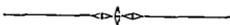


eyes of our faith enlightened to see how the blood of Christ purgeth or cleanseth from all sin (*καθαρίζει ἀπὸ πάσης ἁμαρτίας*, 1 John i. 7) in the way of taking away all the guilt and all the curse, as the application of the Atonement once for all made when that blood was shed on Calvary. *Then* in the visible sanctuary the veil of the temple was rent in twain from the top to the bottom, and *then* for sinners was access made into the Holiest by the blood of Jesus. Then were heaven and earth brought together. Then was a fact accomplished, a burden borne away, a debt paid, an enmity taken away, a peace made, a victory won, won by Him Who now lives and reigns at God's right hand, to Whom all power is given in heaven and in earth. Let none say with their lips or think in their hearts that they have to choose between the faith of a dead Christ and the belief in a living Saviour. Let no one imagine for a moment that because we insist on the true view of the precious blood of Christ as the great and wondrous propitiation for the sinner's sin, therefore we must make light of the ascended Saviour's might, or despise the grace of our great High Priest upon the throne of God. Nay, the true faith of Christ's atoning death is also the true faith of Christ's victorious resurrection-life, the life which has triumphed over all the powers of darkness, and trampled under foot the dominion of death and of Hades. It is the faith of a present, mighty, living, loving Saviour. It is the faith which ever desires to hear His voice and follow Him. It is the faith of Him, the Good Shepherd, Who laid down His life for His sheep, having power to lay it down and to take it again. It is the faith of Him, the Great Shepherd of the sheep, brought again from the dead by the blood of the everlasting covenant. It is the faith which rejoices to drink in His Word, the Word whereby He still speaks to the hearts of all who come to Him, and says, "I am He that liveth and was dead, and behold I am alive for evermore. Amen. And have the keys of hell and of death" (Rev. i. 18).

N. DIMOCK.



ART. VI.—THE ARCHBISHOP'S COURT.

IT was a miserably cold and foggy morning in one of the early days of February when we wended our way in the semi-darkness from the West End towards the venerable pile of buildings known as the Archiepiscopal Palace at Lambeth, with its gray weather-beaten tower, its great hall (now the library), and its chapel, which has been a national *shrine* for the last seven centuries, its guard-room and gallery, and its mansion,

the stately building of the new house looking out on the terrace and the garden. This palace—or, as it was formerly called, Lambeth House—has been the official residence of the Archbishops of Canterbury during a succession of fifty-one occupants of the see. This house has sheltered for these seven hundred years the Primates of all England and Metropolitans, and with them has been bound up more or less the literary, the ecclesiastical, and the political history of the realm. The position of their abode here on the banks of the Thames, outside their own diocese, at a time when they possessed nearly a dozen palaces within it, is indeed of no little political and ecclesiastical significance, for it is nothing less than a standing memorial of a great struggle with the Papacy—a protest of the English Church against the dictation of Rome, and also of her championship of the interests of the people.

It was, as we have said, a morning when the dark pall of a dense London fog—which so much impresses the visitor to London, and which has been so realistically and graphically described by the authoress of "Robert Elsmere" in the feelings of her hero, who had lately come up from his country living in Surrey—hung over the ancient home of the occupant of the throne of Canterbury. But groping our way along the south side of the Thames towards the old red-brick building, our mind was full of other musings. Was not that an eventful day in the history of our Church—a crisis, a turning-point, when perhaps the Anglican Church might take a new departure? Men were hurrying along the streets as usual, quite oblivious of the fact that the old Court of Audience—the personal court of the Archbishop for ages—was being stirred into potentiality on that day after lying dormant for many long years. "The case" was to be heard "on its merits." It had been decided that the Archbishop had jurisdiction by various trains of reasoning—legal, historical, and ecclesiastical.

