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The reformation settlement

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THE REFORMATION SETTLEMENT

Examined in the Light of History and Law.

By the Rev. MALCOLM MACCOLL, D.D.

Canon Residentiary of Ripon.

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said, and of which the more investigation the better. On the *crux* of Confession the Canon's views are so far temperate that he seems to us to answer himself. All that loyal Churchmen are entitled to demand is that the regulations of the Prayer Book shall not be so abused as "to generate a morbid scrupulosity and blunt the sense of personal responsibility."—TIMES.

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order to leave ourselves free, without risk of misconception, to call attention to points in which we find ourselves compelled to join issue with the author. [The Reviewer supports Professor Maitland's thesis as to the Canon Law, and "Canon MacColl's lengthy discussion of the Ornaments Rubric does not altogether satisfy" him.] . . . The concluding chapters on "Anglican and Roman Orders," and "The Prisoner of the Vatican: a Chapter of Secret History," have but an indirect connection with the thesis of the book, but in themselves are both valuable and interesting. Canon MacColl does well to recall the character of the antagonism between the Churches of England and Rome; for among the consequences of domestic controversy not the least probable or the least pernicious is the unreasoning disgust with their own communion which it breeds in the minds of devout Anglicans. Such disgust is the best condition in the world for the projects of the Romanisers.'

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1900

PREFACE

TO

THE EIGHTH EDITION

THE interest taken by the public in the subjects discussed in this volume is proved by the fact that the book ran through seven editions within a year of its publication. It has been out of print for some time because I was anxious to review in a new edition the decisions given by the two Archbishops on the use of Incense in public worship and the Reservation of the Blessed Sacrament for the communion of the sick. I have in a new chapter subjected those decisions to an exhaustive examination, and have proved them, as I believe, to be untenable on historical and legal grounds. On that point, however, the reader must form his own conclusion. But I wish here to offer some criticism on certain aspects of the controversy which have not received the attention they deserve.

1. And first as to the complaint that the clergy refuse to yield obedience to their bishops. We are

told, with somewhat monotonous iteration, that the disobedience of some of the clergy to their bishops would not be endured for a moment in the army. Short shrift, we are warned, would be given to the officer who refused to yield instant obedience to the order of his superior. The answer is that there is no analogy whatever between the two cases. The relation of subordinate officers to their superiors in the army is a despotic relation. 'Theirs not to reason why,' and if they do they are liable to immediate arrest. The relation of presbyters to their bishops is a constitutional relation. 'Tis their duty 'to reason why' before they obey. Nor has the bishop any right to issue arbitrary orders. Even in the middle ages bishops never claimed those autocratic powers which are now claimed on behalf of our bishops. It has been the policy of Ultramontaniam to lead to Papal absolutism by a gradually ascending scale of inferior despotisms: the laity dependent on the priest, the priest on the bishop, the bishop on the Pope. That is the condition to which the craft of the Jesuits has reduced the Church of Rome; and it answers their purpose admirably, since they have thus captured the Papacy, as I have shown in chapter xii., and have consequently become lords of the Church. An Ultramontane bishop in France declared some years ago that his clergy were a regiment submissive, without demur, to his word of

command. ‘My clergy,’ he said, ‘are a regiment; I say march, and it marches.’¹ Is that an ideal that it is desirable to aim at? And at a time, too, when not a few of the priests and laity of the Roman Church are proclaiming its evil results in their communion?

The bishops of the Church of England, like the bishops of Catholic antiquity, are constitutional rulers. The secret conclave of bishops at Lambeth every year before the meeting of Convocation is not only modern, but unconstitutional and dangerous in addition. The foolish and mischievous Public Worship Regulation Act was the offspring of one of those secret meetings. The deliberations of Convocation become a farce if all the members of the Upper House meet in the Jerusalem Chamber merely to give formal and public sanction to resolutions already debated and passed in secret in Lambeth Palace. According to the true principles of ecclesiastical polity the bishop should govern his diocese by the advice of a council of presbyters. He did so in the primitive Church, and he does now in Scotland and America. It does not so much matter what the exact composition of the bishop’s council may be. In Scotland it is a diocesan synod. We

¹ ‘*Mon clergé est comme un régiment : il doit marcher, et marche.*’ Speech by Cardinal Bonnechose in the French Senate in the Session of 1865.

have in England, according to the high authority of Thorndike, another kind of diocesan council :—

The chapters of cathedral churches are by their birth-right counsellors to the bishops, and assistants in his whole office ; the archdeacon his minister and principal commissary ; those, by the rule set on foot by the apostles, and observed always by the Church, of planting cathedral churches in cities, and making the churches planted in cities cathedral churches, for the government of all Christendom within the territories of those cities ; this, being by his order ministerial to them, as well as to the bishop, when both have part in the same office.¹

2. Let us apply this to the action of our episcopate after the Lambeth decision on the use of incense. Nearly all the bishops advised their clergy to yield obedience to the decision ; and some of them commanded obedience to it in peremptory and minatory terms. Now what are the facts ? The decision had no legal validity whatever ; and even if it had, even if it had issued from a legal tribunal having coercive jurisdiction, it concerned those priests alone who pleaded before the Archbishops. Moreover, not only did the decision lack all legal validity, but it did not take the form of a godly admonition issued to the few priests immediately concerned. It was simply an historical conclusion arrived at by the two Primates from a necessarily hasty and imperfect examination of a certain department of ecclesiastical

¹ *Works*, v. 456-7.

history. They admitted that the use of incense was not only innocent, but was beautiful and Scriptural in addition; and they encouraged the hope that it might one day be restored in our Church. But at present they pronounced incense illegal, and forbade its use. That raised an entirely new issue, and made obedience, in my humble judgment, impossible for such of the clergy as had studied the subject and had convinced themselves that the use of incense in the Church of England was legal. If I were a parish priest using incense, and my bishop said to me: 'In view of the present distress I ask you to give up the use of incense,' my disposition would be to take his advice. But if he said: 'I have no objection to incense; I believe it to be Scriptural and edifying; but I consider it illegal, and therefore I order you to give it up,' I should respectfully refuse, for I could not obey without acting what would be to me a lie—namely, a public declaration that I believe the use of incense illegal, whereas I believe it to be perfectly legal. I should consider that my bishop's order was of a non-Episcopal character. It did not come from him as a bishop but as a student of history, and the question in my mind would be whether he knew more about the subject than I did. If my hypothetical diocesan were the Bishop of Oxford or the Bishop of London, I should feel at once the need of reconsidering my own opinion. For not only are those eminent prelates profoundly

versed in ecclesiastical history, but they possess in an eminent degree the historical instinct. They can see the bearing of an argument almost before it is uttered. But our Primates, able as they are, well read as they are, and most upright and conscientious, are not historians or historical critics. The questions they asked during the 'Hearing' at Lambeth proved conclusively that they were on unfamiliar ground, both historical and legal. Their decisions therefore, both on Incense and Reservation, are entitled to the deference, neither more nor less, which is due to the accuracy or the reverse of their historical conclusions. The question of obedience, canonical or otherwise, does not come in at all. It is purely a matter of criticism, and you don't obey a critic. You are either convinced by him, or you refute him.

That is a point which the public has entirely overlooked in this matter. The Lambeth decisions are the decisions of critics, not of judges, and still less of fathers-in-God; and are entitled to the respect which their accuracy merits, and no more. People would appreciate this distinction at once if the Lambeth decisions were on questions of Greek scholarship or of astronomy. The opinion of Professor Jebb in the one case or Dr. Ball in the other would outweigh any number of Lambeth decisions to the contrary. The Archbishops do not say: 'You must obey because we ask you to do so as your spiritual superiors'; but, 'You

must obey because we tell you that the facts of history and law are against these usages.' Those who cannot accept that conclusion are bound in honesty to disobey, just as much as they would be bound to disobey if the Archbishops had asked them to disbelieve against their consciences in the Mosaic authorship of the Pentateuch. It is no part of a bishop's office to be an umpire in such matters. People see this readily enough when their prejudices are not engaged. Dr. Döllinger was admired by all classes of English Churchmen for disobeying a General Council of his Church, with the Pope at its head. Why did he disobey it? Because he was asked to accept the Pope's infallibility, not as a new doctrine, but as a doctrine always held in the Church. He had surveyed the whole field of history, and offered to prove against all comers that the doctrine which he was asked to accept as an historical truth was an historical falsehood. 'I am an old man,' he said to me one day, 'and have not long to live; but I am determined not to go down into the grave with a lie in my right hand.' The demand to accept such a dogma on such ground he felt as an outrage on his intellectual integrity.

Among the many lessons which I learnt from him none made a deeper impression on me than the duty of unswerving loyalty to historic truth, be the consequences what they may. It was

my great privilege to study under his guidance for some weeks every year during fifteen years. He was so good as to give me a table in his own working-room in his fine library at Munich, and was not only ever ready to give me his advice, but always encouraged me to draw upon his inexhaustible stores of knowledge. But the alpha and omega of his teaching invariably was: 'Make sure of your facts. Be grateful to anyone who points out your errors, and never sanction what you believe to be untrue. Truth always pays best in the end.' He illustrated his teaching one day by the following anecdote: He visited England for the first and only time soon after Cardinal Manning had seceded to the Church of Rome, and chancing to meet him at an evening party, the future Cardinal asked to be introduced to the famous Munich Professor. 'Dr. Döllinger,' said Manning, 'I have asked to be introduced to you that I might thank you for having made me a Catholic.' 'I bowed,' said Döllinger, 'not understanding what he meant. Manning explained. "Yes," he went on, "it was you who made me a Catholic. For I was brought up in the belief that history could not be trusted in the hands of Catholic writers, and my own reading, I am bound to say, confirmed that impression. A book of yours fell into my hands. I read it and found that you always gave the facts truly, whether they made for or against the Church. The

scales fell from my eyes. I saw that one might be a Catholic and yet be true to the facts of history, and I became a Catholic." And this man,' added Döllinger, with one of his humorous smiles, 'who thanked me for having made him a Catholic through my loyalty to historic truth, now denounces me as a heretic because I will not accept as an article of faith what I know to be an historic falsehood.'

3. Those of the clergy, therefore, who value historical truth and have convinced themselves that the Lambeth decisions are contrary to the facts of history, are placed in the painful dilemma of being obliged to disobey their bishops or do violence to their consciences. And all because the Archbishops, instead of issuing a godly admonition, have propounded some historical propositions which no one can say are beyond dispute, and which I believe I have proved to be contrary to the facts. Obedience is a great virtue; but it has its limits, and one of those limits is loyalty to truth. 'To obey is better than sacrifice' we have often been told of late. Yes, but to obey what and whom? Saul was not asked to give his assent to a disputable proposition. He was sent on a definite errand, about which there could be no two opinions. And he disobeyed. Why? Not because he had any doubt as to the meaning of his commission, but because he chose to

obey another voice than Samuel's. He was nervously anxious to be on the popular side :—

And Saul said unto Samuel, I have sinned ; for I have transgressed the commandment of the Lord and thy words : because I feared the people and obeyed their voice.

Saul did obey, but he obeyed the wrong voice, the voice of public opinion, because he was afraid. Certainly, 'to obey is better than sacrifice,' but it all depends upon the voice to which obedience is rendered. The voice of the people is not always the voice of God, the proverb notwithstanding. For myself, when in any controversy I chance to find myself on the popular side, I think it high time to examine the purity of my motives and the righteousness of my cause.

I have never had a quarrel, or even a difference, with any bishop in my life. My experience of the episcopate is of the most pleasant character. From the Archbishop of Canterbury, when he was Bishop of London, I received nothing but kindness. No one admires more than I do his great ability, his manly nature, and his sterling integrity. And if he should do me the honour of reading the following pages, and should feel annoyed by anything I have written, perhaps I may remind him that one of my earliest essays in controversy was in his own defence when he was nominated to the see of Exeter. He was then on the unpopular side. Dr. Pusey and his

followers joined hands with the 'Record' and its followers in a monster petition against the nomination of Dr. Temple. The petition was signed, I think, by more than thirteen thousand clergy. I was a young curate at the time, living in a clergy-house, and was asked to sign the petition as all my colleagues had done. I not only refused, but I entered into a polemic in the 'Guardian' on behalf of Dr. Temple. Doubtless he has forgotten all about it, but I received a letter of thanks from him at the time.

From the Archbishop of York, too, I have received undeserved kindnesses. And I have felt, as others have, the charm of his personality and the attraction of his high and holy character. It is just because I feel that a mistake made by two men of such lofty characters and of such well-earned influence is sure to be more prolific of evil than the mistakes of smaller men, that I have felt it necessary to go so fully into the question.

4. With that explanation I will venture to make some few more observations on the duty of obedience to bishops. Twice within the last fifty years the two Archbishops of the day have issued Pastorals, signed by nearly all their suffragans, against innovations in public worship; and the alleged root of the mischief which they all deplored was the disobedience of the clergy. What were the innovations then? and wherein consisted the dis-

obedience. Let us take the first period. A statesman in difficulties thought that he could ride back into office on the crest of a great Protestant wave. In the Durham Letter accordingly he appealed to the mob, who responded with the St. Barnabas riots. The bishops were frightened and issued their Pastoral, laying the whole blame on the disobedient clergy. The innovations then were surpliced choirs, choral services, weekly Eucharists, preaching in the surplice, credence tables, and floral decorations of churches at festal seasons. These things the bishops of the day wished to put down. One of the twenty-four who signed the Pastoral of March 29, 1851, refused to license any curate in his diocese unless the applicant made a 'statement in writing that he would not preach in the surplice.' And when an incumbent, assenting to this as a general rule, pleaded that on Communion Sundays the surplice might be permitted, 'to avoid inconvenience,' the bishop refused peremptorily to grant this indulgence, because 'his doing so involved a sanctioning the practice in general, which practice I deem,' he said, 'not in accordance with the spirit and intention of the law of the Church.'¹

In the same year the Primate, before licensing a young clergyman to a curacy, asked to see some of his sermons as a specimen of the doctrine which

¹ The correspondence is in the *Guardian* of 1851. I have lost the number, but the page is 293.

he was accustomed to preach. His Grace picked out the following sentence as an 'extreme and unguarded opinion':—

At the font it was that 'we put on Christ,' and were regenerated, or made new creatures in Him: then the old world of sin and wrath passed away: then 'all things became new' in our new birth to grace and reconciliation to God.'¹

Another bishop, in a charge to his clergy, 'warned them against the use of the word *Catholic* as a party word, and expressed his regret that it should have been retained in one place in the Liturgy (the creed not being, in his opinion, part of the Liturgy).'²

Bishop Phillpotts tells another story of 'a meritorious and exemplary deacon' who had been 'excluded by his bishop from the priesthood' for refusing to deny the doctrine of the Real Presence in the Eucharist, 'although still allowed to be worthy of holding a license in his diocese.'³

Nearly a quarter of a century afterwards the two Archbishops and all their suffragans except two issued a Pastoral in which they lamented the alienation of the laity by the innovations introduced by some of the clergy; and the Public Worship Regulation Act was passed in a panic, with the result which

¹ See *A Pastoral Letter to the Clergy of the Diocese of Exeter on the Present State of the Church*. By Henry, Lord Bishop of Exeter, p. 44.

² *Ibid.* p. 45.

³ *Ibid.* p. 48.

we all know. And now, at the close of another quarter of a century—these ecclesiastical crises recur, by some mysterious law, in cycles of twenty-five years—we are told that we are in another ecclesiastical crisis, and again the cry is that all the mischief is caused by the innovations and disobedience of the clergy. I am far from saying that the clergy are free from blame. I believe that some of them have been greatly to blame for extravagance of language and ceremonial. But the misfortune is that in every so-called ‘crisis’ it is not at the extravagances that the bishops have struck, but at what the Preface of the Prayer Book calls ‘some established doctrine or laudable practice of the Church of England, or indeed of the whole Catholic Church of Christ.’ I quote from the Episcopal Pastoral of 1875 :

The refusal to obey legitimate authority is another evil in the Church at the present time. Not only has it frequently occurred that clergymen fail to render to episcopal authority that submission which is involved in the idea of episcopacy, but obedience has been avowedly refused to the judicial interpretations of the law of this Church and Realm.

Such has been the attitude of the Anglican Episcopate towards every religious movement from Wesley’s time to our own. And can any one now doubt that the attitude has been as detrimental as it has been futile? On all those occasions a sympathetic yet discriminating interest would have

given the bishops control of the movement, guiding what was beneficial in it and checking what was foolish or mischievous. Indiscriminate denunciation failed to check the movement and left it without authoritative guidance. The bishops forgot, as men are prone to forget, that reforming movements are always marked by zeal outrunning discretion, and sometimes exhibiting itself in follies and eccentricities, which will disappear with larger knowledge and more mature experience, leaving what was solid and good in the movement as a precious heritage, which would have been lost by summary suppression of the movement. The succeeding generation then enjoys the fruit, and forgets the strife that brought it forth. 'A prophet is not without honour save in his own country,' and the children of one generation deck the tombs of the prophets whom their fathers slew. This is true especially of reforming movements, be they social, political, or religious. Reformers are apt to be regarded by the mass of their contemporaries as lawless persons, revolutionists, troublers of Israel. And this is quite natural for two reasons. In the first place, the prosperous and comfortable classes of society are precisely those who least feel the need of reform. In the second place, reformers must necessarily aim at making an impression, and this they can only do by dealing in general and sweeping statements; statements which are true in the abstract, but which require qualification in

practice. If the reformer were to stop to explain and qualify every general proposition with all the necessary reservations which belong to it, the result would be that he would make no progress at all. His general principles would be lost in the multitude of his explanations ; his hearers would be unable to see the end for the process. From the nature of the case, therefore, all great reforms are certain to be more or less characterised by something of extravagance. They are a recoil, and can hardly avoid rebounding towards the opposite extreme before they settle in the 'golden mean.' Renovation implies a wrong state of things out of which it grew—a decay, or a weakness, or an obliquity, or an excrescence. Whatever is amiss and requires mending necessarily impairs the tone of the amendment itself: the restoration still retains a connexion with the old state, just because it is a restoration. As supplying a defect or providing a counterpoise, it is still correlative to the former state and must correspond to it in some degree, even in its faultiness; the action and reaction, though contrary, requiring to be equal; too much answering to too little, the over-prominent to the overlooked. The crooked stick, to quote Aristotle's familiar illustration, can only be straightened by bending it towards the opposite extreme.

No reform that goes to the root of the evil that it seeks to cure can escape this disadvantage.

Christianity did not escape it. Its Founder was delivered over to prison and to death as a 'malefactor' and 'perverter of the nation,' and His Apostles shared the fate of their Master. 'These men,' said the Jews of Thessalonica of Paul and Silas, 'that have turned the world upside down are come hither also.' What is the Sermon on the Mount, in large part, but the assertion in an extreme and naked form of the neglected side of great truths? But perhaps the aptest illustration of the point I am insisting on is the treatment of the mutual relation of faith and works by the Apostles Paul and James respectively. 'Man is justified by faith and not by works,' says the former. 'Man is justified by works and not by faith,' says the latter. And both appeal to the example of Abraham, by way of illustration. Of course, *we* see that the opposition between the two statements is only verbal, each being merely the unqualified assertion of a neglected truth. Ours is not that epicurean deity that in delicious repose occupies its

templa serena :

Despicere unde queas alios, passimque videre
Errare, atque viam palantes quærere vitæ.¹

In a world of error the progress of truth is commonly not in a straight line, but zigzag ; by action and reaction ; now inclining to this extreme, and then to that ; sometimes giving one of its sides a promi-

¹ Lucretius, *De rerum Natura*, lib. ii. 7.

nence, and anon another, according as the exigencies of the strife and the needs of men require.

And thus it happens that what one generation regards as revolutionary innovations become the truths of the next and the truisms of that which follows. The Evangelicals of the present day are more 'Ritualistic' in their conduct of public worship than the Tractarians were fifty years ago. The leaders of the Tractarians, so far from disregarding episcopal authority, were almost obsequious in their deference to the bishops. 'A bishop's slightest word, *ex cathedrâ*, is heavy,' says one of the 'Tracts for the Times.' 'His judgment on a book cannot be light.' And the practice of the writers corresponded with their professions. For the publication of the 'Tracts' was stopped at once on a hint from the Bishop of Oxford to Newman. And how was this docility rewarded by the bishops of that day? Newman, Keble, Pusey, Isaac Williams, Hugh James Rose, and a galaxy of other great names were abused in language which no bishop would now think of flinging at the most obnoxious of extreme Ritualists. I quote Newman :

They were called in turn 'superstitious,' 'zealots,' 'mystical,' 'malignants,' 'Oxford heretics,' 'Jesuits in disguise,' 'tamperers with Popish idolatry,' 'agents of Satan,' 'a synagogue of Satan,' 'snakes in the grass,' 'walking about our beloved Church, polluting the sacred edifice, and leaving their slime about her altars ;'

‘whose head,’ exclaimed another bishop, ‘may God crush!’¹

The bishops of our day would be among the first to deplore such language as applied to such men. But does it not teach a valuable lesson? The leaders of the Oxford movement showed great respect to episcopal authority in all matters of external observances; but they could not control the mass of their followers. The whole style of ecclesiastical architecture and public worship was revolutionised in spite of the opposition of the bishops. And how many bishops are there now on the bench who would wish it otherwise—who would wish, that is, that implicit obedience had been rendered to the bishops of fifty years ago? It is hardly too much to say that disobedience to the bishops then saved the Church as an Establishment. To-day the Church is much more popular and influential among both the classes and the masses than she was then: a result largely due, not only to the hard work of the clergy, but chiefly to that brightening of Church Services which a short-sighted prudence would have banned. Bishop Phillpotts, of Exeter, alone among the bishops of his day, had the sagacity to understand the situation, and the courage to express and act on his convictions, as the following extracts from his ‘Pastoral Letter,’ already quoted,

¹ *Difficulties Felt by Anglicans*, p. 94.

show. Criticising the Pastoral of the Archbishops and their suffragans, which he refused to sign, he asks :

Is it, then, accordant with the true dignity—or even very manifestly consistent with the first duty—of bishops, to close their eyes and seal their mouths against the daring violation of an article of the creed, and to look at nothing but little ritual irregularities? These are matters which, so far as they may transgress the law of the Church, ought, in my opinion, to be dealt with by every bishop in his own diocese; for they cannot be dealt with justly or effectively without looking to the specialities of every particular case.

How much wiser this discriminating policy than the rigid enforcement of a Procrustean uniformity even in cases where the law is unquestionable. But to be lax about the creed while strict about ceremonial observances—this the bishop could not stand :—

I deemed it little short of mockery to put forth an united address to our clergy, praying them to submit to us, as doubts, these small matters, many of which do not seem to them to be doubtful at all.

5. On January 18 last a lay deputation, headed by the Duke of Newcastle, presented a numerous signed remonstrance to the Archbishop of Canterbury against his Grace's decision on incense and the enforcement of that decision by many of the bishops in their respective dioceses. Among the speeches

made on that occasion was one by Lord Edward Churchill, who protested respectfully against the partial administration of the law by the bishops. He pleaded 'for even-handed justice,' and complained that while the bishops condoned irregularities and unquestioned breaches of the law in various directions, 'those who indulge in an unpopular ritual—although they are, almost without exception, hard-working, successful, and excellent priests—are everywhere harassed and threatened.' In his very courteous answer to the deputation the Primate took up this point in a manner which, I own, surprised me. There was, he said, an important difference of principle between the two cases. The Ritualists claimed to supplement the directions of the Prayer Book by usages sanctioned by the early Church. And that he considered 'a very serious thing.'

It cannot be said that omissions of such a kind as have been described are of the same importance, because they do not rest upon the same principle. A man refuses to recite the Athanasian Creed. He breaks the law, but he does not claim when he breaks the law that he is doing what the Church Catholic commands him to do; he does not claim that he has some superior authority at his back, and the thing therefore stands on a totally different footing.

Surely that is a questionable doctrine. One man breaks a law knowingly and deliberately. Another man says: 'I am not breaking any law. The Church

of England has herself referred me to the early Church as the model and standard of doctrine and worship. The Prayer Book is not an exhaustive directory of public worship, and I do not think that I am violating its letter or spirit in adopting a usage sanctioned by the early Church.' That man may be in error as to the fact; and I admit, for my part, that a parish priest has no right to pick and choose among the usages of the early Church and introduce whatever he pleases without consulting his bishop. Still the man who conscientiously believes, however erroneously, that he is obeying the law is surely less culpable than the man who deliberately breaks what he acknowledges to be law. The latter exhibits a distinctly lawless temper: the other does not.

Archbishop Temple's great predecessor in the see of Exeter took a very different view of this matter. The Pastoral of the archbishops and bishops on which he was commenting contained:—

A clear and unhesitating protest against the principle that as the Church of England is the ancient Catholic Church settled in this land before the Reformation, and was then reformed only by the casting away of certain strictly defined corruptions, therefore, whatever form or usage existed in the Church before its reformation may now be freely introduced and observed, unless there can be alleged against it the distinct letter of some formal prohibition.

The Bishop of Exeter declined to join in this protest. On the contrary,

To this principle (making allowance for the terms in which it is expressed, not by those who profess, but by those who condemn it) I am disposed to ascribe much of weight and justice. Where any office in the prescribed ritual, though not in express terms, yet in its plain spirit, or according to the analogy of the service-book in general, rejects an ancient usage or practice, which it may be attempted to engraft upon it anew, then I should think the attempt unreasonable or culpable. But where no prohibition, expressed or implied, and no reason drawn from the particular office, or from the general tone and nature of our Liturgy, is opposed to the introduction of a Catholic usage practised before Edward the Sixth's reign, I am not prepared to say that such a thing is always improper—much less merits the reprobation of the whole episcopal body.

And he proceeds to argue that the Church of England 'distinctly recognises the principle against which my Right Reverend Brethren out of Convocation have felt it their duty to protest.' After giving some reasons for his opinion, he adds:—

In truth, on what other principle can we justify our own most proper and edifying service at the consecration of every new church? Where is the modern canon which enjoins or authorises it?

All this is in direct opposition not only to the Primate's *dictum* in his answer to Lord Edward Churchill, but to the whole doctrine of the inter-

pretation of our formularies which the Archbishops have expounded in their Opinions on incense and reservation. Even so moderate a Churchman as the late Charles Kingsley, in a letter written to me and published in his Life, attributed much of the unbelief of the day to 'the invincible ignorance of modern Puritanism.' He 'believed that the English mind (and probably the Scotch) was ripe' for a larger faith. He concluded :—

If we keep cautiously within the limits permitted by truly Catholic antiquity, we shall set in motion a mighty engine for the Church's help in her need. I, as a student of public opinion, have no doubt whatsoever of this.

But I must return to Bishop Phillpotts and his vindication of the right of the clergy to appeal to Catholic antiquity as the model of their worship, subject to two conditions : first, that they introduced no usage which was clearly opposed to the Prayer-Book ; secondly, that they should carry their congregations with them :—

But although I thus declined to subscribe the Episcopal Address, and while I fully admit the right of the clergy to practise all that is not forbidden by the law of the Church, while, too, I would applaud the exercise of that right to the utmost, whensoever their own people agree with them in its exercise, I yet am bound to warn them of the rashness of exercising it against the liking and without the concurrence of their people. . . . Yet there is one consideration which must not be omitted. It may be truly urged that, the common prayer of the faithful

being not primarily nor chiefly designed to edify man, but to worship God, and God having been pleased to reveal to us something respecting the worship of Him in heaven—that it is formal, ceremonial, aye and musical, choral, antiphonal—divine worship upon earth ought to be a representation, after our poor measure, of what we read of the worship of the heavenly hosts. It is easy, therefore, to conceive a state of feelings in a parish which ought not to regulate the service of the Church ; which ought not to be allowed to prescribe what is sometimes called the plainness and simplicity of Protestant worship. . . . Neither am I disposed to recommend any consideration of popular feeling beyond the particular congregation intrusted to the minister's charge. If that congregation prefers a more ornate or elaborate service than many or all the parishes around it, I should consider it an invasion of Christian and even of civil liberty to control the services of any Church at the bidding of those who do not belong to it.

And the poor especially ought to be considered :—

When the congregation consists mainly of the poorest orders there we commonly observe a great love of a majestic and even elaborate service. The ornaments of their church ; the storied glass ; the painted and, it may be, gilded walls ; the table of the Lord, elevated above the rest, and decked with sober yet costly furniture ; the pealing organ ; the chanted Psalms ; the surpliced choristers ; the solemnity of the whole ritual—gladdens while it elevates their minds ; they recognise in it their own high privilege as Christians, and rejoice to find themselves equal participants with their richest neighbours in the homage thus paid to the common Lord and Father of all. In truth, when we consider the little which the poor man has to delight his heart and touch his imagination in his own squalid home,

we ought to rejoice that he can find enjoyment in the House of Prayer, his Father's House. For this reason, few occurrences have affected me more than the lamentations of the poor worshippers in one of the districts of the Metropolis, when they saw, or thought they saw, at the dictation of a riotous and lawless mob, the approaching surrender of the ritual which they loved, and which was their weekly—to many among them the daily—solace of that poverty to which the providence of God had consigned them. Incidents such as this cannot be separated from the general character of the proceedings of the past winter. The rioters at S. Barnabas's were stimulated to their violence by the words and deeds of men of a far higher order than their own.¹

6. No one is less of a Romaniser than I am, as anyone who reads this volume will admit. Deplorable as I regard the divisions of Christendom; earnestly as I desire the fulfilment of our Lord's dying prayer; sincerely as I appreciate the work done by the Roman Church and admire the saints which she has reared; I am sorrowfully forced to believe that the reunion of Christendom will not come through her. It is not reunion she seeks, but unconditional submission. I must go even further, and avow my honest conviction that as long as the Vatican decrees remain unrepealed reunion with the Church of Rome, if possible, would be sinful. Those decrees have destroyed the original constitution of the Church and erected an irresponsible despotism on its ruins.

¹ *A Pastoral Letter*. By Henry, Lord Bishop of Exeter, pp. 84-88.

And this revolution it has sought to justify by a portentous falsification of history. Till all this has been repealed—explained it cannot be—the reunion of Christendom through Rome is out of the question. It was not out of the question before the Vatican Council, although the gradually increasing influence of the Jesuits made it less and less probable. In the end of last century and the beginning of this ecclesiastics of eminence in both Communion believed in the possibility of such a union. In the dawn of this century Barrington, the Prince Bishop of Durham, used the following language in an address to his clergy :—

There appear to me to be in the present circumstances of Europe better grounds of hope for a successful issue to a dispassionate investigation of the differences which separate the two Churches of England and of Rome than at any former period. With this view, and these hopes, I continue to exert my humble efforts in this great cause of charity and truth. . . . If, I say, by persevering in a spirit of truth and charity, we could bring the Roman Catholics to see these most important subjects in the same light that the Catholics of the Church of England do, a very auspicious opening would be made of CATHOLIC UNION,¹ which formerly engaged the talents and anxious wishes of the best and ablest members of both Communion.

And what public duty of greater magnitude can present itself to us than the restoration of peace and union to the Church by the reconciliation of two such large portions

¹ The capitals are not mine.

of it as the Churches of England and Rome? What undertaking of more importance and higher interest can employ the piety and learning of the ministers of Christ than the endeavour to accomplish this truly Christian work? . . . If I should live to see the foundation for such union well laid and happily begun; if Providence should but indulge me with even a dying prospect of that enlargement of the Messiah's kingdom which we have reason to hope is not very remote, with what consolation and joy would it illuminate the last hours of a long life. With what heartfelt pleasure should I use the rapturous language of good old Simeon: 'Lord, now lettest Thou Thy servant depart in peace.' May that Saviour who has left us, in the record of His Gospel, His own anxious prayer for the union of His disciples, promote and prosper the blessed work of CATHOLIC UNION.

I quote this from the Introduction to a somewhat remarkable book published in the beginning of this century by a pious Roman Catholic priest, the Rev. Peter Gandolphy: 'An Exposition of Liturgy, or a Book of Common Prayers and Administration of Sacraments, with other Rites and Ceremonies of the Church, for the Use of all Christians in the United Kingdom of Great Britain and Ireland.' It is modelled on our Prayer Book almost exactly as far as the office of the Mass, which is all in English, and much simplified and curtailed. There are offices for Baptism, Matrimony, Churching of Women, and Communion of the Sick. There are also Articles of Religion, exceeding our Thirty-nine by four. But what is most remarkable is that

the book, together with another by the same author, received the formal approbation of the Holy See in a document prefixed to the volume, and ending as follows :—

Sed cum Adversarii ejusdem Auctoris ita machinationibus (opera eorundem agentis in urbe) plures circumvenerint, ac terrefecerint, ut aut sileant, aut veritatem dicere vereantur, dum de hac re requiruntur; has Litteras jussu Rmi. P. Magistri S. Palatii exaratas mea manu subscripsi, solitoque mei muneris sigillo communivi; indubitata fidem omnibus faciens, quod duplex opus Rev. Dni. Petri Gandolphi *AMPLAM AB APOSTOLICA SEDE APPROBATIONEM*¹ jure, meritoque obtinuerit.

Datum Romæ ex Collegio Pœnitentiariorum ad S. Petrum Die 13 Novembris, anno 1816.

Then follow the seal and the formal signatures.

Another spirit has invaded and possessed the Church of Rome since then, and those who pray for the reunion of Christendom must look elsewhere for encouragement and hope. And there is much to encourage. Presbyterian Scotland seems to have shaken off its prejudice against episcopacy, and to be drawing nearer the Church of England in the matter of public worship; and both in Scotland and in England the denominations which hold the creed of Christendom have been moving towards each other with a view to union. The Churches of the East and of Russia, on the other hand, have been for some years past manifesting an increasing

¹ The capitals are in the original.

friendliness towards the Church of England; and interchanges of courtesy and amity and good offices have taken place between the see of Canterbury and the primatial sees of Constantinople and Russia. The Bishop of London had his proper place assigned to him at the coronation of the Tsar, and his mission was reciprocated by that of the Archbishop of Finland at the Diamond Jubilee of our Queen. The subsequent visit of the Archbishop of York to Russia produced a most favourable impression in that country—an impression greatly strengthened by the masterly and dignified ‘Answer’ of the two Archbishops to the Pope’s Bull against Anglican Orders.

The Lambeth Opinions on Incense and Reservation have, I fear, gone far to destroy these happy auguries. The condemned usages are not obnoxious to the Protestant feeling of this country. The one is too Scriptural to be condemned on the ground of Popery, and the other commends itself, when properly explained, to the practical common sense of the average man. If the Archbishops had claimed for the episcopate the right of regulating both usages they would, I believe, have given general satisfaction. As it is, they have done nothing to conciliate the Intransigents of the Church Association, they have distressed and perturbed a large body of loyal Church people, and they have played the game of Rome by declaring war upon usages which have always prevailed throughout

Eastern Christendom. The Roman authorities in this country, who were getting alarmed at the reciprocal courtesies between the Anglican and Oriental Churches, have not been slow to use against us the effective weapon with which the Archbishops have supplied them. Our argumentative position against Rome rests on the same basis as that of the Churches of the East. When Pío Nono invited the Oriental bishops to the Vatican Council they replied that Rome must first repudiate the additions which she had made to the creed, and they appealed to the verdict of history, preferring 'the historical method' to Papal decrees as the criterion of truth. Such has been the position taken up by all our great divines since the Reformation. The Lambeth Opinions have abandoned that ground by assuming that the Church of England made a new start at the Reformation, having bound herself by an inflexible Act of Parliament to do nothing 'other or otherwise,' no matter what the circumstances or emergency, than is prescribed in black and white in the Book of Common Prayer.

That assumption completely undermines our position in the controversy with Rome, and that is one of my main objections to the Lambeth Opinions. It is to my mind a matter of the most vital importance to the Church that those Opinions should not be enforced. No more serious blow, if any so serious, has been struck at the historical position of the

Church of England since the Reformation ; and on her historical position everything depends. Fortunately, however, they are opinions only, having neither legal nor synodical authority. They bind the Church in no way, but they do much harm meanwhile. Already they have done much to help forward the cause of disestablishment.

7. In a conversation which I had with Mr. Gladstone some years ago on that subject he said : ‘ To disestablish the Church of England would be a gigantic operation, and I don’t envy the man who undertakes it. If it should ever come, it is more likely to be by revolt from within than by assault from without.’ The revolt has begun, and I am persuaded that if there is any attempt to suppress, by legislation or otherwise, the party which has been aggrieved by the Lambeth Opinions—a party much larger than that of the extreme Ritualists—the question of disestablishment will at once be brought within the range of practical politics. This is much more a lay than a clerical question, and a large section of the most loyal and devoted lay members of the Church of England, at the next General Election, will support a Liberationist candidate, in preference to a candidate, be he who he may, who pledges himself to any kind of legislation which would have the effect of narrowing the boundaries of the Church of England. Politicians are always making mistakes in this matter.

They mistake the loud noise of organised cliques for the voice of the nation. ‘Because half-a-dozen grasshoppers under a fern make the field ring with their importunate chink, while thousands of great cattle, reposed beneath the shadow of the British oak, chew the cud and are silent, pray do not imagine that those who make the noise are the only inhabitants of the field, or that of course they are many in number.’¹ Lord John Russell’s Durham Letter was an electioneering fiasco. Lord Beaconsfield’s patronage of the Public Worship Regulation Bill, which he described as a Bill to ‘put down Ritualism,’ contributed in no small degree to the Conservative *débâcle* of 1880.

The explanation is simple. The extreme Puritan party, represented by the Church Association and the Liverpool Laymen’s League, are not a formidable electioneering force. The candidate who accepts their pledge will have arrayed against him the whole of the Ritualists, and probably the majority of the High Church party in addition. There is, moreover, always a considerable body of the electorate who do not ordinarily take an active part in politics. But they hate persecution; they hate bigotry; they consider self-denying lives and hard work among the poor of more consequence than the occasional fumes of incense or the Communion of the sick by a part of the Sacrament reserved from the public administra-

¹ Burke, *Works*, iv. 220.

tion. These will vote again, as they did in 1880, against the candidate who gives a pledge in favour of a persecuting policy. Lastly, there is the working man. That distinguished publicist, the late Mr. W. R. Greg, declared, a quarter of a century ago, that the clergy who had most influence with the working classes were the Ritualists. That is much more the case now. The working man may be indifferent to religion himself, but he is quick to recognise and appreciate the self-denying labours of clergy who live among the poor. Mr. Kensit and his 'preachers' have not ventured to invade any church in a working-class parish. The working man, moreover, is exceedingly jealous of the intrusion of religion into secular politics. He has ideals and aspirations of his own, and the last thing he wishes is the waste (as he thinks it) of the time of Parliament on questions which do not touch his social life. Mr. Gladstone was known to be a High Churchman. He opposed the Public Worship Regulation Bill, ruining thereby, as Lord Beaconsfield believed, his political future. The truth is, I believe, that his conduct on that and other occasions did not lose his party a single seat.

8. We hear much of 'the crisis in the Church.' There is no crisis if only those in authority will deal patiently and tactfully with controversies which are but ripples on the surface of the Church's life, and are, after all, far preferable to the unwholesome

stagnation which has in the past done so much harm. At the bottom of this controversy there are two antagonistic theories of religious worship. According to one theory, God in the Psalmist's language should be worshipped 'in the beauty of holiness.' He demands the homage of the whole man, body, soul, and spirit. He delights in splendour of service when it is the offering of a pure love and a genuine devotion. The other theory would banish art altogether from the sanctuary. Its ideal of worship is really a consecration of the principle of ugliness to the service of Almighty God. Let anyone who doubts this read the literature of Puritanism in this country and in New England when it got the upper hand. In the Journal of William Dowsing, Parliamentary Visitor appointed under a warrant for 'demolishing the Superstitious Pictures and Ornaments of churches' within the county of Suffolk alone, we have a description of the havoc made by those fanatical iconoclasts. Painted windows, crosses, crucifixes, holy water vessels, *Ora pro nobis* inscriptions, altars, organs, brasses in floors and walls, frescoes, paintings, candlesticks, crosses even on towers and pinnacles of churches—all were ruthlessly destroyed, and all chancels were lowered to the level of the nave. Similar havoc went on in other counties. The fury with which the Sign of Redemption was regarded was ludicrous. All doors with bars that accidentally formed the sign of the cross had to be taken down,

and tailors were forbidden to sit cross-legged. Mothers were sent to prison for kissing their babies on Sunday. The theatres were all closed, and Shakespeare and the Book of Common Prayer were both put on the Index of forbidden books which it was a legal offence to possess. 'Classes' were appointed with inquisitorial powers to pry into private life and inflict arbitrary punishments. Milton groaned under the tyranny, and gave vent to his feelings in a line which has been constantly misapplied. He hoped, but in vain, that Parliament would come to the rescue :—

But we do hope to find out all your tricks,
 Your plots and packing, worse than those of Trent,
 That so the Parliament
 May, with their wholesome and preventive shears,
 Clip your phylacteries, though bauk your ears,
 And succour our just fears,
 When they shall read this clearly in your charge,
 New *presbyter* is but old *priest* writ large.¹

It is hardly too much to say that the Puritan *régime* went far to destroy the æsthetic sense of the English nation. Not only was public worship made dull and dreary, but ugliness reigned over our domestic architecture and social life. Sir Walter Scott was the first to break the spell of that worship of the ugly, and the reaction which he started has embraced

¹ Sonnet, *On the New Forces of Conscience under the Long Parliament*. The italics are in the original.

all denominations and all departments of life. The Ritualistic movement is one of its offsprings, and it will in due time, like all enthusiastic movements, shed its follies and extravagances and be assimilated with advantage into the organism of the Church. Ten years hence incense and the primitive reservation of the Sacrament for the Communion of the sick will be deemed as harmless as the use of the surplice in preaching is now. All that is needed is patience and common sense. The bishops have far more influence than they imagine. It is their business to lead in matters of this sort, and the people always appreciate leaders who will lead. I have had some experience in addressing working men, and my experience tells me that the working man is a lover of justice and fair play. Let him be told, as he is told so seldom, that certain things, which are denounced, are in the Prayer Book, and whatever he may think of them—which commonly is very little—his sense of fair play will revolt against the persecution of those who practise them. Several of the bishops, conspicuously the Bishop of London, who have dealt with their clergy as fathers-in-God, and have not been afraid to deal with each case on its merits instead of trying to enforce a most questionable exposition of the law, have had very little difficulty.

In criticising Professor Collins's argument that

'fuoco' was commonly used for incense in Italian, I forgot one thing of which the Professor's informant may have been thinking. When the paschal candle was lit on Holy Saturday five grains of blessed incense were fixed in it in memory of the wounds of Christ and the precious spices with which He was anointed in the tomb. But there can be no doubt that the Venetian Ambassador's 'fuoco' referred to the 'Beam-light,' the new fire struck from the flint on Easter Eve.

In my answer to Professor Maitland I have dealt with the only adverse criticism which deserves any notice.

A pamphlet has been sent to me by a gentleman of the name of Tomlinson, accusing me of a variety of offences. The tone of the pamphlet might well excuse me for declining to notice the criticism of such a writer. But, in truth, there is nothing in the pamphlet to answer. A few unimportant inaccuracies in details had been noticed by myself and by friends. But the fact is that Mr. Tomlinson is an impossible controversialist. He does not understand either his own case or his opponent's. He is a gentleman with a craze, to which he has given the name of 'the Fraud Rubric.' He thinks that the Ornaments Rubric is a 'fraud' foisted into the Prayer Book without any authority. Even if that were true—and it happens to be the reverse of the truth—of the Elizabethan Rubric,

Mr. Tomlinson's theory would be a sheer irrelevancy, for our present Ornaments Rubric is unquestionably authorised by the Uniformity Act of 1662. But Acts of Parliament are futile against a monomania, and Mr. Tomlinson sticks to his 'Fraud Rubric.' His craze has not even the equivocal merit of originality. It was started in the year 1883 by an excellent layman of some learning—Mr. Wheatley Balme. I reviewed his book in a weekly journal, and, I believe, convinced him of his error. Some time afterwards Mr. Tomlinson took up the discarded theory, trotted it out as a wonderful discovery of his own, and has been riding his hobby against all comers ever since. His first tilt was against Archbishop Benson in the Lincoln case, although I believe the Archbishop never knew it. According to him the Act of Uniformity of 1559, the Act of Uniformity of 1662, Archbishop Benson's Lincoln Judgment, and all the decisions of the Judicial Committee on questions of Ritual are monuments of ignorance and abettors of a fraud practised by Queen Elizabeth. I am thus a sinner in good company. Putting aside a few superficial inaccuracies almost inevitable in a book written in much haste, I have not been convicted of any serious error, and I have every reason to be satisfied with the verdict of the critics, not only in this country, but in the United States and in our Colonies as well.

I have omitted in this edition the long Introductory Letter to Sir William Harcourt, and I take this opportunity of thanking him for the courtesy and friendliness which he has shown to me in this controversy. I have also, by the urgent desire of many, reduced the price of the volume from 7s. 6d. to 3s. 6d., while adding some 250 pages of fresh matter.

MALCOLM MACCOLL.

July 1900.

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THE

REFORMATION SETTLEMENT

CHAPTER I

THE PRESENCE OF CHRIST IN THE EUCHARIST

THE Primate has in his recent Charge given us, with admirable clearness, an exposition of the various aspects of the doctrine of the Eucharist which, in his opinion, have been held at different times in Eastern and Western Christendom.

I. There is, first, the Zwinglian view, according to which 'the Sacrament, in fact, differs from prayer in degree, but not in kind.' His Grace admits that this view 'softens, purifies, elevates, kindles;' but it is only as a memory of a past sacred event, kindling devotion as a Trafalgar or Waterloo banquet may kindle patriotism. This view, excellent as far as it goes, he rejects as inadequate.

II. There is, next, the doctrine of a 'mysterious gift, uniting us to Christ in a special manner and degree, giving new power, new cleansing, new life,

and even new insight into spiritual things, leavening the whole being with a heavenly infection. This gift is something far beyond the natural working of our own minds.' And 'this mysterious gift,' which theologians call the *res sacramenti*, results from the consecration of the bread and wine in the way ordained by the Church. It is, therefore, independent of the communicant.

Between the Zwinglian doctrine and this 'there can be no question at all that the Church holds the latter,' in common with 'the early Christians' universally, and with 'the Greek and other Churches in the East' to-day, as well as with 'the Romans and the Lutherans.'

III. But now comes a subdivision of opinion. The Roman Church defines the manner of the Presence by the word Transubstantiation, which the Church of England rejects as going beyond our Lord's revelation, and 'overthrowing the nature of a sacrament' in addition. Others, like Hooker, 'maintain that the Real Presence should not be looked for in the consecrated elements, but in the receivers.' 'The Church certainly teaches Hooker's doctrine,' which is indeed inseparable from belief in a Real Presence. Yet Hooker's doctrine does not exhaust the Church's teaching, which implies 'the further doctrine that there is a Real Presence in some way attached to the elements at the time of consecration and before the reception.'

If there be no Real Presence until the reception, it may be asked what is the effect of consecration, and may

not the consecration be omitted? The answer is obvious. On the theory that the Real Presence is bestowed in the reception and not before, then the effect of the prayer of consecration is to attach to the elements, not a presence, but a promise. The bread has been blessed according to our Lord's command, and the Lord's promise is that when the communicant partakes of the bread, so blessed, he shall be a partaker of the Lord's Body.

But this does not, even on the admission of the Judicial Committee in the Bennett case, 'exclude the other opinion, namely, that in some mysterious way there is a Presence attached to the elements from the moment of their consecration.' 'It is difficult,' the Primate thinks, 'if not impossible, really to distinguish between this doctrine and the Lutheran doctrine commonly called Consubstantiation, and it is important that it should be clearly understood that it is not unlawful to hold it and to teach it within the Church of England.'

That is, I believe, an accurate epitome of what the Archbishop of Canterbury has laid down as the doctrine of the Real Presence sanctioned by the Church of England. It has evoked a good deal of criticism, more particularly in regard to the doctrine of Hooker and that of Consubstantiation. On these two points I shall have something to say presently. But there is so much misconception on the general subject that it may be useful to explain, as far as possible, what the doctrine of the Real Presence connotes in the minds of those who hold it, without any attempt or desire to define the mode of the

Presence. My own belief, based on considerable experience, is that the controversy is largely a verbal one, some denying what others do not affirm. The truth is that human language is totally inadequate to express the verities of the spiritual world. It is always more or less symbolical, and never comes up to the reality. It is the clothing, not the skin, of thought, and never, even at its best, fits its contents accurately. This is true of ordinary ideas. But all that relates to the being and mode of working of the infinite Creator must necessarily be beyond the compass of mundane speech. St. Paul tells us that when he was 'snatched up into Paradise' in some mysterious way above his comprehension he 'heard unutterable utterances, which it is impossible for man to put into speech' (*ἄρρητα ῥήματα, ἃ οὐκ ἐξὸν ἀνθρώπῳ λαλῆσαι*). Who can doubt that the Nicene Creed itself, with all the skilled precision bestowed on its terminology by the united experts of Christendom in the most supple and plastic of languages, gives but a most imperfect expression to the truths which it enshrines? And thus it sometimes happens that what seem to be contradictory statements are in fact only different aspects of the same truth. Hooker's language about the Eucharist is, I believe, a case in point. His meaning is by no means exhausted by the oft-quoted sentence :—

The real presence of Christ's most blessed Body and Blood is not therefore to be sought for in the Sacrament, but in the worthy receiver of the Sacrament.

An isolated quotation may bear a very different meaning when restored to its context. Let me therefore quote what precedes and follows this famous passage in Hooker :—

The bread and cup are His Body and Blood because they are causes instrumental upon the receipt whereof the participation of His Body and Blood ensueth. For that which produceth any certain effect is not vainly nor improperly said to be that very effect whereunto it tendeth. Every cause is in the effect which groweth from it. Our souls and bodies, quickened to eternal life, are effects the cause whereof is the Person of Christ. His Body and Blood are the true wellspring out of which it floweth. So that His Body and Blood are in that very subject whereunto they minister life, not only by effect or operation, even as the influence of the heavens is in plants, beasts, men, and in every thing which they quicken, but also by a far more Divine and mystical kind of union, which maketh us one with Him even as He and the Father are one.

Then follows the passage in dispute, which Hooker proceeds to explain and amplify. And what he is plainly anxious to show is that the Sacraments have in themselves no inherent virtue ; that they were ordained for a purpose, and that they have no efficacy beyond or apart from that purpose ; that the Eucharist was ordained in order to incorporate us into Christ, and that we have no right to look for Christ's presence in the Sacrament except in connection with that purpose.

The fruit of the Eucharist is the participation of the Body and Blood of Christ. There is no sentence of Holy

Scripture which saith that we cannot by this Sacrament be made partakers of His Body and Blood except they be first contained in the Sacrament, or the Sacrament converted into them. 'This is My Body' and 'This is My Blood,' being words of promise, sith we all agree that by the Sacrament Christ doth really and truly in us perform His promise, why do we vainly trouble ourselves with so fierce contentions whether by Consubstantiation or else by Transubstantiation the Sacrament itself be first possessed with Christ, or no? A thing which no way can either further or hinder us howsoever it stand, because our participation of Christ in this Sacrament dependeth on the co-operation of His omnipotent power, which maketh it His Body and Blood to us, whether with change or without alteration of the element, such as they imagine, we need not greatly to care nor inquire.

Take therefore that wherein all agree, and then consider by itself what cause why the rest in question should not rather be left as superfluous than urged as necessary. It is on all sides plainly confessed, first, that this Sacrament is a true and real participation of Christ, who thereby imparteth Himself, even His whole entire Person as a mystical Head, unto every soul that receiveth Him; and that every such receiver doth thereby incorporate or unite himself unto Christ as a mystical member of Him, yea, of them also whom He acknowledgeth to be His own; secondly, that to whom the Person of Christ is thus communicated, to them He giveth by the same Sacrament His Holy Spirit to sanctify them as it sanctifieth Him which is their Head; thirdly, that what merit, force, or virtue soever there is in His sacrificed Body and Blood, we freely, fully, and wholly have it by this Sacrament; fourthly, that the effect thereof in us is a real transmutation of our souls and bodies from sin to righteousness, from death and corrup-

tion to immortality and life; fifthly, that because the Sacrament, being of itself but a corruptible and earthly creation, must needs be thought an unlikely instrument to work so admirable effects in man, we are therefore to rest ourselves altogether upon the strength of His glorious power, who is able and will bring to pass that the bread and cup which He giveth us shall be truly the thing He promiseth.

It seemeth, therefore, much amiss that against them whom they term Sacramentarians so many invective discourses are made, all running upon two points: that the Eucharist is not a bare sign or figure only; and that the efficacy of His Body and Blood is not all we receive in this Sacrament. For no man, having read these books and writings which are thus traduced, can be ignorant that both these assertions they plainly confess to be most true. They do not so interpret the words of Christ as if the name of His Body did import but the figure of His Body, and to be was only to signify His Blood. They grant that these holy mysteries, received in due manner, do instrumentally both make us partakers of the grace of that Body and Blood which were given for the life of the world, and, besides, also imports into us in true and real though mystical manner, the very Person of our Lord Himself, whole, perfect, and entire, as hath been showed.¹

This quotation gives a complexion, different from the common interpretation, to the passage so often quoted from Hooker. He rejects peremptorily the Zwinglian view of 'a bare sign or figure only,' and the Calvinistic view of a presence merely of 'efficacy.' He also rejects as presumptuous and untenable such

¹ Bk. V. lxxvii. 5-8.

definitions as Transubstantiation and Consubstantiation, which, however, he is in his charity willing to leave in the category of philosophical opinions, provided they are not made articles of faith or obtruded into the sphere of dogmatic theology. But while rejecting any definition of the manner of Christ's presence in the Eucharist, he insists emphatically on the objective reality of the presence ; the presence, that is, of ' the very Person of our Lord Himself, whole, perfect, and entire,' and ' imparted unto every soul that receiveth Him ' instrumentally through the Sacrament. But he is jealous of any attempt to localise the heavenly gift or subject it to temporal conditions. Avoid, he says in effect, curious questions as to time and place. Let it suffice for you to know that if you receive the Sacrament duly prepared, you receive not a bare sign or figure, and not an efficacious influence only, but Christ Himself in the fulness of His theanthropic Presence.

This doctrine Hooker unfolds elsewhere as follows :—

It is too cold an interpretation whereby some men expound our being in Christ to import nothing else but only that the self-same nature, which maketh us to be men, is in Him, and maketh Him man as we are. For what man in the world is there which hath not so far forth communion with Jesus Christ? It is not this that can sustain the weight of such sentences as speak of the mystery of our coherence with Jesus Christ (John xiv. 19 ; Ephes. v. 23). The Church is in Christ as Eve was in Adam. Yea, by grace we are every one of us in Christ and in His Church, as by nature we are in those our

first parents. God made Eve of the rib of Adam. And His Church He frameth out of the very flesh, the very wounded and bleeding side of the Son of Man. His Body crucified and His blood shed for the life of the world are the true elements of that heavenly being, which maketh us such as Himself is of whom we come. For which cause the words of Adam may be fitly words of Christ concerning His Church: 'flesh of my flesh, and bone of my bones,' a true native extract of mine own body. So that in Him, even according to His Manhood, we, according to our heavenly being, are as branches in that root out of which they grow.

To all things He is life, and to men light, as the Son of God: to the Church both life and light eternal by being made the Son of Man for us, and by being in us a Saviour, whether we respect Him as God or as Man. Adam is in us as an original cause of our nature, and of that corruption of nature which causeth death; Christ as the cause of original restoration to life. The person of Adam is not in us, but his nature and the corruption of his nature derived into all men by propagation. Christ, having Adam's nature as we have, but incorrupt, deriveth not nature but incorruption, and that immediately from His Person, into all that belong unto Him. As therefore we are really partakers of the body of sin and death received from Adam, so except we be truly partakers of Christ, and as really possessed of His Spirit, all we speak of eternal life is but a dream.

These things St. Cyril duly considering, reproveth their speeches which taught that only the Deity of Christ is the vine whereupon we by faith do depend as branches, and that neither His Flesh nor our bodies are comprised in this resemblance. For doth any man doubt but that even from the Flesh of Christ our very bodies do receive that life which shall make them glorious at the latter day, and for which they are already accounted parts of His blessed

Body? Our corruptible bodies could never live the life they shall live, were it not that here they are joined with His Body which is incorruptible, and that His is in ours as a cause of immortality; a cause by removing through the death and merit of His own Flesh that which hindered the life of ours. Christ is therefore both as God and as Man that true Vine whereof we both spiritually and corporeally are branches.

Hooker does not hesitate to say that, in virtue of this sacramental union with Christ, 'God hath deified our nature.'¹

These grand passages show what a lofty view Hooker took of the sacramental system, a view as far removed from that of those who would regard the Sacraments as bare figures and symbols as of those who would fall into the gross error of the people of Capernaum and ask, 'How can this Man give us His flesh to eat?'

We have in Keble's 'Christian Year' an exact parallel to the passage so often quoted to prove that Hooker believed in a mere subjective presence of Christ in the Eucharist. In his poem on 'Gunpowder Treason' Keble writes:—

O come to our Communion Feast:
 There present in the heart,
 Not in the hands, th' eternal Priest
 Will His true Self impart.

Take these words by themselves, and they are a more explicit denial of an objective presence of

¹ Bk. V. liv. 5; lvi. 7, 9.

Christ in the Eucharist than Hooker's words ; yet we know that no one taught more emphatically than Keble did the doctrine of an objective presence. His treatise 'On Eucharistical Adoration' is based on that belief. For instance, the dispute about Eucharistical adoration, he says, 'raises evidently the whole question of that which is denominated "the real objective presence" of Jesus Christ in the holy Eucharist.' And then he proceeds to argue in favour of that doctrine. In the course of his argument he naturally discusses the doctrine of Hooker, of whose works his own edition is the standard one, and concludes : 'Therefore let no person apprehend that in teaching and magnifying the Eucharistic sacrifice he is really contradicting this great authority ; any more than, to name a kindred point, he need think himself departing *in principle* from Hooker's mind by maintaining the Real objective Presence after consecration.'¹ I shall presently endeavour to explain the sense in which the Church, as I understand the matter, wishes her children to believe in the doctrines of the Real Presence and Eucharistic Sacrifice—a sense very different from the misconceptions of popular Protestantism. The point which I am now pressing is that the ordinary interpretation of the classical passage on the Real Presence in Hooker is not consistent with his teaching as a whole, which plainly insists on a Presence independent of the faith of the recipient. What he was solicitous about was that people should not think that the Eucharistic

¹ *On Eucharistical Adoration*, pp. 57, 71.

Presence was inherent in the consecrated elements as a quality proper to them. He insists therefore that, although the Sacrament is by Divine appointment the cause instrumental for putting us in communication with our Incarnate Lord, yet the Presence must be sought in the recipient and not in the conduit through which the gift passes. Reception of the gift is conditional on reception of the Sacrament where that is possible, just as the cure of Naaman's leprosy was contingent on his dipping seven times in Jordan; but in each case the efficient cause must be sought in the will of God. He can attach what condition He pleases to the bestowal of His gifts, and we have no right to expect them if we wilfully neglect the conditions; but the gifts themselves exist quite independently of our views about them or our attitude towards them. The Eucharistic Presence is quite independent of the faith of the recipient. Faith creates nothing. Its province is not to create but to receive a gift external to it and offered to it. Faith is sometimes compared to an eye. But the eye does not create the light. It receives it and transmits it to the brain and intellect. But a man may injure his eyes, so that they cease to be accurate conductors to the soul. The vision is thus blurred and distorted. Or he may destroy his eyes altogether, and then the whole realm of light, with all its entrancing visions, is shut out from the soul. But the light is there all the same. It embraces the blind man in its radiance, but can find no avenue into his soul, since he has destroyed his organs of vision.

The light is there, but no longer for him. Yet it impinges on his blind eyes. It touches the optic nerves. But there is no response, for the organ of apprehension is gone. And this is true of all our senses; the function of each is to receive an impression, an impact from an external object charged with its appropriate virtue. And philosophers may discuss, and have discussed, whether the gift is in the external object or in the recipient of the impact; whether the sweetness is in the sugar or in the palate; whether the beauty is in the sunset or in the percipient mind. The sunset prints the same image on the eye of the brute as on the human eye; but there is no corresponding *res sacramenti*, if I may so express myself. For indeed Nature is a sacrament, as the old Fathers loved to think; 'an outward and visible sign of an inward and spiritual' Presence energising through all her operations and phenomena.

But however philosophers may dispute, we all agree that our bodily senses are our organs of communication with external facts, and that our sensations are no mere subjective impressions, but impressions resulting from contact with objective realities. The senses do not create the impressions. They only receive and convey them.

So with faith. It no more causes the Presence in the Eucharist than the eye causes the sunset. The Presence is objective—that is, outside of it and independent of it. If faith be lacking, the Presence has no more access to the soul than the glory of the setting sun has through sightless eyeballs. Want of

faith in the people of Capernaum incapacitated them for the reception of their Saviour's gifts. 'He could do no mighty work there because of their unbelief.' Yet He was there, close to them, touching them.

Thus we see that, alike in the Kingdom of Nature and of Grace, the Presence that nourishes the soul must be objective before it can become subjective. And there is also in each case a process of transmutation on reception of the gift. As Hooker says of the Sacrament of the altar, so we may say of the Sacrament of nature, that the gift 'is not to be sought for in the Sacrament, but in the worthy receiver of the Sacrament.' If he is not worthy, the gift can find no entrance in either case; but let it find an entrance, and immediately it begins to energise and to transform the recipient of it. Our Church repudiates the transubstantiation of the sacramental elements; but she asserts the transubstantiation of the recipient of the Sacrament. Thus, says Hooker, 'God hath deified our nature.' Just as we assimilate material food and transubstantiate it into the substance of our bodies, so the Presence of Christ, sacramentally received, is designed to transubstantiate us spiritually into the redeemed and deified Humanity of Christ, making us, as the Apostle says, 'partakers of the Divine nature.'¹

The doctrine of those who make the faith of the communicants the cause of Christ's Presence is exposed to a fatal objection. For it follows—as may surely happen—that if all the communicants lack

¹ 2 Pet. i. 4.

faith there is no sacrament at all: there is only an empty ceremony without any result, 'an outward and visible sign' without any corresponding reality. This, not less than Transubstantiation, 'overthroweth the nature of a sacrament.' The former abrogates the heavenly part; the latter, the earthly. The primitive and Catholic view maintains both.

And now let us see what the primitive and Catholic doctrine is, disengaged from materialism, on the one hand, and what, for lack of a better word, I will venture to call psilochristism, on the other.

Our Lord, says the 'Te Deum,' 'hath opened the Kingdom of Heaven to all believers.' How? We have the answer in the Epistle to the Hebrews: 'Having therefore, brethren, a sure confidence for entrance into the Holies in the blood of Jesus, which entrance He hath made for us anew—a living way fresh opened sacrificially through the veil, that is His flesh.'¹ What are we to understand by this pregnant passage? It is impossible to give the compact and suggestive meaning of the original except in periphrasis. Our Lord's Incarnation is the medium of communication between the natural life and the spiritual. It is, in the first place, the copula that unites the creation with the Creator. 'He took not on Him the nature of angels, but of the seed of Abraham He layeth hold.' Had He assumed angelic nature, the chasm that divides the Creator from His creation would have remained unbridged. By taking human nature, the Eternal Son bridged the gulf.

¹ Heb. x. 20.

For human nature consists of body (*σῶμα*), soul (*ψυχή*), and spirit (*πνεῦμα*); and these embrace the whole creation: inorganic matter, vegetable, animal and spiritual life. Thus only can we fully understand the profound language of St. Paul. The atonement which he preached was a truth infinitely deeper and higher and wider than a mere forensic satisfaction for sin. It embraced the universe by uniting it with the Almighty and all-loving Creator. 'For it pleased the Father that in Him should all the fulness (*πᾶν τὸ πλήρωμα*) dwell; and through Him to reconcile all things (*τὰ πάντα*) to Himself through the blood of His Cross; through Him, whether things upon the earth or things in the heavens.'¹ And the same Apostle, in another place, represents 'the whole creation' as 'groaning and travailing in pain with us until now,' and awaiting with us 'the redemption of the body'² which allies us to the material universe.

The Incarnation thus embraces the whole universe of being. Next, it is, in a more restricted sense, a fresh source of purified life to the fallen race of Adam. 'For as in Adam all die, even so in Christ shall all be made alive.'³ How do all men die in Adam? By deriving from him a nature biased towards evil by the now recognised law of heredity; a nature not so much evil in itself, as disorganised, out of joint, going after wrong objects, nourished on deleterious food, and thus become

¹ Col. i. 19, 20.

² Rom. viii. 22, 23.

³ 1 Cor. xv. 22.

anæmic, needing a fresh supply of healthy blood to form gradually a new nature to take the place of the old. This is the 'new and living way' which Christ opened for mankind through the veil of His flesh—that is, of His deified humanity. *Zōσα* is here the antithesis of that which is lifeless, and therefore powerless. The way into the sanctuary of the Old Dispensation was a lifeless pavement trodden by the high priest alone with the blood of slain beasts for which there was no resurrection—sacrifices, therefore, 'which could never take away sin,' and were efficacious only as shadows cast before of the one prevailing 'Sacrifice for ever' of the 'Lamb slain from the foundation of the world.' The way opened by Jesus Christ is new and unique; and it is living, for it is His own Humanity, over which death 'hath no more dominion.' The veil, 'that is His flesh,' is rent asunder, opening the holy of holies 'to all believers,' never again to be closed till His mediatorial work, which embraces all creation, is finished, and death is swallowed up in victory, and all this visible scene of fleeting phenomena gives place to the 'new heavens and the earth wherein dwelleth righteousness.'

Let us try to enter into the full meaning of this glorious revelation, this 'new and living way' into the spiritual realm, *διὰ τοῦ καταπέτασματος τοῦτ' ἔστιν σαρκὸς αὐτοῦ*. While our Incarnate Lord was on earth fulfilling the conditions of fallen humanity during the period of His *Kenosis*—that is, while He held His uncreated glory and Divine

attributes in abeyance—His mortal flesh hung like the Temple curtain between Himself and His people. But death rent the veil, and at the same moment ‘the veil of the Temple was rent in twain from the top to the bottom.’ He laid aside the Adamite conditions of His manhood, and passed with it, transfigured and glorified, under the reign of the laws which are proper to spiritual being. And thus He reconciled (*ἀποκατήλλαξεν*) us in the body of His flesh through death (Col. i. 22), so that the flesh should no longer be a wall of partition either between His Humanity and the spiritual world, or between God and man; but, on the contrary, a bond of union bridging the ‘great gulf fixed’ till then between the human and the Divine, the finite and the Infinite. Thus it is that He has made a new way for us (*ἔνεκαίνισεν*) through the veil of His flesh, opened out a new mode of access to God, so that the Divine Nature is now approachable by the human.

What a flood of light this view of the Incarnation casts upon sundry passages of Holy Writ; such, for instance, as our Lord’s words to Mary Magdalene: ‘Touch Me not, for I am not yet ascended to My Father.’ It was no longer the ‘flesh’ which she had known and handled under its temporal conditions, but that flesh spiritualised and glorified, and to be approached henceforth ‘in a new and living way,’ and by other organs than the bodily senses.

And now let us see how this doctrine bears on our sacramental union with Christ as expounded by

St. Paul, and also by our Lord Himself, especially in the great sacramental discourse recorded in the sixth chapter of St. John's Gospel. 'For as in Adam all die,' says the Apostle, '*even so (οὕτω καὶ)* shall all be made alive.' All men die in Adam through the law of heredity; by deriving from the progenitor of the race—not indeed an utterly depraved nature, as some have supposed, but—a tainted nature; a nature with a germ of evil in it; a nature with the equilibrium of its parts destroyed, so that the animal bias is apt to master the spiritual. And this evil inheritance with which we are all born is due to our organic connection with the head of our fallen race. Thus 'in Adam we all die.'

How are we 'made alive in Christ'? The Apostle tells us that it is by an identical process—*i.e.* by organic connection. 'Even so'—just in the same way—'in Christ shall all be made alive.' He contemplates humanity as subsisting under two heads, the 'First Adam' and the 'Second Adam,' 'the Old Man' and 'the New Man.' From the one we derive a vitiated life, an impoverished nature. Into the other we are 'grafted' by sacramental union in order to have a new and untainted life injected into our wounded nature. In baptism, our Church Catechism tells us, we are 'made members of Christ.' And the Catechism does but follow the stronger language of St. Paul, who compares the connection between Christ and Christians with that between Adam and his wife, who was made 'bone of his bone and flesh of his flesh.' Christians, he says,

‘are limbs of His body, out of His flesh and His bones.’ And elsewhere : ‘The first man Adam was made a living soul ; the Last Man was made a life-giving (ζωοποιούν) spirit. Howbeit that was not first which is spiritual, but that which is natural ; and afterward that which is spiritual. The first man is of the earth, earthy : the second man is the Lord from heaven. As is the earthy, such are they also that are earthy ; and as is the heavenly, such are they also that are heavenly. And as we have borne the image of the earthy, we shall also bear the image of the heavenly.’

These words can bear but one meaning, namely, that the connection with ‘the Last Adam’ is just as real as the connection with the first. Our Lord Himself conveys the same idea under the image of the life-giving Vine and its branches ; and still more emphatically in that wonderful discourse in the sixth chapter of St. John’s Gospel. There He calls Himself ‘the Bread of life,’ ‘the living Bread which came down from heaven.’ And then more plainly : ‘The Bread that I will give is My Flesh, which I will give for the life of the world.’ And when His hearers questioned the possibility of such a gift, He repeated the startling assertion with a solemn asseveration : ‘Verily, verily, I say unto you, Except ye eat the Flesh of the Son of Man and drink His Blood, ye have no life in you. Whoso eateth My Flesh and drinketh My Blood *hath* eternal life ; and I will raise him up at the last day. For My Flesh is meat indeed, and My Blood is drink indeed.

. . . Many therefore of His disciples, when they heard this, said, This is an hard saying; who can hear it? . . . From that time many of His disciples went back, and walked no more with Him.' And He let them go rather than water down His 'hard saying.' He was even willing that His 'little flock' of twelve should follow the rest rather than let them believe that He meant less than He said. There is pathos, but also unflinching determination in His question: 'Will ye also go away?' It were well if they who still stumble at the doctrine would ponder Simon Peter's answer: 'Lord, to whom shall we go? Thou hast the words of eternal life.'

Our Lord's words are 'an hard saying' still. Shall we call them figurative? All language is in a sense figurative. It is never the exact embodiment of the idea which it seeks to express. But it is, let us remember, always less than the truth. In that sense our Lord's language here is figurative. He does not mean flesh and blood in the sense in which we ordinarily use these words; but He means something much deeper, grander, more real. He means His essential Humanity. Throughout the sacrificial system of Israel the blood represents the life, the totality of individual being. Hence the prohibition to eat it. 'For the life of the flesh is in the blood: and I have given it to you upon the altar to make an atonement for your souls; for it is the blood that maketh an atonement for the soul.'¹

It was thus in the language of their own law that

¹ Lev. xvii. 11.

our Lord expounded His Eucharistic doctrine to the people of Capernaum; and they ought to have understood Him and followed His reasoning. But their minds remained on the low level of gross materialistic conceptions, and they asked incredulously, 'How can this man give us His flesh to eat?' He tried to explain: 'The spirit is the life-producer; the flesh profiteth nothing. The subject of My discourse is spirit and life.'¹ That is to say, when He spoke of giving His Flesh and Blood as the food of His people, He did not mean by flesh and blood anything that the bodily senses could apprehend or a chemist could analyse into its elements. In that sense our Lord's Flesh and Blood are certainly not present in the Eucharist, or indeed anywhere. It is true that He called on His disciples to testify to His 'flesh and bones' after His Resurrection. But it is also true that the normal condition of His risen body was that of spirit. What we call flesh and bones is a consolidation of gases which are subject to disintegration and dissolution, and this is warded off for a time by the assimilation of congenial nutriment to repair the unceasing waste of tissue. But our Lord's risen body subsists without food and is independent

¹ The form of the original is somewhat lost in the English version, especially the second clause of the verse (63): *Tὰ ῥήματα & ἐγὼ λαλῶ ὑμῖν πνεῦμά ἐστι καὶ ζωὴ ἐστιν.* This is inadequately rendered by 'The words that I speak unto you they are spirit and they are life.' The word *ῥήμα* in Hebraistic Greek, both in the Septuagint and in the New Testament, came to signify the subject of the words, and not the mere words themselves. It was of the realities enshrined in His words that our Lord declared that they are spirit and life; not dead matter like 'flesh and blood' in ordinary speech.

of the laws of physics. He passed through the rock-closed tomb, for the angels rolled back along its groove the heavy stone door to let the pious women in, not to let the risen Saviour out. Similarly He passed afterwards through the closed door, and appeared and disappeared at will, sometimes recognisable, sometimes not, according to the spiritual receptivity of those He visited. The truth is that His humiliation, His self-emptying, was always on His part a voluntary act. He chose to be subject to the conditions of fallen human nature; to learn to walk and read, stumbling as He learnt; to 'grow in wisdom and stature,' His mind developing *pari passu* with His body; to need sleep and food like weary and decaying mortals; to sit fatigued by the well of Jacob and crave for a refreshing draught of cool water; to feel keenly the desertion of friends and the pain of wounds; to have a tender human pity for the widow who was following the bier of an only son; to shed tears at the grave of Lazarus as He heard the sobs of the dead man's sisters; to die upon the cross by a royal act of will, not through the violence of men; for it was 'with a loud voice,' not with the gasp of dying men, that 'He yielded up the ghost.'

But all this was a voluntary subjection, not a necessity laid upon Him by an unavoidable destiny. And to show this He occasionally freed Himself even before His death from the domination of physical conditions and laws. He dispensed with food for forty days and forty nights, contrary to the ordinary

experience of men. He walked upon the waves against the law of gravity. He made Himself invisible to the multitude at Capernaum contrary to the laws of optics. He was transfigured on the Mount beyond the skill of mortals. Before His Resurrection therefore the normal condition of His body was what St. Paul calls psychical and our English Version calls 'natural;' that is to say, He chose to submit to the ordinary conditions of fallen humanity, but retained the power of retiring on occasion within the domain of spiritual laws, and was *pro tanto* released from the reign of natural laws.

Conversely, after the Resurrection the normal condition of His body was that of spirit. His habitat, if I may use the expression, was the spiritual world, from which He emerged at will, moving freely and unimpeded among natural laws; availing Himself of them when He chose, and dispensing with them at His pleasure. He appeared in human form, though the form varied, and almost invariably required the opening of a spiritual organ in the percipient to recognise it. To convince the incredulous Thomas, He materialised His spiritual body and exhibited it with the stigmata of the Passion. And He spoke with an audible voice and ate with them on the shore of the lake. On the other hand, He passed through solid substances as if they did not exist. And although this fact has so often furnished the sceptic and the scoffer with objections and gibes against Christianity, physical

science itself has now come to the aid of an affronted creed, and discomfited its assailants. We now know that even a physical substance like electricity can pass through solid substances as if they did not exist; through masses of tissue, and wood, and even rock. What is possible to a material substance can, *a fortiori*, present no difficulty to a spiritual substance, which is so much subtler than the most ethereal of earthly entities.

Though I accept the intention conveyed by the Black Rubric—to use the common solecism—at the end of the Communion Office, I cannot accept its philosophy when it affirms that ‘the natural Body and Blood of our Saviour Christ are in Heaven, and not here; it being against the truth of Christ’s natural Body to be at one time in more places than one.’ Christ, as we have seen, has no ‘natural body’ at all in the sense of the rubric. For ‘flesh and blood,’ as the Apostle assures us, ‘cannot inherit the kingdom of God; neither doth corruption inherit incorruption.’¹ Our Lord’s risen body is ‘spiritual,’ not ‘natural,’ as the same Apostle also assures us, and has therefore no relation to place. ‘Christ sits at the right hand of God,’ says a most able and learned Danish Protestant divine, ‘but the right hand of the Father is everywhere.’ He is careful, however, to guard himself against the Lutheran perversion of the doctrine of the *Communicatio Idiomatum*, which endows Christ’s Humanity with

¹ 1 Cor. xv. 50.

the ubiquity of His Divine Person.¹ Hooker takes much the same view :—

To conclude, we hold it in regard of the fore-alleged proofs a most infallible truth that Christ as Man is not everywhere present. There are which think it as infallibly true that Christ is everywhere present as Man, which peradventure in some sense may be well enough granted. His human substance in itself is naturally absent from the earth, His soul and body not on earth but in heaven only. Yet because this substance is inseparably joined to that personal Word which by His very essence is present with all things, the nature which cannot have in itself universal presence hath it *after a sort*² by being *nowhere* severed from that which everywhere is present. For inasmuch as that infinite Word is not divisible into parts, it could not in part but must needs be wholly incarnate, and consequently wheresoever the Word is it hath with it manhood, else should the Word be in part or somehow God only and not Man, which is impossible. For the *Person of Christ is whole*, perfect God and perfect Man wheresoever, although the parts of His Manhood being finite, and His Deity infinite, we cannot say that *the whole of Christ* is simply everywhere, as we may say that His Deity is, and that His Person is by force of Deity. For *Somewhat of the Person* of Christ is not everywhere in that sort, namely, His Manhood, the *only conjunction* whereof with Deity is extended as far as Deity, the actual *position* restrained and tied to a certain place ; yet presence *by way of conjunction* is in some sort presence.

Again, as the Manhood of Christ may after a sort be everywhere said to be present, because that Person is

¹ Martensen's *Christian Dogmatics*, p. 325.

² The italics are Hooker's in all this quotation.

everywhere present from whose Divine substance manhood nowhere is severed; so the same universality of presence may likewise seem in another respect applicable thereunto, namely, *co-operation* with *Deity*, and that *in all things*.¹

There is scarcely a greater name in the history of philosophy than Leibnitz, a man of universal genius, sound judgment, and master of all the learning of his time in addition. A sincere Protestant himself, he was a sincere believer in the doctrine of the Real Presence in the Sacrament, and he meets as follows one of the current objections to it:—

As I have been the first to discover that the essence of a body does not consist in extension but in motion, and hence that the substance or nature of a body, even according to Aristotle's definition, is the principle of motion (*ἐντελέχεια*) and that this principle or substance of the body has no extension, I have made it plain how God can be clearly and distinctly understood to cause the substance of the same body to exist in many different places.²

Even of material substance we must admit that we know nothing but as it is manifested in certain qualities. We cannot think of any quality except as inhering in some underlying substance as its basis. But substance itself eludes our last analysis.³ Alike in philosophy and in theology if we try to run beyond

¹ *Eccl. Pol.* V. lv, 8.

² *Briefwechsel zwischen Leibnitz, Arnauld, u. Ernst v. Hesse-Rheinfels*, p. 145.

³ 'Quid sit rei alicujus substantia minime cognoscimus. Videmus tantum corporum figuras et colores; audimus tantum sonos; tangimus tantum superficies externas; olfacimus odores solos; et gustamus sapes: intimas substantias nullo sensu, nulla actione

our tether we end in upsetting ourselves. Our inquiry leads us at last to a mystery which sense and intellect fail to penetrate. The doctrine of the Eucharistic Presence is a matter of revelation and of faith, and the mode of it is past our comprehension. So true is Sir William Hamilton's *dictum* that 'no difficulty emerges in theology which had not previously emerged in philosophy.' For the philosopher equally with the theologian the safe rule is, 'Crede ut intelligas,' not 'Intellige ut credas.'¹ 'Mysteries are revealed unto the meek,' says the wise son of Sirach. And a greater than he has taught us that the key which opens the secret of His mysteries is a teachable will. 'If any one hath the will to do His will, he shall know of the doctrine whether it be of God.'²

Let us then, in this spirit, see whether we cannot understand at least the drift of our Lord's discourse at Capernaum. He declares Himself to be the food of His people. He promises to give them His Flesh and Blood for their sustenance, and solemnly affirms that unless men eat His Flesh and drink His Blood they have no life in them. But He adds that they are not to understand His words in a gross natural sense appreciable by the bodily senses. It is not man's perishable body that He promises to feed, and by feeding make partaker of His own Eternal Life, but reflexa, cognoscimus.' (*Principia, Schol. Ut.*) Cf. Sir William Hamilton's *Discussions on Philosophy*, pp. 604-5.

¹ See Is. vii. 9, in the LXX version: Καὶ ἴδὼν μὴ πιστεύσατε οὐδὲ μὴ συνῆτε.

² St. John vii. 17.

man's true self, his spiritual substance, which remains constant amidst the unceasing mutations of its earthly integument. 'It is the spirit that quickeneth,' not flesh and blood that the senses can scrutinise. Impoverished humanity must be placed in communication with a fresh spring of life to arrest the decay of the old perishing nature and transform it into the nature of the Incarnate Son.

'It is the spirit that quickeneth, the flesh profiteth nothing.' In these words our Lord lays down a truth applicable to all life. Even in material things it is not the gross mass of palpable particles that 'profiteth,' but the spirit, the hidden essence, which is too subtle for the apprehension of the senses, too ethereal for the skill of science. 'It is the spirit that quickeneth' throughout the realm of nature. Matter in all its forms is an evolution from a spiritual cause which has its source in the Divine Will. 'In Him we live, and move, and have our being,' and apart from Him there is and can be no life. In this sense the whole universe of created being may be said with exact truth to feed upon its God. Its life is derivative, not independent. 'The eyes of all wait upon Thee, O Lord, and Thou givest them their meat in due season.' No life can exist for a moment, from that of an archangel to that of a blade of grass, apart from the Almighty Creator and Universal Sustainer. In the spiritual world, as far as we are given to know, all created life is sustained immediately by the will of God. On earth it is sustained sacramentally—that is by means of secondary

causes. This rule prevails universally in our world. It is the law of all life in the vegetable and animal kingdoms, and it is the law of human life both on its material and spiritual side. It was the law of Paradise. However we interpret the narrative of man's innocence and fall, it is plain that it describes a sacramental system: ordinary food proper for man's body, and spiritual food for his spiritual nature, imparted through material channels, till man's sin interposed a barrier.

All nature may thus be regarded as a sacramental system, 'an outward and visible sign of an inward and spiritual grace' energising within it; and the Sacraments of the Church are but an example in one department of the Divine Providence, as manifested on earth, of the rule which He has ordained throughout the realm of nature. By the 'hard saying' which shocked the people of Capernaum, and many others since their day, we are to understand Christ's Incarnate life. He would have us believe that this is the source and nutriment of our spiritual, that is our true, our real life.

But how can our Lord's Humanity be thus disseminated germinally among the millions of His members? To which I answer: How can the flesh and blood—that is, the essential humanity—of Adam be disseminated among the millions of his descendants? We know that it is so: the fact is undisputed. And shall we declare that to be impossible to the Second Adam, whose Person is Divine, which is an admitted fact in the case of the

first Adam? Shall the first Adam be capable of propagating his perverted nature among all the human beings who have sprung from his loins? And shall the Second Adam, 'the Lord from heaven,' be unable to impart His life-giving Humanity through the channels of His own appointment? There is a real presence of Adam, in no figure of speech but in stern truth, in all his children. We are indeed partakers of his flesh and blood; and yet, again, not in the gross sense understood by the people of Capernaum, but in a far more real sense.

But there is a fundamental difference between Adam's presence through the long line of his offspring, and Christ's Sacramental Presence. Adam is present in his nature, through the mysterious process of natural generation, in all his descendants. But he is not present personally, for his person, being human, is limited and circumscribed. Christ's human nature is communicated sacramentally, and He is thus, like Adam, present humanly in the process of communicating it; but He is also present personally, for His Person, being Divine, is inseparable from His Humanity, and is in fact omnipresent.

The fact is, the impugners of the Sacramental system of the Church take too contracted a view of God's relation to the material universe. They find it hard to believe that spiritual energy can be imparted through material channels, such as water, and bread and wine. But surely this is in strict

analogy with His operations in nature and among men. Does any of His gifts reach us except through some material agency? What were the prophets of old? What is the Bible? What is prayer? Are not all these and the like material organs of communication between God and man? Let us purge our minds of carnal notions and rise above the grovelling literalism of the people of Capernaum, who imagined that the Flesh and Blood with which Jesus offered to feed them meant portions of ponderable matter. 'They are spirit and they are life,' and all the more real on that account.

It may be well, before passing away from this subject, to take note of the Primate's reference to Consubstantiation in his recent Charge. 'It is difficult, if not impossible,' he says, 'really to distinguish between this doctrine [of the Real Presence] and the Lutheran doctrine commonly called Consubstantiation, and it is important that it should be clearly understood that it is not unlawful to hold and teach it within the Church of England.'

I suppose that his Grace understands by Consubstantiation the co-existence of the substance of the bread and wine with the substance of the Lord's Body. It is not quite clear what the Lutheran doctrine really is. The explanations of it are not always consistent. Luther himself explains it as follows in his letter to Henry VIII. :—

The Body of Christ is (the bread still existing) in the Sacrament, as fire is in iron, the substance of the iron existing; and God in man, the human nature existing;

the substances in each case being so united that each retains its own operation and proper nature, and yet they constitute one thing.

Yet on other occasions Luther, while strongly insisting on the reality of the Sacramental Presence, deprecates any attempt to define the mode. The Lutheran Confessions, moreover, carefully avoid definition while affirming the fact. The Augsburg Confession says: 'De Cœna Domini docent quod cum pane et vino vere exhibeantur corpus et sanguis Christi vescentibus in Cœna Domini.' The Saxon Confession says: 'Docentur etiam homines sacramenta esse actiones divinitus institutas, et extra usum institutum res ipsas non habere rationem sacramenti, sed in usu instituto in hac communionem vere et substantialiter adesse Christum, et vere exhibere sumentibus corpus et sanguinem Christi.' The Württemberg Confession says: 'Cum de pane dicitur *Hoc est corpus meum*, non est necesse ut substantia panis mutetur in substantiam corporis Christi; sed ad veritatem sacramenti sufficit quod corpus Christi vere sit cum pane præsens, atque adeo necessitas ipsa veritatis sacramenti exigere videtur, ut cum vera præsentia corporis Christi verus panis maneat'

We may therefore say that Lutheranism is not committed to the doctrine of Consubstantiation, and the English Church certainly is not. The great divines of the seventeenth century reject equally 'a trans and a con' as definitions of the mode of the Presence; and the divines of the Tractarian move-

ment are equally emphatic on the point. And with good reason. For the word 'Consubstantiation' lends itself to more than heterodox meaning. Luther himself, misled by the word, sometimes used language which implied impanation, and also Euty-chianism. The word may mean not only the co-existence of heterogeneous substances, but also their possession of a common nature, as when the Nicene Creed says that Christ is consubstantial with the Father. Our divines therefore have done wisely to avoid a word which has never been naturalised even in Lutheran theology, and which has never obtained a footing in our Church.

In fine, try as we may, we are not likely to improve on Queen Elizabeth's profession of faith in the Real Presence :—

He was the Word that spake it ;
 He took the bread and brake it ;
 And what that Word did make it,
 I do believe and take it.¹

So much as to the doctrine of the Real Presence in the Eucharist. Disengaged from popular misconceptions and crude materialistic notions, surely it must be admitted to be in complete harmony with the teaching of our Lord and with St. Paul's

¹ These lines have sometimes been attributed to Donne ; but the balance of evidence is in favour of their Elizabethan authorship when the queen was in confinement as Princess Elizabeth. They are not in the first edition of Donne, and were published for the first time as his in 1654, thirteen years after his death. Some other poems, confessedly not his, were published in the edition of 1654.

doctrine of our relation to the two Adams, and of the Eucharist being our bond of union with Christ.¹ We shall presently see how the Church of England regards it. But let me first endeavour to explain the sense in which I understand the Eucharist to be a sacrifice. For undoubtedly that term has been applied to it in the earliest Liturgies, and by those 'Catholic Fathers and ancient Bishops' to whose doctrine the English nation, in its ecclesiastical and lay capacity, appealed at the time of the Reformation as a model for the teaching and practice of its clergy. The primary appeal was to Scripture, but to Scripture as interpreted by the undivided Church of the first centuries of Christianity. The Canon of 1571 concerning Preachers enjoins the clergy 'never to preach anything to be religiously held and believed by the people except what is agreeable to the doctrine of the Old or New Testament, or which the Catholic Fathers and ancient Bishops have collected from that doctrine.'²

An Act of Parliament, passed thirteen years previously,³ declares emphatically that 'nothing is to be adjudged heresy but that which heretofore has been adjudged by the authority of the Canonical Scriptures, or the first four General Councils, or

¹ 1 Cor. x. 16.

² 'In primis videbunt Concionatores, nequid unquam doceant pro concione quod a populo religiose teneri et credi velint, nisi quod consentaneum sit doctrinæ Veteris aut Novi Testamenti, quodque ex illâ ipsâ doctrinâ Catholici Patres et veteres Episcopi colligerint.'

³ 1 Eliz. cap. i. A.D. 1558, § xxxvi.

some other General Council, wherein the same hath been declared heresy by the express word of Scripture; or such as shall be termed heresy by the High Court of Parliament with the assent of the clergy in Convocation.'

Bishop Pearson is a standard Anglican authority, whose classical work on the Creed is one of the books which candidates for Holy Orders are required to master. He was, moreover, one of the divines who presided over the last revision of the Book of Common Prayer, and was also one of the divines who took part in the Savoy Conference. Baxter says 'he was their [Church of England's] true logician and disputant. . . . He disputed accurately, soberly, and calmly, being but once in a passion, breeding in us [the Puritans] a great respect for him.' He also calls him 'the strength and honour of that [Church of England] cause.' In a sermon in praise of the Reformation preached before the University of Cambridge in 1669 during his tenure of the Lady Margaret Professorship of Divinity, Pearson says:—

Sacros igitur imprimis Scripturæ codices [Reformatio] tanquam basin religionis instaurandæ posuit, et omnibus propalavit. Sed ne mala feriata hominum ingenia tam tremenda mysteria violarent, sapientissime præcepit 'ne quis populo quicquam tanquam ad salutem necessarium prædicaret, quod antiquissimi Patres ex eisdem ante non collegerunt.' Tria præterea Symbola, certissima antiquæ fidei criteria, admisit; admonuit etiam, 'Vere generalia Concilia esse sine controversia admittenda, et quicquid

iis contrarium doceretur ac pervivaciter defenderetur, pro hæresi puniendum esse.' Sacros ordines, ab ipsis Apostolis institutos, promovit; disciplinam vetustissimam, aut adhuc obtinentem retinuit, aut ante collapsam restitutum iri exoptavit.¹

Here then we have this eminently representative divine of the Church of England taking his stand on the authoritative declarations of the Church and State of England at the period of the Reformation, and laying down the following cardinal principles of the Reformation: first, the appeal, on all disputed points, to Scripture as interpreted by the Church of the Œcumenical Councils; secondly, the conservation of the organic constitution of the Church as it came down from Apostolic times; thirdly, the retention of what still remained of the ancient order of Divine worship, and the restoration of what had collapsed in the turmoil of party passions and prejudices. We have probably in this passage a side light on the Ornaments Rubric by one of its framers. The ornaments there prescribed were to be retained for use where circumstances allowed their restoration.

Grotius also refers in terms of high praise to the Canon of 1571.² The thirtieth Canon of 1603 enters more fully into the rationale of the Canon of 1571. After defending against the Puritans the use of the sign of the Cross in baptism, the Canon proceeds to lay down as follows the general principle

¹ *Minor Theological Works*, i. 436.

² Non possum non laudere præclarum Angliæ canonem, 'Imprimis,' &c. *De Imperio Sum. Pot. circa Sacra*, vi. 8.

underlying the appeal of the English Church to antiquity :—

Thirdly, it must be confessed that in process of time the sign of the Cross was greatly abused in the Church of Rome, especially after that corruption of Popery had once possessed it. But the abuse of a thing doth not take away the lawful use of it. Nay, so far was it from the purpose of the Church of England to forsake and reject the Churches of Italy, France, Spain, Germany, or any such-like Churches, in all things which they held and practised, that, as the Apology of the Church of England confesseth, it doth with reverence retain those ceremonies, which do neither endamage the Church of God, nor offend the minds of sober men ; and only departed from them in those particular points wherein they were fallen both from themselves in their ancient integrity, and from the Apostolical Churches which were their first founders.

Lastly, the use of the sign of the Cross in Baptism, being thus purged of all Popish superstition and error, and reduced in the Church of England to the primary institution of it, upon those true rules of doctrine concerning things indifferent, which are consonant to the Word of God and the judgment of the ancient Fathers, we hold it the part of every private man, both minister and other, reverently to retain the use of it prescribed by public authority.

With this rule of interpretation to guide us, let us now consider what is meant by the Eucharistic Sacrifice.

CHAPTER II

THE EUCHARISTIC SACRIFICE

I SAY it with all respect, but those who condemn the doctrine of the Eucharistic Sacrifice appear to me not only to misunderstand what they censure, but to take an inadequate and jejune view of the Sacrifice of Christ. They seem to fasten down its significance to what logicians call its inseparable accident, and to regard it as beginning and ending on Calvary. What a poor notion such a view gives of the doctrine of the Atonement and of our Lord's condescension and love! To us, with our limited vision and sense of guilt, death appears a great calamity. It puts an end to all our plans, tears us from a thousand endearing associations, and dismisses us to an unknown world and an uncertain destiny. To Him death was but a temporal incident in a lifelong sacrifice. He 'drank of the brook in the way' and passed to His mediatorial throne to offer Himself as a perpetual sacrifice.¹ The essence of sacrifice is in the surrender of the will. That done, the sacrifice is complete as far as

¹ Heb. x. 12. Both the argument and the sense require that *εἰς τὸ διηκεῖς* in this verse should be connected with *προσενέγκας*.

the sufferer is concerned, though circumstances require its consummation in the death of the victim. Abraham's self-sacrifice was complete, and Isaac's also, when the Father of the faithful raised his arm to slay his child; and the Church has always conceded the crown of martyrdom to those whose martyrdom was only in will. God has been sacrificing Himself from eternity. He is self-sufficing through the eternal harmony of a threefold Personality in an indivisible substance. He needs nothing from without, and when He broke the silence of eternity with the sights and sounds of created life it was because His nature, like His name, is love, and it is of the essence of love to share its happiness. To Him this perpetual self-sacrifice involves no pain, because His love is 'perfect,' having no disturbing elements, and none of that 'fear' which St. John tells us 'hath torment.' But when the Eternal Son laid aside His uncreated glory, 'emptied Himself' for a time of His regal dignity by voluntary abasement, circumscribing for a purpose His infinitude by the limitations of humanity, the pain that is latent in the love of all finite natures became manifest in the 'strong crying and tears' of His human nature. He found the outpourings of His self-sacrifice repelled on all sides. 'He could do no mighty work there because of their unbelief,' and His human soul felt the pangs of baffled love.

The best of men

That ere wore earth about Him was a sufferer;
A soft, meek, patient, humble, tranquil spirit;
The first true gentleman that ever breathed.

We may, therefore, say that in self-sacrifice lies the happiness of God: first, in the relations of the Persons of the Blessed Trinity to each other; then in the sphere of created life. The doctrine of the Trinity is a mystery which transcends, without contradicting, human reason. But one precious truth it does disclose; namely, the existence of social qualities in the Godhead. It was not at the birth of a Virgin's child in Bethlehem that God became a Father. Fatherhood is an eternal attribute of His nature, as Sonship is an eternal attribute of the Second Person of the Trinity. Hence the emphasis with which our Lord always calls Himself 'the Son of man,' implying thereby in Him the prerogative of another Sonship which differentiated Him from all other men. This unique expression arrested the attention of Renan. 'It is probable,' he says, 'that from the first He regarded His relationship with God as that of a son towards his father. This was His great act of originality; in this He had nothing in common with His race.' This important truth is expressed with much force and clearness by the late Mr. R. H. Hutton in his profound essay on the 'Incarnation and Principles of Evidence.' His treatment of the subject may be gathered from the following quotation:—

If Christ is the Eternal Son of God, God is indeed and in essence a Father; the social nature, the spring of love, is of the very essence of the Eternal being; the communication of His life, the reciprocation of His affection, dates from beyond time—belongs, in other words,

to the very being of God. Now some persons think that such a certainty, even when attained, has very little to do with human life. 'What does it matter,' they say, 'what the absolute nature of God is, if we know what He is *to us*; how can it concern us to know what He was before our race existed, if we know what He is to all His creatures now?' These questions seem plausible, but I believe they point to a very deep error. I can answer for myself that the Unitarian conviction that God is—as God and in His eternal essence—a single and, so to say, solitary personality, influenced my imagination and the whole colour of my faith most profoundly. Such a conviction, thoroughly realised, renders it impossible to identify any of the social attributes with His real *essence*—renders it difficult not to regard power as the true root of all other Divine life. If we are to believe that *the Father* was from all time, we must believe that He was *as a Father*—that is, that love was actual in Him as well as potential; that the communication of life and thought and fulness of joy was of the inmost nature of God, and never began to be if God never began to be.

For my own part, I am sure that our belief, whatever it may be, about the 'absolute' nature of God, influences far more than any one supposes our practical thoughts about the actual relation of God to us. Unitarians eagerly deny, I once eagerly denied, that God is to them a solitary Omnipotence. Nor is He. But I am sure that the conception of a single eternal will as originating, and infinitely antecedent to, all acts of love or spiritual communion with any other, affects vitally the temper of faith. The throne of heaven is to them a lonely one. The solitude of the eternities weighs upon their imaginations. *Social* are necessarily postponed to *individual* attributes; for they date from a later origin—from creation—while power and thought are eternal. Neces-

sarily, therefore, God, though spoken of and worshipped as a Father to us, is conceived *primarily* as imagining and creating; secondarily only, as loving and inspiring. But any being whose thoughts and resolves are conceived as in any sense deeper and more personal than his affections, is necessarily regarded rather as benignant and compassionate than as affording the type of that deepest kind of love which is co-ordinate with life; in short, rather as a beneficence whose love springs out of power and reason, than as one whose power and reason are grounded in love. I am sure that this notion of God as the Absolute Cause does tincture deeply even the highest form of Unitarian faith, and I cannot see how it could be otherwise. If our prayers are addressed to One whose eternity we habitually image as unshared, we necessarily for the time image the Father the Omniscient and Omnipotent Genius of the universe. If, on the other hand, we pray to One who has revealed His own eternity through the Eternal Son; if in the spirit of the liturgies, Catholic and Protestant, we alternate our prayers to the eternal originating love, and to that filial love in which it has been eternally mirrored, turning from the 'Father of heaven' to the 'Son, Redeemer of the world,' and back again to Him in whom that Son for ever rests—then we keep a God essentially *Social* before our hearts and minds, and fill our imagination with no solitary grandeur.¹

And as the happiness of God springs from His self-sacrifice, from His outpouring of Himself, as far as that is possible, in the sphere of created life, this also is true of man. 'Whosoever will save his life will lose it; and whosoever will lose his life for My

¹ *Essays, Theological and Literary*, ii. 246-248.

sake shall find it.' We must, therefore, be somehow partakers of Christ's sufferings. We must be brought into some kind of connection with His all-sufficing and enduring Sacrifice. This idea underlies St. Paul's teaching on the Sacrifice of Christ, *e.g.* Col. i. 24: 'Now I rejoice in my sufferings for you, and fill up (*ἀνταναπληρῶ*) on my part what is lacking (*τὰ ὑστερήματα*) of the afflictions of Christ in my flesh for His Body's sake, which is the Church.'

How are we to understand this language? Certainly not in the sense that Christ's Sacrifice was incomplete in itself. He died for all, and once for all, and there can be no addition to that Sacrifice, nor can there be anything lacking to its completeness. And yet lack of some sort there must be, for the Apostle says so very distinctly; and lack, moreover, which it is the duty and privilege of Christians to 'fill up on their part.' It is a pregnant word, occurring nowhere else in the New Testament, and not at all in the Septuagint. The *ἀντι* has for its primary meaning the idea of supply from an opposite quarter to make up a deficiency. There is a clear antithesis of two sufferers, the one filling from his side something that had been left for him as his share of the affliction. But that implies co-operation, and thus identity in the work of redemption between Christ and His followers, between the Head and His members. We may therefore paraphrase the passage as follows.

When Adam fell, he involved his race in his ruin. As yet he had no child, and mankind therefore, viewed as a race, fell with him. But the race

became individually partakers of the catastrophe by process of natural generation. Christ's Sacrifice on Calvary reversed the calamity of Eden, and thus saved the race *quâ* race. But the race becomes individually partaker of the Redemption by process of spiritual regeneration. The lacking part of the remedy, which they are to 'fill up on their side,' is individual participation in the new life and all-sufficing Sacrifice which He has offered, and this through the means which He has Himself appointed for that purpose. The Fall has two aspects. It was an injured and guilty¹ nature which Adam passed on to his offspring and descendants. It is a restored and sinless Nature that died on Calvary, and by His death made satisfaction for an attainted race.

Thus Christ came, not as 'the Desire of all nations' merely, nor merely as the infallible Teacher and perfect Example of men, but, above all, as the Healer and Saviour of our race. He came, not to develop our old nature, but to make it anew; to reconstruct it from the foundation; to place a new organic force at its centre, which should gradually transform the members into the likeness of the Head. Humanity had been perverted from its true end; but it was still Divine, else the Son of God could not have clothed Himself in it even by a Virgin birth. The very misery of man, as Pascal has observed, proves his grandeur, and denotes his

¹ Guilty in the sense in which the descendants of an attainted man inherit the consequences of their ancestor's crime.

lineage as not of earth. There is an unearthly melody in his song, and something more than mortal mingles in his wail. Natures inferior to his may be miserable; but they are not conscious of their misery. The knowledge of his misery adds poignancy to man's sorrow, but also bears witness to the high estate from which he fell. He is like a royal exile, bearing about him in his retributive wanderings the lineaments of his Divine origin.

The soul that rises with us, our life's star,
 Hath had elsewhere its setting,
 And cometh from afar :
 Not in entire forgetfulness,
 And not in utter nakedness,
 But trailing clouds of glory do we come
 From God, Who is our home.

It was one of the fundamental errors of the leaders of the Reformation on the Continent that they peremptorily denied that man 'trailed' any 'clouds of glory' from his heavenly home. They taught that the Fall vitiated human nature at the very core, making it altogether corrupt, so that God could find nothing in it but what was abominable and hateful. In his 'Institutes' Calvin has a chapter entitled *Ex corruptâ naturâ hominis nihil nisi damnabile prodire*, and the following quotation will give a fair idea of his doctrine:—

Let us grasp this unquestionable truth, which no opposition can ever shake, that the mind of man is so completely alienated from the righteousness of God that it conceives, desires, and undertakes everything that is

impious, perverse, base, flagitious; that his heart is so thoroughly infected by the poison of sin that it cannot produce anything but what is corrupt; and that if at any time men do anything apparently good, yet the mind always remains involved in hypocrisy and deceitful obliquity, and the heart remains enslaved by its inward perverseness. . . . In vain do we look in our nature for anything that is good.¹

Again :—

Man cannot be excited or biased to anything but evil. If this is so, there is no impiety in affirming that he is under the necessity of sinning.¹

Further on he does not hesitate to assert that ‘man, by a just impulse, does what is wrong.’

Melanchthon and Zwingli teach the same doctrine. The former maintains that the virtues of good heathens, the constancy of Socrates, the chastity of Xenocrates, the temperance of Zeno, were not virtues at all, but must be considered as vices; and that in fact ‘all their works and all their endeavours are sinful.’² Like Calvin, he accepts the full consequences of his premisses, and does not scruple to make God the direct author of sin, giving as an example the adultery of David and his assassination of Uriah. For obvious reasons I must leave the passage in its coarse Latin vesture :—

Quod Deus facit libere facit, alienus ab omni affectu noxio, igitur et absque peccato, ut adulterium David, quod

¹ *Inst.* lib. ii. c. 3, § 19, § 5.

² ‘Non debent pro veris virtutibus sed pro vitiis haberi.’—*Locis Theologicis*, p. 22.

ad auctorem Deum pertinet, non magis Deo sit peccatum quam cum taurus totum armentum inscendit et implet.

Zwingly teaches the same doctrine, and uses the same illustration. God, he says, is 'the author, mover, and impeller' of the sins of men.¹

Luther went quite as far. He said that 'it is the nature of man to sin; sin constitutes the essence of man; the nature of man since the Fall is become quite changed; original sin is the very offspring of father and mother.'

Man is thus reduced to what Hallam calls 'a sordid, grovelling, degraded Caliban.'² But men are often better than their creeds, and I imagine that most of those who would now call themselves Calvinists and Lutherans would recoil from the crude and cruel doctrine of their spiritual ancestors. Nevertheless it colours the theology of many who would repudiate its naked statements. Even so gentle and truly Christian a spirit as the late Professor Henry Drummond accepted the fundamental tenet of the Calvinistic creed, and his acceptance of it vitiates the argument of his (in many ways) charming and suggestive volume on 'Natural Law

¹ 'Unum igitur atque idem facinus, puta adulterium aut homicidium, quantum Dei auctoris, motoris, impulsoris, opus est, crimen non est, quantum autem hominis est crimen ac scelus est.' - *De Provid.* c. vi.

² 'Sic autem agit [Deus] per illa instrumenta, ut non tantum sinat illa agere, nec tantum moderetur eventum, sed etiam incitet, impellat, moveat, regat, atque adeo quod omnium est maximum, et creat, ut per illa agat quod constituit.' - *Aphor.* xxii.

² *Hist. of Lit.* iii. p. 284.

in the Spiritual World.' In that book he represents man as dead by nature. Spiritually he belongs, he says, to the inorganic kingdom, and cannot pass over to the organic except through the miraculous process of conversion.

The natural corollary of this doctrine of the Fall was the figment of an 'imputed righteousness'—a cloak, not a cure, for the sins of humanity. 'God,' says Luther, 'sent His Son into the world, and laid upon Him all the sins of all men, saying, "Be Thou Peter, that denier; Paul, that persecutor, blasphemer, and cruel oppressor; David, that adulterer; be Thou that sinner that ate the apple in Paradise; that thief which hung upon the Cross; in short, be Thou the Person who has committed the sins of all men. See therefore that Thou pay and satisfy them." . . . Therefore when sins are seen and felt they are no longer sins.' To say that faith without works was dead and unprofitable he pronounced 'a devilish and blasphemous doctrine,' and naturally therefore characterised the Epistle of St. James as 'an Epistle of straw.'

This view of the Fall and the Atonement is responsible for a great deal of the scepticism and agnosticism of the day. Men who take the trouble to reason seriously on these matters, identifying, as they naturally do, Christianity with a representation of it which outrages their moral sense, reject what they believe to be Christianity, but is really a pernicious perversion of it. I have dealt with this subject at

length in a work from which I will venture to make a long quotation here.

‘ Now what do we mean by the doctrine of the Atonement? Various views have been put forward on this subject, but I do not think it necessary to discuss more than two of them. One view represents the doctrine of the Atonement somewhat as follows: That when man fell he brought complete ruin on his race; that human nature was entirely and absolutely vitiated by the Fall; that it was not merely disorganised—its bond of unity being broken by the severance of the human will from the Divine—but that it became wholly and absolutely evil, not a single element of good being left in it. And not only so, but, in addition, all men became criminals through Adam’s guilt, and the successive generations who are thus born into the world are justly liable to an immortality of torture; all except a comparatively small number who have been predestinated to eternal happiness, and for whom alone Jesus Christ made atonement. This doctrine, moreover, represents God the Father as a Being whose majesty was so offended by Adam’s sin that nothing would appease Him but the death of His own innocent Son. A ransom had to be paid of a value beyond anything that man could offer, and the Eternal Son accordingly offered Himself to His offended Father as a substitute for guilty man; and for His sake, thus dying in man’s stead, God was satisfied, and an atonement was made for the elect.

‘ Surely this is a doctrine very derogatory to the

nature of Almighty God. It represents human nature as wholly and completely evil in consequence of Adam's fall. But that is not the doctrine of the Bible, which represents the Divine Image in fallen man as marred, but not entirely effaced. St. Paul says that "we have all sinned, and come short of the glory of God;" come short, you see, not entirely lost. Had man's nature become wholly sinful, God the Son could not have become incarnate; He could not have taken a nature wholly sinful into union with His Divine Person.

'Next, the doctrine on which I am commenting implies a difference of moral character in the Trinity. God the Father is represented as so offended with the human race that He could only be reconciled by the voluntary sacrifice of His Son: as if the Father and Son had contrary feelings towards mankind; the Father, a severe Sovereign Who would not forgive without a ransom; the Son, a compassionate Saviour Who offered His life to redeem humanity. The Father would thus be less loving than the Son, which of course is heresy. God the Father is, moreover, represented as indifferent to the guilt or innocence of the victim, provided only that the payment be equivalent to the debt. The innocent suffered for the guilty, and His righteousness is imputed to sinful man, who is thus accounted, not made, righteous. The righteousness which man obtains through Christ does not enter into the tissue of his own being, does not become part of him, does not circulate through his spiritual veins as the sap

of a healthy tree circulates through the fibres of the sickly sprout which is grafted upon it. It is an external garment which "skins and films the ulcerous sore," leaving the putrid matter still festering within. But what man needs is to have the sore healed, to have the poison rooted out, to have his nature renewed, to be placed in communication with a fresh and pure fountain of life. He requires to be made, not simply to be accounted, righteous. It is with no mere imputed sin and guilt that he comes into the world, but with a real heritage of woe—a will biased to evil, and a conscience which bears witness to ancestral guilt. It is, therefore, by no mere imputed righteousness that he can be saved. Christ's Atonement is not a substitution for man's righteousness, but the source of it, bringing him into organic relation with the redeemed humanity of God the Son. So much then as to that view of the Atonement which regards human nature as wholly evil and the righteousness of Christians as imputed, not organic; an external endowment, not an internal principle of sanctity. I believe the view which I have been criticising to be as false as it is certainly comparatively modern.

‘What, then, is the true view of the Atonement? It embraces, as I conceive, two ideas: first, the union of the creation as a whole with the Creator—the bridging of the chasm that had divided the finite from the Infinite; secondly, the reconciliation of mankind, sinful and exiled, to their heavenly Father. Let us glance—for there is no space for more—at

these two ideas respectively. Atonement, as we know, means at-one-ment, bringing into harmony again, into unison and agreement, persons or parties who were at variance and apart. How does this apply to the reconciliation of the Creator with His creation? By what atonement can they be brought together? Let us think. One of the most striking facts revealed to us by modern science is the wonderful and mysterious unity which pervades the universe and binds all its parts together. There is nothing isolated. All the forces of nature are correlated. The stellar systems that fill infinite space are bound together in all their parts, and are ceaselessly acting upon and influencing each other: planets revolving round their suns, satellites revolving round their planets, and vast solar systems, with their separate hierarchies of planets, moving and controlling each other. Nor is it only in the interdependence of the huge masses of the universe that we find this law of unity, this mutual action and counteraction, prevailing; it binds together the minutest atoms, regardless of distance and intervening obstacles. Every atom in the universe is so closely connected with every other atom, and is so affected by it, that we may say there is a kind of cognisance of each other, a sort of mutual sympathy. Man longs to be independent, but it is a vain dream. There is no independence in the universe. All its parts are correlated, and the whole is sustained by the reciprocal services of the parts. "One deep calleth another," and one atom attracts another on opposite sides of the globe. This

is not a figure of speech, but a literal matter of fact. Let me quote one of our leading men of science: "To gravity," he says, "all media are, as it were, absolutely transparent, nay non-existent, and two particles at opposite points of the earth affect each other exactly as if the globe were not between. To complete the apparent impossibility, the action is, so far as we can observe, absolutely instantaneous, so that every particle of the universe is at every moment in separate cognisance, as it were, of the relative position of every other particle throughout the universe at the same moment of absolute time."¹

'This great law of the mutual interdependence and reciprocal action of the various parts of the universe was present to the mind of the great Apostle of the Gentiles, only he looked behind material forces to the spiritual Power which wields and controls them. In St. Paul's view matter was no dead thing, having no kind of relation to man or God; on the contrary, he regarded the universe as one vast whole, differentiated by hierarchies of being, from inorganic matter up to angelic life, and all embraced in the Atonement of the God-Man. In the eighth chapter of the Epistle to the Romans he pictures "the whole creation" as "groaning and travailing in pain together until now," and waiting to share in the redemption of the human race. You will find a still more striking passage in the first chapter of the Epistle to the Colossians, where the Apostle represents the whole creation, angelic, human,

¹ Jevons's *Principles of Science*, ii. 144.

animate and inanimate, as having a part in Christ's atoning sacrifice. You must have the whole passage before you in order to appreciate its meaning in all its range and depth. He speaks of God the Father as having "delivered us from the power of darkness, and translated us into the Kingdom of His dear Son, in whom we have redemption through His Blood, even the forgiveness of sins : Who is the image of the invisible God, the Firstborn of all creation : for by Him were all things created, that are in heaven, and that are in earth, visible and invisible, whether they be thrones, or dominions, or principalities, or powers : all things were created by Him and for Him. And He is before all things, and by Him all things consist. And He is the Head of the body, the Church : Who is the beginning, the Firstborn from the dead ; that in all things He might have the pre-eminence. For it pleased the Father that in Him should all fulness dwell ; and having made peace through the Blood of His Cross, by Him to reconcile all things unto Himself ; by Him, I say, whether they be things in earth, or things in heaven."

'Try to follow out St. Paul's argument in that passage. God the Father, you will observe, is not represented as an angry Deity between whose wrath and the guilty race of man the Divine Son interposes as an adequate victim. On the contrary, Father and Son are portrayed as co-operating in loving harmony for the redemption of man and the atonement of all creation. The initiative in this work is given to the Father as the fount of Deity—the initiative not in

time, but in the internal relations of the Trinity. It is God the Father Who "hath made us meet to be partakers of the inheritance of the saints in light," and "Who hath delivered us from the power of darkness." And this He has done through the mediation of the Son of His love. The Father is personally invisible. He is to be seen only in the Son, "Who is the image of the invisible God," and "the Firstborn of all creation," as being the efficient and formal cause whereby the creation was born into a Divine adoption. The Apostle then goes on to show how Christ, by means of His creative and mediatorial office, has brought the whole creation, "visible and invisible," within the sphere of His atoning work; not "thrones" merely, or "dominions, or principalities, or powers," or "the Church," but "all things," "whether they be things in earth, or things in heaven." "For it pleased the Father that in Him should all fulness dwell"—that the Son, in other words, should by His Incarnation comprehend in Himself the whole universe of being.

'Let us see how this can be. And let us begin by considering man's relation to the rest of created life. Man came last in the order of creation; in that the conclusion of science agrees with the Mosaic cosmogony. Man was thus intended to be the copula that should unite the lower creation with the highest form of created life, namely, the angelic. He was in touch with all—with inorganic matter, with vegetable and animal life, and with the nature of angels. Physiologists tell us that man in the early stages of

his development passes through all the forms of life inferior to his own. His body is allied to the dust of the ground. He takes up vegetable and animal life and transmutes them into his own higher life, and the lower types of life are thus represented parabolically, as it were, in the human embryo. Now look for a moment at the typical characteristics of the different strata of life. The lower the life is, the more material are its gratifications. In vegetables the material appetite is everything. The vegetable fulfils the end of its being best when it most freely takes and uses all the matter it can assimilate. Animals possess a higher life than vegetables. They have a kind of spontaneity, possess an inferior form of soul endowed with emotion, and have a limited and circumscribed intelligence. Their life is chiefly material, and they live mainly for the gratification of their appetites; but not altogether. They have an inchoate soul which needs a higher kind of life to change animal into person. Man, as I have said, is related through his body to inorganic matter, and to vegetable and animal life; but he is still more closely related to animal life through his soul. So far as man consists of body and soul only his life is merely that of the brute. But God "breathed into his nostrils the breath of life, and man became a living soul"—a being endowed with reason, conscience, capacity of self-sacrificing love—the "perfect love which casteth out fear." Through His spirit man is related to the angelic order, and is enabled to hold communion with God. Man was thus created to be the

nexus between the highest and lowest forms of created life. The animals were brought to him in Paradise, and he classified them. Dominion was given him over the lower creation, and if he had kept his innocence and perfected his character by self-conscious discipline, the Son of God would still have become Incarnate, but without need of Cross or Passion. When man fell, however, he broke the unity and harmony of creation, and the lower elements of his nature soon began to triumph over the higher. The animal soul, with its brutal appetites, "pressed down the incorruptible spirit," as the son of Sirach says. Intellectual development was of no avail when spirit was dethroned, for the intellect became enlisted in the service of the animal appetites.¹

'Now let us go back to the great passage on the Atonement in St. Paul's Epistle to the Colossians, to which I have already referred. Just as the innumerable worlds which are scattered through infinite

¹ I quote an impartial witness in ratification of this statement: "Intellect is not a power, but an instrument; not a thing which itself moves and works, but a thing which is moved and worked by forces from behind it. To say that men are ruled by reason is as irrational as to say that they are ruled by their eyes. Reason is an eye—the eye through which the desires see their way to gratification. And educating it only makes it a better eye; gives it a vision more accurate and more comprehensive; does not at all alter the desires subserved by it. However far-seeing you make it, the passions will still determine the directions in which it shall be turned, the objects on which it shall dwell. Just those ends which the instincts or sentiments propose will the intellect be employed to accomplish: culture of it having done nothing but increase the ability to accomplish them."—HERBERT SPENCER'S *Social Statics*, p. 382.

space are not isolated and independent of each other, but, on the contrary, correlated, so that they are ceaselessly acting and reacting on each other, not only in the mass, but in all their particles ; so neither are the realities of the spiritual world, its thrones, dominions, principalities, and powers, isolated facts ; they are intimately related, and are being brought back to the primal unity through the Incarnation of the Eternal Word energising through the Church, which is His Body. So transcendent a fact as the Incarnation of God could not be limited and exhausted by man's needs ; it affected the universe and was independent of man's Fall, although that event had been foreseen and provided for. The angelic world was interested in the Incarnation, and so was inanimate nature, all-unconscious as it was of its discords and its share in the universal adoption. Let us look at the matter a little more closely. Our Lord took a human body the same as ours in all its constituent elements ; a body, therefore, related to inorganic matter and to vegetable and animal life. He possessed, like other men, an animal soul which, apart from spirit, leaves man a brute. He took a human spirit, including all that we mean by intellectual and moral qualities. And all this was in Him united to a Divine personality. In this way He made atonement for the whole of creation, which He united with Himself, and through Himself with the Triune Godhead. " He took not on Him the nature of angels, but of the seed of Abraham He layeth hold." Had He taken angelic nature into union with Himself, the

rest of creation would not have been affected thereby. But by taking human nature He embraced the whole universe of life in the fulness of His Atonement. And we find creation in its typical representatives celebrating His birth; the manger receiving His infant form; the cold air of a winter's night warmed by the breath of cattle, kinder to Him, though they knew it not themselves, than the highly favoured race for whom He came to suffer and to die; and the choir of angels proclaiming His birth, not to the kings and nobles of the earth, but to the gentle shepherds of Bethlehem. We have some foregleams of this comprehensive character of the Atonement in the Old Testament; for example, in the twenty-third verse of the fifth chapter of Job. Referring to man's redemption, Eliphaz the Temanite says, "For thou shalt be in league with the stones of the field, and the beasts of the field shall be in league with thee." Similarly in Hosea ii. 18: "And in that day will I make a covenant for them with the beasts of the field, and with the fowls of heaven, and with the creeping things of the ground; and I will break the bow and the sword and the battle out of the earth, and will make them to lie down safely."

'But does this view of the Atonement exhaust the meaning of the doctrine? Evidently not. It would have done so had there been no sin. But sin is a fact and involves guilt—the feeling of outraged justice and impending retribution. The sense of unworthiness to hold direct communication with God is one of the deepest feelings in our nature. We have

examples of it in the histories of the saints of the Old and New Testaments, and all along the course of history. The traditions of heathendom testify to the same truth, and also the universal prevalence of the doctrine of sacrifice. What, then, do we mean by the doctrine of the Atonement in this more specific sense? It is easy enough to understand that we come into the world with a disorganised nature, a nature that has lost its principle of harmony, and in which the animal predominates over the spiritual. Hereditary evil, both moral and physical, is a fact too plain to be disputed. But hereditary guilt? Can guilt really be hereditary? Let us think. Have we anything of the same kind in secular life? A nobleman rebels against his sovereign. What is the consequence? He forfeits his life. Is that all? No; he forfeits also his nobility, his possessions, and his privileges, and not for himself only but for his posterity. Guilt therefore may in a sense be hereditary in civil life, but only in a negative sense. To put a child, still more a remote descendant, to death for an ancestral crime would be held a monstrous perversion of justice, revolting to the moral sense. Surely then we cannot ascribe to Almighty God conduct which we should regard as immoral on the part of man. Our conscience rebels against the notion that God would consign to endless torment any human being for a sin committed by a remote ancestor. In matter of fact God condemns no one to endless torment. He inflicts no arbitrary punishment on any one. "The soul that sinneth, it shall die." "God will have all men to be saved and

come unto the knowledge of the truth." But what do we mean by being saved? Not simply the remission of punishment. So far from it, the man who has a real sense of his own guilt has no wish to escape due punishment. He seeks, on the contrary, to make reparation for the wrong. God cannot make us happy by simply forgiving us and imputing to us a righteousness which belongs to another. Our conscience is burdened rather than relieved by learning that an innocent person has borne the punishment which we deserved. Do you suppose you could make all the criminals in this kingdom happy by a general gaol delivery? Far from it, unless you had previously reformed their characters and rooted their evil habits out of their nature. You must not believe that God is keeping any one in a place of torment against that person's will. "The kingdom of heaven," said our Lord on one occasion, "is within you." The kingdom of hell is also within the sinner's own breast, in the anarchy and tormenting appetites of a ruined constitution. Men are not punished arbitrarily in the spiritual world for what they have done here, but for what they continue to do there as the inevitable consequence of the habits formed in this world. Pain does not assail the drunkard to-day as an arbitrary infliction apart from the excess of yesterday; it is the excess of yesterday continued in its results and impelling him to a repetition of the cause of his misery. Death makes no breach in the continuity of human character. Man carries with him into the spiritual world precisely that character

which he bore in this life. "He that is unjust, let him be unjust still : and he which is filthy, let him be filthy still : and he that is righteous, let him be righteous still : and he that is holy, let him be holy still." The punishment of the lost is no arbitrary infliction from without, but a torment springing from within ; from raging animal appetites or fiendish passions which devour the wretched creatures who have become their impotent slaves. So long as sin remains in man's nature he must of necessity be miserable, for he cherishes in his bosom the scorpion from which comes his pain. God strives to root out sin from our nature because He knows that pardon is otherwise useless. God loves us, and there is nothing so inexorable as love when it is genuine. There is no weakness in it. It will inflict present anguish to save from future misery. And thus God never passes over the sins of those He loves. He will not leave them alone, will not abandon them to themselves. He takes away the desire of their eyes, sends them cruel disappointments, forces them into the narrow thorny way, desolates their homes and leaves their idols all shivered around them, that they may learn where their true happiness lies. As gold is put into the furnace to separate the dross from the pure ore, so God flings men into the furnace of affliction, that He may separate the sin which He hates from the soul which He loves. That is why He is called in the Old and New Testament "a consuming fire." Fire does not destroy, does not annihilate : it disintegrates, separates substances which are foreign to each other. God pursues us with the fire of His

love, seeking to melt and mould us into conformity with His will, because that is the only way in which He can make us happy. But He is never vindictive, never unwilling to forgive, never requires a victim, like a pagan deity, to appease offended majesty.

‘What then do we mean by the Atonement when we use it in the sense of propitiation? Now remember, to start with, that the barrier to reconciliation lies always in the will of man, never in the will of God. Atonement means making at one again persons who have been sundered. How are they to be brought together? Analyse your own feelings. When you have wronged, deeply hurt, one who has been kind to you, what is your first feeling? A longing to make reparation. Forgiveness would be painful to you without reparation on your part. Your conscience tells you of a law of compensation which forbids complete reconciliation, entire atonement, till the law of compensation has been satisfied. Even a child will yearn to offer some gift, purchased perhaps with the parent’s own money, to expiate its faults. There is an innate sense of justice in the breast of man which is a reflex of the Divine justice. But what do we mean by the Divine justice? We mean simply Divine love at war with sin, which is the contradiction of all that is truly lovable.¹ The

¹ ‘Giustizia mosse ’l mio alto fattore:
Fecemi la divina potestate,
La somma sapienza e ’l primo amore.’

Inferno, canto iii.

We may acknowledge the profound truth which underlies this

law of compensation or retribution pervades the universe. In the beginning God made everything "very good," and He so ordered the work of His hands that it should inevitably avenge on the transgressor, sooner or later, every violation of the Divine order. Man's happiness is therefore contingent on his conformity to the will of God, and every violation of that will must entail suffering, which is thus a finger-post set up by the Eternal Love to warn the unwary from dangerous paths. God wills the happiness of every form of created life, and it is probable that in the world of life below man happiness predominates so largely as to reduce conscious suffering almost to zero. To the animal mere existence is a joy. Its life is ever in the present. No regrets haunt it from the past, and coming events do not cast their shadows before. And when death overtakes it, either by natural process or violence, there is probably little or no suffering, as we understand the word. It is when man appears upon the scene that suffering really begins, and justice is the form which the Divine love takes to drive man into the ways of happiness. It is therefore a paralogism to contrast Divine love and Divine justice as if they were opposite, or even different, attributes. Love always gives happiness to those who conform to its laws; in the form of justice it inflicts pain on the sinner, and must continue to do so while he sins.

