

HISTORY  
OF THE  
AMERICAN EPISCOPAL CHURCH  
FROM THE PLANTING OF THE COLONIES  
TO THE END OF THE CIVIL WAR

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## CHAPTER V.

## STRUCTURAL DEVELOPMENT.

THE United States and the Protestant Episcopal Church were organized the same year and largely by the same hands. In both cases a Federal Government took the place previously occupied by a congress of independent States. The constitutional history of the Republic in the century which has succeeded has attracted many pens. A brief sketch of the Church's structural development becomes of interest.

In the experiment then begun, the State had an infinitely easier task than the Church. For a century and a half the States had been accustomed to self-government, to a large degree. Indeed, this was one of the political inheritances of the race. The town-meeting then, or even now, differs little from the folk-gatherings of the Germanic peoples two thousand years ago. In the political life the result of the Revolution did little more than transfer the rule from King and Parliament to President and Congress; it did not seriously change the subordinate machinery of government in the States, counties, and towns. To adjust the new Federal Constitution to the old political life was, therefore, not a difficult task, once men's passions had subsided.

In the Church, on the other hand, the new order of

things was revolutionary to an extent hard to conceive. It broke at a single stroke the traditions which had controlled Episcopacy for more than a thousand years. The Church, nowhere more than in England, had been accustomed to associate Episcopacy with Monarchy. Churchmen themselves were under the domination of this idea. For more than two centuries the *congé d'élire* of the king had been taken as authority in the choice of a bishop. Convocation had been silent for so many years that men had nearly forgotten its existence. Even when it did possess life it was not a popular body, deriving its authority from the people, but an agent whose powers, at the last analysis, were inherent in the State. In the long struggle between King and Parliament the people had gained the right, and ever since exercised the habit, of self-government in secular things; but in the same struggle the Church had stood by the King, and, in consequence, remained bound by the ancient fetters. So long had this continued that Churchmen had not only lost the habit, but also the wish, for independent action. The familiar forms of procedure whereby the people registered their votes, and made known their will in political things, were not the wont of the Church.

From government by bishops, themselves the creatures of the king, to government by a convention made up of popularly selected bishops, priests, and laymen, is a tremendous leap. When the convention is composed of men who had been born and reared and had their habits fixed under another ecclesiastical system, the wonder at its success

The experiment revolutionary.

Government by convention.

becomes still greater. It took long to disentangle this primitive Church revived from the traditions of the monarchical period. Reactionaries even yet dream of the time when Charles First was king.

The immediate task before the newly federated Church was to adjust the mutual relations of bishops, clergy, and laity. Each order had an independent voice in the management. How could they act harmoniously? The introduction of the laity into the place assigned to them was a momentous step. The ecclesiastical mind of New England was opposed to it entirely. Connecticut only came into the federal association upon the formal assurance that lay representation was but a *privilege* allowed to any State, which it might waive without suffering any diminution of its own strength in representation.<sup>1</sup> They accepted it as a privilege of doubtful wisdom, but sent lay delegates in 1792. Even after a century has elapsed they still exclude laymen from the Standing Committee. Upon the whole, however, this most revolutionary of the changes introduced became soonest accepted and fixed in a well-defined function.

There was far more confusion as to the rights and powers of bishops. In the colonial days the absence of discipline was constantly deplored. It was absent because no bishop was present. A *simulacrum* of it appeared in the person of the Bishop

<sup>1</sup> "The Church in each State shall be entitled to a representation of clergy or laity or both. In case the Church of any State should neglect or decline to appoint these deputies of either order, or if it should be their rule to appoint only out of one order, the Church in such State shall nevertheless be considered to be duly represented . . . by either order." (Letter of Federal Convention to Bishop Seabury.)

