

LECTURE IX.

DEBATES ON THE AUTONOMY OF THE CHURCH, THE SOLE SUPREMACY OF ITS DIVINE HEAD, AND THE RIGHT OF ITS OFFICE-BEARERS UNDER HIM TO GUARD ITS PURITY AND ADMINISTER ITS DISCIPLINE ; QUERIES ON *jus divinum* OF CHURCH-GOVERNMENT.

IN my last Lecture I gave you an account of the Propositions concerning church-government and ordination of ministers, and the practical Directory for church-government, church censures, and ordination of ministers, in which the Assembly embodied the results of those sharp and tough debates which dragged their slow length along for wellnigh eighteen months. In the present lecture I propose to advert to controversies which emerged in the course of these debates, but which were afterwards brought up again and discussed more exhaustively. These were the 'scabrous questions' (as others than the Westminster Assembly have found) of the autonomy of the Church, the supremacy of its Divine Head, and independence of its officers in the administration of the

discipline of His house,—questions which divided the friends of Reformation in the Assembly and in the Parliament far more seriously than any of those previously discussed, and the differences on which I believe were one main cause why Presbyterianism was never fully set up in England.

In that country, perhaps more markedly than in any other, the way for the Reformation of the sixteenth century may be said to have been prepared by the civil power and the laity—by the sovereign and his great council or parliament restraining or opposing the abuses of the ecclesiastical and the papal powers. Even under the Norman and Plantagenet kings the contest began to be waged, though at times with very indifferent success. It was revived under Edward I., and still more resolutely under his grandson Edward III. As the Popes were then residing at Avignon, and generally creatures of the kings of France, with whom Edward was at war, the nation entered into the struggle almost as heartily as it had done into that for the defence of its *Magna Charta* when assailed by the Pope. Various statutes for the restraint of abuses, particularly the statutes of Provisors and Præmunire, were enacted and re-enacted in more stringent form. The former, passed in 1351, was meant to restrain the Pope from providing to benefices as they became vacant, or before they became vacant, and so

taking the appointments out of the hands of the electors,—the chapters of cathedrals and monasteries,—as well as out of the hands of the king and other patrons. This abuse had become much more prevalent since the papal court had taken up its residence at Avignon, and endeavoured to supplement in this way the revenues of its dignitaries. The abuse was more keenly felt when the papal provisions were, as they then often were, in favour of aliens and non-residents, sometimes in favour of natives of the country with which Edward was at war, and so the revenues destined to enable high officials suitably to discharge their functions, repair churches, and exercise hospitality, were drained from the kingdom and spent abroad. A further check was given to papal pretensions in 1353, when the statute of *Præmunire* was added, to make that of *Provisors* more effectual.

In 1365, certain arrears of the tribute imposed on King John, when he put his kingdom under the Pope, were refused, and the king was authorised to resist any attempt to enforce the payment 'with all the puissance of the realm.' Wyclif is supposed to have been present at that parliament,—by Lechler he is supposed to have been a member of it. To the last he continued to urge the civil authorities to resist the pretensions of the Popes, and is said to have counselled the

parliament of Richard II. (which re-enacted the statutes passed in the reign of his grandfather), that in the state of impoverishment to which the realm was then reduced, it might lawfully withhold from the Pope other sources of revenue which he had enjoyed from more ancient times. The earlier kings of the house of Lancaster, who owed their advancement to the throne very largely to the favour and influence of the prelates, not only yielded to their demands for increased powers to themselves, but withdrew from the contest with the Popes, and allowed the statutes above mentioned practically to fall into abeyance. Still these remained on the statute-book, and supplied the vantage ground from which Henry VIII. started on his wayward career, and was emboldened first to supersede Wolsey, then to strip his prelates of their independent or *quasi* independent jurisdiction, to reduce his clergy into subjection to his will, and finally to abolish the papal supremacy in his realm, and so to concentrate ecclesiastical as well as temporal supremacy within his dominions in the imperial crown. Probably the theory was, as Hallam and other constitutionalists contend, that this power was in the sovereign, as advised by his great council or parliament, and that ecclesiastical as well as civil regulations, intended permanently to bind the subjects of the realm, should have the assent of

their representatives, or that it was more entirely conceded to him, specially on account of his personal qualities. But whatever may have been the theory, the supremacy as a matter of fact, both under Henry VIII. and Edward VI., and again under Elizabeth, was generally claimed as the personal prerogative of the monarch, with which Parliament had no right to intermeddle, as if it belonged to the crown by a sort of right divine not only to judge in particular causes, but also to a certain extent to legislate, or without the consent of Parliament give validity to any ecclesiastical legislation proposed by Convocation. A *jus divinum absolutum* was claimed for the sovereign in matters ecclesiastical by many who would have scouted any similar claim in matters secular, and of course this *jus divinum* was more offensively asserted by many of those who, under the early Stuart kings, lent themselves to uphold their right divine more widely, and to justify their absolute and arbitrary procedure in matters civil as well as ecclesiastical. On the other hand, the more thoroughgoing Puritans who were opposed on principle to the absolute power and arbitrary actings of the sovereign in the State, were led on to question these in relation to the Church. Some of their leaders even in the reign of Elizabeth contended that the representatives of the nation in Parliament assembled should have a voice in

framing or sanctioning ecclesiastical laws, and pleaded with them to shield them from the queen and her ecclesiastical commissioners. At most they confined the supremacy of the sovereign to the judging of ecclesiastical causes according to the laws passed by Parliament, sometimes to the judging of these causes only in the last resort, and for the purpose of remedying what had been done amiss by the proper ecclesiastical tribunals. The spiritual sentences of these tribunals, and especially that of excommunication, they urged should not be pronounced by any lay judge or deputy, and they desired to see the old canon law superseded by some such *reformatio legum* as had been designed under Edward VI. Cartwright has been charged with expressing himself with almost papal arrogance as to the powers of the Church. His words were certainly incautious and ill-chosen, but they do not seem to me to imply more than that civil rulers in dealing with church causes must be guided by the rules laid down for them in the word of God, rather than by the rules of canon or of civil law. As Dr. Price has shown, it is only by separating the quotation¹ adduced from its

¹ 'It must be remembered that civil magistrates must govern it according to the rules prescribed in His word; and that as they are nourishers so they be servants unto the Church; and as they rule in the Church, so they must remember to subject themselves unto the Church, to submit their sceptres, to throw down their crowns before the Church; yea, as the prophet speaketh, to lick

context that it can be brought to bear the interpretation they have put on it. Other leading Puritans in somewhat later times, while personally owning the supremacy and the ecclesiastical commissioners who executed it, did not conceal their liking for a simpler, freer, and more independent government in the hands of the ministers and other office-bearers of the Church. Even the moderate men invited by the king to represent the party at the Hampton Court Conference ventured to complain of various abuses of the so-called ecclesiastical courts, and to urge the reformation of these abuses. Nor did they find the king professedly so hostile to their views about some of these abuses as about several of the other changes they asked of him.

the dust of the feet of the Church.' Here Hallam and others end their quotation, whereas they ought at least to have subjoined the explanation which follows: 'Wherein I mean not that the Church doth either wring the sceptres out of princes' hands, or taketh their crowns from their heads, or that it requireth princes to lick the dust of her feet (as the Pope under this pretence hath done), but I mean as the prophet meaneth, that whatsoever magnificence or excellency or pomp is either in them or in their estates and commonwealth, which doth not agree with the simplicity of the Church, that they will be content to lay down. . . . Otherwise God is made to give place to men, heaven to earth, and religion is made (as it were) a rule of Lesbia to be applied unto any estate of commonwealth whatsoever.'—Cartwright's *Reply to Whitgift*, p. 180. In short, he means very much what the Bohemians meant when they say in their Confession that magistrates 'coram Agno coronas deponentes una cum aliis regibus et sacerdotibus . . . spontaneam ipsi præsent obedientiam quo etiam Spiritus Sanctus . . . ipsos adhortatur. Psal. ii. 10, 11.'

The title of 'the only supreme head on earth of the Church of England' ascribed to Henry VIII., both by Convocation and Parliament, and retained by his son Edward VI., was formally abandoned by Elizabeth, nor, save from James himself and one of his flatterers at the Hampton Court Conference, do we hear more of the sovereign being a *mixta persona*. But it may be questioned if any real limitation of the supremacy was effected thereby. The Article of 1553 was, 'The King of England is supreme head in earth next under Christ of the Church of England and Ireland.' That of 1563 still asserted that 'The Queen's Majesty hath the chief power in this realm of England and other her dominions, unto whom the chief government of all estates of this realm, whether they be ecclesiastical or civil, *in all causes* doth appertain, and is not nor ought to be subject to any foreign jurisdiction.' Had the words in italics been left out, as they are in the Queen's injunctions,¹ the article would almost have satisfied the more advanced Puritans as being simply a denial of the jurisdiction claimed by the Pope. But, as it was, they desired to see more excluded from the sweep of the supremacy than 'the administration of the word and sacraments.' The first step towards this may be said to have been taken by Ussher in the Irish Articles, in which the words 'or the power of the

¹ Sparrow's *Collection*, pp. 68, 82.

keys' were added to those already mentioned, though the old statement regarding the supremacy was still retained. It remained for the Westminster Assembly to complete the work by leaving out this last, and adding to their statement of what the sovereign might not do a definite statement of what he might, in place of the general reference to the powers exercised by godly kings under the Old Testament, which had satisfied the framers of several of the earlier Reformed Confessions.

