

The Rights and Liberties of the Church: Viewed in Relation to the Present Controversy

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The Rights and Liberties of the Church

by Samuel Kettlewell

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Address:

HardPress

8345 NW 66TH ST #2561

MIAMI FL 33166-2626

USA

Email: info@hardpress.net

PREFACE.

RECENT events have led to many inquiries being made into matters connected with the Alliance of Church and State, and into what are the fair and equitable demands, which those who do not belong to the Church may reasonably make as subjects of the same country and government with those who do. A necessity has been laid upon our countrymen generally to consider and examine these matters for themselves more fully and attentively. And as they are such as will most assuredly engage the public mind for some time to come, there seemed to be a want of some work which would afford such information and evidence upon the questions which are mooted, and likely to be, as was needed, and in such a manner as not only to interest the reader, but to convey an accurate and faithful representation of things, and the principles on which they were transacted or performed; so that those who wished to inform their minds upon the records of the past as they bear upon the questions of the day, or to refresh their memory and have these matters brought before them in some concise order, might form their own conclusions, independently of the views or deductions which the writer has thought fit to make as naturally arising, in his view, from a consideration of the facts and principles set forth in the work.

It was useless to look for this kind of information in smart newspaper articles, nor was it to be expected that they could be able, in the short space allotted to them, and amid the many subjects of passing interest that called 'for their remarks, to do more than give an occasional glance at the matter, and touch upon a few points which must be briefly stated without reference to authority. Nor yet was it in the character of the more lengthened reviews in our magazines to enter so fully as was desired upon the many matters which are necessarily comprised ' in the endeavour to gain a complete view of the subject, such as the present controversy demands.

Besides, there were so many statements, and views, and opinions expressed, so utterly opposed to one another, in the brief articles and reviews which have been put forth, that the minds of many have been completely bewildered, as to the right view which they ought to take of these much controverted questions; and what a respected layman said, not long since, expresses quaintly, yet forcibly, the state of the public mind generally, at the present time, " we are all at sea on these matters, why don't you give us some more definite information." There have been so many different assertions, unsupported by facts,—so many inferences drawn and laid down as correct, without any reference to historical proofs,—so many principles of action advanced as sound and true, unsupported by authority, justice, or common sense, even when fairly applied, that men have become confused, some misled, and others are waiting, and anxious to look into those matters more closely, before they fully make up their minds as to the side or stand they take. What is wanted is some sufficient data, some definite evidence, some authority of weight, some sure rules to guide them, by which and upon which they maybe able to form their own judgment. There is a strong desire, at the present time, among an increasing class of individuals, to look into these things for themselves,—not to have a second-hand judgment,—one merely founded upon what this man says or what another may say,—not to be satisfied with the dimwit of any one upon important matters, unless it be sufficiently proved and borne out by some authentic reference.

There is good reason for this course, and to a certain extent it is wise, - and knowing this, as well as feeling how desirable it is for the forming of a right judgment, there has been an endeavour in the following work never to advance any view, principle, or claim, without having it well supported. This will account in a great degree for the many quotations from authors of known standing, for the frequent reference to historical facts, and for the statements which are often made from

ancient records. When men have these to look to,—to weigh over in their own minds, to rest upon, and to fortify themselves with, they are enabled to be more sure of the ground they take, and are less liable to err. And it is because men have neglected to do this that they have often formed a wrong judgment and been led into error. Beside a man must be better satisfied with the nature and bearings of any important matter when he has investigated it for himself, and has not to depend so entirely upon the opinions or judgments of another. Nor is he rightly a man of judgment until he learns to do this, in some measure for himself.

The subject we have discussed in the following work, is in itself of the deepest interest to the reflecting earnest mind; it will amply repay an attentive consideration, and it embraces many points of great moment, which will be the basis of many future controversies, both in Parliament and general society. Furthermore there is no religious person, whether in the Church or out of the Church, but must feel deeply concerned in the issue of the questions mooted, and in the controversies that will arise respect— inf the (so-called) Establishment of the Church, and who will not, in some measure, feel that a responsibility rests upon him, to take a part and support the cause of truth.

