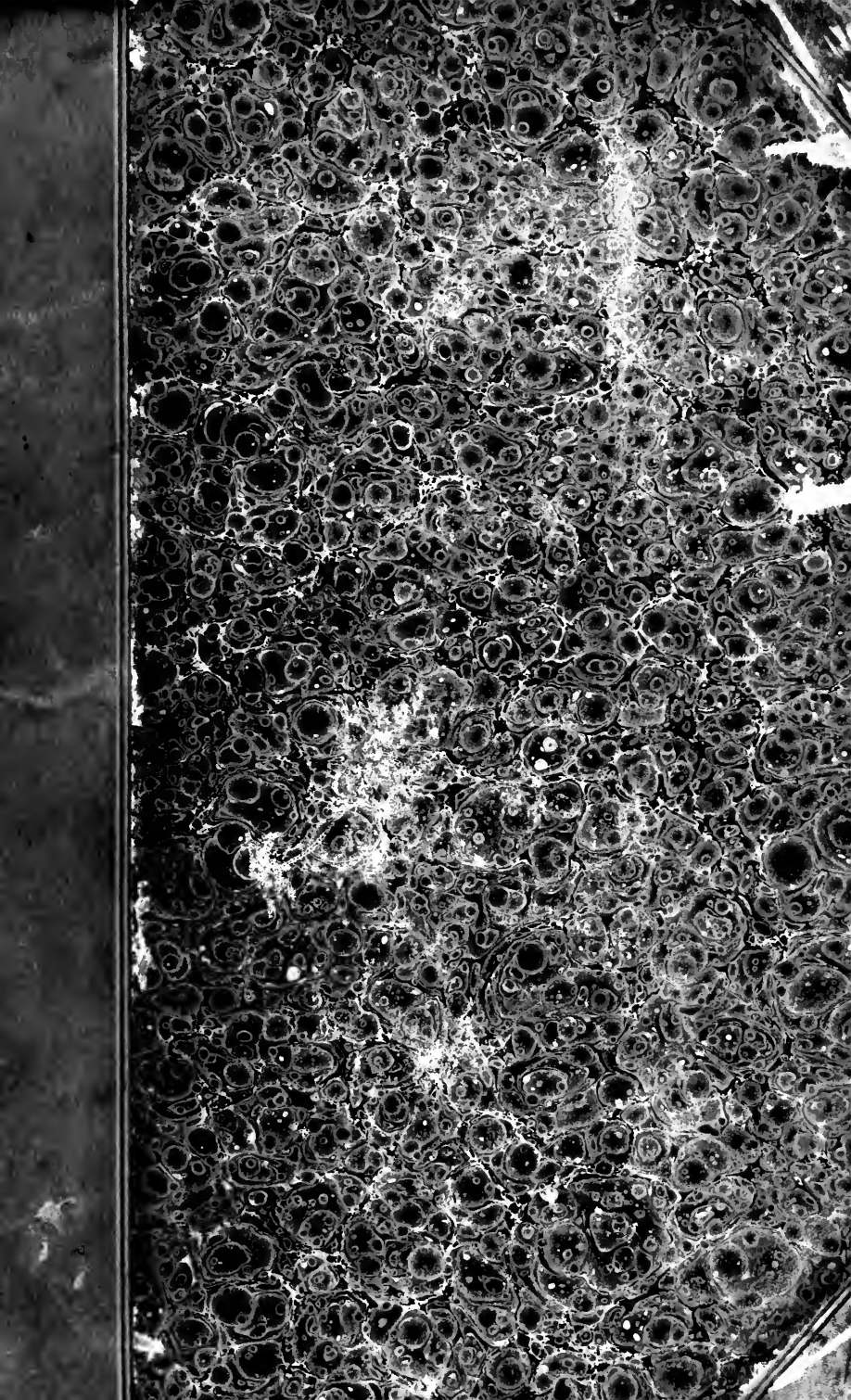

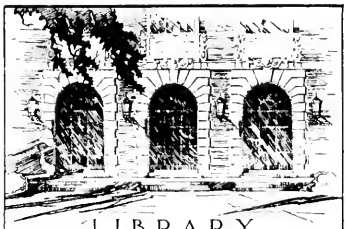

From the Author

THE NECESSITY

OF A

SESSION OF CONVOCATION,

AND THE MEANS OF OBTAINING IT:

A PAPER

SUBMITTED TO THE MEMBERS

OF THE

LINCOLNSHIRE AND NOTTINGHAMSHIRE

Church Union,

BY

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SECOND EDITION, WITH A PREFACE IN REFERENCE TO

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1850.

JOHNSON. "'What do they make me say, sir?'

BOSWELL. "'Why, sir, as an instance very strange indeed (laughing heartily as I spoke), David Hume told me, you said that you would stand before a battery of cannon to restore the convocation to its full powers.' Little did I apprehend that he had actually said this: but I was soon convinced of my error; for, with a determined look, he thundered out, 'And would I not, sir? Shall the Presbyterian *Kirk* of Scotland have its general assembly, and the Church of England be denied its convocation?'"—*Boswell's Johnson*, ii. 253. Ed. Croker.

PREFACE TO THE SECOND EDITION.

SINCE this Paper was written, the announcement has gone forth of that fresh aggression of the Papacy in parcelling out the realm of England into new dioceses, on the authority of a Bull from Rome. It is impossible to exaggerate the importance of this attempt; for it signifies no less than this,—that the Church of Rome, having hitherto laboured amongst us by its Missionaries, as in a heathen land, has now succeeded in planting *a new Church of England*, which it proceeds to found in our country, on the ground that the original Church of England, which has undoubted succession both from the early British and the Anglo-Saxon Church, is utterly apostate, and cut off from the Fold of Christ.