‘But it may be objected that it is not the sinner

explanation of the origin of the *città dolente* without necessarily adopting all Dante's views on Eschatology.

who always suffers, but very often the innocent. In matter of fact the sinner always does suffer, though the suffering may be long delayed and he may fail to recognise its cause when it comes. But it is undoubtedly true that the innocent do suffer for the sins and errors of others. How is this to be reconciled with the Divine justice which I have called the offspring of Divine love? The answer is that mankind is an organic unity, a moral organism, so that injury done to a part is in fact done to the whole.¹ This view is enforced all through the Bible, and by none more emphatically than by St. Paul, as in the following passages: "For as we have many members in one body, and all members have not the same office; so we, being many, are one body in Christ, and severally members one of another." And these several members have need of each other, so "that there should be no schism in the body; but that the members should have the same care one for another. And whether one member suffer, all the members suffer with it; or one member be honoured, all the members rejoice with it." Human language bears witness to this doctrine—in such words, for example, as "fellow-feeling" and "sympathy;" and the history of the race furnishes abundant illustration of it. Even physically one member may affect injuriously a

¹ 'See Dr. Kedney's *Christian Doctrine Harmonised and its Rationality Vindicated*, i. 265. A striking and profound book, which has come under my notice as these sheets have been passing through the press, and which I have not been able as yet to read through—indeed, to read at all with the care which it evidently deserves.' This note was written nine years ago.

whole community—may propagate a germ of disease which vitiates the lives of all. Spiritual influences, being much more subtle, are consequently much more contagious. We are constantly throwing out moral influences on each other by word, look, gesture; and the law of vicarious suffering is thus seen to pervade the human race. But there is no injustice, inasmuch as the race is one, a real organism, moral, intellectual, and bodily; no injustice more than there is, according to St. Paul's analogy, in the members of the human body being severally affected by each other's pains.

‘The Eternal Son of God, then, having become Incarnate, having taken human nature in its integrity, with the hereditary proclivities of the Fall cut off by His miraculous Conception, and having, in St. Paul's language, thus “recapitulated” humanity in His reconstruction of it, it follows that He also bore and suffered for its sins. “He was made sin for us Who knew no sin,” and thereby made an atonement for the whole race.

‘Now we all awake, when we begin to reason about these things, to the consciousness of our unworthiness to appear before God. We have a feeling of guilt on our conscience, which bears witness to our organic membership of an attainted race. But, in truth, there is no need to puzzle ourselves about inherited guilt. We have sins enough of our own to humble us and to make us exclaim with Peter: “Depart from me, for I am a sinful man, O Lord.” The natural impulse of fallen man is to hide himself

like Adam, from the presence of his Maker. Human nature therefore needs an atonement, and has always cried aloud for it ; needs some way of access back to God, some means whereby the alienation that has subsisted between man's nature and God's shall be removed. And this was done by the Incarnation of the Divine nature in Jesus of Nazareth. By that transcendent condescension the Son of Man " opened the Kingdom of Heaven to all believers "—to all, that is, who choose to avail themselves of the restored heritage of humanity. God the Son took human nature in its integrity, and thus learnt experimentally what sin entailed. Through His humiliation, suffering, and death He fulfilled the law of retribution which ordains that morally every wrong must be righted ; that sin is sure to find the sinner out sooner or later ; that humanity, collectively and regarded as a moral entity, must pay the debt of its transgression ; that an offence against Eternal Love must be undone. So, you see, the atonement made by Christ is in a manner the payment of a ransom or debt ; but a ransom, not to appease a vengeful Divine Father, but to liberate mankind from the thralldom of a disorganised nature. For in sad truth man unredeemed is in real bondage : bondage to Nature, which has become his master and tyrant instead of being his servant ; bondage to ancestral tendencies towards physical and moral degeneration ; bondage to an obliquity of vision and infirmity of purpose which make him an easy prey to temptation. To break the spell of these malign influences ;

to place at the centre of human nature a new principle of life from which men may make a fresh start:—this surely is in a very real sense to pay a ransom for fallen man; to break his bonds; to open the door of his prison and enable him to regain his liberty. And this is what Christ did by His atoning sacrifice—a sacrifice begun when He “emptied Himself” of His Divine glory, and consummated when He died on the Cross. Had our Lord been a mere man He could not have made an atonement. His acts could have affected none but Himself; they could have had no influence on the destiny of the race. But the Humanity of Christ is not that of any particular man; it is universal humanity, humanity in the abstract, humanity viewed germinally. His Manhood therefore reaches to every member of the race. He is the pure Vine of which all human beings may become branches; the Well of Living Water out of which all may drink and imbibe eternal life. Man may now approach His Maker without shame or fear, for he may approach Him in the nature of the Second Adam, in the very manhood which God Himself now wears. Humanity is thus made, as St. Peter does not hesitate to express it, “partaker of the Divine nature.”¹ An atonement has been made which is adequate to all the requirements of the case. Look again at the first chapter

¹ *φύσις*, not *οὐσία*, *i.e.* the attributes of God, which are in part communicable, not His incommunicable essence. It was of the *φύσις*, not the *οὐσία*, that the Word emptied Himself, “economically,” when He became man.

of the Epistle to the Colossians in the light of the explanations which I have given, and you will see what a depth of meaning and moral grandeur is concentrated in the Apostle's terse statement of the doctrine of the Atonement as an all-embracing dispensation existing eternally in the Divine intention, and not as an isolated fact in time to meet an unforeseen emergency. It is in the light of that great truth that St. Paul's references to predestination must be understood. And it is in that sense that one of our own Articles of Religion explains the matter when it tells us that "we must receive God's promises [of salvation] in such wise as they be generally set forth to us in Holy Scripture." "Generally set forth;" that does not mean set forth for the most part or in a general way, but set forth generically—that is, as applicable to the entire race. The word in the Latin version of the seventeenth Article indicates this interpretation. This universality of the Atonement as covering the whole of creation had strong hold of St. Paul's mind. He states it as follows in Eph. i. 9-12: "Having made known unto us the mystery of His will, according to His good pleasure which He hath purposed in Himself: that in the dispensation of the fulness of times He might gather together in one [the essential idea of atonement] all things in Christ, both which are in heaven, and which are on earth; even in Him: in Whom also we have obtained an inheritance, being predestinated according to the purpose of Him Who worketh all things after the counsel of His own will:

that we should be to the praise of His glory, who first trusted in Christ." The word translated "gather together in one," means "recapitulated," summed up and reduced to harmonious unity under one Head through the Incarnation. That is the leading idea of the Atonement in St. Paul's teaching; and the predestination he speaks of is simply that of pre-eminence in a world-wide process.

'And it is this view of it which has made the doctrine of the Atonement so attractive and subduing, revolutionising man's ideas not only towards God, or even towards man, but towards all creation, investing it with a mystery and sanctity it never had inspired before. God, as depicted in the Old Testament, says Arthur Hallam—and we may add still more so as He is exhibited in the Incarnation—"was a manifold everlasting manifestation of one deep feeling—a desire for human affection. Love is not asked in vain from generous dispositions;" and Infinite Love condescending to sue for the love of man becomes irresistible to all minds who believe in the Incarnation and have not polluted their affections. A striking illustration of this is given in a letter from a Christian native in one of the South Sea Islands, who had been a cannibal. He went up to the altar one day to receive the Holy Communion, and I will relate in his own words what followed: "When I approached the table I did not know beside whom I should have to kneel. Then suddenly I saw beside me a man who some years ago slew my father, and drank his blood, whom I then swore I would kill the

first time I should see him. Now think what I felt when I suddenly knelt beside him. It came upon me with terrible power, and I could not prevent it, and so I went back to my seat. Arriving there I saw in the spirit the upper sanctuary, and seemed to hear a voice saying, 'Hereby shall all men know that ye are My disciples, if ye have love one to another.' That made a deep impression on me, and it seemed to me in thought that I saw another sight, a cross, and a man nailed thereon, and I heard him say: 'Father, forgive them, for they know not what they do.' Then I went back to the altar."

'Another illustration still more remarkable is supplied by the famous passage reported from Napoleon's conversations at St. Helena—a passage that cannot be quoted too often. "I have been accustomed to put before me the examples of Alexander and Cæsar, with the hope of rivalling their exploits, and living in the minds of men for ever. Yet, after all, in what sense does Alexander, in what sense does Cæsar, live? Who knows or cares anything about them? . . . But, on the contrary, there is just one Name in the world that lives. It is the Name of One Who passed His years in obscurity, and Who died a malefactor's death. Eighteen hundred years have gone since that time, but still it has its hold upon the human mind. It has possessed the world, and it maintains possession. Amid the most varied nations, under the most diversified circumstances, in the most cultivated, in the rudest races and intellects, in all classes of society,

the Owner of that great Name reigns. High and low, rich and poor, acknowledge Him. Millions of souls are conversing with Him, are venturing on His Word, are looking for His presence. Palaces, sumptuous, innumerable, are raised to His honour; His image, as in the hour of His deepest humiliation, is triumphantly displayed in the proud city, in the open country, in the corners of streets, on the tops of mountains. . . . It is worn next the heart in life; it is held before the failing eyes in death. Here, then, is One Who is not a mere name, Who is not a mere fiction. He is dead and gone, but still He lives—lives as the living energetic thought of successive generations, as the awful motive power of a thousand great events. He has done without effort what others with lifelong struggles have not done. Can He be less than Divine? Who is He but the Creator Himself, Who is Sovereign over His own works, towards Whom our eyes turn instinctively because He is our Father and our God?''¹

Nothing is clearer from the teaching both of the Old Testament and the New than the necessity of two factors in the process of man's salvation—God's grace and man's co-operation. Neither is operative without the other. The obedience of nature is mechanical. 'He hath given them a law which shall not be broken. They continue this day according to Thine ordinance, for all things serve Thee.' This is true of all organic life below man.

¹ *Christianity in Relation to Science and Morals*, sixth edition, pp. 153-180.

It is true even of the animal world. They follow their nature, a law of mechanical necessity. 'I will inform thee and teach thee in the way wherein thou shalt go, and I will guide thee with mine eye.' That is the rule laid down for man. It is one test of a good portrait that its eye should follow you, should be fixed upon you, from whatever part of the room you examine the picture. God's eye follows us wheresoever we may wander. 'Thou art about my path, and about my bed, and spiest out all my ways.' He appeals to our reason, to our emotions, to our innate love—if our nature had fair play—of what is true and beautiful and noble, and to our instinctive loathing of what is mean, impure, and false. But His method is that of persuasion, never of irresistible force. For He made man in His own image, and endowed him with personality, which implies the awful gift of a free will, and therefore the power to obey or disobey his Creator.

The law imposed on the lower creation is different. They cannot choose but to obey. And therefore the Psalmist goes on, after the verse quoted above: 'Be ye not like to horse and mule, which have no understanding; whose mouths must be held with bit and bridle lest they come near unto thee.'¹ 'Bit and bridle' for the brute creation; for man the eye of the 'understanding' and the purity of heart, to which is promised the vision of God: this is his only guide, inasmuch as he is—to quote Bacon's phrase—'a kind of god' on earth, a

¹ Ps. xxxii. 9, 10.

vicegerent of the Most High among inferior creatures. He alone is endowed with power of origination, and even with some delegated power of creation. A great poem, or statue, or picture, or masterpiece of music, is not each of these a creation, a bringing into being something which existed before only in the rude material, if indeed even in that? A great poem is a real creation out of nothing. And the statue came out of the mind of the sculptor as truly as Adam, according to Genesis, came out of the mind of His Maker. And a composition by Handel, or Beethoven, or Mozart, what is it but a creation, the circumambient air being but the medium for giving expression to the musician's ideas in the sphere of sound?

And there is another sense, too, in which man is truly 'a kind of god.' It is his province and his privilege to enable natures inferior to his own to reach their ideal perfection. 'The eyes of all wait upon Thee, O God,' exclaims the Psalmist. The eyes of many lower organisms wait upon man. Birds, quadrupeds, fishes, flowers, wait upon man to lift them out of their natural state and endow them with attributes which by their own striving they could never acquire. And when he withdraws his hand they all relapse to their original state.

In this way men are, as the Apostle tells us, 'fellow-workers with God,'¹ alike in the natural and spiritual life. It is a mystery, yet a fact, that God's works are often left imperfect and in-

¹ 2 Cor. vi. 1.

complete because man will not do his part; and God's intentions are thus frustrated because man rejects the glorious privilege of being a fellow-worker with his Maker. And in man's own salvation this human factor is as necessary as the Divine. Luther relied on St. Paul especially as his great authority for his doctrine of salvation by faith only. But St. Paul is equally emphatic as to the necessity of works as the fruit of a true faith. Indeed, faith itself belongs to the category of works, for it is a human energy. Never was there a more profitless and needless controversy than that between faith and works. St. Paul condenses the whole matter into a single sentence: 'Work out your own salvation with fear and trembling, for it is God that worketh in you, both to will and to work for His good pleasure.'¹ The cure of Naaman's leprosy is a parable of God's method as revealed to us alike in the kingdom of nature and of grace. 'Go and wash in Jordan seven times, and thy flesh shall come again to thee, and thou shalt be clean. But Naaman was wroth, and went away, and said, Behold, I thought, He will surely come out to me and stand, and call on the name of the Lord his God, and move his hand over the place, and recover the leper. Are not Abana and Pharpar, rivers of Damascus, better than all the waters of Israel? May I not wash in them, and be clean? So he turned and went away in a rage.'

Naaman had reason on his side, the reason of

¹ Phil. ii. 12, 13.

the natural man. The Jordan contained no curative virtue to cleanse the leper. No test that the skill of man could apply would have been able to find any property in the Jordan to heal the smitten Syrian; and Abana and Pharpar, coming down from snowy Lebanon, looked fairer to the eye. But God had appointed the thirty miles' journey to the Jordan and the sevenfold bath in its turbid stream to cure Naaman, and that made all the difference. And Naaman's noble nature, after his outburst of anger at what he deemed an exhibition of superstitious ceremonialism, listened to the saner reason of his slaves, and received his reward. Men often reason like Naaman now, and the vice of all that kind of reasoning is the unconscious presumption of dictating to Almighty God the terms on which they will condescend to receive His gifts. Our part is simply to find out what conditions He has in matter of fact ordained in each case, and act accordingly.

Now let us apply this to the doctrine of the Eucharistic Sacrifice. Of course there is no question as to the completeness of Christ's Sacrifice on the Cross, no question of any repetition of that sacrifice, no impious question of any further mactation. But, on the other hand, our part remains to be done, namely, to 'fill up on our side the lacking afflictions of Christ.' Now, in the view of all Christian antiquity, the Eucharist is in a special manner the Divinely appointed means for placing Christians *en rapport* with the Sacrifice of Christ at once in its vivifying and mediatorial aspects. That Sacrifice is

going on now. He is Priest at once and Victim in heaven. It is in His sacrificial aspect that He appears to the disciple whom He loved all through the Apocalypse. He appears as 'a Lamb standing as though slain' (*ὡς ἐσφαγμένον*); standing because He 'is alive for evermore,' and it is the office of a priest to stand while offering; but also 'as a Lamb sacrificially slain,' to indicate the perpetuity of His Sacrifice as well as of His priesthood; bearing on His glorified Humanity the marks of His victorious passion. Twenty-nine times is He thus described in His sacrificial character in the Apocalypse. He is the Lamb 'in the midst of the throne, standing as though slain.' The four and twenty elders 'fall down before the Lamb.' The saints sing, 'Worthy is the Lamb that was slain to receive power, and riches, and wisdom, and strength, and honour, and glory, and blessing.' We read also of 'the wrath of the Lamb;' the diminutive *ἀπνίον* indicating His gentleness; yet a gentleness that can never make a compromise with sin, and hence 'the wrath of the Lamb.' The robes of the saints are 'made white in the blood of the Lamb.' And we read of 'the song of Moses and the Lamb,' and 'the marriage of the Lamb,' and the 'marriage supper of the Lamb,' and 'the bride, the Lamb's wife,' and 'the Lamb' as 'the light' of the heavenly city, and 'the throne of God and of the Lamb.'

In this Book, and all through the New Testament, the Church on earth and the Church in Paradise are regarded as one: the one militant, the other triumphant; the one enjoying the repose and the guerdon of victory, the other still on foreign service and

engaged in unceasing warfare. Yet it is but one army, one society, 'the whole family in heaven and earth,' as St. Paul calls it. And the Eucharist is the great bond of union, the *nexus* between the Church visible and invisible, uniting both 'in one communion and fellowship in the mystical death' of the Lamb. And so we do our feeble best here to join our Eucharistic adoration with the song of the Lamb: 'Therefore with angels and archangels, and with all the company of heaven, we laud and magnify Thy glorious Name; evermore praising Thee, and saying, Holy, holy, holy, Lord God of hosts, heaven and earth are full of Thy glory: Glory be to Thee, O Lord most High.'

It was this view of it that made the ancient undivided Church speak of the Eucharist in accents of awe, calling it by such names as 'the holy sacrifice,' 'the unbloody sacrifice,' 'the tremendous sacrifice.' Their thought was not on Calvary. That was but a past incident in the sacrificial life of the Lamb. Their gaze was not backward, but forward and upward. Through Christ's own appointed 'Mystery,' as they also called the Eucharist, they felt that they came within the penumbra of the worship in heaven; 'forgetting,' like St. Paul, 'those things which are behind, and reaching forth to those things which are before.'

So much, then, as to the rationale of the Eucharistic Sacrifice. And now let us see what our own representative divines say upon the doctrine of the Real Presence, and the Eucharistic Sacrifice, its correlative.

CHAPTER III

THE REFORMATION: ITS CAUSES AND RESULTS

IN considering the testimony of the Anglican divines, especially those of the sixteenth century, on the subject of the Eucharist, the first thing that is likely to strike one is the fact that both sides in the controversy are wont to appeal to them with equal confidence. But there is, after all, nothing surprising in this when we regard the circumstances. At the time of the Reformation our Church and nation were engaged in a death-struggle with a politico-religious polity, the most marvellous creation of human craft and literary forgeries that the world has ever seen.¹ Historians the least friendly to sacerdotal claims, like Guizot and Hallam, have freely admitted the immense debt rendered to the cause of political

¹ After the Vatican Council Dr. Döllinger began the study of the history of the Papacy afresh, and he told me some years afterwards that much as he knew about the system of forgeries on which the Papacy had been gradually reared, he was not in the least prepared for the mass of cumulative evidence which his special study of the subject had revealed to him. He was engaged in arranging his materials for a great work on the subject when death overtook him. Of course, a whole series of writers, Aquinas included, accepted these forgeries in good faith as authentic history.

progress and of civilisation in general by the Latin Church of the Middle Ages. But it is a fallacy to credit the Papacy with all this service. Some of the Popes, no doubt, deserve all the praise that their most zealous admirers can bestow upon them ; but it is certainly open to question whether the Papacy, as a system and in the long run, has not done more to retard than to advance the civilisation of Christendom. In defending the liberties of the Church against the encroachments of a licentious and tyrannical feudalism, some great prelates were undoubtedly champions of the cause of freedom in the State as well as in the Church. But if the Papacy gave a languid support to Anselm in his contest with William Rufus, it instigated and supported King John in his conspiracy against the rights and liberties of the Church and State of England in the interest of the Papacy, and suspended the patriotic Langton from the primacy for his share in securing the Great Charter. It has been the rule of Papal policy always to support either the cause of freedom or of despotism according as either seemed likely to further the aggrandisement of the Papacy. So that even its contributions to the cause of freedom have generally proceeded rather from the calculations of an astute selfishness than from any spontaneous love of freedom for its own sake.

At the period of the Reformation the Papal power, though shaken, was still, both in religion and politics, the most formidable in Europe ; and it was apparently prepared to stick at nothing in compass-

ing its ends. This is a strong statement, which ought not to be made without convincing proof. Unfortunately the evidence is abundant and incontrovertible. It will suffice here to quote the following from an authentic and unsuspected source.¹ On May 3, 1583, the Papal Nuncio wrote from Paris to the Cardinal of Como, Secretary of State under Gregory XIII. :—

The Duke of Guise and the Duke of Mayenne have told me that they have a plan for killing the Queen of England by the hand of a Catholic, though not one outwardly, who is near her person and is ill affected towards her for having put to death some of his Catholic relations. This man, it seems, sent word of this to the Queen of Scotland,² but she refused to attend to it. He was, however, sent hither, and they have agreed to give him, if he escape, otherwise his sons, 100,000 francs, as to which he is satisfied to have the security of the Duke of Guise for 50,000 and to see the rest deposited with the Archbishop of Glasgow in a box, of which he will keep a key, so that he or his sons may receive the money, should the plan succeed ; and the Duke thinks it may. The Duke asks for no assistance from our Lord [the Pope] in this affair ; but when the time comes he will go to a place of his near the sea to await the event, and then cross over on a sudden to England. As to putting to death that wicked woman, I said to him that I will not write about it to our Lord [the Pope], nor should I, nor tell your most illustrious Lordship to inform him of it ; because, though I believe our Lord [the Pope] would be glad that God

¹ Namely, *Letters and Memorials of Cardinal Allen*, edited by the Fathers of the Congregation of the London Oratory, with an Historical Introduction by Thomas Francis Knox, D.D.

² Then a prisoner in England.

should punish in any way whatever that enemy of his, still it would be unfitting that His Vicar should procure it by these means. The Duke was satisfied ; but later on he added that for the enterprise of England, which in this case would be much more easy, it will be necessary to have here in readiness money to enlist some troops to follow him, as he intends to enter England immediately in order that the Catholics may have a head. He asks for no assistance for his own passage. But as the Duke of Mayenne must remain on the Continent to collect some soldiers to follow him [the Duke of Guise] (it being probable that the heretics, who hold the treasure, the fleet, and the ports, will not be wanting to themselves, so that it will be necessary to make a fight for it), he wishes that for this purpose 100,000 or at least 80,000 scudi should be ready here. I let him know the agreement there is between our Lord the Pope and the Catholic King with regard to the contribution, and I told him that on our Lord the Pope's part he may count on every possible assistance when the Catholic King does his part. The Agent of Spain believes that his King will gladly give this aid, and therefore it will be well, in conformity with the provisions so often made, to consider how to provide the sum, which will amount to 20,000 scudi from our Lord the Pope, when the Catholic King gives his 60,000 scudi. God grant that with this small sum that great kingdom may be gained. The Queen of Scotland wrote the other day that she had won over the Earl ¹

¹ Earl of Shrewsbury. Few who came in contact with her could resist the charm of the unfortunate Mary Stuart. One is glad to learn that she scorned to listen to any proposal to murder Elizabeth, cruelly as she was treated by that sovereign. Whatever her faults—and considering her upbringing and her social and political environment the wonder is they were so few—few princesses, with so many temptations to the contrary, have exhibited so much generosity and magnanimity.

who has her in custody, and that she is sure of being able to free herself when she pleases, but that she wishes to wait for a good opportunity. Independently of this plan, the Duke of Guise expects in a few days information from four gentlemen of rank [*principali signori*] in England, and he will let me know the result. Meanwhile he has nothing of moment from Scotland or England to tell me.

The Cardinal Secretary of State answered this despatch on May 23 as follows :—

I have reported to our Lord the Pope that your Lordship has written to me in cipher about the affairs of England, and since his Holiness cannot but think it good that that kingdom should in some way or other be relieved from oppression and restored to God and our holy religion, his Holiness says that, in the event of the matter being effected, the 80,000 will be, as your Lordship says, very well employed. His Holiness will therefore make no difficulty about paying his fourth when the time comes, if the Agents of the Catholic King do the same with their three-fourths : and as to this point, the Princes of Guise should make a good and firm agreement with the Catholic Agent on the spot. With regard to our 20,000, since your Lordship has already in hand 4,000, and to send the rest without knowing for certain that there will be any result would be to take trouble for nothing, while not to send them might injure the affair, if by chance it should become necessary to pay them, his Holiness thinks it best that in case of need your Lordship should take up the whole or part where you are by a bill of exchange on the credit of some Italian merchant, or other person, which his Holiness will not fail to meet immediately it is due : I say the whole or a part because it is not likely that it will all be needed at once, since it is more probable

that it will have to be spent in two or three months rather than in one, in which case your Lordship will easily supply the first advance with the 4,000 you have already in your hand, and will have time to write here for the rest. Nevertheless, if necessity requires it, your Lordship can adopt the expedient which I have mentioned of raising the money there ; and do not stop on this account from doing good. But God grant that this may not prove like so many other promises which have never had any result.'¹

There is a long and interesting memorandum in Spanish from Father Persons (sometimes spelt Parsons), written from Rome, June 30, 1597, to Don Juan de Ydraquez, which confirms this and other attempts on the life of Elizabeth, all inspired from Rome or by the Jesuits.² The policy of the Jesuits, which they moved heaven and earth to carry out, was to procure an invasion of England by

¹ *Letters and Memorials of Cardinal Allen*, pp. xlvi-xlviii. A most valuable collection of documents, which no student of the Reformation can afford to neglect.

² *E.g.*: 'Hecieron otra traycion que fue que mientras que estavan tratando con el Duque de Guysa y con Alano y Personio de procurar y aguardar algunas fuerças de España, de las quales ya avia mucha probabilidad que vendrian presto, los dos embiaron secretamente a Ynglaterra un cierto espia que avia sido muchos años de la Reyna Ynglaterra en Italia y otras partes, llamado Guilielmo Parry ; el qual descubrio luego a la Reyna todo lo que passava, come se save por sus confessions que estan impresas, y mas, la dixo como tenia commission para matar tam bien a ella a su tiempo para levantar a la Reyna de Escocia y para prevenir la invasion Española, la que los Jesuitas pretendian : y aunque por entonces la Reyna le agradecio y regalo, toda via despues le hizo ahurear ; y este fue el fin del doctor Parry.'—*Letters and Memorials of Cardinal Allen*, pp. 387-8.

Philip II., who was to rule England either directly or through a member of his family ; and eventually Scotland, Elizabeth having been either assassinated, executed, or deposed. Mary Stuart was to be restored to liberty, and to the throne of Scotland, on condition of agreeing to the supersession of her son on account of his heresy—a device by which Philip and the Jesuits hoped to unite England and Scotland in one kingdom under the Spanish crown. The King of France, on the other hand, and the French and Scotch Catholics, were opposed to the Hispano-Jesuit enterprise, preferring the restoration of the Pope's supremacy by an expedition from France, aided by a Scotch invasion and an English Roman Catholic insurrection, which should place both Scotland and England under the sovereignty of Mary. They strove, therefore, to anticipate the Jesuits' plan by the assassination of Elizabeth. Hence the plot described above, in which the principals were the Pope (Gregory XIII.), the Papal Nuncio in Paris, the Duke of Guise, and the Roman Catholic Archbishop of Glasgow.

I should have thought that the Fathers of the London Oratory, while pleading perhaps the moral perturbations caused by the political ethics and stress of circumstances of that time, would nevertheless have reprobated those repeated attempts on the life of Queen Elizabeth. On the contrary, I found, to my great surprise, an elaborate defence of them. The gist of the argument may be found in the following extract from Father Knox's interesting

and remarkably frank 'Historical Introduction.'¹ The foundation of his argument is the following quotation from the *Corpus Juris* of the Roman Church :—

If a temporal lord, after having been required and admonished by the Church, shall neglect to cleanse his land from heretical defilement, let him be excommunicated by the metropolitan and the other bishops of the province. And if he shall through contempt fail to give satisfaction within a year, let this be signified to the Sovereign Pontiff, that he may thereupon declare his vassals absolved from allegiance to him, and offer his land for seizure by Catholics, that they may, after expelling the heretics, possess it by an incontestable title, and keep it in the integrity of the faith : saving the right of the principal lord, provided he puts no obstacle in the way of this and oppose no hindrance ; the same law being nevertheless observed with regard to those who have no principal lords.

On this Father Knox observes :—

This decree, by its insertion in the *Corpus Juris*, became part of the ordinary statute law of the Church. It had not been abrogated by desuetude in the sixteenth century ; for Allen and Persons appeal to it as in full force in a memorandum drawn up for Philip II. ; and St. Pius V. acted in accordance with it when he issued his bull deposing Queen Elizabeth. . . . ²

¹ Father Knox died while the proof sheets of his Introduction were passing through the press, and the book was published by the Fathers of the Oratory.

² The arrogance and insolence of that bull may be judged from its opening paragraph : 'Regnans in excelsis cui data est omnis in cælo et in terra potestas, unam sanctam, catholicam, et apostolicam ecclesiam, extra quam nulla est salus, *uni soli in terris*, videlicet

This Pontifical act was not a mere empty protest. Its effect was that Elizabeth ceased to be Queen *de jure*, while she remained Queen *de facto* as before.

But she was a usurper, and must be got rid of as soon as an opportunity presented itself. No such opportunity occurred during the Pontificate of Paul V.

It was far, however, from the desire of Gregory XIII. [who succeeded Sixtus V.] that the bull should remain without execution. He saw too clearly the ruin to innumerable souls which resulted from Elizabeth's continuance on the throne. As spiritual pastor of these souls, he was bound to use all lawful means to save them from perishing. Hence, not content with aiding by his munificent gifts the purely spiritual work of conversion which was carried on by the colleges of Douay and Rome, the latter being his own foundation, he left nothing undone to impel Philip II. of Spain to overthrow Elizabeth by force of arms. Thus in 1577, when it had been arranged that Don John of Austria, after pacifying Flanders, should undertake the conquest of England and place Mary Queen of Scots on the English throne, Gregory XIII. sent Mgr. Sega as his Nuncio to Don John

apostolorum principi Petro, Petrique successori Romano pontifici, in potestatis plenitudine tradidit gubernandam. *Hunc unum super omnes gentes et omnia regna principem constituit, qui evellat, destruat, dissipet, disperdat, plantet, et ædificet, ut fidelem populum, mutæ charitatis nexu constrictum, in unitate spiritus contineat, salvumque et incolumem suo exhibeat salvatori.* This bull comes within the definition of Papal infallibility laid down by the Vatican Council, and is therefore 'irreformable'—an immutable article of the creed of the Roman Church, binding the members of that Church to believe that the Pope alone is by Divine appointment prince over all nations and kingdoms,' and in that capacity rightfully deposed Queen Elizabeth, and handed her over to any one who chose to slay her.

with 50,000 ducats in aid of the proposed expedition. The ill-fated expedition under Sir Thomas Stukely, which was equipped by Gregory XIII. and sent by him to Ireland, but which, by the treachery of its commander, was diverted from its destination, and perished with Sebastian, King of Portugal, at Alcazar in Morocco, August 4, 1578, is a further proof of the Pope's zeal in the same cause.¹

And as to the various attempts to assassinate Elizabeth, Father Knox suggests the following apology :—

Let me begin by putting a possible case. In a country where the executive is powerless and might prevails over right, the chief of a band of robbers has seized an unoffending traveller and keeps him a close prisoner until he pays for his ransom a sum which is quite beyond his power to obtain. Now who can deny that under these circumstances the prisoner might lawfully kill the robber, if by so doing he could secure his escape? And if he might do it himself, any one, much more a friend and kinsman, might do it for him, or he might hire another to do it in his stead. The violent death of the robber could not in this case be justly regarded as a murder: it would simply be the result of an act of self-defence on the part of the innocent man whom he was holding captive. . . . Thus the parallel is complete between the bandit chief and Queen Elizabeth. Both detain with equal injustice the prisoner who has fallen into their hands. Both have the power and the will to murder their prisoner if circumstances make it advisable. Both prisoners are unable to persuade their captors to release them. If, then, it be no sin in the captive, either by his own hand or the hand of others, to kill the bandit chief and so escape, why was it a sin to

¹ Pp. xxvii-xxix.

kill Elizabeth, and by so doing to save from a lifelong prison and impending death her helpless victim, the Queen of Scots? If the one act is a laudable measure of self-defence, why is the other branded with the names of murder and assassination? In a word, if there is no real disparity between the cases, why should we not use the same weights and measures in judging of them both? '1

Certainly this is a startling doctrine, propounded in the year of grace 1882 by 'the Fathers of the Congregation of the London Oratory.' In virtue of the Pope's bull of excommunication Queen Elizabeth is to be regarded as 'the chief of a band of robbers,' a 'bandit chief,' who may justly be privately poniarded, or shot, or poisoned. The Fathers declare that 'there is no proof' that Mary was privy to these projects of assassination; but any friend or kinsman might think himself justified in secretly taking the life of Elizabeth, and the Pope did well to aid and bless the deed.

But, in matter of fact, the attempts on Elizabeth's life were not made for the purpose of liberating Queen Mary, but for the purpose of restoring the authority of the Pope over the realm of England. Father Knox had first admitted that the Pope had 'left nothing undone to overthrow Elizabeth by force of arms' through a foreign invasion; and his Holiness had himself equipped an expedition to 'undertake the conquest of England and place Mary Queen of Scots on the English throne.'

But even if the chief object of these persistent conspiracies and projects of assassination had been—as it certainly was not—to liberate Queen Mary, are they to be excused on that plea? Here is the case, as stated by the Papal Nuncio at Paris for the information of the Pope. ‘A Catholic, though not outwardly’—that is, who pretends to be a Protestant—and ‘who is near the person’ of the Queen, desires to murder her out of revenge for the judicial executions of some relations. But he wishes to turn his revenge to profitable account. He offers the Queen of Scotland to take the life of Queen Elizabeth for the sum of 100,000 francs. On Mary’s refusal, he betakes himself to the Duke of Guise and Duke of Mayenne. The Duke of Guise is willing to find the money, which the Roman Catholic Archbishop of Glasgow agrees to hold ‘in a box, of which he will keep the key,’ till the deed is done, when the money is to be paid over to the assassin if he escapes, and to his sons in the event of his capture. In the confusion which was to follow the assassination of the Queen, the Duke of Guise is to land in England with an army in order to put a Roman Catholic sovereign on the English throne, and thereby restore the Pope’s supremacy. Of all this the Pope is confidentially informed, and is asked if he will contribute ‘100,000 or at least 80,000 crowns’ to the cost of the expedition in case the assassin succeeds in accomplishing his purpose. The Cardinal Secretary of State, after consultation with the Pope, replies that ‘since his Holiness cannot but think it

good that this kingdom [of England] should be in some way or other relieved from oppression and restored to God and our holy religion, his Holiness says that, in the event of the matter being effected, there is no doubt that the 80,000 crowns will be, as your Lordship [the papal Nuncio] says, very well employed.' It was, therefore, no question of the release of a captive from 'the bandit chief' [Elizabeth]—the fate of the captive was a very secondary consideration—but the restoration over the realm of England of the intolerable yoke of an Italian prelate claiming more than regal power. To achieve this, the Pope is willing to hire the stiletto or the poison of an assassin who desires to avenge a private quarrel by murder. Comment is useless.

But even if the case were as Father Knox puts it, I cannot accept his ethics. I will not admit that any Christian, still less one who claims to be the Vicar of Him who bade Peter sheath his sword because He would not save His own precious life by violence, would be justified in hiring an assassin to murder even a 'bandit chief' in order to deliver a captive.

Now when we remember that there were bands of Seminarists from Rome and Douay and Spain scattered all over England in various disguises, preaching sedition, and teaching that Elizabeth was a usurper and 'bandit chief,' outlawed by the Pope, and therefore obnoxious to death by the hand of any one who would thereby do God service, we cannot feel surprise at the natural revolt against all con-

nection with the Papacy.¹ It was not a theological so much as a political revolt, the uprising of a free nation against the domineering insolence and intermeddling of a foreign priest in our domestic affairs. Transubstantiation was eventually made a test, but of civil loyalty rather than theological orthodoxy. It was the climax of a struggle that had been going on for centuries, a struggle between the Crown of England and the Tiara of Rome. It is a popular error to suppose that the struggle began with Henry VIII. He inherited it from a long line of predecessors. It will suffice to give the following summary of 16 Richard II. cap. 5 ; and Richard was by no means the first English king who resisted the Pope's encroachments. This early Statute of *Præmunire* declares that the Crown of England has been free at all times ; that it has been under no earthly subjection, but immediately subject to God in all things touching the regality of the same Crown, and of none other. That no submission should be made to the Pope, who aimed at the perpetual destruction of the King, his crown, his regality, and all his realm, which God defend. The Commons, and the Lords spiritual and temporal, pledged themselves to the defence of the liberties of the Church of England and of the Crown as against the pretensions,

¹ The Roman Catholic laity of England in the mass had no sympathy with these Roman intrigues against the liberties of England and the life of the Queen, as their loyal conduct in the crisis of the Spanish Armada proved. As for the clergy, they conformed to the Elizabethan *régime*, except about two hundred, till the bull of excommunication forbade them.

claims, and usurpations of the Pope, with respect to sentences of excommunication, and the Pope's appointment to bishoprics and benefices, or any other interference with the rights and liberties of the Church of England. And all persons getting any bull from Rome containing any matter whatsoever, or publishing or putting the same in use, were to be judged traitors to the King and Realm; and being thereof lawfully indicted and attainted, according to the course of the laws of the Realm, would suffer pains of death, and to lose and forfeit all their lands, hereditaments, tenements, goods, and chattels, as in cases of high treason, by the laws of this Realm.

This internecine struggle between the Papal Power and the Realm of England—in its ecclesiastical as well as civil character, be it remembered—reached its crisis in the reign of Elizabeth. We ought, therefore, to expect in that reign, as in all crises, the development of the two antagonistic principles in their most extreme forms. And this is what, in matter of fact, we do find. The Puritan exiles returned soured, embittered, hating all forms and ceremonies, and scorning all authority in Church and State; republicans in politics¹ and

¹ Elizabeth's leading courtiers countenanced the Puritans up to the point where they expected to profit, as we shall see further on, from the qualified triumph of Puritanism. On Burleigh's ostentatiously claiming credit one day for the care with which the courtiers looked after 'the State ecclesiastical,' Archbishop Parker wrote to tell him privately, 'that he doubted when his Lordship used those words, whether he might have smiled or lamented to think that he would offer it to their contemplation (who knew so

anarchists in religion. If they had had their way then, they would have anticipated the Commonwealth and abolished both Church and Monarchy. But Elizabeth and her able ministers were too strong for them, and the result was a compromise by which the orthodox rule of doctrine and ritual was laid down, with a minimum of observances to which the recalcitrants were required to conform, leaving the rest to carry out the maximum. The Puritan clergy roundly accused the Elizabethan bishops of accepting what their consciences condemned for the sake of promotion, and then forcing a detested ritual on their clergy to save their own dignity. One of the ablest spokesmen of the Puritans writes thus some years after Elizabeth's accession :—

These [the returned exiles] at first began to oppose the ceremonies ; but afterwards, when there was no hope otherwise of obtaining a bishopric, they yielded, and, as one of them openly acknowledged, undertook the office against their consciences. In the meanwhile they comforted their brethren, whom they perceived to be still struggling against these things, by promising them free liberty in the government of their churches ; and for some years they kept this promise. On the obtaining of which liberty they diligently purified their churches

well that it was quite otherwise) that were driven quite out of regard.' 'To which I may join,' adds Strype, 'what the same Archbishop said another time to the same Lord: "That how secure soever the nobility were of these Puritans, and countenanced them against the bishops, they themselves might rue it at last. And that all that these men tended towards was to the overthrow of all honourable quality, and the setting afoot a commonwealth, or, as he called it, a popularity."'—*Life of Parker*, ii. 323.

from all the blemishes and defilements of Popery. Others who had yielded, incited by their example, began to reform their churches in like manner.¹

Here we see in epitome the process by which the ritual and ceremonial sanctioned by the Ornaments Rubric were so ruthlessly abolished in the dioceses of the Puritan bishops. It was by no process of law, but by a gross violation of the law. The leaders of the returned Puritans conformed, for the sake of episcopal preferment, to the minimum of ritual enforced upon them, but silenced the reproaches of their clergy by promising them a free hand in the matter of ritual and 'the government of their churches,' which they immediately proceeded to strip of all legal ornaments—crosses, crucifixes, candlesticks, roodscreens, vestments, and painted windows. The Queen at last interfered to stop the vandalism, giving the Puritan bishops their choice of obedience to the law and enforcing it on the clergy, or the resignation of their sees. They obeyed sullenly; but much of the mischief was irreparable. The self-regard of the bishops smoothed the path of obedience for them, as one of their Puritan censors takes care to record. 'But when the bishops perceived that the number and influence of these parties was increasing among the people, they thought their dignity would come to nought unless they compelled the inferior clergy to adopt the same usages as they did themselves. They took up the matter therefore at the Queen's command.

¹ *Zurich Letters*, ii. 161.

They deprived Samson, a most learned man,' and 'more than thirty' other defiant clergy in London.¹

The spirit of toleration was not known in those days. The party that was up invariably persecuted the party that was down, and there was not much to choose between them. And the clergy, it is lamentable to say, were generally more intolerant than the laity. Cooper, successively Bishop of Lincoln and Winchester, urged on Walsingham the policy of forcing all Roman Catholics to receive the Sacrament in the Established Church or go to prison. But the statesman rejected the advice of the bishop. On another occasion he proposed to the Privy Council that some two hundred Roman Catholics, 'lustie men, strong and well able to labour,' should be transported into penal servitude, while the feebler, who remained behind, should be 'put in some fears, probably by means of the rack.' But the Privy Council was more merciful than their spiritual adviser, who spared neither sex.² Nor was it Roman Catholics alone whom the Puritan bishops persecuted. One of them condemned to the stake a Fellow of Corpus Christi, Cambridge, for heterodox opinions on the Trinity and Atonement, while another burnt 'a poor half-crazy Arian.'

And to their intolerance most of them added rapacity in its most odious forms, combined in some cases with simony, alienating for their own use the properties of their sees. One of them, says Mr.

¹ *Zurich Letters*, ii. 161-2.

² White's *Elizabethan Bishops*, pp. 60, 190-1, 196.

White in his dispassionate and instructive volume, 'fleeced rather than fed his flock, and was probably the greatest pluralist that the Protestant Church has ever known. At the time of his consecration he held one Archdeaconry and ten other benefices, all of which he held "in commendam." He afterwards added six more, thus making a total of sixteen, nine of which were sinecures. . . . His incomings were unrighteously great, and his outgoings were scandalously small. He entirely neglected hospitality and charity; for the better sort were not entertained at his table, and the wants of the poor went unrelieved. Indeed, he was oblivious of common honesty, for though it was his bounden duty to keep the chancel of his cathedral in repair, his successor, Morgan, found it roofless. He left behind him a large fortune, which he bequeathed to his only daughter.'

I own that I feel but small respect for zeal against chasubles, or even crucifixes, on the part of prelates of whom such things can be justly written. In truth, none of the Elizabethan bishops inspires admiration, and very few of them respect. Parker was the best of them; yet even him his successor accuses of gross simony.¹

The judicial and dispassionate Hallam confirms this view of the character of the Puritan bishops of this reign:—

The bishops of this reign do not appear, with some distinguished exceptions, to have reflected so much

¹ White's *Elizabethan Bishops*, pp. 71, 93-4, 160, 190, 196, 209.

honour on the Established Church as those who attach a superstitious reverence to the age of the Reformation are apt to conceive. In the plunder that went forward they took good care of themselves. Charges against them of simony, corruption, covetousness, and especially destruction of their Church estates for the benefit of their families, are very common—sometimes no doubt unjust, but too frequent to be absolutely without foundation. The Council often wrote to them, as well as concerning them, with a sort of asperity which would astonish one of their successors. And the Queen never restrained herself in treating them on any provocation with a good deal of rudeness, of which I have just mentioned an egregious example.¹

And we have similar complaints of leading Reformers in the reign of Edward VI. It is the latitudinarian Burnet who writes as follows :—

The irregular and immoral lives of many of the professors of the Gospel gave their enemies great advantages to say, they ran away from confession, penance, fasting, and prayers, only that they might be under no restraint, but indulge themselves in a licentious and dissolute course of life. By these things, that were but too visible in some of the more eminent among them, the people were much alienated from them : and as much as they were formerly prejudiced against Popery, they grew to have kinder thoughts of it, and to look on all the changes that had been made as designs to enrich some vicious courtiers, and to let in an inundation of vice and wickedness upon the nation. Some of the clergy that promoted the Reformation were not without very visible blemishes : some indiscretions, both in their marriages and in their behaviour, contributed not a little to raise a

¹ Hallam's *Constitutional History*, i. 304.

general aversion. It is true that there were great and shining lights among them . . . ; but they were *few* in comparison with the *many bad*.¹

Nor were the laity who took a leading part in the Reformation one whit behind the leading divines in the very mundane motives which quickened their zeal for reformation. I appeal again to the judicial Hallam :—

Nor could the people repose much confidence in the judgment and sincerity of their governors, whom they had seen submitting without outward repugnance to Henry's schemes of religion, and whom they saw every day enriching themselves with the plunder of the Church they affected to reform. There was a sort of endowed colleges or fraternities, called chantries, consisting of secular priests, whose duty was to say daily masses for the founders. They were abolished and given to the King by Acts of Parliament in the last year of Henry and the first of Edward. It was intimated in the preamble of the latter statute that their revenues should be converted to the erection of schools, the augmentation of the universities, and the sustenance of the indigent. But this was entirely neglected, and the estates fell into the hands of the courtiers. Nor did they content themselves with this escheated wealth of the Church. Almost every bishopric was spoiled by their ravenous power in this reign, either through mere alienations, or long leases, or unequal exchanges. Exeter and Ilandaff, from being among the richest sees, fell into the class of the poorest. Lichfield lost the chief part of its lands to raise an estate

¹ *Hist. of the Ref.* iii. 378-9. The italics are in the original. The editor dots some of Burnet's i's: e.g. a scandal 'between the Archbishop of York and one Norman, who claimeth the same bishop's wife to be his.'

for Lord Paget. London, Winchester, and even Canterbury, suffered considerably. The Duke of Somerset was much beloved; yet he had given no unjust offence by pulling down some churches in order to erect Somerset House with the materials. He had even projected the demolition of Westminster Abbey; but the chapter averted this outrageous piece of rapacity, sufficient of itself to characterise that age, by the usual method, a grant of some of their estates.

Again :—

I have mentioned in another place how the bishoprics were impoverished in the first Reformation under Edward VI. The Catholic bishops who followed made haste to plunder from a consciousness that the goods of their Church were speedily to pass into the hands of heretics. Hence the alienation of their estates had gone so far that in the beginning of Elizabeth's reign statutes were made, disabling ecclesiastical proprietors from granting away their lands except on leases for three lives, or twenty-one years. But an unfortunate reservation was introduced in favour of the Crown. The Queen, therefore, and her courtiers, continued to prey upon their succulent victim. . . . The documents of that age contain ample proofs of their rapacity. Thus Cecil surrounded his mansion-house at Burleigh with estates once belonging to the See of Peterborough. Thus Hatton built his house in Holborn on the Bishop of Ely's garden.

After giving other examples, including Elizabeth's own custom of keeping bishoprics vacant for years—in one case eighteen years—in order to appropriate the revenues, and in some cases alienate Church property, the impartial historian adds: 'These transactions denote the mercenary and rapacious

spirit which leavened almost all Elizabeth's courtiers.'¹

I have already referred to the spirit of bigotry and intolerance which characterised the leading Reformers in Elizabeth's reign, and have given two examples, out of several, of persons burnt at the stake for heterodoxy. The two Primates²—the mild Parker, and the somewhat truculent Sandys—clamoured for the death of the Scottish Queen on the sole ground of her being a Roman Catholic. Sandys, in a letter to Burleigh, urged the Lord Treasurer 'furthwith to cutte of the Scottish Queene's head.' Persecution,' says Hallam, 'is the deadly original sin of the Reformed Churches; that which cools every honest man's zeal for their cause in proportion as his reading becomes extensive.' Lutherans, Calvinists, and Anglican Reformers in the reign of Edward VI., he goes on to show, are just as amenable to the accusation as the Roman Catholics whom they denounced. And with less excuse. 'In men hardly escaped from a similar peril [like Cranmer], in men who had nothing to plead but the right of private judgment, in men who had defied the prescriptive authority of past ages and of established power, the crime of persecution assumes a far deeper hue, and is capable of far less extenuation, than in a Roman inquisitor.'³ Several men indicted for heresy in the reign of Edward VI.

¹ *Const. Hist.* i. 129, 303.

² *Parker Corresp.* p. 398.

³ *Const. Hist.* i. 130-2.

were bidden peremptorily to choose between recantation and death, and a Baptist of the name of Joan Boucher was tried by a commission, of which Cranmer and Ridley were members, and condemned to the stake. The young King, not usually disposed to mercy, was inclined to let her off; but Cranmer insisted on her being burnt, and burnt she was accordingly, Bishop Scory preaching her cremation sermon, while Latimer improved the occasion the following Sunday at St. Paul's by preaching an approving sermon. Some Baptist preachers were also put to death in Elizabeth's reign, and Jewel declares in his 'Apology'—a book chained, with the Bible, in churches—that 'we not only condemn the old heretics, and pronounce them impious and lost, and detest them to the gates of hell, but even if they anywhere break forth and show themselves, we restrain them severely and seriously with lawful and civil punishments,' the stake included.

One of the strongest arguments, to my mind, for the Church of England as a Divine institution, is the fact of its surviving the rank and luxuriant crop of tares which mingled with the wheat of the Reformation. The leading men on all sides—Roman Catholics, Puritans, Anglicans—were for the most part men whose characters inspire no admiration and very little respect. We behold among them all a sad lack of spirituality or nobility of character. Strype gives the following description of the state of England in the year 1572, which is based on a paper of suggestions for reform by Burleigh, whose

language Strype quotes verbally in the Minister's denunciatory sentences:—

The state of the Church and religion at this time was but low, and sadly neglected, occasioned in a great measure by these unhappy controversies about the Church's government, and other external matters in religion : which so employed the thoughts and zeal of both clergy and laity, that the better and more substantial parts of it were very little regarded. The Churchmen heaped up many benefices upon themselves, and resided upon none, neglecting their cures ; many of them alienated their lands, made unreasonable leases and wastes of their woods, granted reversions and advowsons to their wives and children, or to others for their use. Churches ran greatly into dilapidations and decays ; and were kept nasty, and filthy, and undecent for God's worship. Among the laity there was little devotion. The Lord's Day greatly profaned and little observed. The common prayers not frequented. Some lived without any service of God at all. Many more were heathens and atheists. The Queen's own court an harbour for *epicures* and *atheists*,¹ and a kind of lawless place, because it stood in no parish. Which things made good men fear some sad judgments impending over the nation.²

A sombre picture truly ! and well calculated to warn ourselves against the danger of allowing the essence of religion to escape amid the barren logomachies which characterise our present controversies, and which are, for the most part, more about words than things. A heavy responsibility surely belongs

¹ The italics are in Barleigh's paper, from which Strype quotes the expressions.

² *Life of Parker*, ii. 204.

to the leaders of the Evangelical party for declining to meet representatives of other theological schools in friendly conference, with a view to mutual explanations, leading perhaps to a possible concordat. One inference from Burleigh's paper is inevitable, namely, the absolute necessity of a court for ecclesiastical causes, of which the members must have a competent knowledge of the ecclesiastical history of England. If the members of the Judicial Committee in the Purchas and Ridsdale cases had been thus equipped, they would have avoided the absurd paralogsms and historical blunders on which those judgments, as I hope to prove further on, are based. Fancy arguing the illegality of the full ritual sanctioned by the Ornaments Rubric from its absence in the deplorable state of desolation described by Burleigh! When the ecclesiastical fabrics 'ran greatly into dilapidations and decays, and were kept filthy and undecent for God's worship;' when 'the Lord's Day was greatly profaned and little observed;' when 'the common prayers were not frequented,' and 'some lived without any service of God at all;' when the Holy Communion in many places was celebrated only once a quarter, and in not a few places never at all; is it so wonderful that vestments, some of them valuable spoil, which were used only in the Communion Service, should have generally disappeared in the general ruin? Yet this is the strongest proof of their illegality, if we are to accept the law of the Judicial Committee. Is there a better way of making men lawless than to impose upon

them as law what they know to be nonsense? If a law is bad or inexpedient, let it be repealed; but let it not be perverted in the interest of a party or a policy. Men will more readily obey a law which they detest than a plain perversion of a law to which they vowed allegiance, and which has been twisted against them by being made to mean precisely the reverse of what it says. The former case they may endure as one of oppression. The latter they will regard as an outrage on their intellectual integrity in addition; and men will endure oppression with more patience than self-stultification. Many a man would rather go to prison than admit that black is white, even at the bidding of the Judicial Committee. But I must reserve for another chapter a full discussion of the miscarriage of justice which lies at the root of all our present troubles.

The frightful state of irreligion and depravity described by Burleigh, and painted in still blacker colours in some of the documents published under the auspices of the Rolls Court,¹ caused a reaction against Puritanism in the reign of Elizabeth, which, however, was only partially successful. The leading statesmen of the day saw the danger of the principles and doctrines propagated by the returned exiles from Frankfort and Switzerland. Puritanism was now declared, in solemn State papers, to be as great a

¹ It is stated in one of these documents that not only had many churches ceased to be places of Divine worship, even on Sunday, but that many of them were turned to vile uses on that holy day, the parishioners assembling in them to witness cock-fights. This was the case especially in Lancashire.

danger on the one hand as Popery had been on the other. I quote as an example from a letter addressed by Sir Francis Walsingham to 'Monsieur Critoy, Secretary of France.' It is an important document, as the long extract which I subjoin will show, and its importance is increased by the fact, which Mr. Spedding, the accomplished editor of Bacon's works, has proved, namely, that the letter was drawn up by Bacon, who adopted a few suggestions made by Archbishop Whitgift, an active member of the Privy Council. It was sent by Walsingham on behalf of the English Government to the Government of France :—

I find therefore (writes the English Secretary of State) that her Majesty's proceedings have been grounded upon two principles :—

1. The one, that consciences are not to be forced, but to be won and reduced by the force of truth, with the aid of time and the use of all good means of instruction and persuasion.

2. The other, that the causes of conscience, when they exceed their bounds and grow to be matter of faction, lose their nature; and that sovereign princes ought distinctly to punish the practice or contempt, though coloured with the pretence of conscience and religion.

According to these principles, her Majesty at her coming to the crown, utterly disliking the tyranny of Rome, which had used by terror and rigour to seek commandment of men's faiths and consciences, though as a Prince of great wisdom and magnanimity she suffered but the exercise of one religion, yet her proceeding towards the Papists was with great lenity, expecting the good effects which time might work in them. And therefore her Majesty revived not the laws made in the twenty-

eighth and thirty-fifth year of her father's reign, whereby the oath of allegiance might have been offered at the King's pleasure to any subject, though he kept his conscience never so modestly to himself; and the refusal to take the same oath without further circumstance was made treason. But contrariwise her Majesty, not liking to make windows into men's hearts and secret thoughts except the abundance of them did overflow into overt and express acts or affirmations, tempered her law so as it restraineth only manifest disobedience, in infringing and impeaching advisedly and maliciously her Majesty's Supreme Power, and maintaining and extolling a foreign jurisdiction. And as for the oath, it was altered by her Majesty into a more grateful form; the harshness of the name and appellation of Supreme Head was removed;¹ and the penalty of the refusal thereof [*i.e.* of the oath in its modified form] turned only into disablement to take any promotion or to exercise any charge; and yet with liberty of being reinvested therein if any man should accept thereof during his life. But after, when Pius Quintus had excommunicated her Majesty, and the Bulls of Excommunication were published in London, whereby her Majesty was in a sort proscribed; and that therefore as upon a principal motive or preparative followed the rebellion in the North; yet because the ill humours of the realm were by that rebellion partly gauged, and that she feared at that time no foreign invasion, and much less the attempt of any within the realm not backed by some potent succour from without, she contented herself to make a law against that special case of bringing in or publishing of any Bulls or

¹ Yet many persons still speak and write of the Sovereign as 'Supreme Head of the Church.' The title of 'Head of the Church' has never been borne by any English sovereign since the accession of Elizabeth.

the like instruments ; whereunto was added a prohibition, upon pain not of treason but of an inferior degree of punishment, against the bringing in of *Agnus Dei*, hallowed beads, and such other merchandise of Rome, as are well known not to be any essential part of the Romish religion, but only to be used in practice as love-tokens to enchant the people's affections from their allegiance to their natural Sovereign.¹ In all other points her Majesty continued her former lenity. But when about the twentieth year of her reign she had discovered in the King of Spain an intention to invade her dominions ; and that a principal point of the plot was to prepare a party within the realm that might adhere to this foreigner, and that the Seminaries began to blossom and to send forth daily priests and professed men [*i.e.* men belonging to religious orders ; mostly Jesuits], who should by vow taken at shrift reconcile her subjects from their obedience, yea, and bind many of them to attempt against her Majesty's Sacred Person ; and that by the poison which they spread the humours of most Papists were altered, and that they were no more Papists in conscience and of softness, but Papists in faction ; then were there new laws made for the punishment of such as should submit themselves to such reconcilements or renunciations of obedience. And because it was a treason carried in the clouds and in wonderful secrecy, and came seldom to light, and there was no presumption thereof so great as the recusance to come to Divine service ; because

¹ This shows the political aspect of many customs and practices of that time, and the prohibition of them proves, as already observed, that the motive causes of the Reformation were political rather than theological. To the unscrupulous machinations of foreign Papists—the name is appropriate here, for the Pope was the *fons et origo malorum*—and the revolutionary violence and excesses of foreign Protestants, was due the deplorable state to which the Church of England was reduced in the latter half of Elizabeth's reign.

it was set down by their decrees that to come to church before reconciliation was to live in schism, but to come to church after reconciliation was absolutely heretical and damnable; therefore there were added new laws containing a punishment pecuniary against such recusants, not to enforce conscience, but to enfeeble and impoverish the means of those to whom it rested indifferent and ambiguous whether they were reconciled or no. And when, notwithstanding all this provision, the poison was dispersed so secretly as that there was no means to stay it but by restraining the merchants that brought it in; then lastly there was added another law whereby such seditious priests of the new erection were exiled, and those that were at that time within the land shipped over, and so commanded to keep hence upon pain of treason.

This hath been the proceeding with that sort, though intermingled not only with sundry examples of her Majesty's grace towards such as in her wisdom she knew to be Papists in conscience and not in faction, but also with an ordinary mitigation towards the offenders in the highest degree convicted by law, if they would but protest that in case the realm should be invaded with a foreign army by the Pope's authority for the Catholic cause, as they term it, they would take part with her Majesty and not adhere to her enemies.

For the other part, which have been offensive to this State, though in another degree; which named themselves Reformers, and we commonly call Puritans; this hath been the proceeding towards them. A great while, when they inveighed against such abuses in the Church as pluralities, non-residence, and the like, their zeal was not condemned, only their violence was sometimes censured; when they refused the use of some ceremonies and rites as superstitions, they were tolerated with much connivency and gentleness; yea, when they called in question the

superiority of bishops, and pretended to bring a democracy into the Church, yet their propositions were heard, considered, and by contrary writings debated and discussed. Yet all this while it was perceived that their course was dangerous and very popular. As because Papistry was odious, therefore it was ever in their mouths that they sought to purge the Church from the relics of Popery; a thing acceptable to the people, who love ever to run from one extreme to another. Because multitudes of rogues and poverty were an eyesore and dislike to every man, therefore they put it into the people's head that if discipline were planted there should be no beggars nor vagabonds; a thing very plausible. And in like manner they promised the people may [?] many] other impossible wonders of their discipline. Besides, they opened the people a way to government by their consistory and presbytery: a thing though in consequence no less prejudicial to the liberties of private men than to the sovereignty of princes, yet in the first show very popular. Nethertheless this (except it were in some few that entered into extreme contempt) was borne with, because they pretended but in dutiful manner to make propositions, and to leave it to the providence of God and the authority of the magistrate. But now of late years, when there issued from them a colony of those that affirmed the assent of the magistrate was not to be attended; when, under pretence of a concession to avoid slanders and imputations, they combined themselves by classes and subscriptions; when they descended into that vile and base means of defacing the government of the Church by ridiculous pasquils; when they began to make many subjects in doubt to take an oath, which is one of the fundamental parts of justice in this land and in all places; when they began both to vaunt of the strength and number of their partisans and followers, and to use

cominations that their cause would prevail though with uproar and violence ; then it appeared to be no more zeal, no more conscience, but mere faction and division ; and therefore, though the State was compelled to hold somewhat a harder hand to restrain them than before, yet it was with as great moderation as the peace of the Church and State could permit. And therefore, Sir, to conclude, consider uprightly of these matters, and you shall see her Majesty is no temporiser in religion. It is not the success abroad, nor the change of servants here at home, can alter her ; only as the things themselves alter, so she applieth her religious wisdom to methods correspondent unto them ; still retaining the two rules before mentioned, in dealing tenderly with consciences and yet in discovering faction from conscience, and softness from singularity.¹

The date of this luminous survey of the ecclesiastical position in England is not given, but it was certainly after 1588, for the Spanish Armada is mentioned in the historical tone of an event that had been some time past. The complete discomfiture of that iniquitous invasion destroyed once for all the dreams of the Papal Court that England could be coerced into an acceptance of Papal supremacy, with all its extortions and abuses. The Seminarists, who had been for years engaged in secretly fomenting sedition among the Roman Catholics of England, had translated their own hopes into assurances to the Roman Curia that the apparition of the Armada in British waters would be the signal for an insurrection on the part of avowed Roman Catholics, who

¹ Bacon's *Works*, viii. 98-101.

would be joined by a host of crypto-Papists, who were fain to bow in the house of Rimmon till the banner of deliverance appeared in sight. The event falsified these anticipations. There were no crypto-Papists, and Roman Catholics distinguished themselves in defence of their country's freedom and rights.

CHAPTER IV

THE TESTIMONY OF ANGLICAN DIVINES

POPERY having thus ceased to be a political danger, the reaction against the violence and excesses of the Puritans naturally increased, and the accession of James gave it a fresh impulse. That astute sovereign, with all his pedantry, was a man of great ability, solid learning—befitting the pupil of George Buchanan—and much political sagacity. Equally opposed to the excesses and anarchical doctrines of the Puritans and to the usurpations of the Papacy, he sought out for the highest offices in the Church men remarkable for learning, ability, integrity, and sobriety of character: a policy which was continued by his son and successor,¹ and which gave us the

¹ Charles I. had great faults; but he had great virtues also. He was a munificent patron of art and literature, and did much to elevate the national character in both departments. The purity of his life and the sincerity of his religious profession are beyond dispute. And his love for the Church of England was that of a devout Christian, not of a politician who desired to use the Church as an instrument of statecraft. The following letter to Alexander Henderson, written on May 29, 1646, explains his reasons for rejecting a proposal to abolish Episcopacy in England, and bears the

great divines of the seventeenth century, who are *par excellence* the representative theologians of the

stamp of genuine sincerity. Compliance would probably have saved his life and crown :—

‘No one thing made me more reverence the Reformation of my Mother, the Church of England, than that it was done—according to the Apostle’s defence, Acts xxiv. 18—neither with multitude nor with tumult, legally and orderly; and by those whom I conceive to have only the reforming power, which, with many other inducements, made me always confident that the work was very perfect as to essentials; of which Church government being undoubtedly one, I put no question but that would have been likewise altered if there had been cause; which opinion of mine was soon turned into more than a confidence, when I perceived that in this particular, as I must say of all the rest, we retained nothing but according as it was deduced from the Apostles to be the constant universal custom of the primitive Church; and that it was of such consequence as by the alteration of it we should deprive ourselves of a lawful priesthood; and then how the Sacraments can be duly administered is easy to judge. These are the principal reasons, which make me believe that Bishops are necessary for a Church; and I think sufficient for me, if I had no more, not to give my consent for their expulsion out of England; but I have another obligation that to my particular is a no less tie of conscience, which is my Coronation Oath. Now if, as St. Paul saith—Rom. xiv. 23—he that doubteth is damned if he eat, what can I expect, if I should not only give way knowingly to my people’s sinning, but likewise be perjured myself?

‘Now consider, ought I not to keep myself from presumptuous sins? and you know who says, “What doth it profit a man though he should gain the whole world and lose his own soul?” Wherefore my constant maintenance of Episcopacy in England, where there was never any other government [of the Church] since Christianity was in this kingdom, methinks should be rather commended than wondered at.’

Hallam, the historian, writes: ‘No candid reader, I think, can doubt that a serious sense of obligation was predominant in Charles’s persevering fidelity to the English Church.’ In the same chapter he gives his judgment concerning those who took away his life :—

‘It was, as we all know, the act of a bold but very small minority, who, having forcibly expelled their colleagues from Parliament, had

Church of England. No church in Christendom, during any period of its history, can exhibit a finer array of great names illustrious for intellectual power, massive learning, and saintliness of character, than the Jacobean and Caroline divines: Andrewes, Barrow, Bull, Bramhall, Beveridge, Hall, Jeremy Taylor, Cosin, Overall, Ken, Ussher, Waterland, Montague, Wilson, Pearson, and the like. And the rank and file of the clergy contained a host of names not inferior to these. Nor will I omit from the list the great name of Laud. No name in history has had less justice done to it. The present and past generation take their opinion of him from Macaulay's brilliant parody, and his opponents in his own generation made him the scapegoat of a bad system of government which was not his own creation. It was a period of transition from absolutism to constitutional government, and Laud was unfortunately a great statesman as well as a great ecclesiastic; Prime Minister as well as Primate. The mingling of the two is not good for either, and Laud the statesman incurred such odium in administering a moribund system of secular government as reacted on the Church of which he became the chief. But usurped, under the protection of a military force, that power which all England reckoned illegal. I cannot perceive what there was in the imagined solemnity of this proceeding, in that insolent mockery of the forms of justice, accompanied by all unfairness and inhumanity in its circumstances, which can alleviate the guilt of the transaction; and if it be alleged that many of the regicides were firmly persuaded in their consciences of the right and duty of condemning the king, we may surely remember that private murderers have often had the same apology.'—*History of England*, ii. 186, 227, 228.

he was a great man, and a patron of much that conduced to greatness. He was devoted to his own university, Oxford, and spent much of his time and money to adorn it architecturally and to raise its standard of learning. He not only built the inner quadrangle of his own college, and improved its intellectual equipment by various donations, but he built the convocation-house and Selden's library above, and enriched the public collection of books by the munificent present of 1,300 valuable MSS. in Hebrew, Syriac, Chaldee, Egyptian, and other languages, ancient and modern, procured at great expense. As Bishop of London he found St. Paul's Cathedral in a state of deplorable dilapidation, and he had it restored to great magnificence.

And when we read of Laud's rigour against some of the Puritan clergy under his jurisdiction, it is fair to recall the description previously quoted from Burleigh of the lawlessness of the Puritans, which continued in some dioceses, notably in that of London, when Laud was promoted to it. Numbers of the clergy defiantly refused to conform to the plainest directions of the Prayer Book. Some of them not only flatly refused to wear the surplice in any part of the service, but showed their contempt for Laud's orders in ways like the following, described by a contemporary writer:—

'There was one who wore his surplice upon his *heel*. He was a kind of half-quarter conformist, and when he came into the reading-pew, where he must put on his whites, he used to hold up one of his legs

behind him (like a goose), and, resting it upon his matt, he would hang the surplice upon his foot, that he might be able to swear he both *wore the surplice* and bow'd the knee at the name of Jesus.'¹ Another Bishop of this period (Montague) complains of some of his clergy celebrating the Holy Communion 'in a cloak or sleeveless jacquet, or horseman's coat.' If Sir William Harcourt had been Bishop of London instead of Laud, I have a shrewd suspicion that he would have dealt with that 'mutiny of the priests' in a manner considerably more drastic than Laud's.

There was one admirable feature in Laud's character which has never received recognition, and to which Mr. Gladstone was the first to call my attention. Laud was the first Bishop since the Reformation who exercised liberality and toleration in the distribution of patronage. He promoted, or obtained promotion for, good men who differed from himself on important theological questions—men who would now be called good Evangelicals. So long as they rendered a decent obedience to the Prayer Book and abstained from railing, and showed themselves diligent and devout pastors, he promoted them as readily as those who were doctrinally in closer agreement with himself. Bishop Hall is one out of many examples. Clarendon sums up the case with terse equity when he says of Laud that 'his learning, piety, and virtue have been attained by very few; and the greatest of his infirmities are common to all, even the best of men.' Clarendon's

¹ I quote the italics and spelling from the original.

sketch of Laud is fair and discriminating. He was 'made Archbishop of Canterbury,' Clarendon says, 'without the least condescension to the arts and stratagems of the Court, and without any other friendship or support than what the splendour of a pious life and his unpolished integrity would reconcile to him; which was an unskilful measure in a licentious age, and may deceive a good man in the best times that shall succeed.' 'He was always maligned and persecuted by those who were of the Calvinian faction, which was then very powerful, and who, according to their usual maxim and practice, call every man they do not love Papist; and under this senseless appellation they created him many troubles and vexations.' 'He intended the discipline of the Church should be felt as well as spoken of, and that it should be applied to the greatest and most splendid transgressors as well as to the punishment of smaller offences and meaner offenders. . . . Persons of honour and great quality, of the Court and of the country, were every day cited into the High Commission Court upon the fame of their incontinence, or other scandal in their lives, and were there prosecuted to their shame and punishment; and the shame (which they called an insolent triumph upon their degree and quality, and levelling them with the common people) was never forgotten, but watched for revenge.' He also made powerful enemies by resisting, as Commissioner of the Treasury, the enclosure of commons, and every kind of jobbery and corruption over which he could exercise any

control. He thus united in a common league against himself crowds of enemies who had nothing else in common: Puritans, powerful courtiers, jobbers, peculators, trespassers on the rights of the people. His scorn of respect for persons, when vice was to be exposed or punished, was as rare as it was splendid.¹

His death was certainly noble. His enemies stooped not only to calumny, but even to deliberate forgery against him. During his three years' imprisonment he was subject to every kind of indignity and insult. His property was confiscated, and he was fined 20,000*l.* Every article of comfort was removed from his cell, and even the papers which he had prepared for his defence were rudely torn from him, so that he had to rely on his memory and ready speech when he was put on trial for his life. He bore it all with the uncomplaining heroism of a martyr, and made a speech in self-defence distinguished by courage, manliness, and pathetic eloquence. But no defence could have availed, and he sank in the breakers caused by the collision of the old order and the new. But to Laud more than to any other single man is due, under Providence, the Reformation settlement of the Church of England on the foundation on which it has rested since 1662.

It is to the divines of the seventeenth century, therefore, rather than to those of the sixteenth, that we must look as the representative exponents of the

¹ See Clarendon's *Hist. of the Rebellion*, i. pp. 116, 159, 166.

doctrinal position of the Church of England. The returned exiles in Elizabeth's reign have, in fact, left us no theology. They were in constant warfare with the doctrine and ritual prescribed in the Prayer Book, and cannot be regarded at all as representatives of the Reformation Settlement. Cranmer and his colleagues were the chief actors in a period of transition, and they shared the unstable equilibrium of their position. To them we owe the Prayer Book substantially as we now possess it. They are the divines to whom the Catholic and the Protestant party have been wont respectively to appeal, and naturally, as I have observed in the beginning of this chapter. Their controversy, as I have just shown, was with the most formidable Power then in Europe—a Power that had France and Spain at its back, and stuck at nothing. They were in rebellion against the supremacy of the Pope, with its long tale of accumulated extortions and abuses: a righteous rebellion, but still a rebellion, and therefore in need of justification to the multitude. The Reformers had to make out a case against a system which, with varying fortunes, had the prescription of centuries on its side, and they acted as men in such circumstances are apt to act. Intent on damaging their adversary, they were not always careful to discriminate between the true and the false. 'There is,' as Bacon says, 'a superstition in avoiding superstition, when men think to do best if they go furthest from the superstition formerly received;' and Cranmer and his colleagues were not proof

against this superstition. In protesting against Roman errors they sometimes trespassed against primitive truth. In doing battle against Rome they courted the dangerous alliance of Geneva; so that, as Thorndike says, 'the tares of Puritanism were sown together with the Reformation.' Cranmer and Ridley use language which makes it possible to quote them on either side; but what we have to consider is the broad fact that their occasional Zwinglian language left so little mark on the Prayer Book. Nor is it safe to conclude that their Zwinglian language connoted to their own minds a Zwinglian sense. It is the custom of all reformers to insist strongly on that side of the truth which has been denied or obscured, and to take the other side for granted. I have in a previous chapter referred to the verbally contradictory statements, coincident with identity of belief, by St. Paul and St. James on the question of justification by faith and works, each appealing to Abraham as an example of justification by faith and works respectively. In like manner when Cranmer or Ridley, for example, denies that the substance of Christ's Humanity is present in the Eucharist, they mean substance in the vulgar, not philosophical sense—substance material, extended, localised. This is evident, for they also affirm a substantial presence. We have a similar ambiguous use of language in the writings of the early Christian Apologists, like Minutius Felix and Arnobius, when engaged in controversy with the heathen; and they have accordingly been misunderstood, as some

Anglican divines have been, by superficial readers. They affirm, for instance, that the Christians had no altars. Yet we know from Tertullian and others that altars, both name and thing, were undoubtedly used in the worship of Christians at that time. In the same way Minutius Felix says that the Christians had no temples. Yet Christian temples are recognised in the Diocletian edicts, and Eusebius vouches for their existence. The explanation is that, in repudiating temples and altars on behalf of Christianity, Minutius and Arnobius meant such temples and altars as were used in Pagan worship. In fact, all men who are wholly bent upon a single object must, for the time being, be more or less one-sided. And controversialists are, of all men, likely to be so. For it is the tendency of every dominant system to force those who are in arms against it into the most opposite and jealous attitude, from the apprehension which they naturally feel lest they should be misrepresented and overborne by its authority on those points in which they approximate towards it. Thus the idolatries of Paganism tended to repress the ritual of the early Church; and a similar reserve on the subject of the Eucharistic Sacrifice was necessary while the temple was still standing with its bloody sacrifices and carnal associations.

This natural tendency of controversy should be borne in mind in reading passages from the Anglican divines. Anything can be proved by skilful quotation, and an author may thus be made to teach the very opposite of what he has written. The Reformers

were confronted by a practical system of teaching on the subject of the Eucharist which was in some respects revolting. Take the following from Bishop Jeremy Taylor's treatise on the Real Presence :¹—

They that deny the spiritual sense, and affirm the natural, are to remember that Christ reprov'd all senses of these words which were not spiritual. And, by the way, let me observe that the expressions of some chief men among the Romanists are so rude and crass that it will be impossible to excuse them from understanding the words in the sense of the men of Capernaum ; for, as they understood Christ to mean His 'true flesh natural and proper,' so do they ; as they thought Christ intended they should tear Him with their teeth and suck His blood, for which they were offended ; so do these men not only think so, but say so and are not offended.²

And then he proceeds to give instances of this gross belief among Romanists. So Ussher, in his 'Answer to a Jesuit,' argues against this gross view of the Real Presence, which was then not uncommon. He mentions a horrible legend 'of a Roman matron, who found a piece of the sacramental bread turned into the fashion of a finger, all bloody ; which afterwards, upon the prayers of St. Gregory, was converted into its former shape.'³

Cosin also, in his learned treatise against Transubstantiation,⁴ relates at length some views held and discussed by Roman divines about the Presence of Christ in the Sacrament which are too repulsively irreverent for quotation.

¹ *Works*, vi. 28. ² Pp. 62-4. ³ *Works*, iv. 225. ⁴ *Works* iv. 225.

It was against these gross conceptions of the Sacrament, and against the imposition of fresh tests of orthodoxy, that the great Anglican divines protested. This is the key to many words that look superficially like a denial of the doctrine of the Real Presence in the utterances of some of the Reformers. Cranmer, for example, at his trial in 1553, 'offered to join issue upon this point, that the order of the Church of England, set out by the authority of the innocent and godly Prince Edward VI. in his High Court of Parliament, is the same that was used in the Church fifteen hundred years past.'¹ It is impossible to reconcile this declaration with the opinion that Cranmer was conscious of having introduced any new doctrine of the Eucharist in either of King Edward's Prayer Books, except in the repudiation of Transubstantiation, which was in reality a new doctrine, not a trace of it existing in any early Liturgy, including the Roman.

The question, however, as far as my argument is concerned, is not what the leaders of the Reformation in the sixteenth century believed on the subject of the Eucharist, but what they intended to impose as a test of communion on others; and my study of the literature of that period has left no doubt on my mind that at no period in the reigns of Edward VI. and Elizabeth would belief even in Transubstantiation have disqualified a clergyman for office in the Church of England, provided he accepted the Royal Supremacy and was careful not to impose his belief

See Jeremy Taylor's *Works*, v. 238, Eden's edition.

on others. The line those divines took was that, inasmuch as the Sacramental Presence was involved in mystery, a man should be at liberty to explain it to his own mind in any way, apart from gross materialism, which he found most helpful, but he was not to impose his terminology on others. The rulers of the nation in Church and State, 'not liking,' as Secretary Walsingham's State paper already quoted puts it, 'to make windows into men's hearts and secret thoughts,' would have gladly allowed a large and generous toleration if the Papal policy had not forced them to impose tests, but for political rather than theological reasons. On the accession of Elizabeth the vast majority of the parish priests throughout England submitted to the new *régime* and retained their cures. 'Of nine thousand benefices thus named in England,' says Echard,¹ 'fourteen bishops, six abbots, twelve deans, twelve archdeacons, fifteen heads of colleges, fifty prebendaries, and eighty rectors, was the whole number of those that were deprived.' Camden increases that total a little, and the latest student of the question says that, on the most liberal reckoning, 'the number of clergymen deprived for Papal sympathies between 1558 and 1564' 'cannot have greatly exceeded two hundred.'² That is to say, of all the clergy in England on the accession of Elizabeth, probably at least ten thousand, all conformed with the exception of about two

¹ *Hist. of Engl.* vol. i. bk. iii. p. 330.

² *The Elizabethan Clergy and Settlement of Religion*, by Henry Gee, B.D., F.S.A.

hundred. This is a remarkable and significant fact on the one side. On the other is the well-known anxiety of the Queen to make as few changes as possible, either in the substance or garb of religion. There can be no doubt that a large majority of the clergy who conformed did believe in Transubstantiation, and observed unmolested the accustomed ritual. And this went on till the issue of the Bull of excommunication, and the consequent plots against the Queen's realm and life. But we are left in no doubt as to the general attitude of the men who had to do with the piloting of the ship of the Reformation through the breakers. Edward VI. was more inclined than Elizabeth to move in the direction of the foreign Reformers. Yet in the year 1550 the Council of Edward VI., with the sanction of the Primate and Episcopate, recognised and continued to the Roman Catholic Bishop of Coutances his jurisdiction as Ordinary over the islands of Jersey and Guernsey, though Papal Supremacy had been abolished there and the reformed Liturgy was in use.¹ The Bishop of Coutances accepted the reformed Liturgy for that part of his ancient diocese, and continued to govern it formally till the eighth year of Elizabeth, when the intrigues of the Papal faction, followed by the Bull of excommunication, severed the Channel Islands from the See of Coutances. To that arrogant exhi-

¹ Imagine the indignation of the Protestants who lately demonstrated at the Albert Hall if such a thing were to happen now! It is a great pity that the history of the English Reformation is so little known by those who are most loud in protesting their loyalty to it.

bition of intolerable insolence is due no small share of our troubles in Church and State ever since. The Bishop of Coutances remonstrated against what he regarded as arbitrary injustice, and offered, on condition of his jurisdiction being allowed, to give institution to such priests as the Queen might nominate from Oxford and Cambridge, waiving the right of presentation enjoyed by certain abbots in Normandy.¹

This interesting incident proves two things : first, that there was no question then on the part of Rome as to the validity of Anglican orders ; secondly, that belief in Transubstantiation, so long as it was not enforced on others, was no disqualification for office in the Church of England until the violent action of the Pope compelled the English Government to treat Roman Catholicism as treason. It is true that the doctrine of Transubstantiation is condemned in one of the Thirty-nine Articles as ‘repugnant to the plain words of Scripture, overthrowing the nature of a sacrament,’ and a doctrine that ‘hath given occasion to many superstitions.’ That is undoubtedly true. In their attempts to explain the term ‘Transubstantiation’ Roman writers have involved themselves in a maze of contradictions which no ingenuity can reconcile. The doctrine was established in the fourth Council of the Lateran by Innocent III., and its final authoritative explanation is given in the Catechism of the Council of Trent. There it is explicitly laid down that ‘in this Sacrament there is no substance in which the accidents of bread and wine can inhere.’

¹ Falle's *Hist. of Jersey*, p. 137.

‘The species of bread and wine in this sacrament exists without any underlying substance.’ After consecration ‘there is no longer the substance of bread or wine, since these accidents cannot inhere in the body and blood of Christ.’ ‘It follows that, in a manner altogether above the order of creation, they subsist of themselves sustained by no substance.’ And then follows the bold declaration that ‘this has been the perpetual and constant doctrine of the Catholic Church.’¹

One hardly knows how to deal with an assertion which it is as impossible to reconcile with philosophy as with reason and history. Accidents from which the substance has departed; which ‘cannot inhere in the Body and Blood of Christ;’ and which ‘subsist of themselves unsustained by any substance,’ are simply unthinkable. It is a doctrine which does not transcend reason like the mysteries of faith, but flatly contradicts it.

But now let us turn to the Pope (Innocent III.) who made Transubstantiation an article of faith. He teaches that after consecration not the accidents only remain, but also the natural properties of bread, sufficing to appease hunger and nourish him who eats the Sacrament; so also the consecrated wine quenches the thirst of him who takes the chalice. And to these qualities of the bread and wine which remain after consecration he gives the

¹ ‘Tertium restat, quod in hoc sacramento maximum atque admirabile videatur quod quidem, jam duobus aliis explicatis, facilius

scholastic names of 'pancity' and 'vincity.'¹ But a quality which can be seen, felt, tasted, and is capable of quenching hunger and thirst, and of being assimilated into the human body, supplies all the tests by which we verify substance. It will be observed, moreover, that the doctrine of Innocent III. is here in direct contradiction to the doctrine of the Catechism of Trent. An awkward fact for believers in Papal Infallibility.

Those who have read the history of the Council of Trent will remember the hot contests that went on between the Franciscans and the Dominicans as to the mode in which Transubstantiation took place, and how it taxed all the subtlety of Cardinal Palavicino to reconcile the two views in his explanation of the Tridentine definition. Christ, he says, is not present in the Sacrament as water in a vessel, but as a part is present in the whole;² not a very illuminating explanation.

a pastoribus tractari posse existimandum est ; panis videlicet et vini species in hoc sacramento sine aliqua re subjecta constare. Nam quum antea demonstratum sit, corpus Domini et sanguinem vere in sacramento esse, ita ut amplius nulla subsit panis et vini substantia, quoniam ea accidentia Christi corpori et sanguini inhaerere non possunt : relinquitur, ut super omnem naturæ ordinem ipsa se, nulla alia re nisa, sustentent. Hæc perpetua et constans fuit Catholicæ ecclesiæ doctrina, quæ etiam facile eorum testimoniorum auctoritate confirmari poterit, quibus antea planum factum est, nullam residere in Eucharistia panis aut vini substantiam.'—*Catech. ex decreto Concilii Trid. ad Parochos, De Sacramento Eucharistiæ*. Quæst. xliiii. pt. ii. c. vi.

¹ Innoc. III. *De Myst. Miss.* l. 4, c. 7. Cf. Basnage's *Histoire de l'Eglise*, tom. ii. p. 1623.

² *Istoria del Concil. di Trento*, l. 12, c. 7, p. 988.

I have already referred to the gross superstitions which grew out of the doctrine of Transubstantiation, and if the reader wishes to see additional illustrations of these ghastly profanities, he will find several in the work of a sober and learned Roman Catholic divine, Dr. Rock's 'Church of Our Fathers.'¹

Assuredly our Church is more than justified in saying that the Tridentine doctrine of Transubstantiation 'is repugnant to the plain words of Scripture, overthroweth the nature of a sacrament, and hath given occasion to many superstitions.' The voluminous and fierce discussions which it has caused cannot be read without pain and shrinking by any reverent mind. As if a Divine gift offered to our faith and love by the Saviour of mankind were intended as an exercise in intellectual gymnastics!

But the real leaders and guides of the Reformation settlement under Elizabeth, with true charity, avoided on their side the fatal error made by the Church of Rome. So long as Transubstantiation was held as a mere opinion of the schools, and the term was not obtruded on others, they 'did not like'—to quote again the striking phrase in the Bacon-Walsingham State paper—'to make windows into men's hearts and secret thoughts, except the abundance of them did overflow into overt and express acts or affirmations.' In harmony with this policy the Convocation which revised the Thirty-nine Articles in 1562 allowed some members, who hesitated about some of them, to subscribe them in

¹ Vol. i. c. i. § viii.

their own sense.¹ They acted on the view afterwards formulated by the Caroline divines, that the Articles were not so much articles of faith as 'articles of religion,' or of 'peace;' ² not a creed, but a concordat, affording a basis of intercommunion for persons to whose minds divine truth presented itself under different forms and aspects. For, indeed, different minds are not capable of receiving the very same image of the truth, and our varying representations of what we behold are thus often due to differences in the mental construction of individuals, or to separate environment or habitude. The image of the truth is inevitably coloured by that of the mind which receives it. We should therefore have patience with each other, and not too hastily conclude that those who may differ from us in their language must necessarily differ from us also in ideas which language can never adequately clothe. That the Thirty-nine Articles are not dogmas of faith is evident from the fact that they are not binding on the laity, or, indeed, on the clergy either, except as conditions of office.

I will now give a few extracts from some of the Caroline divines to show the position which they held in the Roman controversy of their day, especially as regards the Eucharist. And I will begin with Archbishop Bramhall, whose office as an Irish prelate would naturally dispose him to take up an antagonistic attitude towards Rome. Yet, as a

¹ Heylin's *Hist.* p. 159

² Bramhall's *Works*, ii 476, 593.

matter of fact, we find this eminent Anglican divine, a man of great moderation, and by no means extreme in his theology, writing in a strain which would have exposed him to the fierce and scornful invective of Sir William Harcourt, if that distinguished controversialist had lived in those days. The reaction against the violence and bigotry of Puritanism on the one hand, and the insufferable pretensions and intrigues of Rome on the other, had the effect of causing a *rapprochement* between moderate Anglicans and moderate Roman Catholics, and disposed them to look for points of agreement rather than of difference. In an interesting despatch to his Government on that subject the Venetian Ambassador in London writes:—

In sum, they [Anglicans] believe all that is taught by the Church, but not by the Court, of Rome. . . . Both the Archbishop and the Bishop of Chichester had often said that there were but two sorts of persons likely to impeach and hinder reconciliation, to wit, the Puritans among the Protestants, and Jesuits among Catholics.¹

Heylin bears similar testimony.² ‘It was the petulancy of the Puritans on the one side,’ he says, ‘and the pragmatism of the Jesuits on the other, which made the breach’ so difficult to heal. ‘And had those hot spirits on both sides been calmed awhile, moderate men might possibly have

¹ Somers's *Tracts*, third collection, vol. i. pp. 388-9.

² *Life of Laud*, p. 413.

agreed upon such equal terms as would have laid a sure foundation for the peace of Christendom.'

Thorndike was one of the most learned men of the seventeenth century, not only as a divine, but as a man of letters and Oriental scholarship. His writings were so moderate that the Puritans rejoiced in his nomination as a member of the Savoy Conference. His influence and great learning made themselves felt later in the last revision of the Prayer Book. Everybody who knows anything about the subject would now recognise him as one of the most eminent of that 'historic High Church School,' to which even Sir William Harcourt concedes a legitimate place in the Church of England. Thorndike's general position may be gathered from the following quotations:—

Though I sincerely blame the imposing of new articles upon the faith of Christians, and that of positions which I maintain not to be true; yet I must and do freely profess that I find no position necessary to salvation prohibited, none destructive to salvation enjoined to be believed by it [*i.e.* Roman Church]. And therefore must I necessarily accept it for a true Church: as in the Church of England I have always known it accepted: seeing there can no question be made, that it continueth the same visible body by the succession of pastors and laws (the present customs in force being visibly the corruption of those which the Church had from the beginning), that first was founded upon the Apostles. For the idolatries—which I grant to be possible, though not necessary to be found in it, by the ignorance and carnal affections of particulars, not by command of the Church

or the laws of it,—I do not admit to destroy the salvation of those who, living in the communion thereof, are not guilty of the like.

But while allowing all this, Thorndike goes on to say that although the Church of Rome holds ‘all that truth which it is necessary to the salvation of all Christians to believe either in point of faith or manners,’ yet it is ‘very much darkened, indeed, by enhancing of positions, either of doubtful sense, or absolutely false, to the rank and degree of matters of faith; but much more overwhelmed and choked with a deal of rubbish, opinions, traditions, customs, and ceremonies.’ He also condemns ‘the half-sacrament,’ Papal supremacy, the abuses arising out of the invocation of Saints, private masses and indulgences, and ‘the Romish doctrine of Purgatory.’¹ Union of Rome on those conditions he regards as hopeless.

Bramhall takes the same line. Baxter having accused him of leaning towards Rome, Bramhall published a reply from which I quote the following:—

I will confess that freely which Mr. Baxter neither doth know nor could know but by me, that when my body was stronger and my wits fresher, when I had some books and notes of my own, and could have had what supply I had desired, and opportunity to confer with whomsoever I pleased, I had then a design indeed to do my weak endeavour to disabuse the Christian world by the right stating and distinguishing of controversies between the Church of Rome and us, and to show,

¹ Epilogue, *Works*, vol. iv. pt. ii. pp. 916-7.

First, how many of them are mere logomachies, or contentions about words without any just grounds.

Secondly, how many of them are scholastic subtleties, whereof ordinary Christians are not capable, and consequently no points of faith.

Thirdly, how many of them are not the controversies of the Churches, but of particular persons or parties in those Churches.

Fourthly, how many of our controversies are about rites and ceremonies, and things indifferent in their own nature.

When all these empty names and titles of controversies are wiped out of the roll, the true controversies between us may be quickly mustered, and will not be found, upon a serious inquiry, to be so irreconcilable as some persons have imagined. The two dangerous extremes are, to clip away something from saving truth, whereof I do not find the *Church* of Rome to have been guilty; and to obtrude erroneous or probable opinions for articles of faith, whereof I find *many* in the Church of Rome to have been most guilty.

These were my thoughts in my younger days, which age and experience hath rather confirmed and radicated in me than altered.¹

Elsewhere he emphasises the distinction drawn by the Venetian Ambassador between ‘the Court of Rome’ and ‘the Church of Rome.’ His Roman Catholic opponent had urged that ‘it was not the Roman religion, nor any public tenet in their Church, that binds any to those rigorous assertions which the Protestants condemn.’ ‘I know it is not their “religion.”’ Bramhall replies: ‘our religion and

¹ *Works*, iii. 539.

theirs is the same. I know it is not the general tenet of their *Church*. But it is the tenet of the *Court* of Rome and the governing party amongst them.’¹ And thus he too, like Thorndike, was forced to own that the governing and dominant party in the Church of Rome, while it held power, made union impossible. The prospect is much more remote now, for ‘the governing party amongst them’—the ‘insolent and aggressive faction,’ as Newman called it in 1870—has captured the whole Roman Church and revolutionised its constitution and its creed.

The longing for the reunion of Christendom, arising from a general sense of the manifold evils of separation, influenced the best minds even among the Puritans. Baxter himself lived to modify the opinions which Bramhall felt obliged to combat. The following passage, ‘faithfully published from his own MSS. by Matthew Silvester, 1696,’² illustrates this change :—

My censures of the Papists do much differ from what they were at first. I then thought that their errors in the doctrines of faith were their most dangerous mistakes. But now I am assured that those misexpressions and misunderstandings of us, with our mistakings of them, and inconvenient expressing of their own opinions, have made the difference in most points appear much greater than it is. But the great and unreconcilable differences lie in their Church tyranny; in the usurpations of their hierarchy and priesthood, under the name of spiritual authority exercising a temporal lordship; in their corruptions and

¹ Vol. ii. p. 317.

² Baxter's *Life*, pt. i. p. 131.

abasement of God's worship; but, above all, in their systematic befriending of ignorance and vice. . . . And I can never believe that a man may not be saved by that religion which doth but bring him to the true love of God and to a heavenly mind and life; nor that God will ever cast a soul into hell that truly loveth Him. Also at first it would disgrace any doctrine with me if I did but hear it called Popery and anti-Christian; but I have long learned to be more impartial, and to know that Satan can use even the names of Popery and anti-Christ to bring a truth into suspieion and discredit.

This is in substance the line which the Caroline divines take. What they called 'the usurpations of the Court,' as distinguished from 'the Church, of Rome,' Baxter calls 'the usurpations of their hierarchy and priesthood, under the name of spiritual authority exercising temporal power.' And we have much need just now to take to heart Baxter's warning, that 'Satan can use even the names of Popery and Antichrist to bring a truth into suspicion and discredit.'

A few more quotations from Bramhall, who is generally recognised as a divine of moderate views and great learning, will help to show the tone towards the Church of Rome as distinguished from the Curia, which was then prevalent in England.

The Roman Catholic Bishop of Chalcedon, writing against Bramhall, says: 'The Church of Rome is not homogeneal with the Protestant Church.' Bramhall replies:—

This is true *qua tales*, as they are Roman and Protes-

tant. The Roman Church is not a Protestant Church, nor the Protestant Church a Roman Church. Yet both the one and the other may be homogeneous members of the Catholic Church. Their difference in essentials is but imaginary.¹

Again :—

A great many of those controversies which raised the highest animosities among Christians at the first Reformation are laid aside already by moderate and judicious persons of both parties, without any miracle, and are only kept on foot by some blunderers, who follow the old mode when the fashion is grown out of date, either out of prejudice, or pride, or want of judgment, or all together. And as many controversies of the greatest magnitude are already as good as reconciled, so more may be.

It was not the erroneous opinions of the Church of Rome, but the obtruding them by laws upon other Churches, which warranted separation.²

Speaking elsewhere of these erroneous opinions, he says :—

I do profess to all the world, that the transformation of indifferent opinions into necessary articles of faith hath been that ‘*insana laurus,*’ or cursed bay-tree, the cause of all our brawling and contention.

So much as to the opinion of the Caroline divines with regard to our differences with Rome in general. And when they came to discuss in particular the subject of the Eucharist they declared, one and all, that their differences with Rome were entirely re-

¹ *Works*, ii. 86.

² See vol. iii. pp. 552, 571-2.

specting the mode, not the fact, of the Real Presence. They allow the substantia, but object to a *con* or a *trans*. 'The disagreement is only *de modo presentia*,' say Bishops Montague and Bilson. 'All the controversy is about the mode,' says Bishop Andrewes. 'The question is not concerning a Real Presence,' says Bishop Morton, 'which Protestants do also profess.' 'I cannot see,' says Cosin,¹ 'where there is any real difference betwixt us [and the Church of Rome] about this Real Presence if we would give over the study of contradiction and understand one another aright. Maldonatus, "De Sacr.," p. 143, after a long examination of the matter, concludes thus at last with us all.' And he adds: 'And so have I heard my Lord Overall [the author of the sacramental part of the Church Catechism] preach it a hundred times.' And with regard to the opinion that the Body of Christ is present 'only in the use of the Sacrament and in the act of eating, and not otherwise,' he says: 'They that hold the affirmative, as the Lutherans and all Calvinists do, seem to me to depart from all antiquity, which place the Presence of Christ in the virtue of the words of consecration and benediction by the priest, and not in the use of eating the Sacrament; for they tell us that the virtue of that consecration is not lost though the Sacrament be either reserved for sick persons or other.' And, although he condemns the abuse of solitary masses, yet he gives it as his opinion that 'better were it to endure the absence of the people than for the

¹ *Notes on the Book of Common Prayer*, first series, pp. 131, 155.

minister to neglect the usual and daily Sacrifice of the Church, by which all people, whether they be there or no, reap so much benefit. And this was the opinion of my lord and master Dr. Overall.’¹

Bramhall says : ‘ Abate us Transubstantiation and those things which are consequent on this determination of the *manner* of the Presence, and we have no difference with them on this particular.’ He thinks there is ‘ no difference between the Churches if rightly understood,’² and he adds that his own view

¹ *Notes*, p. 127.

² Vol. ii. p. 211, iii. p. 165. It is interesting to note what a very able and candid outsider thinks on this subject. Dr. Martineau writes as follows in his *Studies of Christianity* (pp. 51–2) :—

‘ The office of Communion contains even stronger marks of the same sacerdotal superstitions ; and, notwithstanding the Protestant horror entertained of the Mass, approaches it so nearly that no ingenuity can exhibit them in contrast. Near doctrines, however, like near neighbours, are known to quarrel most.

‘ The idea of a physical sanctity, residing in solid and liquid substances, is encouraged by this service. The priest *consecrates* the elements by laying his hand upon all the bread, and upon every flagon containing the wine about to be dispensed. If an additional quantity is required, this, too, must be consecrated before its distribution. And the sacredness thus imparted is represented as surviving the Celebration of the Supper, and residing in the substances as a permanent quality ; for in the disposal of the bread and wine that may remain at the close of the sacramental feast, a distinction is made between the consecrated and the unconsecrated portion of the elements ; the former is not permitted to quit the altar, but is to be reverently consumed by the priest and the communicants ; the latter is given to the curate. What the particular change may be, which the prayer and manipulation of the minister are thought to induce, it is by no means easy to determine ; nor would the discovery, perhaps, reward our pains. It is certainly conceived that they cease to be any longer mere bread and wine, and that with them thenceforth co-exist, really and substantially, the body and

of the Eucharistic Sacrifice is in substantial agreement with Bellarmine's. His words are:—

The Holy Eucharist is a commemoration, an application of the all-sufficient propitiatory Sacrifice of the Cross. If his [Bishop of Chalcedon's] Sacrifice of the Mass have any other propitiatory power or virtue in it than to commemorate, represent, and apply the merit of the Sacrifice of the Cross, let him speak plainly what it is. Bellarmine knew no more of the Sacrifice than we.¹

And he goes on to quote Bellarmine in proof of his assertion. He calls the Eucharistic Sacrifice 'commemorative,' 'representative,' 'impetrative,' 'applicative;' but denies and challenges any Roman Catholic to show 'that it is a Suppletory Sacrifice, to supply the defects of the Sacrifice of the Cross.'

While he strongly insists, in another place, and in common with the whole Church during the first six centuries of Christianity, on the reality of a blood of Christ. Respecting this "Real Presence" with the elements, there is no dispute between the Romish and the English Church; both unequivocally maintain it, and the only question is, respecting the "Real Absence" of the original and culinary bread and wine. . . . The catechism of our Church affirms that "the body and blood of Christ are *verily and indeed* taken and received by the faithful in the Lord's Supper." And this was not intended to be figuratively understood, of the spiritual use and appropriation to which the faith and piety of the receiver would mentally convert the elements; for although here the body of Christ is only said to be "taken" (making it the *act of the communicant*), yet one of the Articles speaks of it as "given" (making it the *act of the officiating priest*), and implying the real presence *before participation*. However anxious, indeed, the clergy of the "Evangelical" school may be to disguise the fact, it cannot be doubted that their Church has always maintained a supernatural change in the elements themselves, as well as in the mind of the receiver.¹

¹ Vol. ii. p. 88.

representative and applicative Sacrifice in the Eucharist, he is careful to add: ‘But for any Sacrifice that is meritorious or propitiatory, by its own power or virtue, distinct from the Sacrifice of Christ, I hope the author will not say it. If he does he will have few partners,’ even in the Roman Church. And he calls the difference between the Churches of Rome and England on this question ‘a show of empty names to no purpose.’¹

And in reply to the Romanist objection to Anglican orders—revived recently—that the Anglican clergy do not receive the power of offering Sacrifice at their ordination, Bramhall says:—

First they [*i.e.* Anglicans] acknowledge spiritual and eucharistical sacrifices, as prayers, praises, a contrite heart, alms, and the like. Secondly, they acknowledge a commemoration, or a representative Sacrifice, in the Holy Eucharist. Thirdly, they teach that this is not a ‘*nuda commemoratio*’—‘a bare commemoration’ without efficacy, but that the blessed Sacrament is a means ordained by Christ to render us capable, and to apply unto us the virtue, of that all-sufficient Sacrifice of infinite value, which Christ made upon the Cross; which is as far as the moderate Romanists dare go in distinct and particular expressions. But the Protestants dare not say that the Holy Eucharist is a Sacrifice propitiatory in itself, by its own proper virtue and expiatory efficacy. Whatsoever power it hath is in relation to the Sacrifice of Christ, as a means ordained to apply that to true believers. In sum, the essence of the Roman Sacrifice doth consist, according to the doctrine of their own schools, either in the consecra-

¹ Vol. v. p. 188.

tion alone, or in the manducation alone, or both in the consecration and participation; but not at all either in the oblation or in the fraction or mixtion. Seeing therefore the Protestants do retain both the consecration and consumption or communication, without all contradiction, under the name of a Sacrament, they have the very thing which the Romanists call a Sacrifice. How is the world amused with a show of empty names to no purpose! ¹

On the question of Eucharistical adoration Bramhall is equally clear and explicit. Replying to the titular Roman Catholic Bishop of Chalcedon, he says :—

In the places alleged by him I do not charge the Church of Rome with idolatry. In the one place I speak of the adoration of the Sacrament as an abuse, but not one word of idolatry. In the other place I speak of the peril of idolatry, but not one word of the adoration of the Sacrament. . . . ‘The Sacrament is to be adored,’ said the Council of Trent: that is, ‘formally the Body and Blood of Christ,’ say some of your authors; we say the same. ‘The Sacrament is to be adored,’ that is, ‘the species of bread and wine,’ say others; that we deny, and esteem it to be idolatry. Should we charge the whole Church with idolatry for the error of a party? ²

Again :—

We deny not a venerable respect unto the consecrated Elements, not only as love-tokens sent us by our best Friend, but as the instruments ordained by our Saviour to convey to us the Merits of His Passion. But for the Person of Christ, God forbid that we should deny Him Divine honour at any time, and especially in the use of

¹ *Ibid.* p. 221.

² Vol. ii. pp. 86-7.

this Holy Sacrament. We believe with St. Austin, that 'no man eats of that Flesh, but first he adores;' but that which offends us is this, that you [*i.e.* Roman Church] teach and require all men to adore the very Sacrament with Divine honour. To this end you hold it out to the people. To this end *Corpus Christi* Day was instituted about three hundred years since. . . . But that which weighs most with us is this, that we dare not give Divine worship unto any creature, no, not to the very Humanity of Christ in the abstract (much less to the Host), but to the *Whole* Person of Christ, God and Man, by reason of the hypostatical union between the child of the Blessed Virgin Mary and the Eternal Son, 'Who is God over all Blessed for ever.' Shew us such an union betwixt the Deity and the Elements, or accidents, and you say something. But you pretend no such thing.¹

Again :—

Lastly, the Grecians know no Feast of *Corpus Christi*, nor carry the Sacrament up and down, nor elevate it to be adored. They adore Christ in the use of the Sacrament; so do we. They do not adore the Sacrament; no more do we.²

These last two extracts from Bramhall suggest two observations. The first is the light which Bramhall's employment of the term 'Christ in the use of the Sacrament' throws on Hooker's employment of that phrase. Bramhall indisputably believed that the Presence of Christ in the Eucharist was objective to the recipient and independent of his faith, and he identifies the doctrine of the Church of England on this subject with that of the

¹ Vol. i. p. 20.

² Vol. ii. p. 634.

Greek Church, of which there is no question. Nevertheless he declares of both Churches that they 'adore Christ in the use of the Sacrament.'

On the other hand, he is careful to guard against such a materialisation of the doctrine of the Real Presence as would constitute a kind of hypostatic union between the consecrated elements and the Humanity of Christ. And I am not at all sure that the warning is not needed now among some of our clergy and laity. To minds not accustomed to philosophical speculation there is always some danger of confusing the Divine Presence with the material instruments through which God vouchsafes to manifest Himself or bestow His gifts. These we are to reverence for His sake, whose Presence sanctifies them for some use beyond their natural capacity. Moses was urgently forbidden to approach the Burning Bush on Horeb till he had paid reverent homage to the Divine Presence manifested there. The Presence was objective to Moses and independent of him, and worship was due to it, not to the material instrument of its manifestation. Nor would worship have been due to the Bush if removed elsewhere and reserved as an object of adoration apart from the particular use for which it was there and then selected. In like manner the reservation of the Blessed Sacrament, as far as I know the mind of the primitive Church, was for the sake of Eucharistic communion only, and not for the sake of adoration apart from communion. It is in that sense, and in that sense only, that I advocate

reservation, which I hope will be conceded on condition that developments which are Roman rather than Catholic shall be abandoned, including the unauthorised Feast of *Corpus Christi*.

The specimens which I have now given will, I think, suffice to exhibit the teaching of that distinguished body of learned theologians known as the Caroline divines, and it will be seen that it is the very doctrine which Sir William Harcourt conscientiously thinks so directly inconsistent with the doctrine of the Church of England as to entitle him to denounce all clergy who teach it as 'perjured priests.' I am sure that the late distinguished leader of the Liberal party in the House of Commons did not know this when he fired off his invectives in Parliament and in the press. But does it not follow that he has still a good deal to learn before he is competent to sit in Moses' seat and fulminate his decrees as to the limits of toleration in the Church of England? Admirable Crichtons are rare. It is given to few men to excel alike in politics and theology, and it is no disparagement to Sir William Harcourt's great gifts to say that he is not one of the elect in that particular, like Bacon, and Leibnitz, and Gladstone. Knowledge of theology, which embraces knowledge of ecclesiastical history, does not come by the light of nature even to the most intellectual. It requires the reading and mastery of a good many books, and cannot be got up for a parliamentary speech or newspaper controversy by a cursory inspection of indexes or encyclopædias.

Theology is, moreover, a science, and has, like all sciences, its technical terminology, which may easily mislead the unlearned. It is easy to imagine the withering scorn with which Sir William Harcourt would lash any rash layman who dared to lay such rude hands on the sacred ark of constitutional law as he has himself laid on an ark not less sacred. How easy it would be to make fun of such doctrines of constitutional law as that 'The King can do no wrong,' and that 'The King is immortal.' Adopting Sir William Harcourt's critical method, one might exclaim: 'What pernicious heresy! What political cretinism! What grovelling superstition! What imbeciles those lawyers must be to offer such stuff to laymen whose minds have not been obfuscated by long burrowing among dusty text-books and musty statutes!' I must venture to say, with all respect, that this is not the spirit and temper in which questions that touch the tenderest and holiest feelings of human beings ought to be discussed.

I have so far presented, as I think, a fair review of the doctrine of the Eucharist as held by the Church of England down to the flight of James II. I will now bring my review down to our own time by putting into the witness-box a few men who will be universally recognised as moderate in a sense which would be considered inapplicable to the Tractarian School. My first witness shall be the moderate and very learned Archbishop Wake, whose life covers the latter half of the seventeenth

century and the first part of the eighteenth. Before he became a bishop he had a controversy with the celebrated Bossuet, who in the course of it had explained that Romanists ‘understand the word “offer,” when they apply it to the Mass, in a larger signification than what the Apostle (in the Epistle to the Hebrews) gives it; as when we are said to offer God whatever we present before Him; and that it is thus they pretend to offer up the Blessed Jesus to His Father in the Mass, in which He vouchsafes to render Himself present before Him.’

That this [Wake retorted] is to prevaricate the meaning of that phrase, the doctrine of the foregoing article [of the Council of Trent] shows. If Christ be in the Mass *a true and proper Sacrifice*,¹ as was there said, it will necessarily follow that there He must be *truly and properly sacrificed*: and one essential property [of sacrifice] being the true and *real destruction of what is offered*, insomuch that when there is not *a true and proper destruction*, neither can there be, as they themselves acknowledge, *a true and proper sacrifice*, it must be evidently false in these men to pretend that, by *offering* in this matter is meant only a *presenting of Christ before God*, and not a *real change and destruction of His Body* offered by them. . . . Though Christ be acknowledged to be *really* present after a Divine and heavenly manner in this Holy Eucharist, yet will not this warrant the adoration of the Host, which is still only bread and wine; . . . nor will such a *real* presenting of our Blessed Lord to His Father, to render Him propitious to

¹ The italics here and throughout are Wake's.

us, make the Eucharist any more than a *metaphorical*, not a *true and proper propitiatory Sacrifice*.¹

I venture to think that Wake goes too far in insisting that a true sacrifice must of necessity imply the 'real destruction of what is offered.' I have in a previous chapter argued that the essence of self-sacrifice is in the surrender of the will, and that the death of the human victim is abstractedly a separable accident. But I have quoted the passage because it is an excellent illustration of language which may be appealed to by both parties in this controversy. In using the term 'metaphorical' as describing the Eucharistic Sacrifice, Wake might be quoted by a careless controversialist as teaching pure Zwinglianism. But the context gives the adjective 'metaphorical' a different meaning. The following are the points of the passage :—

1. Wake objected to a true and proper Sacrifice in the Eucharist.

2. By a true and proper Sacrifice he meant the true and real destruction of the Victim.

3. He believed in a 'metaphorical' offering in the Eucharist.

4. By a 'metaphorical' offering he meant 'a *real presenting of our Blessed Lord to His Father, to render Him propitious to us.*'

This is simply the doctrine of Bramhall and Andrewes, and the whole school of Caroline divines.

After Wake became Archbishop of Canterbury

¹ Wake's *Exposition*, pp. 69, 70.

he entered into a friendly correspondence with the eminent French historian and theologian, Dupin, with a view to union between the Anglican and Gallican Churches. The Church of France was strongly opposed to Ultramontanism, as indeed it continued to be till it was forcibly revolutionised by an unholy alliance between the secular arm of Napoleon and the spiritual arm of the Pope. Experience as well as reflection taught Napoleon the impossibility of expelling religion from among the dominant factors of civil government; so he determined to enlist it in his service. To that end he captured the Pope; and the Pope secure in his grasp, the next thing was to destroy the independence of the bishops and clergy. The bishops were forced to surrender their sees, and France was, in violation of Catholic principles, carved into new sees by Napoleon, which were filled with Napoleon's nominees, deprived of their ancient rights and made dependent on the Pope. The inferior clergy were also deprived of their canonical rights and made subservient to the bishops. Thus Napoleon believed that he held the entire control of the conscience of France by making the clergy subservient to the bishops, the bishops to the Pope, and the Pope to himself. Our Roman brethren sometimes twit us with the subservience of our bishops at the period of the Reformation to the Sovereign. But, at the worst, our bishops never descended to the degradation inflicted on the Church of France by Napoleon, using the Pope as his tool.

Nothing came of the correspondence between Wake and Dupin. But it is noteworthy that so moderate a Churchman as Wake should have entertained the idea of a union between the Churches of France and England on the basis of mutual explanations. Wake desired to get both Churches 'to agree to communicate in everything we can with each other, . . . and join in the public service, and yet leave one another in the free liberty of believing Transubstantiation or not, so long as we do not require anything to be done by either in consequence of that opinion.'¹

To this I may add, since it is short, the following passage from a 'Discourse on the Sacrament of the Lord's Supper,' by Dr. Edward Pelling, a canon of Westminster Abbey, and a contemporary of Wake:—

Though there be no grounds in the world for the opinion of Transubstantiation, yet we must not conceive that Christ is not verily, really, and of a truth, in the Sacrament. He may be really present, though there may be no reason to believe that He is present after a corporal manner. For two different substances and natures may be joined and go together, though they remain distinct in themselves and in their properties; as the soul and flesh of a man are united in the same person, and as the Humanity and Divinity of Christ were joined together in the same Lord.

This way of stating the doctrine of the Real Presence is sometimes called Consubstantiation; but erroneously, for Consubstantiation, as I have

¹ Mosheim, *Hist.* iv. 286. Maclaine's edition.

already explained, does not mean in theological language the co-existence of two diverse substances, but an identity of substance in two subsistences.

I will conclude this part of my argument with the testimony of two eminent men of our own time, the late Rev. Sir William Palmer and the late Bishop Thirlwall. The former worked for a time with the leaders of the Oxford Movement. 'He was,' says Newman,¹ 'the only really learned man among us. He understood theology as a science; he was practised in the scholastic mode of controversial writing, and I believe was as well acquainted as he was dissatisfied with the Catholic schools. He was as decided in his religious views as he was cautious and even subtle in their expression, and gentle in their enforcement.'

Again :—

Mr. Palmer about the same time [1836-7] was projecting a work of a similar nature [to Newman's 'Prophetical Office of the Church'] in his own way. It was published, I think, under the title, 'A Treatise on the Christian Church.' As was to be expected from the author, it was a most learned, most careful composition; and in its form, I should say, polemical. So happily at least did he follow the logical method of the Roman Schools, that Father Perrone, in his treatise on Dogmatic Theology, recognised in him a combatant of the true cast, and saluted him as a foe worthy to be vanquished. Other soldiers in that field he seems to have thought little better than the *lanzknechts* of the Middle Ages, and, I dare say, with very good reason. . . . As to Mr. Palmer's book, it

¹ *Apologia*, p. 108.

was one which no Anglican could write but himself—in no sense, if I recollect aright, a tentative work. The ground of controversy was cut into squares, and thus every objection had its answer.¹

The exact title of Palmer's book is 'A Treatise on the Church of Christ.' I made Newman's acquaintance some years after his 'Apologia' was published, and I remember his telling me that he still regarded Palmer's book as the ablest exposition ever written of the position of the Church of England since the Reformation, especially as against Rome. Döllinger had an equally high opinion of Palmer's 'Treatise,' and told me that he would consider a new edition of the book, brought up to date, 'an event for Christendom.' He repeated the phrase in a letter to Mr. Gladstone, who quite agreed with him. At the earnest solicitation of Mr. Gladstone I undertook a new edition of the book, and spent a good deal of time working on it in Dr. Döllinger's library at Munich, under the direction of that illustrious scholar and divine. But the publication was interrupted for private reasons, into which it is not necessary to enter here. I hope, with the aid of a friend, to bring out before very long a work which covers Palmer's ground, and will attempt to meet some problems which did not exist when he published his masterly 'Treatise' sixty years ago. Perrone made an elaborate reply to Palmer; but no dispassionate reader of both

¹ *Apologia*, p. 142.

‘Treatise’ and reply will think that Perrone ‘vanquished’ his opponent.

Warmly, however, as Palmer sympathised with the Oxford Movement in its earlier stages, his cautious temperament was repelled by some of its later developments, and he eventually broke with it altogether. So that, on the whole, he may be regarded as one of the most moderate as well as one of the most learned of Anglican divines, and at the same time one of the most formidable opponents of the Roman claims. Let us see, then, what Palmer says as to the Reformation settlement under Cranmer at the period when the foreign Reformers wielded their greatest influence in England—in other words, when Protestantism reached its high-water mark in the Church of England. The italics in the following quotation are Palmer’s:—

It is asserted that our Church, having stedfastly adhered to the whole Romish doctrine in the reign of Henry VIII., relinquished it immediately after the accession of Edward VI. and became Zwinglian, rejecting especially the Catholic doctrine of the Eucharist. This assertion arises from an erroneous view of facts, and from not distinguishing the opinions of individual theologians from the public and authorised doctrine of the Church of England.

It is a fact, that *no new* formulary was published by authority of the Church during the whole reign of Edward VI. The forty-two Articles of Religion compiled (it is supposed) by Cranmer, Ridley, and others, in 1552, were never authorised by Convocation, though the Royal Council most unjustifiably published them as so ap-

proved, for which Archbishop Cranmer remonstrated with them in vain : nor were they ever at any time received as a formulary of the Church of England, having been put forth by the King but a few days before his death in 1553, and only subscribed by a few clergy in Canterbury, Norwich, and London, and in the University of Cambridge, who were solicited, but not compelled, to subscribe by the bishops Cranmer and Ridley. From this time we hear no more of them as of any authority. That no new doctrine was established in the Church of England during this reign appears from Burnet, who observes with reference to the above Articles : ‘ It seemed to be a great want that this was so long delayed, since the old doctrine had still the legal authority on its side.’ Yet these Articles, as we have seen, were never in force.

It seems plain, indeed, that during the whole reign of Edward VI. the doctrine of the Church of England was most authentically represented by the Formulary of Instruction formally approved by the Convocation of Henry VIII. A.D. 1543, entitled ‘The Necessary Doctrine and Erudition,’ a book which was most assuredly quite opposed to the Zwinglian doctrines. This book was of authority in the Church of England during the remainder of King Henry’s reign. In 1546 Archbishop Cranmer, in writing to the King concerning the abolition of certain ceremonies, recognises it as of authority in the Church. The First Book of our Homilies, published in 1547 (the first year of Edward VI.), chiefly relates to Christian morals, but it terms matrimony a *Sacrament* [indeed, the Second Book of Homilies speaks of Ordination and ‘*other Sacraments*’ besides Baptism and the Eucharist]; and at the end of this Book of Homilies we read of ‘the due receiving of Christ’s Body and Blood under the form of bread and wine.’ This is all very consistent with ‘The Necessary Doctrine,’ but it is not

Zwinglian. Immediately after the publication of the Homilies, Gardiner objected to the doctrine of Justification there laid down, as inconsistent with that of 'The Necessary Doctrine,' assuming the latter to be of authority still. Again, in 1551, in arguing against the opinions of Cranmer on the Eucharist, he appealed to the doctrine confessed by the whole clergy of England in an open Council, 'and never hitherto by any public Council or anything set forth by authority impaired.' Nor could any effectual answer be made to this; and, accordingly, not only does Cranmer disclaim the notion that Gardiner had been brought to trial for his doctrine on the Eucharist, but none of the bishops of the Popish party, who were expelled from their sees in Edward's reign, were deprived on pretence of their holding doctrines contrary to those of the Church, but for disobedience to the Royal Council, or for treason.

Thus it appears that the authorised doctrine of the Church of England, during the whole of Edward the Sixth's reign, was that of the Real Presence, in the strongest and most decided sense.¹

There is, of course, no pretence for saying that the Church of England has changed or modified her doctrine on this subject since Edward VI.; on the contrary, all the alterations in her formularies since then have been in the direction of giving greater emphasis to the doctrine of the Real Presence, which Palmer states as follows:—

She believes that the Eucharist is not the sign of an *absent* Christ, and that those who partake of it receive not merely the figure, or shadow, or sign of Christ's Body,

¹ *A Treatise on the Church of Christ*, i. 508-511.

but the reality itself. And as Christ's Divine and Human Natures are inseparably united, so she believes that we receive in the Eucharist not only the Flesh and Blood of Christ, but Christ Himself, both God and Man.¹

The late Bishop Thirlwall, one of the most learned and one of the ablest of Broad Churchmen, sums up the case as follows, with his usual judicial impartiality and accuracy :—

The Church of England has dealt with the subject in a spirit of true reverence as well as of prudence and charity. She asserts the mystery inherent in the institution of the Sacrament, but abstains from all attempts to investigate or define it, and leaves the widest range open to the devotional feelings and the private meditations of her children with regard to it. And this liberty is so large, and has been so freely used, that, apart from the express admission of Transubstantiation or of the grossly carnal notions to which it gave rise, and which, in the minds of the common people, are commonly inseparable from it, I think there can hardly be any description of the Real Presence which, in some form or other, is universally allowed, that would not be found to be authorised by the language of eminent divines of our Church ; and I am not aware, and do not believe, that our most advanced Ritualists have in fact outstepped those very ample bounds.²

Lastly, the doctrines of the Real Presence, Eucharistic Sacrifice, and Eucharistical Adoration came up for judicial determination before the Court

¹ *A Treatise on the Church of Christ*, i. 527.

² *Charge delivered by the Bishop of St. Davids in the year 1866*, pp. 97-8.

of Arches and the Judicial Committee, and were decided to be in accordance with the teaching of the Church of England. The final Court was unanimous in affirming the legality of the two former, and affirmed the legality of the latter, 'not without doubts and divisions of opinion;' and this in an undefended case, and in spite of the crude and provocative language of Mr. Bennett.

Let the reader now compare the doctrine of the Church of England, as I have exhibited it in the preceding pages, with the representation of it given in the following quotation from a letter written by Dr. Taylor, Archdeacon of Liverpool, on October 14, 1898, and published in the 'Times' of the following day:—

The Reformers denied and denounced both Transubstantiation and Consubstantiation, and embraced the purer views of Zwinglius, which denied any presence in the elements, but maintained a presence in the due ministrations of the ordinance, to the soul of the faithful recipient.

Yet Archdeacon Taylor has been active not only in denouncing all who hold the doctrine which I have now shown to be that of the Reformers; he has, in addition, given his support to a Bill which has for its object the expulsion of all who will not hold his own 'purer views of Zwinglius,' which are not only out of harmony with the formularies of the Church of England and with the teaching of the Anglican divines, but are repudiated even by the Presbyterianism of Scotland and the Wesleyanism of England. The Duke of Argyll emphatically re-

puddiated in the 'Times' the attribution of Zwinglianism to Scottish Presbyterianism, and claimed for it the doctrine of a Real Presence barely distinguishable from Transubstantiation.

At the time that Archdeacon Taylor was proclaiming his rejection of Anglican doctrine and his adhesion to 'the purer views of Zwinglius,' Mr. Price Hughes was denouncing in the 'Methodist Times' 'the deadly consequences of Zwinglianism,' of 'the fatal Zwinglian view.' 'To regard the Lord's Supper,' says the President of the Wesleyan Conference, 'as nothing more than a mere commemorative rite is to play directly, on the one hand, into the hands of the Unitarians, and on the other, and much more, into the hands of the Romanists. . . . Our sacramental service is as definite and pronounced as the Anglican service on which it is based, and with which it entirely agrees.'

Thus we see that the Archdeacon of Liverpool would degrade our doctrines far below the standard of orthodox Nonconformists, and would expel even men like Mr. Price Hughes from his communion. Yet Protestants of his type protest that they have no desire at all to abridge the comprehensiveness of the Church of England! How subtle is the power of self-deception!

This seems to be the most convenient place for offering some criticism on the objections made in this controversy to the reservation of the Blessed Sacrament for the Communion of the Sick. It is assumed, and by men of far greater learning, ability,

and authority than myself, that reservation is plainly and indisputably forbidden by the 28th Article and the post-communion rubric. Let us see.

The article says: 'The Sacrament of the Lord's Supper was not by Christ's ordinance reserved, carried about, lifted up, or worshipped.' The meaning of the article is perhaps more fully and clearly brought out in the Latin version, which is of equal authority with the English: 'Sacramentum Eucharistiæ ex institutione Christi non servabatur, circumferebatur, elevabatur, nec adorabatur.' The substitution of 'Eucharistia' here, and in the preceding clause of the article, for 'Cœna Domina' is significant. In its theological connotation the word implies more than 'the Lord's Supper'—an expression which, though susceptible of the highest doctrine, and used even in the Church of Rome, lends itself more easily than 'Eucharist' to a Zwinglian meaning. Ducange's definition of 'Eucharistia' is 'Sacrum Corpus Christi in Missæ sacrificio confectum.' The authors of the article, while excluding Transubstantiation, were careful to use language which implied the reality of the Presence, not only by substituting 'Eucharistia' for 'Cœna Domini,' but by declaring that 'the Body of Christ is *given*' as well as 'taken' ('accipitur'), though of course 'only after an heavenly and spiritual manner.'

I suppose we may also infer that the imperfect tense of 'reserved' ('servabatur') was used advisedly, implying, that is, that no custom of reserving the

Sacrament followed from the 'institution' of it by Christ. That is an historical truism, and certainly no prohibition of reservation for the sick can be inferred from it.

But we are not left to inference in the matter. The 28th Article was drawn up in 1562. Two years previously a Latin edition of the Prayer Book was published by authority, and in this the rubric in Edward's First Prayer Book ordering reservation for the Communion of the Sick was restored in a slightly abbreviated form. The Latin Prayer Book was prescribed for public use 'in the Churches and Chapels' of the universities and public schools. It was added, however, that in the case of domestics who did not understand Latin, and of parishes attached to any college, the service should be used and the Sacraments administered in English. But it may fairly be assumed that in those cases the rubric on reservation would apply.

Now surely it is altogether unreasonable to suppose that the very same authority which ordered reservation in the Latin Prayer Book should at the same time condemn and forbid it in one of the Articles of Religion. We may, indeed, assume that the article was intended to express disapproval—condemnation seems to me too strong a word for its cautious language—of carrying about the Sacrament in solemn procession. It is a ceremony confined exclusively to the Latin Church, and is comparatively modern even in it, not being traceable farther back than the fourteenth century. It has

never existed in the Russian Church, or in any of the Oriental Churches. But reservation for the Communion of the Sick, carried without any parade or ceremony, has always been common to all the Churches of the East. I may add that the elevation of the chalice is likewise unknown to the Eastern Churches, and is not a universal rule even in Latin Christendom.

