

Visitations, and to make their presentments according to law ; but they are not liable to the payment of any fee in respect of their admission to office. The right of the Ordinary to require their attendance at his Visitation is indisputable, and has been expressly reserved in the Bill, while Visitation fees will continue to be payable in all cases where the churchwardens have funds available for such payments. A refusal on the part of the Legislature, at the instance of the Archdeacons, to grant the reasonable facilities provided by this measure would scarcely be looked upon as an encouragement to churchwardens to attend the gathering of the clergy and laity at Visitations. Indeed, there is reason to fear that such gatherings, useful and desirable as they are in the abstract, have not hitherto been utilized by the Archdeacons, or by the Bishops themselves, to the extent that Churchmen generally desire. Far from wishing to throw any obstacle in the way of the Ordinary turning to good account these meetings of clergy and churchwardens, the promoter of this measure cordially agrees with the Archdeacon of Northumberland in the following remarks which he addressed to the clergy at his Primary Visitation at Newcastle-upon-Tyne last year :—

“ While I am thus anxious that nothing should diminish, but that every means should be taken to increase, the attendance of lay-officers of the Church at these Visitations, I confess to a feeling of dissatisfaction at the comparatively little use which is customarily made of their presence. As things now are, it is impracticable for the churchwardens and clergy of this archdeaconry to meet in a body after the close of this Charge. And yet there must be many subjects on which interchange of thought would be for the good of all, and I can but regret that this one yearly opportunity is lost.”

C. J. MONK.

Reviews.

On the Ecclesiastical Courts. By GEORGE TREVOR, D.D.
James Parker & Co., Oxford and London. 1882.

CANON TREVOR has been very active of late in discussing the Church Courts and projecting schemes for their reform. In a somewhat irregular manner, he has had a share—and if we may speculate from appearances, no slight one—in framing the recent report and resolutions of the Joint Committee of Convocation. He was not originally a member of the committee, and it was not found possible to add his name afterwards ; but, to quote the words of Dean Cowie in explaining the matter, “ he was invited to come and sit with them.” This he did, but gave no vote—a limitation not very important, having regard to the Chairman, Canon Sumner’s, assurance, that the report was agreed to *unanimously*. In the Northern Convocation, moreover, Canon Trevor was conspicuous.

He moved a resolution recommending the enactment of canons giving the bishops a wider domestic jurisdiction. The bishops themselves declined to support him, and so nothing came of this resolution beyond its acceptance by the Lower House. But he has continued the advocacy of his plan in letters to the *Record* and *Spectator*, in which he has endeavoured to meet objections and remove misunderstandings. The most important, however, of Canon Trevor's productions on the subject is the pamphlet before us. It contains the principles on which he works. His letters and speeches supplement his pamphlet, and in dealing with it we must not forget them. Everything Canon Trevor has to say is worthy attention. He always writes sensibly and sincerely, and generally with the moderation which ripe knowledge produces. But upon the subject of the Church Courts his views are especially interesting, as being those of a High Churchman who is not a Ritualist. We have said thus much to indicate the spirit in which we have approached the criticism of the pamphlet before us. We took it up without either the desire or the expectation of finding ourselves violently opposed to the opinions expressed. We lay it down wondering at the width of the gulf between us and its writer. A detailed criticism would be hopeless within the compass of this review. A grave historical mistake may be made in three words which it may take a page to expose and correct. Not a few errors of this kind we have noticed—some with astonishment—but we must let most of them pass in silence, and endeavour to deal briefly with the salient points which form the groundwork of Canon Trevor's argumentative edifice.

In the first chapter Canon Trevor draws a distinction between "spiritual authority" and "legal jurisdiction." In doing so, however, he fails to be clear. Admitting, for the purpose in hand, that the bishop has a certain authority which may be called spiritual, inasmuch as it is not temporal, we still do not follow the argument in chap. i. The spiritual authority which the office of a bishop implies is something quite distinct from Ecclesiastical Courts—something which would, we suppose, be admitted by Canon Trevor to exist unimpaired if all the Consistory and Provincial Courts were abolished to-morrow. Yet he regards this spiritual authority as capable of being wielded in the Ecclesiastical Courts in conjunction with the coercive jurisdiction, and also apparently as capable of being delegated to the lay judge of such a court; for at p. 24 he disapproves of the method of appointing the present Dean of Arches, on the ground that it failed to convey to him "the spiritual authority of the Church." The difficulty we feel in accepting these somewhat violent inferences from the nature of a bishop's office, is not attempted to be removed by Canon Trevor. He does not seek to justify or prove what he lays down, but simply treats the matter as an axiom, and makes it the basis of his view of the subject. We must object, once for all, to this course. Without stopping to inquire minutely into the results of Canon Trevor's principles, it is easy to see that they are very serious and very far-reaching, and he is, therefore, asking too much when he proposes to us to accept unchallenged, propositions which, without being by any means obvious, are so important. His axiom, moreover, is not clear, and the difficulty we feel in grasping its meaning in a definite form increases our suspicion as to its validity. We are told that "the primary object of the courts is spiritual discipline (that is, we suppose, the exercise of the spiritual authority) the civil effect is a legal consequence. The process is always *pro salute anime*, and the censures "are primarily spiritual—*i.e.*, suspension and excommunication by the "power of the keys." This is the only illustration or explanation given, and it does not help us at all. Take the case put of suspension. When an ecclesiastical judge (having, we will assume, both "spiritual authority"