of London's Commissary; but what power he possessed was recognized to be but delegated by his principal, in whom it inhered. Now that a bishop was on the ground, what rights and powers are his? How far may they be modified or restrained in action by the co-ordinate powers of clergy and laity in convention? In one form or other, this question has been before the American Church for a century. The general drift has been toward that undue limitation of their inherent powers which Bishop Seabury feared. Their unqualified power of "visitation" was at first conceded.<sup>1</sup> It was not only their right but their duty to make inquisition of the working of every minister in his cure; "to examine the state of his church and inspect the behavior of the clergy." The minister and church-wardens are charged to give their bishop the information he asks.<sup>2</sup> The Diocesan Convention has long since assumed this power. It is to it that such reports are now made, for information only, and not as a possible ground of discipline. The bishop's power of initiation in the exercise of clerical discipline, the power which by right and immemorial custom has always inhered in his office, has been almost, if not entirely, taken from him and lodged elsewhere.<sup>3</sup> The party offending is not now to be *summoned* by the bishop to give an account, but *presented* for trial, if any of his brethren volunteer this service, before a court from which the bishop is for the most part excluded.<sup>4</sup> In the matter

<sup>1</sup> Canon iii. 1789.

<sup>2</sup> Canon xi. 1789.

<sup>3</sup> Gen. Con. Canons, Title II.

<sup>4</sup> Diocese of Pennsylvania. Canon xvii.

of ordination, the distinguishing function of the Episcopate, the same gradual process of restriction has occurred. The duty to select fit persons, and to pass upon their qualifications for the ministry, has always, by ancient usage, been lodged in the hands of the bishop in his capacity of chief pastor. Before the federation, Bishop Seabury exercised this power without question.<sup>1</sup> It was the same authority which had warranted the English bishops in ordaining him and the hundreds of others who had crossed the sea for that end in colonial times. There the bishop had not been hindered in his right to beget spiritual children. The convention at once set limits to episcopal discretion here. It precluded the bishop from laying hands on any man, unless he had reached a certain age, and had a field of work guaranteed; but this was only putting an old custom into the form of a law. Within these limits it left the bishop free to act. It provided for him an agent in the Standing Committee whose duty it would be to examine *for him* the candidates' fitness, but recognized his original power by the provision that "every candidate for Holy Orders shall be recommended according to . . . the requisites of the bishop to whom he applies."<sup>2</sup> But as time went on, the Standing Committee ceased to act as the bishop's agent,<sup>3</sup> and came to be regarded as having an independent authority of its own in the premises. Then a still more radical departure from its original

Encroachment by the Standing Committee.

<sup>1</sup> Beardsley: *Life of Seabury*, p. 213.

<sup>2</sup> Canon vi. 1789.

<sup>3</sup> It was first called the "Bishops' Council of Advice."

function insensibly took place, and the Standing Committee came to be thought of as representing the clergy and laity! It is usually so regarded now. From being the bishop's creature, it has become the Diocesan Convention's representative. In this capacity a mixed body of clergymen and laymen now divides with the bishop the power of selecting fit persons for the ministry, and leaves him the power to ordain only such persons as it may think worthy.<sup>1</sup>

While the power of bishops in their individual capacity has been steadily circumscribed, so that of the House of Bishops has been extended. The first provision was to give them only a seat *ex officio* among the other clergy. With this Bishop Seabury would in no wise be content. Then they were constituted a separate House with power to originate measures, but without an absolute negative upon the other House. The clergy and laity could pass any measure over their heads by a four-fifths vote, or through the bishops' failure to negative it within a limited period of two days.<sup>2</sup> Twenty years later both these restrictions upon independent action were removed, and the House of Bishops received the power which has often stood the Church in good stead.<sup>3</sup>

<sup>1</sup> Gen. Con. Canons, Title I. Canons 1-8.

Among the "Fundamental Rights and Liberties" laid down in the Convention of 1783, as the basis of federation, is the following: "The clergy shall be deemed adequate judges of the ministerial commission and authority, and of the literary, moral, and religious qualifications and abilities of persons to be nominated to the different orders of the ministry; but the approving and receiving such persons to any particular cure, duty, or parish, when so nominated, set apart, consecrated, and ordained, is in the people who are to support them, and to have the benefit of their ministry." White: *Memoirs*, p. 94.

<sup>2</sup> Constitution, 1789.

