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ship again in search of food, and to be recaptured with another bait, though the fish had no stomach to put it into.

With the evidence of those facts before them, the more advanced operators have now openly acknowledged that the vivisection of living animals affords no guide to the physiology of man, and have begun to throw out hints that condemned murderers ought to be given up for dissection while still living, and not to be wasted by being swiftly put to death and immediately buried.

Even should this desire be gratified, little, if any, dependence could be placed on the results, partly on account of the difference of race or constitution; and partly on the ground that to cut into living tissues, especially when the nervous system is involved, alters the natural conditions, and makes the experiment worthless. I intentionally avoid the religious and moral views of the case, and only deal with those parts which the hardest hearted materialist would accept.

Some years ago, I thought that vivisection, if carefully restricted—*i.e.*, the animal kept under chloroform or other anæsthetic, and killed before it recovered consciousness—might be useful in treating human ailments.

But, the evidence given by the upholders of vivisection, and recorded in the Blue Book, has convinced me that such restrictions cannot be enforced, and that, if they could, they would nullify the results of the operations.

So, after much thought and long consideration, I am driven to the conclusion that the dissection, hacking, scalding, and otherwise torturing of living animals, is utterly valueless to science, does not forward the welfare of man, and ought to be unconditionally prohibited.

J. G. WOOD.

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### ART. III.—THE CLAIMS OF THE CONVOCATIONS OF THE CLERGY AS TO THE PRAYER BOOK.

(Concluded from page 346.)

OUR next dates are the 25th of July, when the Savoy Commission expired, and the 30th of July, when the Convocations ceased to sit till the 21st of November, because Parliament was not sitting. But we know, from Lord Clarendon, that “the Bishops” were at work throughout this interval, at the revision, which *they* wished to make of the Prayer Book; and there can be no reasonable doubt that this occupation of theirs was a continuation of what they had begun to do, before the adjourn-

ment of the Convocations on the 30th of July. Still, however, there was no formal "authority or requisition" from the King, either to the Bishops or to "the Convocation;" and, as Lord Clarendon tells us, "*that did not sit during the recess of the Parliament, and so came not together till the end of November;*" and, therefore, the King's "authority and requisition" to the Canterbury Convocation, although dated the 10th of October, could not be read till the 21st of November; *and, as regards the "authority and requisition" to the York Convocation, it was not even dated till the 22nd of November.*

On the 21st of November, the revision was taken up by the Canterbury Convocation, nominally as an original proceeding under the King's letter, then for the first time produced; but what was really done, then, was to give an air of Convocational authority to the Bishops' revision, then in progress; and thus it came to pass that, in accordance with the reality of the facts, the Upper House of Canterbury delegated (as we have seen) to eight Bishops, *or any three of them*, the whole of their powers—"*commisit vices suas.*" But one of these Bishops, Cosin, was not a member of the Canterbury Convocation; and even if the Upper House could, under ordinary circumstances, thus delegate their entire functions to a Committee, (which seems highly *improbable*) it must be supposed that it was to a Committee of *themselves*, and no others, that the delegation must be made; and if the Bishops of the Convocation of Canterbury had not known that the King's reference to them was merely illusory, how is it possible that they, twenty-two in number, could have felt themselves justified in answering the King's demand of *their* opinion "for his further consideration," by transferring, "*vices suas,*" in that respect, to a quorum, which might consist of two of their number, with one of the Province of York added, inasmuch as they might be the three, representing the eight, representing the twenty-two?

The next dates are the 23rd and 27th of November, on the first of which, part of the revised Prayer Book was sent down by the Upper House of Canterbury to the Lower House of the same body, and on the latter of which, the rest of the revised Prayer Book was sent down in like manner, with the exceptions which Lord Selborne mentions, of "the Prefaces and Calendar, the Psalms, the Ordination Services, the General Thanksgiving, and the Prayers for Use at Sea, which were afterwards added;" so that, as Lord Selborne truly says, the parts thus sent down on the 23rd and 27th of November, were "the whole Liturgy, properly so called." The parts thus sent down on the 23rd and 27th of November included not only the Daily Services and the Litany, but the Collects for Sundays and Holydays, the Communion Service, and all the Occasional Services, exclusive of

those for Ordination and for use at Sea, but *inclusive* of the new Occasional Service for the Baptism of Adults; and any one who compares the present revised form of the Collects, the Communion Service, and the Occasional Services, thus sent down, with the Prayer Book of Elizabeth, will see that the verbal alterations in them are extremely numerous and minute; and that the alterations and additions, thus made, could not *possibly* have been made between the 21st of November, when the King's reference to the Canterbury Convocation came into force, and the 27th, when the alterations and additions had thus been sent down to the Lower House.

