism, except there shall have been a prevenient act of grace to make them worthy.”

That is the suggestion, that is the hypothesis of Mr. Gorham, to which his Counsel say he is driven by the mode in which the Question is pressed by the Bishop;—that, in order to bring Children within the description of “worthy recipients,” there must be “a prevenient act of grace.” He says further, in this 15th Answer,—

“Baptism is the sign or seal, either of the grace already given, or of the Repentance and Faith, which are stipulated, and must be hereafter exercised.”

So that Mr. Gorham does not admit that it is by Baptism, or through Baptism, that this grace is conferred; but he holds that there must be “a prevenient act of grace:”—the grace may be conferred, either before, or at, or after Baptism; but there must be, to render Infants worthy recipients, a prevenient act of grace, or Baptism is not administered with beneficial effect.

Then the XVIIIth Question comes to the point:—

“QUESTION XVIII.—Has the Church not declared her mind, that Infants baptized by a lawful Minister, in the name of the Father, and of the Son, and of the Holy Ghost, do receive the spiritual grace of Baptism; even if they have not entered into the stipulations by their representatives?”

The Answer is:—

“ANSWER 18.—The Church has declared that, to Infants privately baptized, the grace and mercy of Christ is not denied;—in this case of emergency, I consider, that stipulations, though not *formally* made by sponsors, are made *by implication* through those who earnestly desire their Baptism, and by the person who administers it; which *implied* stipulations the Church requires to be *formally* adopted as soon as the circumstances will suffer it. This case of ‘present exigence’ cannot, therefore, be fairly urged as an exception to the requirements of the Church.”

And then he goes on to state the ground on which he feels compelled to give that Answer to the Bishop’s XVIIIth Question:—

“In the Catechism, the Church puts the Question, ‘Why, then, are Infants baptized, when by reason of their tender age, they cannot ‘perform them’ (the ‘promises’ made by their sureties)?—without limitation to Infants baptized under any particular circumstances. It is a Question stating a difficulty in its broadest and most general character.

“ Now the Answer which the Church gives, brings us, of necessity, to one of three conclusions :—

“ Either, 1st, the Church intended unworthily to evade the principal difficulty ; namely, the case of Infants baptized in emergency, without the formal stipulations, the exaction of which is declared, in the Answer, to solve the difficulty proposed.

“ Or, 2ndly, she intended to impose a charitable silence on her members, with regard to so nice and curious a point, shutting up all further search in the promises of God, as generally set forth in Holy Scripture.

“ Or, 3rdly, she intended to embrace that case, in her general Answer, and to consider that the stipulations were *implied*, under these urgent circumstances (to be hereafter absolutely entered into if more favourable circumstances permitted), though they were not *formally* given.

“ The 1st of these suppositions, of course, I dismiss peremptorily.

“ The 2nd hypothesis would put an end to all further inquiry into the subject.

“ The 3rd conclusion, therefore, which I adopt, is the only solution which is *possible*, if I am required to declare my view of the meaning of the Church.”

Then the Bishop follows up that Question by another, the XIXth, to which I have already adverted :—

“ Does the Church hold, and do you hold, that Infants, so baptized, are regenerated, independently of the stipulations made by their representatives, or by any others for them ?”

Mr. Gorham says :—

“ ANSWER 19.—If such Infants die before they commit ‘ actual sin,’ the Church holds, and I hold, that they are ‘ undoubtedly saved ;’—”

Here is a direct and positive Answer to the Question. Then Mr. Gorham proceeds to say :—

—“ and therefore they must have been regenerated”—

The Question is, Whether Infants are regenerated in *Baptism* or not ? He does not state “ they must have been regenerated ” in *Baptism* ; but “ they must have been regenerated,”—

—“ by an act of grace prevenient to their Baptism, in order to make them worthy recipients of that Sacrament. This case is ruled by the Church.”

The concluding words seem to apply to the latter part of the sentence ; but Mr. Gorham explains his meaning in a note :

“ I mean,—it is ruled that they were actually regenerated, and that they are ‘ undoubtedly saved.’ ”

Then he continues—and this is another point raised—

“ But, if the Infant lives to a period in which it can commit ‘ actual sin,’ the declaration of regeneration must be construed according to the hypothetical principle which I have stated in my Replies 5, 6, 7, to Questions V., VI., VII.

“ That part of the Question which relates to sponsorship, in these cases, I have replied to in the Answer to Question XVIII., so far as the mind of the Church can be ascertained.”

Here then is the answer which Mr. Gorham gives to this Question. He admits, for he cannot deny it in the face of the declaration of the Church, that baptized Infants, who die before they commit “ actual sin,” are “ undoubtedly saved :” therefore it must be on the ground (otherwise they could not be saved) that they are “ worthy recipients ” of the Sacrament ; since the Sacrament cannot produce a beneficial effect to unworthy persons. He resorts, however, to the hypothesis of “ a prevenient act of grace.” That there may be “ prevenient grace ” is not for me to deny. There may be grace imparted at the reception of Baptism, at the very identical moment the rite is administered ; or there may be no grace imparted at that time, but it may be accorded hereafter. Both these are suppositions to which Mr. Gorham resorts, and which the Court is not bound in any manner to deny. There may be a “ prevenient act,” or there may be an act concurrent with the rite, or there may be an act subsequent to it ; but Mr. Gorham’s position is, that it is not by Baptism, or not through Baptism, that grace is conferred.

Then we must look a little to see the authorities on which the Court is to rely for this doctrine.

The learned Counsel, on both sides, entered into a particular examination of the doctrine of the Church with respect to **THE FORMULARIES**.

The first Formulary to which attention must naturally be directed, is, undoubtedly, the Office for “ **THE MINISTRA-**

TION OF PUBLIC BAPTISM OF INFANTS.” Mr. Gorham’s position with respect to that Office is, that the language with regard to the Sacrament of Baptism is to be considered as *hypothetical—conditional upon the fulfilment of certain promises* which are to be made for Children in Baptism by their Godfathers and Godmothers—that it is language which requires a “*just and favourable construction,*” namely, that of *charitable hope* on the part of the Church.

Now, in entering upon this inquiry, the first thing that suggests itself to the mind is, the Exhortation which is given to the parents of the Child to be baptized ; which assumes the great importance attached to this Sacrament and to the early administration of it. The Church maintains that it is necessary—at all events it is highly important—that it should be administered at the earliest time. The Church directs, in the Rubric prefixed to this Office, that

“The people are to be admonished, that it is most convenient that Baptism should not be administered but upon Sundays, and other Holy-days, when the most number of people come together ; as well for that the Congregation there present may testify the receiving of them that be newly baptized into the number of Christ’s Church ; as also because in the Baptism of Infants every man present may be put in remembrance of his own profession made to God in his Baptism. For which cause also it is expedient that Baptism be ministered in the vulgar tongue.”

It then goes on to order,—

“That there shall be for every Male Child to be baptized two Godfathers and one Godmother ; and for every Female, one Godfather and two Godmothers.”

Then notice is to be given when they are to be baptized :—

“And then the Godfathers and Godmothers, and the people with the Children, must be ready at the Font, either immediately after the last Lesson at Morning Prayer, or else immediately after the last Lesson at Evening Prayer.”

(The people are to be admonished, by the Rubric prefixed to the Office for “the Ministration of Private Baptism,” not to defer the Baptism of their Children except for a short time after their birth. This shows, therefore, the necessity of the administration of the rite at as early a pe-

riod as may be.) Then in “the Office for the Ministration of Public Baptism,” the minister formally proceeds to put the question whether the Child has been already baptized or not. Then there is an Exhortation to those who are assembled for the purpose of celebrating Baptism to this effect :—

“ Dearly beloved, forasmuch as all men are conceived and born in sin ; and that our Saviour Christ saith, None can enter into the kingdom of God, except he be regenerate and born anew of Water and of the Holy Ghost ; I beseech you to call upon God the Father, through our Lord Jesus Christ, that of his bounteous mercy he will grant to this Child that thing which by nature he cannot have ; that he may be baptized with Water and the Holy Ghost, and received into Christ’s Holy Church, and be made a lively member of the same.”

This is the Exhortation and the Instruction to the congregation assembled for what they shall pray. The Child is born in sin ; he must be released from that sin before he can be received into Christ’s Holy Church ; and the mode of delivery from that sin is to pray God “ that he may be baptized with Water and the Holy Ghost” (not simply with Water, but with Water and the Holy Ghost) ; “ and received into Christ’s Holy Church, and be made a lively member of the same.” Now then follows the prayer upon this Exhortation ; and that prayer is—

“ Almighty and everlasting God, who of thy great mercy didst save Noah and his family in the ark from perishing by water ; and also didst safely lead the children of Israel thy people through the Red Sea, figuring thereby thy holy Baptism ; and by the Baptism of thy well-beloved Son Jesus Christ, in the river Jordan, didst sanctify Water to the mystical washing away of sin ; We beseech thee, for thine infinite mercies, that thou wilt mercifully look upon this Child ; wash him and sanctify him with the Holy Ghost ; that he, being delivered from thy wrath, may be received into the ark of Christ’s Church ; and being stedfast in faith, joyful through hope, and rooted in charity, may so pass the waves of this troublesome world, that finally he may come to the land of everlasting life, there to reign with thee world without end ; through Jesus Christ our Lord. Amen.”

That is the first prayer which is made for the Child ; then follows the next :—

“ Almighty and immortal God, the aid of all that need, the helper

of all that flee to thee for succour, the life of them that believe, and the resurrection of the dead; We call upon thee for this Infant, that he, coming to thy holy Baptism,"—

may do what?—

—“ may receive remission of his sins by Spiritual Regeneration.”

That is,—not mere Baptism,—not Sacramental Regeneration;—but that he may receive “the remission of his sins by Spiritual Regeneration.”

“Receive him, O Lord, as thou hast promised by thy well-beloved Son, saying, Ask, and ye shall have; seek, and ye shall find; knock, and it shall be opened unto you: So give now unto us that ask; let us that seek find; open the gate unto us that knock; that this Infant may enjoy the everlasting benediction of thy heavenly washing, and may come to the eternal kingdom which thou hast promised by Christ our Lord. Amen..”

The thing they pray for is “*Spiritual Regeneration*,” not Regeneration *simply*, but “*Spiritual Regeneration*.”

The Collect and Gospel are well known. Then the next thing stated is the good will which our Saviour has towards Children, as evinced by laying his hands on them. The minister says:—

“Doubt ye not therefore, but earnestly believe, that he will likewise favourably receive this present Infant; that he will embrace him with the arms of his mercy; that he will give unto him the blessing of eternal life, and make him partaker of his everlasting kingdom. Wherefore we being thus persuaded of the good will of our heavenly Father towards this Infant, declared by his Son Jesus Christ; and nothing doubting but that he favourably alloweth this charitable work of ours in bringing this Infant to his holy Baptism; let us faithfully and devoutly give thanks unto him, and say, Almighty and everlasting God, heavenly Father, we give thee humble thanks, for that thou hast vouchsafed to call us to the knowledge of thy grace, and faith in thee: Increase this knowledge, and confirm this faith in us evermore. Give thy Holy Spirit to this Infant, that he may be born again, and made an heir of everlasting salvation; through our Lord Jesus Christ, who liveth and reigneth with thee and the Holy Spirit, now and for ever. Amen.”