It is well:—for it may, at least, serve to show us how utterly hopeless is any design or attempt at reconciliation with that communion; and how sinful must be any tampering with her services by frequenting her places of worship. And it is a ground of satisfaction, that now again, as at the time of the Reformation, the whole responsibility of this schism must rest with the members of that communion, and not with ourselves. For though their former measures left no doubt of this, henceforth it is more palpable and apparent.

It remains to see how far the old law of *præmunire* will avail against this act of the See of Rome. Certainly our

ancestors, before the Reformation, would not have submitted for a moment, *Roman* Catholics as they were, to such an aggression. For there are abundant instances in which Bishops and others were prevented by that law from executing any Papal Bull in England without the Royal Licence. And it was even on this very ground, of their having acknowledged Wolsey as a Legate, without the King's consent, that the submission of the Clergy was brought about under Henry VIII. As some old statutes relating to Roman Catholics were repealed a few years ago, it will probably be found that they have contrived, with their accustomed astuteness, to get themselves excepted beforehand from the operation of this law. But if so, what an additional, and, one should hope, irresistible ground does this afford for the claim on behalf of that which is indeed, and by God's blessing will continue to be, the true, as she is undoubtedly the original, Church of England, that those fetters which were forged, in order to release her from the usurped authority of Rome, should no longer be rivetted upon her, in order to cripple her own energies, and curtail the freedom of her acts! For it is by the extension of this same law to our Provincial and Diocesan Synods, that the Bishops and Clergy are now withheld from holding any Synods at all.

At least it would appear probable that the nomination of a Roman Bishop to the See of *Nottingham* is illegal, since Nottingham is the See of a Suffragan Bishop, under the 25 Hen. VIII. c. 14, and the Romish Bishops are restricted by law from taking the titles of English sees. Westminster, which was made a Diocesan See by Henry VIII., was unhappily soon afterwards suppressed.

One other advantage we may in the end derive from this encroachment of the Pope. If he is to be permitted to constitute sees and dioceses at pleasure in this country, it will be impossible any longer to withstand the paramount

claim of the Church of England to the extension of her own Episcopate.

It appears that a respectable legal authority[1] has laid it down as a fact, that an express Act of Parliament would now be necessary in order to enable Convocation to meet for the transaction of business. And this necessity is said to have arisen from the erection of additional sees in the Colonies, deemed to be within the diocese of Canterbury, and the re-division of English dioceses. It does not appear that any such law was required when Henry VIII. created six new sees in England, five within the province of Canterbury, and one within that of York. And if Convocation *cannot* now meet for a practical purpose, even with the Royal licence, how comes it that this body has been permitted to assemble, *as if for business*, for more than half a century since the erection of the first Colonial See, that of Nova Scotia, in A.D. 1796, and to offer that remarkable prayer for the aid of the Holy Ghost upon its deliberations[2], if no deliberations whatever can legally take place?

It may be true that the incumbents of recent archdeaconries, and even of recent bishoprics, may not be entitled to their writs without an Act of Parliament. But that the Convocation itself should have thereby lost its existence and become *obliterated*, is really incredible. But if it were so, it would be only an aggravation of the grievances of the Church, and an additional reason why "*something must be done.*"

[1] Mr. Stephens, in his edition of the Prayer Book, with notes, legal and historical.

[2] See "The Power conferred by Christ upon His Church." A Sermon by Rev. T. Bowdler, note, p. 29.

THE NECESSITY

OF A

SESSION OF CONVOCATION.

It is presumed that all English Churchmen are now sufficiently informed on the subject of the national synods, to be aware that the convocations of either province of Canterbury and York are always convoked with every parliament, by the joint authority of the crown, and of the archbishops and bishops of the respective provinces. Being thus convoked, they assemble accordingly, and present an address to the crown; after which, the practice has now prevailed for about one hundred and thirty years of proroguing their session, without allowing them to deliberate on any subject whatever.

The question of the power of the crown to prevent the convocation from even *deliberating*, was strongly contested in the period immediately preceding that in which their sessions were, for all practical purposes, as far as yet appears, finally discontinued. It depends upon the construction of the words in the act, called the "Submission of the Clergy," 25 Hen. VIII. c. 19, by which the clergy are bound not to "attempt, publish, or put in ure," any canons without the consent of the king. It was contended by Bishop Atterbury, on the one hand, that these words do not extend to prevent them from deliberating, though they restrict them from publishing any canons without the licence of the crown. On the other hand, it was urged by Arch-

bishop Wake, and others, that the royal licence is necessary before the convocation can even proceed to deliberate. And whatever may have been originally the sense in which these words were intended, it seems sufficiently clear that, at least from the reign of Charles I. inclusive, the convocations have never deliberated without such licence, and this must probably now be taken to be the established rule.

It remains, therefore, to inquire, whether they possess any power, or are able to take any steps, in a case where such licence is refused or withheld.

And first, it may be asked whether, in fact, it can properly and strictly be said that it is *refused*, when it is not formally asked or demanded? The convocation is accustomed to meet with each successive parliament, and to present an address to the crown. And surely it may most reasonably be alleged by the government, that if the convocation really desire this licence to deliberate, it may be expected that they will ask for it; and so long as they continue to assemble from time to time, and to present their address to the crown without expressing any desire of the kind, the natural and almost necessary inference is, that they do not desire it. The government, therefore, may contend that, until it shall have been so demanded, they have the best reason to conclude that the convocation itself does not desire the restoration of its own functions. Yet, so far from their having demanded it hitherto, it does not appear that they have ever before expressed such a wish, since the licence has been withheld, until the meeting of the present convocation, when some slight hope that a session might at some time be permitted, was inserted into their address. And this consideration derives additional importance from the fact that the pledge of the sovereign, which is prefixed to the ratification of the Articles, makes the granting of the licence to deliberate to *depend upon its being demanded*. The words are, not that "the bishops and clergy, from time to time in convocation, *shall have licence*," &c.; but, "the bishops and clergy, from time to time in convocation, *upon their humble desire*, shall have

licence." And this is an important difference: for as the bishops and clergy have no authorized way of expressing their collective opinion, except in the address of convocation, it requires first, that such their humble desire shall have been made and rejected, before it can be said, speaking technically, that it has been refused.