The course of matters on the Continent, at least in Lutheran states, was somewhat similar to what it was in England. Whatever Luther may have originally intended, there is no doubt that after the Peasant war he became very chary of encouraging popular government in any way, and ultimately lodged much of the power in matters ecclesiastical, which some were disposed to intrust to the people, in the hands of the magistrate, either simply in virtue of his civil office, or as being the natural representative of the unorganised Christian laity.¹ Ere long, this arrangement, occasioned by circumstances or necessity, was advocated on grounds of reason and Scripture, as being in theory also the best or the most legitimate one. This it was even outside the Lutheran church by Thomas Erastus, a physician and Professor of Medicine at

¹ See Schenkel's article *Kirche* in Hertzog's *Real-Encyclopädie*.

Heidelberg. In a treatise¹ on excommunication he maintained that the pastoral office was properly and only persuasive, and that the minister had not in virtue of his office any right to exercise ecclesiastical discipline, or to refuse admission to the most sacred ordinances to any one who claimed it. He might set forth the character and qualifications of worthy communicants, counsel, warn, and entreat those he deemed unworthy, but might not restrain or exclude them. That and all other disciplinary and coercive acts belonged not properly to the minister but to the magistrate in virtue of his office. This treatise was ably answered by Beza,² whose views were generally espoused by the Reformed Churches on the Continent as well as by the more advanced of the Puritans in England. Many of the laity, however, who sympathised with the Puritans, and a large number of the members of the Long Parliament, were strongly prepossessed in favour of the other view, and thought that the freedom of the laity from clerical oppression was bound up with the maintenance of the supremacy of the civil power, no longer represented by the

¹ *Explicatio gravissimæ questionis utrum excommunicatio mandato nitatur divino an excogitata sit ab hominibus.* It was written in 1568, but only published in 1589, after his death. It was translated into English in 1659 and again in 1844.

² *Tractatus da vera excommunicatione et Christiano presbyterio.* Londini, 1590.

sovereign alone, but by the Houses of Parliament, who in a sense claimed to represent the yet unorganised Christian laity of the kingdom.

In Scotland the course of matters had been very different from what it was in England, possibly before the Reformation, certainly from and after that crisis in the nation's history. Knox, while referring in his Confession to the examples of the godly kings under the Old Testament, and asserting in theory for the civil authorities extensive rights in the purgation and conservation of religion, yet in practice confined their rights within narrower and stricter limits, and did not hesitate when he deemed them wrong to act independently of them, sometimes even requiring them to receive the message of Jesus Christ as set forth by him and to regulate their procedure in accordance with it. From the first the General Assembly claimed to meet, as occasion required it should, for the good of the Church. From the first it claimed and exercised large powers of government and discipline. The statutes originally passed were no doubt more general than those which ultimately ratified its jurisdiction, but they were tolerably explicit, and pointed naturally in that direction which was afterwards more decidedly followed. I give below the Act of 1567, and place alongside of it the corresponding

Article and Act of the Elizabethan Convocation and Parliament :—

'The Queen's Majesty hath the chief power in this realm of England and other her dominions, unto whom the chief government of all estates of this realm, whether they be ecclesiastical or civil, in all causes doth appertain.' 'All such jurisdictions, privileges, superiorities, and pre-eminences, spiritual and ecclesiastical, as by any spiritual or ecclesiastical power or authority have heretofore been or may lawfully be exercised or used for the visitation of the ecclesiastical state and persons, or for reformation . . . of the same and of all manner errors, heresies, schisms, abuses, offences, contempt and enormities, shall for ever, by authority of this present Parliament, be united and annexed to the imperial crown of this realm.'

The import of the Scotch Act is as clear and unmistakable as are the declarations of the English Article and Act to the opposite effect.¹ If more

¹ This difference was asserted by those who pleaded the cause of Scotland in 1640 with their English brethren. 'The second error ariseth from not knowing our laws and so measuring us with your line. It is surmised to us that our enemies object that we have broken our civil and temporal obedience, and trenched upon

'Anent the jurisdiction justlie appertaining to the trew Kirk and immaculat spous of Jesus Christ . . . the king's grace, with advice of my Lord Regent and three estatis of this present Parliament, hes declarit and grantit jurisdiction to the said Kirk quhilk consistis and standis in preiching of the trew word of Jesus Christ, correctioun of maneris, and administratioun of haly sacramentis. And declaris that thair is na uther face of Kirk nor uther face of religioun, than is presentlie be the favor of God establisheit within this realme, and that thair be na uther jurisdiction ecclesiasticall acknowledgedit within this realm uther than that quhilk is and sal be within the same Kirk, or that whilk flowis thairfra, concerning the premisses.'

were needed to bring out the contrast the subsequent history abundantly supplies it. The attempt was actually made by King James in 1584, to secure to himself by statute the same powers as an English sovereign exercised in matters ecclesiastical. But in 1592, by the Act which is still deemed the charter of the Church, not only are her courts and their jurisdiction ratified, but the Act of 1584, authorising the appointment by the crown of commissioners in ecclesiastical causes, is declared null and of no force or effect in time to come, and it is expressly provided that the Act of the same year authorising the king and his council to summon all manner of persons *super inquirendis*, shall be no way prejudicial 'nor derogate any thing to the privilege that God has given to the spiritual office-bearers in the Kirk, concerning heads of religion,

the King's prerogative in Parliament by offering acts prejudicial to his Majesty's power such as anent the abrogating all civil power from bishops and churchmen, and rescinding all acts formerly made in their favour . . . the Act anent the restitution of presbyteries to their rights of admission, our declaration at the unexampled raising of our Parliament, or such like. We neither know nor will examine if according to your law these may be accounted derogatory to royal authority. But it is most sure and evident by all the registers and records of our laws . . . that they properly belong to the cognition of our Parliament, and that we have proceeded at this time upon no other ground than our laws and practice of this kingdom never before questioned, but inviolably observed as the only rule of our government.'—*Information from the Estates of the kingdom of Scotland to the kingdom of England, 1640.*

matters of heresy, excommunication, collation or deprivation of ministers, or any such essential censures specially grounded [on] and having warrant of the Word of God.' Thus the power of godly kings, according to Scottish law and teaching, was meant to be not privative, but cumulative of that of the office-bearers of the Church. It is only by ignoring these facts and assuming that Scottish law was similar to English, that some modern English historians can make out the semblance of a justification for James in his conflict with the Melvilles and the party in the Scottish Church of which they were the leaders. Whatever their failings and shortcomings, these men maintained with the cause of ecclesiastical independence that of constitutional liberty and limited monarchy, against absolutism and arbitrary power just as truly as the patriots of the Long Parliament and the Westminster Assembly. And though overborne for a time after the accession of the Stuarts to the English throne, their views had been reasserted not in word only but also in act. The whole of their second Reformation rested on the re-assertion of these views, and the restoration to their place of honour in the statute-book of those laws in which they were embodied. From the approbation of their proceedings expressed by the patriots of the South they were led perhaps too

readily to conclude that they agreed with them in their principles, or that it would be easy by a little more argument, and closer acquaintance, to bring them over to do so. They did not make due allowance for national antecedents, and different standpoints, and holding their views to be bound up almost with the *esse* as well as the *bene esse*¹ of a church, they urged them with a persistency and fervour which seemed overbearing to many of their lay friends in England. And if Baillie has not done them injustice, they had recourse at times to petty arts of diplomacy which, however they might have escaped observation or censure among their own countrymen, could hardly fail to be discovered and resented in the land of their sojourn by the acute and able statesmen with whom they had to deal, and so immeasurably to increase the difficulties of the work on which their hearts were set. Baillie restlessly wrote (vol. ii. pp. 179, 197, 252) to friends on the Continent to send testimonies or arguments in favour of the Scottish views to influence the Assembly and the Parliament, and sadly disappointed the good man was when the testimonies did not in every point come up to his expectations. He busied himself also in organising opposition in the city to the measures of the

¹ This question was set out for debate in the Westminster Assembly, but not formally decided in it. See *Minutes*, p. 220.

Parliament, and was still more sadly disappointed when this piece of artillery 'played nip-shot.'¹ Even one who deems the House of Commons mistaken can hardly fail to admire the pluck with which they stood the siege, or to wonder that a man so shrewd as Baillie should have hoped to overpower them by such arms, or to avoid raising against his countrymen and their cause the indignation to which Milton gave voice soon after with all the more scathing bitterness because of his personal differences with them and their friends on the question of divorce.²

But while regard to truth requires me to say thus much of the failings of my honoured countrymen, it gives me unfeigned satisfaction to be able

¹ *Letters and Journals*, vol. ii. p. 362.

