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# THE JUDGMENTS

ON

## BAPTISMAL REGENERATION.

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- I. THE CHURCH-COURT OF ARCHES.
- II. THE STATE-COURT OF PRIVY COUNCIL.
- III. THE PRESENT ENGLISH BISHOPS.
- IV. THE PRESENT SCOTTISH BISHOPS.

### (APPENDICES.)

OPINION OF THE IRISH CHURCH. (A.)

A BISHOP'S RIGHT TO EXAMINE CLERGY. (B.)

NOTE ON THE REV. W. GOODE'S LETTER. (C.)

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**A Discourse on Heresy and Open Questions**

IS PREFIXED.

BY  
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VICAR OF BROMPTON.

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## P R E F A C E.

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THE whole Church has received with astonishment the Judgment of the Privy Council in the case of Mr. Gorham. Her enemies look on with triumph: her best children with deep despondency. We refused beforehand to believe that a Court so constituted as the Judicial Committee would have given so much as an opinion on doctrinal questions: but that *such* opinions could be put forth, and so supported, was, until it came to pass, wholly incredible.

In a pamphlet on "The Present Crisis," published on the second of March, I ventured to anticipate a dry decision on the legal facts of Mr. Gorham's case (p. 47,) as the worst that could happen. The doctrine of Baptism is so unequivocally declared in the Articles, Creeds, and Formularies of our Church—our enemies themselves, Roman and Protestant, being judges—that it was thought among us that no ignorance could mistake, and no wilfulness deny it. Our Church since the Reformation had attempted to tie down the Royal Supremacy to the definition of the 37th Article, according to which, the vague example of "all godly kings" is

interpreted as a supremacy in legal “causes,” and a restraining “with the *civil* sword the stubborn and evil doers.” This is all that our Church was bound to by her own act—all that her priests are required to mean by their subscriptions—all that our great doctors have from age to age defended.

This we believed to be an impregnable position, and we had been accustomed for many years past to say that neither crown, nor parliament, nor convocation, alone, could alter this position. Who has not been familiar with the remark that the joint action of the *three* was necessary to give authority to any change—whether enlargement or diminution—of the settlement of 1662? When vexed by Dissenters with the charge of the “Royal Supremacy,” and “Acts of Parliament,” making our doctrines or discipline, we thought it a sufficient answer to point to our 37th Article, which contained a far more moderate theory than the facts of Henry the Eighth’s reign, or of Edward the Second’s would require for their justification. And, since the revolution of 1688, we thought that the course of modern ideas had still farther so much restrained all “prerogative,” that the Ecclesiastical prerogative had no less faded, and become more and more indistinct.—For maintaining this position, as that to which I had been accustomed for twenty years, that on which alone I had thought the Church of England defensible, from the day I first entered her communion, I have been subjected to the strange

misunderstanding of many of my brethren, who, new to the whole subject themselves, have forgotten that others had thought of it before ; and have even supposed me to be a defender of the present decision of the Privy Council, as an exertion of the Royal Prerogative no greater than had been submitted to of old time ! I can only account for this strange misconception of my whole argument and object by supposing the friends to whom I refer to have read the Roman Catholic reviews of my pamphlet more attentively than the pamphlet itself.

Now that the decision of the Judicial Committee is known, it is plain to all men that the “ State ” has attempted an interference in spiritual matters, unsurpassed, and perhaps unequalled, in the history of our Church. The most wanton tyranny of Plantagenet or Tudor monarchs cannot be compared with the present act of “ the State ” towards the Church. What, let us ask, are some of the strongest efforts of State tyranny in past generations ?—William I., who thought himself justified in deciding for the English Church practically who was the true Pope, and demanded to ratify the Canons by his royal authority, yet did not mean to make himself a Judge of Doctrine.—Henry II., who demanded that appeals in causes within the cognisance of the Archbishop should be referred, without exception,\* to himself, and decided by *his* precept in the Archbishop’s Court, if the Archbishop had failed to do

\* See Pusey on the Supremacy, p. 199.

justice, still does not appear to have *acted* on this in any purely spiritual matter.—Edward II., (perhaps the worst case,) though subjecting the Clergy, in gravest causes, to the most ignominious trials, before a jury of twelve laymen, (Wilkins, ii. 326,) and administering absolution, or not,—forbidding the ordinaries, then or afterwards, to interfere according to the Canons,—yet did not long persevere in this iniquity.—Edward III., and Richard II., though declaring the Crown subject to none but God in anything, and therefore lifting it above all law, and even flattered with the pretence, it is said, of “Spiritual Jurisdiction,”\* were, both, milder in deed than in word. Perhaps they were strong enough to be able to afford to be gentle. Henry VIII., though professing to restrain new “heresies,” acknowledges the sufficiency of the “Spirituality” in such matters, and so may be understood to mean the restraint of the “civil sword.” (See Bishop Beveridge on the 37th Article.) Queen Elizabeth, as anxious as any to assert the prerogatives of her “most noble progenitors,” the ancient kings of England, yet thought (Eliz. c. i.) that General Councils and Convocations had a right to a voice in questions of heresy. But the British Parliament in the nineteenth century, having no one religion of its own, but admitting all creeds alike, has a tribunal whose six lay judges have sat in solemn conclave on an Article of the Christian

\* See the “Sequel to the Present Crisis,” p. 14, &c.



Faith, and—unbidden and unneeded—decided whether that Article was sufficiently held by a condemned Priest of the Church ! and also, how all the members of the Church may henceforth interpret that Article !—There is nothing like this to be found in the history of the Church of CHRIST.

The few examples of State interference which I had referred to in my first pamphlet, which have been since enlarged in an article in the “ Christian Remembrancer ” for April, and in Dr. Pusey’s learned book on the Royal Supremacy, (both so amply vindicating the argument I had put forth,) fail to furnish excuse for the *now* attempted usurpation.—But has the Church acquiesced in it ? God forbid ! It has reclaimed against it from one end of England to the other ; and will yet assert and maintain, as ever, the Orthodox Faith as to the Holy Sacrament of Baptism which has been practically impugned.

If the few who are pleased with the subject matter of the Privy Council’s decision,—(for I speak not of the lax millions who hail with applause the mere laxity,)—if they take time to reflect, they will see that with such a tribunal *no* doctrine is safe. Whether the present decision be right or wrong, nothing but servility and absence of all principle should be found to applaud the system which has produced it. Even now, (it is said, without contradiction,) an attack has begun on the Doctrine of the Eternal TRINITY. An Archbishop, we

know, may be found who has thought the “three persons” may be “three characters.” The Creed of St. Athanasius has been objected to, in a Chapel Royal—contrary to law. Will it be many years before Arianism is distinctly tolerated as admissible, and not legally “repugnant” to our Articles, because our Articles do not *define* the word “Person,” or fix the meaning of the term, “*Substance*?”

Our sky is surely overcast as never before; and woe to him that has a feeble hand and faint heart! May we have faith in HIM, Who, ere now, has ruled the storm—and we yet may hear “It is I, be not afraid!” If HE indeed have favour towards us, HE will not leave us in our extremity. Only let us not desert whatever in our hearts we have known to be His *Truth*; and there shall be hope in our end.

So much has been said of late—and said with such power—of the untruthfulness, evasions, and doubts of High Churchmen, that I cannot, ere I pass on, help uttering my deep astonishment, while I protest that I know not the meaning of the self-accusations I hear, more terrible by far than any enemies could have brought. Doubtless there are always found some mean and inferior spirits apparently attaching themselves to any great movement: yet I should have thought, I did think, that my High Church brethren were pre-eminently high-minded, generous, and true. Even now I so believe them to be, as a body; and as individuals too,

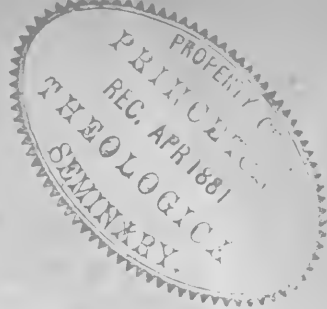
so far as I know my brethren. I protest that I do not comprehend the self-accusations I have heard. All that I now am about to say is in the belief that I am speaking to those who are honest before God, and truthful with their fellow men. If of some it be true that there has been a "private holding" of more than they publicly avowed, assuredly I have not been in their secret. We have, perhaps, instinctively avoided each other—moved in different lines, and never met. But I persuade myself that they are but a narrow class.

Yet if it be necessary to urge honesty and truth on all at this present, let me urge it also on those who are our *antagonists* in this controversy. First on the Judges in the Judicial Committee; that they would *honestly* review their own judgment as here set forth before their eyes. For surely it would increase our hope of a happy issue to our present troubles if the Judges themselves saw and acknowledged with manfulness the wrong they have done. Secondly, on the political defenders of this Judgment. It cannot be the wish of any of the leading and responsible statesmen of this age and country to break up and destroy the Church of England. Yet *they have begun to do it*.—Lord John Russell has said that he is defending the "Queen's Prerogative" in the course he is taking in Church questions. I beseech his truthful attention to this. However pardonable it may be in a lawyer to speak for instance of the recent Judgment (by a legal fic-

tion,) as "Her Majesty's," this is, among practical people in the nineteenth century, a mere playing with words. Do let things be called by their right names. The *personal* prerogative of the Queen in these matters is a bygone dream. The Church receives the 37th Article, but nothing more. No real friends of the Crown, any more than of the Church, must make the Crown ridiculous by assigning to it in things sacred what is denied even in things temporal; lest they soon teach men to suspect that the temporal rights of Royalty may have as little foundation as the spiritual, in which *no one* believes. The Supremacy of the Crown might seem respectable so long as it supposed something peculiarly resident in the person of the monarch; but with the departure of that theory the Supremacy is in the State. And a terrible reality we are finding that State Supremacy to be.

Then, finally, let us *all* aim at truthfully dealing with things as they really are; abandoning technicalities and reserves, and looking without prejudice and stubbornness to what *must* come to pass.

The Essay which precedes this volume will not find favour with any class of hollow and artificial readers. It is open to a thousand cavils, but it is written with unreserve and sincerity. May it aid the minds of those who would escape the cant of party, political or religious, and, while avoiding Heresy and false doctrine, would cling to Charity and Truth!



ON

HERESY, FALSE DOCTRINE,

AND

“OPEN QUESTIONS.”

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I. THE revered and thoughtful author of the “Christian Year,” both before and since the decision of the Privy Council in Mr. Gorham’s case, has observed, that “it would need to be proved that a Bishop or Archbishop acting on that decision would not involve in direct Heresy both himself and all in communion with him.” By which I do not understand him to deny that such proof might be given ; because he adds, that a Judicial decision, after all, could not overthrow “what is beyond all question Synodically decreed :” but I take him to be using words of warning and caution ; to be urging that the minds of Churchmen ought to be at once directed to the subject of dogmatic Authority in general, the danger of Heresy, or Communion with Heresy, and the duty of formally witnessing to the Truth as it is in CHRIST ; and, in brief, to be reminding us that we are called to consider well what

our duty to God and the Church may, at this crisis, require of us.

That there is indeed a deep necessity for considering these subjects can need no proof. On every side one has heard the saying, that "we should withdraw from the communion of Heretics," with little apparent thought of the danger and sin of Schism, and—must I not say it?—a forgetfulness that if it be a duty to withdraw from false brethren, it is also a grief and a sin to wound the weak.

It has been taken for granted, too, by some, that forbearance to those in error is equivalent to indifference to truth. A rigid theory of Dogmatism is assumed, altogether alien, as it seems to me, from the spirit of the Primitive Church, and of our own; and so we are to be driven to extremities wholly inconsistent with the position and principles of Churchmen of the school of Andrewes, Wilson, and Ken. — Certainly from the moment it was apprehended that the decision of the Privy Council would be hostile to the orthodox Faith, a different language began to be used by those who had previously seemed satisfied with the prospect of the Judgment of the Arches Court being confirmed. A stern and exclusive formula was called for by some such of our brethren, which, if attained, would have divided the Church asunder,—not orthodox from heretic, but brother from brother. And resistance to this sternness was regarded as a timid and time-serving surrender to the spirit of Heresy.

But it seemed to some of us that it was altogether wrong to struggle for a new test of orthodoxy such as was demanded; wrong to our brethren, because it put the truth before their minds, already prejudiced, in such a form as could not fail to provoke them to schism; wrong to our Church, because it would have seemed to stake her character for orthodoxy on a new and dangerous, and probably unattainable, test. It was plain that they who were urging Churchmen on this issue, reserved no alternative for themselves or others, on failure, save an immediate departure from the communion of our Church. Such persons then must have adopted, consciously or unconsciously, a principle of dogmatic Authority unrecognized as yet among English Churchmen. That minute precision which they required, the more it is examined, will be the more seen to be inconsistent with every theory of dogmatic truth, except perhaps the Roman.

Then immediately in connexion with this demand of a new test of orthodoxy on the subject of Baptism, arose the question as to the erection of a Court of Appeal in matters of Doctrine, and the inquiry as to the origin of the Jurisdiction of such Court, even if erected. This elicited the still further discovery that the Roman theory of Jurisdiction (which deduces all ecclesiastical power, even in foro externo, from their one centre of ecclesiastical unity) had taken possession of the minds of some of our brethren. But they seemed, nevertheless, to be

astonished that their adopted Roman theories of dogmatic Authority and of Jurisdiction were, in their result, incompatible with the position of English Churchmen. The truth is, that if they had adopted the same principles, or reasoned from them in the same way, ten years ago, they would have discarded our Church then as much as now : and they have no reason surely to be surprised at us who continue to believe as our great Anglican Fathers have believed ; and hope to defend our Church as they defended it, and not on Roman ground.

According to the Roman theory of dogmatic Authority, the doctrines of Christianity are *not only* infallibly preserved and sufficiently taught, and accompanied by the grace of the Divine Spirit for the salvation of all who believe and obey—for all this we steadfastly maintain—but that those doctrines are ever subject, in all their details, to the immediate decision of a living infallible *Judge*. On Roman principles the legislator and the judge are alike practically infallible : hence the facility with which the fallacy was of late adopted, that a Court by a “*judicial sentence assumed finally to determine doctrine !*” On *Roman* principles, I say, this was true : but on ours it could not be ; as I hope still further to explain.

So again, according to the Roman theory of Jurisdiction, all power flows from the Pope ; and its logical result is and must be a hierarchy such as was contemplated by Gregory VII. They speak of Jurisdiction, and Mission, as though they were, dis-



tinctly, gifts of the HOLY GHOST ; and then declaim easily on the preposterous assumption that temporal governors can impart any such gifts. The fallacy succeeds through the medium of ambiguous terms.

“ Jurisdiction,” for example—which (as often used) is a mere abstraction—does in the truest sense pertain to the Christian Priesthood. The spiritual *Power* of governing the mystical body of CHRIST was given to the rulers of His Church when He breathed on them, and bestowed the HOLY GHOST. The *Right*, however, to exercise that power “ to edification and not to destruction ” was afterwards regulated and adjusted by the laws of His Church. But there is no trace of the modern notion of a *Gift* of spiritual Jurisdiction, separate from holy Orders, in the first ages after CHRIST. Is it not mere wilfulness, then, to tell us that we confound holy Orders and Jurisdiction? We do nothing of the kind. The ideas are distinct enough, though we claim *no* Jurisdiction except that which CHRIST gave when He imparted the HOLY GHOST to His Apostles. ALL the Power of Jurisdiction which we do possess is, doubtless, imparted by holy Orders : but all the Right spiritually to *exercise* that power, over persons, things, or places, is regulated by the Laws of the Church, under the ordinary course of Providence in the world. — If the Church accepts or exercises any kind of power for the government of Christian men, *beyond* what CHRIST gave, she must receive it from

the State,\* and hold it, while she holds it, under the laws of the State.

Christianity is destined to have its true sphere in eternity. But if, meanwhile, it is designed to influence the course of this world, it must mingle with it, and come under its laws, which for this present have the sanction of the Moral Governor of mankind, Whose will it is that the world should exist under Government.†

The following, from the greatest doctor of the Schools, will illustrate how he regarded the spiritual Power when imparted as of a twofold use and character : and that Jurisdiction is not a distinct gift of God, but is the right, given by man, of *using* the spiritual power imparted in consecration. “Spiritual power is twofold, sacramental and jurisdictional. The sacramental is conferred by any consecration. All the consecrations of the Church are irremovable so long as that which is consecrated remains ; as also is apparent in things inanimate ; for the altar once consecrated is not consecrated again, unless it has been mutilated, (or removed ? “dissipatum.”) And therefore such Power, according to its essence, remains, in a man who by consecra-

\* As an illustration of which I may mention the Holy Governing Synod of the Russian Church, whose exterior “jurisdiction,” in all things not pertaining to their sacerdotal function and grace, is wholly derived from the emperor.

† I have examined this question more at large in the “Lectures on Jurisdiction.” (The Synod and the Diocese.)

tion has received it, as long as he lives, whether he fall into schism or even heresy: which is manifest from this, that if he returns to the Church he is not consecrated again. But because inferior power [as a priest's for instance,] ought not *to go forth into action* except as it is directed (movetur) by superior power, (as in things natural also,) it follows, that such do lose the *use* of their power, so that it is not *lawful* to use their power. But if they do use it, their power has effect in things sacramental, because in them man only works as God's instrument; whence the sacramental effects are not excluded on account of the fault of the minister.

“But jurisdictional power is that which is given by the mere injunction of man, and is *not* immovable; does not remain in heretics and schismatics; so that they cannot absolve, excommunicate, give indulgences, &c., and if they do it is null and void. So when we deny the spiritual power of such, we mean not its *essence*, but its lawful *use*.” (legitimum usum.) S. Aquin. 2. 2dæ. xxxix. 3.

The fallacy of recent mystifications, as to Jurisdiction and Mission, will be transparent to any one who thus sees they are to be resolved into the legal and sometimes temporal *use* of an already possessed spiritual power.

Thus much I have thought it necessary here to say concerning dogmatic Authority, and concerning Jurisdiction. For it has been a matter of common inquiry of late years when some have departed from

us to the Church of Rome, “where did they begin to go wrong?—at what point did they diverge from that ground whence Laud, and Ken, and others in most troubled times could never be seduced?” It is surely a question of some interest. Let the most striking examples of those who have left us be considered, and it will not be difficult, I think, to trace their first deflection to a gradual and unconscious adoption of the Roman theory, both as to Doctrine and Discipline, as here indicated.\*

But now, let not what has been defensively said in behalf of our Church’s authority and theory, in opposition to those who deny the one and mistake the other, be taken as indicating a want of sympathy with others who are alarmed lest what has thus far been our theory should be at length abandoned ; and what has thus far been relied on as authority should fail us.

Though I do not believe that the English Church is yet committed to Heresy, nor that she can be charged with any real surrender of her authority to teach the law of CHRIST, I cannot but think our prospects are dark. I feel that our dangers must be arrested now or never. In the meantime it may lead to some juster appreciation of the subjects we have to deal with if we subject them to a brief analysis.

\* Both may be traced in Mr. Newman’s Essay, and in the effect produced, it is said, on him and others by Dr. Wiseman’s powerful Tracts on Protestantism in the East.

II. "A man that is an heretic reject, after one or two admonitions." Such is the Apostle's command to the rulers of the Church; a command which implies the existence of a "deposit" of truth in the Church, and the sacred duty of keeping it against all corrupters, whether from within or without.

The deposit of Truth—the received Faith—the "one Commandment which we have heard from the beginning,"—has been found in the Creeds of all the "churches of the saints" from the Apostles' days. The Creeds are realities, and mysteries; not opinions. To depart from them is "to believe a *lie*." Some of the Churches, as we read in the Apocalypse, have "fallen;" and, if yet surviving, have need of repentance. (Rev. ii. 5.) Some even have *suffered* false teachers among them, "saying they are prophets when they are not;" (Rev. ii. 20; iii. 9;) and such have been evermore warned by the Spirit to put away heresy from among them, and return and "do the first works." But the Universal Creed has not changed, nor the universal Church failed to guard the apostolic Truth. If in any Church heresy be ever found to be the rule,—unsuppressed formal heresy—its teaching henceforth becomes "another Gospel:" the truth brought to us by God Incarnate has then and there been supplanted by another religion: it is no more a Church of CHRIST: it may have, for a time, a "name to live, but it is dead." His truth, thus forsaken and cast out, lives and abides elsewhere.

But are we to think that every erroneous opinion among Christians is thus fatal?—Perhaps it is not too much to say that every error, every mistake in doctrine, however slight, is of the *nature* of heresy, and only would need consistent and truthful development to become formally what from the first it tended to be. For Truth is one and eternal : and Error is its opposite.

III. But there are different degrees as well as kinds of error. We must distinguish between abstract falsehood, as it stands opposed to essential truth, and that imperfect knowledge and partial perception of truth which are inevitable in our moral education here as finite intelligences. If we could examine the intellectual form of many of our Christian doctrines as existing in the mind of the ordinary believer, what inaccurate, what fearfully erroneous, conceptions should we discover in thousands who nevertheless are both in heart and by education consciously orthodox ! The more intellectual and busy class of minds from time to time will give expression to their erroneous conceptions ; but are they therefore to be always deemed heretics at once ? God forbid ! Only when they persevere in doctrines or expositions formally condemned by the Church, as contrary to the faith of CHRIST, can they be thought to be any more heretical than are the multitudes of less intellectual believers all around them whose modes of thought or expression would by no means bear analysis.

We are here in a state of probation ; learning first the words, and year by year the ideas, of our Catechism and our Creed. While learning, we all have very imperfect, and even at times untrue, perceptions : yet we are not heretics, but dutiful children of the Church of God, if we are putting from us continually, as we proceed, all that our Heavenly Guide discovers to us to be crude and imperfect, and therefore, so far, untrue.

From this we may see the reason of the ordinary definition of a heretic ; and understand the various gradations of erroneous doctrine which the charity of the Church forbears awhile to pronounce to be formal heresy ; and further, the necessity which at times exists for “ open questions,” (in one sense of the term,) arising from the fact that our moral probation is concerned in our reception of the Gospel as truth : so that the Apostle to the Corinthians said, “ it is necessary that there be heresies ” among Christians, “ that the faithful may be proved.”

IV. It is not every error, we say, that is to be at once assailed by the name of Heresy, among Christians ;—I say among Christians, for the false doctrines of unbaptized men, who profess not Christian religion, are not, of course, to be described as “ heresies ” at all ;—but we so describe the pertinacious errors of false believers. In the primitive Church, (though the term was more widely used by some, as Epiphanius,) “ Heresy” was in a special way the name of false doctrine concerning God, the Persons of the

ever blessed TRINITY, or the Divine and human natures of CHRIST. Thus Origen describes the heretic :—" Omnis qui se Christo credere profitetur, et tamen alium Deum legis et prophetarum, alium evangeliorum Deum dicit, et Patrem Domini nostri Jesu Christi, non eum dicit esse qui à lege et prophetis prædicatur, sed alium nescio quem ignotum omnibus atque omnibus inauditum, hujusmodi homines hæreticos designamus." Then he instances Marcion, Basilides, and others, and his apologist goes on and names later heretics.\* Not, of course, that the false doctrines promulgated on the other points of Christianity were not heretical ; but that false teaching in the early Church was at first specially busy in distorting the truths and mysteries of pure theology ; (S. Basil, Ep. 72, &c.) the course of controversy advancing to the mixed and moral theology, much later. Thus the general councils of the first four ages were concerned almost exclusively with the doctrines of primary theology ;—the Object of our worship ; the one God in three Persons ; the one CHRIST of two perfect natures, Divine and Human.

Indeed it is startling to us, with our more defined notions at this distance of time, to find what latitude was permitted, for the first two or three centuries, on the doctrines of Grace, and even in the interpretation of Holy Scripture. It is hard to deny that Origen himself, greeted as he was in his day as a master in the Church, had a narrow escape of being a formal heretic

\* Pamphili Apol. in Orig. Op. vol. i. p. 760. Basileæ, 1571.



on more than one doctrine ; was certainly appealed to for generations as a supporter, if not founder, of heresies ; and stood in need of the most generous defence of the later fathers (as S. Athanasius): though on the other hand, his zeal and goodness have raised a wonder in many, that he attained not the honours of a canonized saint. So, too, the opinions of St. Clement of Alexandria—his great master—are on some points what would be deemed intolerable now. And it would be difficult to mention any one primitive father, whose writings have come down to us, in which modern Christianity, Roman, Anglican, and Greek, would not find something to denounce.

V. With true wisdom, therefore, the canonists and casuists of the Church have distinguished heresy into “material” and “formal;” and concede that “*material* heresy,” or error of Christians proceeding from ignorance, without intention of persevering in an opposite doctrine to that of the Church, is not to be reckoned among real heresies. Hence to the guilt of formal heresy two things are required : the understanding, and the will.

It is agreed on all hands, I believe, (and it is the only point which seems so agreed in this matter,) that an opinion or doctrine can be declared heretical by the ordinary judge, i.e., the Bishop—or the Chapter, if the see is vacant,—when it is *formally* opposed to truth revealed by God, and defined by the Church ; or whose contradictory is *de fide*. But an error may proceed very far before it amounts to this : it may

be “rash,” “scandalous,” “offensive to pious ears,” &c.; it may be “bordering on heresy,” (*hæresi proxima*,) i. e., by an immediate consequence; it may be “suspected of heresy,” (*suspecta de hæresi*,)\* though in grammatical exactness it may be made good; it may even be “*savouring* of heresy,” (*sapiens hæresin*,) and yet not definitively pronounced “heretical.” So grave a matter is it thought among theologians to fix the charge of heresy on a Christian man,—such careful discernment is manifested lest that mortal guilt should be wrongfully attributed to any.

It does not follow, from what is now said, that every question may be an “open question” which has not been formally closed by a definition of the Church; but I suppose it does follow that individual Christians have no right to pronounce a sentence of “Heresy” where the Church has not very distinctly pronounced it. Our duty may be, no doubt, to delate a suspected heretic to the Ordinary; and if a just decision cannot be had from him, through his unfaithfulness, or mistake, or through the tyranny of the world intruding to cast a secular shield between spiritual wickedness and its rightful condemnation, then it must be ours to wait the will of

\* This is, perhaps, the truest definition of the doctrine of the Privy Council, “that Regeneration *may* take place before, in, or after Baptism.” It is “*suspecta de hæresi*,” if judged as a *general* proposition; Mr. Gorham’s doctrine seems to be “*hæresis formalis, et mortalis*.”

God in patience, faith, and prayer; for it is His cause.

VI. But another conclusion must also be obviously drawn from what has been brought forward; viz., that the Definitions of the faith of Christians become enlarged from age to age. The first age knew not the terms of the creed of St. Athanasius; St. Athanasius expressed not the truth in language formed by the following generation. And so on until now, had the Church remained united, and general councils freely met, Heresy had been more and more shut out, and dogmatic teaching had grown more and more perfect: but in the mean time, and subject to an appeal to a general council, whenever the providence of God may give it to His Church, we remain on many doctrines without dogmatic guidance; even as the primitive Church remained, far more so than ourselves.

If the dogmatic truths stated in the Constantinopolitan creed be insufficient for the salvation and edification of the Church, then were the Churches of CHRIST uninstructed for salvation for nearly four hundred years. But no man will affirm that. We believe, then, that supposing it should have pleased God to draw a line in His providence to shut up the Church from further synodal action (just as the inspired canon of Scripture was eventually closed); had it, in fact, seemed good to Him to grant us but four general councils, just as He has given us but four canonical gospels—(a notion almost implied in

that parallel between the two cases which St. Gregory and other fathers glanced at,) then it would have been our duty to believe that what had been sufficient dogmatic truth for 450 years was sufficient until the end of the dispensation.

VII. The ground on which we receive the synodal declarations of the whole Church, as definitive expositions of the faith, is the promise of CHRIST that His SPIRIT should guide His Church into all truth. That this promise did not preclude the rise and long continuance of error at times, the whole history of the Church clearly shows; but it did surely guarantee the essential casting out of falsehood, and the practical instruction to salvation of all Christians who would learn and obey. And if this be so, we cannot doubt that what is at any time defined is sufficient for that time. The absence of all dogmatic definition in the hundred years after the Ascension, was not unsafe for souls. The outlines of creeds in the next hundred were not unsafe for souls. To be baptized into CHRIST, and be mystically one with the Incarnate, was as easy to the unlearned and unwise of Rome or Corinth, as to the then better taught believers of Alexandria. And even in our late age of the Church, as has been said, the dogmatic knowledge of the millions, who constitute the body of the baptized community everywhere, is probably, after all our definitions, in no respect clearer or truer than in the first generation of believers. It is not knowledge—it is grace that saves.

I am not undervaluing dogmatic truth ; I am trying to estimate aright its true value and position, as the *vital* test of a Church which would have its people “wise unto salvation.” As the want of intellectual accuracy in the individual Christian is no test of his spiritual state before God ; so, also, the absence of dogmatic precision in a Church is no impeachment of its vitality,—provided that Church be clear of heresy formally acknowledged.

VIII. But here it may be rightly inquired,—If a Definition of the faith can only be received with certainty from an Œcumenical synod, what is to be done at times or in circumstances when an appeal to such a synod is practically impossible ? Is new error, and probable heresy, to have free scope, wherever there has been no previous definition ? Of course not ; why may it not be dealt with as it would have been in any primitive diocese ? Why not be judged by the Ordinary ? Not that his decision, whatever it be, is equivalent to a decree of the Œcumenical Synod, or touches the Faith ; but that it is the practical rule for the case which has arisen : not, as such, binding on the conscience, but a temporary resort, an expedient — (and on practical expedients, rather than infallible rules, all moral probation seems to proceed from day to day)—the best moral and legal provision for the time being, in a matter where the Church’s doctrine, though morally certain, has not been formally fixed from the beginning.

It is undeniable, indeed, that there is a large class

of truths, connected rather with what has been called the “anthropology” than the theology of our religion, which, though not Synodically defined, are not “open questions,” in the widest sense of the term, after the deep investigations of the Schools, and the disquisitions of Fathers and Doctors for the last thousand years. But we must not, (especially as individuals,) identify false doctrine on such matters with false doctrine on matters settled at Chalcedon or Nicæa. While “earnestly contending for the faith,” (I mean, for example,) against the errors of many of our Evangelical brethren, we must not denounce them as we must the heresies of the Arians and Socinians. There need not be thought to be the infinite distance of mortal “heresy” between Andrewes and Leighton, although we may find, in the latter, doctrines which could only logically *result* in heresy.

No doubt it will often be a duty to bring to a judicial decision such differences of doctrinal teaching as may for a time have co-existed in a Church without heretical pravity; and in such cases the differing parties will, (if truly Christian, and in intention orthodox,) invite rather than hinder such decision. But what the *effect* of any such judicial decision would be, cannot be ruled *à priori*. Suppose the plainest decision, even of a general council, were disputed, before a court of law admitting fully the authority of that council, but having to pronounce on its actual meaning;—take, for example, a dispute about the exact meaning of the Homoûsion

of Nicæa : and suppose the judge to be sincerely persuaded that it was an unfortunate adoption of an old Sabellian term ; or that it was a merely verbal dispute ; and allege that the pious semi-Arians held communion with both parties in the fourth century ; and that it might be the same again in the nineteenth ? Surely no orthodox Christian would think such a decision of the least value ; nor that it compromised the Church ; nor that it showed the need of a more accurate formula than that of Nicæa. The judge in the supposed court in such a case would have made a bad decision ; and temporary injury of some kind might legally result. But I say no one would think the judge had dogmatic authority, nor that the creed needed amendment, nor that the conscience of the Church was aggrieved, or her orthodoxy compromised.\*

Exactly the same is to be said of the value of any legal decision in a Church which acknowledges the Catholic faith. It may be fortunate or unfortunate, right or wrong ; for the most infallible of laws are among us not administered by infallible judges. The Faith of the Church remains as it is synodically defined.

IX. It seems almost superfluous, however, to add that heresies, before they are denounced, are

\* Thus the Archbishop of Dublin's notion of the *Personæ* of the TRINITY might not improbably be ruled by those in authority in the State as "open" and tenable: but is it the less a heresy? or shall we make the Athanasian Creed plainer?

yet deeply pernicious. They affect the spirituality and life of a Church as truly as immorality affects it; the former tampering with the faith of individual Christians, the latter destroying their holiness. And hence there is a most solemn duty incumbent everywhere immediately on the rulers of the Church, who have, according to their place and station, the custody of the faith; a duty to which they are sworn, both Bishops and Priests, in their solemn ordination and consecration, "to be ready with all diligence to banish and drive away all erroneous and strange doctrine contrary to God's Word," and "privately and openly call on and encourage others to do the same." Nor is the individual function of the least gifted faithful parish Priest of light import, in relieving the burden and sin of heresy when it has oppressed and injured those committed to him by the law of the Church. "*Hæresis purè mentalis, cum excommunicationem annexam non habeat, potest absolvi à quocumque etiam simplici confessorio.*" (Ferraris, in verb.)

X. But something should now be said as to what perhaps may long, or always, remain "open questions."

It will be apparent, of course, that in the earliest periods of the Church there would be the most possibility of such undecided points of doctrine as might bear diversity of judgment among true believers in CHRIST. The question, for example, as to the obligation of the law of Moses, was an "open



question" before the Council of Jerusalem ; but not afterwards. Subsequent to that council, Judaising was "heresy." "If ye be circumcised, CHRIST shall profit you nothing." And it is but just, in reading the fathers of the primitive days, to bear in mind that that was pardonable error, or even seemed probable truth, before it was pronounced on by the Church, which was false doctrine and even heresy afterwards. Thus it would be unjust to Origen to call him a heretic for much which has been condemned distinctly since that time ; but it would be also unjust to the Church to say, that all the errors to be found in the writings of Origen were regarded as "open questions" by the Church of his day, simply because uncondemned. An undefined point of theology is very different from an "open question ;" for it may be undefined because undebated, unraised ; but it can only be thought an open question when openly and consciously permitted as such by the Church, after it has risen.

The *undefined* theology of the first era of Christianity might be exemplified at a length which would soon exceed the limits of an essay like the present. But even the "open questions," then allowed to be such, were neither unimportant nor few. The opinions, for example, of Justin Martyr, the public defender of Christianity, were subjected to no formal rebuke, as far as we are aware : and in his dialogue with Trypho, he says he had been taught to believe the Millennium, and the restoration

of Jerusalem ; and not to believe in the eternity of future punishments of the wicked. With respect to the former, he plainly says it was an open question, and that other Christians did not believe it.—So again, the five “philosophizing fathers,” as they have been called,—Athenagoras, Tatian, Theophilus, Hippolitus, and Novatian,—expressed themselves on even the doctrine of the TRINITY, without offence apparently at the time, in language which we should know at once to be heretical.

But the example most interesting to us at this time is that of St. Cyprian and his African synods : to which I shall at once pass on. The mode in which they express themselves betrays a very undefined state of public opinion, in some respects, even on the subject of Baptism. I refrain altogether from referring to professed Christian eclectics, so tolerated in the early Church. I refer to the orthodox teachers of the people. Let it not be said, in order to put aside the illustration now adduced, that the dispute between St. Cyprian and the rest of the Western Churches, as to the reception of heretical Baptism, “involved no doctrine,” but only affected the discipline of the Church. It was far otherwise ; and it is impossible to mark the course of that controversy, without observing how undefined, on some very vital points, were the ideas of the African Bishops ; and how rightly, therefore, “rebaptization” has been ranked among heresies. [Gaulter.] The doctrines of the Church’s unity,—

the effect of Baptism,—its necessity, and other points, were found to be involved in the inquiries of the Council of Carthage. For example:—Nemesianus, one of the Bishops, there argues, from our LORD's words to Nicodemus, that “neither can the SPIRIT operate without the Water, nor the Water without the SPIRIT.” But St. Augustin, writing against the Donatists, gives the case of the thief saved on the Cross, (iv. c. 23,) as proof that the necessity of the sacrament of Baptism is to be limited by the proviso,—“where it may be had”—“*Complente Deo quod non ex voluntate defuisset.*” Many others of the African Prelates urged that out of the Church there could be no remission of sins; no salvation; and therefore no Baptism. The answer of St. Augustin admits the premises, but denies the conclusion. Hence he acknowledges that Baptism, given in an heretical communion, was a Sacrament *without the grace* of the Sacrament; and that the grace would follow at a subsequent time, on the person being reconciled to the Church:—a decision, it must be observed, that makes no provision for baptized *infants* dying among heretics.

Nothing is more apparent, on the very face of the subject, than that the Bishops of the Council of Carthage had no defined theories as to points involved in their own sentences; but spoke with the simplicity and faith of unscholastic Christians. While, on the one hand, there is the most perfect unity among them as to the fact that Baptism con-

fers Grace ; so that, indeed, their whole difficulty arose from not conceiving how grace could in any sense be given by the ministry of heretics out of the Church ; the replies and explanations of St. Augustin, on the other hand, discover how undefined their notions were as to the *precise* gift, inseparable from the Sacrament itself, as such. This point is every way worthy of our observation, especially as the consideration of it may teach forbearance among brethren now.

St. Cyprian, and the Bishops who thought with him, all began with the undoubting assumption, that the “one Baptism” conferred “remission of sins ;” and how this could be given out of the one Church where the HOLY SPIRIT dwells, they could not comprehend. St. Augustin’s answers point out that the worthiness of the minister hinders not the effect of a sacrament at any time ; and that a Christian who apostatized, either secretly or openly, and yet, after so (really) leaving the Church, gave Baptism to others, would not confer a doubtful sacrament. The Church would never re-baptize those who had been so baptized by unworthy, or even by fallen ministers ; otherwise, who could be certain of Baptism ? So far his argument was easy : but when he went on to carry out his principle to its full extent, and say that valid Baptism—Baptism never to be repeated—depended in no sense on the quality of the minister, he still refused to affirm that *remission of sins* could be conferred out of the Church ; and he con-

sequently made a distinction (as has been said) between the Sacrament and the plenary Grace of the Sacrament; holding that the Sacrament was conferred by the water and the words, and that the remission of sins, in the case of heretics, followed afterwards, on their reconciliation with the Church.

This placed St. Augustin in a difficulty: the distinction seemed new to the Church. Little trace of it is to be found among the Carthaginian Bishops in St. Cyprian's council; nor even in the days of St. Basil, who, in his first Canonical Epistle, is content with broadly separating purely heretical from schismatical Baptism, in the spirit of the Nicene canons. And the distinction now made, did not provide for the case of *infants* baptized and *dying* in an heretical communion. St. Augustin's theory was complete, and his distinctions available, in the case of adults; but for infants a further consideration was evidently required. And the difficulty remained, I believe, with but little further elucidation for a thousand years, and (as we shall see) occupied the schoolmen almost till the Reformation. "No Christian, however," says St. Augustin, "would ever say" that infants are not baptized for remission of sins, and so for salvation; and then he attempts to reconcile this to that part of his argument, in which he had maintained the salvation of the thief on the Cross: 'As the thief, in a case of *necessity*, 'was saved by inward sanctification and faith in the 'heart, when external Baptism was impossible, so the

‘inward faith and outward confession being by an equal necessity impossible to the infant, he may be saved by the Sacrament alone.’ This certainly secures the doctrine of infant salvation by the Sacrament, but does not explain how the Sacrament could have such effect when administered by *heretics*, who (as he previously laid it down) cannot give “remission of sins,” nor the saving effect of Baptism; but only such sacramental gift as *becomes saving* on that subsequent reconciliation to the Church, which dying infants have not.

The whole passage is so worthy of consideration, as the earliest clear exposition of that which was developed in the mediæval schools, that I must desire the reader to consider it in all its parts, some of them singularly bearing on present questions.

“Quid autem valeat et quid agat in homine corporaliter adhibita sanctificatio sacramenti, (sine qua tamen ille latro non fuit, quia non ejus accipiendæ voluntas defuit, sed non accipiendæ necessitas adfuit,) difficile est dicere. Nisi tamen plurimum valeret, non servi baptismum Dominus accepisset. Verum quia per se ipsa consideranda est, excepta salute hominis cui perficiendæ adhibetur, satis indicat quod et in malis, et in eis qui sæculo verbis, non factis renuntiant, ipsa integra est, cum illi nisi corrigantur, salutem habere non possint. Sicut autem in latrone, quia per necessitatem corporaliter defuit, perfecta salus est, quia per pietatem spiritualiter adfuit; sic et cum ipsa præsto est, si per necessitatem desit quod latroni adfuit, perficitur salus. Quod traditum tenet universitas Ecclesiæ, cum parvuli infantes baptizantur, qui certe nondum possunt corde credere ad justitiam, et ore confiteri ad salutem, quod latro potuit: quin etiam flendo et

vagiendo cum in eis mysterium celebratur, ipsis mysticis vocibus obstrepunt; et tamen nullus Christianorum dixerit eos inaniter baptizari.