If, therefore, the constituents of the lower house of convocation are not satisfied with the present state of things, it would seem to follow, that their first object would be to influence their representatives so that they may be prepared to take this necessary and important step in the address to which their consent is required, whenever another convocation is elected, which always takes place with every new parliament, that is, at each general election.

And this brings us to consider another most important element in all the proceedings of Churchmen, and especially of the clergy, in times of excitement like the present. It cannot but occur to their minds with painful force, that any independent act of theirs, if taken apart from, and possibly against the individual opinion of their bishops, may be a violation of that constituted order of things, which it is their duty above all other men to commend and to observe. The writer of this paper does not hesitate to avow, that this consideration has long kept, and would keep him for ever silent, let his private opinions be what they might, if it were not for this one circumstance, that the convocations which are now equivalent to the synods of the Church of England, comprise the representatives of the clergy, and that the clergy in general are called upon, *by the writ of summons of their own bishops*, to choose those who shall represent them in these assemblies. This fact, occurring as it does by the constituted order of that government in Church and State under which we live, appears to place them, by no seeking and by no act of their own, but in the appointed course and order of events, and therefore of Divine Providence, in circumstances in which they are called upon by their bishops themselves to exercise their

own independent judgment. It matters not that the bishop's writs have come to be so negligently served that many may not even know of the day of election; the fact remains, that all the beneficed clergy in each diocese are summoned by the bishop to elect their proctors in each convocation, and that all who do not appear on the day of election are deemed to assent to whatever election may take place. If therefore the clergy desire to have a session of convocation, it would seem to be their first and most obvious duty to send up those to represent them who will do their best in order that this desire may be signified to the crown. And this is as much their duty to their own bishops, who convoke them for the purpose, as it is to the Church at large.

And I conceive that it is on this ground that we can securely place our justification for uniting in such associations as the present. If our ecclesiastical organization were complete, or even if circumstances were such as they have been, it might be different. But while we are deprived of the legitimate mode of expressing the grievances, or providing for the emergencies of the Church, and yet are legally and constitutionally bound by the act of our representatives, if they acquiesce in the existing state of things, it becomes in a manner necessary that, if we wish to recover our undoubted constitutional rights, we should take some steps towards it.

But before we proceed to point out the precise steps which seem to be within our power towards the accomplishment of this object, it is requisite that we be satisfied first, that the object in itself is desirable. And here we are met by the argument of the dangers of a session of convocation, and this is confirmed by appeal to "the experience of former convocations." Add to which, it is further contended, that the existing form of convocation is defective, and must be amended before it can be of use to the Church.

Both these topics require to be considered.

I. As regards the dangers of a session of convocation, it

is not denied that we are surrounded by dangers. But the question is, when the ship is near the breakers, whether the danger is greater in continuing the course which is hurrying her towards them, or in altering that course? There is no use in denying or concealing the fact, lamentable as it is, that something like this is now the position of the Church of England; and those who advise us to do nothing for fear of the danger, must be content to hear in return, that it is for this very reason that we think it is time to act. Danger there is in every course, and since it is so great by leaving matters alone, it is time to consider whether it be not for want of a healthy and natural action that we have come into this state.

On such a subject, it may be useful to avail ourselves of the example and the counsel of those who, there is too much reason to fear, must continue to be, as for three centuries they have been, at once the most formidable and the most implacable of our opponents. We are told by Father Paul, that when it was discussed in the Roman conclave, on the accession of Julius III., whether the Council of Trent should be continued at that place, many of the cardinals represented the danger to the popedom which such a resolution might involve. "But Cardinal Crescentius said, that there was no human action in which there was not some danger: that war did show as much, which is the chiefest, which is never enterprised, though with never so much assurance of victory, but there is danger of loss and total destruction; neither is there any business undertaken with so much certainty of a good issue, which may not suddenly fall into great inconveniences, for unknown or lightly esteemed causes. But he that is forced, for avoiding other evils, to yield to some resolution, must not care for it. Things are in such a state, that, if the council be not held, there is more danger that the world and the princes, being scandalized, will alien themselves from the pope, and do more, *de facto*, than in the council, by disputations and decrees. Danger is to be incurred any way, and it is best to take the most honourable and least dangerous part.

"This opinion," adds the historian, "was approved, and a resolution taken, that no demonstration of fear should be made, &c.[1]" In short, the council was held,—with what success, as regards the confirmation of the then shattered system and authority of the papacy, is sufficiently well known.

And if such be the counsel which we may derive from one class of our opponents, we are not without the means of ascertaining what conclusions are drawn to our disadvantage by those of precisely opposite sentiments. In a series of publications, called "Anti-State Church Tracts," there is one tract called "The Church in Fetters," in which the following assertions occur. "The sovereign, however depraved in his morals, or indifferent in his faith, is the supreme head of the Church; and parliament,—composed of 'Catholics,' Protestant Dissenters, Latitudinarians, and nondescripts,—governs the Church in the minutest details. Its solemn devotions and its songs of praise, the formularies of its worship and the articles of its creed, are subject to the control of politicians of all shades of character, and every variety of faith[2]."