and also "jurisdiction") pronounces sentence of suspension from office and benefice on a clergyman, which of his two sets of powers does he use? We gather from the quotation just given that Canon Trevor considers his spiritual authority to be put in exercise, but that the effect on civil status results from "jurisdiction." What is the effect referred to? We really do not know. We should have thought that the effect of the suspension resulted from the power which caused the suspension—i.e., the "spiritual authority." If Canon Trevor refers to coercive measures taken to enforce obedience to the suspension (such as imprisonment) these, it should be remembered, are not within the power of the ecclesiastical court, but have always been kept under the jealous control of the secular arm. It would seem, therefore, that the result of Canon Trevor's principle when applied to a particular case is, that the ecclesiastical judge owes none of his power to the Crown; for, according to Canon Trevor, so long as he proceeds by spiritual censures he merely exercises the authority of the Church, wholly independent of the State, and directly he tries any of the "civil effects," he is stopped altogether, because he is invading the secular jurisdiction. In fact, we fail to find according to Canon Trevor's theory any room in our English system of Church judicature for the employment of "legal jurisdiction." The distinction, so far as it exists at all, seems to have reference to the Church Courts as contrasted with the Civil Courts, rather than to any dual set of powers residing in the judges of the former. No doubt the Ecclesiastical Courts exist for the purpose of allowing the Church to maintain discipline over its members, and the authority of its judges is in a sense a spiritual authority only, to be exercised by infliction of spiritual censures; but when we proceed to inquire whence this power is derived, it is impossible to frame any answer which is reasonably consistent with history and principle, except this—The power and jurisdiction of the Ecclesiastical Courts are one and undivided, and are derived from the State, to which the Church, as part of the compact of establishment, has confided complete control over its discipline. Perhaps the best test of the question is one suggested by Canon Trevor himself when he refers to the Non-conformists. Suppose the Church were disestablished, what would become of the Church Courts? Their "legal jurisdiction" would, of course, go, but according to Canon Trevor's theory they would retain their "spiritual authority." Now no doubt it would be possible to keep up the fiction of a court of justice, just as dethroned kings keep up the fiction of a regal court, but is it not clear that it would be but a fiction? For all real practical purposes their power, spiritual as well as legal, would absolutely vanish. Whatever steps the disestablished church took to regulate its discipline, there would have to be a total reconstruction, and even when a new system was created, it would probably be as weak and ineffectual as similar schemes amongst the Dissenters have proved. The basis and foundation of our Ecclesiastical Courts is the admission of the principle—we give it according to Canon Trevor's corrected reading—that the Queen is "over all persons in all causes supreme," which he rightly, though scarcely consistently, interprets to men that "the ecclesiastical judges, *no less than the temporal*, are under the king."

All this elaborate, though rather vague, analysis of "spiritual authority" and "legal jurisdiction," is intended to lead up to one of the main objects of Canon Trevor's pamphlet—the condemnation of the Judicial Committee. "The Church Courts are not simply courts below. They have an authority not derived from the civil power, and the appeal to the Crown is properly limited to the jurisdiction it bestows." In other words, the Privy Council, or the Delegates, or whatever power represents the Crown, in ecclesiastical causes, is not a Court of Appeal

at all, but simply a tribunal, the office of which is to prevent miscarriage of justice in the Church Courts, properly so called. The objection we have urged to Canon Trevor's theory applies with equal force to this reduction of his theory to practice. He practically eliminates the power of the Crown altogether from the Ecclesiastical Courts. The natural result is, that instead of, as he supposes, assigning the Privy Council its legitimate functions, he removes them entirely. For the duty of keeping the Ecclesiastical Courts within their jurisdiction, and of preventing miscarriage of justice, is, and for many centuries has been, performed by the king's *secular* court by process of prohibition. A consideration of this fact will strongly confirm our assertion that Dr. Trevor's distinction is really the recognized distinction between the secular and spiritual Courts. His theory, in effect, renders the existence of the Judicial Committee wholly inexplicable: for, according to him, it has no ecclesiastical power, and the temporal jurisdiction he alleges for it resides elsewhere.

