

A  
**PRACTICAL ANALYSIS**

OF

*Hunt.*  
3  
**THE SEVERAL LETTERS PATENT**

FORMING

**THE EPISCOPAL CHARTER**

OF

**The See and Diocese of Calcutta,**

AND

**THE LAWS AND CANONS APPLICABLE THERETO;**

INCLUDING

**ECCLESIASTICAL PROCEEDINGS AND PRECEDENTS.**

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BY

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OF CALCUTTA.

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TO

THE MOST REVEREND FATHER IN GOD,

**CHARLES,**

BY DIVINE PROVIDENCE LORD ARCHBISHOP OF CANTERBURY,

PRIMATE AND METROPOLITAN OF ALL ENGLAND,

*THIS WORK,*

COMPILED CHIEFLY FOR THE PRACTICAL USE

OF

THE CHAPLAINS OF THE HONORABLE THE EAST INDIA COMPANY,

AND THE OTHER CLERGY

IN THE DIOCESE OF CALCUTTA,

SUBJECT TO HIS GRACE'S ARCHIEPISCOPAL SEE AND PROVINCE,

IS


HUMBLY INSCRIBED

BY

*THE AUTHOR.*



## PREFACE.



SOME apology may be deemed requisite for a publication, which, with respect to the extensiveness of its utility, will possibly appear to some readers to be uncalled for and unnecessary.

From the augmented number of the episcopal establishment in British India, the whole of the Honorable Company's Chaplains and licenced Missionary Clergy, with the different officers holding ecclesiastical appointments under the Bishop and Archdeacons, now amount in the Indian Diocese, to upwards of two hundred, and are yearly encreasing: and from the extreme distances and magnitude of the respective Archdeaconries, subordinate to that See, as well as from the very scattered, detached, and remote residencies and stations of all the Clergy, it has been long suggested, that a work, calculated to afford information in a practical view, in reference to the general provisions of the several Letters Patent, and to comprise the necessary ecclesiastical forms in force throughout that Diocese, was heavily felt as a desideratum, in many parts of India.

It was therefore chiefly in the hope of being able to supply this want, in the now greatly augmented state of the establishment, that the following pages were attempted.

It was thought also that such a publication would not be found wholly useless to the different Registrars, on account of the number of ecclesiastical forms it contains; and the work has been in consequence published, and is with some anxiety respectfully offered to the Clergy, and such of the Proctors of His Majesty's Courts of judicature in British India, as are already connected with, or as may eventually be

appointed to the English episcopal establishment adverted to, in the humble assurance of its meeting with every indulgence.

It may be noticed, by way of introduction, that by the 53 Geo. 3, cap. 155, § 52,\* it was enacted, that it should be lawful for His Majesty from time to time, if he should think fit, by His Majesty's Letters Patent, to grant to the Bishop of Calcutta, such ecclesiastical jurisdiction and the exercise of such episcopal functions within the East Indies and parts therein mentioned, as His Majesty should think necessary, *for the administering holy ceremonies and for the superintendence and good government of the Ministers of the Church establishment* within the East Indies and parts aforesaid: and that by the Letters Patent of 1814,† (which declare that the See and Diocese, and Bishop of Calcutta, should be subject and subordinate to the Archiepiscopal See of the Province and Archbishop of Canterbury, in the same manner as any other See within that province in England, except in the matter of appeals, which were directed should be made to the Commissioners Delegate as therein appointed) His Majesty gave to that Bishop authority to *ordain* and to *confirm*, and to perform all other functions peculiar to the office of a Bishop, within the Diocese of Calcutta: and authorized that Bishop and his Commissaries to exercise jurisdiction, spiritual and ecclesiastical, throughout the same Diocese, according to the ecclesiastical law of England, in the several causes and matters specified; all which will be found to be fully detailed in the following Analysis.

In reference to the due exercise of such authority and jurisdiction as above granted, according to the ecclesiastical law of England, it may be useful to premise that the ecclesiastical law is compounded, partly of the civil law, by which is meant the law of the ancient Romans; partly of the canon law, of which more hereafter; of the common law, which is the

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\* For which see extracts, Appendix.

† See Letters Patent of the 2nd May 1814, 54th Geo. 3d, Appendix.



municipal law or rule of justice throughout the realm of England, and known as the *lex non scripta* or *unwritten law*; and of the statute, or written law contained in the acts of parliament.\*

It is mentioned, that under the head of the statute law, are reckoned the Thirty-nine Articles;† and which have been referred to in the Analysis, simply to exhibit the law as thereby established.