So much as to the 28th Article. Let us now look at the rubrics which are relevant to the question of reservation. A rubric in the Office for the Communion of the Sick in the First Prayer Book of Edward VI. sanctioned it explicitly. In the Second Prayer Book this rubric was omitted. Does the omission necessarily mean prohibition? That does not seem to me to follow, and I offer the following reasons: The rubric of 1549 positively ordered reservation: 'Then shall the priest reserve,' &c. This is omitted in 1552. The order is withdrawn, but the practice is not forbidden. That I am not splitting hairs here seems to me evident from another rubric. In the Book of 1549 there is a rubric, not merely sanctioning, but, like the rubric on reservation, enjoining by name what are called the Eucharistic vestments. In the Book of 1552 this rubric is not simply omitted; there is another rubric substituted for it which prescribes the use of the surplice only and forbids the use of the other vestments by name. We see, therefore, that when the revisers in 1552 intended omission to mean prohibition they said so in so many words. Is it an unfair construc-

tion that the simple omission of the positive injunction left the practice optional in the matter of reservation?

In 1559 the Prayer Book was again revised and a few alterations were made. But the question of reservation was not touched. The only reference to the question was a rubric which permitted the celebrant to 'have to his own use' whatever remained of the bread and wine, making no distinction between consecrated and unconsecrated.

Taking these facts in conjunction with the Latin Prayer Book, the inference seems to me inevitable that Elizabeth and her advisers intended reservation to be the rule in seats of learning where there was no danger of its being abused, and left optional elsewhere. Let us remember that of upwards of ten thousand priests in England at that time only two hundred at the most refused to accept the Prayer Book. Let us remember also that the sagacious policy of Elizabeth and her wise ministers was to give as little umbrage as possible to the settled convictions and traditional religious habits of her subjects, lay and clerical, as long as they recognised her supremacy; a proof of which policy I have already given in the fact that some objectors to the Thirty-nine Articles were persuaded to sign them in their own sense. There can be no reasonable doubt that the great majority of the ten thousand clergy celebrated the Sacrament in the old vestments and with the usual ceremonial, and in all probability continued to reserve the Sacrament and carry it in

procession to the sick. This seems to me to explain the very mild language of the 28th Article; not condemning, yet discouraging, the carrying about of the Sacrament, but making no reference at all to reservation for the sick, and certainly not forbidding it in face of the sanction of the Latin Prayer Book. To this must be added the fact that the Puritans appear to have made no sort of objection to the reservation of the Sacrament for the Sick. The changes in a Protestant direction made in the Prayer Book of 1549 were chiefly at the instigation of Bucer, who does not appear to have made any objection at all to the rubric sanctioning reservation. What the Puritans objected to, and very strongly, was the Office for the Private Communion of the Sick; and it would seem that they would prefer reservation to what they regarded—and truly—as an innovation on the custom of Christendom. Our great Anglican divines—Bingham, for instance—take the line of apologising for private communion, and are glad to fall back in justification of the innovation on two or three instances in the primitive Church.

Now we come to the last revision of 1662. We know that the revisers of that book were men who wished to go back as far as circumstances would permit to the Prayer Book of 1549. It is therefore improbable in the highest degree that they would gratuitously prohibit what the revisers of 1552 and 1559 had left open. The rubric of 1559 said: ‘And if any of the Bread and Wine remain the curate shall have it to his own use.’ The revisers of 1662

changed the full stop into a semicolon and added the words, 'but if any remain of that which was consecrated, it shall not be carried out of the church, but the priest and such other of the communicants as he shall then call unto him shall, immediately after the Blessing, reverently eat and drink the same.' Surely the logical and grammatical construction of this added clause is governed and limited by the clause to which it is appended. It is not a new and independent rubric. It is an explanatory addition to a previous rubric, which allowed the priest to carry home for domestic use what remained of the elements. The new clause explains that this permission does not apply to the consecrated elements. They are not to be used for common purposes, but are to be reverently consumed in church before the congregation departs.

This I hold to be the reasonable and natural construction of the rubric. It is a recognised rule of syntax that the apodosis is governed and explained by the protasis, and does not travel beyond it if there be nothing else to make that necessary. Is there anything else here? Yes, but in an opposite sense. The addition was made to the rubric on the suggestion of Cosin, and Cosin himself has left us the explanation. The rubric of 1559, he says, was 'abused' by some clergy carrying home for domestic use what remained of the consecrated as well as the unconsecrated elements. This became a great scandal, he says, and was used by Roman Catholics as a handle against the Church. Therefore the clause

was added which forbade the clergy to carry home what remained of the consecrated as well as of the unconsecrated bread and wine. The question of reservation for the sick does not come in at all. It does not seem to have been within the purview of the revisers, having never been forbidden, and being still enjoined in seats of learning.

But it is objected that the practice of reservation has been disused for three hundred years. How do we know that? There was not a universal press during those three hundred years; and even if there were, communion of the sick by reservation would be no more recorded than communion by private celebration. What record is there at this moment of the parishes where reservation is practised? To argue the non-existence of a private usage of that kind from the absence of formal evidence is a most fallacious mode of reasoning. If, however, diligent search were made I have no doubt that evidence would be forthcoming. After reading a letter of mine on this subject in the 'Times,' the Rev. T. Keble sent me from Bisley Vicarage, Stroud, on December 8 last, the following note:--

I was told yesterday by a lady, nearly ninety-one years old, that she remembered that her father, a very conscientious country clergyman, was in the habit of taking the Blessed Sacrament from the altar to a sick person who lived near the church, while the communicants waited in their places until his return.

This takes us back before the Oxford Movement, and evidently denotes a tradition in the family, or

circle, or parish of this clergyman. The reign of the Commonwealth doubtless destroyed a great many customs and usages that had been prevalent till then ; but many survived that cataclysm of which no record would, in the ordinary course of things, have come down to us. Yet the custom of this old lady's father, with the sympathetic acquiescence of his parishioners, shows how unsafe it is to rely on sweeping generalisations.

But we are told that *litera scripta manet*. Whatever may have been the intention of the revisers of 1662, the letter of their rubric is plain beyond a doubt ; and, rubrics being statute law, they must be construed literally. I wish that some of those who use that argument would apply it to the interpretation of the Ornaments Rubric. But it is a sound argument, and I am willing to test my interpretation of this rubric by it. Here is the rubric :—

. And if any of the Bread and Wine remain unconsecrated the curate shall have it to his own use ; but if any remain of that which was consecrated, it shall not be carried out of the church, but the priest, and such other of the communicants as he shall then call unto him, shall, immediately after the Blessing, reverently eat and drink the same.

Now I venture to say that these words, so far from forbidding reservation, exclude that interpretation. The celebrant does not reserve for the communion of the sick what may chance to remain after administering the Sacrament to those present. After consecration he sets aside what he intends to

carry to the sick, and then begins to distribute to those who intend to communicate. If any part of *that* remain it is not to be carried out of church in the manner condemned by Cosin, but is to be consumed in the manner prescribed. But there is no 'if,' no doubt, no sort of contingency, in regard to the consecrated portion of the Sacrament reserved for the sick; so little, indeed, that if either element should fail in administering the Communion in church, the priest does not replenish paten or chalice from the reserved portion: he consecrates afresh.

I say confidently, therefore, that the little word 'if' entirely excludes the ordinary interpretation of the so-called rubric on reservation. It does not touch reservation. It has altogether a different aim and purpose; and whatever the position of the question of reservation was in point of law before the revision of 1662, that it still remains. To my mind that position is quite plain: it is distinctly legal. Reservation is not forbidden in any of the formularies of the Church of England, and it is enjoined in one—the Latin Prayer Book—which is still legal in our universities and public schools. An aged peer told me the other day that it was used in Christ Church when he was an undergraduate there. Reservation, moreover, has always been practised in the Scottish Episcopal Church.

I respectfully submit therefore that a bishop would be acting *ultra vires* who should forbid reservation for the sick when circumstances made it expedient. I am not arguing for superseding private

celebrations by the substitution of reservation. I think private celebrations are edifying when the requirements of the rubric can be satisfied. They are these. The sick man 'must give timely notice to the curate, signifying also how many there are to communicate with him (which shall be three, or two at the least), and having a convenient place in the sick man's house, with all things necessary so prepared, that the curate may reverently minister, he shall then celebrate the Holy Communion.'

All this supposes leisure, and a private house, and decent surroundings. It certainly does not contemplate a sudden emergency or the crowded lodgings and squalid surroundings of our great towns. It is a simple fact within my own experience and the experience of all clergy who have served among the poor in London, that the requirements of the rubric cannot always be satisfied as to the number of assisting communicants or the accessories of reverence or even decency. The following letter, which I extract from a newspaper, relates an experience by no means exceptional:—

Sir,—The experience of Dean Hole, among villagers in cottages, is very different from that of the London East End clergy among lodgers.

A curate, forbidden by his vicar (in obedience to the bishop) to reserve under any circumstances, went to communicate a dying parishioner. He found a fellow-lodger in the same room lying on his bed, mad drunk, cursing and swearing and threatening his wife, who was in vain trying to pacify two frightened children. There

was another poor woman also on a sick bed in the same room.

The curate went to the neighbouring mission church, celebrated with no communicants, and administered to the poor woman the reserved Sacrament. 'You did wrong; but I should have done the same,' was the vicar's remark when the curate told him this. A LAYMAN.

The fact is, the rubrics of the Prayer Book are a body of general directions which were not, I believe, intended to be enforced in every case *au pied de la lettre*. They must be construed by the rule of relative importance, reason, and that very uncommon faculty, common-sense. Let us test some of them by the rigorous method of literal interpretation now come suddenly into vogue. There is a rubric after the Nicene Creed which forbids all notices 'during the time of Divine Service' except those 'prescribed by the rules of this book' (previously named) 'or enjoined by the Queen or by the ordinary of the place.' There is hardly a parish in London in which that rubric is not violated every Sunday. The same rubric orders the sermon to begin immediately after the publication of notices. If omission is prohibition, that rubric is violated in every church in which the sermon is preceded by a hymn or collect. There are parishes, again, in which the Athanasian Creed is systematically omitted; in which the rule of daily service is systematically broken; in which the services for Saints' days are never kept; in which the Holy Communion is celebrated only once a month or seldomer; in which

such high festivals as the Epiphany and Ascension Day are never observed; and where the Holy Communion is never celebrated even on Whitsunday, unless it happens to fall on the first Sunday in the month.

Per contra, take the case of a clergyman who observes all these rubrics. He is, let us suppose, administering the Holy Communion in the parish church, and while he is thus engaged, word is brought to him that a man, who has just met with an accident outside the church, is dying and earnestly desires to receive the Sacrament. According to the ordinary interpretation of the rubric, the officiating priest is to finish the service in church; consume what remains of the consecrated elements; then go home and return with a table and a fair linen cloth, and fresh bread and wine; and meanwhile scour the parish for two or three who will communicate with the dying man; and then, when everything is ready, after perhaps an hour's delay, he is to begin a service which certainly occupies twenty minutes. Must we seriously believe that the man who goes through all that Pharisaic formalism is a more loyal servant of the Church than he who carries the Sacrament there and then out of the church to the dying man? And are we to conclude that the man who disregarded this literalism and put a generous and Christian interpretation on the rubric would be convicted as an offender by any Court in the land? One whom we all revere, and who declared that He 'came not to destroy the law, but to fulfil it,'

answered the cavils of the Procrustean rubricians of His day by the memorable pronouncement that ‘the Sabbath was made for man, not man for the Sabbath.’ I venture to think that I am acting in the spirit of that charter of evangelical exegesis when I say that the Prayer Book was made for man, not man for the Prayer Book. Those who now raise the cry of ‘lawlessness,’ while disregarding its spirit, would, if they had their way, soon reduce the Church of England to a condition of hopeless catalepsy. They would kill all enthusiasm, all spontaneity, all zeal, all, in fact, that has made the Church of England what she is—one of the noblest factors, with all her faults and blunders not a few, in the orderly development of our nation.

The fact is, we live in an age in which, for various reasons, the minds of men are so fixed on the visible and tangible that they find it hard to realise any existences which elude the scrutiny of the senses. The world we see seems so all-embracing as to leave no room for any other. And the wonderful progress of physical science during the last half-century has tended to deepen this feeling. Men’s minds have been so set on the mechanism of nature that they have, to a large extent, lost sight of the end in the process, of the hidden cause in the visible effect. Some readers will remember a striking illustration in ‘The Life and Letters of Charles Darwin,’¹ of this deadening effect of physical

¹ Vol. i. p. 100.

studies on the higher faculties. The passage is worth quoting :—

Up to the age of thirty, or beyond it, poetry of many kinds, such as the works of Milton, Gray, Byron, Wordsworth, Coleridge, and Shelley, gave me great pleasure; and even as a schoolboy I took intense delight in Shakespearè, especially in the historical plays. I have also said that formerly pictures gave me considerable, and music very great, delight. But now for many years I cannot endure to read a line of poetry. I have tried lately to read Shakespeare, and found it so intolerably dull that it nauseated me. I have also lost my taste for pictures or music. Music generally sets me thinking too energetically on what I have been at work on instead of giving me pleasure. I retain some taste for fine scenery, but it does not cause me the exquisite delight which it formerly did. . . . This curious and lamentable loss of the higher æsthetic tastes is all the odder, as books on history, biographies, and travels (independently of any scientific facts which they may contain), and essays on all sorts of subjects, interest me as much as ever they did. My mind seems to have become a kind of machine for grinding general laws out of large collections of facts; but why this should have caused the atrophy of that part of the brain alone, on which the higher tastes depend, I cannot conceive. A man with a mind more highly organised or better constituted than mine would not, I suppose, have thus suffered: and if I had to live my life again, I would have made a rule to read some pœtry and listen to some music at least once every week; for perhaps the parts of my brain now atrophied would thus have been kept active through use. The loss of these tastes is a loss of happiness, and may possibly be injurious to the intellect,

and more probably to the moral character, by enfeebling the emotional part of our nature.

It is odd that a man so familiar with the law of degeneration tending to atrophy, which results from the disuse of any limb or faculty, 'could not conceive' why his 'higher tastes' should, from disuse, have been smitten with decay. The same process of degeneration is apparent in his spiritual faculties. He says truly in his 'Origin of Species' that his argument does not touch the question of creation, but only of processes. The doctrine of evolution leaves the origin of life in the impenetrable mystery in which it found it. And Darwin, accordingly, seems to have been then a believer in an originating Creator. But we can trace through his letters the gradual evaporation of this belief, not so much from any process of reasoning as from the ossification, through disuse, of that part of his mental structure. Darwin himself perceived, when too late, the proper corrective—namely, the regular exercise of the faculties which had been allowed to become atrophied.

Researches into the physical constitution of nature have undoubtedly in this way had considerable influence in turning men's minds away from the spiritual side of nature, and made them rest in the things which are seen as if they were the only things. And yet the very discoveries of modern science, which are supposed by some to militate against belief in a spiritual world under-

lying and interpenetrating this, will surely seem to a reflecting mind, whose spiritual faculties are on the alert, to confirm that belief in a wonderful manner. And indeed it is this dull apprehension as to the existence of a spiritual world close to us, not far away, which is at the root of the ordinary objections to the sacramental system. Minds which regard the spiritual world as a fixed place in space beyond the sidereal system find it hard to believe in real, veritable, spiritual substances behind material veils. And yet the whole of this world which we inhabit is in truth a sacramental system, an economy of outward and visible signs veiling realities hidden behind them.

But this will more fitly form the subject of a separate chapter.

CHAPTER V

PROPINQUITY OF THE SPIRITUAL WORLD

NOTHING has struck me more, in contemplating the modern discoveries of physical science, than the light which they appear to me to throw on the glimpses into the spiritual world which Holy Writ incidentally, and as it were casually, vouchsafes to us. If we are to believe the Bible, the spiritual world is not a region far away in space, but close to us; and we do not see its sights or hear its sounds simply because our present organs are too dull to apprehend them. We are thus in the condition of a man born deaf and blind into this world of sense. He is in the midst of two worlds, of which, however, he knows next to nothing. For him the abounding beauties of nature in the sphere of sight and sound are as if they were not. Let his eyes be opened, and he finds himself at once in the midst of a world of which before he had no conception—nothing but the vaguest notion from the report of those who had eyes to see. Open his ears, and another world is disclosed to him which his want of hearing had till then concealed from him.

This is the sort of relation in which Holy Scripture represents us as standing towards the spiritual world. Let us take a few instances.

When Elijah was about to leave the earth, and Elisha prayed for 'a double portion of the spirit' of his departing master, the latter answered, 'Thou hast asked a hard thing. Nevertheless, *if thou see me* when I am taken from thee, it shall be so unto thee; but if not, it shall not be so.' What did the prophet mean by 'if thou see me when I am taken from thee'? Surely this: that if Elisha was able to see the spiritual transformation which his master was about to undergo, that would in itself be a sufficient proof to him that spiritual organs were opened within him which placed him in communication with the spiritual world. Elisha did see the translation of his master, and found himself at once endowed with the gift of seership, which enabled him to reveal the secret counsels of the Syrian King, who consequently sent an army to arrest him. 'And when the servant of the man of God was risen early, and gone forth, behold, an host encompassed the city, both with horses and chariots. And his servant said unto him, Alas, my master! how shall we do? And he answered, Fear not: for they that be with us are more than they that be with them. And Elisha prayed and said, Lord, I pray thee open his eyes that he may see. And the Lord opened the eyes of the young man, and he saw; and, behold, the mountain was full of horses and chariots of fire round about Elisha.'

It is evident that the 'eyes' which the prophet prayed might be opened were not the bodily eyes of the young man. These were open before, and saw nothing but the Syrian host. A new sense was opened which revealed to the youth the agencies of Divine Providence invisible to mortal sight, which protect the servants of God.

In S. Luke's Gospel (iii. 21, 22) we read: 'Now when all the people were baptized, it came to pass that, Jesus also being baptized and praying, the heaven was opened, and the Holy Ghost descended in a bodily shape like a dove upon Him, and a voice came from heaven which said, Thou art my beloved Son; in Thee I am well pleased.' In S. Matthew's account the expression is, 'The heavens were opened *unto Him.*'

The meaning evidently is that prayer on the part of Jesus was in fact the opening of His sinless soul to that spiritual world which the gross environment of the mortal body hides from the multitude.

Another incident of similar import in our Lord's life is related in S. John's Gospel (xii. 27-29):—

'Now is My soul troubled; and what shall I say? Father, save Me from this hour; but for this cause came I unto this hour. Father, glorify Thy name. Then came there a voice from heaven, saying, I have both glorified it and will glorify it again. The people, therefore, that stood by and heard it said that it thundered: others said, An angel spake to Him.'

That is to say, the heavenly voice which fell in articulate accents on the sensitive ear of our Saviour

sounded like the rumbling of distant thunder on the duller organs of those who were about Him.

I believe that several of the discrepancies in the Gospel record of our Lord's Resurrection may be explained in the same way. Woman's more refined and delicate organisation is naturally more sensitive to spiritual influences than man's, and this is probably the reason why the devout women who visited the tomb of the risen Saviour saw more of the spiritual world than Peter and John. Mary, whose absorbing love and intense grief had, no doubt, quickened her spiritual perceptions, saw two angels; the other women saw only one; Peter and John saw none. In fact, each saw more or less according as the spiritual organs were in each case rendered more or less sensitive to spiritual influences.

My next illustration shall be from an incident in the account of the martyrdom of S. Stephen, recorded in Acts vii. 55-57:—

‘Being full of the Holy Ghost, he looked up stedfastly into heaven, and saw the glory of God, and Jesus standing on the right hand of God, and said, Behold, I see the heavens opened, and the Son of Man standing on the right hand of God.’

Now where was the heaven into which the dying martyr gazed? Millions of miles away, beyond the starry firmament? Was his mortal sight miraculously endowed with a telescopic power of traversing in a moment the planetary spaces and looking into a world of supersensuous glories behind them? Is it not plain, on the contrary, that a new sense was

opened in himself, which enabled him to see through the integuments of the natural life into the world of unseen realities which lie above it, not in space, but in altitude of being? The 'everlasting doors' were 'lifted up,' and the protomartyr was vouchsafed a glimpse into a world of unearthly splendours close to him, where his Divine Master was standing ready to receive His faithful servant. But the persecutors of S. Stephen saw nothing but the rapt gaze of their victim; for the world which was revealed to him is 'spiritually discerned,' and they lacked that spiritual insight.

Another illustration in point is the narrative of the conversion of S. Paul. The account given in Acts ix. says that 'the men which journeyed with him stood speechless, hearing a voice but seeing no man.' S. Paul himself, on the other hand, says, 'And they that were with me saw indeed the light, and were afraid; but they heard not the voice of Him that spake to me' (Acts xxii. 9). And cavils against the inspiration of the Acts are sometimes founded upon this seeming discrepancy. What is the explanation? Evidently, that S. Paul's companions heard the sound, while his ear alone caught its articulate language: *τὰ φωνήεντα συνέτοισι.*

These examples will suffice to show the general teaching of the Bible touching the relation between the world of sense and that of spirit. And now let us see what physical science has to say upon the subject.

We talk of five bodily senses; but in strictness of

speech we have only one sense—that of touch. Our vision of external objects is nothing else but sensations made on the retina of the eye by contact with the vibrations of an external substance. To produce the sensation of scarlet, 477 billions of vibrations break upon the retina every second, while a ray of violet is caused by no fewer than 700 billions of vibrations. Waves of light above or below these limits in number are invisible to the human eye; that is, they move too rapidly or too slowly to make any impression on the optic nerve. This is but another way of saying that objects innumerable may exist in the midst of us which are of so subtile a nature as to elude our visual organs. ‘Myriads of organised beings may exist imperceptible to our vision, even if we were among them.’¹

And the same observation is applicable to the phenomena of sound. Notes above or below a certain pitch, though the air be resonant with them to more delicate organisations, are inaudible to the human ear. In his interesting book on the Glaciers of the Alps Dr. Tyndall tells the following anecdote:—

I once crossed a Swiss mountain in company with a friend; a donkey was in advance of us, and the dull tramp of the animal was heard by my companion; but to me this sound was almost masked by the shrill chirruping of innumerable insects, which thronged the adjacent grass. My friend heard nothing of this; it lay quite beyond his range of hearing.

¹ Grove's *Correlation of Physical Forces*, p. 161. Fourth edition.

Another illustration of this fact is given in Mr. Skertchly's 'Dahomey as it is.'¹ Speaking of the large bats of that region he says :—

They utter a sharp chirrup, something like the squeak of a rat, but very much higher in pitch, so high, indeed, that I have frequently come across individuals whose acoustic powers had not sufficient range to permit of their hearing the note ; and on more than one occasion I have said to Buchan [his half-caste servant], 'What a noise these bats are making !' Upon which he has observed to me, 'Bats have no mouths for talking,' he being perfectly unconscious of their vocal powers.

Some remarkable instances of the superior power of hearing possessed by insects are given in an interesting correspondence in the 'Times' of November 1874. I quote the following :—

Adapting the concluding sentences of the letter of the Rev. F. O. Morris in the 'Times' of Saturday, it may be observed that there are doubtless more sounds uttered on the earth and in the air than can reach our ears. It is well known that to many persons both the grasshopper and the bat are dumb, and it is probable that moths and other insects attract each other by calls inaudible to us, rather than by scent.

One night, a few years ago, I had a female tiger-moth in a gauze cage, in a room opening into a garden. I had reared the moth from a caterpillar myself. The room was full of tobacco smoke, and the garden was in the middle of a town ; yet in less than two hours no less than five male tiger-moths flew to the cage. Though I have sat in the same room hundreds of nights with the window open

¹ Pp. 50, 51.

and a light burning, I never before or since knew a tiger-moth to be attracted thither. It seems almost impossible that these moths could have been led to the spot from other walled-in, and in some cases distant, gardens, in any other way but by a call in the stillness of the night. But the captive moth made no perceptible noise, even with its wings.

There is nothing unreasonable, therefore, in believing that persons in a state of spiritual tension may be cognisant of sights and sounds which make no impression, or only a vague and meaningless impression, on the multitude. When we reflect, to quote the words of an eloquent writer, ‘that there are waves of light and sound of which our dull senses take no cognisance, that there is a great difference even in human perceptivity, and that some men, more gifted than others, can see colours or hear sounds which are invisible or inaudible to the great bulk of mankind, you will appreciate how possible it is that there may be a world of spiritual existence around us—inhabiting this same globe, enjoying the same nature—of which we have no perception; that, in fact, the wonders of the New Jerusalem may be in our midst, and the songs of the angelic hosts filling the air with their celestial harmony, although unheard and unseen by us.’¹ Truly ‘there are more things in heaven and earth than are dreamt of in our philosophy.’

All this will sound supremely foolish to some of

¹ *Religion and Chemistry*, p. 107. By Professor J. P. Cooke.

the robust critics of the day. A well-known writer, for example, contributed to a leading journal¹ some

¹ Letter signed 'S.' in *Pall Mall Gazette* of Jan. 26; 1875. The writer was the late Sir J. Fitzjames Stephen, a man of powerful intellect, but without any aptitude for metaphysics. This is shown in a curious volume of anonymous *Essays by a Barrister* (p. 151), in which he gravely argues, in opposition to the doctrine of the necessary laws of thought, that there may be a world where omnipotence may cause two and two to make five instead of four. After giving some reasons for this paradox he proceeds :—

'It would also be possible to put a case in which two straight lines should be universally supposed to include a space. Imagine a man, who had never had any experience of straight lines through the medium of any sense whatever, suddenly placed upon a railway stretching out in a perfectly straight line to an indefinite distance in each direction. He would see the rails, which would be the first lines he had ever seen, apparently meeting, or at least tending to meet at each horizon; and he would thus infer, in the absence of all other experience, that they actually did enclose a space, when produced far enough. . . . In such a world, therefore, the impossibility of conceiving that two straight lines can enclose a space would not exist.'

All this is a pure *ignoratio elenchi*. The question is not whether there may not be a world inhabited by beings so constituted as to believe that two and two make five, and that two straight lines running parallel can enclose a space, but whether the human mind can accept such paradoxes for truths—whether, on the contrary, the axioms of mathematics do not present themselves to the mind, the moment it embraces them, as irreversible and eternal. The inference of the man on the railway would be that the lines were not really straight, or that his eyes deceived him. Strange to say, Mr. John Stuart Mill quotes these paradoxes with approbation in his *Examination of Sir W. Hamilton's Philosophy* (ch. vi.)—a weak piece of reasoning, in my opinion. Both he and Fitzjames Stephen fail to see the fundamental difference between necessary laws of thought and empirical knowledge. Once the human mind gets hold of a mathematical axiom it cannot conceive its contradictory. But all our experience of sunrise does not forbid the thought of its one day rising no more—a catastrophe, indeed, towards which astronomers tell us the sun is travelling.

years ago a long and most scornful attack on the doctrine of Sacramentalism. His argument brought him naturally into collision with the scholastic distinctions between matter and form, substance and accident ; and here is the sort of criticism to which his superficial study of the question tempted him :—

I suppose it requires no argument to show that far the greater part of this is nonsense. ‘Virtual contact’ and forms without matter, for instance, are unmeaning expressions and make nonsense of the propositions in which they occur. The whole speculation is spun out of the very distinction about matter and form, substance and accident, which is essential to the controversy about the Sacraments. So much of the theory as is not nonsense is simply a play of fancy, resting on no foundation at all, and which an ingenious person might twist into any shape he pleased. I quote this partly in order to show the character of what is called scientific theology and the silliness of the results which its method of procedure produces, and partly because it shows how of two doctrines, the intrinsic value of which is identical, one falls into neglect and contempt because it does not interest mankind, while the other lives and flourishes because it relates to specific tangible objects upon which people can gratify the longing for idolatry, which lies so deep in the human heart, and which serves as a foundation for the most exalted ideas of priestly power. . . . I think it may furnish matter of reflection to some of the clergy to hear the undisguised expression of a layman’s opinion on this matter. Others probably think as I do. Well, then, I for one look upon these doctrines not merely as being intellectually absurd, but as being morally injurious in the highest degree. I would as soon see my son or daughter lie or steal as I would see

them bow to the Host or believe that the Communion is anything but a bare figure or symbol.

In contrast with this supercilious sciolism, I have much pleasure in quoting the following passage from one of the ablest philosophical treatises of the day :—

Provided that there be no clear and absolute conflict with known laws of nature, there is nothing so improbable or apparently inconceivable that it may not be rendered highly probable, or even approximately certain, by a sufficient number of concordances. In fact, the two best founded and most conspicuously successful theories in the whole range of physical science involve the most absurd suppositions. Gravity is a force which appears to act between bodies through vacuous space ; it is in positive contradiction to the old dictum that nothing could act but through some intervening medium or substance. It is even more puzzling that the force acts in perfect indifference to all intervening obstacles. Light, in spite of its extreme velocity, shows much respect to matter, for it is almost instantaneously stopped by opaque substances, and to a considerable extent absorbed and deflected by transparent ones. But to gravity all media are, as it were, absolutely transparent, nay non-existent ; and two particles at opposite points of the earth affect each other exactly as if the globe were not between. To complete the apparent impossibility, the action is, so far as we can observe, absolutely instantaneous, so that every particle of the universe is at every moment in separate cognisance, as it were, of the relative position of every other particle throughout the universe at that same moment of absolute time. Compared with such incomprehensible conditions, the theory of vortices deals with common-place realities. Newton's celebrated saying, *hypotheses non fingo*, bears the appearance of pure irony ;

and it was not without apparent grounds that Leibnitz and the greatest continental philosophers charged Newton with re-introducing occult powers and qualities.

The undulatory theory of light presents almost equal difficulties of conception. We are asked by physical philosophers to give up all our ordinary prepossessions, and believe that the interstellar space which seemed so empty is not empty at all, but filled with *something* immensely more solid and elastic than steel. As Dr. Young himself remarked, 'the luminiferous ether, pervading all space, and penetrating almost all substances, is not only highly elastic, but absolutely solid!!!' Sir John Herschel has calculated the amount of force which may be supposed, according to the undulatory theory of light, to be exerted at each point in space, and finds it to be 1,148,000,000,000 times the elastic force of ordinary air at the earth's surface, so that the pressure of the ether upon a square inch of surface must be about 17,000,000,000,000, or seventeen billions of pounds. Yet we live and move without appreciable resistance in this medium, indefinitely harder and more elastic than adamant. All our ordinary notions must be laid aside in contemplating such an hypothesis; yet they are no more than the observed phenomena of light and heat force us to accept. We cannot deny even the strange suggestion of Dr. Young, that there may be independent worlds, some possibly existing in different parts of space, but others perhaps pervading each other unseen and unknown in the same space. For if we are bound to admit the conception of this adamantine firmament, it is equally easy to admit a plurality of such. We see, then, that mere difficulties of conception must not in the least discredit a theory which otherwise agrees with facts, *and we must only reject hypotheses which are inconceivable in*

the sense of breaking distinctly the primary laws of thought and nature.

Again :—

Scientific method leads us to the inevitable conception of an infinite series of successive orders of infinitely small quantities. If so, there is nothing impossible in the existence of a myriad universes within the compass of a needle's point, each with its stellar systems, and its suns and planets, in number and variety unlimited. *Science does nothing to reduce the number of strange things that we may believe. When fairly pursued, it makes large drafts upon our powers of comprehension and belief.*¹

For the sake of convenience I will here re-quote the passage from Leibnitz on the doctrine of the Real Presence :—

As I have been the first to discover that the essence of a body does not consist in extension, but in motion, and hence, that the substance or nature of a body, even according to Aristotle's definition, is the principle of motion (*ἐντελέχεια*) and that this principle or substance of the body has no extension,—I have made it plain how God can be clearly and distinctly understood to cause the substance of the same body *to exist in many different places.*²

And what could have seemed more incredible before experience than wireless telegraphy? The young Italian electrician Marconi has invented a system of telegraphy without wires, which does not

¹ *The Principles of Science*, vol. ii. pp. 144, 145, 467. By W. S. Jevons.

² Compare his *System of Theology*, pp. 99, 100 ; also Sir W. Hamilton's *Discussions in Philosophy*, pp. 604-7.

depend on electro-magnetic, but on electrostatic effects—that is to say, on electric waves set up at the rate of 250,000,000 vibrations a second. Facts like these bring almost within the range of credibility such stories as that of Kinglake hearing, in the stillness of the Sinaitic Desert, the sound of the church bells in his Somersetshire home.¹

Some other interesting illustrations of this subject are supplied by the phenomena consequent on the grand eruption of Krakatoa in 1883, as described in a fascinating volume published by a committee of experts under the auspices of the Royal Society. The air-waves varied in rapidity from 13 h. 48 m. to 124 h. 30 m. in passing between Krakatoa and Kew, differing, I suppose, with the violence of the explosions. The sound of the explosions was heard ‘very nearly three thousand English miles from Krakatoa.’ ‘Several times during the night’ (of the eruption) ‘reports were heard coming from the eastward like the distant roar of heavy guns.’

At Diego Garcia, upwards of two thousand five hundred miles from Krakatoa, the sounds were very distinctly heard, and were supposed to be those of guns fired by a vessel in distress. In Ceylon, and also in Australia, the sounds were heard at many different places far removed from each other; while at Dorey, in New Guinea, they were clearly heard, and their occurrence was recorded at the time, long before it was known to what cause they were due.²

¹ *Eothen*, pp. 274–5. Third edition.

² *The Eruption of Krakatoa and Subsequent Phenomena*, pp. 79, 80.

See, again, how Our Lord's passage through closed doors in His Spiritual Body is brought within the realm of reason through the revelations of the Röntgen rays. For if the luminiferous ether, which is a material substance, can penetrate, as if they did not exist, opaque and solid substances like flesh and muscle and wood and aluminium, *à fortiori* may the much subtler substance of a spiritual body do so.

Perhaps I may here quote from a previous volume of my own :—

But, in addition to all this, photography and spectrum analysis have proved that there are worlds within worlds close to us now and here of which our gross senses can take no cognisance. Photography has shown that there are multitudes of stars beyond the reach of the most powerful telescopes, and that the light of these stars is ever playing on our earth. So distant are they, and so attenuated are their rays, that it takes countless billions of these luminous vibrations to make an impression on the photographer's plate. 'The waves beating from the Atlantic in long course of time,' says one of our leading astronomers,¹ 'have gradually altered the face of the shore. But in one second of time there are as many minute waves of light beating in on one plate as the Atlantic has sent in during a million years—a whole geological period. The human eye is colour-blind to a vast proportion of the rays which come in from the stars. But the photo-plate sees all these invisible rays a great deal better than our eyes see the visible rays.'²

¹ Sir R. Ball, in a lecture at the Royal Institution ; cf. *The Story of the Heavens*, p. 463, by the same author.

² *Life Here and Hereafter*, p. 134. Second edition.

It bewilders the intellect and makes the imagination giddy to learn that within the petals of a flower, even within a speck of blood dissolved in a drop of water, the seven colours of the rainbow are seen as distinctly as in the bow which spans our sky. Yet that is one of the marvels which chemical analysis has revealed to us.

Thus we see that human science and Holy Scripture unite their voices in teaching us that beneath the world of sense, penetrating and vivifying it, there is a world of spirit; that what we see and touch is but the crust and shell, the outward and visible sign of unseen realities, truly present, though sense cannot apprehend it.

Two worlds are ours, 'tis only sin
 Forbids us to descry
 The mystic heaven and earth within,
 Clear as the sea and sky.

So sings the poet of the 'Christian Year.' And Milton expressed the same thought before him:—

What if earth
 Be but the shadow of heaven, and things therein
 Each to other like, more than on earth is thought?

CHAPTER VI

SACERDOTALISM

IT is a pity that those who denounce the doctrine of Sacerdotalism do not take the trouble to explain what it is precisely that they wish to condemn under cover of that unpopular word. I take it, however, that what the opponents of Sacerdotalism wish to repudiate is that somewhat distorted aspect of the Christian religion which has been condemned in the following language by an able and revered writer of our day, to whom, though himself disowning the creed of Christendom, many Christians, myself included, owe much :—

So long as its Sacramental principle remains, the Established Church rests upon a theory of religion utterly at variance with all the residuary varieties of Puritan faith, and amounting, as many of us conceive, to a reversal of the very essence of Christianity, for it reverses that *immediateness of relation* between the human Spirit and the Divine which is the distinctive boon of Jesus to the world, and it reinstates that resort to *mediation* and ‘channels of grace,’ and magically endowed men, which it was His special aim to sweep away and render impossible.¹

¹ *Why Dissent?* by James Martineau, p. 14.

It is therefore the Sacramental principle and the doctrine of mediation which are in question. I do not mean that all who declaim against Sacerdotalism would go quite so far as Dr. Martineau; but that is only because they are not so clear-headed as he, and do not perceive the conclusion necessarily involved in their premisses. Dr. Martineau admits, as indeed every candid and unprejudiced person must, that 'the Established Church rests upon' the doctrine of Sacerdotalism, which, however, he thinks it was the 'special aim' of our Lord 'to sweep away and render impossible.' Of that more anon. Meanwhile let us see what the Old Testament has to say upon the subject.

It seems to me quite impossible for any one, who is not committed to the defence of a foregone conclusion, to read the Old Testament without acknowledging that the principle of Sacerdotalism runs all through it from Genesis to Malachi. A few instances may suffice by way of illustration.

When Abimelech took Abraham's wife, thinking her to be his sister, and pleaded afterwards that he had done it 'in the integrity of his heart and innocency of his hands,' God is represented as saying, 'Yea, I know that thou didst this in the integrity of thy heart. . . . Now therefore restore the man his wife; for he is a prophet, and he shall pray for thee, and thou shalt live; and if thou restore her not, know thou that thou shalt surely die, and all that are thine.'¹ Abraham's intercession for the

¹ Gen. xx. 5-7.

doomed Cities of the Plain is another instance in point.

In the Twelfth Chapter of the Book of Numbers we have an account of an outburst of rebellion against the authority of Moses on the part of Miriam ; her consequent punishment by the infliction of leprosy ; and her subsequent cure at the prayer of Moses.

In the last chapter of the Book of Job I read as follows :—

And it was so, that after the Lord had spoken these words unto Job, the Lord said to Eliphaz the Temanite, My wrath is kindled against thee and against thy two friends ; for ye have not spoken of Me the thing that is right, as My servant Job hath. Therefore take unto you now seven bullocks and seven rams, and go to my servant Job, and offer up for yourselves a burnt offering ; and My servant Job shall pray for you ; for him will I accept, lest I deal with you after your folly, in that ye have not spoken of Me the thing which is right, like My servant Job.

Here, then, are a few typical illustrations, which might be multiplied indefinitely, of the doctrine that God usually bestows His benefits on man, not immediately, but through the intervention of human agents ordained for that end. And what is the Mosaic dispensation but a development, through rite and sacrifice, of the same idea? One family is set apart and endowed with the exclusive right to act mediatorially between God and His people ; and when Korah and his company, relying on the fact that the whole congregation of Israel was holy, as

being, in some sort, 'a royal priesthood,' attempted to usurp the office of the priesthood, Almighty God is represented as vindicating by a terrible punishment the exclusive priesthood of the family of Aaron.

To parry the force of this argument the opponents of Sacerdotalism are wont to decry the Mosaic dispensation not merely as a system of ordinances which has been superseded by the Christian dispensation, but as involving doctrines which are essentially antagonistic to Christianity. Dr. Martineau says distinctly that the sacramental principle and the doctrine of mediation 'amount to a reversal of the very essence of Christianity.' Dr. Martineau is a Unitarian; but on this question he is in full agreement with the great mass of anti-Sacerdotalists. What authority he would be willing to concede to the Mosaic legislation, and whether he now considers the Old Testament inspired in any special sense, I know not. But the Evangelical party,¹ who in this matter are in the same boat with Dr. Martineau, hold very stringent views indeed as to the unqualified Divine inspiration of all the Books of the Old Testament. They ought, therefore, to

¹ Dr. Guinness Rogers, in an article in the *Contemporary Review* of February 1899, asserts that 'there is a strong sacerdotal element in the Prayer Book,' and declares that 'while the formula [of the ordination of priests] remains unchanged it will be impossible to exclude priests and priestism from the Anglican Church. The marvel is not that they are there, but that there has been found a place for those who repudiate the idea of a "ministerial priesthood," to use Dr. Moberly's expressive phrase.' That is surely the language of reason and common sense.

consider seriously whither their attack on the principle of Sacerdotalism leads them. They condemn it as something essentially wrong in itself. It is certain, however, if the Old Testament is Divinely inspired, that Sacerdotalism is a doctrine not only sanctioned but peremptorily enjoined by Almighty God Himself. But can God enjoin what is essentially wrong? And let it be considered, moreover that our Lord has expressly declared that He came 'not to destroy the Law, but to fulfil it.' The Law was developed into the Gospel. But development implies the conservation of the norm or radical idea. Now the radical idea underlying the Sacrificial system of the Old Testament was man's need of expiation, combined with his personal unworthiness to make an atonement for himself.

It is remarkable that the immediate occasion of the appointment of the Aaronic priesthood seems to have been the public acknowledgment of unworthiness made by the general congregation. During the patriarchal period the head of the family was also its priest; and even when the law was delivered to the Israelites from Mount Sinai there was no regular priesthood to stand between God and His people. They were all regarded as a nation of priests until their own sense of unworthiness caused them to shrink back aghast from the awful privilege.

The circumstance is related by Moses as follows:—

And it came to pass when ye heard the voice out of the midst of the darkness (for the mountain did burn

with fire), that ye came near unto me, even all the heads of your tribes, and your elders; and ye said, Behold, the Lord our God hath shown us His glory and His greatness, and we have heard His voice out of the midst of the fire: we have seen this day that God doth talk with man, and he liveth. Now therefore why should we die? for this great fire will consume us; if we hear the voice of the Lord our God any more, then we shall die. For who is there of all flesh that hath heard the voice of the living God speaking out of the midst of the fire, as we have, and lived? Go thou near, and hear all that the Lord our God shall say: and speak thou unto us all that the Lord our God shall speak unto thee; and we will hear it and do it. And the Lord heard the voice of your words, when ye spake unto me; and the Lord said unto me, I have heard the voice of the words of this people, which they have spoken unto thee: they have well said all that they have spoken.

Accordingly Aaron and his sons were consecrated to the office of the priesthood soon after this incident, and they became the appointed mediators between Jehovah and the general congregation. Still the people were not suffered to rest in this as a final and unchangeable arrangement. Their true ideal was always kept before them. They were reminded that, in spite of the Aaronic priesthood, they still continued ideally 'a kingdom of priests, a holy nation.' They were unworthy now to realise that high ideal; but they were not to lose sight of it, and to keep them in perpetual remembrance of it there were several rites of a sacerdotal character, such as the sacrifice of the Paschal Lamb, in which the people at large were allowed to participate.

So much as to the teaching of the Old Testament on the subject of Sacerdotalism. Where is the evidence that it was our Lord's 'special aim to sweep away and render impossible' such teaching? On the contrary, if we are to believe the Gospel narrative, He ordained a certain order of men to occupy in the Christian Church a position and to fulfil functions analogous to those of the Aaronic priesthood. Once before His death, and once after, He charged them with the following commission: 'As My Father hath sent Me, even so send I you. And when He had said this He breathed on them and saith unto them, Receive ye the Holy Ghost: whosoever sins ye remit they are remitted unto them; and whosoever sins ye retain they are retained.'

I cannot imagine a stronger sanction of the sacerdotal principle than these words imply; and it is clear that our Lord's Apostles understood them in a sacerdotal sense. Why was Philip bidden to 'go near' the chariot of the Ethiopian eunuch and instruct and baptise him? Why was Ananias sent to Saul the persecutor, that he might 'put his hands on him,' in order that he 'might receive his sight, and be filled with the Holy Ghost'? Why was Cornelius directed to 'send men to Joppa' to fetch Peter that he might receive the pious centurion into the Christian Church?—Why all this, if it was one of the special designs of Christianity to abolish the sacerdotal principle and to forbid all 'resort to mediation, and "channels of grace," and "magically endowed men"'? It is undeniable that the Acts of

the Apostles and the Epistles supply abundant evidence of a public ministry during the period which they embrace. And that ministry is represented, not as a human institution, but as of Divine appointment. Candidates are set apart with solemn rites, by means of which spiritual powers are supposed to be conferred upon them for the discharge of their new duties. And with this agrees the language by which the ministerial office is designated. St. Paul speaks of himself and his colleagues as ‘ministers and stewards of Divine mysteries,’ and as ‘ambassadors’ accredited from God to men. Surely the sacerdotal principle could not be asserted in stronger language than this; and, therefore, for the Church of England to repudiate the sacerdotal principle would be to repudiate all connection with the Christian ministry of the Apostolic age.

And yet it must be admitted, on the other hand, that there is a sense in which it is as true now as it was under the Mosaic dispensation, that all Christians are in some way priests, and are charged with sacerdotal functions. St. Peter addresses the whole congregation of Christians in his day in the language in which Moses described the priestly character of ancient Israel. He calls them ‘a royal priesthood;’ an ideal of Christian perfection which St. John saw realised when he heard the saints in bliss giving thanks for having been made ‘kings and priests unto God.’ A layman can validly baptise, and he has his share in the offering up of the Eucharistic Sacrifice—a fact which was symbolised in ancient times, and

now through Oriental Christendom, by the custom of the faithful laity formally offering their oblation of the Sacramental elements to their representative, the officiating priest, who then consecrated them to God, in order that Christ, the true Priest, might make them, according to His own promise, the Sacrament of His Body and Blood.

We are all intended, laity as well as clergy, to be 'kings and priests unto God.' If man had never fallen there would have been no need of a special priesthood. All would have been alike worthy to offer God an acceptable service, as all will be hereafter in heaven. This is the ideal towards which we are to strive; and in order to keep our unworthiness always before us, and thus help us to fulfil our Christian calling, it has pleased God to ordain an order of men, personally as unworthy as the rest, to be His 'ambassadors' on earth, and the 'ministers and stewards of His mysteries.' To characterise such a doctrine as implying a caste of 'magically endowed men' is to substitute offensive caricature for serious argument. Dr. Martineau may, indeed, be excused for not understanding a doctrine which it has probably never fallen to his lot to study seriously.

Those who repudiate the sacerdotal idea as characteristic of the Christian ministry regard personal fitness as the essential qualification of a valid ministry.¹ But that is a view which the

¹ In the Catechism lately published by 'the National Council of Evangelical Free Churches in England and Wales' I find the follow-

Church of England rejects explicitly in the twenty-sixth Article, where the line is drawn distinctly between moral fitness and official commission: validity of Sacraments depending on the former, not on the latter. And most reasonably and justly. It would indeed be a cruel injustice to the people if their loyal obedience to God's commands were rendered nugatory by the personal unworthiness of His ministers. Most justly therefore does the Article declare: 'Neither is the effect of Christ's ordinance taken away by their [ministers'] wickedness, nor the grace of God's gifts diminished from such as by faith and rightly do receive the Sacraments ministered unto them; which be effectual because of

ing questions and answers: 'What is a Christian minister? A Christian minister is one who is called of God and the Church to be a teacher of the Word and a pastor of the flock of Christ. How may the validity of such a ministry be proved? The decisive proof of a valid ministry is the sanction of the Divine Head of the Church, manifested in the conversion of sinners and the edification of the Body of Christ.'

The second answer reads to me like a contradiction of the first. We are told, first, that 'a Christian minister is one who is called of God and the Church;' and next, that 'the decisive proof of a valid ministry' is the visible success of the minister. Visible it must be, else it can be no proof to others. Yet Elijah's ministry seemed to himself and to others a failure. Moreover, this 'decisive proof' would seem to make the call of the Church a superfluity. Why call, why ordain, if 'the decisive proof' is in the fruits of the ministry? And is every man—nay, every woman also—who exhibits this decisive proof a valid minister? A minister of God undoubtedly every man and woman is who brings forth the fruits of faith and love. But what is the value of so comprehensive a definition? If there is a special ministry, it does not define it. If there is not, it were better to say so.

God's institution and promise, although they be ministered by evil men.'

In truth, the objection which I am considering implies a confusion between two things which are totally distinct: individual merit and official commission. To affirm that every man who shows eminent capacity for the ministerial office is in fact a minister is as reasonable as it would be to argue that every good strategist is *ipso facto* a general, or every good financier *ipso facto* Chancellor of the Exchequer. Of course it would be much better if the men best fitted for the office were appointed ministers, just as it would be much better if the best men were appointed Commanders-in-Chief, Ambassadors, and Prime Ministers. To be qualified for an office, however, is one thing: to be appointed to it is quite another. Men see this well enough in secular matters. How is it that so obvious a truth offends them when the sphere of its operation is spiritual? I believe the reason is to be found in man's natural reluctance to believe in the reality of powers whose source and mode of action are invisible. Unless he sees signs and wonders he finds it hard to believe that God has founded in the midst of men a spiritual polity, the administration of whose laws and powers He has committed to a hierarchy of mortal men, the validity of whose credentials can be tested by the methods of ordinary evidence. Assuming that the Christian Church is a Divine and not a human creation—I am not arguing here against those who deny that assumption—I do

not see anything more unreasonable in supposing that He should transmit spiritual life through the instrumentality of a sacramental agency than in believing that He propagates natural life through the process of natural generation. No *antecedent* objection can be urged against the one which is not equally valid against the other.

But let us consider this question of Sacerdotalism a little more in detail. The ordinary objection to the doctrine of absolution—which is taught, be it remembered, in all the Reformation formularies, and not merely in those of the Church of England—was anticipated long ago by the Pharisees when they murmured against our Lord: ‘Who is this which speaketh blasphemies? Who can forgive sins but God alone?’ The objection is valid in one sense; invalid in another. It is true of course that God alone can forgive sin as an originating cause. But it is equally true that in this sense God alone can give health, knowledge, fruitful harvests. Yet we consult a physician when the body is out of order; we send our children to school to imbibe knowledge from the lips of human teachers; we sow, plant, and reap, though we also pray God to ‘give us day by day our daily bread.’ And the physician, or teacher, or husbandman, who should arrogate as his own the skill and energy which thus enable him to benefit others, would ‘speak blasphemies’ as truly as the priest who should impiously claim in his own right and person the power to forgive sins. The physician of the soul acts ministerially; and so does

the physician of the body, whether he acknowledges it or not. The latter examines his patient, sketches the diagnosis of his complaint, prescribes a regimen, and bestows his medicine. But if the patient has not told the truth, or disregards the treatment, the medicine may become a poison to him. And so in spiritual matters the absolution becomes a curse, and not a blessing, to him who has not received it in the spirit of true penitence.

The truth is, the usual cavils against the doctrine of Sacerdotalism are founded on a very shallow conception of God's ordinary government of mankind. As a matter of fact, He has committed the everlasting destiny of men to the custody of one another. Any one of us may ruin for ever souls for whom Christ died. We have all received some talent of one kind or another from God; external talents of wealth, of social rank, of official position, and the like; or personal gifts, like beauty of person or charm of manner, an eloquent tongue or musical voice. No one is so humble as not to have some means or other of influencing those who come within his reach. And, indeed, it is very terrible to think how unceasing is this reciprocal influence of human beings upon each other, and how unconsciously it is generally exercised.

Now these various gifts of personal influence, which God has given to all, in great measure or in small, every one of us may use to the ruin of his neighbour. The Almighty Father wills us to be each his brother's keeper; but we may act the part

of the first murderer, and kill the life committed to our trust. I cannot imagine any torment of hell more awful than the horror of those who shall meet, face to face, before the judgment-seat of Christ, the souls whom they have ruined. It seems incredible that there ever can be a heaven for a soul through whose evil influence another soul has perished. Surely the very splendours of the Beatific Vision would but increase his remorse on remembrance of the never-ending mischief he had wrought on earth. The reader will remember that of all the horrors which the poet, with true instinct, makes 'the Ancient Mariner' endure in his awful solitude on the lonely sea the climax was the dying curse in the eyes of the two hundred corpses which lay, with upturned faces on the deck, slain by his thoughtless act.

An orphan's curse would drag to hell
 A spirit from on high :
 But O! more horrible than that
 Is the curse in a dead man's eye !
 Seven days, seven nights, I saw that curse ;
 And yet I could not die.

But what a faint image that is of the horror caused by a moral ruin which can never be undone ! What is there in the doctrine of Sacerdotalism that approaches in point of mystery to this fearful power which God has given to every one of us ? When a priest absolves a penitent he knows full well that the efficacy of his absolution depends, after all, on the state of the heart which receives it ; and he knows

also that he cannot use the gift against the will and intention of the Almighty Giver. He who reads the heart will ratify or annul, in virtue of His perfect knowledge, the words of pardon uttered by His minister on earth. But personal influence, in whatever form, *may* be used against the will of the Divine Giver. So that, in matter of fact, God has given to each of us, laic and cleric, a power of the keys, a power of opening or closing heaven, of a far more awful kind than that which He has bestowed upon the 'ministers and stewards of His mysteries.' I wish that those who cry out against Sacerdotalism, as an encroachment on the liberties of the laity, would consider the very awful sacerdotal power which the laity themselves are discharging day by day, whether they think of it or not. It is not in the Christian ministry that we have 'magically endowed men,' but in ordinary society : men, and women too, endowed with personal, not official, gifts of magnetic influence on those who come in contact with them. Personal influence is indeed the most awful of all gifts. And we all possess it in measure and degree, and are using it continually, and probably oftenest when we think least about it. Virtue or vice is unceasingly going out of us, and we are thus scattering in the air around us germs of moral good or evil to breed spiritual health or malady in those who inhale them.

In truth, the argument against Sacerdotalism cuts deeper and wider than those who use it appear to perceive. If Christ is the only Mediator, to the

absolute exclusion of all other mediators, this is fatal not only to every kind of public ministry, but to all acts of intercession whatsoever, and indeed to any kind of personal influence. If 'the fervent prayer of a righteous man availeth much,' what is that but an instance of successful mediation? The mother who pleads for a sick or erring child is surely a mediator; and so is the eloquent preacher or writer who turns men from sin to righteousness. In one sense of course it is true that there is but 'One Mediator between God and men, the Man Christ Jesus;' since it is from His Atonement alone that all human mediation derives its worth. But in another sense all Christians are bound to be mediators, for it is their duty to intercede for each other. In short, what is the Gospel dispensation but a paramount example of Sacerdotalism? Christianity has now been in the world for upwards of eighteen centuries, and yet the vast majority of mankind are still outside its pale. In the first ages of its career the Faith of Christ carried all before it. The philosophy of Greece and the statecraft and legions of Imperial Rome were alike powerless to arrest its progress. It penetrated into the hut of the savage and into the palace of the Cæsars, and led captive Jew and Gentile, Greek and Barbarian, bond and free. What has the Christian Church done in comparison with this during the last few centuries? On balancing its gains and its losses, must it not be sorrowfully admitted that it has done little more than hold its own? And what explanation can be given,

except the humiliating fact that Christians have turned against each other the arms which they ought to have employed in extending the frontiers of their Master's kingdom? In other words, the purposes of God are so far baffled, because He has entrusted the execution of them to the ministry of a fallible and selfish race.

And yet, mysterious as all this seems, I think we may see a reason for it. There is an inborn tendency in human nature towards selfishness; and to counteract this tendency, to which even the best of men are more or less liable, God has made us necessary to each other. On the right hand and on the left, from the cradle to the grave, we need the help of others. Neither in sickness nor in health, in joy nor in sorrow, in temporal nor in spiritual matters, can we afford to stand alone.

And thus our very selfishness is turned into an antidote against itself. If we could go through this mortal life to our eternal home as isolated units, there would be nothing to check our innate selfishness. But human beings are no mere aggregate of independent units, each complete in itself and striving after its own perfection alone. They are members of one family—'the whole family in heaven and in earth'—and their mutual interdependence radiates from the centre of the family to the circumference of the race. Even the geographical arrangements of the globe, its varieties of climates and productions, are made to minister to the same end; and the dictates of enlightened selfishness are slowly teaching

the nations of the earth that they have need of one another ; that if one member suffers, the rest will in the long run suffer with it ; that exclusiveness is, therefore, a suicidal policy, the true secret of a nation's prosperity lying, not in jealous hugging of its peculiar treasures, but in freely exchanging them for those of its neighbours.

Thus does God contrive, in the domain of things temporal, to make our very selfishness the instrument of its own destruction. And His mode of treatment is the same in things spiritual. Through all the ordinances of the Christian Church He alone is the Giver and the Source of all spiritual blessings. 'Every good gift and every perfect gift is from above, and cometh down from the Father of lights ;' but these gifts reach us, as a rule, through the ministry of human mediators.

The power is from God ; but He imparts it through human agents and material channels. This is the essence of Sacerdotalism ; and it is the advocates of the doctrine and not its impugners who magnify the power of God and emphasise the feebleness of man. For the objection to Sacerdotalism is in reality, though not consciously, rooted in the belief that man has *any* power apart from God. The truth, however, is that I should be guilty of just as much blasphemy in claiming to hold with any strength of my own the pen which writes these words as I should be if I claimed in my own right to forgive a fellow creature his sins. Sacerdotalism is, in fact nothing else than an example in one

department of God's providential government of a principle which runs through the whole of it ; namely, that it is His rule to work by the use of means.

It is remarkable how emphatically not only the Church of the first centuries, but the mediæval Church also, claimed for the laity a quasi-sacerdotal power even in respect to sacramental confession. I need not remind the reader that private confession came into vogue by way of relaxation on the original discipline, which enjoined on penitents a public confession in the sight of the congregation. And the absolution pronounced was the absolution of the Church through her authorised minister. This share of the faithful laity even in the power of the keys is fully recognised by the leading men among the schoolmen. St. Thomas Aquinas, for example, discusses the question, ' Utrùm in aliquo casu liceat aliis quam Sacerdotibus confiteri,' and decides that a layman may hear a penitent's confession, just as he may administer baptism, in case of necessity, and that a penitent is in such a case bound to confess. The layman cannot, indeed, complete on his part the sacrament of penance, since he does not possess the power of granting absolution. But this defect 'the High Priest supplies.' And therefore 'confession made to a layman in the absence of the priest is in a manner Sacramental.'¹

¹ ' Sed quando necessitas imminet, debet facere pœnitens quod ex parte suâ est, scilicet conteri et confiteri cui potest; qui quamvis Sacramentum perficere non possit, ut faciat id quod ex parte sacerdotis est, absolutionem scilicet, *defectum tamen sacerdotis Summus*

Peter Lombard decides in the same manner the question, 'An sufficiat confiteri laico?' 'If a priest cannot be had,' he says, 'confession must be made to one's neighbour or companion.' A priest must, in the first place, be diligently sought after; but 'so great is the virtue of confession that, if a priest cannot be found, confession should be made to one's neighbour (*tanta itaque vis confessionis est, ut si deest sacerdos, confiteatur proximo*). . . . For although he to whom the confession is made has not the power of giving absolution, nevertheless he who confesses to his neighbour is worthy of pardon from his desire for a priest. For the lepers were cleansed on their way to show themselves to the priests, before they reached them.'¹

Albertus Magnus, another great name, goes beyond this; for he affirms that a layman possesses, in case of necessity, the power of absolving.²

Indeed, we find the duty of confessing to a layman in case of necessity not only defended by theologians in their studies, but commanded by synodical canons and provincial constitutions. The synod of Treves,

Sacerdos supplet. Nihilominus confessio laico ex defectu sacerdotis facta sacramentalis est quodammodo, quamvis non sit sacramentum perfectum, quia deest ei quod est ex parte sacerdotis.—*Summ. Theol. Supplem. pt. iii. Quæst. viii. Art. 2.* Migne's edition, p. 944.

¹ *De Sacram. Lib. iv. Distinct. 17.*

² He distinguishes five kinds of *potestas absolvendi*. The fourth is 'ex officio ministrorum concessa sacerdotibus. Et ultima ex unitate fidei et caritatis, et hæc pro necessitatis articulo descendit in omnem hominem ad proximo subveniendum: et hanc potestatem habet laicus in articulo necessitatis.'—Albertus Magnus in *Sent. Lib. iv. Dist. 17, Art. 58, 59.*

A.D. 1310 (Can. 116), directed that confession should be made to a Catholic layman when there was danger of death, and no priest was at hand. The twelfth of Archbishop Edmund's Constitutions allows a deacon to hear confessions and give penances in cases of necessity; as 'when no priest could be had, or he was away from home, or stupidly or indiscreetly unwilling; and death was imminent.' And Lyndwood says that not only may a deacon do this, but also a layman, or even a woman.¹

Two remarkable instances of confessions to laymen have come down to us from the middle ages. It is related in 'Le Loyal Serviteur' that when Bayard, the Chevalier *sans peur et sans reproche*, received his death-wound on the field of Romagnano, and was carried to his tent, he clasped his sword in his hand, and, fixing his eye on the hilt for a cross, bade his faithful esquire hear his confession.

The other example is related in Joinville's 'Histoire de St. Louis.' When Joinville and his companions were taken prisoners by the Saracens, and were waiting in hourly expectation of death, the Constable of Cyprus knelt down and made his confession to Joinville; 'and I gave him,' says Joinville, 'such absolution as God enabled me to give.'²

Even the standard modern theologian of the Roman Church, the Jesuit Father Perrone, of the

¹ See Johnson's *Canons*, vol. ii. year 1236; and Maskell's *Mon. Rit.* iii. p. cix.

² 'Encouste moy se agenouilla Guy d'Ebelin, connestable de Chippre, et se confessa a moy: et je lui donmay telle absolucion comme Dieu n'en donnoit le pover.'—*Hist. de St. Louis*, p. 298.

Collegio Romano, admits that sometimes deacons, men in minor orders, and even laymen, have been allowed to hear confessions and grant ‘ceremonial absolution,’ representing the ancient absolution given by the congregation through the minister, but not quite equivalent to ‘Sacramental absolution.’¹

To sum up. The truth is that the impugners of Sacerdotalism, little as they know it, are really undermining the very foundations of revealed religion, including the doctrine of prayer and of the whole Sacramental system. That system is based on this fundamental principle of religion: that all good things come from God, but indirectly and conditionally. I look abroad and find two revelations of God’s will: one in the material creation, the other in the inspired record of His dealings with mankind. And I see both characterised by one common feature, teaching this one lesson; that it is God’s pleasure to bestow His blessings, not directly from on high, but indirectly and mediately—through material, through animal, through human and spiritual agencies. He arrays the lilies of the field with glory more than Solomon’s: yet not immediately, but through the kindly influence of dews, and showers, and sunshine.

¹ ‘Interdum vero in sacerdotis absentia diaconi, clerici inferiores, aut laici etiam excipiebant confessiones illas spontaneas et cæremoniales, quas passim subsequentibus seculis faciebant animam agentes coram ipsis ad majorem peccatorum dolorem concipiendum, et ut adjuti Ecclesiæ precibus veniam a Deo facilius impetrarent. Hanc confessionem S. Thomas vocat quodammodo Sacramentalem, quæ juxta scholasticos una cum contritione virtutem sacramenti habebat.’—*Prælec. Theol. Tract. de Penit.* cap. v. Prop. II. vol. ii. p. 378.

It is He who gives the increase in the harvest season, yet not without the co-operation of the husbandman. The health of the body is from Him; nevertheless the sick man consults the physician and submits to his treatment. He is the Source and Giver of all wisdom, but He imparts it through the lips and pens of human teachers. And when I raise my eyes from the physical to the spiritual creation, I behold the same law in operation. Under the Jewish economy I observe an elaborate ritual prescribed—if we are to believe the Bible—by God Himself as the condition on which man was to approach his Maker and appropriate His gifts. I see Naaman cleansed by the intervention of a prophet of Israel and the water of the Jordan; Job's friends pardoned by means of Job's intercession; Jeroboam's withered hand restored by the prayer of the man of God from Judah; Elijah fed by the wild birds of the desert.

Then in the fulness of time, when Christ appeared as the Head of the New Creation, I hear Him declare that He 'came not to destroy the Law, but to fulfil it'—not to abolish the old order of things, but to give it a deeper meaning, and breathe into it a higher life. Thus He fulfilled in His own person the requirements of the Law. And when He began to lay the foundation of that new dispensation, into which the life of the old was to pass by an orderly evolution, the rule of dispensing His gifts through the ministry of secondary agencies is still observed. He instituted a Sacramental system as

the channel through which men were to be brought into spiritual relations with Himself, and founded a society for the purpose of preaching His Gospel and administering His Sacraments to the human race till the end of the Christian dispensation.

CHAPTER VII

AURICULAR CONFESSION

I COME now to the thorny subject of Auricular Confession, on which I believe the hatred and passion of militant Protestantism is so concentrated that, if that stumblingblock could be removed, the opposition even to advanced Ritualism would be half disarmed. Now I believe, for my part, that the confessional is, under certain circumstances, liable to abuse and danger, and ought, under all circumstances, to be hedged round by judicious precautions. I shall indicate some of these further on. But I must begin with some preliminary observations for the sake of clearing the ground and getting rid of some fallacies.

It is popularly supposed that the clergy have a craving for hearing confessions. There are upwards of twenty-three thousand clergy in the Church of England, and that there should be a few morbidly constituted men among so many is possible. But that the mass of the clergy, or even a fraction of the High Church party, should desire to hear confessions, or would consent to hear them except from a stern sense of painful duty, is to me incredible.

Even if a man were so abnormally constituted, and had so little sense of the responsibility and sacredness of his office, as to wish to hear confessions from a motive of curiosity, he would surely soon have a surfeit of it. I am inclined to think that most men would, as a mere matter of choice, as soon be surgeons to a leprous hospital as habitual confessors. Human nature is, in some aspects of it, a weird mystery. 'The corruption of the best' is proverbially 'the worst' kind of corruption. The brutes live according to their nature, and in their free wild state enjoy life. Man violates the laws of his nature and is capable of falling far below the brutes. And this tendency increases and takes new shapes under a highly developed civilisation, and among all classes. To many a clergyman, I doubt not, the confessional has been a frightful revelation of the cancerous ramifications of sin, sometimes under a fair exterior. That any considerable number of men would volunteer in such work except from an imperative feeling of duty I do not believe. I believe, moreover, that the increase of confession in the Church of England has come from the laity rather than from the clergy. Perhaps I may, without impertinence, give my own experience. I have never invited any one to confess to me except in the ordinary course of reading the exhortation in the Communion Service, and I have, in the whole course of my ministerial career, received the confessions of just three persons. These I received reluctantly and unavoidably. But many persons have asked me to

receive their confessions. It is a task from which I have always shrunk ; and as nearly the whole of my ministerial life has been spent in London, I have been able to avail myself of the alternative offered in the Prayer Book by sending those who came to me 'to some other discreet and learned minister of God's Word.' But if I had been an incumbent where this alternative was not possible, I should certainly feel bound to hear the confessions of all who came to me, much as I should dislike it. I do not think that an incumbent has any choice in such cases. I read some time ago a speech made at a Protestant meeting by the Vicar of a parish in a large town in the North. He denounced confession and illustrated his own practice by a story. A man called upon him one day, he said, and astonished him by asking him to hear his confession. As soon as he recovered his self-possession he said to his visitor, 'Get thee behind me, Satan,' and dismissed him. And that Vicar was cheered. Now it does seem to me a little hard that God's minister should on Sunday invite to confession any one whose conscience is troubled, and then on Monday tell him to go to the Devil for being such a fool as to accept the invitation.

How did the Vicar know that the parishioner whom he repulsed so rudely had not then arrived at a critical point in the development of his character, when the unburdening of his conscience and the counsel and advice of his spiritual pastor might have made all the difference between ruin and salvation ?

Is it not a frightful responsibility to turn away any one who comes to seek comfort in the way which the Church has provided ?

Another common fallacy is that the confessor worms out family secrets, and thus sows the seeds of dissension between husbands and wives, parents and children. The fact, I believe, is that no names are allowed to be mentioned in confession. I find this rule laid down in manuals for confessors both in the Roman and Anglican Churches, and I believe the rule is universal. In his speech in the House of Commons at the opening of Parliament this session, Mr. Samuel Smith denounced a book (‘The Priest’s Prayer Book’) which he evidently had not read, for he made a ridiculous quotation which is not in the book, and which must have been supplied to him by some one on whom he relied too implicitly. In that book there are ‘Notes on Confession’ for the guidance of such clergy as hear confessions. I quote the following :—

He [the confessor] is to interrupt in any of the following cases : (1) if the penitent import the name of any person into his confession—he is there to confess his own sins, not another’s ; (2) if he begins making excuses for himself ; (3) if he be prolix, or wandering from the point ; (4) if he be coarse.

Again :—

As a general rule he is to avoid questioning the penitent (except in case of absolute necessity), and especially as to kinds of sin to which he has made no reference in his confession.

Again :—

The priest should take most especial care not to suggest any new sinful idea to the mind of the penitent, nor teach him any evil formerly unknown to him. This is unspeakably important in the case of very young persons, since for them ignorance of evil is often better even than knowledge of good.

Another popular fallacy is the opinion that manuals written for the exclusive use of confessors, and going into details, are samples of what passes between confessors and penitents. It would be as reasonable to suggest that manuals of anatomy and pathology furnish a fair specimen of the conversations between a doctor and his patients. If a clergyman hears confessions at all, he ought to be instructed in a number of things of which he is likely to be ignorant, and manuals are necessary for that purpose. I have never read that much abused book, 'The Priest in Absolution.' But I know that it was written by the incumbent of one of the most wretched parishes in London; a man of singularly pure and holy life, who worked himself to death among the poor. The book was doubtless largely based on his own experience, and probably dealt with gross sins and abnormal forms of vice. These, alas! exist in rank abundance, but happily unknown and undreamt of in certain strata of society; and also unknown to many of the clergy. And yet, unless they know them, they are as helpless in dealing with considerable sections of the community as a doctor would be who should start a practice

without any previous training in the anatomy and maladies of the human frame. 'The Priest in Absolution' was intended for clergy only. It was not sold to the public; but a gentleman of strong Protestant opinions, calling one day on a clerical friend, found the book on his table, and during the momentary absence of his friend from the room, pocketed the volume, and gave it to one of the officials of a Protestant society, which scattered extracts from it broadcast as specimens of what passed in the confessional. Some years previously the police confiscated a pamphlet called 'The Confessional Unmasked,' which consisted of excerpts from a Roman Catholic manual for confessors. The great hero of the recent Albert Hall meeting was Mr. John Kensit, of whom I read for the first time in 'Truth' of August 15, 1889, as follows:—

Where is the Vigilance Committee? During the last two or three weeks hawkers have been parading London with truckloads of an abominable publication called 'The High Church Confessional.' From a cursory view of one of the numerous copies with which I have been favoured I should say that a more obscene work was never publicly offered for sale, and this filthy poison is being sold up and down the streets, under the very noses of the police, at the price of twopence. The publisher is one Kensit, of the 'City Protestant Book Depôt,' 18 Paternoster Row, who boasts that he has sold 225,000 copies. It is nothing less than a public scandal that this Kensit and his associates should be at large, while Mr. Vizetelly is in gaol; for if what the latter has done be a crime, the crime is certainly infinitely worse when committed under the cloak of religion and morality.

Mr. Labouchere, who has been publicly thanked by several judges for his exposure of sundry impositions, renewed his attack on Mr. Kensit a year ago in a series of scathing articles, taking the paragraph which I have just quoted for his text. The following quotation will serve as a specimen :¹—

On the appearance of this paragraph Mr. Kensit sent me a letter, in which he referred to a ‘most unwarranted attack made on him as a publisher,’ dropped dark hints of the advice which he was seeking from his ‘legal adviser,’ and called upon me, pending this advice, for an explanation or apology. Having nothing to apologise for, I adopted the other alternative, and gave Mr. Kensit an explanation. I reminded him that a well-known publisher had just been sent to prison for publishing translations of the works of an eminent French novelist, which, in the opinion of a magistrate or jury—I forget which—were held to transgress the bounds of decency; and I pointed out that ‘The High Church Confessional’ contained page after page of the most loathsome indecency and obscenity, that is to say, the detailed discussion, not merely of subjects which conventional delicacy enjoins silence about, but of vice and depravity in their foulest and most disgusting phases. Mr. Kensit having boasted that 225,000 copies of this work had been sold, and it being notorious that the publication was being hawked about the streets for the delectation of the prurient-minded, young and old, I urged that Mr. Kensit was as deserving of imprisonment as Mr. Vizetelly, the publisher of Zola’s novels, and that it behoved the National Vigilance Association, who had prosecuted in the one case, to take the same course in the other.

¹ *Truth*, September 22, 1898.

Whether or not Kensit took the opinion of his 'legal adviser' upon these remarks I do not know; but the only response he vouchsafed to them was a further letter compounded of abuse and religious cant, in which among other things he boasted that my denunciation of him as a purveyor of the foulest and most pernicious literary garbage had produced a widespread inquiry for his publications, and given a gratifying stimulus to his trade. This led me to look a little more closely into his trade, and I found the work which had been denounced in 'Truth' was only one of a whole library of obscene publications, one at least of them far more revolting in tone and corrupt in tendency than 'The High Church Confessional.' Thereupon I appealed further to the Vigilance Association, among the members of which were many eminent and respected men, both in Church and State, to put the law in force against Kensit without delay. A new and unexpected turn was then given to the controversy by the discovery that Kensit himself occupied the position of official publisher to the Vigilance Association, so that the publications of that body were stored upon his shelves, in all their virgin purity, side by side with the Protestant obscenities of Kensit, like the antidote and the poison upon the shelves of a chemist's shop. It was obvious from this that the National Vigilance Association were in a somewhat difficult position in undertaking the prosecution of Kensit, but they appeared to recognise that it behoved them to take action of some kind, and after having made some inquiry into the nature of Kensit's trade, they eventually relieved him of his position as their publisher.

Mr. Labouchere has lately stated in 'Truth' that Mr. Kensit is using the district post-office over which he presides as a receptacle for the regular

sale of these pamphlets. Mr. Kensit has, no doubt, persuaded himself that he is thereby doing God service. That question I leave to the judgment of the public.

But the truth is that a certain class of minds appear incapable of reasoning dispassionately on this subject. Men who do give their reason fair play find no difficulty in perceiving that there are two sides to the question. It would be difficult to name a man of calmer and more judicial mind than the late Sir George Cornwall Lewis. No one will suspect him of Romanism, and he was certainly no advocate of clerical supremacy, either in domestic or political affairs. But he could see both sides of a disputed question, and could deal fairly with things which by no means appealed to his sympathies. His opinion on the subject under discussion is therefore of some value. This is what he says :—

It may be here remarked that an unjust prejudice has not unfrequently been raised in Protestant countries against the treatises which are prepared for the use of confessors in the Church of Rome. . . . The more difficult and doubtful of the cases likely to come before the confessor have been discussed separately, and have given rise to the branch of practical divinity called *casuistry*. Casuistry is the jurisprudence of theology ; it is a digest of the moral and religious maxims to be observed by the priest, in advising or deciding upon questions which come before him in confession, and in adjudging the amount of penance due to each sin. As confession discloses the most secret thoughts and acts of the penitent, and as nothing, however impure, is concealed from the confessor,

it is necessary that he should be furnished with a manual in which these subjects are discussed. Now such a manual, if properly considered, is not more justly obnoxious to the charge of gratuitous indecency than a legal or medical treatise, in which similar subjects are expounded without any reserve of language.¹

And as regards the general system he says :--

The system of *Auricular Confession* and the direction of consciences, as practised in the Church of Rome, is founded on a theory similar to that on which the custom of professional consultations rests. The confessor may be considered as a vicarious conscience, in like manner as professional advice is vicarious prudence. If the penitent makes a full and true confession, the confessor or spiritual director pronounces or advises with a complete knowledge of the circumstances of the case, probably with a knowledge of the penitent's character and position, and always with the impartiality of a judge—free from personal concern in the matter, and unbiased by passion or interest. Seeing how blind and partial a judge each man is in his own case, and how unconsciously the moral judgment with respect to our own actions is perverted by the inclinations, it cannot be doubted that such a counsellor, in ambiguous cases of conduct, such a *ductor dubitantium*, would be generally beneficial, if the moral code which he administers was well framed, and if his opinion or advice was always honest and enlightened. Unfortunately, however, it happens that the system of moral rules which guides the discretion of the Catholic confessor is founded on a narrow-minded and somewhat superstitious theology, so far as it proceeds upon the distinctive tenets of the Church of Rome ; and that the

¹ *On the Influence of Authority in Matters of Opinion*, p. 126.

desire of domestic dictation, and of regulating the affairs of families, so natural in an unmarried clergy, gives too often an improper bias to the influence of the spiritual director.¹

De Quincey, too, while condemning the abuse of casuistry, maintains that ‘without casuistry of some sort or other, no practical decision could be made in the accidents of daily life. Of this, on a fitter occasion,’ he adds, ‘I could give a cumulative proof.’²

And Hallam, a critic who will not be suspected of partiality towards the Roman system, and who disapproved of confession, though praising ‘the judicious temperament’ which at the Reformation ‘left it to each man’s discretion,’ writes as follows:—

It is very difficult, or perhaps beyond the reach of any human being, to determine absolutely how far these benefits, which cannot be reasonably denied to result from the rite of confession, outweigh the mischiefs connected with it. There seems to be something in the Roman Catholic discipline (and I know nothing else so likely) which keeps the balance, as it were, of moral influence pretty even between the two religions, and compensates for the ignorance and superstition which the elder preserves: for I am not sure that the Protestant system in the present age has any very feasible advantage in this respect; or that in countries where the comparison can fairly be made, as in Germany and Switzerland, there is more honesty in one sex, or chastity in the other, when they belong to the Reformed Churches.³

¹ *On the Influence of Authority in Matters of Opinion*, pp. 124, 125.

² *Works*, vol. xiii. p. 34.

³ *Constitutional History*, i. 120.

The second passage which I have quoted from Sir George Cornwall Lewis undoubtedly hits the chief sources of danger in the system of the Confessional as practised in the Church of Rome. And it is to be observed that the distinguished author himself confines his strictures to the Roman system. A great deal of the moral theology now in vogue in the Church of Rome appears to me, so far as my reading enables me to judge, to be exceedingly well calculated to enslave the conscience of the penitent and place his will very much at the mercy of his director. The system is elaborated out into such a complicated network of details, and is withal so full of pitfalls, that those who conscientiously resort to it must soon feel the necessity of leaning on the arm of the confessor in everything—even in the petty trivialities of daily life. The Jesuits, in particular, have so developed the system of direction as to imperil the sense of personal responsibility in those who come under its control. This, indeed, is no more than might have been expected, for the long and severe discipline of a Jesuit's novitiate has for its prime object the complete extinction of the slightest quiverings of independence in the human will. When, therefore, the Jesuit novice becomes himself the director of other consciences, he will naturally aim at reducing them to the same condition of unquestioning dependence which his own training must have taught him to regard as the very ideal of Christian perfection. The penitent is therefore advised to confess frequently, and to confide to his director every

wayward fancy and every evanescent peccadillo that may chance to flit across his mind.

With a certain class of minds this sort of discipline becomes at once a necessity and a luxury, and the effect of it is to diminish the sense both of personal responsibility and of the heinousness of sin. That is an opinion which I am confident I share with a large number of Roman Catholics ; so at least I have been told by thoughtful and devout members of the Church of Rome, ecclesiastics as well as laymen, both in England and on the Continent. I have no doubt that the school of Loyola has produced some of the noblest types of self-sacrifice and saintliness ; but is it unfair to say of it as a religious system that it seems admirably calculated to impress upon the mind the wisdom of endeavouring to make the best of both worlds ? It is coeval with the Renaissance, and owes, no doubt, to that semi-pagan reaction against the religion of the Cross much of its original impulse and of its rapid success. It caught the sentiment of the age on the bound, and adroitly adapted itself to the new phase of Christianity which the Revival of Letters had made popular in Western Europe. The ascetic side of religion was now odious and out of fashion, and the Jesuit sought to guide the new fashion by swimming with it. The world had learnt to love a less strict and less austere religion, and a less strict and less austere religion it should have. One sees the contrast in everything on which the Jesuit has left his mark. His very architecture is of the earth, and is redolent of the boudoir.

Go into any old cathedral—it need not be Gothic—which was reared under the influence of the sad, yet triumphant, feelings inspired by the Sacrifice of Calvary, and then enter a Jesuit church—I care not where—and you cannot fail to see that you have virtually visited the shrines of two different kinds of religion. The former suggests sublime and melancholy reveries, a sentiment of human misery, the vague divination of ‘a city which hath foundations’ somewhere beyond the shifting sands of time, and in which the weary heart shall at last find peace, and be enabled to solve many a dark riddle that now perplexes and distresses it.

A Jesuit church awakes sentiments of quite another kind. You feel that this world is not so bad after all. Wealth and comfort and prettiness surround you. Smiling angels beam upon you from every cornice, and the Madonna is no longer the Mater Dolorosa with sad pale face, but a drawing-room *belle* who has an eye for the last fashion. Religion, in short, has laid aside her grave and sombre aspect, and has become gay and coquettish. ‘Our business,’ says Addison, ‘is to be easy here, and happy hereafter.’ The Jesuit has reduced the maxim to a system, and works it through the confessional. ‘Trust him, submit your will to his, and you will find that the yoke of Christ is indeed easy and His burthen light. He is provided with a comprehensive and most accommodating code of casuistry that knows how to evade obligations which it may be inconvenient to fulfil.

No wonder that the Jesuits became, and still are, the most popular of confessors. No wonder that wealth flowed rapidly into their coffers, and that their churches and colleges glittered with marble and precious stones. But the result has been unfortunate. The popularity of the Jesuits in the confessional and the hold which they obtained over the education of a great part of Europe had the effect of creating a school of casuistical divinity which has been prejudicial to morality, and which is mainly responsible for the popular odium to which the entire system of confession is exposed.

Sir George Lewis may be right in thinking that it is 'natural' for 'an unmarried clergy' to have 'the desire of domestic dictation and of regulating the affairs of families' when the clergy are made into a separate caste by a system of compulsory celibacy. Blanco White—a most sincere and honest man through all his mental aberrations—attributed much of the evils of the Roman Church to compulsory celibacy—'that most wicked and mischievous part of the Roman system,' as he calls it. 'The Church of Rome,' he adds, 'her clergy, high and low, are fully aware of the evils which the law of celibacy produces. Their support of that odious law is not a sin of ignorance.'¹ Our Lord Himself declared that the gift of continence was an exceptional one, demanding great force of will. How can multitudes of men know at the age of twenty-one or twenty-four whether they have a

¹ *Life of Blanco White*, vol. i. p. 108.

vocation for a celibate life? The Russian and Oriental Churches go to the opposite extreme and insist on the parochial clergy being married. Our own Church takes the middle course and leaves her clergy free to marry or remain single. I am not sure that it would not have been wiser to restrict marriage to such clergy as had means to support a wife and family.

It can hardly be doubted that the universal enforcement of celibacy must have the effect, among other evils, of raising the barrier of caste between the clergy and the laity. The clergy come to regard themselves as a separate body, with separate interests and separate duties, and are apt to resent any claim on the part of the laity to a share in the management of ecclesiastical affairs. The laity of the Roman Communion have now no voice whatever in the counsels of their Church. Bishops and priests are set over them without their consent, and they must receive, with implicit obedience, whatever rules of discipline, or articles of faith, or system of education, their spiritual rulers may choose to impose upon them.

To this kind of Sacerdotalism no one can object more strongly than I do. But what likelihood is there of its ever taking root in the Church of England? The pulse of the English clergy responds to all the movements of the national life just as freely as that of the laity. Their politics, indeed, may preponderate in one direction, though certainly not so much as formerly; but, at ali

events, it is not in the direction of a spiritual supremacy. They can have no temptation whatever, that I can imagine, to interest themselves in 'family affairs,' and we may therefore dismiss that objection to the confessional, so far at least as it concerns the clergy of the Established Church of England. And, indeed, even in the Church of Rome the objection lies more against the system of *direction* than against that of confession. The two may generally go together; but they need not, and the office of director has frequently been exercised by a layman. I frankly think that the practice of direction is becoming more prevalent than is wholesome in our own communion. I am not disposed to deny that it may be useful occasionally in some cases; but its tendency is to generate a morbid scrupulosity and to blunt the sense of personal responsibility. And I think that frequent confessions are, as a rule, liable to the same objection.

But the remedy for these and other dangers is not an indiscriminate denunciation of confession, but a frank recognition of it, by the rulers of the Church, to the extent and within the limits which the Church herself has plainly prescribed. Nothing can be worse than the present state of things, and it says much for the purity and discretion of our clergy that no scandal has arisen from it. There is not the slightest check upon the youngest and most inexperienced curate except his own sense of what is right. By the common law of the Church, recognised in our Prayer Book, every incumbent is entitled to

hear the confessions of those who come to him. But no other priest has a right to hear confessions without the Bishop's licence. Would it not be better to recognise facts and regularise what the Church permits? Voluntary confessions cannot be prevented, but they may be and ought to be put under proper restrictions, so that all danger may be reduced to a minimum. If this were done, I believe that much of the prejudice against confession would vanish, and people would see that under judicious safeguards it may be useful as medicine, if not as food. Let us glance at some of the reasons which may be urged in favour of its use under proper conditions. And I begin with the opinion of the judicious Hooker :—

Because the knowledge how to handle our own sores is no vulgar or common art, but we either carry towards ourselves, for the most part, an over-soft and gentle hand, fearful of touching too near the quick ; or else, endeavouring not to be partial, we fall into timorous scrupulosities, and sometimes into those extreme discomforts of mind from which we hardly do ever lift up our heads again ; men thought it the safest way to disclose their secret faults, and to crave imposition of penance from them whom our Lord Jesus Christ hath left in His Church to be spiritual and ghostly physicians, the guides and pastors of redeemed souls, whose office doth not only consist in *general persuasions unto amendment of life*, but also in the *private particular cure* of diseased minds.¹

Self-knowledge is proverbially the hardest of all

¹ *Eccles. Pol.* Bk. vi. c. iv. [7.] Ed. Keble.

to master,¹ and no progress at all can be made towards it without the practice of strict periodical self-examination. But how many practise this? Now one of the uses of confession is that it necessitates a habit of self-examination. Moreover, persons commit sins frequently from ignorance of what they are doing. And this is true especially of young people. We are apt to give the youth, of both sexes, credit for more innocence than many of them are entitled to. The tree of the knowledge of good and evil is as alluring now as it was of old, and young minds often pluck the forbidden fruit, and have their minds 'opened' to an extent which would astonish parents and teachers if they knew it. If the hidden life of our public, and still more of our private schools, whether for boys or girls, could be written, it would throw a lurid light on the records of many a crime and premature death. I am persuaded that if the dispassionate opinion of medical men could be got they would say that their art, sometimes unavailing, would in many cases have been unnecessary if some of their patients had in time 'opened their grief' to some 'discreet and learned minister of God's Word.'

Probably no man of our time had so large and varied an experience in this matter as the late Sir Andrew Clark. He often talked to me on the

¹ 'E cælo descendit Γνωθι σεαυτόν.' Juvenal, *Sat.* xi. 27. Juvenal's allusion is to the legend that this command, which was written in golden characters on the porch of the temple of Delphi, had Apollo for its author.

subject, and I believe that many parents received invaluable aid from him in the management of their children. One thing he felt very strongly, namely, the dire need of warning young people, of both sexes, when they reach the critical age of transition from puberty to adolescence. It would be most salutary, he thought, that there should then be a full confession to some discreet person—parent, doctor, or clergyman. An entirely frank confidence on the one hand, and timely warning on the other, at the parting of the ways, would prevent many a sad wreck in after life. For the young are then commonly launched upon a world of unwonted temptations, with new emotions, new passions, physical changes, all stirring them, and no one to enlighten them about the mysteries of their own nature and the perils that await them. And thus, in sheer ignorance, habits are often contracted in early youth which undermine the constitution, make large contributions to our lunatic asylums, and consign many lives of fair promise to a premature grave. That was the opinion of perhaps the most competent authority of our generation. I shall never forget a conversation which I once had with the most attractive youth, in mind and body, whom I have ever known—bright, cheerful, generous, handsome, full of noble impulses, with a soul as pure as crystal, and withal most manly, and devoted to manly sports. After leaving Eton, and while preparing for the army, he came one day to talk to me about the sore need of establishing a public

opinion in support of purity in our public schools, such as now exists in support of truthfulness. 'A boy loses caste,' he said, 'and is disgraced, who has been found out lying. Is it not possible to create a public opinion among schoolboys in favour of purity, so that a boy should lose caste and be disgraced among his fellows who should be known to be guilty of impurity?' His idea was that guilds of purity might be formed at public schools for the purpose of creating such public opinion as he desired.

Mysterious are the ways of Providence. After joining a cavalry regiment this charming young fellow was stationed at York, and used sometimes to stay with me at Ripon from Friday to Monday. During one of these visits he asked me if I would agree to be his almoner. He had been accustomed since he had received an allowance to give away the tithe of it as belonging to God and not to himself, and distributing his little charities out of what remained. 'My tithe,' he said, 'might at present help some deserving youth through the university. When I come of age it will come to a nice sum.' He would then have come into possession of a fine property. The matter was to be settled between us on his next visit a fortnight afterwards. But that visit was never paid. His horse slipped on a tramway rail, and a noble life was removed to another sphere when on the threshold, as it seemed, of great usefulness in this. He was full of sympathy for the sufferings of the poor, and intended to devote some part of his future life to their service.

From motives of modesty and humility he made me promise to keep his plans secret even from his nearest relations. I should have done so had his life been spared. But I considered that his death relieved me from my promise, and I told the story in a monthly magazine. And I have repeated it here to show the need of instilling seeds of purity into the minds of the young, as it presented itself to a fine youth who had passed through the ordeal unscathed. Though opposed, therefore, to the enforcement of confession on young people as a condition of confirmation or first communion, I think there is much to be said for Sir Andrew Clark's opinion that at that most critical period the young should be warned, and in some cases invited to make a confession to one whom they can trust. If parents should shrink from that duty themselves, they should certainly confide it to some one else; and I do not know that any one would be better equipped for the task than a minister of religion, who would combine the solemnity of religion with the warnings of a friend. We are all impressed, more or less, by the visible emblems of religion. And confession to a man in surplice and stole is apt to impress the mind—of the young especially—more than to the same man sitting in an armchair in his study. But the consent of parents should ordinarily be obtained. I say 'ordinarily' because many cases occur in our large towns where parents are the last persons to advise their children aright.

Sermons are all very well; but even the best of

sermons must deal in generalities, and must avoid some subjects altogether. It may be thought by some that this is an advantage. I doubt it. Many a moral sore goes on festering unto death because there is no skilful hand to probe the wound. But this can only be done in private confession.

Again, why are so many of the sermons one hears jejune and pointless when they deal with the interior life? Is it not because our clergy have, for the most part, so little practical acquaintance with the anatomy of the human soul? Their sermons want directness and are apt to evaporate in platitudes. Who would trust himself to a physician who derived all his knowledge from books, having never walked a hospital or studied the anatomy of the human frame?

Dissenting preachers often excel the English clergy in point of directness and force, chiefly, I believe, because confession, though not under that name, is largely practised among the Dissenters, especially the Wesleyans, but without the safeguards of the Church system.

In truth, all persons of any pretence to earnest religion make their confessions some time or other, and that into mortal ears or through material *media*: one class to the friend of their soul or the wife of their bosom; another in their poems; another in their sermons; another in what are technically called 'confessions.' It is a natural craving of the human heart for sympathy and help, coupled with a desire to disclose its sins.

But may we not confess to God and obtain for-

givenness without the intervention of human agents? Unquestionably. But let this be considered. In the first place, why should we *confess* to God at all? Certainly not with the view of telling Him anything of which He is ignorant, but because words react upon impressions, and fix and deepen them in the mind. It is very hard to realise the omnipresence of God—that He hears every word we utter and knows our most secret thoughts; and the consequence is that in confessing our sins to God alone it is not easy to have that sense of shame, which is of the essence of true contrition, and which is such a powerful preservative against temptation. Private confessions to God are therefore too commonly couched in those general terms in which, according to the adage, ‘deception lurks.’

But why not confess to some friend or relation? Why go to a priest? Far be it from me to say that this would not be useful. But such confession is subject to two defects, and is exposed to at least one danger. It cannot give the sense of relief consequent on a confession followed by absolution, and it lacks that combination of authority with sympathy which is characteristic of what is called ‘Sacramental Confession.’¹ And, after all, it is easier to ‘make a clean breast of it’ to an authorised minister of God

¹ I cannot understand why this term should be exposed to so much opprobrium, for it has virtually the sanction of the Book of Homilies. ‘Absolution is no *such* Sacrament as Baptism and Communion are; . . . but in a general acceptation the name of a Sacrament may be attributed to anything whereby an holy thing is signified.’—Sermon on Common Prayer and Sacraments, part i.

than to the most tender of friends or relatives. The knowledge that he acts ministerially, and that the secret will be religiously kept, gives the necessary courage, which would otherwise, in most cases, be lacking. The very strength of our love is apt to forbid a full disclosure of our inner self to an object of ordinary human attachment, for fear lest the discovery might alienate his love. For, as the poet sings :—

Each in his hidden sphere of joy or woe,
 Our hermit spirits range and dwell apart;
 Our eyes see all around in gloom or glow
 Hues of their own, fresh borrowed from the heart.

And it is well

For what, if heaven for once its searching light
 Lent to some partial eye, disclosing all
 The rude bad thoughts that in our bosom's night
 Wander at large, nor heed love's gentle thrall?

Who would not shun the dreary uncouth place?
 As if, fond leaning where her infant slept,
 A mother's arm a serpent should embrace;
 So might we friendless live, and die unwept.

And there is also the risk, in private confession to a friend, of ostentation. So subtle are the devices of self-love that egotism may lurk in the very confession of our sins unless there be some special guarantee for that element of shame to which I have referred above. The Wesleyan relations of 'experiences' are admitted, I believe, to minister largely to spiritual pride. But when the confession is invested

with a religious sanction, and is made on bended knees and to Almighty God (for every auricular confession is addressed primarily to God, and to the Priest only as His Minister), there is a solemnity and reality about it which is fatal to pride and self-conceit. Confession to a Minister of religion impresses, I believe, upon the mind a consciousness of guilt which does not ordinarily come of confession to a friend, or even to God. 'The flesh is weak' in the best of us, and they are very few to whom religious ordinances are not a help in realising their relation to the unseen, but omnipresent, God.

I have admitted that the practice of confession is by no means free from danger; but the dangers are not generally those which are commonly supposed. Persons, who know nothing about the subject practically, imagine that because manuals written for the guidance of confessors go into a number of details, confessors are therefore in the habit of examining their penitents on these details. This, of course, is quite a mistake. Mr. Capes,¹ in a letter on this subject to the 'Guardian,' declared that all the time he was a Roman Catholic, though he was in the habit of confessing regularly, no question was ever asked him which he would object to see published in the newspapers; and I believe that this is the

¹ The late Rev. J. M. Capes was an Anglican vicar who joined the Church of Rome in 1845, and returned to the Church of England on the proclamation of Papal Infallibility in 1870. He became then for some time assistant to Mr. Stopford Brooke when that able and admirable man was still in the service of the Church of England.

experience of almost every one who makes a habit of confession. There may be cases in which questions of a certain kind may be necessary ; but they are cases in which there is no danger of *suggesting* the sin to the penitent, for it has already left its stain. Besides, our Catechism bids us examine ourselves in preparation for the Holy Communion ; and the Exhortation in the Communion Office directs that this examination should be ‘by the rule of God’s commandments,’ which is also the usual rule in auricular confession. Now a real self-scrutiny as to our transgressions against the Ten Commandments, to be effectual, must involve self-examination in details ; and this seems to me far more hazardous than enumeration in confession, just in proportion as the security for shame is less complete, and the accompaniments of place and circumstances are less solemn. Self-examination, if it be really searching, is one of the most difficult of mental processes. Its real value is in the degree of its minuteness, and even persons who are used to it, and really do know something of themselves, can hardly dispense with the use of manuals.

In a remarkable passage in his Autobiography Goethe attributes his own defection from Christianity to the inefficiency of the Lutheran system of auricular confession, which now commonly deals in generalities and avoids all details. The passage is really a beautiful exposition of the Sacramental system, ‘the Protestant worship,’ in his opinion, ‘lacking fulness in general,’ and having ‘too few

Sacraments.' The passage is too long to quote; the following extract will suffice for my purpose:—

In my time I had been confided to the religious instruction of a good old infirm clergyman, who had been confessor to the family for many years. The *Catechism*, a *Paraphrase* of it, and the *Scheme of Salvation*, I had at my fingers' ends. I lacked not one of the strongly proving biblical texts, but from all this I reaped no fruit; for as they assured me that the honest old man arranged his chief examination according to an old set form, I lost all pleasure and inclination for the business, spent the last week in all sorts of diversions. I laid in my hat the loose leaves borrowed from an older friend, who had gotten them from the clergyman, and unfeelingly and senselessly read aloud all that I should have known how to utter with feeling and conviction.

But I found my good will and my aspirations in this important matter still more paralysed by a dry, spiritless routine, when I was now to approach the confessional. I was indeed conscious to myself of many failings, but of no great faults; and that very consciousness diminished them, since it directed me to the moral strength which lay within me, and which, with resolution and perseverance, was at last to become master over the Old Adam. We were taught that we were much better than the Catholics for this very reason: that we were not obliged to acknowledge anything in particular in the confessional, nay, that this would not be at all proper even if we wished to do it. *This last did not seem right to me*; for I had the strangest religious doubts, which I would readily have had cleared up on such an occasion. Now, as this was not to be done, I composed a confession for myself, which, while it well expressed my state of mind, was to confess to an intelligent man, in general terms, that which I was

forbidden to tell him in detail. But when I entered the old choir of the Barefoot Friars, when I approached the strange latticed closets in which the reverend gentlemen used to be found for that purpose, when the sexton opened the door for me, when I now saw myself shut up in the narrow place, face to face with my spiritual grandsire, and he bade me welcome with his weak nasal voice, all the light of my mind and heart was extinguished at once, the well-conned confession-speech would not cross my lips; I opened, in my embarrassment, the book which I had in hand, and read from it the first short form I saw, which was so general that anybody might have spoken it with quite a safe conscience. I received absolution and withdrew, neither warm nor cold; went the next day with my parents to the Table of the Lord, and, for a few days, behaved myself as was becoming after so holy an act.

In the sequel, however, there came over me that evil, which from the fact of our religion being complicated by various dogmas, and founded on texts of Scripture, which admit of several interpretations, attacks scrupulous men in such a manner, that it brings on a hypochondriacal condition, and raises this to its highest point, to fixed ideas. I have known several men who, though their manner of thinking and living was perfectly rational, could not free themselves from thinking about the sin against the Holy Ghost, and from the fear that they had committed it. A similar trouble threatened me on the subject of the communion, for the text, that one who unworthily partakes of the Sacrament, *eateth and drinketh damnation to himself*, had very early already made a monstrous impression upon me. Every fearful thing that I had read in the histories of the middle ages, of the judgments of God, of those most strange ordeals, by red-hot iron, flaming-fire, swelling water, and even what the Bible tells us of the draught which agrees well with the

innocent, but puffs up and bursts the guilty,—all this pictured itself to my imagination ; and formed itself into the most frightful combinations, since false vows, hypocrisy, perjury, blasphemy, all seemed to weigh down the unworthy person at this most holy act, which was so much the more horrible, as no one could dare to pronounce himself worthy, and the forgiveness of sins, by which everything was to be at last done away, was found limited by so many conditions, that one could not with certainty dare appropriate it to oneself.

This gloomy scruple troubled me to such a degree, and the expedient which they would represent to me as sufficient seemed so bald and feeble, that it gave the bugbear only a more fearful aspect, and as soon as I had reached Leipsic, I tried to free myself altogether from my connection with the Church.¹

I am pleading, however, for nothing more than liberty in this matter, and for a rational treatment of a most important and delicate subject. I wish people to see that there are two sides to the question, and that it cannot be cavalierly dismissed by rhetorical platitudes about ‘the principles of the Reformation.’ Let the Bishops grapple with it openly and courageously. Let them see that only competent persons are allowed to hear confessions ; and by competent persons I mean persons who are ‘discreet and learned,’ that is, trained in moral divinity and certified to be otherwise fit for the office. This is what the words ‘discreet and learned’ mean in the Exhortation in our Communion Office. It is a technical expression, and occurs frequently in, for example,

¹ *Autobiography*, vol. i. pp. 248, 250. Engl. Transl.

Peter Lombard, Aquinas, and Bonaventura, in the sense of an authorised confessor.¹ Let the Bishops inquire into the facts before they hastily condemn a

¹ It may be well to give some evidence of this. The compilers of the Prayer Book were trained in the usual text-books of moral theology, and scholastic language came natural to them. By canon law every parish priest was entitled to hear confessions in his own parish, but not other priests, unless they had a special faculty from the bishop of the diocese. Aquinas says: 'Dicendum est quod electio *discreti sacerdotis* non est nobis commissa, ut ex nostro arbitrio facienda, sed de licentia superioris, si forte proprius sacerdos esset minus idoneus ad apponendum peccatis salutare remedium.'—*Summa*, Suppl. pt. iii. quæst. viii. art. iv. 6.

Again: 'Præterea, potestatem quam habet sacerdos in populo habet ab episcopo. Sed ex illa potestate potest confessionem audire. Ergo et eâdem ratione alius, cui episcopus potestatem concedet.' *Ibid.* Art. v.

Peter Lombard says: 'Quærendus est sacerdos *sapiens et discretus*, qui cum potestate simul habeat iudicium, qui si forte defuerit, confiteri debet socio.' In the same chapter he says: 'Si tamen defuerit sacerdos, proximo vel socio est facienda confessio.'—Lib. iv. *De Sacr.* *List.* xvii. 5.

Here, as in Aquinas, we note two points on which those old theologians and experts in moral pathology laid remarkable emphasis: (1) that not every priest had a right to hear confessions, but only those who had the episcopal licence to certify that they were 'discreti et sapientes,' or 'prudentes;'; (2) the salutary influence of confession even to a layman when a priest was not available. The Venerable Bede also insists on this in his *Commentary on the Epistle of St. James*.

I will now give some Anglican examples. In a Provincial Constitution of Archbishop Edmund it is said: 'De pœnitentia præcipimus: quod diaconi pœnitentias dare non præsumant, nisi in his casibus: cum sacerdos non potest, vel absens est; vel stulte, vel indiscrete [*i.e.* through lack of licence] non vult; et mors imminet ægroto.' Lyndwood says on the word 'ægroto' in the above: 'Qui desiderat confiteri. Tali namque casu potest non solum diaconus, sed etiam laicus confessionem ægroti audire; immo et mulier hoc potest. Et hoc verum, ad ostendendum fidem sacramenti; sacra-

discipline of whose practical working many of them are entirely ignorant. The public mind is saturated with groundless prejudices and misapprehensions which none could so effectually dissipate as the Bishops. The fear, for instance, that the privacy of family life is likely to be invaded in the confessional is, I believe, quite unfounded. Penitents go to confess their own sins, not those of others, and the mention of names is emphatically forbidden. Would it not be well to inquire, too, whether English clergymen are ever in the habit of receiving the confessions of any against the wishes of their natural guardians? But if children go to confession with the full approbation of their parents, and wives with the consent of their husbands, what right have irresponsible outsiders to interfere in the matter? It is these meddlers who, in fact, invade the sanctity of private houses. 'The heart knoweth its own bitterness, and a stranger' has surely no right to dictate the method of its treatment.

All that I have said so far goes to support the wise and cautious observations of the Primate on this subject. It is really a layman's question. It is for the laity to say whether they will go to confession or abstain. If they choose to go, parish priests are bound by the law of the Church to hear their confes-

mentum tamen deficit, quia nullus potest vere absolvere nisi sacerdos.
Lib. iii., Tit. 24.

In Reynold's Constitutions frequent mention is made of priests 'provident and discreet,' and 'prudent and discreet men,' always with the meaning of licensed confessors.—See Johnson's *Canons*, vol. ii., Nos. 1222, 9; 1281, 8; 1322, 10; 1378, 4.

sions. Let that be recognised, and let the Bishops forbid others without special licence to certify that they are, in the language of the Prayer Book, ‘discreet and learned ministers of God’s Word.’ And let it also be laid down absolutely that all confessions must be heard in church, with open door. The old English canons are urgent on this point. For example, it is said in one of Reynold’s Constitutions : ‘And let the priest choose such a place in the Church for hearing confessions as is open to the view of all ; and never take the confession of any, especially of a woman, in secret, unless in case of necessity, or on account of the sickness of the penitent.’¹ If we are to have confession at all—and I do not see how it is to be prevented—let it be put under strict rules and safeguards. At present we have the choice of two systems of confession. According to one system, a person—man or woman, young or old, married or single—who has any scruples, goes to the parson’s house and is closeted with him in his study or vestry, without any of the formal solemnities of religion ; and they talk together perhaps on the most delicate subjects in strict privacy. By the other system it is arranged that the parson is in his church in surplice and stole at a stated time. The penitent—if a woman, veiled from recognition by the priest or any one else—kneels and makes confession in the presence, though out of hearing, of all but the priest. Women may always confess *incognito*.

Now I put it to any man of the world to say

¹ Johnson’s *Canons*, ii., 1322, 8.

which he thinks the safer of these two systems. Yet we are such creatures of prejudice that while no objection is made to the former system—which is surrounded with péril—the mere mention of the latter is enough to drive a number of otherwise sensible persons clean off their mental balance.

I quote another strict rule from one of our old English canons :—

And let priests beware that they do not inquire of their penitents concerning the sins of other persons, or the names of the persons with whom they themselves have sinned, but only the circumstances and quality of the sin. Confession ought to be of what belongs to themselves, not to others.¹

Sir William Harcourt, Mr. Samuel Smith, and others have pointed to Spain, Italy, and France as examples of the evil effects of the confessional, and I have in this chapter quoted Blanco White's testimony as to its demoralising influence in Spain, attributable, in his opinion, to the compulsory celibacy of the clergy, combined with compulsory confession. It would be illogical to conclude that the same effects would follow when confession is entirely voluntary and the clergy are allowed to marry. But I am disposed to distrust these rhetorical generalisations altogether. Hallam, as we have seen, questions the common allegation that sexual immorality distinguishes, in any marked way and as cause and effect, Roman Catholic from Protestant populations,

¹ Johnson, *ibid.*

and appeals to the Protestant and Roman Catholic cantons of Switzerland by way of example. No one would venture to say that the Roman Catholics of Great Britain are more immoral than the Protestant population; and the sexual morality of Ireland is conspicuously higher than that of England, Scotland, and Wales. Indeed, as it happens, the sexual immorality of Wales and Scotland, where the confessional hardly exists, is lower than that of England, where confessions are less uncommon. Would a Protestant think it fair if one were to argue from this that the higher rate of immorality in Wales and Scotland is due to the comparative absence of the confessional? To argue that things which happen to be coincident must be related as cause and effect is to reason like the rustic who attributed Goodwin Sands to Tenterden Steeple.

It must be admitted, I think, that compulsory confession and compulsory celibacy together have a natural tendency towards sexual immorality, although the case of Ireland proves that the tendency can be counteracted by national characteristics, and perhaps by the purifying effect of a long discipline of suffering. What we may say with truth is that where the national standard of morality is low, confession, especially if it be compulsory and celibacy be enforced on the clergy, is very likely to work injuriously. It certainly did so in the Kingdom of the Two Sicilies under the Bourbon *régime*. To this I can bear some personal testimony. I received some part of my early education in Southern Italy, and mixed

a good deal with all classes of the population in the Kingdom of Naples, urban and rural, some time after the collapse of the Bourbon dynasty, while the old state of things was still fresh in the memory of the population. I found the priesthood in the worst possible odour. They were popularly accused, not only of gross immorality, but of betraying the secrets of the confessional in addition. It was commonly believed that the Government used the confessional for discovering political opinions and secrets. Men were often flung into prison immediately after confession, which was compulsory under that terrible despotism in a manner not dreamt of in this country. All adults were obliged, under pain of civil penalties, to receive the Holy Communion at stated intervals, to be preceded in every case by confession. To ensure that they had been to confession and received absolution, the priest supplied each penitent, after absolution, with a metal medal,¹ which was presented at the altar as a condition of communion. But when the secrecy of the confessional became generally discredited, while resort to it periodically was nevertheless compulsory, a way was found by which the law was evaded while seemingly obeyed. The priests sold the 'tokens' for a trifle without insisting on confession, and the apocryphal 'penitents' received

¹ This custom of certifying fitness for communion by means of vouchers used to prevail in Scotland, perhaps does still, among the Presbyterians, and also among some Episcopal congregations. The metal vouchers were called 'tokens,' and were collected in church before communion, in proof that intending communicants had been examined and pronounced fit by the minister.

the Sacrament unsuspected. Can anything be imagined better calculated to degrade and discredit religion and sap the foundations of morality? And yet it is not so very long ago since the Sacramental test, though under a less odious form, prevailed among ourselves—a sacrilege to which must be largely credited the low views about the Sacrament, together with its infrequent and slovenly administration. It is almost impossible to exaggerate the debased condition of the priesthood in Southern Italy after the liberation of the Neapolitan Kingdom. The mass of the laity rebounded from the yoke of an intolerable tyranny to utter irreligion, and the corrupt priests lost their livelihood. I have myself been more than once accosted in the streets of Naples by needy priests offering for a franc to say a mass for the soul of any of my friends or relations. These are the ‘mass-priests’ of whom we read so much in the literature of the English Reformation; and these are ‘the sacrifices of masses’ denounced in the Thirty-first Article as ‘blasphemous fables and dangerous deceits.’

I was so shocked by the state of the Church in Southern Italy that on my return to England I took the liberty of writing a full account of my experiences to Dr. Newman (he was not then Cardinal). With his characteristic kindness he sent me, young as I was, and a stranger, a most friendly reply; and that was the commencement of a highly prized friendship with which he honoured me till his death. The following extract from his letter is interesting, and as

I know that it contains nothing which he regarded as private, I may quote it :—

I am afraid I cannot doubt matters are very bad in Italy, as you say. No one makes more ruinous confessions of the state of the Italian priesthood than St. Alfonso Liguori. And I do not know how one can wish for the continuance of a state of things which seems hopelessly bad. Everything I have heard of the *régime* of the Bourbons makes me rejoice in their overthrow, and I trust they will never be restored. A distinguished Roman prelate, who was here last year, said that the new generation will be brought up without any religion at all. He did not see any hope for Italy ; and he said the Pope had very few supporters. I suppose things *must* be worse before they are better. And this reconciles me to what else would be insupportable—the sacrilege and blasphemy which prevail there. It is difficult to balance crimes, but there is something more revolting in ‘holding the truth in unrighteousness’ than in persecuting it.

No part of Mr. Walsh’s romance about the Oxford Movement excited my indignation more than his gratuitous impeachment of the honour and veracity of men like Newman and Keble and Church. It would be possible to destroy any man’s reputation by Mr. Walsh’s methods of controversy ; garbled quotations, insinuations, unproved assertions, *suppressiones veri* equivalent to *suggestiones falsi*. Even the four Evangelists would fare badly under such treatment. Nothing impressed me more in my long intercourse with Cardinal Newman than his transparent honesty. With true wisdom—unlike Cardinal Manning in that respect—he was not

blind to the faults and corruptions of the Church of Rome, while his loyalty to, and his belief in, her never, I believe, wavered after he joined her communion. While himself a believer in Papal infallibility under certain conditions, he nevertheless strongly disapproved of the manner and precipitancy of Dr. Döllinger's excommunication. And surely every unprejudiced reader of his 'Apologia' will acquit him of the dishonesty which Mr. Walsh imputes to him as one of the leaders of the Oxford Movement. It is not Roman Catholics alone, or Anglican churchmen alone, or those alone who have been purified and braced by his unrivalled Parochial Sermons, who are concerned in the reputation of Newman. The whole English-speaking race is entitled to resent an attempt to besmirch the good name of a man who sacrificed for conscience' sake all that the world holds dear, and who has enriched the English tongue with some of the noblest masterpieces in its literature.

But to return to the subject of confession. I was much struck by a letter from a Fellow of the Royal College of Surgeons which appeared in the 'Times' in the first week of September, 1898. He complained that 'many persons in isolated positions' are, to his knowledge, 'put to the inconvenience and expense of a long journey' because their own parish priests will not hear their confessions. And then he bears the following testimony :—

I should like to make a further remark on the statement that habitual confession results in mental en-

feblement. This has been so repeatedly stated that no doubt a vast number of people believe it to be a fact. But I may fairly ask for some evidence. I have never seen it so stated by any one who has been in the habit of hearing confessions or by any one who habitually goes to confession. And I hold that only those who have the experience are fit judges in the matter. I take my own case, if you will for the moment permit me to be an egoist. I am over sixty years of age. For the last thirty years I have been going to confession, sometimes at long intervals, more frequently at shorter ones. I am a member of the medical profession, a Fellow of my college, a hospital surgeon, and have attained some repute. I judge myself to be about the last man to be infected with morbid influences. My wife and my grown-up children go to confession. They none of them seem to be affected with mental feebleness. A vast number of my friends, some in my own profession, others lawyers, others hard-headed men of business, go to confession, and I fail to see the dreadful deterioration which is set forth. I am an Alpine climber, and have the personal acquaintance of numbers of the finest race of men, the Swiss guides. They are the most devout men I know, and they all 'go to their duties.' The whole thing is a figment of the brain unsupported by a single shred of evidence. One other thing I should like to state. In all my long experience of confession, made to many priests, I can never remember having one single question put to me. This statement as to examination of penitents is a pure fiction.

I really do not know what answer is to be made to a statement of that sort. I have never heard or read that the English soldiers who fought at Agincourt or Crécy, or Irish regiments at Waterloo or in the Crimea, were made less brave and manly than

other men by going to confession. Let abuses of confession be guarded against by all means, and let no one practise it who prefers to do without it. But when that is said it seems to me that the question is exhausted. Indiscriminate denunciation of confession within these limits is not only unreasonable; it is misleading in addition, for it diverts the attention of the public from the premonitory symptoms of the dangers which invariably lead to the decay of national life. The Roman satirist complained bitterly that 'Syrian Orontes had flowed into the Tiber,' and flooded the city on the Seven Hills with the effeminate luxury and pollutions of the East; so that it had ceased to be any advantage to the Roman youth to have in infancy inhaled the air of the Aventine and been nourished on the Sabine olive.¹ He reverts to the theme in another place, and contrasts the old Roman virtue, when Rome was poor, with the degeneracy which the spoils of a conquered world had bred. 'In days of yore their humble fortune preserved the Latin women chaste, and their lowly roofs were kept from the contamination of vice by toil, by short slumbers, by hands galled and hardened with the Tuscan fleece, and Hannibal close to the city, and their husbands standing guard on the

¹ Jam pridem Syrus in Tiberim defluxit Orontes,
 Et linguam, et mores, et cum tibicine chordas
 Obliquas, nec non gentilia tympana secum
 Vexit, et ad circum jussas prostare puellas :
 Ite quibus grata est picta lupa barbara mitra !
 Rusticus ille tuus sumit trechedipna, Quirine,
 Et ceromatico fert niceteria collo !—*Juv. Sat.* iii. 62-67.

Colline tower. Now we suffer the evils of long peace; luxury, more cruel than war, broods over us and avenges a conquered world. No crime is wanting, or deed of lust, from the time that Roman poverty came to an end. Henceforth the Sybaris flowed to these hills, and Rhodes, and Miletus, and garlanded, saucy, drunken Tarentum.' ¹

Does not London now present to the eye of him who penetrates below the fair surface of its gilded exterior many of the symptoms which fired the indignation of Juvenal, and revealed to his prescient eye the inevitable Decline and Fall which Gibbon has described in detail? But, to pass by the loathsome side of the picture, let us glance at what lies open to the observation of all. London attracts not only the wealth of the world and the luxury which wealth carries in its wake; it also robs the provinces, as old Rome robbed hers, of much wealth and intelligence and enterprise on which they have a fair claim, and without which they are so much the poorer. In the early part of this century most of the nobility and gentry of Scotland never dreamt of having a house in London for 'the season.' Many of them did not visit London for an interval of years; and not a few thought it unnecessary to take their families even as far as Edinburgh, except for an occasional ball or visit. Their 'town houses' meant their houses in the county town. They lived simple, frugal, and many of them cultivated and refined, lives among their people. A feeling of mutual

¹ Juvenal, *Sat.* vi. 287-298.

esteem and confidence thus grew up between the lord and laird on the one hand, and the people on the estate on the other. Now all who are 'in society' feel bound to spend a portion of each year in London, and are insensibly drawn into the vortex of its dissipation and its ruinous competition in luxury. What is the consequence? Impoverished landlords; mortgaged estates; the old mansions occupied by strangers, who have no interest in the country, or sympathy with its people; and a feeling of dangerous alienation spreading and deepening between the owners of the soil and its tillers; in a word, the precise condition of things which was so largely instrumental in producing the French Revolution.

Our police courts have lately lifted some corners of the veil that hides a state of social corruption in our midst which it is impossible to describe in detail, but which Juvenal describes in his sixth Satire as precipitating the fall of Rome. Noble Romans—like Tacitus, for example—who were capable of looking above and beyond the follies and frivolities of the hour, were oppressed with a profound sentiment of sadness and foreboding. Recognising the futility of resistance to the tide of corruption, and the impotence of mere law to stay the plague, they despaired of national regeneration, and were driven to the conclusion that human life had become empty and void, and the world a huge imposture.¹ Only a few weeks ago the police found,

¹ 'Ludibria rerum humanarum cunctis in negotiis.'—Tacitus, *Ann.* iii. 18.

on the premises of a blackmailing quack, letters—covering only a period of three months—from sixteen thousand women, of all classes, enclosing hush money to conceal their having bought a drug to procure abortion. Will the most prejudiced denouncer of confession venture to affirm that a judicious use of confession might not help to arrest this secret sapping of our national life? The clergy and medical men know more about these things than the general public. I have already said that I have never received the confessions of more than three persons, circumstances enabling me to send those who came to me to some more experienced clergyman. But I have at different times received letters from total strangers, asking my advice on the most delicate subjects, and dealing with matters which, from inexperience, I did not at the time fully understand. In such cases I have asked permission to erase name and address, and anything likely to identify the writers, and consult the late Sir Andrew Clark. In every case permission was granted, and in giving my advice to my correspondents I have always insisted on my letter or letters being shown to the husband, when my correspondent was a wife, and always with the happiest results. These were not confessions in the technical sense of the word, and I mention them to show how impossible it is, even for the clergy themselves, to put a stop to these confidential communications. I do not suppose that my experience is at all exceptional. One preaches a sermon or publishes a book,

and a hearer or reader finds something that pricks the conscience or throws a flash of light on some hidden and perhaps unsuspected sin; and the preacher or author is consulted personally or by letter. What is he to do? Is he to turn a deaf ear to the cry of a soul in distress? Suppose he does, and then hears that the person whom he repulsed has committed suicide or gone to the bad; will not the remorseful thought that he might have saved that soul, and refused, haunt him to his dying day? The clergy are, indeed, in an intolerable position if they are bidden by the Church, on the one hand, to invite all who 'cannot quiet their own consciences' to resort to them for help, and are then denounced as 'perjured priests' and reprobates for fulfilling the duty imposed upon them by the Church.

And how slow people are to realise the folly of trying to fight against nature!

*Naturam expellas furcâ; tamen usque recurret,
Et mala perrumpet furtim fastidia victrix.*

It is not 'murder' only that 'will out.' Just as the human body struggles to expel an invading poison, and it is the healthiest body that struggles hardest, so the human soul strives, and the purest strives most, to cast out sin of every kind. It is no use answering that this can be done by confessing to God alone. We must take human nature as we find it, and the simple fact is that there are human beings who crave for human sympathy, and realise the Divine forgiveness more easily if it reaches them

through the sound of a human voice. Consolation in sorrow comes really from God just as truly as the forgiveness of sins. Is there, then, no virtue in the touch of a sympathising hand, in the sob of a sympathising voice, in the glance of a sympathising eye? What is the meaning of the Incarnation if 'the high and lofty One who inhabiteth Eternity' was as accessible when 'dwelling in the unapproachable light' as He was when He appeared in human form among men, feeding the hungry, cleansing the lepers, comforting mourners, weeping over graves, raising the dead, casting out devils, pardoning sinners, taking up squalid children in His arms and blessing them? It is not a question of God forgiving any one who confesses to Him from a contrite heart without human intervention, but of man's realising the Divine forgiveness more when it reaches him through the ministry of his fellows. And I repeat that the objection is equally valid against intercessory prayer—indeed against any intervening media. Why kneel in confession and prayer to God? Why confess and pray at all to the Omniscient One who knows our thoughts and needs before we utter them? It is we who need these aids, not God, who bestows His gifts through the ministry of men and angels and innumerable material channels for our benefit, not from His necessity.

I am persuaded that a great deal of the prejudice against voluntary confession, under proper safeguards, arises from ignorance of the facts and from want of reflection. Of course, if a clergyman is dis-

honourable, he can abuse the confidence reposed in him; but he can more easily abuse confidential intercourse of another kind, such as private interviews in his study or vestry. The fact that there may be some dishonourable doctors in the medical profession does not prevent men from trusting their family doctors and allowing them to have private interviews with their wives and daughters. The business of life could not go on except on the principle of mutual confidence; and if the clergy are not to be trusted to hear the spontaneous confessions of such of their people as voluntarily resort to them, that means that all private intercourse between them and any of their parishioners ought to be made penal. Short of that, the agitation against confession is futile. But if, on the other hand, drastic measures are to be adopted, they ought to be applied all round—to Nonconformist ministers and Roman Catholic priests as rigorously as to the clergy of the Established Church. For the plain truth is that confession, under whatever name, prevails among all Christian denominations. Mr. Moody was in the habit of inviting private confessions at all his meetings; and if intercourse of a private kind is to be allowed between a pastor and the individual members of his flock, does it not stand to reason that the more such intercourse is surrounded with the solemnities of religion, and the more open it is, the better? It is safer in a surplice and stole on the part of the pastor than in a frock coat; and safer in a confessional box in open church—where the pastor

need not know who is confessing to him—than in the secrecy of a locked vestry or study. It is odd how so practical a people as the English lose their usual common sense when their prejudices are violently excited. The sight of a confessional box in church, which reduces all risk of scandal or mischief to a minimum, is enough to drive people crazy who see no harm in a secluded *tête-à-tête* interview between pastor and penitent. The fact is, they don't stop to think or reason; they merely give vent to their alarmed feelings; like a charming old lady whom I once knew. 'Dick,' said she one day to a favourite grandson, 'I wish you would put away that pistol. It is most dangerous.' 'But, dear Granny,' pleaded the boy, 'it is not loaded.' 'Never mind, my dear,' said she, 'loaded or not, it may go off.'

But it is time to consider what the Church of England says upon this subject. For neither in this nor in other matters do I desire to go beyond her teaching.

CHAPTER VIII

THE REFORMATION AND CONFESSION

ONE of the commonplaces of the current controversy on the so-called 'Church Crisis' is the assertion that the Reformers condemned and repudiated the doctrine and practice of auricular confession, and that such confession has remained ever since under the ban of the Church of England. Let us examine that assertion in the light of history; and let us begin with the Book of Common Prayer.

In the year 1548 there was an 'Order for Communion' set forth containing an exhortation, in which auricular confession was recommended in the following language:—

'And if there be any of you whose conscience is troubled or grieved in anything, lacking comfort or counsel, let him come to me, or to some other discreet and learned priest, taught in the law of God, and confess and open his sin and grief secretly, that he may receive such ghostly counsel, advice, and comfort that his conscience may be relieved, and that of us (as of the Ministers of God and of the Church) he may receive comfort and absolution, to the satisfaction of his mind, and avoiding of all scruple

and doubtfulness ; requiring such as shall be satisfied with a general confession not to be offended with them that do use, to their further satisfying, the auricular and secret confession to the priest ; nor those also which think needful or convenient, for the quietness of their own consciences, particularly to open their sins to the priest, to be offended with them that are satisfied with their humble confession to God, and the general confession to the Church. But in all things to follow and keep the rule of charity ; and every man to be satisfied with his own conscience, nor judging other men's minds or consciences ; whereas he hath no warrant of God's Word to the same.'

In the subsequent editions of the Prayer Book the intending communicant, 'who cannot quiet his own conscience,' is bidden to go to his parish priest, 'or to some other discreet and learned Minister of God's Word, and open his grief ; that by the ministry of God's Holy Word he may receive the benefit of absolution, together with ghostly counsel and advice, to the quieting of his conscience and avoiding of all scruples and doubtfulness.'

In the Office for the Visitation of the Sick, through all the editions of the Prayer Book, the sick person is directed to make a special confession of sins preparatory to absolution ; but in the last revision the priest is ordered to 'move' him to such confession ; after which he is to absolve him in the following words :—

'Our Lord Jesus Christ, Who hath left power to

His Church to absolve all sinners who truly repent and believe in Him, of His great mercy forgive thee thine offences. And by His authority committed to me I absolve thee from all thy sins, in the Name of the Father, and of the Son, and of the Holy Ghost. Amen.'

Dr. Newman delivered a challenge on this question which is worth quoting, and which, as far as I know, has never been answered. It is as follows :—

Let candid men consider the form of Absolution contained in the Prayer Book, of which all clergymen, Evangelical and Liberal, as well as High Church, and (I think) all persons in University offices declare, that 'it containeth *nothing contrary* to the Word of God.'

I challenge, in the sight of all England, Evangelical clergymen generally to put on paper an interpretation of this form of words, consistent with their sentiments, which shall be less forced than the most objectionable interpretations which Tract XC. puts upon any passage in the Articles.¹

Dr. Newman then quotes the form of Absolution in the Prayer Book, and contrasts it with the Roman, which, of the two, is certainly the milder form.

