

UC-NRLF



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## THE ECCLESIASTICAL COURTS.

Citations, or other Processes Ecclesiastical in the said Courts, or Institutions, or Inductions to Benefices, or correction of Ecclesiastical offences by censure in those Courts, be in the Kings name, or with the style of the King, or under the Kings Seal, or that their Seals of office have in them the Kings Arms; And that the Statute of *Primo Edvardi sexti, cap. secundo*, which enacted the contrary, is not now in force: And that the Bishops, Arch-Deacons and other Ecclesiastical persons, may keep their Visitations as usually they have done, without Commission under the great Seal of *England* so to do: Which Opinions and Resolutions being declared under the hands of all his Majesties said Judges, and so certified into his Court of Star-chamber, were there recorded. And it was by that Court further ordered the fourth day of the said month of *July*, that the said Certificate should be enrolled in all other his Majesties Courts at *Westminster*, and in the High Commission, and other Ecclesiastical Courts, for the satisfaction of all men; that the proceedings in the High Commission and other Ecclesiastical Courts, are agreeable to the Laws and Statutes of the Realm.

And his Royal Majesty hath thought fit, with advice of his Council, that a publick Declaration of these the Opinions and Resolutions of his Reverend and Learned Judges, being agreeable to the Judgment and Resolutions of former times, should be made known to all his Subjects, as well to vindicate the legal proceedings of his Ecclesiastical Courts and Ministers, from the unjust and scandalous imputation of invading or entrenching on his Royal Prerogative, as to settle the minds and stop the mouths of all unquiet spirits, that for the future they presume not to censure his Ecclesiastical Courts or Ministers in these their just and warrantable proceedings: And hereof his Majesty admonisheth all his Subjects to take warning, and as they shall answer the contrary at their perils.

Given at the Court at *Lyndhurst*, the 18 day  
of *August*, in the 13 year of his Majesties  
Reign.

*God. save the KING.*

# CONSTITUTIONS

AND

## CANONS ECCLESIASTICAL.

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Treated upon by the

# A R C H B I S H O P S

OF

## CANTERBURY AND YORK,

Presidents of the *Convocations* for the respective  
Provinces of *Canterbury* and *York*, and the  
rest of the Bishops and Clergy of those  
Provinces.

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And agreed upon with the Kings Majesties License in their  
several Synods begun at *London* and *York*, 1640.

In the year of the Reign of our Sovereign Lord *Charles*, by  
the grace of God, King of *England*, *Scotland*, *France* and  
*Ireland*, the Sixteenth.

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And now published for the due observation of them, by His Majesties  
Authority under the Great Seal of *England*.

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*London*, Printed by *Robert Barker*, Printer to the Kings most Excellent  
Majesty, and by the Assigns of *John Bill*. 1640.

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CHARLES, By the Grace of God, King of *England, Scotland, France, and Ireland*, Defender of the Faith, &c. To all to whom these Presents shall come, Greeting.



HEREAS our Bishops, Deans of our Cathedral Churches, Archdeacons, Chapters and Colledges, and the other Clergy of every Diocess within the several Provinces of Canterbury and York, being respectively summoned and called by vertue of our several Writs to the most Reverend Father in God, Our right trusty and right well-beloved Councillor, William, by Divine Providence, Lord Archbishop of Canterbury, Primate of all England, and Metropolitan, and to the most Reverend Father in God, Our right trusty and well-beloved Councillor, Richard, by Divine Providence, Lord Archbishop of York, Primate and Metropolitan of England, respectively directed, bearing date the twentieth day of February, in the fifteenth year of Our Reign, to appear before the said Lord Archbishop of Canterbury, in Our Cathedral Church of St. Paul in London, and before the said Lord Archbishop of York, in the Metropolitan Church of St. Peter in York, the fourteenth day of April then next ensuing, or elsewhere, as they respectively should think it most convenient, to treat, consent and conclude upon certain difficult and urgent affairs contained in the said Writs; Did thereupon at the time appointed, and within the Cathedral Church of S. Paul, and the Metropolitan Church of S. Peter aforesaid, assemble themselves respectively together, and appear in several Convocations for that purpose, according to the said several Writs, before the said Lord Archbishop of Canterbury, and the said Lord Archbishop of York respectively. And forasmuch as We are given to understand, that many of Our Subjects being misled against the Rites and Ceremonies now used in the Church of England, have lately taken offence at the same; upon an unjust supposal, that they are not only contrary to Our Laws, but also introductive unto Popish Superstitions, whereas

it well appeareth unto Us, upon mature consideration, that the said Rites and Ceremonies which are now so much quarrelled at, were not onely, approved of, and used by those learned and godly Divines, to whom, at the time of Reformation under King Edward the sixth, the compiling of the Book of Common-Prayer was committed (divers of which suffered Martyrdom in Queen Maries days) but also again taken up by this whole Church under Queen Elizabeth, and so duly and ordinarily practised for a great part of her Reign, (within the memory of divers yet living) as that it could not then be imagined that there would need any Rule or Law for the observation of the same, or that they could be thought to savour of Popery.

And albeit since those times, for want of an express Rule therein, and by subtile practises, the said Rites and Ceremonies began to fall into disuse, and in place thereof, other foreign and unfitting usages by little and little to creep in; Yet forasmuch as in our own Royal Chapels, and in many other Churches, most of them have been ever constantly used and observed. We cannot now but be very sensible of this matter, and have cause to conceive that the Authors and Fomentors of these jealousies, though they colour the same with a pretence of Zeal, and would seem to strike only at some supposed iniquity in the said Ceremonies; Yet, as we have cause to fear, aim at Our own Royal Person, and would fain have Our good Subjects imagine that we Our Self are perverted, and doe worship God in a Superstitious way, and that we intend to bring in some alteration of the Religion here established. Now how far we are from that, and how utterly We detest every thought thereof, We have by many publick Declaracions, and otherwise upon sundry occasions, given such assurance to the World, as that from thence We also assure Our Self, that no man of wisdom and discretion could ever be so beguiled as to give any serious entertainment to such brain-sick jealousies; and for the weaker sort, who are prone to be misled by crafty seducers, We rest no less confident, that even of them, as many as are of loyal, or indeed but of charitable hearts, will from henceforth utterly banish all such causeless fears and surmises, upon these our sacred professions, so often made by Us, a Christian Defender of the Faith, their King and Sovereign. And therefore if yet any person, under whatsoever mask of zeal, or counterfeit holiness, shall henceforth by speech or writing, or any other way notwithstanding these Our right, hearty, faithful, and solemn