Much of Canon Trevor's pamphlet is only a repetition of the stock charges against the status of the present Court of Final Appeal. Many of these charges rest upon a simple misunderstanding, while others acquire their seeming force from a partial and one-sided statement of the case. They have been answered too often to call for special treatment here. There is one objection, however, drawn, if we mistake not, from Prebendary Joyce's book, "The Sword and the Keys," which is comparatively new and deserves notice:—"It is by no means clear that the Judicial Committee is a court at all. The 'Court' would seem to be the Queen in Council, and Her Majesty's Order is the 'judgment' that determines the appeal. All that the Act requires of the Judicial Committee is to hear and report to the Queen in Council. The Report does not embody the reason or argument which their Lordships are in the habit of delivering in public before they sign it: consequently, these reasons reported as 'judgments of the Privy Council,' are not even communicated to the true court—the Queen in Council. . . . It does not appear that the Court of Delegates ever exercised similar powers; certainly they never delivered judgments of this elaborate and binding character." We will not discuss with Canon Trevor the abstract question of what constitutes a "Court." It will not be denied that to the Judicial Committee is confided by statute the determination of ecclesiastical cases appealed to the Queen in Council. The question, however, is whether the reasons given by their Lordships, in coming to a decision, have any binding authority in subsequent cases. Now, as to this, we would remark two things—First, that although Canon Trevor is perfectly accurate in saying that the Delegates never gave the grounds of their judgments, he omits to mention that this was one of the reasons which led to their abolition. We quote the following from the Report of the Royal Commission of 1832, on which the Act of Will. IV., demolishing the old and setting up the new system, was founded:—

The judges in each case being different, the uniformity of decision is not so well preserved, and it not being the practice of the Court (of Delegates) to deliver or explain the grounds of its judgments, the principles on which they are founded are not sufficiently ascertained.

* * * * *

It is usual at the Privy Council for the presiding Law Lord to deliver the grounds of the judgment, which being thus known and reported, tend to settle principles and to establish uniformity of decision.

It will be perceived therefore, that the practice of the Judicial Committee is not the creation of "the great judges who have succeeded to the temporary and casual jurisdiction" of the Delegates, but was intended

by the originators of the present system of ultimate appeal, and considered by them a needful reform. But secondly, Canon Trevor's quarrel is really with the method of judicature prevailing throughout all the courts of justice in this country. The system of giving reasons for decisions, and making these reasons apply so as to control subsequent cases, or as it is called the system of "case law" may be open to objection. It is not adopted in France, or, we believe, in most of the great Continental States, but at any rate it has not at present been thought advisable by our English lawyers and law makers, to get rid of it; and we fail therefore to see how the clergy suffer a grievance by the same principles being applied to matters of church discipline as prevail with regard to all commercial, agricultural, and social questions in the country. For instance, the very same complaint might be urged with regard to the House of Lords. There the Law Lords do not give one combined judgment, but they deliver separate speeches. Although the actual decision is contained in the vote of the House, yet we need not say these speeches are of the very greatest authority. They practically constitute an ultimate expression of the law, which thus becomes "settled" and unalterable, except by statute.

We have not space to deal fully with another of Canon Trevor's leading points, the so-called "Court of Convocation," but we do earnestly, and without the least desire to say anything unkind, advise him to examine a little more minutely into history before he adds to the already portentous mass of mistakes and misapprehensions on this subject his contribution of the "Court of Convocation." He imagines that Convocation has been a supreme court of appeal in questions of heresy "since the suppression of the Papacy," and he therefore regards it as being entitled to something of the position claimed by the Privy Council. What are the facts? Since the suppression of the Papacy, Convocation has never acted as a court of heresy. Once, and only once, in 1711, it attempted to proceed for heresy—viz., against Professor Whiston, and the opinions of the judges and law officers were sought as to the jurisdiction of Convocation; the bishops, as Burnet says, "seeing no clear precedents of any such proceedings." Four judges advised that Convocation had not the power claimed, while eight advised that Convocation could hear a case of heresy, but not as a Court of Final Appeal. They considered that an appeal lay from any decision of this court to the Court of Delegates. Giving Canon Trevor the full advantage of the preponderance of opinion in 1711, in favour of the jurisdiction, it is to be noted (1) that it is of a very different nature from that claimed now, and (2) that so little confidence was felt at the time in the view of the majority, that, notwithstanding the direct encouragement of Queen Anne, the proceedings in Convocation were confined to a condemnation of Whiston's writings, and a regular suit was started in the Court of Arches and carried from there to the Court of Delegates. Sir Robert Phillimore, in his work on Ecclesiastical Law, thus summarily dismisses the matter:—"Convocation has no such power." The truth is, that previous to the Reformation it was sometimes the practice to bring a heretic before a Synod of the Province in which he resided, for examination. It is impossible from the cases that have come down to us to formulate any principle in accordance with which recourse was had to Convocation. Some writers consider that previous to the Heresy Statutes the secular power refused to burn a heretic unless he was condemned by the Archbishop in Synod, but on the other hand it seems doubtful whether heretics were burnt at all before the time of Archbishop Arundel, and his Lollardy Acts. Perhaps the most probable view is that the Archbishop in Synod formed the *full* provincial court which was summoned to try any