Now this is addressed to the congregation; thanking God for having called them to “the knowledge of his grace and faith;” praying for an increase and confirmation of those

blessings ; and that the Holy Spirit may be given to the Infant, “ that he may be born again and made an heir of everlasting salvation.”

Then comes the Exhortation addressed to the Godfathers and Godmothers as to what they have already prayed for ; and, after referring to the promise of Christ, it says—

“ Wherefore, after this promise made by Christ, this Infant must also faithfully, for his part, promise by you that are his sureties, (until he come of age to take it upon himself,) that he will renounce the devil and all his works, and constantly believe God’s holy Word, and obediently keep his commandments.”

Then questions are addressed to the Godfathers and Godmothers in the name of the Child, and the Answers of the Godfathers and Godmothers are received. Then comes the prayer :—

“ O merciful God, grant that the old Adam in this Child may be so buried, that the new man may be raised up in him. Amen.”

This is all that is important, except the prayer for the sanctification of the Water, which is in these words :—

“ Almighty, ever-living God, whose most dearly beloved Son Jesus Christ, for the forgiveness of our sins, didst shed out of his most precious side both water and blood ; and gave commandment to his disciples, that they should go teach all nations, and baptize them in the name of the Father, the Son, and the Holy Ghost ; Regard, we beseech thee, the supplications of thy congregation ; sanctify this Water to the mystical washing away of sin ;”—

—The Court had its attention particularly directed to the word “ *mystical*,” as explaining what was previously prayed for : that it was not an actual washing away of sin, but a “ *mystical*,” or, as it was afterwards expressed, a *Sacramental* washing away of sin ; that the purifying of the Child was sacramentally and not spiritually. I do not, I confess, exactly feel the force of this reasoning : some mystery, something beyond that which exactly meets the eye, is to be the “ *mystical*” washing away of sin through the sanctification of the Water—

—“ and grant that this Child, now to be baptized therein, may receive

the fulness of thy grace, and ever remain in the number of thy faithful and elect children; through Jesus Christ our Lord. Amen."

This all passes before the Child is baptized. Here the Exhortation is to the congregation to pray for the Child that it may be regenerated by the Holy Spirit; here all these things are prayed for, before the administration of the Sacrament; and after the Sacrament is administered, when the Child is baptized in the name of the Father, and the Son, and the Holy Ghost, we find what the Church puts into the mouth of the minister who administered the Sacrament. The Child is received into the congregation with the sign of the cross, and then the minister addresses the congregation in this way:—

"Seeing now, dearly beloved brethren, that this Child is regenerate, and grafted into the body of Christ's Church,"—

—the act having been just done, he now proceeds to thank God that this Child "is regenerate," and "is grafted into the body of Christ's Church—"

—"let us give thanks unto Almighty God for these benefits; and with one accord make our prayers unto him, that this Child may lead the rest of his life according to this beginning."

Then the Lord's Prayer is said; after which there follows this—

"We yield thee hearty thanks, most merciful Father, that it hath pleased thee to regenerate this Infant with thy Holy Spirit,"—

—"That it hath pleased thee" to do so. We have prayed that thou *wouldst* regenerate him with thy Holy Spirit, and we now return thanks that thou hast been pleased to regenerate him with thy Holy Spirit; that thou *hast* granted that thing we prayed for—

—"to receive him for thine own Child by adoption, and to incorporate him into thy holy Church."

We have prayed that this *might* take place; we prayed that he *might* be "regenerated by the Holy Spirit;" *might* be

received by incorporation into the Holy Church ; and now we thank God that he *has* been so received.

“ And humbly we beseech thee to grant, that he, being dead unto sin, and living unto righteousness, and being buried with Christ in his death, may crucify the old man, and utterly abolish the whole body of sin ; and that, as he is made partaker of the death of thy Son, he may also be partaker of his resurrection ; so that finally, with the residue of thy holy Church, he may be an inheritor of thine everlasting kingdom ; through Christ our Lord. Amen.”

Now it is said all this is upon the *hypothesis* that the Child *will* do all that is promised for him by his Sponsors ; that he *will* renounce the world, the flesh, and the devil ; and so forth. But I confess it does not appear to me that that is the true construction of this language. The true construction, as it appears to me, is this—the positive declaration that it *is* so. It is the Child we are speaking of now, confining ourselves to the Baptism of Infants, and not referring to Adults ; because it is admitted on all hands—the Bishop admits, Counsel admit, we must all admit—that in the case of Adults the declarations *are* all on the *hypothesis* that Adults *are sincere* in their profession of Faith and Repentance, that they *do* intend to perform all they have promised to perform, and that they *will* eventually do that which by themselves they have engaged to discharge. But the declaration in this Public Baptism of Infants is clear, precise, and distinct ; there is a positive prayer for “ Regeneration by the Holy Spirit,” and an absolute declaration by the Church that the Child “ *is* regenerate,” and thanks are returned to God for that blessing.

Then instructions are given to the Godfathers and Godmothers as to their duty :—

“ Ye are to take care that this Child be brought to the Bishop to be confirmed by him, so soon as he can say the Creed, the Lord’s Prayer, and the Ten Commandments, in the vulgar tongue, and be further instructed in the Church Catechism set forth for that purpose.”

But it is suggested that all this is upon *the supposition*

that the child *will* hereafter perform all that his Godfathers and Godmothers have promised for him. It is argued that the reason our Church gives for admitting Children to Baptism is this; namely,—that, although Infants cannot have Faith and Repentance, although they cannot perform those requisites for Baptism, yet they are baptized on *the presumption* that they *will* perform them in after life; when they come to years of discretion; when they are of capacity to understand what has been promised for them—when they can comprehend the blessing of forgiveness of sin through Jesus Christ, and the principles of religion in the Church into which they have been grafted.

It was contended that, in “THE MINISTRATION OF PRIVATE BAPTISM OF CHILDREN,” being only in cases of “exigence,” (though the omission of Godfathers and Godmothers takes place,) there is “*implied*” a promise on the behalf of those baptized. Such being cases of emergency, it was said that nothing with respect to the efficacy of Baptism, without stipulations, can fairly be drawn from that Formulary.

Now I confess I differ in opinion from the learned Counsel. If it be a case of exigence, is it not a case in which the Church intended to declare that the Child so baptized was entitled to all the benefits to which an infant baptized in full health, and with the performance of the full service, would be entitled? Otherwise, why should the Church direct this, namely, that “as many collects as the time and present exigence will suffer” are to be made use of? If the Child is baptized in the name of the Father, and of the Son, and of the Holy Ghost; if thanks are given to God that “it hath pleased him to regenerate the Infant by his Holy Spirit, to receive him for his own Child by adoption, and to incorporate him into his holy Church;” then here is the full effect of Baptism given to the Infant Child so baptized, without the usually attendant promises of Godfathers and Godmothers. Here is the Baptism complete in itself.

Here is the same declaration made of the effect of Baptism as in the case of Public Baptism ; and though it may not have been absolutely prayed for, yet here is the effect given to it. It was the intention of the Church that the Child should receive the same benefit as if the full service had been performed, otherwise the Church would not have gone on to declare—

“ And let them not doubt, but that the Child so baptized is lawfully and sufficiently baptized, and ought not to be baptized again.”

The whole administration of the Sacrament is complete when the Child is baptized with Water “ in the name of the Father, and of the Son, and of the Holy Ghost.” I think there is something in the observation made by the Counsel for the Bishop of Exeter here :—“ If this were not so, surely the Child ought to be baptized again, because it cannot otherwise receive these benefits.” Suppose the Child should recover from the illness under which Baptism is privately administered, and this were held not to be a sufficient Baptism : the Child ought to be baptized again. What is done afterwards has nothing to do with the Baptism ; the Baptismal rite is completed when the Child is baptized “ In the name of the Father, and of the Son, and of the Holy Ghost ;” the Child is sufficiently baptized, and must not be baptized again.

But it is said that the Church puts public Baptism and private Baptism on the same footing ; for it is required that the Child should be brought into the Church (if it should live) for certain purposes. The direction of the Rubric is :—

“ Yet nevertheless, if the Child, which is after this sort baptized, do afterwards live, it is expedient that it be brought into the Church, to the intent that, if the Minister of the same Parish did himself baptize that Child, the Congregation may be certified of the true Form of Baptism by him privately before used.”

It sets out the form :—

“ I certify you, that according to the due and prescribed Order of

the Church, at such a time, and at such a place, before divers witnesses I baptized this Child."

But if the Child was baptized by any other lawful minister, certain questions are to be addressed to those present, in order to ascertain that the due form and order of the Church has been followed in the Baptism :—

" By whom was this Child baptized ?

" Who was present when this Child was baptized ?

" Because some things essential to this Sacrament may happen to be omitted through fear or haste, in such times of extremity ; therefore I demand further of you—

" With what matter was this Child baptized ?

" With what words was this Child baptized ?"

Therefore the Matter, and the Words, are the essential parts of the Baptism : consequently, the Rubric directs :—

" If the Minister shall find by the answers of such as bring the Child, that all things were done as they ought to be ; then shall he not christen the Child again."

Then the Minister is to certify,—(and this is not the certificate of the Minister, but the certificate of the Church founded upon the Answers given as to what has been done,)—

" I certify you, that in this case all is well done, and according unto due order, concerning the baptizing of this Child ; who being born in original sin, and in the wrath of God, is now, by the laver of Regeneration in Baptism, received into the number of the children of God, and heirs of everlasting life :"—

—Here is a declaration, positive and precise : there are no Sponsors, no promises—(though Mr. Gorham says stipulations are implied)—but here is a declaration that this Child so baptized in the name of the Father and of the Son and of the Holy Ghost, with Water, " is now, by the laver of Regeneration in Baptism, received into the number of the Children of God, and heirs of everlasting life :"—

—" for our Lord Jesus Christ doth not deny his grace and mercy unto such Infants."

I say, the form of private Baptism shows that what is required in the other is a matter of order, of decency, of sub-

mission to the will of God, and of earnest prayer to obtain for the Infant that which is sought ; but it is not an essential part of Baptism ; for this Rubric states that the Water and the Words are the essential, and only essential, parts. What room is there for stating that this is merely conditional ; and that the Office of public Baptism of Infants is also conditional, and founded upon an hypothesis ? True it is, if the Child should fall into sin, should live so as to “commit actual sin,” so as to be capable of understanding the promises of God, so as to be able to repent, and to require repentance ; then that Child may pass from the benefits given in Baptism, and, having been washed from those sins which naturally belong to him, he may fall into other sins. He may, under these circumstances, and necessarily must, require Faith and Repentance in order—*not* to regenerate him, for that has already been done, according to the declaration of the Church, in Baptism, but—that he may be renewed and brought back into that state in which he was placed by the Sacrament of Baptism, and from which he has departed.