Now we know full well that, by the constitution of the Church of England, this is far from being the case; and we may hope that the attempt will never be repeated, which was frustrated, under William and Mary, by parliament and convocation united, to alter even the liturgy by authority of parliament alone. But what sort of an answer are we able to make to such assertions, when the same writer is able to produce, in another part of the same tract, the following quotations from the charge of our own diocesan? He tells us that the Bishop of Lincoln, in his charge of 1848, says, "that in the very notion of a society is implied a power to make laws for its own preservation," but admits that "the national Church is now practically deprived of this power[3];" assertions which, though introduced for a

[1] Father Paul, l. iii. p. 284. A.D. 1550. (Brent's Translation.)
[2] Anti-State Church Tracts, No. 25, pp. 6, 7.
[3] Ibid. p. 17.

far different purpose, are undeniably true. When we find our opponents representing our condition to be such as that, if it were actually such, we should hardly be a Church at all, and quoting our bishops to show that, practically, it has almost become so, how much longer are we to wait before we resume that right of self-government, on the existence of which we are constrained to place our defence against such imputations?

On this right, and its probable results, let us hear the authority of one not by any means prejudiced in favour of exorbitant privileges for the Church. In moving for "an address to Her Majesty for a commission on sub-dividing densely-peopled parishes in England," March 1, 1849, Lord Ashley is reported to have spoken as follows: "Before they proceeded to condemn the Church for what she had not done, they ought to allow the Church an opportunity of proving what she was able and willing to do. His own firm belief was, that if they would but untie her hands, enable her to expand her wings, and permit her to show all she desired to do, she would fully, amply, conscientiously, and beneficially discharge all those high and solemn duties, for which, under God's blessing, she was originally founded by the piety, wisdom, and love of our forefathers [4]."

Nor is it any new thing in the history of this Church for men to desire some greater freedom of action. In July, 1566, Laurence Humphrey and Sampson wrote thus to Bullinger:—"The assumption of pre-eminence and pride has always displeased us in the papacy; and can tyranny please us in a free Church? A free synod among Christians hath heretofore untied the knots of controversy; why should every thing be now referred to the pleasure of one or two individuals? Where the liberty of voting and speaking

[4] In speaking of our Church being *founded* by our forefathers, it may prevent misapprehension to say that the speaker is here understood to speak in the sense of the statute of 26 Edw. III. st. 6, A.D. 1350, which declares in the preamble, that "whereas the holy Church of England was founded, &c., within the realm of England, by the said grandfather (of the king) and his progenitors, and the earls, barons, &c., and their ancestors."

prevails, the truth is vigorous and flourishing." It is true this was said against the bishops, and it is against the tyranny of the State that we have now to contend, under which, in fact, the bishops are just as much restrained as ourselves. But this is an additional ground for hoping that our spiritual fathers will see the necessity of combining with us to demand the restitution of our liberties. It is a mistake to suppose that the parochial clergy desire a session of convocation for the sake of *their own* power. If the constitution had given the right of sitting in synod to the bishops alone, the parochial clergy would equally desire it; and though there are many reasons why, in regard to provincial synods, the existing constitution is the best, and has very good precedents in its favour, a synod of bishops alone would have been certainly valid. But it is because we are now restricted from any synodical action whatever, that we desire to reclaim that to which we have a constitutional right; not for the sake of our own power, but as the only means of recovering any synod at all. Besides, if it were a question of the powers of the bishops, which it is not, it would argue very small knowledge of human nature, not to see that the moral influence, and by consequence the real power of the bishop, would be infinitely greater, when he was backed by the vote of a synod, provincial or diocesan, than when his injunctions rest on his own private opinion alone, however venerable his character, and however eminent the virtues that distinguish him in private life.

But if it may be shown that the dangers of a session of convocation, whatever those dangers may be, are as necessary to be encountered now by us, as is the danger of a battle in order to a victory, when not to conquer is to be destroyed; it is worthy of consideration whether those dangers themselves are not much less than is commonly supposed. It is from "the experience of former convocations" that this apprehension is derived. Let us see, therefore, what that experience is, in order to judge whether the like elements of discord now subsist.

On the accession of William and Mary, an attempt had

been made, as before referred to, to alter the liturgy and articles by a royal commission, without convocation. This attempt was frustrated by the house of commons, who carried a petition to the throne that it might be referred to the convocation. The lower house was accordingly elected, under all the excitement incident to an attempt to annihilate the spiritual functions of the Church, which excitement was increased by the fact that several of the bishops had but lately permitted themselves to be consecrated into sees, thought by many to be canonically full during the lives of their non-juring predecessors. The chief subjects of controversy during this session related to the power of the crown and the archbishop in the adjournments and other proceedings of the lower house. There is no reason why, with mutual forbearance, and a due sense of the importance of avoiding it, this question should come up again. During the reign of Queen Anne, a great deal of important business was transacted, and much more was in the course of being accomplished. But with the accession of the House of Hanover, there was unhappily introduced a system of jobbing and tyranny in the appointment of bishops, so shameful and profligate, that at length a person was appointed to the see of Bangor, whose published opinions, however their character may have been controverted at the time, are now acknowledged to have been Socinian. The lower house carried an address to the upper house for the censure of Bishop Hoadley's writings; and the government, having no other way of protecting their nominee, withdrew the licence of the crown for the deliberations of the whole convocation. Hoadley was translated from Bangor to Hereford, from Hereford to Salisbury, and from Salisbury to Winchester: and the synods of the Church of England, by which all the acts of the Reformation were carried, and which are solemnly guaranteed to the Church by the declaration of each successive sovereign, *have been ever since suppressed.*

Is it fair to quote the *experience of former convocations* as a reason why this state of things should continue, because the lower house at one time contested their privileges with

the upper house, when they had special reason to mistrust the government, by whom great part of that house had been appointed[5], or because, at another time, they did their endeavour to vindicate their Church from the taint of actual heresy in the person of one of its chief pastors?