The right of pronouncing this absolution is by the Church of England strictly confined to an ordained priesthood. On the head of every priest in the Church of England, be he High, or Low, or Broad, a bishop laid his hands and pronounced these words :—

¹ *Apologia*, p. 171. First Edition.

‘Receive the Holy Ghost for the office and work of a priest in the Church of God. Whose sins thou dost forgive, they are forgiven; and whose sins thou dost retain, they are retained. And be thou a faithful dispenser of the Word of God and of His Holy Sacraments: in the Name of the Father, and of the Son, and of the Holy Ghost. Amen.’¹

Thus much for the direct evidence of the Prayer Book. Let us now turn to another class of evidence.

In one of the Injunctions set forth in the first year of Edward VI. there is an inquiry whether ‘parsons, vicars, curates, chantry priests, and other stipendiaries,’ ‘have every Lent required their parishioners in their confession to recite their Pater Noster, the Articles of our faith, and the Ten Commandments in English;’ and this inquiry is repeated in the Visitation Articles of Archbishop Cranmer in the second year of Edward.² The regular practice of confession is here assumed.

Queen Elizabeth, soon after her accession, put forth Injunctions, of which Archbishop Parker and other bishops afterwards compiled ‘Interpretations and further Considerations.’ Among them is the following: ‘*Ecclesia Christi est, in qua purum Dei Verbum prædicatur, et Sacramenta juxta Christi ordinationem administrantur; et in qua clavium auctoritas retinetur.*’³

¹ Mr. Frederick Verney, with the manly honesty which belongs to his nature, declared lately in the *Times* that these words deterred him, while a deacon, from proceeding to the order of priesthood.

² Cardwell's *Doc. Ann.* vol. i. pp. 26, 51. ³ *Ibid.* p. 240.

Among ‘Certain Articles of Religion, set forth by the order of both Archbishops, Metropolitans, and the rest of the Bishops, for the uniformity of Doctrine to be read by all parsons, vicars, and curates at their possession-taking, or first entry into their cure,’ is the following: ‘I do acknowledge also that Church to be the spouse of Christ, wherein the Word of God is truly taught, the Sacraments orderly administered according to Christ’s institution, and the authority of the Keys duly used.’¹

In the 113th Canon of 1603, the regular practice of confession is taken for granted, as follows:—

‘If any man confess his secret and hidden sins to the Minister, for the unburdening of his conscience and to receive spiritual consolation and ease of mind from him, we do straitly charge and admonish him, that he do not reveal and make known to any person whatsoever any crime or offence so committed to his trust and secrecy, under pain of irregularity.’

In the year 1696 Sir John Friend and Sir William Parkins were executed at Tyburn for conspiracy against the life of William III. Three English clergymen, Messrs. Cooke, Snatt, and Collier, attended them on the scaffold, and, with imposition of hands, gave them absolution in the sight of the assembled multitude. This was considered a grave scandal, and the two Primates of the day (Tenison and Sharp), together with twelve other Bishops then ‘in and about London,’ immediately put forth a ‘Declaration’ against this irregular proceeding. But

¹ Cardwell’s *Doc. Ann.* vol. i. p. 264.

the ground which they take is not that the system of private confession has been disallowed in our Reformed Church; on the contrary, they quote with approbation the Rubric which enjoins the Minister to 'move' the penitent 'to make a special confession of his sins,' and censure the offending Ministers for not obeying it. 'If those Ministers,' they say, 'knew not the state of these men's souls, how could they, without manifest transgression of the Church's order, as well as the profane abuse of *the power Christ has left with His Ministers*, absolve them from all their sins?'¹

I do not know whether the office of Confessor of the Royal Household has ever been formally abolished. It certainly existed in the early part of this century, and long after the Great Rebellion at least it was no sinecure.

In the 19th Canon of the Irish Church, passed when Ussher was Primate and Bramhall Bishop of Derry, it is ordered that 'The Minister of every parish shall, the afternoon before the said administration (of the Lord's Supper), give warning by the tolling of the bell, or otherwise, to the intent that if any have any scruple of conscience, or desire the special ministry of reconciliation, he may afford it to those that need it. And to this end the people are often to be exhorted to enter into a special examination of the state of their own souls; and finding themselves either extremely dull, or much troubled in mind, they do resort to God's Ministers

¹ Cardwell's *Doc. Ann.* pp. 392-6.

to receive from them as well advice and counsel for the quickening of their dead hearts and the subduing of those corruptions whereunto they have been subject, as the benefit of absolution likewise for the quieting their conscience by the power of the keys, which Christ hath committed to His Ministers for that purpose.¹

Let this suffice as to the law of 'our Reformed Church' on the subject of Confession, as embodied in the Prayer Book and other formal and authoritative documents. And that auricular confession was commonly practised in our Communion, at least down to the religious catalepsy of the eighteenth century, and even after by devout members of the Church, is a fact which admits of abundant demonstration, as a few examples will show.

Hooker, as we learn from Izaak Walton in his life of him, was absolved on his death-bed by Saravia, 'they being supposed to be confessors to each other.' Bishop Andrewes, too, not only taught but practised confession. In his 'Devotions' he thanks God '*qui aperuisti mihi portam spei confitenti et roganti ex mysteriorum et clavium potestate.*'² And it is related of him that when he was Prebendary of St. Paul's it was his custom during Lent to be in the Cathedral daily at certain hours to hear confessions. Bishop Bull also, the great defender of the Nicene Creed, who died in 1710, confessed and received

¹ Phillimore's *Ecclesiastical Law*, vol. i. p. 698.

² *Preces Quotidianæ*, p. 266.

absolution more than once during his last illness.¹ No one at all familiar with the diaries and chronicles of the seventeenth and eighteenth centuries will need to be told that they afford abundant evidence that the practice of auricular confession and absolution was then recognised as one of the ordinary means of grace. Let me quote two extracts from Kennet's 'Register and Chronicle' by way of example:—

I was chosen by the Duchess of York, as soon as she was known to be so (saith Bishop Morley), to be her spiritual director and guide in those things that concerned her spiritual and everlasting condition; and the reason why she made choice of me to be so, rather than any other of my order, was because she knew me better, and because I had been her first instructor in matters of religion many years before. In this relation of mine to the Duchess I continued until after her father's banishment, and all that time I must bear her witness that she was not only a zealous Protestant herself, according as it is by law established in the Church of England, but zealous to make Protestants, as appears by what she did for that counterfeit pretended convert Macedo (whom the foresaid libeller Maimbourg magnifies so much, though he knows he proved himself to be an arrant impostor and profligated wretch), and in her own deportment as devout and charitable as ever I knew any of her age and sex: inso-much as that besides her private prayers, morning and evening, which she never omitted, she daily and hourly observed the Canonical Hours of the Public Service of God in her Chapel with those of her family. Neither did she ever (as long as I was with her) omit the re-

¹ *Last Hours of Eminent Christians*, p. 182.

ceiving of the Sacrament of the Lord's Supper once every month at least, besides that of solemn Festivals which she always received with the King in the Royal Chapel. *And always the day before she received she made a voluntary confession of what she thought she had offended God in, either by omission or commission, professing her sorrow for it, and promising amendment of it, and then kneeling down she desired and received absolution* IN THE FORM AND WORDS PRESCRIBED BY OUR CHURCH.¹

Mr. Lenthall, Speaker of the Long Parliament, who died on September 3, 1662, was attended in his last illness by Dr. Bredock (also spelt Brideoake), Rector of Witney, and afterwards Bishop of Chichester, who gives, in a letter preserved by Kennet,² an interesting account of his conversation with the penitent Puritan. 'When I came to his presence,' says Bredock, 'he told me "he was very glad to see me; for he had two great works to do, and I must assist him in both; to fit his body for

¹ Kennet's *Register and Chronicle*, p. 385. Edition of 1728. Those who object to the practice of confession are sometimes put to hard shifts in explaining the language of the Prayer Book. To the mind of any one not blinded by prejudice or ignorance, the Exhortation in the Communion Office plainly advises private confession, to be followed by the only form of private absolution prescribed by the Church, to all who have any scruples about their fitness for partaking of the Sacrament. It would never occur to him that all that was meant was that the penitent should have a private conversation with his pastor, and listen to some passages of Holy Scripture, that he might thereby 'receive the benefit of absolution'! Yet this explanation has been gravely offered by persons in authority. We see the traditioral, as it is indeed the only legitimate, interpretation of the passage in the place marked by capitals in the quotation in the text.

² P. 762.

the earth and his soul for heaven:" to which purpose he desired me to pray with him. I told him the Church had appointed an Office of the Visitation of the Sick, and I must use that. He said "Yes, he chiefly desired the prayers of the Church;" wherein he joyned with great fervency and devotion. After prayers he desired absolution; I told him I was very ready and willing to pronounce it; but he must first come to a Christian confession and contrition for the sins and failings of his life: "Well, sir," said he, "then instruct me to my duty." I desired him to examine his life by the Ten Commandments, and wherein he found his failings, to fly to the Gospel for mercy. Then I read the Ten Commandments in order to him, mentioning the principal sins against each commandment.' Dr. Bredock then goes on to say that of course he omits what the penitent told him 'under the seal of this Office,' and only states what Mr. Lenthall authorised him to publish. 'After this Office,' he adds, 'wherein, indeed, he showed himself a very hearty penitent, he again desired the absolution of the Church, which I then pronounced, and which he received with much content and satisfaction: "For," says he, "now, now indeed do I find the joy and benefit of that Office which Christ hath left in His Church;" . . . The next day he received the Sacrament, and after that work I desired him to express himself to Dr. Dickenson (a learned physician, Fellow of Merton College, who received the Sacrament with him) concerning the King's death,

because he had only done it to me in confession ; which he did to the same effect as he had to me.'

So much as to the doctrine of the Church of England on this subject, as prescribed in her authorised formularies, and illustrated in her practice. It would be easy to show that the same doctrine is taught and enforced by all her great divines ; but I must again content myself with fairly representative specimens.

The Catechism of Justus Jonas, which was translated, adopted, and authoritatively recommended by Cranmer, contains the following passage :—

Now God doth not speak to us with a Voice sounding out of heaven ; but He hath given the Keys of the Kingdom of Heaven, and the *authority to forgive sin, to the ministers of the Church*. Wherefore let him that is a sinner go to one of them. Let him *acknowledge and confess his sin*, and pray him that, according to God's Commandments, he will give him absolution, and comfort him with the word of grace and forgiveness of his sins. And when the minister doth so, then I ought steadfastly to believe that my sins are truly forgiven me in heaven. . . . Wherefore, good children, give good ear to this doctrine ; and when *your sins do make you afraid and sad, then seek and desire absolution and forgiveness of your sins of the ministers which have received a commission and commandment from Christ Himself to forgive men their sins* ; and then your consciences shall have peace, tranquillity, and quietness. But he that doth not obey this counsel, but being either blind or proud, *doth despise the same, he shall not find forgiveness of his sins*, neither in his own good works, not yet in painful chastisements of his body, or any other things whereto God hath not promised remission of

sins, wherefore *despise not absolution, for it is the commandment and ordinance of God.*¹

Bishop Latimer says :—

But to speak of right and true confession, I would to God it were kept in England ; for it is a good thing. And those which find themselves grieved in conscience might go to a learned man and there fetch of him comfort of the Word of God, and so come to a quiet conscience. . . . And it grieveth me much that such confessions are not kept in England.²

Bishop Ridley says :—

You have known me long indeed, in the which time it has chanced me, as you say, to mislike some things. It is true, I grant ; for sudden changes without substantial and necessary cause, and the heady setting forth of extremities, I never did love. Confession unto the minister, which is able to instruct, correct, comfort, inform the weak, wounded, and ignorant conscience, indeed I ever thought might do much good to Christ's congregation, and so, I assure you, I think even at this day.³

In the Sixth of Archbishop Parker's Articles of Visitation, in 1567, those are condemned who teach 'that mortal or voluntary sins, committed after baptism, be not remissible by penance.'⁴

The following will show Hooker's opinion :—

But concerning confession in private, the Churches of Germany, as well the rest as Lutherans, *agree all, that all men should at certain times confess their offences to God in the hearing of God's ministers, thereby to show how their sins displease them ; to receive instruction for*

¹ *Catechism*, p. 202.

² *Sermons*, ii. 399. Edit. 1824.

³ 'Letter to one Martin West.' Wordsworth's *Fœcl. Biog.* iii. 67.

⁴ Cardwell's *Doc. Ann.* i. 341.

the warier carriage of themselves hereafter ; to be soundly resolved, if any scruple or snare of conscience do entangle their minds ; and, which is most material, to the end that men may at God's hand *seek every one his own particular pardon, through the power of those keys*, which the minister of God using according to our blessed Saviour's institution in that case, it is their part to accept the benefit thereof as God's most merciful ordinance for their good, and, without any distrust or doubt, to embrace joyfully His grace so given them according to the word of our Lord, which hath said, ' Whose sins ye remit, they are remitted.' So that grounding on this assured belief, they are to rest with minds encouraged and persuaded concerning the forgiveness of all their sins, as of Christ's own word and power, by the ministry of the keys.¹

Dr. Donne, Dean of St. Paul's, whom De Quincey calls ' one of the subtlest intellects that England has produced,'² is severe upon ' that torture of the conscience, that usurpation of God's power, that spying into the counsel of princes, with which the Church of Rome hath been deeply charged ; ' but he is equally clear in favour of the system of confession sanctioned by the Church of England. For example :—

Confitebor Domino (says David), I will confess my sins to the Lord : sins are not confessed if they be not confessed to Him ; and if they be confessed to Him, *in case of necessity it will suffice*, though they be confessed to no other. Indeed, a confession is directed upon God, though it be made to His minister : if God had appointed

¹ *Eccl. Pol.* Bk. vi. ch. iv. 14.

² *Works*, vii. 276.

His angels or His saints to absolve me, *as He hath His ministers*, I would confess to them. . . . Men come not willingly to this manifestation of themselves, nor are they to be brought in chains, as they do in the Roman Church, by a *necessity* of an exact enumeration of all their sins, but to be led with that sweetness with which our Church proceeds, in appointing sick persons, if *they feel their conscience troubled with any weighty matters, to make a special confession, and to receive absolution at the hands of the priest* ;' and then we are to remember that '*every coming to the Communion is as serious a thing as our own transmigration out of the world, and we should do as much here for the settling of our conscience as upon our death-bed.*'¹

Bishop Hall can hardly be called a High Churchman, yet here is a specimen of his teaching on the subject of auricular confession :—

If after all these penitent endeavours you find your soul still unquiet, and not sufficiently apprehensive of a free and full forgiveness, betake yourself to God's faithful agent for peace : run to your ghostly physician ; lay your bosom open before him ; flatter not your own condition ; let neither fear nor shame stay his hand from probing and searching the wound to the bottom ; and that being done, make careful use of such spiritual applications as shall be by him administered to you. This, this is the way to a perfect recovery and fulness of comfort.

And again :—

Although therefore you may perhaps, through God's goodness, attain to such a measure of knowledge and resolution as to be able to give yourself satisfaction concerning the state of your soul ; yet it cannot be amiss, out

¹ *Sermons*, lvi.

of an abundant caution, to take God's minister along with you, and making him of your spiritual counsel, to unbosom yourself to him freely, for his fatherly advice and concurrence: the neglect whereof, through a kind of either strangeness or misconceit, is certainly not a little disadvantageous to the souls of many good Christians. The Romish laity make either oracles or idols of their ghostly fathers: if we make ciphers of ours, I know not whether we be more injurious to them or ourselves. They go about to rack your consciences to a forced and exquisite confession under the pain of no remission; but we persuade you, for your own good, to be more intimate with and less reserved from those whom God hath set over you, for your direction, comfort, and salvation.¹

Bishop Overall, the author of the latter part of the Church Catechism, makes the following inquiry in the 21st Article of his Visitation in 1619:—

Whether doth your minister, before the several times of the administration of the Lord's Supper, admonish and exhort his parishioners, if they have their consciences troubled and disquieted, to resort unto him, or some other learned minister, and open his grief, that he may receive such ghostly counsel and comfort as his conscience may be relieved, and by the minister he may receive the benefit of absolution, to the quiet of his conscience and avoiding of scruple. And if any man confess his secret and hidden sins, be he sick or whole, to the minister, for the unburthening of his conscience, and receiving such spiritual consolation, doth or hath the said minister at any time revealed and made known to any person whomsoever any crime or offence so committed to his trust, contrary to the 113th Canon?

Similar inquiries are to be found in abundance in

¹ *Works*, vii. 453-5.

the Visitation Articles of other bishops. I give Overall's as a specimen of the general rule.

Bishop Cosin, who was always proud to appeal to the authority of 'My Lord and Master Overall,' writes as follows:—

The Church of England, howsoever it *holdeth not Confession and Absolution Sacramental*, that is, made unto and received from a priest, to *be so absolutely necessary*, as that without it there can be no remission of sins; yet by this place it is manifest what she teacheth. . . . Our 'if he feel his conscience troubled' is no more than his 'if he find out his sins' ('si inveniatur peccata'); for if he be not troubled with sin, what needs either Confession or Absolution? Venial sins that separate not from the grace of God need not so much to trouble a man's conscience. If he hath committed any mortal sin, then we require confession of it to a priest, who may give him, upon his true contrition and repentance, the benefit of absolution, which takes effect according to his disposition that is absolved. . . . The truth is, that in the priest's absolution there is the true power and virtue of forgiveness, which will most certainly take effect, 'unless an obstacle is imposed,' as in Baptism.¹

Jeremy Taylor says:—

It is a very pious preparation to the Holy Sacrament that we confess our sins to the minister of religion: for since it is necessary that a man be examined, and a self-examination was prescribed to the Corinthians in the time of their lapsed discipline, that though there were divisions amongst them, and no established governors, yet from this duty they were not to be excused, and they must in destitution of a public minister do it themselves, but this is in case of such necessity: the other is better: that is, it is of better order and more advantage that this

¹ *Notes on Common Prayer*, First Series, p. 163.

part of repentance and holy preparation be performed under the conduct of a spiritual guide. And the reason is pressing. For since it is life or death that is there administered, and the great dispensation of the keys is in that ministry, it were well if he that ministers did know whether the person presented were fit to communicate or no; and if he be not, it is charity to reject him, and charity to assist him that he may be fitted. There are many sad contingencies in the constitution of ecclesiastical affairs, in which every man that needs this help, and would fain make use of it, cannot; *but when he can meet with the blessing, it were well it were more frequently used and more readily entertained.*

Again:—

But the priest's proper power of absolving, that is, of pardoning (which is in no case communicable to any man who is not consecrated to the ministry), is a giving the penitent the means of eternal pardon, the admitting him to the Sacraments of the Church and the peace and communion of the faithful; because that is the only way really to obtain pardon of God; there being in ordinary no way to heaven but by serving God in the way which He hath commanded us by His Son, that is, in the way of the Church, which is His body, whereof He is Prince and Head.¹

Chillingworth is a name to conjure with among Protestants. His favourite maxim, 'The Bible and the Bible only the religion of Protestants,' has become a proverb. His name would evoke the plaudits even of the Albert Hall demonstrators. Let us see then what Chillingworth says:—

Since Christ, for your benefit and comfort, hath given

¹ Jeremy Taylor's *Works*, vii. 452, 484. Eden's Edition.

such authority to His ministers, upon your unfeigned repentance and contrition, to absolve and release you from your sins, . . . therefore, in obedience to His gracious will, and as I am warranted, and even enjoined, by my holy mother the Church of England expressly, in the Book of Common Prayer, in the rubric of visiting the sick (which doctrine this Church hath likewise embraced so far), I beseech you that by your practice and use you will not suffer that commission which Christ hath given to His ministers to be a vain form of words without any sense under them; to be an antiquated, expired commission, of no use nor validity in these days; but whensoever you find yourselves charged and oppressed, especially with such crimes as they call ‘*Peccata vastantia conscientiam*,’ such as do lay waste and depopulate the conscience, that you have recourse to your spiritual physician and freely disclose the nature and malignancy of your disease, that he may be able, as the cause shall require, to proportion a remedy either to search it with corrosives, or comfort and temper it with oil. And come not to him only with such a mind as you would go to a learned man experienced in the Scripture, as one that can speak comfortable, quieting words to you, but as one that hath authority delegated to him from God Himself to absolve and acquit you of your sins.¹

I do not know whether Bishop Ken’s Manual, composed for the use of Winchester scholars, is still used in that illustrious school. A copy of it, which I still possess, was given to me by the clergyman who prepared me for my first communion, a very moderate man, and it contains the following direction:—

In case, good Philotheus, you do find this examination

¹ *Works* (Serm. vii.), pp. 83-4.

too difficult for you, or you are afraid you shall not rightly perform it, or meet with any scruples or troubles of conscience in the practice of it, I then advise you, as the Church does, to go to one of your superiors in this place to be your spiritual guide, and be not ashamed to unburthen your soul freely to him; that, besides his ghostly counsel, you may receive the benefit of absolution; for though confession of our sins to God is only matter of duty, and absolutely necessary, yet confession to our spiritual guide also is by many devout souls found to be very advantageous to true repentance.¹

Archbishop Wake says:—

The Church of England refuses no sort of confession, either public or private, which may be any way necessary to the quieting of men's consciences, or to the exercise of that power of binding and loosing which our Saviour Christ has left to His Church. We have our penitential canon for public offenders; we exhort men, if they have any the least doubt or scruple, *nay, sometimes though they have none, but specially before they receive the Holy Sacrament, to confess their sins.* We propose to them the benefit *not only of ghostly advice how to manage their repentance, but the great comfort of absolution too,* as soon as they have completed it. . . . When we visit our sick, *we never fail* to exhort them to make a special confession of their sins to him that ministers to them; and when they have done it, their absolution is so full that the Church of Rome itself could not desire to add anything to it.²

¹ *A Manual of Prayers for the use of the Scholars of Winchester College, and all other devout Christians.* To which are added Three Hymns; for Morning, Evening, and Midnight. By the Right Reverend Father in God, Thomas Ken, D.D., late Lord Bishop of Bath and Wells. The thirty-fifth edition. P. 24.

² *An Exposition of the Doctrine of the Church of England,* p. 31.

Dr. South asks :

Does the Church of England hold auricular or private confession to the priest as an integral part of repentance and necessary condition of absolution? No : the Church of England denies such confessions to be necessary, either *necessitate præcepti*, as enjoined by any law or command of God ; or *necessitate medii*, as a necessary part of pardon or remission of sins ; and consequently rejects it as a snare and a burden, groundlessly and tyrannically imposed upon the Church. But so much of private confession as may be of spiritual use for the burthening of a troubled conscience, unable of itself to master or grapple with its own doubts, by imparting them to some knowing, discreet, spiritual person, for his advice and resolution about them ; so much, I confess, the Church of England does approve, advise, and allow of.

Bishop Short, who was more of an Evangelical than a High Churchman, says :—

The evils and abuses arising from this custom had so alienated the minds of most men from it, that it was readily dispensed with ; but it has proved a misfortune to our Church that the tide of opinion has carried us too far towards the opposite extreme. The Scriptures never speak of confession as obligatory in such a sense as the injunctions of the Church of Rome had ordained. Confession to a priest is nowhere mentioned as absolutely necessary ; but reason, as well as the Word of God, strongly points out, that to acknowledge our faults, especially to one vested with spiritual authority over us, must be a most effectual means of restraining us from the commission of sin.

. . . In the Church of England the confession of particular sins is recommended in the Exhortation to the Sacrament, and the Visitation of the Sick ; but so little are

we accustomed to this most Scriptural duty, that these recommendations are frequently unknown and generally neglected, while scarcely a vestige remains of ecclesiastical law for the restraint of vice.¹

Bishop Tomline, no High Churchman, while condemning 'the Popish Sacrament of Penance,' is careful to add :—

Confession of sin to God is an indispensable duty, and confession to priests may sometimes be useful by leading to effectual repentance ; and therefore our Church encourages its members to use confidential confession to their priests, or to any other minister of God's Word.²

The latitudinarian Bishop Burnet, while condemning compulsory confession, and recognising dangers lurking even in voluntary confession, allows that 'in the use of confession, when proposed as our Church does, as matter of advice and not of obligation, we are very sensible many good ends may be obtained.'³ And not only so, but he was in the habit of hearing confessions. A brother bishop having asked him 'what absolution he used when people came to confess to him,' adding that himself 'was in the habit of using that in the Office for the Sick, but wished to know what was Burnet's practice,' the latter replied that 'in his opinion either was proper, but that he himself used that in the Office for Holy Communion.'⁴

¹ *History of the Church of England*, p. 170.

² *Scriptural Expos. of the XXXIX Articles*, Art. XXV.

³ *An Expos. of the XXXIX Art.* p. 311.

⁴ See *Church and the World*, 2nd series, p. 393.

Dr. Barrow, the great writer against Papal Supremacy, says:—

If Christian men, having fallen into sin, or failed of duty towards God, do seriously confess their faults, and heartily repent thereof, when the ministers of the Church, in God's name and for Christ's sake, do declare (or pronounce) to them, so doing or so qualified, the pardon of their sin and absolve them from it; we need not doubt that their sins are verily forgiven, and the pardon expressed in words is effectually dispensed unto them.¹

One of the best accredited and most popular of Anglican Vademecums is 'The Country Parson' of the saintly George Herbert, and here is his picture of 'the parson comforting':—

In his visiting the sick or otherwise afflicted he followeth the Church's counsel, viz. in persuading them to particular confession; labouring to make them understand the great good use of this ancient and pious ordinance, and how necessary it is in some cases.

Wheatley's 'Rational Illustration of the Book of Common Prayer' is a work of great moderation, and is commonly on the list of books recommended by our bishops to candidates for ordination. Admitting the existence of abuses in times past, Wheatley says: ²—

But no argument, sure, can be drawn, that because a practice has been abused, it should therefore cease to be. The abuses of it should be reformed, but not the practice discontinued.

He then adopts as his own the charitable rule

¹ 'An Exposition of the Creed,' *Works*, vii. 379.

² Pp. 375, 376.

laid down in the Order of Communion of 1548, quoted on a previous page, and goes on :—

What could have been added more judicious than this, to temper, on the one hand, the rigours of those who were too apt at that time to insist upon confession as absolutely necessary to salvation ; and to prevent, on the other, a carelessness in those who, being prejudiced against the abuse, were apt indiscriminately to reject the thing, as at no time needful or useful in a penitent? So that we may still, I presume, wish, very consistently with the determination of our Church, that our people would apply themselves oftener than they do to their spiritual physicians, even in the time of their health ; since it is much to be feared they are wounded oftener than they complain, and yet, through aversion of disclosing their sore, suffer it to gangrene for want of their help who should work the cure.

The philosophic Bishop Berkeley writes :—

I had forgot to say a word of confession, which you mention as an advantage in the Church of Rome which is not to be had in ours. But it may be had in our communion by any who please to have it ; and I admit it may be very usefully practised.¹

I possess two volumes entitled ‘Enchiridion Theologicum, or a Manual for the use of Students in Divinity. By John Lord Bishop of London.’ Mine is the third edition, and was published in 1825. It is a compilation, and the author says :—

My choice has been principally directed to such works as had the sanction of public authority, and which may

¹ Letter to Sir John James. Berkeley’s *Works*, iv. 278.

therefore be relied on as containing the final and decided opinions of our Reformers approved of in the general by the Church at large.

Among the documents in this collection is 'A Short Catechisme or Playne Instruction, conteyning the sum of Christian learning, set forth by the King's Majesties Authoritie for all Scholemasters to teach, 1553.' The Catechism has a distinctly Evangelical flavour. But it teaches plainly enough the doctrines of the Real Presence in the Eucharist, and the power of the keys in the Church. Of the former it says :—

Even as by bread and wine our natural bodies are sustained and nourished, so by the body, that is the flesh and bloude of Christ, the soule is fedde through fayth, and quickened to the heavenlye and godly lyfe.

Of the latter :—

To this Church belong the keies whearwyth heaven is locked and unlocked : for that is done by the ministracion of the worde ; whereunto properly appertayneth the power to bynde and louse ; to holde for gylty, and forgive synnes.

Another document is 'Rules and Advices to the Clergy of the Diocese of Down and Connor, by Jeremy Taylor, Bishop of that Diocese.' Among the Rules is the following (No. lxxviii.) :—

Let every minister exhort his people to a frequent confession of their sins, and a declaration of the state of their souls ; to a conversation with their minister in spiritual things, to an inquiry concerning all the parts of their

duty; for by preaching, and catechising, and private intercourse, all the needs of the soul can best be served; but by preaching alone they cannot.

Again, Rule lxxii. says:—

A minister must not stay till he be sent for, but of his own accord and care go to them, to examine them, to exhort them to perfect their repentance, to strengthen their faith, to encourage their patience, to persuade them to resignation, to the renewing of their holy vows, to the love of God, to be reconciled to their neighbours, to make restitution and amends, to confess their sins, to settle their estate, to provide for their charges, to do acts of piety and charity, and above all things, that they take care they do not sin towards the end of their lives. For if repentance on our death-bed seems so very late for the sins of our life, what time shall be left to repent us of the sins we commit on our death-bed?

Again (Rule xliii.) :—

Let not the humours and inclinations of the people be the measures of your doctrines, but let your doctrine be the measure of their persuasions. Let them know from you what they ought to do; but if you learn from them what you ought to teach, you will give but a very ill account at the day of judgment of the souls committed to you. He that receives from the people what he shall teach them is like a nurse that asks of her child what physic she shall give him.

These are specimens of the teaching inculcated as a matter of course by Bishop Jeremy Taylor in an Irish Protestant diocese. And the Bishop of London in the year 1825 recommends it, equally as a matter of course, ‘for the use of students in divinity’

in England. A similar recommendation from the present Bishop of London would probably provoke from Sir William Harcourt a scathing denunciation in the columns of the 'Times.' But let us come down to our own time.

I suppose the late Dr. Vaughan would be accurately described as an Evangelical Broad Churchman. I enjoyed the great privilege of his friendship, and I know that he held decided views as to the expediency of private confession in certain cases. But there is no need to draw on one's memory, for his views are public property. In a volume of 'Addresses to Young Clergymen,' published in 1875, he says: '—

Most clergymen, whatever their Church views, find themselves compelled sometimes to receive confessions. In other words, they are the natural referees in cases of conscience; and cannot, if they would, evade the necessity of ministering privately to spiritual disease. It may be in the form of difficulties of believing. It may be in the form of perplexities in acting. It may be in the form of distresses about sin, the forgiveness of the past, or strength against the present. In some form or other, the study must sometimes be a confessional; and one of the most anxious, most trying, most exhausting parts of the clergyman's day is given of necessity to this office.

The late Mr. Frederick Denison Maurice would be generally recognised as the most distinguished leader of the Broad Church party. I knew him well enough to be able to say that nobody would be more

shocked than he by such demonstrations as the recent Albert Hall meeting. The view of Sacerdotalism which I have endeavoured to explain in previous chapters pervades his writings. Let one specimen suffice :—

Now these facts are indisputable. 1. The whole sacerdotal caste in Christendom has the name of *ministers* or *servants*. From the Bishop of Rome down to the founder of the last new sect in the United States of America, every one who deals with the Gospel at all, or pretends in any sense to have a Divine commission, assumes this name as the description of his office. 2. The most remarkable power which these ministers have claimed, and that on account of which the greatest homage has been paid to them, is the power of *absolving* or *setting free*. This claim has in a manner been universal. Luther believed that he was to absolve as much as Tetzal. Every person who says that the sole office of a minister is to preach the Gospel says so because he believes that is the way to absolve. There are most serious differences about the nature of the power and the mode in which it is to be exercised, none at all about the existence of it, and about its connection in some way or other with the Christian ministry. . . . It has been believed, as a necessary consequence of the importance attached to the Eucharist, that an order of men must exist in the Christian Church corresponding to the priests of the old dispensation, with the difference that the sacrifice in the one case was anticipatory, in the other commemorative. This office has been associated with the absolving power of which I spoke just now.¹

¹ *The Kingdom of Christ*, vol. ii. pp. 109-111. The *italics* in this passage are Maurice's.

Thus we see that this distinguished and revered Broad Churchman gives as the two notes of Christian ministers, that they are an absolving and a sacrificing priesthood in the sense expounded by Bramhall and the representative school of Anglican divines in general. And he emphasises what I have been insisting on, namely, that it is impossible to get away from Sacerdotalism. It underlies and penetrates the whole system of the Providential Government of the world. It argues a very loose and shallow habit of thinking on theological subjects not to see this.

So much, then, as to the doctrine of the Church of England on the subject of auricular confession and absolution. The popular notion that the repudiation of these formed a fundamental tenet of 'the Reformation Settlement' is one of the most curious myths of history. The fact is that it was not a burning question at all, or even a debatable question, among the Reformers. The Puritans who clamoured against vestments and other 'relics of Popery' said nothing against confession. How indeed could they, when not only Cranmer, Ridley, Latimer, and other leading Reformers were advocates of it, but foreign Protestants, Lutherans and Calvinists alike, upheld the system, abolishing only its compulsory character? The Saxon, the Bohemian, and the Augsburg Confessions of Faith insist on the duty of private confession with a view to absolution through the ministerial exercise of the power of the keys. Luther's 'Shorter Catechism' was accepted by the

Lutheran body as one of their dogmatic books. One chapter is entitled ‘On Confession: how those of the simpler sort are to be instructed in it;’ and it opens thus:—

Confession compriseth two things: one, to confess sins; the other, to receive absolution or remission of sins from the confessor or preacher of the Gospel, as if from God Himself, and not to doubt, but firmly to believe that through absolution the sins are remitted before God in heaven.

The preface to the ‘Formula of Concord’ says that ‘all the Churches of the Confession of Augsburg approved and received this Catechism,’ with others that are named. ‘So that they were propounded publicly in churches and schools and some private houses.’

It is not necessary to adduce further evidence of the views of foreign Reformers; but I may conclude with the testimony of two eminent Lutherans. The first is the illustrious Leibnitz, who says:—

I regard a pious, grave, and prudent confessor as a great instrument of God for the salvation of souls; for his counsel assists us in governing our passions, in discovering our vices, in avoiding occasions of sin, in making restitution, in repairing injuries, in dissipating doubts, in overcoming despondency, and, in fine, in removing or mitigating all the ills of the soul. And if, in the ordinary concerns of life, there is scarce anything more precious than a faithful friend, what must it be to have a friend who is bound, even by the inviolable obligation of a Divine Sacrament, to hold faith with us and assist us in our need? ¹

¹ *A System of Theology*, p. 136. Engl. Transl.

My other authority is the distinguished Danish theologian, Martensen, whose able and learned 'Christian Dogmatics' was one of the special books which the late Dr. Vaughan used to recommend to the large body of the younger clergy who looked to him for guidance. There are many passages on the subject in Martensen, who died only a few years ago, but one will suffice:—

It cannot easily be denied that confession meets a deep need of human nature. There is a great psychological truth in the saying of Pascal, that a man often attains for the first time a true sense of sin, and a true stayedness in his good purpose, when he confesses his sins to his fellow-man as well as to God.¹

I have now given a fair summary of the evidence in favour of auricular confession presented by the formularies of the Church of England and by her representative divines—High Church, Broad Church, and Low—down to our own time; and I ask all dispassionate men to compare it with the violent denunciations of confession in Parliament, in pamphlets, and on platforms. All who choose have of course a right to denounce it, though it baffles my wit to see how they are to stop it so long as it is left voluntary. But what no one has a right to do is to denounce as 'lawless' and 'disloyal' any of the English clergy who may think it their duty to govern themselves by the explicit teaching of the Church of England and the desires of such of

¹ *Christian Dogmatics*, p. 444. Engl. Transl.

the laity as come to them to 'open their grief,' as the Book of Common Prayer recommends. The plain truth is that the agitators in this controversy are wofully ignorant of the history of the Reformation, and are entirely out of sympathy with the authorised teaching of the Church which they volunteer to champion. The preceding pages have supplied abundant evidence of this, and we shall find more as we proceed. But considering the great names, intellectually and morally—including men who by study and experience had a profound knowledge of human nature—who have borne testimony to the salutary influence of voluntary confession under proper safeguards, is it not somewhat rash to indulge in indiscriminate condemnation at the instance of persons who have no personal knowledge on the subject? At all events, let it be clearly understood that what the agitators are really demanding, though they do not seem to know it, is a revision of the Prayer Book and a new Reformation in harmony with the opinions and aspirations of Lord Grimthorpe and Mr. Kensit. I doubt whether the English people are yet prepared for this religious development.

CHAPTER IX

THE INTERMEDIATE STATE

ONE of the points of attack in the present controversy is the ancient custom of prayers for the dead, which is assumed to be included in 'the Romish doctrine concerning Purgatory' condemned in the Twenty-second Article. I am obliged to admit that some of the younger clergy of the advanced school among us do hold the Romish doctrine of purgatory—though I believe without its worst accompaniments—under the honest belief that it is the doctrine of the primitive Church, and likewise of the present Oriental Churches and of the Church of England; in fact, of Christendom, with the exception of the Tractarian party, whom it has become the fashion among our neo-Catholics to regard as theologians out of date. I made this amazing discovery about three years ago; and when I challenged one of the representatives of this party to the proof he referred me, as his prime authority, to the 'Prælectiones' of the Jesuit Father Perrone of the Collegio Romano, the standard theologian of modern Ultramontaniam.

Some of our younger clergy, I fear, instead of

reading the ancient Fathers and the great divines of our own Church, with their massive learning, have got into the habit of reading modern Roman books, like Perrone's elaborate work, and are thus led to the fallacious conclusion that the theology they find there is the Catholic faith—'the faith of Christendom'—as one of them has said—barring some out-of-date Anglicans. The simple fact is that Perrone's doctrine of the Intermediate State is not only directly contrary to the doctrine of the Church of England, but equally so to the doctrine of the ancient Church, of all Oriental Christendom at the present day, and even of the Roman Church before the Council of Florence in the fifteenth century. And neither the Council of Florence, nor the subsequent Council of Trent, sanctions the more recent developments of the doctrine of purgatory in the Roman Church. The Council of Trent, indeed, commits itself to very little. It merely says: 'There is a purgatory, and the souls there detained are helped by prayer, and chiefly by the acceptable sacrifice of the altar.' The Catechism of the Council, however, is more definite. It says: 'There is a purgatorial fire, where the souls of the righteous are for a time purified by torture (*quo piorum animæ ad definitum tempus cruciata expiantur*), that entrance may be opened for them into the eternal home, into which nothing that is defiled can enter.' And pastors are bidden to be more diligent and frequent in the declaration of this doctrine, 'because we are fallen on times in which men will not endure sound doctrine.'

This is a considerable innovation on the doctrine of undivided Christendom ; but it is far short of the teaching of Perrone, which is now the dominant doctrine of the Church of Rome, as we shall see presently. Meanwhile our first concern is with the limits within which the doctrine of prayers for the dead may be held and taught in the Church of England.

The first formal exposition of doctrine put forth by the Reformers was the Ten Articles of 1536, which were expanded a few years later into 'The Institution of a Christian Man.' This careful and elaborate summary of Christian doctrine was, with a few additions, published by authority of Convocation in the year 1543, under the title of 'The Necessary Doctrine and Erudition for any Christian Man,' and was the work of a commission consisting of all the bishops of the English Church, eight archdeacons, and seventeen doctors of divinity, making forty-six in all. The head of the commission was, of course, Archbishop Crammer. Hugh Latimer, then Bishop of Worcester, was one of the number. On the subject of 'Prayer for Souls Departed' the 'Necessary Doctrine and Erudition' says :—

Forasmuch as due order of charity requireth, and the Book of Maccabees and divers ancient doctors plainly show, that it is a very good and charitable deed to pray for souls departed ; and forasmuch as such usage hath continued in the Church for so many years, even from the beginning, men ought to judge and think the same to be well done. And truly it standeth with the very order of charity, a Christian man to pray for another, both quick and dead,

and to commend one another in their prayers to God's mercy ; and to cause others to pray for them also, as well in masses and exequies, as at other times, and to give alms for them, according to the usage of the Church and ancient opinion of old fathers ; trusting that these things do not only profit and avail them, but also declare us to be charitable folk, because we have mind and desire to profit them which, notwithstanding they be departed this present life, yet remain they still members of the same mystical body of Christ whereunto we pertain.

And here is specially to be noted, that it is not in the power or knowledge of any man to limit and dispense how much, and in what space of time, or to what person particularly the said masses, exequies, and suffrages do profit and avail ; therefore charity requireth that whosoever causeth any such masses, exequies, or suffrages to be done should yet (though their interest be more for one than for another) cause them also to be done for the universal congregation of Christian people, quick and dead ; for that power and knowledge afore rehearsed pertaineth only unto God, which alone knoweth the measures and times of His own judgment and mercies.

Furthermore, because the place where the souls remain, the name thereof, the state and condition which they be in, be to us uncertain, therefore these, with all other such things, must also be left to Almighty God, unto whose mercy it is meet and convenient for us to commend them, trusting that God accepteth our prayers for them ; reserving the rest wholly to God, unto whom is known their estate and condition ; and not we to take upon us, neither in the one part nor yet in the other, to give any fond and temerarious judgment in so high things so far passing our knowledge.

Finally, it is much necessary that all such abuses as heretofore have been brought in by supporters and main-

tainers of the Papacy of Rome, and their accomplices, concerning this matter, be clearly put away; and that we therefore abstain from the name purgatory, and no more dispute or reason thereof. Under colour of which have been advanced many fond and great abuses, to make men believe that through the Bishop of Rome's pardons souls might clearly be delivered out of it, and released out of the bondage of sin; and the masses said at Scala Cœli and other prescribed places, phantasied by men, did there in those places more profit more souls than another; and also that a prescribed number of prayers sooner than other (though as devoutly said) should further their petition sooner, yea specially if they were said before one image more than another which they phantasied. All these, and such like abuses, be necessary utterly to be abolished and extinguished.

This is a remarkable statement from a commission including not only Cranmer (its President) and Hugh Latimer, but all the rest of the bishops on the bench as well as the most eminent of the clergy. It was afterwards sanctioned by Convocation without a dissentient voice. Thus we see that the whole clergy of England in the reign of Henry VIII. condemned 'the Romish doctrine of purgatory,' with its mercenary 'pardons,' and also the name on account of the 'abuses' attached to it, but retained the doctrine in so far as it was held by 'the ancient doctors' and 'old fathers.' And let it be remembered that 'The Necessary Doctrine and Erudition for any Christian Man' has never been withdrawn or repudiated by the Church of England, and that no formulary of doctrine—as Palmer has reminded us in a passage

already quoted—was put out between the reign of Henry VIII. and that of Elizabeth. We may fairly assume therefore that this statement on purgatory is the key to the Twenty-second Article.

The next point that solicits our attention is the First Prayer Book of Edward VI. In the Office for the Burial of the Dead, when the priest throws earth upon the corpse he says, ‘I commend thy soul to God the Father Almighty, and thy body to the ground,’ &c.

The next prayer begins thus: ‘We commend into Thy hands of mercy, most merciful Father, the soul of this our brother departed, that when the judgment shall come, which Thou hast committed to Thy well-beloved Son, both this our brother and we may be found acceptable in Thy sight, and we may receive that blessing,’ &c.

The next prayer concludes thus: ‘Grant, we beseech Thee, that at the day of judgment his soul, and all the souls of Thy elect departed out of this life, may with us, and we with them, fully receive Thy promises, and be made perfect altogether, through the glorious resurrection of Thy Son, Jesus Christ our Lord.’

The Second Lesson is followed by some versicles, of which the following are samples. The priest says, with reference to the dead, ‘From the gates of hell,’ and the congregation reply, ‘Deliver their souls, O Lord!’

Then follows a prayer, in which occurs this petition: ‘Grant unto this Thy servant that the

sins which he committed in this world be not imputed unto him, but that he, escaping the gates of hell and pains of eternal darkness, may ever dwell in the region of light, with Abraham, Isaac, and Jacob, in the place where is no weeping, sorrow, nor heaviness.'

This is almost a literal rendering of a prayer in the Apostolical Constitutions, which shows the practice of the Christians of the third century. The prayer is as follows: 'Let us pray for our brethren departed in the faith of Christ, that the most merciful God, who has received the spirits of the deceased, would forgive all their voluntary and involuntary failings; and that, being restored to the Divine favour, they may have a place assigned them in the region of the blessed; in the bosom of Abraham, Isaac, and Jacob; in the company of those where pain and sorrow and dissatisfaction have no place.'

But I may be told that the First Prayer Book of Edward VI. was superseded by the Second Prayer Book, from which prayers for the dead were excluded. My answer to that objection is this: The very authority which published and sanctioned the second book—*i.e.* the Act of Uniformity—declared explicitly and emphatically that it was not intended as a condemnation or censure of anything contained in the first book. The Act of Parliament, by which the second book of King Edward was ratified, states that there was nothing in the first book but what was 'agreeable to the Word of God and the primitive Church, and very comfortable to all good people desir-

ing to live in Christian conversation.' The Act then goes on to explain 'that such doubts as had been raised in the use and exercise thereof proceeded rather from the curiosity of the minister and mistakers than from any other worthy cause.' This Act of Uniformity bears still stronger testimony to the excellence and orthodoxy of the first book, for it declares that 'by the aid of the Holy Ghost it was with one uniform agreement concluded.'

I think I am right, therefore, in asserting that in substituting the Prayer Book of 1552 for that of 1549, the Church of England was as far as possible from refusing her sanction to anything contained in the latter. She expressly guarded against any such inference in the passages which I have just quoted; and therefore the Second Prayer Book of Edward VI. cannot be quoted as any argument in favour of the view that the Church of England does not sanction prayers for the dead. They were excluded under pressure from Calvin, acting on the English Reformers through the boy-king and through Bucer and Peter Martyr, who were then holding positions of considerable influence in England. Calvin's objection to prayers for the dead was natural enough; for they were inconsistent with his doctrine that the great mass of mankind are irrevocably fore-ordained to eternal damnation, while the small flock of the elect, whose fall was impossible, were privileged to enter heaven as soon as they passed away from earth. But the Church of England has ever instinctively recoiled against the unchristian cruelty

of the Calvinistic system, and has never without protest accepted, even temporarily, any of its fundamental tenets.

The Second Prayer Book of Edward VI. was, of course, abolished on the accession of Queen Mary in 1553. When Queen Elizabeth ascended the throne in 1558 she took immediate steps to restore some of the most important omissions in the Prayer Book of 1552, and her Primer of 1559, published by authority, contains prayers for the dead. The Marian persecution, however, had caused such an anti-Roman reaction that even the strong Tudor will of Queen Elizabeth could do comparatively little against it. Those who had fled to the Continent during the reign of Mary now returned with soured, and in some cases vengeful, feelings, and thought that it was impossible to rush too far or too fast in a direction opposite to that of Rome. Such a period of feverish excitement was not very favourable to a policy of moderation, and Queen Elizabeth, backed as she was by the support of the old leaders of the Reformation, found it impossible to restore, as she wished to do, the First Prayer Book of Edward VI. in its integrity. But all the alterations made were in that direction. The commemoration of the faithful departed was not, however, restored to its old place in the prayer for the Church militant till the last review in 1661.

The present state of the question, then, so far as the Church of England is concerned, I take to be this. In the years 1536, 1543, and 1549, she gave, freely, deliberately, and publicly, her sanction to the doctrine

of prayers for the dead, and that sanction she has never since withdrawn. On the only occasion on which she seemed to do so (1552), she was careful to put on record, through the mouths of the spiritual and temporal organs of the nation, a distinct protest that that was not her intention. And as a matter of fact, prayer for the dead was not altogether excluded even from the Second Prayer Book of Edward VI., though it was certainly reduced to very narrow compass. 'There was one clause,' says the very moderate Wheatley, 'permitted to stand' in the Prayer Book of 1552, 'viz. in the prayer that immediately follows the Lord's Prayer, in which, till the last review, we prayed that *we WITH THIS OUR BROTHER, and all others departed in the true faith of God's holy name, may have our perfect consummation and bliss.*' He goes on to say, what we all know, that the Puritans at the Savoy Conference objected to the words, 'with this our brother,' not because it implied, as it certainly did, prayers for the dead, but because, in Wheatley's language, 'they did in general object against all that expressed any assurance of the deceased party's happiness, which they did not think proper to be said indifferently over all that died.' The words were therefore, and on that ground only, omitted in the last revision. But Wheatley contends:—

That the sentence, as it is still left standing, may well enough be understood to imply the dead as well as the living. For we pray (as it is now) that 'we, with all those that are departed in the true faith of God's holy

name, may have our perfect consummation and bliss'; which is not barely a supposition that all those who are so departed *will* have their perfect consummation and bliss, but a prayer also that they *may* have it, viz. that we with them, and they with us, may be made perfect together, both in body and soul, in the eternal and everlasting glory of God.

Wheatley then adds a passage (too long to quote) from Bishop Cosin, strongly supporting his own view. Palmer, too—I mean the learned author of the 'Origines' and of the 'Treatise on the Church'—declares that 'the great divines of the English Church' are not opposed to the doctrine, and that 'the Church of England herself has never formally condemned prayers for the dead, but only omitted them in her Liturgy'—an omission which he contends had been partially restored when the reasons which caused the omission were no longer in force.

I have restricted my quotations to Wheatley and Palmer because they are acknowledged as standard authorities, and are generally recommended by our bishops, I believe, to candidates for ordination. It would be easy to produce a cloud of witnesses in support of Sir W. Palmer's assertion that 'the great divines of the English Church' sanctioned prayers for the dead both by precept and example. Jeremy Taylor, Bishop Bull, Bishop Overall (the author of the sacramental part of our Church Catechism), Thorndike, Collier, Field, Barrow, Andrewes, and the saintly Wilson and Ken make up a *catena* which might very easily be extended. Archbishop Sheldon

and Bishop Blandford, men of no extreme opinions, confessed that it was their daily practice to pray for the dead; and Thorndike and Bishop Barrow beg the prayers of the faithful for their souls in the epitaphs which they left behind them.¹

A few years ago the legality of prayers for the dead came before an English court, and was expressly affirmed by the Dean of the Arches in the case of *Woolfrey v. Breeks*. ‘*Spes mea Christus*. Pray for the soul of J. Woolfrey. It is a holy and wholesome thought to pray for the dead.’ This was the inscription which originated the trial. The Incumbent refused to admit it into the churchyard, on the ground that the Church of England did not sanction prayers for the dead. But the court over-

¹ Barrow’s epitaph is as follows:—

‘*Exuviae Isaaci Asaphensis Episcopi, in manum Domini depositae, in spem laetae resurrectionis, per sola Christi merita. O vos trans-euntes in domum Domini, domum orationis, orate pro conservo vestro ut inveniat misericordiam in die Domini.*’

Wheatley, too, left the following epitaph for his own tomb:—

‘Reader, join for him in the ejaculation of St. Paul:—The Lord grant unto him that he may find mercy of the Lord in that day.’

These epitaphs show not only that their authors believed that the Church of England sanctioned prayers for the dead, but, further, Wheatley’s belief that Onesiphorus was dead when St. Paul prayed for him, a belief of which a dispassionate consideration of the facts hardly leaves a doubt.

Bishop Heber, a man of moderate opinions, was an advocate for prayers for the departed on Scriptural and Patristic grounds. He writes: ‘The early Christians, most of them, believed that the condition of such persons’ as were in Hades ‘might be made better, and a milder sentence be obtained for their errors and infirmities from the Almighty Judge by whom the doom of all creatures shall be finally settled.’ (See his letter in the *Diary of a Lady of Quality*, p. 255.)

ruled the objection, and sanctioned the inscription, on the ground (I am quoting the language of the judgment) that it 'was not illegal, as by no canon or authority of the Church in these realms had the practice of praying for the dead been expressly prohibited.' The judge took his stand on the First Prayer Book of Edward VI., on which the Act of Uniformity which sanctioned the Second Book stamped its approval. In strict law the Church of England sanctioned, and still sanctions, all prayers publicly offered within the precincts of her churchyards. But when the question was put to the test and an officer of the Church of England attempted to forbid prayers for the dead, and it was decided that he had no power to refuse his sanction, it seems to me extraordinary that any persons, at all acquainted with the facts of the case, should commit themselves to the untenable position that prayers for the dead are forbidden by the Church of England.

But it does not follow that because the Church of England has never refused to sanction prayers for the dead, such prayers are in themselves right and proper. In order to come to a true conclusion on this head it is necessary, of course, that we should understand clearly what prayers for the dead mean and imply.

Now the first observation that an impartial study of the question will suggest to an unprejudiced inquirer is that prayers for the dead are not only coeval with Christianity, but anterior to it. That they are coeval with Christianity it would be easy to

prove by a chain of evidence which may be considered demonstrative. This has never been disputed by any writer of considerable eminence, whatever his own views may have been. Neander freely admits it, and so, though somewhat grudgingly, does our own latitudinarian Bishop Burnet. It may not, however, be so well known that the lawfulness and even duty of prayers for the dead has been always allowed and acted on by the Jews. Among a host of witnesses that might be cited in proof of that assertion, I will content myself with the following quotation from Jeremy Taylor :—

We find, he says, by the history of the Maccabees,¹ that the Jews did pray and make offerings for the dead, which also appears by other testimonies, and by their form of prayers still extant, which they used in the captivity. Now it is very considerable that, given our Blessed Saviour did reprove all the evil doctrines and traditions of the Scribes and Pharisees, and did argue, concerning the dead and the Resurrection, against the Sadducees, yet He spake no word against this public practice, but left it as He found it ; which He, who came to declare to us all the will of the Father, would not

¹ ' For if he had not hoped that they that were slain should have risen again, it had been superfluous and vain to pray for the dead. And also in that he perceived that there was great favour laid up for those that died godly, it was an holy and good thought. Whereupon he made a reconciliation for the dead, that they might be delivered from sin ' (2 Maccabees xii. 44, 45). This attests the practice of the Jews, of which, indeed, we have clear evidence in the ritual of the Temple and Synagogue, in which our Lord must often have joined. In a book of ' Daily, Sabbath, Festival, and occasional prayers, according to the Ritual of the German and Polish Jews,' are several beautiful prayers for the dead.

have done if it had not been innocent, pious, and full of charity.

I will now assume that I have established these three statements :—(1) That the Church of England has nowhere refused her sanction to prayers for the dead. (2) That such prayers have been sanctioned by the Christian Church from the beginning. (3) That the Christian Church inherited them, with our Lord's tacit sanction, from the Jewish Church. If this be admitted, it follows, I think, that the doctrine is founded on some truth or group of truths, which have their roots in our nature. What are these truths? Let us think for a moment.

Consider the mass of mankind, and you will find it impossible to accept the Calvinistic theory, which divides the race by an invisible but impassable gulf, even in this life, making it absolutely impossible for those who are on opposite sides ever to exchange positions. If the study of human nature teaches anything certain, it is this—that man's eternal happiness results from the development of his nature to the fullest perfection of which it is capable, and that such development is, with God's help, in man's own power. But how few even approximate to that perfection here! Will not the facts of the world around us force home on any thoughtful mind the conviction that the vast majority of mankind pass out of this life with undeveloped characters—far indeed from that perfection of their powers which would enable them to see and enjoy the vision

of 'the King in His beauty;' but far also—blessed be God!—from that utter and hopeless demoralisation of character to which Aristotle gives the name of *ἀκολασία*, and which the writer of the Epistle to the Hebrews characterises as past possibility of repentance.

The question therefore arises, What happens to this multitude of neutral characters when death severs their connection with this life? Our sense of natural justice revolts against the idea of their being eternally lost. Our knowledge of human nature, on the other hand, assures us that such persons could no more enjoy the pure delights of the heavenly life than an ignorant clown could enjoy himself in a royal drawing-room; and, since human character does not develop *per saltum*, if these persons are ever at all to be 'made meet for the inheritance of the saints in light,' their growth in grace will not cease with the last breath of this earthly life; their training must still go on till they are able with unclouded eyes to behold the Sun of Righteousness.

The reader's thoughts will, of course, have anticipated my remark that this train of reasoning leads logically to some doctrine of purgatory. It does, and the Judicial Committee of the Privy Council, in the case of 'Essays and Reviews,' decided that some kind of purgatory was an admissible doctrine in the Church of England. The purgatory which Mr. Wilson contended for successfully extended, it is true, indefinitely beyond what

he calls 'the great adjudication'; but that fact makes no difference to my argument. Now, surely, the fact that the Court of Appeal admitted Mr. Wilson's doctrine of purgatory as compatible with his position as a beneficed clergyman is a legal confirmation of the distinction which Dr. Newman drew, in Tract Ninety, between 'the Romish doctrine of purgatory,' censured in the 22nd Article, and any other doctrine of purgatory. And this distinction is still further marked by the fact that in the original form of the Article the doctrine was condemned as 'the doctrine of schoolmen.' As the controversy between the two Churches proceeded, it naturally became more personal, and so for 'the doctrine of schoolmen' was substituted 'the Romish doctrine.' The Article could hardly be aimed at the Tridentine decree on the subject, for that decree did not exist when the Thirty-nine Articles were published. We have already seen that the decree of Trent only says:— 'There is a purgatory, and the souls there detained are helped by prayer, and chiefly by the acceptable sacrifice of the altar.' Nothing beyond that statement is *de fide* in the Church of Rome. A Roman Catholic is not committed to anything beyond the bare statement that there is a place intermediate between this life and perfect bliss, where imperfect souls are trained for perfection and helped by the prayers of the Church on earth. In a selection from the writings of St. Catherine of Genoa, published by Cardinal Manning, I find the pains of purgatory explained to mean the flames of divine love con-

suming the soul with longings which cannot be satisfied till it is sufficiently purified to be able to enjoy the full fruition of the Godhead. 'When the soul finds itself on its way back,' she says, 'to its first state (of innocence), it is so kindled with the desire of becoming one with God, that this desire becomes its purgatory. . . . The instinct by which it is kindled and the impediment by which it is hindered constitute its purgatory.' That is the thought which permeates and underlies all her views on the subject of purgatory, and her writings have a distinguished place in the Church of Rome.

Those who are acquainted with Dr. Newman's beautiful 'Dream of Gerontius,' will remember the subjective view which he takes of the pains of purgatory. The guardian angel which bears the soul of Gerontius into the presence-chamber of the Eternal King thus describes what followed:—

The eager spirit has darted from my hold,
And with intemperate energy of love
Flies to the dear feet of Emmanuel ;
But, ere it reach them, the keen sanctity,
Which, with its effluence, like a glory, clothes
And circles round the Crucified, has seized,
And scorch'd, and shrivell'd it ; and now it lies
Passive and still before the awful throne.
O happy, suffering soul ; for it is safe,
Consumed, yet quicken'd, by the glance of God.

On coming to itself, the soul is represented as singing a plaintive prayer to be 'taken away' from

the ravishing vision of its God to a place of purification :—

There, motionless and happy in my pain,
 Lone, not forlorn,—
 There will I sing my sad perpetual strain
 Until the morn.
 There will I sing, and soothe my stricken breast,
 Which ne'er can cease
 To throb, and pine, and languish, till possess
 Of its Sole Peace.

Do not let us be frightened by mere words in such way as to discard any truth. Purgatory means a place of purification; and which of the sons of men, except the Son of Man, has ever left this earth so pure as to need no purging before admission to the presence of the all-pure God? Let us rescue words, good in themselves, from any accretion of error that may have gathered round them. This is a wiser plan than to cast them away, with, perchance, some precious truth clinging to them.

Another truth which underlies the doctrine of prayers for the dead I believe to be this: that the race of man, and pre-eminently the Christian portion of it, is one family, and that death does not and cannot destroy that network of natural interest and sympathies which binds us together and make us necessary to each other on earth. The great evil of our nature, the cause of nearly all its woes, is selfishness—the repudiation of our family relationship and responsibilities. How does God contrive to cure us of that selfishness? By making us necessary to

each other. Hence the duty of intercessory prayer ; and if the Church on earth and the Church in Paradise be one, why should intercessory prayer cease at death ? ‘To forbid prayers for the dead,’ Mr. Gladstone once said to me, ‘is to undermine the doctrine of prayer for the living.’ This view is strongly supported by the late R. H. Hutton, in one of those thoughtful essays which he used to contribute to the ‘Spectator.’¹

One of the most difficult of mental exercises is to realise the existence of the spiritual world as an objective reality, inhabited by spiritual beings, including the souls of the departed : not unconscious, not idle, not unprogressive, but active, docile, unlearning and learning, and thus going on to perfection. The Twenty-second Article, indeed, so far from condemning every doctrine of purgatory, appears to sanction some doctrine of purgatory. For to condemn a particular doctrine of purgatory is to imply a permissible doctrine ; such, for instance, as Mr. Gladstone, following Butler, expresses as follows : ‘The Christian dead are in a progressive state, and the appointed office of the interval between death and resurrection is reasonably believed to be the corroboration of every good and holy habit, and the effacement of all remains of infirmity and vice.’² That is the doctrine of the great Anglican divines,

¹ The *Essay on Prayers for the Dead* has just been republished, with others, by his niece. See *Aspects of Religious and Scientific Thought*, No. xxxi.

² *Studies subsidiary to Butler's Works*, pp. 153-4.

and it is surely the doctrine of reason and charity. Nor is belief in the purification and moral development of souls in the intermediate state confined to High Churchmen. The late Dean Stanley held it strongly. Indeed, a good part of this chapter was in substance contributed by me, on the Dean's advice, to the 'Contemporary Review,' in an article which he had read in manuscript with entire approval. Maurice also was a firm upholder of the doctrine; and so was Charles Kingsley, as any one can see for himself by consulting his 'Letters and Memoirs of his Life,' by his widow.¹ In one of his letters to myself, after remarking on Puritan eschatology—'i.e. the doctrine which the Puritans (as far as I know) first introduced, namely, that the fate of every man is irrevocably fixed at the moment of death'—he proceeds:—

I need not tell you that this is not the Catholic doctrine; that the Church has held, from a very early age, the belief in an intermediate state. That belief was distorted and abused, in later times, as the Romish doctrine of purgatory. But the denunciation of that doctrine in the Thirty-nine Articles (as Dr. Newman pointed out in Tract Ninety) does not denounce any primitive doctrine of purgatory; nay, rather allows it by the defining adjective 'Romish.' That this Puritan eschatology is no part of the creed of the Church of England is proved by her final rejection of the Article affirming endless punishment. It is as well here to say that I do not *deny* endless punishment.

The truth is that if we give our hearts fair play

¹ Vol. ii. pp. 395-6. First Edition.

and free scope, prayer for the departed is a natural impulse. The heart of man instinctively refuses to believe in death as its natural and final portion. It searches for its vanished kindred, and will not believe that they cease to be, or that its interest in them, or theirs in it, is broken. It is a universal sentiment of humanity, seen in various forms and under divers conditions: in an Old Mortality going up and down the country laboriously renewing the time-worn tombstones of the Covenanters, and in the great orator of Athens, who knew the spell that it held when he put a moment's fire into the breasts of his degenerate countrymen by invoking 'the dead at Marathon.' It is also seen in those legends of many lands which represent some hero or national benefactor as enjoying a happy immunity from the last debt of humanity: our own Arthur still living in the vale of Avalon, or the great Barbarossa sleeping in his mystic cave till his country needs his trusty sword.

The fact is, we all pray for the dead—at least, all loving hearts do. When our beloved pass away from us we follow them with our longing thoughts, we speculate on their condition in the world unseen, we wish them well. And what is a wish but a prayer inarticulate? 'Every good and holy desire,' says Hooker, 'though it lack the form, hath notwithstanding in itself the substance, and with Him the force, of a prayer, Who regardeth the very moanings and sighs of the heart of man.' And what is that philosophic threnody 'In Memoriam'—one of the greatest poems in our language—but a passionate

protest against any admission that death can separate hearts that have loved each other on earth? See, too, how prayer for the departed breaks out of the heart instinctively in the poet's noble ode on the death of the Duke of Wellington:—

God accept him ; Christ receive him.

I wonder if it has ever occurred to any of those who denounce prayers for the dead as a flagrant proof of disloyalty to the Church of England that they include Her Majesty and the royal family in that dishonouring accusation. For prayers for the departed are said at the anniversary services held in memory of the departed members of the royal family. At Prince Henry of Battenberg's funeral, the officiating priest prayed: 'Give rest, O Christ, to Thy servant with Thy Saints,' which is substantially out of the ancient liturgies.

Those who have read the very interesting 'Life of Princess Alice,' by her sister Princess Christian, will remember some passages of exceeding pathos relating to the tragic death of Princess Alice's boy. Her second son, a bright child of two years, known in her letters as 'Frittie,' fell out of a window while her back was momentarily turned, and was killed before her very eyes. Born during his father's absence in the war with France, and delicate from his birth, he was endowed with the intellectual brightness which often goes with feebleness of bodily organisation, and was naturally a special pet of his mother. The sudden quenching of his life by a

violent death was of course a terrible blow to her, which she bore with heroic fortitude.. There is a wonderful pathos in some of her references to her lost treasure—a vivid vision of suppressed sorrow which almost enables us to *see* her grief:—

He was such a bright child. It seems so quiet next door. I miss the little feet, the coming to me, for we lived so much together. . . . He loved flowers so much. I can't see one along the roadside without wishing to pick it for him. In my own house it seems to me as if I never could play again on that piano where little hands were nearly always thrust when I wanted to play. . . . I had played so often lately that splendid, touching funeral march of Chopin's, and I remember it is the last thing I played, and then the boys were running in the room. Having so many girls, I was so proud of our two boys! The pleasure did not last long, but he is *mine* more than ever now. He seems near me always, and I carry his precious image in my heart everywhere.

Who can read these moving sentences, these chastened moanings of a bruised heart, without feeling that the habitual attitude of the bereaved mother's heart was one of prayer for her lost boy? How natural the habit is comes out incidentally in one of Princess Alice's letters. 'Ernie,' the elder boy, 'always prays for Frittie; and talks to me of him when we walk together.'

I am persuaded that much of the unbelief and agnosticism of the day is due to two causes: first, the vague and unreal way in which the spiritual world is regarded by the mass of professing Christians, and

preached about by a large number of the clergy; secondly, 'the Puritan eschatology,' which distressed Charles Kingsley, and which teaches that all the saved pass straight to heaven at the moment of death. That is a view which reason, when it seriously considers it, cannot accept. Very few are they who are fit to enjoy the Beatific Vision when they pass from earth into the spiritual realm. Newman says, in one of the most striking of his Parochial Sermons, that, 'if we could imagine a punishment for an unholy, reprobate soul, we perhaps could not fancy a greater than to summon it to heaven.' Indeed, it must be so, for the key to happiness is correspondence with our environment. But what concord could there be between holiness and unholiness? between a matured sinner and a glorified saint? between the diabolic and the angelic temper? between Christ and Belial? Here good and evil are so mingled that we cannot realise their mutual and irreconcilable antagonism. In heaven they would face each other at opposite poles, mutually repellent. To admit an unholy man to heaven would therefore be no boon to him. Of all imaginable places, he would find himself least at home there. His whole nature would need transformation. But that is not the work of a moment, of an hour, of a day · it is a slow, gradual process, governed by the law which turns impressions into habits, and habits into character. Heaven is intended for certain characters, and none but they could ever enjoy it.

But we are not, in this matter, dealing with full-fledged wickedness, but with inchoate characters, and characters that have been moulded awry from no fault of their own—multitudes born and reared in the midst of such surroundings as gave them no chance of avoiding the evil and choosing the good. These two classes doubtless form a large proportion of Christians, to say nothing of the heathen. The moral sense of any thinking man will rebel against the notion that all those creatures of an almighty, all-seeing, all-loving God are doomed to an eternity of suffering. And it is because this is the doctrine of much of our popular theology that so many have rejected Christianity altogether, in mistake for a spurious counterfeit.

The Catholic doctrine—by which I mean, as our Church means, the doctrine of Christendom while it was still one—is very different. Avoiding the rashness of passing judgment on any individual, let him be the greatest of heresiarchs—for the Athanasian Creed condemns characters, not persons; Arians, not Arius—it teaches that there is an intermediate state where the imperfect are made perfect, the ignorant enlightened, the vacillating confirmed, the crooked made straight. That this process of amelioration will in many cases involve pain who can doubt? ‘We have no right,’ as Mr. Gladstone says in one of his profound ‘Studies subsidiary to Butler’s Works,’¹ ‘to assert that “the redeeming and consummating process will be accomplished

¹ P. 254.

without an admixture of salutary and accepted pain." "Multitudes pass out of this life with crooked characters, from no fault of their own, like limbs badly set, and requiring to be unset or broken before they can be made straight. For these and for the crowds of Christians who pass out of life neither very bad nor very good, unformed in religious habits either for heaven or for hell, Puritan eschatology makes no provision. They are not fit for heaven: who will dare to say that they are lost? The Church, supported by Holy Scripture, provides for them in the Intermediate State.

Dr. Welldon, now Metropolitan of India, a broad-minded Evangelical, insists on the Christian doctrine of prayers for the departed, and on the fact of retributive discipline going on in the Intermediate State: ¹—

But if a variety of destinies in the unseen world, whether of happiness or of suffering, is reserved for mankind, and yet more if the principle of that world is not inactivity but energy or character or life, it is reasonable to believe that the souls, which enter upon the future state with the taint of sin clinging to them in whatever form or degree, will be slowly cleansed by a disciplinary or purificatory process from whatever it is that, being evil in itself, necessarily obstructs or obscures the vision of God. The parable of Dives and Lazarus seems clearly to indicate a certain moral progress as the effect of retributive discipline.²

This is the class of religious questions which

¹ *The Hope of Immortality*, chap. vi.

² See a striking passage on the need of purgatorial discipline, in the late Mr. W. R. Greg's *Enigmas of Life*, chap. vii.

interest working men and women much more than those which are supposed to constitute a 'crisis in the Church;' and Members of Parliament who think otherwise 'are up in a balloon,' to quote a celebrated phrase of Mr. Gladstone. I had some experience of this five years ago while delivering a course of sermons on the Intermediate State in Ripon Cathedral. The sermons were reported in full in some Yorkshire papers and in one London paper. This brought upon me a mass of letters from all parts of the kingdom, chiefly from working men. The following may serve as a specimen:—

Thank God for the new energy to persevere your sermon on 'The Many Mansions' has put into a person of 'weak and wavering will.' To such natures—and their name is legion—sermons are too often simply 'dampers.' They don't give us hope, and it is *hopelessness*, more than anything else, that drives us to despair, and to giving up persevering. We hard-working people have little time or inclination to read religious books, and such of us as care for religion look to sermons for instruction by the way. Too often we get on the one side, 'The Church, the Church,' and, on the other, 'Conversion' and '*Only believe.*' If only we could get such a Christ-like Gospel as *you* preach, there would not be so many unbelievers and ones quite indifferent to religion amongst us. I know several who say, 'What's the good of trying? I always break down. I'm sick and weary of it all.' I've felt so myself, but never will again after that sermon. Hope will make me persevere.

I quote this, italics and all, as an illustration of the kind of teaching for which the working classes

are hungering. They will go, and do go, to the churches where they get it, and lights, and coloured vestments, and incense, will not repel, but rather attract them. Ceremonial is nothing in itself; but it may be made a useful auxiliary of religious as of civil life.

I will now quit this part of the subject with a beautiful passage from Tennyson's 'Morte d'Arthur,' where the duty of praying for the dead is argumentatively enjoined in the person of the poet's hero.

Pray for my soul. More things are wrought by prayer
 Than this world dreams of. Wherefore let thy voice
 Rise like a fountain for me night and day.
 For what are men better than sheep or goats
 That nourish a blind life within the brain,
 If, knowing God, they lift not hands of prayer
 Both for themselves and those who call them friend?
 For so the whole world round is every way
 Bound by gold chains about the feet of God.

Now I come to the modern Roman doctrine of Purgatory, which some of our younger clergy strangely mistake for the doctrine of the Catholic Church—that is, of the Church of 'the ancient fathers and doctors' to which our own Church refers us. That doctrine is based on two articles of belief: first, that purgatory is a place of torment, differing only from the torments of hell in point of duration; secondly, that souls are constantly passing from purgatory to heaven, with more or less delay according to their moral condition and the interest taken in them, and the masses said for them by

friends on earth. The late Rev. W. Palmer, who had an intimate knowledge of the Greek Church, states the difference between the Latin and Oriental Churches with general accuracy as follows: ¹ —

The doctrine of Purgatory is taught by the Latins, and is rejected by the Greeks. The doctrine of the Fathers and of the early Church, of the present Greek or 'Orthodox' Church, and of all the other separated Eastern Churches, is this, that generally speaking, and upon the whole, the state of the faithful departed is a state of light, and rest, and peace, and refreshment; of happiness far greater than any belonging to this life, yet inferior to that which shall be enjoyed after the resurrection and the final Judgment. The doctrine of the Latins, on

¹ *Dissertations on the Orthodox Communion*, pp. 124-5.—This Palmer was a brother of the late Lord Selborne: a most learned and able man, who spent several years in Russia, studying the history and doctrines of that Church and kindred Churches. Eventually he joined the Church of Rome. He must be distinguished from the Rev. Sir William Palmer (previously quoted), also a most learned man, and author of the well-known *Treatise on the Church of Christ*, of the *Origines Liturgicæ*, and other works. He lived and died an English Churchman.

Of the purgatorial fire Bellarmine says: 'It is the common mind of theologians that it is true and proper fire, and of the same kind as our element.' And he gives the volcanic fire of Ætna as an illustration (*De Purg.* ii. 11). The late Father Faber says of his Church: 'It loves to represent purgatory simply as a hell which is not eternal. Violence, confusion, wailing, horror, preside over its description. It dwells, and truly, on the terribleness of the pain of sense which the soul is mysteriously permitted to endure. The fire is the same fire as that of hell, created for the single and express purpose of giving torture' (*All for Jesus*, pp. 335-7).

It is hardly an exaggeration to say that this sort of teaching represents a different religion from that of which we read in the early centuries of Christianity.

the other hand, is this, that generally speaking, and upon the whole, the state of the faithful departed is a state of penal torment, differing from that of hell only in the certainty of future deliverance.

Palmer admits, however, that, although the Greeks reject the word 'purgatory' on account of its evil associations, they nevertheless believe that many of the departed are in an imperfect condition, with stains of sin cleaving to them; and 'of such they think as needing the prayers and oblations of the Church on earth to procure their refreshment, and to lighten them τῶν κατεχόντων αὐτοὺς ἀνιαρῶν. On the other hand, the Latins think of the *higher* souls that they either go straight through purgatory, or are speedily released from it.'

The doctrine of the Eastern Church, in all its branches, is thus seen to be identical with that of the ancient Church and of the Church of England. It believes that no disembodied spirit has ever entered, or ever will enter, heaven, till after the general resurrection. And this is the unanimous doctrine of the primitive Church. By 'heaven' I mean the realm of the Beatific Vision, the 'kingdom' into which our Lord says that He will invite the saints—evidently for the first time—after the final Judgment. This explanation is necessary because the Bible almost always speaks of heaven in the plural—'the heavens.' The spiritual world, He tells us in another place, is a sphere of 'many mansions,' abodes suited to the ethical condition and needs of each of the diversified multitudes who

constantly pass from earth into the unseen home. And as progress, in one direction or another, is a law of intellectual and moral life, we may assume that souls in the Intermediate State, while waiting for the Judgment, rise from sphere to sphere in the altitude of being in proportion to the purification of their characters and the expansion of their faculties.

The present Pope, a few years ago, invited all the Eastern Churches and the people of England to acknowledge his supremacy and prerogatives, and restore the unity of Christendom by submission to him. The Patriarch of the Orthodox Eastern Church sent a powerful answer, signed by himself and his suffragans, declaring that there could be no union till the Church of Rome abandoned her innovations and heterodox doctrines, and returned to the faith of the ancient fathers and councils—the ground always taken by the Church of England. This is what the Eastern bishops say on the subject of the Intermediate State: ‘The one Holy Catholic and Apostolic Church of the seven Œcumenical Councils, in accordance with the inspired teaching of Holy Scripture and with the Apostolic tradition of old, in praying invokes the mercy of God for pardon and repose of those who are asleep in the Lord. But the Papal Church, from the twelfth century onward, invented and accumulated in the person of the Pope—as if he enjoyed exclusively some special privilege—a multitude of innovations respecting purgatory, the superfluity of grace in saints, and its distribution among those deficient

in it, and such like; and she has further propounded the belief in a complete recompense of the just before the general Resurrection and Judgment.' That sums up clearly and tersely the complete subversion of the ancient doctrine by the Church of Rome. The two cardinal errors of that subversion are (1) the doctrine that purgatory is, if I may use the expression with reverence, a sort of clearing-house for souls, under the jurisdiction and control of the Pope and his delegates the clergy; and (2), growing out of this doctrine, a traffic in souls, culminating in the shameless abuses associated with the name of Tetzels, and which did more to bring about the Reformation, especially in Germany, than any other cause.

I have discussed at some length in another work¹ the subject of the Intermediate State and the Roman doctrine of Purgatory, especially the belief that souls pass through purgatory to the enjoyment of the Beatific Vision before the Judgment Day. Those who wish to consult the authoritative Roman teaching on that point will find it stated with great clearness in Perrone's 'Prælectiones.'²

As to the traffic in indulgences and pardons, I know well that Roman Catholics in this country and in most enlightened countries would energetically condemn the abuses which flourished in such rank luxuriance at the period of the Reformation. But all danger of their recurrence cannot be regarded as

¹ *Life Here and Hereafter*: Longmans.

² Vol. i. pp. 806-848. Paris edition of 1842.

out of the question while the exorbitant claims of the Papacy, and its needs as aspiring to temporal dominion, remain uncanceled. I may be supposed, even by some Roman Catholics, to exaggerate the claim of the Papacy to jurisdiction over souls beyond the grave. But the truth is that I might have used stronger language. To give an example: The late Pope, in replying to a deputation of Belgians who had presented him with a papal tiara on June 18, 1871, used these words:—

‘Ye offer me gifts: a triple crown, symbol of my triple royal dignity, in Heaven, on earth, and in Purgatory. And my kingdom will not perish, because the Pope will always be, as I have been, Pope, wherever he may be; at one time in his own States, to-day at the Vatican, some other day in prison. But I accept this crown as a symbol of resurrection. It will not serve me to-day, but certainly in the days of my triumph.’¹

These discourses were addressed ‘to the faithful of Rome and of the world,’ with the sub-title ‘a tutti i fedeli di Roma e dell’ orbe,’ and were carefully revised by the Pope himself. How far do they fulfil

¹ *Discorsi del Sommo Pontefice Pio IX, pronunziati in Vaticano ai Fedeli di Roma e dell’ orbe dal principio della sua prigione fino al presente*, 3 vols. The passage which I have quoted is in the first volume, p. 133, and is as follows in the original: ‘Voi mi offrite dei doni: un Triage, simbolo della mia tripla dignità reale, nel Cielo, sopra la terra, e nel Purgatorio. E il Mio regno non perirà, perchè il Papa sarà, come fu, sempre Papa, dovunque ei sia; una volta nei suoi Stati, oggi al Vaticano, un altro giorno in prigione. Ma Io accetto questa corona, come un simbolo di risorgimento. Ella non mi servirà oggi, ma bensì nei giorni del trionfo.’

the conditions of infallible utterances, as defined by the Vatican decree? It is an interesting question, on which I may have something to say when I come to discuss the question of Infallibility. Meanwhile I trust that I have sufficiently explained the doctrine of the Church of England regarding the Intermediate State, and shown wherein it differs from the teaching of the Church of Rome.

CHAPTER X

ECCLESIASTICAL COURTS AND THE
ORNAMENTS RUBRIC

THE *fortiter in re* was more conspicuous than the *suaviter in modo* in the statement lately put forth by the Council of the English Church Union. That is usually the case with statements declaring doctrines, whether religious or political. They aim, if drawn up by honest men, at directness and terseness, and avoid rhetoric and vagueness. And the consequence is that they commonly startle persons who are not familiar with such subjects. But it is sometimes good for people to be startled. It sets them athinking, and drives them back on first principles. Now it happens that the sentence which has caused most excitement in the statement of the English Church Union is the one sentence which is capable of the easiest defence. Here it is: ‘We have denied, and we deny again, the right of the Crown or of Parliament to determine the doctrine, the discipline, and the ceremonial of the Church of England.’

This frank utterance has made the cup of Sir William Harcourt’s indignation overflow in a torrent of invective. He denounces Lord Halifax as ‘the

ecclesiastical Jack Cade,' leading an 'open rebellion'; and he declares dogmatically that 'the only reply to this nonsense which it is necessary to give is that the Crown and Parliament, when they enacted the Prayer Book in the teeth of the bishops and the clergy, did determine all the conditions of the Church of England as established by law, and have continued to do so for more than three centuries.' And Sir William goes on to declare that the allegation which he denounces as 'open rebellion' 'is a direct denial of the first principles of the English Reformation, which was the work of the laity for the laity, who also in the tribunals for the final decision of Church functions have provided for themselves a necessary and adequate safeguard.'

I venture humbly and respectfully, but decidedly, not only to traverse every one of these statements, but to prove that the assertion, which Sir William Harcourt has stigmatised as a signal for 'open rebellion,' is nothing more than a platitude of constitutional law. I recognise the temerity of such an assertion in opposition to a distinguished statesman and lawyer, who is, moreover, one of the most formidable intellectual athletes among living controversialists. But I am sure that Sir William Harcourt will be the last to resent my rashness, for he has himself set me the example by sundry excursions into the field of theology, which has lain as much outside his normal studies as that of law has lain outside mine. 'To the law and to the testimony,' then. In opposition to Sir William Harcourt

I respectfully lay down, and shall endeavour to prove, the following propositions:—

1. That the English Reformation was much more a political than a theological movement; the professed aim of the Reformers being to liberate the Church and nation from the domination and intermeddling of the Pope. The Reformers disclaimed any intention to create a new Church, or a new creed, or a new ceremonial further than by the abolition of certain abuses and accretions which had in the course of ages got mixed up with the ancient ceremonial of the Church of England. Both clergy and laity appealed to the Church of the Œcumenical Councils (universally accepted) as the standard of faith and worship.

2. That it is incorrect to say that ‘the Crown and Parliament enacted the Prayer Book in the teeth of the bishops and clergy,’ and that neither Crown nor Parliament has ever claimed or exercised the right of determining the doctrine, discipline, or ceremonial of the Church without the Church’s own sanction.

3. That this implies no derogation from the constitutional supremacy of the Crown in matters ecclesiastical.

1. The first two propositions belong to the region of ecclesiastical history more than to that of law, and there perhaps it is not presumptuous for me to say that I am perhaps more at home—at least I ought to be—than Sir William Harcourt. But his authority would nevertheless be likely to overpower mine, and I shall therefore appeal to names which

Sir William himself will admit to be not inferior to his own.

No man of our time studied the history of the Reformation with a more unbiased mind, a more minute care, or a more comprehensive grasp of the whole subject than Mr. Gladstone. He was singularly well equipped for the task. To a wide and accurate range of reading he added a remarkable aptitude for theological and legal studies, and his eristic discipline in the House of Commons made him sharp to detect a flaw in an argument. Brought up an Evangelical, he began his special study of the Reformation with his mind biased, as far as it was biased at all, in that direction. Having no foregone conclusion to uphold, he kept his mind open to such light as an impartial study of facts might shed upon it. Now this is what Mr. Gladstone says:—

With us the question lay simply between the nation and the Pope of Rome, and its first form as a religious question had reference purely to his supremacy. . . . That the question of the English Reformation was eminently and specially national; that it was raised as between this island of the free on the one hand, and an 'Italian priest' on the other, is a remarkable truth which derives equally remarkable illustrations from our history. The main subject of contention between the State and the Romanists, or recusants as they were called, was not their adhesion to this or that Popish doctrine, but their acknowledgment of an unnational and anti-national head. To meet this case the oath of supremacy was framed. . . . The British Government required of its subjects the renunciation, not of Popish doctrines, but of the ecclesi-

astical supremacy of the Pope. . . . It was not the existing Church as a religious institution, but the secular ambition of the Papal See, against which security was sought by renouncing its jurisdiction.¹

Newman's bias, after he became a Roman Catholic, would have been to make the most of the religious question as the motive cause of the Reformation. But he was an honest man and had studied the question conscientiously, and this is his conclusion:—

Not any religious doctrine at all, but a political principle, was the primary English idea at that time [reign of Elizabeth] of 'Popery.' And what was that principle, and how could it best be kept out of England? What was the great question in the days of Henry and Elizabeth? The *Supremacy*. . . . Did Henry VIII. religiously hold justification by faith only? Did he disbelieve Purgatory? Was Elizabeth zealous for the marriage of the clergy? or had she a conscience against the Mass? The supremacy of the Pope was the essence of the 'Popery' to which, at the time of the Articles, the Supreme Head or Governor of the English Church was so violently hostile.²

Freeman had a religious devotion to the virtue of historical accuracy, and he comes to the same conclusion as Mr. Gladstone and Cardinal Newman:—

Nothing was further from the mind of either Henry the Eighth or of Elizabeth than that either of them was

¹ *The State in its Relations with the Church*, pp. 174, 189-90.

² *Apologia*, p. 162. The italics are Newman's.

doing anything new. Neither of them ever thought for a moment of establishing a new Church or of establishing anything at all. In their own eyes they were not establishing but reforming; they were neither pulling down nor setting up, but simply putting to-rights. They were getting rid of innovations and corruptions; they were casting off an usurped foreign jurisdiction, and restoring to the Crown its ancient authority over the State ecclesiastical.¹

The late Dr. Brewer edited, with learned introductions, several of the volumes published under the auspices of the Master of the Rolls. His introduction to the papers relating to the reign of Henry VIII. makes a goodly quarto volume of 572 pages. He had studied the history of the sixteenth and seventeenth centuries with great care, and he agrees in the main with the authorities already cited:—

But the Reformation did not owe its origin to Tyndal or to Parliament; to the corruptions of the clergy, or to oppression of the Ecclesiastical Courts. There is no reason to suppose that the nation as a whole was discontented with the old religion. Facts point to the opposite conclusion. . . . Nor, considering the temper of the English people, is it probable that immorality could have existed among the ancient clergy to the degree which the exaggeration of poets, preachers, and satirists might lead us to suppose. The existence of such corruption is not justified by authentic documents, or by an impartial and broad estimate of the character and conduct of the nation before the Reformation. . . . But though the Reformation advanced no further [than the abolition of Papal Supremacy] in the reign of Henry VIII., and he still

¹ *Disestablishment and Disendowment*, p. 38.

maintained the rites, ceremonies, and doctrines of the ancient faith, it was already in his reign irrevocably established.¹

Macaulay's summing up of the Reformation period is not remarkable for its accuracy, and is scornful and somewhat flippant. But he, too, makes the supremacy the testing question. Elizabeth as well as Henry VIII., he says,

certainly had no objection to the theology of Rome. The Royal supremacy was to supersede the Papal; but 'the Catholic doctrines and rites were to be retained in the Church of England.' Elizabeth clearly discerned the advantages which were to be derived from a close connection between the monarchy and the priesthood. At the time of her accession, indeed, she evidently meditated a partial reconciliation with Rome; and throughout her whole life she leaned strongly to some of the most obnoxious parts of the Catholic system.²

But we are not dependent on second-hand testimony for our knowledge of the position taken up by Elizabeth; her words are on record. In her Admonitions of 1559 she declares that she 'neither doth nor ever will challenge any other authority than that was challenged and lately used by the noble kings of famous memory, King Henry VIII. and King Edward VI., which is, and was, of ancient time due to the Imperial Crown of this Realm.' And again, in the year 1569, on the suppression of

¹ *Letters and Papers, Foreign and Domestic, Henry VIII.* iv. 551.

² *Essays*, i. 131, 133.

the northern rebellion, the Queen published a proclamation, in which she said

that she claimed no other ecclesiastical authority than had been due to her predecessors; that she pretended no right to define articles of faith, or to change ancient ceremonies formerly adopted by the Catholic and Apostolic Church . . . ; but that she conceived it her duty to take care that all estates under her rule should live in the faith and obedience of the Christian religion; to see all laws ordained for that end duly observed; and to provide that the Church be governed by archbishops, bishops, and ministers.

And then she assured her people that she meant not

to molest them for religious opinions provided they did not gainsay the Scriptures, or the Creeds Apostolic and Catholic, nor for matters of religious ceremony as long as they should outwardly conform to the laws of the realm, which enforced the frequentation of Divine service in the ordinary churches.¹

It would be easy to go on multiplying authorities; but these will suffice to establish my first proposition, that the motive cause of the Reformation was political rather than doctrinal, and was centred in the question of the Papal supremacy.

2. I now proceed to give evidence for my second proposition. Sir William Harcourt has offered only one piece of evidence in support of his view that the Prayer Book is the offspring solely of the Crown

¹ Lingard's *Hist.* v. 295.

and Parliament 'in the teeth of the bishops and clergy.' His solitary proof, which he appears to regard as crucial, is the opposition to the Uniformity Act of 1559 by all the bishops present in the House of Lords in that division, and the verbal omission from the Act afterwards of the words 'the Lords spiritual' as assenting to the Act. I shall examine that point presently. But why does Sir William fix on that year and that Act of Uniformity exclusively as if it possessed a sacrosanct character and nullified all that preceded and succeeded it? For no other reason that I can imagine than that it is the only fact in the whole history of the Reformation which gives a colourable pretext to his theory. There are other Acts of Uniformity before and after 1559 in which the assent of the Lords spiritual is mentioned. Why should they be excluded from the evidence available on this subject? That style of controversy will never do. It offends equally the canons of logic, justice, and historical criticism. Now let us look at the facts.

The norm of our present Prayer Book is to be found in the 'Order of the Communion' published on March 8, 1548. It was compiled by seven bishops (including Archbishop Cranmer and Bishop Ridley), and the Deans of Christ Church, Oxford, St. Paul's, Lincoln, Exeter, the Master of Trinity, Cambridge, and Dr. Robertson, afterwards Dean of Durham.

This service left the Office of the Mass to be said in Latin to the end of the consecration prayer and the

communion of the priest, but added to it in English what is substantially our present Communion Office.

This was used by authority of Parliament, but was compiled by authority of the Church. It was followed by the First Prayer Book of Edward VI., which is the basis of our present Prayer Book. It prescribed, among other things, the use of the Eucharistic vestments; and the Act of Uniformity which sanctioned it declares that it is in harmony with 'the pure Christian religion taught by the Scriptures,' as well as with 'the usages in the primitive Church,' and that it was drawn up 'by the aid of the Holy Ghost.' This Act of Uniformity purports to have been passed by 'the Lords spiritual and temporal and the Commons in this Parliament assembled.' So far we have no trace of 'the Crown and Parliament' 'enacting the Prayer Book in the teeth of the bishops and clergy.'

At this juncture, unfortunately, a number of foreign Reformers—iconoclasts in religion and republicans in politics—came to England, and were placed in positions of great influence, including the chairs of theology at the Universities. They were in the confidence of the astute Calvin, who hoped by their aid to overthrow the constitution of the English Church, and reconstruct it on the model of Geneva. His recommendations were backed up by some influential persons at Court, who calculated, as Hallam and Macaulay have pointed out, that a new Reformation on the Swiss pattern would be certain to relieve the Church of much property which

nobody could use so profitably as themselves. The precocious mind of the priggish boy who occupied the throne of the Tudors was completely turned by the artful flatteries of these men. He was persuaded to regard himself as a second good Josiah,¹ whose name would be blessed by future generations as a great reformer. But the bishops set their faces against the revolutionary proposals of the foreign Reformers, and the King, finding himself thus balked of posthumous renown, told Sir John Cheke that when Parliament met he should effect his purpose by exercise of his Royal authority.² There is no proof of his having ever executed that threat. Cardwell surmises that 'the Convocation was induced to delegate its authority to a commission appointed by the King'³; but Lord Selborne, rejecting that view, has proved ('Defence of the Church of England against Disestablishment,' pp. 57-64) that the Book of 1552 received the formal authority of Convocation.

Considering the genesis of the Second Book, the wonder is that so few alterations were made of a serious character. Some of the alterations, indeed, were in the nature of improvements; ⁴ others affected

¹ Strype's *Memorials of Cranmer*, ii. 9.

² 'Hoc non me parum recreat quod mihi D. Cheeus indicavit: si noluerint ipsi [episcopi], ait, efficere ut quæ mutanda sint mutantur, rex per seipsum id faciet; et cum ad parliamentum ventum fuerit ipse suæ Majestatis auctoritatem interponet.'—See Peter Martyr's Letter to Bucer in Strype's *Memorials of Cranmer*, ii. 663.

³ *The Two Liturgies of King Edward VI.* p. xviii.

⁴ This is frankly admitted by a hostile witness:—'Without doubt subsequent revisions of the Book of Common Prayer [of 1549] have

the integrity of the ancient ceremonial sanctioned by the First Book ; none touched the essence of doctrine. Cranmer disliked the alterations which the Second Book made in the Communion Office. He was a great admirer of the Book of 1549, in the compilation of which he took a leading part. Writing of it he says: 'The manner of the Holy Communion, which is now set forth within this Realm, is agreeable with the institution of Christ, with St. Paul, and the old primitive Apostolic Church, and with the right faith of the Sacrifice of Christ upon the Cross.'¹ He solicited Bucer's opinion of the Book, and Bucer replied that he 'found nothing in it but what was either taken out of the Word of God, or at least not contrary to it, if fairly interpreted'—an opinion which he revoked afterwards under the influence of those who were set on organic changes.

Cranmer, as usual, played a weak and vacillating part. Wedded to the First Book and opposed to any further changes, he lacked the courage to resist the King and his powerful prompters. So he ended by swimming with the current, but recorded his opinion of the aims and character of the new introduced elements which, although it may not be easy to justify them by the test of antiquity, have given to the daily service a breadth or even a certain dignity which is altogether wanting in the book of 1549.' 'The Prayer Book of 1549 relaxes the obligation of private recitation [of matins and vespers] altogether, but this was reimposed in the Second Book of 1552.' *Edward VI. and the Book of Common Prayer.* By Francis Aidan Gasquet, O.S.B., pp. 36, 39.

¹ One of the additions in the Second Book was the order to recite the Athanasian Creed on several Saints' days as well as on the great festivals.

Reformers in a letter of protest to the King's Council, in reply to a Royal mandate that he should peruse and report upon the Second Book. The drift of his protest may be gathered from the following extract :—

I know your Lordships' wisdom to be such as that I trust ye will not be moved with *these glorious and unquiet spirits which can like nothing but that is after their own fancy ; and cease not to make trouble when things be most quiet and in good order. If such men should be heard, although the Book were made every year anew, yet it should not lack faults in their opinion.*¹

This is a pregnant comment on the declaration of the Act of Uniformity which ratified the Second Book, namely, that 'such doubts as had been raised in the use and exercise' of the First Book proceeded rather from 'the curiosity of the ministers and mistakers than from any other worthy cause.'

This Act, which was passed on April 6, 1552, ordered the use of the Second Book on the 1st of the ensuing November. The copies of the Book which were printed in the interval, however, were so full of errors, that—partly for this reason, and partly, as it seems, because the King was anxious to have the Book revised still further in the interest of the Puritans—an Order in Council was issued on September 27 cancelling the whole edition and forbidding the issue of any more copies. On the 6th day of the following July the boy-king, who had been ailing for some months previously, died ; and his Second

¹ *State Papers (Domestic) Edward VI.* xv. 15.

Book of Common Prayer died with him. It seems tolerably clear that its adoption was very irregular and partial, and of questionable legality.¹ Its use would have been illegal before the Feast of All Saints, 1552. But all the copies printed up to the end of September in that year had been suppressed by the Order in Council already referred to. There is not a fragment of proof, that I know of, to show that any other edition had been printed in the meantime. There is evidence that the Second Book was used in some churches in the interval, for it was covered by Act of Parliament. It is for lawyers to decide how far the Order in Council affected its legality. It was pretty evident before the end of 1552 that the King was dying, and the perilous uncertainty as to the succession filled the minds of those in authority with apprehensions which were not likely to leave much room for deliberations about the new Prayer Book. The King himself too, knowing that his illness was incurable, had to think of other matters than the disputatious letters of Calvin and the flatteries of self-seeking courtiers. The Duke of Northumberland, who after the death of the Protector really ruled the kingdom, was bent on securing the

¹ See Letter of George Withers to the Prince Elector Palatine (*Zurich Letters*, Second Series, ii. 159, 160). Speaking of the suppressed edition of the Second Prayer Book he says: 'But the King, who truly feared God, not being yet satisfied with these improvements, was about to put the last finish to this work, and appointed a day for the assembling of both Houses of Parliament. All were full of hope and expectation; but in the meantime our most excellent King was taken away by an untimely death.'

sceptre for his daughter-in-law, the unfortunate Lady Jane Grey, and had actually persuaded the King to appoint her his successor by Letters Patent. The partisans of Mary were equally resolute on the other side ; and in the prospect of a struggle which promised to be as desolating as the Wars of the Roses, the small knot of Puritanical Reformers and their nostrums were forgotten.

This is the nearest approach in all the history of the Reformation to Sir William Harcourt's assertion that 'the Crown and Parliament enacted the Prayer Book in the teeth of the bishops and clergy.' But it is an approach only. For the Uniformity Act of 1552 was passed with the assent of the Lords spiritual as well as temporal. Sir William, however, was mainly thinking of the Uniformity Act of 1559. On that occasion it is undoubtedly true that all the bishops present in the House of Lords voted against the Act. It is equally true that the Act itself omits all express mention of the spiritual Lords as assenting parties to the Act, using only the phrase, 'with the assent of the Lords and Commons.' But this is not decisive, for the same phrase is used in the Uniformity Act of 1552, when the spiritual peers were assenting parties. The Uniformity Act of 1549 is still more to the point, for after mentioning 'the Lords spiritual and temporal and the Commons in this present Parliament assembled' as assenting to the Act, it afterwards speaks of 'the assent of the Lords and Commons in this present Parliament assembled'—the very phrase on which

Sir William Harcourt fastens in the Elizabethan Acts of 1559 and 1552.

But Sir William has a second string to his bow. The Elizabethan Act says : ' And for due execution hereof, the Queen's most excellent Majesty, the Lords temporal and all the Commons in this present Parliament assembled, doth in God's name earnestly require and charge all the archbishops, bishops, and other ordinaries, that they shall endeavour themselves to the uttermost of their knowledge, that the due and true execution hereof may be had throughout their dioceses and charges, as they will answer before God for such evils and plagues wherewith Almighty God may justly punish His people for neglecting His good and wholesome law,' &c. This proves nothing. Obviously the spiritual peers could not ' earnestly require and charge ' themselves to do anything even if they had been assenting parties to the Act. Thus we see that the phrase which has delighted Sir William Harcourt, and which forms the corner-stone of his novel theory of the Reformation, vanishes like those frail substances which look beautiful when disinterred from some ancient sepulchre, but crumble to pieces when exposed to the light of the sun.

But there is more to be said on this matter. The year after the Uniformity Act of 1559, Elizabeth put out a Latin version of the Prayer Book, with some alterations and additions which brought it nearer the Book of 1549. In the Letters Patent which authorised this Latin Book she says expressly that the Book of 1559 was passed ' with the consent

of the three Estates of the Realm.’¹ This is a flat contradiction of Sir William Harcourt’s assertion. Yet there is undoubtedly an apparent discrepancy between the votes of the bishops against the Act of Uniformity and the Queen’s unequivocal assertion in a formal State document that the Act of Uniformity was passed ‘with the assent of the three Estates of our Realm,’ namely, the Lords spiritual, the Lords temporal, and the Commons. This is said in the face of Parliament and the nation, and there is no contradiction from any quarter, not even from the bishops. What is the explanation? I venture to offer the following.

When the Act of Uniformity was passing through Parliament ten out of the twenty-six sees were vacant through death, leaving sixteen bishops as peers of Parliament. Of these, nine voted against the third reading of the Act. One was absent through illness and others for no assignable reason. The Bill was thus opposed by just one more than a third of the whole bench, and of these more than half were disqualified by canonical and statutory law. All the episcopal consecrations in the reign of Mary are in that category, for they were made by authority of

¹ ‘Omnibus ad quos præsentēs literæ pervenerint, salutem. Cum memores officii nostri erga Deum Omnipotentem (cujus providentia principes regnant) legibus quibusdam saluberrimis, *consensu trium Regni nostri statuum*, sancitis, anno regni nostri primo, Regium nostrum consensum libenter præbuerimus : inter quas una lex lata est, ut Preces publicæ una et eadem certa et præscripta precandi forma, lingua vulgari et vernacula, passim in Ecclesia Anglicana haberentur,’ &c.

the Pope which had been, from 1534, renounced by the Convocations of the Church lawfully convened; and this canonical renunciation was never repealed by either Convocation. Moreover, thirteen bishops, canonically and legally appointed, had been deprived by Mary without pretence of sanction from the ecclesiastical law of England, and intruders were thrust into their sees. In addition, Queen Elizabeth and her advisers took the precaution of fortifying their position by statute as well as by canon law before enforcing the Act of Uniformity.

Mary's statute restoring the Papal Supremacy was secured before the Uniformity Act reached the House of Lords, and the Marian bishops could be thus legally as well as canonically disqualified as spiritual peers, although they were not as yet formally deprived. This is the very objection that Bonner afterwards took to the consecration of Archbishop Parker and the other Elizabethan bishops, namely, that the Ordinal used lacked statutory authority,¹ not having received the assent of Parliament. But the Queen had anticipated this objection by supplying the legal defects of the Ordinal; a precaution which some Roman Catholic writers have perverted as if it meant the rectification by the Queen of some flaw in the act of Consecration.

The view therefore which Elizabeth and her ministers appear to have taken of the negative votes of the Marian bishops is that they were null and void, the voters being disqualified on grounds both

¹ White's *Lives of the Elizabethan Bishops*, p. 36.

legal and canonical. Had they supported the Act and accepted the situation, it is probable that their position would have been legalised, like that of the Ordinal. As it was, their votes were ignored, and the assent of the new bishops was assumed. The Act of Uniformity, therefore, on which Sir William Harcourt relies, assumes the assent of the spiritual peers, and the Queen positively asserts it without a dissentient voice. Two things are conspicuous in Elizabeth's conduct all through that troubled period: one, her anxiety to have the law on her side; the other, *pace* Sir William Harcourt, her peremptory repudiation of any right on the part of the laity to legislate for the Church. The spiritual peers constitute the first of the three estates of the Realm, and whatever lawyers may think now, it is unquestionable that in the time of Elizabeth and previously an Act of Parliament would have been considered of doubtful authority, if not altogether invalid, passed in a Parliament where the spiritual state was ignored. 'In the Parliament Roll of 21 Rich. II. it is said that many ordinances have been disannulled because the State of the clergy were not present in Parliament at the making of them. So that the distinction between Estates in the kingdom and Estates in Parliament, as if the bishops were one of the first and not of the second, is merely imaginary, and leaves one Estate unrepresented in Parliament.'¹ Elizabeth had far too much

¹ De Lolme *On the English Constitution*, pp. 134-5. I owe this quotation to Mr. James Parker.

respect for precedent to run any risk of that sort. Certainly this view of the Constitution came down at least to the Great Rebellion. When the bishops were turned out of the House of Lords by the Long Parliament they protested against any legislation enacted in their absence as null and void.

Elizabeth's repudiation of the right of the House of Commons to interfere in ecclesiastical affairs, except by way of sanction for ecclesiastical matters brought before it either by Royal authority or by the House of Lords, where the Church was represented by the bishops, could be illustrated by various examples. Let two suffice. The case is put succinctly and clearly by a very able and learned foreign writer on the English Constitution, Dr. Rudolph Gneist, Professor of Law in the University of Berlin. He writes :—

When in 14 Elizabeth a bill touching the rites and ceremonies of the Church had been read a third time, the Queen declared to the House, through the Speaker, that 'no bill concerning religion should be proposed or received into this House, unless the same be first considered and approved by the clergy.' This, however, referred to the initiation of legislation touching the Church, and actually formed a new province, as to which no precedent could be found for the cooperation of Parliament. On the contrary, the interference of the Commons with the internal affairs of the Church, as well as all taxation of spiritualties, had always been energetically rejected.¹

The author gives no reference, but there is a parallel passage in the Calendar of State Papers

¹ *Hist. of the Engl. Const.* ii. 149. English translation.

edited by Mrs. Green.¹ As late as the year 1593, in a speech delivered by Sir Edward Coke, Speaker of the House of Commons, we find this language. He tells the House that he had been sent for by her Majesty, who directed him to tell the House, among other things, ‘that it is in her power to call Parliaments and to end them, and to assent to or dissent from anything done therein. Secondly, that in her Majesty’s pleasure, delivered to them by the Lord Keeper, *it was not meant that they should meddle either in matters of State or ecclesiastical causes*; and she wondered that any should be so forgetful of her commandment, or so bold as to attempt a thing so expressly contrary to that she had forbidden. She further directs that if they attempt to exhibit any Bills tending to matters of State or reformation in causes ecclesiastical, the Lord Keeper, on his allegiance, shall refuse to read them.’

The Queen here refers to her having previously ‘forbidden’ this sort of intermeddling in ecclesiastical affairs on the part of the House of Commons, and ‘wonders that any should be so forgetful of her commandment.’ This probably refers to a petition presented to the Queen in the year 1586 by the House of Commons, praying for reforms in the direction of Puritanism. Her Majesty sent a snubbing and sarcastic reply, of which the drift may be gathered from the following quotation:—

Her Majesty is fully resolved by her own reading and princely judgment upon the truth of the reformation

¹ *Calendar of Eliz.* 1591-4, p. 322.

which we have already, and mindeth not now to begin to settle herself in causes of religion. Her Majesty hath been confirmed in her said judgment of the present reformation by the letters and writings of the most famous men in Christendom, as well of her own dominions as of other countries. Her Majesty thinks it very inconvenient and dangerous, while our enemies are labouring to overthrow the religion established as false and erroneous, that we, by new disputations, should seem ourselves to doubt thereof. Her Majesty hath fully considered, not only of the exceptions that are made against the present reformation, and doth find them frivolous, but also of the platform that is desired, and accounteth it most prejudicial unto the religion established, to her crown, to her government, to her subjects. Her Majesty thinketh that, though it were granted that some things were amiss in the Church, yet seeing she is fully persuaded, and knoweth it to be true, that for the very substance and grounds of true religion no man living can justly control them; to make every day new laws in matters of circumstances and of less moment (especially touching religion) were a means to breed great lightness in her subjects, to nourish unstayed humour in them, in seeking still for exchanges. ‘Malum est et reipub. noxium assuefieri homines ad facilitatem mutandarum legum.’ *If anything were amiss it appertaineth to the clergy more properly to see the same redressed.* ‘Unicuique in sua arte credendum. Quam quisque norit artem in hac se exerceat. Navem agere ignarus navis timet.’ Her Majesty takes your petition herein to be against the prerogative of her crown. For by their full consents it hath been confirmed and enacted (as the truth herein requireth) that the full power, authority, jurisdiction and supremacy, in Church causes which heretofore the popes usurped and took to

themselves, should be united and annexed to the Imperial Crown of this Realm.¹

Yet Sir William Harcourt picks out Elizabeth's reign in particular as the auspicious era, when the laity got their feet on the necks of the clergy and reformed the Prayer Book 'in the teeth of the bishops and the clergy!' I humbly submit that, inasmuch as men's heads are soft in comparison with stone walls, it is ill luck for a controversialist to run his head against the stone walls of history.

But I am willing to be generous and to test my case by subsequent periods of history. Sir William Harcourt's theory is vitiated by another fatal flaw. The following letter appeared from his pen in the 'Westminster Gazette' in the first week of last July:—

THE REFORMATION STATUTES.

To the Editor of 'The Westminster Gazette.'

Sir,—My attention has been called to some comments in your paper of June 30 upon the citation I made from the Act of Uniformity to show that it was enacted by the authority of the 'Lords Temporal and the Commons' alone, to the exclusion of the 'Lords Spiritual.'

The statute from which I read in the House of Commons was, I need not say, the great *Reformation Act* of Elizabeth, in which this notable circumstance is specially recorded (1 Eliz., cap. 2). The note in the *Revised Statutes*, vol. i., p. 472, gives the reason. The same observation applies to the preceding *Reformation*

¹ Cardwell's *Synodalia*, ii. 559-61.

Act of Uniformity of Edward VI. (5 and 6 Ed. VI., cap. 1, Revised Statutes, vol. i., p. 437).

These were the Reformation statutes by which the doctrines and practice of the Church of England were established by law, on its separation from the Church of Rome, and were enacted not with the authority of the 'Spirituality' but against their consent.

I did not, of course, refer (as you seem to suppose) to the *Restoration* enactment of Charles II., which was in no sense a *Reformation* statute, and was passed under very different conditions.

Your obedient servant,
W. V. HARCOURT.

I have already shown that Sir William has carelessly misread the statutes of Edward VI. and Elizabeth to which he refers. But let us assume, for the sake of argument, that his construction of them is correct. What then? Edward's Act is dead, and has no more legal force than the laws of Lycurgus. Elizabeth's Act of Uniformity, on the other hand, was abolished by the Long Parliament, and was revived by the Uniformity Act of 1662. On that Act it rests. Now the Prayer Book sanctioned by the Act of 1662 was not Elizabeth's Prayer Book, but that Prayer Book as revised by the clergy, who made several additions to it, in the reign of James I. That revision was never submitted to Parliament. It rested solely upon the Royal authority ratifying by Letters Patent the action of the Metropolitan and of the other clerical Commissioners. The Prayer Book thus revised, without any

interference on the part of Parliament, was at the Restoration handed over to the Convocations of the two Provinces for its final revision. The Northern Convocation elected delegates to co-operate with the Convocation of Canterbury, and their united labours resulted in 600 alterations. This last revision passed the Lords and was then sent down to the Commons, who, while maintaining their right to discuss the book thus amended, abstained from doing so out of deference to Convocation. So deferential, indeed, were they that they even shrank from correcting a clerical error in the Baptismal Service, and remitted it to Convocation, which thereupon deputed the Bishops of Durham, St. Asaph, and Carlisle to make the correction. The Act of Uniformity then authorised the revised Prayer Book in the following words: 'Be it enacted by the King's Most Excellent Majesty, by the advice, and with the consent, of the Lords spiritual and temporal, and of the Commons assembled in this present Parliament,' &c. This Act is now the statutory charter of the clergy, and if any previous Act conflicts with it, it is a commonplace of law, with which even laymen are familiar, that if two Acts of Parliament differ, it is the second that prevails. Why, then, does a distinguished lawyer and statesman, like Sir William Harcourt, repudiate 'the *Restoration* enactment of Charles II.,' and declare that it 'was in no sense a *Reformation* statute, and was passed under very different circumstances'? I can imagine no other reason than the fact that the last Act of Uniformity, which is now

the basis in secular law of the Prayer Book, shatters Sir William Harcourt's theory in pieces, and gives statutory force to Queen Elizabeth's *dictum*, that 'if anything were amiss, it appertaineth to the clergy to see the same redressed.'¹ It is of course natural that Sir William should dislike a statute of which the history furnishes a complete refutation of his whole argument. But is it not a characteristic mark of lawlessness to pick and choose among laws, insisting on those of which we approve, and rejecting those which we dislike? Surely Sir William is himself here violating the very code of morals which he is trying to impose with such draconic rigour on the clergy.

The last attempt made by an external authority to legislate for the Church in matters of doctrine, discipline, and ceremonial, was William III.'s scheme in 1689. The King attempted to impose his scheme on the Church without the assent of Convocation, but was arrested by addresses from both Houses of Parliament, praying that, 'according to the ancient practice and usage of this kingdom in time of Parliament, his Majesty would be graciously pleased to issue forth his writs, as soon as conveniently might be, for calling a Convocation of the clergy of this kingdom, to be advised with in ecclesiastical matters.'² He was obliged to comply. Convocation was summoned and the scheme was laid before

¹ See *Kennett's Register*, p. 680; and *Documents relating to the Act of Uniformity*, p. 453.

² *Parl. Hist.* v. 216.

it. The Upper House, under the influence of the Erastian Primate, Tillotson, was favourably disposed; but the Lower House of Convocation, after animated debates and conferences with the Upper House, rejected the scheme, and made an end of it.¹ Parliament disclaimed for itself and the Crown the right to determine the doctrine, the discipline, or the ceremonial of the Church of England; in other words, vindicated proleptically the proposition which Sir William Harcourt has denounced as ‘a direct denial of the first principles of the Reformation, which was the work of the laity for the laity.’ Nobody can master a subject more thoroughly than Sir William Harcourt when he gives his mind and devotes a sufficient time to it. Witness his mastery of finance, which was comparatively new ground to him till he became Chancellor of the Exchequer. It is quite evident, from his speeches in Parliament and his letters to the ‘Times,’ that he has never seriously studied the history of the Reformation at all. He has simply adopted a popular tradition, and assumed its accuracy without any attempt to verify it. The tradition is a pure myth, as I think I have now shown.

But before I pass to my next proposition it may be well to note a few of the items in the scheme which Convocation rejected. It recommended the disuse of ‘the chanting of Divine service in Cathedral Churches;’ of ‘the Apocryphal Lessons

¹ Cardwell’s *Hist. of Conf.* ch. ix.; Lathbury’s *Hist. of the Convocation of the Church of Engl.* ch. xi.

and those of the Old Testament which are too natural,' and 'all the legendary Saints' days.' It recommended that 'if any refuse to receive the Sacrament of the Lord's Supper kneeling, it may be administered to them in their pews;' that 'distinction of meats in Lent be abolished;' 'that the rubric which obliges ministers to read or hear common prayer publicly or privately every day be changed to an exhortation, to the people to frequent those prayers;' 'that the absolution in the Morning and Evening Prayer may be read by a deacon, the word "priest" in the rubric being changed into "minister;"' and those words *and remission* be put out as not very intelligible;' that 'all high titles or appellations of the King, Queen, &c., shall be left out of the prayers, such as "Most illustrious, religious, mighty," &c.'

There was a lively debate as to whether the Church of England should be called 'Protestant.' The Lower House rejected the term as 'equivocal,' 'since Socinians,' &c., were so designated, and it was dropped accordingly. In my humble opinion the Church of England has done wisely in refusing to admit the term 'Protestant' as entering into the definition of her claims. It is a negative term, and things are properly defined by their properties, not by their accidental negations. 'The Protestant faith' is a contradiction in terms. The note of faith is 'I believe;' of Protestantism, 'I do not believe.' It is a grievous mistake to place the essence of a Church in the negation of something which it

repudiates, and thus tie its life to the existence of error. To tell me that a man is a 'Protestant' is to tell me absolutely nothing more about his religious opinions than that he is not a Roman Catholic. It is a definition which embraces every man who is not a Roman Catholic; not only orthodox Christians but Socinians, Mormons, Comtists, Agnostics, and even Atheists. Every Church is Protestant in so far as it protests against error, but to fix upon that characteristic as its *raison d'être* is an absurdity, and is very bad tactics in addition. The Pope and Cardinal Vaughan take good care to designate the Church of England as 'Protestant,' while they claim a monopoly of the term 'Catholic,' and it would be playing into their hands to acquiesce in that position. The Church of England claims to be the Catholic Church of this land, and it is by a true instinct that she has always refused to surrender that title to the amorphous designation of Protestant. It is just because of my loyalty to the Church of England and my opposition to the errors and domination of the Church of Rome that I refuse to call myself by a name which signifies nothing positive, and surrenders the whole ground of controversy to the Church of Rome. Burke says, with his usual accuracy and sagacity:—

It is *not* a fundamental part of the settlement at the Revolution that the State should be Protestant without any qualification of the term. . . . Our predecessors in legislation were not so irrational (not to say impious) as to form an operose ecclesiastical establishment, and even

to render the State itself, in some degree, subservient to it, when their religion (if such it might be called) was nothing but the negation of some other. This always appeared to me a monster of contradiction and absurdity.

. . . The Church of Scotland knows as little of Protestantism undefined as the Church of England and Ireland do. She has by the articles of union secured to herself the perpetual establishment of the *Confession of Faith*, and the *Presbyterian* Church government. In England, even during the troubled interregnum, it was not thought fit to establish a *negative* religion; but that Parliament settled the *Presbyterian* as the Church discipline; the *Directory* as the rule of public *worship*; and the *Westminster Catechism* as the institute of faith.¹

Sir William Harcourt will not, I am sure, impeach the loyalty or orthodoxy of Edmund Burke. But when he says that Lord Halifax ‘might as well deny the right of the Crown and Parliament to tax the people’ as deny their right to alter the creed and ceremonial of the Church, he forgets that Crown and Parliament did not claim the right to tax that portion of the people which constitutes the clergy. The clergy taxed themselves in Convocation by constitutional right till they voluntarily resigned that right in the reign of Charles II. And Speaker Onslow, in a note to a passage in Burnet’s ‘History of his own Times’ (iv. 508), says that in the Act of Parliament which accepted this resignation of right by Convocation, ‘there is an express saving of the right of the clergy to tax themselves in Convocation if they think fit.’ The origin of the exclusion of

¹ ‘A Letter to Sir Hercules Langrishe, M.P.’ *Works*, iv. 517.

the clergy of the Church of England from the House of Commons is the fact of their having a Parliament of their own (Convocation), where they were taxed by their representatives. The Act of 1796 excluding all men in Episcopal orders, so as to get rid of Horne Tooke, who had given up his clerical profession, was an unjust and oppressive extension of the old rule. So that Sir William Harcourt's illustration, instead of being, as he intended it, a *reductio ad absurdum* of Lord Halifax's *dictum*, in fact confirms it.

3. My third proposition is that the doctrine which I have laid down on this point derogates in no way from the constitutional supremacy of the Crown in matters ecclesiastical. There is much confusion in the public mind on this subject. The Royal Supremacy operates within well-defined limits. Henry VIII. extorted from the clergy, after much difficulty, the title of 'Supreme Head of the Church of England,' but with the qualifying clause: 'As far as the law of God allows.' During the first year of Mary's reign the royal writs ran: 'Mary, by the grace of God Supreme Head of the Church of England.' After the repeal of the anti-papal legislation of her father the title of course became illegal. But Elizabeth would not palter with it in any sense, and in the first statute of her reign, restoring the ancient jurisdiction of the Crown over all estates of the Realm, the title of 'Supreme Head of the Church' was dropped, and that of 'Supreme Governor of all persons and in all causes, ecclesiastical as well as

civil,' was substituted for it. That has been the legal title of our Sovereigns ever since. And it is a perfectly defensible title even from the point of view of the strictest Churchman. Nor is England the only country where the Sovereign, under whatever title, exercises powers quite as ample as those covered by the Queen's Supremacy. At least before the Vatican Council there was practically no difference in this respect between England and Continental Catholic countries. What difference the Vatican decrees have made I do not know. Emile Ollivier, who was Prime Minister of the French Government when the Council met, declared afterwards that the proclamation of Papal infallibility was equivalent to separation between Church and State caused by the Pope.¹

Austria has always been considered very loyal to the Holy See ; yet the Royal Supremacy in Austria is quite as stringent as in England. I remember Dr. Döllinger pointing out to me, immediately after the passing of the Falk Laws in Germany, that they hardly went beyond the scope of the laws of the Austrian Empire ; and any one who reads Count Ferdinand dal Pozzo's 'Catholicism in Austria' will agree with Dr. Döllinger. Take the following :—

When any society whatsoever enters into the State its members have a right to the protection of the State, in order to enforce the observance of the con-

¹ ' Je ne connais pas, depuis 89, d'événement aussi considérable : c'est la séparation de l'Église et l'État, opérée par le pape lui-même.'—*L'Église et l'État au Concile du Vatican*, i. 399.

ventions, and all the conditions of the society. If any member be injured in his rights, and, on the other hand, the directors of the society refuse to do him justice, the injured member may apply to the Sovereign, asking the redress of his grievances and administration of justice. The Sovereign, however, ought to grant it in a manner suitable to the nature of the society itself. On this principle are grounded the applications known under the various denominations of *a recourse to the prince—appeal ab abusu, &c.* They are substantially complaints addressed to the prince or to his tribunals, against the decisions of ecclesiastical superiors, when there is reason to believe that they have misapplied their powers. In the early ages of the Church applications of this description frequently occurred. St. Athanasius, condemned by the Council of Tyre, implored the aid of Constantine. In the same way St. Chrysostom, patriarch of Constantinople, unjustly reprobated by the Synod of the Oak, petitioned the Emperor Arcadius for protection. . . . But were the question to turn on purely ecclesiastical matters, the application to the prince should only be admitted when it is averred that the ecclesiastical judge has somewhat violently injured the applicant *in not following the legal rules in his proceedings*.¹

All the subjects of Her Majesty are entitled to this amount of protection from the civil Courts: not members of the Established Church merely, but Nonconformists of every description, including

¹ Pp. 118–9, cf. pp. 113, 114, where it is shown that ‘the *placet royal* is required to validate every ecclesiastical decree, whether of discipline or of doctrine, and whether proceeding from local ecclesiastical tribunals or from the Pope.’

Count dal Pozzo was an eminent Austrian lawyer, who was for a time President of the Imperial Court of Genoa when Northern Italy was under Austrian rule.

Roman Catholics. Two or three instances will prove this. Some years ago a Roman Catholic nun in Ireland was dismissed from her convent and from conventual life altogether. She appealed to the civil tribunals, and her appeal was heard. But a still more striking case is that of Father O'Keeffe, who in the year 1873 appealed to the Court of Queen's Bench in Ireland against an ecclesiastical sentence of Archbishop Cardinal Cullen, who was, moreover, Papal Legate. The Cardinal acted on a Rescript from the Pope in addition to his Legatine authority. The Court differed on some points of the case; but the Chief Justice sustained Father O'Keeffe on all points.

In the year 1881 some trustees of a chapel in Huddersfield appealed to the civil Court against the election of a minister of the name of Stannard on the ground that he preached false doctrine. I quote from the 'Times' report: ¹—

This schedule contained the ten following articles:—
 '1. The Divine inspiration of the Holy Scriptures and their sole authority and entire sufficiency as the rule of faith and practice. 2. The Unity of God with the proper Deity of the Father, of the Word, and the Holy Spirit. 3. The universal and total depravity of man and his exposure to the anger of God on account of his sins. 4. The sufficiency of the atonement which was made for sin by our Lord Jesus Christ, and His ability and willingness to save all who come to Him for salvation. 5. Free justification by faith, and by faith alone, in the Lord Jesus Christ. 5. The necessity of the Holy Spirit's in-

¹ Feb. 2, 1881.

fluence in the work of regeneration and also in the work of sanctification. 7. The predestination according to God's gracious purpose of a multitude which no man can number unto eternal salvation by Jesus Christ. 8. The immutable obligation of the moral law as the rule of human conduct. 9. The resurrection of the dead, both just and unjust. 10. The eternal happiness of the righteous, and the everlasting punishment of the wicked.' The principal ground of the plaintiffs' case was that the tone and character of Mr. Stannard's public teaching from the pulpit were not in harmony with this doctrinal standard.

The High Court of Justice decided in favour of the plaintiffs on the doctrinal question. Other instances might be quoted, both in England and Scotland, of appeals from the ecclesiastical Courts of non-established religious bodies to the secular tribunals. So that the disestablishment of the Church of England would not liberate it at all from the jurisdiction of the Crown through its regular Courts. There is no escape from the Royal Supremacy. The Sovereign is the fountain of justice, and a final appeal must always lie to him where civil rights are concerned. No English Churchman who knows anything about the matter would deny so elementary a proposition, and I do not find it denied in the manifesto of the English Church Union which has stirred Sir William Harcourt's wrath. To deny the authority of the Judicial Committee of the Privy Council in ecclesiastical causes, and to claim at the same time the restoration of the Church's own Courts, is by no means to deny

the authority of the Crown or the Royal Supremacy. Let us consider this.

The principle for which I am contending is clearly set forth in the grand preamble of the Statute of 1532, as follows:—

Where, by divers sundry old authorities, histories, and chronicles, it is manifestly explained and expressed that this Realm of England is an empire, and so hath been accepted in the world, governed by one supreme head and king, having the dignity and royal estate of the imperial crown of the same; unto whom a body politic, compact of all sorts and degrees of people, divided in terms and by names of spirituality and temporalty, been bounden and owen to bear, next to God, a natural and humble obedience: he being also institute and furnished by the goodness and sufferance of Almighty God with plenary, whole, and entire power, preëminence, authority, prerogative, and jurisdiction, to render and yield justice and final determination to all manner of folk, resiants, or subjects within this his Realm, in all causes, matters, debates, and contentions happening to occur, insurge, or begin within the limits thereof, without restraint or provocation to any foreign princes or potentates of the world: the body spiritual whereof having power, when any cause of the law divine happened to come in question, or of spiritual learning, then it was declared, interpreted, and shown by that part of the said body politic called the spirituality, now being usually called the English Church, which always hath been reputed, and also found of that sort, that both for knowledge, integrity, and sufficiency of number, it hath been always thought, and is also at this hour, sufficient and meet of itself, without the intermeddling of any exterior person or persons, to declare and determine all such doubts, and to administer all such

offices and duties, as to their rooms spiritual doth appertain: for the due administration whereof, and to keep them from corruption and sinister affection, the king's most noble progenitors, and the antecessors of the nobles of this Realm, have sufficiently endowed the said Church both with honour and possessions: and the law temporal, for trial of property of lands and goods, and for the conservation of the people of this Realm in unity and peace, without rapine or spoil, was and yet is administered, adjudged, and executed, by sundry judges and ministers of the other part of the said body politic, called the temporalty: and both these authorities and jurisdictions do conjoin together in due administration of justice, the one to help the other.