But, to put this beyond all doubt, we have a positive declaration on the part of the Church, and not a mere hypothesis or charitable hope only :—there is this express Rubric :—

“ It is certain by God’s Word, that Children which are baptized, dying before they commit actual sin, are undoubtedly saved.”

It is not a merely suppositive declaration of the Church. According to her interpretation of Scripture, the Church declares, “ It is certain by God’s Word, that Children which are baptized, dying before they commit actual sin, are undoubtedly saved ;” and Mr. Gorham himself admits* that the Church has ruled that Children are regenerated, and are undoubtedly saved, who have been baptized, and die before they commit actual sin. I cannot understand how anything like a charitable hope can be engrafted on such a

* Examination, &c., p. 85, *note*.

passage ; because the Church places it on God's Word. I cannot understand upon any principle how this is to be understood as a merely charitable hope : because the supposition is, that the Child dies without committing "actual sin ;" and the declaration in Baptism is, that the Child "is regenerated by the Holy Spirit," that he is "the Child of God," that he is "engrafted into the Church ;" and how it is possible to suppose this to be hypothetical, a merely charitable hope on the part of the Church, is, I confess, extremely difficult to conceive : it is a positive declaration of what the Church believes as being the sense of the Holy Scriptures.

But there is another Service ; the Office for "THE MINISTRATION OF BAPTISM TO SUCH AS ARE OF RIPER YEARS, AND ABLE TO ANSWER FOR THEMSELVES." This, it is argued, is constructed precisely on the same footing as that for Infants, and yet must of necessity be understood hypothetically and conditionally.

This Formulary was not a part of the original Offices for Baptism ; but it became necessary, at the time of the Restoration, in consequence of "the growth of Anabaptism," and for the use of "natives in the Plantations, and others converted to the Faith," as stated in the Preface to the Prayer Book. But it is said this is put on the same footing, and is of the same character, as the other Offices ; and it is asked,—If *one* Office, out of the three Forms, is hypothetical, why are not the *other two* to be construed hypothetically ? But it appears to me that there is this marked and deep distinction between them. In the case of the public Baptism of those of Riper Years, the persons coming for Baptism have not only "committed actual sin," and have therefore need of Repentance ; but they are persons who also know it, because they are to be "instructed in the principles of religion"* before they are permitted to partake of that holy Sacrament. They are therefore persons who come in their

* Rubric prefixed to the Office for Adult Baptism.

own right ; who enter into the promises in their own persons ; and who must be supposed to promise with a sincere intention to perform all they engage to do. Here is a marked distinction. Infants, who promise by their sureties, are admitted to partake of Baptism ; and if they die before they “commit actual sin,” they are “saved,” according to the declaration of the Church. But those persons of Riper Years, who have been “instructed in the principles of religion,” who know what they have to perform and do, and who make the promises in their own persons, are necessarily considered as entitled to the benefits of Baptism only upon the supposition that they are sincere in their promises of Faith and Repentance. If they offer themselves for Baptism, and the benefits of that rite, they must do it either hypocritically or sincerely. But the Church cannot know, except by the outward conduct of the persons, whether they are sincere or not. There is, therefore, this marked distinction between the two :—that the Church knows, in the case of the Infant, that it cannot have committed “actual sin” before Baptism ; and that, in the case of the Adult, it can only rely upon the outward profession of Faith and Repentance in those persons.

Now it does appear to me, that there is no argument to be drawn from the hypothetical sense or charitable judgment with respect to Adults, to justify such a construction as applied to Infants ; for there is a positive declaration that the latter are saved if they have been baptized, and die before they commit actual sin. As I said before, the Church bases herself upon what is declared in the Word of God,—that (as the Church pronounces positively) the Child is placed by Baptism in a state of eternal salvation. For there are only two terms to be complied with,—namely, the Child being “baptized,” and its “dying before it commits actual sin,”—in order to entitle it to the benefit which the Church declares to be “certain by God’s Word.” I say, no argument can be drawn from the hypothetical sense, for the application of the one Service to the other. In the case

of Adults, the Church can only act on the charitable supposition that the parties are sincere. Nobody can contend for a moment, the Bishop never contended, that persons who come hypocritically, and not with the intention of forsaking sin, nor faithfully believing the promises made to them, can receive any benefit from this Sacrament. I say, the Services are most materially distinguished from each other ; not merely as regards the difference arising from the one Office being for an Adult, and the other for an Infant ; but as regards their essential and substantial difference, on separate and distinct grounds.

What is the next thing to be done? When these Children have been baptized, when they are in a situation to learn the principles of their religion, they are to be instructed—in what?—in **THE CHURCH CATECHISM**, comprehending the Ten Commandments, and other short Questions and Answers. And what is the first Question addressed to them there?

“ **QUESTION.** What is your name ?

“ **QUESTION.** Who gave you this name ? ”

The Answer to that is:

“ **ANSWER.** My Godfathers and Godmothers in my Baptism ; wherein I was made a member of Christ, the child of God, and an inheritor of the kingdom of heaven.”

All in conformity with the declaration made at the time of Baptism. They were made “the sons of God” by “adoption” in Baptism. This is the teaching of the Church: “In my Baptism ; wherein I was made a member of Christ, the child of God, and an inheritor of the kingdom of heaven.” Then comes the next Question:—

“ **QUESTION.** What did your Godfathers and Godmothers then for you ?

“ **ANSWER.** They did promise and vow three things in my name. First, that I should renounce the devil and all his works, the pomps and vanity of this wicked world, and all the sinful lusts of the flesh.”—

—(Which is the same with the renunciation of “the carnal desires of the flesh” in the Baptismal Service—

“ Secondly, that I should believe all the Articles of the Christian Faith. And thirdly, that I should keep God’s holy will and commandments, and walk in the same all the days of my life.

“ QUESTION. Dost thou not think that thou art bound to believe, and to do, as they have promised for thee ?

“ ANSWER. Yes verily ; and by God’s help so I will. And I heartily thank our heavenly Father, that he hath called me to this state of salvation ”—

—that is, the state of salvation in which I am placed by Baptism : I am placed in a new situation ; I am no longer, according to the declaration of the Catechism, a child of wrath, but a child of grace ; I was born in sin, now I am free—

“ through Jesus Christ our Saviour. And I pray unto God to give me his grace, that I may continue in the same unto my life’s end.”

Here it is “ continue : ”—there is no doubt, no hypothesis, that he is in any other situation than that in which he has been placed by Baptism. He prays for grace that he may “ continue ; ” that he may not fall away ; that he may not, by sin, lose that grace, whatever it be, that has been conferred in his Baptism.

The Child is then desired to say the Articles of his Belief, the Commandments, and so forth. Then, after rehearsing the Lord’s Prayer, the Catechism goes on to the Questions which were added at the time of the Restoration :

“ QUESTION. How many Sacraments hath Christ ordained in his Church ?

“ ANSWER. Two only, as generally necessary to salvation, that is to say, Baptism, and the Supper of the Lord.

“ QUESTION. What meanest thou by this word *Sacrament* ?

“ ANSWER. I mean an outward and visible sign of an inward and spiritual grace given unto us, ordained by Christ himself, as a means whereby we receive the same, and a pledge to assure us thereof.”

There is the same language—it is “ an outward and visible sign of an inward and spiritual grace ; ” it is a Sacrament “ ordained by Christ as a means whereby we receive the same ”—that is “ the grace given to us ; ” and “ a pledge to assure us thereof.” I cannot understand how a doubt can be raised on these words.

“ QUESTION. How many parts are there in a Sacrament ?

“ ANSWER. Two: the outward visible sign, and the inward spiritual grace.

“ QUESTION. What is the outward visible sign or form in Baptism ?

“ ANSWER. Water ; wherein the person is baptized *In the name of the Father, and of the Son, and of the Holy Ghost.*

“ QUESTION. What is the inward and spiritual grace ?—

—“ Spiritual Grace ”—this is the grace which was conferred—Regeneration by the Holy Ghost, for the remission of sins.—

“ ANSWER. A death unto sin, and a new birth unto righteousness : for being by nature born in sin, and the children of wrath, we are hereby made the children of grace.

“ QUESTION. What is required of persons to be baptized ?

“ ANSWER. Repentance, whereby they forsake sin ; and Faith, whereby they stedfastly believe the promises of God made to them in that sacrament.”

Then follows this,

“ QUESTION. Why then are Infants baptized, when by reason of their tender age they cannot perform them ?

“ ANSWER. Because they promise them both by their Sureties : which promise, when they come to age, themselves are bound to perform.”

The Church admits them, then, to partake of the Sacrament of Baptism, upon the supposition that, if they should live, and if they should come to years of discretion, they will take upon themselves the performance of that vow which has been made by their Sureties in Baptism. But what is the state of those Children who die “before they commit actual sin?” Precisely that declared at the end of the Baptismal Service, namely:—

“ It is certain by God’s Word, that children which are baptized, dying before they commit actual sin, are undoubtedly saved.”

They must be “baptized,”—they must die “before they commit actual sin,”—to bring them within that declaration, of their being undoubtedly saved. “Prevenient grace” is not the mode ; the Church says nothing about that ; but if they live to an age at which they are capable of committing

actual sin, the Church says they are “bound to perform” these “promises of Repentance and Faith made by their Sureties;” and therefore she receives them by anticipation.

This is the doctrine which runs through all the Catechisms which have been referred to in the course of the argument. I do not apprehend that Dean Nowell,* in his Catechism, puts it on any other ground. I take it from the ‘*Enchiridion Theologicum*,’ published by Bishop Randolph.

“M. De Baptismo ergo primum dic quid censeas.

“A. Quum natura filii irac, id est, alieni ab Ecclesia, quae Dei familia est, simus, Baptismus veluti aditus quidam nobis est, per quem in eam admittimur:”—

admitted to Christ’s Church by means of Baptism—

“unde et testimonium etiam amplissimum accipimus, in numero domesticorum, adeoque filiorum Dei, nos jam esse: imo in Christi corpus quasi cooptari atque inseri, ejusque membra fieri, et in unum cum ipso corpus coalescere.”—

taken into and inserted in Christ’s body, and made members of Christ, and engrafted as into one body with him. Then he goes on to inquire—

“M. Sacramentum antea dicebas duabus constare partibus, signo externo, et arcana gratia. Quod est in Baptismo signum externum?

“A. Aqua, in quam baptizatus intingitur, vel ea aspergitur, *IN NOMINE PATRIS, ET FILII, ET SPIRITUS SANCTI.*

* The passages cited are here printed from Jacobson’s very accurate edition of the ‘*Catechismus*,’ pp. 159–162, Oxon., 1844. The Editor subjoins the cotemporary English version of Norton, printed by John Day, London, 1570; which, as Norton says, “*will be profitable to such as do understand English only.*”

“M. Then tell me first what thou thinkest of Baptism?

“S. Whereas by nature we are the children of wrath, that is, strangers from the Church, which is God’s household, Baptism is, as it were, a certain entry, by which we are received into the Church, whereof we also receive a most substantial testimony, that we are now in the number of the household, and also of the children of God: yea, and that we are joined and grafted into the body of Christ, and become his members, and do grow into one body with him.