And does the *experience of the century without convocations* sustain the inference in its favour? Witness the denial of bishops to the supplications of the Church in America: Witness the successful artifice by which a profligate minister of the crown was enabled to divert from its object the public money granted by the legislature in aid of the noble self-devotion of a Berkeley, when he desired to be made the instrument of conveying that inestimable blessing: Witness the rise and growth of the Wesleyan societies, without one effort on the part of the Church to retain or to control them; the wholly irregular, however happily not now wholly unfruitful system of our missions; the neglect of churches; the sloth, the apathy of a generation, in which the traditional principles of our Church in its former loveliness and order became so nearly obliterated, that the first breath of its revival was drawn from alien sources, and we are only now beginning to learn again, often with fatal results from individual rashness and impetuosity, the true principles of our own Reformation, and our noble destiny as a primitive branch of the Catholic Church of Christ.

No; the fact is, that these very dissensions which are now quoted as a reason for suppressing our convocations, did not even arise until the intention or desire to suppress them had been exhibited. It was in the struggle to maintain them that the dissensions had their origin, and in order to prevent such dissensions in future, it only needs to show us frankly that the restitution of our constitutional privileges is honestly and fairly intended. The real danger is not from internal dissensions, if we are left to ourselves, but from the overweening and arbitrary exercise of the power of the crown, no longer vested in the sovereign, but

[5] It may be added, that Burnet himself admits that it was for the best in the end that King William's design was frustrated.

in the minister approved by a majority of the house of commons. There may be, there is some danger in the opposite course, and the longer it is deferred the greater it becomes; but it is as nothing in comparison with this. The crown claims to exercise, within its jurisdiction, the power of the Christian emperors, and so much we have willingly granted, and are at all times prepared to grant. But—the emperor is the representative of Cæsar, and when they tell us of danger in asking for what no Christian emperor ever yet denied, we answer in the words of Cæsar, that

> "Danger knows full well
> That Cæsar is more dangerous than he[6]."

In fine, the very existence of these Church unions is, in itself, a testimony to the necessity of convocation. There is no doubt they are anomalous in their character, and in themselves might be dangerous, if permanent. But such anomalies are an indication of disease in the body out of which they spring; and the true way to suppress them is by affording a legitimate outlet to the wants and feelings which they represent. It has become almost a proverb amongst statesmen, that the way to stop the mouth of a demagogue is to send him into the house of commons. Let them extend to the Church the maxim of their own craft. If they want to put down Church unions, and to prevent such discussions as those at the National Society and other meetings, let them give us back the lawful and constitutional exercise of a voice in our own affairs, and see whether the very fact of the members being the representatives of all classes of opinion in the Church, and the legitimate and constitutional representatives, would not be the best guarantee against the repetition of scenes which are inevitable in any assembly where one class of opinions alone is represented.

[6] It is hardly necessary to say that this is intended to apply not to the individual sovereign, but to the power of the State as now exercised by the houses of parliament.

II. But it is also contended, that the existing form of convocation is defective, and especially that *lay members* require to be introduced.

On this subject it is requisite that we should first consider that the question is not now as to the fittest mode of Church representation, but as to the bare existence of such representation at all. Surely, even those who may be most strongly convinced of the necessity of some alteration, will not contend that we must wait until government or parliament shall please to give a new constitution to the Church, before we even ask for the restitution of our rights. Surely, the only probable way of obtaining such an alteration, if desirable, would be by reclaiming first those rights which are suspended.

But as regards this particular suggestion of lay representatives, there are some considerations respecting it which may be deserving of more attention than as yet they appear to have received. The old constitution in Church and State was understood to be of that mixed kind by which the great council of the nation consisted of three estates, of lords, commons, and clergy. It was, at least, an intelligible theory by which it was held that the clergy should sit alone in their convocation to discuss purely spiritual matters, but that no such matters should become *law*, even though ratified by the assent of the crown, without the assent of the other branches of the entire legislature, or in other words the two houses of parliament. This question was set at rest by Lord Coke when he decided that even the canons are not law, though put forth by king and convocation, for want of the ratification of parliament. And so long as this state of things continued, the laity of the Church could hardly complain that they had no voice in ecclesiastical affairs; for in the reign of Elizabeth they had once gone the length of excepting some of the articles from their parliamentary ratification.

It is true that this old constitution is now greatly altered. But how altered? First, the voice of the clergy, in *their* assemblies, has been altogether suppressed. Se-

condly, since this suppression, the parliament alone has usurped almost all its functions; and, lastly, the constitution of this very parliament has been so changed, that the bitterest enemies of the Church have an equal voice in all its affairs. It was said, at the time that the Roman Catholic claims were conceded, or shortly after, when "securities" were talked of, that the only real security would be an enactment by which no matters affecting the Church should be introduced into parliament, or if introduced, should become law, which had not received the sanction of convocation. But all such securities have been unheeded, owing to that infatuated dread of convocation itself, by which Churchmen have become possessed. They would rather that Papists, Jews, and Infidels should legislate for their Church than trust her own clergy with a voice in their own affairs.

But now that these great changes have come to be introduced, the suppression of convocation, the usurpation of ecclesiastical legislation by parliament, and the alteration of the constitution of parliament, the laity, who before had a voice in Church matters, have it no longer, or no longer without the admixture of aliens and opponents. It is, therefore, the Church laity who have lost most by the recent changes, or who will be seen to have lost most when convocation is restored. It is out of the question that any law should be passed that only Church communicants should vote in parliament on Church questions, thus restoring the Test Act; and, *primâ facie*, the alternative certainly seems to be to give them lay deputies, like the Americans, in convocation.