The revision thus made, therefore, must have been made at meetings of Bishops, in the way already described, and not in the Upper House of the Canterbury Convocation, otherwise than nominally.

But, probably, the most curious of all these dates, is that of the 23rd of November, on which the Bishops of the Province of York, on the very next day after the date of the King's "authority and requisition" to *them*, to review the Prayer Book and Ordination Services, and make such alterations and additions as, "after mature consideration," should "seem meet and convenient to them," to be presented for the King's "further consideration," write to their Lower House, who must have been at York, to tell them that "all possible expedition was necessary, and that the ordinary course of proceeding would be too dilatory," and therefore asking them to appoint three particular members of the Lower House of Canterbury, and some other members of the same House, to be the proxies of the whole Lower House of York, "to give your consent to such things as shall be concluded *here*, in relation to the premisses:" "here" being the Convocation of Canterbury, in London or Westminster, where the same letter states that the York Bishops were sitting in consultation with those of Canterbury. In accordance with this letter, the Lower House of York did appoint (as we have seen) the three specified members of the Lower House of Canterbury, *and one other member of the same House*, to be their proxies to give their consent to whatever the Canterbury Convocation should "conclude." Is it possible that this was the "mature consideration" which the King had required of "the *Clergy* of the Province of York," as well as of their Bishops? And if this *could* be considered as a Convocational act of the Lower House of York, could such a *delegation by delegates* possibly be within the scope of the authority given to them, at their election, by the general body of the Clergy of the Province, whose "proctors" they were?

A startling revelation, made by these dates and this letter, is, that there was never any revision by the Convocation of York

at all, or even any judgment of the Convocation of York at all. It is impossible to say that the Convocation of York, as a whole, either revised, or judged of the revision, when *the whole of the Lower House* of that Convocation deliberately abstained from both the revision and the judgment upon it, and yet authorized other persons (not of their body) to say, as is said in the first Preface to the Book of Common Prayer, that the revision which the revisers had made "hath been, by the Convocations of *both Provinces, with great diligence* examined and approved." The absence of truth from this statement, so far as regards the *Lower House* of York, would be quite conclusive against the propriety of saying that "the Convocations of both Provinces" had done what is here said of them; but the statement is not even true of the *Upper House* of York. They were, then, a body of only four men, against twenty-two of Canterbury (Sodor and Man being, most probably, vacant, as before mentioned, and at all events not appearing); and, even if there had been any real revision by the whole joint body of Bishops, the opinions of the four would, in all probability, have been absorbed in the opinions of the twenty-two, or of the majority of them; and if the four actually voted with some of the twenty-two, and turned the scale of a division, their act, in so doing, would vitiate that particular proceeding of the *Upper House* of Canterbury, without being itself a proceeding of the *Upper House* of York. We have seen, however, that, in fact, there was no revision by the whole joint body of Bishops, and that the whole joint body "*commisit vices suas*" to a committee of eight, seven of Canterbury and one of York, of which eight a quorum of three only, *not necessarily including the York member*, might act for the whole joint body of the Bishops of the two Provinces.

The true explanation of all these irregularities is to be found in the haste, which the York Bishops stated, in their letter, to be necessary; a haste essential to satisfy the impatience of the House of Commons.

After this conclusive evidence that the Convocation of York neither revised the Book, nor examined the revision of it, and that even the *Upper House of Canterbury* did not, in its collective capacity, either revise, or examine the revision, but, on the contrary, adopted, without examination, at least a great part of the revision which a small committee of themselves had made, it would be hardly of any importance to investigate the manner or the extent of the examination, *by the Lower House of Canterbury*, of the work sent down to them by their own *Upper House*; but it seems that such an investigation has been made almost quite impossible, in consequence of the destruction of the records of the *Lower House* in the Fire of London in 1666.<sup>1</sup>

<sup>1</sup> See Swainson, p. 13.

It may, however, be as well to notice, that the parts sent down to the Lower House, on the 23rd and 27th of November (as before mentioned), contain so many very small alterations as would have occupied several days even to read without comment, and that their nature cannot have admitted of their being made the subjects of detailed discussion. The same observation applies, with equal force, to those parts of the Book, particularly the Ordination Services, which (as before mentioned) were sent down to the Lower House *after* the 27th of November. It is true, however, that such things as the alteration of the Daily Lessons, by adding the stories of Susanna and Bel and the Dragon, *were* capable of being voted upon; and *that* addition is accordingly said to have been voted upon, in the Lower House. (See Mountfield's "Church and Puritans," 79, 3rd Ed., 1881, quoting Andrew Marvell).