² 'But we do hope to find out all your tricks,
Your plots and packing worse than those of Trent,
That so the Parliament
May with their wholesome and preventive shears,
Clip your phylacteries though baulk your ears,
And succour our just fears,
When they shall read this clearly in your charge
New PRESBYTER is but old PRIEST writ large.'

The 'Scotch What d'ye call' of the Sonnet Professor Masson rightly conjectures to be Baillie himself. And as another remarks the name of the sainted Rutherford has in it been consigned to posterity rhyming with civil sword. Their phylacteries were not broader than those of his own most cherished friends, nor their lives less truly Christian. The coarse charge of dallying with the widowed 'plurality' is even more spiteful. They were the first in England to refuse to give testimonials to ministers seeking institution to more than one parish. Several of them held a benefice in connection with a University chair, but that was a union of offices allowed in the Scottish, French, and Dutch

now to add that in their great works on Church-government published about the same time weapons more worthy of the mighty contest were supplied by Rutherford and Gillespie,¹ and that the letters and counsels sent from the Continent in answer to their urgent entreaties were not the only nor in my humble opinion the most memorable of those then addressed to the Church of England to encourage and counsel it in the work of reformation. I have adverted to one remarkable treatise already (p. 113), which appeared before the Assembly met, and was not altogether to the mind of the Scotch, though in this matter of the power of the keys its author came nearer to their views than to those of the English Parliament.² I cannot omit to mention another, which though put into its present shape at a later date to help on such a reformation as the English Puritans

Churches of that age who allowed no plurality of parishes. A number driven from their benefices in the country by the Cavaliers were, to preserve them from starving, admitted for a time to sequestered livings and lectureships in London, but as the country was pacified the number even of these was diminished, and more than one upbraided with this fault offered to resign if assured of the revenues of his own benefice.

¹ *The Divine Right of Church Government and Excommunication*, by Rutherford, and *Aaron's Rod blossoming, or the Divine Ordinance of Church Government vindicated*, by Gillespie, both published at London early in 1646.

² 'Hoc est, ni fallor vera sententia de potestate et ministris clavium quam probatam cupimus inclyto Cætui ut deinceps abrogato tribunali quod celsam Commissionem vocant et abusu curiarum episcopalium e medio sublato, Synedria Ecclesiastica non

desired in 1660, yet can hardly be doubted to embody views which its author held and expressed at this earlier date.¹ This is the *Parænesis ad ecclesias, nominatim Anglicanam, de optima ecclesiastici regiminis forma pie sollicitam* of John Amos Comenius, a bishop of the church of the Bohemian brethren, and the only one then remaining of those who had been driven out from their native land in the war of extermination waged against them in consequence of their election of the son-in-law of James I. to be their king. He is supposed to have been in England in the autumn of 1642 or spring of 1643, in intimate association not with the Scotch, but with Milton and their mutual friend Hartlieb. Of his relations with them, and his literary or educational activities, a full and interesting account has been given by Professor Masson in his life of Milton. But he does not advert to the Bishop's keen interest in and

alias infligant pœnas quam ecclesiasticas . . . Pastores arceant a communione peccantes, quin et intentent extremum illud fulmen excommunicationis, ut non obedientes censura . . . coram tribunali politico sistant.' As to lesser offences of which the laws of the state take no special notice, he says it belongs to the church courts to make strict inquiry 'nec quemquam admittere ad sacræ cænæ synaxin qui ea procul a se non abjecerit et veniam ex penitentia non impetraverit.'—*Consilium de reformanda ecclesia Anglicana.*

¹ The Latin letter of the Assembly was certainly sent to the Bohemian and Hungarian as well as to the nearer Reformed Churches. The *Ratio Disciplinæ Ordinisque Ecclesiastici in Unitate Fratrum Bohemorum*, to which in 1660 the *Parænesis* was appended, was certainly also published in 1643.

thorough acquaintance with the various phases of the movement for the reform of the English Church. Baillie, I think, must have known of these, and that probably was the reason he refused to encourage the Bishop's friend Dury to seek admission to the Assembly. And yet with all his divergences from the wishes of the Scotch and his leanings towards those of Ussher in regard to a reformed liturgy and combination of episcopacy and presbytery, he pronounces decidedly against the whole body of the ceremonies, and in the most importunate manner pleads for the restoration of the key of discipline as well as that of doctrine to the ministers of the Church.¹

The question of the autonomy of the Church came up first in the Westminster Assembly when its members were preparing the Propositions concerning Church-government, of which an account was given in my last Lecture, and it was then that

¹ He quotes Olevianus and Schlisselburgius as bearing mournful testimony to the sad state both of the Reformed and Lutheran churches in Germany through the want of discipline and the intrusion of the civil power into the ecclesiastical domain: 'Est Cæsareo-papatus confusio ecclesiasticæ et politicæ potestatis quâ domini politici . . . sub prætextu custodiæ utriusque tabulæ rapiunt sibi gladium spiritualem ac se dominos supra ecclesiam et ministerium constituunt.' This was as resolutely to be opposed as the 'Papa-cæsareatus,' the assumption of civil power by the Pope. It was to the apostles and their successors, the pastors of the Church, that the Lord had said, 'Ye are the salt of the earth. 'Ergo qui his ecclesiasticam disciplinam manibus excutiunt, salem eos sine sal-sedine esse volunt.'—*Parænesis*, p. iii.

that far-famed single combat between Selden and Gillespie¹ took place around which later Scottish tradition has thrown such a halo. Negatively the Propositions are against any human headship, or any right of the civil magistrate to rule in Christ's house. Positively they set forth Christ as the Head of the Church and Head over all things to the Church, who has given all officers necessary for its edification and the perfecting of the saints. These officers are enumerated, their functions described, and their power of rule and censure asserted. And while a subordination of courts, to whom a right of appeal belongs, is maintained, no mention is made of any right of appeal from them to the magistrate or to Parliament. There can be no doubt therefore that any power meant to be acknowledged as belonging to him, or it, must have been regarded as extrinsic not intrinsic, ἔξω not ἐσω τῆς ἐκκλησίας, *circa sacra* not *in sacris*. When these

¹ The manuscript Minutes coincide with Lightfoot's *Journal* in assigning Gillespie's speech not to the session of 20th but to that of 21st February. In Gillespie's own Notes it is introduced at the close of the account of the former session with the words, 'I reply,' not I replied, and may simply embody a brief outline of the reply he was to make on the following day. The reply made to Selden on the spur of the moment was that of Herle, who in 1646 succeeded Dr. Twisse as Prolocutor, and judging even from the fragmentary jottings preserved by Byfield, one cannot doubt that it was a very able reply. Gillespie and Young appear to have taken the evening to arrange their thoughts, and at next session made very telling replies, the former to the general line of argument, the latter to the citations from rabbinical and patristic authorities.

Propositions were being digested into the practical Directory for Church-government, it was proposed to insert a proposition describing the authority the magistrate might claim and the duties he was to discharge towards the Church: 'The civil magistrate hath authority, and it is his duty, to provide that the word of God be truly and duly preached, the sacraments rightly administered, church-government and discipline established and duly executed according to the word of God.'¹ But after debate it was resolved to waive this and some other propositions in reference to the discipline, and when they were brought up in reference to the Confession of Faith, the above was no longer the first proposition, nor even the first part of the third, and it was considerably changed in form. But the autonomy of the Church and the right of its office-bearers to the power of the keys is distinctly implied throughout that Directory, and especially in all that it inculcates as to the powers and duties of congregational elderships, classical presbyteries, and the superior Church courts. Before that Directory was completed, however, the Assembly deemed it their duty to bring under the notice of the Houses the great importance of speedy order being taken for 'the keeping of ignorant and scandalous persons from the sacrament.' Their petition has not been engrossed in

¹ *Minutes of the Westminster Assembly*, pp. 89, 224.

the Journals of either House, but that presented four days later in name of the ministers of London has been preserved in the Journals of the House of Lords, and as it was no doubt very similar I shall insert the substance of it in a note.¹ The effect of the petitions was such that the House of Lords at once passed and sent down to the Commons an ordinance 'concerning the admission of persons to the sacrament.' But the clause in it relating to the keeping away of the ignorant and scandalous was not to the mind of the Commons, and instead of passing it in terms so general they resolved to require a full enumeration of what these terms were meant to include, and to refer it to the Assembly of Divines to express the