Protestations made before him, whose Deputy We are, against all and every intention of any Popish Innovation, be so ungracious and presumptuous as to vent any poisoned conceits, tending to such a purpose, and to cast these devilish aspersions and jealousies upon Our Royal and Godly proceedings, We require all Our loyal Subjects, that they forthwith make the same known to some Magistrate, Ecclesiastical or Civil: And We straightly charge all Ordinaries, and every other person in any Authority under Us, as they will answer the contrary at their utmost peril, that they use no palliation, connivance or delay therein; but that taking particular information of all the passages, they do forthwith certifie the same unto Our Court of Commission for causes Ecclesiastical, to be there examined, and proceeded in with all fidelity and tenderness of Our Royal Majesty, as is due to Us their Sovereign Lord and Governour: But forasmuch as we well perceive that the misleaders of Our well-minded people do make the more advantage for the nourishing of this distemper among them from hence, that the foresaid Rites and Ceremonies or some of them, are now insisted upon but only in some Diocesses, and are not generally revived in all places, nor constantly and uniformly practised thorowout all the Churches of our Realm, and thereupon have been liable to be quarrelled and opposed by them who use them not; We therefore out of Our Princely inclination to Uniformity and Peace, in matters especially that concern the holy worship of God, proposing to Our Self herein the pious examples of King Edward the sixth, and of Queen Elizabeth, who sent forth Injunctions, and Orders about the Divine Service, and other Ecclesiastical matters, and of Our dear Father of blessed memory, King James, who published a Book of Constitutions and Canons Ecclesiastical; and (according to the Act of Parliament in this behalf) having fully advised herein with Our Metropolitan, and with Our Commissioners authorised under Our great Seal for causes Ecclesiastical, have thought good to give them free leave to treat in Convocation; and agree upon certain other Canons necessary for the advancement of Gods glory, the edifying of his holy Church, and the due reverence of his blessed Mysteries and Sacraments: that as We ever have been, and by Gods assistance (by whom alone We Reign) shall ever so continue careful and ready to cut off Superstition with one hand, so We may no less expel Irreverence and Profaneness with the other, whereby it may please Almighty God so to bless Us, and

this Church committed to our Government, that it may at once return unto the true former splendour of Uniformity, Devotion, and holy Order, the lustre whereof for some years by-past hath been overmuch obscured, through the devices of some ill-affected to that sacred Order, wherein it had long stood from the very beginning of the Reformation, and through inadvertency of some in Authority in the Church under Us: We therefore by vertue of Our Prerogative Royal, and supreme Authority in causes Ecclesiastical, by Our severall and respective Letters Patents under Our Great Seal of England, dated the fifteenth day of April now last past, and the twelfth day of May then next following, for the Province of Canterbury: And by Our like Letters Patents dated the seven and twentieth day of the same month of April, and the twentieth day of the month of May aforesaid, for the Province of York, did give and grant full, free, and lawfull liberty, license, power and authority unto the said Lord Archbishop of Canterbury, President of the said Convocation for the Province of Canterbury, and unto the said Lord Archbishop of York, President of the said Convocation for the Province of York, and to the rest of the Bishops of the said Provinces, and unto all Deans of Cathedral Churches, Archdeacons, Chapters and Colledges, and the whole Clergy of every severall Diocess within the said severall Provinces, and either of them, that they should and might from time to time, during the Present Parliament, and further during Our will and pleasure, confer, treat, debate, consider, consult, and agree of and upon Canons, Orders, Ordinances and Constitutions, as they should think necessary, fit and convenient for the honor and service of Almighty God, the good and quiet of the Church, and the better Government thereof, to be from time to time observed, performed, fulfilled and kept, as well by the said Archbishop of Canterbury, and the said Archbishop of York, the Bishops, and their Successors, and the rest of the whole Clergy of the said severall Provinces of Canterbury and York, in their severall Callings, Offices, Functions, Ministeries, Degrees and Administrations; As by all and every Dean of the Arches, and other Judges of the said severall Archbishops, of Courts Guardians of Spiritualities, Chancellours, Deans and Chapters, Archdeacons, Commissaries, Officials, Registers, and all and every other Ecclesiastical Officers, and their inferiour Ministers whatsoever, of the same respective Provinces of Canterbury and York, in their, and every of their distinct Courts, and in the order and manner

of their, and every of their proceedings, and by all other persons within this Realm, as far as lawfully being members of the Church it may concern them, as in our said Letters Patents amongst other clauses more at large doth appear.

Now forasmuch as the said Lord Archbishop of Canterbury, President of the said Convocation for the Province of Canterbury, and the said Archbishop of York, President of the said Convocation for the Province of York, and others the said Bishops, Deans, Archdeacons, Chapters and Colledges, with the rest of the Clergy, having met together respectively, at the time and places before mentioned respectively, and then and there, by vertue of Our said Authority granted unto them, treated of, concluded and agreed upon certain Canons, Orders, Ordinances and Constitutions, to the end and purpose by Us limited and prescribed unto them, and have thereupon offered and presented the same unto Us, most humbly desiring Us to give Our Royal assent unto the same, according to the form of a certain Statute or Act of Parliament made in that behalf, in the five and twentieth year of the Reign of King Henry the Eighth, and by our said Prerogative Royal and Supreme Authority in causes Ecclesiastical, to ratifie by Our Letters Patents under Our great Seal of England, and to confirm the same, the Title and Tenour of them being word for word as ensueth.

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Constitutions and Canons Ecclesiastical, treated upon by the Archbishops of *Canterbury* and *York*, Presidents of the Convocations for the respective Provinces of *Canterbury* and *York*, and the rest of the Bishops and Clergy of those Provinces: And agreed upon with the Kings Majesties License in their several Synods begun at *London* and *York*. 1640.

In the year of the Raigh of our Sovereign Lord CHARLES, by the Grace of God, King of *England*, *Scotland*, *France*, and *Ireland*, the Sixteenth.