The 20th of December was the last day of the sitting of Parliament before the Christmas vacation, and, consequently, the last day of the sitting of the Canterbury Convocation; and it was the day of the date of the formal approval of the revised Book by the Heads of that Convocation, or some of them; and, consequently, the approval, by the Lower House, of the Bishops' work, must have been given, in some form or other, by that day, if given at all, which it probably was; but a considerable part of the interval between the 27th of November and the 20th of December must have been spent by the Bishops in the extremely minute alterations which were made in the Ordination Services, before sending them down to the Lower House; and thus the Lower House could not possibly examine them with exact appreciation of their meaning and value.

Although the revision purported to have been formally and finally concluded on the 20th of December, 1661, the revised Book was certainly not forwarded to the King until some weeks afterwards: and great doubts have been suggested whether the revision was really completed as early as the 20th of December, and whether the signatures to it were not appended on that day, to an incompletely revised Book, or to a Book in which the alterations and additions were, at the time, *incompletely* transcribed; because it seems to have been ascertained with certainty that the Book to which the signatures of the date of 20th of December were attached was the Book actually presented to the King.<sup>1</sup> It seems impossible to ascertain with certainty whether in fact any of the additions or alterations appearing in the Book sent to the King were really made *after* the 20th of December; but, *if any of them were so made, there appears to be no trace of their having been submitted to either House of the Convocation of Can-*

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<sup>1</sup> See Swainson, p. 17.

terbury. It is possible that the Book sent to the King was signed upon the faith of the amanuensis of the Bishops, Dr. Sancroft, afterwards Archbishop of Canterbury, transcribing, into the signed Book, the alterations and additions which had been already agreed to. *It is not till the 24th of February, 1662, N.S., that we find any evidence that the revised Book was in the King's possession.* That is the day on which it was formally approved by the King in Council, "with the amendments and additions as it was presented by the Lord Bishops," whereupon an Order in Council was made for transmitting it to the House of Lords. Nothing seems to have been then said of the Convocations.<sup>1</sup>

Professor Swainson has given us the dates of a great many meetings of the *Upper House* of the Convocation of Canterbury from the 21st of November to the 20th of December, both inclusive; and in a few instances we learn from him some particulars of what was done on such days; but the only date which seems of importance for the present purpose is that of the 2nd of December, on which he tells us that "the Preface was introduced and considered;"<sup>2</sup> and, by "the Preface," he must mean that which is now the first of the three Prefaces; the other two being merely reprints of former Prefaces of Elizabeth's Book, originally appearing in the *first* Prayer Book of Edward the Sixth. *This date makes certain the fact, that "Convocation" did not claim to have made the revision, but only to have "examined and approved" the work of the revisers, who are an anonymous body, there.*<sup>3</sup>

The Order in Council was turned into a Royal Message to the House of Lords, transmitting the Book, and dated on the 24th of February, 1661-2. The language of this Message forms part of the present Preamble to the Act of Uniformity, with but very few verbal alterations, the only material one of which is, that the Preamble omits the word "consideration" from the recital that the reference to the Convocations was expressed to be (as in fact it was) for the King's "further consideration, allowance, or confirmation."<sup>4</sup>

Between the two Messages, from the Commons to the Lords, of the 16th of December and the 28th of January (*ante*, 339, note), the Lords had read the Commons' Bill of Uniformity a first and second time, and had referred it to a Select Committee; but nothing practical was done, until the King's Message of the 24th of February was brought to the House of Lords on the 25th, with the Book mentioned in it, which Book was then

<sup>1</sup> See Swainson, pp. 18 and 19.

<sup>2</sup> P. 16

<sup>3</sup> See the words of our present First Preface to the Prayer Book.

<sup>4</sup> See the Message in full in Swainson, p. 19, from the Lords' Journals.

referred, by the House, to "the Committee for the Act of Uniformity."<sup>1</sup>

On the 13th of March, the Lords' Committee reported, to their House, that they had made amendments in the Bill, and had made the Bill "relate to the Book *recommended by the King* to this House, and not to the Book brought with the Bill from the House of Commons."<sup>2</sup>

Professor Swainson gives details (pp. 20, 21) which seem to show that this Committee made certain alterations in the revised Book itself, and that some of the Bishops (probably being on the Committee) hastened to get the concurrence of the Convocation of Canterbury in them, in a singular manner; but, as already intimated (*ante*, 293), these observations are not intended to deal with those alterations, or the particulars of them, or the evidence for them. It is sufficient, for the present purpose, to say that, upon the Report of the Committee being read in the House on the 13th of March, the House made an order, in these terms—viz., "that the alterations and additions in the Book of Common Prayer, *as it came recommended from His Majesty*, be read, before the alterations and amendments in the *Bill* are read" (*Ibid.*).