“Et si quisquam in hac re auctoritatem divinam quærat, quamquam quod universa tenet ecclesia, nec conciliis institutum, sed semper retentum est, non nisi auctoritate apostolica traditum rectissime creditur: tamen veraciter conijcere possumus, quid valeat in parvulis baptismi sacramentum, ex circumcissione carnis, quam prior populus accepit, quam prius quam acciperet justificatus est Abraham. Sicut Cornelius etiam dono Spiritus-sancti, prius quam baptizaretur, ditatus est. Dicit tamen Apostolus de ipso Abraham, Signum accepit circumcissionis, signaculum justitiæ fidei; qui jam corde crediderat, et deputatum illi erat ad justitiam. Cur ergo ei præceptum est, ut omnem deinceps infantem masculum octavo die circumcideret, qui nondum poterat corde credere, ut ei deputaretur ad justitiam; nisi quia et ipsum per se ipsum sacramentum multum valebat? Quod in filio Moysi per Angelum manifestatum est, qui cum adhuc incircumcisis a matre ferretur, præsentī et evidenti periculo ut circumcideretur exactum est; et cum factum esset, depulsa est perniciēs. Sicut ergo in Abraham præcessit fidei justitia, et accessit circumcisio signaculum justitiæ fidei: ita in Cornelio præcessit sanctificatio spiritalis in dono Spiritus-sancti, et accessit sacramentum regenerationis in lavacro baptismi. Et sicut in Isaac, qui octavo suæ nativitatis die circumcisis est, præcessit signaculum justitiæ fidei; et quoniam patris fidem imitatus est, secuta est in crescente ipsa justitia, cujus signaculum in infante præcesserat: ita in baptizatis infantibus præcedit regenerationis sacramentum; et si Christianam tenuerint pietatem, sequetur etiam in corde conversio, cujus mysterium præcessit in corpore. Et sicut in illo latrone quod ex baptismi sacramento defuerat complevit omnipotentis benignitas, quia non superbia vel contemptu, sed necessitate defuerat: sic in infantibus qui baptizati moriuntur, eadem gratia omnipotentis implere credenda est, quod non ex impia voluntate, sed ex ætatis indigentia, nec

corde credere ad justitiam possunt, nec ore confiteri ad salutem. Ideo cum alii pro eis respondent, ut impleatur erga eos celebratio sacramenti, valet utique ad eorum consecrationem quia ipsi respondere non possunt. At si pro eo qui respondere potest alius respondeat, non itidem valet. Ex qua regula illud in Evangelio dictum est, quod omnes cum legitur naturaliter movet: *Ætatem habet, ipse pro se loquatur.*

“Quibus rebus omnibus ostenditur aliud esse sacramentum baptismi, aliud conversionem cordis, sed salutem hominis ex utroque compleri: nec si unum horum defuerit, ideo putare debemus consequens esse, ut et alterum desit; quia et illud sine isto potest esse in infante, et hoc sine illo potuit esse in latrone, complente Deo sive in illo, sive in isto, quod non ex voluntate defuisset: cum vero ex voluntate alterum horum defuerit, reatu hominem involvi. Et baptismus quidem potest inesse ubi conversio cordis defuerit: conversio autem cordis potest quidem inesse non percepto baptismo, sed contempto non potest. Neque enim ullo modo dicenda est conversio cordis ad Deum, cum Dei sacramentum contemnitur. Juste igitur reprehendimus, anathemamus, detestamur, abominamur perversitatem cordis hæreticorum: sacramentum tamen Evangelicum non ideo non habent, quia per quod utile est non habent. Quapropter cum ad fidem et veritatem veniunt, et agentes pœnitentiam remitti sibi peccata deposcunt, non eos decipimus neque fallimus, cum correctos a nobis ac reformatos in eo quod depravati atque perversi sunt, ad regnum cœlorum sic disciplinis cœlestibus erudimus, ut quod in eis integrum est, nullo modo violemus; nec propter hominis vitium, si quid in homine Dei est, vel nullum, vel vitiosum esse dicamus.”

In the next book, St. Augustin refers to the case of those who do not *receive* Baptism heretically, although it has been *given* by a heretic, in urgent necessity. (c. 5.) What he there says may fairly include the case of infants baptized among



heretics, who cannot be heretical or schismatical *receivers* of the Sacrament. Still in such a case it would seem that there was a latent or passive gift of *Remission*, and consequently that such gift is in the Sacrament when given even by heretics, though not sanctifying any adult receiver who has the impediment of heresy or actual sin, which an infant cannot have. In other words, the scholastic doctrine of the "Character" and the "*Habitus Fidei*," was precisely what was required to give completeness to St. Augustin's exposition of the whole subject. What he says indeed does practically amount to this; but he does not definitely express it. Hence he is obliged expressly to leave one part of the subject "open" and undecided, viz., the *sacramental* effect of Baptism insincerely received.

He felt that he could not, on his own principles, deny *all* sacramental effect in any case, if the water and the words, the only essentials, are ministered. Still he refrained from deciding. "*Sicut jam præteritis majorum statutis non dubito etiam illos habere Baptismum qui quamvis fallaciter id accipiant, in Ecclesiam tamen accipiant, vel ubi putatur esse ecclesia ab iis in quorum societate id accipitur, de quibus dictum est, Ex nobis exierunt. Ubi autem neque societas ulla esset ita credentium, neque ille qui ibi acciperet ita crederet, sed totum ludicare et mimice et joculariter ageretur, utrum approbandus esset Baptismus qui sic daretur, Divinum*

judicium per alicujus revelationis oraculum et impensis supplicii devotione gemitibus implorandum esse censerem ; ita sane ut post me dicturos sententias," [almost a prophetic anticipation,] " ne quid jam exploratum et cognitum afferent humiliter expectarem : quanto magis ergo nunc sine præjudicio diligentioris inquisitionis vel majoris auctoritatis illud dixisse accipiendus sum."

The ultimate doctrine arrived at, I may as well express in words which I recently used in an article on the " Scholastic Doctrine of Baptism,"\* which may in several points elucidate these open questions on the doctrine of Regeneration in the primitive Church.

" Theologians make a distinction between ' Sacramentum,' and ' rem sacramenti.' A sacrament, being God's gift, has grace in it, whenever, and under what circumstances soever, it may be received. The *fulness* of its grace is what is understood, however, by ' rem sacramenti.' This is general.† In the Sacrament of Baptism there is impressed on the soul of every receiver, infant, or adult, in every case the indelible ' character Christi,' which is Regeneration. In opposition to those who said that this impressed ' character ' was unaccompanied by grace in the case of infants, St. Thomas says, ' hoc patet esse

\* In " Ecclesiastic," Jan., 1850, p. 8, and pages 11, 12, &c.

† Our own Twenty-ninth Article makes the same distinction ; the " wicked " receive the " Sacramentum " in the Eucharist, and not " rem Sacramenti."

falsum dupliciter. Primo, quidem, quia pueri *sicut et adulti*, in Baptismo efficiuntur membra Christi : unde necesse est quod a Capite recipiant influxum *Gratiæ et Virtutis*. Secundo ; quia secundum hoc, pueri discedentes post baptismum non pervenirint ad vitam eternam ; et ita non profuisset eis ad salutem baptizatos fuisse !\* Even adults, who receive the Sacrament ‘fictæ,’ he declares (art. 9) to receive this indelible† character. ‘Ad primum ergo dicendum : quod baptizari in Christo potest intelligi dupliciter. Uno modo in Christo id est in Christi conformitate ; et sic quicumque baptizantur in Christo Ei conformati per fidem et caritatem induunt Christum per gratiam. Alio modo dicuntur aliqui baptizari in Christo *inquantum accipiunt Sacramentum* Christi : et sic OMNES induunt Christum per configurationem characteris, non autem per conformitatem gratiæ ; (i. e. plenæ.)’ Duns Scotus says the same, ‘Omnis baptizatus induit Christum quantum ad hoc quod *Christi familiæ ascribitur* ; sed non induit Christum semper per caritatem vel gratiam.’—Dist. IV. lib. iv. 6 q. The Master of the Sentences had taught the same. And this ‘character’ so impressed on the soul, is defined as ‘Signaculum spirituale quo anima insignitur ad suscipiendum . . . ea quæ sunt divini cultus.’ Again

\* An “indelible character,” we may observe, has in like manner been assigned to Holy Orders, by the judgment of our own ecclesiastical courts.

† Sum. Theol. 3a. Qu. 69, art. 6.

it is described as ‘character Christi,’ ‘character Sacerdotii Christi,’ ‘character quo distinguuntur fideles Christi a servis diaboli,’ &c. And, without further quotations, we may add, that *all* infants and sincere adults were considered to receive both ‘Sacramentum,’ and ‘rem Sacramenti ;’—and insincere adults ‘Sacramentum solum.’

“This being admitted as the Church’s doctrine, the inquiry next arises, *How can infants* be said to receive ‘rem Sacramenti’ as the Church affirms?—receive it for justification,—receive it for salvation so long as they remain infants? In the case of adults, the ‘rem Sacramenti,’ the full grace received, implies on their part (according to ‘the order of moral causes’) faith and repentance.\* Can the ‘rem Sacramenti,’ the full and justifying effect, be possessed by infants without any grace of faith in them? The doctors of the Church felt the difficulty of so concluding, and therefore (just as they attributed a moral nature to a child though inca-

\* The question in the Catechism, “Why are infants baptized when, by reason of their tender age, they cannot *perform* faith and repentance?” is answered by saying that “they promise” by their sureties to perform “them both”—a promise at once intelligible, if the baptized have the “*Habitus fidei*,” whereby he may hereafter “perform” the “*actum fidei*.” The answer given (it may be added) in the Catechism is not intended to assign the Church’s *reasons* for baptizing infants; but only to *remove that one objection* to the practice, which the *question brings forward*.—On this subject see, further, note 19, pp. 38 and 39 of the present volume.

pable of moral action) they perceived and defined that the regenerated child had the ‘*Habitus fidei*,’ as a gift from God, from the first—which Habitual faith, being a heavenly gift, is perfect, and capable of spiritual action in future life. The consequences of any contrary conclusion might, if closely pressed, be fatal to the whole doctrine of the new-birth in Baptism.\* Baptized infants would be ‘*membra Christi*,’ justified *without faith*, and baptized adults, ‘*membra Christi, fide justificati*!’—It would be impossible even to conceive of two such classes of members, as pertaining to the one Mystical Body. If there be no ‘supernatural quality,’ (to use a recent term)—no ‘habitual grace’ infused,—regeneration is not the same among all the children of the Second Adam, not even among all the ‘undoubtedly saved!’ A distinction would be set up which the Church has ever denied. But when we identify the ‘*rem Sacramenti*’ with an infused gift of God in all cases, [where there is no “personal obstacle”—] (which, being perfect when given, is termed a Habit, and not a mere potentiality,) we assign the whole work of our salvation, from the first, as the Church has taught us, to the Divine mercy alone; whether ‘moral causes’ have preceded, as with adults; or not preceded, as with infants.”

\* Even Calvinists would say that God gives *grace* to infants who are saved; and what is that but “*Habitus Fidei*?” Very few, I should think, believe that any infants baptized and dying in infancy “perish everlastingly.”

How many ages these, and other, grave open questions lingered in the Church may be exemplified indeed by almost any text of the Master of the Sentences. Observe (with reference, however, to Holy Baptism), that which is prefixed to the fourth book of Distinctions, (by St. Thomas Aquinas.) No brief quotation could give any fair impression the state of the case, and might be open to cavil. He lays out the whole subject thus :—

## DISTINCTIO IV.

*Quod alii suscipiant sacramentum, et rem ; alii sacramentum, et non rem ; alii rem, et non sacramentum.*

Hic dicendum est, aliquos suscipere sacramentum, et rem sacramenti ; aliquos sacramentum, et non rem ; aliquos rem, et non sacramentum. Sacramentum, et rem simul suscipiunt omnes parvuli, qui in baptismo ab originali mundantur peccato. Quamvis *quidam diffiteantur* illis qui perituri sunt parvulis in baptismo dimitti peccata, innitentes illi verbo Augustini, “ Sacramenta in solis electis efficiunt quod figurant ;” non intelligentes illud ita esse accipiendum, quia cum in aliis efficiant sacramenta remissionem, non hoc in eis faciunt ad salutem, sed in solis electis. Nam quod omnibus parvulis in baptismo remittatur peccatum per baptismum, Augustinus evidenter dicit (in Enchir. cap. xliii. et habetur de consecr. dist. iv. cap. “ A parvulo.”) “ A parvulo (inquit) recenter nato usque ad decrepitem senem, sicut nullus prohibetur a baptismo, ita nullus est qui non peccato moriatur in baptismo.” Sed parvuli tantum originali, majores vero etiam omnibus quæ male vivendo addiderunt ad illud, nisi enormitas vitæ impediat, id est fictio. Adulti vero, qui cum fide baptizantur, sacramentum, et rem suscipiunt.

*De fide accedentibus.*

Qui vero sine fide, vel fide accedunt, sacramentum, non rem suscipiunt. Unde Hieronymus (super Ezechiel. cap. xvi. super

illa verba, "Aqua non es lota in salutem.") "Sunt lavacra gentilium, hæreticorum; sed non lavant ad salutem. In Ecclesia etiam qui non plena fide accipiunt baptisma, non Spiritum, sed aquam suscipiunt." Augustinus etiam (super Psalm. lxxvii. in princ.) ait: "Judæis omnibus communia erant sacramenta, sed non communis omnibus erat gratia, quæ est virtus sacramentorum. Ita et nunc communis est baptismus omnibus baptizatis, sed non virtus baptismi, id est ipsa gratia." Item (de pœn. med. cap. ii. refertur de consecr. dist. iv. cap. "Omnis qui.") "Omnis qui jam suæ voluntatis arbiter constitutus est, cum accedit ad sacramentum fidelium, nisi pœniteat eum veteris vitæ, novam non potest inchoare. Ab hac pœnitentia cum baptizantur, soli parvuli immunes sunt." His, aliisque testimoniis aperte ostenditur, adultis sine fide, et pœnitentia vera in baptismo non conferri gratiam remissionis: quia nec parvulis sine fide aliena, qui propriam habere nequeunt, datur in baptismo remissio. Si quis ergo fecte accedit, non habens veram cordis contritionem, sacramentum sine re accipit. Videtur tamen Augustinus dicere (de baptismo contra Donatistas Lib. i. cap. xi. and xii.) quod etiam accedenti, qui etiam habet odium fraternum in ipso momento quo baptizatur, omnia condonentur, et post baptismum mox redeant. Sed non hoc asserendo dicit, immo hanc opinionem, et præmissam sententiam conferendo. Ait enim sic (ut refertur de consecr. dist. iv. cap. "Quomodo.") "His qui ficto corde baptizantur, aut peccata nullatenus dimittuntur, quia Spiritus sanctus disciplinæ effugiet fictum; aut in ipso temporis puncto per vim sacramenti dimissa, iterum per fictionem replicantur, ut etiam illud verum sit: Quotquot in Christo baptizati estis (Galat. iii. 27,) et etiam illud: Spiritus sanctus disciplinæ effugiet fictum (Sapient. i. 5,) ut scilicet induat eum Christo sanctitas baptismi, exuat eum Christo pernicies fictionis. Nam redire dimissa peccata, ubi fraterna caritas non est, aperte Dominus docet (Matth. xviii.) etiam in illo servo a quo Dominus debitum petit, quia ille conservo dimittere noluit. Sic non impeditur baptismi gratia, quo minus omnia peccata

dimittantur, etiamsi fraternum odium in ejus cui dimittuntur, animo perseverat. Solvitur enim hesternus dies, et quidquid superest; et solvitur etiam ipsa hora, momentumque ante baptismum, et in baptismo. Deinceps autem continuo reus incipit esse, non solum consequentium, sed etiam præteritorum dierum, horarum, momentorum, redeuntibus omnibus quæ dimissa sunt.” Hoc autem, ut prædiximus, non sub assertionem dixit, quod ostenditur ex eo quod ait in eodem Libro (cap. xii. init.) sic: “Si ad baptismum fictus accedit, dimissa sunt ei peccata, aut non sunt dimissa? Eligant quod voluerint.” Ecce aperte cernis, si tamen intendis, id dixisse Augustinum non asserendo, sed quærendo, et aliorum opinionem referendo. Idem enim ait (ibid.) “Tunc valere incipit ad salutem baptismus, cum illa fictio veraci confessione receserit, quæ corde in malitia perseverante peccatorum ablutionem non sinebat fieri.” Non ergo fecte accedenti peccata dimittuntur.

*Quomodo intelligatur illud: Quotquot in Christo baptizati estis, Christum induistis.*

Quæritur ergo quomodo illud (Galat. iii. 27.) accipiatur: “Quotquot in Christo baptizati estis, Christum induistis.” Potest dici, quod qui in Christo, id est in Christi conformitate, baptizantur, scilicet ut moriantur vetustati peccati, sicut Christus vetustati pænæ, induunt Christum, quem per gratiam inhabitantem habent. *Potest et aliter solvi.* Duobus enim modis Christum induere dicimur, vel assumptione sacramenti, vel rei perceptione. Unde Augustinus (de baptismo contra Donatistas Lib. V. cap. xxiv.) “Induunt homines Christum aliquando usque ad sacramenti perceptionem, aliquando usque ad vitæ sanctificationem: atque illud primum bonis, et malis potest esse commune, hoc autem est proprium bonorum, et piorum.” Omnes ergo qui in Christi nomine baptizantur, Christum induunt vel secundum sacramenti perceptionem, vel secundum vitæ sanctificationem.



*De illis qui suscipiunt rem, et non sacramentum.*

Sunt et alii, ut supra posuimus, qui suscipiunt rem, et non sacramentum. Qui enim effundunt sanguinem pro nomine Jesu, etsi non sacramentum, rem tamen accipiunt. Unde Augustinus (de Civ. Dei, Lib. XIII. cap. x.) “Quicumque non percepto regenerationis lavacro pro confessione Christi moriuntur, tantum eis valet ad dimittenda peccata, quantum si abluerentur sacro fonte baptismi.” Audistis quod passio pro Christi nomine suscepta, supplet vicem baptismi. Nec tantum passio vicem baptismi implet, sed etiam fides, et contritio, ubi necessitas excludit sacramentum, sicut aperte docet Augustinus (de baptism. contra Donatistas Lib. IV. cap. xxii.) dicens, baptismi vicem aliquando implere passionem. “De latrone illo, cui non baptizato dictum est (Luc. xxiii. 43,) Hodie mecum eris in paradiso, beatus Cyprianus non leve documentum assumit. Quod etiam ego considerans invenio non tantum passionem pro nomine Christi, id quod baptismo deerat, posse supplere, sed etiam fidem, conversionemque cordis, si forte ad celebrandum mysterium baptismi in angustiis temporum succurri non potest. Neque enim ille latro pro nomine Christi crucifixus est, sed pro meritis facinorum suorum: nec quia credidit, passus est; sed dum patitur, credit. Quantum ergo valeat sine visibilis baptismi sacramento, quod Apostolus ait (Rom. x. 10,) Corde creditur ad justitiam, ore autem confessio fit ad salutem: in illo latrone declaratum est. Sed tunc impletur invisibiliter, cum mysterium baptismi non contemptus religionis, sed articulus necessitatis excludit. Et baptismus quidem potest esse ubi conversio cordis defuerit; conversio autem cordis potest quidem inesse non percepto baptismo, sed contempto baptismo non potest. Nec ullo modo dicenda est conversio cordis ad Deum, cum Dei sacramentum contemnitur.” Ecce hic habes *non solum passionem, sed etiam fidem, et contritionem conferre remissionem*, ubi non contemnitur sacramentum; ut in latrone illo ostenditur, qui non per passionem, sed per fidem salvatus est sine baptismo. Sed dicunt quidam hoc

argumentum retractasse Augustinum. *Retractavit quidem exemplum, sed sententiam non.* Ait enim (Lib. II. *Retract.* cap. xviii.) “In IV. Libro de baptismo, cum dicerem vicem baptismi posse habere passionem, non satis idoneum posui illius latronis exemplum: quia utrum non fuerit baptizatus, incertum est.” Constat ergo sine baptismo aliquis justificari, et salvari. Unde Ambrosius de Valentiniano (in orat. de obitu Valentiniani.) “Ventre meum doleo, ut propheticum utar eloquio: quia quem regeneraturus eram, amisi. Verumtamen gratiam ille, quam poposcit, non amisit.”

*Quæ videntur obviare prædictis.*

His autem videtur obviare quod Dominus dicit (Ioan. iii. 5,) “Nisi quis renatus fuerit ex aqua, et Spiritu sancto, non potest intrare in regnum cælorum:” quod si generaliter verum est, non videntur esse vera superius posita. Sed illud intelligendum de illis qui possunt, et contemnunt baptizari. Vel ita intelligendum est. “Nisi quis renatus fuerit ex aqua, et Spiritu sancto,” id est ex ea regeneratione quæ fit per aquam, et Spiritum sanctum; non salvabitur. Illa autem regeneratio fit non tantum per baptismum, sed etiam per pœnitentiam et sanguinem. Unde auctoritas dicit, ideo Apostolum pluraliter dixisse, “Fundamentum baptismatum,” quia est baptismus in aqua, in sanguine, in pœnitentia. Hoc autem non ideo dicit, quod sacramentum baptismi fiat nisi in aqua; sed quia ipsius virtus, et sanctificatio datur non tantummodo per aquam, sed per sanguinem, et pœnitentiam. Ratio enim id suadet. Si enim non valentibus credere parvulis sufficit baptismus, multo magis sufficit fides adultis volentibus, et non valentibus baptizari. Unde Augustinus (Lib. de unico baptismo contra Petil. cap. vii.) “Quæris quid sit majus, fides, an aqua? Non dubito quin respondeam, fides. Si ergo quod minus est, sanctificare potest; nonne quod majus est? id est fides, de qua Christus ait (Ioan. xi. 25,) Qui crediderit in me, etiam si mortuus fuerit, vivet.” Sed dicunt aliqui, nullum adultum in Christum credere, vel caritatem habere sine baptismo, nisi

sanguinem fundat pro Domino, subdita introducentes testimonia. Augustinus (Fulgentius de fide ad Petrum cap. iii.) ait: "Ex illo tempore quo Salvator dixit: Nisi quis renatus fuerit, &c. absque sacramento baptismi, præter eos qui in Ecclesia catholica sanguinem fundunt, aliquis vitam æternam accipere non potest." Item (Gennadius de eccl. dogmat. cap. lxxiv.) "Nullum catechumenum, quamvis in bonis operibus defunctum, vitam æternam habere credimus, excepto martyrio, ubi tota sacramenta baptismi complentur." Item (ibid.) "Baptizatis tantum iter salutis esse credimus." Sed quod in his minus dixit, in aliis capitulis supra positis supplevit. Et ideo hæc sic intelligenda sunt, ut illi soli habentes tempus baptizandi excipiantur. Si enim aliquis habens fidem, et caritatem voluerit baptizari, et non valet necessitate præventus; supplet Omnipotentis benignitas quod sacramento defuerat. Dum enim solvere potest, nisi solvat, tenetur: sed cum jam non potest, et tamen vult, non imputat ei Deus, qui suam potentiam sacramentis non alligavit. Quia vero invisibilis sanctificatio sine visibili sacramento quibusdam insit, aperte Augustinus tradit super Leviticum (quæst. lxxxiv.) dicens, invisibilem sanctificationem quibusdam affuisse, et profuisse sine visibilibus sacramentis; visibilem vero sanctificationem, quæ fit sacramento visibili, sine invisibili posse adesse, non posse prodesse. Nec tamen visibile sacramentum ideo contemnendum est, quia contemptor ejus invisibiliter sanctificari non potest. Hinc Cornelius, et qui cum eo erant jam Spiritu sanctificati, baptizati sunt (Act. x.) Nec superflua judicanda est sanctificatio visibilis, quia invisibilis præcessit. Sine visibili ergo invisibilis sanctificatio esse potest, et prodesse; visibilis autem quæ sit sacramento tenus, sine invisibili prodesse non potest, cum illa sit omnis illius veritas. Simoni Mago visibilis baptismus non profuit, quia invisibiliter non adfuit; sed quibus invisibilis adfuit, profuit. Nec tantum valet fides aliena parvulo, quantum propria adulto. Parvulis enim non sufficit fides Ecclesiæ sine sacramento: qui, si absque baptismo fuerint defuncti, etiam cum deferuntur ad baptismum, damna-

buntur, sicut multis sanctorum auctoritatibus comprobatur. Ad hoc unum sufficiat. Augustinus (Fulgentius de fide ad Petrum cap. xxvii.) ait : “ Firmissime tene, parvulos qui vel in uteris matrum vivere incipiunt, et ibi moriuntur, vel de matribus nati sine sacramento baptismi de hoc sæculo transeunt, æterno supplicio puniendos : quia etsi propriæ actionis peccata non habuerunt, originale tamen peccatum traxerunt carnali conceptione. Et sicut parvuli qui sine baptismo moriuntur, infidelium ascribuntur numero ; ita qui baptizantur, fideles dicuntur, quia fidelium consortio non separantur, cum orat Ecclesia pro fidelibus defunctis.” Fideles ergo sunt non propter virtutem, sed fidei sacramentum. Unde Augustinus (De baptismo parvulor. ad Bonifacium ut supr.) “ Parvulum, etsi nondum fides illa quæ etiam in credentium voluntate consistit, jam tamen fidei ipsius sacramentum, id est baptismus, fidelem facit. Nam sicut credere respondetur, ita etiam fidelis vocetur, non rem ipsam mente annuendo, sed ipsius rei percipiendo sacramentum.”

*Quid prosit baptismus his qui cum fide accedunt.*

Solet etiam quæri de illis qui jam sanctificati Spiritu, cum fide, et caritate ad baptismum accedunt, quid eis conferet baptismus. Nihil enim videtur præstare, cum per fidem, et contritionem jam remissis peccatis justificati sunt. Ad quod sane dici potest, eos quidem per fidem, et contritionem justificatos, id est a macula peccati purgatos, et a debito æternæ pœnæ absolutos ; tamen adhuc teneri satisfactione temporali, qua pœnitentes ligantur in Ecclesia. Cum autem baptismum percipiunt, et a peccatis, si qua interim post conversionem contraxerunt, mundantur, et ab exteriori satisfactione absolvuntur, et adjutrix gratia omnisque virtus in eo augetur, ut vere novus homo tunc dici possit, fomes quoque peccati in eo amplius debilitatur. Ideo Hieronymus dicit (super Matth. xxv.) quod fides quæ fidelibus in aquis baptismi datur, vel nutritur, non habenti aliquando ibi datur, et jam habenti, ut plenius habeat, datur. Sic et de aliis intelligendum est. Qui

ergo mundus accedit, ibi fit mundior; et omni habenti, ibi amplius datur. Quod vero omnis exterior satisfactio ibi relaxetur, Ambrosius (Ambrosiaster) ostendit super illum locum (Rom. xi.) "Sine pœnitentia sunt dona Dei, et vocatio," dicens: "Gratia Dei in baptismo non requirit gemitum, vel aliquod opus; sed omnia gratis condonat." Quod quidem de exteriori gemitu, vel planctu accipiendum est. Nam sine interiore nemo adultus renovatur; sed exteriores satisfactiones, et afflictiones, scilicet sordes pœnitentium, ibi dimittuntur. Multum ergo confert baptismus etiam jam per fidem justificato: quia accedens ad baptismum, quasi ramus a columba, portatur in arcam. Ante intus erat iudicio Dei; sed nunc etiam iudicio Ecclesiæ intus est. Cum vero in baptismo peccatum deleatur, et satisfactio exterior non imputetur; quæritur, cur pœnalitas, cui pro peccato addicti sumus, non tollatur. Hoc ideo tradunt fieri sancti, quia si a pœna homines per baptismum liberarentur, ipsam putarent baptismi pretium, non æternum regnum. Ideo soluto reatu peccati, temporalis pœna tamen manet, ut illa vita studiosius quæritur quæ erit a pœnis omnibus aliena. Ideo etiam manet, ut sit fideli et certandi materia, et vincendi occasio: qui non vinceret, si non pugnaret; nec pugnaret, si baptismo fieret immortalis.

*Cujus rei baptismus qui datur jam justo, sit sacramentum.*

Si quæritur, cuius rei baptismus ille sit sacramentum qui datur jam justo, dicimus, sacramentum esse et *rei quæ præcessit, id est remissionis ante per fidem datæ*, et remissionis temporalis pœnæ, sive peccati, si habetur quod interim committitur, et novitatis, ac omnis gratiæ ibi præstitæ. Omnis etenim rei signum est, cuius causa est. Nec mireris rem aliquando præcedere sacramentum, cum aliquando etiam longe post sequatur; ut in illis qui fide accedunt, quibus cum post pœnituerint, incipiet baptismus prodesse, in quibus fuit baptismus sacramentum hujus sanctificationis quam pœnitendo habent. Sed si nunquam pœniterent, nec a figmento rece-

derent, cujus rei sacramentum esset baptismus ab illis susceptus? Potest dici, rei quæ ibi fieret, si eorum enormitas non impediret.

*Si parvulis datur in baptismo gratia, qua possunt in majori ætate perficere.*

Solet etiam quæri, si parvulis in baptismo datur gratia, qua cum tempus habuerint utendi libero arbitrio, possint velle, et currere. De adultis enim qui digne recipiunt sacramentum, non ambigitur quin gratiam operantem, et cooperantem perceperint, quæ in vacuum eis cedit, si per liberum arbitrium post mortaliter deliquerint, qui merito peccati gratiam appositam perdunt. Unde dicuntur contumeliam Spiritui sancto facere, et ipsum a se fugare. De parvulis vero qui nondum ratione utuntur, quæstio est, an in baptismo receperint gratiam, qua ad majorem venientes ætatem, possint velle, et operari bonum. Videtur quod non receperint: quia gratia illa caritas est, et fides, quæ voluntatem præparat, et adjuvat. Sed quis dixerit eos accepisse fidem, et caritatem? Si vero gratiam non receperint, qua bene operari possint, cum fuerint adulti; non ergo sufficit eis in hoc statu gratia in baptismo data, nec per illam possunt modo boni esse, nisi alia addatur; quæ si non additur, non est ex eorum culpa, quia justificati sunt a peccato. Quidam putant gratiam operantem, et cooperantem cunctis parvulis in baptismo dari in munere, non in usu; ut cum ad majorem venerint ætatem, ex munere sortiantur usum, nisi per liberum arbitrium usum muneris extinguant peccando: et ita ex culpa eorum est, non ex defectu gratiæ, quod mali fiunt, qui ex Dei munere valentis habere usum bonum, per liberum arbitrium renuerunt, et usum pravum elegerunt.

I have confined myself for obvious reasons to this class of once "open questions," as we are now so specially concerned with the subject of Baptism. A careful study of this passage alone may yet teach a lesson of charity to many.

It would be a work of supererogation here to enlarge the range of topics, and more than glance at the numerous other undefined questions of primitive and later Christianity. But many, I think, will contemplate with more astonishment in its *continuance* than in its origin this absence of dogmatic definition for so many hundred years; and that too on other and most important points of the faith. Many, I say, who would hear without surprise that the Church of the first centuries had an undefined theology,—(because they would explain it by the comparative fewness of documents, or the simplicity of unsuspecting orthodoxy, which would have been alike astonished by the Trentine decisions, or the Zuinglian,)—will yet be surprised to find what questions were considered debatable in the middle ages. The boldness of discussion, even in the most sacred matters, is what the moderns would not have suspected.

Thus, even to the days of Aquinas, it might be held that venial or even mortal sin was remitted without\*

\* Bradwardine thought (*De Causâ Dei*, lib. i. c. 43,) that a contrary opinion is Pelagian, (in its tendency at least.) The whole of that chapter is full of interest, especially the part about the power of the keys; and I would especially commend it to the consideration of a recent writer on “Absolution,” and those who have imagined the popular Roman theories herein to be the same as those of the middle age of the Church. Bradwardine adopted the views suggested by P. Lombard without reserve as to the pardon of sin proceeding from God, and not from the priest; and even advanced to the almost heretical statement, that *neither contrition nor confession precedes the*

special confession :—and, (to omit minor points)—in respect of the most Holy Sacrament of the Eucharist, it was open to St. Thomas Aquinas to maintain a doctrine of Transubstantiation, which in some respects would scarcely be deemed pardonable now. He denies that either of these forms of speech could be used, either (before consecration) “quod est panis erit corpus Christi,” or (after consecration) “quod est corpus Christi fuit panis ;” on the ground that no common subject remains after consecration, which the word “ quod ”\* would

*blotting out of sin*, “multò magis nec absolutio sacerdotis cum hæc, si fiat legitimè, sit post illas,” &c., adding the authorities, quoted in P. Lombard, of St. Ambrósé and St. Jerome ; and also Origen. Of course Bradwardine applied his principles also in respect of Baptism ; but I must not enlarge on an inviting subject. I do wish that people knew something of the enlarged charity and intellectual freedom of the middle ages.

\* So in reply to the question, “What is broken by the priest ?” Berengarius was made by Pope Nicolas to say, it was the “true Body of CHRIST” which was broken. Aquinas thinks this a less probable opinion than another, viz., that it is the form of *bread* which is broken, according to St. Paul saying, “the *bread* which we break.” The following are from the text of P. Lombard.

“ *Aliorum opinio.*

“Alii vero dicunt, quod sicut ibi species panis est, et non est ibi res, cujus, vel in qua sit illa species ; ita ibi est fractio, quæ non sit in aliqua re, quia nihil ibi frangitur : quod mirabiliter Dei potentia fieri dicunt, ut fiat fractio ubi nihil frangitur.

“ *Aliorum opinio.*

“Alii tradunt, corpus Christi essentialiter frangi, et dividi ;



seem to imply. He dislikes the expression that the consecrated bread *becomes*, or *is made*, the Body of CHRIST. He hesitates to say "out of the bread the Body is made," or "from the bread;" as such phrases would seem to imply a material cause; in opposition to which he says, "*nihil panis erit unquam aliquid corporis Christi.*" All that is sensible or perceptible in bread remains after consecration as before; in fact, nothing is annihilated; and nothing that is sensible or perceptible in the LORD'S Body exists in the Sacrament after consecration. The "conversion" is a mysterious displacing of the *inner* substance of the one by the sacred and *supernatural* presence of the other: the "Presence" is not to be even described as "local."—Such is the doctrine both of P. Lombard and St. Thomas, a doctrine which nearly reduces the dispute to a question of metaphysical philosophy.

I do not in this, of course, throw doubt for a moment on the unquestioned orthodoxy of the Angelical doctor, whose precision on many points is so perceptibly advanced beyond the looser views of P. Lombard: I am quoting his thoughts in order to show to et tamen integrum, et incorruptibile existere. Quod se colligere asserunt ex confessione Berengarii, qui confessus est coram Nicolao Papa, et pluribus Episcopis (ut in Decret. de consecr. dist. ii. cap. 'Ego Berengarius,') panem, et vinum, quæ in altari ponuntur, post consecrationem non solum sacramentum, sed etiam verum corpus, et sanguinem Christi esse; et sensualiter non solum sacramento, sed in veritate manibus sacerdotum tractari, et frangi, et fidelium dentibus atteri.

concise thinkers among ourselves that dogmatic truth may be held vitally and clearly, and yet not be quite so briefly defined as they might desire, nor, at all times, clear of "open questions." Surely it is but impatience or thoughtlessness which reckons inquiry and analysis to be symptoms of want of faith; and, to be consistent, it should go on to deny that dogmatic teaching could have existed among those doubting doctors of the schools.

It would not be difficult to furnish examples in illustration concerning the grace of all the Sacraments of the Church,—all more or less allied with the most essential realities of our probation, the nature of sin and holiness, the transmission of evil, the law of our justification. But my object is not to raise questions; only to plead that it is not necessarily a sign of heresy to raise them. Of course I do not mean that all the questions raised in the schools were "open questions;" some were but discussed to be exposed; but many were kept open from generation to generation.

But further: they who are discontented with our own Church because she has not dogmatically decided some points on which they demand decision, should learn that they may, by changing the terms, bring the same complaint against the Trentine Church, not to mention other communions.

Surely it is no light matter that the doctrine of the Immaculate Conception should have been so long an open question, for it is no subordinate

importance which is now assigned to it, though the Council of Trent left it and other points, untouched. But above all others, what can be thought of the great open question which still exists in the Roman Communion, as to the Infallibility of the Pope, — his Independence of general councils, — his Supremacy over the faith itself? Nothing can well be more vital: and yet this great and fundamental matter, on which *everything* in Roman Christianity may one day come to depend, is an “open” question on which men are allowed to hold the most opposite opinions in the Roman Communion. What can, in truth, be more melancholy than the position of the Roman Church in respect of all those questions which were so unpardonably left open by the Council of Trent? questions of faith and morals such as have since then agitated the whole of their Communion throughout Europe? the timid policy which avoided their consideration having contributed probably, as much as any other cause, to the political and moral disasters which have reduced the continent at large to a condition so fearfully irreligious!

Utterly afraid of ever again meeting a general council of the Church, even if it could be gathered, (which may not be, as yet at least, “without the commandment and will of princes,”) the Roman Church has been driven by circumstances to adopt as its theory the dogmatic infallibility of the Pope — a theory possibly subversive of the whole objective

truth of revelation by no very remote or subtle consequence. And henceforth, one by one, questions will be settled as the "Immaculate Conception" has lately been: they will be allowed to *settle themselves* in a rough sort of way by the course of events, or by the docility or inclination of the people, till at length their practical resolution in the popular mind receives the imprimatur of the Pontiff. Thus proceeding at a kind of hazard, without a principle of action except the Pope, the Roman Church seems destined to advance to its consummation, adding HERESY to immorality: and a Church which has held possession of Europe for a thousand years, and under whose hands Europe has become, morally and religiously, *what it now is*, seems likely to end by resolving Christianity into a theory, which may one day ignore all that was deemed truth before!

It is an ungracious task to have to dwell on the discordant teachings, the wranglings, and variations, of other Churches,\* yet something seems almost to be demanded, by the tone of many in our present controversies. The "variations" of Romanism, from the Council of Trent until now, in dogma and in morals, ought, perhaps, by the pen of some Bossuet among us, to be more specifically and popularly enumerated, for the benefit of misguided multitudes who dream of "unity" in the Roman Communion. What a fearful chapter of open questions even in fundamental morality might not the history of "pro-

\* Vide Dictionnaire des livres Jansenistes. Antwerp. 1752.

bableism" alone furnish ! And what conflicting theories as to the whole doctrine of grace are discovered by such letters as Pascal's *Provinciales* !—Nay, not even the primary truths of "natural theology," the being and attributes of God, may as yet remain unagitated in the Roman schools. "In what sense God *knows*, or foreknows ;" "whether He is free ;" "whether the moral attributes of the Creator are identical with the moral character of the creature ;" these, and countless other high and ineffable matters, are controverted still in the Roman Communion. Nor is the acknowledgment of difficulty and doubt deemed unpardonable even in these most awful subjects. "*Hic nodus est totius theologiæ intricatissimus, ænigma sacrum, cui plene solvendo impar est humana mens : Ecquis enim satis concipiat quomodo stet libertas Dei cum ejus immutabilitate, salvis utriusque juribus : vel enim actus liber potuit abesse à Deo, vel non : Si primum, quomodo immutabilis ? Si secundum, quomodo liber ?*" (Billuart, ii. p. 20.)

But it may be imagined, perhaps, "these are scholastic, and not practical varieties and disputes, and do not touch the great body of Christians ?" I know not, however, that this may be any more truly said in these cases, than in others in which we ourselves are thought to be more nearly concerned. I am sure that the bare discussion among our own writers of half the questions of the Roman schools would raise an outcry of scepticism ;

and perhaps not unjustly : for few probably might study the scholastics, and canonists, and casuists of the Roman Church without passing through an unsettling process in their own minds the while, not remotely analogous perhaps to what the world calls scepticism. It is a long and dark and solemn work to go down into the mine of truth, and work amidst the elements of the moral world ; if so be we may understand something of the hidden constitution of things beneath the practical surface of ordinary life.

But, in truth, the English Church is far less open to the charge of introducing subtle disputes to the people at large than most other Churches. Almost by common consent among us the analysis of predestination and free-will has been abandoned. While in the Church of Rome the subtillies of Quietism are revived and are spread among their people in every form,—even to that latest, (Oratorianism I mean,) which is a mixture of the doctrines of Loyola, and Molina, and Jansenius,—the strangest devotion of the first, with the self-annihilation of the second, and the predestinarianism of the last—forming well nigh a new Religion, within the pale of Rome. Indeed, for a long time past, the most popular devotional books among the laity of the Roman Communion, (such as those of Avrillon and Surin,) imply ethical theories, as to the annihilation of the human will, which have been subjected to the condemnation of the head of their

Church, as “heretical:” at least it seems to require the greatest skill to reconcile the practical teaching of these books with the solemn denunciations against the doctrines of Molina put forth in detail by Pope Innocent in 1687; beginning “oportet hominem suas potentias annihilare. Et hæc est via interna, &c.”