I. *Concerning the Regal Power.*



HEREAS sundry Laws, Ordinauces, and Constitutions have been formerly made for the acknowledgment and profession of the most lawful and independent Authority of our dread Sovereign Lord, the Kings most Excellent Majesty, over the State Ecclesiastical and Civil: We (as our duty in the first place binds us, and so far as to us appertaineth) enjoyn them all to be carefully observed by all persons whom they concern, upon the penalties of the said Laws and Constitutions expressed.

And for the fuller and clearer instruction and information of all Christian people within this Realm in their duties in this particular;

We do further ordain and decree, That every Parson, Vicar, Curate, or Preacher, upon some one Sunday in every quarter of the year at Morning-prayer, shall in the place where he serves, treatably and audably read these Explanations of the Regal Power here inserted.

THE most High and Sacred Order of Kings, is of Divine Right, being the Ordinance of God Himself, founded in the prime Laws of

Nature, and clearly established by express Texts both of the Old and New Testaments. A supreme Power is given to this most excellent Order by God Himself in the Scriptures, which is, That Kings should Rule and Command in their several Dominions all persons of what rank or estate soever, whether Ecclesiastical or Civil, and that they should restrain and punish with the Temporal Sword all stubborn and wicked doers.

The care of Gods Church is so committed to Kings in the Scripture, that they are commended when the Church keeps the right way, and taxed when it runs amiss, and therefore her Government belongs in chief unto Kings: For otherwise one man would be commended for anothers care, and taxed but for anothers negligence, which is not Gods way.

The Power to call and dissolve Councils both National and Provincial, is the true right of all Christian Kings within their own Realms and Territories: And when in the first times of Christs Church, Prelates used this Power, 'twas therefore only because in those days they had no Christian Kings: And it was then so only used as in times of persecution, that is, with supposition (in case it were required) of submitting their very lives unto the very Laws and Commands even of those Pagan Princes, that they might not so much as seem to disturb their Civil Government, which Christ came to confirm, but by no means to undermine.

For any person or persons to set up, maintain, or avow in any their said Realms or Territories respectively, under any pretence whatsoever, any independent Coactive Power, either Papal or Popular; (whether directly or indirectly) is to undermine their great Royal Office, and cunningly to overthrow that most sacred Ordinance, which God Himself hath established: And so is treasonable against God, as well as against the King.

For Subjects to bear Arms against their Kings, Offensive or Defensive, upon any pretence whatsoever, is at least to resist the Powers, which are ordained of God: And though they do not invade, but only resist; *St. Paul* tells them plainly, *They shall receive to themselves damnation.*

And although Tribute, and Custom, and Aid, and Subsidy, and all manner of necessary support and supply, be respectively due to Kings from their Subjects by the Law of God, Nature, and Nations, for the publick defence, care and protection of them; yet nevertheless, Sub-

jects have not only possession of, but a true and just right, title and propriety to, and in all their Goods and Estates: and ought to have: And these two are so far from crossing one another, that they mutually go together, for the honourable and comfortable support of both. For as it is the duty of the Subjects to supply their King: so it is part of the Kingly Office to support his Subjects in the property and freedom of their Estates.

And if any Parson, Vicar, Curate, or Preacher, shall voluntarily or carelessly neglect his duty in publishing the said Explications and Conclusions, according to the Order above described, he shall be suspended by his Ordinary, till such time as upon his penitence he shall give sufficient assurance, or evidence of his amendment; and in case he be of any exempt jurisdiction, he shall be censurable to his Majesties Commissioners for Causes Ecclesiastical.

And we do also hereby require all Archbishops, Bishops and all other inferiour Priests and Ministers, that they Preach, Teach, and Exhort their People to obey, honor, and serve their King; and that they presume not to speak of His Majesties Power in any other way than in this Canon is expressed.

And if any Parson, Vicar, Curate, Preacher, or any other Ecclesiastical Person whatsoever, any Dean, Canon, or Prebendary of any Collegiate or Cathedral Church, any Member or Student of Colledge or Hall, or any Reader of Divinity or Humanity in either of the Universities, or elsewhere, shall in any Sermon, Lecture, Common-place, Determination or Disputation, either by word or writing, publicly maintain or abet any position or conclusion, in opposition, or impeachment of the aforesaid explications, or any part or Article of them, he shall forthwith by the Power of His Majesties Commissioners for Causes Ecclesiastical, be excommunicated till he repent, and suspended two years from all the profits of his Benefice, or other Ecclesiastical, Academicall, or Scholastical Preferments: And if he so offend a second time, he shall be deprived from all his Spiritual Promotions, of what nature or degree soever they be.

Provided always, that if the offence aforesaid be given in either of the Universities, by Men not having any Benefice or Ecclesiastical Preferment, that then the Delinquent shall be censured by the ordinary authority in such cases of that University respectively, where the said fault shall be committed.

II. *For the better keeping of the day of His Majesties most happy Inauguration.*

THE Synod taking into consideration the most inestimable benefits which this Church enjoyeth, under the peaceable and blessed Government of our dread Sovereign Lord King CHARLES; and finding that as well the godly Christian Emperors in the former times, as our own most Religious Princes since the Reformation, have caused the days of their Inaugurations to be publickly celebrated by all their Subjects with Prayers and Thanksgiving to Almighty God; and that there is a particular form of Prayer appointed by Authority for that day and purpose: and yet withal considering how negligent some people are in observance of this day, in many places of this Kingdom; Doth therefore decree and ordain, That all manner of Persons within the Church of *England*, shall from henceforth celebrate and keep the morning of the said day in coming diligently and reverently unto their Parish Church or Chap. at the time of Prayer, and there continuing all the while that the Prayers, Preaching, or other service of the day endureth: in testimony of their humble gratitude to God for so great a blessing, and dutiful affections to so benign and merciful a Sovereign. And for the better execution of this our Ordinance, the holy Synod doth straightly require and charge, and by authority hereof enableth all Archbishops, Bishops, Deans, Deans and Chapters, Archdeacons, and other Ecclesiastical persons, having exempt or peculiar jurisdiction; as also all Chancellors, Commissaries, and Officials in the Church of *England*, that they enquire into the keeping of the same in their Visitations, and punish such as they shall find to be delinquent, according as by Law they are to censure, and punish those who wilfully absent themselves from Church on Holy-days. And that the said day may be the better observed, we do enjoyn, that all Churchwardens shall provide, at the Parish-charge, two of those Books at least, appointed for that day; and if there be any want of the said Book in any Parish, they shall present the same at all Visitations respectively.