This was accordingly done, on the 13th, 14th, and 15th of March; and then the House "gave the Lords *the Bishops* their thanks for their care in this business."<sup>3</sup> These thanks, although given only to the Bishops, who were themselves part of the House, were very naturally reported by them to "Convocation," probably for the information of the Lower House of Canterbury. This seems to have been done on the 18th of March (*Ibid.*).

The reading through, in three successive days, of the alterations made in the revision, would itself be enough to show that the Lords had no intention of adopting the alterations, without knowing what they were doing.

On the 17th of March, the Lords' House proceeded with the discussion of the Bill, as amended by their Committee, and on that same day, and subsequent days, they discussed a proviso, then first recommended to them by the King, for a Dispensing Power, to the effect presently mentioned. They continued these discussions from time to time, partly in the House and partly by means of re-commitment, until the 10th of April, by which time they had determined to insert the King's dispensing proviso, with some variations, and also to insert another dispensing proviso of their own, which will also be stated presently.<sup>4</sup>

On the 10th of April, the House of Lords made an order, the terms of which were—

<sup>1</sup> Swainson, pp. 18, 20.

<sup>2</sup> *Ibid.*, p. 22.

<sup>3</sup> *Ibid.*, p. 22.

<sup>4</sup> *Ibid.*, pp. 22-25.

That the Book of Common Prayers, *recommended from the King*, shall be delivered to the House of Commons, as that being the Book to which the Act of Uniformity is to relate (Swainson, p. 25).

On the same day, 10th of April, 1662, a Conference between the two Houses is held, in which the Lords explain their amendments to the Commons; and then Serjeant Keeling, the Manager of the Conference for the Commons, reports to his own House—

upon the Bill of Uniformity, that the reason of the delay of the said Bill, was, that the Book of Common Prayer had, *by reference from His Majesty*, been under the consideration of the Convocation, who had made some alterations and additions thereunto; and that the Lords had perused the same, and also the Bill sent from this House; and had returned the same, together with the Book of Common Prayer, as the same is amended, *and by them agreed to*, and some amendments and provisos to the Bill, to which they desired the concurrence of this House (Commons' Journals, as quoted by Swainson, p. 25).

The original enactments of the Commons' Bill had been adopted by the Lords, except that they were made to relate to the King's revised Book, instead of to the Book of the Commons.

The Lords, however, had made various additions to the Bill. They introduced so much of the present Preamble as states the Savoy Commission, the reference to the Convocations, with its results, and the King's approval and allowance of them; following, in these respects, almost entirely, the terms of the King's Message of the 24th of February, as already mentioned; beginning this additional preamble after the present words, "hazard of many souls," and prefacing the addition by the words:—

For prevention whereof in time to come, for settling the peace of the Church, and for allaying the present distempers, which the indisposition of the time, *and tenderness of some men's consciences*, have contracted, the King's Majesty, according to his declaration of the five-and-twentieth of October, &c. &c. (See the Bill, "as it left the Lords," set out in Swainson, pp. 29, 30.)

The Commons refused to allow the words, "*tenderness of some men's consciences*," to remain in the Preamble, for reasons which will presently appear; *but they seem to have overlooked the fact that the same expression occurred in the then newly added Preface to the Book of Common Prayer, as we have it to this day.*

The Lords had also added the precise terms in which assent to the use of the Book should be expressed, for which the Commons had not prescribed any particular terms. The Commons acquiesced in this addition; *and thus arose the inconsistency (lately repealed) of requiring that the assent to the USE of the Book shall be*

*signified in terms which express assent to every part of the contents of the Book itself.*

The Lords had also introduced the Threefold Declaration of (1) Non-resistance, (2) Conformity to the Liturgy, and (3) Condemnation of the Covenant; but the only persons upon whom they had imposed it were present and future incumbents of parsonages, vicarages, and benefices with cure. The Commons now extended it to all Church dignitaries (except Bishops) and to all the heads of houses, professors, and fellows in the Universities, and to all schoolmasters and private tutors; and they added a punishment of three months' imprisonment to the penalty of deprivation already provided.

The Lords had also required that all existing incumbents should receive Episcopal ordination, if they had not received it already; and that none but priests, made such by Episcopal ordination, should "consecrate and administer the Holy Sacrament of the Lord's Supper." The Commons adopted these additions.