By this time we had arrived at the great hall or library, which certainly needed artificial light at the time, whatever fresh light learned counsel may have thrown on the subject of "lights." A goodly number of interested spectators, both clergy and laity, had already assembled, and we noticed the Dean of Windsor, who was said to be acting as "the Queen's eye" in the case. The learned counsel were in their places, and near them perfect libraries of ecclesiastical wealth. Many ladies, and quite young ladies, were there, prepared to listen for hours to the prolix arguments on these intricate points. Two eminent artists had taken up their position to transfer the scene to canvas.

The great hall, or Juxon's Hall, now the library, is in itself full of interest, and it was rebuilt in a most reverent restoration

by that Prelate in 1660. This edifice, probably erected by Archbishop Boniface in the thirteenth century and refounded by Archbishop Chicheley, is externally a brick structure, and in the centre of the roof rises an elegant louvre or lantern, surmounted by the arms of the see of Canterbury, impaling those of Archbishop Juxon, the whole surmounted by a mitre. The interior is remarkable for its magnificent roof, and its striking beauty seems to bear evidence of Chicheley's designing, somewhat resembling those of Westminster Hall and the great hall of Hampton Court Palace. This noble hall (once destroyed by the regicides, Scott and Hardy) has been the scene of many an eventful episode. Not to mention the consecration banquets of Archbishop Langham in 1367, it has received Convocation twice. Here in 1534 was witnessed the special gathering of the clergy under Cranmer to take the oath which assigned the succession to Anne Boleyn. Three years later a body of Bishops assembled frequently to prepare the "godly and pious institution of a Christian man, called the 'Bishops' Book.'" Here took place that unseemly interchange of recrimination between Cranmer and his deadly foe, Bonner, when Gardiner and Bonner were arraigned before the Primate. In striking contrast to this was the gathering in 1534, in the same hall, of the whole body of Reform-tainted Bishops and clergy before Cardinal Pole, to receive at his hands "absolution from their heresies" and instructions for their guidance. And it was on the occasion of Queen Elizabeth's visit to Archbishop Parker that the Queen heard a sermon from Dr. Pearce "from an upper gallery looking towards the Thames," which formed the site of the old library.

The Archbishop of Canterbury entered the library soon after ten with his episcopal assessors, the Lord Bishops of London, Oxford, Rochester, Salisbury, and Hereford (who has taken the place of the Bishop of Winchester)—prelates, the flower of their order, who are what the *Reformatio legum* says they should be, "moribus et doctrina præstantes viros"—and his Vicar-General, and took his seat in the centre, being slightly raised, with three on either side. The court was opened with prayer—a noteworthy feature in a court of justice—the collect "Prevent us," etc., and the Lord's Prayer, which was repeated with great earnestness by those assembled, the learned counsel on either side joining in. Thus the proceedings commenced, the end of which no one can see, nor is it possible to conjecture what may be the momentous issues of the present crisis. There is, however, a "strong consolation" that orisons have been made by the Church unceasingly on the Archbishop's behalf, and men have prayed everywhere, lifting up holy hands, that he may "have a right judgment in all things."

Meantime, we turn to the Archbishop's jurisdiction, which

moves potentially in this his personal court of the Audience. And the first remark we have to make is this: by what very cautious steps the conclusion has been arrived at that the Archbishop has jurisdiction to try his suffragan, if need be, as *judex solus*, with or without assessors. To begin with, the Archbishop felt a hesitancy as to his jurisdiction. He had no desire to rush into such a painful position as to assume the rôle of judge of one of his brethren; the idea is abhorrent to any right-feeling mind. Consequently he declined to take the step which he was requested to take. The question of jurisdiction was then referred to the Supreme Court, and it was argued before the Lord Chancellor, Lords Herschell, Hobhouse, Macnaghten and Sir Barnes Peacock, and, as assessors, the Bishops of London, Salisbury, Ely, Manchester, and Sodor and Man. The result was a unanimous decision on their part of the Archbishop's jurisdiction. Even after the question was raised by way of protest before his Grace himself, and after hearing counsel on both sides, he delivered what is allowed to be by the critics themselves a most learned and lucid judgment—not following in the wake of the strict line of legal argument adopted by the Privy Council, but arrived “by an entirely different line of inquiry” at the same determination—viz., that the Archbishop possesses Metropolitan jurisdiction, that it moves in his own personal court, and therefore he was bound to hear the case. The Archbishop does not say that there is no other form of jurisdiction possible, for it has been argued that the true court for trying a Bishop is the Archbishop sitting with a synod of the province. The Archbishop does not deny the position, but this is not *the question*. The question is, Can the Archbishop, sitting as judge, with certain assessors, try a case in which one of his suffragans is defendant? And it has been decided, as pointed out above, that he can; or, to put the argument in another form: A certain case was brought into a court, and in the court itself its jurisdiction was controverted. The business of the court was then simply to examine what was said *against* it. The court had no contention of its own, nor was it an advocate on the *positive* side. It had been applied to as existent, and the Privy Council had declared that the State recognised it. Its own part was limited to examining the arguments alleged against it and showing that they failed, and that the substitutes proposed for itself were not available.