Here, then, we see drawn, with sculptured precision, the line of demarcation between the respective domains of the spirituality and temporalty; each independent of the other so long as it keeps within its own borders and observes its own laws and prescribed rules of procedure; while the Sovereign is supreme over both, to see that each administers justice fairly and in accordance with the laws belonging to each. This is now the charter of constitutional law that regulates the mutual relations of the spirituality and temporalty, and there could hardly be a more direct contradiction than it offers to Sir William Harcourt's *dictum* in his letter to the 'Times' of March 9, namely, that the claim of the spirituality to adjudicate within its own domain 'is a direct denial of the first principles of the English Reformation, which was the work of the laity for the laity, who also in the tribunals for the final decision

of Church questions have provided for themselves a necessary and adequate safeguard.'

And the great luminaries of English constitutional law have always drawn and emphasised the distinction which Sir William Harcourt dismisses with scorn. It would be difficult to appeal to a greater name in that respect than that of Lord Coke, who says, not as a matter admitting of controversy, but as an axiom of law,—

As in temporal causes the King, by the mouth of his judges in his Courts of Justice, doth judge and determine the same by the temporal laws of England, so in causes ecclesiastical and spiritual . . . the same are to be determined and decided by the ecclesiastical judges according to the King's ecclesiastical laws of this Realm.¹

And in his Fourth Institute (321) he observes :—

And certain it is that this kingdom has been best governed, and peace and quiet preserved, when both parties—that is, when the justices of the temporal Courts and the ecclesiastical judges—have kept themselves within their proper jurisdiction, without encroaching or usurping one upon another. And where such encroachments or usurpations have been made, they have been the seeds of great trouble and inconvenience.

The encroachments of the Judicial Committee on the spiritual domain are a striking illustration of this last observation.

The distinction between the spiritual and temporal jurisdiction is exemplified in various ways. For

¹ *Cawdrie's case.*

instance, Convocation is in a manner more independent of the Crown than Parliament. It is not, as Parliament is, the Sovereign's Council. He is not its head, nor does he open or prorogue it, as he does Parliament. The Primate is its head, and opens and prorogues it, and it is not *power* but *leave* that Convocation has to seek for the purpose of making canons; and its canons remain in being, though without coercive force, without the Royal assent, which may be given years afterwards; whereas a bill that has passed both Houses of Parliament ceases to be unless it has received the Royal assent before the end of that session. Again, canons receive the Royal assent in the gross; Parliamentary bills, one by one.

The Judicial Committee has itself disclaimed any right to adjudicate on the doctrine or ceremonial of the Church of England. The Court has merely claimed the right, when appealed to, to interpret legal documents according to the principles of law. The Court laid down this rule very plainly in the Gorham case, as the following quotations will show:—

‘It is not for the Court to decide whether opinions are theologically sound or unsound, but whether such opinions are contrary or repugnant to the doctrines which the Church of England, by its Articles, Formularies, and Rubrics, requires to be held by its ministers.

‘The Court will apply to the construction of the Articles and Liturgy the same rules which have been long established, and are by law applicable to the construction of all written instruments, assisted only by the

consideration of such rational or historical facts as may be necessary for the understanding of the subject-matter to which the instruments relate, and the meaning of the words employed.

‘In all cases in which the Articles, considered as a test, admit of different interpretations: *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 if there be any doctrine on which the Articles are silent or ambiguously expressed, so as to be capable of two meanings: *Held*, that it was intended to leave that doctrine to private judgment, unless the Rubrics and Formularies clearly and distinctly decide it. . . .

‘*The Court 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 the Articles and Formularies.*’

Again: ‘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 consideration 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 that this Court should fix on one meaning, and prosecute all those who hold a contrary opinion regarding its interpretation.”*¹

The Judicial Committee, in the *Purchas* case, quoted this rule of judicial interpretation with approbation, and then proceeded immediately to violate it in the most extraordinary manner; not intentionally of course, but owing to their entire ignorance of the whole subject with which they had to deal—an ignorance stimulated by very strong unconscious bias.

What I have now said may suffice to show that in asking for restoration of spiritual Courts for the trial of spiritual causes Churchmen are demanding nothing revolutionary, nothing unreasonable, but, on the contrary, are merely claiming their just rights guaranteed to them by the British Constitution.

But it may be useful to exemplify this by the case of the Presbyterian Established Church of Scotland. It is, within its own domain, entirely independent of the civil power. After the Royal Commissioner has formally opened the General Assembly on behalf of the Sovereign, the Moderator formally opens it on behalf of the spirituality; and this dual exercise of jurisdiction is also observed at the prorogation of the Assembly. All the Courts are purely ecclesiastical, and are quite independent of the secular Courts, provided they administer their own laws within the limits of their proper

¹ Brooke's *Privy Council Judgments*, pp. 1, 2, 35.

jurisdiction. This has been sometimes disputed on the ground that the lay elders are constituent members of the Courts. But the objection is untenable: first, because the elders are appointed entirely by the Church, the Sovereign and the civil power having absolutely nothing to do with it; secondly, because the elders, if not spiritual persons, are certainly ecclesiastical persons.

A layman may be an ecclesiastical person in law, his *status* in that respect depending on the *status* of the person or body from whom he derives his jurisdiction, and the questions with which he has to deal. A bishop's chancellor is an ecclesiastical judge, though a layman; and so was the Dean of the Arches. But the Scotch elders are ecclesiastical persons for an additional reason. They are a constituent element of the ministry. Their proper designation is not 'lay elders,' but 'ruling elders;' and they are set apart for their office at a solemn service in church. Their ecclesiastical character is plainly indicated by the questions put to them before their appointment to their ministry. For example: 'Are you persuaded that the Lord Jesus Christ, the only King and Head of the Church, has therein appointed a government distinct from, and not subordinate to, civil government? Are zeal for the glory of God, love to the Lord Jesus Christ, and a desire to save souls, and not worldly interests or expectations, as far as you know from your own heart, your great motives and chief inducements to enter into the office of ruling elder? Have you used undue

methods, by yourself or others, to obtain the call of this Church? Do you adhere to your acceptance of the call to become ruling elder of this Church? Do you engage, in the strength of the grace that is in Christ Jesus, to perform with diligence and faithfulness the duties of ruling elder, watching over the flock of which you are called to be an overseer, in all things showing yourself to be a pattern of good works, and giving a conscientious attendance upon the meetings of this (Kirk) session, and also of superior Courts when called to sit as a member in them?’

That in matters of legislation and judicature the established Church of Scotland is, within its own domain, absolutely independent, is not open to controversy: it is a matter of fact. It has no power to alter its authorised formularies without the sanction of Parliament; but within that frontier it is quite independent. When I was asked by Archbishop Tait to give evidence before the Ecclesiastical Courts Commission in 1883 I went carefully into this question and consulted competent persons in Scotland, among others Dr. Grub, a learned historian and professor of law in the University of Aberdeen, and Dr. Boyd of St. Andrews (‘A. K. H. B.’), who held the office of Moderator of the General Assembly; and they all assured me that from a decision of a properly conducted ecclesiastical tribunal in Scotland there is absolutely no appeal. But there is no need to labour the matter, for the point has been judicially decided: for instance, in the case of *Sturrock v. Greig*.

In that case Lord Justice Clerk Hope declared as follows :—

The first section [of the 'Confession of Faith'] announces a great truth of the Church, liable to misapprehension doubtless, but a doctrine which is the foundation of the whole authority and government of the Church over its members; that is, that in the matter of discipline, whether as to doctrine or evil practice, or non-observance of Church ordinances, the Church is exercising a government through its Church officers, appointed by the Lord Jesus, distinct from the civil magistrates. Whatever questions have been raised as to the wider effect of this declaration, to which I need not now advert, this is undeniable, that in regard to discipline the authority of the Church, as a distinct and separate government, is so derived from that source. To that declaration, as the foundation of the exercise of Church censure over the members of the Church, I think Courts of law must give full effect as much as to any other statutory enactment. It is not our business to consider the truth of that declaration; if it were, I should be prepared to defend it. Neither are we to consider whether it will arm men with alarming power, capable of producing great mischief. The statute has given the remedy in the Courts which it trusted—in the appeals competent to the Superior Church Courts.

He goes on to say that the Church Courts 'have been trusted as a separate government. The declaration of the authority under which they act assumes that it must be separately administered, free from control, from subjection, or subordination to civil tribunals.'

The Court went even so far as to decide that—

No action for damages will lie against a Church Court of the Established Church for any sentence or judgment pronounced by them in a proper case of discipline duly brought before them, regularly conducted, and within their competency and province as a Church Court, even although it be averred that the judgment was pronounced maliciously and without probable cause.¹

So that there is absolutely no remedy if the Ecclesiastical Courts follow their own regular procedure.

In the case of *Lockhart v. The Presbytery of Deer*, the four judges of the First Division of the Court of Session laid down the law in similar terms. The Lord President, in delivering judgment, said :—

We have just as little right to interfere with the proceedings of the Church Courts in matters of ecclesiastical discipline as we have to interfere with the proceedings of the Court of Justiciary in a criminal question.²

I may add to these instances a case which Lord Halifax has lately published in the 'Times.' The decision, which was delivered on June 29, 1870, is as follows :—

A minister of the Established Church in Scotland was suspended by the presbytery of Dunkeld for six months, during which time he was compelled to pay £55 to his assistant for discharging the duties of the cure. The General Assembly, which is the supreme and final Church Court, composed exclusively of ministers and elders, was

¹ *The Law of Creeds in Scotland*, by A. Taylor Innes. The case of *Sturrock v. Greig* was in 1849.

² *Ibid.* p. 231.

not satisfied with the decision of the presbytery, and in May 1870 ordered the presbytery to proceed to a fresh trial on the same charge. Upon this the minister prayed the civil Courts to suspend the judgment of the Assembly on the ground that the Assembly had exceeded its jurisdiction. The Court of Session, however, held that the proceeding complained of being within the exclusive jurisdiction of the Church Courts, it had no power to review them. The following were the decisions of the judges :—

It appears to the Lord Ordinary that the whole matter was a question of ecclesiastical law and procedure, of which it was the exclusive province of the General Assembly to judge, and with which the Court of Session had no right to interfere. If the Court were to do so it would simply be reviewing the proceedings of the supreme Ecclesiastical Court.

The Lord Justice Clerk: Within their spiritual province the Church Courts are as supreme as we are within the civil, and, as this is a matter relating to the civil discipline of the Church and solely within the cognisance of the Church Courts, I think we have no power to interfere.

Lord Cowan: I am of the same opinion. The Assembly is the supreme tribunal in ecclesiastical offences, whether attaching to the morality of ministers or to alleged heretical opinions. I repudiate the idea of a civil Court being entitled to overrule the deliverances of the Assembly in matters of that kind. It may be that incidentally and necessarily the civil interests of the clergyman may be affected. Every such judgment pronounced by the Assembly has necessarily that effect, but because the civil interests of the man found guilty of an offence may be affected, is that any reason for the civil Courts interfering? By no means. The procedure

having regard to offences cognisable by the Church Courts, and to be followed, on conviction, by ecclesiastical pains and penalties, the Church Courts had supreme and exclusive jurisdiction.

Lord Benholme: Within their own department the law of the land gives the Assembly an exclusive and final jurisdiction. The General Assembly is the supreme Ecclesiastical Court in Scotland.

How mild, after all this, seems the denial of the English Church Union that Crown and Parliament have a 'right to determine the doctrine, discipline, and ceremonial of the Church of England'! That *dictum* has been in force in Scotland for centuries, and with the best results all round. Justice has been so administered in the Ecclesiastical Courts as to give at least as much satisfaction as the decisions of the secular tribunals. Yet Lord Halifax is, in Sir William Harcourt's opinion, an 'ecclesiastical Jack Cade' because he claims for the Church of England what the Constitution has guaranteed to her, and what we see in operation in Scotland without any of those evils and dangers which our Cassandras on this side of the Tweed threaten as the result of restoring to the Church the jurisdiction of which she has been deprived, in violation of that very Reformation Settlement to which those who wish to cripple her energies so loudly appeal.

If, indeed, the Judicial Committee had proved itself a competent tribunal, and given general satisfaction in dealing with ecclesiastical questions, the

flaw in its origin and title might have been forgotten or condoned. For Englishmen are patient of anomalies and irregularities as long as they work well in practice. But of all the Courts that have ever dispensed justice in England none, I venture to think, has proved itself so entirely incompetent as the Judicial Committee has done in adjudicating upon ecclesiastical questions. Ignorance and unconscious bias have presided over its judgments in a degree which is hardly credible to those who have not examined its deliverances in detail. And the result is that their Lordships have landed us in chaos. Their decisions, like the pots in the fable that went sailing down the stream, crack each other. It is impossible to obey one judgment without violating another. They are judgments of policy, not of law, and vary with the passion or prejudice of the occasion and the popular strength at the back of the impugned doctrines or practices. It is this, I believe, even more than its secular character, which has so discredited the decisions of the Judicial Committee. That is an indictment which ought not to be made against an august tribunal without proof. I proceed, therefore, to give my proof.

The First Prayer Book of Edward VI. has the following Rubric in the beginning of the Communion Office :—

Upon the day, and at the time appointed for the administration of the Holy Communion, the priest that shall execute the holy ministry shall put upon him the vesture appointed for that ministration, that is to say, a

white albe plain, with a vestment or cope. And where there be many priests or deacons, then so many shall be ready to help the priest in the ministration as shall be requisite, and shall have upon them likewise the vestures appointed for their ministry, that is to say, albes with tunicles.

The Second Prayer Book of Edward expunged this Rubric and substituted the following :—

And here is to be noted that the minister at the time of the Communion, and at all other times in his ministration, shall use neither alb, vestment, nor cope ; but being archbishop or bishop, he shall have and wear a rochet, and being a priest or deacon, he shall have and wear a surplice only.

Thus we see that when Parliament—I have discussed elsewhere the sanction of Convocation to this Book—intended to abolish the old Eucharistic vestments, it said so in plain straightforward language which anybody could understand.

Both the Prayer Books of Edward were abolished by Mary's legislation, and when Elizabeth came to the throne she was most anxious to restore the First Prayer Book of Edward and retain the ancient ceremonial. Failing to carry her point so far, she appointed a small company of divines to revise Edward's Second Book under the presidency of Parker, who, however, was absent most of the time on account of illness. The Puritan element was represented by Sandys. Secretary Cecil, doubtless by instruction from the Queen, sent a series of

suggestions to the committee, including the following:—

Whether such ceremonies as were lately taken away by King Edward's [Second] Book might not be resumed, not being evil in themselves? Whether the image of the cross were not to be retained? Whether processions should not be used? Whether, in the celebration of the Communion, priests should not use a cope beside a surplice? ¹

This points to the direction in which the Queen desired that alterations should be made. The divines, however, did not act on these suggestions. They left the Rubric forbidding the vestments. But the Queen refused to sanction the revised book until provision was made for the 'ornaments' abolished by the Book of 1552. The following clause was therefore inserted into the Act of Uniformity which legalised the revised Prayer Book:—

Provided always, and be it enacted, that such ornaments of the Church and of the ministers thereof shall be retained and be in use as was in this Church of England, by authority of Parliament, in the second year of the reign of King Edward VI.; until other order shall be therein taken by the authority of the Queen's Majesty, with the advice of her Commissioners appointed and authorised under the Great Seal of England for causes ecclesiastical, or of the metropolitan of this realm. And also that if there shall happen any contempt or irreverence to be used in the ceremonies or rites of the Church, by the misusing of the orders appointed in this book: the

¹ Strype's *Ann.* vol. i. pt. i. pp. 122-3.

Queen's Majesty may, by the like advice of the said Commissioners, or metropolitan, ordain and publish such further ceremonies or rites as may be most for the advancement of God's glory, the edifying of the Church, and the due reverence of Christ's holy mysteries and sacraments.

In a contemporary Latin translation of this Act of Uniformity the first sentence of this clause is rendered :—

‘*Provisum atque statutum sit, quòd talia ecclesiastica ornamenta et ministrorum ejusdem conservabuntur, et usui subservient, quemadmodum mos erat in hac ecclesia Anglicana ex auctoritate Parliamenti in anno secundo Regni Regis Edwardi Sexti.*’

‘As was the custom in this Church of England’ makes rather better sense than the English version, and may be taken as the contemporary interpretation.

There is a slight verbal difference, but no difference of meaning, between the language of the statute and the language of the Rubric of Elizabeth's Prayer Book, which is as follows :—

And here is to be noted, that the minister at the time of the Communion, and at all other times in his ministration, shall use such ornaments in the Church as were in use by authority of Parliament in the second year of the reign of King Edward VI., according to the Act of Parliament set in the beginning of this book.

To any mind, not blinded by prejudice, and fairly acquainted with the history of the period, both Rubric and Statute are quite plain and unambiguous.

The Statute reserved the right to enforce, as circumstances permitted, the full ritual of the second year of Edward VI. That was impracticable for the present, but a way was left open for it. It was 'further ceremonies or rites' that the Queen contemplated, not any prohibition of those legalised by the Act. This is plainly the meaning of the 'other order' for which the Act of Uniformity makes provision, and this natural interpretation of the Act is corroborated by a mass of external evidence, as I shall prove presently.

The Long Parliament abolished the Ornaments Rubric on the very ground that it kept in legal being the Rubric of the Book of 1549, which prescribed the Eucharistic vestments. At the Restoration Convocation and Parliament restored the Ornaments Rubric, slightly altered, although warned by the Puritans that it would 'bring back' the vestments; and it now reads as follows:—

And here is to be noted, that such ornaments of the Church, and of the ministers thereof, at all times of their ministration, shall be retained and be in use, as were in the Church of England, by the authority of Parliament, in the second year of the reign of King Edward the Sixth.

The Act of Uniformity which ratified this Rubric says nothing about 'other order.' This is the last statutory pronouncement on the subject, and it is obvious, on all recognised rules of interpretation, that if any previous enactment of any kind comes into collision with our present Rubric, that

enactment is *ipso facto* repealed. When the language of a statute is plain it must be construed literally. This has been declared so often from the Bench that it must be taken as an axiom of legal interpretation. In *Edrick's Case* the judges said :—

‘They ought not to make any construction against the express letter of the Statute; for nothing can so express the meaning of the makers of the act as their own direct words, for *index animi—sermo*. And it would be dangerous to give scope to make a construction in any case against the express words, when the meaning of the makers doth not appear to the contrary, and when no inconvenience will therefrom follow, and therefore *a verbis legis non est recedendum*.’ ‘In fact,’ says Stephens, ‘when the Legislature has used words of a plain and definite import, it would be very dangerous to put upon them a construction which would amount to holding that the Legislature did not mean what it has expressed. The fittest in all cases where the intention of the Legislature is brought into question is to adhere to the *words* of the Statute, construing them according to their nature and import in the order in which they stand in the Act of Parliament.’

‘The good expositor,’ says Lord Coke, ‘makes every sentence have its operation to suppress all the mischiefs; he gives effect to every word in the Statute. He does not construe it so that anything should be vain and superfluous, nor yet makes exposition against express words; for *viperina est expositio quæ corrodit viscera textus* (*Powlter's Case*, 34), but so expounds it that one part of the Act may agree with the other, and all may stand together. But the best expositors of all Acts of Parliament in all cases, are the Acts of Parliament themselves, by construction and conferring the parts of

them together : *optima statuti interpretatrix est (omnibus particulis ejusdem inspectis) ipsum statutum.*¹

The Judicial Committee acted on this recognised rule of legal interpretation in the case of *Liddell v. Westerton*. The question before the Court was the ornaments of the Church, including altar vestments. Referring to the First and Second Prayer Books of Edward VI. the Court said :—

The Queen was in favour of the First, but she was obliged to give way, and a compromise was made, by which the services were to be in conformity with the Second Prayer Book, with certain alterations; but the ornaments of the Church, whether those worn or those otherwise used by the minister, were to be according to the First Prayer Book.

Then the Court quotes the clause on ecclesiastical ornaments in the Uniformity Act of 1559, and says that ‘the Rubric to the new Prayer Book’ was ‘framed to express the same thing.’ The Court then proceeds :—

It will be observed that this Rubric does not adopt precisely the language of the Statute, but expresses the same thing in other words. The Statute says ‘such ornaments of the Church and of the ministers thereof shall be retained and be in use;’ and the Rubric, ‘that the minister shall use such ornaments in the Church.’ The Rubric to the Prayer Book of January 1, 1604, adopts the language of the Rubric of Elizabeth; but they all obviously mean the same thing, that the same dresses

¹ *Bonham's Case.*

and the same utensils or articles which were used under the First Prayer Book of Edward VI. may still be used.

This is in accordance with law, grammar, and common sense. And the Court was a strong one, consisting of the Lord Chancellor (Cranworth); Lord Wensleydale; the Chancellor of the Duchy of Cornwall (Mr. Pemberton Leigh); Sir John Patten; Sir William Maule; Archbishop Sumner; Bishop of London (Tait). In the Purchas and Ridsdale cases, which gave a directly contrary decision, the Judicial Committee felt that the *Liddell v. Westerton* judgment was an awkward obstacle in their way, and they tried to surmount the difficulty by alleging that the question of the minister's vestments was not before that Court. But that is a sophism. The question of altar vestments is *in pari materia* with ministerial vestments, and the Court of 1857 said so expressly when it affirmed that 'the ornaments of the Church, whether those worn, or those otherwise used by the minister, were to be according to the First Prayer Book.' There is no doubt about it, and nothing but the imperious exigencies of a foregone conclusion could have induced a Court of Justice to take refuge in so manifest a fallacy as that perpetrated in the Purchas and Ridsdale cases.

And now let us come to close quarters with the decisions in the Purchas and Ridsdale cases. These two Courts reversed the plain meaning of the Rubric of 1662. They deliberately changed an

injunction into a prohibition. The Rubric, it is admitted on all hands, taken by itself, orders the use of the Eucharistic vestments. The Court, in the Ridsdale case, frankly admitted this. How, then, did that Court, following the decision in the Purchas case, manage to turn the Rubric upside down and make it mean precisely the contrary of what it plainly says? The following is the answer as given by the Court in the Purchas case:—

The vestment, or cope, alb, and tunicle, were ordered by the First Prayer Book of Edward VI. They were abolished by the Prayer Book of 1552, and the surplice was substituted. They were provisionally restored by the Statute of Elizabeth, and by her Prayer Book of 1559. But the Injunctions and Advertisements of Elizabeth established a new order within a few years from the passing of the Statute, under which *chasuble*, *alb*, and *tunicle* disappeared. The Canons of 1603-4, adopting anew the reference to the Rubric of Edward VI., sanctioned in express terms all that the Advertisements had done in the matter of the vestments, and ordered the *surplice* only to be used in parish churches. The revisers of our present Prayer Book, under another form of words, repeated the reference to the second year of Edward VI., and they did so advisedly, after attention had been called to the possibility of a return to the vestments.

Their Lordships accordingly declared the Eucharistic vestments illegal.

Really this is enough to take one's breath away. Will the reader try to realise what it means? The Queen, as we have seen, refused peremptorily to sanction the Second Prayer Book of Edward unless

certain alterations were made in it, and especially a provision for the restoration of the entire ritual and ecclesiastical ornaments of the second year of Edward. She carried her point. The Rubric forbidding the Eucharistic vestments was expunged from the Prayer Book of 1552. Their legality was restored by a special clause in the Act of Uniformity, and by a new Rubric displacing the prohibitory one of 1552. Now why, in the name of reason and common sense, should the Queen take all this trouble, and put forth all her Tudor determination of purpose, if her intention all the while was to prohibit the vestments? They were prohibited by a distinct Rubric in the Prayer Book which she restored. Why not leave the prohibition? Why insist, on the contrary, on substituting another Rubric reversing the prohibition; and, not satisfied with that, inserting a special clause in the Statute to legalise the vestments; if her sole purpose was to get rid of them altogether? Elizabeth was a very able woman, with a will of iron. If we are to recognise this exhibition of Privy Council law as accurate, we must reverse the judgment of history and pronounce Elizabeth to be little better than a fool—one of those spoilt vacillating sovereigns who change their minds from day to day for the mere love of change, or out of what the Americans call ‘sheer cussedness.’ She makes a tremendous fuss and braves powerful opposition to restore the Eucharistic vestments, and all for the purpose of giving herself statutory power to undo what she had done! That

is what the Judicial Committee of the Privy Council, not in the cynical spirit of the old augurs, but calmly, deliberately, and with all the honesty of religious zealots, ask us to believe! *Credat Judæus Apella; non ego.* Nor am I singular in my incredulity. The Purchas judgment has been raked and riddled by legal criticism. I quote the following from a powerful pamphlet by Justice Sir John Taylor Coleridge, one of the ablest and most cautious judges who ever adorned the bench:—

The Act of Uniformity [which covers the Ornaments Rubric] is to be construed by the same rules exactly as any Act passed in the last Session of Parliament. The clause in question (by which I mean the Rubric in question) is perfectly unambiguous in language, free from all difficulty as to construction; it therefore lets in no argument as to intention other than that which the words themselves import. There might be a seeming difficulty in *fact*, because it might not be known what vestments were in use by authority of Parliament in the second year of King Edward VI.; but this difficulty has been removed. It is conceded in the Report that the vestments, the use of which is now condemned, were in use by authority of Parliament in that year. Having that fact, you are bound to construe the Rubric as if those vestments were specifically named in it, instead of being only referred to. If an Act should be passed to-morrow that the uniform of the Guards should henceforth be such as was ordered for them by authority, and used by them in the 1st Geo. I., you would first ascertain what that uniform was; and, having ascertained it, you would not inquire into the changes which may have been made, many or few, with or without lawful authority, between

the 1st Geo. I. and the new Act. All these that Act, specifying the certain date, would have made wholly immaterial. It would have seemed strange, I suppose, if a commanding officer, disobeying the statute, had said in his defence—‘There have been many changes since the reign of George I.; and as to “retaining,” we put a gloss on that, and thought it might mean only retaining to the Queen’s use; so we have put the uniforms safely in store.’ But I think it would have seemed more strange to punish and mulct him severely if he had obeyed the law, and put no gloss on plain words.¹

There we have the true judicial mind, construing a legal document according to the recognised canons of legal interpretation. The Long Parliament made a clean sweep of the Church and Prayer Book, and at the Restoration Convocation and Parliament restored the Ornaments Rubric, Advertisements and Injunctions of Elizabeth notwithstanding, and in spite also of the remonstrance of the Puritans, who declared, with the tacit approval of the bishops, that the restoration of the Rubric would mean the legal restoration of the vestments. The present Rubric therefore has absolutely no legal connection whatever with anything that happened in the reign of Elizabeth or any other reign. There is no reference in it, directly or by implication, to anything that went before it except the legal ritual and ecclesiastical ornaments of the second year of Edward VI.; and the Act of Uniformity, which sanctioned it, says nothing about any ‘other order.’ The Rubric stands

¹ *Remarks on Report of Judicial Committee*, pp. 7, 8.

by itself, clear, unambiguous, and forbidding any construction in discord with its plain grammar. The construction put upon the Rubric by the Court in the Purchas case is an outrageous violation of all the principles of British law and all the dictates of common justice. Instead of interpreting the existing law, the Court, under cover of its judicial prerogative, acted the part of a legislature, repealing one law and substituting another. And nobody is more quick-sighted to detect this lawless raiding by the judicature into territory not its own than the judges themselves when they are free from the influence of a domineering bias. One of the judges in the Ridsdale case was the late Lord Selborne; a highly honourable and devout man, and enjoying the highest reputation as a lawyer. He gave the sanction of his name, with entire conscientiousness, to one of the grossest miscarriages of justice ever perpetrated by a British Court of law. And this he did in violation of rules and principles which he was himself foremost to defend when his prejudices were not strongly enlisted against the still small voice of justice. Let me give an example. It will be in the recollection of some of my readers that Mr. Bradlaugh was prosecuted by a member of the House of Commons in order to recover damages for his sitting and voting after a majority of the House had refused to let him either affirm or take the oath. The question came before the House of Lords for judgment on April 9, 1883, and the judgment was delivered by Lord Selborne, who was then Lord Chancellor. I extract the following from the

report of the 'Daily News' of the following day:—

The Lord Chancellor, having referred at length to the authorities bearing upon the point, said the argument at the bar had satisfied him that the grounds upon which the judgment appealed against rested could not be maintained. The language of the Act afforded no sufficient ground for implying an intention on the part of the Legislature to give the common informer as well as the Crown a right of action for the penalty. One of his noble and learned friends, he understood, was of opinion that though the words of the Act of 1866 might not by themselves afford any sufficient ground for such an intention, it might, nevertheless, be implied according to the true principles applicable to the construction of the statute. He (the Lord Chancellor) thought it would be legislation and not interpretation to import into the Act, by any inference from repealed enactments, provisions . . . which the Act itself did not contain.

This is sound law, and is a direct, though unconscious, condemnation of the Ridsdale and Purchas judgments.

But not only are those judgments a violation of the rules of law and grammar; they are in direct conflict with the plain facts of history in addition. The theory on which they are based is that the phrase, 'until other order,' in the Act of Uniformity, means that the ritual of Edward VI.'s second year was now restored until the Queen saw her way to the abolition of it. I have already remarked on the unspeakable absurdity of that assumption; but let us grant it for the sake of argument. Certain Advertisements

were drawn up in 1564 by Archbishop Parker and some of the bishops, on the initiative of the Queen ; and in these Advertisements the use of the cope was made imperative in cathedral and collegiate churches at the celebration of the Eucharist. The Purchas judgment says, by a characteristic blunder, that this applied only to high festivals. Anxious to restrict the use of the vestments as much as possible, their Lordships eagerly snatched at any plausible excuse that would enable them to carry out their purpose. The Advertisements say nothing about high festivals ; but the 24th Canon says :—

In all cathedral and collegiate churches the Holy Communion shall be administered upon principal feast-days ; sometimes by the bishop, if he be present, and sometimes by the dean, and at some time by a canon or prebendary, the principal minister using a decent cope, and being assisted with the gospeller and epistler agreeably, according to the Advertisements published Anno 7 Eliz.

From this the Court inferred that the cope is lawful ‘upon principal feast-days.’ If the judges had taken the trouble to carry their research as far as the next Canon, they would have read : ‘In the time of Divine Service and Prayers in all cathedral and collegiate churches, when there is no Communion, it shall be sufficient to wear surplices.’ This clearly implies that the cope was to be used whenever the Holy Communion was administered. What these two Canons show, and also the Advertise-

ments, is the lax observance of the Rubrics, both in the time of Elizabeth and in that of James I. And the Canons and Advertisements at the same time shatter another of the dogmatic blunders with which the judgment bristles. Here it is :—

Their Lordships remark further that the doctrine of a minimum of ritual, represented by the surplice, with a maximum represented by the mediæval vestments, is inconsistent with the fact that the Rubric is a positive order, under a penal statute, accepted by each clergyman in a remarkably strong expression of ‘assent and consent,’ and capable of being enforced with severe penalties.

It is really trying to the temper to criticise calmly a judgment which positively revels in ignorance. When their Lordships indited the words which I have quoted they had the Advertisements and Canons before them. The former say : ‘Item, that in cathedral churches and colleges the Holy Communion be ministered upon the first or second Sunday of every month *at the least.*’ The Canon says, ‘upon principal feast-days.’ And this, moreover, in cathedral and collegiate churches only. It was still rarer in ordinary parish churches. Yet the Prayer Book enjoins a weekly celebration at least. And as to the ‘remarkable’ stringency of subscription, ‘capable of being enforced with severe penalties,’ let us see what Archbishop Bancroft, who lived in the reign both of Elizabeth and James, says :—

How carelessly subscription is exacted in England I am ashamed to report. Such is the retchlessness of

many of our bishops on the one side, and their desire to be at ease and quietness to think upon their own affairs; and on the other side such is the obstinacy and intolerable pride of that factitious sort [*i.e.* the Puritans], as that betwixt both sides, either subscription is not at all required, or if it be, the bishops admit them so to qualifie it, that it were better to be omitted altogether. If the best and the learnedest man in Christendome were in Geneva, and should oppose himself to anything that the Church there holdeth, if he escaped with his life, he might thank God; but he should be sure not to continue as a minister there. There is no Church established in Christendome so remisse in this point as the Church of England: for, in effect, every man useth and refuseth what he listeth. Some few of late have been restrained, who had almost raised the land into an open sedition. But also they followed their own fancies, and may not be dealt with withall (forsooth) for fear of disquietness.¹

Compare this with the rosy picture which the Judicial Committee give us of the Arcadian peace and universal obedience to Rubrics in the sixteenth and seventeenth centuries. The Puritans of that time knew better, and so, to their dire distress and discomfort, did the bishops who tried to extort from them a very slender minimum of rubrical observances.

But what was the purpose of the Advertisements? There was a maxim in the Roman law, which, by the way, is commonly misunderstood, as if it meant, 'What's the use?' When a Roman judge wished to find a clue to the intention of an act, he asked *Cui*

¹ *Survey of the Pretended Holy Discipline*, p. 249.

bono? 'to whose advantage? who would benefit by it?' Who would benefit by the Advertisements? Against whom were they directed? The Judicial Committee say that they were directed against those who wore 'the mediæval vestments;' against, that is, the vast majority of the English clergy. There were nine thousand parish priests when Elizabeth ascended the throne, besides other clergy; and of these all but two hundred at most conformed to the new *régime*. It was to conciliate this mass of clergy, with the laity in sympathy with them, that Elizabeth insisted on restoring the ritual of the second year of Edward, thus leaving matters to go on without any change in the service of public worship that would much offend the eyes of the usual worshippers. The Advertisements, according to the Judicial Committee, were directed entirely against those quiet country and town clergy who continued to wear the old vestments and practise the old ceremonies under the protection of the Act of Uniformity. The old mode of worship 'was provisionally restored,' the Judicial Committee tell us, in order to be immediately put under ban, and thus dash the hopes of the great multitude who had been conciliated by the concession. Yet, marvellous to say, not a cry of distress, not a remonstrance, not a murmur escapes from the menaced and harassed majority, who were the victims of this capricious and mocking cruelty on the part of the Queen. But the 'little flock' of the returned Puritans, as one of themselves describes them, make the welkin ring

with their complaints against the restored worship of Edward's second year, and against the enforcement of the minimum sanctioned by the Advertisements. They evidently never heard of the construction put upon the Act of Uniformity and Ornaments Rubric by the Judicial Committee three hundred years afterwards. Let us take a few examples. One of the chief Puritan leaders was George Withers, and his testimony is valuable as showing the view which the Puritans at the time took of the 'other order' in the Act of Uniformity of 1559. This is what Withers says of the state of things on the accession of Elizabeth :—

The second form of prayers, which Edward left behind him at his death, was restored to the Church. But the ceremonies which, as was above stated, were retained in the Church at the first Reformation of Edward, are restored under the same name. Power, moreover, was given to the Queen and the Archbishop to introduce whatever *additional* ceremonies they might think proper ; and they immediately afterwards both discontinued the ordinary bread heretofore used in the administration of the Lord's Supper, and for the sake of a newer reformation adopted the round wafer, after the manner of that used by the Papists.¹

This is an indisputable proof that the 'other order' of the Act of Uniformity was understood at the time to mean the correction of defects, not the abolition of the legal standard. The wonder is how any one could think otherwise. The Act itself

¹ *Zurich Letters*, Second Series, p. 161.

expressly provides for the addition of 'further ceremonies or rites' in the event of 'any contempt or irreverence to be used in the ceremonies or rites of the Church by the misusing of the orders appointed in this book.' As an instance of what the Queen meant by 'other order,' we have her letter, 'given under our signet at our Palace of Westminster, the 22nd of January, the third year of our reign,' and addressed to four of her Commissioners, 'so authorised by our Great Seal,' the Archbishop of Canterbury, Bishop of London, 'William Bil, our Almoner, and Walter Haddon, one of the masters of our requests.' She begins by giving them to understand 'that where it is provided by Act of Parliament, holden in the first year of our reign, that whensoever we shall see cause to take further order in any rite or ceremony appointed in the Book of Common Prayer,' &c. She enjoins on them to see to 'the comely keeping and order of the said churches, and especially of the upper part, called the *chancel*,' finding that there were 'great disorders, and the decays of churches, and in the unseemly keeping and order of the chancels and such like.' These disorders the Commissioners are to correct, 'specially that in all collegiate and cathedral churches, where cost may be more probably allowed, one manner to be used; and in all parish churches also, *either the same, or at the least the like*, and one manner throughout our realm.'¹

¹ Strype's *Life of Parker*, iii. 46.

This shows what the Queen was aiming at, and what she meant by 'other' or 'further order.' She restored in law, in spite of Puritan opposition, the order of worship of 2 Edward VI. That was her standard; but the practice in many places was very different. Immediately on her accession the Puritan party showed their hand, and therefore she prudently secured statutory power to take 'other order' for the purpose of checking their lawlessness. That is the plain meaning of that clause of the Act, and it is also the meaning of the Advertisements. The letter which I have just quoted is good evidence, for instance, of the enforcement of the cope, with the congruous vestments of the Epistoler and Gospeller. It did not mean that those vestments were thereby made illegal in parish churches, but that they were to be a pattern to parish churches when the latter could afford, or could be prevailed upon to adopt, a higher ritual. Parish churches were to have 'either the same' as cathedrals, 'or at the least the like.' The cathedrals were to be the models at which parish churches were, as far as practicable, to aim.

The immediate cause of the Advertisements was a letter addressed by the Queen, on January 25, 1564,¹ to Archbishop Parker, 'requiring him to confer with the bishops of his province, and others having ecclesiastical jurisdiction; for the redressing disorders in the Church, occasioned by different

¹ Strype's *Life of Parker*, iii. 65.

doctrines and rites, and for the taking order to admit none into preferment but those that are conformable.' In this letter she rebukes 'the Primate, and other the bishops of your province with suffrance of sundry varieties and novelties, not only in opinions, but because in external ceremonies and rites there is crept in and brought into the Church by some few persons, abounding more in their own senses than wisdom would, and delighting in singularities and changes, an open and manifest disorder, and offence to the godly, wise, and obedient persons, by diversities of opinions and changes, and specially in the external, decent, and lawful rites and ceremonies to be used in churches.'

The meaning of this is perfectly plain. The disorders were all caused 'by some few persons, abounding more in their own senses than wisdom,' and setting themselves against 'the external, decent, and lawful rites and ceremonies to be used in churches.' There is no manner of doubt what those were. They were the full ritual of 2 Edward VI.: Eucharistic vestments, lights at celebration of the Holy Communion, ceremonial use of incense, &c. And the lawlessness of this noisy faction is contrasted unfavourably with 'the godly, wise, and obedient persons'—that is the nine thousand parish priests who practised the mode of worship enjoined by the Act of Uniformity and Ornaments Rubric, which is admitted even by the Purchas and Ridsdale judgments to have been lawful at the date of this letter of Elizabeth, and for two years afterwards.

The Queen accordingly ‘requires, enjoins, and straitly charges you, being the Metropolitan, according to the power and authority which you have under us over the province of Canterbury (as the like we will order for the province of York), to confer with the Bishops your brethren, such as be in commission for causes ecclesiastical,’ and ‘so to proceed by order, injunction, or censure, according to the order and appointment of such laws and ordinances as are provided by Act of Parliament, and the true meaning thereof;’ and also ‘to observe, keep, and maintain such order and uniformity in all the external rites and ceremonies, both for the Church and for their own persons, as by laws, good usages, and orders, are already allowed, well provided, and established.’

Surely it needs a triple panoply of prejudice to see in these instructions any hint, still less any order, to alter the law and upset the order of worship prescribed by Statute and Rubric. On the contrary, the Primate and his coadjutors are to devise means whereby the lawless clergy may be made to conform to the existing law. The Ornaments Rubric, instead of being condemned as ‘provisional,’ is upheld as ‘established.’

The Queen concludes:—

And in the execution hereof we require you to use all expedition, that to such a course as this is shall seem necessary: that hereafter we be not occasioned, for lack of your diligence, to provide such further remedy, by some other sharp proceedings, as shall percase not be easy to be borne

by such as shall be disordered: and therewith also we shall impute to you the cause thereof.

Strype has the following note here:—

This last paragraph was substituted in the room of some other words, which I find written by Cecil's own hand in a former rough draught, which (carrying something in them that might be made use of in favour of those Dissenters) the Queen, I suppose, commanded to be struck out, and the words above inserted in the place thereof. The words of the rough draught were as follows: 'And yet in the execution hereof we require you to use all good discretion, that hereof no trouble grow in the Church; neither that such as of frowardness and obstinacy forbear to acknowledge our supreme authority over all sorts of our subjects be hereby encouraged anywise to think that we mean to have any change of policy, or of the laws already made and established, but that the same shall remain in their due force and strength.'

Surely this is decisive of the intention with which the Advertisements were framed. The Queen's minister tones down a little the stringent and menacing language of the Queen, yet enjoins that her Majesty's intentions shall be carried out with such discretion that the lawless clergy shall not be 'encouraged anywise to think' that there is going to be any change of policy 'or of the laws already made, but that the same shall remain in their due force and strength.' But even this is too mild for the Queen. She strikes it out, and inserts in its place a threat of 'other sharp proceedings' against the recalitrants.

In obedience to the Queen's commands, says Strype :¹—

The Archbishop and some of the other Bishops of the Ecclesiastical Commission proceeded to compile certain Articles, to be observed partly for due order in the public administration of the Holy Sacraments, and partly for the apparel of persons ecclesiastical. These Articles were printed with a Preface this year 1564, by Reginald Wolf, according to Bishop Sparrow's Collections, and entitled Advertisements. Though by a writing on the backside of the fair copy that was sent to the Secretary, when they were first framed, it seems they were not presently published nor authorised. For these are the words written upon them by the Secretary's own hand, March 1564, *Ordinances accorded by the Archbishop of Canterbury, &c. in his province. These were not authorised nor published.*

Strype proceeds :—

The matter, I suppose, was this : When these Articles (by Leicester's means no question) were refused to be confirmed by the Queen's Council, the Archbishop, however, thought it advisable to print them under his and the rest of the Commissioners' hands, to signify at least what their judgment and will was ; and so let their authority go as far as it would. Which was probable to take effect with the greater part of the clergy ; especially considering their canonical obedience they had sworn to their Dioceses. But because the book wanted the Queen's authority they thought fit not to term the contents thereof *Articles* or *Ordinances*, by which name they went at first, but by a modester denomination, viz. *Advertisements*.

This was the reason that there is some difference in

¹ Strype's *Life of Parker*, i. 313

the Preface thereof, as we have it printed in Bishop Sparrow's Collections from that which is in the MS. copy sent unto the Secretary. That Preface is all the same, but only, whereas in the MS. it ran thus: [The Queen's Majesty—hath by the assent of the Metropolitan, and with certain other the Commissioners in causes ecclesiastical, decreed certain rules and orders to be used, as hereafter followeth]: in the said Collections we read thus: [The Queen's Majesty—hath by her letters directed unto the Archbishop of Canterbury, and Metropolitan, required, enjoined, and strictly charged, that with assistance and conference had with other Bishops, namely such as be in commission for causes ecclesiastical, some orders may be taken whereby all diversities and varieties among them of the clergy and the people, as breeding nothing but contention, offence, and breach of common charity, *and be against the laws, good usages, and ordinances of the realm,*¹ might be reformed and repressed, and brought to one manner of uniformity throughout the whole realm: that the people may thereby quietly honour and serve Almighty God in truth, concord, unity, peace, and quietness, as by her Majesty's said letters more at large doth appear. Whereupon by diligence, conference, and communication in the same, and at last by assent and consent of the persons foresaid, these rules ensuing have been thought meet and convenient to be used and followed.] There be also some other small alterations. As the word *constitutions* in the MS. is changed into *temporal orders* in the Collections: and *positive laws in discipline* is changed into *rules in some part of discipline*, I have also diligently compared the printed book with the aforesaid MS. copy,

¹ These words in *italics*, in the published form of the Advertisements, as well as the Queen's letter to the Primate, show that the intention was to level up to the standard of the Ornaments Rubric, not to level down to a lower standard.

and find them different in many places, and sundry things are left out which are in the copy; the Archbishop thinking fit in that manner to publish them, *because of their want of the stamp of authority to oblige persons to the observance of them.*

The difference between the original draught of the Advertisements and the form in which they were published in 1566, here pointed out by Strype, marks the difference between the stamp of authority and the absence of it. The Queen kept on urging the Primate to repress the lawlessness of the Puritans. That well-meaning but weak man, in his turn, implored the Queen and her Council to give the seal of authority to the Episcopal Advertisements. This the Queen and the Council steadily refused to do. The poor Primate complained that he could not enforce the Advertisements on his own authority, especially in London, which was the headquarters and stronghold of the Puritans, and which was under the jurisdiction of a Puritan bishop. ‘An ox,’ said the distracted Archbishop, ‘cannot draw more than he can.’ Strype says:—

But all this pains and labour had not a success answerable. The Queen had followed the Archbishop with repeated commands to press the ecclesiastical orders. And she was in such good earnest to have them observed all her kingdom over, that she had now willed the Archbishop of York to declare in his province also her pleasure determinately to have them take place there. But her Majesty’s Council was backward to empower and countenance our Archbishop in his endeavours for that

purpose. This, with the clamour and rage of the dissenting clergy and their adherents, and the hard names they gave him, quite discouraged the good man. He liked not the work, especially being accompanied with so much severity; but it was out of obedience to the Queen, who was continually calling upon him, and ordering the Secretary to write to him, to quicken him. But finding his own inability to do her that service she required of him, he very often and earnestly sent to the Secretary, that the Queen's Council might stand by him with their authority. But he could not obtain his desire.¹

On April 28, 1566, the Primate wrote a pathetic letter to Cecil, in which he says:—

The Queen's Majesty willed my Lord of York to declare her pleasure determinately, to have the order to go forward. I trust her Highness hath devised how it may be performed. I utterly despair therein as of myself: and therefore must sit still, as I have now done, always waiting either her toleration, or else further aid. Mr. Secretary, can it be thought that I alone, having sun and moon against me, can compass this difficulty? If you, of her Majesty's Council, provide no otherwise for this matter than as it appeareth openly, what the sequel will be, *horresco vel reminiscendo cogitare*.

At last the Queen authorised the publication of the Advertisements, after the erasure of every sentence and expression which implied the formal and legal authority of the Sovereign under the 'other order' clause of the Act of Uniformity. The Primate now felt that he could enforce the Advertisements at least upon the ringleaders of the

¹ Strype's *Parker*, i. 451.

lawless Puritan ministers, and he proceeded against them with more rigour, but only with partial success. The Puritans were furious; but they were quick to mark the difference between the legal value of the Advertisements and documents bearing the legal stamp. For instance, in a letter written by one of the leading Puritans, without date, but evidently after the issue of the Advertisements, the writer says:—

In what way the Sacraments are disfigured by human inventions will easily appear from the public form of prayer, the royal Injunctions, and the Admonitions, or (as they call them) the Advertisements of the Bishops.

In brief, then, the state of the case is as follows: On coming to the throne, the Queen made a strenuous effort to restore the First Prayer Book of Edward VI. Failing in this, she had the Rubric against the Eucharistic vestments expunged from the Prayer Book of 1552, with sundry other changes, before she sanctioned the restoration of that Book. Moreover, she insisted on the addition of a clause in the Act of Uniformity, restoring in its integrity the rule of public worship in legal use in the second year of Edward VI., and incorporated this, with a slight verbal alteration, in a Rubric prefixed to the new Book. She made these alterations and additions a *sine qua non* of her sanctioning the Book. And knowing the revolutionary and intractable temper of the Puritans, she took the precaution—being a stickler for law—of giving herself power in the Act of

Uniformity to take 'other order'—explained, a few lines later, as adding 'further ceremonies and rites'—as occasion might require. Under this sanction she published, the following year, under the authority of Royal Letters Patent, a Latin version of the Prayer Book, with some changes which brought it nearer the First Prayer Book of Edward VI. ; *e.g.* the restoration of the Rubric sanctioning the reservation of the Sacrament for the Sick. Every action which she took in virtue of the 'other order' sanctioned by the Act of Uniformity was in the direction of enforcing the law of the Ornaments Rubric. In no single case did she take any action to abridge in any particular the standard of public worship prescribed by that Rubric. The lawlessness of the Puritans had at last become so rampant, that the Queen wrote a strong letter to the Primate enjoining him to take action with his suffragans to devise means for curbing this clerical lawlessness of 'a few persons,' and enforcing obedience to the 'established laws.' The Advertisements of 1564 were the result. But the Queen, while urging Parker to action against the Puritans, persistently refused to give to the Advertisements the sanction provided for by the Act of Uniformity. In 1566 she gave an informal sanction to the publication of the Advertisements; and in consequence of this informality the original title of 'Admonitions' was altered to 'Advertisements,' and every passage and word were struck out which implied legal authority. Thus shorn of legal authority, the Advertisements were published.

Why did the Queen refuse to give legal authority to the Advertisements? There were two reasons. The first was that the Advertisements fell short of her expectation. It is clear from her letter to Parker that she wished him and his colleagues to make the Ornaments Rubric the standard at which they were to aim. Instead of this they adopted a rule of an ideal maximum sanctioned by the Statute and Rubric—and practised by the vast majority of parish priests, as is evident from their silence—and a realisable minimum, to be enforced on the rebellious minority. The Queen had no objection to their enforcing this minimum rule on their own authority; but, with an unconsciously prophetic eye to Privy Council law, she refused to give the stamp of legality to anything short of the Ornaments Rubric.

Her second reason was partly political, and partly personal. Her Council, with their natural aversion to the stirring up of a swarm of Puritan hornets buzzing about their ears, acted on the Melbournian maxim, 'Can't you let it alone?' But some members of the Council and powerful courtiers were in sympathy with the Puritans, thinking them the winning side. Preëminent among these was the Queen's favourite, the Earl of Leicester. To him Pilkington, the puritanical Bishop of Durham, made a passionate appeal in favour of toleration for the Puritans.¹ Thus the imbroglio ended in the compromise of publishing the Advertisements, with the informal sanction of

¹ Strype's *Parker*, iii. 69.

the Queen, but without endowing them with the force of legal instruments. Collier says, with strict accuracy, that 'the Queen, as was observed, refused to confirm these "Advertisements," though drawn at her direction.' And he adds that 'the "Advertisements" were checked at present by the interposing of the Earl of Leicester, of Knolles, and some other Court patrons of Dissenters.'¹

Soames, an expert in the history of the Reformation, says :—

Hence a formal approval of the Lambeth regulations was found unattainable. Had their tenor been disliked, the proceedings upon them which quickly followed never would have occurred. Elizabeth, however, withheld her name, on the plea that it was unnecessary, the prelates having already sufficient authority to act as she wished. Their position thus became highly difficult and invidious. It is plain enough that any reluctance to act would have been immediately resented at Court, yet all the painful proceedings in which they soon became involved might be colourably represented as chiefly flowing from their own intolerance. . . . This publication [of the Advertisements] cites the Queen's letter [to Parker, quoted above] as an authority ; her ministers therefore could not have disapproved it. No signatures, however, are printed but those of the Primate and of the Bishops, Grindal, Cox, Guest, Horne, and Bullingham. The original document appears to have been signed by others besides ; but this

¹ *Eccl. Hist.* vi. 391, 392, 419 ; cf. Strype's *Parker*, i. 320. 'In the meantime the Archbishop and his fellows of the Ecclesiastical Commission did go on, as far as they could, to reduce the Church to one uniform order, the Queen still calling upon them so to do, reckoning their own authority sufficient.'

is immaterial, as it has none but ecclesiastical authority to plead.¹

I venture to assert, therefore, on the evidence, that the Advertisements had no force whatever in law. And I make that assertion without the slightest bias, and purely in the interest of historical accuracy. For the truth is that the legal *status* of the Advertisements is entirely irrelevant to my argument, though it is absolutely essential to the case set up by the Purchas and Ridsdale judgments. I have shown that the Advertisements were directed exclusively against the Puritan Nonconformists. In her letter to Parker, already quoted, the Queen draws a pointed contrast between the disobedience of the Puritans and the silent acquiescence of the mass of the clergy in the order of public worship prescribed by the Ornaments Rubric. Whittingham, Dean of Durham, in a long appeal to Leicester, indirectly confirms the distinction thus marked by the Queen. 'Alas! my lord,' he exclaims, 'that such compulsion should be used towards us, and so great levity towards the Papists. How many of the Papists enjoy liberty *and livings* which neither hath sworn obedience to the Queen's Majesty, nor yet do any part of duty towards their miserable flocks,' *i.e.* after Puritan methods.² This bears out

¹ *Elizabethan Religious Hist.* pp. 42-3.

² Strype's *Parker*, iii. 83. The relation in which Leicester was with the Puritans is shown by the next paragraph of this letter: 'O noble Earl, at least be our patron and stay in this behalf, that we lose not that liberty which hitherto by the Queen's Majesty's benignity we have enjoyed with comfort and quietness.'

what I have argued in a previous part of this work, namely, that the Queen tacitly sanctioned all the old ritual, provided the new Prayer Book was accepted.

It is thus evident, beyond all possibility of doubt, that the Advertisements were directed against the Puritans, and against them alone, and were intended to enforce against them a minimum of ritual,¹ namely, the Eucharistic vestments in cathedral, collegiate, and college churches,² the surplice in the parish churches, and the prescribed vestments for outdoor wear. In other words, the Advertisements prescribed the low-water mark below which the Puritans must not recede, while leaving the high-water mark where the Ornaments Rubric had left it. This was indeed doing no more than giving a quasi-sanction to existing practice. One of the leading Puritans, writing on August 16, 1563—that is, more than six months before the Advertisements were heard of—said: ‘I am speaking of that round cap and popish surplice,

¹ The Judicial Committee dismissed with scorn the argument that the Advertisements insisted on a minimum of ritual observances, while leaving the legal maximum undisturbed. Yet the Advertisements say so in so many words. For instance, the Advertisements insist on the clergy ‘reading at least one chapter of the Old and another of the New Testament every day,’ and having a monthly celebration of the Holy Communion. If we are to adopt the law of the Judicial Committee we must conclude that it is illegal for the clergy to administer the Holy Communion every Sunday, or to read two chapters of each Testament daily, as the Rubric orders. There is indeed no end to the absurdities in which their Lordships’ reasoning would land us. See Collier, *Hist.* vi. 391.

² In the ecclesiastical language of that day ‘collegiate’ embraces college chapels.

which are now enjoined us, not by the unlawful tyranny of the Pope, but by the just and legitimate authority of the Queen.'¹ That means the authority of the Ornaments Rubric, for there was no other legal authority at the time. In other words, such indulgence was shown to the Puritans, that a minimum of ritual observances was conceded to them, provided they conformed to it loyally.

It is almost inconceivable, and would be incredible did we not know it to be a fact, that, on the state of facts now described, two Courts of the highest dignity, and consisting of able and upright men, would in our own time—and in cases which involved penal consequences—deliberately declare that a set of episcopal regulations of the year 1564, which never received legal authority, abrogated a statutory order of the year 1662, which makes no reference whatever to them, or to any other document. The legal rule is that when two statutes are in conflict the later practically abrogates as much of the former as runs counter to it. But here we have—not a statute, but—a sort of episcopal pastoral abrogating an Act of Parliament passed a

¹ *Zurich Lett.* i. 134. The editor of the English translation of these Letters throws out the following suggestion: 'It may be well, however, to observe that the original word rendered by the term *Surplice* appears sometimes to have been used by the writers when, according to the Injunctions, the cope, and perhaps some other habits, may have been included or intended; and, indeed, considerable uncertainty seems to have prevailed as to the occasions on which these vestments were respectively used, as well as to the precise meaning of some of the terms by which they were designated in the original letters' (vol. ii. Preface, p. ix).

century later! Sir William Harcourt stood aghast at the bare idea of the two Primates giving a decision which might not be on all fours with the Purchas judgment. But when he has realised the facts, I cannot help thinking that he will welcome any decision of that kind from any quarter, and that he will, moreover, take the English Church Union and the whole tribe of Ritualists to his bosom for their resistance to judgments which make an episcopal pastoral repeal an Act of Parliament enacted a hundred years afterwards.

I might stop here, for I respectfully claim to have proved that the Purchas and Ridsdale judgments are a gross perversion of justice, history, logic, and grammar. The Advertisements gone, their Lordships' whole case collapses, and they are left floundering in the deep, like Sindbad and his companions when the whale, which they had mistaken for an island, sank beneath them. But it may be instructive to examine briefly some of the reasons, in addition to the Advertisements, which conducted the Court to its extraordinary conclusion.

'From the passing of the Act of Uniformity,' say their Lordships, 'there is abundant evidence to show that the vestments in question were not used at all.' It is a characteristic of their Lordships, in the two wonderful judgments which I am considering, to make their own ignorance the measure of other people's knowledge. If the assertion were true, it would not avail them. I do not know how far non-user would protect a man from the enforce-

ment of an obsolete statute against him. The validity of the wager-of-battle law was upheld by the Courts not so long ago; and the following case occurred in our own time. A man happened to stumble on an old unrepealed statute, in which it was enacted that a tailor who made the buttons of a suit of clothes of the same cloth as the suit could not recover payment. He immediately ordered a number of suits with buttons of the same material, and afterwards refused to pay. The tailor sued him, and the defendant pleaded the statute. The judge made some unpleasant observations on his conduct, but admitted that he had the law on his side. The law was immediately repealed.

But however the case may stand with regard to the enforcement of an obsolete statute, there is no question at all that obedience to it is not penal. That was the point before their Lordships, and their plea of non-user is a pure irrelevancy. But it is not only irrelevant, it is inaccurate in addition. It was premature on the part of their Lordships to assume that what they did not know did not exist. Let us see.

The Advertisements, as we have seen, were made applicable to both provinces. In 1570 Grindal was translated to York, and he gives a doleful account of what he found there. Popery was, in his opinion, rampant. York minster seemed to be 'another church rather than a member of the rest' of the churches with which he had been familiar. He notes 'three evil qualities in the northern

province: great ignorance, much deafness to better [*i.e.* Puritan] instructions, and great stiffness to retain wonted errors.' So he set himself to purify the minster and other churches from the order of worship and ornaments which he found there. Accordingly he issued Injunctions abolishing rood-screens, albs, tunicles, censers, crosses, candlesticks, images, altars; the crucifix also, which was to be displaced by the royal arms, or some other 'convenient crest.' And the minister was henceforth to be 'vested only in a surplice with sleeves,' and to read the prayers from a desk outside the chancel, with his face always turned to the congregation. This was an exhibition of lawlessness even by the rule of the Advertisements, and his lawless temper soon afterwards got Grindal into trouble. The Queen suspended him for the rest of his life. But Grindal makes some remarkable admissions. Here is one:—

When the Queen first began to reign, the Popish religion being cast off, she reduced religion to that condition wherein it was while Edward VI. was alive. And to this all the states of the kingdom with full consent gave their voices in the great Council of the nation called the Parliament. The authority of this Council is so great that the laws made therein could not by any means be dissolved, unless by the same that made them. In that form of religion set up by King Edward there were some commands concerning the habits of ministers, and some other things, which some good men desired might be abolished or mended. But the authority of the law hindered them from doing anything that way; yet the law allowed the Queen, with the counsel of some of the

Bishops, to allow some things. But indeed nothing was either altered or diminished (*At vero de lege nihil nec mutatum nec imminutum est*).

. When we bear in mind that this was after the Advertisements, and that Grindal was one of the commissioners who compiled them, and whose signature they bear, his letter proves to demonstration that the Advertisements neither altered nor diminished any part of the Ornaments Rubric. On the other hand, his Injunctions issued in the diocese of York in 1570 prove that the eucharistic vestments were at that time in use there in parish churches as well as in cathedrals.

Strype tells a story which sounds very modern, and which would have brought down upon Grindal the lash of Sir William Harcourt. A man of the name of Smith told the Archbishop, when he was Bishop of London, 'that he would as lief go to mass as to some churches; and such was the parish church where he dwelt, and that he was a very Papist who officiated there. But the Bishop said that they ought not to find fault with all for a few; and that they might go to other places.'¹ The present Bishop of London is a good historian, and probably he considered himself safe in courteously giving Mr. Kensit the advice which a Puritan predecessor had, three centuries before, given to a similar Protestant brawler.

The Court in the Purchas case asserted that its interpretation of the Ornaments Rubric was in

¹ Strype's *Grindal* pp. 158, 171.

harmony with the *expositio contemporanea* 'from the days of Elizabeth to about 1840.' The fact is precisely the reverse. Scarcely a single writer of eminence during that period can be named who does not assert or assume that the Ornaments Rubric means what it says—that is, that the entire ritual of the second year of Edward has been legally in possession from the year 1559. To refute their Lordships' *dictum* in detail would need a volume ; but crucial examples will suffice. I have already quoted from a letter written by Withers, a Puritan leader, after the Advertisements. The following quotations show that the vestments and other ritual of Edward's second year were understood to be still legal immediately after the bishops, under pressure from the Queen, began to enforce the minimum allowed by the Advertisements. Referring to the accession of Elizabeth, Withers writes :—

The high Parliament of the whole realm was assembled, Popery again cast out, and the second form of prayers, which Edward left behind him at his death, was restored to the Church. But the ceremonies which, as was above stated, were retained in the Church at the first reformation of Edward, are restored under the same name. Power, moreover, was given to the Queen and the Archbishop to introduce whatever *additional* ceremonies they might think proper ; and they immediately afterwards both discontinued the ordinary bread heretofore used in the administration of the Lord's Supper, and for the sake of newer reformation adopted the round wafer after the pattern of that used by the papists. . . . What must we say when most of them [the clergy] are Popish priests,

consecrated to perform mass ; and the far greater part of the remainder are most ignorant persons, appointed at the will of the people, not to the ministry of the word, but to repeat the office of the day or festival, which almost any child might do without any difficulty.¹

Here we have the contemporaneous testimony of a leading Puritan to the following facts : (1) that the Legislature of 1559 restored the entire ritual of the second year of Edward VI ; (2) that the Advertisements intended to enforce that ritual by ‘ additional ceremonies ’ and not to diminish it in any particular ; (3) that most of the beneficed clergy were then ‘ popish priests,’ and unbeneficed priests whose duty it was ‘ to repeat the office of the day or festival ; ’ (4) that this was in accordance with ‘ the will of the people.’ In plain words, the mass of the clergy carried on Divine Service as they did during the reign of Mary, with the same vestments and ceremonies, but using the English Prayer Book. This piece of contemporary evidence is of itself enough to shiver the whole fabric of ignorant assumptions on which the Purchas and Ridsdale judgments are founded.

Another contemporary Puritan witness is Jerome Zanchius. In a letter to Queen Elizabeth dated from Heidelberg ‘ Sept. 10, 1571 ’—that is, more than five years after the publication of the Advertisements—Zanchius writes :—

Your most gracious Majesty may believe me that the restoration of such Popish vestments will be a far greater

¹ *Zurich Lett.* ii. 161, 163.

evil than may appear at the first glance, even to those who are most sharp-sighted. For I seem to see and hear the monks calling out from their pulpits, and confirming their people in this ungodly religion by your Majesty's example, and saying, 'What? Why, the Queen of England herself, most learned and prudent as she is, is beginning by degrees to return to the religion of the holy Roman Church; for the most holy and consecrated vestments of the clergy are now resumed.'¹

In the same letter he stigmatises those 'resumed' vestments as 'the ridiculous and execrable garments of the mass-priests,' 'the sacerdotal vestments in the ministry.' He also objects to 'the order about wearing the linen surplice.' Two inferences are fairly deducible from this letter: (1) that Zanchius had no doubt about the legality of the Eucharistic vestments five years after the publication of the Advertisements; (2) that he clearly understood the difference between this and the enforcement of the surplice as a minimum. 'The garments of the ungodly mass-priests,' 'the sacerdotal vestments,' 'the holy and consecrated vestments,' cannot mean the surplice, and must mean the ordinary Eucharistic vestments. The surplice was not in itself a sacerdotal vestment, nor was it consecrated except when used with the full vestments of the mass. The word 'vestment' by itself commonly includes the whole Eucharistic suit, and not merely the chasuble.

In the year 1564, when Archbishop Parker was

¹ *Zurich Lett.* ii 343.

engaged on the Advertisements, he invited the representatives of the Puritans to formulate their objections to the vestments, which they did in categorical form. He replied point by point, and the objections and answers show plainly that all the sacerdotal vestments were in question. For instance: it was objected that the vestments obscured the ministry because by their appeal to the eyes they were an obstacle to the contemplation of spiritual things. The Archbishop replies that the ministry, on the contrary, is made more conspicuous to pious minds by decorous vestments, and he instances the sacerdotal petalon worn by St. John the Evangelist as recorded by Eusebius, and the use of sacrificial vestments by Cyprian.¹

Parker also canvassed in December of the same year, after he had drawn up the Advertisements, the opinions of Bucer and Alasco, the two leading foreign opponents of the vestments. The latter declared that 'the use of those vestments could not be sanctioned by any Church without impiety.' Bucer stigmatised them as 'like the Aaronic vestments, and of the same

¹ *Contra usum vestium argumenta.*
viii.

Ministerium obscurant vestes, quia incurrentes in oculos hominum, remorantur a contemplatione rerum spiritualium.

Responsiones.

Non magis quam vestes usitatæ, quibus vulgus ut plurimum capitur. Eruendi erunt oculi: si quæ remorantur quovis modo a contemplatione spiritualium, penitus tollerentur. Atqui piis conspicuum magis redditur ministerium decora veste. Hinc in ecclesiastica historia legimus de vestibus Joannis Evangelistæ, qui gestavit petalum, seu laminam pontificalem. Et Cyprianus dederit birrham carnifici, dalmaticam vestem diaconis, et stetit in lincis.

material, shape, and colour as those used by the Papists' ¹—a description which cannot possibly apply to the surplice.

My next piece of evidence is from Sir John Maclean's 'Parochial and Family History of the Deanery of Trig Minor in the County of Cornwall,' Part II., p. 343. The reader will there find an inventory of Church goods a year after the publication of the Advertisements, and two years after they were drawn up and publicly discussed. There we have it on record that the two churchwardens of the parish church of Bodmin gave a voucher for having then 'received into their hands and keeping, of the said Nicholas Cory, Mayor, and of all the whole parish aforesaid, *to be used and occupied to the honour of God, in the same church, from the day and year aforesaid [i.e. the 8th of Elizabeth] foreward all such goods and ornaments as followeth; and hath taken upon them and their successors to yield a true reckoning of all the same goods and ornaments and delivery thereof, to make without delay to the said Nicholas Cory and his successors, for the time being Mayor, and to all the whole parish of Bodmin aforesaid, this time twelvemonth.*' Among these ornaments, 'to be used and occupied to the honour of God in the same parish church, from the day and year aforesaid' (*i.e.* 1557), are several sets of chasubles, albs, and copes, the use of which, according to the Purchas and Ridsdale judgments, was at the time illegal and highly penal. It will not do to say that

¹ Strype's *Parker*, i. 337, 342.

Cornwall was a long way from London, and the Mayor, churchwardens, and parishioners did not know about the publication of the Advertisements. It did not take a year for news to travel from London to Bodmin; and, moreover, the existence of the Advertisements was well known all through the previous two years, although the publication of them did not receive the informal sanction of the Queen till 1566. Besides, it would have been the duty of the bishop of the diocese to lose no time in making known to his clergy and churchwardens the change made in the statute law by the Advertisements, if such change had really been made.¹

Four years later than the Bodmin case—*i.e.* in 1571—the will of a Somersetshire gentleman of the name of Humphrey Coles, a Justice of the Peace, and therefore presumably acquainted with the law, was proved by the Solicitor-General of the day, who was one of the executors, and of course familiar with the law. Among other things the will says:—

I will to the churchwardens of the parish church of Corff, in the county of Somerset, *to the use of the same church, and maintenance of Divine Service there, the cope* [which, according to the Purchas and Ridsdale judgments, had been for five years illegal in parish churches] *of velvet, embroidered, that my wife lent to the parishioners there, and all vestments and other furniture of mine what-*

¹ The inventory from which I have quoted mentions also the use of 'Jesus' cotes, tormentor's cotes, and devil's cotes.' These belonged to the wardrobe of the Miracle Plays, which continued to be acted long after the Reformation, generally in the churchyards, but sometimes in the churches.

soever the churchwardens have, meet for the maintenance of Divine Service there.

Surely the most ardent worshipper of Privy Council law will not seriously contend that it took five years for the news of the alleged abrogation of the statutory Rubric by an episcopal fiat to reach the county of Somerset. But let us proceed. Skipping over the reign of James, which offers no evidence of importance either way, we come to the year 1641, when a Committee of the House of Lords suggested 'whether the Rubric should not be mended, where *all* vestments in time of Divine Service are now [*i.e.* in 1641] commanded which were used 2 Edward VI.' The Committee which made this suggestion consisted of ten earls, ten bishops (including the learned Ussher), and ten barons, who were assisted by some of the most distinguished divines of the day. Surely no one who is not dominated by a foregone conclusion will believe that the Bench of Bishops in 1641, and the most learned men in the kingdom, could have been under the delusion that 'all' the vestments of Edward's second year were *then* 'commanded,' if they had all, except the surplice, been notoriously illegal since 1566. The thing is incredible. In 1644 the suggestion of 1641 was carried into effect by an Act of Parliament, which ordained that 'no copes, surplices, or superstitious vestments, roods or rood-lofts, or holy-water font, shall be or be any more used in any church or chapel within this realm.' But the 'superstitious vestments' here mentioned, it has been argued, did not mean the chasuble, but

the square cap and tippet. That is nonsense, for the cap and tippet were prescribed for outdoor wear, not for use 'in any church or chapel.' The 'copes, surplices, superstitious vestments' of the Act of 1644 clearly mean, and are convertible with, the suggestion of 1641, which embraced 'all vestments which were used 2 Edward VI.'

Then came the Revolution, the overthrow of the Church, and the abolition of the Prayer Book, even in private chapels, under the most cruel penalties. On the restoration of the Church and monarchy the Prayer Book was revised, and was sanctioned, with the present Ornaments Rubric, by Act of Parliament. It is a simple matter of fact that down to the Purchas judgment not one reputable authority can be cited who gives the slightest sanction to the non-natural interpretation of the Judicial Committee. It is not necessary to weary the reader with a catena of authorities in favour of the plain meaning of the Rubric. Let three well-known names suffice. Wheatley's 'Rational Illustrations of the Book of Common Prayer' is a standard work, which is generally found on the list of books recommended to candidates for Holy Orders. It was published in 1722. After enumerating the vestments and other ornaments in use in Edward's second regnal year Wheatley says: 'These are the ministerial ornaments and habits enjoined by our present Rubric, in conformity to the first practice of our Church immediately after the Reformation.' He then quotes the Rubric of the Book of 1552, which

abolished all vestments but the surplice, and adds : 'But in the next review, under Queen Elizabeth, the old Rubrics were again brought into authority, and so have continued ever since ; being established by the Act of Uniformity that passed soon after the Restoration.'¹

Another well-known writer on the Prayer Book is Archdeacon Sharp. In a series of Charges published in 1753 Sharp, after quoting the 14th Canon, writes as follows :—

And upon the 58th Canon, which enjoins Ministers reading Divine Service, and administering the Sacraments, to wear surplices, and graduates their withal hoods, I need say the less, because it is superseded by the Rubric before the Common Prayer in 1661, which is statute law, and determines that all the ornaments of the Ministers at all times of their ministration shall be the same as they were by authority of Parliament in the second year of Edward VI. So that the Injunction concerning the habits and ornaments of Ministers which is at the end of Edward VI.'s First Service Book, with its explanation in the Act of Uniformity by Queen Elizabeth, is the legal or statutable rule of our Church habits to this day, and is so far from being explained by this Canon that it rather serves to explain the Canon itself, as I shall show in an instance or two. For, first, this Injunction of King Edward's referred to in our present Rubric, though it requires the surplice to be used in all parish churches and chapels annexed to the same, yet doth in express words give liberty to the clergy to use or not use the surplice in their ministrations in other places, which is an indulgence

¹ P. 91.

that the Canon doth not expressly give, and I even question whether it can be fairly inferred from it.

And the other thing that I would observe in the said Injunction is, that no order is given therein concerning the use of the hood with the surplice in parish churches, though the same is allowed to be used by dignitaries in Cathedral Churches and in College Chapels. Therefore, as I take it, the clause in this Canon, which enjoins graduates to wear the hoods of their respective degrees in parish churches, is not strictly binding, forasmuch as the present Rubric, which is of later date *and decisive of all questions about the habits in ministration*, refers us to a rule by which the said practice is not required.

My third authority is the late Bishop Phillpotts of Exeter, in his well-known answer to the parishioners of Helston, when they desired him to prohibit the use of the surplice in the pulpit:—

On this particular I have no difficulty in saying that Mr. Blunt has been right since he has preached in his surplice. The sermon is part of the Communion Service, and whatever be the proper garb of the Minister in the one part of that service, the same ought to be worn by him throughout. The Rubric and Canons recognise no difference whatever. The Rubric at the commencement of 'The Order for Morning and Evening Prayer' says, 'That such ornaments of the Church, and of the Ministers thereof, at all times of their ministration, shall be retained and be in use, as were in this Church of England by the authority of Parliament, in the second year of the reign of King Edward VI.'—in other words, 'a white alb plain, with a vestment or cope.' These were forbidden in King Edward VI.'s Second Book, which ordered that 'The Minister at the times of the Com-

munion, and at all other times of his ministration, shall use neither alb, vestment, nor cope, but being an archbishop or bishop, he shall have and wear a rochet; and being a priest or deacon, he shall have and wear a surplice only.' This was a triumph of the party most opposed to the Church of Rome, and most anxious to carry reformation to the very furthest point. But their triumph was brief. Within a few months Queen Mary restored Popery; and when the accession of Queen Elizabeth brought back the Reformation, she and the Convocation, and the Parliament, deliberately rejected the simpler direction of Edward's Second Book, and revived the ornaments of the First. This decision was followed again by the Crown, Convocation, and Parliament, at the Restoration of Charles II., when the existing Act of Uniformity established the Book of Common Prayer, with its rubrics, in the form in which they now stand.

From this statement it will be seen that the surplice may be objected to with some reason: but then it must be because the law requires 'the alb and the vestment or cope.'

Why have these been disused? Because the parishioners—that is, the churchwardens who represent the parishioners—have neglected their duty to provide them: for such is the duty of the parishioners by the plain and express Canon law of England (Gibson, 200). True it would be a very costly duty, and for that reason, most probably, churchwardens have neglected it, and archdeacons have connived at the neglect. I have no wish that it should be otherwise. But be this as it may, if the churchwardens of Helston shall perform this duty, at the charge of the parish, providing an alb, a vestment, and a cope, as they might in strictness be required to do (Gibson, 201), I shall enjoin the minister, be he who he

may, to use them. But until these ornaments are provided by the parishioners, it is the duty of the minister to use the garment actually provided by them for him, which is the surplice. The parishioners never provide a gown; nor if they did, would he have a right to wear it in any part of his ministrations. For the gown is nowhere mentioned nor alluded to in any of the rubrics.

This decision is valuable not only on account of the great ability and legal acumen of Bishop Phillpotts, but for two other reasons. In the first place it points to one main cause why the Eucharistic vestments fell into desuetude, namely, the unwillingness of the parishioners to go to the expense of providing them. Centuries before the Reformation we have evidence of constant disputes between parishioners and incumbents as to the legal share of each in providing the necessary ornaments of the Church and of the Ministers.

Bishop Phillpotts's decision is valuable, in the second place, because it gives proleptically a practical refutation of an assumption which underlies the whole of the Purchas judgment, namely, that it is inconceivable that the rulers of the Church should have allowed the Eucharistic vestments to remain in abeyance if they had really believed that they were statutably binding. But here we have, in our own generation, an eminent and fearless prelate insisting on the strictly binding force of the Rubric as regards the full Eucharistic vestments, yet declaring his intention to rest satisfied with the use of the surplice, unless indeed the parishioners should

provide the obsolete vestments; in which case the Bishop would put the law in force and compel their use. Why should it be thought incredible that bishops in the seventeenth and eighteenth centuries should take the same view of their duty in this respect as a recent late Bishop of Exeter?

So much for the Judicial Committee's 'clear and abundant *expositio contemporanea*' against the legality and use of the Eucharistic vestments from the year 1566 'to about 1840.' The assertion, like the rest of their Lordships' arguments, is entirely against the evidence. But even if no evidence were producible it would prove nothing. Being legal, the presumption is in favour of their use, not universally, owing to the negligence of clergy and parishioners in providing them, but here and there in places where they had not been made away with. The *onus probandi* is on the objectors. But I have produced incontrovertible evidence of the use of the 1547-8 ritual years after the date given by the Judicial Committee for its legal and actual extinction. I now offer the following piece of evidence that this ritual was not only legal, but was in use down to the eve of the Great Rebellion, and after the Restoration. I have a curious and very rare tract now lying before me, bearing the following title: 'Lambeth Faire, wherein you have all the Bishops' Trinkets set to sale. Printed *Anno Dom.* 1641.' It is a satirical description, in rhyme, of a public sale of 'the ornaments of the Church and of the Ministers thereof' then in use. The Bishops having been 'put downe'

by Parliament, are supposed to preside at the sale of the now useless 'trinkets.' Let us see what sort of 'trinkets' they were:—

This being done of Bishops, all the Crew
 Began with speed their wearing Robes to shew,
 And with extended voyce they all did cry,
 Come, Customers, see what you lack, and buy;
 Here's Vestments Consecrate, all sorts and sizes.

Here we have two facts stated: first that 'vestments consecrate' were then among the ornaments of the Church of England; secondly, that they were then in use, for they are offered for sale as 'wearing robes,' not as antiquarian relics. Now the only 'vestments consecrate' being the Eucharistic vestments properly so called, this reference to them as 'wearing robes' seems to me conclusive, at least so far as this, that they were then considered by the Puritans as among the chief grievances to be got rid of. But, according to the Purchas judgment, they had been 'swept away with severe exactness' more than seventy years previously.

Among other 'trinkets' described in 'Lambeth Faire' are the following: 'a crucifix,' 'crosier staffe,' 'crosses,' 'high altars,' 'sacred fonts,' 'guilt (*sic*) cherubims,' 'bellowing organs,' 'curious hymnes,' 'mitres,' 'bells baptized,' 'golden slippers consecrated' and 'emboss'd with Holines Divine.' The following passage, moreover, seems to show conclusively that what are called altar lights were then in use:—

Wax Candles, Tapors, another cries and calls,
 These brought I with me from Cathedrall Paules ;
 They'l scare the Divele, and put him unto flight,
 When he perceives a consecrated light ;
 When we at Mattens and at Even-song were,
 We had them by us then devoid of feare ;
 They'l bring delight unto your eyes and nose,
 They burn so cleare and smell so like a Rose,
 And when you think that it hath burnt enough,
 Then blow it out, you shall not smell the snuffe,
 Or else you may on whom you will bestow it ;
 They'l joy to think a Bishop once did owe it.

In 1688 Richard Baxter and some of his friends made proposals for the reform of the Prayer Book, and they insisted that 'among the most necessary alterations of the Liturgy' was 'that the Rubric for the old ornaments which were in use in the second year of King Edward VI. be put out.'

The following entry in a parish register was sent to me some years ago by a friend. It is written in the register between 1704 and 1705 :—

The ornaments of the parish church of Wellow :—

Item.—Two chalises parcell guilt ; and one silver chalise unguilt.

Item.—One cope of red purple velvet ; with a pair of vestments of the same.

Item.—One cope of blew velvet and a pair of vestments of the same.

Item.—Three paire of satten vestments and a whyte chysible.

Item.—Two alter cloaths of silke, and a paire of curtens of silke.

Item.—A saye cloath and a buckram cloath, and a red pawle.

Item.—A velvet coate, three knells of diaper, and one of needleworke.

Item.—Too corporas cloaths, and ffour corporas casis.

Item.—Three alter cloaths of holland for the high alt.

Item.—Four banners ; two silke banners ; and a crosse banner of silke and the stremoer of silke.

Item.—A brason pulley and an iron pin.

Item.—A greate brasse pan ; and five platters of tin.

Item.—One table cloath.

Item.—A handle of a pax of silver.

Item.—Too silver candlesticks and a seyanser of silver, with pax of silver.

The copy of a bill of the ornaments of the church of Wellow, delivered to Farmer Bull and William Coole, churchwardens ; with the same parcell above written ; delivered to them by the parish of Wellow.

It is not necessary to expose all the blunders of the Judicial Committee ; but two of them deserve a passing notice. They laid it down as a fact, too patent to need argument or illustration, that the order to use a surplice excludes by necessary implication the use of a chasuble or cope, since both could not be worn at the same time. The fact is that a surplice or alb (which is a narrower surplice) is always worn under the Eucharistic cope or chasuble, as their Lordships would have seen if they had read the Rubrics of Edward's Book, which orders 'the priest that shall execute the holy ministry' to 'put upon him the vesture appointed for that ministration, that is to say, a white albe plain, with a vestment or cope.'

Another of their Lordships' extraordinary *dicta* is that omission means prohibition, or, as they express it, that every Rubric 'by necessary implication abolishes what it does not retain.' If this is good law, it is broken every week in every church in the land. Pulpits are illegal, and organs, and hoods, and stoles of any kind. Indeed their Lordships, with that capricious consistency which occasionally visits their reasoning, have actually forbidden stoles of any colour or no colour. So that every clergyman who wears a stole is acting as illegally as he who wears a chasuble. Their Lordships' rule would have made havoc of Divine Service before the Reformation as well as since. The first Rubric of the Hereford Missal, for example, prescribes the use of the alb and amice for the officiating priest. Are we to infer from this that he was forbidden to wear the chasuble? Of course we know the contrary. The Rubric in the York Missal supplies a still more ludicrous illustration. 'When the priest washes his hands before Mass,' it says, 'he shall say this prayer.' Does that forbid him to wear any ecclesiastical vestments at all?

I say it with all submission, but I believe that their Lordships have here contradicted a fundamental principle of English law. Greek law said: *Quæ lex non jubet vetat*.¹ Our law, following the Roman, says: *Quæ lex non jubet permittit*.² Mr.

¹ Τὰ μὲν γὰρ ἔστι τῶν δικαίων τὰ κατὰ πᾶσαν ἀρετὴν ὑπὸ τοῦ νόμου τεταγμένα, οἷον οὐ κελεύει ἀποκτινύναι ἕαντον ὁ νόμος, ἃ δὲ μὴ κελεύει, ἀπαγορεύει. Aristotle, *Eth.* bk. v. ch. 11.

² 'Cum apud Græcos leges non juris tantum sed virtutis causa

Archibald Stephens, who was counsel for the prosecutor in *Sheppard v. Bennett*, reduced their Lordships' maxim to an absurdity. He argued that 'the Second Prayer Book of Edward prohibited all manual acts in the Prayer of Consecration' because it did not enjoin them. This was too much for the Court, and gave rise to the following interpellation :

Lord Justice Mellish : Was there no direction to break the bread ?

Mr. Stephens : There was no direction.

Archbishop of York : Your argument would prove too much.

Lord Chancellor : There must, *ex necessitate*, here be some manual acts.

Mr. Stephens : My contention is, there were none; and your Lordships have already ruled that 'omission is prohibition.'

Archbishop of York : Then in 1552 the minister could not take the paten or the chalice in his hand ?

Mr. Stephens : No.

With that neat refutation *ad absurdum* I leave the matter.

I have remarked in a former chapter on the fallacy of assuming that either non-user or even non-existence of the vestments is any proof of their illegality. But the Judicial Committee repeatedly appeal to this alleged fact as conclusive evidence of illegality. They find bishops asking in their *Visita-*

ferrentur, legibus præcepta continebantur quibus magistratus edicebant que fieri vellent. Apud nos autem, stricto jure inter Romanos jam orto, lex nihil jubet, sed que fieri nolit, edicit, ita ut contraria Aristoteli jam nunc obtineat regula: quæ lex non jubet permittit.—Michelet, *Commentar. ad Aristot. Ethic. Nicom.* p. 195.

tion Articles whether the minister wore a surplice, and their Lordships take this as proof that the chasuble was illegal. But a better knowledge of the history of the times would have shown them that it was not a case of surplice against chasuble, but of surplice against 'a horseman's cloak' or ordinary secular dress. The difficulty was to get the Puritan clergy¹ to wear any clerical vestments of any kind. Moreover, copes and chasubles were sometimes valuable spoil, and were often sold to the highest bidder, or privately disposed of. I have already quoted Burleigh's description of the ruin and desolation which Puritanism had wrought in matters of religion over large tracts of the country. Numbers of Sir William Harcourt's devout Protestant laity engaged heartily in the work of reformation on Puritan models for the sake of the loot. So that a witty divine of the day declared in a published sermon that 'Popish lands make Protestant landlords.' Let me corroborate here by independent evidence the doleful picture drawn by Burleigh. In an official Report to the Queen's Council, in the thirty-fourth year of Elizabeth's reign, on the condition of Lancashire and Cheshire, I find the following description:—

Small reformation has been made there by the Ecclesiastical Commission, as may appear by the empti-

¹ To prevent misunderstanding let me say that the Puritanism of the Elizabethan era had scarcely anything in common with the Evangelicalism of our day or with ordinary Protestant Nonconformity. Its residuary legatees are the Kensits and the Church Association.

ness of churches on Sundays and holy days, and the multitudes of bastards and drunkards. Great sums have been levied under pretence of the Commission; but the counties are in worse case than before, and the number of those who do not resort to Divine Service greater. The people lack instruction, for the preachers are few, most of the parsons unlearned, and many of the learned not resident; and divers unlearned daily admitted into very good benefices by the bishop. . . . Some of the coroners and justices of the peace and their families do not frequent church; and many of them have not communicated at the Lord's Supper since the beginning of her Majesty's reign. . . . Alehouses are innumerable, and the law for suppressing and keeping them in order is unexecuted; whereby toleration of drunkenness, unlawful games, and other great abuses follow. Although their Lordships [of the Council] have often written to the justices for redress, small or no reformation has followed; and cockfights and other unlawful games are tolerated on Sundays and holy days during Divine Service, at which justices of the peace and some Ecclesiastical Commissioners are often present.¹

That was the state of degradation, social and religious, to which Puritanism reduced England, wherever it got a free hand, in the reign of Elizabeth. And such is the state to which the spiritual descendants of those Puritans—the Church Association and its allies—would reduce England now, if they had their way; not intentionally, of course, but from their ignorance of human nature and of the forces which tend to elevate it and make for righteousness. It took a long time to raise the

¹ *Calendar of State Papers: Domestic, 1591-1594*, pp. 158-9.

clergy from the degraded state to which the alliance of Erastianism and Puritanism had reduced them. Here is Swift's description of the social condition of the English vicar of his day :—

He hath a house and barn in repair, a field or two to graze his cows, with a garden and orchard. No guest expects more from him than a pot of ale ; he lives like an honest plain farmer, as his wife is dressed but little better than Gcody. He is sometimes graciously invited by the squire, where he sits at a humble distance ; if he gets the love of his people, they often make him little useful presents ; he is happy by being born to no higher expectation, for he is usually the son of some ordinary tradesman or middling farmer. His learning is much of a size with his birth and education ; no more of either than what a poor hungry servitor can be expected to bring from his college.¹

If the English people wish to get that class of clergy back, undoubtedly the Protestant agitators are going the right way about it. Let the Puritanico-Erastian principle have its way, and let the Church be regarded as an ordinary human institution, looking to the State for its doctrine, its discipline, and its ceremonial, as if it were a department of the Civil Service, and the result will be that men of brains, of education, and of self-respect will refuse to take orders, and Swift's class of peasant 'servitors' will take their place. As a 'profession' the Church is the poorest. I imagine that the average pay of the clergy at this moment is under 200*l.* a year. What but the love of God and pity

¹ *Writings on Religion and the Church*, i. 267.

for human misery and sorrow could tempt a man of ordinary brains and education to dedicate his life to the toil, anxieties, and worry of so poorly paid a profession? A few years after my ordination I felt the need of study for proficiency in my calling. I gave up accordingly three years to study, devoting my leisure to journalism, and helping some of my brother clergy on Sunday. Without hard work I made a fair income; and I claim nothing more than ordinary brains and education. Why should a man abandon such a position for the sake of 200*l.* a year, or less, and much harder work, with the addition of being made 'the offscouring of all things,' and the sport of ignorant bigotry and philistinism at Albert Hall demonstrations? We have been hearing complaints for some time past that the proportion of 'honours' men, and even of University men, who take orders, is growing alarmingly smaller every year. No self-respecting man, if he be not impelled by the love of God and the 'enthusiasm of humanity,' will care to be made the target of Sir William Harcourt's invective, or be smitten with the jawbone of Lady Wimborne's ubiquitous donkey.

But to return to the Judicial Committee. What but the most childlike ignorance of the condition of England from Elizabeth's accession to the Restoration, and for some time after, could have persuaded a body of upright and intelligent men that the absence of costly vestments in scenes of irreligion and desolation, such as I have described, is proof of

their illegality? They might just as well have decided that daily service and weekly celebrations of the Holy Communion are illegal, for these were as rare as the Eucharistic vestments under the tyranny of Puritan lawlessness. Both were carried on all through that period of spiritual desolation and barrenness, but only here and there.

Mr. Tomlinson wrote a pamphlet against Archbishop Benson's Lincoln judgment, and afterwards expanded it into a book. The book is the offspring of that prolific parent of myths, a mare's nest, and its argument is so confused and so inconsistent with facts, that I should have deemed it waste of time to notice it, did I not find that men like Lord Grimthorpe have proclaimed this mare's nest to be a wonderful discovery. People are in general so ignorant of the history of the Reformation that they are too prone to take a writer's valuation of himself or of his friends for granted, without testing it. Lord Grimthorpe always writes in the tone of an infallible pope, who is master of all knowledge in heaven above, or in the earth beneath, or in the water under the earth; and the unreflecting are apt to suppose that a man who writes so confidently, and obtained some reputation at the Parliamentary bar, is likely to be right when he writes on subjects which he has never studied, and of which he knows very little. Knowledge of theology and of ecclesiastical history and law is not necessary to success at the Parliamentary bar; but it is necessary in dealing with the subjects which I am discussing; and as Lord Grim-

thorpe has become sponsor for the legitimacy of Mr. Tomlinson's literary foundling, it is perhaps better to examine its claims.

Mr. Tomlinson's theory is that Elizabeth's Act of Uniformity revived the Second Book of Edward, 'with one alteration or addition [quoting the Act] of certain lessons to be used on every Sunday in the year, and the form of the Litany altered and corrected, and two sentences only added in the delivery of the Sacraments,¹ AND NONE OTHER OR OTHERWISE.' The capitals indicate the importance which Mr. Tomlinson attributes to the last words of this quotation. His inference is that these words had the effect in law of re-enacting the Rubrics of the book of 1552, one of which forbids the Eucharistic vestments in express words.

The first observation which Mr. Tomlinson's theory invites is that it is not only opposed to all contemporary and succeeding evidence, but also against every legal decision on the subject, including the Purchas and Ridsdale judgments. All the Puritans in the reign of Elizabeth, without a single exception, assumed that the Act of Uniformity and the Ornaments Rubric restored the vestments of Edward's First Book. It legalised the Prayer Book of 1552, except the Rubric on vestments; and that was expunged in favour of an order restoring the vestments which the Rubric of the Second Book forbade. That is the unanimous complaint of all

¹ I quote Mr. Tomlinson literally. In the original, of course, the word is 'Sacrament.'

the Puritans, English and foreign. Had they known such a deadly flaw as Mr. Tomlinson imagines, they would have been quick to point it out. That is the first objection to Mr. Tomlinson's theory, and it is fatal.

Next, it would prove too much. As a matter of fact, no 'alteration or addition of certain Lessons' was made when the Act passed, or for two years afterwards. Moreover, an edition of the Prayer Book came out in 1559, after the Act of Uniformity, with the addition of the prayers for the Queen and the clergy, the benediction, and the prayer beginning, 'O God, whose nature and property,' &c. From this it follows that Mr. Tomlinson's quotation from the Act of Uniformity contemplated not only what had actually been then done, but also what it was intended to do. Moreover, the 'other order' provided for in the Act would legalise the addition of the Ornaments Rubric to the Act. It is strange that a gentleman who upholds the legality of additions to the Act of Uniformity by means of Royal Injunctions should denounce as a 'fraud' the addition of the Ornaments Rubric by Royal authority.

But where is the proof that the Ornaments Rubric was not in the copy of the Prayer Book appended to the Act of Uniformity when it was before Parliament? There is absolutely no proof, not a scrap of tangible evidence. It is certain that the Ornaments Rubric was in the first edition of Elizabeth's Book, printed simultaneously with the Act of Uniformity. Of that edition only two copies

are known to exist. One is in the possession of Lord Aldenham, and the other (Lord Ashburnham's copy) came into Mr. Quaritch's possession last summer. Its rarity may be guessed from the price, 184*l*. I had an opportunity of examining it, and the Ornaments Rubric was in it. That Rubric is in fact merely the Ornaments clause of the Act of Uniformity, with a slight verbal alteration.

But Mr. Tomlinson's theory is exposed to another deadly flaw. This gentleman, who is so stern a censor of 'suppressions and misquotations'¹ by other people, is obliged by his theory to alter an Act of Parliament, changing 'second' into 'seventh.'² The Elizabethan Act of Uniformity legalises the ritual of the second year of Edward VI. Mr. Tomlinson, in order to get in the ritual of 1552, forbidding the Eucharistic vestments &c., is forced to read 'seventh' for 'second.' And what is his defence of this violent proceeding? A gross misinterpretation of the following Royal Injunction, which he thinks, with the usual confidence of the discoverers of mare's nests, reverses the plain language of an Act of Parliament. It is a sad waste of time and space to quote and discuss pure irrelevancies and fads; but Mr. Tomlinson has an idea that those who receive the Ornaments Rubric in its plain grammatical meaning fight shy of the Thirtieth Injunction

¹ He accuses myself of being '*facile princeps* in misquoting.' There is no misquoting whatever in the passage to which he appeals by way of proof.

² *The Prayer Book, Articles, and Homilies*, p. 39.

as fatal to their case. Here, then, is the Injunction in full, with Mr. Tomlinson's portentous capitals :—

Item.—Her Majesty being desirous to have the prelacy and clergy of this realm to be had as well in outward reverence, as otherwise regarded for the worthiness of their ministries, and thinking it necessary to have them known to the people in all places and assemblies, BOTH IN THE CHURCH and without, and thereby to receive the honour and estimation due to the SPECIAL MESSENGERS AND MINISTERS OF ALMIGHTY GOD; willeth and commandeth that all archbishops and bishops, and all others that be called or admitted to preaching or ministry of the Sacraments, or that be admitted into vocation ecclesiastical, or into any Society of learning in either of the Universities, or elsewhere, shall use and wear such seemly habits, garments, and such square caps, as were most commonly and orderly received in the LATTER YEAR of the reign of King Edward the Sixth; not thereby meaning to attribute any holiness or special worthiness to the said garments, but as St. Paul writeth: *Omnia decenter et secundum ordinem fiant* (1 Cor. xiv. cap.).

Beyond all rational controversy this Injunction refers to the ordinary garb of the clergy. They were to wear a clerical garb that would make 'them known to the people in all places and assemblies.' Nor was it enough to wear this clerical garb when they went to church: they must wear it everywhere. For some had tried a compromise, putting on the clerical garb when they went to church, either to officiate or to worship, and exchanging it for ordinary lay dress when they returned home. The Injunction orders them to wear it always. It is as if the War Office

ordered all officers to wear uniform off duty as well as on. Who would understand such an order to mean that they were not to wear the regulation full-dress uniform on the proper occasions? Three of the leading Puritans, writing in July 1566, say :—

Our affairs are not altered for the better, but alas! are sadly deteriorated. For it is now settled and determined that instead of common bread a small unleavened cake must be used ; that the Communion must be received kneeling ; that out of doors must be worn a square cap, bands, a long gown, and tippet ; but in the sacred service the white vestment and cope are to be retained (*in ministerio autem sacro vestis alba et capa retineantur*).¹

This was after the publication of the Advertisements. The writers make no distinction between parish churches and cathedrals, or between ordinary days and high festivals. They simply say that the ‘sacerdotal habit,’ the ‘sacred vestments,’ are now beginning to be forced on the Puritan clergy in celebrating the Holy Communion, while ‘a dress not common, but peculiar and distinct, was prescribed for ordinary use.’ ‘*Vestis alba*’ means alb rather than surplice. Yet Mr. Tomlinson calmly tells his readers that the Thirtieth Injunction and the Act of Uniformity refer to ‘the surplice only.’ So that we are to understand that the clergy were to wear ‘the surplice only,’ ‘both in the church and without.’ It is really waste of time to discuss such

¹ *Zurich Lett.* second series, letter 50.

nonsense, or would be if the public were not so ignorant of the question. So let us follow Mr. Tomlinson's reasoning a little further.

'Now the *outdoor* garb of the clergy,' he says, 'underwent no change whatever from the earlier to the latter years of Edward VI.' Why, then, does the Injunction say that those prescribed habits were such 'as were most commonly and orderly received in the latter year of the reign of Edward the Sixth'? Because, argues Mr. Tomlinson, that was the year of the Second Prayer Book, which abolished all the vestments except 'the surplice only;' and the Thirtieth Injunction refers to the Rubric of that Book. But what about the Act of Uniformity which legalises the vestments of the second year of Edward? The two things are irreconcilable; but what is that to Mr. Tomlinson? *Hoc volo, sic jubeo; sit pro ratione voluntas.* The reference to 'the latter year' of Edward VI. is simple enough to any one not bound to maintain a theory *per fas et nefas*. The persistent complaint of the Puritans was that while restoring the Second Book of Edward, with a few alterations, the Act of Uniformity brought back the vestments of the second year of Edward instead of leaving the Rubric which prescribed the surplice only. That Rubric had been expunged from the Book in favour of the clause in the Act which re-enacted the Eucharistic vestments. That was the grievance of the Puritans. But the Thirtieth Injunction says in effect: 'But no such objection lies against the outdoor habits on which we insist,

for *they* were most commonly and orderly received in the latter year of the reign of Edward VI.—the year to which the Puritans were always appealing. That makes good sense of the Thirtieth Injunction. Mr. Tomlinson's interpretation makes irretrievable nonsense of it.

Here is one more specimen of Mr. Tomlinson's method of reasoning. He quotes Sandys as follows:—

The Parliament draweth towards an end. The *last* book of service is gone through with a proviso to retain the ornaments which were used in the first and second year of King Edward, until it please the Queen to take other order for them. Our gloss upon this text is that we [clergy] shall not be forced to *use* them, but that others [churchwardens &c.] in the mean time shall not convey them away, but they may remain for the Queen.

The words within parenthesis are a *suggestio falsi* on the part of Mr. Tomlinson, without an atom of fact to support it. Strype, in quoting the passage, says truly, 'But this must be looked upon as the conjecture of a private man.' What Sandys meant is what I have been contending for all along, namely, that the Puritans, finding the vestments restored in spite of their protests, fell back on their second line of defence—*i.e.* that they would not be forced to use them. The 'we' does not mean, as Mr. Tomlinson suggests, the clergy, but Sandys and his fellow-Puritans. But Sandys's letter contains one important point. He was one of the revisers of the Second Book, and he says, in the

teeth of Mr. Tomlinson's theory, that the Act of Uniformity restored the ornaments which were used in the *first and second* years of King Edward. I am not sure that we know for certain what the full ceremonial in use under Edward's First Book was. Probably it was the old ceremonial, hardly, if at all, changed. But Sandys puts the matter beyond a doubt by including the first as well as the second year of Edward. The old ceremonial was of course used unabridged in Edward's first year.¹

Mr. Tomlinson's dogmatism is always in an inverse ratio to his knowledge. Here is an example. He asserts peremptorily that 'nobody ever paid the slightest heed to the standard of 1549 during the six years, 1559-66, which elapsed *before* the issue of the Advertisements. Not a single bishop then wore alb or chasuble, not a single priest wore alb or tunicle, still less a "vestment" during all those six years when, on the received theory, those "ornaments" were not merely permissible, but compulsory.' Now considering that, with the exception of two hundred at most, nine thousand parish priests

¹ The following quotation from Bucer's *Censura*, published in 1551 (see Dixon's *Hist. of Ch. of Engl.* iii. 291), shows that the ceremonial in use under the First Book of Edward was the customary one, the only difference consisting in the service being in English:—

'I may add on ceremonies that in many of your churches there is still found a studied representation of the execrated Mass, in vestures, lights, bowings, crossings, washing of the cup, breathing on the bread and cup, carrying the book from right to left of the table, having the table where the altar was, lifting the paten and cup, and adoration paid by men who nevertheless will not communicate. All these should be forbidden.'

retained their livings, all using the old ritual, which the Act of 1559 explicitly legalised, it would require demonstrative proof that they all, or a majority, or even a large number of them, suddenly left off the mode of worship with which they were familiar, and to which they were attached, for no rhyme or reason. What evidence does Mr. Tomlinson offer? Not a scrap. We are to take his infallible word for it, the burden of proof being entirely on his back, and the presumption against him amounting to moral proof. But I have already given positive evidence that 'the standard of 1549' was in matter of fact followed during the period named and long afterwards; and my proofs could be multiplied. I may add the following. In the 'Life of Sir Thomas Smith' it is recorded that among the ornaments of his chapel in 1569 were 'vestment and alb for the priest; a Bible, and a pair of virginals instead of an organ.'¹ That was three years after the publication of the Advertisements; and Smith occupied an official and influential position.

With one more specimen of the way in which Mr. Tomlinson is accustomed to get up his facts, I will take my leave of him. 'That stiff High Churchman, John Johnson,' he says, 'when he published his "Clergyman's Vade-Mecum" in 1707, had not so much as heard of Canon MacColl's theory.' True; but in subsequent editions Johnson confessed his ignorance, retracted his error, and strenuously supported 'Canon MacColl's theory.' In a long com-

¹ P. 171.

ment on the Ornaments Rubric in the fifth edition, published in 1723, Johnson, speaking of the 'other order' of the Uniformity Act, says:—

Some have attempted to prove, that she did take such Order; but there is no certain proof of it; nay, it is evident enough that she did take no such Order: For the Rubric enjoining the same Ornaments that were used in the first Book of Edward, still continued thro' her reign, and the two following: And if she had taken such Order; yet the Rubric before Morning Prayer in our Present Liturgy, enforced by the Act of Uniformity, 14 Charles II., could not be affected by any Order taken by Queen Elizabeth: therefore Bishop Gibson truly says, '*LEGALLY, the Ornaments of Ministers in performing Divine Service are the same now, as they were in the second year of Edward VI.*'

The Judicial Committee also condemned the use of incense and altar lights on the same grounds as the Eucharistic vestments, and their argument on those points collapses with their argument against the vestments. But I may cite the following instances of the use of incense and altar lights after the publication of the Advertisements.

In the 'History of Trig Minor,' already quoted, we have indisputable evidence not only of the use, in the year 1567, of copes and chasubles of various colours, but also of a 'ship of tin' for incense, 'a censer of latten,' 'a lamp before the high altar,' 'a sacring bell.' These took the place of 'two censers of silver and two ships of silver,' which are found in the inventory of 1539. They disappeared as

valuable loot in the predatory zeal of interested 'reformers;' and the fact that the parish provided cheap ones in their place, which were in use after the publication of the Advertisements, is good evidence against the ruling of the Judicial Committee. In Bishop Lloyd's Form of Consecrating Churches, &c., there is a service for the consecration of candlesticks and of censers. While the Bishop is placing the candlesticks 'upon the altar,' the chaplain is directed to say: 'Thy word is a lantern unto my feet: and a light unto my paths.

'For in Thee is the foundation of life: and in Thy light shall we see light.'

This clearly implies that the altar candles were intended to be lighted.

So likewise when a censer is presented and received, the clergy say: 'While the King sitteth at his Table: my spikenard sendeth forth the smell thereof.

'Let my prayer be set forth before Thee as the incense: and let the lifting up of my hands be as the Evening Sacrifice.'

Now let it be remembered that the volume from which these extracts are taken was published in the beginning of last century; that it was compiled by a bishop's chaplain, and dedicated to the Bench of Bishops; that it was certainly used by the Bishop whose chaplain compiled it; and that it agrees substantially with various Forms of Consecration Services which were in common use in the seventeenth century. Is it possible to believe that the

observances which it prescribes were all the while forbidden by law and unknown in practice?

There is in the British Museum a MS. of Bishop Sanderson's, with a sketch of his chapel and lettered references after the Restoration; and among other things the following inventory gives us a peep into his manner of administering the Holy Communion: 'The gilt canister for the wafers, like a wicker basket lined with cambric; a vessel with pipes for the water of mixture; basin and ewer for washing before consecration, and a towel; footpace of three steps covered with Turkey carpet; a censer in which the clerk putteth the frankincense; the navicula, like the keel of a boat, with a half cover for the incense.'

But the Judicial Committee has not only shown its incompetence to act as a final court of appeal in ecclesiastical causes by reason of its entire ignorance of the matters on which it has to adjudicate; it has, in addition, displayed such a marked bias as to destroy confidence in its fairness on the part of those who have carefully examined its judgments. Its decisions have been dictated by policy rather than by law. It has invariably acquitted men who have been powerfully supported by influential parties, and condemned men who appeared to lack that support. Gorham flatly contradicted the plain language of the Prayer Book, yet was acquitted because his doctrine was popularly identified—though quite erroneously—with the doctrine of the Evangelical party. The 'Essays and Reviews' and Mr. Bennett of Frome had

powerful parties behind them : therefore the accused were acquitted. But the Ritualists were supposed to represent only a small party whose resentment might be braved without danger. They were therefore condemned, against the plain letter of the law, till an Archbishop declared in favour of the legality of some things which the Judicial Committee had condemned. That looked formidable ; therefore the Judicial Committee supported the Archbishop.

A clergyman of the name of Dunbar Heath was in 1860 tried for heresy on account of some confused statements which he had published on the subject of the Atonement. He was deprived by Dr. Lushington, Dean of the Arches Court, and appealed to the Judicial Committee. And meanwhile he had taken some steps to explain himself to his bishop and to the Court. I quote the last paragraph of their Lordships' judgment :—

Their Lordships have had their attention directed to a letter addressed by Mr. Heath to the Lord Bishop of Winchester on January 2, 1860, in which he states that, if he has laid down any doctrine or position at variance with the Articles or formularies, he has done so unwittingly and in error, and in which he requests his diocesan to point out in what respects he has done so, that he may correct whatever error he has fallen into. Another and more formal document has also been brought before their Lordships, in which Mr. Heath has stated that, if it appears to the Ordinary, and to the official Principal of his Grace the Archbishop of Canterbury, that his language does contain or teach a doctrine directly

contrary or repugnant to any of the Thirty-nine Articles of Religion, he expresses his regret and revokes his error.

Who can doubt, who has followed the various judgments of this august tribunal, that if Mr. Heath had been supported by a powerful party their Lordships would have welcomed his expression of regret and revocation of any error he might have unintentionally taught? But Mr. Heath had no backing. He had been a Fellow of Trinity, Cambridge, and was a high—I think senior—wrangler. But he had, nevertheless, a very confused mind, as I often had occasion to notice, for I used to meet him at the Royal Society of Literature, of which we were both Fellows. He was always in the clouds when he joined in our discussions, and seemed to labour under an incapacity to give intelligible expression to his ideas. He was emphatically a man towards whom every possible indulgence ought to have been shown on a charge of heresy. But the Court refused to accept his general expression of regret and retractation. ‘They are unwilling to proceed to the last step in their duty, but unless he expressly and unreservedly revokes the errors of which he has been thus convicted, their Lordships have no course left but to advise her Majesty to confirm the sentence of deprivation under the Act.’ And deprived Mr. Dunbar Heath was accordingly. Another proof of bias characteristic of the Judicial Committee is the fact that a Ritualist was always made to pay the costs, according to the usual rule,

when he was condemned, but refused his costs in several cases where judgment was in his favour.

I am sure that in making these complaints against the fairness of the Judicial Committee I shall carry with me the sympathy of all dispassionate lawyers who may take the trouble to compare my accusation with the facts. Some of the severest impeachments of judicial impartiality that I know have been uttered by lawyers. Lord Selborne, when he sat in the House of Commons in 1868 as Sir Roundell Palmer, offered a strong opposition to the transference of election petitions from the House of Commons to the judges, on the ground of what he thought the inevitable political bias of the judges. I quote his words :—

Judges, like other men, have their politics; but at present cases in which political bias might be supposed to affect their minds were rare, although in those cases they frequently gave their judgments according to their politics.¹

When the Supreme Court of Judicature Act was before the House of Commons it was proposed by the Government to give certain discretionary powers to the judges in the matter of assessing costs, and in a few other particulars. The Bar flew to arms in dismay, and proclaimed its profound distrust of the impartiality of our judges in cases where their feelings were likely to be engaged. Let two extracts from the speeches of two distinguished barristers²

¹ Speech by Sir Roundell Palmer on Mr. Disraeli's Bribery Bill. See *Hansard*, third series, xcii. pp. 286-7.

² Elevated to the judicial bench afterwards.

and members of the House of Commons suffice by way of sample.¹ Here is the opinion of Mr. Lopes :—

When the proper time came he should move an amendment that the Bill of Exceptions should be preserved. Again, under the Act of 1873 and this Bill, if a judge misdirected a jury, or improperly received or rejected evidence, a new trial was not to be granted, unless the Court before whom the case came should be of opinion that the miscarriage of justice was caused by the misdirection,—unless the jury had been affected by it. Judges were so apt to think they were right when they were wrong, that this would be a very dangerous inroad indeed. Hitherto, save in a few exceptional cases, costs had always followed the event, and in no case was the successful party deprived of his costs; but the Bill proposed to give a judge absolute discretion, so that a judge who disapproved a verdict might order a successful defendant to bear the costs of an action.

Mr. Watkin Williams used even stronger language, as the following extract from his speech will show :—

These Rules and Orders would be made by the judges, and would come into operation, and then in the month of March or next Easter the House might interfere. But suppose the judges abolished meanwhile trial by jury. The Lord Chancellor might order cases to be tried by a judge instead of before a jury, and when the matter came to be discussed in Parliament, all manner of proceedings would be taken under these Rules and Orders, and they would be told that the greatest inconvenience would be caused by the House repealing

¹ See *Times* of July 6, 1875.

them. He trusted that the House would never part with this power. It might be said that the judges would never do these things. Wouldn't they? The first thing done by these Rules and Orders was to abolish the Bill of Exceptions which had been granted to suitors by Edward I., to prevent caprice and the exercise of what was called 'discretion' on the part of the judges. The Bill of Exceptions was one of the rights of the suitor. *The judges ought to administer the law, and ought not to have the 'discretion' which would enable them to alter it.* Another exceptional feature in the Rules and Orders was the power given to the Common Law judge over costs. The power of giving costs would be in the discretion of the judges, and it would totally alter the relations between the judges and the Bar. It was right that in Equity cases the judge should have the power of deciding as to the payment of costs, because he has the whole case before him. But imagine a case of libel, or of interference with personal liberty, which would come before a jury. If the judge took a view opposed to that of the jury, he might avenge himself—and it was necessary to speak out on this subject—by punishing the counsel, the suitor, and the jury, because he differed with them in opinion. At present, if a judge manifested caprice or lost his temper during a trial, the counsel bore it patiently, because they knew that the judge was subject to the laws. If he was wrong in his ruling they tendered a bill of exceptions; and if he overrode counsel they had the jury to appeal to. The Rules and Orders would alter all this, and produce changes such as no one at present realised.

It appears then that the clergy are not the only class in the community who gravely suspect the partiality of our tribunals in questions where the

prejudices of the judges are tolerably certain to come into play. And it must be allowed that the clergy have special reasons for suspiciousness, inasmuch as the questions which affect them are too often decided by judges who have at best no more than the merest rudimentary knowledge of them, and who consequently commit themselves to statements and conclusions which those who have studied these questions know to be quite erroneous. There was a time when English judges were profoundly versed in ecclesiastical history and Canon Law. How many are there on the Bench now who have seriously studied these questions? Is it so marvellous then that men who *have* studied them feel no great respect for judicial deliverances which, as in the case of the Purchas judgment, bristle all over with blunders? For myself, I know not why I should reject the False Decretals of the Papacy and accept those of the Judicial Committee. After all, Historic Truth 'is great, and will prevail,' the Purchas judgment and its defenders notwithstanding.

But I hasten to add that I acquit the Judicial Committee of anything worse than unconscious bias. I have no doubt that the members of the Court have always acted with entire conscientiousness. But it is possible that the very conscientiousness of a judge may tempt him unconsciously to bend the law from the straight line of justice in the direction of some interest which he conceives to be of paramount importance. So that his conscientiousness, instead of being a protection to him, is a snare. The

late Sir George Cornwall Lewis has some observations on this subject, which are so pertinent that I shall take the liberty of quoting them :—

It is universally admitted that no man ought to be a judge in his own case. But, if the case were not his own, his competency to form a judgment upon it might be indisputable. So if any political measure be proposed which affects the interest of a profession, it may happen that persons belonging to that profession, though peculiarly competent to form an opinion respecting it, on account of their experience and knowledge, are disqualified on account of the probable bias of their judgment by personal considerations ; and that the requisite *indifference* is only to be found among those who do not belong to the profession. Such outlying persons may be the only impartial judges in the matter. . . . The operation of a personal interest in perverting the judgment is so insidious, that great honesty, combined with perpetual vigilance, is necessary in order to guard against its influence. Men utterly incapable of telling a deliberate untruth, or deliberately expressing an insincere opinion, are nevertheless liable to be warped by personal interest in the deliberate formation of opinions. When a strong bias of this sort exists, their minds, ready to receive every tittle of evidence on one side of a question, are utterly impervious to arguments on the other. Hence we see opinions, founded on a belief (and often a radically erroneous belief) of self-interest, pervade whole classes of persons. Frequently the great majority of a profession, or trade, or other body, adopt some opinion in which they have, or think they have, a common interest, and urge it with almost unanimous vehemence against the public advantage. On occasions of this kind, the persons interested doubtless convince themselves of the

reasonableness of the view which they put forward ; they are guilty of no hypocrisy or insincerity ; but their judgment is warped by their belief as to their interest in the question.¹

But the bias of self-interest is not always the most powerful bias. Many a man who knows himself too well to suffer the promptings of self-interest to bias him is readily influenced by the interest which he feels in a great cause or institution. Lord Cairns and Lord Selborne were far above the motives of self-interest. But the former was a very strong Puritan, and both were devoted to the interest of the Church as an Establishment, and allowed their minds, I believe, to be biased against a party who, they thought, were imperilling the Establishment. I may shock some of my friends, but I will frankly own that the judge whom I should be disposed to trust in these questions would be a great and strong lawyer like the late Sir George Jessel, who, as a Jew, would have 'the requisite indifference.'

¹ *Influence of Authority in Matters of Opinion*, pp. 34-36 ; cf. Mill's *Logic*, ii. 286-7, third edition.

CHAPTER XI

ANGLICAN AND ROMAN ORDERS

WHEN one has a good case it is an error in tactics to stand on the defensive. I propose therefore in this chapter to test very briefly the validity of Roman Orders by the criterion applied by Leo XIII. to the validity of Anglican Orders in the Bull in which he declared their invalidity. In the most weighty, learned, and dignified 'Answer' of our two Primates to that Bull it is shown conclusively that the argument on which the Pope bases his conclusion would invalidate the Orders of every Church in Christendom, and most of all the Orders of the Church of Rome. The retort of 'The Cardinal Archbishop and Bishops of the Province of Westminster,' in their 'Vindication of the Bull "Apostolicæ Curæ,"' is one of the weakest specimens of special pleading which it has ever been my lot to read. It is of course natural for Cardinal Vaughan and his colleagues to assume throughout the infallibility of the Pope. To those, who accept that dogma, further argument is obviously superfluous. The Pope has declared that Anglican Orders are invalid, and therefore *causa finita est* for all infallibilists. But for others Cardinal

Vaughan's assumption has no value. It is evident from the whole of the 'Vindication' that in the minds of its authors the decisive proof of the invalidity of Anglican Orders is the fact that the Pope has pronounced them invalid. They evidently agree with Cardinal Manning that 'the appeal to history is a treason and a heresy;' and their own appeal to history is plainly a condescension, a controversial device on the part of disputants who take their history from a foregone conclusion, not from the impartial evidence of facts. There is a vast difference between studying history in order to support an imperative dogma already received as a necessary article of faith, and studying history with a loyal intention to follow whithersoever it may lead. The Pope having spoken, Cardinal Vaughan and his colleagues are bound to find history in agreement with the Pope, or to deny the Pope's infallibility. Of course, therefore, they have found history in agreement with the Pope. They try to disguise this aspect of the question from their readers, and argue as if they were free to accept the verdict of history, which manifestly they are not. Indeed they start with an apparently unconscious recognition of this fact when they urge,—

In short, to deny Leo XIII.'s competency to define the conditions of a valid sacrament is to strike at the very roots of the sacramental system. For if there be no authority on earth capable of deciding so fundamental a point, how can we continue to attach vital importance to the Sacraments, or to regard them as stable rites of

divine institution on the true observance of which the maintenance of our spiritual life depends?

Observe how the quiet assumption that to deny the Pope's 'competency to define the conditions of a valid sacrament' is deemed equivalent to an affirmation that 'there is no authority on earth capable of deciding so fundamental a point.' Both the Papal Bull and the Cardinal's 'Vindication' prudently pass by the consecrations of Barlow and Parker and the decree of Pope Eugenius IV., 'as not requiring to be examined, since, even apart from them, the invalidity of your [*i.e.* Anglican] Orders was decisively proved.' The consecrations of Barlow and Parker need not be discussed, for no scholar who has a reputation to lose would now think of relying on the old Roman arguments against them. The decree of Pope Eugenius is a very different matter. It was addressed 'to the Armenians' in November, 1439, as a rule of faith and practice on the doctrines of the Trinity in Unity, the Incarnation, and the Seven Sacraments. It answers all the tests of an *ex cathedra* infallible pronouncement. And in addition to this internal evidence of an *ex cathedra* character, it was issued three months after the Council of Florence, and Eugenius affirms that the decree received the sanction of the Council. If ever a Papal decree fulfilled the conditions of infallibility, this doctrinal utterance by Pope Eugenius IV. did so. Now let us look at its bearing on the validity of Anglican Orders. After describing the Seven

Sacraments, the Pope proceeds to say that all those Sacraments require three conditions for their validity, 'namely, things as matter; words as form; and the person of a minister conferring the Sacrament with the intention of doing what the Church does: and if any of these is absent, there is no Sacrament. Among these Sacraments there are three—Baptism, Confirmation, Order—which imprint on the soul an indelible character, that is, a certain spiritual mark distinct from others. Consequently they cannot be repeated on the same person. But the remaining four imprint no character and admit of reiteration.'¹

After giving the usual explanation of the matter and form in Baptism, the Pope goes on to say that the matter of Confirmation is the chrism blessed by the bishop; and the form, the words—'I sign thee with the sign of the cross, and confirm thee with the chrism of salvation, in the name of the Father, and Son, and Holy Spirit.' This omits the laying on of hands as part of the matter of Confirmation, and gives, as its form, words which have by no means been universally used. The comment of our two Archbishops is irresistible: 'If therefore the doctrine about a fixed matter and form in the Sacraments were to be admitted, the Romans have

¹ See Denzinger's *Enchiridion Symbolorum et Definitionum quæ de Rebus Fidei et Morum a Conciliis Œcumenicis et Summis Pontificibus emanarunt*, Wirceburgi, 1874, pp. 172, 176. Denzinger omits the first part of this decree, which expounds the doctrines of the Trinity and Incarnation dogmatically, in order to give colour to his unfounded suggestion that the Pope intended no definition of the doctrine of the Sacraments, but only 'practical instruction.'

administered Confirmation imperfectly for many centuries, and the Greeks have none.'

That is a very serious matter for a Church which now regards every *ex cathedra* utterance of a Pope as infallible truth. But it is Pope Eugenius's definition of the matter and form in the Sacrament of Order which concerns us in particular. 'The matter here,' says Pope Eugenius, 'is the delivery into the hands of a person ordained to the priesthood of the chalice with wine and the paten with bread; and the form of conferring the priesthood is: "Receive the power of offering sacrifice in the Church for the living and the dead, in the name of the Father, the Son, and the Holy Spirit."' '

If we are to accept this as infallible truth, Christendom has been without a valid priesthood from the first Christian Pentecost till now; for the delivery of the paten and chalice containing the Eucharistic elements has never been received by any Church as necessarily of the essence of the matter of sacerdotal ordination, and is not now so considered by the Church of Rome; while the form prescribed by Eugenius, though now insisted on as essential by the Roman Church, has never been so regarded by the Church Universal.

Our own and the Oriental Churches, which have never admitted the infallibility of the Pope, are unaffected by this decree of Pope Eugenius IV. Not so the Church of Rome. The Pope's decree is binding on it, as an article of necessary faith, and consequently it is bound by the logic of its dogmatic

position to confess itself without priesthood or Sacraments. Thus we see that it is not Anglican Orders which Leo XIII.'s Bull and Cardinal Vaughan's 'Vindication' have invalidated, but Roman Orders.

What, again, can be a more glaring example of special pleading than the following?—

Your Reformers no doubt retained the terms 'priest' and 'bishop' as the distinctive names of the two higher degrees of their clergy—probably because they did not dare to discard terms so long established and so familiar. But whilst retaining the terms they protested against the meanings attached to them by the Catholics, and, insisting on the etymological signification, used them, and desired that in future they should be used, to denote, not ministers empowered to offer sacrifice, but pastors over their flocks, to teach them, to administer to them such Sacraments as they believed in, and generally to tend them spiritually. This meaning they professed to regard as that of Scripture, and of the Primitive Church, which explains the language of the Preface of your Ordinal.

What Cardinal Vaughan and his coadjutors here cite as proof of a deliberate purpose to make a fundamental change in the doctrine of the Church of England is only an illustration of the tendency, already noticed, of all reformers to dwell chiefly on the neglected side of important truths, and use some reserve in dwelling on the side that had been pushed to an extreme. Just as St. Paul dwelt on the necessity of faith and seemed to depreciate works; and St. James dwelt on the necessity of works to the apparent neglect of faith; and the

early Christian Apologists denied in words the existence of Christian temples and Christian altars—meaning such temples and altars as were used in heathen worship; so the first Anglican Reformers dwelt more on the communion than on the sacrificial aspect of the Eucharist. And when they seem to deny, like Hooker, that sacrifice is part of the Christian ministry, they mean sacrifices like those of the Mosaic dispensation, and sometimes like the carnal view of the Eucharistic sacrifice taught by many Roman writers, and believed by the multitude. That Cranmer, who had most to do with the compilation of the Prayer Book, had no idea of innovating on the Catholic doctrine of the Eucharist, properly so called, is plain from his own language. ‘The manner of the Holy Communion,’ he says, ‘which is now set forth within this realm, is agreeable with the institution of Christ, with St. Paul, and with the right faith of the sacrifice of Christ upon the Cross.’¹ And at his trial in 1553 he ‘offered to join issue upon this point, that the Order of the Church of England, set out by the authority of the innocent and godly Prince Edward VI. in his High Court of Parliament, is the same that was used in the Church fifteen hundred years past.’²

But even if Cardinal Vaughan were right in thinking that Cranmer’s intention was to change the doctrine of the Church of England, our reply is that Cranmer failed in his intention. For the Ordinal has

¹ *Defence of the Cath. Doc. of the Sacr. Bk.* v. ch. 18.

² See Jeremy Taylor’s *Works*, v. 238. Eden’s edition.

always contained all the essentials of the rite of ordination to the priesthood. It is called 'The Form and Manner of Ordering of Priests.' The first Rubric says: 'When the day appointed by the Bishop is come, after Morning Prayer is ended, there shall be a Sermon or Exhortation, declaring the Duty and Office of such as come to be admitted Priests; how necessary that Order is in the Church of Christ, and also how the people ought to esteem them in their Office.' Then the Archdeacon is to 'present unto the Bishop (sitting in his chair near to the Holy Table) all them that shall receive the Order of Priesthood that day,' saying: 'Reverend Father in God, I present unto you these persons present, to be admitted to the Order of Priesthood.' Thereupon the Bishop bids the Archdeacon 'take heed that the persons' presented are 'apt and meet' by learning and character 'to exercise their ministry duly'—that is, the 'sacerdotium,' with all that it implies; it is the generic term, embracing all the functions of the Priesthood.

Then the Bishop addresses the congregation, and invites objections, if there be any, to the qualifications of any of the candidates for 'the holy Office of Priesthood.' Then follows a prayer: 'Almighty God, Giver of all good things, who by Thy Holy Spirit hast appointed divers Orders of Ministers in the Church; mercifully behold these Thy servants now called to the Office of Priesthood; and replenish them so with the truth of Thy doctrine, and adorn them with innocency of life, that, both by word and

good example, they may faithfully serve Thee in this office,' &c.