The Lords had also introduced some minor and some subsidiary enactments; and they added the two provisoes already alluded to. The first of them enabled the King to dispense with the use of the surplice, and with signing with the sign of the cross in baptism, in favour of incumbents who were in possession of their benefices on the 29th of May, 1660, and still remained so; provided that, in the case of signing with the cross, another minister should be allowed by the incumbent to do it, if the parents of the child to be baptized should desire it. The second proviso enabled the King to assign one-fifth of the income of any benefice to the support of any existing incumbent, whose non-compliance with the Act should cause a forfeiture.

The first proviso stated that the dispensing power contained in it was given

*in regard of the gracious offers and promises made by His Majesty before his happy restoration, of liberty to tender consciences, the intention whereof must be best known to His Majesty, as likewise the several services of those who contributed thereunto, for all whom His Majesty hath, in his princely heart, as gracious a desire of indulgence as may consist with the good and peace of the kingdom, and would not have a greater severity exercised towards them than what is necessary for the public benefit and welfare thereof.*

The Commons wholly rejected both these provisoes.

The Commons confined the renunciation of the Covenant to the next twenty years; and they supplied an accidental omission of the Lords, for translating the revised Prayer Book into

Welsh ; following the precedent of a statute of 1563-4, as to Queen Elizabeth's Prayer Book.<sup>1</sup>

The Commons considered whether they should debate the alterations which had been made in the revised Prayer Book ; and they determined, by 96 to 90, not to do it ; but they immediately passed a resolution declaring that they might have debated those alterations if they had chosen to do so.<sup>2</sup> No doubt, this resolution was passed to prevent the *possibility* of its being afterwards said that they thought themselves precluded from debating them, upon the ground of their having been approved by the Bishops, who were the revisers, or by the Convocations, or by the King. *The resolution, therefore, absolutely prohibits our supposing that they thought themselves precluded by the fact of the alterations having been sanctioned by the Convocations.* If the House *had* thought itself so precluded, it would have committed a grave error (as already intimated) ; because, inasmuch as every word of every form and every rubric is part of the Act of Parliament to which the Book containing them is annexed, the insertion of every word of every such form and rubric is the doing of the Parliament whose "act" it is ; whatever may be the advice or recommendation upon which Parliament proceeds. There is no reason, however, to suppose that the House of Commons, as a body, *troubled itself at all about the contents of the revised Book*, further than to ascertain that it was no more likely to be assented to by the Presbyterians than the Book which the Commons themselves had sent up to the Lords, as the Book to which they insisted that all existing incumbents should assent, upon pain of deprivation. A cursory glance at the revised Book would show that this was the case. There seems no evidence that any members of the House of Commons read the Book carefully at all. It is true that it was discovered, before the Book was returned to the Lords, that the word "persons" had, by mistake, been inserted instead of the word "children," in the Rubric about the safety of baptized children who die before they are old enough to commit actual sin ; but this discovery is more likely to have been made by the transcriber, Dr. Sancroft, than by a member of the House of Commons ; and if he found it out, he would ask some member to correct it. The rest of the sentence shows that the error was merely clerical.

These amendments, by the Commons, to the amendments of the Lords, in the Commons' Bill of Uniformity, were communicated to the Lords, in a Conference between the two Houses, on

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<sup>1</sup> See and compare the Forms of the Bill, in its different stages, as given by Swainson, pp. 29-46.

<sup>2</sup> See Swainson, p. 51.

the 5th of May, 1662. On this occasion, the Conference was managed, on the part of the Commons, by Serjeant Charlton, instead of Serjeant Keeling, the former manager; and very ably managed it was. The manager was the same Charlton who was afterwards known as Sir Job Charlton, Speaker of the House of Commons, made a judge of the Common Pleas by Charles II., and a baronet by James II.

The reason which the manager assigned, on the part of the Commons' House, for striking out from the Preamble the words, "tenderness of some men's consciences," was, that "the Commons were loth to give so much countenance to an abused phrase."

The Commons assigned, at great length, their reasons for "rejecting" the proviso for giving a dispensing power to the King as to the surplice and the cross in baptism. The most prominent of these reasons were as follows:—

"1. It is a proviso without precedent:

"2. It would establish schism:

"3. It would not gratify such for whom it was intended."

The manager for the Commons added:—

Those for whom it [the proviso] is intended . . . chiefly reject it upon these grounds [this ground] that things indifferent ought not to be enjoined, *which opinion* [he said] *took away all the weight of human authority, which consists in commanding things otherwise indifferent.*

As to the reasons given by their Lordships to the Commons [said the manager, meaning the reasons in the King's proviso], the King's engagement at Breda, as to tender consciences, . . . *it would be very strange to call a schismatical conscience a tender conscience.* . . . There could be no inference of any breach of promise in His Majesty, because that declaration had these two limitations, first, a reference to Parliament; secondly, such liberties to be granted only as consisted with the peace of the kingdom.