¹ After a reference to the great things the Parliament had already accomplished, and the expectation of greater they had thus been encouraged to cherish, they proceed: 'Extreme necessity doth enforce us, with sad hearts, to present to your deep and pious considerations the dangerous and unspeakable mischiefs which like a flood break in upon us, and swell higher and higher every day, every man taking liberty to do what is right in his own eyes, because no ecclesiastical discipline or government at all is yet settled for the guarding of the precious ordinances of Christ, especially that holy sacrament of the Lord's Supper, from profanation and contempt, whence it comes to pass that God is much dishonoured, the tender consciences of many, both ministers and people, are offended, multitudes fall away into several and strange by-paths of separation . . . the pious ministers are extremely discouraged in their ministerial employments, [and] many that have formerly manifested good affections, being much wearied with long expectation, do daily withdraw both from the Parliament their orthodox ministers and from one another.' Immanuel Bourne is the first who signs in name of the London ministers.

particulars of that ignorance and scandal for which they conceive that some persons ought to be suspended from the Communion. This course, if not meant, as their opponents insinuated, mainly for purposes of obstruction, was at least inconsistent with that which they were content to follow in the case of the more serious censure of excommunication, and it was unfortunate in its issue for themselves even more than for the Assembly. The first answers to the reference do not seem to have been so detailed as the House desired, and the matter was again remitted to the Assembly. On their representation it was resolved that persons to be admitted ought to have a competent understanding of the doctrine of the Trinity, of the state of man by creation and by his fall, of redemption by Jesus Christ, and the means to apply Christ and His benefits, of the necessity of faith, repentance, and a godly life, of the nature and use of the sacraments, and of the condition of man after this life ; and it was once more remitted to them to state in detail 'what they think to be a competent knowledge of these things.' This they did without delay, and brought up on 1st April that terse statement which on the 17th was substantially passed by the Houses and embodied in their subsequent ordinance, and soon after made the basis of various catechisms intended to prepare the catechumens for the Communion. It

is worthy of more attention than for long it has received, and worthy especially of the attention of those who think some simpler statement of doctrine is needed than the Assembly have supplied in their confession and catechisms, and accordingly I shall insert it in the Appendix to these Lectures (Note L). During the months of April and May various communications passed between the Assembly and the House of Commons respecting a detailed enumeration of scandalous offences, but the new modelling of the army and other pressing business arising out of the war occupied the House so closely that summer, that the promised ordinance and regulations for suspension of the scandalous were left in abeyance. Accordingly, on 1st August, the Assembly presented to them a second and more urgent petition on the subject. The same petition was on the 4th of August presented to the House of Lords, and fortunately has been inserted at length in their Journals. I subjoin it in slightly abridged form :

After a brief reference to their former petition they express their deep sense of the burthen of the arduous and most pressing affairs which lay on the Houses, and of the fidelity, zeal, and self-denial they had shown in the right ordering of them. Yet considering how God had honoured them above all other Parliaments since the first reformation in putting it into their hearts to repair His house and bring it to farther perfection than at the first, and had blessed them with tokens of His favour, they venture to represent that there can be no more proper way of showing their

gratitude to God, nor any surer way to preserve His favour, than that the Houses and they should hasten to complete the service they had undertaken for His church. 'When we remember,' they say, 'that as formerly in times of reformation amongst the Jews sometimes the godly magistrates encouraged the Priests and Levites to promote the reformation by them intended as Hezekiah and Josiah did, and sometimes the Lord's prophets have in like manner encouraged the godly magistrates unto the same work as Haggai and Zechariah did ; so it hath been your often pious care to call upon this Assembly to hasten the work of the government of the Church (when by reason of great difficulties it staid longer in our hands than was expected by others or by ourselves desired), and withal you have been pleased to receive with much favour the humble desires of this Assembly, when out of the conscience of our duty both to God and you, we have at any time stirred you up by putting you likewise in remembrance of the same great and most necessary business.' 'We are by these considerations emboldened, yea even constrained with so much the more importunity, to renew our former humble petition for the keeping of all scandalous persons from this sacrament, and which we conceive, as in all the former respects, very necessary most reasonable and consonant to those things which have already passed the judgment and vote of the honourable Houses ; for if any scandalous sins deserve abstention, then likewise all other scandalous sins do lie under the same demerit, and by parity of reason should undergo the like censure. And this is certainly most conform to the general practice and judgment of the churches of God both ancient and modern ; for albeit there may be, amongst learned and pious men, difference of judgment touching the particular kind and form of ecclesiastical polity, and some particular parts and officers thereunto belonging, yet in this one point there is a general consent, that as Christ hath ordained a government and governors in His church, in His name and according to His will to order the same, so one special and principal branch of that government is to seclude from ecclesiastical communion such as shall publicly scandalise

and offend the Church of God, that thereby being ashamed and humbled they may be brought to repentance and glorify God in the day of visitation. Nor do we find that there hath been any great doubt or question made thereof in the Church, until Erastus, a physician, who by his profession may be supposed to have had better skill in curing the diseases of the natural than the scandals of the ecclesiastical body, did move the controversy.' The following are the reasons they assign for their urgency in this matter:—'As the conscience of our own ministry, and desire of comfortable continuance therein, and the care of all our brethren whose case is the same, and who from many parts mind us of our duty in their behalf; and as the discharge of that service to which we are by your authority called to present our humble advice in matters of this nature, do hereunto oblige us, so also the bond of our late solemn Covenant engaging us to promote the reformation of our church according to the Word of God and the example of the best reformed churches (both which we humbly assume to be with us in this particular), the longing desires of the godly to have this business settled . . . the great danger to the souls of scandalous communicants which both magistrates and ministers in their places should endeavour to prevent not only in some but in all scandals; yea, the very practice of heathens themselves who removed profane persons from their *sacra*: All these and the like considerations, not without the encouragement of these honourable Houses in accepting our former humble desires in this behalf, have at this time engaged us to renew our earnest petition to the same effect.'

This petition, any one may see at a glance, was the production not of ignorant enthusiasts, but of intelligent and thoughtful men, who could reason forcibly in support of their plea, and were in sober earnest in urging it. Some would have had it presented by the Assembly as a body, the more to mark their sense of its importance. But this

seemed to the majority to be too strong a step, and it was finally intrusted to the Committee, which drew it up, and to Mr. Newcomen, their Convener, who had probably had most to do in preparing it. One solitary member at least had opposed it, and in his thanksgiving sermon before the Commons, on 30th July, had expounded his views to more willing hearers than he had in the Assembly. This was Thomas Coleman, famed for his rabbinic learning and debating powers, who had been driven by the Cavaliers from his parish in Lincolnshire, and forced like many other ministers on the parliamentary side to take refuge in London, where he got the appointment to St. Peter's, Cornhill, one of the sequestrated benefices. He was chosen a member of the Assembly, and became even more decidedly than Lightfoot the champion of Erastianism in it. He specially opposed the clause in the petition 'of Erastus his learning,' and before it was given in had endeavoured to prejudice the House against it in the sermon he preached before them. On the day the petition was presented he was taken to task by the Assembly, and a committee was appointed to draw up a written representation on the subject to be sent to the House of Commons. Apparently before the report was finally adopted an opportunity 'of speaking was granted to Mr. Coleman, if he would voluntarily recant.' He refused to

admit much of what had been reported as having been really maintained by him. As to that which he acknowledged he maintained, it was his judgment though it might differ from that of the Assembly. He was sorry he had given offence by what he had done both to the Assembly and the Scotch Commissioners, and he promised that he would not add to the offence by printing his sermon. On Monday, when the Assembly held its next meeting, however, he requested the Assembly either to relieve him from his promise or 'to take order for the occasion,' and he protested that it be considered 'null and void.' He printed his sermon, and engaged in that famous controversy with Gillespie, respecting its views, of which Dr. Hetherington has given so detailed an account. I turn rather to another aspect of the contest. The conduct of Coleman, in preaching this sermon and printing it, notwithstanding the promise he had given not to do so, had probably quite as much to do with the further action of the Assembly as the unfavourable rumours which reached them as to the unsatisfactory form the ordinance was to take. A committee of ten of the members, assisted by the Scotch Commissioners, drew up a still more resolute, yet more importunate petition, which was duly adopted and presented by a large deputation, on 8th August, to the House of Commons, and on the 12th to the House

of Lords, in whose Journals it is recorded at length. It bears the signature of William Twisse, Prolocutor, and may be taken as evidence that he was still able occasionally to attend the meetings of Assembly, and to interest himself in their proceedings. Mr. White, who signed it as assessor, and presented it to both Houses, made a brief but hearty speech commending it to their earnest consideration. It asserts, even more resolutely than the previous one, the autonomy of the Church, argues the case with still deeper feeling of the importance of the issue, and pleads more importunately for a speedy and favourable settlement of the question. No nobler paper proceeded from the Assembly, nor could Twisse have closed his official career more worthily than by putting his name to it. At the risk of tediousness, I must quote from it at least in part. After reminding the Houses of what they had already done in a matter of so high concern, they say :—