“M. Thou saidest before that a Sacrament consisteth of two parts, the outward sign and inward grace. What is the outward sign in Baptism?

“S. Water; wherein the person baptized is dipped or sprinkled with it *in the name of the Father, and of the Son, and of the Holy Ghost.*

“ M. Quae est arcana et spiritualis gratia ?

“ A. Ea duplex est : remissio videlicet peccatorum, et Regeneratio, quae utraque in externo illo signo solidam et expressam effigiem suam tenent.

“ M. Quomodo ?

“ A. Primum, quemadmodum sordes corporis aqua, ita animae maculae per remissionem peccatorum eluuntur : deinde Regenerationis initium, id est, naturae nostrae mortificatio, vel immersione in aquam, vel ejus aspersione exprimitur. Postremo vero, quum ab aqua, quam ad momentum subimus, statim emergimus, nova vita, quae est Regenerationis nostrae pars altera atque finis, repraesentatur.”

In accordance with all the *Baptismal Services*, and with the *Catechism of the Church*.

“ M. Videris aquam effigiem tantum quandam rerum *Divinarum* efficere.

“ A. Effigies quidem est, sed minime inanis, aut fallax, ut cui rerum ipsarum veritas adjuncta sit atque annexa.”—

—It is not an empty sign, or deceitful sign—

—“ Nam sicuti Deus peccatorum condonationem, et vitae novitatem nobis vere in *Baptismo* offert, ita a nobis certo recipiuntur. Absit enim ut Deum vanis nos imaginibus ludere atque frustrari putemus.”

They are not mere signs, but are beneficial signs, “ effectual signs of grace.”

“ M. What is the secret and spiritual grace ?

“ S. It is of two sorts ; that is, forgiveness of sins, and Regeneration ; both which in the same outward sign have their full and express resemblance.

“ M. How so ?

“ S. First, as the uncleannesses of the body are washed away with water, so the spots of the soul are washed away by forgiveness of sins. Secondly, the beginning of Regeneration, that is, the mortifying of our nature, is expressed by dipping in the water, or by sprinkling of it. Finally, when we by and by rise up again out of the water, under which we be for a short time, the new life, which is the other part, and the end of our Regeneration, is thereby represented.

“ M. Thou seemest to make the water but a certain figure of divine things.

“ S. It is a figure indeed, but not empty or deceitful, but such as hath the truth of the things themselves joined and knit unto it. For as in *Baptism* God truly delivereth us forgiveness of sins and newness of life, so do we certainly receive them. For God forbid that we should think that God mocketh and deceiveth us with vain figures.

“ M. Non ergo remissionem peccatorum externa aquae lavatione aut aspersione consequimur ?

“ A. Minime. Nam solus Christus sanguine suo animarum nostrarum maculas luit atque eluit. Hunc ergo honorem externo elemento tribuere nefas est.”—

As was expressed in one of the quotations by the learned Counsel for the Bishop, which attributes this benefit to water merely.

—“ Verum Spiritus Sanctus conscientias nostras sacro illo sanguine quasi aspergens, abstersis omnibus peccati sordibus, puos nos coram Deo reddit. Hujus vero peccatorum nostrorum expiationis obsignationem atque pignus in Sacramento habemus.

“ M. Regenerationem vero unde habemus ?

“ A. Non aliunde quam a morte et resurrectione Christi ; nam per mortis suae vim vetus homo noster quodammodo crucifigitur et mortificatur, et naturae nostrae vitiositas quasi sepelitur, ne amplius in nobis vivat et vigeat ; resurrectionis vero suae beneficio nobis largitur, ut in novam vitam ad obediendum Dei justitiae reformemur.”

Now then he goes on :—

“ M. An gratiam hanc omnes communiter et promiscue consequuntur ?

“ A. Soli fideles hunc fructum percipiunt ; increduli vero oblatas illic a Deo promissiones respuendo, aditum sibi praecludentes, inanes abeunt, non tamen ideo efficiunt, ut suam Sacramenta vim et naturam amittant.”

“ M. Do we not, then, obtain forgiveness of sins by the outward washing or sprinkling of water ?

“ S. No. For only Christ hath with his blood washed and clean washed away the spots of our souls. This honour therefore it is not lawful to give to the outward element. But the Holy Ghost, as it were, sprinkling our consciences with that holy blood, wiping away all the spots of sin, maketh us clean before God. Of this cleansing of our sins we have a seal and pledge in the Sacrament.

“ M. But whence have we Regeneration ?

“ S. None other ways but from the death and resurrection of Christ. For by the force of Christ's death our old man is, after a certain manner, crucified and mortified, and the corruptness of our nature is, as it were, buried, that it no more live and be strong in us. And by the beneficial mean of his resurrection, he giveth us grace to be newly formed unto a new life, to obey the righteousness of God.

“ M. Do all, generally, and without difference, receive this grace ?

“ S. The only faithful receive this fruit : but the nubelieving, in refusing the promises offered them by God, shut up the entry against themselves, and go away empty. Yet do they not thereby make that the Sacraments lose their force and nature.

So that those who have received Faith, receive the beneficial effects of Baptism ; but those who are unfaithful receive no benefit or advantage from it. So we also say, that, in Adult Baptism, those who are not sincere in their Faith and Repentance receive no benefit from the Sacrament; the benefit being hypothetical.

“ M. Rectus ergo Baptismi usus quibus in rebus sit situs, breviter edissere.

“ A. In Fide et Poenitentia.”—

In Faith and Repentance: that is the doctrine of our Church ; “ Repentance whereby we forsake sin, and Faith whereby we steadfastly believe the promises of God made to us in that Sacrament.”

—“ Primum enim Christi nos sanguine a cunctis purgatos sordibus Deo gratos esse, Spiritumque ejus in nobis habitare certa fiducia cum animis nostris statutum habere oportet. Deinde in carne nostra mortificanda, obediendoque justitiae Divinae, assidue omni ope et opera est entendum, et pia vita apud omnes declarandum nos in Baptismo Christum ipsum quasi induisse, et ejus Spiritu donatos esse.”

Then comes the Question as to the reason why Infants are permitted to be baptized ; and it is all, as it appears to me, in perfect conformity with the words of our own Catechism.

“ M. Quum Infantes haec, quae commemoras, hactenus per aetatem praestare non possint, qui fit ut illi baptizentur ?

“ A. Ut Fides et Poenitentia Baptismum praecedant, tantum in Adultis, qui per aetatem sunt utriusque capaces, exigitur ; Infantibus vero promissio Ecclesiae facta per Christum, in cujus Fide baptizantur, in

“ M. Tell me then, briefly, in what things the use of Baptism consisteth ?

“ S. In Faith and Repentance. For first, we must with assured confidence hold it determined in our hearts, that we are cleansed by the blood of Christ from all filthiness of sin, and so be acceptable to God, and that his Spirit dwelleth within us. And then we must continually, with all our power and endeavour, travail in mortifying our flesh, and obeying the righteousness of God, and must by godly life declare to all men that we have in Baptism, as it were, put on Christ, and have his Spirit given us.

“ M. Since infants cannot by age perform those things that thou speakest of, why are they baptized ?

“ S. That Faith and Repentance go before Baptism is required only in persons so grown in years, that by age they are capable of both. But to Infants the promise made to the Church by Christ, in whose Faith they

praesens satis erit : deinde postquam adoleverint, Baptismi sui veritatem ipsos agnoscere, ejusque vim in animis eorum vigere, atque ipsorum vita et moribus repraesentari omnino oportet."

These are the words of Dean Nowell, on which so much stress was laid by the learned Counsel for Mr. Gorham, and for the not having quoted which he twitted the learned Counsel for the Bishop of Exeter. Dean Nowell appears to me to put the case on precisely the same footing as our own Catechism does : namely, that in the case of Adults, Faith and Repentance must precede Baptism ; but that, in the case of Infants, the promises made by the Sureties are accepted, though, if they come to age, they themselves must perform them.

But when the Child is so instructed in the principles of religion, and of the necessity of taking upon himself the promises made in Baptism, then he is brought to be CONFIRMED by the Bishop. Now the Exhortation states the reason why this "ORDER OF CONFIRMATION" was framed :

"To the end, that Children, being now come to the years of discretion, and having learned what their Godfathers and Godmothers promised for them in Baptism, they may themselves, with their own mouth and consent, openly before the Church, ratify and confirm the same ; and also promise, that, by the grace of God they will evermore endeavour themselves faithfully to observe such things, as they, by their own confession, have assented unto."

Then the question is put by the Bishop—

"Do ye here, in the presenee of God, and of this congregation, renew the solemn promise and vow that was made in your name at your Baptism ; ratifying and confirming the same in your own persons, and acknowledging yourselves bound to believe, and to do, all those things, which your Godfathers and Godmothers then undertook for you ?"

The question being answered—what is declared in the Prayer which immediately follows ?

"Almighty and everliving God, who hast vouchsafed to regenerate

are baptized, shall for the present time be sufficient ; and then afterward, when they are grown to years, they must needs themselves acknowledge the truth of their Baptism, and have the force thereof to be lively in their souls, and to be represented in their life and behaviour."

these thy servants by Water and the Holy Ghost, and hast given unto them forgiveness of all their sins : Strengthen them, we beseech thee, O Lord, with the Holy Ghost the Comforter, and daily increase in them thy manifold gifts of grace ; the spirit of wisdom and understanding ; the spirit of counsel and ghostly strength ; the spirit of knowledge and true godliness ; and fill them, O Lord, with the spirit of thy holy fear, now and for ever. Amen."

Here, then, it is declared that the Children are "regenerate by Water and the Holy Ghost," and that their sins have been forgiven ; directly following up what had been before declared in the Baptismal Service, and in the Catechism ; all showing that it was by Baptism, and through Baptism, that they had become "regenerate by Water and the Holy Ghost," and that they had received "forgiveness of all their sins."

These are the Services upon which great stress was laid by the learned Counsel for Mr. Gorham ; but in which it appears to me that the whole doctrine of the Church is not hypothetical. It is not charitable hope ; but it is a positive declaration that these things *are so*. Therefore it appears to me that the doctrine of unconditional Regeneration in the Baptism of Infants, is (supposing the words of the Office to be taken in their natural and literal sense) sufficiently established.

But then the difficulty is this—to ascertain what is meant by the word "Regeneration." Is Regeneration that which implies an absolute change of nature, and character, and feelings, and so forth ? Or is it that which implies only a change of state, and of relation ?—that is, a change from being "a child of wrath" to being "a child of grace ;" admitted to new privileges, to bring it within the promise made to it ? Now it does appear to me that the meaning of this word is sufficiently apparent from the terms made use of—Regeneration "by Water and the Holy Ghost : " for the remission of sins is given by means of the administration of Water, and of the Holy Ghost accompanying it. It is

nothing to say that there may be cases in which the sign is received without the thing signified. That may be so in the case of Adults, and is so very often, and necessarily must be so ; and the Church can only express a charitable hope that it is not so, but that they are sincere in the promises of Faith and Repentance. If they are sincere in these promises, then the Church declares that they are members of Christ's Church, that their sins are forgiven, and that they receive the benefits of Baptism. That is the charitable hope—that they are sincere ; and, being sincere, they are “ regenerate by Water and the Holy Ghost.”