III. *For the suppressing of the growth of Popery.*

ALL and every Ecclesiastical persons, of what rank or condition soever, Archbishops, and Bishops, Deans, Archdeacons, all having

exempt or peculiar jurisdiction, with their several Chancellors, Commissaries, and Officials, all persons intrusted with cure of souls, shall use respectively all possible care and diligence by conferring privately with the parties, and by censures of the Church in inferiour and higher Courts, as also by complaints unto the Secular Power, to reduce all such to the Church of *England*, who are misled into Popish Superstition.

And first, These private Conferences shall be performed in each several Diocess, either by the Bishop in person, if his occasion will permit it, or by some one or more learned Ministers at his special appointment, and the said Bishop shall also design the time and place of the said several Conferences, and all such persons as shall be present thereat: which if Recusants refuse to observe, they shall be taken for obstinate, and so certified to the Bishop. And if the said time and place be not observed by the Minister or Ministers so appointed, they shall be suspended by their Ordinary for the space of six months, without a very reasonable cause alledged to the contrary. Provided that they be not sent above ten miles from their dwelling.

If the said Conferences prevail not, the Church must and shall come to her Censures; and to make way for them, the said Ecclesiastical persons shall carefully inform themselves in the places belonging to their several charges, of all Recusants above the age of twelve years, both of such as come not at all to Church, as also of those who coming sometimes thither, do yet refuse to receive the holy Eucharist with us, as likewise of all those, who shall either say or hear Mass: and they shall in a more especial manner enquire out all those, who are either dangerously active to seduce any Persons from the Communion of the Church of *England*, or seditiously busie to dissuade his Majesties Subjects from taking the Oath of Allegiance, together with all them who abused by their Sophistry, refuse to take the said Oath.

And we straightly command all Parsons, Vicars and Curates, that they carefully and severally present at all Visitations, the names and surnames of the Delinquents of these several kinds in their own Parishes, under pain of suspension for six months.

And likewise we straightly enjoyn all Church-wardens, and the like sworn Officers whatsoever, that by vertue of their Oaths they shall present at the said Visitations the names of such Persons, whom they know or hear of, or justly suspect to be delinquent in all or any of

these particulars, and that under the pains of the highest censures of the Church: that so these Delinquents may be legally cited: and being found obstinate, they shall be Excommunicated, and such Excommunication shall be pronounced both in the Cathedral Church of the Diocess, and in the several Parishes where such Recusants live, and every third month they shall be again publicly repeated in the places aforesaid, that all may take notice of those Sentences.

And because there are places which either have, or pretend to have exemptions, in which such Delinquents do usually affect to make their aboad: Therefore we enjoyn, that all Bishops shall within their several Diocesses send unto such places one or more of their Chaplains, or some of their Officers whom they may relie on, to make strict enquiry after Offenders in those kinds, who diligently returning their information accordingly, the said Bishop shall certifie such informations to his Metropolitan, that the aforesaid proceedings may forthwith issue from some higher Courts in these cases, whereof by reason of the said exemptions, the inferiour Courts can take no cognisance.

But if neither conferring nor censures will prevail with such persons, the Church hath no way left but complaints to the secular power; and for them we streightly enjoyn, that all Deans and Archdeacons, and all having inferiour or exempt Jurisdiction, shall every year within six Months after any Visitation by them holden, make Certificate unto their several Bishops, or Archbishop, (if it be within his Diocess) under their Seal of Office, of all such persons who have been presented unto them as aforesaid, under pain of suspension from their said Jurisdictions by the space of one whole year.

And we in like manner enjoyn all Archbishops and Bishops, that once every year at the least, they certifie under their Episcopal Seal in Parchment, unto the Justices of Assize of every County in the Circuits and within their Diocesses respectively, the names and sirnames not only of those who have been presented unto them from the said Deans, Archdeacons, &c. but of those also who upon the Oaths of Churchwardens and other Sworn-men at their Visitations, or upon the information of Ministers employed in the said Conferences, have been presented unto them, that so the said intended proceedings may have the more speedy and the more general success.

In particular, it shall be carefully inquired into at all Visitations under the Oaths of the Churchwardens and other Sworn-men, what

Recusants or Popish persons have been either Married or Buried, or have had their Children baptized otherwise than according to the Rules and Forms established in the Church of *England*; and the names of such Delinquents (if they can learn them, or otherwise such names as for the time they carry) shall be as aforesaid given up to the Bishop, who shall present them to the Justices of Assize, to be punished according to the Statutes.

And for the education of Recusants Children, since, by Canon already established, no Man can teach School, (no not in any private house) except he be allowed by the Ordinary of the place, and withal have subscribed to the Articles of Religion established in the Church of *England*: We therefore streightly enjoyn, That forthwith at all Visitations there be diligent enquiry made by the Church-wardens or other sworn Ecclesiastical Officers of each Parish, under their Oaths, who are employed as School-masters to the Children of Recusants; and that their several names be presented to the Bishop of the Diocess, who citing the said School-masters, shall make diligent search whether they have subscribed or no; and if they or any of them be found to refuse subscription, they shall be forbidden to teach hereafter, and censured for their former presumption; and withal the names of him or them that entertain such a School-master, shall be certified to the Bishop of the Diocess, who shall at the next Assize present them to the Judges to be proceeded against according to the Statutes. And if they subscribe, enquiry shall be made what care they take for the instruction of the said Children in the Catechism established in the Book of Common-prayer. And all Ordinaries shall censure those whom they find negligent in the said instruction; and if it shall appear, that the Parents of the said children do forbid such School-masters to bring them up in the Doctrine of the Church of *England*, they shall notwithstanding do their duty; and if thereupon the said Parents shall take away their Children, the said School-masters shall forthwith give up their names unto the Bishop of the Diocess, who shall take care to return them to the Justices of Assize in manner and form aforesaid. And because some may cunningly elude this Decree, by sending their Children to be bred beyond the Seas, Therefore we ordain, That the Church-wardens and other sworn Ecclesiastical Officers, shall likewise make careful enquiry, and give in upon their Oaths at all Visitations, the names of such Recusants Children who

are so sent beyond the Seas to be bred there, or whom they probably suspect to be so sent: which names as aforesaid shall be given up to the Bishop, and from him returned to the Judges as aforesaid, that their Parents, who so send them, may be punished according to Law. Provided alwayes that this Canon shall not take away or derogate from any Power or Authority already given or established by any other Canon now in force.