Several reasons were then assigned for rejecting the proviso for allowing a fifth to excluded incumbents.

The manager then said that he did, "from the House of Commons, desire their Lordships, that they would recommend to the Convocation the directing of such decent gestures, to be used in Divine Service, as was fit. *This suggestion had no reference to the Prayer Book*, and it came to nothing: it was intended merely to suggest to the Lords, that inasmuch as the Convocation of Canterbury were understood to have then received license to review the *Canons* (*ante*, p. 302), they should be recommended to insert in them some directions as to the behaviour of the clergy or laity, or both (it does not seem clear whether both, or which), at the time of Divine Service; probably upon the principle upon which the canons of 1603-4 had attempted to act, in giving some directions for the behaviour of all persons present at Divine

Service; it not then being understood, as it is now, how limited the force of canons is, and that, in particular, canons have no authority whatever over the laity, or their rights or behaviour.

The manager for the Commons then mentioned the clerical error of "persons" for "children;" and ended by "giving the Commons' *consent* that their Lordships should annex to the Bill that Book sent to the Commons by their Lordships."<sup>1</sup>

On the 8th of May, the Lords accepted *all* the alterations of the Commons, and corrected the clerical error which had been suggested; and thus the Bill of Uniformity, with the King's Book annexed, which the Commons called the Lord's Book, became ready for the Royal Assent: which assent the King gave, in solemn form, on the 19th of May (1662). It is not the immediate object of these observations to compare the King's conduct, in giving this assent, with his declaration from Breda, or with any of his other promises or obligations. It is well, however, to mention, at this place, that the King's uneasiness about his promises was manifested, not only by the proviso which he tried in vain to induce Parliament to insert in the Act of Uniformity, but by the engagement which he made, between the passing of the Act and St. Bartholomew's Day, to the London Presbyterian Ministers, that he would by his own (supposed) dispensing power, extend the time for conformity beyond that day; an engagement which he persuaded Lord Clarendon to contend that he was able to perform, although Lord Clarendon knew, *as he himself tells us*, that it could not be performed; which very distinctly appeared, when certain Bishops and lawyers attended a meeting with the King and Lord Clarendon, and showed that the Act had already given to the patrons of non-conforming incumbents a vested right to fill up the incumbencies immediately after St. Bartholomew's Day, in all cases of nonconformity before that time.<sup>2</sup>

These details conclusively show that the revision of the Book of Common Prayer was not an object desired by either of the two Houses of Parliament in 1661 and 1662, and that their only object as regards the Book, which was to be annexed to the new Act of Uniformity, was, that it should *not be less objectionable* to the Presbyterian incumbents than the Book already in force; and if they did take the trouble to compare the revised Book with the *unrevised* Book, *a single hour's comparison would be enough to show them that the old objections were all substantially retained*, and that there could be no possible use in examining the minute verbal alterations in the Services of only occasional use.

<sup>1</sup> Lords' Journals, as quoted by Swainson, pp. 52-61.

<sup>2</sup> See the second volume of Lord Clarendon's own Life, p. 143, &c. Oxford ed., 1827.

It would be seen that the only alteration which could have been intended to remove any objection of the "tender consciences" to the former Book, was the introduction of the word "the" before the word "Resurrection," in that part of the Burial Service which speaks of "sure and certain hope;" which made the expression ambiguous, without removing the objection.

On the other hand, the Prayer for the Clergy, in the Litany, was now restricted to "all bishops, priests, and deacons," instead of "all bishops, pastors, and ministers of the Church," which had been the form used in the Litany of the Book of Elizabeth, and of both the Books of Edward VI., the only Prayer Books hitherto set forth by Parliament.

The Calendar of Daily Lessons had also been made, now, to include two *additional* Lessons from the Apocrypha—namely, the history of Susanna and the Elders, and the Story of Bel and the Dragon.

In the new Prayer for the Parliament, King Charles II. was described as "most religious," at the very time at which his then living in adultery with Lady Castlemaine *was both open and notorious*; as we know from a great many entries in Pepys's Diaries.

It is impossible but that these things must have been painful trials to the "tender consciences," who were required to express their formal assent to them; *and it is perfectly obvious that they were wholly unnecessary.*

The obligation to "sign with the sign of the cross," in Baptism, was *continued* in the old Service for the Baptism of Infants, and it was *inserted* in the new Service for the Baptism of Adults.

The second half of the Catechism seems to have been now first added to the Parliamentary Prayer Book; although it is probable that it was inserted in the Book of 1604, called King James's Prayer Book.<sup>1</sup> Some new Collects for Sundays and Holydays were inserted in the place of old ones, and some additional unobjectionable forms were added.