If, indeed, such a course were contrary to all ecclesiastical precedent, that fact in itself ought perhaps to be conclusive against it. But such is not the case. Not only were lay deputies found in the synods of the Christians of St. Thomas, on the arrival of the Portuguese discoverers in India; but in the old Gothic monarchy of Spain, we find the "Viri Illustres," some of whose names may yet be traced in old Spanish families, signing the acts of the Councils of Toledo. The same may be traced in Gregory of Tours, in

the accounts he gives of the oldest councils under the Frankish monarchs. And it was the old Anglo-Saxon practice: "Rex Ælfwoldus . . . . . statuit diem Concilii, ad quem convenerunt omnes principes regionis tam ecclesiastici quam *sæculares*." [Concil. Calchuth. A.D. 785. Wilk. i. 146.] And to this record the names of several noble Saxons of both provinces are subscribed, following the names of bishops and clerks. Neander also informs us that a somewhat similar practice existed in the African Church, and quotes Purpurius, a Numidian bishop, writing thus to Silvanus, Bishop of Cinta, "Adhibete conclericos et *seniores plebis*, ecclesiasticos viros;" and Optatus, "Sine concilio *seniorum* nihil agebatur. Itaque et vos, quos scio omnem sapientiam cœlestem et spiritualem habere, omni vestrâ virtute cognoscite, quæ sit dissentio hæc, et perducite ad pacem." Optat. Milevit: de schismate Donat.[7]

So far, therefore, if the religious laity of the Church of England should desire to have their own representatives in a national synod, there will exist no impediment in principle on the part of the clergy, provided there be reserved to the latter that voice on points of doctrine which belongs to them by the law of Christ. But it is probable that some other considerations will have much weight before the laity will arrive at this conclusion. For it is to be observed that the condition of all those branches of the Church, in whose provincial or national synods lay deputies either have formerly been, or are now admitted, is widely different from our own. It requires to be ascertained whether the Anglo-Saxon councils, as well as those of Gaul and Spain, had not power to *make* the laws respecting ecclesiastical affairs, and whether such assemblies are not precisely of that kind out of which our own "great national council" of lords, commons, and clergy has arisen. For though it is true that these Anglo-Saxon councils were not the same as the Witena-gemots, it still seems probable that their acts would be legally valid, as those of the subsequent con-

[7] The writer is indebted for several of these instances to more than one learned friend; and they are important.

vocations and of Roman legates were after the Norman conquests. A mixed assembly, therefore, of laity and clergy, having no such power, consulting for the most part on matters more or less of a spiritual nature, and still obliged to go to parliament for every legal enactment they might require, would seem to be an anomaly involving serious difficulties. On the other hand, if we compare it with the condition of the existing Church in America, or with that which once existed in India, we shall find that those councils have or had a power of making laws which would at least be binding among themselves; and that lay deputies are required in such cases, as among the dissenters in England, because those Churches are in the condition of a mere sect, unknown to, or not recognized by the State.

And here, therefore, another question would occur. We often hear of *a dissolution of Church and State.* It is not very easy to understand what is meant by that term; perhaps, because the notion is not well defined of the union of these bodies or these ideas. But it is for consideration whether such a convention might not tend to that much dreaded catastrophe. It is said, indeed, that many are beginning even to desire such an event, rather than continue as we are. But to those who value our old constitution in Church and State, and desire to maintain it, the inquiry will occur, whether the restoration of convocation as it is be not the most *conservative* measure we can adopt, and whether it may not be safer and wiser, at least to begin with that, without any actual pledge regarding future alterations. Add to which, that the English convocations *cannot* be constitutionally remodelled without their own consent.

It might, perhaps, be desirable to make the experiment of admitting some ecclesiastical judges into those assemblies, and for this there is precedent in the councils of the primitive Church. But for any thing further, it would seem that some more consideration is required, unless we should find it necessary absolutely to break with the State; and

although it is easy to talk of this, there does not appear any great likelihood of its being intentionally and deliberately done; because, while things appear to go on in their accustomed course, so few can be brought to perceive the changes which have passed over the Church. The real danger is, lest the Church should by degrees more and more be converted into *a latitudinarian establishment, maintained by parliament for teaching the religion of the State.* This is what our enemies now assume that we are; and this if we become, it is inevitable that vital Christianity and Catholic faith will be scattered to the winds of heaven from out the bosom of such a society.

It is not, however, intended to deny, that if we could indeed obtain a convention such as the Anglo-Saxon councils are presumed to have been, in which the clergy and laity combined should have power, with the assent of the crown, to *make laws* for the Church, this would be the greatest and a most excellent privilege. The fear is, that this could not be obtained; and that in any other case, practical difficulties would arise.

Having thus considered the two chief objections to the revival of convocation, as at present constituted, it remains that we advert to those means of promoting its revival which seem to be within our reach.

There is, however, one other practical difficulty which is deserving of attention, in the fact that there are, even for England alone, two separate convocations; those, namely, for Canterbury and York, independent of Ireland and the colonies. The remedy for this difficulty, which may be applied, as it has formerly been, on great occasions, is in the power of the sovereign to convoke a national synod, instead of provincial ones. In the mean time, the two provincial convocations do not appear to have interfered with the action of each other in former times, and for ordinary matters of discipline and the like, the separation may even have its advantages. At all events, the original and fundamental argument still applies in its full force, that if we desire to recover any synodal functions for our Church at

all, the one way of obtaining our object must be by acting upon those constitutional rights which we have, not by speculating upon how we might improve them.