<sup>3</sup> Gen. Con. Journal, 1808.

This same tendency toward legal rather than personal authority shows itself also in the provision for the godly discipline of the laity. Virginia objected to the "Proposed Book" because it gave to the priest the power to repel unworthy persons from the Holy Communion. The sense of the united Church was so much the other way, however, that it not only allowed this power to the priests, but extended the latitude within which the book restricted it. The English rubric required the priest in such a cause to report the case to the Ordinary within fourteen days at the farthest. The American only required him to do so as soon as conveniently may be. The English rule required the bishop to institute an inquiry into the facts of every such case as soon as reported to him. The American says he need not do so unless the repelled person asks for such a trial in writing, within a fixed term, after which his case shall go by default. In such a cause the bishop, the priest, and the person repelled were the only parties. The bishop was at liberty "to proceed according to such principles of law and equity" as he might, and his judgment was final. But, as the spirit of government by convention gained sway, the personal authority of both bishop and priest was circumscribed. The Convention provided for a regular process of trial for a repelled communicant, either by its own canons, or by such as the Diocesan Conventions might adopt.<sup>1</sup> Diocesan Conventions drew the restrictions still closer, and, in some cases, set up mixed courts of clergy and laymen for such cases.<sup>2</sup>

<sup>1</sup> Canon xlii. 1832.

<sup>2</sup> Penna. Canon xviii.

The whole legal history of the Church, in fact, is but a record of the successive assumptions of power by the General Convention.

From the outset the Liturgy was taken under its control. During the whole colonial period there had been great laxity in the use of the Prayer-Book. Control of the Liturgy. But few people possessed copies of it, and in public worship the "clerk" spoke for all the congregation. Beside that, there had been no power present to enforce uniformity. But the practice of the two hundred years since the English Church had avowed her settled purpose to bring all her members into one uniform mode of worship had produced its effect. The possibility of variety of use in the same National Church had ceased to be thought of. The Convention at once assumed unquestioned control in the matter, and set before itself uniformity as an end. In the early reports upon the "State of the Church," one item always records the extent to which this had been attained in each State.<sup>1</sup> The success was finally absolute. From Maine to California uniformity Tendency to uniformity. was exacted. When that had been achieved there came a reaction which threatened revolution. Ritual violations of law began to show themselves everywhere. They were quite as much rebellions against mechanical routine, as the outcome of strange doctrine. The next phase of the history is that long-drawn effort in which the Convention is now engaged, to stamp out the wide-spread insurrection against its law of ritual uniformity. Its sway in this regard was only

<sup>1</sup> General Con. Journal, 1820.

achieved by persistent effort through half a century ; a second half-century may see it overthrown or abdicated.

Over Hymns as well as Prayers, the Convention stretched out its hand. It early assumed the power to say what might be sung, and what might not. At a later date it set forth tunes as well, and with the same right. Nor has the assumption been generally questioned. Its power to authorize certain selections from religious poetry has been regarded as carrying with it the power to exclude all others.

It has not hesitated to take cognizance of the personal actions of individual clergymen, and to instruct them to keep away from one another's field of work. It has taken notice of the daily life of the laity, and prescribed rules for their personal conduct.<sup>1</sup>

The original Act of Association stipulated: "That no powers be delegated to a general ecclesiastic government, except such as cannot be conveniently exercised by the clergy and laity in their respective congregations." In a century the same "general ecclesiastical government" has gathered into its hands all authority. It would be difficult to say what it might not legally do. In the absence of any supreme ecclesiastical court to interpret the Constitution with authority, any local power to withstand its mandates, any authority to enforce the

<sup>1</sup> "All persons within this Church shall celebrate and keep the Lord's Day, commonly called Sunday, in hearing the Word of God read and taught, in private and public prayer, in other exercises of devotion, and in acts of charity, using all godly and sober conversation." Canon xlii. 1832.

terms of the original compact, there would seem to be no limit set to the Convention's power except its own will.<sup>1</sup>