And all the said Complaints or Certificates shall be presented up to the Judges in their several Circuits by the Bishops Register, or some other of his Deputies immediately after the publishing of His Majesties Commission, or at the end of the Charge, which shall be then given by the Judge. And this upon pain of Suspension for three months.

This Sacred Synod doth earnestly intreat the said Reverend Justices of Assize, to be careful in the execution of the said Laws committed to their trust, as they will answer to God for the daily increase of this gross kind of superstition. And further, we do also exhort all Judges, whether Ecclesiastical or Temporal upon the like account, that they would not admit in any of their Courts any vexatious Complaint, Suit or Suits, or presentments against any Minister, Church-wardens, Questmen, Sidemen, or other Church-Officers for the making of any such Presentments.

And lastly, We enjoyn that every Bishop shall once in every year send into his Majesties High Court of Chancery, a *Significavit* of the names and surnames of all such Recusants who have stood excommunicated beyond the time limited by the Law, and shall desire that the Writ *De excommunicato capiendo* might be at once sent out against them all *Ex officio*. And for the better execution of this Decree, this present Synod doth most humbly beseech His most Sacred Majesty, that the Officers of the said High Court of Chancery, whom it shall concern, may be commanded to send out the aforesaid Writ from time to time as is desired, for that it would much exhaust the particular estates of the Ordinaries, to sue out several Writs at their own charge. And that the like command also may be laid upon the Sheriffs and their Deputies, for the due and faithful execution of the said Writs, as often as they shall be brought unto them.

And to the end that this Canon may take the better and speedier effect, and not to be deluded or delayed; We further Decree and

Ordain, That no Popish Recusant, who shall persist in the said sentence of Excommunication beyond the time prescribed by Law, shall be absolved by vertue of any Appeal in any Ecclesiastical Court, unless the said party shall first in his or her own Person, and not by a Proctor, take the usual Oath *De parendo Juri, & stando mandatis Ecclesie*.

#### IV. *Against Socinianism.*

WHEREAS much mischief is already done in the Church of God by the spreading of the damnable and Cursed Heresie of *Socinianism*, as being a complication of many ancient Heresies condemned by the four first general *Councils*, and contrariant to the Articles of Religion now established in the Church of *England*. And whereas it is too apparent that the said wicked and blasphemous errors are unhappily dilated by the frequent divulgation and dispersion of dangerous Books, written in favour and furtherance of the same, whereby many, especially of the younger or unsettled sort of People, may be poisoned and infected: It is therefore decreed by this present Synod, that no Stationer, Printer, or Importer of the said Books, or any other person whatsoever, shall print, buy, sell or disperse any Book broaching or maintaining of the said abominable Doctrine or Positions, upon pain of Excommunication *ipso facto* to be thereupon incurred: And we require all Ordinaries upon pain of the Censures of the Church, that beside the Excommunication aforesaid, they do certifie their names and offenses under their Episcopal Seal to the Metropolitan, by him to be delivered to his Majesties Attorney-General for the time being, to be proceeded withal according to the late Decree in the Honorable Court of Star-Chamber, against the spreaders of prohibited Books. And that no Preacher shall presume to vent any such Doctrine in any Sermon under pain of Excommunication for the first offence, and Deprivation for the second. And that no Student in either of the Universities of this Land, nor any person in holy Orders, (excepting Graduates in Divinity, or such as have Episcopal or Archidiaconal Jurisdiction, or Doctors of Law in holy Orders) shall be suffered to have or read any such Socinian Book or Discourse, under pain (if the offender live in the University) that he shall be punished according to the strictest Statutes provided there against the publishing, reading or maintaining of false Doctrine: or if he live in the City or Country

abroad, of a Suspension for the first offence, and Excommunication for the second, and Deprivation for the third, unless he will absolutely and *in terminis* abjure the same. And if any Layman shall be seduced into this Opinion, and be convicted of it, he shall be Excommunicated, and not absolved but upon due repentance and abjuration, and that before the Metropolitan, or his own Bishop at the least. And we likewise enjoyn, that such Books, if they be found in any prohibited hand, shall be immediately burned: and that there be a diligent search made by the appointment of the Ordinary after all such Books, in what hands soever, except they be now in the hands of any Graduate in Divinity, and such as have Episcopal or Archidiaconal Jurisdiction, or any Doctor of Laws in holy Orders as aforesaid; and that all who now have them, except before excepted, be strictly commanded to bring in the said Books in the Universities to the Vice-chancellors, and out of the Universities to the Bishops, who shall return them to such whom they dare trust with the reading of the said Books, and shall cause the rest to be burned. And we farther enjoyn, that diligent enquiry be made after all such that shall maintain and defend the aforesaid Socinianism; and when any such shall be detected, that they be complained of to the several Bishops respectively, who are required by this Synod to repress them from any such propagation of the aforesaid wicked and detestable Opinions.

#### V. *Against Sectaries.*

WHEREAS there is a provision now made by a Canon for the suppressing of Popery, and the growth thereof by subjecting all Popish Recusants to the greatest severity of Ecclesiastical Censures in that behalf: This present Synod well knowing that there are other Sects which endeavour the subversion both of the Doctrine and Discipline of the Church of *England* no less than Papists do, although by another way; for the preventing thereof, doth hereby decree and Ordain, that all those proceedings and penalties which are mentioned in the aforesaid Canon against Popish Recusants as far as they shall be applicable, shall stand in full force and vigour against all *Anabaptists, Brownists, Separatists, Familists*, or other Sect or Sects, person or persons whatsoever, who do or shall either obstinately refuse, or ordinarily, not having a lawful impediment (that is, for the space of a month) neglect

to repair to their Parish Churches or Chappels where they inhabit for the hearing of Divine Service established, and receiving of the holy Communion, according to Law.

And we do also further decree and ordain, That the Clause contained in the Canon now made by this Synod against the Books of Socinianism, shall also extend to the Makers, Importers, Printers and Publishers, or Dispersers of any Book, Writing, or scandalous Pamphlet devised against the Discipline and Government of the Church of *England*, and unto the maintainers and Abettors of any Opinion or Doctrine against the same.