specially important case, either of first instance or appeal, while in ordinary cases the Archbishop in his official character acted as sole judge. Another possible view is that the "Court" was the Archbishop's Court of Audience (strangely confounded by Dr. Trevor with the Provincial Court) and that he summoned his Synod as assessors or auditors. This Court of Audience was a somewhat erratic tribunal, in which the Archbishop sat personally, and heard cases of first instance, with such assistance as he chose to summon. At the Reformation Cranmer's enemies tried to get him into trouble with Henry VIII. by pretending that the court (which Cranmer maintained, and apparently found very useful) was a Legantine Court, and so that the Archbishop was bringing back the Papal power. All these questions have an antiquarian interest, but not much more at the present day. Canon Trevor has made confusion worse confounded by mixing up a statutory power given by 24 Hen. VIII. c. 12. and (as has been repeatedly held, abolished by 25 Hen. VIII. c. 19) to the upper House of Convocation in matters "touching the king" with the general jurisdiction of Convocation, which, if it exists at all, does so independently of statute.

We have left ourselves but small opportunity of commenting on Dr. Trevor's suggestion of meeting present difficulties by framing fresh canons, giving the Bishop a sort of domestic jurisdiction which is to be exercised before recourse is had to the regular courts. We object both to the thing proposed to be done and to the manner of doing it. We do not believe in these semi-judicial, semi-friendly inquiries. The fatherly advice of a bishop is one thing (a very good thing) the orderly administration of justice between hostile parties is another thing (a necessary evil) for which it is essential to make due provision. The mixture of the two would, we are convinced, lead to no good result, but rather to new and serious complications. Secondly, we fail to perceive that any new canon will accomplish what Canon Trevor desires. It seems to us a singular novelty to suggest that a canon of Convocation will give the bishop any power of personally and privately dealing with his clergy which is not implied in the episcopal office, and therefore we do not see how the bishop's position would be strengthened. But looking at matters from the opposite side, the difficulty is still greater. The professed object of the new canon is to withdraw from the Courts cases of ritual which, according to Dr. Trevor, in his letter to the *Record*, "were never meant for the Courts." But whether meant or not, such cases have always been within the regular jurisdiction of the Ecclesiastical Courts for centuries past, and are so now, still more, under the Public Worship Regulation Act. The proposed canon would therefore interfere with the Courts, by placing between them and the clergy a preliminary process not provided for by statute. In other words, we should have Convocation overriding Parliament, a result which so sensible a man as Canon Trevor can hardly expect or desire to see accomplished.

East of the Jordan. A Record of Travel and Observation in the countries of Moab, Gilead, and Bashan. By SELAH MERRILL, Archæologist of the American Palestine Exploration Society. Seventy Illustrations and a Map. Pp. 550. London: R. Bentley & Son. 1881.

AN introduction to this book has been written by Professor Hitchcock, President of the American Exploration Society. Of the exploration work carried on by that Society, Mr. Merrill, the author of this book, was placed in charge during the years 1876-77.

The historic associations belonging to the country east of the Jordan, says Dr. Hitchcock, are rich and various. Ten and a half tribes chose

that side of the river for their home. Syrian, Assyrian, and Chaldean armies marched in and out there. Some of the disbanded veterans of Alexander settled there. It was beyond the Jordan that John the Baptist began and ended his official career. Nearly six months of our Lord's brief ministry was spent on the same side of the river. The Christian Church itself sought refuge there when the Roman legions began to close in upon Jerusalem. In the time of the Antonines the country was full of cities, with their temples, theatres, and baths. In the fifth century Christian Churches, well organized, were numerous and flourishing.

The Biblical sites are of peculiar interest. The five cities of the plain were trans-Jordanic; Penuel, Mahanaim, and Succoth, are suggestive names; Nebo and Pisgah are like household words. Bethabara, wherever it was beyond the Jordan, witnessed the descent of the Spirit. And somewhere in the wilderness beyond occurred what Milton calls the "great duel, not of arms."

This whole section of country, though nominally a part of the Turkish Empire, is now, and has been for centuries, in the hands of Bedawins. Travelling there is always difficult, if not always actually dangerous. The author of the volume before us, Mr. Merrill, has done good service as a traveller and archaeologist. In dealing with the Bedawins he seems to have showed great tact, and he was fortunate. Personal incidents enliven his narrative; and we agree with Dr. Hitchcock that he tells the story of his life beyond the Jordan in a manner equally entertaining and instructive.

The volume is divided into thirty-nine chapters. The opening chapters relate to Bashan and the Sea of Galilee. An expedition left Beirût—the head quarters—on the 15th of February, 1876, for the East Jordan Valley, the Gilead region, the Dead Sea, and Moab; and a good description of their adventures is given; they reached Beirût on the 6th of May. They were sometimes exposed to storms, and often to terrible heat, especially in the Huleh marshes and in the Lower Jordan Valley, but neither themselves nor their men lost a day by sickness. During the eighty-one days of their absence they were constantly associated with Arabs, and met with nothing but civility. In the following year, 1877, there was another journey; and the narrative of their second expedition, which left Beirût on March 7, opens "in camp at Tiberias, March 11." They returned to Beirût on April 12. The journal of two other expeditions is not given.