Moral theories are often slow in making their way among the multitude; but when they once penetrate a large portion of a community, their true character becomes manifest. Thus the quietism of the eighteenth century became at last one of the corrupting elements of European society. And now that it is said by some that there is a revival of life in the Roman Communion, it is significant to observe in what quarters it is to be found. It is not in Italy, not in Portugal, or Spain. It is in France, —where Ultra-Roman doctrines had been exiled, and Gallican moderation had prevailed. It is in *England*, —where the vitality of the Roman Communion has been sustained by an unlooked-for supply from the best blood of the English Church. And there is this further peculiarity, viz., that the revival partakes both of the Quietistic and of the Jansenist character in several respects. It is subtle; and itself *depending* on “open questions.” In France especially, religion, rejected by the nation at large, has fallen back on the theory that it was never designed but for the few. Predestination and election are cherished doctrines once more. So in England. They who of late have joined the Roman Church

ascribe it to "special grace." Writing a few years ago, Mr. Newman, in his Lectures on Justification, could say, "The Romanists seem to *deny* God's secret election!" Now, it is their favourite topic.

But what more practical doubt could be found than that which has existed as to Jurisdiction among them? Even their present modification of their theory of Jurisdiction shows how long it has remained "open" in the Church of Rome to believe in the prerogative now said to be divinely guaranteed to the Pontiff. In charity to souls this should have been settled long ere this. For example, I think it would be contrary to what is now believed as to the Jurisdiction of the Pope, if any monarch were to seek what was conceded in the eleventh century to the king of Sicily?—Count Roger, the founder of the Norman monarchy in Sicily, (soon after the Norman conquest in our own country,) secured spiritual Jurisdiction to be attached to *the Crown* though the king is a layman. The king of Sicily, as such, became the Pope's delegate in spiritual matters, excluding by law all other legates from Rome, and had his throne in all cathedrals above the Archbishop; and even his lord lieutenant, surrounded by his staff, received the ecclesiastical honours in the king's absence.\* This

\* A learned friend has informed me that the "*Codice Ecclesiastico Sicolo*" is being published in numbers by a lawyer of Palermo; and therein the original grant to Count Roger, and all other documents, are printed at large.



was the price of the rejection of the Greek Church in favour of the Roman. This hereditary delegation, if it may be so called, of spiritual power to laymen is somewhat repugnant to the present theories. It is best explained, perhaps, by the admission that the limits of Jurisdiction in things spiritual were left "open" and unsettled even till now in the Roman Communion!

But it seems unnecessary here to prolong this discourse.

XI. It remains, that we consider now the question of practical duty, the suggestion of which in the first instance was the occasion of the present essay, viz., the extent to which in any case, especially in our own case, there is danger in the Communion of Heretics. It will be apparent at once that a different conduct will be required in the case of pronounced heretics, who are formally external to the Church, from that which might be right in respect of erring Christians not yet formally cast out, but holding a doctrine which cannot but be deemed to be heretical. In the former case duty is plain; acts of communion must be sternly and at all risks refused, lest we be "partakers of the evil deed," or seem to "bid God speed" to those who are His enemies. In the latter case, and it may be ours before long,—we may learn our duty from St. Augustin:

Among the many questions which arose in his controversy with the Donatists this was one,—

Whether by admitting the validity of heretical Baptism we do not hold communion with heretics ? The principle on which he replies to this inquiry will avail us in our own case ; and I submit it to the consideration of my brethren, not only for our guidance hereafter, but for our vindication in times gone by. St. Augustin constantly repeats, in little varied terms, the parallel of *moral* and doctrinal pravity. We do not sanction the *immoralities* of ungodly Christians by holding communion with Churches where ungodliness has been prevailing ; so neither do we share or hold communion with Heresy necessarily by continuing communion with Churches where it is not yet cast out. St. Epiphanius too classes together immoralities, and profanities, and heresies, as to be *alike* shunned by all Christians. (Adv. Her. lib. 3.) I confess that this reasoning seems to me even more conclusive in the case for which I would adduce it than in that for which St. Augustin urged it. I commend it, I repeat then, as a perfect and unanswerable argument to the candid reflection of the theological reader.\*— Even when the heresy is so undoubted and so deadly as that which the Bishop of Exeter is trying now to expel from his diocese, the *Church* is not guilty while she so repudiates it.

XII. Much more then, so long as justice or charity obliges us to refrain from bringing the extreme charge of deliberate heresy against erring brethren,

\* Contra Don. L. vi. c. xxii.

may we safely follow the example of that blessed saint, Cyprian of Carthage, "*tanti meriti, tantæ ecclesiæ, tanti pectoris, tanti oris, tantæ virtutis episcopus*," of whom St. Augustin, in the midst of controversy, could thus speak: "He disjoined not himself by separate communion from those who thought different things, and he ceased not to persuade others that they should bear with one another in love, striving to keep the unity of the Spirit in the bond of peace. For so the compactness of the body being preserved, if there were infirmity in any members, it might be healed by the healthiness of the rest, instead of being put beyond the reach of cure by being cut off as a mortified limb. If he had separated, what multitudes would have followed! what a name among men might he have made! . . . But he was not a son of perdition, but the Church's son of peace!"\*

And let us bear in mind the gentleness of the courageous Athanasius, that greatest and most glorious of the saints and doctors of the Church,—his forbearance towards men whom he found to be "better than their creed,"† (men whose doctrines touched very nearly, however, the fundamentals of the faith,) I mean the Semi-Arians, such as Basil of Ancyra and others, who in unsettled days, and before the Trinitarian Controversy had run its cycle, had even anathematized, as secret Sabellianism, the Nicene formula!—Let us listen to the Catholic wisdom and charity of St. Hilary, who,

\* Ibid. L. i. in fin.

† Newman's Arians, p. 320.

when upbraided by too hasty brethren for his reluctance to separate from the "Orientals," and for praising their piety, defended himself thus, (in his Apologetics :) "In eo vero quod laudans eos in invidiam deducor à quibusdam ; *parum intellectus sum*. Non enim eos veram Fidem, sed spem revocandæ veræ Fidei attulisse, dixi." He saw their faith to be defective, and even, in some sense, not true ; but he regarded their position as a whole with hope, and thankfulness, and brotherly love, as a step towards that great truth from which they had receded, and his heart yearned towards them, as men who might yet be a blessed medium of unity and peace in the divided Church—"viros studiosos apostolicæ et evangelicæ doctrinæ, quos Fidei calor in tantis tenebris hereticæ noctis accendit." (De Synodis, 78.) Nor was there less forbearance towards the same Orientals at Rome, than in Africa and Gaul. And in how high and solemn, and fundamental a doctrine !

It is an extreme example truly, and one of course which could never afterwards be urged in the same subject matter ; since the definition of the faith has therein been long fixed beyond the toleration of denial. Even in their days it was rapidly becoming impossible to regard, as "open," the terms in which Christians might speak of the Divine nature : it was a charity then which was extended, as for the last hour, to those who thus were won back to the Catholic Faith ! Their vessel had touched the quicksands, and they knew it not : and their brethren

would not depart from them, but ventured near, and drew them off.

And if there be in our days other questions of our religion, still undefined, concerning which men of sanctity and faith may yet speak a different language, let us not refuse to act in the spirit of those ancient Bishops, “not judging—not dividing from Communion”—“*neminem judicantes aut a jure communionis aliquem, si diversum senserit, amoventes.*” (St. Cyprian.) “*Istum nondum hæreticum dico, nisi manifestata sibi doctrina Catholicæ Fidei resistere maluerit, et illud quod tenebat elegerit.*” (St. Augustin.)\*

The charity of the Church, imitating after her measure the long-suffering of her heavenly LORD, forbears at times to cut off her erring members, “lest she root up the wheat also.”† And if in trying days we hear a voice of Providence saying to us, “Let both grow together until the harvest,” let us remember that we may sometimes hold communion with a Church without communicating with the errors of its children; let us remember that all is not heresy which is error; and join faithfully in the prayer: “We beseech Thee to hear us, good LORD; That it may please Thee to strengthen them that do stand, to comfort and help the weak-hearted, to raise up them that fall, and finally to beat down Satan under our feet!”

\* Contr. Donat. iv. c. 23.

† Ibid. iv. 13.

1841. The year 1841 was a year of great

activity for the people of the United States.

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THE JUDGMENT OF THE CHURCH COURT,

(ARCHBISHOP OF CANTERBURY'S,)

AND

THE JUDGMENT OF THE STATE COURT,

(PRIVY COUNCIL.)

WITH NOTES.

# OUTLINES OF THE TWO JUDGMENTS.

## THE CHURCH COURT.

### I. ORIGIN of this Case, of *Gorham v. the Bishop of Exeter*.

History of the Case, *fully* stated.

- a* How Mr. Gorham's examination arose.
- b* (The Bishop's right to examine is assumed.)
- c* How the Chancellor (as patron) acted herein.
- d* The result of the examination; and the Bishop's reasons.

### II. MODE of Legal Proceeding: (by "act on Petition.")

The Bishop's pleadings:  
(charges Mr. Gorham with false doctrine.)  
Mr. Gorham's rejoinder.  
This mode not satisfactory.

### III. METHOD to be adopted by the Judge in this Court.]

- a* To ascertain what is the Church's Doctrine of Baptism;
- b* To ascertain Mr. Gorham's views also; and
- c* To pronounce accordingly.

The Standard of Doctrine;

According to Mr. Gorham, the *Articles*;  
According to the Bishop the *Articles and Formularies*.

The Doctrine of Baptism:

The Bishop calls on Mr. Gorham to confess it.  
Mr. Gorham's answers, stating *in his own words* his views of the Doctrine.  
Mr. Gorham considers the Formularies "defensible, if allowed a favourable construction."

### IV. The ARTICLES are to be referred to, primarily. 25th and 27th Articles, (on Baptism.)

Two points raised (as to Infant Baptism) out of these Articles, viz.,

- 1. "Worthy reception."
- 2. "Regeneration."

What Mr. Gorham suggests on these:

- 1. That original sin hinders "worthy reception."
- 2. That Sponsors "stipulate" for subsequent "Faith."
- 3. That there is an Act of "Prevenient Grace" which regenerates *before* Baptism.

The Court thus elicits that Mr. Gorham's opinion is, "that Regeneration is *not* by *Baptism, nor through Baptism.*"

## THE STATE COURT.

### I. ORIGIN of this Appeal.

History of the case, *briefly* stated.

- a* That the Bishop examined Mr. Gorham.
- b* (The question of the Bishop's right to examine is evaded by this Court.)
- c*
- d* The result of the examination.

### II. MODE of Legal Proceeding: (by "act on Petition.")

The Bishop's pleadings:  
(charges Mr. Gorham with false doctrine.)  
Mr. Gorham's rejoinder.  
(The Court thinks Mr. Gorham not straightforward, and the Bishop not dogmatical.)

### [III. METHOD to be adopted by the Judges in this Court.]

- a* To "endeavour" to harmonize Mr. Gorham's views;
- b* To obtain the desired "result" by *generalizing*; and
- c* To pronounce accordingly.

\* \* \* \* \*

The Doctrine of Baptism:

The Court states *in its own words* a view of this doctrine;  
and attributes this view "generally" to Mr. Gorham;  
omitting peculiarities, and abating distinctions.

### IV. The ARTICLES and Formularies may be legally construed with wide *latitude*, and admit variety of opinion.

Latitude probable—

- 1. From the History of the Articles.
- 2. From some Doctrines being left undecided by the Articles.
- 3. From the fact that Henry VIII. once had some "Articles" of a more rigid kind.
- 4. From the book of "Necessary Doctrine," much plainer than the Articles of our Church.
- 5. From the Articles on Baptism requiring "worthy reception," while some older forms speak only of "due reception."
- 6. From the Royal Declaration of Charles I. acknowledging diversity of "opinion" in the Church on some points (perhaps therefore on this.)



## THE CHURCH COURT.

## THE STATE COURT.

### V. The FORMULARIES of the Church.

"Favourable construction" and "charitable hypothesis" pleaded for by Mr. Gorham, and examined by the Court in all the services.

1. "Construction" of the Service for Public Baptism of Infants.  
By an examination of the *whole* Service "in extenso."  
(Mr. Gorham's interpretation will not stand.)

2. "Construction" of the Service for "Private Baptism."  
By an examination of the *whole* Service "in extenso."  
(Mr. Gorham's interpretation will not stand.)

3. "Construction" of the Service for Adult Baptism.  
By an examination of the distinctive features of the Service.  
(Equally against Mr. Gorham.)

4. "Construction" of the Catechism.  
By an examination of it in all its parts. (All against Mr. Gorham's view.)

[The Court finds no trace of Mr Gorham's principles; nor of his doctrine of "Prevenient Grace" in the Services, thus far: nor in contemporaneous authorities.]

5. "Construction" of the Service for Confirmation.  
By a careful examination of its parts. (Utterly opposed to Mr. Gorham.)

### VI. "What REGENERATION is," is affirmed by this Court.

The Regenerate are saved, unless they fall.

The other arguments adduced for Mr. Gorham considered:—

1. That the Burial Service is framed "charitably."
2. That the Articles are not to be judged by the Formularies.
3. That the Reformers were Calvinists.
4. That the Doctrine of Predestination is affirmed by the Church, (but, as the Court conceives, *not as matter of faith.*)

All these and similar pleas are set aside by the Court after examination.

### VII. CONCLUSION:—The Doctrine of Baptismal Regeneration is the Doctrine of the Church; Mr. Gorham denies it; and is condemned by this Ecclesiastical Court.

### V. The FORMULARIES of the Church.

"Latitude" of interpretation pleaded for, by this Court, in respect of all the Services.  
Latitude of the "Burial Service," the primary illustration. (It "hopes" that all men are "saved.")

1. "Latitude" of the Service for Public Baptism of Infants.  
(It calls, in one place, Infant Baptism a "charitable work," and so, perhaps, implies it may be a doubtful blessing.)

2. "Latitude" of the Service for Private Baptism.  
(Argued (1), "from its being provided for *exceptional* cases," and proceeding, perhaps, on *exceptional* principles; and (2), from the *uncertainty* of our inferring that in a mere case of exigency all that was necessary would be done.)

3. (This Service is unexamined by this Court.)

4. "Latitude" of the Catechism.  
Probably from an examination of *one* of its passages, and from the saying in it, that "the HOLY GHOST sanctifies all the elect," which the Court thinks *cannot be universally affirmed*.

(The Court does not examine Mr. Gorham's doctrine of "Prevenient Grace.")

5. The Court does not undertake to apply the principle of Latitude throughout, and will not examine this Service of Confirmation.

### VI. This Court refuses to affirm *any* Doctrine.

Baptized Infants dying are saved, (perhaps not by Baptism.)

The Court lays down fully the principle of LATITUDE.

Quotes *specimens* of supposed Latitude respecting Baptism.

### VII. CONCLUSION:—That Mr. Gorham, not having been proved to this Court to hold Doctrines *repugnant* to the Church's Doctrine, is to be tolerated in the Church.

# JUDGMENT OF THE CHURCH COURT,<sup>1</sup>

(ARCHBISHOP OF CANTERBURY'S.)

I. ORIGIN  
of this case  
of Gorham  
v. the Bishop  
of Exeter.

THE case which the Court has now to decide was most elaborately argued in the early part of this year. The nature of the question, the vast body of learning imported into the discussion, and the important result to which the decision may possibly lead, have created in the mind of the public a more than ordinary interest, and, as may be imagined, in the mind of the Court a corresponding anxiety and sense of responsibility.

Greatly as it is to be lamented, when any difference of opinion in religion arises between those professing themselves members of the same Church,—still more is it to be lamented when the parties litigant stand in the relation, as in the present instance, of a beneficed Clergyman and his Diocesan.

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<sup>1</sup> The TITLE which I have given to these two Judgments may need vindication to some persons. I shall briefly express the ground on which I regard them as speaking, the former in the name and spirit of the Church, the latter in the name and spirit, and by the sole authority, of the State; and I shall do so in Mr. Keble's words. "Our consciences are quite clear of any obligation . . . (by oaths, or otherwise, as yet) to receive the doctrinal decisions of the Privy Council." . . . "If we accept or connive at the claim of the Privy Council to settle controversies of Faith, what do we but render ourselves actual and wilful partakers in that sin?" . . . "Those who believe the Church's Divine Commission will hardly, if ever, think it right to recognize the Privy Council Court, as fit to overrule the Courts of the Church." And, "*if the Court were as legitimate* [which the Church Court is, in its own sphere of action] as it is irregular, a Judicial decision would not overthrow what is beyond all question *synodically* decreed."—*Trial of Doctrine*, pp. 23, 25, 27.

Further: the Privy Council declared its own incompetency to decide questions of doctrine, saying it has "no jurisdiction" in matters of faith, and is "not competent," p. 71, and expressly allowed the right of the Church, through her individual Bishops to accept or reject, concur in, or not concur in, the Judgment. "The Bishop of London does not concur."

Nor indeed, did any single organ of public opinion seem unaware of the fact that the *policy of the State*, and not the mind of the Church, gave itself utterance in the Privy Council Judgment. The day after the decision the daily papers spoke in the following terms:—

"The judgment pronounced by the Judicial Committee of the Privy Council in the case of Gorham v. the Bishop of Exeter, will probably prove perfectly satisfactory to no one who has taken a real interest in the question at issue, except, perhaps, Mr. Gorham himself. Observing at once how much it decides, and how little—what it grapples with, and what it shuns—we may, perhaps, entertain a rational suspicion that the judges who framed it were sensibly alive to the *consequences* which might flow from a sentence directly adverse to either party, and naturally solicitous to avert them. For such a result the public was not unprepared. Considering all things, it was certainly not unreasonable to augur the possibility of some deflection from that serene impar-

# JUDGMENT OF THE STATE COURT,

(THE PRIVY COUNCIL.)

THIS is an appeal by the Rev. George Cornelius Gorham against the sentence of the Dean of the Arches Court of Canterbury, in a proceeding termed a *Duplex Querela*, in which the Right Rev. the Lord Bishop of Exeter, at the instance of Mr. Gorham, was called upon to show cause why he had refused to institute Mr. Gorham to the vicarage of Brampford Speke.

I. ORIGIN  
of this appeal  
of Gorham  
v. the Bishop  
of Exeter.

The Judge pronounced that the Bishop had shown sufficient cause for his refusal, and thereupon dismissed him from all further observance of justice in the premises; and, moreover, condemned Mr. Gorham in costs.

From this sentence Mr. Gorham appealed to her Majesty in Council. The case was referred by her Majesty to this Committee. It has been

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tiality and that stern disregard for consequences which ordinarily characterize the judgments of an English Court of Law.”—*Morning Chronicle*.

“The Judicial Committee of the Privy Council has reversed the decision of the Court of Arches, and pronounced in favour of Mr. Gorham against the Bishop of Exeter. It has based this judgment on the ground that the Article is not sufficiently defined to justify the Bishop in his late proceedings. The right honourable tribunal would probably have best consulted its own popularity by declining to assign any reason for its sentence. But we heartily congratulate that learned body on having arrived at the conclusion which gives the slightest triumph to either litigant, and on having, in doing so, obeyed the wise traditions favoured by the Fathers of the English Church.”—*Globe (State organ.)*

“The judgment of the Judicial Committee is simply an evasion of every point in the case. We must confess that we are ourselves surprised that a judge of Lord Langdale’s ability, speaking in a question which is to go to posterity, and fortified by the opinions and suggestions of his colleagues in the committee, should, after so long a deliberation, have come forward with so exceedingly feeble an effort to sustain his views. The Calvinistic party, of course, will be still more surprised, and disappointed to boot.”—*Morning Post*.

“We are satisfied that no other decision could be arrived at consistently with the strict rules of legal construction, and with those high considerations of public policy which are indissolubly united to the peace and stability of the Church. It is not necessary, in order to justify and maintain this view of the case, that we should enter, any more than the Lords of the Council have entered, into a theological discussion, which is beyond our province and above our powers; and we do not intend to imply any participation in the peculiar opinions of Mr. Gorham, or any doubt that the doctrine of regeneration by and in baptism is the doctrine of the Church of England. We apprehend that nothing has been said or decided in the course of these proceedings which can impugn the faith of the Church in this doctrine; and that however Mr. Gorham’s opinions may be grafted on the peculiar interpretation of an article, those of the Bishop of Exeter rest upon the broad ground of orthodoxy.”—*The Times*.

History of  
the case,  
fully stated.

How Mr.  
Gorham's  
examination  
arose.

The circumstances out of which the present proceedings originated are these:—Mr Gorham, an ordained Minister of the Church of England and Ireland, a Bachelor in Divinity, was presented to the Vicarage of St. Just, in the county of Cornwall, and diocese of Exeter, in the month of January in the year 1846, by the then Lord Chancellor. On that occasion Mr. Gorham, on presenting himself for institution to the Bishop of Exeter, produced such testimonials, as to his learning, ability, moral conduct and sound religious principles, that the Bishop did not think it necessary to subject him to an examination with a view of ascertaining for himself the correctness of those testimonials. Mr. Gorham accordingly was instituted and inducted, and entered upon the duties of that benefice, which he still continues to possess. Circumstances however occurred, which made it desirable for him to exchange that living for another; and he was presented by the Lord Chancellor to the vicarage of Brampford Speke, in the county of Devon, and the same diocese of Exeter, in the month 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 he should cheerfully comply with his Lordship's wishes as far as practicable in those matters. An interchange of letters thereupon took place, between Mr. Gorham and Mr. Barnes the Bishop's Secretary, to which it is not necessary at present to refer further, than to state 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 made use of by Mr. Gorham, in the course of correspondence with his Lordship,<sup>2</sup> from which he, 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, in his Lordship's letter, was stated to be the foundation of all Christian doctrine. Whether the suspicions of the Bishop had any sufficient foundation or not, is immaterial to the present question. It is sufficient to state, that the examination of Mr. Gorham *did* take place, and the result of that examination forms the subject of the present inquiry.

It may be proper here to state, that the Lord Chancellor, in exercising his official patronage in the Church, very properly requires<sup>3</sup> that the intended presentees to benefices should produce a testimonial from three beneficed clergymen of the neighbourhood in which they reside,

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<sup>2</sup> It appears from what the Ecclesiastical Judge says, and from Mr. Gorham's own account of the matter, that the Bishop had been led to suspect Mr. Gorham's doctrines, owing to "certain expressions made use of by Mr. Gorham in a correspondence with the Bishop." Mr. Gorham in the preface to his book, informs us that he became Vicar of St. Just in 1846, and was presented to Brampford Speke in 1847. The correspondence he had in the interval was respecting the appointment of a *Curate* to St. Just, and Mr. Gorham's most open indications of unsoundness were made in his letter, Jan. 28, 1847. (Gorham, p. 18—30.) The presentation to the new living in that year after the recent correspondence, not only enabled, but *obliged* his lordship to test Mr. Gorham's soundness; as he had said he should test his *Curate's*, and could not have one measure for an Incumbent and another for a *Curate*.

fully heard before us; and, by the direction of her Majesty, the hearing was attended by my lords the Archbishops of Canterbury and York, and the Bishop of London, who are members of her Majesty's Privy Council. We have the satisfaction of being authorised to state that the most reverend prelates the Archbishops of Canterbury and of York, after having perused copies of this judgment, have expressed their approbation thereof. *The Bishop of London does not concur.*

The facts, so far as it is necessary to state them, are as follows:—

Mr. Gorham, being vicar of St. Just-in-Penwith, in the diocese of Exeter, on the 2d November, 1847, was presented by her Majesty to the vicarage of Brampford Speke, in the same diocese, and soon afterwards applied to the Lord Bishop of Exeter for admission and institution to the vicarage. History of the case, briefly stated.

The Bishop, on the 13th November, caused Mr. Gorham to be informed that his lordship felt it his duty to ascertain, by examination, whether Mr. Gorham was sound in doctrine, before he should be instituted to the vicarage of Brampford Speke.

The examination commenced on the 17th December, and was continued at very great length for five days in the same month of December, and (after some suspension) for three more days in the following month of March. That the Bishop examined Mr. Gorham.

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<sup>3</sup> The Ecclesiastical Judge, here and in the next paragraph, endeavours to justify the Lord Chancellor, but not with much success; for if the patron of the living (the Chancellor) might rightly proceed with his presentation without the Bishop's signature, it was *useless to apply for it*, as he did; and as the Court above says "very properly" did. Or, does the Judge here mean, that it was very "proper," but not legally *necessary*, to apply to the Bishop? This looks as if the having the Bishop's sanction was *agreeable* if possible, but the asking for it were only a compliment, as, in the event of his refusal, the patron would proceed without it.

and that such testimonial should be countersigned by the Bishop of the diocese. Mr. Gorham having obtained the testimonial from three beneficed clergymen, as required, forwarded it to the Bishop, but his Lordship not only declined to affix his signature, but apprized the Lord Chancellor of his doubts as to the soundness of Mr. Gorham's religious views on certain points of doctrine, and upon the margin of that document wrote certain observations expressive of his impressions on that point. The testimonial of the three beneficed clergymen runs thus:—"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 Penwyth, in the county of Cornwall, and diocese of Exeter, about to be presented by your Lordship to the vicarage of Brampford 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, so 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." This is signed by the three clergymen whose names appear at the bottom of the instrument.

The memorandum of the Bishop, to which I have alluded as written in the margin, is in these words:—"The clergymen, who have subscribed this testimonial, are highly respectable; but as I consider the Bishop's countersignature 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 Rev. George Cornelius Gorham did, in the course of the last year, in correspondence with myself, hold, write, and maintain what is contrary to the discipline of the said Church; and as what he further wrote makes me apprehend that he holds also what is contrary to its doctrine, I cannot conscientiously countersign this testimonial." It appears that this testimonial, with the comment of the Bishop thereon, was sent to Mr. Gorham; that some correspondence upon the subject took place between them; that the Bishop declined to take any other course than that which he had already adopted; and that Mr. Gorham, after some time, communicated the circumstance to the Lord Chancellor, by a letter dated the 11th of September, 1847, and also in an additional letter dated the 21st of the same month.

Now the Lord Chancellor, having considered the statements in the two letters, together with the testimonial and the comment by the Bishop, on the 11th of October, in the same year informed Mr. Gorham that he proposed to sign the fiat for his presentation notwithstanding, declining on his part to enter into the question which had arisen between the Bishop and Mr. Gorham; and, on the same day, the Lord Chancellor wrote to the Bishop, informing him that he had thought it right to sign the fiat for presentation, adding, that having been furnished



with the most satisfactory testimonials from various quarters in favour of Mr. Gorham, he the Lord Chancellor, did not think it became him to take upon himself the office of deciding conflicting opinions.

As to the propriety of the decision of the Lord Chancellor not to take such an office on himself, there cannot be two opinions: 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 the benefice; and, although the testimonial was not sanctioned by the Bishop, he wisely and rightly—if I may so speak—considered “that, whatever power the law may give to the Bishop, upon the ground of life or doctrine, over the presentee, must follow, and not precede the presentation;” and accordingly, as I have already intimated, a presentation was made out and tendered to the Bishop, who declined to proceed to institute Mr. Gorham till he had been subjected to an examination.

The Bishop's right to examine is assumed in this Court,

And the Chancellor's acts as Patron are discussed.

Whether the Bishop exceeded the discretion with which he is entrusted, or exercised that discretion wisely, by adding to his declaration of the respectability of the clergymen who signed the testimonial, the representation of *his* impressions with respect to Mr. Gorham's qualifications for the benefice,—whether the testimonial ought to have been considered by his Lordship simply as a record of the respectability of those clergymen whose signatures were attached,—or whether something more was due from him to the Lord Chancellor, who had required the testimonial to be countersigned,—are matters into which the Court will not enter. All that it will venture to say 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.<sup>4</sup> But be that as it may, the Bishop determined to proceed to an examination of Mr. Gorham, and the examination having been commenced upon the 17th of December in the year 1847, proceeded upon the 18th, 20th, 21st, and 22nd of the same month, and after an interruption of some duration was renewed, I think, on the 8th of March, in the year 1848, and continued on the following day, and finally terminated on the 10th of that month. On the 11th, Mr. Gorham was informed that the Bishop declined to institute him to the living of Brampford Speke, and on the 21st of the same month a formal notice to that effect was given to Mr. Gorham, assigning, as the reason for refusal, unsound doctrine, without entering into the particulars of that unsoundness. There the matter rested till the month of June following, when a monition was extracted from the registry of this Court on behalf of Mr. Gorham, in which it was stated in substance that he had been presented to the living of Brampford Speke; that he had offered himself to the Lord Bishop of Exeter for institution; that he was prepared to sign the three articles required by the 36th Canon, and to make the declaration required by the Act of Uniformity, and to take all oaths as by law required; and that although he was, and still is, capable and duly

The result of the examination; and the Bishop's reasons.

<sup>4</sup> The common sense of this matter seems to be this:—If the Bishop knows nothing against the nominee, he trusts to the testimony of three known beneficed Clergymen; and his counter-signature honestly means that he trusts *them*. But if he *knows* anything serious against the nominee, then his counter-signature of what he knows, or gravely suspects, to be untrue, would surely be a deceitful and fraudulent evasion of his own responsibility. It would be setting aside the plainest rules of moral “right and wrong” by a subterfuge and a technicality.



The questions proposed by the Bishop related principally to the sacrament of Baptism and were very numerous, much varied in form, embracing many points of difficulty, and often referring to the answers given to previous questions.

Mr. Gorham did not at first object to the nature of this examination; but, during its progress, he at various times remonstrated against the manner in which it was conducted, and the length to which it extended. We are, however, relieved from the necessity of considering whether he could or could not lawfully have declined to submit to such a course of examination; because he did in fact answer nearly all the questions, and no complaint is made of his not having answered them all.<sup>5</sup>

(The question of the Bishop's right to examine is evaded by this Court.)

The examination being concluded, the Bishop refused to institute Mr. Gorham, for the reason (as stated in the notification) that "he had upon the examination found Mr. Gorham unfit to fill the vicarage, by reason of his holding doctrines contrary to the true Christian faith, and the doctrines contained in the articles and formularies of the United Church of England and Ireland, and especially in the Book of Common Prayer and Administration of the Sacraments, and other rites and ceremonies of the Church, according to the use of the United Church of England and Ireland"—(Gorham, p. 219).

Mr. Gorham, being refused institution, commenced proceedings in the Arches Court of Canterbury; and at his promotion, a monition with intimation issued on the 15th June, 1848, and thereby the Bishop was monished to admit Mr. Gorham to the vicarage, and to institute and invest him therein; or otherwise to appear and show cause why Mr. Gorham should not be admitted and instituted by the official principal of the Arches Court of Canterbury.

The result of the examination.

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<sup>5</sup> The right—and more, the *duty*—of every Bishop to examine the soundness as well as morality of a Clergyman ought not to have been evaded by the "State Court." The ultra jealousy of this Court as to the spiritual prerogatives of the Church is here betrayed. If the Bishop's right admitted of question, it ought not to have been passed over; if it were unquestionable, the evasion is ungracious and unmeaning. The decision of the Ecclesiastical Court on this point may be seen in the Appendix, p. 89, &c.

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 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 does delay, to institute him to that benefice.”

The tenor of the monition was to call upon the Bishop to institute Mr. Gorham within the time therein specified, to the vicarage of Brampford Speke, or to show cause why Mr. Gorham should not be instituted into it, and intimating that if the Lord Bishop did not appear, or if appearing, he did not set forth 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 monition having been served upon the Bishop of Exeter, he appeared thereto by his Proctor, who prayed to be heard on his petition—the object of which was to state the grounds upon which his Lordship sought to justify his refusal to institute Mr. Gorham. That act on petition Mr. Gorham answered by his Proctor, and a reply was given on behalf of the Bishop.

11. Mode  
of legal pro-  
ceeding  
adopted.  
“Act on  
petition.”

Before entering into the merits of the case, I must make some observations on the manner in which the question has been brought before the Court. Upon a former occasion, I took the opportunity of stating that the proceeding by act on petition was neither convenient nor consistent with practice, and I have not been satisfied by anything which has since occurred, that the opinion I then threw out was erroneous: on the contrary, I am more strongly convinced that the formal proceeding, by plea and proof, was not only the most proper mode, but that it was the best calculated to bring the real question immediately before the Court. In this petition, the pleading is, as is usually the case, vague and loose; the answer to it is also of the same character; but had the proceeding by plea and proof been adopted, the Court would then have had the entire case brought clearly and distinctly to its notice—the doctrine of the Church of England, upon which it was meant to rely on behalf of the Bishop, would have been specifically and precisely stated, as well as those points of doctrine which it is said Mr. Gorham has impugned. As the pleadings stand it was not without foundation stated, in the course of the argument, that it was extremely difficult to collect and discover what are Mr. Gorham's real opinions on the subject of Baptismal Regeneration—the question with which alone, as it will presently appear, the Court has to deal.

Moreover the evidence which has been produced, if evidence it may be called, is most unsatisfactory. It consists merely of one short affidavit by Mr. Gorham, no affidavit on the part of the Bishop at all, but a book is annexed to his act on petition, containing upwards of 250 pages of introduction, correspondence, and 149 questions addressed to Mr. Gorham, with his answers to those questions: upon this so called evidence the whole case turns; and the Court is left to find its way, as well as it can, and to ascertain what is the doctrine of the Church of England, and what are the points on which Mr. Gorham is stated to

After litigation had thus commenced, and Mr. Gorham had called upon the Bishop to state why institution was refused, it became evident that the reasons must be considered upon legal principles, and it was to be expected that both parties would require a strict and formal proceeding, in which the particular unsound doctrine imputed to Mr. Gorham would have been distinctly alleged.

II. MODE  
of legal pro-  
ceeding  
adopted.  
"Act on  
petition."

have expressed and entertained opinions contrary to that doctrine.<sup>6</sup> I say this is not a convenient mode of proceeding, nor is it the correct mode according to the practice of the Court.

I am well aware of the difficulty in which, from the want of precedents in a case of this description, the parties may have been placed; but still recourse might have been had to those books of practice to which we are in the habit of almost daily resorting;—I mean Clarke and Oughton. There it would have been found that the proceedings should have been by plea and proof on the one side, as well as on the other. The form of proceeding is distinctly set forth by Oughton, under the head "*De causis beneficalibus*," Vol. I. p. 237, &c.; it would, however, be a waste of time to refer more particularly to those works, as the evil to which I have adverted cannot and could not be remedied by the Court; for it had no opportunity of ascertaining the form of the proceeding, till the case was ready for hearing.

In the course of the argument it was made a question, who was to be considered the party proceeding in the case—upon whom the *onus probandi* lay. Now, though I think that question not very material, still, inasmuch as Mr. Gorham has, in his affidavit, to lead the monition, alleged that his presentation was offered to the Bishop, that the Bishop delayed to institute him, though he was qualified by age, by ordination, by presentation, by an offer to do all that he was required by law to do before he was instituted to that living, I am bound to say Mr. Gorham made out a *prima facie* case, which called for an answer on the part of the Bishop to justify his refusal to institute him.

I now proceed to see what the pleadings are on each side. On behalf of the Bishop, it is represented 'that Mr. Gorham having in the month of November, 1847, been presented by the Crown to the vicarage of Bramford 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.' [Though the right of the Bishop to examine Mr. Gorham was not positively denied, it was asserted by his counsel to be an unprecedented act, under the circumstances of Mr. Gorham's position in the church, that the Bishop should have proceeded to examine him as to his sufficiency to hold the vicarage.] It was then alleged, on behalf of the Bishop, 'that it appeared to him, in the course of the 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,' [These then are the points on which Mr. Gorham is alleged to be of unsound doctrine,]

The Bishop's pleadings:

(charges Mr. Gorham with false doctrine.)

<sup>6</sup> No Court surely is expected to deduce "what is the doctrine of the Church of England" from anything written by the litigant parties? *Whatever* they might allege, on the present form or any other, the Court would have had the duty of "ascertaining," in whatever way it thought right, the "doctrines" of the Church, (according to the opinion of the Court.) It seems, then, to be exaggerating the alleged difficulty, to say what is said in the text. And further, in defence of the present mode of proceeding, might be urged its apparent fairness to the accused, as it takes his own book without note or comment. Not, indeed, that the "Bishop's pleadings" in the act on petition are open to the least charge of indistinctness or looseness. The Bishop keeps

Unfortunately, this course was not adopted. The Bishop prayed to be heard on petition; and, in his act on petition, he *stated his charge* against Mr. Gorham, and alleged that it appeared to him, in the course of examination, that Mr. Gorham was of unsound doctrine respecting that great and fundamental point of Baptism, inasmuch as Mr. Gorham 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”—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, according to the use of the United Church of England and Ireland.

The Bishop's pleadings :

(charges Mr. Gorham with false doctrine.)

And in part supply of proof of the premises, the Bishop referred to a book written and caused to be printed and published by Mr. Gorham, containing amongst other things the several questions put by the Bishop to Mr. Gorham in the course of the examination, and Mr. Gorham's several answers to the same questions.

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to the exact words of the Church, in bringing the charge of unsoundness. Mr. Gorham shows, however, that any other mode of proceeding against him would have baffled inquiry; for he would have assented to the *bare words* of any proposition extracted from the Prayer-Book, reserving his *own sense* and “favourable construction.” Had the Bishop offered Mr. Gorham any proposition of his own framing, Mr. Gorham would have called it a “private standard,” (Gorham, p. 29,) and raised an outcry against the Bishop, similar to that which was raised against Bishop Marsh, on account of his questions to candidates for Orders, and against the Bishop of Ripon, and others, in like cases.

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 Lord Bishop refused to institute Mr. Gorham to this vicarage; and it is further alleged, that the holding of that unsound doctrine concerning that Sacrament by Mr. Gorham, was a good and sufficient cause for the Lord Bishop's refusal to institute him to the vicarage. Then the book already mentioned by the Court, which is stated to contain the whole of the examination of Mr. Gorham before the Bishop, is referred to in supply of proof.

Such is the case set up on behalf of the Bishop in justification of his refusal to institute Mr. Gorham. In consequence of this course of pleading, it must be obvious the Court has been forced to travel through the various questions and answers, and other particulars contained in the volume, in order to ascertain for itself, as well as it can, what the doctrine of the Church of England is, and also in what respects Mr. Gorham holds opinions contrary thereto.

Mr. Gorham's rejoinder.

The answer of Mr. Gorham to the 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, and then it is alleged that Mr. Gorham, a Bachelor in Divinity of the University of Cambridge, and for nearly eighteen years a Fellow of Queen's College in that University, was made deacon in the United Church of England and Ireland on the 10th of March, 1811, and that in the month of February, 1812, he was ordained a priest of that Church. That Mr. Gorham discharged the duties devolving on him as such minister in six several dioceses as a licensed curate for a period of thirty-five years, and that on no single occasion during such time did he ever incur the reprehension of any of the Bishops in whose dioceses he officiated.<sup>7</sup> It is further alleged, that Mr. Gorham was presented to the living of St. Just by the Lord Chancellor on behalf of the Crown in the year 1846, and that the Lord Bishop instituted him without previous examination. [It does not follow from these averments that the Bishop of Exeter was not justified in adopting the course he did in examining Mr. Gorham, though no imputation was cast upon him in the former instance, when the Bishop was satisfied with the testimonial produced as to his fitness and qualification to hold the living of St. Just.] That he continues in possession of that vicarage, and that no attempt has been made to deprive him thereof<sup>8</sup> by reason of his holding any alleged unsound doctrine. That in June, 1847, he was offered the living of Brampford Speke by the Lord Chancellor on behalf of the Crown, and the testimonial signed by three beneficed clergymen, with the Bishop's remarks, to which the Court has already adverted, is

<sup>7</sup> This is very boldly said; but in 1840 Mr. Gorham was Curate of a Chapel at Maidenhead, in Berkshire, and was called on publicly to defend himself from the charge that he had said that WATER was sufficient, without wine, in the administration of the LORD'S Supper. Mr. Gorham's pamphlet on that occasion is anything but satisfactory on this and other points, illustrating in *what sense* he held that the sacraments are "not absolutely, but only generally necessary to salvation." What amount of "reprehension" was *due* may be best judged by a perusal of Mr. Gorham's own account of his dispute with his congregation on that occasion. He certainly denied the charge; but the magistrate who publicly brought it refused to retract it. And it is certain, on his

Mr. Gorham made no objection to the mode of proceeding by act on petition, but put in his answer thereto; and thereby, after alleging that the book published by him, and brought into court by the Bishop, contained a full, true, and accurate account of all the questions and answers which were given in the course of the examination, he distinctly and emphatically denied that he in his examination did maintain, or had at any time maintained, unsound doctrine respecting the efficacy of the Sacrament of Baptism—or that he had held, or persisted in holding, any opinions thereon at variance with the plain teaching of the Church of England, in her Articles and Liturgy; and further explicitly and expressly denied that he either held, or persisted in holding, that infants are not made in Baptism members of CHRIST and the children of GOD; and he alleged that he did not maintain any views whatever 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 the 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 other, but of all alike, with the plain tenor of Holy Scripture. declared by the said Articles to be of paramount and absolute authority,

Mr. Gorham's rejoinder.