‘ Our spirits within constrain us yet further humbly to beseech you in this particular ; and we hope it will not seem grievous unto you, if in conscience of that duty, which we as ministers, and more especially as met in this Assembly, owe to God, to His Church, and to yourselves, we are yet again humble and importunate petitioners in this thing ; seeing God is our record, and we hope it is manifest to your consciences that herein we seek not ourselves, or private interests, but the glory of God, the pure administration of His ordinances, the welfare of souls, and the peace and good of this whole nation. . . . We should not use this opportunity did we not firmly believe that what we

have desired and do desire herein is the will and command of our Lord Jesus Christ, who is the King and Lawgiver in His Church, and therefore we dare not but in His name ask it, and doubt not by His grace to obtain it of the Honourable Houses.' Were it not that they cherished such a hope their hearts would fail within them, 'for this poor nation,' and therefore as watchmen set on Zion's walls, they dared not hold their peace especially when they called to mind that the Honourable Houses had been pleased to bind themselves, and them, and the nation, in a solemn and sacred Covenant, wherein they had sworn to endeavour to remove and reform all that was contrary to sound doctrine and the power of godliness, lest they should become partakers of other men's sins, and be in danger to receive of their plagues. 'God,' they continue, 'hath greatly strengthened your hands against Popery, Prelacy, and superstition, and for the rest of these roots of bitterness which we have covenanted against, especially schism and profaneness, we know no better way of providing against them than this for which we now petition; which we are confident will (through the blessing of God) be the happiest means of healing the present and preventing future schisms, by removing out of the way that which hath been one of the greatest stumbling-blocks, and by reconciling all the godly in the kingdom, and will give much ease and satisfaction to weak and tender consciences, and which will give the greatest check to profaneness as sealing conviction upon the consciences of sinners most powerfully; for it is not to be imagined that our denouncing the terrors of the Lord against wicked and profane persons will prevail much upon their hearts, while they may (even as soon as they have heard that sermon) come and receive the sacrament, and therein, as they think, the seal of grace and salvation to themselves.' Then, taking up the charges and insinuations of their opponents, they boldly yet with all deference continue: 'We hope we shall not need to plead for ourselves that the power of keeping away scandalous and unworthy persons from the Lord's table, which Jesus Christ hath placed in the ministers and elders of His

churches (the free and peaceable exercise whereof we humbly desire may be confirmed unto them by your sanction), is not an arbitrary or unlimited power; for how can that power be called arbitrary which is not according to the will of man, but the will of Christ? or how can it be supposed to be unlimited which is circumscribed and regulated by the exactest law—the Word of God; which law, in case any shall transgress and abuse this power to serve their lusts instead of serving Christ in the exercise thereof, we have advised and humbly desire that superior Assemblies may be established amongst us, who may not only relieve the injured, but censure offenders according to their demerit. Nor is this power in the least measure (as we humbly conceive) inconsistent with the liberties of the subject, it being exercised wholly and solely in that which is no part of civil liberty—the sacrament—which certainly none can claim as he is a free-born subject of any kingdom or state, but as he is visibly a member of the Church qualified according to the rule of Christ. Only we crave leave to entreat you to consider that other Christian States, which are jealous of the encroachments of an arbitrary power, and very tender of their own just liberties, have granted the full exercise of the power of censures unto the elderships of their churches; yea, and among ourselves, power equivalent to this was intrusted to every single minister and curate in England as (in our humble apprehensions) appears both by the injunctions of King Edward the Sixth and by the injunctions and articles of inquiry of Queen Elizabeth, princess of famous memory, and by the late Book of Common Prayer and rubric before the sacrament; nor do we at present call to mind that any Christian prince or State whose heart God did incline to seek a reformation, as you have covenanted to do, and to establish a government according to the word, did ever deny this power unto the presbyteries in their dominions; and we trust God loves the Parliament and England so well as not to suffer them to be the first. Yet can we not (lest our own heart should smite us as not having done our duties to the utmost), but continue most humbly to advise and pray that ministers and

other elders may be sufficiently enabled to keep not only some but all such as are justly and notoriously scandalous from the sacrament of the Lord's Supper ; for should things be so ordered (which God forbid) that any wicked and scandalous persons might without control thrust themselves upon this sacrament, we do evidently foresee that not only we, but many of our godly brethren, must be put upon this hard choice, either to forsake our stations in the ministry, which would be to us one of the greatest afflictions, or else to partake in other men's sins, and thereby incur the danger of their plagues ; and *if we must choose one, we are resolved, and we trust our God will help us, to choose affliction rather than iniquity.*'

No more memorable petition was presented even to that memorable Parliament than that we have given above, so faithful, yet respectful, so cogent in argument, yet calm in tone, so importunate, yet truly dignified. It was altogether worthy of the occasion, worthy of the venerated divines whose official signatures it bore, and worthy of the great Assembly which all but unanimously indorsed it. If aught would yet have availed to make the Erastian lawyers and over-zealous sticklers for the rights of the laity pause in their course, this petition ought to have done so. But so wedded were they to their own views, and so careless of consequences, that it availed not even to defer the issue. On 19th August they passed and published Directions for the choice of Ruling Elders, and on 20th October Rules and Directions concerning suspension from the Lord's Supper in cases of ignorance and scandal, but with such haste that

on the 22d they had to order the copies which had been printed to be called in and suppressed as being erroneously printed. The deficiencies of the first as well as of the second were forcibly set forth in one of the petitions from the City ministers, transmitted through the Lord Mayor to the Houses on 20th November. These did not altogether 'play nipshot,' as Baillie has it. For on 20th February 1645-6 four resolutions, and on 26th two more supplementing the Directions of the 19th August were issued by the Houses, and on 14th March an additional ordinance for the suspension of the scandalous, not only, as it professes, correcting errors of the press and supplying defects in the former one, but changing some of its most important and what ought to have been its most carefully considered provisions—those, namely, by which it set itself in opposition to the Assembly and to many of the most devoted of its own lay friends, and substituted, instead of that court of Ecclesiastical Commission which it had abolished, commissioners of its own number to give directions to the elderships in cases not enumerated, and to receive and determine appeals from them. The ordinance of the 20th October had appointed only one body of commissioners, and these the members of both Houses that then were members of the Assembly, and apparently rather with the view that they should prepare matters for the Parlia-

ment than themselves decide them. The ordinance of 14th March, besides correcting a number of the defects in the former one pointed out in the London petition above referred to, substituted for the single body of commissioners formerly named, a body of commissioners in every province to be appointed by Parliament, who apparently were, in cases of discipline, virtually to supersede the synod of the province. It had been attempted in the first ordinance to give a sort of *quasi* ecclesiastical character to the commissioners, by confining them to the members of the Houses who were members of the Assembly. In the second the same end was sought to be attained by requiring in them all the qualifications required of ruling elders, viz., that they 'be men of good understanding in matters of religion, sound in the faith, prudent, discreet, grave, and of unblamable conversation, and such as do usually receive the sacrament of the Lord's Supper as members of a presbyterial congregation.' This was the last drop of wormwood in Baillie's cup. 'They have passed an ordinance,' he mournfully writes to Dickson in Scotland, 'not only for appeals from the General Assembly to the Parliament, for two ruling elders to one minister in every church meeting, for no censure except in such particular offences as they have enumerated; but also, which vexes us most, and against which we have been labouring this

month bygone, a court of civil commissioners in every county, to whom the congregational elderships must bring all cases not enumerated, to be reported by them with their judgment to the Parliament or their committee.' Hard had the good man laboured, wire pulling and letter writing, if haply the House of Lords might be persuaded 'to scrape out all that concerns the commissioners of shires, and put in their room the classical presbyteries to be reporters to the Parliament of all not enumerated cases of scandals.' But though Manchester the speaker resolutely opposed the obnoxious clause, the House by a majority of one decided to pass it. This troubled him and his friends exceedingly, but how to help it they 'could not well tell.' They were perplexed, yet not in despair. The Sectaries, the lawyers, and the Erastians had combined against them. They, the Assembly and the City, would make yet one more united effort to preserve their darling presbytery from the threatened discredit. The Assembly seems to have led the way, and their petition and remonstrance alone has found a place in the Journals of the Houses. On 20th March Mr. Marshall directed the attention of the Assembly to the recent ordinance which the Houses had passed after long and serious debate, and which they who had had the honour of tendering their advice would be expected to go before others in

helping to put in practice. While he blessed God for the zeal shown by the Houses in endeavouring to settle the government of the Church, yet he felt there were some things in the ordinance which lay heavily on his own conscience and the consciences of many of his brethren, and he urged the Assembly seriously to consider whether anything further could be done to set them right. After Mr. Vines and Mr. Seaman had briefly expressed their concurrence in his views, he and they and Mr. Newcomen, the convener of the former committee, were appointed to consider what in point of conscience might warrant their making once more their humble address to the Houses. The same day their report was presented, and with a few alterations approved of. The petition is a brief but pithy recapitulation of their former arguments and remonstrances. While thanking God for the many blessings he had made this Parliament his instruments to convey unto these poor kingdoms, and professing themselves thereby the more obliged to show all readiness to carry out their wishes so far as conscience permitted, yet, out of a sense of their duty to God, to the Parliament, and to the souls of the rest of their brethren, they felt constrained to represent in all humility and faithfulness that there was still a great defect in the enumeration of scandalous sins, and that the provision of commissioners to judge of scandals

not enumerated appeared to them so contrary to the way of government which Christ had appointed in His Church, that they dared not practise according to that provision, nor, considering the trust reposed in them, altogether hold their peace at this time. Therefore they humbly pray that the several elderships may 'be sufficiently enabled to keep back all such as are notoriously scandalous from the sacrament of the Lord's Supper,' affirming that it expressly belonged to them by divine right and by the will and appointment of Jesus Christ, and that by the help of superior Assemblies all inconveniences feared from maladministration may be prevented, and the magistrate 'to whom,' they say, 'we profess the Church to be accountable for their proceedings in all their elderships and church assemblies, and punishable by him with civil censures for their miscarriages, may be so abundantly satisfied of the equity thereof,' that they trust his heart will be moved by God to strengthen the hands of church officers in their duties, and even to command them to act zealously and faithfully in them. On Monday morning the Assembly in a body carried up the petition, which was presented by Mr. Marshall.¹ The

¹ The petition is reprinted in full in *Minutes of Westminster Assembly*, pp. 209, 210, 211. The remonstrances of the Scotch to the same effect and the surreptitious publication of their papers added greatly to the irritation of the Commons.