Whilst endeavouring to go straight to the mark, and to keep to the pith of the subject, there were many questions to take up which in themselves involved much research, but which bore directly upon the main subject, and without investigating which we should not have been able to get a clear and correct view of the rights and liberties of the Church.

The plan which has been adopted in the present work has been, first to consider the present state of things in which we are now living; how we have been brought to them, what are the needs and requirements of the contending parties on both sides,—whether they could not be amicably settled without injury to either, and what it is that prevents such a settlement. This led to the inquiry into the several views held by Churchmen on the relation of Church and State; then to the consideration whether it be wise or advisable, in the present state of religious differences, for the State to make a distinction between the several bodies, or even well for the Church that it should be established as at present. The question is then taken up that it involves a surrender of many of the very necessary rights and liberties of the Church, and that a restoration of these were most desirable, even should we have to make some sacrifice. This brought us to consider what were the inherent rights and liberties of the Church, such as she possessed from the first, such as were enjoyed in the primitive ages of the Church, and even for a long period after the Church was established by Constantine. Some of these rights and liberties were distinctly proved as having been possessed by the Church without any uncalled for interference by the State or civil powers. Such were the rights of the Church to make her own laws, to regulate her rites and ceremonies, to enforce discipline and to correct offenders, to elect her own Bishops, to make new dioceses, and generally to manage her own affairs; as also the right of the laity to have a voice in most of these matters concerning the interests of the Church,

It then became necessary to consider how far the ancient Church in these realms enjoyed these rights and privileges; and then as we descended to the time of the Reformation, how the rights and liberties were gradually encroached and seized upon—both by the civil power, and the foreign potentate at Home. At the Reformation we have traced our gradual deliverance from the usurpation and errors of the latter named power: and then how the Church in her defenceless condition was afterwards mercilessly treated by the State,—and still withheld from the exercise of many of her just rights and liberties. But here we enter upon the portion which belongs to another volume, the publication of which has been unavoidably delayed for a short while, owing to the demands of other duties, and to a sad bereavement. Sufficient however has been stated to indicate the plan and character of the work. If to some, who are well acquainted with the annals of the ancient British and Anglo-Saxon Church, I may seem to have narrated the events of interest in these periods more at length than from the time of the Conquest to the Reformation, and in the

Reformation period also, the particulars of which I have but briefly alluded to, and endeavoured to condense as much as possible, I would beg them to remember that to the English mind generally there is little or no realization of the Church's existence in this country previous to the coming of Augustine, and that any attempts at Christianizing this island previous to his coming, are regarded only like the efforts made by a stray or isolated missionary or two in a new country; and the impression which mostly prevails is, that we are wholly indebted to the Church of Rome for our Christianity, that as a Church we had no existence until she came with her missionaries, and consequently that she had some natural claim upon us which was maintained until the Reformation; and that it was to disabuse the public mind of this error that I endeavoured to bring out to view more prominently the events in the history of the Church prior to Augustine coming, as well as some attendant and succeeding events which would help to satisfy the candid inquirer that the Church in this country had formerly flourished and was in existence before there was any connection with the see of Rome, though, by reason of war and internal strife, it was at a low ebb when Augustine came and that its revival was effected eventually more through its own native vigour than by the aid of the Roman Church; and that we are as a Church originally independent of the Church of Rome, and have never, as a Church, willingly yielded up or forfeited our freedom.

I had a further object also in calling attention to this period of our Church's history and enlarging upon it, which was to shew the undoubted basis upon which it was originally formed and developed, that it was on the principles of the primitive Church, and in accordance with the Canons of the Universal Church in her first four General Councils; that long before Augustine came the Church of this country sent representatives to the Councils of the Church, and was acknowledged by the Church universal as a true and independent branch of Christ's Church and that this basis, as exercised in the time of Constantine and afterwards, gave the Church the free enjoyment of all her rights and liberties, which she possessed independently, not only of any foreign see, but also of the civil power in the country where she exercised her ministry. This was the Church of England inheritance, and it was upon this basis that our Reformers desired to remodel the Church, but were frustrated by the arbitrary exercise of the civil power, which robbed or defrauded her of many of her rights and liberties, as well as of much of her property, when she was permitted to reform her faith and worship after the primitive model.