And further, because there are sprung up among us a sort of factious people, Despisers and Depravers of the Book of Common-Prayer, who do not according to the Law resort to their Parish-Church or Chappel to joyn in Publick Prayers, Service and Worship of God with the Congregation, contenting themselves with the hearing of Sermons only, thinking thereby to avoid the penalties due to such as wholly absent themselves from the Church. We therefore for the restraint of all such wilful contemners or neglecters of the Service of God, do ordain, That the Church or Chappel-Wardens, and Questmen, or Sidemen of every Parish, shall be careful to enquire out all such disaffected persons, and shall present the names of all such Delinquents at all Visitations of Bishops, and other Ordinaries; And that the same proceedings and penalties mentioned in the Canon aforesaid respectively, shall be used against them as against other Recusants, unless within one whole month after they are first denounced, they shall make acknowledgment and reformation of that their fault. Provided always, that this Canon shall not derogate from any other Canon, Law or Statute in that behalf provided against those Sectaries.

VI. *An Oath enjoy'd for the preventing of all Innovations in Doctrine and Government.*

THIS present Synod (being desirous to declare their sincerity and constancy in the profession of the Doctrine and Discipline already established in the Church of *England*, and to secure all men against any suspicion of revolt to Popery, or any other superstition) decrees, That all Archbishops and Bishops, and all other Priests and Deacons in places exempt or not exempt, shall before the second day of No-

*vember* next ensuing, take this Oath following against all Innovation of Doctrine or Discipline, and this Oath shall be tendred them, and every of them, and all others named after in this Canon, by the Bishop in person, or his Chancellour, or some grave Divines named and appointed by the Bishop under the Seal; and the said Oath shall be taken in the presence of a publick Notary, who is hereby required to make an Act of it, leaving the Universities to the Provision which follows.

The Oath is,

I *A. B.* do swear, That I do approve the Doctrine and Discipline or Government established in the Church of *England*, as containing all things necessary to salvation: And that I will not endeavor by my self or any other, directly or indirectly, to bring in any Popish Doctrine, contrary to that which is so established: nor will I ever give my consent to alter the Government of this Church, by Archbishops, Bishops, Deans, and Archdeacons, &c. as it stands now established, and as by right it ought to stand, nor yet ever to subject it to the usurpations and superstitions of the See of *Rome*. And all these things I do plainly and sincerely acknowledge and swear, according to the plain and common sence and understanding of the same words, without any equivocation, or mental evasion, or secret reservation whatsoever. And this I do heartily, willingly, and truly, upon the faith of a Christian. *So help me God in Jesus Christ.*

And if any man Beneficed or Dignified in the Church of *England*, or any other Ecclesiastical person, shall refuse to take this Oath, the Bishop shall give him a months time to inform himself; and at the months end, if he refuse to take it, he shall be suspended *ab officio*, and have a second month granted: and if he then refuse to take it, he shall be suspended *ab officio & beneficio*, and have a third month granted him for his better information; but if at the end of that month he refuse to take the Oath above-named, he shall by the Bishop be deprived of all his Ecclesiastical Promotions whatsoever, and execution of his function which he holds in the Church of *England*.

We likewise Constitute and Ordain, That all Masters of Arts, (the sons of Noble-men only excepted) all Batchelors and Doctors in Divinity, Law or Physick, all that are licensed to practice Physick, all Registers, Actuaries and Proctors, all School-masters, all such as being

Natives or naturalized, do come to be incorporated into the Universities here, having taken a Degree in any foreign University, shall be bound to take the said Oath. And we command all Governors of Colledges and Halls in either of the Universities, that they administer the said Oath to all persons resident in their several Houses that have taken the Degrees before-mentioned in this Canon, within six months after the publication hereof.

And we likewise Constitute, That all Bishops shall be bound to give the said Oath unto all those to whom they give holy Orders at the time of their Ordination, or to whomsoever they give Collation, Institution or License, to Preach, or serve any Cure.

#### VII. *A Declaration concerning some Rites and Ceremonies.*

BECAUSE it is generally to be wished, that unity of Faith were accompanied with uniformity of practice, in the outward worship and service of God; chiefly for the avoiding of groundless suspicions of those who are weak, and the malicious aspersions of the professed Enemies of our Religion; the one fearing the Innovations, the other flattering themselves with the vain hope of our backslidings unto their Popish superstition, by reason of the situation of the Communion-Table, and the approaches thereunto, the Synod declareth as followeth:

That the standing of the Communion-Table side-way under the East-window of every Chancel or Chappel, is in its own nature indifferent, neither commanded nor condemned by the Word of God, either expressly, or by immediate deduction, and therefore that no Religion is to be placed therein, or scruple to be made thereon. And albeit at the time of Reforming this Church from that gross superstition of Popery, it was carefully provided that all means should be used to root out of the minds of the people, both the inclination thereunto, and memory thereof; especially of the Idolatry committed in the Mass, for which cause all Popish Altars were demolished; yet notwithstanding it was then ordered by the Injunctions and Advertisements of Queen *Elizabeth* of blessed memory, that the holy Tables should stand in the place where the Altars stood, and accordingly have been continued in the Royal Chappels of three famous and pious Princes, and in most Cathedral, and some Parochial Churches,

which doth sufficiently acquit the manner of placing the said Tables from any allegality, or just suspicion of Popish superstition or innovation. And therefore we judge it fit and convenient, that all Churches and Chappels do conform themselves in this particular to the example of the Cathedral or Mother Churches, saving always the general liberty left to the Bishop by Law, during the time of Administration of the holy Communion. And we declare that this scituation of the holy Table, doth not imply that it is, or ought to be esteemed a true and proper Altar, whereon Christ is again really sacrificed: but it is, and may be called an Altar by us, in that sence in which the Primitive Church called it an Altar, and in no other.

And because experience hath shewed us, how irreverent the behaviour of many people is in many places, some leaning, others casting their hats, and some sitting upon, some standing, and others sitting under the Communion-Table in time of Divine Service: for the avoiding of these and the like abuses, it is thought meet and convenient by this present Synod, that the said Communion-Tables in all Chancells or Chappels be decently severed with Rails, to preserve them from such or worse profanations.