House of Commons did not take it in good part, and after it had in various sessions been discussed in grand committee and in the House, it was on 11th April resolved by 88 to 76 that the petition presented by the Assembly of Divines was a breach of the privilege of Parliament. A committee, of which Selden was a member, was appointed to state the particulars of the breach of privilege, and to draw up certain queries to be put to the Divines regarding the *jus divinum* of church-government. The statement was approved by the House on the 21st, and the queries on the 22d April, and a small committee was appointed to communicate 'in a fair manner' to the Assembly the vote of the House as to the breach of privilege, to enlarge on the several heads of the statement above mentioned, and to deliver the queries.

Seldom has the House of Commons put itself into a less dignified position than it did on this occasion. Willing to wound, yet afraid to strike, deliberately ignoring the other House of Parliament, and the large minority of its own members who were averse to its policy, it rushed into a conflict in which success could bring it no glory, and failure must bring certain discredit or dishonour. The sympathies of religious people—of all but the most splenetic of those who usually opposed them—could not fail to be drawn forth towards the men who under constraint of conscience

had stated in so calm and respectful terms their inability to act on the conditions which by a narrow majority had been fixed, and their determination to suffer rather than to be instrumental in carrying out what they believed to be wrong. If the thing itself was a mistake, the manner in which it was performed was far more decidedly so. It was not worthy of an English House of Commons in such a case to send delegates to say by word of mouth what themselves had not ventured to put on record. If their own isolated position and the general respect for the Assembly restrained them from dealing with the alleged offence as breach of privilege should have been dealt with, it should have restrained their deputies from representing it as even of a graver character than the House in its statement had ventured to assert, and as having made them liable to the penalty of a *præmunire*.

It was not till the 30th April that the deputies of the House of Commons appeared in the Assembly to fulfil their mission, and if one may judge of the tenor of their addresses from the fragmentary notes of their speeches jotted down by the scribe of the Assembly, and from the references made to them in the memorable speech delivered by Johnston of Warriston on the following day, he can hardly avoid coming to the conclusion that they displayed more annoyance and irritation than became so grave an occasion, and the whole action less fore-

thought and caution than might have been expected from men so well versed in the management of affairs. Sir John Evelyn spoke first, and apparently with most temper. After enlarging on the offence which the contents of their petition had given, and stating how it might warrantably have been dealt with had it come from any other quarter, he passed on to speak of the queries which he hints they had heard it said were sent to retard the settlement of church-government. That, he assured them, was not their object in sending them. The matters to which they related were worthy of serious consideration, and the opinions of the Assembly would be received by the House with due respect. But in coming to a decision they must be allowed the freedom of their reason, and liberty of judgment. 'The House of Commons,' he continued, 'is very sensible of the faithful and useful endeavours of yourselves, and though they had not been so often reminded of it they would not have forgotten it.' In conclusion he seems to have expressed a hope that these services were not now to be discontinued, or a breach made between them, and warned them that if there should, they would give occasion to all the world to say that as they had been willing to serve the Parliament for a while, so they wished the Parliament to serve them for ever after. The Parliament were not unwilling to submit their necks to the yoke of Christ,

for that was an easy yoke, and what proved to be a galling yoke was none of His. Mr. Fiennes, who made the next and what was probably intended to be the principal speech, showed more tact, while he expressed himself with no less decision. This address has been more fully recorded by the scribe, and I can find room for only a single extract. 'If an Assembly,' he says, 'so soon as a law is made, set a brand upon it as contrary to the will of God and mind of Jesus Christ and our Covenant, what can more stifle it in the birth, and make it of none effect? Can any man call that to be an advice, and not rather a controlling and contradiction of what was already done? Did the Houses of Parliament give any colour of power to this Assembly to give any interpretation of the national Covenant especially in relation to the making of laws? Not a particular member may speak against a vote without leave, and shall [you claim] not only to debate, but to arraign and condemn it, nay, to pass the highest doom upon it, that it is contrary to the will of God and the national Covenant . . . For any without authority to interpose their advice is to encroach upon that which is proper to the great council of the kingdom. How much more to set up judgment against judgment, *altare contra altare*, tie them up to a particular sense, and that under pain of breaking God's law and incurring the censure of breach

of Covenant.' Then, forgetting that what the Assembly had done was known only to themselves and the Houses, he proceeds: 'To arm the hands of the subjects against the authority and power of the Parliament every one knoweth what it is, and to arm the hearts and consciences against it is the next of kin to it, and the one but the high road to the other.' 'These things,' he says in conclusion, 'are not the ways of Englishmen, Christians, and ministers of Christ' (and here probably may have dropped out that reference to those of another nation to which we shall find Johnston alluding). 'We come to speak plainly to you and plain English. It is not in the thoughts of the House to disgrace or discourage you in your ministry.' Mr. Browne, who spoke next, enlarged on legal precedents as to such offences, and the penalty of *præmunire* which the House had not explicitly mentioned, and reminded them not only how the Pope had abused spiritual power, but how they had smarted from the abuse of it by others, forgetting apparently that all the worst acts of these others were done by them as Ecclesiastical Commissioners acting under the sanction of those statutes which gave ecclesiastical authority to the Head of the State. Sir Benjamin Rudyard spoke briefly upon the queries regarding the *jus divinum* of church-government, and the mode in which the House expected them to be answered, 'not by far-fetched

arguments which are commonly cold before you come to the matter,' but in plain and express terms. He had heard much spoken of 'the pattern in the mount,' but could never for his part find it in the New Testament.

They had been threatened with a *præmunire* by the king before they began their work. They were now told by the deputies of that House whom they had risked so much to serve that they had incurred that penalty. They must have listened with pain to the speeches, but they listened in silence. No angry word escaped them. No course of action was hastily resolved on. They read the paper which the deputies had left, and quietly adjourned for the day. Friends as well as opponents of the policy of the House of Commons have asserted that the queries were proposed *animo tentandi non ædificandi*. But the deputies protested the contrary. The Assembly took them at their word, and next day calmly proceeded to make arrangements for the work devolved on them.¹ It

¹ The queries left by the deputies, and the order of the House of Commons regarding them, are to be found at pp. 225 and 226 of the printed volume of the Minutes of the Assembly, the formal statement of their case against the Assembly at pp. 456, 457, and the speeches at pp. 448-456. The queries are subjoined.

'Whereas it is resolved by the House of Commons, that all persons guilty of notorious and scandalous offences shall be suspended from the sacrament of the Lord's Supper : The House of Commons desires to be satisfied by the Assembly of Divines in these Questions following :

'I. Whether the Parochial and Congregational Elderships

was proposed that as the cause was God's they should begin by seeking His guidance with fasting and prayer. The suggestion was agreed to, and Wednesday in the following week was appointed to be observed as a day of humiliation, Messrs. Palmer, Whitaker, and Case being named to lead their devotions, and Messrs. Cawdry and Arrow-smith to preach. As I am not to make further appointed by Ordinance of Parliament, or any other Congregational or Presbyterial Elderships, are *jure divino* and by the will and appointment of Jesus Christ, and whether any particular church-government be *jure divino*; and what that government is?

'II. Whether all the members of the said Elderships, as members thereof, or which of them, are *jure divino* and by the will and appointment of Jesus Christ?

'III. Whether the superior Assemblies or Elderships, viz., the Classical, Provincial, and National, whether all or any of them are *jure divino* and by the will and appointment of Jesus Christ?

'IV. Whether appeals from Congregational Elderships to the Classical, Provincial, and National Assemblies, or to any of them, and to which of them, are *jure divino* and by the will and appointment of Jesus Christ; and are their powers upon such appeals *jure divino* and by the will and appointment of Jesus Christ?

'V. Whether Œcumenical Assemblies are *jure divino*; and whether there be appeals from any of the former Assemblies to the said Œcumenical *jure divino* and by the will and appointment of Jesus Christ?