And here I would remark before these observations are brought to a close, how much I am indebted to some of the sources from which I have drawn much information,— especially would I mention;—Hooker's Ecclesiastical Polity; Bingham's Antiquities; Soames's Anglo Saxon Church; Collier's Ecclesiastical History; Palmer Treatise on the Church; Gladstone on the State in its Relations with the Church;—and to many other minor publications, many of which I have mentioned as I have had occasion to use them.

In going over such a large field of history, and taking up so many points of moment in connection with the main subject, which I found it necessary to think it probable that I may have overlooked some matters of importance, and not been altogether free from mistakes and misapprehensions, though I have endeavoured to use all possible care to avoid these things, and believe and trust they will not be many or important. Moreover, I fully expect in the views and principles I have enunciated to run counter to those of many of my clerical brethren, and to many excellent lay-members of the Church;—this has made me shrink at times from going on with the work, but the conviction that I was only advocating the cause of truth and the true interests of religion, impelled me to proceed, when, if I had simply consulted my own inclinations, I should not have ventured thus publicly to make known my sentiments. And while I trust those who differ from me, will give the subject their further consideration, and weigh over again in their minds the several points I have advanced in connection with it, I hope and think it will lead them to modify their views, and to see that some decided change in the present state of things is essentially necessary.

Leeds, January 29th, 1869.

CHAPTER VII.

Evidences from the History of the early Church, that the lay members of the Church were consulted, and had power in the Church; but always under chief rulers or Bishops.—Remarks from Dean Hook and Dean Waddington as to the part taken by the laity in the affairs of the Church,—and that the Church had the government of her own affairs.—Whether the Alliance of the State with the Church, under Constantine, interfered with the rights and liberties of the Church.—Reference to Constantine letters and decrees—The Council of summoned.—The British Bishops present.—The Papal authority of the Bishops of Rome not then in existence. page 127

CHAPTER VIII.

An account of the Council of Nice, Constantine's behaviour.—Matters determined by the Council.—The independence and liberty of the Church preserved when at first allied to the State—Dean Waddington's remarks—A contrast to our own times—The history of the Church in the time of Constantine very important, she had been lately freed from persecution,—was fully represented—newly allied to the State,—and also perfectly free from any subjection to the Pope or Bishop of Rome.

page 153

CHAPTER IX.

Centres of action appointed for the Church to work upon—The lesser or larger divisions or branches of the whole Church—The outward organization and government of the Church in some degree fashioned after that of the Roman Empire—Authority and power founded on a corporate basis in the Church—One earthly head over all the Church unknown to the Primitive Church—The Church of Rome violates the laws of the Church of Christ.—The Churches of England and Ireland maintain their independence on the basis of the ancient laws of the Church—The Church wants freedom from the bondage or usurpation of the State, as well as from subjection to the Pope—Further evidence that lay-members of the Church had a voice in her affairs—In the election of Bishops. —Instances from Bingham.—Leos testimony.—The manner of election.— St. Ambrose's election—Some exceptions and limitation.—As the liberty of the Church was trampled upon, so the faith of the Church became corrupted—The faith of the Church purified at the Reformation, and her freedom secured from foreign aggression ; her liberty ought not to be crippled by the State. . . . page 171 CHAPTER X.

The early basis of the Church organization—The Providence of God manifest in making the machinery of the Roman Empire subservient to the interests of the Church, and to a more complete development of her system—The fulfilment of Daniel's prophecy.—Recapitulation of the argument—Liberty dear to British hearts, and the want of it felt in the Church.—The Churches of England and Ireland once possessed their liberty uncontrolled.—Ireland.—St. Patrick and his mission—The Irish Liturgy.—How Christianity flourished in Ireland. —Archbishop Usher on the ancient Christian religion in Ireland—Not that of the Gnomish Church—Ireland not subject to the Roman see until the twelfth century. England, St. Alban.—The persecution of Christians.—Plagiarism.—Germanus and Lupus.—Germanus and Severus.—The Battle of the Alleluia-England Christianized to a great extent. . page 201

CHAPTER XI.