But light may be thrown on the subject by ascertaining what is the meaning of the term Regeneration,—in the sense of the Church, as expressed in the Baptismal service,—not as expressed by those who advocate Calvinistic principles. It seems to me, from all the consideration I have given the subject, and from reference to the primitive Church, that Regeneration does not mean such a total change of character as would amount almost to justification, and from which the persons so regenerated could never fall, or finally fall : but that Regeneration means a change of station, of character, and of relation ; putting the party therefore in a new situation,—converted from a child of wrath to a child of grace, and made a member of Christ and an inheritor of the kingdom of God. I find this laid down by a living and learned prelate of the Church. He says :*

“ No reasonable doubt can be entertained that it [the word ‘ Regeneration ’] was appropriated to that grace, whatever may be its nature, which is bestowed on us in the Sacrament of Baptism, (including perhaps occasionally, by a common figure of speech, its proper and legitimate effects, considered in conjunction with it ;) from the beginning of Christianity to no very distant era of Ecclesiastical History.”—

(—that is, that it was so appropriated from the beginning of Christianity to no very distant era—)

“ In those few passages of the ancient Christian writers where it

* View of Regeneration in Baptism, by Dr. Bethell, Bishop of Bangor, pp. 6-10. 4th edit. 1845.

bears another signification, it is used apparently in a figurative manner, to express such a change as seemed to bear some analogy in magnitude and importance to the change effected in Baptism. At the time of the Reformation, the word was commonly used in a more loose and popular way, to signify sometimes justification, sometimes conversion, or the turning from sinful courses, sometimes repentance, or that gradual change of heart and life, which is likewise styled renovation. Hence, in popular language, it came to signify a great and general reformation of habits and character, and the words 'regenerate and unregenerate' were substituted for the words converted and unconverted, renewed and un-renewed, righteous and wicked."

In modern times we have been taught that Regeneratioⁿ is a thing quite unconnected with Baptism. That is Mr. Gorham's position: that Regeneration may be conferred *at the time* Baptism is conferred, but that Baptism is not *the means* by which it is conveyed. "It may indeed take place in that Sacrament," is the expression of a modern writer,* "as well as at any other time; but to suppose it in any proper sense dependent on it, is an unreasonable and unscriptural opinion."

The same view as that on which I have just been insisting is maintained by Dr. Waterland, who says of Regeneration that it is distinguished from Renovation, which is a renewal of heart and mind.

"Having said what I conceived sufficient upon the first Article respecting *regeneration*, I now proceed to the second, which is *renovation*, and which I understand of a *renewal of heart or mind*. Indeed *regeneration* is itself a kind of *renewal*; but then it is of the *spiritual state* considered *at large*: whereas *renovation*, the other Article in the text, seems to mean a more *particular* kind of *renewal*, namely, of the *inward frame or disposition* of the man, which is rather a *capacity or qualification* (in *adults*) for *salutary* regeneration than the regeneration itself. *Regeneration* may be granted and received (as in *infants*) where that *renovation* has no place at all for the time being, and therefore most certainly the notions are very distinct. . . . *Renovation* may be and should be, with respect to adults, *before*, and *in*, and *after* Baptism." †

* The Editor does not know from *what* modern writer the learned Judge cited these words.

† Waterland's Works, vol. vi. p. 352 *et seq.*, Oxford edit. 8vo., 1823.

Dr. Waterland then goes on to the same effect; and concludes that Adults need Repentance, which Infants do not—it must come afterwards:—

“ 1. *Regeneration* and *Renovation* differ in respect to the effective cause or agency: for one is the work of the *Spirit* in the use of *water*; that is of the *Spirit singly*, since *water really does nothing* . . . but the other is the work of the *Spirit* and the *man* together. . . .
 2. *Regeneration* ordinarily is in or through *Baptism*, only a transient thing which comes but once; whereas *Renovation* is before, and in, and after *Baptism*, and may be often repeated, continuing and increasing from the first preparations to *Christianity* through the whole progress of the *Christian life*. . . . 3. *Regeneration* once given can never be *totally lost*, any more than *Baptism*, and so can never want to be *repeated* in the *whole* thing; whereas *Renovation* may be often *repeated*, or may be *totally lost*. . . . A person once *regenerated* in *Baptism* can never want to be *regenerated* again in this life, any more than he can want to be *re-baptized*.” . . .

“ 1. *Grown* persons, called *Adults*, coming to *Baptism*, fitly prepared by *Faith* and *Repentance* were—[‘in the earliest days of *Christianity*’]—to be admitted to *Baptism* in order to be effectually ‘born of *water* and of the *Spirit*.’ . . . *Faith* and *Repentance* alone, though both of them were antecedently *gifts* of the *Spirit*, were not supposed *ordinarily* to make them *regenerate*, or to entitle them to *salvation*, without *Baptism*. . . . And now that *Renovation*, which in some degree was *previous* to *Regeneration*, becomes, in greater degrees, a *fruit* and *complement* of it; and it *grows* more and more by the indwelling of that same *Spirit* whose remote addresses and distant overtures first brought the man to that *Faith* and *Repentance* which prepared him for salutary *Baptism*, and for true and complete sonship, or *Christian adoption*.” . . . 2. “In the case of *Infants*, their innocence and incapacity are to them instead of *Repentance*, which they do not need, and of actual *Faith*, which they cannot have. They are capable of being *savedly born* of *water* and the *Spirit*, and being *adopted* into *sonship* . . . because they bring no *obstacle*, or *impediment*. They *stipulate* . . . and the *Holy Spirit* translates them out of their state of *nature*, (to which a *curse* belongs,) to a state of *grace*, *favour*, and *blessing*: this is their *Regeneration*.” . . . The “*Divine Spirit regenerates* them,” and his “*temple* from thenceforth they are, till they defile themselves with *actual* and *grievous* sin. In this case . . . *Regeneration precedes*, and *Renovation* can only *follow* after.”*

* Waterland's Works, vol. vi. pp. 354-358. The Judge cited only a running abstract of these pages; but the Editor believes that his actual quotations (which it was difficult to follow) are correctly exhibited above.

But there is another high authority, that of Bishop Van Mildert, in his Bampton Lectures, the sixth volume :*—

“ Regeneration, in the Scriptural usage of it, means only our initiation or entrance by Baptism into that covenant which gives us new privileges, new hopes, and a new principle of spiritual life ; placing us in a totally different state from that to which by nature only we could ever attain. The expression therefore cannot, without a direct violation of the verbal analogy of Scripture, be applied to any operation that takes place subsequent to that baptismal change, with which alone it perfectly corresponds.”

This is the opinion of Bishop Van Mildert with respect to Regeneration ; it places the party in a new state, totally different from that of nature—a view which corresponds with the form of expression in the Baptismal Service, “ Grant to this Child that thing which by nature he cannot have.”

It appears to me, most clearly and distinctly, from the Services themselves, and from the character of the persons who receive this Sacrament, that Infants receive the grace of Regeneration in Baptism, and are placed in a state in which they may be made “ partakers of the kingdom of heaven.” True it is that they may forfeit their title ; they may fall away from the grace imparted to them, commit sin, grow up and persist in it, and may die without Faith and without Repentance : in such cases the grace bestowed in Baptism has been lost. But, in the case of those who die immediately after Baptism, they are “ regenerate,” and they are “ undoubtedly saved,” because they die “ before they have committed actual sin.” Upon this part of the case the Court entertains no doubt. The words of the Services themselves show that the Infant is regenerated in and through the means of Baptism. That that is the declaration of the Church the Court cannot for one moment doubt : it is positive and precise.

Reference was made to the office for the BURIAL OF THE DEAD. That was said to be one of the Services founded in

* Bampton Lectures, by Dr. Van Mildert, Sermon VI., p. 109, edit. 8vo., 1815.

hope, on the hypothesis that the deceased person was duly prepared for death; and, therefore, the body is committed to the earth in “sure and certain hope of the resurrection to eternal life.” I confess it does not appear to me that any strong inference is to be deduced, by analogy, from the Office for Burial. The Church must necessarily assume, with respect to the person who is dead, that God has “taken” him, as it is said, “to himself;”—the meaning of which I apprehend to be, that he has removed him from this world in the state he then was in (whether in a state of repentance or not, of which the Church cannot judge), to a world where there is no possibility of committing actual sin. The latter part of the Service is expressive of hope. We pray that we may rest in Christ “as our hope is this our brother doth.” This prayer is founded in hope—founded in the hypothesis that the deceased person, however wicked, may have repented of his sins. The Minister cannot pronounce how the person died; whether he was or was not a repentant sinner; whether he was forgiven or not; whether he is to be eventually received into the kingdom of heaven, or whether he is to suffer the punishment of his sins. Yet the hope is, that “this our brother doth” rest in Christ. Therefore I think there is nothing strong in the argument deduced from the hypothetical sense in which the Burial Service is necessarily constructed.

It is said, however, that the Articles are not to be construed by the Formularies; for it is argued, that though a clergyman is called upon to declare his assent to and approbation of the Articles as being “agreeable to the Word of God,” yet it is only to *the use* of the Book of Common Prayer that he is required to assent as containing “*nothing contrary to the Word of God.*” Now I cannot think that any great point turns upon that. It is said that he assents and consents, not to its doctrines, but merely to “*the use*” of it. Why, I apprehend, if a person assents and consents to make “*use*” of the Book, that he assents and consents

that there is nothing in it contrary to the Scriptures, or contrary to the Articles which are stated to be "agreeable" to the Scriptures; that he acknowledges, in short, the truth of what is in it. He cannot excuse himself by saying, "I consent merely to 'use' it;"—because the words are too strong, "I declare my unfeigned assent and consent to the use of the Book of Common Prayer." This appears to me to be a declaration that he believes what is contained therein, because the Articles are "agreeable to the Word of God," and the Prayer Book contains "nothing contrary to the Word of God."* It seems to me to follow, as a matter indisputable, that, where the Prayer Book contains "nothing contrary" to the Scriptures, the Prayer Book

* I. By the 13th Elizabeth, cap. 12, (1571,) intituled "An Act for the Ministers of the Church to be of sound Religion," it is enacted—

Sec. 3. That every person admitted to a benefice, with cure, shall publicly read the Articles, with declaration of his unfeigned assent thereunto.

Sec. 5. None shall be made minister, unless, among other things, he bring to the bishop a testimonial of his professing the doctrine expressed in the Articles, and be able to render an account of his faith according to the said Articles, and shall subscribe the said Articles.

II. By the 36th Canon, (1604,) it is provided that no person shall be instituted to any living, unless he shall have first subscribed three articles, of which the 2nd and 3rd are as follows:—

2. That the Book of Common Prayer, and of Ordering of Bishops, Priests, and Deacons, containeth in it nothing contrary to the Word of God, and that it may lawfully so be used; and that he himself will use the form in the said Book prescribed, in public prayer, and administration of the Sacraments, and none other.