The ways by which we may hope to attain this object appear to be chiefly these following :—

I. By the insertion of a direct and unqualified demand of the restitution of our constitutional rights, in the address to the throne still presented by the convocation when it first assembles with every new parliament.

And in order to this, by

§ 1. The election of proctors pledged to do their utmost to promote such a course.

§ 2. By petitions to the bishops, from clergy and laity in their respective dioceses.

§ 3. By direct petition to the convocation itself.

II. By a vote of either house of parliament for an address to the throne, as in the time of William and Mary, praying for a session of convocation ; and in order to this, by

§ 1. Making it a condition of voting for any members of parliament that they shall vote for such a step, if proposed.

§ 2. Petitioning both houses to the like effect.

III. By direct petitions to the Queen, from all classes of Churchmen, for the same purpose.

We will take these subjects in their order. And, First,

It may be doubted if we are sufficiently aware of the very great privilege which the convocation even yet possesses in this right of addressing the crown. When it is remembered that acts of parliament formerly ran in the form of petition, and are even now deemed to be the act of the sovereign ratifying the prayer of the parliament, there would seem to be hardly any subject relating to the interests of the Church which might not be introduced into the address of the convocation ; and being introduced, all such subjects might, of course, be debated there. This being the case it leaves room for a *semble*, that the crown does not even yet possess the power to suppress the voice of the convocation, if this body should agree to discuss any sub-

jects whatever *with a view to their insertion in their address*, before going up with that address to the throne. But as such an attempt might lead to a renewal of those dissensions between the two houses which have before existed, relating to the proroguing power of the archbishop, it is only in the last resort that they can be recommmended; though it is not pretended that the right has ever yet been claimed for the archbishop, of proroguing them *before* the address has been agreed to.

On the usual subject-matter, however, of the address itself, no doubt exists; and if the upper house should send down an address which should not contain such a prayer as has been referred to, the lower house may amend it by inserting any words they please. This was done when they first met under William and Mary; and it was done again when they last met, besides other instances. And though, on each of these occasions, the amendments were trifling, the principle is equally established. It is very possible, indeed, that such an amendment might not be carried, or if carried in the lower house, it might not be adopted by the bishops. But much would be gained even by making the attempt. There is nothing to hinder the lower house from debating the question as long as they please, and, if necessary, *adjourning the debate*. The upper house cannot address the Queen without the lower house, since the whole convocation, though separated for convenience, is only one estate. Consequently, either the lower house must be permitted to debate the question until they can arrive at a decision, or the convocation must be prorogued without any address at all. And it is hardly conceivable that this additional ground of complaint and dissatisfaction would be inflicted on the Church at the present moment, especially as the legality of such a course would certainly be contested.

Nothing need be said here on the importance of electing proctors who would be prepared to adopt this course; nor on that of petitions to the bishops, expressing the wishes of the Churchmen of their dioceses; but as regards the proposal of petitioning convocation on the subject, some doubt

may exist. Not, indeed, that it is doubtful whether convocation, when in session, may entertain petitions, like the houses of parliament, for there are precedents in existence; but the doubt is, whether such petitions could be presented when they were merely considering the address, and before they had received the royal licence to deliberate. Still, the attempt might be made, and even if the petitions were not received, their moral weight would be almost the same. It is presumed that they should be addressed to the convocation collectively, not to each house separately, for the reason above given, that the separation of the houses is accidental only. But duplicate copies would probably be required.

On the other means of obtaining this object, it is not necessary to enlarge. That either house of parliament may address the crown for a session of convocation, is obvious and unquestionable; and that they may both be acted upon by way of petition, and the lower house by conditions imposed by their constituents at the time of their election, is equally plain. And that the Queen may be addressed by any classes of her subjects, on this, as on any other privilege or grievance, does not require to be shown.

But if all these endeavours should fail, there is yet another course which has been indicated by such authority that no one can be blamed for adverting to it. It is well known that of all the writers by whom "the authority of Christian princes over their synods" was "vindicated and asserted," none was more successful or more influential than Archbishop Wake. Indeed, it may not be too much to say, that the extreme length to which the government of George II. was encouraged to go, was mainly sustained by the authority of his name and his opinions twenty years before. Yet Archbishop Wake has himself declared that a case *may* arise in which it may be the duty of the bishops and clergy to hold their synods *in spite of the præmunire.*

What sort of a case it might be which he contemplated, and whether we have arrived at, or are approaching such a conjuncture, is a question for each man's own decision. It is by no means intended here to resolve that question in the affirmative; and one thing is clear, that every possible

endeavour ought first to be made. But it would be wronging ourselves and our Church to suppose that if ever such a case should arise, there will not be found "true hearts ready to suffer in her cause." And it should further be observed, that it is not by open violence and avowed hostility on the part of the civil government that we can expect such a state of things to arise, but by the stealthy progress of events, changing all our relations with the State, and yet seeming, to unobservant eyes, to leave us in the same position as before.

The passage here referred to is as follows; and it is the more necessary to produce it, as its existence has been denied:—

"Though the king has (I conceive) such an authority by law over our convocations, that he may prorogue them when he will, and grant them a licence or not to act, as he pleases; yet still I have affirmed, and I see no cause to retract my assertion, that this authority he is obliged in conscience to exercise for the public good of the Church and realm, and therefore ought not either to hinder their sitting, or to restrain their acting, when it would be for the advantage of either, that they should meet and do the work that belongs to them.