On only two or three points are we able to touch.

The Old Testament lands, Moab, Gilead, and Bashan, are a wonderfully interesting region; and the Biblical student is glad to meet with any reliable information concerning its past and its present. Gilead, says Mr. Merrill, possesses hills, valleys, gentle slopes, and cultivated fields, which form charming and park-like scenery. Mr. Oliphant's book, "A Colony in Gilead," recently reviewed in THE CHURCHMAN, gives a good deal of information as to the present condition of this land. Mr. Merrill describes how Arab farming is carried on:—

The Bedawins despise manual labour. They send across the Jordan, or to the few villages in the Gilead hills, and hire Christians to till their lands for them. Some Moslems go out for this purpose, but Christians are willing, and are usually employed for such service. These labourers are called *fellaheen*. . . . Each man at the beginning of the season is given four, five, or six dollars. He receives also a pair of shoes, and has seed furnished him. But besides these things, he receives nothing. He must provide his own men, cattle, and implements. He must do all the work, from ploughing to threshing; and, at the end of the season, he receives one-fourth of the crop. While he is at work the

Arabs who own the soil are responsible for his safety. . . . The grain is stored in large vaults or cisterns made in the ground.

The labourer, while engaged in his work, says Mr. Merrill, frequently finds temporary shelter in the ruins of a once splendid palace or temple. "I went one bright moonlight night to view the great theatre of Amman—the Rabbath Amnon of the Bible—which by actual measurement I had found would seat comfortably 10,000 people; and in one of the long corridors, under and between the seats, I aroused a man." He proved to be a Christian peasant from the village of Es Salt; he was tilling land in the neighbourhood for the Arabs, and he found at night a shelter in the ruins of the theatre.

An interesting account is given of Mr. Merrill's visit to M'Shita. Their journey from Abu Nūgla eastward, he says, was through splendid wheat fields, many miles in extent, and great flocks of herds and camels, sheep, and goats, and tents in abundance. About one group of tents a great many men and horses were gathered, and there were a number of mounted men in an adjoining field. There had been a family quarrel between two branches of the Beni Sakhr; and this meeting was for the purpose of settling the matter. From their camp at Abu Nūgla to M'Shita the journey was nearly four hours. After inspecting the ruins at M'Shita, Mr. Merrill journeyed to Amman, on their way passing quarries. They struck into the line of a Roman road, and passed other quarries, one of which showed evidence that stones of an immense size had been cut from it. At the Zerka, their animals that had had no water since early morning, quenched their thirst in the clear cool water of this beautiful stream. In four hours and thirty minutes the travellers reached camp at Amman.

I am surprised [writes Mr. Merrill] at the small amount of game thus far seen east of the Jordan Valley, and especially south and east of Hasban. It may be abundant at certain seasons, but we saw only a limited number of wild animals and birds, compared with what I expected we should see.

Wood is scarce in this region; in fact, it was impossible to obtain any, and our coal was giving out; so our servants bought a plough and cut it up for firewood. It served us that evening and the next day far better than bushes would have done for the purpose of cooking our scanty food.

Our Arabs who accompanied us to M'Shita had never been to the place, but they knew the general direction and made a good guess, for, after starting, we hardly changed our course. Arabs, I find, are like people of other nations. It is not every one who has locality and direction well developed. I have known them to wander about a long time in trying to strike a certain point of which they were not sure. Most of the Arabs whom we have met in Moab seem to be afraid of the Ruwalla. This is a large tribe belonging in the interior; but this year they are pressing westward, because water and pasturage have been scarce in their own section of the desert. Those who went with us were constantly on the watch; and once a movement was seen by one of our guides, who halted the party until the matter was decided. The point of supposed danger was several miles distant, and none of the others saw anything, but our glasses revealed a few camels standing among the alkali bushes. They were about the colour of these shrubs, but the keen eyes of this particular Bedawin had detected moving objects, and he was afraid that the dreaded tribe might be in the vicinity.

Of the ruin called Mashita or M'Shita, one of the most wonderful ruins in the East, Mr. Merrill gives a clear description. Seetzen, he says, when collecting a list of names of places in this region, heard of the name, which he writes *El Mschetta* (i. p. 395), but the place remained unvisited and its character unknown till Dr. Tristram visited the ruins in 1872. The results of Dr. Tristram's examination are described in that admirable book, "The Land of Moab." Mr. James Fergusson in an essay, "The Persian Palace of Mashita," ascribed the work to Chosroës II. Professor

Rawlinson, taking the labours of Dr. Tristram and Mr. Fergusson as a basis, says (in his "Seventh Oriental Monarchy"), that the Mashita Palace "was almost certainly built between A.D. 614 and A.D. 627" (p. 594). Dr. Tristram, summarizing from Gibbon, says that "Chosroës overran the whole of northern Syria," and reduced "the region beyond Jordan," about A.D. 611. Mr. Merrill, however, can find no evidence that Chosroës himself was ever so far south even as Damascus, to say nothing of Palestine proper. Shahr Barz, his general, commanded in Palestine; but judging from the condition of the Persian empire, at that time, it is not likely, Mr. Merrill thinks, that the Mashita Palace was built by the Persians. Further, Mr. Merrill thinks that the character of the ornamental work of this Palace makes it very improbable that the Persians had anything to do with it. Quoting from Professor Rawlinson (p. 594), he remarks that this building shows many points of contrast with the eastern Sassanian palaces. There are no distinctively Persian symbols. Mr. Merrill proceeds:—

A large number of the birds and animals found sculptured on the M'Shita ruin are exactly like those found on Christian and Roman monuments of various kinds, including coins of the period extending from the second to the fifth centuries of the Christian era. The period referred to was one of great prosperity for the country east of the Jordan.