After the reading of the Epistle and the Gospel, the Bishop addresses the candidates and reminds them of 'how great importance this office is whereunto ye are called,' and exhorts them, 'in the name of our Lord Jesus Christ, that you have in remembrance unto how high a dignity, and to how weighty an office and charge, ye are called.'

Then the Bishop asks: 'Do you think that you be truly called according to the will of our Lord Jesus Christ and the Order of this Church of England, to the Order and Ministry of Priesthood?' 'Will you then give your faithful diligence always so to minister the Doctrine and Sacraments, and the Discipline of Christ, as the Lord hath commanded, and as this Church and Realm hath received the same, according to the commandments of God,' &c.

After some more questions and devotions, 'the Bishop with the priests present shall lay their hands severally upon the head of every one that receiveth the Order of Priesthood,' and the Bishop gives his commission as follows:—

Receive the Holy Ghost for the Office and Work of a Priest in the Church of God, now committed unto thee by the Imposition of our hands. Whose sins thou dost forgive, they are forgiven; and whose sins thou dost retain, they are retained. And be thou a faithful Dispenser of the Word of God and of His Holy Sacraments; In the name of the Father, and of the Son, and of the Holy Ghost.

The candidates having thus received the *Sacerdotium* in the plenitude of all that the word connotes, the Bishop gives each of them a Bible and bestows jurisdiction by the following words: 'Take thou Authority to preach the Word of God and to minister the Holy Sacraments in the Congregation, where thou shalt be lawfully appointed thereunto.'

The same distinct designation of office is observed in the consecration of bishops.

The Pope and Cardinal Vaughan admit that our present 'form of ordination, together with the prayer, *Almighty God, Giver of all good things . . . behold these Thy servants now called to the Office of Priesthood (or Episcopate)*, might, apart from the further reason to be given presently, have furnished the necessary degree of definiteness.' 'The further reason' is that the Papal Bull 'very reasonably asks how any of those other prayers can be thought to designate the priesthood and episcopate in the Catholic sense, *when it is notorious that this is just the meaning which the compilers were studious to exclude from the entire service.*'¹ What is 'notorious' here is the ignorance of the Pope as to the entire subject on which he was pronouncing an *ex cathedra* judgment. For the fact is, as I have shown, that the compilers of the Prayer Book, and the whole body of representative Anglican divines, 'were studious' to do, and succeeded in doing, precisely the reverse of what the Pope and Cardinal Vaughan impute to them. The Anglican divines

¹ *A Vindication*, pp. 38, 39.

have always insisted on the doctrine of the Eucharistic Sacrifice 'in the Catholic sense,' and have only repudiated the uncatholic incrustations which grew around it in the writings of Roman divines and in the abuse of a traffic in private masses.

The prayer, *Almighty God, Giver of all good things*, &c., is admitted by Cardinal Vaughan and his colleagues to be 'best adapted to supply the needed element of definiteness.' 'But it is found in your present Ordinal far removed from the imposition of hands,' and must therefore be regarded as irrelevant. Nothing has brought so much discredit on Roman theology as this hard mechanical view of divine operations. 'The whole ordination service,' as Cardinal John de Lugo (quoted by the two Primates) admits, 'is a single action, and it makes no difference if the matter and form are separated from one another (as is the case in the Pontifical), if what intervenes makes up a moral whole.'¹ The assertion that an ordination, otherwise valid, could be invalidated by the interposition of a few moments of time and a page of print between a certain prayer and the laying on of hands is worthy only of Mohamedan casuistry, according to which the smallest deviation from the prescribed formula, in word or action, invalidates the entire rite. And see how it acts. The invocation has dropped out of the Roman Liturgy, in which the words of institution are held in Roman theology to be the consecrating factor. The Easterns, properly and reverently re-

¹ *Answer of the Archbishops*, p. 30.

fusing to limit the action of the Eternal One by measurements of time, regard the whole Liturgy as a single action, and decline to dogmatise as to the precise moment when the elements become effectual for their purpose. It does not trouble them therefore that the invocation comes after the effectual words have already been spoken according to the Roman doctrine. Cardinal Vaughan is thus logically bound to impeach the orthodoxy of all the Eastern Liturgies; while the Easterns, on their part—though too charitable to condemn the Roman rite as null—do accuse it of being mutilated and defective:—

The one Holy Catholic and Apostolic Church of the seven Œcumenical Councils admitted that the Sacred Elements are sanctified after the prayer of invocation of the Holy Ghost by the blessing of the priest, as witness the ancient formularies (*τυπικὰ*) of Rome and Gaul. But the Papal Church innovated in this also, having arbitrarily considered the sanctification of the Sacred Elements as taking place with the utterance of the words of the Lord: ‘Take eat, this is My Body,’ and ‘Drink ye all of it, for this is My Blood.’¹

But the doctrine of Leo XIII.’s Bull and Cardinal Vaughan’s ‘Vindication’ of it is exposed to still

¹ *A Patriarchal and Synodical Encyclical Letter unto the most sacred and beloved-of-God Metropolitans and Bishops, our brethren in Christ; and unto the sacred and pure clergy under them; and unto the entire pious and orthodox faithful of the Most Holy Apostolical and Patriarchal See of Constantinople. A Reply of the Holy Catholic and Apostolical Orthodox Church of the East to the Encyclical of Pope Leo XIII. on Reunion, p. 6.*

more formidable perils. The question turns in the last analysis on the intention of the compilers of the Prayer Book and of the Anglican clergy as a body from the Reformation downwards. A heterodox intention is gratuitously imputed to them, and all their acts are thus presumed to be tainted by theological pravity.

There is, of course, a true doctrine of intention. The minister of a Sacrament must intend to do what the Church does. It follows that a minister who is insane, or drunk, or in a fit of somnambulism, or otherwise mentally incompetent, cannot perform a valid Sacrament. But if he knows what he is about, and intends to discharge with ceremonial exactness the function which the Church has committed to him, then his Sacrament is valid, whatever his own private belief may be. For the real Consecrator in all Sacraments is Christ Himself, and His will is effectual independently of the belief or unbelief of His visible minister. The Church of England insists on this merciful and equitable doctrine in the Twenty-sixth Article. It would indeed be a cruel case if the devout and worthy recipient were defrauded of a divine gift through the will or wickedness of the minister. But let us take the doctrine of intention which is now prevalent in the Church of Rome, and let us see how that Church will fare under its application. The Catholic Church of Spain under the Moorish domination offers a crucial test. One of the classical works on Moorish Spain is that of Professor Dozy, himself a Roman Catholic.

‘The Church,’ he says, ‘was subject to a hard and cruel servitude.’ The right of convoking councils as well as nominating bishops, which had belonged to the Visigoth Kings, was now claimed and exercised by the Arab Sultans; ‘and that fatal right, confided to an enemy of the Christian religion, was for the Church a source of inexhaustible evil, of opprobrium, and of scandal.’ Whenever a Moorish Prince wished to squeeze money out of the Christians, or to make use of them in any other way, he put the ecclesiastical machinery in motion by calling a council. At first the bishops refused to give the sanction of their presence to these synods. But the Sultans had another string to their bow; the sovereign sent Jews and Musulmans to take the place of the bishops, and do his bidding. This did not work well, and the next device on the part of the Mohamedan rulers was to put pliant tools into each see as the bishop died or was deposed. The bishopric was knocked down to the highest bidder, who often did not go even through the form of making a profession of Christianity. Renegade Christians, professed Jews, and born Musulmans thus came to occupy the sees of Moorish Spain, many of them unbaptized, but all having gone through the sacrilegious farce of consecration, which was thus entirely null and void. ‘In this way,’ Dozy tells us, ‘the Christians saw their dearest and most sacred interests entrusted to heretics; to libertines, who took part in the orgies of Arab courtesans, even during the solemnities of Church festivals; to unbelievers who publicly

denied a future life; to wretches who, not satisfied with selling their own souls, sold their flocks into the bargain.'¹

This state of things lasted for centuries. What will Cardinal Vaughan say about the Sacraments, including Orders, administered by men like these? Can he guarantee that any of them was validly ordained, or administered the Sacraments in their turn with the right intention and the right matter and form? Yet the priesthood of Spain is largely descended from the episcopate of the Moorish domination. Blanco White too makes revelations which, though not quite so damaging, suffice to involve the sacramental system of Spain, at least during the period which he describes, in an atmosphere of doubt. He tells us of clergy who were not only immoral, but unbelievers in addition; unbelievers of an aggressive type, who, revolting against the state of things which they saw around them, were animated by an energetic hatred of Christianity. Believing that they were forced by circumstances to take part in a mischievous imposture, would not their temptation be to invalidate deliberately the Sacraments they administered by perpetrating a flaw either in the matter or form?

Then there is the case of the ecclesiastics, bishops and priests, who threw off the mask at the French Revolution, and avowed that they had been acting a farce all the time they were going through the form of conferring and administering Sacra-

¹ *Histoire des Musulmans d'Espagne*, par R. Dozy, ii. 47.

ments. Who will guarantee their good faith and due observance of the essentials of valid Sacraments?

Consider also the prevalence of lay baptism administered in Continental and South American countries by ignorant midwives and nurses. There is a story told of a distinguished English Roman Catholic priest who visited his old nurse on her deathbed. 'I am deeply indebted to you,' he said, 'for you made me a Christian.' 'Oh, yes, your Riverence,' she said, 'and I made many other Christians also.' 'I suppose you always used the right form of words?' continued the priest. 'Faith, and I did,' was the unexpected reply. 'I baptized ye all in the name of Jesus and Mary.' The priest, horror-struck, went and had himself baptized and re-ordained. Such is the story, and even if it be only *ben trovato*, it ought to warn the Pope and Cardinal Vaughan that in their mode of attack on the validity of Anglican Orders they are indeed playing with edged tools.

But I must give a more flagrant instance of the way in which the extreme development of the doctrine of intention in the Church of Rome has undermined the whole sacramental system of that Church.

By an arbitrary rule of the Roman Catholic Episcopate of South America no one was eligible for Holy Orders who had a strain of native blood in him down to the fourth generation. But persons thus disqualified often got ordained, and doubt was thrown on the validity of their orders, owing to the negative intentions of the bishops. In the year

1865, one of the bishops determined to bring the matter to a test. He announced publicly that henceforward, in the event of his unwittingly ordaining any man within the prohibited degree of native blood, the ordination would be null and void, inasmuch as his intention would be absent. Nevertheless several men who were descendants of native Indians or Mulattos were ordained by the bishop unwittingly at his next ordination. When the fact came to his knowledge he declared that those ordinations were null and void. There was an appeal to the Holy See, which, after careful consideration, ruled that the ordinations were nullified by the withdrawal of the Episcopal intention. This decision appears to have been arrived at without hesitation. But while the Holy See sustained the decision of the South American bishops, and ordered them to warn the persons thus ordained that their orders were invalid, it 'sharply reprovéd' the bishop for having such 'negative intentions,' which were illegal, and must no longer be cherished.¹

¹ Extrait de l'*Analecta Juris Pontificii*, 8^{me} Série, col. 1681, Rome, 1866 :

Intention du ministre.—Un évêque de l'Amérique du Sud publia un édit avant l'ordination, protestant que nul descendant des Indiens jusqu'à la quatrième génération ne devrait se présenter parce que le prélat n'aurait pas l'intention de leur conférer les ordres. Cette protestation fut renouvelée plus expressément au moment de l'ordination, car le prélat déclara qu'il n'aurait aucune intention actuelle ou virtuelle à l'égard de tous ceux qui n'étaient pas espagnols purs. Malgré cela, plusieurs descendants d'Indiens ou de mulâtres reçurent les ordres et les exercèrent. Le Saint-Siège fut consulté sur la validité de ces ordinations.

Quoique le Cardinal Casanate reconnût la nullité des ordinations,

This decision throws a cloud of doubt over all the Sacraments of the Roman Church. It is no longer a question of doing what the Church does, or intending what the Church intends. The bishop or priest may at the moment be doing what the Church does, and be intending sincerely what the Church intends ; yet the Sacrament which he thus confers is nullified by the fact that he has a prejudice against a certain class of persons. In the case before us the bishop did all that the Church required of him ; but his negative intention in the abstract nullified his positive intention in the concrete. And Rome sanctions this, while condemning the negative intention and abolishing the illegal disability ! But,

il exprima nettement l'avis que ces intentions négatives étaient gravement illicites. Voici son *votum* :

Ad 1 et 2. Negative.—Quia explicita intentio episcopi de non conferendis ordinibus restitit validæ collationi, ut ex Sacro Concilio Tridentino, sess. 7, *de Sacramentis in genere*, can. 11 nota Bonacina (*oper. moral.* tom. i. disp. 6, q. 3, punct. 2 § 3), Hurtad. *de Sacram.* (disput. 4, difficult. 6 §. *Sed quamvis* ; rursus difficult. 7, § 1, pag. 36), P. Diana (*in coordinatis*, tom. 2, tract. 5, resol. 106, § 1, alias p. 5, tract. 13, Miscell. p. resol. 66 et fuit resp. in *Fesulana* confirmat. sub die 8 mensis Augusti 1681.

Ad 3.—Acriter corrigendum episcopum ut abstineat ab hujusmodi negativis intentionibus de jure illicitis, sed tamen caute inquirat de personis, et insuper monendos invalide promotos, ut curent se iterum ordinari sub conditione, quatenus non sint valide ordinati, ut advertunt iidem auctores specialius Diana ibidem sub § 1.

La S. Congrégation du Concile jugea que l'ordination avait été nulle, et qu'il fallait avertir tous les évêques d'Amérique qu'ils devraient s'abstenir désormais de ces intentions négatives, et qu'ils n'avaient pas le droit d'écarter des Saints Ordres les Indiens et les nègres, ni aucun de leurs descendants du côté paternel ou maternel, supposé qu'ils eussent les qualités exigées par les canons.

on the other hand, it is laid down in 'A Catholic Dictionary' which bears the *imprimatur* of Cardinal Manning and the *nihil obstat* of the 'Censor Deputatus,' that a negative intention, which is unauthorised and illegitimate, is invalid, and consequently does not nullify a sacrament.¹ This is far indeed, as we shall see, from being the only example of Rome speaking with an uncertain voice, notwithstanding its proud boast of being *semper eadem*. Even on the question of intention a subsequent decree seems hardly consistent with that on the validity of the ordination of quadroons. 'A certain Vicar Apostolic' consulted the Holy See on the following point. 'In certain localities some heretics baptize with the right matter and form, but expressly warn the persons to be baptized not to believe that baptism has any effect on the soul; for they say that it is a mere external sign of adhesion to their sect. And thus they often ridicule the Catholics about their faith in the effect of baptism, which indeed they call a superstition.' The question is therefore put 'whether baptism administered by heretics is doubtful on account of a defective intention of doing what the Church does, if it has been expressly declared by the minister, before baptizing, that baptism has no effect on the soul.' The answer—which is the doctrine of the universal Church since the Cyprianic controversy with the Pope—is in the negative, 'because, notwithstanding the error in

¹ Pp. 738, 739.

regard to the effect of baptism, there is no exclusion of the intention to do what the Church does.'¹

But the most conclusive of all replies to the Roman attack on the validity of Anglican Orders is the terrible uncertainty in which the theory and practice of the Papacy, culminating in the dogma of Infallibility, has involved the Orders of the Church of Rome. The personal infallibility of the Pope, speaking *ex cathedra* on faith or morals, is now an article of faith in the Church of Rome as imperative and fundamental as the doctrine of the Trinity or Incarnation. It is a learned Roman Catholic who writes as follows:—

It [dogma of Papal infallibility] means that although a few months ago grave difficulties, arising from genuine historical documents and from Catholic doctrine, rendered it impossible to lay before Christian people such a dogma as one revealed by God,² yet, nevertheless, the definition of it is so worded as to avoid them all, or otherwise that in some way or other they have been completely solved.

It means that we must acknowledge and distinctly assert this new dogma to be no less certainly true than (for example) the mysteries of the Trinity in Unity, or of the Incarnation of the Son of God, or of the resurrection of the body.

It means that if we do not give to the doctrine the

¹ Negative; quia, non obstante errore quoad effectus baptismi, non excluditur intentio faciendi quod facit Ecclesia.'—*Analytica Juris Pontificii*, xx. 193, A.D. 1881.

² The author is here quoting and making his own the words of the petition of the Bishops of Germany and Hungary against any definition of infallibility by the Council of the Vatican.

same interior and absolute assent with our whole mind as we give to all the articles of the Apostles' Creed, we have no longer any right to be named Christians; we are to be deprived of the Sacraments; we make shipwreck of the whole faith, and willingly cast ourselves out of the Church.

It means that whatever may be the grounds or whatever the authority on which we have been accustomed to rely, as evidence and proof of the certainty of those old truths, we must place no less reliance upon the undeniable certainty of the new dogma. All stand or fall together. If the doctrine of the infallibility of the Pope has not been divinely revealed, there never has been any revelation, and there is no divine truth in any one doctrine of the Christian Faith.

Put it how we may, this is a startling fact; and we are bound to inquire, 'Why must we so believe?' The answer is, because it has been declared by a hurried decision of the suspended Council of the Vatican, which has been promulgated by the authority—not of the Council, nor as a decree of the Council, but—of the Pope alone, as an Apostolic Constitution, himself as it were giving sentence in his own cause.¹

So much as to the place of the dogma of the Pope's infallibility in the creed of the Roman Church since July, 1870. Let us now test the doctrine by the touchstone of history.

It is an undisputed doctrine of the Church of Christ throughout the world, and in all ages, that nothing can be an article of necessary faith now which was not an article of necessary faith on the

¹ *What is the Meaning of the late Definition of the Infallibility of the Pope? An Inquiry.* By William Maskell, M.A. Published in 1871.

first Christian Pentecost. That is the authorised doctrine of the Church of Rome, as of the rest of Christendom. In a book published with the *imprimatur* of Cardinal Manning, and the *nihil obstat* of the 'Censor Deputatus,' I read :—

All that we know and believe now, the entire cycle of Christian doctrine in all its circumstances, was known and believed then by the Apostles on the Day of Pentecost before the sun went down.¹

Moreover, the Vatican decree itself declares that the Pope's infallibility 'is a dogma divinely revealed' 'from the beginning.'

Now let us look at the facts. Keenan's Catechism possessed at one time the largest circulation among English-speaking Roman Catholics throughout the world. My copy is the third edition and twelfth thousand, bears the date of 1854, was published in Edinburgh by Marsh and Beattie, and in London by the well-known Dolman. Prefixed to it are letters of strong recommendation from all the Roman Catholic Bishops of Scotland. 'The rapid and extensive sale of the book in this country,' says Bishop Gillis, 'besides a third edition printed in America, is evidence sufficient of the favour with which this Catechism has been received by the Catholic public.' In his Preface to the second edition the author congratulates himself on the approbation of the former edition by many clergy-

¹ *The Divine Teacher*, p. 20, 6th edition, A.D. 1885, by Father Humphrey, S.J.

men in Scotland, and by several in Ireland and England, the fact of its appearing in a very elegant American edition, approved by the Right Rev. Dr. Hughes (Archbishop) of New York, and by the American Catholic clergy and Catholic press.

In his Preface to the third edition he says:—

The hard-working clergy and persecuted Catholics of Great Britain have now given the *Controversial Catechism* a decided approbation. The demand for it in each of the three kingdoms has satisfied its author that his labour has answered some good purpose.

An edition of the twenty-fourth thousand was published during the sitting of the Vatican Council by 'the Catholic Publishing and Bookselling Company, Limited,' New Bond Street, and was strongly recommended by the 'Tablet' newspaper.

I believe that down to the Vatican Council it was the most universally popular and authoritative *Catechism* among the English-speaking members of the Roman Church, not only in Great Britain and Ireland, but in America as well.

And now I place in parallel columns the Vatican decree on Papal infallibility, and the same doctrine as expounded in the highly accredited and widely circulated '*Controversial Catechism*' of Father Keenan:—

Keenan's Catechism

Vatican Decree

'Must not Catholics believe the Pope in himself to be infallible? That is a Protestant invention; no decision of his can

'Therefore, faithfully adhering to the tradition received from the beginning of the Christian faith, for the glory of God

oblige, under pain of heresy, unless it be received and enforced by the teaching body; that is by the Bishops,' whom the author had previously defined as 'the lawful judges of Christian doctrine, who have been appointed by Christ for that purpose.'

our Saviour, the exaltation of the Catholic religion, and the salvation of Christian people, with the approval of the Sacred Council, We teach and define that it is a dogma Divinely revealed: that the Roman Pontiff, when he speaks *ex cathedrâ*, that is, when in discharge of his office of pastor and teacher of all Christians, by virtue of his supreme Apostolic authority, he defines a doctrine regarding faith or morals to be held by the universal Church, is, by the divine assistance promised to him in blessed Peter, possessed of that infallibility with which the Divine Redeemer willed that His Church should be endowed in defining doctrine regarding faith or morals; and that, therefore, such definitions are of themselves, and not from the consent of the Church, irreformable. And if any one presume to contradict this our definition—which God forbid—let him be anathema.'

The contradiction is absolute and complete, and was felt to be so by the Roman authorities. For, instead of withdrawing Keenan's Catechism from circulation after the Vatican Council—which would have been a public acknowledgment of the contradiction—the incriminating leaf was cut out of the existing edition, and another leaf inserted in its place containing the Vatican doctrine, as if it had been there always.

The Vatican decree, moreover, extinguishes, in the following words, the inherent rights and jurisdiction of the entire episcopate :—

If any shall say that the Roman Pontiff possesses only an office of inspection or direction, but not full and supreme power of jurisdiction over the whole Church, not only in matters which pertain to faith and morals, but also to the discipline and government of the Church dispersed throughout the world ; or that he has only the more excellent parts, but not also the total plenitude of this supreme authority ; or that this authority of his is not ordinary and immediate, whether over all and singular Churches or over all and singular pastors and laity—let him be anathema.

In a work against this dogma, before it was passed, the Bishop of Mayence (Ketteler) said :—

Will it not seem to all nations that the authority of all Bishops is suppressed and sentenced to death, only in order to erect on such vast and manifold ruins the unlimited authority of the one Roman Pope ?

Two days before the dogma of infallibility was proclaimed the minority sent a deputation to the Pope to implore him to agree that the consent of the Church should be laid down as a condition of infallible definitions. The deputation consisted of Simor, Primate of Hungary, Archbishops Ginoulhiac, Darboy, and Sherr (of Munich), Bishops Ketteler (of Mayence), and Rivet of Dijon. The minority offered this concession by way of compromise. But, instead of accepting it, the Pope and the majority

explicitly rejected the consent of the Church as an element in the case. It follows logically that if the Pope alone were officially to proclaim as an article of faith something which the Church collectively and unanimously rejected, the Pope would be right and all the rest of Christendom wrong. Cardinal Vaughan may tell me that I am suggesting a contingency which is not likely to happen. But that is not the question. The fact is that the Vatican definition has drawn a line of demarcation between the Pope and the Church, and made him infallible apart from the Church. The Vatican dogma is therefore a flat contradiction of Keenan's Catechism, which teaches that the doctrine of the Vatican dogma 'is no article of the Catholic faith,' since 'no decision of his [Pope's] can oblige, under pain of heresy, unless it be received and enforced by the teaching body; that is, by the Bishops of the Church.' Thus we see that a doctrine, which down to 1870 was denounced by the teaching body of the Church of Rome in the British Isles and in America as 'a Protestant invention,' is now *de fide* under the sanction of anathema. Well might the martyred Archbishop Darboy of Paris say that Pio Nono had built for himself a throne on the ruin of his brethren, and an unassailable fortress on their annihilation.¹

¹ 'Les Papes du moyen âge avaient sans doute, plus d'une fois, exagéré leurs droits et leurs prétentions, mais cette exagération même pouvait, à tout prendre, donner comme excuse le bien des peuples qu'on se proposait, ou la gloire de l'Eglise qu'on voulait défendre. Aujourd'hui nous sommes en face de la Papauté luttant, non pas

It may be worth while to elucidate the matter a little further by showing that the doctrine of Keenan's Catechism was the traditional doctrine of Roman Catholics throughout the British Empire and America until the Vatican dogma superseded and anathematised it. In the year 1825 the Irish Roman Catholic Bishops were examined before a committee of the House of Lords on the question of the Pope's position in the ecclesiastical hierarchy. I will quote the answers of the two most eminent Bishops with the assent of the rest. Bishop Doyle says :—

A particular Church, or the canons of a particular Church, might define that the authority of a General Council was superior to that of the Pope; such canon may be received, for instance, in Ireland or in France, and might not be received in Italy or Spain.

Bishop Murray was asked : 'Is a decree of the

contre les princes, mais contre l'épiscopat, comme si Pie IX pouvait trouver sur la ruine de ses frères un trône plus élevé, ou, dans leur anéantissement, une forteresse plus inexpugnable. O malheur des temps et abus des plus saintes institutions ! on ne veut plus qu'un seul évêque véritable dans le monde, le Pape, un seul docteur infail-
 lible et autorisé, le pape ! Que toute voix se taise, si ce n'est pour dire ce qu'il aura dit, que toute action ne s'exerce plus que sous sa juridiction épiscopale, universelle, immédiate, qu'ils renient leurs droits imprescriptibles, ceux qui ont été établis de Dieu pour gouverner, qu'ils déchirent les pages de l'Évangile où ces droits sont gravés ; il ne faut plus qu'une bouche, une main, un monarque absolu, alors, dit-on, alors seulement nous aurons l'ordre universel. Ainsi il y a 40 ans, un ministre parut, à la tribune française, pour dire : l'ordre règne à Varsovie. Oui, mais c'était l'ordre que crée la mort ; on avait tué la Pologne. L'ordre qu'on veut, c'est la mort de l'Église.'—*La dernière Heure du Concile*, p. 5, 1870.

Pope valid without the consent of the Council?' His answer is:—

A decree of the Pope in matters of doctrine is not considered binding on Catholics if it have not the consent of the Church, either dispersed, or assembled by its Bishops in council.

Archbishop Kenrick, of St. Louis in America, writing from Rome to the Archbishop of Baltimore during the Vatican Council, repudiates point blank the doctrine afterwards proclaimed as an article of Catholic faith, and adds:—

For if a Papal decree is *per se* infallible, there is no need of the assent of the Bishops, or of taking votes in the Council, or of subscriptions in their several Sees; much less is it lawful for any Bishop to resist such decree.

Archbishop Hughes, of New York, in a dissertation on the subject, says:—

Bellarmino maintained, *as a matter of opinion*, that the Pope, in his official character, is infallible; Bossuet, *as a matter of opinion*, maintained the contrary.

But—

According to the Catholic rule of faith, the doctrines of Christianity are not abstract speculations; they are 'positive truths or facts,' *unchanged and unchangeable*, as they came from the lips of Jesus Christ and His inspired Apostles. But being public truths or facts they were taught by the pastors of the Church and believed by the people in all countries and *in every century since the establishment of the Church*. Consequently I can

verify them with the same certainty which I have that such an event as the battle of Waterloo, the decapitation of Charles I., or the Council of Nice took place in the world. *In neither case is a Divine or personal infallibility necessary. . . . The doctrines of the Catholic Church are fixed stars in the firmament of belief, and the transmutation of an opinion into a doctrine would be the raising of a new light, a species of religious reformation which Protestants have taken into their own hands, and for which Catholics have neither the talent, inclination, nor authority.*¹

Cardinal Wiseman says :—

But it must not be thought that Catholics believe there is a certain mass of vague and floating opinions which may, at the option of the Pope, or of a General Council, or of the whole Church, be turned into articles of faith.²

Again :—

If the symbolical documents of a Church . . . decide, or seem to decide, a belief, and the great body of its pastors or teachers agree in one interpretation of that definition, and allow none other to be taught, that we hold to be the doctrine of that Church. If it allow two most different, or even contradictory, sentiments to be publicly taught, the holders of neither have a right to call theirs more than opinions *in* the Church.³

In a manual of instruction by the Roman Catholic Bishop Hay I find the following question and answer :—

Q.—When the head of the Church publishes any decree concerning faith or morals, to which he requires

¹ Pp. 49, 91, 92.

² *Lectures*, iii. p. 63.

³ *Essays*, ii. 122.

submission, to all the faithful, is he himself infallible in what he there teaches ?

A.—This is not proposed as an article of Divine faith, nor has the Church ever made any decision concerning it.¹

In his 'Letter to Dr. Pusey on his Recent Eirenicon' Cardinal Newman includes Dr. Lingard and Dr. Husenbeth among 'the chief (Roman Catholic) authors of the passing generation in England.' Let us see what those two distinguished divines have to say on the subject before us.

I happen to possess a volume of pamphlets which belonged to Dr. Husenbeth. Among them is Cardinal Manning's 'Vatican Council and its Definitions: a Pastoral Letter to the Clergy,' published immediately after the Council. This pamphlet is full of marginal and interleaved notes in Dr. Husenbeth's handwriting, disputing Manning's principal points, and confronting them with the opinions of Roman Catholic authorities. He quotes as follows from Dr. Lingard's 'Letter to a Clergyman in the Diocese of Durham:—'To your question, where the infallibility of the Catholic Church resides, I answer, in the Episcopal College united to the Pope.' But the Vatican decree says in the Pope, 'without the consent of the Church.'

Dr. Husenbeth quotes Bishop Baines as follows :—

When I say that the infallibility of the Pope is not an article of the Catholic faith, I mean that no Catholic is bound to believe it, but that each one may think of it as

¹ *Sincere Christian*, p. 95.

he pleases, just as much as a Protestant may do. Bellarmine and some other divines, chiefly Italian, have believed the Pope infallible, when proposing *ex cathedrâ* an article of faith. But in England or Ireland I do not believe that any Catholic maintains the infallibility of the Pope.¹

On page 154 of his Pastoral on the Vatican dogma, Cardinal Manning affirms of the Roman Catholics of England and Ireland that 'what the Council has defined they have always believed.' On this Dr. Husenbeth makes the following note:—

The belief in the Pope's infallibility was by no means so general among English Catholics as Dr. Manning appears to think. For instance, the famous 'Protestation' in 1788 was signed by all the four Vicars Apostolic, most of the priests with their flocks, and altogether by 1,525 Catholics; and yet it contained these words:— 'We acknowledge no infallibility in the Pope.' And though this document was censured on other grounds, that part of it met with no censure.

So much as to Dr. Husenbeth. It is evident from his annotations on Cardinal Manning's pastoral that he did not accept the Vatican decree *ex animo* even after its proclamation.

Soon after the close of the Vatican Council Lord Acton published in German, in the form of a letter to a friend, a pamphlet, which I reviewed in the 'Times' in the autumn of 1870. Lord Acton was in Rome during the whole sitting of the Council, and was on terms of confidential intimacy with the Bishops of

¹ *Defence against Dr. Moysey*, p. 230.

the minority. His account of what happened in the Council may, therefore, be accepted as accurate. Indeed, some of the Bishops of the minority, among them Archbishop Kenrick, published their speeches afterwards. Here is an extract from Kenrick's :—

The doctrine is not *de fide*, and cannot be made so even by the definition of an Œcumenical Council. We are the guardians of the deposit of faith, not its lords.

The following are passages quoted by Lord Acton from other speeches delivered in the Vatican Council. One said: 'Foreseeing the grievous ruin which threatened souls he would rather die than sanction the synodal clause.' Another said that 'the definition of infallibility would be the ruin of the Church.' Another declared that even

the faithful, who acknowledged in the Roman Pontiff a primacy of magistracy and jurisdiction, and whose affection and obedience to the Holy See had never been more manifest, were troubled in heart rather than encouraged, as if now for the first time the foundation of the Church and of the true doctrine were established. On the other hand, the decree would afford food for calumnies and derision of infidels ; and even some among the faithful did not hesitate to say that such a definition would be logically impossible.

Another

trembled, foreseeing that very many of the faithful would not be able to endure the great scandal of the new dogma, and would consequently be exposed to the danger of making shipwreck of their faith altogether.

Another called it 'an unheard-of novelty,' imply-

ing that 'the doctrine of the Church had been changed and therefore depraved.' Other Bishops dwelt on the absence of such a doctrine from the catechisms and symbolical books of the Church. American Bishops declared that it would be almost impossible for them to return to their dioceses with such a doctrine in their pockets.

These are only samples of a number of passages which Lord Acton culled from the speeches and publications of the minority in the Vatican Council. To quote his own words :—

This is the picture of the Vatican Council and of its work which we get from men like Schwarzenberg, Rauscher, Haynald, Ketteler, Clifford, Purcell, Conolly, Dupanloup, Darboy, Hefele, Strossmayer, and Kenrick. And so the Council stands self-condemned by the mouths of its ablest members. They represent it as a conspiracy against Divine truth and right. They declare that the new dogmas were neither taught by the Apostles nor believed by the Fathers ; that they are soul-destroying errors, contrary to the true doctrines of the Church, based on deceit, and are a scandal to Catholics. Surely no judgment could be less ambiguous, no language more open, no testimony more sufficient or decisive for the consciences of the faithful.

These are the words of a loyal member of the Roman Church, one of the most learned men, too, in her communion ; and he is, in the main, merely reporting the opinions and strong convictions of the most eminent Bishops in his Church for learning, rank, and the importance of their sees.

I will add to this catena an extract from an

interesting volume of letters from Dr. Döllinger published by his niece after his death. The extract is from a letter addressed to Monsignor Ruffo Scilla, Papal Nuncio at Munich :—

I refused to change my faith. I refused to believe and teach a new dogma, the contrary of which I had been taught in my youth, and the falsity of which I had learnt by the study and research of fifty-six years. . . . During this long period I always taught the contrary of what was decided by Pius IX. in 1870.

The Nuncio does not dispute this in his friendly reply ; nor was it disputed, as far as I know, by any Infallibilist who wrote in public against Dr. Döllinger at the time of his excommunication. Cardinal Newman, it is known, while having no difficulty about the dogma himself, strongly disapproved of the manœuvres by which the decision was obtained, and the hurry with which it was attempted to be forced upon Dr. Döllinger, to whom, according to him, ‘it was practically a new article of faith.’

Archbishop Darboy, in a brief analysis of the Bishops of the majority in the Vatican Council, divides them into three groups : (1) the timid, who seek for safety in force and numbers, floating supinely with the stream because they think this less dangerous than a struggle against the current which leads to the abyss. (2) Episcopal clerks—a multitude of prelates without dioceses, offspring simply of the Pontifical will, elevated by the Pope alone to their revocable dignities, simple officials, liegemen

of the Papacy. (3) Ardent and exaggerating spirits, cherishing the aspirations of another epoch, unrealisable desires, illusions, for the most part prejudices which are impervious to theological reasoning.¹ The Bishops of the minority, on the other hand, possessed not only an overwhelming preponderance of intellectual eminence and learning; they presided, in addition, over the most important sees and cities, and over the most educated populations in the Latin Church. But they were swamped by numbers, many of whom had no flocks. To give these merely titular Bishops an equal voice with the occupants of ancient sees, or any sees, was an encroachment on the constitution of a Council claiming (however illegitimately) to be Œcumenical. For the *raison d'être* of an Œcumenical Council was to gather from each diocese in Christendom its traditional teaching on the question in dispute. The Christian Creed

¹ 'Cette majorité, en effet, se compose surtout d'évêques timides, d'hommes en sous-ordre, d'esprits ardents et exagérés. Les premiers aiment à être avec la force et le grand nombre, afin de ne pas courir de dangers; ils suivent aisément le fleuve qui les emporte et trouvent moins dangereux de descendre toujours que de lutter pour remonter le courant qui mène aux abîmes. Les seconds sont tous ces prélats sans diocèse, issus de la seule volonté pontificale, relevant du pape et du pape seul, révocables *ad nutum* pour la plupart, simples *officiales*, comme disent les canonistes romains, ou, si vous l'aimez mieux, dans notre langue française, hommes liges de la Papauté. Enfin les derniers ne sont ni indifférents, ni timides, ni victimes de leur position subalterne, ni flatteurs par tempérament, mais, dans une nature bouillante, ils portent des aspirations d'une autre époque, des désirs irréalisables, des illusions, le plus souvent des préjugés pieux que les raisonnements théologiques n'ont jamais dissipés. De ces catégories, la première ne désire pas se convertir, la seconde ne peut pas, la troisième ne doit pas.'—*La dernière Heure du Concile*, p. 3.

being a Divine revelation, it was held to be a question of historical evidence, not of speculation. If the evidence was so much on one side as to amount to moral unanimity, it was held to be conclusive. Yet even then the decree of the Council was not considered *de fide*, a part, that is, of the creed of Christendom, the deposit of faith once for all committed to the Church. Not till the Church dispersed throughout the world, its faithful laity as well as clergy, recognised the decree as part of the creed which it had always held, was it considered binding. It is obvious that Bishops without sees had no tradition to deliver, and therefore were not witnesses at all : in other words, were not legitimate members of the Council. What they delivered was but their own private opinions, not the testimony of a diocese traceable back to its origin. It is in this sense that the decision of a truly Œcumenical Council has been recognised as infallible ; not by special inspiration or endowment on the part of the Bishops, but by conclusive historical evidence. The dissent of the eighty-eight Bishops who composed the minority of the Vatican Council, representing moreover, as they did, the vast majority of the educated laity of the Latin Church, destroyed the necessary condition of moral unanimity ; and Cardinal Newman intimates, in his Letter to the Duke of Norfolk, that if the minority had held out the Vatican dogma would not have been binding. But the point to which I wish now to direct special attention is that the composition of the majority, as Archbishop Darboy and

others have shown, was such as to vitiate, apart from other reasons, the claim of the Council to be considered Œcumenical.

The defenders of the Vatican dogma try to reconcile its novelty with the rule of faith, recognised even by the Roman Church, that there can be no new article of faith since the Day of Pentecost, by comparing it with the Homoöusion of the Nicene Creed. But there is an essential difference. The Homoöusion is a definition having for its object the protection of a truth always accepted as a part of the Creed of Christendom. The dogma of Infallibility is the creation of a new article of faith, not the definition of an old one. Any Christian who asserted at any time between Pentecost and the Council of Nicæa that Jesus of Nazareth was personally a creature would have been condemned as a heretic. But the fertile ingenuity and dialectical dexterity of Arius succeeded for a time in baffling the Fathers of the Council. He acknowledged Christ's pre-existence before His virgin birth. He admitted that He was the Creator of the world, and had existed before the angels. In short, there was scarcely a title belonging to God which Arius did not concede to Christ. Not until the keen spear of a dialectician more subtle than himself pierced his sophisms by pinning him to the declaration that Christ was 'a creature, though the highest of the creatures,' was it made manifest to the minds of all that Arius denied the Divinity of Christ. The Homoöusion (of the same substance) was inserted in the Creed to guard a truth

already held, namely, that Christ is a Divine Person co-existing eternally with the Father.

This is altogether different from the dogma of Papal infallibility. It is a matter of historical demonstration that the doctrine therein defined was not so much as even heard of, certainly for the first eight centuries of Christianity. That date will suffice for my purpose, though I might, in matter of fact, bring it much farther down. Until July 18, 1870, any member of the Church of Rome might deny, write against, denounce—as in truth many did—not any particular view or definition of Papal infallibility, but Papal infallibility itself in any sense reconcilable with the Vatican dogma. The Church of Rome is therefore in this inevitable dilemma. Either the Vatican dogma of Papal infallibility is a fiction and a fraud, an undeniable historical falsehood; or the Church of Rome has for more than eighteen centuries allowed an article of faith, as binding on the conscience as belief in the existence of Almighty God, to be an open question, the avowed impugners of which were not even liable to censure, still less to the refusal of Sacraments. The upholders of Papal infallibility may make their choice; but the choice lies between the two horns of the dilemma: there is no third. *Semper eadem* indeed! What is there in the history of the Church of England at any period since the Reformation comparable to this theological cataclysm? What mutual contradictions can be produced from Anglican divines that equal those which I have cited from Roman divines?

The truth is that history and the Ultramontane Theory of the Papacy cannot stand together. They are mutually destructive. And this is the view of a distinguished Ultramontane writer. I have before me as I write a revised edition of an elaborate treatise in defence of the supremacy and infallibility of the Pope, printed in Rome in 1875 'ex Typographia Vaticana,' and dedicated to *Pio nono, Pontifici Maximo Doctore et Judici inerranti a Christo Jesu in Ecclesia constituto cum potestate in cunctos Episcopos*. The author's name is Aloisius Vincenzi, and when he wrote the book he held the post of Professor of Hebrew in Rome and the dignity of Prelate. He won his spurs in the arena of controversy as an accredited champion of the Papacy thirty-three years before the publication of the goodly volume from which I am about to quote. One of his works, he tells us in his *Prologus* (p. viii), was written 'at the instance' *beatissimi Papæ Pii IX. feliciter regnantis*. And he acknowledges 'the debt of gratitude' which he owes *erga clarissimos viros Petrum Ballerini et Joannem Perrone e Soc. Jesu*. I was in Rome when the book was published, and learned from Monsignor Nardi, dean of the Rota, who was a great favourite of Pius IX., that the book was written at the suggestion of the Pope, and dedicated to him by special permission. A book printed at the Vatican press, prompted by and dedicated to the Pope, written by a prelate who was a learned professor, and approved by the most distinguished theologians in Rome, must be admitted

to possess the highest authority. The subject of the book is 'The Sacred Monarchy of the Hebrews and Christians, and the Infallible *Magisterium* in each ;' and the argument is a laboured attempt to prove that as the Hebrew Church had (*ex hypothesi*) an infallible head, first in Moses, and then in the High Priest, so the Christian Church, its antitype, has its infallible head in the Pope.

This thesis Vincenzi established to his own satisfaction on a pile of impregnable evidence, as he deems it, from the Old Testament and the New, from the history of the Church, and, above all, from the necessity of the case. Just as men of science assume the existence of a luminiferous ether, and find its evidence in phenomena which they cannot otherwise explain, so Vincenzi assumes the existence of a supreme and infallible Papacy, and finds that it fits all the facts except two, which however are rather formidable impediments. I will describe the first in the author's own words, after a careful and minute survey of the first five centuries of the Christian era, in which he finds ample proof of Papal infallibility and universal supremacy :—

Nevertheless, as is patent from the preceding pages we must not conceal the fact that in the ancient Acts of the Church during the aforesaid period (*i.e.* the first five centuries of Christianity) there are some four hundred documents entitled Canons—Apostolic Canons, as they are called; Canons of Ancyra, Elvira, Neo-Cæsarea, Gangra, Laodicea, Nicæa, Constantinople, Africa, Chalcedon—most of them written in Greek—where the pre-

rogatives of the Roman See are never once set forth ; or if ever mentioned, only mentioned to be disowned.

‘What are we to infer from this silence?’ our author asks in pathetic bewilderment. A writer who had the faintest perception of the canons of historical evidence would infer that his thesis was an edifice built upon the sand, which collapsed the moment it came in contact with the hard facts of history. But that is an impossible inference to Vincenzi. For him the Pope’s infallibility is an axiom of theological science : a dogma to be argued from, not argued about. If history does not agree with the dogma, so much the worse for history. It must be thrown overboard. I am not exaggerating in the least. The Pope’s supreme *Magisterium* and infallible authority being assumed as an article of necessary faith, it follows of course that ‘the aforesaid canons, erected against the sacred sovereignty of Peter and his successors, must necessarily be reprobated’ as a gigantic fraud perpetrated by heretical forgers and mutilators ! The heavens may fall, but the personal infallibility of the Pope must stand. And here we get a charming insight into the calculus by means of which Ultramontane controversialists surmount the facts of history :—

In fine, whatever is to be thought of the origin and authority of the aforesaid countless Canons, nobody will ever persuade me that Apostles, and Orthodox Fathers of Nicæa, Constantinople, Africa, and Chalcedon, ever sanctioned Canons of this sort ; in which both the Primacy of Peter and his successors is discredited and

destroyed; and at the same time the jurisdiction of the Roman Pontiff over all the Bishops of the Catholic Church is repudiated.

Vincenzi accordingly undertakes to reconstruct the Canons of the whole Catholic Church in so far as they come into collision with the Papal theory. The following may serve as a specimen. The sixth Canon of Nicæa in its genuine form offers a complete refutation of his theory. Its opening words are:—

Let the ancient customs be maintained, which are in Egypt and Libya and Pentapolis, according to which the Bishop of Alexandria has authority over all those places. For this is also customary to the Bishop of Rome. In like manner in Antioch and in the other Provinces their privileges are to be preserved to the Churches.

This restricts the jurisdiction of the Bishop of Rome to the Province of Italy; and that was the contemporaneous interpretation of the Canon. But it would, of course, be fatal to Vincenzi's argument. So he calmly concludes that the Canon was garbled by crafty heretics, and he 'restores it to its original form' as follows:—

Let the ancient customs be maintained—namely, that the Roman See should have the primacy of honour in the first rank; that Alexandria should have the primacy of honour in the second rank; Antioch in the third rank; and Cæsarea in the fourth rank, with the attributes belonging to these secondary Sees.

And then Vincenzi adds with charming *naïveté*:—

Although I do not suppose that I have rendered the

exact words of the Canon, yet I am confident that I have hit upon their meaning.¹

And this is the kind of history which is now taught with authority under the shadow of the Vatican! What is the use of appealing to history against a system of which an authorised champion can manipulate facts *ad libitum*?

A startling confirmation indeed of Cardinal Manning's declaration that 'the appeal to history is a treason and a heresy.' Certainly it is for any loyal believer in the present Papal system.

The second impediment which history puts in the way of Vincenzi's thesis comes from the New Testament. It consists of St. Paul's declaration that he 'withstood Peter to the face,' on a question of doctrine, 'because he was to be blamed;' and because St. Paul always refers to St. Peter as an Apostle of coördinate authority with himself. It would be too bold to say that this too is an interpolation by heretics. But Vincenzi is equal to the occasion. The Pope's personal infallibility and supreme magistracy over the whole episcopate being, in Vincenzi's mind, a revealed truth to be believed by all Christians on pain of deadly heresy, all facts to the contrary must be got rid of somehow. He frankly admits that the passages in question cannot be reconciled with Papal supremacy and infallibility, which must be upheld at any cost. So he devotes

¹ *De Hebræorum et Christianorum Sacra Monarchia et de Infallibili in Utraque Magisterio*, pp. 291-298, 305-371.

sixty-six large quarto pages to the task of proving that it was not Peter the Apostle to whom St. Paul refers, but an unknown namesake.

On the whole, was there ever in any controversy so complete an abandonment of the whole field of historical evidence as this treatise in defence of the Papacy? And one of the most curious features of the whole controversy is the intellectual blindness which prevents the defenders of Papal infallibility from seeing that the Vatican Council is itself one of the strongest arguments against its own dogma. For if, as the Vatican decree declares, Papal pronouncements *ex cathedra* 'are infallible of themselves, and not from the consent of the Church,' where was the sense of having a council at all to decide, after months of heated debate, a question which we are told has been an article of faith since Pentecost? Nay, more; how is it that the Church was so stupid as ever to have any councils at all if the Bishops of Rome have always been infallible? Why summon all the Bishops of Christendom to one place to deliver their testimony on some disputed question of faith—and that too before the days of railways, and steamers, and telegraphs, when travelling was so slow and often perilous—if the Bishop of Rome could all the while have decided the point infallibly, and communicated his irreformable decision to his delegates, the Bishops of the whole Christian Church? The one historical fact of General Councils is alone sufficient to overthrow the imposing structure of the Papacy. Truly 'the appeal to history is a treason

and a heresy' on the part of a believer in an infallible Papacy. What the late Father Knox of the London Oratory says of the dogma of the Immaculate Conception of the Virgin is equally true of Papal infallibility and all *ex cathedra* utterances of the Pope:—

The moment before Pius IX. spoke these words, interior assent to the doctrine of the Immaculate Conception was not obligatory on the faithful. The moment after he had spoken them, none who heard him could doubt interiorly the truth of the dogma without committing a formal sin of heresy and incurring the forfeiture of their salvation.¹

This is nothing less than a complete subversion of the received doctrine of the whole Christian Church of the General Councils. To affirm that the mere fiat of the Pope can in a moment change a doubtful or discredited opinion into an eternal truth, instantly demanding unquestioning interior assent on pain of 'heresy incurring the forfeiture of salvation,' is not only a monstrous contradiction of the faith of Christendom; it is in addition a deadly blow at truth itself as a fact existing outside and independently of the human mind. Truth thus becomes an opinion instead of an eternal verity, and a vista is opened out of an indefinite expansion of the creed of the Church, the doubtful opinions or proved falsehoods of to-day becoming the divine truths of to-morrow, claiming the instant submission of heart and intellect.

¹ *When does the Church speak infallibly?* p. 46

It is a fallacy to suppose that the qualification of *ex cathedra* limits the pronouncements of the Pope on questions of faith or morals; nor, indeed, are his infallible utterances limited even by the area of faith and morals. For Roman Catholic authorities are irreconcilably divided in their explanations of the exact meaning both of *ex cathedra* and of what constitutes faith and morals. Let us take a few examples.

Cardinal Newman declares that to constitute an *ex cathedra* utterance there must be a solemn ceremonial. The Pope must be surrounded by his Court and Council, and deliver his infallible decree explicitly to the whole Church with proper pomp and Pontifical formalities, so that there can be no mistake as to the character of the decree. According to this explanation, the number of *ex cathedra* Pontifical decrees, Newman says, is still under twenty.¹

On the other hand, Dr. Ward asserts that there is practically no limit to the Pope's infallible utterances. According to him the phrase *ex cathedra* embraces not only the utterances of the Pope at the head of a General Council, but Encyclicals, Allocutions, Apostolic Letters, 'and various letters to this or that individual pastor,' or even to laymen, such as Pius IX.'s 'letter to that spiritual rebel, the King of Sardinia,' or Gregory XVI.'s 'confidential communication' to Lamennais. Nay, whenever it shall please the Pope to order the publication of a decree put forth by any of the

¹ *Historical Sketches*, p. 340.

Pontifical congregations, that decree at once 'becomes absolutely infallible.' The most distinguished Ultramontane writers are in fact at sixes and sevens among themselves as to what constitutes an *ex cathedra* decree. 'It is necessary,' says Dom Gueranger, 'that the terms of the decree should indicate the intention of imposing an obligation.' 'For ourselves, on the contrary,' says Dr. Ward, 'we regard a different doctrine as absolutely certain; and indeed, as one which cannot be denied without most serious results.' Take, by way of example, Pope Nicholas Third's 'Exiit qui seminat.' 'As to this Bull,' says Dr. Ward, 'Ultramontane controversialists have hitherto almost universally denied that it was *ex cathedra*.' But Dr. Ward, in his 'Brief Summary,' takes the opposite side; and Dr. Ward turns out to be infallibly right, for a reason which I shall presently mention. Again, says Dr. Ward, 'many Pontifical pronouncements which Dom Gueranger admits to be *ex cathedra* do not nevertheless express, either indirectly or equivalently, the obligation of interior assent which the respective Popes have by them intended to impose.' And he cites as an instance 'St. Leo's letter to St. Flavian.' 'This letter is not only accounted *ex cathedra* by every individual Ultramontane theologian, with the singular exception of Bellarmine, but is ordinarily used by Ultramontane controversialists as the one typical instance of an *ex cathedra* pronouncement. Yet this letter contains no syllable implying ever so distantly that St. Leo was intending to oblige the

whole Church to accept its teaching. But, in truth, among the various *ex cathedra* acts recited by Dom Gueranger, there are several others which entirely fail to fulfil his conditions.’¹

It comes to this therefore : The Pope is infallible only when he speaks *ex cathedra* ; but ‘ Ultramontane controversialists ’ may be for centuries ‘ almost universally ’ in error as to the *ex cathedra* character of any Papal pronouncement in particular. Ages after the pronouncement was uttered by the organ of infallibility Dom Gueranger discovers that it was an *ex cathedra* decision. Dr. Ward agrees with Dom Gueranger as to this particular case, but dissents at the same time from the doctrine laid down by that eminent theologian as to the tests by which the *ex cathedra* character of any Papal utterance may be known, and ‘ regards a different doctrine as absolutely certain.’

Again, a certain Papal ‘ letter is not only accounted *ex cathedra* by every individual Ultramontane,’ with one ‘ singular exception,’ ‘ but is ordinarily used by Ultramontane controversialists as the one typical instance of an *ex cathedra* pronouncement ;’ the ‘ singular exception ’ being Bellarmine, the greatest of Ultramontane controversialists.

Both Dr. Ward and Dom Gueranger assert that the insertion of any Papal utterance, even of ‘ letters to individuals,’ in the ‘ Corpus Juris,’ impresses an *ex cathedra* character on such utterances, ‘ their insertion in that official collection ’ being ‘ equivalent

¹ See *Dublin Review*, New Series, No. XXIX., pp. 204-206.

to a complete promulgation.' Nor is even this formality always necessary. 'Dom Gueranger,' says Dr. Ward, 'lays very great and deserved weight on the formula prescribed by Pope S. Hormisdas to the Eastern Church. But this formula recognises as *ex cathedra* 'all the letters of Pope Leo which he wrote concerning the Christian religion.' But no one will maintain that *all* these letters express, either directly or equivalently, an intention of obliging the universal Church.'

It is a complete fallacy, therefore, to suppose that Papal infallibility is restricted to formal decisions. On the contrary, it would be the grossest presumption for any Roman Catholic to deny infallibility to any single one of the numerous sayings of Pius IX. during his long Pontificate. 'Some Catholics,' says Dr. Ward, 'really seem to speak as though he (Pius IX.) had never defined *ex cathedra* any verity except the Immaculate Conception.'¹ On the contrary, he expressly declares that he has '*never ceased*' (*nunquam intermissus*) from condemning *ex cathedra* 'perverse doctrines,' and he has made a similar declaration in the 'Quantâ Curâ.' 'If for more than twenty-three years,' adds Dr. Ward, naïvely, 'he has never ceased from such condemnations, the number of his *ex cathedra* Acts must by this time be considerable.'

I have quoted Dr. Ward in preference to any other exponent of Papal infallibility because the Pope has expressly sanctioned his doctrine on the

¹ This was written before the Vatican Council.

subject in an Apostolic Letter which was published at the time in the 'Dublin Review.' To doubt the soundness of Dr. Ward's doctrine is, therefore, to impugn the dogma of Papal infallibility itself. It is consequently useless to quote any Roman authorities on the other side, since their difference from Dr. Ward must be the measure of their error. Now the upshot of Dr. Ward's teaching is that it is practically impossible to put any limits on the Pope's infallibility. With remorseless logic he has demolished every attempt to do so, and the Pope himself has covered Dr. Ward's irresistible logic with the awful authority of his infallible shield.¹

Nor is the restriction of the Pope's infallibility to questions of faith and morals of the smallest practical utility. All recent Ultramontane writers teach that the object of the Pope's infallibility is practically unlimited, since there is no branch of human knowledge which does not, directly or indirectly, impinge on faith or morals. Even questions of fact, which Ultramontanes themselves formerly excluded from the sphere of Papal infallibility, are now declared by Dr. Ward to be embraced within its scope. The five propositions attributed to Jansenius, he argues, are not only heretical, but are actually to be found in the 'Augustinus.'

This is now infallibly certain because the Church decrees those to be implicated in the Jansenistic heresy

¹ See Dr. Ward's *Authority of Doctrinal Decisions*, pp. 52, 55, 75, 76; and the *Dublin Review* of July, 1870, p. 206.

who were wrong on the question of fact no less than those who were wrong on the question of doctrine.¹

Father Knox teaches the same doctrine as follows :—

In compelling the Bishops and clergy to swear that they sincerely believed the five condemned propositions to be contained in the 'Augustinus,' the Church showed most clearly that she had not the slightest doubt about her power to determine infallibly this fact, and that her children had no right in conscience to doubt her power. For if a doubt had been admissible, she could not lawfully have exacted the oath, since she would have exposed the Bishops and clergy to the danger of perjuring themselves by swearing that they were absolutely certain of a fact for which they had no sufficient ground of certainty except her (on the hypothesis) fallible authority. But she knew, and with good reason, that though she had no direct power to judge this fact, in so far as it was a purely human one, indirectly she had power to decide concerning it because of its close connection with revealed dogma.²

Almost any fact relating to human conduct, or having any bearing on religion, may thus be brought under the denomination of faith and morals. So that the sphere of the Pope's infallibility is in reality unlimited, and the *ex cathedra* limitation is no limitation at all. It is almost enough to make one despair of the triumph of truth over error to find that the proposition which the keen wit and remorseless logic of Pascal laughed out of the court of reason should

¹ *Authority of Doctrinal Decisions*, p. 38.

² *When does the Church speak infallibly?* p. 61.

appear again under the shield of an ecclesiastical authority which claims to be infallible even in the domain of facts. If the Pope is to be believed implicitly when he affirms that a certain book contains five propositions which no human being has ever been able to find there, it is obvious that he wields an infallible sceptre over the whole realm of human life and thought.

There is another fatal flaw in the Papal theory. It is not only disproved by history ; it is in addition an entire inversion of the original idea of the Church. According to that idea the clergy were elected from below, but ordained from above. As a rule, the faithful laity chose their chief pastors ; but these received their commission from a superior officer. First the Apostles, then the Episcopate, exercised the power of ordination.¹ The unit of the Church was in the Bishop. Its whole potentiality was summed up in him, and thus the gates of hell could not prevail against it except by the destruction of the entire Episcopate, and thereby of the power of reproduction. But according to the Papal theory the Church becomes a corpse on the decease of the

¹ It is irrelevant to my present point whether the unit of the Church was in the Episcopate or the Presbyterate. Episcopalians and Presbyterians both believe that Orders are conferred by a power superior to the persons to be ordained. And that is the point under consideration. Baronius believed that the See of Rome was vacant for three years before the election of Leo VII. ; in other words, that the whole Christian Church was headless for three years. See the anomalies in which the Church of Rome is involved by its assumption—alone among Churches—that the Church on earth has one visible head.

Pope, for he is its solitary head. A body deprived of its head is dead.

Again, the Papal Bull against the validity of Anglican Orders goes on the orthodox assumption that the gift of Orders is from above—bestowed by a higher grade on a lower. But what about the Pope, from whom, according to the Papal theory, the whole life of the Church flows? How is he ordained? Originally the Bishop of Rome was elected by the Cardinal Archdeacons of Rome and the suburbicarian districts, and was then consecrated to the episcopal office in the same way as other Bishops. All that is changed. The original system has been revolutionised. The College of Cardinals ceased long ago to represent the Roman clergy and laity. Most of them are Bishops; but they need not be. The Cardinalate is open to deacons, and even to subdeacons and laymen. This becomes a matter of capital importance when we consider in what the essence of making a Pope consists. Its essence is in election by ballot. *Qui eligitur Rom. Pontifex*, says Bellarmine, *eo ipso fit Pontifex Summus Ecclesiæ totius etsi forte non exprimant electores.*¹ ‘Moroni, who enters at length upon the question, and must be considered the organ of the Court of Rome, declares that a Pope must necessarily be in possession of all his powers from the instant of election, although he admits that this opinion has prevailed in the Church only since the days of Adrian V., who died a layman.’²

¹ *De Rom. Pontifice*, lib. ii. cap. 22.

² Cartwright, *On Papal Conclaves*, p. 168.

The case of Pope Adrian V. is one of the multitude of mediæval irregularities which touch the essence of the Roman claims. There is nothing in canon law to limit the choice of a Pope to the College of Cardinals, and as a matter of fact Popes have been elected from outside the Sacred College—John XIX. for example, who was a layman, as was also Adrian V., who died a layman a month after his election, but exercised the full prerogatives of his office in the interval, abolishing *inter alia* the important Bull of his predecessor, Gregory X. This changed fundamentally the constitution which regulated elections to the Papacy, and was in force during six subsequent elections, when Clementine V. restored Gregory's constitution. Leo VIII. was also elected as a layman. By Baronius he was considered as a usurper, but by Fleury and others as a legitimate Pontiff. How trivial the pettifogging objections of the Papal Bull against the validity of Anglican Orders appear when compared with these serious flaws which affect the very core of the Papacy! If the essence of the validity of the Papacy lies in the act of election, independently of the previous status of the person elected, as eminent Roman authorities affirm, and the crucial instance of Adrian V. illustrates, it is patent that the original constitution of the Christian Church has been abrogated throughout the Roman Obedience. Matter and form are alike concentrated in a two-thirds majority of votes by ballot.

And when our Roman friends taunt us with the

*congé d'élire*¹ in the election of our bishops, they forget that it existed when the Pope's supremacy was acknowledged in England, and existed also in its essence, and still exists, in some foreign countries, where the sovereign has enjoyed a right of veto on Papal nominations to the episcopate. But a still more formidable retort on our Roman assailants is the veto on Papal elections possessed by France, Austria, and Spain, and never disputed by the Holy See. Nor is this veto an obsolete privilege. It is in full force still, and has been exercised more than once in recent times; the last time in 1831 by Spain, which vetoed the election of Cardinal Giustiniani after he had secured the requisite majority. Giustiniani had been Nuncio in Madrid, and had made himself unpopular at Court. And it was by an accident that Cardinal Mastai-Ferretti (Pius IX.) was not excluded from the Papal throne. Austria, disturbed by the liberal aspirations imputed to him, instructed its agent to lodge the formal veto in the name of the Emperor. Private information of the Imperial intention reached the Conclave; the election was hurried forward, and the Austrian veto arrived the day after the election, when it was of no avail.

¹ I have never been able to see the 'farcie' of the *congé d'élire*. The civil power cannot impose a bishop on the Church without the Church's own consent. The chapter can reject the nominee of the Government, and the Episcopate can checkmate any attempt at coercion by refusing consecration, without which the rejected nominee cannot take possession of his See. The *congé d'élire* is thus a valuable check on the nomination of unworthy persons. Præmunire may make martyrs, but cannot force the will.

It is true that the unworthiness of the minister does not affect the validity of his official acts ; but there are scandals in the history of the Papacy so shocking as to suggest considerable scepticism if we are to adopt—I will not say the hypercriticism of the Papal Bull against Anglican Orders, but—the sober rules of historical criticism. Take the case of Pope John XII., who was raised to the Papal throne at the uncanonical age of eighteen. This youth made the Papal Court so infamous by his licentiousness that the citizens of Rome at last appealed to the German Emperor to rid them of the scandal. Otho arrived in Rome and summoned a council of twenty cardinals, and all the principal members of the Roman clergy, to investigate the charges against the Pope. The conclusion arrived at by the Council was summed up by the Emperor in a letter to the Pope, of which the purport may be gathered from the following extract :—

Having arrived in Rome for the service of God, we demanded of the bishops and cardinals what was the cause of your absence, and they asserted against you things so disgraceful as to be unworthy of comedians. All, as well clerics as laics, have accused you of homicide, perjury, sacrilege, of incest with your relatives and with two sisters, of having drunk wine to the honour of the devil, and having invoked in gambling Jupiter, Venus, and other Demons. We therefore request you to return immediately in order to justify yourself from these charges ; and if you fear the insolence of the people, we promise to you upon our oath that nothing shall be done contrary to the canons.

A learned Roman Catholic, writing of this episode, says :—

In that extraordinary Council voices had been raised, from ecclesiastics and laics, with strange protests against John XII. ‘The very Iberians, Babylonians, and Indians have heard of the monstrous crimes of the Pope!’ Cardinals deposed that he had been seen to celebrate Mass without communicating; that he had consecrated a bishop in a stable; had bestowed the bishopric of Todi on a boy ten years old! It was stated also, in reply to Otho’s demand for specific charges, that he had caused ecclesiastics to be blinded and . . . with cruelty fatal to life. The reply made by John to the prelates sent with the Emperor’s letter was laconical: ‘We have heard it said that you intend to make another Pope. If you do, I will excommunicate you in the name of the Omnipotent God, so that you shall be no more able to confer Holy Orders or to celebrate Mass.’¹

So that in addition to his scandalous life this Pope was so ignorant as to believe that the Sacrament was complete without the communion of the priest. How will Rome’s modern doctrine of intention bear that test? Well might Döllinger say to me, as he did in 1874, that ‘if one chose to be critical, Anglican Orders, the validity of which he had carefully examined, were much safer than Roman Orders.’ John XII. was deposed, after an infamous Pontificate of eight years, and the layman Leo VIII. was chosen in his stead. All Churches, alas! have scandals to deplore, and must trust to the Divine mercy to make good, for the sake of the innocent people, any defect caused by

¹ *Mediæval Christianity and Sacred Art* by C. J. Hemans, p. 21.

sins of commission or omission on the part of their rulers; but no Church is in such sore need of the mercy of God and the charity of man as the Church of Rome. Boccaccio has illustrated by a humorous story the impression made on thinking men at the time by the scandals of the Papacy. A Jew in France, who had for a long time resisted all the arguments and solicitations of a Catholic friend to become a Christian, said one day, 'I'll tell you what I will do—I will go to Rome and be guided by what I see at the fountain-head of your religion.' The Christian tried to dissuade him. For he too had been in Rome, and believed it to be the last place in the world to incline a man to Christianity. But the Jew went, and called on his friend on his return, after an absence of some months, with the news that he had become a Christian. 'God be praised,' exclaimed his friend, 'but what did you see in Rome to make a Christian of you?' 'I saw iniquity and immorality prevailing everywhere in the Church,' he replied, 'from the Pope downwards. So I reflected and came to the conclusion that a religion which has survived all that for centuries must be indeed divine, and I became a Christian.'

I do not mean to impugn the validity of Roman Orders on account of the confusions, irregularities, and scandals which disfigured much of the history of the Papacy during the Middle Ages; but I venture to question the prudence of Roman Catholic controversialists in provoking English Churchmen to retaliate in self-defence. No one can read dispassio-

nately the history of the early years of Elizabeth's reign without being forced to the conclusion that, if the Queen had only acknowledged the Pope's Supremacy, nothing would ever have been heard against the validity of Anglican Orders. Bonner, who knew the facts better than either Leo XIII. or Cardinal Vaughan, questioned the legal authority of Edward's Ordinal because of its lack of Parliamentary and Convocational authority; but he made no objection to it on the ground of defect in matter or form: a proof that he recognised no such defect.¹

And how is the Pope's invitation to the Elizabethan Bishops to the Council of Trent to be reconciled with the view that he held them to be no bishops at all? I prefer to quote the fact from the treatise on 'The Anglican Schism' by a bitter Roman Catholic contemporary, Sanders. In 1560, he tells us, the Pope 'sent a Nuncio' to England, who was to say on behalf of the Pope that 'if on account of her doubtful birth Elizabeth was afraid that her title to the throne might, on the part of the Church or the Pope, be questioned, the matter could be easily settled, for the Apostolic See is indulgent.' But, so far from being conciliated by those blandishments, 'the Queen would neither listen to the Nuncio nor allow him even to land.' 'Some time afterwards (1561-2), the Pontiff, to leave no means untried, sent another legate to persuade the Queen to allow some, at least, of her own bishops to attend the Council [of Trent], and to enter into conference

¹ Collier, vi. 428, 431.

with the Catholics, promising them liberty of speech and the safety of their persons.' The legate was the Abbot Martinengo.¹

In fine, if it be a question of the validity of Roman Orders as against Anglican, certainly the Church of England has no reason to 'be ashamed to speak with her enemies in the gate.'

¹ Sanders's *Anglican Schism*, pp. 290-1.

CHAPTER XII

THE PRISONER OF THE VATICAN : A CHAPTER OF
SECRET HISTORY

AFTER the death of Pius IX., the more long-headed among the Vatican ecclesiastics felt that if unexampled misfortune was to be averted from the Papacy and the Roman Catholic Church, a complete break must be made with the policy of the late Pope. It was true indeed that Pius had provided his successor, in the event of his death, with a political testament which pledged him to an irreconcilable attitude towards Italy, but nevertheless the party of reconciliation worked hard to push their candidate forward in the Conclave. This candidate was Cardinal Pecci, who had been banished, through Antonelli's jealousy, since 1846 to the unimportant diocese of Perugia. At the head of the party of reconciliation stood Cardinal Franchi, and his best adjutant was Monsignor Galimberti, afterwards Nuncio in Vienna. Galimberti succeeded in convincing his distinguished patron that Pecci's only hope of election lay in winning the foreign Cardinals. This again was only possible through the friendly co-operation of the foreign Powers ; and

in order to accomplish this the action of the Press was necessary. It all turned on representing Pecci to the governments, with which Pius IX. had embroiled himself, as the opponent of his policy. Already before 1878 the quiet campaign of the Press had begun, Louis Teste having written a book on the next Conclave in which he extolled the qualifications of Cardinal Pecci, and recommended him as the future Pope. On the day of Pius IX.'s death, the campaign of the Press, Italian and foreign, in favour of a conciliating Pope began, and with such success that all the twenty-four Cardinals who took part in the Conclave voted for Cardinal Pecci.

Leo, as Pope, did not disappoint the hopes which the party of reconciliation had placed in him, for he at once nominated their leader, Cardinal Franchi, as Secretary of State, though he knew how displeasing this would be to the supporters of the policy of his predecessor. He was indeed, as a diplomatist and opportunist, much too cautious to issue at once a *Pronunziamento* on the lines of Franchi and Galimberti; for the party of the *Intransigeants* was still too powerful at the Vatican, and it was necessary to gain time and, meanwhile, prepare the right *milieu*. Only in one point did the new Pope break at once with the tradition of Pius IX. As the late Pope had quarrelled with almost every foreign Sovereign, so Leo sought to reconcile himself with all the crowned heads, and he therefore made use of the announcement of his succession to the Throne to begin friendly relations with the monarchs and

governments. That he wrote even to the Protestant Kaiser, Wilhelm I., roused the anger of the *Intransigents* to the highest degree, and silent opposition was not wanting. Leo XIII., with his Secretary of State, had hardly taken the first steps towards reconciliation with Germany when the latter died suddenly, on June 30, 1878, only four months after his appointment. The circumstances were peculiar and dramatic, and public opinion in Rome spoke of poisoning, which the Romans ever since the days of the Renaissance have been quick to suggest when a man in high position has died suddenly; but the sinister suggestion must be dismissed as idle gossip. The deceased Cardinal's relatives suspected no foul play, in spite of the Cardinal's body turning black immediately after death, although they did not forget that Franchi's death could only be welcome to the *Intransigent* party. We may add parenthetically that Zola has preserved the legend of the Vatican poisoning case in his novel 'Rome,' which is strongly anti-papal.

Leo XIII., who had just founded two journals on Franchi's principles, 'Le Journal de Rome,' edited by Monsignor Galimberti, and 'L' Aurora,' edited by Monsignor Schiaffino, a Benedictine, both of whom afterwards became Cardinals, was thrown into great embarrassment by the sudden death of his prime minister. His difficulties were increased when he learnt that, contrary to all precedent, the *Intransigent* Cardinals had called a meeting in the house of Cardinal Monaco della Valetta, for the purpose of forcing their candidate on the Pope as the new

Secretary of State. Again the Pope showed his independence by appointing a 'Reconciliationist' in the place of Franchi, the leader of that party, in the person of Cardinal Nina.

Immediately the *Intransigent* storm was directed against him, and this was all the easier as Nina disdained to defend himself against his enemies. The Cabal next tried to destroy their adversary socially. The Neri—*i.e.* the clerical aristocracy—received orders to boycott Nina, not only outside the walls of the Vatican, but also in the very presence of the Pope. When that did not succeed his recreations were twisted into a scandal, into the details of which it is unnecessary to enter. He went straight to the Pope and offered his resignation, and at the same time cleared his character so completely that the Pope refused to accept his resignation. But the honest man was so sick of the intrigues directed against him, that he insisted on being released from office. His successor was Jacobini, then Nuncio at Vienna, and but lately a recipient of the purple. He belonged to neither party, but was a wise man who knew how to get on with both, being possessed of an elastic conscience which enabled him to please every one. Being all things to all men, he succeeded for a time in lulling the suspicions of the *Intransigents*, whom Tosti's pamphlet in favour of a reconciliation with the Vatican had enraged. Padre Tosti was abbot of Monte Casino, the famous Benedictine Monastery, which the traveller between Rome and Naples sees perched against the sky. The traditions of the Benedictines

have been liberal, and Monte Casino has afforded an asylum and encouragement to those who laboured, and often jeoparded their lives, for the regeneration and freedom of Italy. To this, and also partly to the intercession of Mr. Gladstone, it is due that the monastery of Monte Casino was spared when most of the other religious houses were suppressed.

Ever since the accession of Leo XIII. to the Papal throne the Benedictines of Monte Casino, and Padre Tosti in particular, laboured for a reconciliation between the Vatican and Quirinal. The Jesuits, on the other hand, conducted the campaign of the *Intransigeants*, though seldom showing their hand openly. And they won at last. Jacobini's ambidextrous tactics did not suit them, and he died suddenly at the age of forty-five. Insinuations of poisoning again floated in Roman society, doubtless with as little foundation in fact as in the case of Franchi. The Pope, wearied out with the machinations of the Jesuits to get an *Intransigent* appointed Secretary of State, yielded on that point, and, to the surprise of the uninitiated, appointed the Nuncio at Madrid, a young Sicilian : a man of ability ; adroit, scheming, ardent, and of strong will. He is not a Jesuit. That society was far too astute to get a professed member of their order appointed. But Rampolla was under their influence, and is still. Rampolla and his patrons were too prudent to show their hands at once. They kept a vigilant watch over the development of events, determined to nip in the bud any scheme for promoting a *modus vivendi*

between the Papacy and the Monarchy. The party in favour of reconciliation was still strongly represented at the Vatican. The Pope was at the head of it, though not ostensibly; and Cardinal Schiaffino and Padre Tosti, together with Galimberti, who were all in the Pope's confidence, worked energetically for the cause which they had so much at heart.

A few weeks after Rampolla's appointment, Crispi was again Minister of the Interior, and he was more than ready to meet Tosti halfway in any practical arrangement for putting an end to the quarrel between Church and State. The relations between the Italian Government and the Vatican became more friendly, and it really looked as if a reconciliation was at last in sight. The intermediary in these negotiations was Tosti, who threw himself heart and soul into the business. An idealist and an ardent patriot, the eventful '48 found him in the front line of the liberal movement, with Gioberti, Rosmini, and Ventura; priests all, and all labouring in their several ways to realise the national idea, then represented by Pius IX., in whom the hopes of Young Italy were centred, and who eclipsed, during his short-lived enthusiasm for Italian unity, the fame and influence of Mazzini, Balbo, Gioberti, and other leaders of the national movement. Tosti was at that time the poet of the movement. He wrote, among other things, 'The Soldier's Psalter' and 'The Lombard League,' two martial hymns in praise of the liberation of Italy. 'The Lombard League' he dedicated to Pius IX. in a fine lyrical

poem. He was then in his thirty-eighth year, and had already made his mark in the republic of letters with his 'History of Monte Casino.' But he sacrificed his brilliant worldly prospects to his patriotism. Indeed, he ran no small risk when the reaction set in and he saw some of his intimate friends, leaders in the movement, exiled or cast into prison. Regarding the cause as lost, he found a warm friend and admirer in Don Pedro, the accomplished Emperor of Brazil, who offered him an asylum at his court. While waiting for the vessel that was to carry him across the ocean, he found a safe retreat in Naples under the protection of the British Consul. But the fear of the sea overcame that of a Neapolitan dungeon, and he determined to remain in Italy. An influential personage persuaded the King (Bomba) to allow Tosti to return to Monte Casino after a severe warning from the Commissary of Police. There he gave himself up to literature, and published a 'Life of Abelard' and other works.

In 1860 Tosti reappeared in the world of politics with an eloquent *brochure*: 'San Benedetto al Parlamento Italiano.' It is a forcible appeal on behalf of his famous monastery. Pepoli and Valerio had suppressed the religious orders in Umbria and the Marches, and Tosti feared, with good reason, the like fate for Monte Casino. His story of Monte Casino records, with persuasive eloquence, the services which the monastery had rendered to Italy in the civil as well as in the religious sphere, and he declared with

prophetic insight, that the religious orders, suppressed with such indiscriminating ruthlessness, would flourish again in a few years, and avenge themselves on their persecutors. How slow politicians are to learn the impotence of physical force and parliamentary decrees against spiritual ideas! 'We shall not go to Canossa,' exclaimed Bismarck when he was passing his 'Falk Laws' with overwhelming majorities. In a few years he went to Canossa, and was fain to court the party whom he had persecuted. Jules Ferry, heedless of the warning, banished a crowd of religious orders, suppressed the teaching and the symbols of Christianity in the schools, and passed an army of seminarists through the barracks of France, hoping thus to annihilate clericalism. To-day France is paying the penalty of Jules Ferry's folly. Clericalism, instead of being destroyed by the conscription, has converted the army, and crime has so increased meanwhile that there is a reaction in favour of restoring religious teaching in the schools.

The same thing happened in Italy. Many of the monks in the various orders were liberals; and a wise policy might have enlisted them into the service of the monarchy, and disarmed, to a large extent, the hostility of the remainder. Instead of this they were driven out into the world in a state of beggary, and thus needlessly forced into the camp of the enemies of Italian unity.

Tosti foresaw this. But his defence of his convent seemed to make no impression on the Government. Yet it prevailed. Mr. Gladstone interested

himself in Monte Casino, and used his great influence with Italian statesmen to save the doomed monastery. He found powerful auxiliaries among patriotic Italians, Count Gabrio Casati in particular. But it was Tosti's powerful appeal that enabled the friends of Monte Casino to make out an irresistible case.¹

The liberation and unity of Italy, with Church and State reconciled, was the dream and passion of Tosti's life. But he was doomed to a rude awakening. Such was the charm of the man that, in spite of his political heresies, he kept on good terms to the

¹ The music of Tosti's style cannot be translated; but the ear may catch something of it, as of a beautiful song, even without following the sense. His volume concludes with the following pathetic appeal:—

‘Lasciateci monaci, se ci volete cittadini benefici. Il tristo monaco nel mondo è una contraddizione in veste grottesca; e questi non son tempi da ridere. Tutto vi lasciamo alle soglie delle nostre badie; fin la polvere delle passate ricchezze ci scroliamo dal sajo: tutto prendete, ma non toccate al sacramento della nostra fede monastica. È troppo cara ai nostri cuori; è troppo cara alla nostra Italia. Questa è cattolica e non protestante; nella via che essa viaggia per la città di Dio, vuol trovare uomini che parlino con Dio; la solitudine le farebbe paura. Questa patria di Dante e di Raffaello, innamorata di Dio, che discese per la via delle sensibili bellezze del firmamento, della terra, e della mare, a creare l' uomo, per questa via vuole ascendere a lui; vuole l' arte della religione; vuole il culto. Lasciate un rifugio all' Italia, vedovata, per carcere, per esigli, per guerre, di tanti figli; lasciatele posare il capo nel seno delle nostre salmodie. Con questi canti noi la cullammo fanciulla. L' uomo d' armi, l' uomo del lavoro, l' uomo dei negozi, tutti hanno cittadinanza nella vostra compagnia; possibile, che solo il uomo della preghiera sia forestiero nella terra dei cattolici? Lasciateci salmeggiare, perchè la preghiera è il vincolo del nostro sodalizio e della nostra fatica: è il nostro mestiere. Per lei siamo monaci, per lei saremo sempre con voi, per lei san Benedetto vuole starsene con la sua Italia.’—See De Cesari's *Il Padre Tosti nella Politica*, p. 9.

last with Pius IX. From his successor he had great hopes. He had made the acquaintance of Monsignor Gioacchino Pecci forty years before, when Pecci visited Monte Casino on his way to Benevento as Apostolic delegate. The young monk and the young prelate felt each other's attraction and became friends. Tosti rejoiced when the choice of the Conclave fell on Cardinal Pecci, whom he welcomed as an ideal Pope, marked out by Providence for reconciling the Monarchy and the Papacy. Leo XIII., on his part, hastened to honour the Abbot of Monte Casino.¹

Tosti's antecedents, politics, and intimacy with the Pope qualified him in an eminent degree to act the part of intermediary between the Pope and Crispi, who was, like Tosti, an idealist, and apt to dream dreams and see visions. The jubilee of the Pope's priesthood was to be celebrated on December 31, 1887, and this was considered an auspicious moment for proclaiming the reconciliation of the Quirinal and the Vatican. To prepare the public mind for the advent of peace Tosti published in May of that year a pamphlet, which was approved and revised—some say inspired—by the Pope. It is in the form of a dialogue between a simple priest, Don Pacifico by name, and his bishop. Don Pacifico is Tosti himself, who expounds under this thin veil his

¹ The Abbot of Monte Casino was in former days the first baron of the Kingdom of Naples, and ruled over a vast diocese, which reached the dimensions of a considerable State. In modern times this feudal abbacy was merged in a triumvirate of three abbots, one of whom is 'President of the Congregation.' Tosti was one of the triumvirate when Leo XIII. became Pope.

own and the Pope's views on the situation. After a passing reference to the events of 1848 and the fair promise of Pio Nono's outburst of liberalism, Tosti says: 'But times are changed; and in the mind of the Monsignore there sprouted a new dogma—the identification of the throne and the altar.'¹ Tosti opposes this policy vigorously, and the pamphlet assumes, all through, the acquiescence of the Pope in Tosti's views. The bishop's mild objections act as a foil to Tosti's argument. For example, Tosti says:—

The breach at Porta Pia was an ugly affair, through which Rome, the Pope's patrimony, was forcibly seized by other hands. The breach was made by a definite number of soldiers, commanded by a definite number of men called *the Government*. But the Power which really took possession of Rome was a moral, a universal individual, a nation—in a word, Italy.

Say rather, Don Pacifico, that it was the Revolution—that is to say, a minority of sectaries with a few Catholics led astray by the idea of a united and powerful Italy.

True, Monsignore; it was a minority; nor do I say that all the thirty millions of Italians conspired with Cavour and fired the cannon with Cadorna at Porta Pia. But when a minority, approved or tolerated through failure to oppose it, becomes a Government *de facto* and administers social justice, it becomes a majority, not merely by reason of its numerical superiority, but through the principle of authority which it represents. Our most holy religion started from a minority of a dozen fishermen. . . . When people lived under an absolute monarchy, princes reigned

¹ *La Conciliazione*, p. 6: '. . . e nella mente di Monsignore rampollò un nuovo dogma: la identificazione del trono e dell' altare.' Evidently an oblique reference to the reactionary Rampolla in the play on the word *rampollò*.

and governed at the same time, and if there was any encroachment on the property or rights of the Church the Popes knew where to look for restitution. But to-day princes reign and do not govern. The depositary of the laws is the multitude, and the Government is the nation; so that if there has been any usurpation, the Pope may grieve over the usurper, but he cannot turn to the Prince for restitution. It follows that the King of Italy cannot restore Rome to the Pope, since it is not his. It would be necessary to restore it with force to the Pope, to wrest it away by the hands of the nation, and to accompany this with the sword of the parricide and of the foreigner. What slaughter! what rapine! what shipwreck of authority in a period of universal rebellion! The *non possumus* of the Pope and of the Prince thus finds its equilibrium in the balance of divine justice.¹

Leo was encouraged to hope great things and had Crispi sounded, through Tosti, as to whether the State would be willing to make over to the Vatican the administration of the wealthy Basilica of San Paolo fuori le mura. Tosti went most days to Crispi's house in the Via Gregoriana, and the Prime Minister showed himself amenable to the wishes of the Pope. Tosti assured the Minister that the Pope would, on the first opportunity, make an announcement in favour of a *rapprochement* with Italy, and in fact the celebrated Allocution of May 23, 1887, at least made no points against Italy. Both sides cherished great illusions. Leo XIII., influenced by the Reconcilables, specially by Galimberti and his intimate friend Monsignor Bocali, entertained the

¹ *La Conciliazione*, pp. 16-17.

most extravagant hopes. He perhaps believed the Italians would, even if they did not leave Rome altogether, at least find a *modus vivendi* whereby the Eternal City could enclose both Sovereigns within its walls. But, being an experienced diplomatist, the Pope was careful to take no hasty step, for he had still to reckon with Rampolla and the *Intransigeants* who were watching his dealings with Crispi. Tosti's pamphlet gave them their opportunity. It made a great sensation, and passed rapidly through three editions. Rampolla immediately struck his blow. A letter from the Pope to the Cardinal appeared in the *Osservatore Romano* (the official organ of Rampolla) which put a summary end to the Tosti-Crispi negotiations. It was then the policy of France to cultivate friendly relations with the Jesuit party, and to prevent a friendly understanding between the King of Italy and the Pope. The French ambassador accordingly made common cause with the *Intransigeants*. Thus reinforced, the *Intransigeants* were not satisfied with the rupture of the negotiations; they determined to ruin Tosti. Under pressure the Pope asked Tosti to retract the sentiments expressed in his *Conciliazione*. To oblige the Pope, but very reluctantly, he wrote a letter which, after revision by the Pope himself, was published in the newspapers. But the retraction was not humiliating enough for the *Intransigeants*, and they demanded a more complete expiation. The Pope seemed to be ashamed of the part which he was made to play, and instead of this time appealing

to Tosti in a personal interview, he sent for Don Michele Morcaldi, one of the abbatial triumvirate, and, as President of the Congregation of Monte Casino, Tosti's superior, and begged him to obtain Tosti's retractation. Tosti refused to make a second retractation. But the Pope, anticipating this, authorised Morcaldi to assure Tosti, on the Pope's official and private word of honour, that the retractation would be kept strictly secret, and was only asked for by the Pope as a weapon of defence against the fury of Rampolla's party. Thus reassured, and in full reliance on the Papal promise, Tosti wrote his second retractation without measuring his words or calculating the consequences, wishing only to oblige the Pope and get him out of a difficulty.

On July 27, a fortnight after it was written, Tosti's second retractation appeared in large type in the *Osservatore Romano*. On the following morning he read it at Monte Casino. The blow was terrible, and his emotion was for some time uncontrollable; not so much by reason of the humiliation inflicted on himself as on account of the Pope's violation of his pledged word. On recovering from his fit of nervous agitation, Tosti wrote a touching and dignified letter to Monsignor Angeli, recapitulating the facts given above, and complaining of the Papal breach of faith.¹ 'Nothing remains to me'—so he

¹ To prevent any mistake I give the letter literally in the original:—

'Reverendo Monsignore,—Ai primi giorni di questo mese il nostro P. Abate, presidente, mi comunicò l'ordine del S. Padre di umiliargli una seconda lettera di sottomissione, più esplicita dell'

concludes, 'but to bow my head humbly to the supreme desire of his Holiness, and to say from my heart: *Thy will be done.*'

He wrote at the same time to the Abbot Morcaldi, demanding an explanation. Morcaldi assured him, in reply, that he was charged categorically by the Pope to assure Tosti that his retraction would be guarded by the formal seal of the Papal secret.¹

Receiving no answer from Monsignor Angeli, Tosti wrote to the Pope direct, on August 1, a letter full of dignity, but also of the bitterness of a man betrayed by a friend, who was, moreover, the Chief Pastor of his Church. In that letter, after reminding his Holiness that his retraction was asked for merely as a means of stopping the truculent rage of his enemies (*ad arcendam truculentam rabiem dei suoi nemici*), he resigned his posts of Vicearchivist of the Holy See and Superintendent of the sacred monu-

altra, già pubblicata nell' *Osservatore Romano*, a cagione del mio opuscolo: *La Conciliazione*. Mi diceva che questo documento resterebbe nelle mani di S. Santità, sotto segreto papale. Subito mi affrettai a compiere ciecamente la volontà dell' Augusto Pontefice, che per mezzo dello stesso P. Abate, presidente, si degnò manifestarmi il suo benplacito, dicendomi che il S. Padre era contento della mia docilità, che fossi stato tranquillo e che mi benediceva, vietando che più si parlasse del mio opuscolo. Posso attestare *coram Deo* di non avere io in alcun modo violato il segreto papale, che mi fu imposto dal P. Abate, presidente, per ordine del S. Padre. Ora mia lettera è di pubblica ragione, ed a me non rimane che chinare umilmente il capo ai supremi voleri di S. Santità, e dire col cuore: *Fiat voluntas tua!*'

¹ 'Fu categorico il precetto datomi dal Papa, ed a voi da ingiunto, del segreto papale, in cui doveva rimanere involta la vostra lettera.'

ments under the State, and stopped at the same time the publication of the 'Regesta Pontificum,' a valuable work which he had edited for years, and had brought down to Clement V. The letter concludes: 'Take all from me, and leave me only the habit of my Saint Benedict in which he lived so well, and died so excellently.' The Pope made no reply, and Tosti never again entered the Vatican. He returned to his studies, beginning with a translation of Sallust into Italian.

But the victory of the *Intransigents* was not yet complete. Tosti was suppressed, but the Pope still cherished the hope of celebrating his sacerdotal jubilee with a message of reconciliation and peace to Italy; and the *Intransigents* encouraged his aspirations in order the more completely to frustrate them. The negotiations with Crispi were resumed, this time under the auspices of the librarian of the Vatican, Monsignor Carini, a son of Garibaldi's General of that name. He had been an officer in the Royal army, and while quartered at Perugia had become intimate with the Cardinal Archbishop, afterwards Leo XIII. The negotiations went on prosperously for a time. Friendly messages were exchanged between King Umberto and Leo XIII. The former offered to present the Pope with a handsome golden chalice as a jubilee gift. The gift was graciously accepted, provided a slight change were made in the proposed inscription, namely, that it should be a gift from 'Umberto, Prince of Savoy,' not from 'Umberto, King of Italy.' It was a

masterstroke of diplomacy on the part of Rampolla and the Jesuits. The breach between Crispi and the Pope was now even more complete than that between the Pope and Tosti. The Sindaco of Rome too, the royalist Prince Torlonia, was involved in the quarrel. Hoping to help on the negotiations, he went, without consulting Crispi, to the Cardinal Vicar, Parochi, and conveyed to him the congratulations of the city of Rome. For this indiscretion he was promptly dismissed from office.

Crispi, recognising at last the hopelessness of negotiating with a Pope who was evidently not his own master, determined to strike a blow from his side. He patronised the Giordano Bruno memorial and ostentatiously encouraged its development into an anti-papal demonstration. The breach with the Vatican was now complete, and Rampolla's star was in the ascendant. The fates were singularly unkind to Leo XIII. Cardinal Schiaffino died in 1889, and Cardinal Galimberti in 1896; both with startling suddenness. Galimberti was the last of the *Reconcilables*; and his death was important on another ground, for he held the influential office of Teller at the next Papal Conclave.

Deprived of all his supporters in the Sacred College, the venerable and well-meaning Leo seems to have given up the struggle and abandoned the field to the manœuvres of Cardinal Rampolla.

I am forcibly reminded by this episode in the annals of the Vatican of a conversation which I had with Dr. Döllinger at Munich during the sitting

of the Vatican Council. I suggested that Pio Nono's successor, if a man of strong will and liberal ideas, might—on the abolition of the Temporal Power which seemed then impending—avail himself of the new prerogative of infallibility to reform the Papacy, and restore the Bishop of Rome to his legitimate position in the hierarchy of the Church. Döllinger shook his head. 'My friend,' he said, 'the Papacy is the growth of centuries, and it will take generations, if not centuries, to reduce it to its proper proportions. It makes very little difference how able and well-disposed a new Pope may be. Once elected, he becomes powerless. He will find himself inside a system, wheel within wheel, fetter upon fetter; and struggle as he may, he must eventually succumb.' The history of Leo XIII.'s pontificate is a striking confirmation of Döllinger's forecast. Truly, the Pope is 'the prisoner of the Vatican.' But his jailers are those of his own household. In matters which do not encroach on the traditional policy of the Vatican or the domination of the Jesuits the Pope has a free hand. Outside those limits he is not a free agent: he is but the organ of a system and a party which have with marvellous skill, begotten of ages of experience, bound the Roman Church in fetters as impossible to break as the withes with which Delilah bound Samson when the locks of his strength were shorn. I never cherished the faintest illusion as to the verdict of the Vatican on the validity of Anglican Orders. To have admitted that they were valid, or

even doubtful, would have broken the tradition of Rome since the excommunication of Queen Elizabeth, and would have made the ecclesiastical position of Cardinal Vaughan and his colleagues awkward if not untenable. The decision was a foregone conclusion, and no amount of evidence would have made the slightest difference. This is not to say that the majority of the Pope's experts did not act in good faith. I have no doubt that they acted as conscientiously as the members of the Judicial Committee are wont to act when they sit in judgment on a Ritualist. Their minds were simply impervious to the force of any evidence that told in favour of Anglican Orders. The most learned of the Pope's Commissioners, the Abbé Duchesne, had no doubt of the validity of Anglican Orders; and although he hardly ventured to expect that the Pope would admit their validity, he believed, as he told Mr. Gladstone in my presence, that the evidence was too strong for the Pope to do more, at the worst, than to leave the question undecided. I did not share his conviction. I never doubted that Anglican Orders would be condemned on grounds of policy quite irrespective of the merits of the question.

That the Pope himself was as sincere, as he was in initiating negotiations with Crispi and encouraging Testi's plea for 'Conciliation,' I do not question. Mr. Gladstone's 'Soliloquium' was written on a private intimation from the Vatican that his intervention would help the Pope to take up a benevolent attitude; and Mr. Gladstone showed me

a letter from Tosti (who was a friend of his) expressing his admiration of the 'Soliloquium' which, he said, the Pope had sent him, through a friend, with expressions of great gratification and hopefulness. All in vain! 'The prisoner of the Vatican' cannot emancipate himself from the traditional policy of the Roman Curia. While that endures Rome will seek, not union, but domination.

For myself, I am inclined to think that the Bull against Anglican Orders was a blessing in disguise, and will eventually make for the reunion of Christendom by banishing all illusions. It is now manifest to all that what Rome seeks is not union, but unconditional submission. This, I believe, will prove a salutary lesson for any Romanisers among us, and will hinder instead of promoting the harvest of secessions which Cardinal Vaughan hoped to reap from the Papal Bull.

English Churchmen will now turn their faces in another direction. They will strive for union among themselves in the first place. I am persuaded that the main differences between the great bulk of the Evangelical party and the High Church party, including even the extreme wings, are chiefly due to misunderstandings, and are more on the surface than in the essence of our controversies. The great body of orthodox Nonconformists, too, are surely much nearer the Church of England than they were forty years ago, and have a much truer conception of the Christian Church than the Puritan clergy of Elizabeth's day had. The Catechism

lately adopted by the various Nonconformist bodies is a remarkable proof of this. The Church is there recognised as a divine institution, and the figment of an invisible church is discarded. The Presbyterianism of Scotland affords a still more striking illustration of approximation towards the Church of England. The prejudice against prelacy, as such, is dead; and if Presbyterians hesitate to adopt Episcopacy it is not because they think that form of government unlawful, but because they do not doubt the lawfulness of Presbyterianism, and have a patriotic pride in the services—which I, for one, freely acknowledge—that it has rendered to Scotland. Its doctrines as to the Church and Sacraments are distinctly high; and its standard of public worship is being gradually brought into harmony with its standard of doctrine. I witnessed lately, on the occasion of my receiving an honorary degree from the University of Edinburgh, a sight strange to my experience of Presbyterianism in my boyhood. After receiving our degrees, a throng of graduates, undergraduates, and spectators, went in procession, arrayed in a variety of gorgeous vestments, from the McEwan Hall—a splendid gift from a citizen and parliamentary representative of Edinburgh—to St. Giles's Cathedral, to listen to an address delivered by a distinguished minister. The address was preceded by a short devotional service, more in accordance with an Anglican service than with the Presbyterianism of my youth. And the congregation consisted of Presbyterians, Established and Free, and

also of Anglican Churchmen and Scottish Episcopalians, High and Broad. It was enough to make Jeanie Geddes turn in her grave.

To this must be added the remarkable Patriarchal and Synodical Encyclical Letter, already mentioned, in which the Eastern Church has replied to the Pope's invitation to submission. The Eastern bishops have in this document placed themselves in line with our own Church, as evidenced by our representative divines and by the two Primates in their recent 'Answer' to the Pope's Bull. The Eastern bishops reject the Pope's Supremacy and Infallibility, the dogma of the Immaculate Conception of the Virgin, the Romish doctrines of Purgatory, Indulgences, Transubstantiation, and also Communion in one kind. Repudiating the idea of any human head of the Church, the Eastern bishops declare that 'the only everlasting Chief and immortal Head of the Church is our Lord Jesus Christ,' and that 'the divine Fathers . . . had, and could have had, no idea of an absolutist supremacy in the Apostle Peter, or in the bishops of Rome. . . . They could not invent, arbitrarily and of their own will, a novel dogma, erecting upon a pretended succession from Peter an overbearing supremacy of the Roman bishop.' And they make the pertinent observation that 'the Church of Rome was founded, not by Peter, of whose Apostolic work at Rome history knows nothing, but mainly through the disciples of the heaven-soaring Apostle of the Gentiles, Paul, whose Apostolic ministry in Rome is clear to all

men.' It is indeed inconceivable that Peter should have been Bishop of Rome, yet that there should be no allusion to him in the Acts of the Apostles or in St. Paul's Epistle to the Romans, or letters written by him in Rome, considering St. Paul's punctilious deference to St. James as Bishop of Jerusalem. The fact is, diocesan episcopacy, in the modern sense of the word, did not exist during St. Peter's life—at least outside Jerusalem—and the story of Peter's Roman Episcopate is an invention of the Pseudo-Clementines.

This common ground of opposition to Roman pretensions on the part of the Anglican and Oriental Churches, and their general *rapprochement* towards each other, have naturally alarmed Cardinal Vaughan, and he has privately sent to the Holy Governing Synod of the Russian Church, on behalf of himself and his brethren, an elaborate impeachment of the Church of England. The *Intransigents* of the Church Association are his best allies. The continuity of the English Church up to the beginning of Christianity in this kingdom is the only effectual argument against Rome. I deprecate, therefore, any ruling, by whatever authority, which would have the effect of suggesting a visible break between the Church of England before and after the Reformation. Just as the vestments of our judges and the ritual of our Court and Parliament take us back to the reigns of our Edwards, Richards, and Henrys, so the vestments and ritual sanctioned by the Ornaments Rubric—the Judicial Committee notwith-

standing—take us back to the dawn of Christianity in these isles. I repudiate the idea of a Roman Church in this land which was abolished at the Reformation. What was abolished was a system of usurpations on the part of the Bishop of Rome, and with that system a number of corruptions which had gradually grown up in parts of the doctrine and worship of the Church. ‘Where was your Church before Henry VIII.?’ asked a Roman Catholic of Dr. Hook of Leeds. ‘Where was your face before it was washed?’ answered the old vicar. The retort may have been a bit rough, but it was as just as it was witty.

Let the two Archbishops admit in principle this unbroken continuity of the English Church in its ritual as well as in its doctrine, and I believe that the mass of Churchmen, lay and clerical, will support them in checking illegitimate developments, and even the forcing of legitimate ceremonial on unwilling congregations. I believe also that they will have the support of public opinion. Gorgeous vestments, incense, and the ceremonial commonly objected to, will appear innocent, if not attractive, when dissociated from disloyalty to the Church of England. No one objects to that ritual in the churches of that admirable body of Christians who call themselves ‘the Catholic and Apostolic Church.’ And this tolerance is not due to their not being an established religion, but to the absence of suspicion as to their loyalty to their engagements. Convince the British public that the ritual which rouses the hostility of

some persons is part of the legal heritage of the Church of England, and is no more Popish than shoes and stockings are Popish, and all prejudice will vanish as speedily as the prejudice against chanting the Psalms and preaching in the surplice.

And there is another consideration which the opponents of Ritualism would do well to bear in mind. It is much to the credit of the working classes of this country that they have never shown any disposition to combine in their own interest against the owners of property and privilege. Who can doubt that this is largely due to their being still under the influence, ideals, and sentiments of Christianity, even when they sit loosely towards the Christian Creed? The influence of the Church extends far beyond the formal acknowledgment of her Creed. But let the masses lose hold of their instinctive belief in a future world where the destiny of man is dependent on his conduct here, why should they, in that case, acquiesce in social and political systems from which many of them seem to themselves to derive but little benefit? Let them lose their faith in a heaven beyond the grave, and the temptation will be irresistible to seek their heaven here. And they are the majority and have a potent voice in the making of our laws. Let them be convinced that there is no heaven, and they will claim the earth. This is so well put by a powerful writer that I am tempted to quote him :—

What will be the result, what the possible catastrophe, when this doctrine [of a future life] is no longer ac-

credited;—when it is discarded as a delusion—when it is resented as a convenient deception and instrument of oppression;—when the poor man is convinced that there is no wealth of gold and jewels awaiting him in the spiritual kingdom—that if he is wretched here he is wretched altogether—that what he lacks now will never hereafter be made good to him—that the promises and hopes dangled before him to keep him quiet have been mere moonshine, and that in very truth the bank in which he had insured his fortune, in which he had invested all his savings, to have a provision in which he had toiled with indefatigable industry and endured with exemplary patience, is a fraudulent insolvent;—when, in fine, he wakes up with a start to the bewildering conviction that *if* he is to rest, to be happy, to enjoy his fair share of the sunshine and the warmth of life, *he must do it now, here, at once, without a day's delay?* Will there not come upon him that sort of feverish haste to be in luxury and at peace, to *immediatize* all that earth can yield him, to sink the uncertain future in the passing present, which has been depicted in such vivid colours as pervading and maddening the daily thought and talk of the Socialists and Communists of the French metropolis?’

The salutary and restraining influences thus vividly depicted by Mr. Greg are rapidly on the wane, he tells us, among the working classes of this country. ‘Among working men it is for the most part absolute atheism, and is complicated by a marked feeling of antagonism towards the teachers of Religion, a kind of resentment growing out of the conviction that they have been systematically deluded by those who ought to have enlightened them.’ And then he adds in a note, ‘I am assured,

however, that this can scarcely be stated as broadly as a few years ago—*considerably owing to the Ritualists.*'*

Is it prudent to wage war against a religious movement which won this acknowledgment, a quarter of a century ago, from a very able public writer who had, as a Unitarian, no sympathy with Ritualism? The influence of the Ritualists among the masses is much greater now than it was when Mr. Greg bore this testimony. The severest censors of the Ritualists generally admit their self-denial and labours of love among the poor, but add that this is not the question. I submit that it is very largely the question. The very purpose of Religion is to elevate humanity; to make human beings better parents, better children, better servants and masters, better wives and husbands—in a word, better citizens; and I venture to suggest that it would be as stupid as it would be criminal to suppress any mode of worship which bears so good a fruit.

And let it further be considered whether the kind of worship which goes under the name of Ritualism does not minister to some craving in the nature of man, and bear witness at the same time to some aspect of the character of Almighty God which it would be well for us to realise. Believers in the Bible must admit that when God condescended to ordain a style of worship it was of a kind that appealed to the whole of man—his understanding, his imagination, his bodily senses.

* *Rocks Ahead*, pp. 131, 141-143.

Now if it be true, as Dean Lyall has said,¹ that ‘when God created this lower world, He created it according to the pattern of the world above,’ we see at once why all the ritual arrangements of His worship should be designed ‘for glory and for beauty.’ He is emphatically ‘the King in His beauty,’ and this earth, though the trail of the Serpent be over it all, and strewn though it be with moral ruins, still bears manifold witness to His love for all that delights the eye and charms the ear. To my mind the wealth of beauty expended on the plumage of a humming-bird, or on the gauzy wings of some ephemeral insects, is almost more wonderful than the creation of an archangel. Ransack the whole kingdom of nature and you will find no organic existence, from the minutest to the most stupendous, which does not give evidence of a love of beauty for its own sake. The tiniest atom of organised matter, insects which can only be seen under the microscope, are each and all formed on a distinct type, and fashioned after some pattern of exquisite beauty. This proves that beauty of form and colour was not created merely in order that men might see and admire it. God’s love of beauty for its own sake is written on the imperishable rocks and on the everlasting hills. Long before man was created the world was full of beauties which gladdened no human eye, though they have left their records on the rocks. And even now man sees but a small portion of the beauties of nature. Look at the

¹ *Propædia Prophetica*, p. 264.

ocean alone, and think of the world of wonders, buried in its bosom, which eye of man has never seen. There is not a shell in all its depths or along its innumerable shores which does not bear witness to a love of beauty on the part of Him who made it.

And to this love of beauty, which is inherent in the nature of God, the soul of man instinctively responds. Why does the uncultivated savage carve the handle of his war club and the prow of his canoe on lines of artistic beauty? Why do the untutored women of the South Sea Islands make pottery in forms of exquisite beauty, with no other materials than mud, and sunshine, and their own bare hands? Why do the poor in the slums of our towns love to have a few bright flowers in their windows, and a singing bird to cheer with its music the dull monotony of their lives? Is it not because the love of beauty is so natural to man that it shows itself in the most unexpected ways and under the most discouraging conditions? And is it not because men have recognised this double aspect of beauty—its origin in the divine nature, and its reflection in the nature of man—that they have in all ages worshipped Him, when circumstances permitted, in splendid temples and with stately ceremonial? God needs no splendour of worship, and He accepts the homage of the heart without any ceremonial when circumstances make it impossible or unadvisable. He heard the cries of the oppressed Israelites in the house of bondage. But when they departed laden with the spoils of Egypt, He would accept nothing

short of their costliest gifts. And when He appeared in human form in Judea, He rebuked the false disciple, who, with hypocritical solicitude for the poor, would forbid the 'woman who was a sinner' to pour out her costly spikenard on her Saviour. He loves to be worshipped 'in the beauty of holiness,' where that is possible, because He is a lover of beauty, but chiefly because such worship, when the expression of the heart's devotion, is a proof of the gratitude and love of the worshippers.

But it is sometimes said that splendour and stateliness of worship were abolished when the Gospel superseded the law. Yet our Lord has told us that He 'came not to destroy the law, but to fulfil it.' And He attended the gorgeous worship of the Temple without dropping a hint that it was displeasing to Him. Ruskin, in one of the most eloquent passages in the English language, has exposed the fallacy of the objection.¹ It is too long for quotation, but the following extract will indicate his argument :

It is a most secure truth that although the particular ordinances divinely appointed for special purposes at any given period of man's history may be by the same authority abrogated at another, it is impossible that any character of God, appealed to or described in any ordinance past or present, can ever be changed. God is one and the same, and is pleased or displeased at the same things for ever, although one part of His pleasure may be expressed at one time rather than another, and

¹ 'The Lamp of Sacrifice,' in *The Seven Lamps of Architecture*.

although the mode in which His pleasure is to be consulted may be by Him graciously modified to the circumstances of men.

Equally pertinent is his answer to the cry of superstition, idolatry, and Romanism :

The probability, in our times, of fellowship with the feelings of the idolatrous Romanist is absolutely as nothing compared with the danger to the Israelite of a sympathy with the idolatrous Egyptian ; no speculation, no unproved danger ; but proved fatally by their fall during a month's abandonment to their own will ; a fall into the most servile idolatry ; yet marked by such offerings to their idol as their leader was, in the close sequel, instructed to bid them offer to God.

And now I appeal to history, to reason, to Holy Scripture, and to common sense against a repetition of the folly which drove from the English Church, to her great loss, men like Wesley, and Newman, and others, yet without checking the movements of which they were leaders. The movement against which the present agitation is directed may be disfigured—like most movements inspired by enthusiasm and zeal—by extravagances and eccentricities ; but it appeals at bottom to instincts in our nature which cannot be forcibly suppressed with impunity. The extravagances will drop off under skilful treatment, and all that is good in the movement will remain as a solid gain to the Church. Let us tolerate each other. Let us have no Procrustean system of worship which shall reduce all things to a dull monotony of uniformity. Tastes and feelings

differ even in matters of public worship, and all tastes should have scope, within reasonable limits, in a national Church. Let therefore a wide latitude be conceded where clergy and congregations are of one mind. Above all, let us have charity; let us mutually seek points of agreement rather than of difference; let us try to understand one another's meaning and aims, and let us cease to call each other names and impute dishonourable motives. And then, perhaps, we may see, even on the near horizon, the foregleams of the day when 'Ephraim shall not envy Judah, and Judah shall not vex Ephraim.' For indeed I believe that there is far more real unity among us than appears on the surface; that under varying phraseology we often mean the same thing. A terrible responsibility lies on any who deliberately or heedlessly help to widen instead of closing the breach. It seems to me impossible to follow carefully the history of the Church of England through all its vicissitudes without recognising the hand of a guiding Providence leading it by devious ways towards a predestined end. The striking passage in which the Ultramontane De Maistre gave expression to that feeling has often been quoted. 'If Christians,' he said, 'are ever to be drawn towards each other, it seems that the initiative must come from the Church of England. Presbyterianism was French in its origin, and was consequently marked by exaggeration,' and lacking in adaptability. 'But the Anglican Church touches us with one hand, and with the other touches

those whom we cannot reach.' And therefore this uncompromising Papalist saw, and had the candour to avow, that the Church of England 'is very precious' as a mediator in the reunion of Christendom; and he compares her to 'one of those chemical intermediaries capable of uniting elements which are mutually repellent.'¹

Let us beware then of putting obstacles in the way of God's purposes. Little as they know it, those who would sever the Church of England of our day from the Church which, with all its faults and shortcomings, has played so great a part in the development of our nation from its origin till now, are doing their best to defeat that destiny which an alien and opponent discerned among the omens of her future. 'The English language and the Anglo-Saxon race are overrunning the world,' says Cardinal Newman in one of his charming Essays. Let us then be patient meanwhile and try to 'bear one another's burdens.' 'He that believeth shall not make haste.' *Spartam nactus es, hanc exorna.*

¹ *Considérations sur la France*, ch. ii.

CHAPTER XIII

THE LAMBETH DECISIONS¹

THE high personal character and ability of each of our Primates, not less than their exalted position, claim for their recent decisions the most filial and dutiful consideration on the part of their clergy. Those immediately affected by the decisions are only the few who pleaded before their Graces at Lambeth, and in a secondary degree those who practise the usages which their Graces have pronounced illegal. But the whole Church is affected by the reasons on which the Archbishops have based their decisions. Out of various courses which were open to them it seems to me—if I may presume to say so—that they have chosen the one which makes the duty of obedience unnecessarily hard. If, declining the task of legal and historical criticism, they had entreated the clergy, in view of the present distress and for the sake of peace and the welfare of the Church, to discontinue the liturgical use of incense,² till a more propitious

¹ I use the word 'decisions' here and elsewhere in the popular, not technical, sense. The Lambeth decisions have not, and do not profess to have, any legal value.

² I say nothing about lights in processions, which stand on quite a different basis from incense and reservation.

season, and left the diocesan in each case to regulate the practice of reservation for the communion of the sick, it is probable that such an appeal would have secured universal submission. Obedience might have been unpalatable and painful to some, but it would have presented no difficulty to conscience, nor raised any question of principle or conflicting duties. As it is, the Archbishops have entangled themselves unnecessarily in the meshes of an argument which is entirely historical and legal, and entitled on that ground to no more authority than belongs to its intrinsic value. The appeal which they make to the clergy is addressed less to the conscience than to the understanding, and thus claims the assent of the intellect to the validity of an historical conclusion rather than the submission of the will to a godly admonition from those who are entitled to give it. To obey a godly admonition is one thing; to admit the accuracy of an historical conclusion is quite another. Submission may be a duty in the one case, and a betrayal of duty in the other. It is of course the duty of the clergy to receive with all deference and dutifulness the appeal which the Archbishops have made to them at the close of their historico-legal arguments; but those arguments challenge the honest criticism of all loyal Churchmen, for they make assumptions and lay down principles and canons of interpretation which go far beyond the usages in debate, and may, if we silently acquiesce in them, seriously damage the historical position and Providential mission of the Church of

England. I propose, therefore, to examine, with all respect and reverence, the grounds on which their Graces have based their decisions. And I begin with some preliminary observations.

1. The Archbishops have not condemned the liturgical use of incense or reservation of the Sacrament for the communion of the sick as things evil in themselves; on the contrary, they commend both usages in the following words:—

We are far from saying that incense in itself is an unsuitable or undesirable accompaniment to Divine worship. The injunction for its use by Divine authority in the Jewish Church would alone forbid such a conclusion.¹

Similarly as to the question of reservation. The Primate, after admitting that the practice had the full sanction of the Primitive Church, says:—

This shows that such a practice was quite consistent with the Christian faith, and there was nothing in it that was wrong in itself. In addition to this the Canon of Nicæa is quoted which requires that care should be taken that the dying shall not be deprived of the Communion before death. And it may justly be said that this puts an emphasis on the importance of a practice which facilitates the communion of the sick.²

The Primate indeed thinks that there were, and are, 'other modes by which the canon could be observed,' which of course is true in general, but does not invalidate his Grace's admission that the

¹ *The Archbishops on the Liturgical Use of Incense*, p. 13.

² The Primate on Reservation, *Times* report, May 2.

practice itself is primitive and in harmony with the Christian faith. Are we then to resign ourselves to the melancholy belief that the Church of England is so tied and bound by a Procrustean system of Rubrics and Canons and Acts of Uniformity—some centuries old—that when her dying children cry for the Bread of Life her clergy dare not give it them without going through a series of formalities which are in no way necessary to the validity of the Sacrament, but which, if strictly enforced, may drive the parish priest to the alternative of profaning the Sacrament, or refusing it to a hungry soul for whom Christ died? That is an alternative which the clergy are often obliged to face under the law laid down by the Archbishops. Before he consents to administer the Communion at all to the sick person the parish priest must have ‘timely notice,’ ‘signifying also how many there are to communicate with him (which shall be three, or two at the least).’ The priest must next ascertain whether there is ‘a convenient place in the sick man’s house, with all things necessary so prepared, that the curate may reverently minister.’ Having observed all these preliminaries, ‘he shall celebrate the Holy Communion’ according to the prescribed form. Obviously this rubric does not contemplate a case of emergency at all. It supposes leisure, a decent home, an invalid with relatives or servants who, having provided the proper number of communicants, and the ‘convenient place with all things necessary’ for a reverent celebration, then sends ‘timely notice to

the curate.' The rubric does sanction the absence of assistant communicants in the case of a contagious epidemic, but apparently in no other case. Is it not plain that this does not apply at all to modern life and large towns? I have more than once been called upon to administer the Holy Communion when there was no time to provide any fit person to communicate with the sick man, and I was thus reduced to the alternative of allowing the man to die without the Sacrament for which he longed, or inviting a relative or neighbour (whom I knew to be unfit) to profane the Sacrament and injure his own soul by an unworthy communion. In such an emergency I have never hesitated to dispense with the rubrical communicants. Perish the rubric! sooner than that Christ's Sacrament of love should either be denied to any of His flock who desire it, or profaned by being forced on those who do not desire it, or are unworthy to receive it. Like the Sabbath, which our Lord observed better than His censors, while seeming to break it, the rubric was made for man, not man for the rubric. And I refuse to believe that the Church of which I am an unworthy minister is so bound by old rubrical directions, intended for other circumstances, that neither the clergy, nor even her chief pastors, are at liberty to go beyond any of those directions in the minutest details. The right of administering the Sacrament to the sick is inherent in the Christian priesthood, and it would require a very explicit prohibition indeed to convince me that the Church of England ever

intended to deprive its clergy of that right. There were rubrical directions in pre-Reformation Service Books; but the bishop of the diocese always possessed, and sometimes exercised, the power to modify those directions as occasion required. There is no evidence to show that our episcopate has ever surrendered or been deprived of that power since the Reformation. It is necessary to insist on this because if once we admit that things which are in themselves good and edifying, and Scriptural and primitive, are forbidden in our Church by reason of some phrase in an old canon, or rubric, or Act of Parliament, that is an admission that the Church of England is no longer a living organism, but a petrified institution, which has lost the power of adapting herself to fresh needs as they arise.

The Archbishops advise those who are dissatisfied with that state of things to strive for a change in the law. That is, in fact, though probably not in their Graces' intention, a recommendation to agitate in favour of disestablishment, for in no other way is there any reasonable hope of getting the law altered. But what is needed is not a change in the law, but a recognition on the part of our bishops that they have certain powers which the law did not give them, and which no law can take away. And this, indeed, the Archbishops recognise when they apply their minds to the interpretation of the rubrics in the light of reason and common sense pure and simple. 'But there are no doubt cases,' says the Primate, 'in which the sick person is fully conscious, and is able

to follow a short service not exceeding a few minutes, and to make an act of faith, and yet is not really fit for more. In dealing with such cases the minister may plead *necessitas non habet leges* . . . and shorten the service . . . by using what is essential to having any communion at all—*i.e.* the Prayer of Consecration and the words of administration.’¹

I believe, and shall presently endeavour to show, that the communion of the sick by the reserved Sacrament is perfectly legal. Now the opponents of the usage must at least admit that it is arguable; and the Archbishops have in fact admitted this both by inviting argument upon it and by arguing it out in their ‘Opinions.’ But the legality of what they recommend is not arguable. It is a distinct violation of the rubric, which draws the line explicitly at what is to be omitted and what retained. And the Archbishops allow the illegality of their recommendation by pleading *necessitas non habet leges*. Now I ask in all humility and with all filial deference, where is the reason or equity of forbidding a practice which is confessedly ‘quite consistent with the Christian faith,’ is sanctioned by the unanimous voice of Christian antiquity, meets an undoubted need, and is not demonstrably illegal, while sanctioning a practice which is admittedly illegal? They condemn

¹ Is there not a slip here? The words of administration are not ‘essential.’ The communion is quite valid without them, and to a railful of deaf persons they would be as unreal as the Sacrament itself to a ‘half-conscious communicant.’ The Primate does not seem to be aware that what he calls ‘a charm’ was forbidden in Pre-Reformation canons, *e.g.* Ælfric’s Can. 3. (Wilkins, i. 251.)

reservation on the ground of illegality alone, and then propose to put in its place what themselves allow to be a greater illegality. Is not this a concession, however unconsciously, to popular clamour rather than to the letter of a rubric or the spirit of law? I am all for *necessitas non habet leges*, but I do not understand their Graces' application of the aphorism. It is a comfort, however, in the midst of much that is uncomfortable, that the two Primates claim for the Church a living power not only to interpret, but to adapt, within reasonable limits, rubrics and canons where these come in conflict with modern needs. And our bishops have always, as a rule, adopted this view of rubrical obligation, as one or two examples out of many will show. The following rubric precedes the service for adult baptism :—

When any such persons, as are of riper years, are to be baptised, timely notice shall be given to the bishop, or whom he shall appoint for that purpose, a week before at the least, by the parents, or some other discreet persons; that so due care may be taken for their examination, whether they be sufficiently instructed in the principles of the Christian religion; and that they may be exhorted to prepare themselves with prayers and fasting for the receiving of this Holy Sacrament.

I have baptised several adults and witnessed the baptism of others, but never once have I known this rubric obeyed, and I doubt if any bishop or priest in England has knowledge of a single case. Yet the rubric is perfectly plain and unambiguous. Will it be said that it applies to a state of things which has

passed away? that there are sundry parishes now in England more populous than some dioceses in the seventeenth century, and that the required 'timely notice to the bishop' would in some cases be impracticable? I admit the plea, but it applies with much greater force to the requirements of the rubric for private communion.

Again. In all the editions of the Prayer Book, from the first to the present, the officiating minister is ordered by the rubric to 'dip' the child 'in the water discreetly and warily,' unless the godparents 'certify that the child is weak,' in which case 'it shall suffice to pour water upon it.' Yet, says Waterland,—

Churchmen have sprinkled in Baptism now a hundred years, or it may be more, without ever inquiring whether the child be weak, and the rubric in that case is obsolete: does it follow from thence that sprinkling without necessity is according to the sense and judgment of the Church of England? The like may be said of the clerk's placing bread and wine on the Communion table, and perhaps of reading the Communion Service in the desk; all practised by public allowance, and yet nowhere warranted by the public acts or voice of the Church.¹

Then there is the deliberate omission of the Athanasian Creed, of the daily service of the Church, of the observance of saints' days, of the Office for the Visitation of the Sick, &c. Now if illegality is

¹ *Works*, vol. x. p. 188. The rule in Elizabeth's reign was to dip. See a letter from Bishop Horn to Bullinger, *Zurich Lett.* Second Series, vol. i. p. 356.

the crying sin which needs suppressing, is it not a greater offence to violate openly and deliberately a law, which prescribes the discharge of important duties and obligations towards the laity, than to carry out, in an emergency, the spirit of the law by transgression (if it be a transgression) of its letter? Is it not more venial to administer the Holy Communion even irregularly to a sick parishioner now and then than to withhold it from all parishioners for weeks, and in some parishes for months, together? The more one looks at it the plainer it appears, that to give the communion to the sick by means of reservation is a trivial offence, if an offence at all, as compared with the flagrant violations of rubrics which are week by week perpetrated without rebuke by multitudes of our clergy, and sometimes even by certain of our bishops. It will never do to insist on the letter of a doubtful law against an unpopular party while condoning on the other hand the breach of an undoubted law on the plea that *necessitas non habet leges*. To enforce the law rigidly against usages which are admitted to be not only innocent but Scriptural, and edifying in addition, and to relax it in favour of clergy who refuse to their people the privileges which the Church provides for them, would be an injustice which I am sure our revered Primates would not sanction.

2. It must be frankly admitted, however, that some of our clergy, though I believe only a few, have given just cause of offence, partly through well-intentioned indiscretion, and partly (I fear) through

real though unconscious disloyalty to the Church of England. I have in the previous editions of this book ventured to deprecate the introduction, especially without episcopal permission, of ceremonies and devotions which are fairly outside the frontier of the Ornaments Rubric; and, still more, ceremonies which may have a local history and significance that make them edifying in the place of their birth, but meaningless, or even ridiculous, elsewhere. An amusing instance came to my knowledge not long ago. A gentleman on his holiday chanced to make his Sunday communion in a church where he observed a strange ceremony. After the Consecration Prayer the celebrant went to the credence table and finished the rest of the service there. The visitor's curiosity impelled him to go into the vestry after service and ask for an explanation. He was told that it was 'a beautiful piece of symbolism'; but what the symbolism meant he could not learn. He did learn, however, that the ceremony was practised in a certain church in Strasburg, and finding himself in that town not long afterwards he called on the curé and received the following explanation. During the siege of Strasburg in the Franco-German war a cannon ball came through the window while the curé was saying Mass, and nearly took off his head. He immediately moved to the credence table and finished the rest of the service there. And to keep alive the memory of his providential escape he repeated the ceremony on each recurring anniversary of it. For that priest

and parish, therefore, it was truly a beautiful piece of symbolism. But transplanted to England, it became what the Preface to our Prayer Book calls a 'dark and dumb ceremony.' There has been far too much of this fancy ritual.

I fear also that the accusation of 'Romanising,' made against some of our clergy cannot be refuted. There are clergy who hold and privately inculcate the Roman doctrines of the immaculate conception of the Blessed Virgin ;¹ of Purgatory ; of the Papal claims as defined by the Vatican Council : doctrines which are repudiated not only by the Church of England, but by the whole Eastern Church. I have observed also in some quarters a slavish and senseless imitation of Roman worship for no other reason apparently than that it is Roman. There is some sense, for example, in a Roman priest saying Mass inaudibly. If there are any hearers, he says it in a tongue unknown to them, and they may be more profitably engaged in their own private devotions than in listening to sounds which convey no meaning to their ears. But the Anglican priest is under a solemn obligation to consecrate the Eucharist in English and in the hearing of the congregation, and if he says any part of the service secretly he is not only acting disloyally ; he is perpetrating a piece of folly in addition, being without the excuse which the Roman priest may plead.

Another illegitimate development is the imitation of the Roman Office of Benediction. It is, I grant,

¹ For the full import of that doctrine see *ante*, p. 504.

an attractive Office, possibly helpful to devotion, and certainly popular in the Roman Communion. But for an Anglican there are fatal objections to it. By no possibility can it be brought within the area of devotions permissible to an Anglican clergyman in public worship, even if were harmless and desirable in itself. It cannot in any sense be called a Catholic devotion. It was unknown to the Primitive Church. It is unknown to the Eastern Church, and is a modern development even in the Roman. It is therefore, apart from its intrinsic character, one of those devotions which a national Church may adopt or reject. Our Church certainly has not adopted it, and none of her clergy can do so without a breach of duty. This would be true if the adoption of Benediction by our Church were in itself desirable. But is it? The essence of the devotion is the adoration of and benediction by the reserved Sacrament apart from communion. The Article is right which says that 'the Sacrament of the Lord's Supper was not by Christ's ordinance reserved' for that purpose. It was reserved for the communion of the unavoidably absent, and for no other purpose, and to divert so great a Sacrament from its primary and only declared intention is surely a perilous thing. It was instituted in order to be the nutriment of our spiritual nature and to act as the *nexus* between our regenerate humanity and the sinless Humanity of our Incarnate Lord, placing us thus *en rapport* with His sustaining Life and atoning Sacrifice. Doubtless adoration is due to Him in the Sacrament,

as all our great divines teach, and even the Judicial Committee allow. But all this is quite different from reservation of the Sacrament for the mere purpose of adoration. Even in the Church of Rome the Office of Benediction and solitary Masses are allowed rather than dogmatically enjoined. Indeed the Council of Trent expressed its disapproval of Masses without communicants.