As the Canon Law may in the Indian Diocese be considered of primary importance, something more, in explanation, may be added concerning it.

It is observed of the Canon Law, that the Apostles of our Saviour framed certain regulations for the government of the Church, which were called *κανονες*, or *rules*, to distinguish them from the laws enacted by the secular authority, although the learned have differed as to the authenticity of the *Canons of the Holy Apostles*, which are to be found both in the *corpus juris civilis* and *juris canonici*. These rules were explained and enlarged by several councils of the Church, and Justinian, in *Novel 131, cap. 1*, gives the force of civil law to those established by the four Councils of Nice, of Constantinople, of the first Council of Ephesus, and of the Council of Chalcedon.‡

After the reign of Justinian, the authority of Canons made in the general or provincial councils, and of the writings of the Fathers still prevailed.

To the foregoing may be added, some novel constitutions of the Bishops of Rome.§

Besides these portions, which are termed in England the Foreign Canon Law, there is also that of the Canon Law of England, which, as Mr. Justice Blackstone adds, “is composed of *legatine* and *provincial* constitutions, and adapted “only to the exigencies of this Church and Kingdom. The

\* Dr. Burn's preface to his Ecclesiastical Law.

† *Id.*

‡ Mr. Tyrwhitt's note c. to 8th Edit. Burn's Preface, p. xxii.

§ Burn's Ecclesiastical Law, preface, p. xxiv.

“ Legatine Constitutions were ecclesiastical laws enacted in  
 “ national synods held under the Cardinals Otho and Otho-  
 “ bon, Legates from Gregory IX. and Clement IV. in the reign  
 “ of King Henry III, about the year 1220 and 1268. The  
 “ Provincial Constitutions are, principally, the decrees of  
 “ provincial synods held under divers Archbishops of Can-  
 “ terbury, from Stephen Langton, in the reign of Henry III,  
 “ to Henry Chichelle in the Reign of Henry V, and adopted  
 “ also by the province of York, in the reign of Henry VI. At  
 “ the dawn of the Reformation in the reign of Henry VIII, it  
 “ was enacted in parliament, (statute 25 Hen. VIII, c. 19,  
 “ revived and confirmed by 1 Elizabeth, c. 1.) that a review  
 “ should be had of the Canon Law: and till such review  
 “ should be made, that all canons, constitutions, ordinances,  
 “ and synodals provincial, being then already made, and not  
 “ repugnant to the law of the land or the King’s prerogative,  
 “ should still be used and executed; and as no such review  
 “ has yet been perfected, upon this statute now depends the  
 “ authority of the Canon Law of England.” *Bla. Com. vol. 1,*  
*p. 83.*

With respect to the present operation and force and effect of the Canon Law over the Clergy generally, particularly as to the Canons of 1603, (*in the appendix*) though they have never passed parliament, the following authority may be considered as decisive. Lord Hardwicke cites in 2 *Atk.* 605, the opinion of Lord Holt, and declares, “ it is not denied by any one, that it  
 “ is very plain all the Clergy are bound by the Canons, con-  
 “ firmed by the King only:” and again, in *More v. More*, 2 *Atk.* 158, it is laid down, “ that the Canons must be pursued  
 “ with the utmost exactness by ecclesiastical persons.”\*

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\* Of the four species of Courts in England, in which the canon laws (as well as the civil law) are permitted under different restrictions to be used, the Courts of the Archbishops and Bishops and their derivative offices are mentioned. In all it is laid down the reception of those laws, in general, and the different degrees of that reception, are grounded entirely upon custom. 1 *Com.* 83. Thus,

1. The courts of common law have the superintendency over these Courts, to keep them within their jurisdiction, to determine wherein they exceed them, and to restrain and prohibit



No other proof is required to shew that the canon law, which is thus obligatory on the Ministers of the Church of England universally, must be equally binding on the Clergy of the Indian Diocese, now annexed to the province of Canterbury. If such proof were wanting, the following extract would supply it: and scarcely any other apology need be offered for inserting in this place, as introductory in every respect, the following passages from Bishop Middleton's Primary Charge to his Clergy, delivered at Calcutta in the year 1815, admirably pointing out the measures necessary to be pursued and adhered to, for giving effect to the purposes, which the legislature contemplated when it made provision for an episcopal establishment in British India: and some of the practical duties concerning the Clergy in this Diocese.