Towns and cities multiplied, and temples, churches, theatres, and other public buildings were erected in great numbers and at lavish expense. During the latter part of this period, when the Byzantine artists were the finest in the world, when Christianity was tending towards monasticism, and when, for the east Jordan country at least, wealth abounded, it is not unreasonable to suppose that one of the Christian Emperors built at M'Shita a church and convent on a magnificent scale.

What I have now said I wish to be regarded as suggestions relating to the general discussion of the origin of one of the most interesting ruins to be found in any part of the world. I am quite confident that more detailed measurements and observations, accompanied by excavations, will throw light upon a question which it would be most gratifying to have solved.

At Amman Mr. Merrill spent two days. The Old Testament history connected with the place, he says, is interesting, and the children of Ammon had a rich country and a capital city of which they might be proud. The Romans added two theatres and, besides other public buildings, a magnificent temple on the hill to the north. Not far from this temple is a singular building, which Dr. Tristram says is a "perfect Greek church of the late Byzantine type:" its form is square outside, although within it is a "perfect Greek cross." This building is occupied, at present, by peasant families from Es Salt, who are cultivating land in the neighbourhood.

While journeying along the Zerka (Jabbok) valley, says Mr. Merrill, one has the impression that he is travelling in a rich and fertile country: water is abundant, the bottom lands are broad and level, and the cultivated fields, together with the flocks and herds, everywhere give the appearance of life and wealth. When the Roman road was in good condition, and the country was under a high state of cultivation, a ride in a chariot eastward from Ammon must have been very enjoyable. Kulat Zerka is a Moslem work. It is a great convenience to the pilgrims on their way to Mecca, and is a secure place for the Bedawin to store their grain. At points along the Zerka the oleanders are abundant, as they are along other watercourses in this east Jordan country; when in bloom they present a gorgeous appearance.

The great interest centred in Nebo, says Mr. Merrill, has led many travellers into this region in the endeavour to ascertain its site. Among these may be mentioned De Saulcy, in 1863, Duc de Luynes, in 1864,

Dr. Tristram, a little later in the same year, Captain Warren, in 1867, the Rev. E. A. Northey, in 1871, Dr. Tristram (his second visit), in 1872, the first expedition of the American Exploration Society, in 1873, and Dr. Strong, in 1874.¹ There is considerable diversity in the testimony of these different witnesses.

Introduction to Dogmatic Theology. On the Basis of the XXXIX. Articles of the Church of England. By the Rev. E. A. LITTON, M.A., Rector of Naunton, Gloucestershire, late Fellow of Oriel College, Oxford. Pp. 300. Elliot Stock.

THIS work is divided into four sections: first, Rule of Faith; second, Christian Theism and the Holy Trinity; third, Man before and after the Fall; fourth, Person and Work of Christ. A portion of the first section appeared in this Magazine in the year 1880; Canon of Scripture, Inspiration, Interpretation, with "Scripture and Tradition." Many of our readers, therefore, are acquainted with—have studied and enjoyed—the opening chapters of Mr. Litton's work; and they will understand that, feeling naturally a special interest in this book, we were prepared to welcome it warmly, and to rate it as a treatise of singular ability and value. Mr. Litton—who took a double First at Oxford—is known by many to be a theologian of the highest rank. The theological students to whom the book before us will first present him as a writer will admire not only the lucidity of his argument, but its grasp, balance, and richness; the book reveals at once a wide range of reading, and strength and independence of thought. For ourselves, we can only say that our expectations have by no means been disappointed. We are sorry that the volume has not reached us in time for a worthy review in the April CHURCHMAN. Many passages, here and there, we have read with unqualified satisfaction; a certain portion of the book remains a treat in store. In our desire to be among the first to express appreciation of so learned and so timely a work we must be content at present to supply our readers with a few specimen passages, quoted from the sections which more especially have interested ourselves.