"As therefore in the civil affairs of the realm, the prince has his other council to advise him, and upon their deliberations proceeds to act, not only with greater advantage to the public, but with a better satisfaction to himself likewise; so in those which concern the state of the Church, I make no doubt but that it is the duty, as well as the wisdom, of a Christian king to consult of all these matters with those who have the government of it committed to them by God, and by their direction and assistance to manage himself in the exercise of this great branch of his royal supremacy, and neither obstinately to refuse the clergy liberty to assemble when they think it would be for the service of the Church and the benefit of religion to come together; nor yet unreasonably require their attendance when there is nothing at all, or nothing of any consequence to be done by them.

"But, however, should it so fall out (as yet it is to be hoped it shall not in a Christian kingdom), that the prince should neglect his duty in this particular, and so not give his clergy the opportunity of meeting and acting, when it would be a real benefit to the Church that they should assemble, and provide for the estate of it; in that case, I conceive, it would be the duty of those who are the fathers and governors of it, to apply to him for his permission to come together; to remonstrate with humility, but yet with a Christian freedom too, the necessities of the Church; the evils that are to be remedied; and the reason they have to hope that, by their assembling, they may provide some remedy for them, and to press him in the name of God, and in pursuance of that trust which the public has reposed in him, to give a favourable answer to their requests.

"When this is done, if the prince shall still continue deaf to their remonstrances, and refuse them the liberty they so reasonably and dutifully desire of him, then indeed they may have just cause to complain that he abuses his authority, and to consider what is next to be done for the honour of God and the safety of his Church committed to them. But otherwise, I cannot but think it too soon to complain of the prince that he does not suffer the clergy to meet and act, whilst they have not so much as once applied to him for his permission, nor done any thing to convince him that it is needful for them so to do."

Then follow some compliments to his own sovereign, William III., after which this eminent writer thus proceeds:—

"However, to conclude these particulars, should we ever be so unhappy, under a Christian magistrate, as to be denied all liberty of these assemblies, though the governors and fathers of the Church should with all their care and interest endeavour to obtain it; should he so far abuse his prerogative as to turn it not only to the detriment, but to the ruin of all true religion and morality among us, and thereby make it absolutely necessary for something extraordinary to be done to preserve both. In such a case of extremity, I have before said, and I still adhere to it, that *the bishops and pastors of the Church must resolve to hazard*

all in discharge of their duty; they must meet, consult, and resolve on such measures as, by God's assistance, they shall think their unhappy circumstances to require, *and be content to suffer any loss, or to run any danger for their so doing*[8]."

This passage very clearly points out the necessity, before insisted on, of making known our desires to the crown before we can properly say that those desires have been disregarded. And although it is true that the chief responsibility of omitting to do so must rest with the episcopal college, it is yet to be considered that certainly the most authentic, if not the only way in which even the bishops can officially make known such wishes to the crown, is by the address of convocation. And the royal declaration before the articles says, that the bishops *and clergy*, on their petition, shall have licence. It is not likely that such an address would be rejected, and all experience shows how much may be gained to a righteous cause by resolution and perseverance. But if it were rejected, then we should have the authority even of the highest upholders of royal supremacy for taking such courses as might vindicate the liberties, and regain the rightful authority of our Church; in comparison of which, no sacrifice of personal interests is worth a moment's thought.

These matters are submitted to the consideration of Churchmen at the present moment; not, indeed, without a hope that they may be found useful, but with a much stronger conviction of the necessity for impressing upon all our minds the deeply important truth, that "the Lord alone giveth wisdom, out of his mouth cometh knowledge and understanding." It is very easy to propose rash and intemperate courses; and when any who hope that they are actuated by other motives than rashness or intemperance presume to recommend any course which at first sight may seem to carry that appearance, it behoves them to weigh well what they are doing. But these opinions were adopted, and in some degree expressed, seventeen years ago[9], at a time

[8] Archbishop Wake's "State of the Church and Clergy of England," p. 85.

[9] The pamphlet chiefly here referred to, "Reasons for a Session of Convocation, and Means of obtaining it," (Rivingtons, 1833,) *was suppressed.*

when the Church was thought to be in danger of being suppressed or overthrown. They have been well considered since, without any attempt or wish to put them forward again, unless occasion should arise; nor would they even now be published, if it were not for the fact, above referred to, that whenever another parliament may come to be elected, the clergy will be called upon, by *their respective bishops themselves*, to choose those who shall represent *their own opinions* in their own synod. If so, it may be right to be prepared beforehand; and in the mean time to take such measures as can be taken, when there is no immediate prospect of such an event at hand.

NOTE.—The remaining observations relate exclusively to the elections of convocation proctors within our own diocese. It was the practice of the old diocese of Lincoln, or more properly, perhaps, of the diocese as its limits remained until a few years ago (for the *old* diocese of Lincoln comprised also what is now the diocese of Oxford, and, still more anciently, that of Ely likewise, or nearly the whole kingdom of Mercia), but as its limits remained from the Reformation downwards, the practice had been for one proctor to be always chosen by the Archdeaconries of Lincoln and Stowe, or the county of Lincoln, and for the other archdeaconries of Leicester, Buckingham, Huntingdon, and Bedford, to take it in turn to nominate the other proctor. By this arrangement, though each of the proctors, when chosen, was of course the representative of the whole diocese, it was only once in every four parliaments that either of these four counties had a voice in the election. On the occasion of the last general election, which was the first that had occurred since the severance of these counties from the see, and the substitution of that of Nottingham had taken place, the old practice was continued, and one proctor was elected from Lincolnshire, the other being nominated from Nottinghamshire. This may, perhaps, be considered the most convenient course, and if so, there is no reason to suppose that the Lincolnshire clergy will object to it. But it may be allowed to call attention to the fact, considering the great difference which it makes when the turn comes round with every parliament, and the increased facilities of locomotion which now exist, especially in respect of communication between the county of Nottingham and the cathedral city.

THE END.

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