The Bishop replied to Mr. Gorham's answer generally. The book published by Mr. Gorham was the only evidence adduced on either side; and with such allegations as are contained in the Bishop's act on petition, and Mr. Gorham's answer, the case was brought on to be heard, with no statement on the part of the Bishop of what was, in his lordship's view, the true doctrine of the Church of England, in respect of the efficacy of the Baptism, either of adults or infants; nor any specification of the doctrine imputed to Mr. Gorham, except the general charge before stated; and no distinct statement on the part of Mr. Gorham, of what in his view is the true doctrine of the Church of England—what is the particular doctrine which he himself maintains on the subject in question—or in what particulars, or for what particular

own showing, that he thought so little of the other sacrament, that he allowed children to die unbaptized, *rather than compromise his own rights* with the Incumbent, and then wondered that he met with the "reprehension" of the people!

<sup>8</sup> This seems a frivolous allegation; because it cannot be supposed that two actions were necessary at the same time to convict Mr. Gorham of false doctrine. The decision of the one would rule and include the other. And surely an action to eject him from St. Just would have been called oppressive, pending the other decision. This therefore seems an unworthy point.

referred to. That various ineffectual efforts were made to induce the Bishop to withdraw his remarks, but that the testimonial with the said remarks was forwarded to the Lord Chancellor. That on the 2d of November, 1847, the presentation to Brampford Speke was made out, and Mr. Gorham on the 8th of that month presented himself at the Bishop's Registry, and prayed to be instituted to that benefice; that he also made other similar applications; that in reply thereto an intimation was for the first time conveyed<sup>9</sup> to him in a letter from the Bishop's secretary, dated 13th November, 1847, that it was the intention of the Bishop to examine him previously to instituting him. That the Bishop was repeatedly urged, if he meant to proceed to an examination, to commence immediately, but that no day was fixed till the 15th of December, when the 17th of that month was appointed. The plea then states that Mr. Gorham attended at the time appointed for his examination; that he underwent the examination, though under protest,—the days then are specified on which the examination took place, and the length of time occupied on each of those days, the number of questions put, amounting to 149, with their answers. That the questions proposed, and the answers given to them, were reduced into writing by the chaplain of the Lord Bishop and Mr. Gorham, and that the same are now in the possession of the Lord Bishop. That several conversations took place between his Lordship and Mr. Gorham, which were also reduced into writing; that the same also is in the possession of the Bishop; that the book already referred to contains a full, true, and accurate account and copy of all the questions, answers, conversations between the Bishop and himself, the protest, testimonial of the three beneficed clergymen with the Bishop's remarks, and also of certain letters which passed in regard to the subject of this suit; and that such originals as are in the possession of Mr. Gorham, will, if required, be produced. That by reason of the premises, and referring to the contents of the said book so brought in, he denied that the said Lord 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 him the said Reverend George Cornelius Gorham at the time when such examination began, for that by reason of the 95th Canon, the period in which he might have been examined according to law had elapsed. [The construction of this Canon was made the subject of a preliminary discussion before the Court,<sup>10</sup> and the Court was of opinion that the Lord Bishop was not deprived of the exercise of that discretion with which he was entrusted by law, even though the twenty-eight days allowed by the Canon had expired.]

Mr. Gorham's plea further states, that he distinctly and emphatically denies that he, in his examination, as recorded in the book referred to, 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

(The Court describes the fairness of the Examination; and the record of it.)

<sup>9</sup> The Bishop had intimated his opinion of Mr. Gorham's *unfitness* on the 11th of October; i. e., immediately after the "Testimonial of the Clergymen" was sent to him. But he could not determine on examining him until he knew that the patron was persisting in his presentation. Mr. Gorham presented himself for institution on the 8th of November, and the Bishop intimated his intention to examine him on the 13th.

<sup>10</sup> See Appendix.

<sup>11</sup> In this passage the "State Court" is very severe on Mr. Gorham, but not more so



expressions he requires the just and favourable construction which he considers to be necessary and sufficient to secure the entire agreement between the Articles and the Liturgy and his doctrine. As this form of pleading was acquiesced in on both sides, neither party has any reason to complain of the other; but *those who are called upon to judge* of the matters in difference have great reason to complain, that, instead of their attention being directed, as it ought to have been, to specific propositions distinctly stated, and to the evidence directly applicable to those propositions, instead of having a specific and precise statement of that which the Bishop alleged to be the doctrine of the Church of England upon the matters in question, and upon which he meant to rely, and of the specific doctrine held by or imputed to Mr. Gorham, and alleged to be unsound, the case is brought forward and left in such a form, that, without being supplied with any allegations distinctly stated, or any issue distinctly joined, we are called upon minutely and accurately to examine a long series of questions and answers—of questions upon a subject of a very abstruse nature, intricate, perplexing, entangling, and many of them not admitting of distinct and explicit answers—of answers not given plainly and directly but in a guarded and cautious manner, with the apparent view<sup>11</sup> of escaping from some apprehended consequence of plain and direct answers.

(The Court thinks the Bishop not sufficiently dogmatical,

and Mr. Gorham not straight-forward.)

than the facts probably warrant. It is singular, however, that the judges take such an acknowledged offender, whose tortuous answers they must admit, under their own protection. Surely "answers plainly and directly given" would have saved trouble to all parties, except Mr. Gorham. The Judges, however, *perceive* his disingenuousness—perceive that Mr. Gorham will not "plainly" own the Church's doctrine, and yet they do not infer that he is avoiding that Doctrine, or is liable to condemnation—but protect him.

laid to his charge on the part and behalf of the said Bishop. He further explicitly and expressly denies that he 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 whatever 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 Holy Scripture, declared by the said articles to be of paramount and absolute authority. That he presented himself on several occasions 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 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, or to be fairly inferred therefrom, any just or legal ground for the refusal of the said Bishop of Exeter to institute him to the vicarage of Bramford Speke aforesaid.

The Bishop's reply to Mr. Gorham's answer is, in substance, a repetition of what he had before stated, namely, that Mr. Gorham did maintain and persist in maintaining unsound doctrine,—did hold and persist in holding divers opinions contrary to the articles and liturgy.

This mode  
of proceed-  
ing is un-  
satisfactory.

Such is a general outline of the pleadings on the one side and the other; and though many complaints were made by the counsel on each side, I must say I think no one has so great a right to complain as the Court itself, which is left, by reason of the form of pleading adopted, to find its way as well as it can through 149 questions and answers, divided and subdivided,<sup>12</sup> and occupying no less than 156 pages, in order to ascertain precisely in what respects Mr. Gorham maintains, as charged, doctrines and opinions at variance with the Church.

The arguments of counsel, which occupied, I think, no less than thirty-four hours, (of which fifteen, though the Court by no means complains, were occupied by the leading counsel for Mr. Gorham,) have doubtless thrown considerable light upon the subject; but though those arguments were most able, and supported by a vast body of learning, still that part of the arguments, on the one side and the other, which had relation to the *opinions* of ecclesiastical authors, and occupied by far the greatest portion of the time, has tended, in no slight degree, to increase the difficulties with which it is the lot of the Court to contend.

<sup>12</sup> This (once more) is exaggerating the alleged "difficulty" of the case: for first, "the 149 questions and answers" are not "divided and subdivided" at all. They are the actual questions and answers of the examination; so many, and no more. And next, the number of these questions is ridiculously exaggerated by Mr. Gorham. "Yes," or "No," or "I refer you for an answer to my former answer," "No. 6, 7," &c., are all spaced out and numbered, as so many distinct "questions and answers," as if to stretch out a hard case. The "State Court" it will be seen, however, no less than the "Church Court," finds it "difficult" to deal with this whole matter. One respected writer in the present controversy has praised the Judges of the "State Court," for taking so much pains to understand the question submitted to them. He could hardly be accustomed to witness the proceedings of other Courts of Justice, or his feeling might rather have been that of the public journalists who were present, one of whom thus expressed

The inconvenience of this course of proceeding is so great, and the difficulty of coming to a right conclusion is thereby so unnecessarily increased, that, in our opinion, the Judge below would have been well justified in refusing to pronounce any opinion upon the case as appearing upon such pleadings; and in requiring the parties even at the last moment, to bring forward the case in a regular manner by plea and proof.

This mode of proceeding is unsatisfactory.

himself:—"The honest truthfulness of the nation is shocked by this most unheard-of decision, which is now beginning to be analysed, part by part, with a sternness which will go far to revolutionise the faith of Englishmen as to the purity of public professions, the meaning of public declarations, the uprightness of public administration of law. It is not the first time that the religious feeling of the country has been revolted by the open assertion of the principle of political expediency as superior to all considerations of religious right and wrong."—(The *Morning Post*, March 21st.)—Without attributing any personal motives whatever to the Judges in the "State Court," (which they clearly are beyond the imputation of,) it seems too little doubtful that they were under the influence of three sentiments which impeded their judicial serenity—1st. A fear of offending the evangelical party in the Church; 2ndly. A sensitive regard to the rights of patrons; 3rdly. A still more sensitive consideration of the special patron in this special case.

A great deal was said in respect to the Bishop requiring Mr. Gorham to undergo an examination; and though his Lordship's power to require an examination was certainly not denied, it was stated to be an unprecedented act. I presume it is not a very common course for a Clergyman of long standing, in possession of a benefice, to be called upon, on being presented to another benefice in the same diocese, to undergo an examination, as it is to be supposed, from the circumstance of the previous institution, that the Bishop was satisfied with his character, learning, and sound doctrine; but circumstances may occur, and will occur, to render that course necessary; and experience in these Courts tells us that the opinions of some Clergymen have, unfortunately, after their institution, undergone a change; that the subscription in the first instance to the articles of religion, as 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 at the present day.

It was also urged that the Lord Bishop prolonged the examination beyond that which the nature of the case required. The only remarks I will here make are, that the course of an examination must always depend on the nature of the answers given; that in the present instance the Bishop was the proper judge of what was necessary, and it is reasonable to suppose that the length of the examination would have been much curtailed, had the answer to even the first question been of a different character. I pretend not to determine, or to offer an opinion, whether there was or was not a greater or less degree of courtesy observed, or respect shown, on one side or the other. It is not within my province to notice what the Bishop may have said in any of his charges referred to in argument, or in any of his letters addressed to a clerk, even to Mr. Gorham himself. It is not my duty to consider whether it is an offence in the diocese of Exeter to allude to the Church as a "*National Establishment*," or to advertise for a curate "*free from Tractarian error*." These are matters extremely well suited for declamation, and may be calculated to raise in the minds of some persons a prejudice against the Bishop; but they cannot, and ought not, to have any weight in the mind of a judge.

Dismissing, then, all such topics from my mind, I proceed to consider the question which I am called upon to decide: that question is allowed to be, what is the efficacy of baptism in the case of *infants* only? Although the question is admitted to be confined to this single point, the doctrines of infant and adult baptism are so mixed up together in the volume containing Mr. Gorham's examination, that it has become a matter of extreme difficulty<sup>13</sup> to the Court to separate the one from the other, and to select those passages which are to be the test of Mr. Gorham's opinions in regard to infant baptism, as distinguished from the doctrines of the Church.

I am particularly anxious in the outset, to have it distinctly understood, that I guard myself against being supposed to offer any opinion

III. Mr.  
TUGON to be  
adopted by  
the Judge in  
this Court.

<sup>13</sup> The Judges in both Courts find Mr. Gorham's views "difficult;" the former "difficult to separate,"—the latter "difficult to be reconciled." The reason of the former difficulty is to be found in the fact, that Mr. Gorham's theory forbids his separating the cases of infants and adults. It is not to be blamed as obscurity, against Mr. Gorham, that he fails to "distinguish" where his theory is that he must not, and cannot, distinguish. The "Church Court" found this difficulty, it seems, by first making it. But the "State Court" boldly charges Mr. Gorham with such obscurity, "that some of

The case comes before us in precisely the same state ; and, although the counsel on both sides have used their best endeavours to remove the vagueness and uncertainty found in the pleadings, as well as in the examination, and have thereby much assisted us, they have not been able entirely to remove the difficulty.

III. METHOD to be adopted by the Judges in this Court.

In considering the examination, which is the only evidence, we must have regard not only to the particular question to which each answer is subjoined, but to the general scope, object, and character of the whole examination ; and, if under circumstances so peculiar and per-

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his answers are difficult to be reconciled with one another." Nothing, I am persuaded, could be more unfair than such a charge against Mr. Gorham. The acuteness and consistency with which Mr. Gorham carries out his view through his whole book, without a shadow of wavering, or want of clearness, must strike every one who will *take the pains* to master his logical exposition of his theory. They who *will not take that pains* may think him inconsistent ; others will only be surprised that so much could be said for the theory, and so well.

To ascertain the Church's doctrine, and Mr. Gorham's views, and "pronounce accordingly."

on the purely *theological* point at issue between the parties. I am not going to pronounce an opinion whether unconditional regeneration, in the case of the baptism of infants, is or is not a doctrine deducible from the Sacred Writings; it is no part of the duty of the Court, nor is it within the province of the Court, to institute any such inquiry. All that the Court is called upon to do, is to endeavour to ascertain whether the Church has determined any thing upon the subject, and, having so done, to pronounce accordingly.

The authoritative declaration of the Church constitutes the law which this Court is bound to follow implicitly, without indulging in any opinion of its own as to its correctness or erroneousness. The Court is to administer the law as it finds it laid down. I repeat, therefore, I desire it to be distinctly understood, that the observations I am about to make are to be considered as applied to the doctrine of the Church solely, as far as I am able to understand that doctrine, without any allusion to those passages of Holy Writ which are supposed to refer to the effect of baptism on those to whom it is administered.

The Standard of Doctrine.

1. Articles.
2. Articles and Formularies.

Having thus endeavoured to guard myself from being misunderstood—from being supposed to enter into the purely theological and scriptural argument, I must consider whether the Church has pronounced any declaration on the question at issue, and, also, to what source I am bound to look. Mr. Gorham, it appears, takes his stand upon the *Articles*:—the Bishop takes his upon the *Articles and Formularies of the Church conjointly*. Having said thus much, I proceed to collect as well as I can, from the volume before me, what are Mr. Gorham's views, and I think his answer to the very first question addressed to him by the Lord Bishop tends, in some degree, to account for the protracted examination to which he was subjected. The first question is in these words (see p. 63): "Prove from Scripture that Baptism, and the Supper of the LORD, are severally necessary for salvation: 1st, of Baptism; 2ndly, of the LORD's Supper."

The Doctrine of BAPTISM.

To this question, by no means accurately framed to draw out a specific answer, Mr. Gorham proceeds to give the following answer,—“I do not find in Scripture that the necessity of baptism to salvation is declared in terms *so absolute* as this proposition.” He then proceeds 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.” “If the allusion be to baptism, (which, however, had not been then 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 consequence of disobedience to His express command.” He then draws his own conclusion with respect to the first point—baptism—that it is not indispensably necessary; that it was only generally necessary as a duty to be observed; and the same observation, he says, applies to the text, “He that believeth and is baptized shall be saved.” Then as to “the Supper of the LORD,” the second point. “The participation of the Supper of the LORD is stated in Scripture in the same manner, as *generally* necessary, not *essentially* requisite, to salvation.” This answer evidently suggested to the Bishop the necessity of being more precise in his further questions. Accordingly, we find the second question framed in this form: “Does our Church hold, and do you hold, that Baptism and the Supper of the LORD are generally necessary to salvation, in

plexing, some of the answers should be found difficult to be reconciled with one another (as we think is the case), justice requires that *an endeavour should be made* to reconcile them in such a manner *as to obtain the result* which appears most consistent with the general intention of Mr. Gorham in the exposition of his doctrine and opinions.

To "endeavour" to harmonize Mr. Gorham's views, and "obtain the result," by *generalizing*.

Adopting this course, the doctrine held by Mr. Gorham appears to us to be this—that baptism is a sacrament generally necessary to salvation, but that the grace of regeneration does not so necessarily accompany the act of Baptism that regeneration invariably takes place in

The Doctrine of BAPTISM.

The  
Bishop calls  
upon Mr.  
Gorham to  
confess it.

terms as absolute as *this* proposition?" The word "severally" was in the former question introduced; here the word "generally" is substituted. To this Mr. Gorham gives answer,—“Our Church *does* hold this doctrine, and I hold it of course:” that is, Baptism and the Supper of the LORD are generally necessary.

Mr. Gor-  
ham gives  
his views in  
his own  
words.

The third question is, “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, “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 made to the thirty-sixth Canon; “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.”

The fourth question is, “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 gives this intimation to Mr. Gorham. “This question is proposed in the 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 replies: “My subscription to the Articles, and among them to the thirty-fifth, 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 in the times in which they were published] “to my basing any particular doctrine upon any detached sentence taken out of these 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,” &c. . . . “I fully assent to the wholesome truth contained in this quotation *when fairly brought into connection with* THE ARTICLES OF OUR CHURCH, *on the nature and efficacy of the Sacraments.*” These words, printed in capital letters, seem to intimate on the part of Mr. Gorham, that he rests his case in an especial manner on the Articles; that he is disposed to make them the principal standard by which he wished to be judged.

Then follow the questions which specially raise the point under the consideration of the Court, the 5th, 6th, and 7th questions are put by the Lord Bishop in this manner:—“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?” The 6th is, “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?” The 7th is, “Does our Church hold, and do you hold, that all infants so baptized are born again of



Baptism ; that the grace may be granted before, in, or after Baptism ; that Baptism is an effectual sign of grace, by which God works invisibly in us, but only in such as worthily receive it—in them alone it has a wholesome effect ; and that, without reference to the qualification of the recipient, it is not in itself an effectual sign of grace. That infants baptized, and dying before actual sin, are certainly saved ; but that in no case is regeneration in Baptism unconditional.

A view  
stated by the  
Court in its  
own words,  
and attributed to Mr.  
Gorham.

water and of the HOLY GHOST?" These questions were proposed separately to Mr. Gorham; he answers them collectively in the manner following:—"As these three questions all imply the same description of answer, I will discuss them together. 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*, . . . *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.*" Here I may observe, that Mr. Gorham does not give a precise answer to the question proposed to him; he scarcely answers for himself, but adopts, in part only, certain words to be found in the preface to the Book of Common Prayer, with the qualification, which he makes still more emphatic than the original by his use of italics,—"*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 thus:—"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."

Such are the means proposed by Mr. Gorham of seeking the "just and favourable construction" of the ritual services of the Church,—a course adopted, in part at least, by his learned counsel, who brought forward a great deal of learning to show what were, in his view, the opinions of the reformers of the Church, in accordance with which opinions, as he contended, the formularies of the Church must be construed; and he laboured with great learning, endeavouring, as I understood, to establish that the reformers were Calvinists, and that, in accordance with that system, the Articles and the formularies of the Church, framed by those persons, must be interpreted. I have no intention, at present at least, of directing my attention to this branch of the argument, or of following Mr. Gorham through his three heads or divisions, in which he considers the efficacy of the Sacraments not merely in infants, but in adults; it is sufficient for me to observe that I have no

<sup>14</sup> The "Church Court" makes a similar avowal (in p. 24); but the "State Court" has ventured into matter thus confessedly beyond its jurisdiction, in affirming many doctrinal propositions of its own as the basis of its present decisions; as, for instance (p. 57,) that some of the "elect are not sanctified." But a further question has here been raised, viz. Whether *any* judicial decision in such a matter is not tantamount, *practically*, to a decision on doctrine? Whether to decide that such and such *is* the doctrine of the Church's articles and formularies is not to decide the Doctrine? On this subject I must refer to the discourse prefixed to this volume; but may here observe that such an objection if valid would go the length of disparaging *all* Judicial Courts, as being practically an infringement, (in certain cases) on the Legislative Council of the State or of the Church. I think it amounts, when ever so fully admitted,

Mr. Gorham considers the Formularies "defensible" if "allowed a favourable construction."

These being, (as we collect them,) the opinions of Mr. Gorham, the question which we have to decide is, not whether they are theologically sound or unsound<sup>14</sup>—not whether upon some of the doctrines comprised in the opinions, other opinions opposite to them may or may not be held with equal, or even greater reason, by other learned and pious ministers of the Church; but whether these opinions now under our consideration are contrary or repugnant to the doctrine which the Church of England, by its articles, formularies, and rubrics, requires to be held by its ministers, so that upon the ground of those opinions the appellant can lawfully be excluded from the benefice to which he has been presented.

Mr. Gorham's peculiarities are abated by the rule adopted.

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to no more than a concession that no institutions which deal with our present moral agency are mathematically exact in their functions. Some imperfection both theoretical and practical seems unavoidable. But no acute and thoughtful reasoner should confound the incidental decision of a question by a Judge with the formal and responsible act of a legislature. In reply to Archdeacon Manning's speech at Chichester, I would simply say—a court of law may, and indeed must, decide on what *is* the law; but a council of legislation alone can make, or re-make the law. The Church in Synod can frame a definition of the faith—the courts of law must of course ascertain it, when they act on it. A parent may frame rules and *define* duties for his household. His servants may *ascertain* them and act on them. Who then can imagine their functions and powers to be identical?

intention of carrying my inquiry beyond the real question, namely, the case of the baptism of infants.

IV. The  
Articles  
are to be  
referred to,  
primarily.

With a view to ascertain the doctrine of the Church on any subject, no one, I think, can doubt that it was rightly stated by the learned counsel for Mr. Gorham, that the Thirty-nine Articles are, in the first place, to be consulted; and when on inquiry it is found that they leave nothing short, but speak on any point of doctrine plainly, precisely, and definitely, then there can be no occasion to search further. This position was fortified by a reference to several writers, and amongst the number to Rogers, chaplain to Archbishop Bancroft. That learned author, in his preface, § 35, to his work on the Articles, states, "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."

To the same effect are the passages cited by the learned counsel from other writers and commentators—from Bishop Hall and Archbishop Whitgift. The latter, in his preface to the "Defence of the Answer to the Admonition," says, "It were but a needless labour to make any particular recital of those points of doctrine which this Church of England at this day doth hold and maintain, for they 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 and Defence]; "summarily also collected together in the Book of Articles, agreed upon in the Convocation at London, anno 1562."

Again, to the same effect are the quotations from Bishops Prideaux and Stillingfleet. The latter, in his "Unreasonableness of Separation," (Pt. II.; Sect. 1., p. 95. London, 1681,) observes, . . . "The *Doctrine of the Church of England* is contained therein [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 passages quoted from other writers by the learned counsel, but they are all to the same effect.

*Prima facie*, then, the Thirty-nine Articles are the standard of doctrine; they were framed for the express purpose of avoiding a diversity of opinion, and are, as such, to be considered, and, in the first instance, appealed to, in order to ascertain the doctrine of the Church. But if they fall short, if they are silent on any particular point, to what then are we to resort? Are we to resort to the supposed *opinions* of those by whom the Articles may have been framed and the Formularies of the Church compiled, or are we to appeal to the Formularies themselves. We have it, I think, most clearly and distinctly stated by one whose

<sup>15</sup> It is difficult to understand why the "State Court" here introduces a remark of this kind, the only effect of which could possibly be to raise a feeling of jealousy against those who might take an opposite view of the case. The Court would seem to pretend that all such are assuming principles of action or rules of judgment "dangerous to the rights of her Majesty's subjects." This is a very unworthy pretence; but having thrown it out, it is extremely surprising that the Court afterwards proceeds in its judgment (as

This question must be decided by the Articles and Liturgy; and we must apply to the construction of those books the same rules which have long been established, and are, by law, applicable to the construction of all written instruments. We must endeavour to attain for ourselves the true meaning of the language employed, assisted only by the consideration of such external or historical facts as we may find necessary to enable us to understand the subject matter to which the instruments relate, and the meaning of the words employed.

IV. The  
ARTICLES  
and Formul-  
aries may  
be legally  
construed  
with wide  
Latitude;

In our endeavours to ascertain the true meaning and effect of the articles, formularies, and rubrics, we must by no means intentionally swerve from the old established rules of construction, or depart from the principles which have received the sanction and approbation of the most learned persons in times past, as being, on the whole, the best calculated to determine the true meaning of the documents to be examined. If these principles are not adhered to, all the rights,<sup>15</sup> both spiritual and temporal, of her Majesty's subjects would be endangered.

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will be seen) by trying, though with ill success, to find an *historical* meaning for the words of the articles, which the "words themselves" and the "subject matter" fail to furnish. (See p. 34.) The "Church Court" it will be found by examining the *very words* of ALL the Church documents, really acts on the principle to which the "State Court" only pretends.

authority I presume will not be questioned, I mean Bishop Burnet, in his "Pastoral Care," at the commencement of C. VI., 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 been of late 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 the stronger in our case, whose Offices being in a tongue understood by the people, the argument from them does more evidently conclude her."

Again: Dr. Waterland, whose extensive learning entitles him to some weight, states:—"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 is Bishop Conybeare, in his "Treatise on the case of Subscription to Articles of Religion considered;" a treatise contained in the third volume of the "Enchiridion Theologicum," Oxford edition, 1792, speaking of the mode in which ambiguities of language are to be solved, at p. 262 he says: "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." . . . At p. 263: "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 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." . . . Again, p. 267: "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," &c.

The positions contained in these extracts, independently of the high respect due to those from whom they emanated, rest not only upon the principles of common sense, but also upon judicial authority. I find that my Lord Brougham, in delivering the judgment of the Superior Court in *Escott v. Mastin*, on the question of lay baptism, 4 Moore's P. C. C. observed at p. 137, in reference to the opinions of many distinguished divines cited by counsel, that "the question is not to be decided by a reference to the opinions, however respectable, of individuals eminent for their learning, or distinguished by their station in the Church." This doctrine alone, then, is sufficient for my guide.

Taking this principle so laid down by the Judicial Committee for my guide, I proceed now to consider whether there is anything doubtful upon the question of the efficacy of infant baptism, so as to render it

As the subject matter is doctrine, and its application to a particular question, it is material to observe that there were different doctrines or opinions prevailing or under discussion at the time when the articles and liturgy were framed, and ultimately made part of the law ; but we are not to be in any way influenced by the particular opinions of the eminent men who propounded or discussed them ; or by the authorities by which they may be supposed to have been influenced ; or by any supposed tendency to give preponderance to Calvinistic or Arminian doctrines. The articles and liturgy, as we now have them, must be considered as the *final result* of the discussion which took place—not the representation of the opinions of any particular men—Calvinistic, Arminian, or any other ; but the conclusion which we must presume to be deduced from a due consideration of all the circumstances of the

and admit  
variety of  
opinions.

necessary to have recourse to any authority beyond the Article treating on the subject; for should it be necessary to look to any other source for assistance, it is clear I must look to other declarations of the Church as manifested in her services and offices.

The 25th  
and 27th  
Articles: on  
Baptism.

The 25th Article is to this effect:—"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 good will toward us, by the which He doth work invisibly in us, and 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 pass over the other five Sacraments of the Romish Church, as they relate not to the present inquiry: the Article proceeds,]—"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 S. Paul saith."

It was suggested in the course of the argument, that the latter part of the Article which I have just read applies only to the Sacrament of the LORD's Supper. That suggestion seems to me to be perfectly immaterial, but I will take it that the passage does apply to both Sacraments alike; since *worthy reception*, whatever that expression may mean, is, if I mistake not, according to the doctrine of the Church as contained in this Article, as necessary to Baptism as it is to the Supper of the LORD.

Two points  
raised:  
1. What is  
"worthy re-  
ception" of  
infants?

It is to be observed, however, that this 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 that of the LORD's Supper." But where does Mr. Gorham find that? Certainly not in this Article.

2. What is  
Regenera-  
tion in in-  
fants?

Again: how is the 27th Article to be construed? "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." We have here described

<sup>16</sup> All which considerations these Judges admitted were irrelevant, (see p. 31,) because the "words" and "plain meaning" of the document as now authorized are alone to be considered. So this Court is immediately departing from the principle it had laid down as the only just one, the violation of which would "endanger all our rights." This "due consideration" of the circumstances of the 16th century, in a decision for the 19th century is a total surrender of the principle they professed.

<sup>17</sup> The Court cannot mean to say "intended." The Church may have *allowed* for differences, but could not have *intended* them. Their *design* avowedly was "*uniformity*" and "agreement."

<sup>18</sup> This is a singular statement on the part of the "State Court." The mere "supposing" of such establishment of doctrine, would not, of course, affect the "law," or its decisions, one way or other. But as to Baptism, it is notorious that the Church of England at the Reformation was not so much as charged with changing the doctrine. The question was not adduced, in the controversies between the Churches. The celebrated controversialist "Stapylton" prefixes to his translation of Bede, A.D. 1565, a statement of the "differences" between us. I am indebted for the following extract to the pamphlet of E. Macdonnell, Esq., (himself a charitable member, I believe, of the Roman Catholic Church.)

"In the volume containing the translation of Bede's History may be seen, prefixed to that translation, a statement entitled 'Differences between the primitive faith of Eng-



case, including both the sources from which the declared doctrine was derived, and the erroneous opinions which were to be corrected.

It appears from the resolutions and discussions of the Church itself, and from the history of the time, that, from the first dawn of the Reformation until the final settlement of the Articles and Formularies, the Church was harassed by a great variety of opinions respecting Baptism, as well as upon other matters of doctrine.<sup>16</sup>

The Church, having resolved to *frame articles of faith*, [!] as a means of *avoiding diversities* of opinion, and establishing consent touching true religion, must be presumed to have desired to accomplish that object as far as it could, and to have decided such of the questions then under discussion as it was thought proper, prudent, and practicable to decide; but it could not have intended to attempt the determination of all the questions which had arisen or might arise, or to include in the articles an authoritative statement of all Christian doctrine; and in making the necessary selection of those points which it was intended to decide, regard was had to the points deemed most important to be made known to, and to be accepted by, the members of the Church, and to those questions upon which the members of the Church could agree; and that other points and other questions were left for future decision by competent authority, and in the meantime to the private judgment of pious and conscientious persons.

*Latitude*  
probable:—

Under such circumstances, it would perhaps have been impossible, even if it had been thought desirable, to employ language which would not admit of some *latitude* of interpretation: if the latitude were confined within such limits as might be allowed without danger to any doctrine necessary to salvation, the possible or probable difference of interpretation may have been designedly intended<sup>17</sup> even by the framers of the Articles themselves; and in all cases in which the articles considered as a test admit of different interpretations, it must be held that any sense of which the words fairly admit may be allowed, if that sense be not contradictory to something which the Church has elsewhere allowed or required; and in such a case it seems perfectly right to conclude that those who impose the test command no more than the form of the words employed in their literal and grammatical sense conveys or implies; and that those who agree to them are entitled to such latitude or diversity of interpretation as the form admits.

1. From  
the nature  
and history  
of the case.

If it were supposed<sup>18</sup> that all points of doctrine were decided by the

land continued almost these thousand years, and the late pretended faith of Protestants; gathered out of the History of the Church of England, compiled by Venerable Bede, an Englishman, above 800 years past.' Under the head of 'Differences in Doctrine,' the Rev. author enumerates eighteen differences, on various points, but does not include baptismal regeneration, or infant baptism, or any doctrine concerning baptism, in his list.

"Again, in the same volume, and immediately following his translation of the History, he inserts a long article entitled, 'A Fortress of the Faith first planted among us Englishmen, and continued hitherto in the universal Church of CHRIST, these M. years and upwards, the faith of which time Protestants call Papistry.' In the second part of this article he enters again, and at much greater length, upon the exposition of differences in faith and discipline between the two Churches, and enumerates no less than twenty-one such differences; but still, does not include baptismal regeneration, or infant baptism, or any doctrine concerning baptism as matter of difference between them, as he certainly would have done if such difference had then existed.

"I do not recollect having heard in the course of the late arguments any statement or suggestion that would induce me to suppose that the doctrine of the Church of England upon the subject has been altered since that time."

Bossuet confesses the same: "Hic observatu dignum est Lutheranos," (from whose confession the English article is taken,) "*pariter cum ecclesia Catholica credere omnimodam in parvulis Baptismi necessitatem.*"—Expositio, p. 113.

what baptism is, and what are its effects. But how does the Article proceed? "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 question which 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 have neither faith nor repentance. They cannot have faith, because they know not the promises; they cannot have repentance because they have not committed actual sin. They may have faith and repentance in after life, but in infancy they can have neither the one nor the other; the one they cannot have for want of understanding; the other they cannot have, and are not required to have, since they have not been guilty of actual sin.

Comparing then the 25th and 27th Articles together, it is clear, I think, that we find no solution of the point, what constitutes "*worthy reception*." We must appeal then to some other source, to some other authority, but what is that to be? Is it to be the *opinions* of private individuals? I apprehend what I have already stated is quite sufficient to dispose of any such suggestion. I apprehend that the authoritative declarations of the Church are the source to which we must look for an explanation of 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 from these sources the 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 become persons to whom "the promises of forgiveness of sin" and of their "adoption to be the sons of God by the HOLY GHOST are visibly signed and sealed."

Before, however, entering into a consideration of this part of the case, it may be as well to see what more Mr. Gorham has to suggest. Now, it will be seen, on reference to his answers to other questions to which I am about to refer, that he tells us that children "being born in sin" cannot as such be worthy recipients; 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 receive the Sacrament of Baptism with beneficial effect. Thus much I think appears from what follows. The 15th question is: "Not taking here into account what it may have pleased God to give to any infants before baptism, 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 Mr. Gorham upon this point, as in former answers, he, in substance, stated that the stipulations for repentance and faith are required to be entered into on behalf of infants about to be baptized. The answer to the 15th question is: "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." Such is the hypothesis of Mr. Gorham, that in order to bring infants within the description of "*worthy recipients*" there must be "a prevenient act of

Mr. Gorham suggests:

1. Original sin hinders "*worthy reception*" in infants generally.

Church of England, the law could not consider any point as left doubtful. The application of the law, or of the doctrine of the Church of England, to any theological question which arose, must be the subject of decision; and the decision would be governed by the construction of the terms in which the doctrine of the Church is expressed, viz., the construction which, on the whole, would seem most likely to be right.

But if the case be, as undoubtedly it is, that in the Church of England many points of theological doctrine have not been decided, then the first and great question which arises in such cases as the present is, whether the disputed point is or was meant to be settled at all, or whether it is left open for each member of the Church to decide for himself, according to his own conscientious opinion? If there be any doctrine on which the Articles are silent or ambiguously expressed, so as to be capable of two meanings, we must suppose that it was intended to leave that doctrine to private judgment, unless the Rubrics and formularies clearly and distinctly decide it. If they do, we must conclude that the doctrine so decided is the doctrine of the Church. But, on the other hand, if the expressions used in the Rubrics and formularies are ambiguous, it is not to be concluded that the Church meant to establish indirectly as a doctrine that which it did not establish directly as such by the articles of faith—the code avowedly made for the avoiding of diversities of opinions, and for the establishing of consent touching true religion.

2. From the fact that some doctrines are left undecided by the Articles.

We must proceed, therefore, with the freedom which the administration of the law requires, to examine the Articles and the Prayer Book, for the purpose of discovering what it is, if anything, which, by the law of England, or the doctrine of the Church of England as by law established, is declared as to the matter now in question; and to ascertain whether the doctrine held by Mr. Gorham, as we understand it to be disclosed in his examination, is directly contrary or repugnant to the doctrine of the Church.

(The Court wishes to "administer the law with freedom"—rather than exactness.)

grace." He proceeds with his 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." According to this, Mr Gorham does not admit that it is by baptism or through baptism that grace is conferred; but he maintains there must be "a prevenient act of grace" conferred either before, at, or after baptism, in order to render infants worthy recipients, and, without that, baptism has no beneficial effect.

2. That Sponsors stipulate for future faith of the infant in some cases.

The 18th question is thus pointedly put:—"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:—"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." Mr. Gorham thus proceeds to state the grounds on which he founds his answer:—"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<sup>19</sup> difficulty; namely, the case of infants baptized in emergency, without the formal stipulations, the exaction of which is

<sup>19</sup> Mr. Gorham here makes a "difficulty" in order to solve it by his own principles: The case is this. The Church (in that part of the Catechism which was written nearly a hundred years after our doctrine was settled at the Reformation) puts the question, "Why are infants baptized, when they are unable to perform" the required conditions, viz. repentance and faith? The Church answers, that (as to all who "come of age," and have sins to repent of,) they are "bound to" *repent*, by the promises of their sureties in their behalf, and (when they have faculties for it) they are bound also to an active *faith*.—Let any one reflect whether the answer in the Catechism can *possibly* mean other than this. It does not profess to be an account of *all the reasons* for baptizing infants, but only to be an answer to one objection raised in consequence of what was said about faith and repentance being "required." Mr. Gorham, however, here wishes to make infant baptism dependent, for all benefit, on the "stipulations" of the sponsors, which "stipulations," he says, are *implied*, though not expressed, in private baptism without sponsors. So, according to this, a *dying* infant (who has no sponsors) receives the benefit of baptism, through an "implied" stipulation, that he *will* *repent* of sins *he never will commit* (because he dies), and an implied stipulation that he will perform an act of *FAITH* when he *never will*, and, as far as appears, never can! Can absurdity go farther? The exigencies of Mr. Gorham's theory actually require that dying infants shall be *supposed* to promise what they do not promise, viz. a *REPENTANCE* for sins *uncommitted*, and acts of faith which imply developed faculties! All this comes of his resistance to the common sense interpretation of the question and answer in the Catechism, viz. that repentance and faith have an *ex post facto* baptismal validity, and that all who have aught to "repent" of are baptismally "bound to" it, as well as to an active faith, beyond the "*Habitus fidei*," of the regeneration, as the Schoolmen speak. Mr. Gorham sees a service prepared for infants supposed to be in danger of dying, and to be *only used* for such; and he supposes its benefit to result from imagined stipulations of imaginary sponsors for imaginary repentance of imaginary sins! So much then for Mr. Gorham's theory of Regeneration of dying infants by Stipulation.

Considering, first, the effect of the Articles alone, it is material to observe that very different opinions as to the Sacrament of Baptism were held by different promoters of the Reformation, and that great alterations were made in the Articles themselves<sup>20</sup> upon that subject.

The articles about religion drawn up in 1536 state that it is offered unto all men, as well infants as such as have the use of reason, that by Baptism they shall have remission of sin, and the grace and favour of God;—that the promise of grace and everlasting life (which promise is adjoined to the Sacrament of Baptism) pertaineth not only to such as have the gift of reason, but also to infants, innocents, and children; and that they ought, therefore, and must needs be baptized; and that by the Sacrament of Baptism they do also obtain remission of their sin, the grace and favour of GOD, and be made thereby the very sons and children of GOD. Inasmuch as infants and children dying in their infancy shall undoubtedly be saved thereby, and else not. That infants must needs be christened, because they be born in original sin, which sin must needs be remitted, which cannot be done but by the Sacrament of Baptism, whereby they receive the HOLY GHOST, which executeth His grace and efficacy in them, and cleanseth and purifieth them from sin by His secret virtue and operation; and that men or children, having the use of reason, and willing and desirous to be Baptized, shall, by the virtue of that Holy Sacrament, obtain the grace and remission of all their sins, if they shall come thereto perfectly and truly repentant, and contrite of all their sins before committed, and also perfectly and constantly confessing and believing all the articles of our faith; and finally, if they shall also have firm credence and trust in the promise of GOD adjoined to the said Sacrament—that is to say, that in and by this said Sacrament which they shall receive, GOD the FATHER giveth unto them, for His SON JESUS CHRIST's sake, remission of all their sins, and the grace of the HOLY GHOST, whereby they be newly regenerated, and made the very children of GOD," &c.

3. From the fact that Henry VIII. put out, in 1536, a few statements, or Articles, much more rigid than the Articles of the Church.

lation, for repentance never to be "performed." It has been suggested to me that Mr. Gorham may still cling to his theory in behalf of such infants as happen after all to survive. I can only say, that if he is determined to do so, I shall not be surprised; but other persons will perceive that the Church has not a separate theory for the regeneration of infants in such cases.