What this metropolitan jurisdiction is, even the judicious Hooker, who has not been before quoted in the controversy, will tell us in his spirited retort to Thomas Cartwright, the Nonconformist. “The truth,” he says, “is too manifest to be so deluded. A Bishop at that time (Nicene Council, 325) had power in his own diocese over all other ministers there, and a Metropolitan Bishop sundry pre-eminence above all Bishops,

one of which pre-eminences was in the ordination of Bishops, to have *κῆπος τῶν γινομένων*, the *chief power of ordering all things done*. Which pre-eminence that council itself doth mention, as also a greater belonging unto the Patriarch, or Primate of Alexandria, concerning whom it is likewise said, that to him did belong *ἐξουσία, authority and power over all Egypt, Pentapolis, and Libya*; within which compass sundry Metropolitan sees to have been, there is no man ignorant, who in these antiquities hath any knowledge."

Keble, in his edition of Hooker, says, "the Metropolitan is the judge of causes and appeals against Bishops" (iii. 738).

"For certain prerogatives," continues Hooker, "there are wherein Metropolitans excelled other Bishops, certain also wherein Primates excelled other Metropolitans." Archiepiscopal or Metropolitan prerogatives are those mentioned in old imperial constitutions . . . to *have the hearing and just determining of such causes as any man had against a Bishop*; to receive the appeals of the inferior clergy, in case they found themselves overborne by the Bishop, their immediate judge.

It was thus decreed in the Council of *Antioch*: "The Bishops in every province must know that he which is Bishop in the mother city hath not only charge of his own parish, or diocese, but even of the whole province also" (Canon 9). Again: "It hath seemed good that other Bishops without him should do nothing more (*περιττόν*) than only that which concerns each one's parish and the places underneath it." By the same Council all Provincial Councils are reckoned void and frustrate (Canon 16), unless the Bishop of the mother city within that province where such Councils are, were present at them. So that the want of his presence, and the want of his approbation in Canons for Church government, did disannul them, but not so the want of others. Lastly, concerning the election of Bishops. The Council of *Nice* has this general rule (Canon 4), that the chief ordering of all things here is in every province committed to the *Metropolitan*. We find the same in the Antiochene Canons (341), about which Dupin says, "that they contain the wisest and justest rules that were ever observed in the Christian Church." The 9th Canon says:

It behoves the Bishops in every province to own him that presides in the *Metropolis*, and takes care of the whole province. Therefore it is decreed that he (Metropolitan) have special honour paid him, *according to the ancient which was in force in the age of our fathers*. Let every Bishop do nothing else (but ordinary duties) without the Bishop of the *Metropolis*.

These can mean no other Canon but Canon Ap. 27-35. No other Canon but that to this purpose can be found, which can be said to be in force in the time of *their fathers*.

It must be remembered that by 1 Eliz. cap. 1, sec. 36, this with the other three General Councils has been accepted by the

realm and Church of England, and are referred to as "ancient canons" in the Archbishop's address to the Bishop-elect.