3. Those who feel aggrieved by the Lambeth Opinions ought therefore in fairness to remember that there was an urgent cause for intervention on the part of our ecclesiastical authorities. The pity is that these did not condemn what is truly censurable and unlawful instead of usages which are confessedly primitive, edifying, 'consistent with the Christian faith,' and co-extensive if not coeval with Christendom. It would indeed be lamentable if any rite or ceremony of which all this can truly be said were placed under ban of the Church of England. It would, moreover, be a direct contradiction of the general principle affirmed by herself in her defence of the use of the sign of the cross in Baptism, namely, that the abuse of a thing in itself good is no sufficient reason for abolishing its right use; and that she had not departed from any of the Churches of Christendom except in things in which they had departed from the undivided Church of Catholic antiquity. Now this is, I submit, an objection to the Lambeth 'Hearing' which vitiates the whole proceedings. When the Archbishops announced their intention to invite opposing parties to plead

before them it was generally understood that they would eschew the region of dry law, and decide as Fathers in God what was expedient in particular cases and localities, not what was legally and inflexibly binding everywhere. The Primates encouraged this inference by repudiating all legal pretensions and disclaiming the character of a court for what purported to be only a 'Hearing.' In consequence of this explanation there was no disposition to scan closely the credentials of the eminent and Most Reverend prelates who offered their aid in an extra-judicial capacity in the interest of peace. The surprise was great when the Archiepiscopal decision on the use of Incense was found to rest exclusively on a legal basis of the narrowest and most technical character. The decision on Reservation is of the same kind. The Fathers in God have thus disappeared, and in their place we have amateurs in law delivering legal judgments. This is serious. For, whatever confidence we may have in the orthodoxy and judicial impartiality of our present Primates, we have no sort of security for the qualifications of their successors. So that the doctrine and ceremonial of our Church may be gradually undermined and eventually overthrown before the Church has fully realised the peril. Or there may be a periodical revision and reversal of ceremonial and ritual law at each recurring change in the occupancy of the Primatial Sees. Two Primates of Bishop Prince Lee's opinions would fifty years ago have pronounced the use of the surplice in the pulpit illegal. So

illegal indeed did that able and scholarly prelate consider the surplice in preaching that he gave public notice that he would not license any curate in his diocese who did not give a formal promise never to use the surplice in the pulpit. Surely it is incredible that our Church should have endowed our two Archbishops with such plenary powers. And yet that is the view which most of our bishops appear to have taken. On the strictest legal ground the Lambeth decisions affected those clergy only who pleaded before the Archbishops. Yet many of our bishops hastened to enforce the decision on Incense as if it were an infallible Pontifical decree binding the whole Church. The high character and conspicuous piety of our Archbishops naturally tend to conceal the seeds of future mischief which lurk in their recent proceedings. But the mistakes of good and able men are far more dangerous than those of other men, and therefore need more careful watching.

The Archbishops sat at Lambeth under the sanction of the following provision in the chapter in the Preface to the Prayer Book 'Concerning the Service of the Church':—

And forasmuch as nothing can be so plainly set forth but doubts may arise in the use and practice of the same; to appease all such diversity (if any arise) and for the resolution of all doubts concerning the manner how to understand, do, and execute, the things ordained in this Book; the parties that so doubt, or diversly take any thing, shall alway resort to the Bishop of the diocese,

who by his discretion shall take order for the quieting and appeasing of the same; so that the same order be not contrary to any thing contained in this Book. And if the Bishop of the diocese be in doubt, then he may send for the resolution thereof to the Archbishop.

Any one who reads this passage with its context can hardly help seeing that it refers to Matins and Evensong alone, and to no other service in the Book of Common Prayer. It now forms part of the Preface to the Prayer Book. It formed the sole Preface to the Prayer Book of 1549. Matins and Evensong in that book superseded the Breviary, which had practically ceased to provide congregational worship; not merely because it was in the Latin tongue, but also because a special training was needed to follow its puzzling directions. It was no exaggeration to say that 'the number and hardness of the rules called the *Pie*, and the manifold changes of the service, was the cause that to turn the book only was so hard and intricate a matter, that many times there was more business to find out what should be read than to read it when it was found out.' To remedy all these inconveniences the Order for Morning and Evening Prayer was compiled out of the old services.

So that here you have an Order for Prayer, and for the reading of the Holy Scripture, much agreeable to the mind and purpose of the old Fathers, and a great deal more profitable and commodious than that which of late was used.

In a later paragraph the meaning of the 1549 Preface is placed beyond a doubt:—

And if any would judge this way more painful because that all things must be read upon the Book, whereas before, by the reason of so often repetition, they could say many things by heart: if those men will weigh their labour, with the profit in knowledge which daily they shall obtain by reading upon the Book, they will not refuse the pain in consideration of the great profit that shall ensue thereof.

This sentence obviously and unmistakably refers to daily Matins and Evensong exclusively. It was omitted in the revision of 1661–2, doubtless because the reference to the old Breviary Offices no longer appealed to living memories.

It appears evident therefore that the Archbishops have made a serious mistake in their interpretation of the passage under the authority of which they invited an appeal on matters liturgical—*i.e.* pertaining to the celebration of the Eucharist. Of such matters the passage on which they relied takes no cognisance and sanctions no appeal to bishop or archbishop. The Lambeth ‘Hearing’ thus derives no authority at all from the Prayer Book, and the decisions based upon it are, as the Primate himself has declared, no more than the private ‘opinions’ of two Most Reverend and distinguished prelates.

4. Nor is this all. It is plain that the passage under consideration, besides referring to Matins and Evensong exclusively, does not contemplate the meddling or intervention of an outsider at all. It

evidently has in view doubts among the clergy themselves; not necessarily between differing clergy, but arising in the minds of individual clergy 'in the use and practice of' the new Book. Such doubts were to be referred to the diocesan, and if he failed to solve them he was to refer the matter to the archbishop. Some doubts were very likely to arise immediately after the supplanting of the old 'Uses' by the Book of Common Prayer. There is but little occasion for them now within the meaning of the chapter 'Concerning the Service of the Church.' That chapter might cover doubts as to the use of the black gown; or as to the choice of Proper Lessons on concurrence of a Sunday and Saints' days; or concerning the omission of the Litany at Matins. But the liturgical use of incense and the reservation of the Sacrament for the sick are altogether beyond its purview. That my interpretation of the import of the reference to the bishop and archbishop for the resolution of doubts is correct is proved conclusively by the translation of the passage in Elizabeth's Latin Book:—

Quia vero nulla ordinatio tam perspicue proponi potest de quo non oriantur interdum disputationes in quotidiano usu, constitutum est, ut quoties dubia occurrunt aut incidunt inter ministros, deferatur res ad Episcopum Dioceseos, cujus iudicio in hac re acquiescent, modo nihil constituat quod palam cum hac ordinatione pugnet.

The words 'inter ministros' clearly limit the reference to doubts among the clergy themselves; and that is undoubtedly the meaning of the English

version, although it is not quite so plainly expressed. It is not a matter of controversy that is contemplated, but scruples on the part of some of the clergy. A clergyman who has any doubts is bidden to consult his bishop, and if the bishop doubts he must resort to the archbishop. The question of legality does not come in at all. So far from it, bishops are warned away from confusing fatherly counsel or direction with a legal decision. This confusion, I respectfully submit, pervades the Lambeth decisions. The Archbishops speak of them variously as ‘decisions,’ ‘judgments,’ ‘opinions.’ Decisions or judgments they certainly are not in any legal sense. They lack all the attributes of judicial pronouncements. They issue from no legal tribunal, for the ‘Hearing’ was emphatically declared by the Primate to be ‘not a court.’ The Archbishops appeared in a private capacity without any of the formalities or insignia of official responsibility; and one of them was outside his own province, and had not even a colourable *locus standi*. Nevertheless, such was the desire for emancipation from the dry bones of legal controversy, and so deep the respect for the office and character of the Primates, that if, avoiding legal discussion, they had claimed to control and regulate the use of incense and reservation, almost any direction which they might have given would have been obeyed, however painful the sacrifice might have been, and however anomalous and *ultra vires* the whole proceeding might have appeared from a legal point of view.

5. Such was the mental attitude, and such were

the hopes with which the whole High Church party, and I believe the Ritualist party also, awaited the deliverances of the Archbishops on the questions submitted to them. When their Graces, abdicating for the nonce their spiritual office and their fatherly relations to the clergy, delivered quasi-judicial decisions in the character of legal experts, it is not too much to say that the feeling of those who had hoped so much was one of profound dismay. The Archbishops said in effect :—

There is nothing wrong in these things. They are consistent with the Christian faith and with the practice of undivided Christendom long before the rise of 'Popery.' But there is that cast-iron Act of Uniformity, with its 'none other or otherwise,' and we are powerless; our hands are tied; and our sole business, when any of the clergy resort to us to resolve their doubts, is to remand them to the Act of Uniformity and bid them govern themselves accordingly. Nor is this Erastianism, for the Church, in 1661-2, adopted the Uniformity Act of 1559 as an integral part of the Prayer Book. If therefore you wish to practise the things which are called in question you must get the law altered. We have no power to give you permission.

But the compilers of Edward's First Prayer Book, and presumably the revisers of 1661, did not intend to send clergy who had doubts 'in the use and practice' of some detail in a rubric to the bishop or archbishop for a legal decision, but for instruction and direction. Doubts about the use and practice of a rite or ceremony are a confession of ignorance, implying a desire to learn from those who have

authority to teach, and is altogether inapplicable to persons who have no doubts. And the bishop is to 'take order' outside the sphere of law, with which he is forbidden to meddle. It is most important to bear this in mind, and in the interest of the Church to resist a precedent which might enable some future Primates, of a different stamp from those who now adorn the Primatial Sees, to revolutionise the doctrine and ritual of our Church. The Archbishop of Canterbury indeed claims 'for the Sovereign with the advice of the Primate' the right to change *ad libitum* the Church's mode of worship.¹ There is, I believe, no doubt that the power, granted to the Sovereign by the Act of 1559, perished with Elizabeth. But that the claim should now be made in all good faith and with the best intention proves the need of narrowly scrutinising the initial stages of unintended usurpations. The Papacy itself grew as much out of well-meaning errors as out of deliberate calculation or intentional fraud. I repeat that we are bound to have in view, not the present Primates, but their successors in perpetuity; and we place the doctrine and worship of the Church of England in jeopardy if we surrender them to the manipulation of all future Primates sitting in an informal tribunal unknown alike to the Church and Constitution. This objection would be equally valid if the Lambeth decisions were sound expositions of the law. I now proceed in all humility to show cause why they cannot be so regarded.

¹ *The Archbishops on the Liturgical Use of Incense &c.* p. 12.

The key of the position in this controversy is the right interpretation of the Ornaments Rubric, which is itself a repetition, in a slightly altered form, of a clause in the Act of Uniformity of 1559. As that clause is known to have been insisted on by Elizabeth as a condition of her assent to the revised Prayer Book of 1552,¹ her opinions and her political environment at the time are of capital importance in the legal construction of the rubric. Mr. Errington, one of Mr. Dibdin's coadjutors at the Lambeth 'Hearing,' said:—

Elizabeth had to fight a long diplomatic battle against Spain, and in that battle she used every weapon she could dispose of. Her chapel did not at all represent her own religious convictions, but merely her political necessities.²

Mr. Errington offers no evidence, and I believe him to be altogether in error. But he errs in some good company. Professor Maitland of Cambridge has expressed a similar opinion, and also without

¹ 'First, I said, as her Highness talked with me once or twice on that point, and signified that there was one proviso in the Act of the Uniformity of Common Prayer, that by law is granted unto her, that if there be any contempt or irreverence used in the ceremonies or rites of the Church by the misusing of the orders appointed in the Book, the Queen's Majesty may, by the advice of her Commissioners, or Metropolitan, ordain and publish such further ceremonies, or rites, as may be most for the reverence of Christ's holy mysteries and sacraments, and but for which law her Highness would not have agreed to divers orders of the Book. And by virtue of which law she published further order in her Injunctions both for the Communion bread, and for the placing of the Tables within the quire.' (Archbishop Parker to Sir William Cecil. *Correspondence of Archbishop Parker*, p. 375.)

² *The Case against Incense*, p. 124.

offering any other evidence than the Queen's prohibition of the elevation of the Host in her presence on Christmas Day after her accession.¹ That is no evidence at all. Elevation is of comparatively modern date in the Church of Rome, and has never been practised in the Eastern Church. It was forbidden in Edward's 'Order of the Communion' (A.D. 1548) and in the Prayer Book of 1549, which was an expansion of it. Elizabeth was at that time set on restoring the first Liturgy of Edward, and she naturally forbade the only ceremony of the Mass which was forbidden in both the abridged and full edition of that Liturgy. An accusation of religious hypocrisy is a serious thing, and ought not to be made against any one without clear proof, and least of all against a Sovereign to whom, with all her faults, the Church of England owes so much. Her prohibition of elevation is not the only indication we have of 'her own religious convictions.' As to theology, she accepted the doctrine of the Real Presence in the fullest sense, apart from the gross superstitions that clustered round the dogma of transubstantiation. Barring the elevation of the Host, she had no objection to the ceremonies of the Mass as it was ritually rendered in Edward's First Liturgy. A few references to authorities will make this plain. Collier writes :—

She was of opinion the service of God in her brother's reign wanted something of beauty and magnificence to recommend it. In short, her aim was to settle both

¹ Article in *Fortnightly Review* of December 1899, p. 935.

ceremonies and doctrine upon a temper that there might be a due latitude for general approbation and belief. This she apprehended the best expedient to unite the nation and preserve a great part of her subjects from going off to the Church of Rome.¹

In a letter to Peter Martyr dated April 1, 1560, Bishop Sandys writes :—

The Queen's Majesty considered it not contrary to the Word of God, nay, rather for the advantage of the Church, that the image of Christ crucified, together with Mary and John, should be placed, as heretofore, in some conspicuous part of the church, where they might more easily be seen by all the people.²

The Simancas documents throw much light both on the religious and political opinions of Elizabeth. To find out the exact truth on this point Philip of Spain sent a very astute agent to London, Don Alvaro de la Cuadra, with secret instructions to get at the Queen's real opinions and intentions. Before this the Queen had refused Philip's proposal of marriage, and she gave her reasons confidentially to his emissary, who duly reported them to his master. Those which weighed with her most were, first, that 'being a heretic (*siendo herética*),' in his opinion, 'she could not marry him ;' secondly, 'that she was resolved to restore religion precisely as it had been left by her father ; that although she would not assume the title of Head of the Church, she would not consent that money should be withdrawn for Rome, and that she would have the Act of Parliament sworn to

¹ *Hist.* vi. 300.

² *Zurich Lett.* A.D. 1558-9, p. 74.

(on the Supremacy) by all who held public employments, although they might be ecclesiastics, and by the graduates of the universities. To this all the Members of Parliament, except the Earl of Shrewsbury, Lord Montague, the Bishops, and the Abbot of Westminster, agreed.'¹

This is important for more reasons than one. It shows, in the first place, that Elizabeth indulged in no diplomatic fencing with Philip about 'her own religious convictions' and political intentions. She made a clean breast of them to his agent with a frankness which left nothing to be desired, and

¹ *Documents from Simancas relating to Elizabeth (1558-68)*, edited by Spencer Hall, p. 55.

Sanders, in his *De Schismate Anglicano*, says that 'when all was done,' the Act of Supremacy 'was carried in the House of Lords but by three voices.' This is denounced by Fuller as 'a loud untruth; for the Act, having easily passed the House of Commons, found none of the temporal nobility in the House of Lords to oppose it save only the Earl of Shrewsbury and Anthony Brown, Viscount Mountacute. . . . As for the Bishops, there were but fourteen, and the Abbot of Westminster, alive; of whom, four being absent (whether voluntarily or out of sickness, uncertain), the rest could not make any considerable opposition.' *Hist.* ii. 443.

According to D'Ewes (p. 28) the dissentients in the division on the third reading of the Act of Uniformity were the Archbishop of York, the Marquis of Winchester, the Earl of Shrewsbury, the Viscount Montague; the Bishops of London, Ely, Worcester, Llandaff, Coventry, Exeter, and Chester; the Lords Morley, Stafford, Dudley, Wharton, Rich, and North. Camden says that the Act of Supremacy 'was vigorously opposed in the House of Lords by nine bishops (who were all that of the Marian bishops then living were present), viz. Heath (Archbishop of York); Brown (London); Pate (Worcester); Anthony (Llandaff); Bryan (Coventry); Turbeville (Exeter); Scot (Chester); Oglethorpe (Carlisle); and by the Abbot of Westminster (Feckenham).' Camden's *Elizabeth*, p. 372.

which must have destroyed all illusions at the Spanish Court. It is important to note, in the second place, that De la Cuadra's despatch was written just after the Supremacy Act had secured the assent of Parliament and while the Act of Uniformity was still in debate. We have thus Elizabeth's own authentic interpretation of the Ornaments clause in that Act. Its purpose was 'to restore religion precisely as it had been left by her father'—that is, *minus* the Headship and the elevation of the Host. It is plain from this that Elizabeth contemplated no breach with the ceremonial of 1547, 'and was resolved' to engraft it on the English Prayer Book. Here then is the meaning of the 'other Order' which she had in view, the 'further ceremonies' which she obtained Parliamentary authority to prescribe as occasion might arise, with a view to invest 'the service of God' with the 'beauty and magnificence' which it 'wanted in her brother's reign'—not in law, but in practice, under the *régime* of rapacious courtiers. Sandys therefore knew what he was saying when he interpreted the Act of 1559 as legalising the ceremonial of 'the first and second year of King Edward.' But with her usual astuteness the Queen made her brother instead of her father the figurehead of her religious restoration. Henry VIII. had left unpleasant memories as a religious reformer. His truculent Six Articles, popularly nicknamed 'The Whip with Six Thongs,' were an odious exhibition of persecution. Edward VI., on the other hand, was the darling

of the Puritans, whom they canonised in popular parlance as 'the young Josiah.' Elizabeth therefore fixed on the ceremonial of Edward's second regnal year as the goal of her reformation. In point of fact this was precisely what she told, in other phrase, to the Spanish confidential envoy. The Eucharistic ceremonial of Edward's second year was the same as that of Henry VIII.'s last year, with the absence of the elevation. Edward's First Book, as I shall prove later, was not a legal document in Edward's second regnal year. The authorised Eucharistic Service was the old Sarum Use supplemented by the English 'Order of the Communion,' which forbade elevation, but 'without the varying of any other rite or ceremony in the Mass.'

This might suffice to show the baselessness of Professor Maitland's suggestion and Mr. Errington's positive allegation. But it may be well to accumulate proof, as the controversy in which we are engaged revolves round Elizabeth and her Rubric and Act of Uniformity.

Count de Feria, the accredited Spanish Ambassador, finding himself practically superseded by the confidential envoy, begged to be recalled. Philip agreed, and accredited De la Cuadra in De Feria's place. By command of Philip the retiring ambassador 'obtained a long and private conference' with the Queen 'at his audience of leave, . . . and counselled her on the part of Philip to leave religion as it was settled at the death of Mary.' A vain advice,

for her mind was plainly made up. The standard of worship in Edward's second year, not in Mary's last, was her deliberate choice. Here is De Feria's report of what she said to him privately :—

She said that she desired to establish in her kingdom the Augustine Confession of Faith, or another but similar form [*ú otra cosa como aquella*]. That she, in fact, differed but little from us, because she believed Christ [*Dios*] was present in the Sacrifice of the Eucharist: and that in the Mass she disapproved of only two or three parts [*cosas*]. That for herself, she thought to be saved quite as much as the Bishop of Rome.¹

On Easter Tuesday, 1565—more than six years after her accession, and at the period of the Advertisements by means of which she was supposed by the now discredited Judicial Committee of the Privy Council to be meditating the 'clean sweeping away' of all high ceremonial—Elizabeth furnished by anticipation the following practical refutation of that theory :—

On Easter Tuesday [1565] Elizabeth herself in stiff black velvet and with all solemnity and devotion publicly washed the feet of a poor woman; and the washing over, with slow deliberation, she had a large crucifix brought to her, which she piously kissed.²

The concessions which in matters of ceremonial she made to the Puritans were obtained from her

¹ *Doc. from Simancas*, p. 59. Cf. Froude, *Hist.* vii. 82, and Strype, *Ann.* vol. i. pt. i. 3. Strype gives a wrong date here.

² Froude, *Hist.* iii. 140 (quoting from De Silva in the Simancas MS.).

reluctantly by the importunities of rapacious courtiers and politicians who were more intent on ecclesiastical loot than on religious reforms. This she acknowledged in a conversation with De Feria :—

Elizabeth now [October 3, 1559] ordered the cross and candles to be replaced in her chapel as before. This caused some disagreement with her Council. She said they had caused her to adopt measures which met with general disapprobation, and that the order to burn all statues and pictures had created great discontent, especially in Wales and the North.¹

In the autumn of 1564 De Silva in a private interview ‘assured her the adherents of the old faith were more dutifully inclined towards her than those of the new. This she admitted, and gave orders to mitigate the confinement of the Bishop of London [Bonner], and assured De Silva she did not read *libros Alemanes* [the works of the Reformers], but St. Jerome and St. Augustine.’ She also told him that ‘she had been compelled to temporise at the beginning of her reign upon many points repugnant to her, but that God only knew her heart, and that she thought of restoring the crucifixes to the churches.’²

So much for the confident assertion in ‘The Case against Incense,’ that ‘her chapel did not at all represent her religious convictions, but merely her political necessities.’ Words could not express a more direct contradiction of the facts as furnished

¹ *Doc. from Simancas*, p. 64.

² *Ibid.* p. 92.

by her own testimony. 'Her own religious convictions' prompted her to make the ceremonial of her own chapel a standard and model for all other churches, and she confessed, after some years' experience, that she had made a mistake in reluctantly allowing her advisers to persuade her that 'her political necessities' pointed in an opposite direction. Nor are we entirely dependent on the Queen's own testimony. The Puritan Neale says of the divines employed in reviewing the Prayer Book in 1558-9:—

Their instructions were to strike out all offensive passages against the Pope, and to make people easy about the belief of the corporal Presence of Christ in the Sacrament; but not a word in favour of the stricter Protestants. Her Majesty was afraid of reforming too far; she was desirous to retain images in churches, crucifixes and crosses, vocal and instrumental music, with all the old Popish garments. It is not therefore to be wondered at that in reviewing the Liturgy of King Edward no alterations were made in favour of those who now began to be called Puritans, from their attempting a purer form of worship and discipline than had yet been established. The Queen was more concerned for the Papists, and therefore, in the Litany, this passage: *From the tyranny of the Bishop of Rome, and all his detestable enormities, good Lord deliver us*, was omitted. The Rubric that declared that *by kneeling at the Sacrament no adoration was intended to any corporal presence of Christ* was expunged. . . . In short, the service performed in the Queen's chapel, and in sundry cathedrals, was so splendid and showy that foreigners could not distinguish it from the Roman, except that it was performed in the English tongue. By this

method the Popish laity were deceived into conformity, and came regularly to church for nine or ten years, till the Pope, being out of all hopes, forbid them, by excommunicating the Queen and laying the whole kingdom under an interdict.¹

Mr. Dibdin and his learned coadjutors might have escaped their blunder about Elizabeth's 'religious convictions' if they had consulted even so accessible an authority as the cynical Hume, who writes, under the date of 1568:—

But the Princess herself, so far from being willing to despoil religion of the few ornaments and ceremonies which remained to it, was rather inclined to bring the public worship nearer the Romish ritual; and she thought that the Reformation had already gone too far in shaking off those forms and observances which, without distracting men of more refined apprehensions, tend in a very innocent manner to allure and amuse the vulgar. She took care to have a law for uniformity strictly enacted, wherein she was empowered by the Parliament to add any new ceremonies which she thought proper.²

At Elizabeth's coronation 'the Bishop sang . . . the Mass from a missal which had been carried in procession before the Queen.' She kissed the pax.³ She received the Eucharist, but only in one kind.

¹ *Hist. of the Puritans*, vol. i. pp. 129, 144.

² *Hist.* vol. v. p. 12.

³ The pax was a piece of wood or metal, having a representation of our Lord's Passion or some other sacred emblem painted or embossed upon it, with a handle at the back. When the ancient kiss of peace fell into desuetude this was kissed as a substitute during Mass by the priest at the words *Pax vobiscum*, and afterwards handed round to be kissed by the congregation.

And when the champion delivered the traditional challenge it was addressed to all who should contest her title as 'Queen of England, France, Ireland, Defender of the true ancient and Catholic faith, most worthy Empress from the Orcades isles to the mountains of Pyrenée.'¹

In a letter to Cardinal Loraine on November 3, 1559, M. de Noailles, the French Ambassador, writes:—

Yesterday this Queen celebrated the festival of All Saints [a mistake in the date, unless he meant All Souls] in her great chapel at Westminster with much solemnity. She had the wax tapers lighted during the services on the high altar, which she has made them replace against the wall where it formerly stood, with the cross and crucifix of silver thereon.²

Froude sums up the situation pretty fairly when he says:—

She would have been well contented with a tolerant orthodoxy, which would have left to Catholics their ritual, deprived of its extravagances, and to the more moderate of their opponents would have allowed scope to feel their way towards a larger creed.³

And speaking of the Puritans he says:—

At the heart of the matter it was they who were giving importance to what is of no importance. . . . They would have erected with all their hearts a despotism as hard, as remorseless, as blighting, as the Romanist.

¹ Miss Strickland's *Lives of the Queens of England*, iv. 151.

² *Ibid.* 153.

³ *Hist.* v. 23, 80.

Farther on he describes the reign of lawlessness, desolation, and irreverence which the fanaticism of Puritanism produced, more than justifying the misgivings and fears of Elizabeth in its initial stages.¹ Those who wish to see further evidence of Elizabeth's views on Eucharistic doctrine and ritual may turn back to chapter x. and to pp. 104, 435, for confirmation of Froude's gloomy description of the policy which won the day and ended in the suppression of the Prayer Book and the overthrow of the Church and monarchy.

This may suffice then as to Elizabeth's 'religious convictions.' Let us now glance at the political situation which she had to face when she came to the throne. It was a situation of extreme peril. Spain, the most formidable military and naval power in Europe, was under the rule of an able and autocratic monarch, possessing in the Netherlands a base of operations close to our shores if he resolved on hostilities against us. He kept so considerable a fleet there that when he returned to Spain, leaving the Duchess of Parma as Vicegerent in Flanders, he was escorted by a powerful squadron of ninety vessels, which caused no small anxiety in England.² The German Princes bore England no good will, and Denmark was doubtful. But the immediate and pressing danger was from France, and the nature of it may be gathered from the subjoined extract from

¹ *Hist.* viii. 133-40.

² *Calendar of State Papers*, Nos. 1174, 1175, 1258.

Nares's 'Memoirs of Lord Burleigh,' written after careful examination of all the Burleigh papers :—

But the actual degree of danger may be best understood, as well as the means of providing against it, from a paper drawn up by Secretary Cecil, after his accustomed manner, as a guide to the Council, upon a pretty general belief and opinion that France contemplated no less than the conquest of England this very year [1559]. 'First,' he argues, 'they would not defer it because of the *doubt* of the Queen [of Scots'] life. Secondly, they had now got an occasion to conquer Scotland, and had already men of war there, and prepared a great army both out of France and Almane [Germany]. Their captains were appointed; their victuals provided; their ships in rigging. Thirdly, they reckoned within a month to have their wills in Scotland. Fourthly, that done, it seemed most likely they would prosecute their pretence against England; which had no fort but Berwick to stay them, and that was imperfect, and would be these two years' day. Fifthly, if they offered battle with Almans, there was great doubt how England would be able to sustain it, both for lack of good generals and great captains; and principally for lack of people, considering the waste that had lately been by sickness and death these three last years; again, if it were defended with strangers, the entertainment would be so chargeable in respect of money, and so hurtful to the realm, as it could not be borne.' These questions were then propounded: First, what to do; next, whether it were better to impeach the enemy in Scotland, now in the beginning, before their army were come, and so to take away their landing places; or to prevent them therein, and to provide for the defence of the realm.¹

¹ *Memoirs of Lord Burleigh*, ii. 26-7.

Cecil's alarmist paper shows the deep depression and gloom which had settled on the nation, of which we learn from other sources also. Constant wars with France and Scotland had depleted the exchequer and impoverished the nation almost beyond endurance; and all this was aggravated by a prolonged plague and famine which had depopulated whole districts. And to fill the cup of misery the national honour was sorely wounded by the loss of Calais, which was too fresh to be recognised as a blessing in disguise.

Such was the prospect which confronted Elizabeth on her accession. And behind it was a peril even more formidable, because more widespread and less tangible and manageable—the peril of a religious crusade from abroad combined with an insurrection among her own subjects. The Papacy then wielded an immense political power in Europe, and that power would be arrayed against Elizabeth in all its vast and ubiquitous ramifications if she set it at defiance. Providentially the mutual rivalry of France and Spain prevented them from contracting an alliance for the invasion of England, which, humanly speaking, would at that time have been successful. It behoved her therefore to walk wisely and warily. What did she do? It says much for her courage and patriotism, and also for her political sagacity, that she at once set about the restoration of her father's legislation against the illegitimate usurpations of Rome. She knew she could carry her people in the mass with her there. But to interfere

with the articles of their creed, or with the formal drapery of rite and ceremony in which their creed was shrouded and symbolised, was another matter. She would prune public worship of unwholesome and superstitious excrescences, but was otherwise, as we have seen, 'resolved to restore religion precisely as it had been left by her father.' And for this resolution she had good reason. Roughly speaking, the religious elements of the nation at that time may be described as follows. At the antipodes were a small minority of extreme Papists manipulated by the Jesuits and the Vatican,¹ and at the other extreme a fanatical band of Puritans—revolutionists in religion and republicans in politics—whose descendants realised their ideal of both under the Commonwealth. Between these two extremes were the great body of the nation, who would have quietly acquiesced in the English Liturgy of Edward VI. with the ceremonial of Edward's second year—the old ceremonial, that is, as fixed in Henry's and Edward's reign. De Feria says that 'the Catholics were [March, 1559] two-thirds of the realm,' and another contemporary writer, quoted by Froude, says that they 'were in a majority in every county in England except Middlesex and Kent.'² At that time the Puritans—that is, the fanatical irreconcilables now represented by the Church Association—were numerically insignificant, and would probably have soon vanished but for the patronage of powerful men at Court, who

¹ See chapter iii.

² Froude, vii. 20, 63.

used them to enrich themselves out of the spoils of the Church. The leaders of the Puritans discovered, when too late, that they had foolishly played the part of the horse in the fable, which invited the man to help him to fight the stag, and then found that he could not get rid of his rider. But my point is that the Puritan party in England on Elizabeth's accession, the party which made all the noise, was politically a negligible quantity, apart from the interested patronage bestowed on it by a few influential men about Court. They described themselves as a 'tiny flock' (*pusillus grex*). 'Meanwhile,' says one of them, 'we, that little flock, who for these last five years, by the blessing of God, have been hidden among you in Germany, are thundering forth in our pulpits, and especially before our Queen Elizabeth, that the Roman pontiff is truly antichrist, and that traditions are for the most part blasphemies.' With the sanguine temper of fanaticism, he claims considerable success among the nobility and people; 'but of the clergy,' he adds, 'not one.'¹

Such then was the problem which Elizabeth had to solve when she came to consider the settlement of the religious question on her sister's death. Her own convictions and proclivities were avowedly in favour of a return to the settlement of 1547-8, with such modifications as the supersession of the Latin Mass and Breviaries by the English Prayer Book required. And policy coincided with her personal inclination. The great majority of the nation

¹ *Zurich Lett.* No. xi. Second Series.

would have gradually accepted the compromise. But to have suddenly changed the outward aspect of public worship throughout the realm would have spread consternation and anger from Land's End to the Tweed, and given the foreign promoters of a crusading invasion the opportunity which they needed—a widespread insurrection to welcome the invaders. We know how the comparatively insignificant alterations made in public worship in the beginning of Edward VI.'s reign bred a dangerous insurrection in Devonshire. With that warning before her Elizabeth was far too wise to offer her people a wanton provocation. Reluctantly accepting the Prayer Book of 1552, with important alterations, she insisted on giving statutory authority to the ceremonial in authorised use in Edward's second year; that is, some months before Edward's First Prayer Book had come into use, or was even a legal document. The anticipated result followed. Of all the priests then in England, probably 10,000, including the unbeneficed, only some two hundred refused to conform. The rest, with their congregations, acquiesced more or less cheerfully or resignedly. It is not from them that we hear loud cries and lamentations, but from the 'pusillus grex,' the returned exiles, when they found that Popery, as they deemed it, was made legal and could not be upset, as they admitted, except by another Act of Parliament. They devoted their energies therefore to the task of obtaining some relaxation for themselves. And they succeeded. The Advertisements, as I have

shown in a previous chapter, let the Puritans off with a minimum of ritual observances, while leaving the authorised ceremonial untouched.

Now I put it to any unprejudiced man whether these facts can be harmonised with the Lambeth decisions. Is it conceivable that the ten thousand clergy (in round numbers) who accepted in silence the new order of things would have done so if the hypothesis of the Archbishops were a fact? If incense, and reservation, and everything not prescribed in black and white in the Prayer Book had been all abolished in one day throughout the realm, would there have been no opposition, or protest, or murmur, while the 'pusillus grex,' on the other hand, were making the welkin ring with their dolorous wail? The cry is where the shoe pinches, and the presumption is that where there is no cry there is no pinch. What we do observe is a general disposition on the part of the vast majority to acquiesce in Elizabeth's policy till the emissaries of the Vatican arrived to stir up disaffection and strife, culminating in the Queen's excommunication and a formal schism, with its deplorable consequences, of which the Armada was by no means the worst.¹

¹ 'As well those restrained, as generally all the Papists in this kingdom, not any of them did refuse to come to our Church and yield their formal obedience to the laws established. And thus they all continued, not any of them refusing to come to our churches during the first ten years of her Majesty's Government. And in the beginning of the eleventh year of her reign Cornwallis, Bedingfield, and Selgarde were the first recusants; they absolutely refusing to come to our Churches.' Coke's Charge at Norwich, London, 1607, fol. 12.

On a fair consideration of all the circumstances, then, it is indisputable that the dictates of common prudence would suggest to Elizabeth, on her accession, the policy of so managing the religious question as not to alienate the good will of the vast majority of her subjects, to whom the old ceremonial was familiar and dear. We must remember that the innovations of our day were the customs of hers, and that the unpopular innovations then would have been the abolition of such usages as ecclesiastical vestments, altar lights, incense, reservation of the Sacrament. To order the sudden cessation of all these on a given day would indeed have been a portentous innovation from which even so courageous a woman as Elizabeth might well have recoiled, considering especially how such a revolution in that department of religion which appeals to the eyes and intelligence of the multitude would have played into the hands of her powerful and crafty foes. It is true that a religious fanatic might have been prompted to run even so desperate a risk for conscience' sake. But Elizabeth was no fanatic, and her own sympathy, as we have seen, was in favour of the old ritual and ceremonial. The inevitable inference is that she would have made as little

Elizabeth affirmed the same thing in a letter to Sir F. Walsingham, then her Ambassador in Paris, and also declared that the Pope offered to sanction the English Prayer Book provided his supremacy was allowed. No doubt some of those who conformed were crypto-Papists, as Sanders affirmed. Yet matters would probably have settled down peacefully but for the Puritan faction on the one hand and the Jesuit conspiracies on the other.

change as possible in the scenic part of public worship. 'All through her reign,' says our Primate, of Elizabeth, 'she showed herself steadily determined to have her people with her.'¹ Quite true; but she certainly would not 'have had her people with her' in the legislation with which his Grace credits her. 'To the law and to the testimony,' then. Let us examine that legislation in the light of plain facts.

The controversy on this subject turns upon the proper construction of the Ornaments Rubric and of the 13th (25th in the unrevised statute) clause of Elizabeth's Act of Uniformity. The former runs:—

And here is to be noted that such ornaments of the Church and of the ministers thereof, at all times of their ministration, shall be retained and be in use as were in this Church of England by the authority of Parliament, in the second year of the reign of King Edward the Sixth.

The Act says:—

Provided always, and be it enacted, that such ornaments of the Church and of the ministers thereof shall be retained and be in use as was [the contemporary translation in Elizabeth's authorised Latin version says, *quemadmodum mos erat*] in this Church of England by authority of Parliament in the second year of the reign of King Edward the VI., &c.

The Elizabethan Rubric has an important difference:—

And here is to be noted that the minister at the time of the Communion and at all other times in his minis-

¹ *The Lambeth Decision on Incense*, p. 9.

tration shall use such ornaments in the Church as were in use by authority of Parliament in the second year of the reign of King Edward the VI. according to the Act of Parliament set in the beginning of this book.

The question in debate is whether 'by authority of Parliament' covers the ceremonial usage of Edward's second regnal year, or only the usage prescribed by the Prayer Book of 1549, which did not come into legal use till the sixth month of Edward's third year.

Now I submit that whatever ambiguity controversialists may find in the Ornaments clause of the Act of 1559, there is no manner of ambiguity in Elizabeth's Rubric. It prescribes, in language which admits of only one meaning, the use, in all ministrations, of such ornaments, appropriate to each, '*as were in use* by authority of Parliament in the second year of King Edward the VI.' The crucial words here are '*as were in use.*' They govern the date. It is the usage of Edward's second year that is enjoined, not the usage ordered by a book, which, whenever passed, was not to come into use till the sixth month of Edward's third year. The use of Edward's second year cannot possibly mean the use of his third year. Law and grammar alike forbid it, and the authorities are all against it. Those who urge the meaning which I am combating rely on our present Rubric, and prudently avoid the Elizabethan Rubric. But the two Rubrics and the Ornaments clause in the Act of 1559 '*all obviously mean the same thing,*' namely,

that all the ornaments used in Edward's second year 'may still be used.' That was the decision of the Judicial Committee of the Privy Council in 1857; and it is the decision of common sense as well as of law and grammar. Cosin says:—

Among other ornaments of the Church also then in use in the second year of Edward VI. there were two lights appointed by his Injunctions (which Parliament had authorised him to make. . . . These lights were by virtue of this present [*i.e.* 1559] Rubric, referring to what was in use in the second year of Edward VI.) afterwards continued in all the Queen's chapels during her whole reign; and so are they in the King's, and in many cathedral churches, besides the chapels of divers noblemen, bishops, and colleges, to this day.¹

In the revision of 1662 Cosin took the leading part, and made or suggested most of the alterations then made, and we may safely assume therefore that the present form of the Rubric was not intended to modify in any way the reference to the usage of Edward's second year in the Rubric of 1559.

But it is said that the Rubric of 1559 had no Parliamentary authority. I bow with all deference to the learned men who hold that view, but I ask for proof. I have never seen any evidence to show that the Ornaments Rubric was added after the Act of Uniformity was passed. Certainly no printed copy has ever been seen without it. Only two copies of the first edition are known to exist, and both possess the Ornaments Rubric. But even if the Ornaments

¹ *Works*, v. 440.

Rubric was not in the Book when the Act of Uniformity was passed, that would not invalidate its authority, for it would come under the protection of the clause which empowered the Queen, 'with the advice of her Commissioners,' 'or of the Metropolitan of the Realm,' to 'ordain and publish such farther ceremonies or rites as may be most for the advancement of God's Glory, the edifying of His Church, and the due reverence of Christ's holy mysteries and Sacraments.' That she had the assent of the Metropolitan is certain, for Parker quotes the Ornaments Rubric as a legal and authoritative regulation. And, as a matter of fact, she made several alterations and additions in the Prayer Book after the Parliamentary sanction of it. The objection to the Rubric of 1559 therefore on the ground of deficient authority must be dismissed as untenable. It claims in so many words to rest on 'the Act of Parliament set in the beginning of this Book'; and the claim was never disputed. I might therefore close my case here, for Elizabeth's Rubric is an authoritative explanation of the Act of Uniformity and establishes the legality of the ceremonial usages of Edward's second year, which unquestionably embraced reservation and the liturgical use of incense. But it is better to follow the argument on the other side, and show that it fails completely in every one of its own chosen positions.

The following facts are undisputed:—(1) Edward's second year ended on January 27, 1548-9. (2) The Act of Uniformity was read a third time in the

Lords on January 15, and came back to the Lords from the Commons on January 22, *i.e.* five days before the end of Edward's second year. (3) The Session came to an end on March 14 following, and Parliament was prorogued by the King in person. (4) Then follows in the *Journals* of the House of Lords a list of sixty Bills passed during the Session, and the list is headed by the Act of Uniformity. The presumption is that all those Bills received the Royal Assent at the same time. But Mr. Dibdin (followed by the Lambeth decision) rejects this presumption for the following reasons: (1) Till the year 1792 the operation of Acts of Parliament was dated from the first day of the Session in which they were passed. This rule, however, applied only to 'every act of Parliament in which the commencement thereof is not directed to be from a specific time.'¹ Is the Act of Uniformity one of the exceptions? No, says Mr. Dibdin,² for no date is fixed for the commencement of its operation. (2) Moreover, the *usus loquendi* at that time proves that Acts were said to be 'made by authority of Parliament' after, and sometimes even before, passing the Parliamentary stage, but before receiving the Royal Assent. And Mr. Dibdin, after diligent research, is able to produce, as he thinks, two instances. The first is Edward's second Act of

¹ *Statutes Revised*, vol. iii. p. 338.

² The Archbishops have based their decisions on Mr. Dibdin's arguments. In dealing with Mr. Dibdin, therefore, I am dealing with the very foundation of the Lambeth decisions. If I destroy that foundation, those decisions will be proved to have no legal basis.

Uniformity, which speaks of Edward's first Act as having been 'made in the second year' of the King. (Mr. Dibdin follows herein the Judicial Committee of the Privy Council in *Westerton v. Liddell*.) His second case is an Act passed in 1554 for the repeal of a statute 'uniting the parishes of Onger and Grenestede in the Countie of Essex.' In this Act of Mary, says Mr. Dibdin, 'the Legislature referred to' the statute which it was repealing as 'having been made by authority of Parliament in the second year of Edward VI.,' although, in matter of fact, that Act did not pass its final stage till the second day of Edward's third year. (3) Moreover, the Judicial Committee, in *Westerton v. Liddell*, said that there was an 'urgent' reason why Edward's first Act of Uniformity should be passed before the end of the Session. 'The Lords of the Privy Council,' says Mr. Dibdin, 'were absolutely accurate.' So he affirms that the Act of Uniformity must therefore have received the Royal Assent by Commission in the second year of Edward. (4) But, it is objected, there was a rule that the Royal Assent, *ipso facto*, put an end to the Session of Parliament in which it was given. And we know that 2 & 3 Edward VI. did not end till March 14 in his third year. There was no such rule, says Mr. Dibdin, confidently: 'it was an old superstition.' And he gives reasons which entitle him, he thinks, to say somewhat airily, 'So that that superstition is disposed of.'

This is, I think, an accurate summary of Mr. Dibdin's points against those who argue that

Elizabeth's Act of Uniformity and Ornaments Rubric legalise the ceremonial usage of Edward's second year, and not merely the ornaments and ceremonies prescribed by the Prayer Book of 1549. I traverse them all, and I proceed to give my reasons, point by point.

1. Mr. Dibdin gives two reasons for his decided opinion that no date is given for the commencement of Edward's first Act of Uniformity.

The point here is whether Edward's first Act of Uniformity belongs to the category of Acts of Parliament 'in which the commencement thereof' is to be 'from a specific time.' *Primâ facie* it does, and that has been the general opinion hitherto. Mr. Dibdin—followed by the Archbishops—thinks that it does not; and he gives his reasons. But before I examine them, let us look at the language of the Act. It ordains that all persons concerned 'shall from and after the Feast of Pentecost next coming be bounden to say and use the Matins and Evensong, celebration of the Lord's Supper, commonly called the Mass, and administration of each of the Sacraments, and all their common and open prayer,' 'in such order and form as is mentioned in this book, and none other or otherwise.' It goes on to prescribe penalties for all violations of this order, 'after the said Feast of Pentecost next coming.' In the next section it prescribes penalties against all who, 'after the said Feast of Pentecost next coming,' shall say or do, or incite others to say or do, 'anything in the derogation, depraving, or

despising of the same book or anything therein contained.' Another section orders that copies of the book shall be obtained 'at the cost and charges of the parishioners of every parish and Cathedral church' before the 'Feast of Pentecost next following or before.'

An advocate must indeed be *in extremis* in materials for his case who, in the face of this plain language, denies that the Uniformity Act of 1549 specifies a given date 'for the commencement thereof.' But that is what Mr. Dibdin does. Let us look at his reasons, which are two.

Here is the first: 'The Prayer Book was to be used on Whitsunday, or, if it could be procured earlier, within three weeks of its being procured.' Therefore, argues Mr. Dibdin, if the Act specifies any date at all, it 'gives any number of dates . . . according to what happened to occur in a particular parish,' which would, in his opinion, be an absurdity. That is not obvious. The London Government Act, for example, ordains ['Section 3 (1)'] that 'the first elections of all borough Councillors under this Act' shall 'be held on the first day of November, one thousand nine hundred, or on such later day as may be practicable throughout, as may be fixed by the Lord President of the Council, who shall also fix a corresponding date for the first election of Mayors and Aldermen.' Even Mr. Dibdin would not argue from this that there is no date specified for the commencement of the London Government Act. But his argument against 'a specific time' for the coming

into force of the Act of Uniformity of 1549 is even less tenable. There is nothing in it. An Act of Parliament comes legally into force on the date after which it is penal to transgress it. Any violation of the London Government Act becomes penal after either of the alternative dates provided for by the Act itself. Transgression of Edward's first Act of Uniformity became penal on and after Pentecost in his third regnal year. The whole tenour of the Act proves this. Parliament prays, in the preamble of the Act, that all the clergy within his Majesty's dominions 'shall from and after the Feast of Pentecost next coming be bounden to say and use the Matins, Evensong, celebration of the Lord's Supper, commonly called the Mass, and administration of each of the Sacraments, and all their common and open prayer, in such order and form as is sanctioned in the said book, and none other or otherwise.' And the Act proceeds to grant the prayer by the sanction of penalties for transgression after a specific date.

But there is no penalty affixed to non-user of the Act before 'the Feast of Pentecost next coming,' although the use of the book is ordered in parishes where copies can be obtained previously to that date. I submit, therefore, that the legal operation of the Act is undoubtedly 'directed to be from a specific time,' namely, Whitsunday in Edward's third year. It may therefore be regarded as certain that Edward's first Act of Uniformity is dated from the year in which it received the Royal Assent, not from the beginning of the Parliamentary Session in which it

was passed. It came into legal force undoubtedly on Whitsunday in Edward's third year (June 9, 1549).¹

But Mr. Dibdin believes that he has here a second string to his bow in the following petition from Parliament to the King contained in the preamble of the Act :—

That all and singular person and persons that have offended concerning the premises, other than such person and persons as now be and remain in ward in the Tower of London, or in the Fleet, may be pardoned thereof.

'Do my learned friends suggest,' asks Mr. Dibdin, 'that the pardon waited till Whitsunday; and if they do, why? Of course it came into operation when the Act was passed.'² I do not know what Mr. Dibdin's learned friends would answer, but I accept his conclusion that the pardon synchronised with the date of the Royal Assent to the Act. But when was that? There is a singular hiatus in Mr. Dibdin's argument. Parliament prays that a general pardon 'may be ordained and enacted by his Majesty, with the assent of the Lords and Commons.' How did

¹ 'At Easter some began to officiate by it [Edward's First Prayer Book]; followed by others as soon as books could be provided. But on Whitsunday, *being the day appointed by Act of Parliament*, it was solemnly executed in the Cathedral Church of St. Paul, by the command of Dr. May [Dean], for an example unto all the rest of the churches in London, and consequently of all the kingdom.'—Heylyn's *Hist. of the Ref.* vol. i. p. 154. The meaning of the Act is perfectly plain. The use of the Book was permissible before Whitsunday. It was compulsory from that day in all public places of worship. Mr. Dibdin has produced no authority in support of his view, for there is none to produce.

² *The Case against Incense*, pp. 13, 14.

it happen to escape Mr. Dibdin's penetration that there is no enactment of the kind in the Act of Uniformity—that is, when the context to his quotation is supplied, and the original punctuation is restored? The prisoners were released, 'of course,' he says, 'when the Act was passed.' I agree; but what Act? The prisoners flit across the stage in the preamble of the Act of Uniformity, and then they pass away, and that Act refers to them no more. The prayer of Parliament is not answered in the Act, and the prison doors remained closed for any remedy provided thereby. But if Mr. Dibdin had pursued his researches he would have found an answer to the prayer of Parliament, and, at the same time, a decisive confutation of his whole argument. The prisoners were released, but not formally, though undoubtedly instrumentally, by the Act of Uniformity. If Mr. Dibdin will examine the *Journals* of the House of Lords (pp. 350–352), he will find on March 8, 1549, the first reading; on March 9, the second reading; and on March 13, the third reading of a Bill, which is thus described: '*Eodem die lecta est Billa of the King's Majesty's general pardon, que communi omnium procerum assensu conclusa est.*' And if he will look at p. 10 of the House of Commons *Journals*, under date of March 4, he will find 'L. [lecta] 3. The King's general pardon. Jud'm.' The Bill passed its three readings in the Commons on the 14th, and received the Royal Assent the same day, in a batch of sixty Acts, of which the Act of Uniformity was one.

The list is entitled : ‘ Acts passed in the Session of Parliament, holden at Westminster, the 24th day of November, *anno Regis Edwardi Sexti secundo*, and continued until 14th day of March, *anno dicti Regis Edwardi Sexti tertio*.’ This plainly implies that all the sixty Bills received the Royal Assent at the same time. The General Pardons Bill was passed in hot haste. It managed to scrape through just in time for the Royal Assent. Why this haste ? I suggest the following explanation : The prayer of the Lords and Commons had been overlooked till the list of Bills waiting for the Royal Assent were being sorted a fortnight before the end of the Session. On coming to the Bill of Uniformity it was discovered that no provision had been made for a General Pardon ; so a Bill was hurriedly prepared and passed in the nick of time. Mr. Dibdin is therefore right in thinking that ‘ of course ’ the General Pardon ‘ came into operation when the Act was passed ’ ; but that was on March 14, in Edward’s third year. The General Pardon Act was virtually, if not in fact, a schedule of the Act of Uniformity, and received the Royal Assent on the same day.¹ Mr. Dibdin thinks that it was ‘ urgent ’ to pardon the prisoners before the end of the Session, and that, consequently, the Royal Assent was given to the Uniformity Act by Commission before the end of Edward’s second

¹ ‘ Parliament [2 & 3 Edward VI.] ended with a general pardon, in which were excepted the prisoners in the Tower and those who had absented themselves from the kingdom.’—Rapin’s *Hist. of England*, ii. 154, folio ed. of 1784.

year. Only four days, or five at the most, were left for the purpose, for the Bill did not return from the Commons till January 22, and the second year ended on the 27th. On the other hand, Royal Assent by Commission was a ceremony which could not be despatched in a hurry. It required the King's 'Letters Patent under his Great Seal, and signed with his hand, and declared and notified in his absence to the Lords spiritual and temporal, and to the Commons, assembled together in the High House.'¹ Why should there be such desperate hurry to let the prisoners out before the end of the King's second year? We know that there was no such hurry, for the prisoners were not released till March 14. And there was absolutely nothing else to cause 'urgency,' for the Prayer Book was not to come into general use till Whitsunday—that is, three months afterwards. But what is quite inconceivable is that the Act of Uniformity should have been passed with abnormal haste for no reason whatever, and the liberation of the prisoners—the only reason for expedition—postponed for more than two months.² The theory is too preposterous to need

¹ 33 Henry VIII. c. 21.

² 'The only rag of evidence,' to quote his own words, which Mr. Dibdin could offer in support of his argument of 'urgency' for the Royal Assent in Edward's second year is the fact that 'against the third reading of the first Act of Uniformity are the letters "exped.," which, judging from other entries,' he adds, 'I have no doubt meant "expedited" . . . the matter was urgent, and it is probable that the Assent was given immediately after the third reading, and it may be that these letters "exped." point to something of the kind.' I have examined files of Bills 'as they were sent up to the House of Lords

refutation once the facts are known. It sinks beneath the weight of its own ineptitude.

2. We now come to the *usus loquendi* argument, which is one of the strongholds of the case against the liturgical use of incense. Edward's Second Act of Uniformity refers to the first Act of Uniformity as 'the Act of Parliament made in the second year of the King's Majesty's reign.' That proves, in the opinion of Mr. Dibdin and his clients—and they have the Judicial Committee in *Westerton v. Liddell* at their back—that Edward's first Act of Uniformity received the Royal Assent in Edward's second regnal year. I respectfully submit, the Judicial Committee notwithstanding, that it proves nothing of the kind. The Court on that occasion was undoubtedly a strong one, and its judgment is far superior in point of knowledge to any decision subsequently delivered by the same tribunal. Yet even it made some egregious blunders: for example, that the Prayer of Consecration was left out in the Eucharistic Office of

from the House of Commons.' Some are marked 'exped.' and sometimes 'expedit.'; and some are marked 'rejected' or 'refused.' The word clearly means 'passed,' not 'expedited,' and has nothing to do with 'urgency.' If Mr. Dibdin had continued his researches he would have found the word, which gave him some vague hope of support, put against Bills which could not conceivably require urgency. Some of them are quite trivial, and one of them would have rejoiced Father Black's heart if he had lived in those days. It is a Bill against the marriage of divorced persons. Does Mr. Dibdin think there was such an epidemic of such persons—it was in the reign of James I.—that urgency was required for a Bill to stop them? On his view the Royal Assent by Commission must have been given several times in the same Session. There are sometimes as many as a dozen Bills marked 'exped.' in the same Session.

Edward's Second Prayer Book. Authority is very well in its place; but this matter belongs mainly to the sphere of historical criticism—a sphere in which the Judicial Committee has never been at home, especially when the criticism has to do with ecclesiastical history or ecclesiastical law. The fact is that statutes are said, in Parliamentary parlance, to be 'made' before they receive the Royal Assent, and 'passed' after the Royal Assent. I do not say that there is no exception, for 'made' is used very loosely. But I have examined the Lords' *Journals* from Henry VIII. to the end of James I., and I do not remember any exception. Sometimes, but not as an invariable rule, a list is given, after the Royal Assent at the end of the Session, of all the Acts during that Session. There is such a list, I think, at the end of every Session in the reign of Edward VI. The list is headed in every case but one, 'Acts passed in the Parliament holden,' &c. In addition to this heading there is in every case, without exception, this marginal note in the left top corner of the list: 'Calendar of Acts passed this Session.' In 2 & 3 Edward VI. it is 'this Sessions.' In 7 Edward VI. the heading is 'Acts made.' &c. ; but the marginal note has 'passed.'

I do not wish to attach much importance to this distinction, for in common speech we speak of a Bill 'passing' its first, second, or third reading, and even of having 'passed' through Parliament prior to the Royal Assent. But I find that in the authorised edition of the Statutes 'passed' is in general applied

to Bills that have become Acts in virtue of the Royal Assent, while 'made' is used so loosely that no significance can be attached to it. Take, by way of example, Mr. Dibdin's extract from King Edward's journal under the heading of the second year, near its close :—

A Parliament was called when the uniform order of prayer was institute, before made by a number of bishops and learned men gathered together in Windsor.

'No doubt that is the first Prayer Book,' says Mr. Dibdin ; and of course there is no doubt. And Mr. Dibdin's inference is : 'There, again, it seems to me that that is valuable evidence that at any rate it was considered to be in the second year.' What was considered ? Undoubtedly the King meant that the Prayer Book passed the Houses of Parliament in the second year, which nobody questions. The sentence quoted by Mr. Dibdin is followed immediately by the entry : 'There was granted a subsidy, and there was a notable disputation of the Sacrament in the Parliament-house.'¹ I agree that the extract 'is valuable evidence,' but against Mr. Dibdin and his clients. For it proves two things : first, the loose use of the participle 'made.' Because the Second Act of Uniformity says that the first Act was 'made' in Edward's second year, Mr. Dibdin argues that it received the Royal Assent in that year. But here the King says that the Prayer Book was 'made by a number of bishops and learned men.' The word

¹ *Burnet*, v. 7 (Pocock's edition).

clearly means in both cases ‘drawn up,’ ‘composed,’ ‘compiled.’ As the King did not wish to repeat the word ‘made’ in the same sentence, he describes the action of Parliament by the word ‘institute’—a perfectly correct rendering of ‘conclusa est,’ the phrase used in the Lords’ *Journals* for the third reading of a Bill.

But, in the next place, it is hardly credible that if—as Mr. Dibdin supposes—the King had just given his Royal Assent to the Act by the unusual, and in his case unique, pomp and ceremony of a Commission authorised by Letters Patent under the Great Seal, and in presence of the two Houses of Parliament, he would have omitted all mention of so striking a fact from his journal. The passage must have been written within four days of the close of the second year. He could find time to note the theological debate on the Uniformity Act, and the granting of a subsidy, and the condemnation and execution of Lord Sudely, and of Sir Thomas Sharington ‘for making false coin, which he himself confessed,’ and of ‘divers put in the Tower’—all in the last week of his second year; but not a word about the most remarkable event of that week, or even of that year, if such an event really took place. The thing is incredible.

And now I come to 1 Mary, 3, cc. 9, 10, the ‘Act for the Repeal of a Statute made for the uniting of the parish churches of Onger and Grenestede in the Countie of Essex.’¹ Mr. Dibdin’s argument is:

¹ *Statutes of the Realm*, p. 234.

Mary's Statute refers to the Act which it repeals as 'made by authority of Parliament in the second year' of Edward VI. But we know that the Act in question passed its third reading in the Lords on January 29, that is, on the second day of the third year. This shows that the phrase 'by authority of Parliament,' in the Ornaments Rubric, and in the Act of Uniformity of 1559, may mean the third year, although it actually says the second year, just as 1 Mary, 3, cc. 9, 10, means the third year although it says the second.

That is the argument. Now I might say that, since printers are known to be fallible, and January 27 and January 29 were in such close chronological contiguity, the printer, or even draughtsman, might have made a slip between the second and third years of Edward. But I have a better answer than that. The fact is, Mr. Dibdin has made the same mistake about Mary's Act which he made about the petition for a General Pardon in Edward's Act. He is quite inaccurate in saying that 'the Legislature' which passed Mary's Act referred to Edward's Act 'as having been made by authority of Parliament in the second year of Edward VI.' in spite of its having passed its third reading on the second day of the King's third year. The phrase on which Mr. Dibdin relies, and which he considers an unimpeachable piece of evidence on his side, was not used by the Legislature, and does not belong to the enacting part of the Statute. The Act is prefaced by the following petition —

Lamentably complaining shewen unto yo^r. Highness yo^r. obedient & faithful Subjects thinhabitauntes & Parishioners of the Townes & Villages of Chipping Ongers otherwise called Castell Ongers & Grenestede within yo^r. Graces Countye of Essex; That where by the Sinister Labour & Procurement of one Willyam Moys Esquier, yo^r. Graces late Servant deceased, sometime Patrone of the Parische Church of Ongers aforesayd, & one of the Burgesses of the Parliament holden at Westminster in the second year of the late King of worthy memorye, Edward the Sixth your Highnes Brother, inordinately seeking his private lucre and profit, an Acte was made & ordeined, by authoritee of P^lliament in the same second year for a Consolidation & Union to be hadd and made of the Parish Churches.

The poor people go on to describe the hardship which the union of the two parishes entailed upon them, hindering—among other things—their going to church in rainy weather on account of a swollen brook that separated them from the church of the parish to which they had been, without their consent, united ‘by the sinister labour and procurement’ of the patron of the living, their Parliamentary representative. They beg, therefore, that the Act which inflicted these evils upon them may be repealed. The document is an illiterate petition to the Queen, probably drawn up by the village schoolmaster or scribe, who might be excused for being a little astray in Parliamentary terminology and dates. The petition is prefixed to the repealing Act as its explanation and justification. And this, forsooth, is the Act of Parliament which entitles Mr. Dibdin

to say that the Legislature of that period was accustomed to put down to the credit of one year Acts of Parliament which were passed in another! The argument evidently made a great impression on the Primates, and had doubtless much influence on their decision. But it rests on a blunder, and is absolutely worthless.

So much for the *usus loquendi* argument.

3. I have already so completely disposed of this argument—namely, the ‘urgency’ of passing the Uniformity Act of 1549 in Edward’s second year—that I need not say anything more about it. The only rag of a reason for the plea of urgency is the release of prisoners between January 22 and 27, who, in matter of fact, were not released till the middle of the following March. I shall therefore pass on to the last legal argument relied on by Mr. Dibdin.

4. He dismisses as ‘an old superstition’¹ the notion that the Royal Assent terminated the Session of Parliament in which it was given. Here again I join issue. A great authority says: ‘The idea that a Session was concluded by the Royal Assent being signified to a Bill ceased to exist more than two centuries ago.’² That is, according to the eminent author’s wont, somewhat of an understatement of the fact. Anyhow, Mr. Dibdin’s ‘old superstition’ was a living constitutional doctrine down to ‘more

¹ *The Case against Incense*, p. 11.

² *Parliamentary Practice*, p. 481, by Sir T. Erskine May (Lord Farnborough).

than two centuries ago,' and that is enough for my purpose. Let us begin, then, by examining the facts in the light of Mr. Dibdin's examples. His first statement is :—

In the first place, it is not the fact that the King giving his consent to a Bill during the Session did terminate the Session, or was supposed to do so. It is quite true there was an idea of that kind, but, oddly enough, the very question came before the House of Commons in 1554, which was not very long after this date—within five years. And this is the entry in the House of Commons: 'Mr. Treasurer declared that the King and Queen will give [will be to-morrow in the Parliament House to give]¹ their assent to that Bill. Upon a question asked in the House if upon the Royal Assent the Parliament may proceed without any prorogation, it is agreed by votes [voices] that it may.' So that that superstition is disposed of.

We shall see. The quotation is not quite accurate, and I have put the original within brackets when it differs from Mr. Dibdin's version. The question is not disposed of as easily as Mr. Dibdin fancies. The facts show that what he calls 'an old superstition' was at that time the received constitutional doctrine. Parliament could not have proceeded to business after the Royal Assent without passing a Resolution to that effect. The question did not arise on the passing of Edward's first Uniformity Act for the simple reason that the Royal Assent was

¹ *Commons Journals*, Nov. 21, 1554, p. 38. This Bill did require urgency. It was for the purpose of legalising the position of Cardinal Pole.

not given till the end of the Session. Either House of Parliament may, of course, suspend or alter its own rules at its discretion. Besides, the *Journals* of both Houses are so meagre and incomplete that when the Royal Assent was given on the morrow special provision may have been made for the continuation of the Session, though we have no record of it. In any case, the incident makes against Mr. Dibdin rather than for him, as will appear presently.

Mr. Dibdin's next argument is the Royal Assent given by Commission to the Bills for the attainder of Catherine Howard and others. Yes, but Mr. Dibdin forgot some important facts. A special Act of Parliament was necessary (33 Henry VIII. c. 21) to effect the King's purpose. The Act says : --

‘Be it enacted by the authority of this present Parliament, that the King's Royal Assent by his Letters Patent under his Great Seal, and signed with his hand, and declared and notified in his absence to the Lords Spiritual and Temporal, and to the Commons, assembled in the High House, is and ever was of as good strength and force as though the King's person had been then personally present, and had assented openly and publicly to the same.’ And this, ‘any custom or use to the contrary notwithstanding.’

The concluding words, and the whole statute, show that this was an innovation on an established custom, which could not have been managed without special legislation. A special Act of Parliament was not needed to remove ‘an old superstition’ out

of the way, and Henry VIII. was not the man to have recourse to exceptional legislation without dire necessity.

‘But,’ proceeds Mr. Dibdin, ‘so far from that [Royal Assent] putting an end to the Session, that was done on the Saturday, and the Session went on again on Tuesday.’ A special Act of Parliament may, of course, do anything. Moreover, Mr. Dibdin’s statement of the case is not strictly accurate. After the Royal Assent was given the Lord Chancellor (February 11, 1541) prorogued the House till the following Tuesday (February 13). But although it is recorded that the House met on that Tuesday, there is no record of what took place, and there is a total blank till the following Tuesday (February 20).¹ Evidently there was a hitch which prevented business till the *impasse* was removed. It seems to me probable that a difficulty had arisen owing to the Royal Assent having been given without provision being distinctly made for the progress of business notwithstanding; and it required a week to get the difficulty out of the way.

Now, does Mr. Dibdin mean seriously to suggest that between January 22 and 27, 1549, Edward VI. went through all the formalities which Henry VIII. found necessary before he could validly give his Royal Assent by Commission, without any trace being left of the fact in the King’s Journal or elsewhere? Impossible. And if Mr. Dibdin’s engagements had permitted him to continue his researches

¹ *Lords Journals*, p. 176.

in the intricacies of constitutional law he would have found ample evidence of the untenableness of his position. I will now supply him with a few instances.

After the Royal Assent was given to 1 Car. I. c. 7, we read as follows :—

This Session of Parliament (by reason of the increase of sickness and other inconveniences of the season, requiring a speedy adjournment) nevertheless shall not determine by his Majesty's Royal Assent to this and some other Acts.¹

Here we have the Parliamentary doctrine, which Mr. Dibdin stigmatises as 'an old superstition,' so firmly established as late as the reign of Charles I., that, on the Royal Assent being given, the Session came to an end automatically unless special provision were made to prevent it.

At the opening of the first Parliament after the Restoration an Act was passed to undo the Parliamentary irregularities of the Commonwealth. The Royal Assent was necessary at once, and it was given with the following proviso :—

Provided always, and it is hereby enacted, that his Majesty's Royal Assent to this Bill shall not determine this present Session of Parliament.²

Again, if Mr. Dibdin will look at 22 & 23 Car. II. c. 1, he will find that the Royal Assent was given in the beginning of the Session to 'an Act to

¹ *Statutes at Large*, iii. 120.

² 12 Car. II. c. 1 (*Statutes at Large*, iii. 143).

prevent malicious maiming and wounding ;' and to prevent the Session from being closed thereby there follows the proviso :—

Provided always, and it is hereby declared and enacted, that his Majesty's Royal Assent to this Bill shall not determine this Session of Parliament.¹

It is not necessary to pursue the subject farther. I have thus proved, beyond the reach of doubt, that the 'old superstition,' which Mr. Dibdin waved aside with such magisterial contempt, was in fact an invariable rule of Parliament down at least to 1671.

I have now gone through the whole of Mr. Dibdin's legal arguments in support of the view that the first Uniformity Act of Edward VI., sanctioning the First Prayer Book, received the Royal Assent in Edward's second regnal year ; and I claim, with all humility and modesty, but with perfect confidence, to have completely disposed of them. I pay my homage to Mr. Dibdin's diligence, ability, and acuteness, and I venture to suggest that where he has failed no one else is likely to succeed.

Equally untenable, though equally successful at the moment, was Mr. Dibdin's appeal to the provisions of 3 & 4 Edward VI. c. 10, which ordered the confiscation and destruction of all the old Service Books. 'I say,' argued Mr. Dibdin, 'that that is exceedingly important and exceedingly strong.' And the Archbishop of Canterbury ejaculated, 'Yes.' Now I venture to say, with all submission and

¹ *Statutes at Large*, iii. 327.

respect, that it has legally no importance at all. We have, in this matter, no more to do with 3 & 4 Edward VI. c. 10 than with the laws of the Twelve Tables, and its importation into the discussion was a glaring violation of the established legal canon, that where the language of a statute is clear, it is illegitimate to go outside its four corners for its meaning. What we have to do with are 1 Elizabeth i. c. 2, and 14 Charles II. i. c. 4 (authorising the Ornaments Rubric), and no other statute or document whatever. The Statute of Elizabeth and the statutory rubric of 1662 refer us to the second year of Edward's reign, not to the third and fourth. The destruction of all the old Service Books and books of devotion, some of them, in print, binding, and illumination, beautiful examples of art, was an outbreak of ruthless and fanatical barbarism. Painted windows (even in private houses), monumental tombs, priceless carvings in wood and ivory, perished in the iconoclastic maelstrom of that period. Even in the year 1548, when there was no doubt at all of the use by Parliamentary authority of all the ornaments and corresponding ceremonies now in dispute, I find authentic facts like the following :—

Dec. 1548.—Certificates of the churchwardens within the City of London, and the several deaneries in Essex and Hertfordshire, in the diocese of London, of the sale of all the church plate, ornaments, jewels, bells, vestments, &c., lately belonging to their respective parishes, and of the appropriation of the proceeds.¹

¹ *Calendar of State Papers, Domestic*, A.D. 1559-80, p. 2.

That was under the authority of Bishop Ridley, and it was sheer lawless and sordid spoliation. The early death of Edward VI. was a happy deliverance not only for the religion but for the art and chivalry of England. His 'dearest uncle,' whom he afterwards slew, pulled down churches *ad libitum* for the purpose of appropriating their revenues or using their stones and timber in building palaces for himself. Several churches went to the building of Somerset House, and the sacrilegious spoiler even dared to lay hands on Westminster Abbey, and was only prevented from using it as a quarry for the erection of another palace by a large bribe of Abbey land from the Abbot, reinforced by the muttered indignation of an indignant public. Nor did the Protector's death mend matters. Other courtiers, equally greedy and unscrupulous, made zeal for religion a cloak for the plunder of ecclesiastical property, from broad acres to candlesticks, chalices, and crucifixes. In the year 1553, St. George's Chapel, Windsor, was saved by the King's death from the ruin which Somerset intended for Westminster Abbey. That atrocious act of vandalism 'had undoubtedly been done, and all the lands thereof converted to some powerful courtiers, under pretence of laying them to the crown, if the King's death, which happened within four months after, had not prevented the design and thereby respited that ruin which was then intended.'¹ The Bishopric of Durham, with its grand traditions and princely revenues, was actually suppressed to en-

¹ Heylin, *Hist. of Ref.* i. 287.

rich the sanctimonious flatterers of the boy-king, its aged saintly Bishop having been committed to the Tower, on a frivolous pretext, because he would not help the plunderers with a religious cloak for their booty. But Mary ascended the throne in time to prevent the sacrilege and restore the bishopric and its worthy Prince-bishop. The same combination of sordid greed and religious fanaticism reappeared on the death of Mary, and baffled to a ruinous extent even the Tudor will of Elizabeth. The Puritan bishops and Ecclesiastical Commissioners of Edward's and Elizabeth's reigns were the ringleaders and abettors of disorder and anarchy, till their own pockets and dignity began to suffer. Then they turned upon their erstwhile confederates and denounced them. Episcopal visitations, too, to which Mr. Dibdin appeals, are entirely valueless as evidence. The Bishops of the first decade of Elizabeth's reign, with a few exceptions, paid no heed whatever to any laws which they disliked, unless obedience was enforced upon them. Grindal, for example—whose obdurate lawlessness caused at last his suspension from office—found the See of York, when he was translated to it in 1570, 'another church,' as he expressed it, 'rather than a member of the rest' of the churches with which he was familiar in his old diocese, Puritan-ridden London. Not only the minster, but parish churches also, had ceremonies and ornaments which he considered Popish. Accordingly he issued injunctions abolishing rood-screens, albs, tunicles, censers, crosses, candlesticks,

altars; the crucifix also, which was to be displaced in favour of the Royal arms, 'or some other convenient crest.' This was outrageous lawlessness, even under the law of the Judicial Committee. But let it be observed that Grindal abolished censers and crucifixes, as well as crosses, candlesticks, albs, and tunics, which were undoubtedly legal and in use. The presumption is that censers and crucifixes were also in use, and that presumption is borne out by Grindal's letter. The crucifix was certainly a legal ornament under Elizabeth's Act of Uniformity. The evidence for that is abundant. Let two or three examples suffice.

In 1560 Bishop Cox, in a letter to Peter Martyr, says of himself and his fellow-Puritans, that they were 'constrained, to our great distress of mind, to tolerate in our churches'—not in the Royal Chapels or Cathedrals only—'the image of the cross and Him who was crucified.'¹

Even the able and masterful Jewel is obliged to make the following confession to Peter Martyr in a letter dated Feb. 4, 1560:—²

This controversy about the crucifix is now at its height. . . . A disputation on this subject will take place to-morrow. The arbiters will be certain persons selected by the Council. The disputants on the one side are the Archbishop of Canterbury and Cox [who evidently changed his mind, or his policy]; and on the other Grindal, the Bishop of London, and myself. . . . As far as I can conjecture I shall not write again as bishop. For matters are come to that pass that either the silver or

¹ *Zurich Lett.* Second Series, vol. i. p. 65.

² *Ibid.* p. 68.

tin crosses, which we have everywhere broken in pieces, must be restored or our bishoprics relinquished.

Bishop Sandys, one of the divines appointed to revise the Prayer Book in 1559, writes to Peter Martyr under date of April 1, 1560 :—¹

The Queen's Majesty considered it not contrary to the Word of God, nay, rather for the advantage of the Church, that the image of Christ crucified, together with those of Mary and John, should be placed, as heretofore, in some conspicuous part of the church, where they might more easily be seen by all the people. Some of us [bishops] thought far otherwise, and more especially as all images of every kind were at our last visitation not only taken down, but also burnt, and that too by public authority; and because the ignorant and superstitious multitude are in the habit of paying adoration to this idol above all others. As to myself, because I was rather vehement in this matter, and could by no means consent that an occasion of stumbling should be afforded to the Church of Christ, I was very near being deposed from my office, and incurring the displeasure of the Queen.

These quotations are exceedingly important, for they prove three things. First, that the crucifix was held to be a legal ornament in all churches; so plainly legal that bishops of the eminence of Jewel and Archbishop Sandys made themselves liable to deprivation for removing crucifixes and crosses. They do not dispute the legality of the crucifix; they merely set up their private judgment against the law of the land. Secondly, we have here the Puritan explanation of 'public authority.'

¹ *Zurich Lett.* Second Series, vol. i. p.

They meant the Ecclesiastical Commissioners, or some of them. These were appointed to enforce the law. What they did was to endow their own prejudices with the attributes of law, and then proceeded to break the law in the name of 'public authority'—that is, their own private judgment.¹ Thirdly, we have an instructive commentary on the value of the episcopal visitations of Edward's and Elizabeth's reigns. They are exhibitions of rampant lawlessness, and to appeal to them as evidence of what the law then either ordered or forbade is, in plain language, ridiculous, betraying great ignorance of the ecclesiastical history of that period. Down to the Great Rebellion the crucifix was not uncommon in churches which were not completely under the control of the Puritan party. In Canterbury Cathedral, for instance, 'The Ordinance of Parliament for demolishing idolatrous superstitions, Images, Pictures, and Monuments, was then put in execution,' on December 13-23, 1643. The ruthless havoc of painted windows, statues, and sculpture of various sorts, then perpetrated, is fully described in this Parliamentary document, and among the things 'thundered in pieces' were 'many crucifixes.'² But the crucifix was, according to the Lambeth decisions, an illegal ornament under Elizabeth's Act of Uniformity, because it is not expressly ordered, and there is no ceremony prescribed in connexion with it.

¹ So outrageous became the lawlessness of this 'public authority,' that the Queen ordered the Commissioners for Canterbury and York to suspend their proceedings (*State Papers, Dom.*, December, 1559, p. 145).

² Mertoun's *Collection of Historical Pamphlets*, No. 29, p. 385.

It is sometimes said that the usages of Elizabeth's chapel prove nothing as to the legality of those usages. But we have seen that those usages were by no means confined to the Royal Chapels, and that the Queen and her Council and the Archbishop of Canterbury insisted on them to the point of threatening with deprivation such bishops as took an active part against them. It is absurd to suppose that this would have been done in the case of ornaments and practices which were illegal. Moreover, Jewel, Sandys, and the rest, never venture to question the legality, in the Chapels Royal or elsewhere, of the ornaments and vestures which they denounce; on the contrary, they bear testimony to the Queen's scrupulous respect for the law. In a letter to Gualter, dated February 12, 1571, Bishop Cox repels by anticipation the allegation that the ritual of the Queen's chapels was not sanctioned by the law. His words are:—

But this is not only false, but injurious both to the Queen and the ministers of the Word, to wit, that we humour her Royal Highness, and make her more decided in ordering everything according to her own pleasure. But far be any one from suspecting anything of the kind in so godly and religious a personage (*heroïna*), who has always been so exceedingly scrupulous in deviating even in the slightest degree from the laws prescribed (*cui summa semper religio est a præscriptis legibus vel tantillum quidem deflectere*).¹

This testimony is all the more valuable from the fact that Cox boldly refused to celebrate the Holy

¹ *Zurich Lett.* Second Series, i. 236.

Communion in the Queen's chapel because he would not practically sanction ceremonies, ornaments, and vestments, which he condemned as Popish, while frankly acknowledging their legality under the Act of Uniformity. Jewel bears similar testimony. He says that on ascending the throne the Queen set her face against any changes in public worship 'without the sanction of the law,' and he repeats that testimony seven years afterwards.¹

So much then in general as to the lawfulness of Incense in the public worship of the Church of England. Beyond all reasonable doubt its legality is covered by the Ornaments Rubric and by Elizabeth's Act of Uniformity. For I claim to have now proved that both Act and Rubric refer legally, historically, and grammatically to the ceremonial in use before Edward's Book received the Royal Assent—that is, before it became a legal document. And even after it became a legal document its rubrics could not have been lawfully enforced before June 9, 1549.

¹ *Zurich Lett.* Second Series, pp. 18, 149. In the former of these passages Jewel, writing on April 14, 1559, says that Elizabeth refused to 'banish' the Mass 'from her private chapel.' 'She has, however,' he says, 'so regulated this Mass of hers, that, although many things are done therein which are scarcely to be endured, it may yet be heard without any great danger.' He refers probably to 'The Order of the Communion' with such portions of the Mass in English as were so ordered under Henry VIII. This was five months after the Queen's accession—a pretty clear indication of her own predilections. Jewel's wish is evidently father to his thought in thinking that she retained the old service of the Mass so long 'only from the circumstances of the times.'

This being the state of facts, it is for those who think the liturgical use of Incense illegal to produce positive evidence in favour of their view. For nothing short of clear categorical evidence will avail; and by clear categorical evidence I mean here a statutory prohibition of the use of Incense. Nothing but a statutory prohibition can abrogate a statutory obligation. A diocesan may conceivably be justified in relaxing a statutory obligation or in dispensing with it under given circumstances. He has no power at all to forbid it. Let us remember that this is a question of strict legal construction. We have nothing to do with the intention of the Legislature either in 1559 or 1662, or with desuetude however long. If it could be proved that on either or both occasions the Legislature intended to legalise only the ornaments prescribed by Edward's First Prayer Book, that would be nothing to the purpose. I believe I have shown conclusively that the dominant force in the matter, Elizabeth, deliberately intended to legalise—what, indeed, the Act and Rubric say—the ornaments actually in use in Edward's second year. But that is a pure irrelevancy. It has been laid down by the Courts, with peremptory unanimity, that the words of a statute must be interpreted by the language of the statute, without regard to any exterior consideration or possible consequences. If the intention of the framers of the statute be defeated by the language of the statute, or if the consequences of the literal interpretation be dangerous or pernicious, it is the duty of the Legis-

lature, not of the Judicature, to supply the remedy by correcting its own blunder. 'In such cases,' says the Judgment in *Edrick's Case* (5 Co. 118), '*a Verbis legis non est recedendum.*' 'The fittest in all cases, where the intention of the Legislature is brought into question, is to adhere to the *words* of the statute, construing them according to their nature and import in the order in which they stand in the Act of Parliament.'¹ In 1 Edward VI. c. 12, for example, it was enacted that persons convicted of stealing horses should not have benefit of clergy. The Courts ruled that this could not apply to the stealer of one horse, and therefore a new Act to rectify the error was passed the following year, namely, 2 & 3 Edward VI. c. 33.

In strictness of logic I might stop here, for I have proved that the legal usage of the Church of England in the matter of ceremonial is the ceremonial in legal use in Edward's second year: *quemadmodum mos erat in hac Ecclesia Anglicana ex auctoritate Parliamenti in anno secundo Regni Edwardi Sexti*, as the contemporary Latin version of the Uniformity Act of 1559 renders it. But people are not wholly, perhaps not generally, governed by logic. Let us therefore consider a few corroborative proofs.

The first Lambeth decision has the following:—

And thirdly and lastly, they [the compilers of the Prayer Book] had the less hesitation in omitting incense because it was certainly not in use in the Church for at least

¹ *Rex v. Inhabitants of Ramsgate* (6 B. & C. 712).

three hundred years from the Apostolic times. To get back to the earlier and purer days of Christianity, to make the primitive Church the model for the Church of England, was certainly part of the purpose which our Reformers cherished.

To limit 'the primitive Church,' to which the Church of England appeals as her model, to 'three hundred years from the Apostolic times' is arbitrary, and is moreover in conflict with recognised authorities. One of the Homilies appeals to the first six General Councils; and 1 Eliz. c. i. § xxxvi. names 'the first four General Councils, or some other General Council' as the period of appeal. The statute (1 Edw. VI. c. i.) against irreverence towards the Blessed Sacrament, which sanctions communion in both kinds, defines the primitive Church chronologically as occupying 'five hundred years and more after Christ's Ascension.' But there is nothing that can properly be called evidence to show that incense 'was certainly not in use in the Church for at least three hundred years from the Apostolic times.' The argument from silence is a most dangerous one. The assailants of the Canon of Holy Scripture have used it in a manner which should make Christians wary in resorting to it. Moreover, if the assertion of the Lambeth decisions were true, it would be irrelevant. It would be as unreasonable to expect the Church to develop her full ritual while she worshipped in caves and catacombs as it would be to look for the ritual of the Tabernacle among the brick-kilns of the enslaved Israelites in Egypt.

Besides, the language of early writers on this and other matters is liable to be misunderstood, as I have shown in a previous chapter.¹ Authorities whom the Primates themselves would be the first to recognise as far superior to themselves in a matter of this sort are dead against them. Renaudot, a writer of world-wide reputation as a liturgical scholar, affirms that the use of incense has always existed in the Eastern Churches, and that nothing but extreme necessity would excuse its absence in liturgical worship.²

Maskell :

The use of incense in the public service of the Church is of the most remote antiquity. Incense was among the few offerings which were allowed to be made at the altar to be there consumed, as appears from the second of the Apostolical Canons. The object of burning incense seems to be well expressed in the prayer which is found in the Liturgy of St. John Chrysostom, according to the translation in Goar's collection : ' Incensum tibi offerimus, Christe Deus, in odorem suavitatis spiritualis, quem suscipe, Domine, in sanctum et supercœleste ac intellectuale tuum altare, et repende nobis abundantes tuas miserationes, et illas largire nobis servis tuis.'³

¹ See pp. 122-3.

² Under the heading ' Oratio Thuris ' he writes :—

' Ejus usus in Ecclesiis Orientalibus perpetuus, et prope quotidianus : nec enim absque thure Liturgiam celebrant, nisi summa necessitas premat : illud adhibent in Officiis Sacramentalibus omnibus, in precibus nocturnis diurnisque, nihil ut possit esse frequentius.'—*Liturgiarum Orientalium*, tom. i. p. 183, Frankfort edition, 1847.

³ *Ancient Ritual of Church of England*, p. 26, third edition.

‘From the earliest times,’ says Pellicia, another eminent authority, ‘incense has been offered in the Liturgy, and has been used by the Church in her sacred mysteries.’¹ Guericke, a distinguished Lutheran archæologist, says: ‘Pellicia’s is the first and almost only work that has embraced the whole of archæology in its full extent, not confining it, as hitherto done, to the ancient Church alone.’ Cardinal Bona, another great authority, argues for the Apostolic origin of the use of incense in Christian worship.² And our own Archbishop Theodore has a passage which, if written by a post-Reformation Anglican divine, would have been quoted at the Lambeth ‘Hearing’ as evidence that in Theodore’s time the use of incense was only for purposes of fumigation:—

Incense must be burnt on Saints’ days because, like lilies, they send forth an odour of sweetness, and perfume the Church of God as a church is perfumed with incense round the altar at first—*i.e.* at its dedication.³

This obligation to burn incense on Saints’ days does not prove that it was not burnt on other days, for we know the contrary. Yet that is a kind of inference which pervades the Archiepiscopal argument against the legality of incense since the Reformation. In truth, much of the reasoning on which the Lambeth decisions are based, if applied to pre-Reformation worship, would have made a sad jumble

¹ *Polity of the Christian Church*, B. II. § i. c. 7.

² Migne, tom. lxxxix. col. 25.

³ See Bridgett’s *Hist. of the Holy Euch.* p. 185.

of it. In the old Service Books a good deal is implied and taken for granted without any formal direction. For instance:—

The psalm ‘Dirigatur,’ &c., which accompanies the act of censuring in the modern Roman Missal, is indicated for use in the Stowe Missal, but there are no rubrical directions there for the use of incense.¹

I do not know how the Archbishops would reconcile their prohibition of incense as unknown for three hundred years after the Apostles with the third of the Apostolical Canons, which says: ‘Neither is it allowed to bring anything to the altar at the time of the holy oblation excepting oil for the lamps and incense.’ I am aware of the controversy about the date of the Apostolical Canons. I believe that the soundest criticism now places them, in their collected form, within the period named by the Archbishops, which implies an earlier date for their origin. They are mentioned in terms of the highest reverence and authority by St. John Damascene, the Emperors Constantine, Theodosius, and Justinian, and by the Œcumenical Council of Ephesus, which appeals to them deferentially as ‘the Canons of the Fathers.’ But I am not concerned here with their authority: I am concerned with their antiquity only. The third Canon, which admittedly belongs to the earlier group, mentions incense as an ordinary ceremony in Eucharistic worship in the end of the second or the beginning of the third century.

¹ The *Liturgy and Ritual of the Celtic Church*, by the Rev. E. Warren, B.D., p. 128.

Let us now look at the post-Reformation evidence. Elizabeth had the old service of the Mass (with a few modifications) celebrated in her Chapel from her accession in November 1558 to June 24, 1559, when the English Prayer Book came into public use. It seems clear from the complaints of the Puritans that she then combined the old ceremonial with the new Service Book, and that she acted within the law in doing so. Neale says expressly, in a passage already quoted, that a stranger visiting the Royal Chapel and some of the Cathedrals would see no difference from the Roman worship except that the service was in English. Now we happen to possess some indirect evidence of the use of incense in Elizabeth's Chapel. In that *olla podrida* of antiquarian lore, Leland's 'De Rebus Britannicis Collectanea,' there is an account ('from a manuscript late in the possession of John Anstis, Esq., Garter, and now of Jo. Edmonson, Esq., Mowbray Herald') 'of the Manner of the Christening of the Child of the Lady Cicele, wife to John Erle of Este Frieseland, called the Marques of Bawden, and Sister to Eryke King of Sweden, which Christening was done at the Queene's Majesties Palleyes of Westminster, where her Grace then lay on Sunday the 30th of Sept., Anno 1565, in Maner following.'¹ The paper contains a list of the furniture of the Chapel and the rich ornaments for public worship. Among the latter are 'a Shipe or Arke garnished with stones;' 'two Shippes of Mother of Pearle;' 'another Shipe of Mother of

¹ Leland, vol. i. pt. ii. p. 291.

Pearle.' These ships or arks were of course for incense.

Mr. Dibdin dismisses cavalierly the evidence based on the retention of censers and incense boats in the inventories of Church Ornaments since the Reformation; also parish bills for the purchase of incense; and inclusion of censers and incense boats among vessels to be consecrated at the dedication of churches. I submit that this method of getting rid of important evidence is illegitimate. His attempt to dispose of the Bodmin inventory (see *ante*, p. 421) is one of the most extraordinary specimens of special pleading which I have ever come across. The two churchwardens of the parish of Bodmin gave a voucher for having, in 1567, 'received into their hands and keeping, of the Mayor, and of all the parish aforesaid, to be used and occupied to the honour of God, in the same church . . . all such goods and ornaments as followeth.' This list includes several sets of chasubles, albs, and copes, and also a censer. After trying to explain away in an impossible manner the import of the phrase 'to be used and occupied,' Mr. Dibdin rests his case on the date, 'which seems to me,' he says, 'of vital importance.' Why? Because of Mr. Peacock's list of Church Ornaments destroyed and purloined—most of them without any sanction of law. I have already shown the utter lawlessness of those proceedings. But Mr. Dibdin overlooks a fact which is of 'more vital importance' than the date of what he most inaccurately calls 'the Bodmin deed' (it

was simply an inventory of Church 'ornaments' handed over to new churchwardens on taking office). In Mr. Peacock's list of goods plundered as 'superstitious' are candlesticks, chalices, altar cloths, as well as censers. The list, moreover, dates from the reign of Edward, is confined to the diocese of Lincoln, has nothing to do with Elizabeth's Commissioners, and, in short, has no bearing on the question before us. Does Mr. Dibdin think that all these things were illegal? If he does not, his appeal to Mr. Peacock's book is entirely irrelevant, and his solitary argument against the conclusive evidence of the Bodmin inventory vanishes. The passage just quoted from Leland proves that Elizabeth, so far from ordering the destruction or confiscation of censers, had some costly ones among the altar ornaments of her own Chapel.

Ab uno disce omnes. I need not pursue Mr. Dibdin's argument against the evidence for the use of incense in other cases. He forgets all through that it is his business to prove (1) that the liturgical use of incense has ever been legally forbidden; (2) that the fact of incense being used sometimes for fumigating purposes is any proof that it was never used for religious purposes.

I will now come to the evidence of Forms of Service for Consecration of Churches, &c. These were dismissed at the Lambeth 'Hearing' as mere literary curiosities, devoid of authority and lacking proof of having been used, at least with rubrical exactness. There are many such forms, differing

in details, but belonging to a common type. In some, censers and candlesticks are among the ornaments to be consecrated. I possess one which was published in London in 1703. It was compiled by the Rev. R. Tisdale, chaplain to Bishop Lloyd of Worcester, and is dedicated 'To the Most Reverend Fathers in God, my Lords the Arch-Bishops, and to the Right Reverend Fathers in God, my Lords the Bishops.' In this dedication Mr. Tisdale hopes that 'by having these offices put into their hands,' ill-instructed lay people may be 'better informed of the sacredness of Christian Churches and the holy utensils used in the Service of God their Saviour.' The catalogue of the sale at which I bought my copy had a note certifying that it was Bishop Lloyd's own copy. There is also this manuscript note in ink inside the cover of the volume: 'With MS. alterations by Lloyd, Bishop of Worcester, 1704.' The book is elaborately rubricated in red ink, and sometimes in shorthand, directing omissions, alterations, and additions. Having been so fortunate as to obtain the address of a descendant of Bishop Lloyd, Mr. Lloyd Baker, of Hardwicke Court, Gloucester, who owns Bishop Lloyd's papers and a number of his books, I wrote to him. In his courteous reply he said that 'the Bishop covered all the margin of his books with notes in a very small hand; sometimes shorthand.' The notes in my book are nearly all in a large hand, doubtless for facility of reading during service. I sent the book to Mr. Lloyd Baker for the purpose of comparison,

and received it back with a note certifying that the MS. memorandum in front of the title-page is in the handwriting of a clerical grandson of the Bishop, while 'the notes and shorthand are by Bishop Lloyd.' The importance of this will be seen as I proceed.

My copy is evidently one specially printed for the Bishop's own use, with wide margins enclosed within red lines for the purpose of annotations. On the first page there is a marginal note, partly in shorthand. But the following is very legible: ' . . . used . . . Marston's chapell and Yardley parish, 1704, May 25. . . . ' The notes and marks show that the Bishop made considerable alterations and omissions, and a few additions.

Besides the consecration of a church there is in the same volume a Form (also rubricated by Bishop Lloyd) of consecrating a churchyard, and 'the Form of Consecration of New Communion Plate'; 'The Act' of the consecration of altar ornaments is given in Latin. The Bishop is to stand *ad altare in habitu pontificali*, and on a small table (*mensulæ cuidam*) below and in front of him

stabant decenti ordine vasa quædam (Patina nimirum, duo Calices, Lagenæ et Pelvis, &c., qualibus in sacris utimur) argentea omnia et bis deaurata, ad usum Eccl. Paroch. de . . . in Agro . . . Diœceseos autem . . . sump-tibus . . . præparata.' The pious donor 'humiliter petiit à Domino Episcopo antedicto, ut vasa supradicta omnia, tam piè designata, formata tam eleganter, et jam ritè oblata Deo Servatori sisteret et præsentaret, suoq; Pastoralis Officio, et Ministerio solemniter consecraret

Divino cultui in dicta Eccl. . . . in perpetuum deservitura. Cui tam sancto desiderio toties-dictus Episcopus lubenter annuens, et se promptum et paratum exhibens, Vasa illa omnia (Patinam & Calices, Lagenam et Pelvim, &c.) è manibus præfati . . . ante Sacrum Altare provoluti, sigillatim recipiens, et super Altare, magnâ cum Reverentiâ, reponens; fusis ad Deum precibus, ab omni profano usu separavit, Deoque Servatori, et ejus Divino cultui, juxta morem et ritus in Eccl. Angl. piè usitatos, sollemniter in perpetuum consecravit; et eisdem Vasis itâ consecratis, eisq; solis, mox usus est in Consecratione S. Eucharistiæ loco et tempore suprascriptis.

The vessels named in this act of consecration are a paten, two chalices, a flagon, and a basin. But there were others represented by ‘&c.’ What were they? Candlesticks and a censer. ‘While the Bishop receiveth them [candlesticks] and placeth them upon the Altar,’ the chaplains are directed to say:—

Thy word is a lantern unto my feet: and a light unto my paths.

For in Thee is the fountain of light: and in Thy light shall we see light.

Then follows this rubric:—

So likewise when a censer is presented and received they [chaplains] say:—

While the King sitteth at his Table: my spikenard sendeth forth the smell thereof.

Let my prayer be set forth before Thee as the incense: and let the lifting up of my hands be as the Evening Sacrifice.

Here then we have this fact. In a volume published in the beginning of last century by a bishop's chaplain—probably under the direction of the bishop—and dedicated to the Archbishops and Bishops, we have Forms of the consecration of churches, churchyards, and plate for the service of the altar; and among the ornaments thus consecrated is a censer. And these ornaments are all dedicated to God for liturgical purposes, and are therefore of costly material and artistic workmanship. They are 'separated from all profane use,' and reserved 'for Divine worship *according to the custom and rites piously used in the Church of England.*'

The Bishop, moreover, whose chaplain compiled this book, rubricates it copiously with his own hand, omitting some things, altering others, and making occasional additions. And he notes on the first page the day, the occasion, and the parish in which he first used it, apparently on the first opportunity after publication. Whatever is not changed in any of these Forms, or marked for omission, was sanctioned for use. There is nothing changed in the blessing of the censer.

How is this evidence to be got over? Will any one seriously contend that a silver censer of artistic design, and solemnly dedicated in the way here described, was merely intended to be used occasionally to dissipate bad smells?

Henry Burton was one of the leading and most aggressive Puritans in the reign of Charles I. In 1636 he published a pamphlet entitled 'For God

and the King,' which is a fierce indictment of the Anglican worship of his day for its Popery, as he deemed it. He declares that the Sarum Use—he means of course in ceremonial—is 'in life to this very day' in our Cathedrals: also 'copes, crucifixes, images, superstitious gestures and postures' 'with their hundreds of tapers and candles.' And then he asks:—

What prescription can that Cathedral Church at Wolverhampton in Staffordshire plead for her goodly costly new altar, with the dedication thereof within these two or three years last past, in which dedication all the Roman rites were observed, as censings, washings, bowings, copes (though borrowed from Lichfield)?¹

I add the following for what it may be worth: Desmaizeux, in his 'Life of William Chillingworth' (c. xix. p. 343 of Tegg's edition), quotes as follows from the 'Chillingworthi Novissima' of Cheynell the Puritan:—

The men of a cathedral spirit thought it fit that Mr. Chillingworth, being a member of a cathedral, should be buried in the cathedral; and being Cancellarius,² it was conceived that he should be buried *intra cancellos*, and not under the altar, near the pot of incense, that the constant perfume of the incense might excuse the thrift of his executrix.³ *Ossa inodora dedit.* *Persii Sat.* vi. 34.

This is contemporary evidence, and seems to show the use of incense at the altar service. I suppose 'the fumigatory use' of incense will be

¹ P. 58.

² Chancellor of Sarum Cathedral.

³ Chillingworth's sister.

suggested. But Cheynell does not say that the incense was put there on account of Chillingworth's body, but that the body was possibly put there that it might be perfumed by the odour of the incense used at the altar. To prove that incense was sometimes used for fumigating purposes is not to disprove its use for liturgical purposes. The censer and incense-boat were often made of precious metal and exquisite workmanship, not likely to have been wasted on mere fumigating utensils.

I cannot pass away from the subject of Incense without calling attention to a singular argument urged against it by one of the experts and adopted by Mr. Dibdin. The Venetian Ambassador, describing in a Report to his Government the changes made under Edward VI., writes, according to Mr. Rawdon Brown's translation :—

They use bells and organs, but neither altars, nor images, nor water, nor incense (*non acque, non fuoco*), nor other Roman ceremonies.

This is a far from accurate description of the changes at the time of the First Prayer Book, but Mr. Brown's translation makes confusion worse confounded. Professor Collins, however, adopted it, and founded on it what he regarded as a decisive proof that incense was abolished under Edward's First Liturgy.¹ The authorised report of his speech in 'The Case against Incense' has the following footnote: 'Since the "Hearing," Mr. Horatio Brown

¹ *The Case against Incense*, pp. 136-7.

has looked at the original of Daniele Barbaro's "Relazione," and finds that the true text is "*non acque, non fuochi.*" In the opinion of Professor Collins this does not affect his argument.' He insists that *fuoco* undoubtedly means incense. 'Incense is nothing whatever but a fire; a censer is merely a moveable fireplace; it is a fire of charcoal in a moveable receptacle of some kind or another; and at certain points in the service incense is sprinkled on it.' It happens that I have spent a good deal of time in Italy. I have studied at an Italian university, spending a full year there on one occasion, six months on another, and visits of some months on a stretch at different times. I have interested myself in Italian literature and ecclesiology, and I am certain that I have never heard or seen the word *fuoco* used for incense. I do not believe that a single case of such use can be produced. 'Incense nothing whatever but a fire'! I am surprised that so able and learned a man as Professor Collins should have overlooked the obvious fact that things usually take their names from their characteristic attributes or use. The characteristic attribute of fire is warmth. The characteristic attribute of incense is perfume. Which of these two attributes is predominant in the liturgical use of incense? The perfume of course. The fire is subordinate and subservient to the incense. Its sole purpose is to enable the incense to give out its perfume. Professor Collins makes the incense entirely subservient to the fire. To suppose that

the Venetian Ambassador's Government would at once understand *fuoco* to mean incense is preposterous. Fire bears the same relation to incense that bellows bear to organs. Suppose the Venetian Ambassador, instead of saying, 'They use bells and organs,' had written, 'They use bells and bellows,' would he have been understood to mean 'bells and organs'?

But, impossible as Professor Collins's suggestion is with regard to *acqua* and *fuoco*, it becomes absurd in its application to *acque* and *fuochi* ('waters' and 'fires'—*i.e.* 'incenses'). What does the Professor make of *acque*? He offers no explanation. But there is an explanation, and a very simple one, of *non acque, non fuochi*. Among the furniture of pre-Reformation churches was the *lapis ignitus*, otherwise *petra cum calibe*, *i.e.* the flint and steel kept in the vestry to light the new fire upon Easter Eve, all the light of the former year having been extinguished *with holy water*.¹ The cessation of those fires and waters (*acque*) would strike a Venetian ecclesiastic at once, as the cessation of the Easter fire in the Holy Sepulchre would strike a traveller to Jerusalem now. The Ambassador writes, according to the reckoning of the time, under the date of 1548, and one of Cranmer's Visitation articles under the same date inquires 'whether they, upon Easter Even last past, hallowed the font [for holy water], fire, or paschal,

¹ Du Cange, *Item* Durand, lib. vi. c. 80, s. 2.

or had any paschal set up or burning in their churches?' Beyond all question, the *acque* and *fuochi* of the Venetian Ambassador mean the Paschal fires and holy water fonts used for extinguishing the last year's fires before lighting the new, to which Cranmer refers. *Fuoco* is never used for incense even in the singular, and it would be absurd in the plural.

The remaining points in the Lambeth decision on Incense need not detain us long. Apart from the legal interpretation of the rubric, the Archbishops rely on the following argument. They affirm that it is an error to suppose that 'the order to use the Ornaments was *per se* an order to use the appropriate ceremonies.' This interpretation they reject for three reasons :—

1. It makes the Act of Elizabeth contradict itself by ordering a strict adherence to the form of ceremonial prescribed in the Book, and at the same time ordering the revival of a number of ceremonies of which the Book says nothing.

On this I observe that their Graces' dictum is irreconcilable with certain established facts and customs, such as bowing at the Holy Name; turning to the East at the Creed, and also at the *Gloria Patri*, &c., a custom prevalent in the sixteenth century, as Jeremy Taylor testifies; bowing towards the Altar; signing with the sign of the Cross in Confirmation as well as in Baptism, as customary in the sixteenth century, according to the testimony of

Bishop Montagu,¹ who gives other instances in a quotation, and adds. 'Hoc de nobis verissime vir doctissimus, testis scribebat oculatus.'

2. It inverts the relation between a ceremony and an ornament by making the ceremony subordinate to the ornament instead of the ornament being subordinate to the ceremony. The very meaning of an ornament is that it is a thing to be used for the fitting performance of a ceremony, and if no ceremony be prescribed the so-called ornament has no place.

Very good. But the Prayer Book, apart from the Ornaments Rubric, prescribes no vestments at all for Divine Service; and, even in the Ordinal, priests and deacons are merely ordered to be 'decently vested,' without any particulars. Moreover, it is a universal custom in our Church that when a layman is ordained deacon he puts on, immediately after, a stole over one shoulder; and when a deacon is ordained priest, he puts the stole over both shoulders.

These are ceremonies about which the Prayer Book says not a word. How are they consistent with their Graces' stringent interpretation of 'none other or otherwise'? By the Lambeth decision they

¹ 'Hoc de usu et praxi Anglicanæ Ecclesiæ, secundum antiquissimas traditiones, verbo innixas revelato: cum et illis olim temporibus apud veteres et nostris diebus apud nos ipsos frequentetur, in Nomine Domini Jesu Christi, Crucis Signaculum adhibere; cum publicè in Baptismo, de mandato tum in Confirmatione Catechizatorum, et cæteris Ecclesiæ Sacramentis: tum etiam in Vita et conversatione communi, dum surgunt, vel ad aliquod novum attoniti expallescunt.' *Ἐκκλησιαστικόν, seu de Vita Jesu Christi Domini nostri Originum Ecclesiasticarum, Tomi Prioris pars posterior.* (Edition of 1640, p. 79.)

are just as illegal as the liturgical use of incense. The candidates are ordered to be decently vested *before* the service, and there is no provision whatever for the ceremonial use of the stole in the middle of the service. In the preface to the Ordinal in Edward's First Book the bishop is ordered to have 'his pastoral staff in his hand, or else borne or holden by his chaplain.' That rubric was omitted in the Second Book, and has never been revived. Yet some of our bishops, including the Primates, I believe, use the pastoral staff in the accustomed way. How does this square with their rigid interpretation of 'none other or otherwise'?

3. To order a ceremony not directly, but by ordering the use of an ornament connected with it, is without precedent in the history of the Church.

That might be a valid objection in the case of a perfectly new directory of public worship.

But their Graces forget, if I may presume to say so, that our Book of Common Prayer is not, like the Book of Leviticus, an entirely new directory of public worship, giving rules for the first time to a clergy who had no previous knowledge of the subject. It is, on the contrary, a compilation from old Service Books for the use of clergy who were perfectly familiar with all the details of a long-established ceremonial. Naturally, therefore, it takes a great deal for granted. When it orders that the ornaments of a certain clearly defined period 'shall be retained and be in use,' it necessarily follows that it

orders the ceremonies customarily connected with those ornaments. That censers are among such ornaments is undisputed. When therefore censers are statutely ordered to 'be retained and be in use,' what possible inference can we draw but that they are to be used in the customary way—*i.e.* liturgically?

4. This interpretation makes the words 'at all times of their ministrations' ¹ not merely unmeaning but misleading.

This objection implies that all the prescribed ornaments are to be used at all the Services. But that would be in conflict even with Privy Council law, which decides that the cope is to be used at some, but not 'at all, times of their ministration.' The obvious meaning is that 'at all times of their ministration'—*i.e.* during Divine Service—the clergy are to use the ornaments proper to each ministration. This will be seen more plainly by placing the Rubric of Edward's Second Book in juxtaposition with that which superseded it. The former says:—

And here is to be noted that the minister at the time of the Communion, and at all other times in his ministration, shall use neither Alb, Vestment, nor Cope: but being archbishop, or bishop, he shall have and wear a rochet;

¹ The word in all three Rubrics is 'ministration.' The change of the singular into the plural—of course a slip on the part of their Graces—changes the meaning of the Rubric. 'At all times of their ministration' is equivalent to 'whenever they officiate.' This slip is one of many indications of the ease with which really able men are apt to err in construing language in a field of study in which they are not at home.

and being a priest or deacon, he shall have and wear a surplice only.

Elizabeth's Rubric says :—

And here is to be noted that the minister at the time of the Communion, and at all other times in his ministration, shall use such ornaments in the Church as were in use by authority of Parliament in the second year of the reign of King Edward the VI. according to the Act of Parliament set in the beginning of this Book.

It is plain that Elizabeth's Rubric was simply a reversal of Edward's, and restored the ceremonial of Edward's second year at every ministration. That does not mean—as the Judicial Committee declared and the Primates have echoed—that the same ornaments and the same ceremonies were to be used at all ministrations ; but that the practice of Edward's second year should be followed in all ministrations. If we are to follow Privy Council law the Primates' decision would make the use of the cope on high festivals compulsory at all ministrations in cathedrals and collegiate churches. The argument based on the words ' at all times of their ministration ' is thus seen to crumble to pieces on close inspection.

We have now reached this point. The ceremonial prescribed by the Ornaments Rubric cannot mean anything ordered by Edward's First Prayer Book : first, because that Book certainly did not receive the Royal Assent, in other words did not become a legal document, till three months after the statutory date named in the Rubric ; and therefore

anything ordered by it could not be described legally—and this is strictly a legal matter—as ordered ‘by the authority of Parliament’ in Edward’s second year; secondly, because the contemporary Elizabethan Rubric, which claims expressly the authority of the Act of 1559, connects ‘by authority of Parliament’ with the usage of Edward’s second year, not with any legislation in that year, thus excluding Edward’s First Prayer Book entirely from its purview; thirdly, because the contemporary Latin version of the Act of 1559 in Elizabeth’s Latin Prayer Book prescribes such ceremonial ‘quemadmodum mos erat in hac Ecclesiâ Anglicanâ ex autoritate Parliamenti in anno secundo Regni Regis Edwardi Sexti.’

To what authoritative standard then does the Ornaments Rubric refer? Undoubtedly to the old ceremonial as pruned and modified first toward the end of Henry VIII.’s reign, and still further in the beginning of the reign of Edward VI. by means of his ‘Injunctions’ and ‘the Order of the Communion’—a Eucharistic Office in the vernacular which, *minus* the Consecration Prayer, was substantially the same as Edward’s first Liturgy, including communion in both kinds. All the usages now in debate undoubtedly existed ‘by authority of Parliament’ in Edward’s second year, and this in a double sense. 1 Eliz. c. i. revives 25 Henry VIII. c. xix., which Mary had repealed. But that revived statute, which is still in force, contains the following:—

Provided also that such canons, constitutions, ordinances, and synodals provincial being already made

which be not contrariant nor repugnant to the laws, statutes, and customs of this realm, nor to the damage or hurt of the King's prerogative Royal, shall now still be used and executed as they were afore the making of this Act, till such time as they be viewed, searched, or otherwise ordered and determined by the said two-and-thirty parsons, or the more part of them, according to the tenor, form, and effect, of this present Act.

The review of the Canon law here contemplated by Henry VIII. has never been made. This statutory enactment is consequently law at the present moment, and its revival by Elizabeth gives statutory authority to the ceremonial of Edward's second year even apart from her Act of Uniformity. It is important to observe that this is the unqualified opinion of Bishop Cosin, the leading and most influential divine among the revisers of the Prayer Book in 1662. After referring 'to the second year of that king [Edward VI.], when his Service Book and Injunctions were in force by authority of Parliament,' he goes on:—

And in those books many other ornaments are appointed; as, two lights to be set upon the altar or communion table; a cope or vestment for the priest and for the bishop, besides their albs, surplices, and rochets, and bishop's crosier-staff to be holden by him at his ministration and ordinations; and those ornaments of the Church which by former laws, not then abrogated, were in use, by virtue of the statute 25 Henry VIII.; and for them the provincial constitutions are to be consulted, such as have not been repealed, standing then in the second year of

King Edward VI., and being still in force by virtue of this Rubric and Act of Parliament.¹

There is thus, quite independently of the Parliamentary status of 'the Order of the Communion,' undoubted Parliamentary authority for the ceremonial of Edward's second year. But I now proceed to give my reasons for believing that 'The Order of the Communion' rests on 'the authority of Parliament;' and 'The Order of the Communion,' let us remember, was in legal force during the first six months of Edward's third year.

On November 5, 1547, the Lower House of Convocation unanimously passed a declaration sent down from the Upper House, in favour of administering the Holy Communion in both kinds.² 'The Order of the Communion' was compiled by a joint Committee of both Provinces. The Committee, which was a large one, included the names Cranmer, Bonner, Thirlby, Heath, of the Southern Province; and Holgate, Tunstall, and Aldrich, of the Northern Province. Of the Lower House of the Southern Province there were the Deans of St. Paul's, Christ Church, Exeter, Lincoln, the Master of Trinity (Cambridge), and Archdeacon Robinson of Leicester.³

The Declaration of Convocation was embodied in a Bill, which Cranmer brought into the House of

¹ Cosin's *Works*, vol. v. pp. 438-9.

² Collier, v. 220; Burnet, pt. ii. bk. i. p. 41.

³ Joyce's *Acts of the Church*, pp. 104-9.

Lords on December 3, 1547, and which passed in the form of 1 Edward VI. c. i., decreeing penalties against revilers of ‘the Sacrament of the Altar,’ and enjoining communion in both kinds. It is incredible that each parish priest should be allowed to extemporise an ‘Order of Communion’ for himself, Sunday after Sunday, and at the very time, too, when the authorities in Church and State were contemplating the abolition of separate diocesan Uses in favour of one uniform Use. The Act of Parliament plainly assumes that the communion in both species, in the vernacular, was to be accompanied by some liturgical form, and it suggests the kind of exhortation which was afterwards expanded in ‘The Order of the Communion.’ Canon Dixon, a most accurate historian, writes:—

At the beginning of this year [1548, immediately after the passing of the Act], in the month of January, a commission of bishops and doctors had been nominated by the Council, *on the implied authority of the late Act* [1 Edward VI. c. i.] *for the administration of the Eucharist in both kinds, to compose an Order of Communion in the English tongue.*

The words which I have put in italics prove that Canon Dixon believed that ‘The Order of the Communion’ rested on the Act. The book bears the following *imprimatur* :

Imprinted at London the viii. day of March, in the second year of the reign of our Sovereign Lord King Edward the Sixth; by Richard Grafton, printer to his most Royal Majesty In the year of our Lord M.D.xlviii.

It was issued under the sanction of a Royal Proclamation, which claimed expressly the authority of the Act of Parliament, and referred to 'The Order of the Communion' as 'such form and manner as hereafter, by our authority, with the advice before mentioned, is set forth and declared.'

In addition to this Proclamation, enjoining the general use of 'The Order of the Communion,' the Privy Council sent to every bishop, together with the copies of the book, a circular letter enforcing its use. The purport of this letter may be gathered from the following extracts :—

After our most hearty commendations unto your Lordships, where, in the Parliament late holden at Westminster, it was, amongst other things, most godly established that, according to the first institution and use of the primitive Church, the most holy Sacrament of the Body and Blood of our Saviour Jesus Christ should be distributed to the people under the kinds of bread and wine; *according to the effect whereof* the King's Majesty minding, with the advice and consent of the Lord Protector's grace, and the rest of the Council, *to have the said statute well executed in such sort, as like as it is agreeable to the Word of God, so the same may also be faithfully and reverently received of his most loving subjects, to their comfort and wealths, hath caused sundry of his Majesty's most grave and learned prelates and others, learned men in the Scriptures, to assemble themselves for this matter, who, after long conference together, have, with deliberate advice, finally agreed upon such an Order, to be used in all places of the King's Majesty's dominions, in the distribution of the said most blessed sacrament as may appear unto you by the Book thereof, which we send herewith unto you.*

The bishops accordingly are—

to cause these books to be delivered to every Parson, Vicar, and Curate within your Diocese, with such diligence as they may have sufficient time well to instruct and advise themselves, for the distribution of the most holy Communion, according to the order of this book, before this Easter time, and that they may by your good means, be well directed to use such good, gentle and charitable instruction of their simple and unlearned parishioners as may be all to their good satisfaction as much as may be, praying you to consider that this Order is set forth to the intent there should be in all parts of the Realm, and among all men, one uniform manner quietly used. The execution whereof, like as it shall stand very much in the diligence of you and others of your vocation; so do we eftsoons require you to have a diligent respect thereunto, as ye tender the King's Majesty's pleasure, and will answer to the contrary.

Surely it follows incontestably from the King's Proclamation and the circular letter of his Council, that statutory authority was claimed from the very first for 'The Order of the Communion.' In a recent controversy with me on this subject in the 'Guardian,' my friend and late tutor (to whom I owe much), the Regius Professor of Ecclesiastical History in the University of Oxford, peremptorily denied that 'The Order of the Communion' had either Royal or Parliamentary authority. I am bewildered. Dr. Bright cannot have read, or must have forgotten, the Council's circular letter, which bears the signatures, among others, of Cranmer and the Lord Chancellor. They claim in so many words the authority of the statute for 'The Order of the

Communion,' and the Primate and Lord Chancellor must have known the relation of the two documents to each other. Surely Dr. Bright will revise his opinion in the light of these facts. I say this the more confidently because all the authorities whom I have consulted are on my side. Let me quote a few.

Foxe, who gives the Council's circular letter entire, says :—

By means as well of this letter, and the godly order of the learned, *as also of the statute and Act of Parliament before mentioned* [1 Edward VI. c. i.] *made for the establishing thereof*, all private blasphemous masses were now by just authority fully abolished throughout the Realm of England.¹

To Foxe's mind 'The Order of the Communion' was a most important fact in the history of the Reformation.

The learned editor of Hayward's 'Life and Reign of Edward VI.' says explicitly that 'The Order of the Communion' 'was pursuant to the *Act An. 1. Edw. VI. for the Administration of the Sacrament in both kinds.*'²

Heylin writes :—

So far the Parliament enacted, in relation to the thing itself, as the subject-matter, that the Communion should be delivered in both kinds to all the good people of the kingdoms. But for the form in which it was to be

¹ Foxe's *Acts and Mon.* p. 660, folio edition of 1641. The italics in the quotations are mine.

P. 290, fol. ed.

administered, that was left wholly to the King, and by the King committed to the care of the Bishops (of which more hereafter); the Parliament declaring only, 'That a godly exhortation should be made by the ministers, therein expressing the great benefit and comfort promised to them which worthily receive the same, and the great danger threatened by God to all such persons as should unworthily receive it.'

Heylin then gives the names of the Joint Committee of Convocation (already described) who compiled 'The Order of the Communion,' and adds:—

Who being thus convened together, and taking into consideration as well the right rule of the Scripture as the usage of the primitive Church, agreed on such a form and order as might comply with the intention of the King and the Act of Parliament, without any just offence to the Romish party.¹

Fuller writes:—

THE FIRST EDITION OF THE LITURGY OR COMMON PRAYER.—In the first year of King Edward VI. it was recommended to the care of the most grave bishops, and others, assembled by the King at his castle at Windsor; and, when by them completed, set forth in print, 1548, with a proclamation in the King's name, to give authority thereunto; being also recommended unto every bishop by special letters from the Lords of the Council to see the same put in execution. And in the next year a penalty was imposed by Act of Parliament on such who should deprave or neglect the use thereof.²

Heylin, in his stringent criticism of Fuller's

¹ *Hist. of Ref.* i. 100. 119.

² *Ch. Hist.* ii. 312.

History, remarks on the last sentence of the above quotation :—

Our author here mistakes himself and confounds the business ; making no difference between the whole first Liturgy [*i.e.* the whole Prayer Book] of King Edward the Sixth and a particular form of administration, &c.

Strictly speaking, of course, Heylin is right. Yet there is something in Fuller's rejoinder :—

I wish that the nice distinction between the Liturgy and the form of administration may be informative unto him more than it is to me.¹

Clearly Fuller regarded the Communion Office of Edward's First Book as substantially the same as 'The Order of the Communion.' And so indeed it is, except that in the former the Canon was in Latin.

I think I may now claim to have proved to demonstration that 'The Order of the Communion' was in use 'in this Church of England by authority of Parliament in the second year of the reign of King Edward the VI.,' and was, combined with the old service, the only Liturgy which was then in use by authority of Parliament. Now among the rubrics in the 'Order of the Communion' is one forbidding elevation, and another which says that there is to be no 'varying of any other rite or ceremony in the Mass.' It is to the law, the strict hard letter of the law, that the Primates, and such of their suffragans

¹ *Appeal of Injured Innocence*, p. 486.

as have adopted their 'Opinions,' have appealed. It is to the law that they call upon all the clergy to conform in the matter of Incense and of Reservation. Very well; but the strict letter of the law makes the liturgical use of incense and the practice of reservation for the communion of the sick part of the customary law of the Church of England under statutory authority. The ornaments belonging to each were certainly 'in this Church of England by authority of Parliament in the second year of the reign of King Edward the VI.' That there should be any controversy at all on the subject, in view of the facts, is a signal proof of the power of prejudice to cloud the reason. Take the Parliamentary sanction of 'The Order of the Communion,' for instance. The reader has now seen, I think, that the chief authorities in Church and State at the time claimed statutory authority for it in the plainest terms. And this fact is all the more striking because 'The Order of the Communion' might have claimed statutory authority even apart from 1 Edward VI. c. i. In a recent work of much interest a learned barrister says that in the reigns of Henry VIII. and Edward VI. 'binding force was allowed to the decrees of picked committees of bishops and divines, made with the confirmation of the King, upon matters of religion and the rites and ceremonies thereof.'¹ The author refers to 32 Henry VIII. c. xxvi., and certainly that statute, which was not repealed, I believe, till the

¹ *The Primacy of England*, p. 188. By Samuel F. Hulton, of the Middle Temple, Barrister-at-Law.

present reign, seems to bear out his allegation. I subjoin the passage, so that the reader may judge for himself:—

Whereas the King's Majesty . . . hath appointed . . . the archbishops and sundry bishops of both provinces . . . and also a great number of the most learned honestest and most virtuous sort of the Doctors of Divinity men of discretion judgment and good disposition of the realm, to the intent that . . . they should declare by writing and publish as well the principal articles and points of our faith and belief with the declaration true understanding and observation of all such other expedient points as by them, with his Grace's advice counsel and consent, shall be thought needful and expedient, and also for the lawful rites ceremonies and observations of God's service within his Grace's realm. . . .

BE IT THEREFORE ENACTED . . . that all and every determinations declarations decrees definitions resolutions and ordinances, as, according to God's Word and Christ's Gospel, by his Majesty's advice and confirmation by his letters patent, *shall at any time hereafter* be made set forth declared defined resolved and ordained by the said archbishops bishops and doctors now appointed, *or by other persons hereafter to be appointed* by his Majesty or else by the whole clergy of England, in or upon the matters of Christ's religion and Christian faith and the lawful rites ceremonies and observations of the same, shall be in all and every point limitation and circumstance thereof, by all his Grace's subjects and other residents and inhabitants within the realm . . . fully believed obeyed observed and performed . . . as if the said determinations declarations . . . had been by express words terms and sentences plainly set out and contained in the present Act. Provided that nothing be done ordained . . .

by authority of this Act which shall be repugnant or contrariant to the laws and statutes of this realm.¹

That Edward VI. and his Council (which, be it remembered, included the Primate) should have made no reference to this statute, but claimed directly the authority of the statute just passed, is proof positive that there was then no question at all that 'The Order of the Communion' was the direct offspring of 1 Edward VI. c. i. It follows of course from the Ornaments Rubric that whatever was lawful under that 'Order' is lawful still. Nothing short of the repeal of the Statute of Elizabeth and the Ornaments Rubric (which also is statute law) in favour of a statutory prohibition can make the liturgical use of incense and reservation for the communion of the sick illegal. The fact is, the Archbishops, if I may presume to say so, have proceeded on an erroneous assumption as regards the Reformation. They have assumed that the Reformation was a fresh start,

¹ 32 Henry VIII. c. xxvi. (*Statutes of the Realm*, printed by command, from Original Records and Authentic MS. 1817). Mr. Hulton's interpretation of this statute is indirectly confirmed by the following incident. Dr. Weston, 'Prolocutor of the Convocation in the first of Queen Mary,' objected 'that the said Catechism [of 1552-53] was not set forth by the agreement of that House.' Philpot, Archdeacon of Winchester, answered that 'the said House had granted the authority to make ecclesiastical laws unto certain persons to be appointed by the King's Majesty, and therefore whatsoever ecclesiastical laws they or the most part of them did set forth (*according to the statutes in that behalf provided*), might be well said to be done in the Synod in London.'—Heylin, *Hist. of Ref.* i. 258. Note the words which I have put in italics, and see how 'The Order of the Communion' thus rests on a twofold statutory basis: (1) 1 Ed. c. i.; (2) 32 Hen. VIII. xxvi.

leaving a great gulf fixed between the Reformation Church and the preceding Church. They have assumed in their reasoning, though probably not consciously, that what took place was not so much a reformation as a revolution. That is the real meaning of the idea to which they sometimes give expression, and which underlies the whole of their argument—namely, that whatever is not expressly ordered is tacitly forbidden. The Uniformity Act of 1559 is thus the charter of a new dispensation, from the *littera scripta* of which there must be no variation. Henceforth the ritual and ceremonial of the Church of England must be ‘none other or otherwise’ than the letter of that Act prescribes—that is, not merely compliance with the rubrics of the Prayer Book, but abstention from anything whatever not expressly ordered thereby. This view places the English Church of the sixteenth century in much the same relation towards the English Church of the preceding centuries as the thirteen States of America towards the Mother Country at the close of the War of Independence: I mean in all matters of judicature and customary law. But that view is a complete reversal of the doctrine of our great divines and ecclesiastical lawyers. The doctrine of our great divines will not be disputed, and I have dealt with it in a measure in a previous chapter. The doctrine of our ecclesiastical lawyers agrees with that of our divines in insisting on the identity of the Church of England before and since the Reformation; that event being not a fresh start, but a return to primitive customs; a restora-

tion, not a revolution. From this followed the general principle that what was not forbidden was allowed. A catena of authorities might be cited in confirmation of that assertion ; but it may suffice to appeal to two eminent judges in this century. In a case as to Lay Baptism (in 1810) Sir John Nichol, Dean of the Arches, laid down the true doctrine with axiomatic precision :—

In construing all laws it is proper to inquire how the law previously stood, for it will require more express and distinct terms to abrogate or change an old-established law than to provide for new cases in which the formula has been silent.

Then as to the sources of our ecclesiastical law :—

The law of the Church of England would be deduced from the ancient Canon law, and from particular constitutions made in this country to regulate the English Church ; from our own Canons ; from the Rubrics ; and from any Act of Parliament which may have passed on the subject ; and the whole may be illustrated by the writings of eminent persons.¹

This indicates the sources from which the law may be ascertained and illustrated, but leaves untouched the previous rule, that ‘ express and distinct terms ’ are necessary ‘ to abrogate or change an old-established law ’ about which there is no question. That covers precisely the cases of Incense and Reservation. The law, as expounded by this

¹ *Phillimore's Reports*, 286 (*Kemp v. Wickes*).

eminent authority, is not to be taken merely from the letter of statutes or rubrics, but from the 'old-established law' of the Church in so far as it has not been expressly repealed. Traditional authority was to be followed when not abolished by direct legislation.

A generation later another Dean of Arches laid down the same doctrine—Sir Herbert Jenner, in *Brecks v. Woolfrey*. The question was the legality of Prayers for the Dead, and the judgment, which is a comprehensive and luminous one, is based on the principle that at the Reformation all the old Catholic doctrine was to be retained where it was not forbidden. One of the Articles condemns the 'Romish' doctrine of Purgatory, but does not pronounce Prayers for the Dead unlawful; and not being declared unlawful, they must be admitted to be lawful. Thus again you have the traditional doctrine asserted that 'an old-established law' of the Church is valid unless invalidated by express legislation. The Lambeth decisions lay down the opposite doctrine—namely, that the omission of an old practice or ceremony means its prohibition together with the prohibition of the doctrine which it symbolises. And curiously enough one of the test illustrations is another Lay Baptism case—namely, the case of *Mastin v. Escott*. The advocates of Reservation quoted the judgment in that case as upsetting the main argument against Reservation. The Archbishops, on the other hand, dismissed the judgment as entirely irrelevant.