<sup>20</sup> "Great alterations were made in the Articles themselves upon that subject;" such is the assertion of the "State Court;" and, in proof of it, reference is made to certain "articles" of 1536, which have no more literary connexion as documents with our present articles, than had Magna Charta, or the "articles" of the Council of Clarendon in the reign of Henry II. To build any thing on the fact that two documents are differently worded which were not compared, or collated, neither of them pretending to be derived from the other, is surely an artifice worthy of an able rhetorician (like Mr. Turner, the Council of Mr. Gorham, in whose speech this was a powerful "point,") felt to be "not easily answered," even by Mr. Dodsworth, but is wholly unaccountable in grave and learned judges. Our baptismal article (25) is derived from the Confession of Augsburg and the "Necessary Erudition." But even had the articles of our Church been, historically, a modification of the, so called, "articles of 1536," the Judges are bound by their own canon laid down (p. 31,) viz. to interpret the present documents of the Church according to the "plain meaning" of the words, and not by historical disquisition on their origin, &c.; in which disquisition they omit to notice the only history interpretative of our present Prayer Book or Articles; viz., the history of the ultimate settlement of them in 1662. *The State judges pass it over!*

The Judge in the "Church Court," of course, never thought of noticing those "articles of 1536," as they are not ARTICLES OF THE CHURCH OF ENGLAND. They occupy (without the preface and signatures) 7½ pages in Burnet, and not a single line bears trace of similarity to our present articles. It happens to have in common with other documents, the expression above quoted, WHICH IS NOT IN OUR ARTICLES.

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 first of these suppositions, of course, I dismiss peremptorily. The second hypothesis would put an end to all further inquiry into the subject. The third 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."

3. And in some there is a "Prevenient act of grace" to regenerate the child.

The 19th question proposed by the Bishop follows in the same course:—"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, "If such infants die before they commit 'actual sin,' the Church holds, and I hold, that they are 'undoubtedly saved.'" The answer does not end here, but thus proceeds,—*"and therefore they must have been regenerated"* [by what means? mark what follows] "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." This last passage or sentence Mr. Gorham explains in a note. "I mean, it is ruled that they were actually regenerated, and that they are 'undoubtedly saved.'" Then he continues his answer,—*"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 18, so far as the mind of the Church can be ascertained."*

Such, 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;" a doctrine or position which must rest on the ground that they are worthy recipients, otherwise the Sacrament could not produce the benefit declared; however, he resorts to the hypothesis of a "prevenient act of grace." Whether there may be a "prevenient act," or whether there may be an act concurrent with the rite, or whether there may be an act subsequent to the rite, are points on which the Court is not called upon to express an opinion. It is sufficient for it to observe that Mr. Gorham's position is, that it is not by baptism, or through baptism, that grace is conferred.<sup>21</sup>

(The Court thus elicits from Mr. Gorham what doctrine he holds.)

<sup>21</sup> This conclusion of the Judge in the "Church Court" as to what Mr. Gorham holds, may be well compared with that opinion which the "State Court" lays down (p. 25) as Mr. Gorham's. One of the daily journals before quoted thus touches this point:—

"As to the judgment itself, no amount of official assurance will keep people from looking into it; and as they look they begin to find what it really is: a *pretended* judgment, which really '*gives the go-by*' to the whole question brought for trial. Either this is so or it is not. It is impossible to blink the matter. The government nominee, Mr. Gorham, lays before the Court his printed avowal, in every variety of shape, that 'regeneration is in no case conveyed to infants by baptism.' 'That filial state,' he says, is '*given before, and not in baptism.*' The italics are his own. 'If there seems any ambiguity,' he says, '*in my former reply, I wish this to be considered my explanation.*' (Gorham, p. 113, and again p. 172 and p. 198.) Nothing can in-

In the book entitled *A Necessary Doctrine for any Christian Man*, and called "The King's Book," which was published in 1543, it is thus stated: "Because all men be born sinners, and cannot be saved without remission of their sin, which is given in Baptism by the working of the HOLY GHOST; therefore the Sacrament of Baptism is necessary for the attaining of salvation and everlasting life. For which causes also it is offered and pertaineth to all men, not only such as have the use of reason, in whom the same *duly received*, taketh away, and purgeth all kinds of sins, both original and actual, committed and done before their Baptism; but also it appertaineth, and is offered unto infants, which, because they be born in original sin, have need and ought to be christened, whereby they, being offered in *the faith of the Church*, receive forgiveness of their sins, and such grace of the HOLY GHOST, that, if they die in the state of their infancy, they shall thereby undoubtedly be saved. Because, as well this Sacrament of Baptism as all other Sacraments instituted by CHRIST, have all their virtue, efficacy, and strength by the word of GOD, which by His HOLY SPIRIT worketh all the graces and virtues which be given by the Sacraments to all those that worthily receive the same."

4. And the same may be said of an old book called "Necessary Doctrine," put forth by the same monarch.

duce him in the slightest degree to modify this TOTAL disconnecting of baptism from the grace of regeneration. The [State] Court deliberately lays down another doctrine which Mr. Gorham *nowhere affirms*, viz., 'that regeneration may be held to precede, accompany, or follow baptism,' and decides that *that doctrine may be held*; and the [State] Court does not notice Mr. Gorham's theory at all, viz., 'that baptism *never conveys* regeneration.'

On the last day of the trial, Lord Langdale actually threw out the hint to Mr. Gorham's counsel that he might express his opinion in these terms. Lord Langdale said to Mr. Turner (we were in court and heard it,) "You mean, then, that regeneration may take place before, in, or after baptism?" That was an opportunity for Mr. Gorham to have adopted the favoured formula. The learned and eloquent counsel hesitated, coughed a little, and blandly bowed to the Court, as if unwilling to discourage so merciful a tribunal, and instantly went to another point *without taking up the hint*.

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<sup>22</sup> This is not quite truly said. It was not declared that "unbaptized infants were *not saved*," but not "*undoubtedly*," as the *baptized* were. This abolishes therefore the supposed distinction between the former and the present doctrine on this subject.

<sup>23</sup> The FIRST division of each of the "judgments" may now be reviewed.—The "ARTICLES" of the Church were proposed for primary consideration in each court, to elucidate the doctrine of the Church and Mr. Gorham's agreement or disagreement with that doctrine. The "Church Court," it will now have been seen, has analysed our 25th



The Articles of 1552 and 1562 adopt very different language from the Articles of 1536, and have special regard to the qualification of worthy and right reception. The Twenty-fifth Article of 1562 distinctly states that in such only as worthily receive the same, the Sacraments have a wholesome effect or operation. The Article on Baptism, in describing the blessings conferred by it, speaks only of those who *receive it rightly*; and with respect to infants, instead of saying in the language of the Articles of 1536, "that they obtain remission of their sins, and the grace and favour of God by Baptism, and that dying in their infancy they shall be undoubtedly saved thereby, and else not," it declares only, "that the Baptism of young children is in any wise to be retained in the Church; as most agreeable with the institution of CHRIST;" stating nothing distinctly as to the state of such infants, whether baptized or not. The Articles of 1536 had expressly determined two points. 1. That baptized infants dying before the commission of actual sin were undoubtedly saved thereby. 2. That unbaptized infants<sup>22</sup> were not saved.

5. From the Church's Articles requiring "*worthy reception*," while those old documents speak only of "*duly receiving*."

The Articles of 1562 say nothing expressly upon either point; but, not distinguishing the case of infants from that of adults, state in general terms that those who receive Baptism rightly have the benefits there mentioned conferred.

What is signified by *right reception* is not determined by the Articles. Mr. Gorham says, that the expression always means or implies a fit state to receive, viz., in the case of adults "with faith and repentance," and in the case of infants "with God's grace and favour." On a consideration of the Articles, it appears that, besides this particular point, there are others which are left undecided. It is not particularly declared what is the distinct meaning and effect of the grace of regeneration,—whether it is a change of nature, a change of condition, or a change of the relation subsisting between sinful man and his CREATOR; and there are other points which may very plainly be open to different considerations in different cases.

Upon the points which were left open differences of opinion could not be avoided, even amongst those who sincerely subscribed to the Articles; and that such differences among such persons were thought consistent with subscription to the Articles, and were not contemplated with disapprobation, appears from a passage in the royal declaration, now prefixed to the Articles, and which was first added in the reign of King Charles I., long after the Articles were finally settled. "Though some differences have been ill raised, yet we take comfort in this, that all clergymen within our realm have always most willingly subscribed to the Articles established; which is an argument to us, that they all agree in the true, usual, literal meaning of the said Articles, and that, even in those curious points in which the present differences lie, men of all sorts take the Articles of the Church of England to be for them; which is an argument again, that none of them intend any desertion of the Articles established."<sup>23</sup>

6. From the Royal Declaration of Charles I. acknowledging that differences had actually prevailed in the opinions of the clergy on some points—perhaps therefore on this.

and 27th articles, which treat of baptism; and examined with minuteness the questions raised respecting them by Mr. Gorham, and his various suggestions and explanations. The "State Court" has examined *neither* of the Church articles on baptism, just glanced at one phrase "*right reception*," omitting all notice of Mr. Gorham's exposition of those articles, and diverging into a discourse about the history of articles in general, and the "Necessary Doctrine" of Henry VIII.!

V. The  
FORMULA-  
RIES of the  
Church.

Mr. Gor-  
ham's plea  
of "favour-  
able con-  
struction"  
for all the  
Services.

"Con-  
struction"  
of the Office  
for Public  
Baptism of  
Infants

(examined  
"in exten-  
so.")

Having already considered such of the "Articles of Religion" as have a bearing on the question before me, I now proceed to the FORMULARIES of the Church, which, as I have said, must be my guide and authority in ascertaining its doctrines. With respect to these formularies, the first to which my attention must be directed is undoubtedly the office for "The Ministration of PUBLIC BAPTISM OF INFANTS." Mr. Gorham's position in respect to that office is, that its language 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.

On turning to this office, we find the first rubric contains an admonition, which shows the great importance attached to this Sacrament by the Church; that it is necessary, at all events that it is highly important, it should be administered at the earliest time, is apparent from the rubric prefixed to the office for "The Ministration of PRIVATE BAPTISM OF CHILDREN."

Now the first rubric of the Office of Public Baptism is in these words:—"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," &c. After the 2nd and 3rd rubrics, which prescribe the number of godfathers and godmothers, the notice to be given to the curate, and the part of the service at which those concerned are to attend at the font, the service thus proceeds:—"The Priest" shall inquire whether the child has been already baptized or not; and if they answer no, then he is directed to proceed as follows:—"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."

The exhortation and the instruction to the congregation assembled for what they shall pray, are,—“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, as born in sin;

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<sup>21</sup> "The Formularies cannot be held to be evidence of faith or doctrine" without (according to the "State Court") reference to two things, 1st. the articles, 2ndly, the "faith, hope, and *charity* by which they" [articles or formularies?] "profess to be inspired." I understand what is meant by the first of these references; but as to the 2nd, I ask any one to say whether it is intelligible. It is evidently *meant* as a vague way of bringing in the "latitude" of "charitable hypothesis," but *how* it answers the purpose I cannot see. This is the KEY NOTE however of all the ensuing piece. "The faith, hope, and *charity*," [whether of individuals, or of the Church, is not said] "which inspire, or accompany," the articles, or formularies, must be taken into account before we receive them as "evidence of FAITH or doctrine." [which the "State

If the Articles which constitute the Code of Faith, and from which any differences are prohibited, nevertheless contain expressions which unavoidably admit of different construction, and members of the Church are left at liberty to draw from the Articles different inferences in matters of faith not expressly decided, and upon such points to exercise their private judgments, we may reasonably expect to find such differences of opinion allowable in the interpretation of the devotional services, which were framed, not for the purpose of determining points of faith, but of establishing (to use the expression of the statute of Elizabeth) an uniform order of Common Prayer, and of the administration of sacraments, rites, and ceremonies of the Church of England.

V. The  
FORMULA-  
RIES of the  
Church.

In considering the Book of Common Prayer, it must be observed that there are parts of it which are strictly dogmatical, declaring what is to be believed or not doubted—parts which are instructional—and parts which consist of devotional exercises and services. Those parts which are in their nature dogmatical must be considered as declaratory of doctrine; but as to those parts which are devotional, consisting of prayers framed for the purpose of being “more earnest, and fit to stir Christian people to the due honouring of ALMIGHTY GOD,” some further consideration is necessary. It seems to be properly said that the received formularies cannot be held to be evidence of faith or of doctrine, without reference to the distinct declarations of doctrine in the Articles, and to the faith,<sup>24</sup> hope, and charity by which they profess to be inspired or accompanied; and there are portions of the Liturgy which it is plain cannot be construed truly without regard to these considerations. For the proof of this, the instance which seems to be most usually cited, and which is conclusive, is the service for the burial of the dead.<sup>25</sup> So far as our knowledge of powers of conception extend, there are and must be at least some persons not excommunicated from the Church, who, having lived lives of sin, die impenitent,—nay, some who perish and die in the actual commission of flagrant crimes; yet in every case, in the burial service, as the earth is cast upon the dead body, the priest is directed to say, and he does say—“Forasmuch as it hath pleased ALMIGHTY GOD, of His great mercy, to take unto Himself the soul of our dear brother here departed, we therefore commit his body to the ground, earth to earth, ashes to ashes, dust to dust, in sure and certain hope of the resurrection to eternal life;” and thanks are afterwards given—“For that it hath pleased ALMIGHTY GOD to deliver this our brother out of the miseries of this sinful world;” and this is followed by a collect, in which it is prayed “that when we shall depart this life we may rest in GOD, as our hope is that this our brother doth.” The hope here expressed is the same “sure and certain hope of the resurrection to eternal life,” which is stated immediately after the expression, “it hath pleased ALMIGHTY GOD, of His great mercy, to

Latitude  
of interpre-  
tation  
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Latitude  
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example :  
(It “ hopes ”  
that all are  
saved !)

Court” fancies to be the same, and so actually calls the Articles of Religion (p. 43) Articles of Faith !] I protest that this seems to me a perfect specimen of jargon. I confidently challenge any man to find the least meaning in it. Suppose it to mean, the “faith, hope, and charity which inspired” the compilers of the formularies, then we must take those graces as existing in “our Reformers,” as the TEST of their doctrinal or theological declarations! Suppose it to mean “the faith, hope, and charity, accompanying” the use of the formularies in all individual cases, then we have a latitude of doctrine sufficiently startling—in fact *illimitable*!

<sup>25</sup> The reader may compare what the “Church Court” says on the charity of the burial service, in p. 68.

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 to GOD 'that *he* may be baptized with water and the HOLY GHOST,'—not simply water, but also with the 'HOLY GHOST,' and be received into CHRIST's Holy Church, and be made a *lively member* of the same."

Then follows the prayer: "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;" [here are the grounds] "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 steadfast 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."

The object of the prayer is, "that he may be washed and sanctified with the HOLY GHOST, that he being delivered from wrath, may be received into the ark of CHRIST's Church."

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 receive," [what?] "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." Therefore it is that this child may receive remission of his sins by spiritual regeneration, not regeneration simply, but *spiritual* regeneration, the congregation pray.

Then follows the Gospel, taken from St. Mark x. 13, and after it the "Exhortation," the latter part of which is in these words: . . . "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 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,

<sup>26</sup> This is a singular mistake. The "hope" expressed in the burial service respecting the individual then interred is simply a hope that his *soul* is at "rest" until the last day; the hope in the former part of the service is a *general* hope, and refers to the resurrection of the body, and not to the soul's intermediate condition at all. Surely the "State Court" did not mean to justify the notion of the "soul sleepers," or hint that the dead will cease to exist until the resurrection? And yet their identifying these two

take to Himself the soul of our brother here departed."<sup>26</sup> In this service, therefore, there are absolute expressions implying positive assertions; yet it is admitted that they cannot be literally true in all cases, but must be construed in a qualified or charitable sense—justified, we may believe, by a confident hope and reliance that the expression is literally true in many cases; and may be true even in the particular case in which to us it seems improperly applied. From this and other cases of the like kind, of which there are several in the services, it seems manifest that devotional expressions, involving assertions, must not as of course be taken to bear an absolute and unconditional sense. The meaning must be ascertained by a careful consideration of the nature of the subject, and of the true doctrine applicable to it.<sup>27</sup>

If expressions in devotional exercises, and exhortations which imply or convey assertions which may be true in any case, and which we are permitted in charity to hope may be true in the particular cases to which we are directed to apply them, were such that the assertions must be accepted as universal propositions necessarily and unconditionally true in all cases, they would amount to declarations of doctrine; but in the service for the burial of the dead such implied assertions are clearly not to be taken to be universal propositions; and it is plain that other assertions of the like kind, in other services, may fall within the same category.

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"hopes" as if they were but one would really imply this; if it were not evident that this is but an example of the looseness of theological knowledge and want of duly weighing the meaning of words which pervade this whole most loose and defective judgment.

<sup>27</sup> In fact, as our Church exercises her office of teacher no less by her Forms of Prayer, than by her Catechism, Articles, Homilies, and other Doctrinal Formularies.—*Bishop of S. David's Charge, 1842.*

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."

Then follows an address to the godfathers and godmothers, reminding them for what they have prayed; and after referring to the promise of CHRIST, . . . "Wherefore, after this promise made by CHRIST, *this infant* must also faithfully for *his* part promise by you that are *his* sureties, (until *he* comes 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." Questions are then addressed to the godfathers and godmothers in the name of the child, and the answers of the godfathers and godmothers are then given.

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," &c., follows; then the prayer for the sanctification of the water—"Almighty and everlasting God, Whose most dearly beloved SON JESUS CHRIST, for the forgiveness of our sins, did 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, and of the SON, and of 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, in the course of the argument, to the word "mystical," as explaining all that 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 see the force of this reasoning; some mystery, something beyond that which exactly meets the eye is to be the *mystical* washing away of sin by 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."

The portion of the service to which I have hitherto referred precedes the baptism of the infant. The child is then baptized in the Name of the FATHER, and of the SON, and of the HOLY GHOST. He is received into the congregation with the sign of the Cross; after which the minister addresses, by order of the Church, the congregation thus: "Seeing now, dearly beloved brethren, that *this child* is regenerate, and grafted in the body of CHRIST's Church,"—[here is a declaration that the thing is now done—that the child is *regenerate*.]—"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 follows, "We yield Thee hearty thanks, most merciful FATHER, that it hath pleased Thee to regenerate *this infant* with Thy HOLY SPIRIT, to receive *him* for Thine own *child* by adoption, and to incorporate *him* into Thy Holy Church." The priest and congregation in the first instance prayed that God would be pleased, at the baptism of the infant, to grant that he might be regenerated by the HOLY SPIRIT; might be received by incorporation into the Holy Church; and here we see they thank God that he *has* been so received in the following words: "And humbly we beseech Thee to grant that *he*, being dead unto sin,

In the office for the administration of the public Baptism of infants, the first Rubric states the reasons why it is convenient that the administration should be when the most number of people come together. The reasons are stated to be, "as well for that the congregation there present may testify the receiving of them that be new baptized into the number of CHRIST's Church; and 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.*" There is a prayer for the infant that he (being delivered from wrath), may be received into the ark of CHRIST's Church: and being steadfast in faith, joyful through hope, and rooted in charity, may so pass the waves of this troublesome world, that he may come to everlasting life; another prayer, that the infant coming to God's Holy Baptism, may receive remission of his sins by spiritual regeneration; an exhortation to the congregation, or those present, not to doubt, but earnestly to believe that God will favourably receive the present infant, and give unto him the blessing of eternal life,—“Wherefore, we being persuaded of the good will of our heavenly FATHER towards this infant, and nothing doubting but that he *favourably alloweth this charitable work*<sup>28</sup> *of ours in bringing this infant to His Holy Baptism,* let us faithfully and devoutly give thanks to Him;” and in the prayer which follows, it is thus expressed—“Give Thy HOLY SPIRIT to this infant, that he may be born again, and made an heir of everlasting salvation.”

1. *Latitude* of the office for Public Infant Baptism.

The expression in one part of the service, “charitable work,” may mean that Baptism is of doubtful benefit.

Before the ceremony is performed, the sponsors are questioned, and make their answers: and then comes the prayer, in which it is said, “Regard, we beseech Thee, the supplications of this congregation; sanctify this water to the mystical washing away of sin; 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.”

<sup>28</sup> It would be no “charitable work” to offer a Sacrament without grace. Surely “charity” is on the side of those who affirm the “innocency” of children as to all actual sin, and their universal reception by CHRIST in Baptism.

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."

Then an exhortation is given to the godfathers and godmothers as to their duties, which concludes the service in these words: "Ye are to take care that *this child* be brought to the Bishop to be confirmed by him, as 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."

It was argued on behalf of Mr. Gorham, that the reason why the Church admits an infant to baptism in the form prescribed is that, although he cannot perform the requisites for baptism, although he cannot have faith and repentance, yet he is baptized on the *presumption or hypothesis* that he *will* do all that is promised for him by his sponsors; that he will renounce the world, the flesh, and the devil when he comes to years of discretion, and is of sufficient capacity to understand what has been promised for him.

Mr. Gorham's interpretation cannot stand.

Now I confess it does not appear to me that that which is contended for is the true construction of the language of the baptismal service for infants. I confine myself to the case of *infants*; for the case of adults is totally different. It is allowed, without question, both by the Bishop and Mr. Gorham, that, in the latter case, the declarations of the Church are all on the hypothesis that they (adults) are sincere in their professions of faith and repentance,—that they intend to perform and will perform to the utmost of their ability, all they themselves undertake: but in the case of infants, the declaration in the service of public baptism, of which we are now speaking, is positive, precise, and distinct, that the child "*is regenerate*," and that thanks are returned to God for that benefit.

I turn now to the office for "The Ministration of Private Baptism of Children." In respect to it, it was contended that, inasmuch as it is an office administered only in a case of "great necessity," nothing with respect to the efficacy of baptism without stipulations can be fairly drawn from that formulary,—that, though there is an omission of godfathers and godmothers, there is *implied* a promise on behalf of the baptized.

2. "Construction" of the service for Private Baptism

Here, again, I confess I differ in opinion from the learned counsel. Though this office is to be administered *only* in "great cause and necessity," is it not one in which the Church intended to declare that the child *so* baptized is entitled to all the benefits of an infant *publicly* baptized? Otherwise, why should the Church direct that "so many of the Collects appointed to be said before in the form of public baptism 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

<sup>29</sup> But the *same* rubric goes on to refer us to the 30th Canon of the Church for a further explanation on a point of difficulty—(the "sign of the Cross")—and it happens that in that very canon "infants baptized" are declared to be made perfect members of CHRIST "by *virtue of baptism*."

Not indeed that the rubric as it stands alone can really appear doubtful as to its meaning. The Judge in the "Church Court" (p. 58) states the sense of this rubric unanswerably. "They must be BAPTIZED, they must DIE before they commit actual sin



Thus studiously, in the introductory part of the service, is prayer made for the grace of GOD; that the child may receive remission of his sin by spiritual regeneration; so firm is the belief expressed that GOD will favourably receive the infant; so confident is the negation of all doubt but that GOD favourably alloweth the charitable work of bringing the infant to Baptism.

All this is before the ceremony is actually performed; and after the Baptism has been administered, and during the continuance of the same persuasion, and the same undoubting confidence of a favourable reception and allowance, the priest is directed to say, "Seeing now that the child is regenerate and grafted into the Church, let us give thanks unto ALMIGHTY GOD for these benefits:" and after repeating the LORD's Prayer, thanks are thus given,—“We yield Thee hearty thanks that it hath pleased Thee to regenerate this infant with Thy HOLY SPIRIT, to receive him for Thine own child by adoption, and to incorporate him into Thy Holy Church.” The service is followed by the Rubric,—“It is certain by GOD's Word that children which are baptized, dying before they commit actual sin, are undoubtedly saved.”<sup>29</sup>

And to the short form for the administration of private Baptism of children in houses, after a thanksgiving, “For that it had pleased GOD to regenerate the infant with His HOLY SPIRIT, and to receive him as His own child by adoption, and to incorporate him into His holy Church,” there is appended a rubric—“And let them not doubt but that the child so baptized is lawfully and sufficiently baptized, and ought not to be baptized again.” And if the child has not been so baptized by the minister of the parish, but by some other, the minister

2. Latitude of the service for Private Baptism

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to bring them within that declaration.” In exact accordance with this the Church says (in the Homily to which she expressly refers for her true doctrine, in the IXth Article,) “Infants being BAPTIZED and dying in their infancy, are by CHRIST's sacrifice washed from their sins and brought to GOD's favour.”—*Hom. of Salvation*, 1st Part.

And again, “we must trust CHRIST's Sacrifice . . . to obtain remission as well of our *original sin in baptism*, as of all actual sin after baptism, if we truly repent,” &c.—*Ibid.* 2nd Part.

of the HOLY GHOST,—if thanks are given to GOD that it hath pleased Him “to regenerate this infant” with His HOLY SPIRIT, “to receive him” for His own child “by adoption, and to incorporate him” into His Holy Church, then is the full effect of baptism given to the infant so baptized; the baptism is complete in itself, without the intervention of godfathers and godmothers. The same declaration as to the regenerate state of the infant is made,<sup>30</sup> though not absolutely prayed for, as in the case of public baptism; 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 administration of the Sacrament is complete immediately after the child is baptized with water in the Name of the FATHER, and of the SON, and of the HOLY GHOST. “If this were not so,” said the learned counsel for the Bishop, “the child ought to be taken to the church on recovery and baptized again, inasmuch as it would not, according to the argument on the other side, have received the full benefits of baptism.” I must say I think there was *something* in that observation. But, according to the Church, that, which is directed to be done afterwards, is not a repetition of the baptism, as we shall presently see.

Again, it was said the Church puts baptism, whether public or private, on the same footing; for it is required the child should be brought into the church, if it should live, for certain purposes. But what are they? 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; in which case he shall say thus, ‘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 person, certain questions are to be addressed to those present, in order to ascertain that the due form and order of the Church had 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 time 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. The rubric then 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 not he christen the child again,” &c.; but he is to certify the congregation in the words of the Church: “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 in a case

examined  
“in ex-  
tenso.”

<sup>30</sup> This is to be observed. The “Church Court” hereupon reasons that all that was necessary for the salvation of the child would be required by the Church in such a case as this. That the “emergency” of the case induced the Church indeed to omit all that *could* be omitted without prejudice to the infant’s welfare. That therefore a case of “emergency” precisely ascertains what is *essential* to the eternal salvation of the soul. The “State Court” argues just the reverse, viz. that in an “emergency” less would

of the parish is to inquire by whom, with what matter, and with what words the child was baptized; and if satisfied, he is to certify that all is well done, and that the child being born in sin, and in the wrath of God, is now,<sup>31</sup> *by the laver of regeneration in Baptism*, received into the number of the children of God, and heirs of everlasting life. The Baptism thus referred to, and the effect of which is thus stated or expressed, is a Baptism which may have taken place without any prayer for grace, or any sponsors; but it seems plainly to have been intended only for cases of emergency, in which death might probably prevent the ceremony, if not immediately performed; for such occasions, and the child dying, the Church holds the Baptism sufficient, and not to be repeated. One Baptism for the remission of sins is acknowledged by the Church; nevertheless, if the child, which is after this sort baptized, do afterwards live, the Rubric declares the expediency of bringing it into the Church, and appoints a further ceremony, with sponsors. The private Baptism of infants is an exceptional case, provided for an emergency, and for which, if the emergency passes away, although there is to be no repetition of the Baptism, a full service is provided. The adult person is not pronounced regenerate until he has first declared his faith and repentance; and before the act of infant Baptism, the child is pledged by its sureties to the same conditions of faith and repentance. And these requirements of the Church, in her complete and public service, ought, upon a just construction of all the services, to be considered as the rule of the Church, and taken as proof that the same promise, though not expressed is implied in the exceptional case, when the rite is administered in the expectation of immediate death, and the exigency of the case does not admit of sureties. Any other conclusion would be an argument to prove that none but the imperfect and incomplete ceremony allowed in the exceptional case *would be necessary in any case.*

(argued from its being only "exceptional," and not insisting perhaps on all that might be really necessary.)

be done, and (possibly) a *vital* part of the regenerating rite omitted! Then why baptize in such cases at all?

<sup>31</sup> The "State Court" calls private baptism an incomplete "ceremony;" but it is not therefore an incomplete *Sacrament*. The "ceremony" is not essential, it is owned; but the "Sacrament" *is*, and therefore is to be administered on pain of *suspension* of the Clergyman who neglects it. (Canon 68.)

where there were no sponsors, (though Mr. Gorham says their stipulations are implied,) 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." The form of private baptism, I say, shows that what is required to be done in the church, if the child live, is a matter of order and decency,—that neither godfathers nor godmothers are an *essential* part of baptism, because the rubric to which I have already referred states that the child "is lawfully and sufficiently baptized." What room is there then for stating that either of the offices of public or private baptism of infants is merely conditional, or founded upon an hypothesis? True it is, if the child should live to become a responsible being, and commit actual sin, then he may pass from the benefits given in baptism: in this state, faith and repentance would be requisite, in order, *not* to regenerate him, for that has already been done, according to the declaration of the Church in baptism, but to renovate and bring him back into that state in which he was placed by baptism.

(Mr. Gorham's interpretation will not stand.)

But, to put the point beyond all doubt, we have a *positive* declaration on the part of the Church, not a mere hypothetical or charitable hope, in these words: "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 suppositive declaration of the Church. According to her interpretation of GOD'S Word, she declares "It is certain *by* GOD'S Word, that children which are baptized, dying before they commit actual sin, are undoubtedly saved." Mr. Gorham admits (see p. 85,) that the Church has ruled that children are "undoubtedly saved" who have been baptized and die before committing actual sin. I cannot understand how any qualification can be engrafted on these words: the Church bases the declaration on GOD'S Word. I cannot understand upon any principle how the declaration of the Church is to be a mere charitable hope: 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." In the face of this express language it is, I confess, to me extremely difficult to understand it in Mr. Gorham's qualified sense.

3. Construction of the Service for Adult Baptism.

There is, however, another baptismal service<sup>32</sup> remaining to be considered, namely, "THE MINISTRATION OF BAPTISM TO SUCH AS ARE OF RIPER YEARS, AND ARE ABLE TO ANSWER FOR THEMSELVES."

This Formulary had not a place in our Prayer Book until it was introduced on the *review* after the Restoration. The ground of its introduction is stated in the Preface to the Book of Common Prayer to be by reason of "the growth of anabaptism, through the licentiousness of the late times crept in amongst us," that it "is now become necessary, and may be always useful for the baptizing of natives in our plantations, and others converted to the faith." This service is said to be on the same footing and character with the other two, to which I have already

<sup>32</sup> The "State Court" was bound to consider this service, and examine the *principle* on which it proceeds, because Mr. Gorham's case stands altogether on his *identifying* the baptism of infants and adults. To omit this, was to give a judgment *apart from the facts of the case*.

But this is but one of the numerous instances in which the "State Court" omitted to

3. This Service for Adults is not at all examined by this Court.

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*notice* the judgment of the "Church Court," which it was preparing to "reverse." Surely it was the clear duty of the Court of Appeal to *review the grounds* of the "Court below" and show their erroneousness. To "reverse" a decision without even the *show* of a consideration of it, or of its grounds, is unprecedented in English Courts.

referred; and it was asked why, if *one* form out of the three is hypothetical, the *other two* are not equally so? It appears to me that there is this marked distinction. In the case of the public baptism of those of riper years, those who apply for baptism are persons who have not only "committed actual sin," and have need of repentance, but they are persons who also know that such is the case; they are to be "instructed in the principles of religion" before they are permitted to come to partake of that holy Sacrament. They are therefore persons who come in *their own right*, who enter into the promises in *their own names*, and promise with a sincere intention to perform all they engage to do. Here, then, is the marked distinction: Infants, who promise by their sureties, and are therefore admitted to partake of baptism, if they die before they "commit actual sin," are "saved" according to the declaration of the Church: those of riper years, who have been instructed in the principles of religion, who know what they have to perform and do, and 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 its benefits, they must do so either hypocritically or sincerely, but the Church cannot know, except by their outward conduct, whether they are sincere or not. There is then, I say, this marked distinction,—that the Church knows in the case of an infant that it cannot have committed "actual sin" before baptism; whereas, in the case of the adult, it can only rely upon his *outward* profession of faith and repentance.

Its distinctive features

(equally against Mr. Gorham.)

It does appear to me, then, that no legitimate argument can be drawn from the hypothetical sense or charitable judgment with respect to adults, to justify the application of the same to the case of infants, who, it is positively declared, are "by God's Word" saved if they have been baptized and die before they commit actual sin. I say no argument can be drawn from the application of the one case to the other; in the latter, the case of the baptism of those of riper years, the Church can act only on the charitable supposition that the party is sincere. I say the two services are most materially distinguished; they substantially differ, on separate and distinct grounds, the one from the other.

4. "Construction" of the Catechism

In respect, however, of the Services of the Church, the question at issue rests not here. After children have been baptized, and they have arrived at a sufficient age to be instructed and to learn the principles of the Christian religion, they are, amongst other things, to be instructed in the Church Catechism, which thus commences: "What is your name? Who gave you this name?" The answer to the latter question is, "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." This is in strict conformity with the declaration made at the time of baptism, the services are, we see, at the outset, in accordance with each other. Then, as to the next question: "What did your godfathers and godmothers then for you?" "They did promise and vow three things in my name. First, that I should renounce the devil and all his works, the pomps and vanities of this wicked world, and all the sinful lusts of the flesh," which is, in effect, the same with the renunciation of "the carnal desires of the flesh" in the baptismal service. "Secondly, that I

<sup>33</sup> What *can* the "State Court" mean by this? Has it any meaning, or is this another specimen of random theology? If the Court allowed *all the baptized* to be "elect" (as

This view of the baptismal service is, in our opinion, confirmed by the Catechism, in which, although the respondent is made to state that in his baptism he "was made a member of CHRIST, the child of God, and an inheritor of the kingdom of heaven," it is still declared that repentance and faith are required of persons to be baptized; and when the question is asked, "Why, then, are infants baptized, when by reason of their tender age they cannot perform them?" the answer is—not that infants are baptized because by their innocence they cannot be unworthy recipients, or cannot present an obex or hindrance to the grace of regeneration, and are therefore fit subjects for divine grace; but "because they promise them both by their sureties, which promise, when they come to age, themselves are bound to perform." The answer has direct reference to the condition on which the benefit is to depend. And the whole Catechism requires a charitable<sup>33</sup> construction, such as must be given to the expression "GOD the HOLY GHOST; Who sanctifieth me and all the elect people of GOD."

4. *Latitude of the Catechism*

shown by the phrase "the HOLY GHOST sanctifieth all the elect" which the Court thinks cannot be admitted universally, but only "charitably hoped."

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the ancient services expressly do) the expression would be consistent, but with their Calvinistic interpretation of the word, it is wholly amazing.

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 in which I was placed by baptism, no longer a child of wrath, but a child of grace; I was born in sin, but by baptism was 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." "Continue,"—there is no doubt, no hypothesis, here expressed as to the state in which he was placed by baptism. He prays for grace that he may *continue*, that he may not fall away from that state; that he may not, by sin, lose that grace which was conferred on him in his baptism.

examined  
throughout

(equally  
against Mr.  
Gorham.)

The child is then desired to say the articles of his belief, the commandments, and, after the LORD'S Prayer, the catechism proceeds to the questions on the Sacraments, which were added after 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, in effect, the same language,—*spiritual grace given*; it is a sacrament ordained by CHRIST as a means whereby we *receive the same*, that is, the grace given to us. I cannot understand how a doubt can be raised on the baptismal services, or upon 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 spiritual grace? Answer. A death unto sin, and a new birth unto righteousness."—*Spiritual grace*—which was conferred at baptism.—Regeneration, by the HOLY GHOST, for the remission of sins;—"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 steadfastly 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 promises, when they come to age, themselves are bound to perform."

The Court  
finds no  
trace of Mr.  
Gorham's  
doctrine of  
preventive  
grace in the  
formularies,

The Church, then, we see, admits infants to partake of the sacrament of baptism upon the supposition that, if they should live and arrive at years of discretion, they will take upon themselves the performance of those vows which were made by their sureties in baptism. But the state of those children who die before "they commit actual sin," is, as I have already observed, 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



(This Court does not examine the Catechism, but only the passages preceding.)

(This Court does not examine Mr. Gorham's theory of prevenient grace.)

sin," to bring them within that declaration. "Prevenient grace" is not the mode—the Church says nothing about *prevenient grace*;—but if they live, "when they come to age," the Church says they are bound to perform the promises of their sureties.

The same doctrine runs through all the catechisms which were referred to in the course of the argument. I cannot understand that Dean Nowell teaches any other doctrine whatever; but I will refer to his Catechism, to be found in the *Enchiridion Theologicum*, Oxford edition, 1792, vol. ii. pp. 212—216: the passage on the subject runs thus:—*M.* De baptismo ergo primum dic quid censeas. *A.* Quum natura filii iræ, id est, alieni ab Ecclesia, quæ Dei familia est, simus, baptismus veluti aditus quidam nobis est, per quem in eam admittimur; [admitted into 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 co-optari, atque inseri, ejusque membra fieri, et in unum cum ipso corpus coalescere." [Taken into and inserted as it were in CHRIST's body, and made members of CHRIST, and engrafted into one body with Him.] "*M.* Sacramentum antea dicebas duas 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. *M.* Quæ est arcana et spiritualis gratia? *A.* Ea duplex est; remissio videlicet peccatorum, et regeneratio, quæ utraque in externo illo signo, solidam et expressam effigiem suam tenent. *M.* Quomodo? *A.* Primum, quemadmodum sordes corporis aqua, ita animæ maculæ per remissionem peccatorum eluuntur; deinde regenerationis initium, id est, naturæ nostræ mortificatio, vel immersione in aquam, vel ejus aspersione exprimitur. Postremo vero, quum ab aqua, quam ad momentum subimus, statim emergimus, nova vita, quæ est regenerationis nostræ pars altera atque finis representatur." [In accordance with all the baptismal services, and 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 or deceitful sign.] "Nam sicuti Deus peccatorum condonationem et vitæ 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 beneficial signs,—“effectual signs of grace.”] "*M.* Non ergo remissionem peccatorum externa aquæ lavatione aut aspersione consequimur? *A.* Minime: nam solus Christus sanguine suo animarumstrarum maculas luit atque eluit. Hunc ergo honorem externo elemento tribueri nefas est." [As expressed in one of the quotations by the learned counsel, attributing this to water merely.] "Verum Spiritus Sanctus conscientias nostras sacro illo sanguine quasi aspergens, abstergis omnibus peccati sordibus, puros nos coram Deo reddit. Hujus vero peccatorum nostrorum expiationis ob signationem atque pignus in sacramento habemus." [Sacramental!] "*M.* Regenerationem vero unde habemus? *A.* Non aliunde quam a morte et resurrectione Christi; nam per mortis suæ vim vetus homo noster quodammodo crucifigitur et mortificatur, et naturæ nostræ vitiositas quasi sepelitur, ne amplius in nobis vivat et vigeat. Resurrectionis vero suæ beneficio nobis largitur, ut in novam vitam ad obediendum Dei justitiæ reformemur. *M.* An gratiam hanc omnes communiter et promiscue consequuntur. *A.* Soli fideles hunc fructum percipiunt: increduli vero oblatas illic a

nor in con-  
temporan-  
eous "au-  
thorities."



Deo promissiones respuendo, aditum sibi præcludentes, inanes abeunt, non tamen ideo efficiunt, ut suam sacramenta vim et naturam amittant.” [The faithful alone receive the benefit of baptism. So we always say in Adult Baptism that those who are not sincere in their faith and repentance, receive no benefit from the administration.] “*M.* Rectus ergo baptismi usus quibus in rebus sit situs breviter ediscere. *A.* In fide et penitentia.” [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 justitiæ divinæ, assidue omni ope et opera est enitendum, et pia vita apud omnes declarandum nos in baptismo Christum ipsum quasi induisse, et ejus Spiritu donatos esse.” [Then comes the question why infants are baptized; the answer is, as it appears to me, in conformity with our catechism, “Because they promise them both by their sureties, which promise, when they come to age, themselves are bound to perform.”] “*M.* Quum infantes hæc, quæ commemoras, hactenus per ætatem præstare non possint, quæ fit ut illi baptizentur? *A.* Ut fides et penitentia baptismo præcedant, tantum in adultis, qui per ætatem sunt utriusque capaces, exigitur; infantibus vero promissio Ecclesiæ facta per Christum, in cujus fide baptizantur, in præsens satis erit, deinde postquam adoleverint, baptismi sui veritatem ipsos agnoscere, ejusque vim in animis eorum vigere, atque ipsorum vita, et moribus representari omnino oportet.”

Dean Nowell, in the passages I have read, appears to me to put the case on the same footing as the Church Catechism does; namely, that, in the case of adults, faith and repentance must precede baptism; but in the case of infants the promises made by their sureties are accepted, though, if they come to age, they themselves must then perform them. I cannot discover any sensible difference between the doctrine of our Church as set forth in her Catechism, and the passages I have referred to in Nowell's Catechism.