The other variations from the Book of Elizabeth may, with truth, be said to be of not much more than verbal importance; but their number was so large, probably five hundred at least, that a great expenditure of time and attention was necessary to enable any one to judge whether they were objectionable or not. They varied slightly, the language of many of the Collects retained, and they altered the language of some of the Occasional Services and of the Ordination Services, in a vast number of small particulars, *so minute and so hair-splitting, as must be incredible, to any one who has not taken the trouble (which the*

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<sup>1</sup> See 2 Rapin, 163, note, folio ed.

writer of this account has taken) to alter the language of one book by substituting the language of the other.

To recapitulate the principles upon which it is earnestly desired that the questions stated at the beginning of these observations shall be investigated :

The circumstances attending the original enforcement of the Book of Elizabeth, which was now revised, and which was intended to be enforced in its revised shape, not only by the new Act of Uniformity, but by Elizabeth's own Act of Uniformity, *which was expressly kept on foot*, are most conclusive evidence that the constitutional principle upon which the nation enforces the use of a particular Service Book, in the national houses of prayer, is, that the nation, as a whole, quite independently of the assent or dissent of its Bishops and clergy, prescribes such Book and such directions for Service as it thinks fit. Nothing is more absolutely certain than that, when this was done at Queen Elizabeth's accession, it was done *not only without the concurrence of the Bishops and clergy, but in direct opposition to both of those orders*. This is not only one of the most absolutely certain facts of the history of those times, but it appears on the very face of Elizabeth's Act of Uniformity itself, which studiously omits, throughout, the concurrence of "the Lords Spiritual" in the enactment of its provisions, although it was as much the practice then, as it is now, to express the fact of the concurrence of "the Lords Spiritual and Temporal and Commons, in this present Parliament assembled." It is part of the very earliest constitutional instruction that every lawyer, and every statesman, gets, that this Act of Parliament is conclusive evidence to show that the concurrence of the Lords Spiritual is not necessary to any Act of Parliament, *and that the dissent of them all will not invalidate it*.<sup>1</sup> But the fact of their dissent is also conclusive to show that the consent of the Convocations of the Clergy is not essential to the passing even of an Act in which they may be considered to have a greater interest than in any other Act of Parliament; for the Lords Spiritual constitute the whole of the Upper House of both Convocations; and there is no pretence for saying that, in the absence of their assent, the Lower House of either Convocation could give an assent which could in any sense be called the assent of "Convocation."

If it were necessary to go back to pre-Elizabethan times, it would probably be found that there is no evidence of any such constitutional principle as that the assent of the two Convocations, or either of them, was necessary for any Act of Parliament at all, other than the *Parliamentary* taxations of its

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<sup>1</sup> See 1st Blackstone's Commentaries, p. 156.

Clergy, which, as before mentioned (p. 300), proceeded upon the basis of the *Convocational* taxation; but, in truth, it is neither necessary nor constitutional to go back beyond the *Elizabethan Act of Uniformity*. The great principle of that Act was, that, then, and for the future, the nation, by its Parliament, undertook the duty of prescribing the manner, the forms, and the terms, in which the public worship of the Almighty should be conducted; in opposition to the notion of allowing the ecclesiastical servants of the nation, whether they claimed to be independent of the nation or not, to prescribe to the nation how Divine worship should be conducted, and how all other Divine offices should be performed. No doubt, the nation, on that occasion, availed themselves of whatever clerical assistance they thought fit. They might have consulted all or any of the clergy, almost all Roman Catholics as they were, or both or either of those representative bodies of the clergy then in the habit of meeting for taxation; but if they had waited till the majority of the clergy, or of their two representative bodies, had approved of the Service Book which the nation adopted, the nation would have waited till this day.

*Nothing could be more simple or more obvious than this Elizabethan settlement upon which everything since has depended.* Nothing could be more honourable than the reciprocal relations in which the nation, on the one hand, and its ecclesiastical servants on the other, were to stand to each other. It was, in principle, the present constitutional relation of the Sovereign, on the one hand, and the nation on the other, as finally established by the Revolution of 1688—namely, a relation of reciprocal duties and promises. The great glory of a constitutional Sovereign is, to limit the exercise of his power within the bounds prescribed by the Constitution, and, while keeping within these bounds, to “preserve the people committed to his charge in wealth, peace, and godliness.” The glory of the nation, on the other hand, is to obey the Sovereign, in all respects in which the Sovereign’s powers can be constitutionally exercised; and to afford the Sovereign honour, emoluments, and affection, as the reward of the Sovereign’s constitutional conduct.