How Christianity flourished for awhile in England—How it was repressed, and how the country again relapsed into heathenism to a great degree.— The various fortunes of the early British Church—The mission of Augustine to England—Many very eminent men in the British Church at, and previous to this time.—Dubricius ; St. David; the two Simpsons ; Caduceus ; Patterns ; and many others—The two meetings of Augustine with the Bishops and of the ancient British Church.—An account of the latter meeting—The slaughter of 1200 ecclesiastics in Britain.— Augustine labour and mission well-nigh extinguished—The ultimate conversion of England chiefly due to the Bishops and clergy of the ancient British Church. . . . page 219

CHAPTER XII.

The British and Romansh-Church amicable alliance, and a good understanding effected by Archbishop Theodore, who upholds the independence of the British Church—Wilfred supported by the Pope, but censured and punished in England for his disobedience.—The early English Church formed and maintained upon the ancient basis of the Church, as laid down in her early Councils.—Had liberty of meeting in Synod—To make rules and regulate rites and ceremonies.—To create new bishoprics.—To choose their own Bishops—Had authority for enforcing discipline and order.—The Civil power not interfering—Errors and encroachments of the Church of Rome begin to shew themselves.— The Church still retains her liberty.—Reference to ancient authorities.— Why the State should not usurp control over the Church. page 234 still seized upon: and the liberty and authority of the Church still curtailed—The Reformation not the bringing in of a new Church, but the reforming of the old existing body. —The Church of England and Ireland the lineal-descendant and lawful representative of the ancient and pre reformation Church in these realms—The fortunes of the Church in Queen Mary's reign. Violation of laws.—Perscutions.—Her measures distasteful to the people, and resisted by the Commons—The re-establishment of the Reformation in Queen Elizabeth's reign, in accordance with the ancient laws of the Church, save those rights and liberties which the Crown still withheld.—Parker made Metropolitan ; his consecration proved—Other Bishops canonically appointed. The Articles of Religion revised and reduced to thirty-nine—The continuity of the Church of England as a body proved—How schism and divers religious communities arose—Promoted by the Pope on the one hand, and by overzealous Reformers, who had returned from exile, on the other.—The Gnomish schism a rebellious league—The shameful conduct of the Pope, instigating rebellion, and the invasion of England and Ireland by foreign foes—A strong arm needed to keep them down and to drive them back.— Puritanism.—The causes and evils of separation.—The essential blessings of the Reformation.—How the good cause was marred by the tyranny and abuse of the governing body.—The Church still, to a great extent, deprived of her rights and liberties—Hopes entertained of the present movement. page 331

THE great discussion which is now going on in the country relative to the Irish Church, and which will shortly be taken up by the great council of the nation assembled in Parliament, is of such a momentous character, and includes such great constitutional changes ; and, as to its issue, or the final determination or resolution which will follow upon it, to be made or come to by the representatives of the People of England,—will so widely and deeply affect the interests of society, whether for evil or good, reaching forth far into the future, and extending to larger and more weighty measures, that it becomes every true lover of his country, as well as every earnest Churchman, and much more every faithful statesman and member of Parliament, to look the question fairly and honestly in the face,—to consider the matter at large, in all its bearings, and promote, as far as in him lies, the spiritual and temporal interests of his fellow-countrymen.

I am far from thinking that no temporal change is necessary, and that it is better to let things alone, and never attempt to mend them, or endeavour to put them in better going order. In this world, and constituted as men are, things require looking into, and looking after, and rectifying

from time to time, and so altering and adjusting afresh, that they may be better adapted, and be made more serviceable to the public good and the ends for which they were designed. And I think the present

position of affairs, as respects Church matters, seems to demand some change; whether we look at these matters as affecting those within the pale, or those outside.