But when the child has come to years of discretion, and is instructed in the principles of religion, and of the nature of the promises made for him in baptism, he is then to be brought to be confirmed by the Bishop.

Now the Preface to the Service of Confirmation states the reason why this Order was framed; it is . . . “To the end that children, being now come to 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 presence of God, and of this congregation, renew the solemn promise and vow that was made in your

5, “Construction”  
of the Ser-  
vice for  
CONFIRMATION

“in ex-  
tenso”

<sup>34</sup> This omission is altogether unpardonable, most especially as the “Bishop's pleadings” (p. 16) make the express charge against Mr. Gorham, to include contradiction of the *Confirmation service*. But the omission is not unintelligible, as it would really seem to be beyond all the power of human ingenuity to fix a “latitude” and “charitable hypothesis,” on the words of the Confirmation service. Let any one *try to do it*.

We have now arrived at the end of the second principal division of these two judg-

It seems unnecessary for us to go through the other formularies<sup>34</sup> in the Prayer-Book. The services abound with expressions which must be construed in a charitable and qualified sense, and cannot, with any appearance of reason, be taken as proofs of doctrine. Our principal attention has been given to the baptismal services; and those who are strongly impressed with the earnest prayers which are offered for the divine blessing, and the grace of God, may not unreasonably suppose that the grace is not necessarily tied to the rite; but that it ought to be earnestly and devoutly prayed for, in order that it may then, or when God pleases, be present to make the rite beneficial.

5. The Court avoids considering the CONFIRMATION Service, (and the rest,—) leaving every one to apply thereto the rule of "charitable construction," as he may be able.

nents. It appears that the "Church Court" has carefully and *fully* examined *all* the formularies of the Church connected with baptism. The "State Court" has not examined *any* one *in extenso*, but picked out two or three passages to support a particular view, and "obtain the result," and this only with *some* of the formularies. The office for Confirmation is not even glanced at by the "State Court."

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 ?" After the question is answered, what is declared in the prayer ? Almighty and everlasting GOD, Who hast vouchsafed to regenerate 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." In this service, also, we see it is declared that children are "regenerate by water and the HOLY GHOST," and that their sins are forgiven ; which positions are directly in accordance with the declarations contained in the Baptismal Services and in the Church Catechism. They all show that it is by baptism, that children become "regenerate" and their sins are forgiven.

is equally  
against Mr.  
Gorham's  
"views."

These are the services upon which great stress was laid by the learned counsel for Mr. Gorham. They appear to me by no means to show, as was contended, that the whole doctrine of the Church is hypothetical, and involves merely a charitable hope ; the declarations are positive. Taking, then, the words of the services in their natural and literal sense, I am of opinion that the doctrine of regeneration in the baptism of infants is established.

There may be a difficulty in ascertaining what is meant by the word "regeneration ;" whether it implies an absolute change of nature, character, and feelings, or whether it implies only a change of state and of relation ; that is, a change of state from "a child of wrath to a child of grace." It appears to me that the meaning of the word is sufficiently explained by 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 the HOLY GHOST accompanying it. It is nothing to say that there may be cases in which the sign may be received without the thing signified ; that may be often so in the case of adults ; but the Church can only express a charitable hope that it is *not* so ; that they are sincere in their promises of faith and repentance ; and if they are sincere, then the Church declares that they are members of CHRIST'S Church, that their sins are forgiven, in other words, that they receive the benefits of baptism.

VI. What  
REGENERATION  
IS.

It seems to me, from all the consideration I have been able to give the subject, that the word *regeneration* does not mean and imply such a total change of character as to preclude persons baptized from ever or finally falling, but that the word means such a change of station, character, and relation as places them in a new situation, from children of wrath to children of grace, whereby they become members of CHRIST and inheritors of the kingdom of heaven. This view, I find, accords with the sentiments of distinguished divines : of that number is a living prelate\* of the Church, who 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

\* Dr. Bethell, Bishop of Bangor, in his "General View of the doctrine of Regeneration in Baptism," pp. 6—8. Third Edition.

(What re-  
generation  
is, this Court  
does not  
consider.)

proper and legitimate effects, considered in conjunction with it), from the beginning of Christianity to no very distant period of ecclesiastical history. In those few passages of the ancient Christian writers, where it bears another signification, it is evidently used 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 called '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 'unrenewed,' '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 it *may* take place in that Sacrament, as well as at any other time, but that to suppose it, in any proper sense, dependent on it, is an unreasonable and unscriptural opinion."

The same learned prelate to whom I have just referred, gives (*Ibid.* C. II. pp. 14, 15,) a summary of the view taken by Dr. Waterland in his celebrated discourse, to be found in vol. vi. pp. 341—380, of his works, edit. 1823. "Regeneration is distinguished from renovation.—Regeneration is a change of the whole spiritual state; renovation, a change of inward frame or disposition; which in adults is rather a qualification or capacity for regeneration, than regeneration itself. That in infants regeneration necessarily takes place without renovation, but in adults renovation exists (or at least ought to exist) before, in, and after baptism."

"Regeneration," he proceeds, "is the joint work of the water and of the Spirit, or, to speak more properly, of the Spirit only; renovation is the joint work of the Spirit and the man."

"Regeneration comes only once—in or through baptism. Renovation exists before, in, and after baptism, and may be often repeated. Regeneration, being a single act, can have no parts, and is incapable of increase. Renovation is in its own nature progressive. Regeneration, though suspended as to its effects and benefits, cannot be totally lost in this present life. Renovation may be often repeated and totally lost." Dr. Waterland illustrates the doctrine thus:—"Grown persons coming to baptism properly qualified, receive at once the grace of regeneration; but, however well prepared, they are not regenerate without baptism. Afterwards, renovation grows more and more within them by the indwelling of the HOLY SPIRIT. As to infants, their innocence and incapacity are to them instead of repentance, which they do not want, and of actual faith, which they cannot have: and they are capable of being born again, and adopted by God, because they bring no obstacle. They stipulate, and the HOLY SPIRIT translates them out of a state of nature into a state of grace, favour, and acceptance. In their case, regeneration precedes, and renovation follows after, and they are the temple of the Spirit, till they defile themselves with sin."

There is one other distinguished divine to whom I will refer as to the meaning of the term regeneration in baptism; I allude to Bishop Van Mildert, who, in the sixth of his Bampton Lectures, at pp. 195, 196, 2d edit. says:—" . . . the word 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." Such is the view taken by Bishop Van Mildert,—a view which it is unnecessary to observe is in perfect keeping with the language of the Church as used in her baptismal services,—“Grant to *this* child that thing which by nature he cannot have.”

The regenerate are saved unless they fall from their “state of salvation,” through actual sin. Hence “infants dying before they commit actual sin are undoubtedly saved.”

It appears to me most clearly and distinctly, from the services themselves, that infants are regenerated in baptism in the proper sense of the word, and are placed in a state in which they are made “partakers of the kingdom of heaven.” True it is they may forfeit their title—they may fall away from the grace imparted to them, commit sin, grow up and perishes in it, and may die without faith and without repentance; in such cases the grace bestowed in baptism would be lost. But in the case of those who die immediately after baptism, they are *regenerate*, and are *undoubtedly saved*, because they die “before they have committed actual sin.” Upon this part of the case I cannot entertain the least doubt. The words of the services themselves, I repeat, show that the infant is regenerated in and through baptism; the declaration of the Church to that point is positive and precise.

Other arguments adduced for Mr. Gorham.

1. The “charitable” construction of another formula, viz. that for the burial of the dead.

I must now consider some other arguments which were adduced on behalf of Mr. Gorham.

Reference was made to the burial service, which, it was said, must be taken to be, beyond controversy, a service expressive of a charitable hope; that it was framed on the hypothesis that the person deceased was duly prepared for death, and therefore that 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 that office. The Church must necessarily assume, with respect to the person dead, that God has “taken” him, as it is said, “unto Himself;” the meaning of which I apprehend to be, that God has removed him from this world in the state in which he then was, of which state the Church cannot judge, to a world in which there is no possibility of committing sin. We pray that we may rest in CHRIST; “As our hope is this our brother doth.” This prayer is founded in hope; founded on the hypothesis that the deceased, 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 is to be eventually received into the kingdom of heaven, or whether he is to suffer punishment for his sins and transgressions. Nevertheless, the Church expresses a hope that “this our brother doth” rest in CHRIST. I cannot see that this service affords much aid to the question in which Mr. Gorham is concerned.

2. That the Articles are not to be interpreted by the formularies.

In the next place. The Articles, it was contended, are not to be construed by the Formularies; it was argued that when a clergyman is required by law to make a public declaration of his assent to the Articles and the Book of Common Prayer, the assent is not in the same terms in each case—that in the case of the Articles he declares his unfeigned assent to them, and subscribes them as “agreeable to the Word of God;” whereas, in the case of the Book of Common Prayer, he de-

One of the points left open by the Articles is determined by the Rubric,—“It is certain by God’s word that children which are baptized, dying before they commit actual sin, are undoubtedly saved.” But this Rubric does not, like the Article of 1536, say<sup>35</sup> that such children are saved by baptism ; and nothing is declared as to the case of infants dying without having been baptized.

Baptized infants, dying, are saved—but perhaps not by Baptism.

There are other points of doctrine respecting the sacrament of baptism which we are of opinion are, by the Rubrics and Formularies, as well as the Articles, capable of being honestly understood in different senses ; and consequently we think that, as to them, the points which were left undetermined by the Articles are not decided by the Rubrics and Formularies ; and that upon these points all ministers of the Church, having duly made the subscriptions required by law (and taking the Holy Scriptures for their guide) are at liberty honestly to exercise their private judgment without offence or censure. Upright and conscientious men cannot in all respects agree upon subjects so difficult ; and it must be carefully borne in mind that the question, and the only question, for us to decide, is whether Mr. Gorham’s doctrine is contrary or repugnant to the doctrine of the Church of England as by law established ?

This Court refuses to affirm any doctrine.

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<sup>35</sup> For an answer to this, I refer back to pages 50 and 51.

clares "his unfeigned assent and consent to the *use*" only of that Book, and subscribes it as containing "nothing contrary to the Word of God;" in other words it was argued, that it was merely to the *use* of that Book, and not to the doctrines contained therein that he assents and consents. I apprehend if a clergyman assents and consents to make *use* of the Book, that he assents and consents likewise that it "containeth nothing in it contrary to the Word of God," or contrary to the Articles which are stated to be "agreeable to the Word of God," in short, that he acknowledges the truth of what is contained in that Book. He cannot excuse himself by saying, I consent merely to *use* it; the declaration is too strong. "I declare my unfeigned assent and consent to the use of the Book of Common Prayer:" he appears to me to make a declaration that he believes what is contained in that Book. I apprehend, then, that as the Book of Common Prayer contains "nothing contrary to the Word of God," and as the Articles are "agreeable to the Word of God," the two cannot be construed in opposition, but must be construed together.

3. That the Reformers were Calvinists; and could not therefore hold Baptismal Regeneration.

Again, another important question was raised by the learned Counsel for Mr. Gorham, the discussion of which occupied a considerable portion of time, namely, what were the opinions of the Reformers. It was contended 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 and other services of the Church, that infants are by baptism regenerate.

In the first instance, advantage was taken of a statement made by the learned Counsel of the Bishop, that Cranmer had never changed his opinions with respect to baptism—that they always remained the same. I think the learned Counsel of Mr. Gorham has very successfully argued against that position, and has shown that Cranmer did change his views, and necessarily must have done so; at the same time I must remark, that I think the learned Counsel for the Bishop never intended his assertion to be carried to the extreme length his words seemed to imply.

That the Reformers individually embraced the whole doctrines of Calvin is, I think, a matter of very great doubt. It cannot be denied that the doctrines of Calvin made a certain progress in this country. Cranmer, Ridley, and Latimer, and many others may have, to a certain degree, embraced some of the principles of Calvin; but the question is, to what extent? Did they believe in, or rather did they teach his tenets on predestination, election, final perseverance, reprobation? I was, in effect, 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 Martin Bucer, how far Peter Martyr carried Calvin's principles, and how far they were embraced by Cranmer and the rest of the Reformers, I stop not to inquire; but as Cranmer, and his associate Ridley, are generally supposed to have had an active share in framing our Articles and Service Books in the reign of Edward VI., we may be able at least, to some extent, to ascertain their views, or, perhaps more properly, the sentiments of our Church.

The learned Counsel for Mr. Gorham said that, in his opinion, the 17th Article (for there is no more than a verbal difference between the Article of 1552 and 1562) determined this question. Let us see and con-

Mr. Gorham's doctrine may be contrary to the opinion entertained by many learned and pious persons, contrary to the opinion which such persons have, by their own particular studies, deduced from the Holy Scriptures; contrary to the opinion which they have deduced from the usages and doctrines of the primitive Church; or contrary to the opinion which they have deduced from uncertain and ambiguous expressions in the formularies; still, if the doctrine of Mr. Gorham is not contrary or repugnant to the doctrine of the Church of England, as by law established, it cannot afford a legal ground for refusing him institution to the living to which he has been lawfully presented. This Court, constituted for the purpose of advising her Majesty in matters which come within its competency, has no jurisdiction or authority to settle matters of faith, or to determine what ought in any particular to be the doctrine of the Church of England. Its duty extends only to the consideration of that which is by law established to be the doctrine of the Church of England upon the true and legal construction of her Articles and Formularies; and we consider that it is not the duty of any Court to be minute and rigid in cases of this sort. We agree with Sir William Scott in the opinion which he expressed in Stone's case, in the Consistory Court of London:—"That if any Article is really a subject of dubious interpretation, it would be highly improper

6. The Court finally lays down the full principle of "latitude," and declines to declare any doctrine.

4. That the doctrine of predestination is affirmed by the Church,

sider the Article in its own words. "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 mercy, 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 mind 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 would suppose that the compilers of the Articles, and the Church, had they embraced the entire tenets of Calvin, would have gone on to declare this an article of faith, but instead of that, what do they say?]"—"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 wretchlessness 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." We see then that the compilers, and I may add the Church, *determine 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 con-

(not as matter of faith.)

<sup>35</sup> The passages here quoted have been subjected to a searching examination by the Bishop of Exeter, and by others. The result appears to be, that

I. BISHOP JEWELL's meaning is *wholly distorted* by a fragment taken from the middle of a passage of a completely contrary meaning to that which is insinuated. The whole may be seen in JEWELL's *controversy with Harding on Private Mass*.

II. HOOKER's name and authority are alleged in behalf of the very error he was strongly *writing against* in that very place. The two passages pretended as quotations from him are *both mutilated and altered* (?) to suit the meaning of the Privy Council.

III. ARCHBISHOP USHER is favoured with a "quotation" *purporting* to be his, but taken from a book that he *did not write*, nor sanction, but actually repudiated.

IV. BISHOP JEREMY TAYLOR is treated scarcely better; for he is arguing *for* the importance of baptism, even in cases where the HOLY SPIRIT is already given, and showing that though GOD *does not tie himself*, He *tied us* to the rites He has appointed. The Privy Council ventures to "quote" a *fragment* of this argument to prove that baptism is not indispensably necessary!

V. ARCHBISHOP WHITGIFT is not even pretended to be "quoted," but his alleged general sanction to "Bullinger's Decades" is *supposed* to carry with it his imprimatur for every proposition that might be extracted from that work!

VI. BISHOP PEARSON, a name ever venerated among the orthodox, is next put forward in this cause. A short sentence of his on adult baptism, is transferred by the Privy Council to infant baptism, in defiance of every line the learned prelate ever wrote.

VII. BISHOP CARLETON, in the place quoted from him to show that the belief of baptismal regeneration of infants is charitable, admits as *positive*, the statement that original sin is remitted in baptism, and so limits the operation of our charity to the *future* effects of the Sacrament, *and not the present*.

that this Court should fix on one meaning, and prosecute all those who hold a contrary opinion regarding its interpretation."

In the examination of this case we have not relied upon the doctrinal opinions of any of the eminent writers by whose piety, learning, and ability the Church of England has been distinguished; but it appears that opinions, which we cannot in any important particular distinguish from those entertained by Mr. Gorham, have been propounded and maintained, without censure or reproach, by many eminent and illustrious prelates and divines who have adorned the Church from the time when the Articles were first established.

We do not affirm that the doctrines and opinions of Jewell, Hooker, Usher, Jeremy Taylor, Whitgift, Pearson, Carleton, Prideaux, and many others, can be received as evidence of the doctrine of the Church of England; but their conduct, unblamed and unquestioned as it was, proves at least the liberty<sup>36</sup> which has been allowed in maintaining such doctrine.

Various specimens allowed in our Church.

Bishop Jewell writes—"This marvellous conjunction and incorpo-

And lastly, for there are no others mentioned, BISHOP PRIDEAUX is adduced as using words, which at least admit of an orthodox meaning; for they are exactly true of adult baptism, and (in the scholastic sense of the terms) true generally. But Prideaux, whatever his opinions, ought to be one of the last to be quoted by the advocates of "latitude" and "charity," as he is as strenuous as any schoolman or father (to whom he appeals) in maintaining salvation to be had *exclusively* in the Church.

It is melancholy to have to add, that nearly all of these imperfect and untrue quotations seem to have been borrowed from the notes of the Archbishop of Canterbury, which he has published in his suicidal preface to his "Apostolical Preaching!" One of Hooker's "quotations," not cited by the Archbishop in his preface, is actually *altered* by the Judges themselves,—if this part of the judgment be their production. Of course there have been in our Church, as in all, "varieties" of opinion. Examples of tolerated, and at times rampant, Puritanism might easily have been given; (but not from Hooker, or Pearson;) but the examples adduced by the Privy Council show the looseness of consideration—the recklessness of those whose conclusion was already arrived at. *These* "examples," I say, painfully betray the animus of the "State Court." They are thrown off, as it were, from the abundance of instances in the possession of the Court ("many others"). With such examples of "variety of opinion," how could the "State Court" help adopting a principle of "LATITUDE?" The answer is—these examples are *mistakes*. The Court adopted the principle of latitude *first*, and then looked about for respectable support, and fastened on the *wrong* instances. The fact is discreditable; but it has found (as all cases may find, it seems—in all courts) a defender—the now somewhat noted "Mr. Goode." For an exposure of this unhappy person's "Letter," I must refer my readers to Appendix C.

tinually 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 wretchlessness of most unclean living, no less perilous than desperation."

The Court  
thinks pre-  
destination  
expressly is  
left an  
"open ques-  
tion" by the  
17th Article.

It was allowed that this particular question was left open by the Reformers; but it was said it was so left open for the purpose of embracing and inducing as many as possible to sign the Articles. I cannot adopt that opinion: I think the Reformers must, if they had entertained the doctrines of absolute predestination and election, have expressed themselves in terms which could have left no doubt as to their meaning. They hardly, I think, could have been guilty of endeavouring to lead any into the belief that that was a doctrine of faith to be embraced, without declaring themselves in plain language.

We here see to what extent Cranmer and Ridley did *not* proceed on the 17th Article. Have they elsewhere, in any of the services or offices of the Church, in effect said, in 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 faith and repentance to salvation?" Did they go to the extent of what was afterwards laid down in the Synod of Dort, as expressed in the 6th Article of that synod? . . . "Secundum quod decretum electorum corda, quantumvis dura, gratiose emollit, et ad credendum inflectit; non electos autem justo judicio suæ malitiæ et duritiæ relinquit." . . . According to this canon, the hearts of the elect, however hard, are to be graciously softened and turned to faith; but those who are not among the number of the elect, are to be left to a judgment justly due to their hardness of heart. Again, what is the 7th Article of that Synod? "Est autem Electio immutabile Dei propositum, quo, ante jacta mundi fundamenta, ex universo genere humano, ex primæva integritate in peccatum et exitium sua culpa prolapsio, secundum liberrimum voluntatis suæ beneplacitum, ex mera gratia, certam quorundam hominum multitudinem, aliis nec meliorum, nec digniorum, sed in communi miseria cum aliis jacentium ad salutem elegit in Christo." These are, in substance, the doctrines of Calvin, and are to be found in his Institutes; but did our Reformers go to that extent? It appears to me that, whatever may have been the opinions of some of the Reformers on any of these points, their opinions have not been expressed in the language of Calvin, with which they must have been sufficiently acquainted. But is it possible that Cranmer and Ridley, who are said to have had some share in preparing the service books set forth in the reign of Edward the Sixth, could have adopted the principles of Calvin, and, at the same time, have been parties concerned in the preparation and compilation of the Baptismal offices, and the Confirmation service, contained in those books;—offices which, as far as the present question is concerned, vary in no important respect from the offices contained in our present Book of Common Prayer? Even, however, if such a charge could be made good against them—that they expressed opinions *privately* at variance with those declared *publicly* in the Offices of the Church,—it would, I apprehend, be my duty to be guided by such *public* declarations.

But I do not collect, even from the passages which were cited from

\* As cited by Archbishop Sumner in his "Apostolical Preaching," p. 75, 8th edition.

† This is wholly untrue. There is no single instance adduced, or even pretended, of the "enforcement" of the Decades, or doctrines, of Bullinger. The degree of favour shown at any moment to the writings of that reformer, would only prove the very oppo-



ration with GOD, is first begun and wrought by faith; afterwards the same incorporation is assured to us, *and increased by baptism.*"

Hooker writes—"We justly hold baptism to be the door of an actual entrance into GOD's house—the first apparent beginning of life—a seal, perhaps, of the *grace of election before received*; but to our sanctification, a step which has not any other before it." Archbishop Usher, in reply to the question, "What say you of infants baptized that are born in the Church? Doth the inward grace in their baptism always attend the outward sign? Answer: Surely, no; the sacrament of baptism is effectual only *to those, and to all those* who belong to the election of grace."

Bishop Jeremy Taylor says, "*Baptism and its effect may be separated, and do not always go in conjunction. The effect may be before, and therefore much rather may it be after its susception; the sacrament operating in the virtue of CHRIST, even as the SPIRIT shall move.*"

There was even a time when doctrine to this effect was required to be studied in our Church; and Whitgift, by a circular issued in the year 1588, *enforced*<sup>37</sup> an order made in the year 1587, whereby every minister under the degree of Master of Arts was required to study and take for his model the Decades of Bullinger, as presented by the Queen and the upper house of Convocation. And there it is declared, amongst numerous passages of a like tendency, "The first beginning of our uniting in fellowship with CHRIST is not wrought by the sacraments"—in baptism that is sealed and confirmed to infants which they had before. So with respect to the charitable interpretation of divine services, Hooker says, "The Church speaks of infants, as the rule of charity alloweth both to speak and to think." Bishop Pearson says, "When the means are used, without something appearing to the contrary, we ought to presume of the good effect." Bishop Carleton says, "All that receive baptism are called the children of GOD, regenerate, justified; for to us they must be taken for such in charity, until they show themselves other." And Bishop Prideaux says, "Baptism only pledges an external *and sacramental* regeneration, while the Church in charity pronounces that the HOLY SPIRIT renders an inward regeneration."

We express no opinion upon the theological accuracy of these opinions, or any of them. The writers whom we have cited are not always consistent with themselves, and other writers of great eminence, and worthy of great respect, have held and published very different opinions. But the mere fact that such opinions have been propounded and maintained by persons so eminent and so much respected, as well as by very many others, appears to us sufficiently to prove, that the liberty which was left by the Articles and Formularies has been actually enjoyed and exercised by the members and ministers of the Church of England.

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site of what is now alleged; viz., that not the favour of an Archbishop, or the Queen, (supposing it so,) could force Bullinger on our Clergy. His Decades passed away, leaving no trace behind.

the private writings of Crammer or Ridley, that they entertained the doctrine of predestination and election. Some of the Reformers, individually, *may* have done so; but it is clear they have *not* declared those views either in the Services of the Church or in the Articles. I say they have not so declared themselves in the Book of Common Prayer; for I find in the service of Confirmation the declaration (afterwards transferred to a rubric at the end of the service for the public baptism of infants) "that it is certain by God's Word that children, being baptized, (if they depart out of this life in their infancy,) are undoubtedly saved." I say they have not so declared themselves in the Articles, and that that is instanced most assuredly in reference to the 17th Article of the Church; and that, in respect to the Articles generally, there is not, with the exception of some verbal alterations, any substantial difference between the Articles of 1552 and those of 1562; and in respect of the question in hand—the effects of infant baptism—there is not, as far as I recollect, any variation at all.

But, again, to suppose that such of the Reformers who were concerned in compiling our service books entertained, or taught the doctrine "that the elect only have faith and repentance, and that they only have the hope of forgiveness of sin," would be a contradiction, as it appears to me, to the whole structure of the Book of Common Prayer. What says the second service book of Edward the Sixth: "At what time soever a sinner doth repent him of his sin from the bottom of his heart, I will put all his wickedness out of My remembrance, saith the LORD;" or, as the introductory sentence *now* stands,—"*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.*" Again, in "the Absolution." . . . "*He pardoneth and absolveth all them which truly repent, and unfeignedly believe His holy Gospel.*" Lastly, in innumerable passages therein contained, we pray that God will give His grace and His HOLY SPIRIT to all—not confined "to the elect, whose fate is fixed and determined, and was so long before they came into existence."

We know that in the reign of Queen Mary, a vast number of the Clergy left this country and went to Germany, where they imbibed, during their residence, Calvinistic tenets, which in the reign of Elizabeth they brought back with them. That such was the fact was clearly made out by the learned counsel of Mr. Gorham, who, in support of that position, referred to Wood's *Historia et Antiquitates Universitatis Oxoniensis*, vol. i. p. 296, fol. edit.; as evincing that, from the authors studied at that University in the latter part of the reign of Elizabeth, the tenets of Calvin were in vogue. The same, too, was shown in respect of the University of Cambridge, by reference to Strype's *Life of Whitgift*, bk. iv. cc. 14, 17, 18. Still these two bodies can be regarded in no other light than as private individuals.

A good deal was said about Archbishop Baneroff; or rather not so much of him as of Mr. Rogers, his chaplain; but I think there is good reason to doubt whether Archbishop Baneroff's opinions were accurately expressed by his chaplain, if we take as our authorities, Clarendon's *History of the Rebellion*, vol. i. p. 156, oct. edit. 1826, and Cardwell's *Conferences*, p. 185. [The passages were read at length by the learned judge.]

There are some undoubtedly, whose names stand very high, who go the length that to receive the benefits of baptism there must be, in all



cases, faith and repentance. Martyr and Bucer may have gone to that extent; but I do not think Cranmer is to be made responsible for all they may have said and taught, though he did consult them in reference to the first service book of Edward the Sixth. It may be that, in the year 1549, when that book was published, the German Reformers generally entertained the doctrine of predestination, but I apprehend they did not adhere to that doctrine for any length of time. I find it stated by Burnet, in his *History of the Reformation*, vol. ii. p. 234, (Oxford edit. 1829,) speaking of the effects of the Calvinistic doctrine of *decrees*: "The Germans soon saw the ill effects of this doctrine; Luther changed his mind about it, and Melancthon 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 these 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 those 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."

It is quite impossible, however, for the Court to follow the learned counsel for Mr. Gorham through all the quotations he cited from the immense number of writers of the period of the Reformation, and subsequent thereto. It must be allowed that, though many of them were persons of great learning, there were some equally eminent who entertained different views. In this conflict of opinions, the Court would be placed in the greatest possible difficulty in determining the question before it, if it had no other guide.

But I am of opinion, that to the private views of individuals, however eminent, I am not at liberty to attend. Their *opinions* can have no binding effect upon my judgment. So long as the Articles and the Services of the Church are reconcileable, and not only reconcileable, but necessarily consistent, I must construe them together. If a doctrine is laid down in the baptismal and other services, and in the rubrics, all of which were confirmed by Act of Parliament, and adopted by convocation, I must look to that source for my guide, if the Articles are silent on the point,—and not indulge in fancy, explaining it by the opinions expressed by private individuals.

It may be said that there is *no evidence* to show that Mr. Gorham comes within the description of those who entertain Calvinistic opinions. Mr. Gorham undoubtedly 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 in baptism: he says that it is by "preventive grace," without which they could not be "worthy recipients;" and that if not "worthy recipients," they could not receive the sacrament with advantage. That I take to be the doctrine Mr. Gorham holds; but, in order to justify that position, his learned counsel maintained that the Reformers were Calvinists, and that, therefore, we must construe the Services and Articles in a Calvinistic sense.

Now I am not aware that it is necessary for me to occupy more time upon this case. I have endeavoured to ascertain what the doctrine of the Church of England on infant baptism is, and whether Mr. Gorham entertains opposite views to the Church. It is clear from the

The Court  
sets aside all  
these pleas.



Conclusion: the doctrine of the Church of England is "Baptismal Regeneration," and Mr. Gorham denies it, and is condemned by the Ecclesiastical Court.

passages I have read from his examination,—from the whole tenor of his examination, as well as of his learned counsel's argument, that Mr. Gorham does oppose the Church's 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 with beneficial effect; 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 was said that the sign is not the thing signified. Undoubtedly it is not; but the Church has declared that the thing signified is given immediately at baptism, though according to Mr. Gorham's counsel that doctrine may appear to have some resemblance to the Romish doctrine of the *opus operatum*. In the case of infants there is no *obex* in the way: when they are baptized they receive the benefit, whatever it may be; and that benefit is declared to be, according to the teaching of the Formularies of the Church, "Spiritual Regeneration." Therefore I say, that as the doctrine of the Church of England undoubtedly is, that children baptized are regenerated at baptism, and are undoubtedly saved if they die without committing actual sin, Mr. Gorham has maintained, and does maintain, opinions opposed to that Church of which he professes himself a member and minister. The only remaining question is, has the Bishop shown sufficient cause why he should not institute Mr. Gorham to the vicarage of Brampford Speke? I am clearly of opinion that the Bishop has, by reason of the premises, shown sufficient cause; that, consequently, he is entitled to be dismissed, and must be dismissed, according to the usual course, with costs.

The above is, in substance, a correct Report of the Judgment.

J. E. P. ROBERTSON.

<sup>38</sup> I must conclude the consideration of this melancholy subject, by an extract of a summary kind from the preface to Mr. Badeley's speech, just published, p. 7 and 8:—

"Now I cannot help thinking, that this judgment will prove as unsatisfactory to any legal, as it must be to every theological mind, for I find in it no balancing of the arguments on either side, no question canvassed, no proposition met, no authority impugned. No notice is taken of the evidence adduced, although, in the opinion of many persons well qualified to decide, that evidence was amply sufficient to remove any doubt, if doubt there could be, respecting the meaning which our formularies were intended to express. In short, for anything that appears in this judgment, it might have been written just as well before the case was argued, or by some person who was unconscious of anything that had been urged. But more than this, the judgment of the Court of Arches is altogether passed by; the principles on which it was founded are not considered; it is not even mentioned, except in the formal statement of it at the commencement, and the reversal at the end. Yet why, it may be fairly asked, was this unusual course adopted? Why have the learned judges collectively departed from that rule which each of them is in the habit of following in his own separate Court? When a case is argued before any of them, of any importance, and at any length, the judgment usually contains an elaborate examination of the whole question, a review of the points which have been dwelt upon by the respective parties; what is weak is carefully exposed, what is strong is upheld, and the principles of law, on which the decision is ultimately rested, are fairly and directly applied. Again, when the judgment of an inferior court is reversed upon appeal, its errors are generally specified, its defects explained, and the law is rendered clearer and more certain for the future. But will any one pretend to say that this has been done here? Alas! not only has this judgment followed a different model, from those which have been most approved on the records of our jurisprudence, but the very rules of law, on which it professes to proceed, are most signally disregarded."

The case not requiring it, we have abstained from expressing any opinion of our own upon the theological correctness or error of the doctrine of Mr. Gorham, which was discussed before us at such great length, and with so much learning. His honour the vice-chancellor Knight Bruce dissents from the opinion we have formed; but all the other members of the judicial committee who were present are unanimously agreed in opinion, that the doctrine held by Mr. Gorham is not contrary or repugnant to the declared doctrine of the Church of England as by law established, and that Mr. Gorham ought not, by reason of the doctrine held by him, to have been refused admission to the vicarage of Brampton Speke.

Conclusion :  
That Mr. Gorham, not having been proved to this Court to hold doctrines "repugnant" to the Church's doctrine, is to be tolerated in the Church.

And we shall, therefore, humbly report to Her Majesty that the sentence pronounced by the learned judge in the Arches Court of Canterbury ought to be reversed,<sup>38</sup> and that it ought to be declared that the Lord Bishop of Exeter has not shown sufficient cause why he did not institute Mr. Gorham to the said vicarage.

We shall, therefore, humbly advise Her Majesty to remit the cause with that declaration to the Arches Court of Canterbury, to the end that right and justice may there be done in this matter, pursuant to the said declaration.

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Dr. Mill, the Rev. Professor of Hebrew at Cambridge, Chaplain to the late Archbishop, thus expresses himself in the preface to a recent sermon before the University : " Instead of the careful abstinence from spiritual judgment which rumour had led us to hope, we were presented by the State Court with a laboured theological argument ; vindicating, not only as admissible, but as most *probable*, a forced and non-natural construction of the baptismal office, by which the sacrament of our implantation into our Lord's death is rendered wholly uncertain and precarious in efficacy ; dependent either on the character of the infant's sponsors, or (what were, if possible, more unchristian and heretical) on his own subsequent performance of what were, without the initial grace, impracticable. And the argument is concluded by deciding, in the name of the Sovereign of these realms, what the Church, if retaining any vitality, must ever hold as of Divine faith is a matter of variable human opinion ! "

Dr. Hook, Vicar of Leeds, (a very different authority, however,) observes, though actually denying that the " State judgment damages our position as a Church,"—" Let it not, however, be supposed that those who take this view of the case, and who hope that, by the providence of God, the judgment will be overruled for the good of His Church, regard with any feeling of approbation the line of conduct pursued by the members of the Privy Council who are appointed to act as Her Majesty's advisers. Her Majesty's advisers appear to have acted as politicians rather than as judges ; and to have decided, not according to the merits of the case, but according to their notions of what was expedient. The whole subject has been perplexed, not *so much* by the judgment they have advised Her Majesty to give, as by the *reasons* they have assigned for the conclusions at which they have arrived. But at the same time these reasons, resting as they do on doctrines misunderstood, and on the mis-quotation of authorities, only serve to confirm us in the faith that Regeneration is the grace of Baptism."

I am glad to be here able to add the striking testimony of Mr. Newman, as to the character of this Judgment of the " State Court," and the orthodoxy of our Church's

formularies. It is the more important, because Mr. Maskell and others have, in their recent excitement, praised that Judgment for its fairness and candour, and appeared as if half convinced by it that the Church of England *had not* been definite as to the doctrine of Baptism. Mr. Newman—showing himself more just to the Church he once loved than some who are yet numbered among her sons—in his first lecture on the “Difficulties of Anglicans,” delivered by him a few days ago in the Strand, as Priest of the Oratory of St. Philip Neri, thus writes:—“The antiquarian, the reader of history, the theologian, the philosopher, the Biblical student may make his protest; he may quote St. Austin, or appeal to the canons, or argue from the nature of the case; but *la Reine le veut*; the English people is sufficient for itself; it wills to be Protestant and progressive; and Fathers, councils, schoolmen, Scriptures, saints, angels, and what is above them, must give way. What are they to it? It thinks, acts, and is contented, according to its own practical, intelligible, shallow religion; and of that religion its Bishops and its divines, will they or will they not, must be exponents. In this way, I say, we are to explain, but in this way most naturally and satisfactorily, what otherwise would be startling, the late Royal decision to which I have several times referred. The great legal authorities, on whose report it was made, have not only pronounced that, as a matter of fact, persons who have denied the grace of Baptism had held the highest preferments in the National Church, but they felt themselves authorized actually to interpret its ritual and its doctrine, and to report to Her Majesty that the dogma of Baptismal Regeneration is not part and parcel of the national religion. They felt themselves strong enough, in their position, to pronounce ‘that the doctrine held by’ the Protestant Clergyman who brought the matter before them ‘was not contrary or repugnant to the declared doctrine of the Church of England as by law established.’ The question was not whether it was true or not, as they most justly remarked, whether from heaven or from hell; they were too sober to meddle with what they had no means of determining; they ‘abstained from expressing any opinion of their own upon the theological correctness or error of the doctrine’ propounded: the question was, not what God had said, but what the English nation had willed and allowed; and though it must be granted that they aimed at a critical examination of the letter of the documents, yet it must be granted, on the other hand, that their criticism was of a very national cast, and that the national sentiment was of great use to them in helping them to their conclusions. What was it to the nation or its lawyers whether Hooker used the word ‘charity’ or ‘piety’ in the extract which they adduced from his works, and that ‘piety’ gave one sense to the passage, and ‘charity’ another? Hooker must speak as the existing nation, if he is to be a national authority. What though the ritual categorically deposes to the regeneration of the infant baptized? The Evangelical party, which had had the nerve years before to fix the charge of dishonesty on the explanations of the Thirty-nine Articles put forth by its opponents, could all the while be cherishing in its breast an interpretation of the Baptismal Service, simply contradictory of its most luminous declarations. Inexplicable proceeding, if it were professing to handle the document in the letter; but not dishonourable nor dishonest, not hypocritical, but natural and obvious, on the condition or understanding that the nation, which imposes the document, imposes its sense; that by the breath of its mouth it had, as a god, made Establishment, Articles, Prayer-Book, and all that is therein, and could by the breath of its mouth as easily and absolutely unmake them again whenever it was disposed! Counsel, then, and pamphleteers may put forth unanswerable arguments in behalf of the Catholic interpretation of the Baptismal Service; a *long succession of Bishops, an unbroken tradition of writers*, may have faithfully and anxiously guarded it. In vain has the Caroline school honoured it by ritual observance; in vain has the Restoration illustrated it by varied learning; in vain did the Revolution retain it as the price for other concessions; in vain did the eighteenth century use it as a sort of watchword against Wesley; in vain has it been persuasively developed and fearlessly proclaimed by the movement of 1833; all this is foreign to the matter before us. We have not to inquire what is the dogma of a collegiate, antiquarian religion, but what, in the words of the Prime Minister, will give ‘general satisfaction!’ ”



## JUDGMENTS OF THE ENGLISH BISHOPS,

(PROVINCE OF CANTERBURY,)

### *On the Doctrine of the Regenerating Efficacy of Holy Baptism.*

THE passages here reprinted from the published works of the Prelates of our Church, who at present occupy the various sees in the province of Canterbury, are designed to exhibit the fact that BAPTISMAL REGENERATION is among us, *de facto*, the doctrine of the living Church, so far as her Bishops may be thought to represent her authority. The intention and value, however, of such a “catena” must not be mistaken. The doctrine to which our Prelates bear unanimous testimony is not true, because they voluntarily, or involuntarily, please to affirm it; but we receive it because the universal Church has ever maintained it, from the Apostles’ days. We believe in the Holy Catholic Church. These Prelates are rather testifying to their own soundness of faith in this matter, than testifying to the doctrine.

Neither may it be imagined that I am referring to all the Bishops as orthodox and wise theologians, or witnesses indeed of anything beyond the plain fact, (which alone might vindicate them from any conscious heretical departure from truth in other less perfectly understood doctrines,) that they all make an orthodox profession on this fundamental article, “the ONE Baptism for the remission of sins.” *Not one of the Bishops holds Mr. Gorham’s views.* All condemn them—if to profess truth imply condemnation of error, as most of us have thus far supposed.

If time had permitted, it was intended to add the testimony of the other Bishops in our Communion,—the province of York, the provinces of Ireland, the Colonial, American, and other Churches. These may be hereafter added. For several of the passages here given from the English Bishops I am indebted to my kind friends Mr. Russell of Enfield and Mr. Watson of Cheltenham.

## 1.

## THE ARCHBISHOP OF CANTERBURY,

THE MOST REV. JOHN BIRD SUMNER, D.D., CAMBRIDGE.

"It is a sufficient confutation of the doctrine of Special Grace, that it reduces Baptism to an empty rite; an external mark of admission into the visible Church, attended with no real grace, and therefore conveying no benefit,\* nor advancing a person one step towards salvation. But if Baptism is not accompanied with such an effusion of the HOLY GHOST towards the inward renewing of the heart, that the person baptized, who of himself and of his own nature could do no good thing, by this amendment or Regeneration of his nature, is enabled to bring forth fruit thirty, or sixty, or an hundred fold, and giving all diligence, to make his calling and election sure,—if, I say, the effect of Baptism be less than this, what becomes of the distinction made by the Baptist, 'I indeed baptize with water, but He Who comes after me shall baptize with the HOLY GHOST?' What becomes of the example of CHRIST Himself? After HIS Baptism, the *descent of the HOLY GHOST* in a visible form was *surely intended* to confirm His followers in a belief that *their* Baptism would confer upon them a similar gift; and, besides the washing away of their sins, and the *remission of the penalty entailed upon* the posterity of Adam, would bestow on them a POWER ENABLING THEM TO FULFIL the covenant LAWS of their religion."