2. The next remark we have to make is touching the use of the word "claim." The Cambridge "Protest" talks about the Archbishop making a "claim" to his jurisdiction, and this language has been repeated in those other unfortunate documents which have appeared in other dioceses. "Glib" protests, as the Dean of Windsor rightly called them, which are received in the morning and forwarded by next post, with, perhaps, only a cursory glance. It is true the leading signatories of the Cambridge protest have tried to evacuate the force of this ugly word, but there it stands, and it looks as if the Archbishop was trying to get something which did not rightfully belong to him or his office. But a Bishop does not lay "claim" to the jurisdiction which he wields in his Consistory Court—ordinary or delegated, "habitual" (*i.e.* potential), or "actual"—because he has it; it is inherent in his office, and follows consecration. And just what the Bishop has in his Consistory Court of the diocese, that the Archbishop has in his Consistory Court as Bishop of a diocese, and in his personal Court of the Audience, as the Archbishop of the province. He does not claim jurisdiction in either case—he possesses it; it is inherent in his office, in the one court *quâ* Bishop, and in the other *quâ* Archbishop, or Metropolitan. The Judge of the Queen's Bench and Exchequer might be said with equal justice to claim his jurisdiction for his court, but he does nothing of the kind; it is there—and when he takes office he simply succeeds to its consequential function and prerogative. "He beareth not the sword in vain." What a deal of trouble would have been spared, if men had first weighed their own words, and considered the distinction upon which we are insisting! But the clear incisive brain of the Bishop of Peterborough has brushed all these cobwebs aside with a master's hand. There is one "word which the memorialists have used," he says in his letter to the Archdeacon of Oakham of February 18th, "in expressing their dissent from it, to which I venture to take exception."

They speak of the Archbishop having made "a claim" to the jurisdiction. The word "claim" hardly, I think, correctly expresses all the facts of the case. His Grace, as I understand these facts, having been called on by the promoters of the suit to hear their complaint against the Bishop of Lincoln, declined to do so till he should be advised by "some competent Court" that he had jurisdiction. The promoters accordingly brought the question before the Judicial Committee of the Privy Council, which unanimously decided that the Archbishop had such jurisdiction, and therefore remitted the case to him to be "dealt with according to law." When the same question of jurisdiction was again raised before him, his Grace decided it, as he was bound to do, according to the best of his ability and knowledge, and arriving, though on different grounds, at

the same conclusion which had been previously arrived at by the superior Court.

After this admirable letter we hope to hear no more about claims. We may further add, ecclesiastical jurisdiction seems well-nigh impossible, if a conclusion reached by both Church and State independently, and after patient and presumably honest investigation, is regarded to be open to revision by universal suffrage.

But it has been said we are wishing for an Anglican Pope, and to set up a Papacy at Lambeth—in fact, advocating the “one-man system.” Yet this is the very opposite to that for which we are contending. We are upholding the rights and privileges of the local Metropolitan as against the universal “claim” of the supreme Pontiff; the autonomy of National Churches against the centralizing power of the Papacy. We are contending for the primitive discipline with Beveridge and Hammond, and plead for the “ancient Canons.” In short, of the two traditional lines of teaching on this point in the Catholic Church—the whole college of the Apostles and the one member; the universal episcopate, or Petrine claims—we deliberately take our stand with the “ancient customs” and primitive discipline, *i.e.*, the universal episcopate “territorially” spread throughout the world, with its local Metropolitan centres, which is its natural outcome. For the hierarchy was only an organized episcopacy. Rome knows that the only ecclesiastical *regimen* she has to fear is the Patriarchal, and the only jurisdiction that could threaten her is the Metropolitan. Accordingly she has compelled all Metropolitans to apply to her for the due exercise of their functions, and thereby destroyed their rights and prerogatives by claiming a universal appellate jurisdiction.