And because the Administration of holy things is to be performed with all possible decency and reverence, therefore we judge it fit and convenient, according to the word of the Service-Book established by Act of Parliament, *Draw near, &c.* that all Communicants with all humble reverence shall draw near and approach to the holy Table, there to receive the Divine Mysteries, which have heretofore in some places been unfitly carried up and down by the Minister, unless it shall be otherwise appointed in respect of the incapacity of the place, or other inconvenience, by the Bishop himself in his jurisdiction, and other Ordinaries respectively in theirs.

And lastly, Whereas the Church is the house of God, dedicated to his holy Worship, and therefore ought to mind us, both of the greatness and goodness of his Divine Majesty, certain it is that the acknowledgment thereof, not only inwardly in our hearts, but also outwardly with our bodies, must needs be pious in itself, profitable unto us, and edifying unto others. We therefore think it very meet and behoveful, and heartily commend it to all good and well-affected people, members of this Church, that they be ready to tender unto the Lord the said acknowledgment, by doing reverence and obeysance, both at their

coming in, and going out of the said Churches, Chancels or Chappels, according to the most ancient custom of the primitive Church in the purest times, and of this Church also for many years of the Reign of Queen *Elizabeth*. The reviving therefore of this ancient and laudable Custom, we heartily commend to the serious consideration of all good people, not with any intention to exhibit any Religious Worship to the Communion-Table, the East, or Church, or any thing therein contained in so doing, or to perform the said gesture in the celebration of the holy Eucharist, upon any opinion of a corporal presence of the body of *Jesus Christ* on the holy Table, or in mystical Elements, but only for the advancement of Gods Majesty, and to give him alone that honor and glory that is due unto him, and no otherwise; and in the practise or omission of this Rite, we desire that the Rule of Charity prescribed by the Apostle, may be observed, which is, That they which use this Rite, despise not them who use it not; and that they who use it not, condemn not those that use it.

#### VIII. *Of Preaching for Conformity.*

WHEREAS the Preaching of Order and Decency, according to *St. Pauls* Rule, doth conduce to edification; it is required, that all Preachers, (as well Beneficed men as others) shall positively and plainly Preach and Instruct the People in their publick Sermons twice in the year at least, that the Rites and Ceremonies now established in the Church of *England*, are lawful and commendable; and that they the said people and others ought to conform themselves in their practice to all the said Rites and Ceremonies; and that the people and others ought willingly to submit themselves unto the Authority and Government of the Church, as it is now established under the Kings Majesty. And if any Preacher shall refuse or neglect to do according to this Canon, let him be suspended by his Ordinary during the time of his refusal, or wilful forbearance to do thereafter.

#### IX. *One Book of Articles of Enquiry to be used at all Parochial Visitations.*

FOR the better setting of an Uniformity in the outward Government and Administration of the Church, and for the more preventing of just grievances which may be laid upon Church-wardens and other Sworn-

men, by any impertinent, inconvenient, or illegal Enquiries in the Articles for Ecclesiastical Visitations : This Synod hath now caused a Summary or Collection of Visitory Articles (out of the Rubricks of the Service-Book, and the Canons and warrantable rules of the Church) to be made, and for future Direction to be deposited in the Records of the Archbishop of *Canterbury*: and we do decree and ordain, That from henceforth no Bishop or other person whatsoever having right to hold, use, or exercise any Parochial Visitation, (shall under the pain of a months suspension upon a Bishop, and two months upon any other Ordinary that is delinquent, and this to be incurred *ipso facto*) cause to be printed or published, or otherwise to be given in charge to the Church-wardens, or to any other persons which shall be sworn to make Presentments, any other Articles or forms of enquiry upon Oath, then such only as shall be approved and *in terminis* allowed unto him (upon due request made) by his Metropolitan under his Seal of Office.

Provided always, that after the end of three years next following the date of these presents, the Metropolitan shall not either at the instance of those which have right to hold Parochial Visitations, or upon any other occasion, make any addition or diminution from that allowance to any Bishop of Visitory Articles, which he did last before (in any Diocess within this Province) approve of; But calling for the same, shall hold and give that only for a perpetual Rule, and then every Parish shall be bound only to take the said Book from the Archdeacons and other having a peculiar or exempt Jurisdiction, but once from that time, in three years, in case they do make it appear they have the said Book remaining in their publick Chest for the use of the Parish: And from every Bishop they shall receive the said Articles at the Episcopal Visitation only, and in manner and form as formerly they have been accustomed to do, and at no greater price then what hath been usually paid in the said Diocess respectively.

#### X. *Concerning the Conversation of the Clergy.*

THE sober, grave, and exemplary Conversation of all those that are employed in Administration of holy things, being of great avail for the furtherance of Piety; It hath been the religious care of the Church of *England*, strictly to enjoyn to all and every one of her Clergy, a pious, regular, and inoffensive demeanour, and to prohibit all loose and

scandalous carriage by severe censures to be inflicted upon such Delinquents, as appears by the 74 and 75 Canons, *Anno* 1603, provided to this purpose.

For the more effectual success of which pious and necessary care, this present Synod straightly charges all Clergy-men in this Church, that setting before their eyes the Glory of God, the holiness of their calling, and the edification of the people committed to them, they carefully avoid all excess and disorder, and that by their Christian and religious conversation they shine forth as lights unto others in all Godliness and honesty.

And we also require all those to whom the Government of the Clergy of this Church is committed, that they set themselves to countenance and encourage godliness, gravity, sobriety, and all unblameable conversation in the Ministers of this Church, and that according to the power with which they are intrusted, they diligently labor by the due execution of the above-named Canons, and all other Ecclesiastical provisions made for this end, to reform all offensive and scandalous persons, if any be in the Ministry, as they tender the welfare and prospering of Piety and Religion, and as they will answer to God for those scandals, which through their remissness and neglect shall arise and grow in this Church of Christ.