In the preface Mr. Litton quotes a remark from the Bishop of Gloucester and Bristol that there exists no work from an English pen on Dogmatic Theology which could be recommended to candidates for Holy Orders as an introduction to that study. Our theology, copious and valuable on isolated topics, is singularly deficient in works corresponding to those of the great foreign theologians, Romish and Protestant, in which a systematic survey of the whole field is taken. Hence such treatises as those of Martensen and Van Oosterzee have been largely read by our students. But independently of some graver defects, a translation seldom succeeds in fully conveying the sense of the original. There seemed room therefore for, at least, an attempt in this direction. The volume before us, aims at being primarily a Compendium of Dogmatic Theology on the subjects treated of, and indirectly a doctrinal Commentary on such of the Thirty-nine Articles as belong thereto; not, however, as is usual, on each Article separately, but on the Articles as grouped under the heads to which they may be referred; which, since several of them really present but different sides of the same subject, is the first step towards a clear view of the system on which they are founded.

The present volume, as we have stated, contains only a part of the great subject of which it treats. "Another one," says Mr. Litton, "might comprise the remaining topics, such as justification, the Church, the

¹ This list of names, it must be borne in mind, was written in 1876.

sacraments, eschatology, &c. But whether the author advances further in this direction will depend partly on the reception the present volume meets with, and partly on the measure of life and health which a gracious Providence may vouchsafe. The volume, however, as far as it extends, is complete in itself."

In the third division of the work, "Man before and after the Fall," appear many deeply interesting chapters. On the doctrine of original sin, for example, Mr. Litton writes fully, with his usual clearness. He shows the statements of Scripture, and compares them with the Protestant Confessions as distinguished from the teaching of Rome. "So deeply has original sin," he says, "struck its roots in human nature that it continues to exist, and in its proper quality, even in the regenerate (Art. IX.). This is one of the principal points of difference between the Romish and the Protestant doctrine on this point." He proceeds as follows:—

The Protestant Confessions, our own among the number, hold not only that concupiscence remains in the regenerate, but that in them not less than in the unregenerate it has the nature of sin. In the unregenerate it is not removed either as regards its guilt or its dominion; and such a state is nothing but what Scripture describes under the terms, "the carnal mind," "the flesh," the "old man," the "natural man." In the regenerate the guilt is wholly removed through the merits of Christ, and the dominion broken, but the evil still remains, though no longer as the ruling principle; the conflict between the flesh and the Spirit is experienced even by the Christian, and draws forth from him the daily prayer for forgiveness (Matt. vi. 12); the fallen nature is in process of being healed, but the complete cure is not to be expected in this life. It was the great merit of Augustine to have established this truth, against the Pelagians of his day, on irrefragable evidence of Scripture; and of the Reformation to have recovered it primarily from Scripture, but also from the writings of the great Father, against the Pelagian tendencies of the schoolmen.

Quoting from Augustine, as arguing that concupiscence even in the regenerate is sin, because its nature is to be contrary to the Divine law, but that it does not, when resisted, affect the condition of the believer in the sight of God as a justified man, Mr. Litton points out that this is "precisely the doctrine of the Protestant Churches." He says:—

The great passage of Scripture on which Augustine and his followers relied was Rom. vii. 14-25. St. Paul therein, from his own experience, describes most graphically the conflict which goes on in the regenerate man. "I am," he says, "so far as I am not wholly regenerate, carnal, sold under sin; my actual attainments fall short of my aim, and too often I do what I hate. I approve of the requirements of the law as holy, just, and good; I delight in it after the inward man, but though to will is present with me, how to render perfect obedience I find not, for in me, that is my flesh, or carnal nature not yet wholly crucified with Christ, dwells no good thing. I am conscious of a law, or tendency, in my members, or flesh, warring against the law of my mind, and bringing me into captivity to itself, so that I am compelled to cry out, Oh, wretched man, who shall deliver me from this body of death? I thank God, that though helpless in myself, I am delivered through the grace of Christ. . . . So far as I am flesh, indeed, I serve the law of sin, but with the mind, the inner man, I serve the law of God; and walking not after the flesh, but after the Spirit, there is no condemnation to me who am in Christ Jesus" (Rom. viii. 1). This interpretation of the passage being assumed to be the correct one (and there were few dissentient opinions on the subject in the early Church), it expresses the whole of what the Reformers contended for in their controversial statements as against Rome.

On the question of "free-will," Mr. Litton quotes from the *Formula Concordiæ* (A.D. 1579), the clearest exposition of the later orthodox Lutheran faith, and shows that the Lutheran doctrine is precisely that

of Augustine. "So unfounded is the notion sometimes, as it appears, entertained that the Lutheran doctrine on this subject is milder than that of the Churches supposed to have been under Calvin's influence. The contrary is the fact. Although there is no substantial difference between the two great Reformers in their view of fallen human nature, yet Calvin's statements on the subject are by no means so sweeping as those of Luther, and the Helvetic Confession of 1566 even contains expressions which seem directed against certain modes of speaking familiar to the German Protestants."