3. That he alloweth the Book of Articles of Religion agreed upon by the Archbishops and Bishops of both provinces, and the whole Clergy, in the Convocation holden at London in the year of our Lord God one thousand five hundred sixty and two; and that he acknowledgeth all and every the Articles therein contained, being in number nine and thirty, besides the Ratification, to be agreeable to the Word of God.

III. By the 13th and 14th Car. II., chap. 4, (1662,) which is the Act for Uniformity of Public Prayers, it is enacted—

Sec. 6. That every person presented to a benefice, &c., within two months shall, on some Lord's Day, publicly read the morning and evening prayers appointed to be read by and according to the said Book of Common Prayer, at the times thereby appointed; and, after such reading thereof, shall openly and publicly, before the congregation there assembled, declare his unfeigned assent and consent to the use of all things therein contained and prescribed, according to the form before appointed.

contains nothing which can be construed in opposition to the Articles.

But then the Question arises,—and a very important Question it is, one which occupied a great portion of the time taken up in argument by the learned Counsel—What were THE OPINIONS OF THE REFORMERS? It was said that they embraced the opinions of Calvin; that, therefore, it could not have been intended by them to declare, in such positive terms as the words import, in the Baptismal Services and other Services of the Church, that *every* Child is placed by Baptism unconditionally in a state of Regeneration. A large portion of the learned Counsel's very able, elaborate, and ingenious speech has been devoted to that part of the Question.

Now, in the first instance, advantage was taken of a declaration made, or a sentence uttered, by Dr. Addams, that Cranmer had never changed his opinions with respect to Baptism. I think the learned Counsel has very successfully argued against that position, by showing that Cranmer *did* change his views, and that necessarily he must have done so; therefore I think that Dr. Addams never meant to maintain that proposition in so strong a sense and with so extreme a latitude as his words would seem to imply. It is quite clear that, having been brought up as a Roman Catholic, and having for a great period of his life advocated the principle of the *opus operatum* of the Roman Catholic Church;—in the latter part of his life, during the Reformation, which he assisted in, he must have changed his opinion in that respect; and undoubtedly he *did*.

Whether the Reformers embraced the whole of the doctrines of Calvin or not is I think a matter of very grave dispute. Undoubtedly it cannot be denied that the doctrines of Calvin made a certain degree of progress in this country at the time of the earlier Reformers. During the period of Cranmer, and Ridley, and Latimer, many persons (and probably the Reformers themselves) had to a certain degree

embraced the principles of Calvin. But to what extent? Did they believe in (—were their opinions to *that* extent—) predestination, election, final perseverance, reprobation?—because those are all doctrines of Calvin. Yet we are to be told that Cranmer was a Calvinist; that his principles and opinions are to be gleaned from those with whom he associated in the work of Reformation; that he is responsible for Peter Martyr and Martin Bucer, whom he placed in the Divinity chairs of Oxford and Cambridge. How far Peter Martyr and Martin Bucer (—these theologians being the friends and associates of Calvin and afterwards of Cranmer, by whom they were invited to this country to assist in the Reformation—) carried the principles of Calvin we do not know; nor how far Cranmer and the rest of the Reformers embraced those views.

Now the learned counsel for Mr. Gorham said that, in his opinion, the Seventeenth Article determined this Question. That is the Article “OF PREDESTINATION AND ELECTION.” It recites that,—

“XVII. Predestination to Life, is the everlasting purpose of God, whereby (before the foundations of the world were laid) he hath constantly decreed, by His counsel secret to us, to deliver from curse and damnation, those whom he hath chosen in Christ out of mankind, and to bring them by Christ to everlasting salvation, as vessels made to honour. Wherefore they which be endued with so excellent a benefit of God, be called according to God’s purpose by His Spirit working in due season: they through Grace obey the calling: they be justified freely: they be made sons of God by adoption: they be made like the image of His only begotten Son Jesus Christ: they walk religiously in good works, and at length by God’s merey, they attain to everlasting felicity.”

“As the godly consideration of Predestination, and our Election in Christ, is full of sweet, pleasant, and unspeakable comfort to godly persons, and such as feel in themselves the working of the Spirit of Christ, mortifying the works of the flesh, and their earthly members, and drawing up their minds to high and heavenly things, as well because it doth greatly establish and confirm their faith of eternal Salvation to be enjoyed through Christ, as because it doth fervently kindle their love towards God:”—

—one might suppose that they would have gone on to

declare this an Article of Faith; but, instead of that, what do they do?—

—“So, for curious and carnal persons, lacking the Spirit of Christ, to have continually before their eyes the sentence of God’s Predestination, is a most dangerous downfall, whereby the Devil doth thrust them either into desperation, or into wretchedness of most unclean living, no less perilous than desperation.”

“Furthermore, we must receive God’s promises in such wise, as they be generally set forth to us in Holy Scripture: and in our doings, that will of God is to be followed, which we have expressly declared unto us in the Word of God.”

There is the end; they determined nothing with respect to Predestination and Election; they say it is “full of sweet, pleasant, and unspeakable comfort to godly persons;” but, with respect to “carnal persons,” for them “to have continually before their eyes the sentence of God’s Predestination, is a most dangerous downfall, whereby the Devil doth thrust them either into desperation, or into wretchedness of most unclean living, no less perilous than desperation.” It is acknowledged by both parties that the question here is left open; the Reformers declare nothing with respect to it; they do not impose it on anybody; it is open to both parties. It is said, further, it was so left open for the very purpose of embracing both parties, allowing as many to come in and sign the Articles as could. But I cannot think that was the inducement to the Reformers to leave this an open question, for every person to believe in the doctrine or not: I cannot adopt the conclusion that it was left open in order that more subscribers to the Articles might be obtained than otherwise would have been the case. I think that if the Reformers had entertained the doctrine of Predestination and Election, they must have expressed themselves in terms which could have left no doubt as to their meaning. They hardly, I think, could be guilty of leading parties into the belief that that was a doctrine of faith to be embraced which is not taught in the Article, or they would have distinctly declared themselves to that effect.

I have before asked,—*to what extent* were these doctrines

of Calvin maintained by the Reformers? Did they believe them to *this* extent—which are the words of Bishop Hopkins?—

“God promises pardon and remission of sins to all that believe and repent; but he promises grace to believe and repent only to those whom by his absolute covenant he has engaged to bring through grace and repentance to salvation.”*

Did Ridley, and Latimer, and Cranmer, go to *that* extent, as expressed by Bishop Hopkins? or did they go to the extent of the Synod of Dort, as to the doctrine of Predestination and Election, in their 6th Article? †—

“Secundum quod decretum, electorum corda, quantumvis dura, gratiosè emollit, et ad credendum inflectit; non electos autem justo iudicio suæ malitiæ et duritiæ relinquit.”

There are certain persons of the elect, this Synod affirms, whose hearts are to be “softened and turned to faith,” and those who are not among the number of the elect are to be “left to the judgment justly due to their hardness of heart.” Is *that* the doctrine of Cranmer, or of Latimer, or of Ridley? Again, what is the 7th Article ‡ of the Synod of Dort?

“Est electio immutabile Dei propositum, quo, ante jacta mundi fundamenta, ex universo genere humano, ex primævâ integritate in peccatum et exitum suâ culpâ prolapsa, secundum liberrimum voluntatis suæ beneplacitum, ex merâ gratiâ, certam quorundam hominum multitudinem, aliis nec meliorum, nec digniorum, sed in communi miseriâ cum aliis jacentium, ad salutem elegit in Christo.”

Are *these* the doctrines held by the Reformers? They are the doctrines of Calvin; they are set forth in his Institutes:

* The Author has been unable to verify this quotation.

† See Sylloge Confessionum, p. 372, edit. 1804; Articuli Dordrechtani, Cap. I., Art. 6. “According to which decree, he graciously softens the hearts of the Elect, however hard, and bends them to believe; but by a just judgment he leaves the non-elect to their wickedness and hardness.”

‡ Ibid., p. 373. “Election is the unchangeable counsel of God, by which, before the foundations of the world were laid (according to the most free good pleasure of his will, from mere grace), he chose in Christ, to salvation, a determinate number of certain men (neither better nor more worthy than others, but lying in common misery with others), out of the universal human race, which, by its own fault, had fallen from primitive integrity into sin and destruction.”

but did our Reformers go to *that* extent? It appears to me that the opinions of the Reformers, be they what they may, have not been expressed by them, in terms with which they must have been sufficiently acquainted, so as to leave no doubt as to what they really meant. Is it possible that Ridley, and Latimer, and Crammer, in the reign of Edward VI. and of Queen Elizabeth, could have adopted these principles, and yet have expressed themselves as they have done in the Offices to which I have adverted?—namely, that all children when baptized are regenerated; or could they have said that infants, who are baptized and who die before committing actual sin, are saved, as is certain by God's Word? Could they,—embracing the opinion that none but the elect are to have the power of Faith and Repentance granted to them—could they, entertaining such a view to *that* extent, have expressed themselves in such terms as they have adopted?

It will be said by some, and it has been said,* that Mr. Gorham does not come amongst that description of persons: that Mr. Gorham does not say that grace is given only to those children who are elect, not to all children; that that is not the doctrine of Mr. Gorham. Mr. Gorham says that our Church has determined that those children who are baptized and die before they commit actual sin are undoubtedly saved. But then Mr. Gorham will not allow that benefit to be by Regeneration conferred by Baptism; he says that it is by “prevenient grace,” without which they could not be “worthy recipients;” and that, if not “worthy

* The Judge is supposed to allude to the following passage in the published ‘Argument of Dr. Bayford,’ pp. xii. xiii. (Seeley, 1849):—“There is no evidence in this Examination from which it can be determined whether Mr. Gorham does or does not adopt the system of theology usually called Calvinistic. He has modestly and wisely abstained from connecting *the* point of doctrine to the discussion of which he was forced, with any other doctrine which the Bishop might have been inclined to dispute. It is an unworthy attempt to raise a prejudice against him by the application of a party name; a name never applied in the way of disparagement, except by persons who are either ignorant of the system to which they attach a term of reproach, or who use it to cover their retreat when foiled in argument.”