'VI. Whether by the Word of God the power of judging and declaring what are such notorious and scandalous offences for which persons guilty thereof are to be kept from the sacrament of the Lord's Supper, and of conventing before them, trying, and actually suspending from the sacrament of the Lord's Supper such offenders accordingly, is either in the Congregational Eldership or Presbytery, or in any other Eldership, Congregation, or Persons; and whether such powers are in them only, or in any of them, and in which of them, *jure divino* and by the will and appointment of Jesus Christ?

'VII. Whether there be any certain and particular rules ex-

reference to the work of that day I must not omit to mention here that the notes taken by the scribe of Arrowsmith's sermon show it especially to have been worthy of the occasion and of his reputation as a preacher and a devoted Christian. It had probably been intended that this proposal should be made by Lord Warriston to give the bold Scottish lawyer an opportunity of replying to the speeches of the previous day, but coming in late and finding it already made, he seems to have

pressed in the Word of God to direct the Elderships or Presbyteries, Congregations or Persons, or any of them, in the exercise and execution of the powers aforesaid; and what are those rules?

'VIII. Is there anything contained in the Word of God, that the supreme Magistracy in a Christian State may not judge and determine what are the aforesaid notorious and scandalous offences, and the manner of suspension for the same: and in what particulars concerning the premises is the said supreme Magistracy by the Word of God excluded?

'IX. Whether the provision of Commissioners to judge of scandals not enumerated (as they are authorised by the Ordinance of Parliament) be contrary to that way of government which Christ hath appointed in His Church, and wherein are they so contrary?

'In answer to these particulars, the House of Commons desires of the Assembly of Divines their proofs from Scripture; and to set down the several texts of Scripture in the express words of the same. It is *Ordered* that every particular minister of the Assembly of Divines, that is or shall be at the debate of any of these Questions, do, upon every Resolution which shall be presented to this House concerning the same, subscribe his respective name, either with the affirmative or negative, as he gives his vote: And that those that do dissent from the major part shall set down their positive opinions, with the express texts of Scripture upon which their opinions are grounded.'—*Journals of House of Commons*, vol. iv. pp. 519, 520.

delivered as two speeches what he had written out and afterwards sent down to the Commissioners of the Assembly as one. This has been inserted in the records of the Commission of the Scotch Assembly, but has never been published save among the reports given in to the General Assembly of the Church of Scotland in 1879, and as it gives a much clearer view of his argument than the desultory jottings of the scribe of the Assembly I subjoin it in a slightly abridged form :—

‘MR. PROLOCUTOR,¹—I am a stranger. I will not meddle with Parliament priviledges of another nation nor the breach thereof ; but as a Christian under one common Lord, a ruling elder in another Church, and a Parliament man in another kingdome, having a commission both from that Church and State, and at the desire of this kingdome, assisting to your debates, I entreat for your favour and patience (seeing at all tymes I cannot attend this reverend meeting according to my desire) to express my thoughts of what is before you. In my judgment that is before you w^{ch} concerns Christ and these kingdoms most, and above all, and w^{ch} will be the chieftest mean to end or continew these troubles. . . . I can never be persuaded they were raised or will be calmed upon the settling of civil rights and priviledges either of King or Parliaments, whatsoever may seeme to be our present successe. But I am convinced they have a higher rise from above, for the highest end—the settling the crown of Christ in this island to be propogat[ed] from island to continent. Untill King Jesus be set down on his throne with his sceptre in his hand I do not expect God’s peace, and so no solid peace from men in these kingdomes ;

¹ It is entitled in the records of the Commission ‘Lord Warristoun’s Speech to the Assembly of Divines in England in Answer to Sir John Evelyn and Nath[aniel] Fiennes, concerning the Breach of Priviledge.’

but that soveraigne truth being established a durable peace will be found to follow y^rupon.'

'I was glade to hear the Parliament professe their willingness to receive and observe whatsoever shall be shewne from the Word of God to be Christ or his Church their right and due ; albeit I wes sorrie to see any in the delyverie of [their message] to intermix any of y^r own personall asperity, any aspersion upon this assembly or reflection upon another nation ; so I believe in this day of law for Christ in which justice is offered, if ye get not right it will be counted your fault, in not shewing His patent from His Father and His Church's patent from him. [Now they have laid it on your shoulders, it lies at your door.]

'Sir, all Christians are bound to give a testimony to everie truth when they ar called to it ; but ye ar the immediat servants of the Most High—Christ's *precones* and heralds, whose propper function is to proclaim his name, preserve his offices, and assert his rights. Christ has had many testimonies given to his propheticall and priestly office by the pleading and suffering of his saincts ; and in thir latter dayes he seems to require the samyne unto his kingly office. A king loves a testimony to his crowne best of any, as that w^{ch} is tenderest to him ; and confessors or martyres for Christ's crowne ar the most royal and most stately of any state martyrs ; for although Christ's kingdome be not of this world, and his servants did not fight therefor when he wes to suffer ; yet it is in this world, and for this end was he born. And to this end that we may give a testimony to this truth amongst others were wee born ; nor should we be ashamed of it or deny it but confesse and avouche it by pleading, doing and suffering for it, even in this generation, w^{ch} seems most to oppose it and y^rby require a seasonable testimony. But in a peculiar way it lyeth upon you, sir, who hes both your calling from Christ for it and at this time a particular calling from man. It is that w^{ch} the hon^{ble} houses requires and expects from you especially at such a time when the settlement of religion depends y^rupon, and when it is the verie controversie of the tyme τὸ κρινόμενον. And the civil magistrates not only call you before them to averre the truth

therein, but also to give you good examples, comes befor yow out of the tendernes of y^r civil trust and dutie to maintain the priviledge of Parliament by the covenant, and for respect to yow to give a testimony asserting of y^r civil ryghts and priviledge, and to forewarn you least yee break the samen and incurre civil *premoneries*. Sir, this should teach us to be as tender, zealous, and carefull to assert Christ and his Church their priviledge and right, and to forewarn all least they endanger y^r souls by incrotching y^r upon, . . . that Christ lives and reigns alone over and in his Church, and will have all done therein according to his word and will, and that he hes given no supreme headship over his Church to any *pope, king, or parliament whatsoever*.

‘Sir, ye are often desired to remember the bounds of your commission from man and not to exceed the samen ; I am confident you will make as much conscience not to be deficient in the discharge of your commission from Christ. But now, Sir, ye have a commission from God and man (for the w^{ch} ye have reason to thank God and the Parliament) to discuss the truth that Christ is a king and hes a kingdome in the externall government of his church, and that he hes set down the lawes and offices and other substantialls y^r of. Wee must not now before men mince, hold up, conceal, prudentially waive anything necessary for this testimony, . . . nor quit a hoofe, or edge away an hemme of Christ’s robe royal. These would seem effects of desértions, tokens of being ashamed, affrayed, or politikly diverted, yea *gradus denegationis Christi*, and all these and everie degree of them, sir, I am confident, will be verie farre from the thoughts of everie one heir, who already by their votes and petitions, according to y^r protestation at y^r entry, have shewn themselves so zealous and forward to give their testimony, albeit they did easily foresee it would not be verie acceptable to powers on the earth. . . .

‘Truely, sir, I am confident ye will never be so in love with a peaceable and external possession of anything that may be granted to the Church as to conceale, disclaime, or invert your Master’s right. That were to lose the substance for the circumstance, to disserve and dethrone Christ to serve

yourselves and enthrone others in his place. A tennent doing so to his overlord forfaults all. Who speaks for civil liberties would never so undo them ; ye ar commandit to be faithful in little ; but now ye ar commandit to be faithful in much. For albeit the salvation of soules be called *cura curarum*, the wellfare and happiness of the Church made up of these is farre more. But the kingdome of Christ *est quid optimum maximum*, and to have it now under your debate, as it is the greatest honour God can bestow upon an assembly, so is it the greatest danger, for, according now as God shall assist you or desert you, ye may and will be the instruments of the greatest good or evil on earth. . . .

‘Sir, some may think ye have had a designe in abstaining so long to assert the divine right of church-government, and now to come in with it. Truely, Sir, I look on this check as from ane good providence for your great sparingnes and absteinensies in that poynt, and must beare witness to many passages of God’s good hand in not suffering us to make a stand of our desires concerning religion, either in Scotland or heir, albeit we have oft set downe measure to ourselves. But he hes as often moved us step for step to trace back our defections, and made the last innovation a besom to sweepe out the former, and the king’s refusall to be a mean to engage us in covenant with himself and others. . . . By this good hand of God and for this end I hope these queries ar brought to you at this time.

‘Sir, your serving the Parliament a while, I am confident hes bene and will be still, not that they may serve yow who hes *ministerium, a quo absit dominatus, sed cui adsit autoritas*, as over us in the Lord, but to serve the Lord Jesus Christ ; and that Parliament will glorie more in y^r subordination and subservience to him nor in their empire or command over the world.