"No preacher is authorised, either by our Church or by St. Paul, to leave a doubt on the minds of his hearers whether they are *within the pale* of God's favour; but, on the contrary, is bound to enjoin them to seek boldly at the throne of grace for power to *confirm* their faith, and work out their repentance, and live worthy of their high calling."†—*Apostolical Preaching*, pp. 177, 179, edit. 1850, (first published 1815.)

Again:—"How is the fact of Regeneracy, upon which no less than eternity depends, to be discovered?" . . . "By the benefit of BAPTISM." . . . —*Ibid.* p. 163.

"All might be so nurtured in the 'fear and admonition of the LORD,' as to grow up with a sense of the holiness of God,—of the awful nature of offending HIM to Whom, as infants, they had been solemnly dedicated, of the inestimable blessing of *being at peace* with Him, through the washing of Regeneration and receiving of the HOLY GHOST."—*Jubilee Sermon, preached at St. Paul's, March 8, 1849.*

## 2.

## THE BISHOP OF LONDON,

THE RIGHT REV. CHARLES JAMES BLOMFIELD, D.D., CAMBRIDGE.

"I HAVE already observed, that in the interpretation of the Articles which relate more immediately to doctrine, our surest guide is the Liturgy. It may safely be pronounced of any explanation of an article which cannot be reconciled with the plain language of the Offices for

\* Which is Mr. Gorham's doctrine—and is (the Archbishop says) "SUFFICIENTLY CONDEMNED."

† Mr. Newman, at p. 25 in his lecture, (referred to at p. 82), declares that it was *this book of the Archbishop's* that first "brought him to a belief in Baptismal Regeneration;" and so originated his theological career in 1824.

Public Worship, that it is not the doctrine of the Church. The opinion, for instance, which denies Baptismal Regeneration, might possibly, though not without great difficulty, be reconciled with the language of the Twenty-seventh Article; but by no stretch of ingenuity, nor latitude of explanation, can it be brought to agree with the plain, unqualified language of the Offices for Baptism and Confirmation.”—*Charge of the Bishop of London*, 1842, 8vo. p. 23. See also p. 25.

“Holding it to be unquestionably the doctrine of the Church of England that infants receive remission of original sin in baptism, through the merits of our LORD and SAVIOUR JESUS CHRIST, applied to them by that Sacrament, and finding in Mr. Gorham’s answers to the Bishop of Exeter’s questions, a distinct denial of that doctrine, I could not bring myself to concur in the reasons assigned by the Judicial Committee for recommending her Majesty to reverse the judgment of the Court of Arches.

“Mr. Gorham holds that the Remission of original sin, adoption into the family of GOD, and Regeneration, must all take place, in the case of infants, not in Baptism, nor by means of Baptism, but before Baptism—an opinion which appears to me to be in direct opposition to the plain teaching of the Church, and utterly to destroy the Sacramental character of Baptism.

“I cannot admit that this opinion is to be reconciled, by any latitude of interpretation which can reasonably be claimed, with the Church’s Articles and Formularies; nor do I believe that it is an opinion which is held by more than a very small number indeed of our Clergy.”—*Letter of the Bishop of London to the Scottish Bishops*.

*Copy of a Letter to A. J. B. Hope, Esq.*

*“London House, March 11, 1850.*

“My dear Mr. Hope,—My knowledge of your devoted and consistent attachment to the Church of your Baptism, and the assurance which you have given me of your willingness to be guided by my counsels at the present crisis, seem to impose upon me the duty of repeating, in a more connected form, and with some additional remarks, the considerations which I suggested to you in conversation on Saturday last.

“You then stated to me how greatly you were distressed at the recent judgment of the Judicial Committee of Privy Council in Mr. Gorham’s case; and you expressed your apprehension that some excellent men might be driven by that decision to quit, if not the communion of our Church, yet, the offices which they hold in it.

“I remarked, in answer to your statement, that I could readily understand the uneasiness which you, in common with many others, felt at the position in which the Church appeared to be placed by that judgment; but that I thought it to be your plain and unmistakeable duty not to desert the Church at such a moment, when she was most in need of your support and assistance, but to remain firm in your allegiance to her, and to use your best endeavours to remove existing anomalies and defects. This appears to me very clearly to be the line of conduct which you ought to pursue.

“If a vessel in which you were embarked should spring a leak, you would surely do your best to stop the leak before you thought of abandoning the ship, and leaving it to the mercy of the winds and waves.

“I would desire you to consider in what respect the recent judgment has so altered the character of our Church, as to justify any of her members in severing their connection with her.

“That judgment may be erroneous; may be a wrong interpretation of

the Church's mind; but it is the interpretation adopted by a few fallible men, not by any body authorised by the Church to settle any point of doctrine; nor can it have the effect of changing any of the Church's doctrine. That of Baptismal Regeneration stands in her Articles and Liturgy as it did before. *That* is not denied, nor even questioned by the judgment, the purport of which is, that to those who admit the Church's doctrine of Baptismal Grace a greater latitude of explanation is permitted than you or I think right. But this, after all, is only the opinion of a court of law, not the decision of the Church itself in convocation.

"I hold that, until the Church's Articles and Formularies are altered by the authority of convocation, or of some synod equivalent to convocation, her character as a teacher of truth remains unchanged.

"I cannot regard any sentence of an ecclesiastical court as finally settling a question of doctrine. *That* can only be done by a synodical decree; and even then judges may err in their interpretation of that decree, and yet the decree itself will hold good, and in another appeal respecting the very same point of doctrine another court might give a different judgment. I think, therefore, that nothing short of a formal act of the Church itself, repudiating what it has hitherto asserted as truth, can warrant a man in quitting her communion.

"What we really want is a court of appeal, so constituted that the members of our Church can place reasonable confidence in its decisions; but it must still be borne in mind, that any such court will be liable to errors in judgment, and that it belongs to the office of a judge, not to *make* laws, but to expound them to the best of his ability.

"Again, then, I say, that when the convocation shall, by a solemn act, reject the doctrine of Baptismal Regeneration, it will be time enough to think of quitting the Church's pale; but, till that shall happen, (which heaven forbid!) to leave her would be an act of schism.

"I will add one other observation. Every member of our Church who is not seeking a pretext for quitting her communion, must desire to remove whatever blemishes and imperfections there may be in her constitution.

"But the way to do this is not to abandon her, and so to render amendment less practicable and probable, by weakening her resources and diminishing the number of her true friends; but to abide firmly by her, to be watchful, and strengthen the things which remain that are ready to die."

"You are at liberty to show this letter to any person who is interested in this most important question.

"Believe me, my dear Mr. Hope,

"With the truest regard and esteem,

"Yours most faithfully,

"A. J. B. Hope, Esq., M.P.

(Signed) C. J. LONDON."

### 3.

THE BISHOP OF BANGOR,

THE RIGHT REV. CHRISTOPHER BETHELL, D.D., CAMBRIDGE.

"THE doctrine of Regeneration in Baptism fixes the commencement of the Christian life in the right place, and secures the doctrine of universal grace within the pale of the Church, and the comprehension of

the covenant, against every system which savours of necessity or favouritism, of absolute decrees, or capricious preferences. . . . It teaches us that such baptized adults as are believers and penitents, and baptized infants, who can present no bar of unbelief and impenitence, receive in this Sacrament the forgiveness of sins, and the gift or earnest of the HOLY GHOST, as a principle of a new and spiritual life; and are placed in a state of salvation, of which nothing but human negligence and default can deprive them. The Christian minister . . . need not fear to advocate a doctrine grounded on the sure basis of Scripture, witnessed by all antiquity, and unequivocally asserted by our own Church.”—*A general view of the doctrine of Regeneration in Baptism.* By the Right Rev. Christopher Bethell, D.D., Lord Bishop of Bangor. pp. 234—237. 8vo. 1845.

“We find that our Liturgy, in strict conformity to the doctrine of the universal Church, makes no mention of regeneration, except in conjunction with Baptism; and that its compilers were so far from attempting to separate what had been intimately connected with the faith and discipline of their forefathers in Christianity, that they have never introduced the word into their services, even in a popular sense.”—*Ibid.* pp. 92, 93.

“Our Liturgy everywhere teaches and assumes our adoption and regeneration in Baptism.”—*Ibid.* p. 92.

“From a review of our Articles and Liturgy we may derive the following conclusions:

“1. They maintain the doctrine of regeneration in Baptism in the most decided manner, grounding it on the same texts of Scripture from which the ancient Christians had deduced it; including under it forgiveness of sin, the gift of the HOLY GHOST, and the inheritance of the kingdom of heaven; and never introducing the word itself, except in conjunction with Baptism.

“2. They teach, in common with the writings of the ancient Christians, the necessity of faith and repentance as qualifications for the salutary effects of Baptism. But they never contemplate any person, however qualified, as regenerate, till he is actually baptized.

“3. They suppose that infants, who are necessarily free from actual sin, are duly qualified for Baptism, and are looked on by God precisely in the same light as penitents and believers; and they unequivocally assert that every baptized child, without exception, is born again.”—*Ibid.* pp. 95, 96.

#### 4.

### THE BISHOP OF BATH AND WELLS,

THE RIGHT REV. RICHARD BAGOT, D.D., OXFORD.

“THE wonderful and minute instincts and contrivances which the Almighty has implanted in the whole animal world, for the preservation of the *natural life* of the *young*, are but analogies and types of His merciful care and providence over the *spiritual* life of the infant, whereby He has shown forth His good will that ‘not one of these little ones should perish.’

“The rite of Circumcision, which hallowed the children of the faithful to the terms of the covenant so early as the eighth day of their being, and the more solemn sacrament of holy Baptism, which the Church (so strictly in accordance with the spirit of God’s recorded dealings with His creatures) urges upon her members not to defer ‘longer than the first or Second Sunday next after the birth’ of their children, are in themselves the distinct and authoritative declarations of God’s good will towards the weakest and lowliest of His creatures. But if, in addition to these clearly speaking ordinances, we consider the instances of God’s especial favour to the young, both in the Old and New Testament; and observe the significant gesture and manner with which ‘our SAVIOUR CHRIST commanded the little children to be brought unto Him,’—how ‘He blamed those who would have kept them from Him,’—how ‘He exhorted all men to follow their innocency,’—how ‘He embraced them in His arms, laid His hands upon them, and blessed them,’—we shall scarcely doubt that there is, in the least of these little ones who come to Him, something more precious and pleasing in the eye of God, than in the purest and most perfect of those whose lengthened years have necessarily brought them more or less in contact with the vanities and vices of the world. . . . I might almost say in some instances a fatalism (even among those who are generally alive to the advantages of education) with regard to the *spiritual* nurture of their children. It seems by a very large class of persons almost to be taken for granted, that the youthful mind is susceptible of *little*, and *that* only very *general, religious* instruction, and that the life of the soul must *follow* the maturity of the understanding; and the result practically is, that they are very indifferent in what degree, and by whom, religious truths are implanted in the minds of their children, provided that their judgment be, as they say, sufficiently cultivated to enable them to choose their own rule of faith when they come to years of discretion.

“Now, specious as this reasoning may appear to many on the first hearing, and satisfactory as it may be to the careless or unbelieving mind, it can have no conclusive weight with *him* who takes the way of God for his path, and the word of God for his law. This cannot be at least following after Him Who has made infant *heirs* of *both His covenants*;—this cannot be owing Him for our LORD Who sanctified the infant Samuel to His service;—this cannot be obeying the voice of Him Who said, ‘Suffer little children to come unto Me, and forbid them not.’ It is a view which no sound member of the Church can consistently hold. Convinced by the general declarations of Holy Writ, no less than by the express terms in which the earlier sacrament is spoken of, he cannot look upon the mind of the baptized infant as the ‘blank tablet’ of the philosopher, nor as the ‘barren,’ if not ‘weed-choked’ soil of the schismatic, but rather as a field bedewed and cleansed by the living water of the HOLY SPIRIT, to which God will give the increase, according as, in good time, the good seed has in good faith been sown,—according as the stealthy inroads of the Enemy who scattereth tares by night have been watched and thwarted.”—*Sermon before the Society for Promoting Christian Knowledge, June 4, 1840.*

## 5.

## THE BISHOP OF CHICHESTER,

THE RIGHT REV. ASHURST TURNER GILBERT, D.D., OXFORD.

"IT is a failing of the darkened human mind, that it is inclined to strive to interpret all things as if they had a being and a nature independent of GOD. So man continually attempts to explain the outward universe. He leaves out the immediate hand of GOD. And in apprehending our Regenerate state in CHRIST, we do not come near enough to GOD in Him. We still interpose a sort of natural system between ourselves and GOD. Instead of fully recognising our New birth unto Him by Baptism in CHRIST—that we are *really begotten of Him anew*—brought into new positive relations and privileges which constitute us a distinct and separate people—we practically estimate ourselves as merely somewhat advanced only beyond the rest of mankind, but as still involved in a natural religious system, which, in a degree, belongs to us as well as to them."—*Sermon before the Society for Promoting Christian Knowledge, June 3, 1847.*

## 6.

## THE BISHOP OF ELY,

THE RIGHT REV. THOMAS TURTON, D.D., CAMBRIDGE.

[I have not been able to learn that the Bishop of Ely has written anything on the subject of Baptism; though I have made inquiry through the booksellers: and I am unable to defer the present publication.]

## 7.

## THE BISHOP OF EXETER,

THE RIGHT REV. HENRY PHILPOTTS, D.D., OXFORD.

"THE Church tells us that it is certain by GOD'S Word that children which are *baptized*, dying before they commit sin, are undoubtedly saved. It tells us too that every baptized infant is regenerate and grafted into the body of CHRIST'S Church; nay, it teaches and commands us to give thanks to Almighty GOD as a most merciful Father for having pleased thus to regenerate him, for having received him for His own child by adoption, for having incorporated him into His holy Church. That any one, after having again and again solemnly subscribed to the lawfulness, and therefore to the truth of all this,—after having engaged before GOD and man that he will use this form of words in administering Baptism,—and after having, in accordance with that ministerial engagement, continued to use it during the whole of his ministerial service, can yet deny or dispute the position that our Church maintains, that always to infants, and to adults rightly receiving, regeneration is given in Baptism, and (so far as man is authorised to pronounce,) in Baptism only, might appear incredible if the experience of more than two hundred years had not unhappily furnished us with too many instances to the contrary." *Charge of 1839, p. 67.*

## 8.

## THE BISHOP OF GLOUCESTER AND BRISTOL,

THE RIGHT REV. JAMES HENRY MONK, D.D., CAMBRIDGE.

Not being able to learn that the Bishop of Gloucester and Bristol has printed anything on the subject of Baptism, I extract the following from a letter recently printed, in reply to an address expressing anxiety at the doubt thrown on Baptismal Regeneration by the late decision.

"I SYMPATHISE in the feelings of uneasiness expressed in this address, *at the idea of a doubt* being cast upon a tenet of the Church distinctly enunciated in the Nicene Creed—as well as at the constitution of a tribunal of ultimate appeal, to which Churchmen cannot look up as safe exponents of doctrine."

The following address, signed by a large portion of the clergy of his diocese, was presented to the Bishop of Gloucester and Bristol.

"To the Right Reverend Father in GOD, James Henry, by Divine permission, Lord Bishop of Gloucester and Bristol.

"Right Reverend Father,—We, the undersigned clergy in your lordship's diocese, desire to address your lordship, in much trouble and perplexity, occasioned by the judgment recently given by the committee of Privy Council in the case of '*Gorham v. the Bishop of Exeter.*'

"*We are troubled at the thought* that the guilt of sanctioning heretical opinions, especially that of denying, or questioning, the doctrine of '*One Baptism for the Remission of Sins,*' should appear for a moment to be incurred by our own Church.

"And we are perplexed to know how to act for the best under these circumstances, with reference particularly to the constitution of the existing Court of Appeal in matters ecclesiastical; a constitution, as it seems to us, not merely anomalous, but utterly indefensible, and in its consequences ruinous both to the doctrine and discipline of the Church.

"And our perplexity is increased when we call to mind the obligation which is laid upon us to keep and to transmit inviolate the sacred deposit of the faith which has been committed to us.

"We therefore most earnestly and solemnly beg of your lordship, in concert with your right reverend brethren, to take without delay, and to guide and assist us in taking, such steps as to your lordship shall seem most suitable in this emergency—an emergency unparalleled, as far as we know, in the history of the Church of England, and in which, as it appears to us, we cannot venture to remain silent or inactive without incurring a fearful responsibility."

[Here follow the signatures.]

*The Bishop's Reply.*

"*Dean's Yard, April 25, 1850.*

"Dear Mr. Archdeacon,—I beg to acknowledge the receipt of an address, which you have forwarded to me, on the subject of the late judgment pronounced in the case of '*Gorham v. the Bishop of Exeter.*'



"This address, in which so large a portion of the clergy of my diocese have concurred, calls for my sympathy; and I deeply regret the occurrence of a matter which has diffused such extensive uneasiness among Churchmen.

"I agree with you in thinking the constitution of the present Court of Appeal in matters ecclesiastical unsatisfactory.

"In reply to the request that I should, in concert with my right reverend brethren, take steps which may seem most suitable in this emergency, I can inform you that all the members of the English Episcopate are, at this time, in anxious deliberation on the subject; and I hope that we shall have the prayers of yourself, and all who have concurred in this address, that, by the Divine guidance, we may come to such a conclusion as may obviate what is at present anomalous and objectionable, and promote the peace and unity of our beloved Church.

"Believe me, dear Mr. Archdeacon,

"Your faithful brother and servant,

"J. H. GLOUCESTER AND BRISTOL.

"The Venerable Archdeacon Thorp."

9.

THE BISHOP OF HEREFORD,

THE RIGHT REV. RENN DICKSON HAMPDEN, D.D., OXFORD.

"LOOKING to CHRIST as the only Fountain of Salvation, he (the Christian) keeps himself sober and watching unto prayer, that he may obtain the *continual supply* of the SPIRIT of CHRIST. Rejoicing that he has already been made a partaker of the SPIRIT in BAPTISM, he clings with affectionate devoutness to every other means of grace."—*Sermon on the "Trial by Fire,"* p. 23.

"Such an efficacy in the two Sacraments, instituted by the LORD Himself, our own Church thankfully acknowledges, and doubts not that He gives the life of grace to the child baptized in the Name of the FATHER, and of the SON, and of the HOLY GHOST, and imparts the spiritual sustenance of His Body and Blood to the faithful communicant."\* —*Two Sermons on "The Work of CHRIST, and the Work of the SPIRIT."* Sermon II. Published, or re-published, after his nomination to the See of Hereford.

\* "The elements and words have power of infallible signification, for which they are called seals of GOD's truth; the spirit affixed unto these elements and words, power of operation within the soul, most admirable, divine, and impossible to be expressed. For so GOD hath instituted and ordained, that together with due administration and receipt of sacramental signs, there shall proceed from Himself grace effectual to sanctify, to cure, to comfort, and whatsoever else is for the good of the souls of men." (Eccl. Pol. VI. ch. vi. § 10, ed. 1845.)

"For we take not Baptism nor the Eucharist for bare resemblances or memorials of things absent, neither for naked signs and testimonies, assuring us of grace received before; but (as they are indeed and in verity) for means effectual whereby GOD, when we take the Sacraments, delivereth into our hands that grace available unto eternal life, which grace the Sacraments represent or signify." (Ib. V. ch. lvii. § 5, ed. 1845.)

## 10.

## THE BISHOP OF LICHFIELD,

THE RIGHT REV. JOHN LONSDALE, D.D., CAMBRIDGE.

“THAT, by the birth of ‘Water and of the SPIRIT,’ our LORD here means Baptism as declared to be the way by which men must enter into GOD’s kingdom of grace on earth, has been the constant doctrine of the Christian Church in all ages. The Church of England accordingly, in her form for the ministration of Baptism, expressly grounds the necessity of our being baptized upon this declaration of CHRIST, and in the Catechism teaches us that the Water of Baptism is an outward and visible sign of an inward and spiritual grace, given unto us *therein*, by which we, who were born in sin, and children of wrath, are made children of grace.”—*Commentary on the Four Gospels*. By the Bishop of Lichfield, and Archdeacon Hale. p. 237.

## 11.

## THE BISHOP OF LINCOLN,

THE RIGHT REV. JOHN KAYE, D.D., CAMBRIDGE.

“BY Baptism the converts [in the primitive days] had been made partakers of all the benefits of CHRIST’s death; had died and been buried to sin, not merely with reference to its consequences, but also to its power; and that as CHRIST, after He had risen from the grave, entered on a new state of being, or rather resumed that glorious state which for a season He had laid aside, so they, after emerging from the waters of Baptism, ought to consider themselves new creatures, dead indeed unto sin, but alive unto GOD through CHRIST.”—*Family Sermons*. Vol. II. J. W. Parker, 1833.

## 12.

## THE BISHOP OF LLANDAFF,

THE RIGHT REV. ALFRED OLLIVANT, D.D., CAMBRIDGE.

[I am not aware of any work published by this Prelate, in which the subject of Baptism is alluded to.]

## 13.

## THE BISHOP OF NORWICH,

THE RIGHT REV. SAMUEL HINDS, D.D., OXFORD.

“WHILE, therefore, to the Christian volume was committed the whole of Gospel revelation, it was doubtless a wise and merciful provision to select the two most important features for the record of type and

symbol, as well as of language. The doctrines of Regeneration by the HOLY SPIRIT, and of Atonement by the death of CHRIST, followed by His spiritual indwelling in us,—these form the epitome of Christianity.”—*Hind's Three Temples*, p. 91.

“It is plain that Christians are properly baptized unto CHRIST: they are a continuation of His Disciples, and in that title, as well as in the title of Christians, is implied that it is so. . . . The baptismal form connects the earlier with the later dispensation,—the dispensation of the Law with that of the Gospel, as provided by the SON, and taught and perfected by the SPIRIT. It stamps the baptized with the character of the true Israel, the true children of Abraham, and heirs of the promise.”—*Ibid.* p. 131.

14.

THE BISHOP OF OXFORD,

THE RIGHT REV. SAMUEL WILBERFORCE, D.D., OXFORD.

“THEY [sectarians] are led to undervalue the appointments of God Himself. They cannot believe that every baptized infant is so really grafted into CHRIST, that he does receive some gift of the HOLY SPIRIT whereby the first principle of the new life is given to him; that he is, in the plain sense of the words, ‘born anew of water and of the HOLY GHOST;’ that he is become a ‘son of GOD;’ because they do not see in all such that outward acting of life which they confound with its first gift. And so they introduce new terms, and with them infinite confusion, into the simplicity of CHRIST’s teaching. They speak of an outward Church, and an inner; of being admitted into the visible Church, but not into the spiritual; as if GOD could mock His creatures by giving them dead and deceitful signs, in the stead of true and quickening realities.”—*Bishop of Oxford's Sermons. Sermon 3, preached at Claremont, July 17, 1842.* 4th edition, 1847.

15.

THE BISHOP OF PETERBOROUGH,

THE RIGHT REV. GEORGE DAVYS, D.D., CAMBRIDGE.

*On Private Baptism of Infants.*

“OUR SAVIOUR has appointed His Sacraments as the ‘outward signs’ by which we receive ‘inward and spiritual grace,’ and are *made partakers* of the promises of the Gospel. Water is the outward sign in the Sacrament of Baptism; and therefore, when the water is used, *then* is the Baptism. . . . We should not call this being *half* baptized, for it is being *wholly* baptized; the other part is the public admission into the Church.\*—*Village Conversations on the Liturgy*, p. 7. *Society for the Promotion of Christian Knowledge*, 1842.

\* “Our Church calls a Christian state a New birth unto *righteousness*: showing that Christian privileges are not *instead* of righteousness, but to *lead to righteousness*.”

## 16.

## THE BISHOP OF ROCHESTER,

THE RIGHT REV. GEORGE MURRAY, D.D., OXFORD.

"THE low notions which have been entertained by some of the Clergy with respect to our sacramental ordinances and the services of our Church, have, I fear, in a great degree, led to the adoption of extreme views in an opposite direction; and if I were obliged to unite with either of the parties, I should certainly much prefer the opinions of those which exalt, to those which depreciate the value of these sacred rites. Thus I cannot entertain any unity of religious feeling with a body of Christian ministers, who, having declared that they will conform to the Liturgy of the Church of England, and having been admitted to partake of its endowments, offer up the prayers of that Church with their lips, whilst they disbelieve the doctrines involved in them, and return thanks to Almighty GOD that the children they baptize are REGENERATED, when they at the same time deny that any such influence of the HOLY SPIRIT has been exercised in their behalf!"—*Charge*, 1843, p. 9.

## 17.

## THE BISHOP OF SALISBURY,

THE RIGHT REV. EDWARD DENISON, D.D., OXFORD.

"IT is not my purpose [in this place] to treat either of the Sacrament of Baptism, wherein the stain of inherited corruption is washed out, and the principle of a new life imparted in the soul; or of the Supper of the LORD, wherein that same life is, by the spiritual reception of the Body and Blood of CHRIST, renewed, and strengthened, and sustained. These have their proper work in the Regeneration and edification of the believer."—*University Sermons*, pp. 13, 14.

## 18.

## THE BISHOP OF ST. ASAPH'S,

THE RIGHT REV. THOMAS V. SHORT, D.D., OXFORD.

"FEW will venture to deny that grace is granted to the baptized infant upon his outward admission into the Church of CHRIST. The Church of England teaches that such grace *is* given, and declares the child, *when baptized*, to be Regenerate, applying this term to the grace so given. She teaches, too, that after we have received the HOLY GHOST, we may depart from grace given, and fall into sin. So that in this view of the question, it is no proof that the man is not regenerate because he is not walking under grace; he may have fallen from grace; he may indeed never have been under grace, in the sense which some persons apply to the term '*regenerate*,' but such persons must remember that such a use of the word arises from *themselves*, and not from the *Church*."—*What is Christianity?* 3rd edition, p. 48.

19.

THE BISHOP OF ST. DAVID'S,

THE RIGHT REV. CONNOP THIRLWALL, D.D., CAMBRIDGE.

"IT is not, I believe, disputed by any one that what is called the high doctrine of apostolical succession, (including, i. e., not only the historical fact that the ministry of our Church is derived by uninterrupted descent from the Apostles, but likewise that it was established by them as a permanent and unalterable institution, to be continued according to certain invariable regulations,)—I say it is hardly disputed that this doctrine has been held by so large a part of our best divines, and has received so much apparent countenance from the anxiety shown to preserve the succession when it was in danger of interruptions, that it would be unreasonable to complain of it as a novelty, or even to represent it as being now exclusively held by a particular school.

"Again, whatever ground there may be for the charge brought against one party in the controversy, that it has exaggerated the *importance and efficacy of the Sacraments*, it does not appear to involve any question of principle. Indeed, since the Church herself teaches that the Sacraments are generally necessary to salvation, it seems difficult for any one to exaggerate their importance, unless he were to hold, what I believe no one maintains, that the necessity is not merely general, but universal and absolute."—*Charge*, 1842, p. 55.

20.

THE BISHOP OF WINCHESTER,

THE RIGHT REV. CHARLES SUMNER, D.D., CAMBRIDGE.

"THE appointment of an outward visible sign in Baptism might be quoted, as designed to be emblematical of the inward spiritual grace. Thus the insignificance of the external ceremony becomes sanctified by the spiritual application, and *through the medium of visible things*, things invisible, and hard to be understood, are rendered more obvious to human capacities."—*Ministerial Character of CHRIST*, p. 231.

"Our Church refers for her doctrines to Holy Writ, and expounds the sense in which she understands it in her *Liturgy* and *Articles*."—*Ibid.* p. 429.\*

21.

THE BISHOP OF WORCESTER,

THE RIGHT REV. HENRY PEPYS, D.D., OXFORD.

"THESE Articles (9th and 27th) and the Church Catechism set forth, in a very strong light, Baptismal Regeneration as a doctrine of the Church. And this view is amply supported by the Offices for Baptism and Confirmation. . . . In the face of this concurrent testimony, it is impossible to deny that the doctrine of Baptismal Regeneration is a doctrine of the Church."

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\* [These passages seem undecisive; and, if so, I can only say that this Prelate is the only one whose testimony is doubtful.]

## JUDGMENT OF THE SCOTTISH BISHOPS.

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“THE Episcopal Synod, at their Meeting at Aberdeen, agreed on the following ‘Declaration’ as to the interpretation which our Scottish Church puts on those Articles and Formularies which she has received and adopted from the Church of England. Satisfactory enough in itself, as a definite statement, in very fitting terms, of the Catholic doctrine on the subject of Holy Baptism, we cannot concur with the majority of their Lordships in believing that ‘the present declaration’ is all that is necessary to vindicate the purity of the Faith; and we regret that they should have thus prematurely expressed their synodical opinion that there is ‘no need of adding, by any canonical enactment of THEIRS, to the definitions of that doctrine as therein set forth.’ This, we humbly venture to believe, is an opinion which could be justified only by a much more lengthened experience than the Church has yet had of the effects which may arise from this judgment of the Privy Council; and we much question whether the Church will consent to permit its interpretation of one of the prime doctrines of Nicene Faith, which has, by this judgment, been declared at least ambiguous, to rest on the mere ‘declaration’ of the Bishops, unanimous though it has been, which, however valuable it may be as a record of their individual orthodoxy, has no legal weight, nor any authority beyond its moral influence. We are at a loss, too, to understand how, according to the constitution of this Church, any ‘canonical enactment’ on the subject could have been made by their Lordships. Unless we greatly misunderstand the constitution of the Scottish Church, ‘canonical enactments’ can be passed only by general synods. We presume the expression has been an oversight; but, at a time when some Prelates seem disposed to claim despotic and absolute powers, the oversight is an unfortunate one.

“DECLARATION by the Bishops of the Church in Scotland, occasioned by the recent decision of the Judicial Committee of the Privy Council, given at their Synod on the 17th of April, 1850, Aberdeen.

“To the Very Reverend the Deans, and the Reverend the Presbyters of the Scottish Episcopal Church; the Bishops in Synod assembled send greeting; Grace be with you, brethren, and Peace from God the FATHER, and from our LORD JESUS CHRIST.

“Whereas certain memorials and addresses have been presented to us from various Diocesan Synods, expressing much uneasiness respecting the recent decision by the Judicial Committee of the Privy Council on the appeal of the Rev. G. C. Gorham, *v.* the Right Rev. the Lord Bishop of Exeter, and requesting our paternal advice for the allaying of doubts, hence arising, as to the true meaning of our authoritative formularies;—We, the Bishops of the Church, deeply sympathising with our Reverend brethren the Presbyters, in their anxiety to maintain unimpaired the purity of ‘the faith which was once delivered to the Saints,’ declare that we do not consider the sentence, in the case referred to, as having any authority to bind us, or to modify in any way the doctrines which we and the Episcopal Church in Scotland hold, and have always taught, respecting the nature of Baptismal grace. We have always held, as we were taught by those who preceded us in the Episcopate, that the doctrine of the Church in Scotland is to be collected from the Scripture, the Creeds, the Articles, and other Formularies jointly, and not from the Articles or Formularies separately; and that, on the subject of Baptismal grace, there is no discrepancy between the teaching of the Church in her Twenty-seventh Article, in the Baptismal Offices, and in the Catechism. We declare, then, that we teach, and always have taught; and we entreat, and, to the extent of our Episcopal authority, do enjoin you, brethren, severally to teach,—

“1. In the words of our Blessed SAVIOUR, that ‘Except a man be born of water and of the SPIRIT, he cannot enter into the kingdom of GOD;’ or, as expressed in our office for Holy Baptism, ‘No one can enter into the kingdom of GOD except he be regenerated and born anew of water, and of the HOLY GHOST.’

“2. In the words of the Nicene Creed, with every branch of the holy Church throughout all the world, which continues in ‘the one faith,’ lives in ‘the one hope,’ and acknowledges the ‘one baptism,’ we acknowledge one baptism for the remission of sins.

“3. In the words of the Twenty-seventh Article, that ‘Baptism is 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;’ or, in the words of ‘The Office for Public Baptism of Infants,’ that every child baptized according to that office, is then and there ‘regenerated and grafted into the body of CHRIST’s Church.’

“4. With the ‘Catechism, or instruction to be learned of every person before he be brought to be confirmed by the Bishop,’ and which teaches him to say, ‘In my Baptism I was made a member of CHRIST, a child of GOD, and an inheritor of the kingdom of heaven.’

“5. That the doctrine of Baptismal Grace is so clearly expressed in the Offices and Formularies of the Church, as they now exist, and as they were adopted by the Episcopal Church in Scotland, that we see no need of more than the present declaration, or of adding, by any canonical enactment of ours, to the definition of that doctrine as therein set forth.

“All the preceding statements, reverend brethren, we teach, and by the authority committed to us, we enjoin you to teach to the flocks under your charge, in their plain and natural and grammatical sense, without the intervention of any hypothesis, charitable or otherwise.

“And now, brethren, beseeching you to join with us in prayer that the Church over which the HOLY GHOST hath made us overseers, may be

kept in the unity of the SPIRIT, and in the bond of peace—we commend you to GOD, and to the word of His grace, which is able to build you up, and to give you an inheritance among all which are sanctified.

“W. J. TROWER, D.D.,  
“Bishop of Glasgow, Clerk to the Episcopal Synod.”

“This paper was adopted UNANIMOUSLY, with the exception of Resolution 5, in lieu of which the two undersigned Bishops adhere to the following resolution:—

“That the doctrine of holy Baptism is so clearly expressed in our Formularies, that although the fact of the late decision has given occasion for the present declaration, we do not mean hereby to assert that the language in those documents is not precise and sufficient.

“A. P. FORBES, Bishop of Brechin.

“W. J. TROWER, Bishop of Glasgow.”



## A P P E N D I X.

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### A.

*The Judgment of the State Court has thus been reviewed by a Journal of the IRISH Church.*

“WE must protest against the doctrine that differences of interpretation of the Articles ‘may have been *designedly intended* even by the framers of the Articles themselves.’ We really could scarcely believe our eyes in reading these words [in the State-Judgment], having read, only two or three sentences before, a reference to the title of the articles, stating their object most truly, viz., the *avoiding of diversities of opinion*, and establishing consent touching true religion. How *agreement* in opinion was to be insured, if the document which was to be the bond of agreement was *designedly intended* to admit of different interpretation, passes our humble capacity to comprehend. And if we were not restrained by respect for the learned propounders of this doctrine, we should say that the words were simply without meaning. So far as the Articles were designed to conciliate conflicting parties, that result was aimed at by stating truth common to both sides. The framers may have failed to express themselves in all cases so clearly as to preclude differences of interpretation; but we indignantly disclaim, on the part of the Church, the *intention* of requiring subscription from the Clergy to *words without definite meaning*. It is true Lord Langdale supposes this ‘latitude of interpretation’ to be ‘confined within such limits as might be allowed without danger to any doctrine necessary to salvation.’ This, however, is to talk with a looseness wholly unsuited to the gravity of the occasion. *All* articles of faith (as he designates the Thirty-nine Articles) are necessary to salvation; and, therefore, on his Lordship’s principle, *none* are open to this ‘latitude of interpretation.’ But if he should say (as of course he would) that all the Thirty-nine Articles, though articles of faith, are not necessary to salvation, then he ought to have informed us by what rule we are to go in determining which of them are. Or is a latitude of determination on this point also left to us? That is, is every clergyman free to determine at his pleasure that this or that doctrine is not necessary to salvation, and then to apply his ‘latitude of interpre-

tation' to the Article which enunciates it? What is this but to throw open the whole of the Thirty-nine Articles to this latitude? And is this unbridled 'liberty of prophesying' what we are to suppose is meant by 'consent touching true religion?'

"But not only in the passage on which we have been commenting, but through the whole document, there is a looseness and vagueness of expression, under cover of which the most palpable fallacies are insinuated, and which at the same time serves effectually to hide from the writer himself the glaring inconsequence of his own reasoning.

"1. For instance, he says:—

"'In considering the Book of Common Prayer, it must be observed that there are parts of it which are strictly dogmatical, declaring what is to be believed or not doubted; parts which are instructional, and parts which consist of the devotional exercises and services:'—as if 'instructional' was contrasted with 'dogmatical;' and as if instruction in doctrine does not 'declare what is to be believed or not doubted,' i.e. is not necessarily dogmatical. But he proceeds:—

"'Those parts which are in their nature dogmatical must be considered declaratory of doctrine; but as to those parts which are devotional, consisting of prayers framed for the purpose of being 'more earnest' (prayers *framed for the purpose of being earnest* we profess not to understand) 'and fit to stir Christian people to the due honouring of Almighty God,' some further consideration is necessary.'

"Here he fairly gives the go-by to the instructional section. He had insinuated that it was not dogmatical: it would be preposterous to call it devotional—it was a very awkward customer to deal with—and accordingly we hear no more of it, until, after a good deal of 'further consideration' of the devotional division, we come, all of a sudden, on a short paragraph on the Catechism, referring to two answers, and part of a third, and containing the startling and (considering that the Creed, the Ten Commandments, the Lord's Prayer, and the definitions of the Sacraments form part of it) the unintelligible assertion, that '*the whole Catechism requires a charitable construction.*' We would ask the most prejudiced of the supporters of Mr. Gorham, whether he honestly thinks the argument from the Catechism has been fairly and manfully met in this judgment.

"2. In the following paragraph he opens his 'further consideration' thus:—

"'It seems to be properly said (by whom?) that the received formularies cannot be held to be evidence of faith or of doctrine, without reference to the distinct declarations of doctrine in the Articles, and to the faith, hope, and charity by which they profess to be inspired or accompanied; and there are portions of the Liturgy which it is plain cannot be construed truly without regard to these considerations.'

"We have applied our best powers to the latter part of this passage, and have totally failed to attach any definite meaning to it. We say, unfeignedly, that we know not what on earth is the meaning of 'formularies' being 'inspired, or accompanied by faith, hope, and charity;' and we are quite at a loss to discover where *our* formularies 'profess' such inspiration or companionship. All that we see in the passage is, that the writer is laying the groundwork for wholly evacuating the force of the formularies as declaratory of the Church's doctrine. In a previous place he had said:—

"'If there be any doctrine on which the Articles are silent or am-

biguously expressed, so as to be capable of two meanings, we must suppose that it was intended to leave that doctrine to private judgment, unless the rubrics and formularies clearly and distinctly decide it. If they do, we must conclude that the doctrine so decided is the doctrine of the Church.'

"Subject to our protest against *ambiguity* ever being intentional, this seems perfectly true and fair; and, on first reading it, we confess we anticipated a very different decision of the question before the Committee; for, if anything does seem 'clearly and distinctly decided' by the formularies, it is the regeneration of all infants by baptism. This retreat upon the formularies, from the ambiguity of the Articles, is, however, cut off by the passage now before us; for according to it, it is impossible ever to be certain that the formularies 'clearly and distinctly decide' anything. Combining the two passages together, the process indicated seems to be this. We find in the formularies what seem a 'clear and distinct decision' on a matter of doctrine. This, however, 'cannot be held to be evidence' of the Church's belief, 'without reference' to the Articles, to see whether they contain any 'distinct declaration' on the subject. Well, we do refer to the Articles: they contain no such declaration—they are 'silent or ambiguous.' We accordingly fall back on our 'clear and distinct decision,' and are about to repose in the comfortable assurance that we have at last discovered the Church's doctrine, when lo! three new authorities are introduced to us. We are desired to refer 'to faith, hope, and charity.' We do refer to them, and, in some inexplicable manner, we find that our 'clear and distinct decision' has vanished into thin air—plain words have lost their meaning—positive assertions are converted into ambiguities—and the straightforward honesty of the English nation is startled by the judicial declaration that their Church considers it lawful for her clergy, on the most solemn occasions that can be imagined—in the instruction of children in their religion—in the administration of the sacraments of CHRIST—and in direct addresses to Almighty GOD—to affirm distinctly and categorically what they do not believe to be true.

"3. In this service (that of Burial) there are absolute expressions, implying positive assertions; yet it is admitted (by whom?) that they cannot be literally true in all cases, but must be construed in a qualified or charitable sense.'