I quote the Primate's exact words, because they show that his Grace entirely missed the point of the argument :—

The case of *Mastin v. Escott* is quoted as showing that our Courts of Law have held that an ancient practice of the Church cannot be discontinued simply by mention of it being excluded. The question before the Courts in that case was whether a child that had been baptised by a layman was really baptised at all. The question was not whether such a baptism was regular or irregular, but whether it was valid. And though the question of the regularity of the baptism was frequently introduced by counsel, and is mentioned by the Courts, yet there are no words in the judgment of either Court which expressly deal with this point. On the question of the validity of the baptism the decision is perfectly clear and full. In the present case no question is raised on the validity of the sacrament when administered by means of consecrated elements that have been reserved. It is not contended that the communicant does not thereby obtain the great gift which it is the purpose of the sacrament to give. Nor have I to decide that point. The question for me to decide is whether the priest is or is not forbidden to administer the sacrament in that way, and on this point the case of *Mastin v. Escott* decides nothing.¹

The *pièce de résistance* in the controversy on the validity of Lay Baptism is Waterland's famous Letters. His argument against the validity of Lay Baptism is a masterly piece of reasoning, which he condenses in the following dilemma :—

It is very certain that the Church of England forbids Baptism Lay ; in all ordinary cases directly, and in extra-

¹ *Times* report.

ordinary cases implicitly; having made no provision for cases of necessity; which yet she ought to have done, and very probably would have done, had she thought Lay-baptism valid, since the salvation of many infants may be nearly concerned in it.¹

If the grounds on which the Archbishops condemn Reservation 'in any form' is sound, Waterland's argument is unanswerable. The two Prayer Books of Edward and the Prayer Book of Elizabeth allowed Lay Baptism. In 1604 a rubric was inserted requiring the officiant to be 'the lawful minister,' and that injunction has remained ever since. The term 'lawful minister' excludes *primâ facie* the ministry of a layman. So thought and argued Mr. Escott, a parish priest, who was prosecuted for refusing to bury a child who had only received Lay Baptism. His defence was that the child had died unbaptised, having received only Lay Baptism. If the 28th Article and Post Communion rubric forbid Reservation 'in any form,' much more is Lay Baptism in any form forbidden by the omission of the rubric which sanctioned it and the substitution of a rubric restricting the administration of the rite to the 'minister of the parish, or any other lawful minister that can be procured.'

So Mr. Escott argued. Yet the Court of Arches decided against him in a learned judgment, and suspended him for three months for acting on the reasoning of the Lambeth decisions before his time. He appealed to the Judicial Committee, and fared

¹ *Works*, vol. x. p. 190.

even worse there. For that august tribunal not only confirmed the judgment of the Court of Arches, but did so with an affluence of legal knowledge and illustration which tore Mr. Escott's case to tatters. These two judgments are so important both in their general bearing on the governing principle of interpretation applicable to our Rubrics, Canons, and Articles, and in their bearing in particular on the Lambeth decisions, that it may be useful to give their main points. They both proceed on a line of interpretation directly the reverse of the Lambeth decisions. The 'none other or otherwise' argument is not so much as noticed. Its application to Canons, Rubrics, or Articles did not occur to either tribunal as a bare possibility. They do not 'regard it, and pass on;' they pass on without regarding it, laying down doctrines and principles which are simply fatal to it. A few extracts will make this clear. The Dean of Arches, Sir Herbert Jenner Fust, goes back to 'the practice of the primitive Church' in the matter of Lay Baptism: and what he meant by the primitive Church is very different from the definition laid down in the Lambeth decision on Incense:—

The existence of the practice [of Lay Baptism] at this very early period, during the first four or five centuries—the best and purest ages of the Church—shows that the practice does not owe its origin to the corruptions of Rome [as was contended by Mr. Escott]. That many superstitions were grafted upon this practice is true, but that will not affect the present question. And the evidence of Tertullian, St. Austin, and St. Jerome is sufficient to establish the fact, that the practice existed at the time.

See how this learned judge—a man well versed in the principles and rules of ecclesiastical law—brushes aside with something like scorn the argument that a usage, not wrong in itself and sanctioned by the practice of the primitive Church ‘during the first four or five centuries,’ had, on account of Roman corruptions, ceased to be lawful in the Church of England in virtue of a rubric which seems by implication to condemn it—an implication far stronger than anything which can be alleged against Incense and Reservation. Nor did the Dean of the Arches rest his case solely on the usage of the primitive Church. He was far too sound a lawyer to make such a mistake. So he goes on :—

After the time of St. Austin the ancient Canons bear ample testimony to the universal adoption of it [Lay Baptism] as the rule and order of the Church. . . .

It is sufficient to state that the validity of Lay Baptism was recognised not only by the general Canon Law of Europe, and throughout the Eastern and Western Churches, but also by the law of England and of the English Church before the Reformation.

And he refers, as does the judgment of the Judicial Committee, to an authority somewhat contemned in this controversy: I mean Lyndwood. Now if this argument is sufficient to establish the validity of Lay Baptism, it is *à fortiori* valid to establish the liturgical use of incense and the practice of reserving the Sacrament for the communion of the sick: for the rubric which seems to forbid Lay

Baptism is far more precise than anything that can be quoted against Incense or Reservation. If, on the other hand, the post-Communion rubric or 28th Article suffice to prove the illegality of Incense and Reservation, it follows irresistibly that the Court of Arches and the Judicial Committee were wrong in pronouncing Lay Baptism legal. There is no possible escape from that dilemma.

Let us now turn to the affirmation of the judgment of the Dean of the Arches by the Judicial Committee. The Court consisted of Lord Wynford, Lord Brougham, Mr. Justice Erskine, and Dr. Lushington. The judgment was delivered, and no doubt written, by Lord Brougham—a man of genius, who had a fine grasp of the general principles of law in all its departments and correlations, whatever defects may be imputed to him in other respects.

The Court, in order to make its argument plain, proceeds ‘to consider what the law was at the date’ when the change in the rubric in the Baptismal Office was made.

Without distinctly ascertaining this we cannot satisfactorily determine what change the rubric of 1661, adopted into the 13 and 14 Charles II. c. 4, made, and in what state it left the law on this head; because it is very possible that the same enactment in a Statute, or the same direction in a Rubric, bearing one meaning, may receive one construction when it deals for the first time with a given subject-matter, and have another meaning and construction when it deals with a matter that has already been made the subject of enactment or direction; and this is most specially the case where the posterior enactment

or direction deals with the matter without making any reference to the prior enactment or direction. Still more is it necessary to note the original state of the law when it is the Common Law that comes in question as well as the Statute. . . . We are therefore to see what the rubric prescribes at and prior to 1603—this being, the statutory provision then in force, and adopting the Common Law prevailing for 1,400 years over Christian Europe.

After some observations on the Burial Service, the judgment goes on :—

But, secondly, and what is much more material to our present inquiry, it is clear that the rubric and consequently the statute down to 1603, and indeed to 1662, the date of the Uniformity Act, authorised Lay Baptism, and placed it on the same footing with clerical baptism in point of efficacy. . . . The same doctrine was held and practice formed upon it in the Roman Catholic Church from a very early period. . . . It had become universally accepted by both (East and West) in the time of St. Austin. . . . The Constitutions of Archbishop Peckham in Lyndwood's *Collection* (bearing date 1281), though severely denouncing a layman who shall intrude himself into the office without necessity, yet declare the baptism valid which is celebrated by laymen, and state that it is not to be repeated.

The position therefore being undeniable that previous to 1603 . . . Lay Baptism, though discountenanced and even forbidden unless in case of necessity, was yet valid, and this being the common law¹ . . . we are to see if any change was made in that law as it thus stood. . . .

¹ The judgment here parenthetically defines 'the Common Law' as 'not the law made by Statute and Rubric, but the law by Statute and Rubric recognised.'

The rubric of 1603, instead of directing 'those present' in the case of private baptism, as the former rubrics had done, directs the 'lawful minister' to say the prayer if time permit, and to dip or sprinkle the child and repeat the words. The rubric of 1661 explains what shall be intended by 'lawful minister,' substituting for that expression the words 'minister of the parish, or, in his absence, other lawful minister that can be procured.' It there prescribes a prayer to be used by the minister, which prayer is not to be found either in the Liturgies of Edward VI. and Elizabeth, or in that of 1603. We may pass over the rubric of 1603 (1604) . . . because until 1662 there was no statutory authority for any change of the law which had been established at the date of 1603 (or 1604) . . . But as in 1662 the present Uniformity Act of 13 and 14 Charles II. c. 4 was passed, and gave force and effect to that date, it becomes necessary to see whether or not that Rubric changed the former ones, those of Edward and Elizabeth.

The Court decided that it did not, and it founded its conclusion on the following broad general principle:—

Generally speaking, when anything is established by statutory provisions the enactment of a new provision must clearly indicate an intention to abrogate the old; else both will be understood to stand together, if they may. But more especially where the Common Law is to be changed, and most especially the Common Law which a statutory provision had recognised and enforced, the intention of any new enactment to abrogate it must be plain to exclude a construction by which both may stand together. This principle, which is plainly founded on reason and common sense, has been largely sanctioned by authority. [After some re-

marks on Coke] But the rule which is laid down in 2 Inst. 200 has been adopted by all the authorities, that 'a statute made in the affirmative, without any negative expressed or implied, doth not take away the common law.' . . . Here the [new law] . . . must be taken as an addition to and not a substitution for the former, unless the intention plainly appear to make it substitutionary and not cumulative. The proof is on those who would make it substitutionary and not cumulative. . . .

The clear and unqualified opinion upon the point, and *post litem motam* of the two Metropolitans and fourteen other prelates, has also been properly referred to, and is no doubt of great weight. But 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 stations in the Church; and these authorities are chiefly valuable as bearing testimony to the fact that the construction of the Rubrics of 1603 and 1661 was acted upon, which construction assumed no change to have taken place in the former law, the common law of all Christendom, before the Reformation of the Anglican Church, and, both before and after that happy event, the law of the same Church up to the date of the Canons of 1603: a law which was recognised by the statutes of Edward and Elizabeth, and which, as nothing but express enactment could abrogate, so we might the rather expect to find contemporaneous usage confirm, when no abrogation had been effected.

Now if the reader will turn back to the extract which I have quoted (p. 664) from the Primate's 'Opinion' on the question of Reservation, he will see that his Grace misapprehended altogether the reference to the case of *Mastin v. Escott*. The point is not the *matter* of that judgment—that is quite

irrelevant to the issue—but the *ratio dicendi* of the judgment—the general rule, that is, of interpretation which led the Court to its conclusion. That general rule is this: that in the interpretation of Rubrics, Canons, and Articles the judge must have regard to the Common Law of Christendom as well as to the particular local or national law; that the omission of any part of this Common Law, and its apparent supersession by a new law, must not be regarded as the abrogation of the old law that has been omitted but not formally repealed; and that consequently the old law and the new may stand together, unless the contrary is expressly provided for. Nothing can be plainer than the language of the Court, that ‘where anything is established by statutory provisions, the enactment of a new provision must clearly indicate an intention to abrogate the old; else both will be understood to stand together if they may.’ Therefore Lay Baptism was still legal although the rubric which sanctioned it had been withdrawn in favour of a rubric which requires a ‘lawful minister’ for the administration of the Sacrament, since neither the new rubric itself, nor the subsequent statute which sanctioned it, expresses any intention to abrogate the Common Law of Christendom in this respect.

It would be impossible to produce a more exact counterpart of the question before the Archbishops, with this difference, that the rubric which seems to forbid Lay Baptism is very much clearer and stronger than anything which can be quoted against either

Incense or Reservation. Yet the Archbishops brush aside the judgment in *Mastin v. Escott* as a pure irrelevancy! Could we have stronger evidence of their failure—through lack of familiarity with the whole subject—to apply the proper key to the interpretation of the documents before them? And how can a decision based on so fundamental a fallacy be urged on the clergy as a law which they are bound in conscience and by the terms of canonical subscription to obey?

But I must in justice admit that the Primate was in this matter, as in others, following an illustrious, but a bad, example. The Judicial Committee, in *Westerton v. Liddell*, ruled that ‘the ornaments of the Church, whether those worn or those otherwise used by the minister, were to be according to the First Prayer Book.’ In the *Purchas* case the same Court, though not the same judges, gave a precisely contrary decision. How did the Court get over this awkward difficulty? By the transparent sophism that the legality of the vestments of the minister was not before the Court in *Westerton v. Liddell*. Quite true, and quite irrelevant. But the *ratio dicendi* of that decision covered the vestments of the minister as well as of the altar. Not less clearly does the *ratio dicendi* of the judgments of the Court of Arches and of the Judicial Committee in *Mastin v. Escott* cover the legality of Incense and Reservation.

The foundation on which the decision against Reservation rests having been shown to be unsound, the superstructure reared upon it must be rejected

as unstable. But it may be well to point out some fallacies of reasoning in detail.

The Primate relies mainly on the 28th Article. I have dealt with that article in a previous chapter (see pp. 160-71), and, with all humility and deference, I retain my opinion. But his Grace's criticism here strikes me as extraordinary:—

To say that the Sacrament of the Lord's Supper was not by Christ's ordinance reserved, carried about, lifted up, or worshipped, is to say that those who do those things use for one purpose what our Lord ordained for another.

'Those who do those things'—*i.e.* reserve the Sacrament for ceremonial exposition and processions. But no such persons appeared at the Lambeth 'Hearing.' Those who appeared there reserved the Sacrament for the purpose of communicating the sick; and how can that be described as 'using for one purpose what our Lord ordained for another'? But his Grace insists that the Article condemns 'any external act of devotion, and this is the chief object of prohibition.' Why then did not his Grace order the reserved Sacrament to be kept, according to ancient precedent, locked up in a tabernacle, or in an aumbry in the vestry, with nothing to indicate its presence? But he has pronounced it illegal 'in any form.' Moreover, Lay Baptism was declared legal in spite of the superstitions which had clustered round it; and the sign of the cross in baptism, which does not approach in practical importance the reservation of the Sacra-

ment for the sick, is rendered obligatory, although the 30th Canon admits that 'Popish superstition and error' were connected with it. But the episcopate of that day laid down the wise rule, that 'the abuse of a thing doth not take away the lawful use of it.'

But the Primate's *dictum*, I venture most humbly and respectfully to suggest, condemns the doctrine and practice of almost all our great divines. The language of Archbishop Bramhall, which I have quoted in a previous chapter (pp. 144-5), is in harmony with the doctrine of our representative divines. It is therefore a very serious thing indeed to find the Primate—apparently with the concurrence of the Metropolitan of the Northern Province—condemning such language and practice as superstitious and illegal. And it is rendered all the more serious by the fact that the Judicial Committee—reluctantly, but constrained by the irresistible logic of facts—declared the legality of what the Primate has condemned as illegal. Nor does the difficulty end even here. For the Primate has declared that the Church of England has 'emphatically repudiated' 'any external act of devotion' to the Blessed Sacrament. Yet the Church of England emphatically insisted—against the energetic protest of the Puritans—on the 'external act of devotion' signified by kneeling, at the reception of the Sacrament. The rubric on kneeling in Edward's Second Book might give some colour to the Primate's view; but is not that view irreconcilable with our present rubric? We know, as a

fact, that the rubric was amended in 1661-2 for the very purpose of excluding the meaning which his Grace's words seem to imply. And I wonder it did not occur to his Grace that he was passing a severe censure on the American Church and on the Scottish Episcopal Church, both of which practise reservation for the sick, and find nothing illegal in it even under the English Prayer Book.

I have already remarked on the Primate's denunciation of the communion of the half-conscious sick as 'a magical charm,' in apparent forgetfulness that such communions have always been condemned, and are advocated by none. But when he adds: 'The Church long ago gave up the practice of administering it to infants,' I am puzzled. For, in matter of fact, the Eastern Church in all its branches has retained the practice of infant communion to this day. Burke avowed his inability 'to bring an indictment against a whole nation.' Is it not harder still to bring an indictment against a whole Church enjoying the allegiance of many nations? And does not the indictment recoil on our own Church—indeed, on the whole Catholic Church throughout the world? not simply because infant communion was at one time the practice of the Church universal,¹ but because his Grace's argument would make the baptism of infants 'a magical charm'? The com-

¹ 'It is beyond dispute that as she baptised infants and gave them the unction of chrism, with imposition of hands, so she [the primitive Church] admitted them to a participation of the Eucharist as soon as they were baptised, and ever after . . . for at least eight centuries.'—Bingham, v. 174.

munion of infants is declared to be 'a magical charm' since faith is required for the reception of it. Yes, but faith is required for the reception of baptism also. How then shall we meet the objection of the Baptist? Do not our Lord's teaching and example illustrate the efficacy of vicarious faith? Was it the faith of the Syrophœnician woman's daughter, or of the nobleman's son, or of the epileptic demoniac boy, or of the dead child of Jairus, that wrought the cure in each case? Was it not, on the contrary, the faith of those who acted the part of mediators? Who has a right to say that even infants may not receive benefit from a Sacrament administered on the faith of others? We know too little of these things to be in a position to dogmatise, especially with the example of our Lord and the practice of His Church before us.

The Archbishop of York insists on 'the declaration made' by an incumbent 'at the time of his admission to his benefice,' as forbidding Reservation. He 'quotes only the portion referring to the question before us,' which is as follows:—

In public prayer and the¹ administration of the Sacraments I will use the form prescribed in the said Book, and none other, except so far as shall be ordered by lawful authority.

¹ The article is of course an inadvertent interpolation which has, I think, misled the Archbishop's mind a little as to the meaning of the passage. Without the article the adjective 'public' qualifies 'administration of the Sacraments' as well as 'prayer,' and consequently excludes private ministrations from the terms of the Declaration.

His Grace asks: 'Is the ministration of the reserved Sacrament, and therefore Reservation itself, any part of the form prescribed in the said Book?' I am not sure that I understand the argument implied in this question. The ministration of the reserved Sacrament, as I understand the matter, is in strict accord with 'the form prescribed in the said Book.' The fact of carrying it to the sick man's chamber no more infringes the prescribed form than the fact of carrying it to an invalid in a pew in the church or in an invalid's chair in the porch, as I have seen. I really cannot understand what the Archbishop means. I cannot see the smallest violation of the Declaration which his Grace has quoted. Does he really hold that all through the period during which the First Prayer Book of Edward was in use the whole English clergy were in a state of chronic violation of the law? For the famous 'none other or otherwise' is taken from the Uniformity Act which authorised that Book with its sanction of the reserved Sacrament. But there was no fresh form, for the general confession, absolution, and the 'comfortable words,' cannot in any accurate liturgical sense be called another form.

I have already (pp 163-167) discussed the post-Communion rubric—'but if any remain' &c.—and shown, as I believe, that it does not touch the question of Reservation at all. The Archbishop of York, adopting Dr. Bright's argument, makes the following answer:—

It was argued that the rubric requiring the reverent consumption of the remainder of the consecrated bread and wine which had not been required for the Communion did not forbid the reservation of a certain quantity set aside for this purpose in the course of the service, and that this portion was therefore not included in what remained after the Communion. But it is evident that the whole force of this contention disappears unless it can be shown that there was authority or permission for making such reservation; and this most important link in the argument is altogether wanting. But, apart from there being no evidence to this effect, it would seem reasonable to expect that a point so important should have been made clear by the simple insertion of the words, 'except such portion as has been reserved for private administration.' There being no hint of such an exception, the only alternative is to understand the rubric in the plain meaning which appears on the surface—that all that had been consecrated and not then used should be reverently consumed immediately after the close of the service.

But this argument proves too much, for it would make Reservation illegal in the Church of England before the Reformation. Our rubric in its present form is due to the suggestion of Cosin, and it is probably his composition.¹ Cosin, like most bishops in those days, was learned in the Canon Law; and the rubric under consideration is in substance an old pre-Reformation direction. Here it is:—

Tribus gradibus commissa sunt Sacramenta Divinorum Secretorum, id est, Presbytero, Diacono, et ministro: qui cum timore, et tremore clericorum reliquias fragmentorum

¹ Cosin's *Works*, v. 519.

Dominici custodire debent. Tanta in altari certè holocausta offerantur, quanta populo sufficere debeant. *Quod si remanserint* [nimirum ex holocaustis et elementis consecratis] *in crastinum non reserventur ; sed cum timore, et tremore, clericorum diligentia consumantur.*¹

Lyndwood anticipated the Archbishop's objection, and gave an explanation of the above rubric which is equally applicable to ours :—

Presbyter semper habebit Eucharistiam paratam propter infirmantes, nec obstat *co. d. c. tribus*, ubi prohibetur Hostias plures in Altari dimissas reservare, quia verum est quod non debent reservari ad opus consecrantium, sed opus morientium.²

In commenting on the rubric (' . . . if any of the bread and wine remain ' &c.) Cosin quotes from the *Corpus Juris Canonici* the above direction to consume what remains. So that in transferring it to our Prayer Book he evidently adopted it with its ancient meaning, and most certainly with no idea that he was thereby supplying a future Archbishop of York with a constructive case against the legality of Reservation. Here are the words with which Cosin prefaces his quotation of the old Canon Law rubric about what remains of the consecrated elements after Communion :—

There was order taken for it [the unconsumed remainder] of old, which were well to be observed still,

¹ *Corpus Juris Canonici, Decret. iii., Pars de Consecratione Dist. ii. c. xxiii.*

² *Provinciale, lib. iii. tit. 26.*

that no more should be brought, at least consecrated upon the altar, than would suffice to communicate the people, and if any remained, that the priests should reverently receive it.¹

It is no answer to say that this Latin rule, adopted into the *Corpus*, is an extract from a spurious epistle of St. Clement. Its adoption by the mediæval canonists bears witness to the custom of the time.

The Archbishop of York relies also on 'the published utterances of clergy and others during the period which followed upon the accession of Queen Elizabeth,' as 'showing very clearly that the custom had been suppressed and was almost entirely abandoned.' Now I must say very respectfully that I attach no importance whatever to those published utterances. Mr. Dibdin's catena consists mostly of Puritans, and I have already shown that they exalted their own prejudices into law and set the law of the land at defiance whenever and wherever they could—even men so eminent as Bishop Jewel and Archbishop Sandys. It would be just as easy to prove the illegality of crosses, candlesticks, daily service, weekly Communion, cope, choral services, by the published utterances of such men. It was at them that the Advertisements were aimed in the hope of pulling them up to a minimum of decent submission to the law. No doubt they abolished Reservation as they abolished many other legal usages. Why indeed should they reserve? Here is one of 'the published

¹ Cosin's *Works*, v. 131.

utterances' which Mr. Dibdin has culled from the writings of one of these men against Reservation :—

But we discern the Lord's Body, as the Apostle here hath taught us, ' Let a man therefore examine himself,' &c. Not by making superstitious provisions for the bread and wine which remaineth after Communion ; whereof there is no greater account to be made than of the water after baptism, for the consecration extendeth to no more bread and wine than is bestowed according to Christ's institution. . . . And the Church of England . . . hath appointed, for avoiding of superstition, and all other inconveniences, that the Minister shall have the bread and wine to his private use.¹

A fine witness truly to prove the illegality of Reservation ! His evidence is just as good against the reverent consumption of what remains, as prescribed by our present Rubric.

I observe, further, that some of 'the published utterances' on which the Archbishop of York relies, prove a good deal too much. For instance, Bishop Hooper is quoted by Mr. Dibdin as follows :—

No man, for a good intention, beside the Word of God, should add anything to the doing of this Supper, or take anything from it. We read not that they celebrated the Supper in any private house for any sick person.

It shall not be prejudicial, nor nothing derogate the honour of the Blessed Sacrament, though it never be celebrated in a private house ; nor he that abstaineth from the receiving of it out of the congregation, nothing the worse Christian man. In time past it was sufficient

¹ *Reservation of the Sacrament*, p. 46 (Mr. Dibdin's Speech at the Lambeth 'Hearing').

for the people to celebrate openly this Holy Supper, and was not used to be brought unto the sick.¹

This is quite as much against private communion of any kind as against Reservation. And as a matter of fact the Puritans disliked the Office for the Private Communion of the Sick more than they did Reservation for the sick. Their objection to both was that private communion in any form was a superstition, inasmuch as it implied some mysterious sacredness in the Sacrament. In the eyes of Hooper and the rest the Eucharist was nothing more than a solemn meal calculated to remind the recipients of the death of Christ, and thus excite lively emotions of pious gratitude. Their ideal was a long table at which the communicants sat, and partook of bread and wine blessed by one of the company, who might have been a layman. Now, seriously, are we to take 'the public utterances' of these men as valid evidence against Reservation? And if we are, why not against the private communion of the sick also? Have the Archbishops carefully considered what manner of men crowds of those Puritan clergy were? In a letter from Archbishop Parker to Grindal (then Bishop of London) in August 1560, the Primate says:—

We and you both . . . have heretofore admitted into the ministry sundry artificers and others not traded and brought up in learning, and, as it happened in a multitude, some that were of base occupations: forasmuch as now by experience it is seen that such manner of men,

¹ *Reservation of the Sacrament*, pp. 102-3.

partly by reason of their former profane arts, partly by their light behaviour otherwise and trade of life, are very offensive unto the people ; yea, and to the wise of this realm are thought to do great deal more hurt than good, the Gospel thereby sustaining slander.¹

In the following November, Parker writes again to Grindal about the state of his diocese, and among other questions which he asks about the London clergy is this : ‘How many of them, as well of your Cathedral Church, as of others beneficed in your diocese, be neither priests nor deacons?’² Would beneficed laymen, some of them ignorant tradesmen of ‘light behaviour,’ be likely to attach any importance to the Eucharist at all, whether administered by Reservation or otherwise ? To my mind one of the strongest proofs of the Divine Providence which has watched over the Church of England is the fact of her having escaped alive out of the hands of the host of plunderers, fanatics, and ignorant bigots who were admitted in Elizabeth’s reign into her ministry, sometimes by episcopal ordination, and sometimes without. The quarrel of the Puritans was with the whole sytem of worship and Church government recognised in the Prayer Book, and when they got the upper hand they abolished both. And are we, forsooth, to take our theology and law of ritual from such men ? We see the natural result of their policy in Burleigh’s terrible description of the irreligious condition of England in the year 1572.³

¹ *Correspondence* of Archbishop Parker, p. 120.

² *Ibid.* p. 128.

³ See *ante*, p. 104.

But some of Mr. Dibdin's quotations are irrelevant. For instance, Cranmer says :—

Innocent III., about 1,215 years after Christ, did ordain that this Sacrament and Chrism should be kept under lock and key. But yet no mention is made of hanging the Sacrament on the High Altar, nor of the worshipping of it.

This passage shows that Cranmer's objection was to the Reservation of the Sacrament for hanging up for worship instead of for communicating the sick, and is a good illustration of the intention of the 28th Article. A great many of the quotations selected by Mr. Dibdin and others against Reservation and the liturgical use of Incense are of this irrelevant sort, and may be aptly illustrated from the 51st Psalm :—

For Thou desirest no sacrifice, else would I give it Thee ; but Thou delightest not in burnt-offerings. The sacrifice of God is a troubled spirit : a broken and contrite heart, O God, shalt Thou not despise.

Take that passage by itself, and you prove that the Psalmist condemned the whole sacrificial worship of the Temple. But read on and you will find that you have made a mistake in taking a part for the whole. Let sacrifice be offered in the right spirit, and—

Then shalt Thou be pleased with the sacrifice of righteousness, with the burnt-offerings and oblations : then shall they offer young bullocks upon Thine altar.

Truth is a frequent sufferer from partial quotation. I have seen quotations from the Fathers in favour of the liturgical use of incense explained away with as much justice as the condemnation of sacrificial worship by the 51st Psalm.

Archbishop Parker and Burleigh were both 'named "great Papists"' by the Puritans of that day. Yet Parker says of himself that he did not 'care either for cap, tippet, surplice, or wafer-bread, or any such, but for the laws so established,' of which the Puritans refused to obey the decent minimum which he names.¹ A scholar, an archæologist, and a man of taste himself, he yielded so far to the stupid fanaticism of the Puritans, in the hope of conciliating them, as to aid them in destroying priceless works of art—chalices, patens, alms-dishes, candlesticks, vestments, illuminated missals and books of devotion—that had been condemned as polluted by contact with 'idolatry'—*i.e.* with the Latin Service of the Mass. There is a curious instance of this iconoclasm, and one which bears on the question of Reservation, given in Gutch's 'Collectanea Curiosa.' Some Puritans complained to Parker that the Warden and Fellows of All Souls', Oxford, had some 'monuments of superstition' in their possession, and demanded that they should be destroyed. Parker complied; but in the hope of reconciling the Warden and Fellows to this ruthless vandalism he allowed them to keep the plate after defacing it. 'For the avoiding of all suspicion of

¹ *Correspondence*, p. 478.

superstition' he ordered 'that the said plate should be defaced, put into some mass for your house, whereof it may have need hereafter, and so safely to be conserved in your treasury.' The Fellows did not yield a ready obedience, and five of them, presumably representing the rest, were summoned before the Ecclesiastical Commissioners, and were sent back to the College with stringent orders to call a meeting of the Fellows, 'and upon the common consent of all, or the greater part of the said Fellowship, so gathered, shall cause to be defaced and broken such church-plate as is in their College or custody, appertaining to the use of the church or chapel, *except six silver basons, with their ewers or crewets, ONE TABERNACLE gilt with two leaves set with stones and pearls, two silver bowls, a silver rod and three processional.*'¹ The books and manuscripts were to be sent to the Commissioners. The words which I have put in italics have a direct bearing on the question of Reservation. For among the church plate 'appertaining to the use of the church or chapel' was a jewelled tabernacle. This was left for the use of the chapel together with some other ornaments. The basons I take to be patens and a bason holding water in which the celebrant washed his fingers before celebrating. The crewets contained the wine and water for the mixed chalice and for the ablutions afterwards. The silver rod

¹ *Collectanea Curiosa*, ii. 275-79. This collection of curious facts and documents was really made by Archbishop Sancroft, and was published from his MSS.

was the baton for the conductor of the choir. The 'processionals' were of course processional crosses. In the year 1567, then, we find the Ecclesiastical Commissioners, including Parker, the Primate, who took the lead, leaving a jewelled tabernacle for the use of the chapel of All Souls' College. This one bit of evidence seems to me to outweigh all those 'public utterances' of lawless ecclesiastics with which Mr. Dibdin seems to have impressed the Archbishops. Indeed, I regard this authorised tabernacle in 1567 as decisive in favour of the legality of Reservation. It is evident that Parker considered Reservation lawful, else he would not have sanctioned the use of the tabernacle in All Souls' Chapel at the very time that he was insisting on the disuse of other ornaments. The mild, shy Primate had a wholesome dread of the Queen, of whose rough tongue and pen he had had more than one sharp experience. Elizabeth approved of Reservation, and had it restored in the Latin Prayer Book which she published under authority of her Letters Patent on April 6, 1560. The evidence of the Latin Prayer Book in favour of Reservation is so strong that strenuous attempts have been made to discredit its authority. Mr. Dibdin told the Archbishops that 'he entertained a pious doubt whether those Letters Patent were issued.' I respectfully submit that this method of meeting an awkward piece of evidence is illegitimate and most improper. Does Mr. Dibdin mean to suggest that the following words at the end of the document which is prefixed to every copy of the Latin Book of 1560 are a forgery? And if he does not, what does he mean?

In præmissorum autem fidem et testimonium, has Literas Nostras fieri fecimus Patentes. Dat. apud Palacium nostrum de Westmonasterio, sexto die Aprilis, anno regni nostri secundo.

‘These Letters Patent do not exist anywhere,’ pleads Mr. Dibdin. No more do the Gospels within some centuries of their reputed authorship. Are we therefore to reject them? And are these the only Letters Patent which no longer exist? Moreover, Mr. Dibdin urges, ‘they are not in the usual style of Letters Patent.’ And the Primate ejaculated: ‘No, that is true.’ But, with all submission, is there a uniform style of Letters Patent?

I have before me King James’s Letters Patent to Archbishop Whitgift, ‘and to the rest of our commissioners for causes ecclesiastical,’ authorising some changes in the Prayer Book. The opening is the same in style as Elizabeth’s Letters Patent. There is no difference of form in the body of the Letters. The ending is slightly different in form, but identical in substance. The King’s Letters end:—

And these our Letters Patent, or the enrolment thereof, shall be your sufficient warrant for all and every the premisses contained in them. Witness ourself at Westminster the ninth day of February. *Per ipsum regem.*

What is the difference between ‘We have caused these our Letters Patent to be the warrant and witness of the premisses,’ and, ‘Our Letters Patent shall be your sufficient warrant for all and every the

premisses contained in them' ? There is no difference. 'But,' says Mr. Dibdin, 'they ought to end "Teste me ipso."' King James's do not end so. What is the difference between 'I hereby testify' and 'I make these Letters my testimony' ? The three forms say the same thing in a slightly different way. There is not the slightest foundation for Mr. Dibdin's 'pious doubt.' It is a case of *οὐδεὶς . . . εἰ μὴ θέσιν διαφυλάττων*. No one would suggest such a paradox except in support of a foregone conclusion. Not the slightest doubt was cast on Elizabeth's Letters Patent during her life. The Puritans stigmatised the Latin Prayer Book as 'the Pope's Dreggs ;' but no question was raised as to its authority by any one. Parker, who was well versed in the legal value of ecclesiastical documents, made no demur to the authority of the Latin Prayer Book. Some months after its publication Elizabeth wrote an official letter to him and to the other Ecclesiastical Commissioners in virtue of the power to make additions to ritual observances conferred upon her by the Act of Uniformity. Her language is explicit :—

Letting you to understand that when it is provided by Act of Parliament holden in the first year of our reign, that whensoever we shall see cause to take further order in any rite or ceremony appointed in the Book of Common Prayer, and our pleasure known therein, either to our Commissioners for causes ecclesiastical, or to the Metropolitan, that then eftsoons consideration should be had therein.

After sundry orders in matters ecclesiastical, including the care and adorning of churches and alterations in the Lessons to be read in Divine Service, she proceeds :—

And further, we will that where we have caused our Book of Common Service to be translated into the Latin tongue for the use and exercise of such students and other learned in the Latin tongue, we will also that by your wisdoms and discretions ye prescribe some good order to the Collegiate Churches to which we have permitted the use of the Divine Service and Prayer in the Latin tongue, in such sort as ye shall consider to be most meet to be used, in respect of their companies, or of resort of our lay subjects to the said churches, so that our good purpose in the said translation be not frustrated, nor be corruptly abused, contrary to the effect of our meaning. . . . And these our Letters shall be your sufficient warrant in this behalf. Given under our signet at our Palace of Westminster, the two and twentieth of January, the third year of our reign.¹

The Queen does not give the name of Letters Patent to this document as she does to the Letters Patent authorising the Latin Prayer Book, and the document has in general far less of the form and style of Letters Patent than the one which Mr. Dibdin has sought so gratuitously to discredit. And yet this missive to Parker and the other Commissioners was in reality Letters Patent. Parker acted on it promptly, and in his official communication of it to his suffragans he refers to the Queen's instructions as given 'per literas suas regias

¹ *Parker Correspondence*, p. 133.

patentes magno sigillo Angliæ sigillatas.’¹ Surely a case that needs such ‘pious doubts’ as Mr. Dibdin’s to sustain it must rest on a shaky foundation. In matter of fact, not only was Elizabeth’s Latin Prayer Book free from any legal flaw, but the Queen, moreover, claims power under the Act of Uniformity to make provision for the use of the Book, ‘so that our good purpose in the said translation be not frustrated.’ Nor did she intend to confine the use of it to the chapels of the Universities and principal public schools. On the contrary, she ‘exhorts all other ministers of our Anglican Church’ to use it when they say the daily service at home.²

It is not necessary to follow Mr. Dibdin in his minute criticism on the Latin Book. The Queen in her Letters Patent sanctions a service ‘quem nos per nostrum Typographum edi curavimus in hoc præ-sente volumine, convenientem cum Anglicano nostro Publicarum Precum libro jam per universum nostrum regnum recepto et usitato.’ Mr. Dibdin suggests that this is untrue, for the Latin Book does not agree with the English Book of Common Prayer. But, in the first place, what does that matter to our argument? The question is whether a Book sanctioning Reservation was issued by public

¹ *Parker Correspondence*, i. 135.

² ‘Eadem etiam formula Latina precandi privatim uti hortamur omnes reliquos Ecclesiæ nostræ Anglicanæ ministros, cujuscunque gradus fuerint, iis diebus quibus aut non solent, aut non tenentur parochianis suis, ad ædem sacram pro more accedentibus, publice preces vernacula lingua, secundum formam dicti Statuti, recitare.’ (Letters Patent prefixed to the Latin Prayer Book.)

authority, ecclesiastical and civil, for use in the chapels of the Universities and public schools. Whether the Letters Patent are accurate in describing it as 'agreeing' with the English Book is irrelevant to this discussion. But, in the next place, the Queen intended, no doubt, to convey by 'convenientem' no more than agreement in doctrine, not in detail and verbal accuracy. And this is important, for it proves that the Queen considered Reservation to be 'convenientem cum Anglicano nostro Publicarum Precum libro.' It was doubtless by her 'command,' as Clay suggests, that the prescription of Reservation was restored, and she distinctly claims such right, as I have already shown, in her Letters Patent to Parker and his fellow-Commissioners; and they allowed the claim. Therefore *causa finita est* as regards that point.

I pass by the rest of Mr. Dibdin's criticisms on the Latin Book, though not agreeing with them, because they do not concern the point at issue, and tend to confuse the argument. The points are these. Ten months after the English Prayer Book came into legal use a Latin version of it was published, under the authority of Royal Letters Patent, for use in the chapels of the Universities and principal public schools, and by 'all the rest of the clergy' at home when prevented from attending the public services of the Church. Some months later, under the authority of other Letters Patent addressed under the Great Seal to the Primate and other ecclesiastical Commissioners, the Queen commands the Primate to

take order for the use of the Latin Prayer Book, 'so that our good purpose in the said translation be not frustrated.' And she claims herein—and her claim is allowed by the Metropolitan and Commissioners—to be exercising the power conferred upon her by the Act of Uniformity. Seven years afterwards, when the Primate and Ecclesiastical Commissioners confiscated and defaced a quantity of church plate, 'appertaining to the use of the church or chapel' of All Souls' College, they left, together with other Eucharistic ornaments, a jewelled tabernacle, of which the only use could be the Reservation of the Sacrament. This was four years after the publication of the 28th Article, which the clergy were obliged to subscribe. Is it conceivable that the Warden and Fellows of All Souls' would have been permitted by public authority to practise Reservation, as the Latin Prayer Book certainly permitted them, after having publicly subscribed an Article of Religion against it? It is incredible. The 28th Article evidently censures Reservation for the mere purpose of exposition and ostentatious procession. It does not, any more than the post-Communion Rubric, touch the question of Reservation for the sick at all. So that, even apart from the Latin Prayer Book, there is no case, no legal evidence, against Reservation. It is covered completely by the *ratio dicendi* of the judgment of the ecclesiastical and secular courts in the case of *Escott v. Mastin*. It is quite clear that in issuing and taking order for the use of the Latin Book the Queen and the Metropolitan (together with his fellow-

Commissioners) must have believed in the legality of Reservation, and it follows that the 28th Article could not in intention, as it certainly does not in words, condemn the practice for the purpose of communion. The phrase on which the Archbishops have fastened is found in the 25th Article, and with an explanation of its meaning and intention: 'The Sacraments were not ordained of Christ to be gazed upon, or to be carried about, but that we should duly use them.' The plural is significant. None of the Sacraments was ordained for pomp, or display, or whetting an appetite of curiosity, but for use. And therefore, edifying as the Baptismal Service is, it may be dispensed with in case of necessity, the form and matter (water in the name of the several Persons of the Trinity) being alone of the essence of the Sacrament. Similarly the reserved Sacrament may be given in case of necessity, consecration alone being of its essence. Both usages are equally protected by the *ratio dicendi* of the Courts of Arches and the Judicial Committee in the case of Lay Baptism, namely, that the Common Law of Christendom prevails against any Rubric or Article which does not in terms forbid it.

This disposes of an argument which has been used against the authority of the Latin Prayer Book now, even granting its authority during Elizabeth's life; namely, that the validity of her Letters Patent died with her. But admit the authority of her Latin Book during the Queen's life, and there is an end of the case, for it is impossible that all the clergy

should be required to subscribe to the condemnation of a usage which some of them were ordered by the Queen and Primate to practise. But where is the evidence that Elizabeth's Letters Patent died with her? There is none. They do not mention her successors. Admitted; but neither do scores of Letters Patent which nevertheless are valid in succeeding reigns. Nor is this all. The Letters Patent which authorised Parker and the other Commissioners under the Great Seal to take order for the use of the Latin Prayer Book are the same Letters Patent which authorised them to make alterations in the calendar of Lessons to be used in church. No one will maintain that those alterations were invalidated by the Queen's death. The opponents of Reservation are remarkably partial in the application of their premisses. And they forget, in addition, a clause in Elizabeth's Act of Supremacy which meets and destroys their objection. The following extract will show its drift:—

And that your Highness, your heirs and successors, kings or queens of this realm, shall have full power and authority by virtue of this Act, by Letters Patent under the great seal of England, to assign, name and authorise, when and as often as your Highness, your heirs or successors, shall think meet and convenient, and for such and so long term as shall please your Highness, your heirs or successors, such person or persons being national-born subjects to your Highness, your heirs or successors, as your Majesty, your heirs or successors, shall think meet, to exercise, use, occupy and execute under your Highness, your heirs and successors, all manner of jurisdictions,

privileges and pre-eminences, in any wise touching or concerning any spiritual or ecclesiastical jurisdiction within these realms of England and Ireland . . . ; and to visit, reform, redress, order, correct, and amend all such errors, schisms, abuses, offences, and enormities whatsoever, &c.

To these ample powers the Act annexes two stringent conditions:—(1) that nothing is to be condemned which has not been condemned by ‘the authority of the Canonical Scriptures, or by the first four General Councils, or any of them, or by any other General Council . . . or by the High Court of Parliament of this realm, with the assent of the clergy in their Convocation.’

This Act covers in the fullest sense not only the legality, but the Parliamentary authority, of the Latin Prayer Book of 1559–1560, and consequently of Reservation.¹

Mr. Dibdin found the authorisation of the Latin Prayer Book in Ireland an awkward obstacle athwart his path, and he surmounted it in his usual manner; that is, by making conjectures take the place of facts. In August, 1559, the Earl of Essex, Lord Deputy of Ireland, received instruction to set up the worship of God as it is in England, and to make such statutes next Parliament as

¹ It is noteworthy that in the last session of the Convocation of 1640, a Resolution proposed by the Primate was passed unanimously in favour of reprinting the Prayer Book (*ut liber publicarum precum, in Latinum versus, reimprimatur, prout in actu synodico sequente continetur, &c.*). Gibson’s *Synodus Anglicana*, p. 195. This can refer only to Elizabeth’s Latin Book, which was the only legal edition.

were lately made in England, *mutatis mutandis.*' Accordingly the Irish Parliament was summoned to meet in January 1560. It met, and early in the Session passed the English Act of Uniformity, with an important exception, namely,—

That in every such Church or Place, where the Common Minister or Priest hath not the use or knowledge of the English tongue it shall be lawful for the same Common Minister or Priest to say and use the Matins, Evensong, Celebration of the Lord's Supper, and Administration of each of the Sacraments, and all the Common and Open Prayer in the Latin tongue, in such order and form as they be mentioned and set forth in the said Book established by this according to the tenor of this Act, and none otherwise, nor in other manner; anything before expressed and contained in this Act to the contrary notwithstanding.

In my friendly controversy with Dr. Bright in the 'Guardian' six months ago, I referred to this Act, and he put aside my argument with the objection that, inasmuch as Elizabeth's Latin Book bears the date of April 6, 1560, it could not have been referred to by the Irish Parliament in the previous January. I laboured under the disadvantage of conducting my share of the controversy in the country, where I had access to few books. But on my return to London I found that there was no substance in Dr. Bright's objection, as is proved by the following memorandum from Sir John Mason (who had charge of the business) to Sir W. Cecil under date of August 11, 1559: 'The Book of

Common Prayer in Latin is ready to print.’¹ There was thus plenty of time for supplying Ireland with copies of the Book before the new year.² Dr. Bright’s objection therefore need not detain us, and we may proceed to examine Mr. Dibdin’s argument.

He objects that the Queen’s Letters Patent say nothing about the use of the Latin Book in Ireland; and if it had been intended for Ireland, he ‘cannot conceive why they should not have gone on to say so.’ For the plain reason that the Irish Parliament and Executive authorised an earlier impression of it more than two months before the edition of 1560 was issued. The phraseology of the Irish Act seems to show that the Irish Parliament had Elizabeth’s Latin Book before it. ‘The said Book’ authorised by the Irish Parliament is placed *pro tanto* in opposition to the English Book previously sanctioned by the English Act. That, and nothing else, must be the meaning of the words: ‘anything before expressed and contained in this Act to the contrary notwithstanding.’ The Irish Act adopts the English Act down to the clause sanctioning the use

¹ *Calendar of State Papers, Domestic, 1547–80*, p. 136.

² ‘Herbert, indeed (Ames, p. 1602) mentions a Latin Prayer Book printed by Wolf in 1559’ (Clay’s *Liturgies of Queen Elizabeth*, preface, p. xxiv). Clay doubts Herbert’s statement, yet unconsciously confirms it on the following page, where he shows that there were two editions of the Latin Prayer Book closely succeeding each other, one of them (printed by Wolf) earlier than the well-known 1560 edition prefaced by the Queen’s Letters Patent. The complete disappearance of this 1559 edition would be accounted for by the transmission of the whole of it to Ireland. Apparently it contained the Act of Uniformity in Latin.

of 'the Latin tongue,' and then it says that 'the said Book' is to be used, 'and none otherwise, nor in other manner,' notwithstanding the previous part of the Act, which ordered the English Book. Moreover, 'none otherwise, nor in other manner,' is not copied from the English Act, which is 'none other or otherwise,' but is a nearer translation of the Latin version of the Act (*nec ulla alia vel alio modo*). The last two lines of the Irish Act furnish another piece of evidence that it refers to Elizabeth's Latin Book. In her Letters Patent Elizabeth mentions the additions which she commanded to be made to the English Book, and legalises them as follows:—

Cui [libro] item peculiarια quaedam . . . adjungi præcipimus, Statuto illo prædicto de ritu publicarum precum (cujus supra mentionem fecimus) anno primo regni nostri promulgato in contrarium non obstante.

So the Irish Act, in sanctioning 'the said Book' 'in the Latin tongue,' adds the saving clause in Elizabeth's Letters Patent: 'anything before expressed and contained in this Act to the contrary notwithstanding.' That clearly implies a book differing from the English Book sanctioned by the previous part of the statute; and there can be little doubt that it was the Latin edition printed by Wolf in 1559 under the Queen's authority as an early impression of the Book of 1560. It explains also the quotation from Trollop's letter to Secretary Walsingham in 1587: 'When they [the Irish clergy] must of necessity go to church they carry with them

a book in Latin of the Common Prayer set forth and allowed by her Majesty.’¹ It is all plain sailing when the facts are taken together. Elizabeth was particular in having the law on her side in matters ecclesiastical. Edward’s two Prayer Books had no other authority in Ireland than English Acts of Uniformity furnished. Elizabeth ordered that her Prayer Book should be authorised by an Irish Act of Uniformity. But that had to wait for the Latin edition of the Prayer Book, which was hurried forward and was ready for the printers in the beginning of August 1559. It was sent over to Ireland before the end of the year, and was authorised the following January for use in parishes where English was not understood. And it continued to be used, as the letter to Secretary Walsingham in 1587 proves. This Book of 1559 may even have had the Queen’s Letters Patent as well as the authority of the Irish Parliament. It evidently bore the *imprimatur* of her Majesty in some way in order to be described as ‘set forth and allowed by her Majesty.’ Wolf printed some Occasional Services in 1560 with the Queen’s Letters Patent affixed, and there is evidence that these Services had previously been added to the Latin Book, and then separated from it.²

¹ *State Papers concerning the Irish Church*, by Dr. Brady, p. 117.

² See Clay (p. xxiii), who asks pertinently, ‘Had the Book so prepared any connexion with the first Act of Uniformity passed by the Irish Parliament in the previous January, the last clause of which sanctions “the Latin tonge” in places “where the common minister or priest hath not the use or knowledge of the English tonge”?’ Of course it had. That is the only explanation.

If therefore Mr. Dibdin's argument, adopted by the Archbishops, is sound, the curious result follows that while Reservation was forbidden in England and Ireland by the authorities in Church and State, it was sanctioned by both in the chapels of the Universities and public schools and in the majority of parishes in Ireland. Is that credible? If superstition and belief in transubstantiation were likely to mingle with the practice in England, were they less likely to mingle with it in Ireland?

It is not necessary to follow Mr. Dibdin in his criticism on the various editions of the Latin Prayer Book. The simple fact is that the duplicate editions (as I take them) of 1559-1560 are the only authoritative editions. But even if Mr. Dibdin were able to prove that subsequent editions legally superseded that of 1560 he would not better his case, for those editions had the Act of Uniformity in Latin, and the fatal '*quemadmodum mos erat in hac Ecclesia Anglicana ex autoritate Parliamenti in anno secundo regni Regis Edwardi Sexti*' of that Act would infallibly establish the legality both of Incense and Reservation. He is in a dilemma, and his choice is limited to impalement on either horn.

Mr. Dibdin pours scorn on Ales (Alesius) and his translation, and rejoices that in editions of the translation subsequent to 1560 'all signs of the Ales eccentricity as to Reservation has gone out of it.' This is hardly respectful language, considering that the rubric sanctioning Reservation is taken from the Book of 1549, which was sanctioned by Con-

vocation and Parliament; considering also that it was Cranmer who caused the Book of 1549 to be translated into Latin by Aless.¹

In brief, then, the case of the Latin Prayer Book stands thus. The translation was undertaken by command of the Queen. It was printed before the end of 1559, apparently for the purpose of sending an early impression to Ireland in order to be sanctioned by Parliament at the opening of its session in January 1560, for the use of parish priests who were not masters of the English tongue. It was so sanctioned; for the facts can bear no other reasonable construction; and there is indubitable evidence that it was in use as late as 1587. The English impression was published in April 1560, under the express authority of the Sovereign's Letters Patent, of which the validity is unquestionable. In the following year the Queen issued other Letters Patent, under the Great Seal, to the Primate, authorising him to take order, together with his suffragans, in sundry ecclesiastical matters, including the use of the Latin Book, 'so that our good purpose in the said translation be not frustrated.' There is not a shred of evidence to prove, or even

¹ 'But not long after [the publication of the Book of 1549] there were some persons *qui divisionis occasionem arripiebant*, saith Alesius, *vocabula et pene syllabas expendendo, they tried it by points and syllables, and weighed every word*, and sought occasions to quarrel; which being observed by Archbishop Cranmer, he caused it [Book of 1549] to be translated into Latin, and sent it to Bucer, requiring his judgment upon it.'—Jeremy Taylor, *Works*, v. 237. Cf. Strype, *Mem. of Cranmer*, i. 300.

suggest, a flaw in the legal validity of the first Letters Patent; but even if there were, the second Letters would have made good the flaw; and there is no question as to *their* legal authority from that day to this. Portions of our present Prayer Book rest upon them still. They claim the authority not only of the Queen's prerogative, but, in addition, of her Act of Uniformity. The Latin Prayer Book rests therefore at this moment on the same legal basis as some parts of our Prayer Book.

Later editions have no more authority than various editions of the English Prayer Book which varied from the authorised edition. Some of these, though published '*cum privilegio Regiæ Majestatis*,' made serious omissions, including the Ornaments Rubric. The Latin Prayer Book of 1560 is the only legal one, and its legality has never been withdrawn. Its going and remaining out of print proves nothing at all except the anarchy of that period. Desuetude does not constitute illegality, else daily service and weekly Eucharists would be illegal.

I must, before closing this chapter, remark on the very serious declaration in the Lambeth decision on Incense, that Elizabeth's Act of Uniformity is an integral part of the Prayer Book, operating as a general rubric to forbid the slightest variation from or addition to the rigid letter of the rubrics. A brief consideration of the facts will prove this view to be quite untenable.

The Book which Convocation presented to Parliament, and which the House of Commons passed with-

out any revision whatever, is repeatedly described, in the Act of Uniformity which sanctioned it, in the following terms :—

The Book of Common Prayer, and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the use of the Church of England, together with the Psalter or Psalms of David, pointed as they are to be sung or said in churches ; and the form or manner of making, ordaining, and consecrating of bishops, priests, and deacons.

The Book which Convocation sanctioned and Parliament authorised in 1661–2 is here divided into its component parts, and Elizabeth's Act of Uniformity does not fit into any of them. Plainly, therefore, it was not regarded as a part of the Book, though bound up with it. How, then, was it regarded? A perusal of the debates in Parliament will help us to answer that question. The Commons were so eager to undo the work of the Commonwealth, and to restore the worship of the Church and the status of her clergy, that they read for the third time, on July 9, 1661, an Act of Uniformity, sanctioning the Book of 1604, and sent it up to the Lords, 'with the said Book of Common Prayer so annexed.' But the King had meanwhile entrusted Convocation with the revision of the Prayer Book, and Convocation, rejecting the Book of 1604, which was authorised by Royal authority alone, with the consent of the Primate and Episcopal Commissioners, went back to the Book of Elizabeth, which they revised carefully, making 600 alterations in all. This

Book was sent down to the Commons, with a request that it should 'be added to the Bill of Uniformity instead of the Book sent up therewith,' and it 'was, in part, read' on April 14, 1662. But the Lords made 'some alterations, and added some provisos, to which the concurrence of the House of Commons is desired.'

The next item of importance for my purpose, which the Journals of the House of Commons record, is the following, under date of April 15, 1662 :—

The question being put, 'To agree with the Lords as to the amendment to the compiling of the Book of Common Prayer by the Bishops, and the Act of *primo* Elizabeth for enjoining it to be used'—it was resolved in the affirmative.

Here, then, we have an authoritative explanation of the relation of the Act of 1559 to the Prayer Book of 1661-2. It was no part of the Book, but was annexed to it 'for enjoining it to be used.' The meaning of 'none other or otherwise,' therefore, means simply that the revised Book, and no other book, or altered version of the Book, was permissible.

Moreover, the phrase 'none other or otherwise,' as I pointed out in an article in the 'Fortnightly Review' of last October, received a judicial interpretation in *Rex v. Sparks*, where it was held that 'the indictment ought to have alleged that the defendant used other forms and prayers instead of those enjoined, which were neglected by him; for otherwise every parson may be indicted that used prayers before his sermon, other than such as are

required by the Book of Common Prayer.’¹ Surely this is the common-sense view of ‘none other or otherwise’ in both Acts of Uniformity. And there is another fact which seems to me decisive against the Archbishops’ opinion that the Uniformity Act of 1559 is an integral part of our present Prayer Book, governing every detail of ceremonial. In Elizabeth’s Book the Ornaments Rubric ends with the words, ‘according to the Act of Parliament set in the beginning of this Book.’ These words are omitted

¹ ‘To him [Archbishop Whitgift] the Queen . . . gave in charge that, before all things, he should restore the discipline of the Church of England, and the uniformity in the service of God, established by authority of Parliament, which through the connivance of the prelates, the obstinacy of the Puritans, and the power of certain noblemen, was run out of square, while some of the ministers covertly impugned the Queen’s authority in ecclesiastical matters, separated the administration of the Sacraments from the preaching of the Word, usurped new rites and ceremonies at their pleasure in private houses, utterly condemned the Liturgy and the administration of the Sacraments established as contrary to some points in Holy Scriptures.’ ‘To take away these inconveniences and restore unity, he [Whitgift] propounded these articles to be subscribed unto by the ministers.’—Camden’s *Annals*, B. III. p. 27.

Among these articles was one which affirmed ‘that the Book of Common Prayer, and another Book of ordaining of Bishops and Priests, contained nothing contrary to God’s Word, but might lawfully be used; and that they should use that, *and no other form either of prayer or administration of the Sacraments.*’ Here we see the meaning of ‘none other or otherwise,’ corresponding with the decision in *Rex v. Sparks*.

Camden goes on to describe the outrageous treatment which the Archbishop ‘endured at the hands of factitious ministers, and what troubles, yea, and injuries also, at the hands of noblemen who, by promoting unmeet and unworthy men, raised troubles in the Church, or else hoped after the Livings of the Church.’ Cf. *Memoirs of Sir Christopher Hatton*, by Sir Harris Nicolas, G.C.M.G., p. 370.

in the Book of 1662, as if to exclude proleptically the view propounded by the two Archbishops.

I cannot conclude without noticing the following paragraph in the Archbishop of York's decision on Reservation :—

No medical or other evidence in this matter was produced by the counsel on the other side. But it is well known, not only to the Archbishops, but to the Church at large, that there have been, and are at this moment, a very large number of the clergy whose work lies in such parishes as those referred to, and that such difficulties as have been suggested have never really stood in the way of the reverent administration of the Holy Communion to persons qualified to receive it, however humble and disagreeable the surroundings may have been.

Few have a better right than the Archbishop of York to appeal to experience. For he was himself one of the most devoted and successful parish priests in London. I can only say that he has been in this matter more fortunate than I. My parochial experience has been almost entirely in London, and I have been more than once prevented from communicating the sick by sheer impossibility to 'reverently minister' the Sacrament, and also by the invalid's inability to attend to a service which, without violating the law, occupies more than a quarter of an hour. I do not understand his Grace's reference to 'medical or other evidence.' Did not more than 700 medical men sign a memorial to the Archbishops declaring, from their experience, the impossibility in some cases, and the danger to the patient in others, of administering the Communion except by means of Reservation?

CHAPTER XIV

AN ANSWER TO PROFESSOR MAITLAND

IN the 'Fortnightly Review' of December 1899, Professor Maitland of Cambridge did me the honour of criticising an article of mine in the previous 'Fortnightly,' and some portions of an earlier chapter of this volume. Hearing of his article, before it was published, when I was on the point of leaving London by order of my doctor, I asked the Professor, through the editor of the 'Review,' if he would kindly let me see it in proof while I was still among my books. He replied, as he was more than justified in doing, that he would rather I read his article for the first time when it was before the public—that is, when I was at a distance from my books. I awaited with some anxiety the assault of so formidable a critic, and was greatly relieved on reading the article to find myself so little damaged. One thing surprised me. The Professor, with some good-humoured *persiflage*, acquits me of dishonesty and 'unscrupulous partizanship,' but only in order to leave me the alternative of 'indolence' in not verifying the impressions of my memory. 'We say that the Canon's arm-chair was comfortable, and that the Statute-book and the Journals of Parliament

stood just beyond his reach.' Now I think that if I had flung such a reproach at a man whom I was criticising I would not have denied him the means of self-defence when he begged for them. 'The Statute-book and the Journals of Parliament' are not books which one usually carries about in one's portmanteau. On my return to London, I combined in one article for the 'Fortnightly Review' my answer to Professor Maitland and some criticism on the Lambeth decision on Incense, from a legal point of view. The editor could not afford space for the whole article; so he chose, with my consent, the part which related to Professor Maitland, but sent the other part by mistake to the printers. The mistake was not discovered till the article was in type, and then it was too late to rectify it. Having meanwhile resolved to review the proceedings at the Lambeth 'Hearing' as soon as the Archbishops published both their decisions, I reserved my answer to Professor Maitland for one of two additional chapters in this edition of my book.

Professor Maitland has convicted me of two or three inaccuracies which do not affect the essence of my argument, and which I had already marked for revision. My 'faulty equation'¹ as to the episcopal votes against the third reading of the Act of Uniformity in 1559 was caused by my inadvertently forgetting for the moment that one of the spiritual peers of Parliament was the Abbot of Westminster. But it was a slip, and Professor Mait-

¹ See *ante*, p. 347.

land is entitled to his good-natured gibe. He is also right in pointing out that two of the absent bishops were absent because they were in prison ; although it ought to be added that two of them (Watson and White) were in prison for treasonable conduct against the Queen.¹ ‘ St. Asaph [Goldwell] had received no writ, and had mildly complained that he ought to have been summoned.’² That is true ; but it is only half the truth ; nor is it the only instance of half-truths doing duty for whole truths in Professor Maitland’s article—not designedly, I am sure. But it seems that I am not the only person of whom it may be said that his ‘ arm-chair was comfortable, and that the Statute-book and the Journals of Parliament stood just beyond his reach.’ Professor Maitland gives no reference for his assertion about the Bishop of St. Asaph. But while I was writing the passage which the Professor criticises with cavalier severity, the following quotation from a State Paper lay before me :—

Tho. [Goldwell] Bishop of St. Asaph, to Cecil. Desires to be absent from Parliament, but thinks it strange the Queen’s writ has not been sent to him, as he considers himself still Bishop of St. Asaph.³

¹ ‘ White preached sedition, and that in his Romish Pontifical Vestments, for which he was committed to prison, but on acknowledgement of his misdemeanours was set at liberty ’ (Strype, *Ann.* p. 149, folio ed.). Both Watson and White had threatened the Queen with excommunication, which meant forfeiture of her throne and outlawry by the Roman Canon Law.

² *Fortnightly Review*, Dec. 1899, p. 927.

³ *Calendar of State Papers (Domestic)*, 1559–1580, p. 118.

I was right therefore in saying that some of the bishops were absent 'for no assignable reason.' St. Asaph 'desired to be absent,' and gave no reason; nor did other absentees. In a subsequent letter to his brother, however, the bishop does give a reason for his absence, and it has nothing to do with the writ of summons. He suddenly deserted his diocese because he was 'in debt to the Queen above £300'—a good deal more than those figures represent in our money. There must have been something serious connected with the debt, for the good bishop made hurriedly for the Continent, and 'the ports have been instructed not to suffer him to pass.'

'There is good authority for saying,' continues Professor Maitland, 'that the Bill was carried by a majority of three. So if Goldwell [of St. Asaph] had been summoned, and White and Watson had been liberated, the Bill might have been lost, and, for anything that I know to the contrary, Mr. MacColl and I might be believing in transubstantiation at this day.' I do not feel certain about the 'good authority.' There is something a little suspicious in the 'majority of three.' It was by another 'majority of three,' according to Sanders—in whom Professor Maitland seems to repose implicit confidence—that the Act of Supremacy was passed. Fuller, as already quoted, pronounces the assertion 'a loud untruth,' and the Queen herself declared that all the peers 'agreed,' 'except the Earl of Shrewsbury, Lord Montague, the Bishops,

and the Abbot of Westminster.’¹ The authorities are not in full accord. Mr. Gee, in his careful examination of the question, says:—

Those who voted against the third reading were the Archbishop of York, the Bishops of London, Ely, Worcester, Llandaff, Coventry and Lichfield, Exeter, Chester, Carlisle, the Marquis of Winchester, the Earl of Shrewsbury, Lords Montague, Morley, Sheffield, Dudley, Wharton, Rich, North.²

Rapin, following D’Ewes, says:—

The dissentients from it were the Archbishop of York, the Marquis of Winchester, the Earl of Shrewsbury, the Viscount Montague; the Bishops of London, Ely, Worcester, Llandaff, Coventry, Exeter and Chester; the Lords Morley, Stafford, Dudley, Wharton, Rich, and North.³

Taking Mr. Gee’s figures, which are the highest, the dissentients consisted of nine bishops and nine lay peers. The Abbot of Westminster, satisfied apparently with his vote against the Supremacy Bill, does not appear to have voted against the Act of Uniformity. Professor Maitland’s statement therefore is that only thirty lay peers took sufficient interest in the question to record their votes: twenty-one for, and nine against the Bill. Is that likely? Have we got all the facts? We know that the

¹ See *ante*, p. 578.

² *The Elizabethan Clergy and the Settlement of Religion*, p. 8. Strype gives the same list, *Ann. of Ref.* p. 61.

³ *Hist. of England*, ii. 279.

Journals of Parliament then were kept very carelessly, revealing numerous *lacunæ* in particulars.

But Professor Maitland calls the Episcopal proxies to his aid :—

Then Peterborough had given a proxy to York, London, and Lichfield; Durham to York; Bath to York, London, and Exeter; St. David's to York, London, and Peterborough. If these proxies were used, assuredly they were used on the Conservative side.

'If these proxies were used.' So even Professor Maitland's skill and diligence have failed to find a clue to the tangled details of that legislation. But is not his equation here as faulty as mine in counting a mitred abbot among bishops? According to him, four bishops gave ten proxies among them, each being entitled to one proxy only. Rapin had much the same impression as to the main facts which I have expressed, as the following quotation shows :—

Among the bishops then in England, some there were who had complied with all the changes in religion since Henry's breach with the Pope. Of this number were Heath, Archbishop of York; Tunstal, Bishop of Durham; Thirleby, Bishop of Ely; and some others. These chose to absent themselves from the Parliament because, as they saw the Queen's intention, they durst neither openly oppose it, nor assist in restoring the reformation, after so public a desertion of it in the last reign. Both appeared to them equally incommodious.¹

That, I believe, is the general opinion among our historians hitherto, who thus share with me the

¹ *Hist. of England*, ii. 279.

Professor's severe censure, 'that Mr. MacColl's statement of the case can only be saved from a charge of unscrupulous partizanship by a confession that highly important facts were forgotten.'

The following argument of mine 'bewilders' Professor Maitland, and provokes another sally of his amiable banter :—

Now the first step which Elizabeth took in ecclesiastical legislation was to repeal the repealing Acts of Mary, thus reviving the state of things which existed when Mary came to the throne. The effect of this astute policy was to disqualify the Marian bishops to vote either in Parliament or Convocation, and they were thus disqualified when the Act of Uniformity came before them, and had in fact subjected themselves to heavy penalties by voting at all. . . . [And so] their votes [against that Act] were—quite legally and canonically—regarded as null and void.

This is inaccurate, and I thank Professor Maitland for correcting me, although I cannot accept the validity and accuracy of all the criticism which he bestows on the quotation. He is quite accurate in saying that 'Elizabeth did not "repeal the repealing Acts of Mary" until after the Act of Uniformity had passed the House of Lords.' He is also accurate in saying that 'the two Bills [of Supremacy and Uniformity] received the Royal Assent on the same day.' He is, however, a little misleading in saying that the House of Lords 'had not done with the Act of Supremacy when it finished its work on the Act of Uniformity.' That way of putting the matter

suggests an erroneous inference. The parliamentary history of the two Acts is most confusing. On my return to London after reading Professor Maitland's article I spent some days in following their gyrations through the Journals of both Houses of Parliament. No easy matter, for the Bills underwent several metamorphoses and changes of titles in the course of their tossings between the two Houses. The sum of the matter, however, is that the Supremacy Bill was first introduced into the House of Commons on February 21, 1559, and read a third time on February 22. On February 27 it reached the House of Lords, and was read a second time on March 13. Then began a series of parliamentary evolutions which baffle accurate inquiry. A new Bill, supplementary to the Supremacy Bill, suddenly appeared in the House of Lords on March 15, and was read a third time, together with the Supremacy Bill, on March 18, when both were sent down to the Commons. It is impossible to follow the wanderings of the Bill between the two Houses during the following six weeks, but on April 29 the Supremacy Bill passed its third reading in its final form in the Lords on April 29.

The Act of Uniformity had a still stranger parliamentary career. In its original form, with a different title, it took precedence of the Supremacy Act by nearly a week, having been read a first time in the Commons on February 16, under the title of 'Bill for Common Prayer and Administering of Sacraments.' After that it vanishes into space, and

the baffled inquirer searches the Journals of Parliament for it in vain. But on April 18 his eye lights on a 'Bill for the Unity of the Service of the Church and Ministration of the Sacraments,' which passed its first reading on that day, and its second and third reading on the two following days. Then again it eludes pursuit till it is discovered in the House of Lords on April 26 under the title of 'The Bill for the Uniformity of Common Prayer, and Service in the Church, and Administration of the Sacraments.' It passed its third reading on April 28, one day before the Supremacy Act. In rigid fact therefore it is quite true that the House of Lords 'had not done with the Act of Supremacy when it finished its work on the Act of Uniformity.' But the truth is that the Supremacy Bill was perfectly safe before the Uniformity Bill reached the House of Lords, or even its first reading in the Commons. Mr. Gee is thus well within the facts when he says that 'the Supremacy Bill had reached its final stage before the Bill of Uniformity was again introduced.'¹ In

¹ *The Elizabethan Clergy*, p. 8. Had I known of this excellent book before searching the Journals of Parliament for myself in this matter, I might have saved myself much trouble. Strype also is on my side: 'March the 22nd, the Bill *for the restitution of the First-Fruits and Tenths* was returned from the Lower House; and concluded by the Lords. And likewise the Bill *for restoring the Supremacy* to the Imperial Crown, with a New Proviso added by the Commons; which was read the First, Second, and Third Time, and concluded; the Bishops of York, London, Winton, Llandaff, Coventry, and Litchfield, Exon, Chester, Carlisle, and the Abbot of Westminster dissenting' (*Ann. of Ref.* p. 59). I was thus substantially right in saying that Elizabeth had astutely secured the Supremacy Act

short, the Supremacy Act was secure before the Marian bishops had an opportunity of considering the Act of Uniformity; and the Supremacy Act repealed the Marian Statutes. Elizabeth had thus a formidable weapon in her hand, to wield or to withhold—for the Royal veto was then a reality—before the bishops had time to commit themselves. I am happy to find myself here in agreement with Mr. Gee, who writes :—

The protest of Convocation, and the animus which it displayed, caused the authorities, we can scarcely doubt, to take the precaution of fortifying themselves behind the Supremacy Act before they again pressed on the Uniformity Bill.¹

In a sense therefore the argument which ‘bewilders’ Professor Maitland was even stronger than I put it, as a weapon completely under one’s own control is more serviceable than a weapon which is chiefly controlled by others. The Supremacy Bill, in its main provisions, was read a third time in the Lords on March 22, when only two lay peers voted against it, and its passage through the House of Commons was assured. From that day the Queen had the Marian bishops in her power; and more completely too than if the Supremacy Bill had become an Act. While it remained in its parliamentary stage it could be modified in favour of the

before asking the consent of the Lords Spiritual to the Act of Uniformity. The former had passed both Houses in all its main provisions a month before the latter was brought before Parliament.

¹ *The Elizabethan Clergy*, p. 8,

bishops if they showed any disposition to accept the new Prayer Book, as a few of them did ;¹ but once it received the Royal Assent its energy passed practically out of the power of the Queen. The nine bishops who braved the ordeal by voting against the Uniformity Bill deserve all honour for their courage,

¹ *E.g.* Tunstall. The following letter, which he wrote to Cecil four months after the Act of Uniformity had become law, shows that he was willing to accept the Prayer Book and Act of Uniformity if he could secure his diocese against the ruthless wreckage perpetrated in London and elsewhere, without regard to law, by the Puritan faction:—

‘Right Honourable, after my humble recommendations to your Mastership it may like you to understand that where I have been the last week of the Queen’s Majesty’s lying at Hampton Court somewhat importune upon you to have brought me to the Speech of Her Majesty. And now She is departed thence, and by her gests (as I am informed) should go to Horsley, Guildford, Chobham, and Windsor, and in removings I know the time not to be convenient to make any suit unto Her Majesty shall come to some stay. I beseech Her Majesty to send me word by the bearer where she think best for me to repair to Her Highness at some resting-place, wherein you shall do me singular pleasure and find me to be yours and to be ready in some part to recompense it to my power (God willing) or occasion may serve.

‘And where I do understand out of my diocese of a warning for a visitation to be had there, these shall be to advertise your Mastership, that albeit I would be as glad to serve the Queen’s Highness and to set forward all her affairs to her contentment as any subject in her realm, yet if the same visitation shall proceed to such end in my diocese of Durham as I do plainly see to be set forth here in London, as pulling down of altars, defacing of images by taking away of the crucifixes, I cannot in my conscience consent to it, being pastor there, because I cannot myself agree to be a sacramentary, nor to have any new doctrine taught in my diocese. Wherefore I thought meet to advertise your Mastership, humbly beseeching the same not to think me thereunto moved either for any forwardness, malice, or contempt, but only because my conscience will not suffer me to

and I am in full sympathy with what Professor Maitland says on that subject. Even after the Acts of Supremacy and Uniformity had become law Elizabeth was most anxious to retain the services of the bishops in possession :—

Elizabeth sent several Protestant bishops to the Catholic bishops then in durance, to intimate that if they would but publicly conform to the offices and prayers of the Church as established, she would not exact from them the oath [of Supremacy]. They all refused, saying, ‘It would be abjuration of communion with their Church.’ Upon this the Queen nominated bishops for York and

receive and allow any doctrine in my diocese other than Catholic. As knoweth Almighty Jesu who ever preserve your Mastership to His pleasure and yours.

‘From London the XIXth of August, 1559.

‘Your Mastership’s humble most assured, loving Friend

‘CUTH^s. DURISME.

‘To the Right Honourable and my very loving Friend

‘Sir Wm. Cecil, Knight, Chief Secretary unto the Queen’s Highness.’

Strype furnishes additional evidence of Tunstall’s willingness to conform if he could save his diocese from the havoc which he was witnessing in London: ‘And it was said (but that he thought it some disgrace, and that his Bishoprick was likely to be elsewhere disposed) he would have complied with the Queen’s laws. For the Archbishop assured the Queen, that he complied during his life [*i.e.* under Elizabeth] in several points of the Reformation’ (*Ann. of Ref.* p. 45). But the See of Durham had been suppressed in Edward’s reign to enrich greedy courtiers, and covetous eyes were now again on its princely revenues. So it was contrived that the good old bishop should have no opportunity of making his suit to the Queen. He was even insulted in the hope of forcing him to resign. He died three months afterwards; but Elizabeth saved his see from the spoilers.

other places, which, because of the number of Papists in those parts, she had hitherto avoided.¹

This was a year after the Act of Uniformity had become law. Is it credible, let me ask in passing, that either Elizabeth or her episcopal emissaries believed that Incense and Reservation were illegal at the very time that the Marian bishops were solicited to conform and retain their sees, and for the purpose, too, of conciliating ‘the number of Papists in those parts’? The more one studies the history of that period, the less possible it becomes to accept the historical or legal basis of the Lambeth Decisions.

But to return to Professor Maitland. The real point of the argument of which he falls foul is that, even apart from the Act of Supremacy, the Marian bishops were statutely and canonically disqualified for sitting either in Parliament or Convocation. The Pope’s supremacy had been repudiated by both Parliament and Convocation; by Church and State in their corporate capacity; yet still without any formal breach with the Holy See. Papal Supremacy was restored by Mary without the sanction of Convocation, and by parliamentary authority alone. That was plainly uncanonical and unconstitutional. Nor was this all. Mary expelled by mere Royal fiat, as ‘Supreme Head of the Church,’—a title which she held and effectively exercised for a whole year after her accession—all bishops and clergy, legally

¹ *Doc. from Simancas*, p. 70. Cf. Strype, *Ann.* i. pt. i. 370, 372.

and canonically appointed, who refused to accept the supremacy of the Pope; and she intruded others uncanonically into their places. This I ventured to characterise as 'Erastianism.' But Professor Maitland, correcting me, calls it 'the highest of high Catholicism'; which proves, if he will forgive me for saying it, that he has not read, or has forgotten, the Thesis of Erastus, and uses 'Catholicism' in some esoteric sense of his own. He has given me much good advice, for which I am grateful, and ends his criticism with the covert, and I dare say well-deserved sneer: 'The party to which Canon MacColl belongs has been learned.' Well, I will summon two of its most learned members into the lists in the crucial contention between the Professor and myself—namely, the canonical *status* of the Marian bishops and the ecclesiastical *status* of the Prayer Book of 1559.

My first witness is the late Rev. Sir William Palmer, of whom Newman says:—

He was the only really learned man among us. He understood theology as a science; he was practised in the scholastic mode of controversial writing; and I believe was as well acquainted, as he was dissatisfied, with the Catholic Schools.

And elsewhere, speaking of Palmer's 'Treatise on the Church of Christ,' Newman says:—

As was to be expected from the author, it was a most learned, careful composition. . . . As to Mr. Palmer's book, it was one which no Anglican could write but himself—in no sense a tentative work. The ground of

controversy was cut into squares, and then every objection had its answer.

Again :—

So happily at least did he follow the logical method of the Roman schools, that Father Perrone in his treatise on dogmatic theology recognised in him a combatant of the true cast, and selected him as a foe worthy of being vanquished. Other soldiers in that field he seems to have thought little better than the *lanzknechts* of the middle ages, and, I dare say, with very good reason.¹

I need not quote Perrone's high opinion of Palmer; but if Professor Maitland cares to see it, he will find it in the second volume of the 'Prælectiones,' vol. ii. pp. 867-8; 905.

No one has recognised more cordially than I have done Professor Maitland's learning and brilliant qualities; but I am sure he would be the first to admit that in the region of theology and canon law he must yield the palm to Palmer. Let us then see what Palmer says on the point in dispute between Professor Maitland and myself :—

I deny that the bishops then occupying sees in England were legitimate bishops, as will be presently shown. Therefore it was needless to solicit their sanction of those acts [of Supremacy and Uniformity], or to regard their opposition. The lower House of Convocation, too, consisted generally of men who were of the same faction, and who had been active in all the irregular proceedings of the last reign, besides being

¹ *Apologia*, pp. 108, 142.

intruded into the benefices of others; so that their petition to the bishops in favour of the Roman Supremacy &c. deserved no attention.¹

My next authority is the late Lord Selborne. After showing that the Prayer Books of 1549 and 1552 had synodical authority, he says:—

It is insisted, however, that at all events Queen Elizabeth's Act of Uniformity of 1559 (which restored with some slight qualifications the use of the Book of 1552) was an act of the civil power alone, without synodical concurrence. Those who lay stress on this either forget what had taken place in Queen Mary's time, or attribute more importance than is really their due to the variations in the Book of 1559, and the Statute of that year, from the Book of 1552. In the first year of Queen Mary's reign an Act had been passed by Parliament alone—without any sort of ecclesiastical sanction, not even that of the Pope, for the reconciliation with Rome was of later date—for restoring throughout the Queen's dominations [all the pre-Reformation services and the Papal Supremacy. This was followed by the expulsion of such bishops and clergy as refused to conform, and the intrusion of others into their places].²

Lord Selborne accordingly argues, quite legitimately, that what the civil power alone—Mary and her Parliament—had done, without any ecclesiastical sanction, the civil power alone—Elizabeth and her Parliament—could undo without any ecclesiastical sanction. And, he might have added, with a good

¹ *Treatise on the Church of Christ*, i. 485.

² *Defence of the Church of England*, p. 62.

deal more excuse. For there was a perfectly canonical and valid Convocation which Mary might have consulted, which was not the case on Elizabeth's accession. Professor Maitland would be the first to admit that Lord Selborne's authority in the sphere of constitutional law is not inferior to his own. So that, supported on the side of canon law by the great authority of Sir W. Palmer, and by the not less eminent authority of Lord Selborne on the side of constitutional law, I can bear the shock of Professor Maitland's formidable assault without fear of being overthrown.

It was a singular misfortune for the English Church and nation that Henry VIII. was not succeeded by Elizabeth instead of her brother, that precocious prig of a boy, who became a pliant tool in the hands of nobles and courtiers—men who made the reform of religion a cloak for the plunder of the Church in their own sordid interests. If they had devoted the ecclesiastical spoils, as they professed their intention of doing, to the purposes of national education and the relief of the poor, something might be said for them. But these were nearly all absorbed in Court extravagance, in demoralising luxury, and in amassing private fortunes. One of the many evil consequences was the alienation of the native leaders of the Reformation, and the adoption in their place of a band of foreigners and returned fugitives, who wanted not reformation, but revolution, in Church and State. The consequence was the national reaction under Mary, followed by the recoil caused by her persecut-

ing zeal and by the unpopularity of her Spanish husband. In that crisis the ecclesiastical hierarchy played their cards with amazing folly and maladroitness. What could have been more stupid than to precipitate the conflict by refusing to take part in the coronation of the Queen, foolishly hoping thereby to prevent her accession? ¹ Then the lower House of Convocation, of which the canonical *status* was so insecure, rivalled the rashness of the bishops by flaunting in the face of the nation the hated supremacy in temporal and ecclesiastical affairs of the Pope, whose usurpations and extortions had by the time of Henry VIII. exhausted the patience of the whole realm. Hence Henry's comparatively easy triumph. It was not doctrine that the English nation rose up against, but practical abuses and the intolerable intervention in our domestic affairs of an Italian ecclesiastic, who claimed the right of appointment to all ecclesiastical benefices, and bestowed many of the richest posts in the Church on foreigners who

¹ Nares relates the following curious incident in connexion with Elizabeth's coronation:—

· In the account to be seen at the Ashmolean museum, when the Queen approached the "aulter," where kussyns (cushions) of gold were placed for her use, we read that "Secretary Cyeill delivered a booke to the Bussop, and there was a Bussop standing at the left hand of the aulter." It might be difficult to say who this bishop was, as, according to Collier, Hethe and the rest of that order absented themselves; while the Protestant bishops, Barlow, Scory, and Coverdale, lay under a sentence of deprivation but uncanonical. The service was certainly performed according to the ancient custom, and directed by the Roman Pontifical, but without any elevation of the host.—*Memoirs of Lord Burleigh*, vol. ii. p. 24.

I wonder if there is any other record of this second bishop.

did not understand a word of English, and some of whom never visited the places from which they drew their revenues. I remember Dr. Döllinger once remarking to me that the healthy condition of the Church in Germany was a serious obstacle to the success of the Old Catholic Movement. ‘Our bishops,’ he said, ‘are, for the most part, men of good education and intellectual mark. Our clergy are, on the whole, respectable and educated men. There are no crying abuses. The multitude have thus no practical grievance, and the controversy about the Pope’s infallibility, portentous as it is in its consequences, does not come home to them. We are therefore in this curious position, that while the German bishops have taken the lead against Papal infallibility, the masses do not respond because to them the controversy is an academic one.’

In England the Pope’s supremacy was a practical grievance. Its usurpations and exactions were felt in every parish. Transubstantiation was but a name; but Peter’s pence, and annates, and collation to benefices, and appeals to Rome, and other devices for drawing money out of England, touched the people at large and roused their resentment. To proclaim the supremacy of the Pope on Elizabeth’s accession was thus a fatuous challenge on the part of the lower House of Convocation, and a challenge to which the mass of the clergy did not respond, as their acquiescence in the new order of things proved: an acquiescence made easy by the Queen’s wise policy in combining the old ceremonial with the remodelled

liturgy in the vernacular. But the secession of the bishops forced Elizabeth to fill their places with men who disliked the religious compromise of 1559 more than the Marian bishops disliked it, though, wiser in their generation, they yielded a grudging and meagre conformity. Even Bonner confessed that he saw no serious objection to the Prayer Book of 1549, although he might not himself have compiled it exactly like that.

And now I come to the central point of Professor Maitland's article, round which his criticism plays somewhat pungently. He begins with the following appeal, in which, I fear, he attaches more importance to what I write than it deserves or the public is likely to ratify :—

Mr. MacColl has the public ear, and what he says, even by way of hypothesis, will soon be believed by the many, and will pass into the manuals. Therefore I will venture to make an appeal to him for the reconsideration of a doctrine that he has promulgated touching the events of the year 1559, and more particularly touching a newly discovered convocation of the clergy.

The title of the article in which the distinguished writer honours me with this friendly appeal is: 'Canon MacColl's New Convocation.' I turned immediately to the article of mine in the 'Fortnightly Review' of October 1899, on which he bases his indictment and appeal, and I rose from its perusal wondering at the strange fancies which sometimes flit across the mental retina of great minds. For

the simple truth is that I have nowhere laid claim to the discovery of any convocation, old or new, or 'promulgated' in that matter any 'doctrine' of my own at all. On writing the article which has received the distinction of Professor Maitland's criticism, I went to visit some friends in the country, and there came across Mr. Wayland Joyce's book, 'The Sword and the Keys,' which I had read some years before and forgotten. On turning over the leaves I came upon a passage which struck me. I copied it, and inserted it into my article, with a few remarks of my own, when I received the proof. Here is the whole alleged 'discovery' that has supplied Professor Maitland with materials for an article which admiring critics have characterised as 'masterly' and 'brilliant'; and which I have myself enjoyed none the less for being the object of such admirable literary fencing. Let the reader judge :—

The late Mr. Wayland Joyce discovered the following document, to which he gives the reference, in the State Paper Office :—

'The Book of Common Prayer, published *primo* Elizabeth, was first resolved and established in the time of King Edward VI. It was re-examined, with some small alterations, by the Convocation, consisting of the said Bishops and the rest of the clergy, *in primo* Elizabeth, which being done by the Convocation, and published under the Great Seal of England, there was an Act of Parliament for the same book, which is ordinarily printed in the beginning of the book. Not that the book was ever subjected to the censure of the Parliament, but

being agreed upon and published as aforesaid, a law was made by the Parliament for the inflicting of a penalty upon all such as should refuse to use and observe the same. Further authority thereto is not in the Parliament, neither hath been in former times yielded to the Parliament in things of that nature; but the judgment and determination thereof hath ever been in the Church thereto authorised by the King, which is that which is yielded to Henry VIII. in the Statute of 25 his reigne.'

'This State Paper,' Mr. Joyce tells us, 'is in the handwriting of Sir Thomas Wilson, the first Keeper of the State Paper Office, established by King James I. in 1608, and the date of the document may therefore be approximately assigned.' In this document we have three crucial statements: (1) that the Prayer Book of 1559 was sanctioned by Convocation; (2) 'by the said bishops' and the Lower House of Convocation; (3) that the book was not 'subjected to the censure [*i.e.* the revision] of the Parliament,' the province of Parliament in such cases being limited to the function of enforcing the use of the book by means of civil penalties. This was unquestionably the doctrine of Elizabeth.

Of this I give a few examples, and add:—

The truth appears to be that, on the refusal of the Marian bishops to accept the new ecclesiastical *régime*, their opposition was ignored as invalid, and the book was immediately submitted to and approved by a convocation of the Bishops who had been unjustly deprived—possibly, also, by some of those not deprived, like Tunstall—and of a Lower House consisting of clergy specially summoned. We have no record of this. But, in the first place, the Registers of Convocation were very badly kept at that time. Contemporary writers tell

us that page after page contained nothing but the names of the members of Convocation present, and sometimes not even that. In the second place, the Convocation Registers perished altogether in the Fire of London in 1666.

That is all : an interpolation of less than a page hastily inserted in an article of fifteen pages after the article was in type ; and avowedly credited to Mr. Wayland Joyce not only in the text, but in a foot-note which gave the reference to his book. I am glad to have afforded Professor Maitland an opportunity of exhibiting his controversial skill ; but his just confidence in his own knowledge and acumen has led him astray, I venture to think, in the main points of his criticism on me. I have dealt with some of them already, and shall now tackle the chief of them—my supposed discovery of ‘a New Convocation.’ Let us then examine the document which Professor Maitland dismisses with such blighting scorn. The body of it is given in the passage just quoted from my article. It is all that Mr. Wayland Joyce gives, and all that I had seen when I copied it from his book. It is prefaced as follows :—

There returned into England upon Queene Marye’s death that had been bishops in K. Ed. 6 tyme

- | | |
|--------------|-----------|
| 1. Coverdale | 3. Chenye |
| 2. Scorye | 4. Barlow |

There remained Bishops for sometyme that were Bishops in Queen Marye’s tyme

1. Oglethorpe B. of Carleile who crowned Q. Eliz.
2. Kichin B. of Landafe.

There were Bishops in the Parliament holden primo Eliz. and in the Convocation holden at the same time.

| | |
|-----------------------|-------------------------|
| Edmonde B. of London | Ralph B. of Covent. and |
| John B. of Winton | Lichfeilde |
| Richard B. of Wigorne | Thomas B. of Lincolne |
| | James B. of Exon |

Then follows immediately the passage quoted on p. 729, which was the only part of the document that I had seen when I quoted it.

Professor Maitland treats the whole document with supercilious contempt. 'It so happens that when I first saw it at the Record Office,' he says, 'I did not know that any part of it had been published, nor had I read Mr. MacColl's book or article. For a moment I enjoyed the little thrill that comes to us when we fancy that we have unearthed a treasure, and then I said "Rubbish!" and turned the page.' After quoting it, he asks, 'What shall we say of this stuff?' 'Is what stands before us a lie? Its audacity seems to crave a more merciful verdict, and I do not know that its writer intended it for publication.' It may have been a 'fraud' by some Anglican 'who resented the Puritanic interference of the House of Commons'; but 'as at present advised, I incline to a lenient judgment. Perhaps we see an idle romance that was meant for the fire. Perhaps an attempt to write history *à priori*, and an attempt that did not satisfy its maker. Perhaps an inchoate lie that never got beyond the first draft.'

Now may I venture to say, in all courtesy, that this does not seem to me quite the proper or wise

attitude for a distinguished Professor to assume towards a document that has been thought worth preserving by successive Keepers of the State Papers till now? He would probably have adopted a different tone if his impatient scorn had not tempted him to hazard a number of 'guesses' instead of examining the facts a little more carefully. Certainly the facts are scanty: but they reveal a little more than appears from Professor Maitland's summary dismissal of the document into the limbo of ecclesiastical 'rubbish.'

In whose handwriting is the document? Professor Maitland did not think it worth while to trouble himself with such a triviality. Yet surely it is an important question. There are two copies of the document, in two different hands, in the Record Office, and the second copy has this endorsement—

Power of Convocaⁿ in framing the Book of Common Pray^r, &c., and of the Act of Parl^t.

¹ }S^r Th. Wilson's hand.

Sir Thomas Wilson was the first Keeper of the State Paper Office established by King James in 1607. He was a man of knowledge and integrity, and lived within forty-eight years of the events to which the document refers. Is it likely that he would have taken the trouble to preserve and make a copy of a document which he must have known to be 'rubbish' if there was no foundation for it at all?

¹ This mark I take to be merely a hurriedly formed bracket or flourish.

But what evidence is there that the copy of the document is in Sir Thomas Wilson's hand? Who wrote the endorsement? I am informed by three experts, one of them being an Assistant Keeper at the Record Office, that the endorsement is in the handwriting of Sir Joseph Williamson. There could hardly have been a more competent authority. Born in 1603, he was educated at Westminster School and Queen's College, Oxford, of which he became a Fellow. He was a distinguished scholar, which his University recognised by creating him doctor of laws. In 1661 he became Clerk of the Council and Keeper of the State Papers. He was subsequently sent as British Plenipotentiary to arrange the Treaty of Cologne. For some years he represented Rochester in Parliament, and in 1674 became Principal Secretary of State. He left a valuable collection of MSS. and £6,000 to his College. On the whole, not a likely man to endorse 'rubbish.' He must have been familiar with the handwriting of Sir Thomas Wilson, his predecessor in charge of the State Papers, and his endorsement is therefore conclusive.

But Mr. Wayland Joyce was in error in supposing that he was the first to discover this document. It was discovered at least sixteen years previously by the editor of the 'Calendar of State Papers, Domestic Series,' for the years 1547-1580, and he tabulates it as follows:—¹

¹ P. 143. The volume was published in 1856, and the first three hundred pages, including this document, were printed in 1853. The

46. Nov. 1559. List of Bishops who returned into England on Queen Elizabeth's accession, and of the Bishops present in the first Parliament. Progress of the Convocation in framing the Book of Common Prayer.

47. Another copy of the above.

The editor was Mr. Lemon, who was for years Assistant Keeper at the Record Office. He was an expert in the matter of handwriting, and made the period comprising these documents a special study. When he has any doubt about a document or part of a document he puts a query within brackets. There is no query here. Another expert not likely to patronise 'rubbish.'

Mr. Thompson (Mr. Lemon's successor in the Record Office) has written in the margin of the office copy of Mr. Lemon's volume: 'Query as to date, was it not in 1607?' This query I understand as referring to the date of the MS., not the events, which undoubtedly belong to the first year of Elizabeth. Mr. Thompson therefore identifies the handwriting as Sir Thomas Wilson's. A third authority not likely to be imposed upon by 'rubbish.'

This being the state of facts, I do not see that there was anything so absurdly wild in my venturing on a guess which, I honestly think, has more of probability in it than any of the series of guesses in which Professor Maitland has indulged.

first edition of Mr. Joyce's book was published in 1869. Mr. Lemon was employed in the State Paper Office before all the Papers were transferred to the Record Office. He was selected to edit the important Papers relating to Edward's and Elizabeth's reigns on account of his special knowledge of the subject.

My guess was that the Marian bishops—at least those who appeared in Parliament—having formally refused their assent to the revised Prayer Book, their votes were ignored as invalid, and an informal synod of clergy and the surviving Edwardine bishops was called to examine the Book. I said frankly that ‘we have no record of this,’ but added that this was not a fatal objection: first, because the records of Convocation were meagrely and irregularly kept; secondly, because they all perished in the Great Fire of 1666.

Now first as to the canonical invalidity of the votes of the Marian bishops. We have already seen that a number of bishops and clergy, who had been legally and canonically appointed, were expelled by Mary as ‘Supreme Head of the Church’ without any concurrence on the part of the Spirituality; while the vacancies thus created were filled by persons intruded by the civil power only. Had they accepted the revised Prayer Book, there is little doubt that the flaw in their title would have been made good. But they refused, and were eventually expelled by the only power to which they owed their position—the civil power. In strictness of law, their votes in the House of Lords were invalid. Let me quote on this point an author of higher authority in this matter even than Professor Maitland, who confesses, with the candour of a true scholar, that his able book on ‘Roman Canon Law in the Church of England’ is ‘an incursion into a region that was unfamiliar to him, namely, that of

ecclesiastical jurisprudence.¹ To the writer, from whom I am about to quote, the region was familiar ground, and his authority was acknowledged even by the Roman Curia. After showing from Roman canonists that Justinian and emperors before him had, in the words of De Marca, ‘sometimes punished contumacious bishops by expulsion from their sees and suspension from the execution of their offices’ for uncanonical conduct, he proceeds:—

If the duty and right of the sovereign was to see the canons enforced and the rights and liberties of the Church maintained; . . . and if those prelates, whose bounden duty it was to act in accordance with the canons, refused positively to obey them, or to yield any submission to their prince; then there was no resource left but to expel those refractory and disobedient persons, and invite the Church to ordain wiser and better men in their places. . . . But the propriety of this expulsion will still further appear when we reflect that they who were expelled, though ordained and possessed of sees according to the laws of the land and Acts of Parliament, were not canonically and spiritually in possession. Of these bishops Heath had been translated to the metropolis of York, and Thirlby to the see of Ely, by the authority of the Roman patriarch, forbidden by the canons. The Bishops of Lincoln, Lichfield, Bath, Peterborough, St. Asaph, Carlisle, Chester, had been ordained by the schismatical metropolitans, Pole and Heath, who had been ordained or confirmed by the Roman patriarch, contrary to the canons. The Bishops of Winchester, Exeter, and St. David’s had intruded, the legitimate pastors being still alive. The Bishop of Worcester was

¹ See Preface, p. v.

illegitimately restored, after having been deprived for absence from his duty. None of these prelates (whatever *legal* and *parliamentary* right they might have had) had any valid *canonical* or *spiritual* right to the sees they occupied, and all had acted contrary to the canons in attempting to introduce the Roman jurisdiction.¹

Now Elizabeth was far less of an Erastian than Mary, and she had a deep-seated objection to Parliament legislating for the Church without the Church's own sanction. It does not seem therefore to me unreasonable to believe that, finding the Marian bishops and Convocation hopelessly opposed to the new ecclesiastical *régime*, she should convoke an informal synod of the surviving canonical bishops and some representative clergy, and submit the Prayer Book to their revision. Mr. Wayland Joyce was no mean authority, nor was his life-long study of this department of English ecclesiastical history, like Professor Maitland's, 'an incursion into a region unfamiliar to him.' Yet Mr. Joyce, like the authorities at the Record Office, takes quite seriously the document which Professor Maitland has tried to laugh out of court. After quoting it, he says:—

Upon this evidence therefore it appears, while it is admitted that the Elizabethan Prayer Book was not submitted to that Convocation which met January 24, 1559, concurrently with Queen Elizabeth's first Parliament, yet that the Book was authorised by a Synod or Convocation

¹ Palmer's *Origines Liturgicæ*, ii. 286 7. The italics are Palmer's.

of English bishops—unjustly and uncanonically deprived in the last succession, but now restored to their rightful authority—and of the rest of the clergy. It is, moreover, to be observed that this conclusion is strongly supported by the contents of the preamble to the present Act of Uniformity, where the Elizabethan Prayer Book is distinctly said to have been ‘compiled by the Reverend Bishops and Clergy.’¹

What is the explanation of that statement in the Act? It does seem to corroborate the assertion made in Professor Maitland’s ‘rubbish.’ For certainly the Prayer Book was not revised by the Marian bishops and Convocation. Mr. Joyce, too, has, like myself, exposed himself to Professor Maitland’s lash, for he says: ‘The fact that the Convocation Registers were burnt in the disastrous Fire of London in 1666 has rendered any satisfactory investigation of this subject extremely difficult.’

The late Bishop Phillpotts of Exeter has left behind him a great reputation for the accuracy and extent of his learning in the region of English ecclesiastical history and canon law. It was not his habit to write at random: he formed his opinions deliberately and weighed his words carefully. Bishop Phillpotts then, in his well-known letter to the parishioners of Helston, says: ‘When the accession of Queen Elizabeth brought back the Reformation, she and the Convocation, and the Parliament, deliberately rejected the simpler direction of Edward’s Second Book, and revived the ornaments

¹ *The Sword and the Keys*, p. 25.

of the First.' Dr. Phillpotts was far too well informed not to know that the (*de facto*, not *de jure*) Convocation of *primo* Elizabeth had nothing to do with the Prayer Book. What Convocation, then, did he mean? He does not explain; but we may be sure that he had some reason for his assertion.

At the risk of provoking some more of Professor Maitland's genial sarcasms, I will venture to suggest that there are *lacunæ* in the Parliamentary history of Elizabeth's Prayer Book which have yet to be filled up, and some isolated facts which naturally find their explanation in some such synod as that mentioned in Professor Maitland's 'rubbish.' Why, for example, was the Bill for the ratification of the Prayer Book, after its first reading in the Commons, suddenly withdrawn for good and all, and another Bill, with a new title, introduced more than two months afterwards and rapidly passed, after the Supremacy Bill was safe? It is evident that something took place in the interval, of which we have no record. But we have hints which help to fill the blank. There is first the fact that the Queen wished to restore Edward's First Prayer Book. Yielding on that point, she instructed Cecil to submit to the Committee that had been appointed to revise the Second Book a series of suggestions aiming at the restoration of several of the usages allowed under the First Book. For instance: 'Whether such ceremonies as were lately taken away by King Edward's Book might not be resumed, not being evil in themselves? Whether the image of the cross were not

to be retained? Whether processions should not be used? Whether in the celebration of the Communion priests should not use a cope beside a surplice? 'Whether it be not convenient to continue the use of praying for the dead in the communion? Whether the Prayer of Consecration in the First Communion Book should be left out?'¹ Whether the Sacrament were, according to the First Book, to be received into the communicant's mouth, or to be delivered into his hand? Whether the Sacrament were to be received standing or kneeling?'²

All these suggestions were rejected by the committee of revisers. But they were all secured by the Ornaments Rubric, coupled with the 25th clause of the Act of Uniformity; and one of them was inserted in the Book after it left the committee's hands, namely, the rubric enjoining kneeling at the reception of the Sacrament. Let me quote Strype here:

What the original draught of the Service Book was, as it came from the divines' hands, and was presented to the House, would be worth knowing. I suppose very little was altered by the Parliament; yet something, it seems, was. For it appears by Guest's [one of the revisers] paper that the posture of receiving the Sacrament either kneeling or standing was left indifferent in the Book by the divines, and that every one might follow the one way or the other: for this reason, to teach men that it was lawful to receive either way. But the

¹ This refers to the omission of the Invocation in the Prayer of Consecration in the Second Book (Strype, *Ann. of Ref.* vol. i. pt. ii. p. 463).

² *Ann. of Ref.* vol. i. pt. i. pp. 120-1.

Parliament, I suppose, made a change here, enjoining the ancient posture of kneeling, as was in the old Book.¹

Elizabeth, I venture to think, took care that Parliament did not do anything of the kind. Her views on that point were emphatic and peremptory, as I have already shown in other parts of this volume. But one fact is plain, namely, that the Book which left the hands of the revisers had neither the rubric on kneeling nor the Ornaments Rubric, and the Book which the Act of Uniformity sanctioned had both.² By whose authority were they inserted? I venture to suggest that the Queen, finding the committee of revisers unmanageable, summoned a synod of clergy and the surviving canonical bishops, and secured their consent to the Book before it was presented to Parliament. This would explain the withdrawal of the first edition of the Act of Uniformity and the delay of more than two months before the appearance of the second. She was at that time evidently anxious to conciliate the Marian bishops, and she wished to present the Prayer Book to them in as palatable a form as she could before introducing the Act of Uniformity which was to enforce its use. 'April was almost spent,' says Strype, 'before the divines had finished this new

¹ *Ann. of Ref.* vol. i. pt. i. pp. 121-2.

² The evidence of Sandys, who must have known, being himself one of the revisers, is decisive on that point. 'The Parliament,' he says, 'draweth to its close. The last Book of Service is gone through with a proviso to retain the ornaments which were used in the first and second year of King Edward,' &c.

Service Book ; wherein was a proviso to retain the ornaments which were used in the Church in the first and second years of King Edward VI., until it pleased the Queen to take order for them.'¹ Dates are important here. The Book left the revisers' hands towards the end of March, and the second edition of the Act of Uniformity made its first appearance in Parliament a month later, when the session was near its end. Why the delay ? And what happened in the interval ? Possibly such an informal synod as I have suggested, and which, *pace* Professor Maitland, may be the 'convocation' referred to in the document in which the Professor finds nothing but 'rubbish' and 'stuff.'

For we must remember that the words 'convocation' and 'synod' were used very loosely in those days. To give one instance. The Articles of Religion which were published in 1552 bore this title: 'Articles which were agreed to in the Synod of London in the year 1552 by the bishops and other godly and learned men, to root out the discord of opinions, and establish the agreement of true religion.' Yet they were never submitted to Convocation or any formal synod. We have two explanations of this erroneous title. Heylin suggests that the Articles were thus called because they were 'the work of some bishops and certain other learned men sufficiently empowered for

¹ Strype confirms Sandys's statement that what the Elizabethan Ornaments Rubric sanctioned were the ornaments of Edward's first and second years. And he calls Sandys's 'gloss' 'the conjecture of a private man.'

that end and purpose.'¹ When Cranmer's attention was called to the title he answered that he 'did not like it,' but when he 'complained thereof to the Council, it was answered by them, that the Book was so entitled because it was set forth in the time of the Convocation'²—that is, I presume, during the session of Convocation. Yet Archbishop Parker, nine years afterwards, speaks of the Articles of 1552 as 'the Articles set forth in a synod at London in King Edward's time.'³

I must, further, dissent from Professor Maitland's interpretation of the document in question. 'But one thing seems perfectly clear,' he says, 'namely, that this writer knows nothing of two Convocations, the earlier of which was all for papal supremacy, while the later enacted the Prayer Book.' That 'the writer knows nothing of two Convocations,' I dispute. That he knows nothing of an 'earlier' and a 'later' Convocation, I admit. But who has attributed such knowledge to him? The writer does not say, nor has it, as far as I know, been suggested, that the two sets of bishops named by him sat in one Convocation. The paper looks to me like a note made by the writer for future use, and not written with the exactness of a man writing history. His reference to 'Chenye' is of course inaccurate, but not more inaccurate than Professor Maitland's. The former makes Cheyne a bishop a little too early. The Pro-

¹ *History of Ref.* i. 256-7.

² Burnet, *History of the Ref.* iii. 369.

³ *Ibid.* p. 511.

fessor denies that Cheyne was a bishop at all ; for such I take to be the meaning of his ironical query ‘ whether Cheyne was made bishop for only this once.’ There is nothing in the document to imply that, in the writer’s opinion, ‘ good Father Coverdale was sitting cheek by jowl with bloody Bonner,’ ‘ or whether Mr. Barlow . . . hurried home in time to meet those Holy Confessors, White and Watson, ere they went to the Tower.’ But the document is before the reader, and he can judge for himself whether Professor Maitland has not pressed into it a meaning which does not necessarily belong to it.

I remarked¹ on the singular fact that the Marian bishops did not contradict Elizabeth’s assertion, in her Letters Patent sanctioning the Latin Prayer Book, that the Act of Uniformity was passed with the consent of the three Estates of the Realm. ‘ Bonner flatly contradicted it,’ retorts Professor Maitland. I beg his pardon. Bonner, *some six years afterwards*, pleaded, under the advice of a clever lawyer, ‘ the expert Plowden,’ as Professor Maitland calls him, that the *Act of Supremacy* lacked the assent of the Lords Spiritual. But in a letter which he addressed to the Queen personally,² two years previously, giving his reasons for refusing to take the oath of supremacy, he says nothing about the invalidity of the Act caused by the opposition of the spiritual peers. That point was raised by his counsel six years after the Queen’s Letters

¹ See p. 317.

² Strype, *Life of Grindal*, p. 487.

Patent had claimed the assent of the three Estates of the Realm for the Act of Uniformity. For whatever reason, it is the simple truth that the Marian bishops, Bonner included, never contradicted that assertion.

Professor Maitland tells me that if I look at a parchment copy of the Act of Uniformity 'lying at Westminster,' I shall 'see reason to suspect that the House of Lords amended the Bill and, in effect, erased from the Litany that rude prayer for deliverance from the detestable enormities of the Pope.' That was in the debate on Elizabeth's Act of Uniformity. But the statement of mine which Professor Maitland seems to be controverting refers to the Parliamentary history of the Uniformity Act of 1662. Besides, I said nothing about 'amending the Bill.'

The Professor also asks me in a way which implies that I had made an extraordinary assertion, 'Where did he learn that the clergy in Convocation is one of the three Estates of the Realm? Where did he learn that every Act to which those three Estates have assented was laid before a Convocation? Where, above all, did he learn that the assent of Convocation is the assent of the Lords Spiritual in Parliament?' As a matter of fact, I have not made any of the three assertions which are here interrogatively denied. But on the other hand, if I had made the first and last, stated somewhat differently from Professor Maitland, I should not have been very far wrong. The second is absurd, and receives no support from anything that I have written.

Convocation is constitutionally the Ecclesiastical Estate, and sat in Parliament in former days in that capacity : the Lower House in the House of Commons, the Upper House in the House of Lords. But the attendance of the Lower House in Parliament was irregular, because the members found it irksome and expensive. In process of time it lapsed by desuetude. In the first Convocation in the reign of Edward VI. the Lower House petitioned for the restoration of their unrepealed right in the following words :—

That the clergy of the lower House of Convocation may be admitted to sit in Parliament according to ancient usage.

Should their petition be rejected, they desired ‘that no Bills, in which the Christian religion, the persons, estates, or jurisdiction of the clergy, are concerned may pass without the assent of the clergy,’ that is, in Convocation. The following quotations from Collier give the facts succinctly :—

That the lower House of Convocation, in their request for sitting with the Commons in Parliament, insisted upon nothing more than being restored to ancient privileges, appears by the King’s writ directed to every bishop : in which summons the bishop is first required to appear in person, at the time and place prepared for the Parliament. This part of the writ is the same in substance with those sent to the temporal peers. After this follows the premunitory clause, in which the bishop is commanded ‘to give notice to (prior or) dean and chapter of his cathedral church, and to the archdeacons, and all the

clergy of his diocese, that the prior, dean, and archdeacons, in their own persons, the chapter by one, and the clergy by two proper proxies, sufficiently empowered by the said chapter and clergy, should by all means be present at the Parliament with him, to do and consent to those things which by the blessing of God, by their common advice, happened to be ordained in the matters aforesaid : and that the giving this notice should by no means be omitted by him.'

If the bishop happen to be beyond sea, and in no condition to execute the King's writ, the summons was sent to his Vicar-General, and by him the clergy of the diocese had the same notice to come to Parliament, as if the bishop had been at home.¹

After some observations of an explanatory character, Collier proceeds :—

That the lower clergy formerly sent their representatives to Parliament may be proved by a famous resolution in Bird and Smith's case in the reign of King James I. How the Lord Chancellor Edgerton ; Popham, Chief Justice of England ; Coke, Chief Justice of the Common Pleas ; and Fleming, Chief Baron, besides other things, resolved that the canons of the Church made by the Convocation and the King, without a Parliament, shall bind in all ecclesiastical matters no less than an Act of Parliament. As a medium to prove this, they affirm the Convocation was once part of the Parliament. And since the lower clergy were parted from the House of Commons, they carried their share of legislature along with them into the Convocation. They formed their resolution, further, upon a celebrated precedent of both Houses of Parliament, 21 Henry VIII., where, after a full debate in a conference, it was resolved, that when the

¹ *Eccles. Hist.* v. 214.

Convocation makes canons concerning matters within their jurisdiction, they are binding to the whole realm.¹

These summonses of representatives of the clergy to the House of Commons go back certainly to Edward I., and continued to be issued down to 1640. We have a survival of the right of Convocation to regard itself as one of the Estates of the Realm in the privilege of the clergy to tax themselves through their proctors in Convocation and the bishops. This privilege they surrendered voluntarily in 1664, but with a clause reserving their right to resume it if they saw fit; a clause which, I suppose, would still enable them to do so. The Act in which they made this provisional surrender is called 'An Act for granting a Royal aid unto the King's Majesty.' Like some other parts of the British constitution, the exact *status* of the clergy in Parliament does not seem ever to have been clearly defined. The truth appears to be that they sat in Parliament at first as representing the Spirituality on its secular side, and in Convocation on its ecclesiastical side. They attended Parliament reluctantly, however, and gradually their appearance in Convocation at the King's summons came to be accepted as an equivalent for Parliamentary attendance. In the reign of Henry VIII. the House of Lords did not sit on Convocation days²: a recognition, apparently, of

¹ *Eccles. Hist.* v. 216-7.

² Wake's *Authority of Christian Princes over their Synods Asserted*, p. 221. Cf. Stubbs, *Const. Hist.* iii. 481: under Henry VIII. the House of Lords adjourned 'by royal authority owing to the absence of the prelates in Convocation.'

the necessity of their presence for valid legislation.

I submit therefore that the facts hardly justify the peremptoriness of Professor Maitland's criticism, or the magisterial tone which he has thought proper to adopt in this matter.

The only other criticism of Professor Maitland which I feel called upon to notice concerns the relation of the Church of England to the Roman Canon Law more than it does me. But the subject is important, and I offer some remarks upon it.

'Wisely,' says Professor Maitland of Elizabeth on her accession, 'she allowed Richard Chetwood and Ann [? Agnes] his wife to pursue their appeal to the Bishop of Rome.' This is one of those half-truths which, in my humble judgment, vitiate a good deal of Professor Maitland's reasoning in his learned book on 'Roman Canon Law in the Church of England.' To one who knew no more about the facts than the words just quoted reveal they convey, unintentionally of course, an erroneous impression, namely, that Elizabeth approved of appeals to Rome. The fact, however, is that the very Act (of Supremacy) in which the Queen allowed Chetwood and his wife to pursue this appeal to Rome forbids all such appeals under severe penalties. Indeed the very sentence in which this concession is made rejects the authority of the See of Rome. Here it is:—

And where one pretended sentence has heretofore been given in the Consistory in Paul's before certain

judges delegate, by the authority legatine of the late Cardinal Pole, by reason of a foreign usurped power and authority, against Richard Chetwood, Esq., and Agnes his wife, at the suit of Charles Tyrrel, gentleman, in a cause of matrimony solemnised between the said Richard and Agnes, as by the same pretended sentence more plainly doth appear, from which sentence the said Richard and Agnes have appealed to the Court of Rome, which appeal does there remain, and yet is not determined &c.

The Act goes on to say that if the Court of Rome will, within sixty days, ‘reverse the said pretended sentence,’ the Queen will graciously allow the validity of the sentence. The Act says in effect: ‘By the usurped authority of the Bishop of Rome, operating through the illegal medium of a Papal Legate, an unjust sentence was pronounced against a married couple, who in the late reign appealed to Rome for justice. If the Roman Court reverse the sentence within sixty days, we will confirm its decision’: the plain inference being that otherwise the sentence will be disallowed. This was an acknowledgment of Papal jurisdiction for which his Holiness, I imagine, would feel but small gratitude.

Professor Maitland’s commendation of Elizabeth for acting ‘wisely’ in recognising, as he thinks, the right of Rome to hear an appeal from an English ecclesiastical court, is in accordance with the thesis which he has undertaken to establish in his ‘Roman Canon Law in the Church of England.’ The question affects the historical position of the Church of England intimately, and I will therefore conclude

this chapter with a few remarks upon it. Professor Maitland's studies—which however he confesses to be of a recent character in this matter, being in fact 'an incursion into a region that was unfamiliar to him'—have led him to 'attribute to the Roman Canon Law,' that is, to the Pope's jurisdiction, 'an authority over the doings of the English Ecclesiastical Courts such as it is not commonly supposed to have wielded.' This is a conclusion, he admits, which has 'not been generally accepted in this country by those whose opinions are the weightiest,' and 'has recently been rejected by the report of a Royal Commission signed by twenty-three illustrious names,' including that of the Bishop of Oxford, than whom it would be impossible to quote a more authoritative name. Professor Maitland, in short, has convinced himself, and naturally seeks to convince the public, that the English Church acknowledged the supremacy of the Pope in the most unqualified sense before the Reformation. The Professor's own claims on behalf of his theory are modest, as becomes a man of wide and accurate scholarship. All he aspires to is the 'hope' that his book 'may perhaps do a little to promote the further exploration of a not uninteresting tract of English history.' But it is sometimes the misfortune of eminent men to receive less appreciation than their due through the indiscriminate panegyrics of admiring disciples. This, I believe, has been the fate, to some extent, of Professor Maitland. His book was saluted in certain quarters as a new landmark in the domain of eccle-

siastical history, occupying in that region much the same place which Newton's 'Principia' takes in the sphere of physics. Professor Maitland himself, while combating the view of Dr. Stubbs and other eminent scholars, says: 'It is likely that they are in the right and I am in the wrong.'

I have read Professor Maitland's book carefully, and more than once, and, while acknowledging its learning and ingenuity, I remain unconvinced. The Professor may think me prejudiced. It is difficult to be entirely free from prejudice in any matter in which one is interested. But prejudice, in the sense of predisposition in favour of one of two issues, does not necessarily make one unfair. The warmth of our sympathy may even induce us to test the merit of its object with closer scrutiny from jealousy of its rival. Indifference, on the other hand, is not always a criterion of impartiality. To avoid the suspicion of being 'an advocate of one of two Churches, the English or the Roman,' Professor Maitland thinks it necessary to assure the public that he is 'a dissenter from both, and from other Churches.' And he opens the article to which I have been replying with the words: 'With "the crisis in the Church" and "the Lambeth decision" this paper will have nothing to do. In the one I take no interest; the other I have not read.' And further on he classes himself among 'the infidels whose "gifts" I may "dread."' I do not say that this neutral attitude towards Christianity need bias Professor Maitland against the claims of the Church of England. But undoubtedly that

frame of religious detachment does bias, and that avowedly, a number of men among us against the Church of England. A popular writer has lately published a book in order to prove that the Roman creed, in the most extreme development of Ultramontanism, is the only logical form of Christianity; and this for the scarcely veiled purpose of discrediting Christianity. I am far from suggesting that Professor Maitland had any such aim. I sincerely believe that he wrote in the interest of what he believes to be historical truth. But his book certainly is an illustration of the proverb that 'extremes meet,' for it has been welcomed with avidity by Agnostics on the one hand and by Ultramontanes on the other: by the latter naturally, but why by the former, unless for the purpose of damaging the Church of England and discrediting Christianity by identifying it with the most extreme form of Romanism?

Both parties seem to me to have been somewhat premature in proclaiming the triumph of Professor Maitland over those writers on constitutional history and Canon Law 'whose opinions,' the Professor himself allows, 'are the weightiest.' It is, in my humble judgment, possible to admit the accuracy of the Professor's general statement of facts, yet deny his conclusion. Nor are his inferences in matters of detail always warranted by his facts. For instance, speaking of the decretals of Gregory IX., Boniface VIII., and John XXII., he says:—

Each of them was a statute book deriving its force from the Pope who published it, and who, being Pope, was

competent to ordain binding statutes for the Catholic Church, and every part of it, at all events within those spacious limits that were set to Papal power by the *jus divinum naturale*.

Professor Maitland seems here to exclude the Orthodox Church from 'the Catholic Church,' for in none of the Oriental Churches was the supremacy of the Pope ever allowed. But his statement does not apply in its integrity even to Catholic countries on the Continent, like France and Austria.¹ It is of course true that while the false decretals were believed to be genuine, the Roman Canon Law enjoyed a kind of loose general supremacy in the ecclesiastical courts of Europe, yet a supremacy never accepted without any qualification, and in England certainly never by any formal act received as of binding force without qualification or appeal. On the contrary, the State, with the concurrence of the Spirituality—by prohibitions; by restraint of appeals; by checks on the reception of Papal Bulls; by renunciation of gifts illegally conferred by Bulls; by declarations in Parliament on the action of Legatine Courts, and of ecclesiastical courts as Legatine, especially in the fifteenth century—persistently refused to admit the claim which Professor Maitland has made on behalf of Papal jurisdiction. The soundness of a conclusion, like that of a chain, may sometimes be tested by the soundness of a single link. Let us apply this test to the alleged unquestioned acknowledgment of the Pope's unlimited supremacy

¹ See *ante*, pp. 362-3.

in the ecclesiastical courts in England. One of Professor Maitland's panegyrist—himself, too, claiming to be an expert on this subject—has cited what he considers a decisive proof of the accuracy of Professor Maitland's views as against Dr. Stubbs's. It happens, however, that this test case proves the exact opposite of what the panegyrist intended. It is the case of Nicolas Hereford who was condemned for heresy by the Archbishop of Canterbury (A.D. 1382). He appealed to Rome, and managed to escape to the Holy City and lodge his appeal in person. The Pope received the appeal; which proves nothing. The Pope was always glad to receive appeals from all and sundry. Every appeal was ostensibly a proof of his universal jurisdiction. So he heard Hereford's appeal, and confirmed the English Primate's sentence. But the question is not whether the Pope received Hereford's appeal and reheard his case, but whether the Archbishop of Canterbury admitted Hereford's right of appeal. Any tyro knows that when a right of appeal is recognised the appeal suspends *ad interim* the execution of the judgment of the inferior court. Did it do so in Hereford's case? On the contrary, the Archbishop denounced the appeal as 'frivolous and pretended' (*frivola et pretensa*), and manifestly illegal in addition (*necnon errorem juris in se manifestum continentem*). The Pope was too acute to reverse Archbishop Courtney's sentence, and thereby invite a rebuff. But the Archbishop of Canterbury not only denounced Hereford's appeal as 'frivolous,' 'pretensed' (to use the old word), and

illegal ; he proceeded forthwith to execute his own sentence and excommunicated Hereford for his pains at St. Paul's Cathedral on the first day on which ' a very large congregation ' could be present to witness it.¹ And this striking repudiation of the Pope's authority in English ecclesiastical courts is made all the more emphatic by the fact that Archbishop Courtney was in other matters what might be called an Ultramontane.

A learned Roman Catholic, Canon Moyes, tried to evade the force of Courtney's denial of the right of appeal to Rome, when I appealed to it in the ' Contemporary Review,' by alleging that by the Roman Canon Law appeals to Rome of a frivolous character were forbidden. That cannot possibly apply to Hereford's case : first, because an appeal on a question of heresy cannot be described as frivolous ; secondly, because the Pope did receive the appeal and rehear the case, thereby proving that *he* did not consider the appeal ' frivolous,' though the Archbishop did.

This case alone, it seems to me, suffices to overthrow Professor Maitland's thesis. But it is far indeed from standing alone. In the year 1350, for example, the Archbishop of Canterbury confirmed the election of the Chancellor to the University of Oxford, upon which the Bishop of Lincoln appealed to the Pope. The Primate, so far from admitting the right of appeal, pronounced it frivolous and illegal, and cited the appellant before him for contempt.²

¹ Wilkins, *Concil.* iii. 165-6.

² *Ibid.* p. 7.

In the year 1414 the University of Oxford presented to King Henry V. certain articles for the reformation of the universal Church. The second article protests against the appointment of Cardinals by the absolute will of the Pope ; the fifth against the detestable simony practised at the Roman Curia ; the sixth against the prodigal grant of Papal indulgences ; the seventh against the enormous extortions practised by the Apostolic See in various fees ; and also against the reservation of first-fruits, ‘ *authorised by no written law,*’ but ‘ a grave scandal both to the said See and the whole Christian Church.’¹

In declaring that the Papal reservation of first-fruits was ‘ authorised by no written law,’ the University touched a most important point which Professor Maitland has overlooked in his learned dissertation. Great weight was allowed to the Roman Canon Law in the ecclesiastical courts in England, and its supremacy may be said to have been generally allowed, with large reservations. But underlying all this was the conviction that it was not really supreme, and when it came in conflict with the national law in any point which touched the dignity or interest of the national authority, it would be, and often was, resisted with success. Thus we find Archbishop Courtney, in the Parliament of 1392, protesting against the Pope’s encroachments, and declaring his resolve ‘ to stand with our Lord the King, and support his crown in the matters above mentioned, to his power,’ whenever

¹ Wilkins, iii. 361.

a question arose in which he had to choose between the Roman Canon Law and the Law of the Land. And this declaration is all the more significant because the Primate at the same time protests his acceptance of the Roman Pope's authority in general. The result was the Statute of Præmunire, imposing penalties on certain Papal usurpations which were authorised by the Roman Canon Law. The Lords Spiritual concurred in all points with the temporal peers and the commons in putting these restrictions on the Pope's authority. In his letters to the Primate and to the Duke of Bedford, some years afterwards, Pope Martin denounced this statute as 'execrable,' and reproached the Primate bitterly for assenting to it. 'You can see,' he said, 'the authority of our blessed Saviour and the Apostolic See despised and trampled on, without so much as dropping one word of remonstrance.' And to the Duke he protests that 'the jurisdiction of the Roman Church and ecclesiastical liberty had been oppressed by the force of that execrable statute, which was contrary to all reason, divine and human.'¹

And how would Professor Maitland reconcile the deposing power, claimed and exercised by the Popes, with his theory? The decretum, *De Hæreticis*, c. 3, is part of the *Corpus Juris*. Here is an extract from it:—

¹ *Quamvis dudum in regno Angliæ jurisdictio Romanæ ecclesiæ et libertas ecclesiastica fuerit oppressa, vigore illius execrabilis statuti, quod omni divinæ et humanæ rationi contrarium est, &c.— Fuller, Church Hist. i. 464; Collier, Eccl. Hist. iii. 207-9, 340-1.*

If a temporal lord, after having been required and admonished by the Church, shall neglect to cleanse his land from heretical defilement, let him be excommunicated by the metropolitan and the other bishops of the province. And if he shall through contempt fail to give satisfaction within a year, let this be signified to the Sovereign Pontiff, that he may thereupon declare his vassals absolved from allegiance to him, and offer his land for seizure by Catholics, that they may, after expelling the heretics, possess it by an incontestable title, and keep it in the purity of the faith.

This decree entirely justified the excommunication of Elizabeth and the consequent absolution of her subjects from their allegiance, and the offer of the kingdom by the Pope to Spain or France.

Surely Professor Maitland would not maintain that the Church of England ever adopted that part of the Canon Law. And can a Church which claimed and exercised the right of dispensing with the Roman Canon Law *ad libitum*—choosing what it approved and rejecting what it disapproved—be said to have acknowledged the unqualified supremacy of that law? When pressed by Dr. Stubbs's high authority, Professor Maitland will not go further than to say that 'in all probability large portions (to say the least) of "the Canon Law of Rome" were regarded by the Courts Christian in this country as absolutely binding law.'¹ But is not this virtually a surrender of the Professor's whole case? Courts which claim and exercise the right to pick and choose *ad libitum*

¹ *Roman Canon Law in the Church of England*, p. 2.

among the decrees of a code claim in fact to be superior, not inferior, to the code, and no theoretical maxims in Lyndwood will get rid of that fact. The right to select implies the right to reject.

Dr. Stubbs admits that the Roman Canon Law had 'great authority' in the English courts. Professor Maitland thinks that he disposes of that admission as follows :

The Pope expressly legislates for England among other countries. He says that an English prelate on the occasion of a visitation is not to receive more than a certain sum of money. Such a statute you can obey, or you can ignore ; no third course is open to you. If you deny that it binds you, then you allow it no great authority ; you allow it no authority whatever.

This is hardly convincing. It assumes the point in dispute, namely, the unreserved acknowledgment of the Pope's unqualified supremacy *de jure* and *de facto*. A statute by an English Parliament must be obeyed or disobeyed. A statute by a foreign ecclesiastic, claiming jurisdiction in England, supreme over all causes, was a different matter. Great or little authority might be conceded to it according to circumstances, as in Elizabeth's concession in Chetwood's appeal. A power which adopted 'large portions' of the Roman Canon Law claimed *ipso facto* the right of determining the amount of authority that was due to any particular decretal.¹

¹ ' Authority might be allowed by mutual consent, but *jurisdiction* implies a legal force which was never granted to the Papacy.'—*For Church and Crown*, p. 12. By the Rev. C. E. Harris, B.A. An able and instructive pamphlet.

On the whole, then, I respectfully submit that if the authority of the eminent writers, of whom Dr. Stubbs is one of the chief, is to be overthrown, it still remains to be done.

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SPOTTISWOODE AND CO., NEW-STREET SQUARE
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