It is in no respect obligatory upon any man to enter the ecclesiastical service of the nation, any more than to enter any other branch of the nation’s service; but all national service is, necessarily, offered upon certain conditions; and if those conditions are accepted, they must be performed; and it is not competent to the person accepting them to assert that he alone has the right to construe them, a result which would be fatal to all the laws of every nation under heaven.

If it were established that the concurrence of the Convocations of the Clergy, or of either of those Convocations, is necessary

to any legislation affecting the order of Divine Service, or to the means of enforcing the existing national rights as to the conduct of it, the effect would be, to give to the Convocations a veto upon ecclesiastical legislation, equivalent to the power which the Crown has, of withholding the Royal Assent, and much more likely to be exercised than that Royal power is, and much more liable to unconstitutional abuse, inasmuch as it would be exercised without any responsibility; whereas the Ministers of the Sovereign may be impeached, if they acquiesce in the Sovereign's unlawful acts of State.

The possession of a veto, by the Convocations, upon all the ecclesiastical legislation of the Parliament, would *practically amount to giving to them the whole legislative power*, in all ecclesiastical matters; for it would be impossible but that some such matters would occasionally require legislation; and if the Convocations could put a veto upon it, by refusing their assent to it, *they could make whatever terms they pleased, as the price of withholding the veto, and giving the assent*; and that price might be, from time to time, such alterations in the public worship of the nation, and in other religious offices, and even in the Articles of Religion, as should, eventually, involve the whole power of prescribing the principles of religion and forms of public worship: *and thus the whole Reformation might be undone.*

The pretext for saying that, in matters affecting religion, the Convocations, and not Parliament, represent "the Church," by which seems to be meant, not only the clergy, but the nation itself, is probably derived from the declaration in the 139th of the Canons of 1603-4, which affirms that "the sacred Synod of this nation, in the name of Christ, and by the King's authority, assembled, is the true Church of England by representation"—a declaration absurd on the face of it, to any one who knows that the whole legislation of the country, from the accession of Queen Elizabeth (and even before) had proceeded on the assumption that the nation and the Church were absolutely *identical*; and not only absurd, but ridiculous, because it was a declaration of a body which was *self-elected, as far as the nation at large was concerned*, and yet presumed to declare that it represented the nation, which had had no share in the election of it, and had sent no representatives to it, and therefore was, in every sense, an absent body. To declare, in the absence of a body, that you represent it, when it has given you no authority to do so, is as great an absurdity as can well be supposed.

But what is "the sacred Synod of this nation"? This nation has had no such Synod since the days when Papal Legates were allowed to hold councils here. The English Constitution, since the Papal power in England ceased, knows of only one national Synod—namely, Parliament; but, evidently,

that is not the Synod which this canon calls national. The persons in whose name the canon speaks are merely a representative body of the beneficed clergy of the province of Canterbury. They are not even the clergy of the whole realm: nor do they represent the clergy of the whole realm. And even if the representative bodies of the beneficed clergy of the two provinces of Canterbury and York assembled themselves together in one Synod, they would derive no national authority from the fact of such an association; for the Constitution of the country recognizes neither the association nor the authority.

It is quite possible for inaccuracies of language to creep into authoritative documents, and even into Acts of Parliament; but such inaccuracies will easily be detected by comparison with those public documents which lay down fundamental principles; and one of the most clearly obvious fundamental principles which they do lay down, is the identity of the nation and Church of England; the consequence of which, necessarily, is, that "the Church," of which we have heard so much from pulpits, and read so much in books, as a body separate from "the State," or "the Realm,"—"bidding" us, "teaching" us, "instructing" us, "commanding" us,—is merely "the fabric of a vision;" and that the English Constitution recognizes but two Churches—namely, the "particular or national Church" of the 34th Article of Religion, which is identical with the nation, and the "Universal" or "Catholic" Church, which one of our prayers describes as consisting of "all they that do confess the holy name" of the Almighty, and another of them describes as "all who profess and call themselves Christians."

The national Prayer Book, with all its faults, few or many, real or supposed, is *our* property, as the people of the nation. What right can the Convocations of the Clergy have to take from us this Book, or any part of it, either by omission, alteration, or addition?

R. D. CRAIG.

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#### ART. IV.—MIDDLE CLASS EDUCATION.

MIDDLE Class Education is a very comprehensive expression; so comprehensive that many persons use it without realizing, in any practical sense, what it actually involves. No doubt, some vagueness must always attach to expressions which deal generally with social classification. Speakers and writers unwillingly fall into the error of Lady Georgiana, a charming hostess, who to some remonstrance