‘Sir, we may heare much of breache of priviledge and covenant in relation to civile rights. Let us remember in the covenant the three ends in the title and preface, three maine duties in the body, and the thrie effects in the close. The covenant begins with the advancement and ends with the enlargement of the kingdome of Christ as the sub-

stantiall and overword of the whole. The first article of the sevin is Christ's article, lyke *dies dominica* in the week, all the rest ar *in Domino*, and subordinat y^runto, and *subordinata non pugnant*. And certainlie so judicious and happy, so protesting, covenanting, declaring, so doing and suffering a Parliament, for reformation will never claime anything as a civile priviledge or right w^{ch} ye will demonstrat to be proper to Christ's kingdome as distinct from the kingdomes of the earth. Christ's throne is highest, and his priviledge supreme as only head and king of his Church, albeit kings and magistrates may be members in it. There is no authority to be ballanced with his, nor post to be set up against his post, nor the altar of Damascus against his altar, nor strange fire against his fire, nor Corahs to be allowed against his Aarons, nor Uziahhs against his Azariahhs. Is it so small a thing to have the sworde that they must have the keyes also? *Quæ Deus sejunxit homo ne jungat*. 'And truly, sir, I am confident that parliament, citty, country, both nations will acknowledge themselves engaged under and to this authority, and as they would not be drawn from it, so ye will never endeavour to draw us to any other authority; and whatsoever reflection to the contrary wes insinuat by the delyverer of the message, I cannot but imput it to personall passion, w^{ch} long ago is knowne to the world. But we will never beleeve the hon^{ble} house would allow therof, as farre beneath their wisdome and contrare to your merite.

'And now, sir, seeing the quæries ar before you, I am confident that whatsoever diversity of opinions may be amongst you in any particular, yee will all look to and hold out the maine, Christ's kingdome distinct from the kingdomes of this earth, and that he hes and might appoint the government of his own house and should rule the samen; and that none of this Assembly, even for the gaining their desires in all the poynts of difference, would by y^r silence, concealment, and connivance weaken, communicat, or sell any part of this fundamentall truth, this sovereign interest of Christ, and that ye will all concurre to demonstrate the samen by clear passages of Scripture, necessarie consequences y^rfra, w^{ch} can

no more be denied or esteemed cold nor the letter itself, and by the universall constant practice of the Apostles, w^{ch} ar as cleare rules unto us as any human lawes, inferences, and practises ar or can be brought for any civile priviledges.

‘Sir, I will only close this by reminding yow of two passages of your letter, sent by order of the House of Commons to the Generall Assembly of the Church of Scotland, that ye will sett out such a discipline as to the utmost of your power ye may exalt Christ, the only Lord over the Church his own house, in all his offices, and present this church as a chast virgine to Christ. And for this end that ye were not restrained by the Houses in your votes and resolutions, nor bound up to the sense of others, nor to carry on privat designes in ane servile way ; but by your oath new formed against all fettering of your judgments, and engaged y^rby according to the Houses’ desire, to use all freedome becoming the integrity of your conscience, weight of the cause, and the gravity and honour of such an Assembly.’

Heartened and cheered by the speech of Lord Warriston, and feeling they had a noble cause to maintain, the Assembly resolutely set themselves to their Herculean task, and for eight weeks they laboured at it zealously and uncomplainingly. Most of the replies had passed through the committees, and a considerable part through the Assembly, but, as had been anticipated by many, it proved to be a very tedious business and threatened to divert them too long from more pressing work. So when, through the mediation of the City, a better understanding had been restored between the House of Commons on the one side and the Assembly and the Scottish Commissioners on the other, and a third ordinance had been passed by

Parliament withdrawing the obnoxious Provincial Commissioners, and substituting in their room the Parliament itself or a grand committee of the two Houses, the London ministers, though not fully satisfied, consented to act under the Ordinance, and the Scotch Commissioners, while urging yet further concessions, agreed to refrain from insisting on them as a condition of continued amity. The House of Commons, whose members had all along protested that they were not opposed to godly discipline, but only wished it to be 'rightly jointed with the laws of the kingdom,' issued an order for hastening the Confession and Catechism, which was regarded as a warrant for postponing the other work. This work, however, there is reason to believe, was not lost, but supplemented and expanded by some of the London ministers, it made its appearance before the close of the year¹ in certain parts of the *Jus Divinum Regiminis Ecclesiastici*, much to the indignation of several members of the House of Commons. The answers to the queries were, with consent of the House, resumed by the Assembly in 1648 after it had finished its Confession and Catechisms, and had no other special work to do. But the minutes after that date are so brief that only a few entries are made on the subject, and we do not know if the work was ever formally completed. The final Ordinance of Parliament on

¹ Answers to the queries had appeared in June 1646.

church-government, embodying and supplementing or making permanent the former ones, still contained the clause authorising appeals from the Church courts to Parliament, but I have found no evidence that any such appeal was ever made. The London ministers in fact, in agreeing to organise under the Ordinances of 6th June 1646, had published their resolution 'to practise in all things according to the rule of the Word, and according to these Ordinances so far as they conceive them to correspond to it, and in so doing they trust they shall not grieve the spirit of the truly godly, nor give any just occasion to them that are contrary minded to blame' their proceedings.¹

It was during these anxious months in the spring and early summer of 1646 that those far-famed debates on the independent government of the Church took place which are recorded at considerable length in the Minutes of the Assembly.² The proposition 'That Jesus Christ as King and Head of His Church, hath appointed an ecclesiastical government in His Church distinct from the civil government,' was first tabled for discussion on Friday 6th March 1645-6, while the Ordinance for Provincial Commissioners was being elaborated in the Houses. It does not seem to have formed

¹ *Considerations and Cautions* from Zion College, 19 June 1646.

² See *Minutes of the Assembly*, pp. 193-203, 424-432.

part of the original report on the Church, as it had been brought up on Thursday, and Coleman, before opening the discussion on the following Monday, 'moved to pass the proposition brought in by the Committee which would pass without any question,' and once again in the course of the debate he renewed his proposal. But it was not agreed to by the Assembly. So with all the zest of a keen and practised debater he set himself to the discussion of the proofs adduced in support of the proposition, and for several days bore the brunt of the battle almost single-handed. The arguments were based chiefly on Matt. xviii. and I Cor. v., and were proposed in syllogistic form, and long and tough were the encounters between him on the one side and Rutherford and Gillespie on the other. Others spoke occasionally and briefly, but these were the combatants in chief, and on them all eyes were fixed. At length, on the 18th, when the Assembly called to the order of the day, Mr. Coleman was not present to continue the debate, but some members of the House of Commons, who were desirous to elicit further explanations from the Divines, continued it for a time, and it was again adjourned. Next day it was reported that Mr. Coleman was ill, and two of the members were deputed to visit him. The following day one of these reported that he had fulfilled his commission, and found that Mr. Coleman was very ill, but

returned his thanks to the Assembly for their kind inquiries, and expressed his desire to be further heard in the argument, and to have the debate adjourned till he was able to return. They complied so far with the request of their dying brother, and it was not till, on 30th of March, they had followed his body to the grave that they resumed the debate. It was carried on more languidly by Lightfoot and some members of the House of Commons throughout the month of April, and then was merged in the wider debate raised by the queries of the Commons. After further discussion, the proposition was on 7th July passed as part of the answer to the first query, fifty-two voting for it, and Lightfoot alone against it. On 26th September it was with some slight verbal changes passed as the first section of chapter xxx. of their Confession. That chapter was not passed by the House of Commons, nor does it have a place in the Independent or the Baptist recension of the Confession. But it is retained by all the Presbyterian churches which receive the Confession as it came from the Assembly, and is held in honour by them.

Thus, through calm and storm, in sunshine and in shade, the Divines held on the even tenor of their way, and whatever may have been intended by some 'who were not overloving of any, least of all of these clergymen,' they were not in point of fact brought into disgrace or discredit at the time,

nor have they been so subsequently on account of their firm but dignified and respectful protest against the Erastianism of so large a section of the House of Commons.

Before these debates came to a close, the first civil war had virtually ended. The relief of Gloucester (p. 178) was, according to Mr. Green, the turning-point in the struggle, and, though after that occasional blinks of sunshine came to raise the sinking spirits of the Cavaliers, things on the whole went steadily if slowly against them. The victory of Marston Moor broke their power in Yorkshire, that of Philiphaugh crushed Montrose in Scotland, and that of Naseby did the same for the King and Prince Rupert in the heart of England. As the Parliamentary forces prepared to close round Oxford, the king escaped to the Scottish army before Newark, and on the surrender of that place retired with them to Newcastle. There one more earnest and prolonged attempt was made to bring him to terms. Henderson wore out his sinking strength in the thankless service. He and Blair, with the nobles and officers, besought the infatuated monarch, with tears, to yield to the wishes of his people. But all was in vain, and with sore hearts and sad misgivings they left him in the hands of the English Commissioners, and took their departure from a land where they were no longer welcome guests.