This is why the sitting of the Court at Lambeth has been jealously regarded at Rome, where (apart from all questions with regard to the right of the Archbishop to try his comprovincials) this revival of a purely spiritual Court is likely to work strongly in favour of the contention that the Church of England is not in its essence Erastian, and where it is feared that it will have a sure tendency to stop the outflow of those who desert their mother Church on the ground of its Erastian character. We wonder the signatories of the “protest” do not see that by depreciating Metropolitan rights and this spiritual Court of the Archbishop, they are unwittingly playing Rome’s “little game.”

Yet, to our surprise, at the annual meeting of the English Church Union, held at Folkestone (January 30th last), the Rev. W. Crouch, of the Cambridge University branch (and presumably one of the signatories of the Cambridge protest), made

the following remarks: "The one-man system, whether it was introduced at Rome or Canterbury, necessarily involves, both politically and religiously, an infringement of the liberties of the people. And what astonished him was that those who were accusing us of Romanizing, of leading people towards the Pope, were the very men who were ready to use the weapon of Popery—the *one-man system*—when it best suited their purposes (cheers)." We always thought the English Church Union plumed itself on its Churchly instincts, its knowledge, not only of ritual, but Church history and primitive discipline, its respect for ancient customs and ecclesiastical precedents. Yet here we have a representative lecturer talking such arrant nonsense, and being cheered to the echo for his remarks. What would the history of the ante-Nicene period say to such a statement, where we find the *thing*, if not the name? the great Council of Nicæa, whose watchword was, "Let the *ancient customs* prevail"—*i.e.*, Metropolitan rights—which it insisted upon in the case of Rome, Alexandria, and Antioch? What of the "150 fathers beloved of God" at the Council of Chalcedon, which gave the same privileges to the throne of Constantinople? (New Rome). What the opinions of Dr. Hammond, De Marca, Dr. Beveridge, and Sancroft, who aver that not only is the Metropolitan of very great antiquity, but acknowledge that it is an *Apostolic* institution? What would the great Patriarchs of the Eastern Church now say to it?—The "one-man system"! there is one father of a family, one head of the State; there is only one parish priest, one Bishop in a diocese, one Metropolitan over a province, and one Patriarch over several provinces. The "one-man system" of Canterbury does not mean a centralized despotism, a spiritual monarchy, a universal doctorate, a localized infallibility. That was denounced by Gregory I. as the mark of Antichrist when first assumed by John the Faster, of Constantinople. No; it means the ancient order of the hierarchy, the due subordination of office-bearers, after the Apostolical norm, the view of the Church sustained by the "Gallican liberties."

4. Again, it has been said by those who cannot away with this spiritual Court of the Archbishop that not only the best, but the only way to try a Bishop is by the Synod of the province. But here again the signatories have got into confusion, some meaning the Convocation of the province, and others a Synod pure and simple, but not the Convocation. With regard to the former, the Bishop of Peterborough has pointed out not only the untenableness, but the absurdity of Convocation, inasmuch as it is composed of two houses, and it would not be a seemly thing for presbyters to sit in judgment upon a Bishop, and possibly their own Bishop. Whereupon

Mr. Medd writes to disclaim any idea of wishing for "the modern and uniquely English institution of a Convocation of two houses" (*Guardian*, March 5th). He desires "*the Synod of the province*, presided over by the Archbishop as Metropolitan." But this is the first disclaimer we have had, although the discussion has gone on for months. Besides, Mr. Medd only speaks for himself; and we are not sure that many of the signatories do not mean Convocation—at all events, of the upper house. Now, if we take the first suggestion, "the Synod of the province," by what authority can it be called together? and could it be convocate without the permission of her Majesty? Such a grave and novel step as calling a Synod of the province to judge an English Bishop would not pass unchallenged by the powers that be and the authorities of the State—at least, with the law as it is. 'Tis true there have been three meetings of Bishops of the Anglican Communion at Lambeth, but not to try for heresy; and these informal meetings—the Lambeth Conferences—passed unnoticed by the State, and were ignored by the Court. There are no precedents for the trial of a Bishop by a "Synod of the province" in this country, and the law must be altered to obtain it. But there are a few precedents as to Convocation—*e.g.*, such as the case of *Goodman*, Bishop of Gloucester; and would the signatories approve of the high-handedness of Laud? These are the facts of the case as told us by Fuller, the Church historian:

The day before the ending of the Synod, Godfrey Goodman, Bishop of Gloucester, privately repaired to the Archbishop of Canterbury, acquainting him that he could not in his conscience subscribe the new Canons (of 1640). It appeared afterwards he scrupled some passages about the *corporal presence*. But whether upon Popish or Lutheran principles he best knoweth himself. The Archbishop advised him to avoid obstinacy and singularity thereon. However, the next day, when we all subscribed the Canons (suffering ourselves, according to the order of such meetings to be all concluded by the majority of votes, though some of us in the committee privately dissenting in the passing of many particulars) he alone utterly refused his subscription thereunto. Whereupon the Archbishop, being present with us in King Henry the Seventh his Chappell, was highly offended at him. "My lord of Gloucester," said he, "I admonish you to subscribe;" and presently after, "My lord of Gloucester, I admonish you the second time to subscribe;" and presently after, "I admonish you the third time to subscribe!" To all which the Bishop pleaded conscience, and returned a denial.

Then were the judgments of the Bishops severally asked, whether they should proceed to the present suspension of Gloucester for his contempt herein. *Davenant*, Bishop of Sarisbury, being demanded his opinion, conceived it fit some lawyers should first be consulted with how far back the power of a Synod in such cases did extend. He added, moreover, that the threefold admonition of a Bishop ought solemnly to be done with some considerable intervals betwixt them in which the party might have time of convenient deliberation. ("Church History," Cent. XVII., ch. xi.)

Dr. Fuller was at this time Proctor to Convocation for Bristol, and it is clear both houses sat together from this episode at that time. Bishop Davenant was his maternal uncle, and represented our Church at the Synod of Dort.

5. If, then, the trial of a Bishop in Convocation be unsatisfactory for the reasons above stated—and there is no precedent in this country for a trial by a Synod of the province pure and simple—there is nothing, according to our present constitution in Church and State, left but the Archbishop's spiritual Court to fall back upon. And this Court of the Archbishop is deeply rooted in the constitutional history of the country, for it can be traced back to the Norman Conquest at least. It is, moreover, *the* Court whose appellate jurisdiction was restored to it by the Reformation settlement, and which had been filched from it for a season by the Pope of Rome. It is fully upheld in the *Reformatio Legum* of Edward VI. If the interference of any court was to be invoked, we cannot conceive of one whose title to our respect can be more assured than that which is now sitting. It is the Court of Audience—*Curia Audientia Cantuariensis*. This Court of Audience used to be “held in Paul's Church, in London, which Court, of equal jurisdiction with the Arches, is inferior thereunto in point of dignity as well as antiquity; and the judge of this Court is called the ‘Auditor or Official of Causes and Matters’ in the Court of Audience of Canterbury. This was anciently held in the Archbishop's Palace, wherein, before he would come to any final determination, his usage was to commit the discussing of causes privately to certain persons learned in the laws, styled thereupon his auditors” (Ayliffe's “Paregon,” 192).

Such is the spiritual Court which has been stirred into being by the present ecclesiastical suit; and it is an advantage that we shall have a judgment from a spiritual tribunal already recognised by Church and State. “Indeed,” says the logical and learned Bishop of Carlisle, “I am disposed to sink some of the regret which I experience with regard to the unfortunate fact of an English Bishop being put upon his defence before the Archbishop of the province, in the consideration that we shall at length have a judgment concerning some of our ritual difficulties pronounced by a really spiritual tribunal.” The Bishop continues :

I do not know, and do not venture to endeavour to anticipate, what the Archbishop's conclusions may be upon the various points brought before the court; but whatever they may be, I cannot but hope that the manner in which they will be reached, the language in which they will be couched, and the tone of *patriarchal* authority with which they will be supported, may be such as to commend them both to the minds and the feelings of the whole English Church. (Christmas Pastoral Letter.)