### XI. *Chancellours Patents.*

FOR the better remedying and redress of such abuses as are complained of in the Ecclesiastical Courts, the Synod doth decree and ordain, That hereafter no Bishop shall grant any Patent to any Chancellour, Commissary, or Official, for any longer term than the life of the Grantee only, nor otherwise than with express reservation to himself and his Successours, of the power to execute the said place, either alone, or with the Chancellour, if the Bishop shall please to do the same, saving always to the said Chancellours, &c. the Fees accustomedly taken for executing the said jurisdiction. And that in all such Patents, the Bishop shall keep in his own hands the power of Institution unto Benefices, as also of giving Licenses to preach or keep school. And further, that no Dean and Chapter confirm any Patent of any Chancellour, Commissaries, or Officials place, wherein the said conditions are not expressed *sub pœna suspensionis*, to the Dean (or

his *locum tenens* if he pass the Act in his absence) and to every Canon or Prebendary, voting to the confirmation of the said Act to be inflicted by the Archbishop of the Province. And further, the holy Synod doth decree and ordain, That no reward shall be taken for any Chancellours, Commissaries or Officials place under the heaviest Censures of the Church.

XII. *Chancellours alone not to censure any of the Clergy in sundry Cases.*

THAT no Chancellour, Commissary, or Official, unless he be in holy Orders, shall proceed to Suspension, or any higher censure against any of the Clergy in any criminal cause, other than neglect of appearance, upon legal citing, but that all such causes shall be heard by the Bishop in person, or with the assistance of his Chancellour, or Commissary; or if the Bishops occasions will not permit, then by his Chancellour or Commissary, and two grave dignified or beneficed Ministers of the Diocess to be assigned by the Bishop, under his Episcopal Seal, who shall hear and censure the said cause in the Consistory.

XIII. *Excommunication and Absolution not to be pronounced but by a Priest.*

THAT no Excommunications or Absolutions shall be good or valid in Law, except they be pronounced either by the Bishop in person, or by some other in holy Orders, having Ecclesiastical Jurisdiction, or by some grave Minister beneficed in the Diocess, being a Master of Arts, at least, and appointed by the Bishop, and the Priests name pronouncing such sentence of Excommunication or Absolution to be expressed in the Instrument issuing under Seal out of the Court. And that no such Minister shall pronounce any sentence of Absolution but in open Consistory, or at the least in a Church or Chappel, the penitent humbly craving and taking Absolution upon his knees, and having first taken the Oath, *De parendo juri & stando mandatis Ecclesie*. And that no Parson, Vicar or Curate, *sub pena suspensionis*, shall declare any of his or their Parishioners to be Excommunicate, or shall admit any of them so Excommunicate into the Church, and there declare

them to be absolved, except they first receive such Excommunications and Absolutions under the Seal of the Ecclesiastical Judge, from whom it cometh.

#### XIV. *Concerning Commutations, and the disposing of them.*

THAT no Chancellour, Commissary or Official, shall have power to commute any penance in whole, or in part; but either together with the Bishop in person, or with his privity in writing, or if by himself, there he shall give up a full and just account of all such Commutations once every year at *Michaelmas* to the Bishop, who shall, with his Chancellour, see that all such moneys be disposed of to charitable and publick uses, according to Law. And if any Chancellour or other having Jurisdiction as aforesaid, shall not make such a just account to the Bishop, and be found guilty of it, he shall be suspended from all exercise of his Jurisdiction, for the space of one whole year.

Always provided, that if the crime be publickly complained of, and do appear notorious, that then the Office shall signifie to the place, from whence the complaint came, that the Delinquent hath satisfied the Church for his offence. And the Minister shall signifie it as he shall be directed; saving alwayes to all Chancellours, and other Ecclesiastical Officers, their due and accustomed Fees, if he or they be not so suspended as aforesaid.

#### XV. *Touching concurrent Jurisdiction.*

THAT in such places wherein there is concurrent Jurisdiction, no Executor be cited into any Court or office, for the space of ten days after the death of the Testator. And that as well every Apparitor herein, as every Register or Clerek that giveth or carrieth out any Citation or Process to such intent, before that the said ten days be expired, shall for the first offence herein be suspended from the execution of his Office for the space of three months; and for the second offence in this kind, be and stand excommunicated, *ipso facto*, not to be restored but by the Metropolitan of the Province, or his lawful Surrogate; And that yet nevertheless, it be lawful for any Executor to prove such Wills when they thinck good, within the said ten days, before any Ecclesiastical Judge respectively, to whose Jurisdiction the same may or doth appertain.

### XVI. *Concerning Licenses to Marry.*

WHEREAS divers Licenses to Marry are granted by Ordinaries, in whose Jurisdiction neither of the parties desiring such License is resident, to the prejudice of the Archiepiscopal Prorogative, to whom only the power of granting such Licenses to parties of any Jurisdiction, *per totam provinciam*, by Law belongeth; and for other great inconveniencies thereupon ensuing: It is therefore decreed, That no License of Marriage shall be granted by any Ordinary to any Parties, unless one of the said parties, have been commorant in the Jurisdiction of the said Ordinary, for the space of one whole month immediately before the said License be desired. And if any Ordinary shall offend herein, and be sufficiently evinced thereof, in any of the Lord Archbishops Courts, he shall be liable to such censure as the Lord Archbishop shall think fit to inflict. And we further decree, That one of the Conditions in the Bond of Security given by the parties taking such License, shall be, that the said parties, or one of them, have, or hath been a month commorant in the said Jurisdiction, immediately before the said License granted.

And the Synod decrees, That whatsoever is ordered in these six last Canons, concerning the Jurisdiction of Bishops, their Chancellours and Commissaries, shall (so far as by Law is appliable) be in force concerning all Deans, Deans and Chapters, Collegiate Churches, Archdeacons, and all in holy Orders, having exempt or peculiar Jurisdiction, and their several Officers respectively.

### XVII. *Against vexatious Citations.*

AND that this Synod may prevent all grievances, which may fall upon the people by Citations into Ecclesiastical Courts upon pretence only of the breach of Law, without either presentment, or any other just ground: This present Synod decrees, That for all times to come no such Citation, grounded only as aforesaid, shall issue out of any Ecclesiastical Court, except the said Citation be sent forth under the hand and seal of the Chancellour, Commissary, Archdeacon, or other competent Judge of the said Court, within thirty dayes after the fault committed; and return thereof to be made the next, or second Court

day after the Citation served at the farthest : and that the party so cited, unless he be convinced by two witnesses, shall upon the denial of the fact upon Oath be forthwith freely dismissed without any payment of Fees : provided that this Decree extend not to any grievous crime, as Schism, Incontinency, mis-behaviour in the Church in time of Divine Service, obstinate Inconformity, or the like.

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