As regards those who are not members of the Church, it must be confessed on all sides, that their position in reference to the Church is vastly improved, and more especially, of late years. If we only contrast their present position with what it was shortly after the Reformation, ' or after the Rebellion, or even with what it was in the reign of George III. ; whether it be as regards'Roman Catholics, Jews or Dissenters, it cannot but be allowed that things have been greatly altered for the better, in their favour. We have but to consider the disabilities and penalties they once laboured under, which have now been removed ;—the privileges to which they are admitted, from which they were formerly debarred ;--the religious liberty _ which they now enjoy, as compared with what they once did ;—the favours and protection which are now afforded them by the State, which were afore time denied to them, and it must be plain to every reflecting mind, that those outside the Church are in a much better position than they formerly were. This is one thing clear : and moreover it is a matter of rejoicing, and thankfulness, that every one can worship God after the dictates of his own conscience —without fear, or the disfavour of the civil powers. However much some in the Church might-esteem it right, and desirable that the Sovereign of the realm, as the Head of the State should adopt one particular form of religious government, and endeavour by various measures and enactments to keep the people together in one religious body, as one family, still experience shews us that, beautiful as the theory may be, it could not be practically carried out, among a people where there will ever be necks charily, a diversity of thought and feeling on religious matters, without resorting to persecution in one shape or another, in a greater or less degree ;—which is clearly contrary to the spirit of Christianity—and the injunction of our Lord and Master,—who, if we content ourselves with one example, rebuked His and told them, that they knew not what spirit they Were of, when they asked permission to call down fire from Heaven to consume the Samaritans of that city, who would not receive Him— adding this significant and expressive declaration, “ the Son of Man is come, not to destroy Menes lives but to save them .” and we may justly argue from hence, that if He would not allow His followers to move one finger against them, or to call down Gods judgments upon them, because they would not receive Him who is our Lord and Saviour, how wrong it would be for any of His followers in other ages, and contrary to His injunctions, either physically to compel men to receive or adopt any particular form of Church government, however strong the arguments in favour of its authenticity or orthodoxy may be, or to lift up their hands to punish them in any way, when they persistently take another course, which is considered by the rulers of the land to be opposed to the principles of Gospel unity.

But whilst the position of those outside the Church has materially improved, and should be a cause of joy and thankfulness, how has it fared with the Church herself? what is her position now in relation to what it was, and to what it should be ? Has she not been shorn of those peculiar privileges and favours which she once enjoyed? Are not matters pressing upon the Church with peculiar harshness? Is not her connection with the State instead of being an advantage, often made use of as a hindrance to her development and enlargement,—as a handle' to afflict her, as a bond to hold her in simple slavery and subjection? Her liberty and freedom is trampled upon, —her voice is unheeded by the State, her authority unsupported. Men may preach doctrines most subversive, as she believes, to the truth of Christianity,—they may live corrupt lives, and yet the Church, to a great extent, is kept powerless to restrain them, to punish or deprive them of their offices within her communion. Nay, her very existence is threatened by. some, who fondly think

that she would come to nought and be broken up when separated from the State. Need I say, that this state of things is heavily felt by the Church ;—that it is simply becoming intolerable. Church people hear long—and are, as a body, adverse to changes,—they would rather put up with grievances, and try to make the best of things ; but there is a limit to this; and to go beyond this is slavery and unfaithfulness. They have a duty and fealty to yield to Christ their Lord and Head, which must not be interfered with by man ; and as Englishmen they ought not to have their liberties withheld from them,—which they should enjoy equally with other citizens.