The parties to the original federation were the Churches in the several States. In the early years of the history these are uniformly thought and spoken of as possessing independent lives. The old ideal of National Churches was always present to the minds of the founders, but their thought of nationality attached itself to the independent State rather than to the federated Union. In fact, that federation was not yet accomplished, and there was grave reason to doubt if ever it would be. Virginia or Connecticut were far more substantial realities than was the United States. This way of thinking survived until a generation grew up under the flag of the Federal Union. Then it was seen that while State lines might be convenient boundaries for ecclesiastical dioceses, there was no necessary relation between the two things. The quality of nationality could not be claimed for an individual State to the extent which would warrant the inhabitants of it acting as a National Church. This quality had insensibly transferred itself to the Federal Union. When this fact came to be recognized, there was no principle to hinder the division of a State into convenient dioceses, or the grouping of several States into one ecclesiastical district.<sup>2</sup> But when this was done, and New York had been divided, the accepted

<sup>1</sup> Dr. Francis Wharton, in Perry: History, vol. ii. p. 400.

<sup>2</sup> "Address to the Clergy and Laity of the P. E. Church residing in the Western Part of the State of New York," 1835, p. 20.

principle of representation at once became indefensible. State autonomy had disappeared. The idea of diocesan autonomy had not yet emerged. The States <sup>Gradually</sup> ~~abandoned.~~ had had an equal representation in convention allowed them from the first. But this was not from any idea of diocesan equality, but from the thought of each being a National Church. That principle being abandoned, an equal representation, regardless of numbers or strength, became at once inequitable. But the method had become intrenched in custom, and acquired the authority of prescription, and so it survived. It became only a question of time, however, as to when the Church should recognize the change in the fact, and bring her practice to conform thereto.

The same lust of legislation which led the Convention to regulate prayer, praise, and conduct, led it also to enact by law a detailed system of doctrine.

In the sixteenth century the Church of England had been coerced by the doctrinal spirit of the age to set forth a detailed body of divinity in her <sup>The Articles, and their origin.</sup> *Thirty-nine Articles*. The action was foreign to her genius. But the Romanists had their Tridentine formularies; the Lutherans their Augsburg Confession; the Calvinists the Westminster Confession, and the Church of England was driven by the *Zeitgeist* to become "like unto the nations." The adoption of such a detailed system of theology was contrary to her history and traditions. The Confession remained in her body like a foreign substance, irritating, until it became encysted and forgotten. When the American Church was organized it had a chance to rectify

the error. A wish widely prevailed to omit the Articles altogether. Their importance was deemed so subsidiary that they were set aside until all else was settled. Then the question came up, Shall this Church formulate a body of doctrine? Shall it exact subscription thereto? In 1799 the question was brought forward concerning the Articles. These had not been bound up with the Prayer-Books which had been used in America for more than a generation. They had been thought of as standing upon the same ground that the Homilies did, and were little, if at all, known by the people.<sup>1</sup> The Convention went into Committee of the Whole upon the subject. When it rose the chairman reported the following, which they had agreed upon: "*Resolved*, That the articles of our faith and religion as founded on the Holy Scriptures are sufficiently declared in our Creeds and our Liturgy as set forth in the Book of Common Prayer, established for the use of this Church, and that further articles do not appear necessary."

Unfortunately, the House saw fit to vote against the resolution<sup>2</sup> which it had just agreed to in committee. The Bishops were in favor of adopting the Articles. Two years later, some political modifications having been made, they were adopted as a whole. They were ordered to be bound up with the Prayer-Book in all future editions. No formal subscription to them was prescribed. There they have stood since. What binding force upon belief they may

<sup>1</sup> Letter from a Churchman to His Friend in New Haven, 1808, p. 29.

<sup>2</sup> Con. Journal, June 14, 1799.

carry, each decides for himself. They are a section of sixteenth-century thought transferred to the nineteenth. They have never exercised any appreciable influence upon the life or belief of this Church. Like all contemporary Confessions, they have largely ceased to be intelligible. They are a water-mark of a previous tide. The current of the Church has flowed on unmindful of them. The last revision of the Prayer-Book provides for their being bound up next its cover; the next will probably bind them outside.