"Now the writer of this sentence should have remembered, that what he had in hand was to interpret the meaning of a written instrument, and not to discuss the suitability of its use in particular instances; and he should also have remembered, that if discipline were duly exercised, this office would not be used in the case of persons who 'die in the actual commission of flagrant crimes.' But waiving this, we would simply ask to have these rambling expressions put into plain and intelligible English. What is the meaning of 'absolute expressions implying positive assertions?' What are the 'absolute expressions?' And what are the 'positive assertions?' Let them be distinguished from one another, and each clearly stated. For our part, in the extracts given from the Burial Service, we see nothing that is not 'literally true.' We say that GOD has 'taken to Himself' the soul of our departed brother; and so He has: for the Scripture saith that at death 'the spirit returns to GOD, Who gave it.' We say that GOD has 'delivered our brother out of the miseries of this sinful world;' and so He has: for when he

left the world, he left its miseries. We say that 'our hope is that our brother rests in GOD;' and so it is: and truly sorry should we be that our hope should be anything else. (The other passage about 'sure and certain hope' we shall come to presently.) We do not know which of these are the 'absolute expressions,' or the 'positive assertions' alluded to by the writer; but, on grounds of common sense and common honesty, we must protest against the monstrous inference to which he works his way under cover of this mist of words, that because we say we *hope* a departed brother rests in GOD, when we *do* hope it, therefore, we may *positively assert* that an infant *is* regenerate, when we have not an idea whether he is regenerate or not.

"4. Similar looseness of language, covering, but ill concealing gross fallacies, is used in reference to the private Baptism of infants; e. g., it is called 'an exceptional case.' Exceptional to what? The Church has provided three 'Orders of Baptism' for three distinct classes; infants in danger of dying soon after birth, infants not in that danger, and adults. One class being less numerous than another, does not render its baptism an exception to the baptism of the others. Adult baptism is the most infrequent of the three: why does he not call that an 'exceptional case?' The truth is, the expression is irrelevant and meaningless, except as covering a palpable *petitio principii*. The whole question at issue is, whether the Church teaches that baptism is 'effectual, because of CHRIST's institution and promise,' (Art. XXXI.,) or whether she considers its effect tied to certain conditions of *human institution*. One party appeals to the Office for Private Baptism as irresistibly demonstrating that the former is the Church's view; for she there distinctly, strongly, stringently, repeatedly declares, that the infant is 'by baptism regenerate' without *any conditions at all*. Lord Langdale refuses to receive this office in evidence of the Church's doctrine, as being 'exceptional.' Why is it exceptional? *Because* it does not enjoin the conditions of *human invention*, by which the other party limits the effect of CHRIST's institution. What is this, but to assume the whole question in debate?

"The same fallacy lurks under the expressions 'imperfect and incomplete ceremony,' applied to the Office for Private Baptism; 'complete service' applied to that of 'Public Baptism'; 'full service' applied to the public reception of infants privately baptized. The private office is *not* 'imperfect and incomplete,' but 'full,' 'perfect,' and 'complete' *for its purpose*, to wit, the administration of the Sacrament of Baptism. It does not require any promises from sponsors, as the public service does; but to call it 'imperfect and incomplete' *on that account*, has no force or meaning in the argument, except as involving an assumption of the question in debate, that the effect of baptism is dependent on these promises being made.

"We must quote the passage with which his Lordship closes his review of the baptismal offices:

"'These requirements of the Church' (viz., the declarations made by adults, and the promises made for infants,) in her complete and public service, ought, upon a just construction of all the services, to be considered as the rule of the Church, and taken as proof that the same promise, though not expressed, is implied in the exceptional case, when the rite is administered in the expectation of immediate death, and the exigency of the case does not admit of sureties. Any other conclusion would be an argument to prove that none but the imperfect and incom-

plete ceremony allowed in the exceptional case would be necessary in any case.'

"It is really hard to deal with a passage in which almost every word involves a fallacy.

"Upon a just construction of *all* the services!' Will any man in his senses say that that is a '*just* construction' of the service for private baptism, which could sustain the inference which his Lordship draws, *except* on the supposition that these 'requirements' are essential to the efficacy of baptism, which is the question in debate?

"These requirements of the Church, in her complete and public service, ought to be considered as the rule of the Church.' Of course they are the 'rule of the Church' in the service which contains them. But what is meant is, that they are the 'rule of the Church' in such a sense as would constitute the service which does *not* contain them '*exceptional*'—which involves the old fallacy.

"But 'these requirements' in public baptism ought further 'to be taken as *proof* that the same promise (he means *promises*, for there are three) though not expressed, is implied' in private baptism. Still the old fallacy. In the name of common sense, how is the Church's requiring promises on some occasions, a *proof* that the same promises are implied on other occasions when she does *not* require them, except on the supposition that the efficacy of baptism is dependent on those promises, which is the point at issue? The 'full service' (as his Lordship calls it) provided for the public reception of infants privately baptized, *we* think 'ought to be taken as proof' that these promises are *not* implied: for if implied, why are they afterwards exacted?

"But his Lordship reminds us, with what looks like fatuity, that private baptism is 'administered in the expectation of immediate death.' Now we entreat our readers to remember, that one of the promises said to be 'implied,' is that the infant will 'obediently keep God's holy will and commandments, and walk in the same all the days of its life.' So that the argument stands thus:—The Church requires, on the part of an infant, a promise that it will lead a holy life, in a service to be used when there is *prospect of its living*; and this is a '*proof*' that a promise to *lead a holy life* is '*implied*' in a service specially intended to be used when there is an *expectation of its immediately dying*!! Verily, we accept the alternative offered to us in the concluding sentence of the above paragraph, and are thankful to his Lordship for reducing the controversy to so short an issue. We are simple enough to think the conclusion to which he has come excessively absurd; and we do believe that 'none but' what he calls 'the imperfect and incomplete ceremony' is 'necessary in any case' for the administration of the Sacrament of Baptism, and conveying to the recipient all the benefits that are to be received thereby.

"His Lordship rests some of his arguments on a complete misunderstanding of the passages which he adduces.

"1. 'Sure and certain hope of the resurrection to eternal life,' in the Burial Service. He says this 'hope' is the same as that subsequently expressed, 'that our brother rests in God.' It is no such thing. We do not say, 'hope of *his* resurrection,' but 'hope of *the* resurrection,' i.e., the general resurrection. We will endeavour to make this plain by a reference to certain 'external and historical facts,' which ought not to be overlooked by an expositor of the passage in its existing shape. Before the last revision the words were, 'sure and certain hope of resur-

rection.' The nonconforming party objected to these words, conceiving that 'resurrection' meant *his* resurrection, and involved too strongly an assurance of his safety. The Episcopal Commissioners made this concession, 'that the words "sure and certain" may be left out.\*' This alteration was not adhered to; but instead of it, the word 'the' was inserted before 'resurrection.' The original concession shows the temper of mind in which the latter alteration was made; and it is plain that the intention was to obviate the Nonconformist objection, not by merely softening the strength of the expression, but by giving a new turn to the sentence. That this was the animus and effect of the change is plain, from the form to be used in burials at sea, introduced for the first time into the Prayer-Book by the very persons who made the change.—'We therefore commit his body to the deep, to be turned into corruption, looking for the *resurrection of the body* (when the sea shall give up her dead,) and the life of the world to come.' It is not to be supposed that the authors of the two forms, as we now have them, did not think and intend them to correspond; or that they had less hope of a man's salvation from the accident of his dying on board a ship.

"2. 'When the question is asked, "Why then are infants baptized, when by reason of their tender age they cannot perform them?" the answer is—not that infants are baptized because by their innocence they cannot be unworthy recipients, or cannot present an obex or hindrance to the grace of regeneration, and are therefore fit subjects for Divine grace;—but "because they promise them both by their sureties," &c. The answer has direct reference to the condition on which the benefit is to depend.'

"His Lordship has totally misunderstood both question and answer, which are both of them wholly irrelevant to the point in hand. If, indeed, the question were, 'Why are infants said to be regenerate by baptism?' then we might expect an answer somewhat to the purpose. And we know what answer the revisers of our formularies (*from whose hands we have them as they now are*) would give to this question, because we know the answer they, in effect, *did* give to it, which is an 'external and historical fact' not unworthy of Lord Langdale's consideration. 'Seeing that God's Sacraments have their effects, where the receiver doth not *ponere obicem*, put any bar against them (which children cannot do); we may say in faith of every child that is baptized, that it is regenerated by God's HOLY SPIRIT; and the denial of it tends to anabaptism, and the contempt of this holy sacrament.' (*Cardwell's History of Conferences*, p. 356.) To *this* question, the answer in the Catechism would be palpably untrue; for in private baptism children are pronounced to be regenerate in more unequivocal terms than in public baptism, and yet they promise nothing by sureties, and have no sureties. The question and answer have reference, not to the regeneration of infants, nor 'to the condition on which that benefit is to depend,' for there is no condition; but to the 'wholesome effect' of that regeneration in after-life. The sacraments are not bare signs, but '*effectual* signs,' effectual in all cases, whether for good or evil.—(Art. XXV.) The question in the Catechism preceding that quoted by Lord Langdale is, 'What is required of persons to be baptized?'—that is, required, not to render the sacrament effectual, for that it is by CHRIST's institution, but to render it effectual of a blessing, and not of a curse. To this the answer is, 'Repentance and

\* "Cardwell's History of Conferences," p. 363.

faith ; without which baptism would be to them (not an empty form, but) an instrument of 'damnation.' (Art. XXV.) The difficulty then naturally suggests itself, 'Why then are infants baptized,' &c.? How is it that *they* do not 'receive the grace of God in vain?' since they can have neither repentance nor faith. The answer is, 'Because they promise them both by their sureties,' &c. ; that is, the Church provides the best security that could be devised against that result, by ensuring that every child that 'comes to age,' and so is capable of repentance and faith, shall find himself tied and bound by promise to exercise and cherish those Christian graces, without which the heavenly seed planted in him at baptism would wither and die, and his very regeneration become a curse, and not a blessing."—*From the Irish Ecclesiastical Journal, April, 1850.*

## B.

*Decision as to a Bishop's right to examine Clergy.*

SIR H. J. Fust delivered judgment on this preliminary point.

It appeared from all the information which he had been able to obtain, that a similar case to the present had not been brought before the Court during the last 130 years. The question now to be decided had arisen incidentally (in the case of *Gorham v. the Bishop of Exeter*). The merits of the case had not been entered into, and he had now to determine whether the objection taken was or was not maintainable. In former times such proceedings were well known to the practitioners of those days, and were alluded to by the writers on ecclesiastical law. Reference was made to them in Clarke's "Practice" and in Oughton's "Judiciorum." Although the practice therefore, might have fallen into some degree of desuetude, still the remedy was open to a Clergyman who considered himself aggrieved by the rejection of his petition to be instituted into a living. The learned Judge then stated the principal averments contained in the pleas given in by the respective parties, and said that the reason assigned by the Bishop for not instituting Mr. Gorham was, that that gentleman held unsound doctrine on the efficacy of the Sacrament of Baptism. The point now for consideration was, whether or not the Bishop had a right to call upon Mr. Gorham to undergo an examination after an expiration of twenty-eight days from the presentation of the petition. It had been contended that that was the time allowed by the 95th canon of 1603, and could not be exceeded. The canon was to the following effect:—

"Albeit by former constitutions of the Church of England every Bishop had two months' space to inquire and inform himself of the sufficiency and qualities of every Minister after he had been presented unto him to be instituted into any benefice, yet for the avoiding of some inconveniences, we do now abridge and reduce the said two months unto twenty-eight days only."

It had been argued that everything which passed between the Bishop and Mr. Gorham during his examination, and which was submitted to, as Mr. Gorham stated, under a protest, verbal in the first instance, but afterwards reduced into writing, must be considered as a mere nullity, and consequently the Court was not entitled to assume from anything that passed in the course of the examination that he did maintain unsound doctrine on the points referred to by the Bishop. The title of the canon was, "The Restraint of Double Quarrels," and the part read by the Court certainly seemed to have no connexion with the title; but the canon went on to state:—

"In respect of which abridgment we do ordain and appoint that no double quarrel shall hereafter be granted out of any of the Archbishop's Courts, at the suit of any minister whatsoever, except he shall first take his personal oath that the said twenty-eight days at the least are expired, after he first tendered his presentation to the Bishop, and that he refused to grant him institution thereupon, or shall enter bonds with sufficient sureties to prove the same to be true, under pain of the suspension of the grantor thereof from the execution of his office for half-a-year *toties quoties* to be denounced by the said Archbishop, and nullity



of the double quarrel aforesaid, so unduly procured, to all intents and purposes whatsoever."

The purport of the canon was to restrain a party from suing out a *duplex querela* till he should have made oath that at least twenty-eight days had expired, and there had been an actual refusal on the part of the Bishop to proceed to the institution. The latter part of the canon was very important, and presented no limitation whatever to the Bishop examining the person presented. The canon thus concluded:—

"Always provided that within the said twenty-eight days the Bishop shall not institute any other to the prejudice of the said party before presented, *subpœna nullitatis*."

The canon was relied upon most stringently as absolutely compelling the Bishop to commence, and conclude the examination within a period of twenty-eight days. When the case was argued, the prayers of the proctors were not before the Court, but they had since been given in. Mr. Gorham prayed that the Court would pronounce that the Bishop had no right to continue the examination after the twenty-eight days had expired, and that it would now proceed to institute him; whereas the Bishop prayed that the Court would pronounce that he had proved his case. If the construction put upon the canon by the counsel for Mr. Gorham were the correct one, it would lead to very important and very serious consequences, for it would go to this extent that whatever might be disclosed to the Bishop, after the twenty-eight days had elapsed, as to the conduct of the clerk—whether he were an Atheist, or had been guilty of the grossest irregularities—the Bishop could not inquire into the truth of those circumstances, but must proceed to institute him, although the very next day he might be obliged, in the conscientious discharge of his duty, to take steps to deprive him of the benefice. In order to arrive at a just conclusion of the construction of the canon, it was necessary to consider the circumstances under which it was issued. What was required when a person was presented for the purposes of institution; The presentation was tendered, accompanied, generally speaking, by testimonials of good conduct from persons who had been acquainted with the clerk for many years. If the Bishop were satisfied with the testimonials, he took the preliminary steps to the institution—namely, to receive the subscription of the Articles, a declaration of conformity to the Liturgy, and an assent and consent to everything contained in the Book of Common Prayer. But it was a duty absolutely incumbent on the Bishop to satisfy himself that the clerk was fit and properly qualified to be a minister of the benefice to which he sought to be instituted. The examination was not a mere right or privilege enjoyed by the Bishop, but was a duty binding upon him. In the case of Mr. Gorham the Bishop was satisfied with the testimonials he received, when that gentleman was presented to the vicarage of St. Just, as to his knowledge, his learning, his morals, and the soundness of his doctrine, and therefore instituted him. Possibly the same course would have been pursued in the present instance if nothing had passed in the intermediate time between the Bishop and Mr. Gorham. Whether the Bishop had sufficient grounds for an alteration of opinion respecting Mr. Gorham was not the question which the Court had now to consider. It had been said that it was very unusual for a beneficed clerk in a diocese to be examined on his removal to another living in the same diocese. It might be unusual, but if anything had arisen in the meantime to lead the Bishop to doubt the soundness of his doctrine, surely there was nothing to prevent him requiring the clerk to undergo an examination.

It appeared that in the year 1846 a correspondence took place between the Bishop and Mr. Gorham, which had been published in a book referred to in the course of the proceedings, from which the Bishop entertained considerable doubts as to the soundness of Mr. Gorham's doctrine, and which led to the examination. It became necessary, then, to consider what was the foundation of the rule—if such a rule existed—which necessarily precluded the Bishop from examining a Clergyman after the period of twenty-eight days from the presentation had elapsed. The Bishop was invested with a public trust, and it was for the benefit and advantage of the public that it should be executed; unless, therefore, there were some stringent rules which led the Court to put that construction on the words of the canon which had been contended for by the counsel for Mr. Gorham, it would be extremely difficult to do it. The argument had rested on the words of the canon itself. There were, however, no prohibitory words in it; none which said the Bishop should not examine after twenty-eight days. There was no analogy then between the canon and the statutes of limitation referred to by Mr. Gorham's counsel, for they expressly enacted that an action should not be commenced after a certain number of years had elapsed. In a number of cases, referring to proceedings in these Courts, time was so limited and defined as to leave no doubt as to the intention of the legislature in passing those acts. That was the case in the 27th Geo. III., c. 44, referring to defamation, &c. Those statutes required to be construed strictly, because they were an abridgment of former rights. The Bishops for many centuries were the universal incumbents of every benefice in their dioceses, and received the profits after defraying the salaries of those who officiated. That was adverted to by Godolphin; the Bishop also applied to his own use the profits of a living which became vacant during the time it so remained, and under the general law there was nothing to compel to proceed to institute a clerk. In the year 1222, Archbishop Langton issued a constitution which limited the time during which the Bishop could appropriate to himself the profits of a vacant living to two months; that was to be found in the third book of *Lyndwood*. That constitution of Archbishop Langton seemed to lay the foundation for the present canon. If the Bishop delayed the institution beyond two months he incurred the penalty of restoring the profits to the clerk appointed to it. He was not allowed to profit by his own wrongdoing. It appeared, however, from *Lyndwood*, that there must have been an examination of the person appointed, for the Bishop was to satisfy himself that he was *idoneus*. If it were found that the presentee were unsound in doctrine, that would be a valid objection to the Bishop instituting him. The canon law then allowed two months to the Bishop for examination, but it did not limit it to that period: if the party were *idoneus* the profits were restored to him. The law, as laid down by Degge, Godolphin, Ayliffe, Watson, and all writers on these subjects, showed that an examination was necessary. The important point, however, was, whether under the canon of 1603 the Bishop was restricted to twenty-eight days. Godolphin spoke of six months as being the convenient time within which the institution was to take place, the reason of which was obvious: it was to prevent the appointment to the living lapsing to the Bishop.

If, as contended by the counsel for Mr. Gorham, the Bishop were compelled to complete the examination within twenty-eight days, then, if he were engaged in a visitation, or other important matters concerning the affairs of his diocese, he must lay them all aside, and postpone them for

the convenience of the person so presented. That never could be considered reasonable, and could not be the intention of the canon, the design of which was to have the examination so completed that injury would not be inflicted either on the patron or the clerk. It had been held that, if a Bishop neglected to give due notice for the presentation of a second clerk, having rejected the first, he could not take advantage of it. It was said in argument that there were motives which might influence the Bishop to prevent the institution of the clerk. It was on that account that the constitution of Archbishop Langton was framed. That temptation was still further taken away by the 28th Henry VIII., c. 11, from the preamble to which it appeared that the question at that time remained somewhat doubtful. It seemed to him (the learned judge) that a clerk could not insist upon being instituted before twenty-eight days, but if it were not done in that time, then he could sue out the *duplex querela*, and call upon the Bishop to assign the cause. Beyond that the canon did not go. It did not require, in the form of the prayer now made, that the party should be instituted. Who was to institute him? It was expressly laid down in the canon that no person should be instituted without inquiry. What information had he (Sir H. J. Fust) before him upon which he could ground any such proceeding? He had neither the presentation, the testimonials, nor the inquiry. It appeared that after Mr. Gorham was presented the Bishop was summoned to appear in parliament, and that was alleged as the ground for postponing the examination. Was the Bishop bound to abandon that duty? It was part of the duties belonging to him to attend the House of Lords as a spiritual peer. The performance of this duty might be attended with some inconvenience, but there was no real loss either to the patron or the incumbent. The latter was still holding the living of St. Just, and he was entitled to the intermediate profits during the vacancy of the living of Brampford Speke if he should be instituted hereafter. There was nothing, therefore, which would lead him (the learned judge) to believe that this was done with any sinister motive on the part of the Bishop. Pecuniary interest he could have none, and in this case there could be no lapse of the living. It had been said that Mr. Gorham was taken by surprise by the intimation of the Bishop's intention to examine him. Whether that was so or not was immaterial to inquire; but it was impossible to say that he could be taken by surprise when they looked at the correspondence between him and the Bishop in 1846 on the appointment of a Curate to St. Just. But Mr. Gorham submitted to an examination, although under protest, and he must be considered as bound by it, whatever the result might be. Looking to all the circumstances in this part of the case, the only part of it to which his (the learned judge's) attention was now to be directed, he was of opinion that no case had been made out by the argument in reference to the twenty-eight days. If Mr. Gorham had thought fit to apply for the *duplex querela* at an earlier period he could have done so; the Bishop would then have made his return, and it would have been the duty of the Court to consider its sufficiency. As to what had been stated respecting the rights of the patron, Mr. Gorham had nothing to do with that, nor had he (Sir H. J. Fust). That must be argued elsewhere. The question to be tried in this Court was whether Mr. Gorham had been properly or improperly refused institution. The Court was bound to enter into that consideration. On the ground he had stated he pronounced with perfect satisfaction to his own mind that he must overrule the prayer of the proctor for Mr. Gorham.

## C.

*Note on the Letter of the Rev. Mr. Goode to the Lord Bishop of Exeter.*

MY reference to Mr. W. Goode is made with no intention of occupying the reader unnecessarily with an exposure of his recent pamphlet, but with the view of calling attention to the one point in which he is concerned in the present controversy, viz., his vindication of the "quotations" made from the seven different authors enumerated in the State Court Judgment, and characterized in the note at the foot of p. 73. Others\* have, I believe, given Mr. Goode a sufficient answer on the chief points of his letter, which I here shall but briefly allude to, so far as may explain to the reader who may not have seen Mr. Goode's production the manner in which I have thought it right to mention him.

First, Mr. Goode's *language*, as addressed to a Christian Bishop, is utterly disgraceful. Of course it does not admit of any *answer*, nor, indeed, of any adequate description, except by a measure of quotation of which it is not worthy. Thus he tells the Bishop of Exeter (p. 41) that he is one of the "emptiest vessels," which always "make the loudest noise;" that his Lordship's solemn and eloquent address to the Archbishop exceeds "the ravings of disappointed and infuriated chartists," (p. 20;) that in his knowledge of Scripture the Bishop is below a national schoolboy, (p. 12); and, in fact, "falsehood," "calumny," "wickedness," (p. 87,) "recklessness," &c., &c., are the *usual* terms applied throughout Mr. Goode's pamphlet to everything written by the Bishop of Exeter! While, with unconscious inconsistency, he gives praise to Mr. Maskell (by which he can feel but little flattered), for his avowal of his former "reserves," &c. and exclaims of him, as of a kindred spirit, on seeing his present mood, "Cum talis sis, utinam *noster* esses!"—though Mr. Maskell, in the *same* pamphlet which Mr. Goode applauds, thus speaks of the Bishop of Exeter, whom Mr. Goode reviles:

"Of one there are no words in which, *if we are true-hearted and sincere, and earnest for the truth*, we can express all that we ought to feel of gratitude, and sympathy, and regard. He alone, of all our Bishops, has endeavoured to vindicate the Catholic claims which others have feebly spoken of; he alone has dared to keep the promise which he made at his consecration, 'to drive away all erroneous and strange doctrine contrary to God's Word;' he alone has had sufficient trust in the power and reality of the Christian Faith to labour in its defence, unsupported, amidst calumny, and opposition, and reproach. And no man living knows, as I in some small measure know, the labours and untiring patience—the anxious, wearing toil,—which have been devoted to the cause of the Church of England by him, who looked for nothing, hoped for nothing, but the one single, glorious end of saving the Church, *of which he is the noblest ornament*, from the stain and sin of heresy. Oh! may God ever be with him; now, when, in his declining years, disappointments in the past, and fears for time to come, are darkening round us all; now, when the weight and anger of the storm seems gathering, before it bursts; now, when the hopes of the Church of England are to be found, not in hearts faint and desponding as my own, but in such as his, firm, unshaken still, and confident, and bold. Again and

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\* The Rev. T. K. Arnold; the Rev. A. Watson; the Rev. Dr. Pusey.

again I pray, may all the gifts and blessings of our Almighty LORD and SAVIOUR be upon him, evermore." Such is the testimony of the witness called by Mr. Goode in this cause. His own approved witness declares, that such as Mr. Goode are, "cannot be thought sincere or earnest for truth!" His own language and spirit are the best comment on this.

Of Mr. Goode's qualifications as a critic in theology I must give the reader three or four specimens, and will then pass on.

1. At p. 12 of his letter he attempts to pour out all his indignation on the Bishop for a "false quotation" of SCRIPTURE. The text is Titus iii. 5. Mr. Goode criticizes the Bishop thus:

"The text which you have produced in the passage I am considering has been, I grieve to be obliged to say, perverted by you, and 'added to' most awfully. Nay more, you have actually misquoted the Bible to obtain from it evidence in your favour. 'Holy Scripture,' you say, 'calls Baptism 'the washing of regeneration and of the renewal by the HOLY GHOST.' My Lord, we should hardly expect such misrepresentation and misquotation of Holy Scripture at an examination of a National School! 'Not by works of righteousness which we have done,' says the Apostle, 'but according to His mercy He saved us, by the washing of regeneration, and renewing of the HOLY GHOST.' (*δια λουτρον παλιγγενεσις, και ανακαινωσης Πνευματος Ἀγίου.*) (Tit. iii. 5.) Now here, first, it is a mere matter of opinion whether the phrase 'washing of regeneration' refers to Baptism, and according to our version and the *received* punctuation of the Greek, the 'renewing of the HOLY GHOST' is spoken of as *distinct* from the 'washing of regeneration.' But from this you manufacture the statement, 'Holy Scripture CALLS BAPTISM 'the washing of regeneration and OF the renewal by the HOLY GHOST!!' For the meaning of the phrase 'washing of regeneration' as applied to Baptism, and of the words used to St. Paul, I refer to the remarks just made as to the nature of the Baptismal rite."

I suppose that Mr. Goode did not see that the ignorance and error are all his own. The Bishop had simply *translated it from the Greek*, which Mr. Goode does not seem to perceive, though it is printed before him. The word "renewal" is in the genitive case, "*ανακαινωσης*," exactly as the Bishop read it. The Latin versions, if Mr. Goode will look to them, render the text just as the Bishop does. The Vulgate is "renovationis," and Theodore Beza is the same, (even omitting the "and," and making regeneration and renewal identical.) Both Roman and Protestant translators, as well as the original Greek, *support the Bishop*. But who would not have fancied, from Mr. Goode's audacious tone of mock triumph, that he had detected the Bishop in a mistranslation?—Such *assurance* as this, appears unlimited.

2. Very similar is Mr. Goode's self-exposure when he attempts to correct the Bishop's knowledge of the canons. The Bishop had quoted a canon of the fourth council of Carthage as "generally received" and adopted at Chalcedon. The Bishop's position that it is "generally received"—(the matter of real consequence), is unquestionable; how far it was adopted at Chalcedon is another question. For the council of Chalcedon, first of all, confirms the canons of all preceding Synods up to that time; and afterwards refers to some of the primitive Synods (can. 5) as if of distinct authority. I must beg the reader's attention to this for a moment; for from Mr. Goode's mode of alluding to the subject, he evidently wishes it to be thought not only that he is possessed of exact and learned information respecting it, but that the Bishop has so erred,

in a simple and well-known matter, that Mr. Goode is quite "ashamed for our Church in having to expose such ignorance in one holding such a position in it!"

The Bishop's statement is twofold, and we may examine both its parts, viz., 1st, That the canons of Carthage IV. were "primitive," and "adopted at Chalcedon;" 2nd, That they were "generally received," and "had the authority of the whole Catholic Church." The council of Chalcedon, A.D. 451, begins (as has been said) by a decree which confirms the canons of *all* previous Synods up to that time. This is commonly supposed to include the "*Codex universalis ecclesiæ*," consisting, as is commonly understood, of the five provincial councils and the three general councils preceding; though other Canons seem to be several times referred to. Whether it did not include more has been disputed; but it is not necessary to go into that question. The "Apostolical Canons," or code of the *primitive* Church, however, must be regarded as distinct from the code of the "Universal Church." Now it is the primitive code which is "adopted" in the fifth canon of Chalcedon; as Beveridge has shown, in his dissertation, from the fact that the canons respecting "Bishops passing from one diocese to another" are mentioned with distinctness wholly superfluous if the "*Codex of the Universal Church*" were again referred to; since that had been already settled in the first canon. Now exactly the same position which the Apostolical canons held in the east, the council of Carthage seems to have held in Africa. It was, as Du Pin says, a *separate* Code, apart by itself, and for that reason, he concludes, was not put into "the collections." And there is the same reason for believing the fifth canon of Chalcedon to be referring to the twenty-seventh canon of Carthage, (in the primitive *Latin* code,) as Beveridge has shown for the reference to the "Apostolical Canons," or the primitive Greek Code. Mr. Goode, however, evidently relying on his "common little English work for young students," (to which he tauntingly ventures to refer the Bishop,) has not turned to "Justellus" at all; for had he done so, he would not have found the matter so superficial and easy as he pretends to the "English public," in order (they are *his* terms) to "browbeat the Bishop." I will give in English, for the sake of "the public," what Justellus says in his Preface to the African Canons, referred to by Mr. Goode. "I have thought it worth while (he says) to give a brief critical history of these, because the *most learned* men have erred respecting them." And now if Mr. Goode will turn to a very easy authority—Du Pin—he will find that though the collectors mentioned by him "are silent" as to this council, yet Isidore, Mercator, Hincmar, Burchardus, Ivo Carnutensis, and Gratian, are *not* silent; and that it is not strange that these canons are omitted from the collections of Dionysius Exiguus, and others, if they thus formed a *distinct code* apart by itself: a "Primitive" code.

But what does Mr. Goode say to the principal part of the Bishop's statement—the really important part—that the canons of Carthage were "generally received," and had the "authority of the whole Catholic Church?" Mr. Goode passes it by, with the hint that even the date of the said council is doubtful. "The *supposed* date (he says) is between A.D. 398 and A.D. 436." This is from a "learned" ecclesiastic! Mr. Goode's supposition is to me wholly inexplicable. Only one date is ever assigned to this council, which seems to have digested the rules previously established in Africa from the beginning. St. Augustin's name,

too, is attached to it, and he died in A.D. 430, while Mr. Goode says A.D. 436;—so that I cannot understand Mr. Goode at all in this point.\* But as to the “general reception” of the fourth canon of Carthage, and more—its incorporation into the body of the canon law of Christendom, and the respect paid it by our own Church, of which Mr. Goode is wholly unaware, a brief reference will satisfy the inquiring reader, to whom alone I must appeal in such a matter, rather than, as Mr. Goode does, “to the public.”

I cannot refer the reader to a more interesting part of the *Decretum* than the present question leads to, the *Distinctions*, particularly the twenty-third, where such frequent use is made of this council of Carthage. On this council more than any other seem to depend canons of discipline, binding for ages throughout the Church. And, what may surprise Mr. Goode, even practices retained by the Church of England,—such as all the Presbyters joining with the Bishop in ordaining others, and laying on their hands with prayer,—may be traced to the enactment of this “apocryphal” council. Nay, the very delivery of the Bible in ordinations, and the words “Take,” and “be thou a faithful dispenser of the word of God,” &c., are derived to us no doubt from this same council. “Accipe, et esto relator verbi Dei, habiturus sis fideliter,” &c. As the reader turns over page after page of the *Distinctions*, he will find this council before him more frequently than any other.—And then let him think of Mr. Goode, who evidently regards the whole council as a mere fancy.

3. But I must not detain the already satisfied reader with more than one more specimen of Mr. Goode’s acquirements. We have seen his powers of *scriptural* criticism; we have seen his *canonical* learning; what he says of the Savoy Conference will show his acquaintance with the history of his own Church. I must refer to p. 91 of his “Letter,” in which the reader will see with what superior scorn Mr. Goode treats the idea of the “few Bishops” of the Savoy Conference having had anything to do with the last revision of the Prayer-book. He thinks the Bishop “criminally reckless and unjustifiable” for referring to the ordinary facts of history, known to every one. The Bishops at that conference had put down the Puritans; and so Mr. Goode resolves to put down the Bishops. And this he thinks he accomplishes by denying that the Savoy Conference revised our Prayer-book at all. It is true that they had meetings about it for several months, he says; but then the Convocation took it in hand! The truth is even so; the Convocation took it *from* the Savoy Conference; and that is quite enough for Mr. Goode. *He omits to add*—probably does not know—that the Convocation passed it, chiefly *in two days*—*all* within a *week*, even as the Savoy Bishops had settled it!

Mr. Goode’s Letter is, however, so full of this unmeasured assurance, and an absence of theological information so complete, that I do not believe that he is aware of it himself.† But now I turn to his “strong

\* Dr. Pusey has pointed out, in a letter, which I have since seen in the “Guardian,” that Mr. Goode has mistaken the Julian calculation of the year for a separate date!

† It is impossible not to be amused with the readiness with which Mr. Goode invents, impromptu, a little piece of ‘history’ to stop a gap in his argument as he needs it. He is sorely troubled (p. 74) to get rid of the Bishop of Exeter’s reference to one of the canons. He says, “The case is this: the Puritans were *in the habit of teaching* the people that the Sacraments were *not valid* unless accompanied by preaching,” and then he quotes a canon which is directed against the superstition of the lower orders, which in-

point," his defence of his Puritan passages from "our Reformers." There are *seven*, it will be seen, that need defence, as the reader may observe in the note which has called for this Appendix.

I. JEWELL.—The reader will see what has been said of the pretended quotation from him. Mr. Goode passes it over. He says nothing here for the "quotation" from Jewell, so I suppose it is a bad case, and nothing can be said for it.

II. HOOKER.—Mr. Goode admits that the passage "quoted" is falsified, "but inadvertently." (Goode, p. 53.) Hooker said that the "rule of *piety*" made us speak of baptized infants as *elect*. This is altered into the "rule of *charity*," and applied to *regeneration*, and not election. And then it is pretended that the *meaning* is the same! Why, I appeal to any man to read the whole section in Hooker, and he must be astounded at this. Hooker's argument is, that we *know* the children have the grace of Baptism, and we *trust*, and as Christians believe, that they are *elect* too, and will have the grace of perseverance. And this is adduced to prove that the *Baptism* was doubtful!

The other "quotation" from Hooker is that in which Hooker declares that Baptism is "to our sanctification here a *step that hath not any before it*." Mr. Goode, however, still thinks Hooker *means* the same as he and Mr. Gorham, viz., that regeneration takes place before Baptism; and therefore Mr. Goode must believe that the infant is *unsanctified*, though regenerate, before Baptism!

But there is one thing more which Mr. Goode forgets to tell us about this passage. The Privy Council altered Hooker's words to make them say only that "Baptism is the door of *an* actual entrance to God's house," as if there might be several entrances: Hooker said "*our* actual entrance!" There are other little verbal touches of the Privy Council, of a like significancy,—"*inadvertencies*" shall I call them?—Mr. Goode does not say: he is like Dionysius Exiguus with the African Synod—"he is silent."

III. ARCHBISHOP USHER.—In defending the professed extract from this Prelate, Mr. Goode says, (p. 38,) the great question is, whether the words may not "properly be *considered as conveying* Usher's doctrine." I beg his pardon. With honest men the "great question" must first be whether the pretended words of this "quotation" were written by Usher? All the slippery turns in the world will not enable the quoters of this passage to avoid this question. The truth seems that no one in the world can tell that *one word* of this quotation proceeded from Usher. He repudiated the book: and Mr. Goode knows it, and owns it.

IV. BISHOP JEREMY TAYLOR.—Mr. Goode quotes the full passage from this Prelate, of which the Privy Council give a part, in which he lays it down, that the grace of Regeneration is in reality *separable* from Baptism in certain cases. This, however, is admitted, even in the Church of Rome, as an abstract proposition. Taylor herein uses the very language that the schoolmen were allowed to use, who nevertheless believed in the "*opus operatum*." And yet Mr. Goode says that Mr. Gorham agrees with Bishop Taylor! Now Bishop Taylor, in the very passage quoted by Mr. Goode, assumes *throughout* that Regeneration is

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clined them to think more of the ministry of "preaching" than "unpreaching" ministers. It will really be enlightening the world on a very unknown portion of Puritan history, if Mr. Goode will tell us where to find the *proof* of this "*habit of teaching*" among the Puritans? I really regard this passage of Mr. Goode as a most unkind blow at his best friends. "Is it an inadvertence?" (p. 53.)



ordinarily given by Baptism. Mr. Gorham says it *never is* given in Baptism. (Gorham, pp. 113, 172, 198.) Mr. Goode says that "Mr. Gorham holds that Spiritual Regeneration may be given before, or in, or after Baptism." Now this is a simple question of truth or falsehood. I call on Mr. Goode to produce any single passage of Mr. Gorham's, in which he says this. Until he can produce it, he must be content to lie under the grave imputation of a "reckless assertion" of what is directly contrary to the facts. With the other passages adduced from Taylor I have no concern: they were not adduced by the Judges. It is too much to require of us to vindicate every word of every former writer of our Church. It is very certain that puritan, and even heretical passages might have been furnished to the Privy Council to support their decision. Mr. Goode's "work" on the Effects of Infant Baptism is quite a little mine in its way. But what we complain of is, that the Archbishop and the Privy Council get hold of the *wrong* passages, and generally the wrong names too. They were so ready with their conclusion, that they picked up bad premises.

V. ARCHBISHOP WHITGIFT.—This able Prelate is made to answer for the orthodoxy of Bullinger's Decades; and Mr. Goode argues very earnestly, (from p. 46 to 51,) that Bullinger's Decades were authoritatively 'enforced' in our Church in the primacy of Whitgift. Certainly, Mr. Goode shows that some attempt was made to get these Decades taught and enforced; and he even arrives at the position (p. 50) that it was "*expected* that it would be inquired into by Parliament." But beyond this he cannot get. In fact the scheme, by whomsoever favoured, *wholly failed*. Bullinger, after all, was *not* enforced on the Church. It would be far better than a long and tedious wrangle about editions, if Mr. Goode would give us some one instance of the "enforcement of Bullinger's Decades." But he cannot do it. Bullinger was put away by Whitgift as a "State document." (p. 50.)

VI. BISHOP PEARSON.—The attempt to fasten the opinions, or the laxity, of Mr. Goode and Mr. Gorham, on this great Bishop of our Church, has revolted men more perhaps than all the rest, and created more indignation. With a curious blindness, Mr. Goode prints at length the whole passage from which the Privy Council takes one line; beginning with the words, "Baptism is a washing away of sin, and the purification from sin is a proper sanctification." In this very passage Pearson is saying, that "there is *more* than an outward vocation and a charitable presumption to make a man holy," and yet Mr. Goode strains him upon a rack of *italics* and *CAPITALS*, line after line, to make him contradict himself;—but all in vain. Pearson is inexorable. Every word of the admirable passage quoted might have been written by Aquinas.

I suspect that Mr. Goode does not see this, from not really knowing what the orthodox doctrine of Baptism is. But Mr. Goode courageously demands how the Bishop of Exeter could possibly know that Pearson was speaking for the case of adults, when he said, "we presume the good effect," unless something appears to the contrary? We can but point Mr. Goode to the passage itself, in which, to common readers, Pearson seems to be speaking of the *subsequent* holiness of those who had been baptized. He is speaking, he says, of what is "necessary to make a *man* holy;" therefore it appears he was not referring to infants. How any one in the world can refer that whole passage to infants, it passes my imagination to conceive.

VII. BISHOP CARLETON.—This "quotation" is passed by Mr. Goode

in this letter with slight notice. I wish he would undertake to show that Bishop Carleton denied that original sin is remitted in Baptism.

VIII. BISHOP PRIDEAUX.—There seemed no need to dwell elaborately on the passage from Prideaux. I do not think Mr. Goode quite likes Prideaux; he has not at least given him a fair share of regard.

In conclusion, then, it has to be acknowledged, that in *every* point where the Privy Council quotations needed defence, Mr. Goode has utterly failed; and that even among all the witnesses he adduces for his false doctrines, there is NOT ONE to be found who says, as he says, that "Regeneration is NEVER given by virtue of Baptism itself," in utter defiance of the canon of the Church of England, which declares that children are made perfect Christians "by VIRTUE of Baptism." (See Canon XXX., to which the Church refers in the last Rubric of the Baptismal Office.)

The "charity" of Mr. Goode is of a very peculiar kind. It fixes, or tries to fix, a meaning on the words of Hooker and Pearson which they would have abhorred, and calls it a "charitable" meaning. Then he finds fault with High Churchmen for being so charitable, in fact, as the Bishop of Exeter was in his primary charge, when he expressed a desire for a comprehension of all who might be brought within the pale of our Church. The Bishop was charitable to the "Wesleyans," in a degree unintelligible now to Mr. Goode. Let me remind Mr. Goode that the Wesleyans, if followers of their founder, are far nearer to the Church's doctrine than he or Mr. Gorham can pretend to be. Wesley believed in Baptismal Regeneration. The following words are from his sermons:

"I do not now speak with regard to infants: it is certain our Church supposes, that all who are baptized in their infancy are at the same time born again; and it is allowed that the whole Office for the Baptism of Infants proceeds upon this supposition. Nor is it an objection of any weight against this, that we cannot comprehend how this work can be wrought in infants; for neither can we comprehend how it is wrought in a person of riper years."—*Wesley's Sermons*, "The New Birth."

Let us find such Wesleyans as these, and we will strive to be one with them. Our doctrinal strictness is not uncharitable. We desire such oneness with all the Christian brotherhood as bigots of no class can comprehend. May God grant it to us in His time!

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