recipients," they could not receive the sacrament with advantage. That is the doctrine Mr. Gorham holds. But, in order to justify this position, the learned Counsel for Mr. Gorham maintained that the Reformers were Calvinists, and that, consequently, we must construe their declarations in the Services in a Calvinistic sense; that we must not give the words their literal and general meaning, but must consider them with this reservation, that to those only who are the elect the grace of Faith and Repentance will be accorded. This is not only in opposition to the Baptismal Service itself, but to all the Forms of Prayer. It goes to the very root of all religion whatever: for if this doctrine of Predestination, Election, and Reprobation is to be resorted to—if this is to be the faith of the Church—then where is the necessity for prayer at all? What encouragement is there for a person to inform himself of the will of God, if he is assured that before his birth his fate was determined, and that nothing he could do, or that could be done, could avert it; but that, by the irreversible decree of God, his future state was fixed either for eternal happiness or eternal misery? For *that* must be the extent to which it must be carried, if this is to be the doctrine of the Reformers. But then what becomes of all the declarations of the prayers—that God has promised forgiveness of sin to all who repent? Is that to be limited to those only who are among the elect? Is not that to mislead persons? Suppose that to be the doctrine contended for: that when we say God "hath promised forgiveness of sins to all them that with hearty repentance and true faith turn unto Him" (as in the Communion Service), that is to be limited to those "whose hearts are softened,"—*"Secundum quod decretum electorum corda, quantumvis dura, gratiosè emollit, et ad credendum inflectit; non electos autem justo judicio suæ malitiæ et duritiæ relinquit."** That would be a contradiction, as it appears to me, to the whole structure of our Common Prayers. The doctrine is, that the elect only have Faith and Repentance; and, therefore, that

* See the translation of this Article of the Synod of Dort, above, p. 70.

they only have the hope of the forgiveness of sin. What says the Prayer Book? "When the wicked man turneth away from his wickedness that he hath committed, and doeth that which is lawful and right, he shall save his soul alive." "When he turneth;"—it does not say he cannot repent of what he has done because he is not among the number of the elect. It is expressed in our Prayer Book—or rather the Prayer Book incorporates it in the Service in the declaration of Absolution—"He pardoneth and absolveth all them that truly repent, and unfeignedly believe his holy Gospel;" and therefore we beseech Him "to grant us true repentance and his Holy Spirit." This is the form of all the Services, of all the Collects, and of all the promises of the Communion Service, which are of universal application to all who repent; not confined to those who are among the elect, whose fate is fixed, whose condition is determined, and was so long before they came into existence.

Now I do not collect, even from the passages which have been cited, that the doctrine of Predestination and Election was the doctrine of Cranmer, or Latimer, or Ridley; that they believed it as an article of faith to be imposed upon the members of the Church of England. The Reformers individually may have embraced the doctrine of Calvin; but have they declared it in their Services? have they declared it in the Articles?—have they declared it in the Book of Common Prayer and the Administration of the Sacraments? I apprehend, clearly and decidedly *not*. They certainly have not in the XVIIth Article; because that is admitted not to have determined the question. If that was the individual belief of the Reformers, they have not, as a body, declared it to be a doctrine of the Church of England.

The passages cited from their writings are merely the expressions of private individuals—of individuals most eminent, undoubtedly, for their learning, piety, and knowledge of the Scriptures. If a new standard of faith were about to be erected, or a new form of instruction for children were to be framed, undoubtedly the opinion of these persons would

weigh most solemnly, and every attention would be paid to what has been said by these persons—the great number of persons—whose writings were cited by the learned Counsel. It is quite impossible, however, for the Court to follow the learned Counsel through all the quotations from the great number of writers of the period of the Reformation to whom he adverted. The numbers were so great, the volumes so large, and the passages so long, that it is quite impossible—physically impossible—for the Court to follow the learned Counsel through that long list. It is admitted on all hands that there are persons of high weight, authority, learning, and piety cited by the learned Counsel for Mr. Gorham, who differ in opinion from those adverted to by the learned Counsel for the Bishop of Exeter. There is a difference of opinion between them—then, who is to determine this Question? The Court is not to enter into the merits of these individuals personally; it can judge them only by their public declarations, which have been adopted as the Standard of the Church. The Court cannot enter into the Question, whether Dr. Peter Martyr or Dr. Jackson is to be referred to; it cannot examine all the writings of the individuals quoted by Mr. Gorham's Counsel in order to determine whether there are not isolated passages in their writings which may not entirely agree with the authorities quoted by the learned Counsel for the Bishop of Exeter: but he did not intentionally keep such passages back; I am sure he did not; because, in the whole course of his argument, he stated in several instances that there were passages of that character to be found; and, indeed, everybody must be aware that there are passages to be met with in those early writers which do not entirely accord with other passages in their works. The Court would be placed in the greatest difficulty in determining this Question, if it had to depend on passages selected from these authors in order to establish whether the doctrine of Election and Predestination is or is not the doctrine of the Church.

There are names, undoubtedly of the very highest autho-

rity, which do go the length of expressing their opinion that the persons who receive the benefits of Baptism must have Faith and Repentance. Martyr and Bucer may go to that extent. I do not think, however, that Cranmer is to be made responsible for all they may have said : I do think that that would be placing rather too much on the shoulders of the Archbishop. But in their general doctrines they agreed. Cranmer may have called in their assistance—and *did* call in their assistance—in order to aid him in the compilation of the Book of Prayer of 1549. That first Book of Prayer of 1549 is very nearly the same with that of 1552, the second Liturgy of Edward VI., and also with that of Queen Elizabeth. Bucer died before the second Book of Common Prayer (1552) was published ; but the first Book (1549) was prepared with the assistance of Bucer and Martyr, and when printed it was submitted to Bucer and Martyr, who (as the learned Counsel for Mr. Gorham showed by several passages) returned it without* any observations being made upon it. How could these persons—Calvin's friends—have done this, if they believed in the doctrines of Election and Reprobation, which are *not* the doctrines contained in the Book of Common Prayer ? Is it quite clear that in the year 1549, when the first book of Edward VI. was published, that this was the opinion even of the German reformers ? Did they adhere to these doctrines ? I apprehend that is not quite so. I find it stated by Burnet, in his 'History of the Reformation,'† the second volume, page 113 (speaking of the doctrine of Decrees, which is the doctrine of Calvin, and is said to be the doctrine of the early reformers) :—

"The Germans soon saw the ill effects of this doctrine. Luther

* The learned Judge seems to have misunderstood the facts stated by Dr. Bayford ; for it is certain that Bucer drew up, by desire of the Archbishop, a long 'Censura,' or Criticism on the Prayer Book of 1549, which is published in his 'Scripta Anglicana,' folio, 1577, pp. 456—503 ; and it is equally certain that Martyr *did* report his "observations" on the Prayer Book of 1549 to the Archbishop. See Dr. Bayford's Argument, p. 112, lines 8 and 17.

† Burnet's Hist. of Reform., vol. ii. p. 234, edit. 8vo., Oxford, 1829.

changed his mind about it, and Melanethon openly writ against it, and since that time the whole stream of the Lutheran churches has run the other way. But both Calvin and Bucer were still for maintaining the doctrine of those Decrees, only they warned the people not to think much of them, since they were secrets which men could not penetrate into; but they did not so clearly show how these consequences did not flow from such opinions. Hooper, and many other good writers, did often dehort the people from entering into these curiosities, and a *Caveat* to that same purpose was put afterwards into the Article of the Church about Predestination."

So that the Germans had changed their opinions with respect to the propriety of setting Predestination forth as a dogma of faith. They "soon saw the ill effects of this doctrine," and "Luther changed his mind," and Melanethon and others would not encourage it. That is a very good reason why the Reformers did not intend to lay down that as a doctrine of faith for the Church of England. That seems to be the reason (supposing they did embrace the doctrine of Calvin to the extent I have mentioned) why the "*Caveat* was put into the Article about Predestination." It was not a doctrine of the Church of England, but they left it open for the purpose of obtaining as many subscriptions as they could. That they would not come to a determination, is strong to show, that it is not one of the doctrines of the Church of England.

As I have already said, it is quite impossible to follow the learned Counsel through all the authorities he cited, namely,—Cranmer, Bucer, Peter Martyr, and the rest of the Reformers. It is equally impossible to travel through the quotations from 'The Zurich Letters.' It was said here that Jewell, writing to Martyr, thus expressed himself; that the English Reformers had "*pared every thing away to the quick;*" that there was not a difference "in doctrine by a *nail's breadth*" between themselves and the Germans. I do not recollect the date of that letter*—whether that was before the retraction, it may almost be

* Letter from Bishop Jewell to Peter Martyr; the date is, Salisbury, Feb. 7, 1562. See Zurich Letters, Elizabethan Series, First Portion, p. 100, edit. Parker Soc., 1842.

called, of the doctrine of Predestination ; nor does it appear whether Predestination formed a part of the doctrine in which they agreed with the German Church or not. Whether that was a doctrine which was then embraced and held in Germany, or whether the English Reformers ever went to the extent of Calvin, is not, perhaps, quite ascertained.

Again, it does not appear that in Edward the Sixth's time there was an universal consent to the doctrine. It is not to be said that Latimer, and Ridley, and Cranmer have expressed opinions *privately*, contrary to those which they have declared *publicly* as the doctrines of the Church of England. But, even if they *have* done so, I again say it is the conjoint declaration of the body of Reformers, not the opinion of individuals (however respectable for their learning and piety), by which the Court must be guided.

Again, it may be admitted, and strongly admitted, that in the latter part of the reign of Elizabeth the doctrines of Calvin had obtained a very firm hold on the minds of the people of this country ; and there might be those among the persons referred to who did embrace the doctrine of Predestination and Election. But it must be recollected that the Articles of 1562 were the same, with some verbal alterations, as those of 1552. The Articles of 1562 must be construed by those of 1552, so far as they agree together ; if there is any difference in substance, recourse must be had to those of 1552 ; but in the doctrine of Baptism there is no difference. In the Articles of 1536 there *was* a different statement as to Baptism ; for in one of those Articles was a declaration of the Church with respect to the salvation of infants who were baptized and died without committing actual sin, which in 1549 was transferred to a Rubric prefixed to the Confirmation Service, and which at the last revision in 1662 was transferred to a Rubric at the conclusion of the Office for " The Ministration of Public Baptism of Infants." But what I was more particularly going to advert to is this : at the end of the Article of 1536 the words were added, "*And else not,*" affirming that if

baptized children died without committing actual sin * they were saved, "*else not.*" But the terminal clause, "*else not,*" was left out in the Rubric of 1549; † it is no part of the doctrine of the Church of England that Baptism is absolutely necessary; highly necessary and important it is, "where it can be had;" that is stated in the present Service. It was further stated by authors to whom Counsel referred, that where it was not to be had, the want of the Sacrament would not deprive persons of the benefit of Baptism; but the neglect of it, the contempt of it (for where it *could* be had it *ought* to be had, and *must* be had) would incur the penalty of the loss of salvation.

It was strongly insisted on by the learned Counsel for Mr. Gorham that, the Reformers being Calvinists, the Articles prepared by them must also be considered as Calvinistic. Then you must show me *to what extent* Cranmer, and Latimer, and Ridley embraced this doctrine, and declared their adherence to it as the doctrine of the Church. Their private opinions cannot enter into the consideration of the Question, because the Court is bound to consider what is the true meaning of the words in these several Articles. It cannot go into this long list; it cannot travel through this long chain of authorities, in order to see how far each has gone in his acknowledgment of this doctrine. The Question must turn upon the general acts of the Church, publicly declared as the acts of the Body, and not upon the opinion of individuals.