Whatever modifications Calvin's own system may demand, says our author, "Calvinism as compared with Arminianism has no need, on philosophical ground, to shrink from the contest. The principal point at issue—viz., whether the will is self-determining, or comes under the general law of causality—or, in other words, whether the will is ever in a state of equilibrium between opposite objects, so that contingency is essential to its real freedom—has been subjected to the keen analysis of Jonathan Edwards, and the Arminian tenet exposed in all its inconsistency." Giving a summary of the argument of Edwards, Mr. Litton proceeds as follows:—

If it be said that these objections only prove that the Arminian scheme involves self-contradiction while they leave the difficulties on the other side untouched, this no doubt is to some extent true. What is called Calvinism has also its own difficulties, and perhaps insurmountable in our present state of knowledge. Either system, carried out to its logical consequences, lands us in conclusions which it is not easy to reconcile with the language of Scripture, in its apparently plain meaning. But the most unsatisfactory of all methods of adjustment is to explain away or attenuate passages which, if they do not imply the necessity of prevenient grace to sway the will by rectifying the nature, must be dismissed as having no certain meaning at all.

"The subject of the preceding sections," says our author, "is of vital moment as regards our apprehensions of the nature and object of Christianity. No one who considers the tendencies of modern thought can fail to see that the question of the corruption of human nature lies at the root of the divergencies of opinion and statement which we meet with in the controversial discussions of the day. And it is equally evident that to extenuate, to ignore, or to deny the effects of the Fall, as they have been usually understood in the Church, is a prominent feature of certain aspects of Christianity which have attracted notice of late. Sometimes it is assumed that man has only to be placed under a system of external discipline, whether it be the natural providential history of the world, or a special dispensation like the Law of Moses, in order to reach the ideal of his nature; and further that the moral gains of one age are taken up by another as the basis of still further improvement, until at length by a natural development the race attains 'the measure of the stature of the fulness of Christ' (Ephes. iv. 13);¹ on which hypothesis there ought, at this advanced period, to be little or no sin, at least in such nations as have enjoyed this spiritual education. The birth-taint which every man in every age, according to Scripture, brings with him into the world, and with no decreasing intensity of virulence, and which is as much proof now as ever it was against all engines of assault but one, is here ignored as a factor to be taken into account. Sometimes the example of Christ and the moral precepts of the Gospel are extolled as the wheat, while its mysterious doctrines are the chaff; as if example and instruction are all that man needs to enable him to emerge from the ruins of the Fall. Sometimes, at the

¹ "Essays and Reviews:" Essay I., "On the Education of the World."

“opposite pole, the radical change which is admitted as necessary is described as a magical effect, not necessarily involving or leading to any moral renovation of the heart; a gift indeed of grace, but neutral in character and result, which may or may not consist with an habitually sinful state. Under the former system man never did need a new creation; under the latter, a member of the visible Church does not need it because, whatever be his moral condition, he once received it for good. Under either system Pelagianism finds a natural footing. Under either aspect Christianity sinks from being a Divine method of redemption from fearful evils to a system either of mere naturalism or of crass supernaturalism. And under either system, in different measure—much more it must be admitted under the former than under the latter—the atoning work of the Redeemer suffers a depreciation, and becomes obscured.” On the work of the Redeemer, we need hardly say, Mr. Litton’s observations are extremely valuable.

Mr. Litton’s quotations, here and there, it may be remarked, are given with good judgment; they add to the interest of the book; and theological students whose library is small will prize them highly.

To this imperfect notice of a work which is really unique, and which we heartily recommend, we ought to add that the book is well printed in large clear type.

Short Notices.

Fluctuation of Prices, 1835 to 1880, in relation to the value of Tithe Rent-Charge and Land-Rent. From Parliamentary Returns. By C. A. STEVENS, M.A. Pp. 32. P. S. King, King Street, Westminster, S.W.

Mr. Stevens has done good service in publishing this pamphlet; an ably-written essay of 22 pages, with 10 pages of statistical tables (exceedingly interesting) and a diagram. It is a timely contribution to the literature of a pressing question. Mr. Stevens has evidently studied this subject; he writes in a clear and forcible way as a statistician who has arrived at definite conclusions. The resolution which was passed at the Central Council (March 7th), to the effect that the landowners in every case should pay the tithe rent-charge, lends to his closing words additional weight. We quote a portion of the last two pages:—

“The Tithe-owner, be it observed, has no *advantage* whatever, even when he receives 10 or 11 per cent. over the Tithe-value of 1835, because even then the object and intention of the Commutation settlement is not attained—that he should always receive an income countervailing the rise of living expenses, which, as has been shown, amounts now to 25 per cent. or more.

“But he will have a very real *disadvantage*, and a substantial grievance, if, while the rise in these expenses is maintained—still more if it be further enhanced—such low Corn-values prevail. For the repeal of the Corn Laws, and of the Malt Tax, and, what Mr. Caird has lately called attention to, the enormous increase of Indian Corn importation, and the reduction of Corn-values thereby, actual or probable, were no elements in the Commutation calculations. If they had been considered, the Tithe-value of all produce would not have been merged in, and made measurable by, a mere fickle Corn-rent, but have been based upon produce-value of a much broader scope.

“But under no circumstances whatever can the present tithe-payer have any grievance on the subject as against the Tithe-owner. The Commutation Act enables him, if he engages, as the agent of the Landowner, to pay the