Do not imagine, that in putting these things forward, in a strong point of view, I would plead for any return to the old state of things, when the State found itself bound to uphold the Church, by dealing harshly with those who dissented from her, and withheld from them favours or privileges, which, as citizens, they now equally possess with others. But I bring them forward to shew you, that the alliance between Church and State is now a very different thing to what it once was. Once, if I may so speak of it, the Church had the best of the bargain, but now she has the worst of it. The State has gradually gained great power and authority over the affairs of the Church. Once, when the Crown stood forth as the champion of the Church, its governorship was quietly acquiesced in ; and more especially because the Church was weak, just emerging from a state of more grievous bondage, and glad to gain shelter and protection and support from a power that undertook to stand by her, and strengthen her ; but it is now a very different thing when that power and authority which was claimed and obtained from the Crown by the State has become oppressive, hurtful and grievous to be borne. “In these days of general redress of grievances,” says one whose words should be listened to with respect— I mean Rev. J. Keble, the saintly author of the *Christian Year*, “ there is one body whose claims appear to be passed over by Statesmen, yet a very simple statement will shew that it has wrongs and disabilities to complain of, such as can hardly be reconciled with any fair rule of political dealing. That body is the Church of England.” He then proceeds to set forth “ some of our main grievances ; feeling with a sorrowful heart, they are every day affecting us more and more vitally ;” and says, “It seems to me that most of the anomalies and hardships which I have to enumerate may very well have arisen from oversight, without any oppressive intention. Great changes, every one knows, have from time to time been made in our Civil Constitution; and the effect of these changes on the Church was not always perceived before— hand.” I As I shall have to enter further into particulars afterwards, I would here only, in support of what has been said, quote from an article in “ *The Guardian*” newspaper, alluding to a portion of our grievances before this question about the Irish Church came on, but which is very apposite to the distracted times in which we live. “ In the present state of religious controversy, it becomes a matter of considerable importance to know where we may look for guidance in the formation of public opinion among members of the Church. Legislation—if there is to be any—must of necessity be in Parliament ; but Parliament does not desire to legislate on Church matters otherwise than in accordance with the prevailing sentiments of Churchmen 2” this can hardly be applicable to the late movement as regards the Suspensory Act ; but to proceed: “What that sentiment is, how it is formed or altered, how recorded and ascertained—seem just now to be questions of immediate interest to all. Looking round, then, we are utterly unable to discover any representation, in a large or reflective sense, of the religious opinion which prevails in the Church of England. As to Parliament—to say nothing of Sir G. Bowyer, Baron Rothschild, and Mr. Bright—the Churchmen themselves who sit in it, do not claim to be religious representatives, or to bear any kind of religious character; some of them very frankly repudiate all religious profession; and not a few have certainly abandoned all religious practices. Parliament is not, and does not pretend to be, an exponent of religious feeling or belief. Neither is there any Convention or Synod, which can be appealed to, as in America and in some English Colonies, for an answer to the inquiry what is it which Churchmen think or desire. The Convocations of the Clergy seem to be the only bodies, which even make a profession of representing religious opinion in the Church. Set these aside, and there is absolutely nothing left but the newspapers. Nor is there any thing else in prospect. We are not aware of any proposal that has been made to constitute a General Convention of the Church of England ; nor is there the slightest probability, if such a proposal were

made, that any would listen to it. It remains that every one should think and do just as is right in his own eyes, or just as the organs of extreme opinions may bid him." Now is not this a most deplorable and insupportable state for the Church to be left in. Even the work people of England know well enough that the commonest society or association among themselves, cannot thrive unless they stately meet together to discuss and decide matters among the members, or do this by their representatives, and transact business. But here a great and spiritual society like the Church is held back by the State, from adjusting herself to the necessities of her circumstances, and for the promotion of her interests. Outsiders but faintly know how tightly the Church is bound down by the State—and how she is unable to move without leave. The hardship of this is at the present time keenly felt by the Clergy of the Irish Church, when they are not permitted to assemble by representation, in that only legitimate form, that is allowed to them, whereby they " can secure a recognised exponent of their opinions, or that kind of organisation which is necessary for the Church's defence." Let me appeal to Englishmen, is this fair play, to strike at a man when he is bound, and cannot defend himself as he would like? And yet this is the way in which the Irish Church is treated, in the present furious assault that is made upon her. We do not blame any one, or any party, that the Church is in this position —it is owing to the state of the law, and for which we seek redress. The eloquent and well-known Dean of Cork* says in reply to his Archdeacon about the matter, "I grieve to think that legal difficulties should have prevented all conference of the Irish Bishops and Clergy for that * Since made Bishop of Peterborough. *

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