I have said, that in the latter part of Queen Elizabeth's reign this doctrine had a strong possession of the minds of the people of this country. We know that, in the interval between the reign of Edward VI. and the accession of Eli-

* The words "*without committing actual sin*" are NOT in the Article (1536); but simply, "*dying in their infancy.*" "Insomuch as infants and children dying in their infancy shall undoubtedly be saved thereby, and else not."

† The words "*else not*" were retained in "the Institution," or what is called 'The Bishop's Book,' 1537. They were first omitted in 'The Necessary Doctrine,' or 'The King's Book,' 1543; they were also omitted in the Liturgical Rubric, 1549 and 1552.

zabeth, in the reign of Mary, a vast number of clergymen left England, went to Germany, were in communication with the German Reformers, and imbibed much of their principles during their residence abroad. Undoubtedly many of them had a strong impression in favour of the doctrines of Calvin; but not so all. Those doctrines were not received here as such in the year 1562; and though it is true that in the University of Oxford the books which were selected for, and from which a choice was given to, the students, were in their character Calvinistic, in the year 1596* (for that, I think, was the time that the order of the University was made); although, I say, it is true (as appears from Wood's 'Historia et Antiquitates Universitatis Oxoniensis') that the books were, for the lower classes, *Calvin's 'Catechism,'* besides *Nowell's 'Greater Catechism,'* '*The Elements of the Christian Religion,*' by Andrew Hyperius, and '*The Heidelberg Catechism;*' or, for the higher classes, *Bullinger's 'Catechism for Adults,'* *Calvin's 'Institutes,'* or '*The Apology for the Church of England,*' or '*The Articles of the Church of England;*' yet that was for a particular end to be attained by the learned body of the University of Oxford at that time. Nor was Cambridge much behind in that respect; for we find that about this period of time a very serious question arose regarding these doctrines of Calvin. We have an account in Strype's '*Life of Archbishop Whitgift,*' † of that dispute. What was the result? A member of the University ‡ was to preach a *Concio ad Clerum,* in which he not only attacked the doctrines of Bucer and Martyr, but he indulged in personal invectives against them. A complaint was made to Archbishop Whitgift. The University having called upon the preacher to retract what he had said, he answered that there were no reasons for retraction. The University applied to Arch-

* The year 1578 is the real date. See Wood's Hist. et Antiq. Univ. Oxon., vol. i. p. 296, folio edit.; or vol. ii. p. 193, 4to. edit., Gutch.

† Strype's Life of Whitgift, vol. ii. cap. 14.

‡ By name Barrett. His Sermon was preached at St. Mary's, in 1595.

bishop Whitgift to interfere. He did interfere ; the retraction was obtained ; but Whitgift did not approve of it. When that question was settled between the University and the Archbishop, the Archbishop framed some Articles for the purpose of confining the disputations in the schools and the *Conciones ad Clerum* within certain bounds. This led to the Lambeth Articles. These Articles were drawn up by Archbishop Whitgift, Dr. Whitaker, Regius Professor of Divinity in the University of Cambridge (Dean of Ely at that time), and two bishops, and were sent to Cambridge. What was the consequence ? They went the whole length of the doctrine of Calvin on Predestination, Election, and Reprobation ; but the Queen insisted upon it that they should be repressed, and Archbishop Whitgift was obliged to submit to her decision. I have the book here, but the passages are much too long for me to read them. There is another case which occurred shortly afterwards—the case of Dr. Baro, who was Margaret Professor of Divinity about the same time. He preached also against the doctrines of Calvin and Bucer, and the result was the same. These Lambeth Articles were to form the ground on which he was to be impeached ; but, as I have already stated, the Queen was so displeased, either on account of the interference with her prerogative, or because they had been set forth without authority as the doctrines of the Church of England, that Archbishop Whitgift was obliged to consent to their being dismissed. This was done by private individuals. I can only take these Articles as the private opinions of Whitgift, Whitaker, and others ; and the mere declaration of private opinion can have no effect in binding any body, or influencing the decision of a Court. After the death of Elizabeth, by whom the Lambeth Articles were suppressed, some notice was taken of them in the conference at Hampton Court. King James said he had not even heard of them, and inquired what they meant. They were explained to him, as relating to the doctrine of Predestination. That is

to be found in ‘Cardwell’s Conferences;’* but it is not necessary for the Court at this time to advert further to that matter.

A good deal was said about Archbishop Bancroft; or, rather, not so much about him as about Mr. Rogers his Chaplain. But I think there is good reason to doubt whether Archbishop Bancroft’s opinions were accurately expressed by his Chaplain Rogers; for, in Lord Clarendon’s History of the Rebellion (I quote from the octavo edition published at Oxford in 1826, at page 156) he gives an account of the death of the Archbishop at Lambeth. The marginal note is, “The King’s return and the death of Archbishop Abbott, 1633; his character.”

“He had scarce performed any part of the office of Bishop in the Diocese of London when he was snatched from thence and promoted to Canterbury upon the never enough lamented death of Dr. Bancroft, that Metropolitan who understood the Church excellently, and had almost rescued it out of the hands of the Calvinian party,”—

this does not look like the Archbishop embracing the doctrines of Calvin,—

“and very much subdued the unruly spirit of the Nonconformists, by and after the conference at Hampton Court; countenanced men of the greatest parts in learning, and disposed the clergy to a more solid course of study than they had been accustomed to; and if he had lived would quickly have extinguished all that fire in England which had been kindled at Geneva; or if he had been succeeded by Bishop Andrews, Bishop Overal, or any man who understood and loved the Church, that infection would easily have been kept out which could not afterwards be so easily expelled.”

In Cardwell’s Conferences it appears very much to the same effect as I have quoted. “If he had lived he would very soon have extinguished” the Calvinian party. The passage to which I allude is in the second day’s Conferences, respecting the Lambeth Articles, page 185.

“Here again, he” (the Bishop of London, that is Bancroft) “remembered the nine orthodoxal assertions concluded at Lambeth. His Majesty utterly disliked that first part of the motion for two reasons:”—

* Cardwell’s Conferences, p. 185, 2nd edit., 8vo., Oxford, 1841.

and so forth ; and it goes on to say,—

“ To the other part for the nine assertions, his Majesty could not suddenly answer, because he understood not what the Doctor meant by those assertions or propositions at Lambeth ; but when it was informed his Majesty, that by reason of some controversies, arising in Cambridge, about certain points of divinity, my Lord’s Grace assembled some divines of especial note, to set down their opinions, which they drew into nine assertions, and so sent them to the University, for the appeasing of those quarrels ; then his Majesty answered ; ‘ first, that when such questions arise among scholars, the quietest proceeding were, to determine them in the Universities, and not to stuff the book with all conclusions theological. Secondly, the better course would be to punish the broachers of false doctrine, as occasion should be offered : for were the Articles never so many and sound, who can prevent the contrary opinions of men till they be heard ?’ . . . In utter dislike of this doctrine his Majesty entered into a longer speech of Predestination, and Reprobation, than before, and of the necessary conjoining repentance and holiness of life with true faith : concluding, that it was hypocrisy, and not true justifying faith, which was severed from them : for although Predestination and Election depend not upon any qualities, actions, or works of man, which be mutable, but upon God his eternal and immutable decree and purpose ; yet such is the necessity of repentance, after known sins committed, as that, without it, there could not be either reconciliation with God or remission of those sins.”

Archbishop Bancroft, who, at this conference, “ remembered the nine orthodoxal assertions concluded at Lambeth,” is the same Bishop who is said by Clarendon to have “ almost rescued the Church out of the hands of the Calvinian party.” There is something more in Cardwell to which I have lost the reference ; but it is of no consequence after what I have cited from Clarendon’s History of the Rebellion.

On this part of the case, I am of opinion, that the private views of individuals are not matters to which the Court can attend. Their private opinions are nothing more than expressive of what their own sentiments are ; they can have no binding effect ; they can have no effect unless you can say that the words of the Liturgy are incapable of being construed in a literal sense ; they can throw no light on the subject. If the words, indeed, are ambiguous, and cannot be construed by other public acts of the Church, then it would be right and proper to advert to the opinions of these

persons ; but, so long as the Articles and the Services of the Church are reconcilable ; and not only reconcilable, but necessarily to be construed with a literal interpretation ; you are not at liberty, as Bishop Conybeare says, to put an interpretation upon them of a different character. If a doctrine is laid down in the Baptismal Service, and in other Services, and in the Rubrics (all of which were confirmed by Act of Parliament, and adopted by Convocation—adopted both by the Legislature and the Church), then you must take that doctrine, and those expressions, in their literal sense, and not indulge in fancy, explaining them by the opinions expressed by private individuals.

That would, I think, dispose, so far as the Court would be enabled to dispose, of this part of the Question. For I protest against being driven to go through those Authorities which were cited, and very properly cited, by the learned Counsel. I have neither the means of doing it, nor the physical ability for such labour. Therefore I say, again, upon general principles (with regard to the authorities cited by the learned Counsel for the purpose of showing that the Reformers did embrace Calvinistic views), that the Calvinistic opinions expressed by them, in their private writings, cannot go to the interpretation of the Articles, which require no assistance from the opinions of private individuals. They speak for themselves ; their language is precise and determinate ; and it is not to be explained by a reference to those opinions so expressed.

Now I am not aware that it is necessary for the Court to occupy much more time upon the Question that has arisen here. The point to be ascertained is,—the doctrine of the Church of England ; whether it is that of Baptismal Regeneration, or not. Another point to be determined is, does Mr. Gorham deny that doctrine ? I say, it is clear— from the passages read from his Examination, from the whole tenor of his Examination, and the whole tenor of the learned Counsel's argument upon it, that Mr.

Gorham *does* oppose this doctrine of Baptismal Regeneration. He says, the child may receive “an act of grace,” and must receive “an act of grace,” before it receives the Sacrament of Baptism, to give it beneficial effect: but he maintains that that “act of grace” is not conferred by Baptism, though it may take place before Baptism, in Baptism, or after Baptism. It is said, that the sign is not the thing signified. Undoubtedly it is not; but the Church has declared that the thing signified is given at the moment; though such a doctrine may appear to approximate to the Roman Catholic doctrine of the *Opus Operatum*. There is no *obex* in the way, when infants are baptized; therefore, they receive the benefit, whatever it may be:—and it is “Spiritual Regeneration,” according to the words of the Formulary of the Church; it is prayed for as “Spiritual Regeneration.” Therefore I say, if this is the doctrine of the Church of England, which undoubtedly it is declared to be, that children baptized are saved or regenerate if they die without committing actual sin,—Mr. Gorham has maintained, and does maintain, doctrines opposed to those of the Church of England.

Then what is the consequence? Has the Bishop shown sufficient cause why he should not institute Mr. Gorham to the Vicarage of Brampford Speke? If he has shown sufficient cause, then the Bishop is entitled to be dismissed, and must be dismissed with costs according to the usual course. I am clearly of opinion that Mr. Gorham has held doctrine which is opposed to the doctrine of the Church of England; and the Bishop therefore has shown sufficient cause why he does not institute Mr. Gorham to the living of Brampford Speke. The consequence, as I before said, is, the Bishop must be dismissed, and must be dismissed with costs.