" I am fully aware, that in proceeding to the consideration  
 " of these points, I am entering upon a subject of no common  
 " difficulty: I am deeply sensible of the difference, which sub-  
 " sists between the condition of Christianity in these regions,  
 " and the order and stability, which it has long attained in  
 " England: I am ready to admit, that the duties of the Clergy  
 " are here to be performed in circumstances somewhat pecu-  
 " liar; that the public feeling is to be considered and con-  
 " ciliated; and that the suggestions of Christian prudence no

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such excess; and in case of contumacy, to punish the officer who executes, and in some cases the Judge who enforces the sentence so declared to be illegal.

2. The common law has reserved to itself the exposition of all such statutes as concern either the extent of these Courts, or the matters depending before them, and therefore if the Courts either refuse to allow those acts of parliament, or will expound them in any other sense than what the law puts on them, the Courts at Westminster will grant prohibitions to restrain and controul them.

3. An appeal lies from all these Courts to the King in the last resort, which proves that the jurisdiction exercised in them is derived from the Crown of England, and not from any foreign potentate or intrinsic authority of their own. See stat. 25 H. 8, cap. 21.

From these three strong marks and ensigns of superiority, it appears beyond a doubt, that the canon (and civil) laws, though admitted in some cases by custom, in some Courts, are only subordinate '*et leges sub graviore lege;*' and that thus admitted, restrained, altered, new modelled and amended, they are by no means a distinct, independent, species of laws, but inferior branches of the customary or unwritten laws of England, properly called the King's ecclesiastical, military, maritime, or academical laws. 1 Bla. Com. 83, 84. and see also 3 Bla. Com. 102, 103.

“where require to be observed with stricter care : but the  
 “inferences, which arise from this state of things, must be  
 “drawn with discrimination, or they will lead to conse-  
 “quences, which instead of removing our difficulties, could  
 “only tend to increase them. You are not to infer, where an  
 “object is definite, and legitimate, and accompanied, as we  
 “cannot doubt, with God’s blessing, that impediments,  
 “however formidable in the outset, can in their nature be  
 “permanent : it would be wrong to infer, that schemes of  
 “improvement are not to be prosecuted with ardour, because  
 “hitherto they have been scarcely thought of, or under every  
 “disadvantage have failed ; and admitting the existence of  
 “difficulties to the utmost extent, I will venture to remind  
 “you, that the just conclusion is the necessity of a ready and  
 “conscientious co-operation under one head ; upon whom,  
 “after all, (and I feel it to be no light responsibility,) the  
 “blame of failure must principally rest. And when we  
 “recollect, that those who have been most forward to allege  
 “the peculiar circumstances of this country as arguments  
 “against improvement, have usually been persons not re-  
 “markable for their attachment to the Christian cause, I trust  
 “that the last to insist upon impediments, and to shelter  
 “themselves behind anomalies, will be the English Clergy.  
 “We have no natural impediments to contend against, but the  
 “manners and habits incidental to an enervating climate : and  
 “yet there is no region on the earth, where the religion of  
 “Jesus, if due care be taken to plant and to water it, will not  
 “flourish. The most dissipated city of the East became one  
 “of the earliest and most distinguished seats of the Gospel.  
 “We know that ‘ the disciples were called Christians first at  
 “Antioch ;’ and that a branch of the church of Antioch has  
 “subsisted for centuries, under every discouragement, amidst  
 “the mountains of Malabar.

“An unavoidable delay in the promulgation, by the Supreme  
 “Government, of His Majesty’s Letters Patent, has induced  
 “me to postpone, for so long a period, the exercise of certain



“ powers vested in the Bishop; and especially the very important measure of licensing my Clergy. The new system, however, is now in full force; and I am enabled to inform you, in what light you are henceforward to consider yourselves, as well as to afford you a sketch of some particular obligations.

“ I wish that I could announce to you, that you were in all respects placed upon the footing of parochial incumbents; that each of you was to have his parish church, to which he was to be regularly instituted and inducted, and that he was to be assisted in the superintendence of his flock by church-wardens and overseers, as the parochial clergy are in England. In time, no doubt, beneficial changes will be gradually introduced: for the present, however, you are required to make the best of the circumstances in which you are actually placed; and they are such as to justify the expectation of your discharging the duties of Clergymen with a high degree of usefulness and effect. You are many of you still, by the nature of your duties, military chaplains; but by no means subject to all the inconveniences, which the name seems to imply. You are placed completely and exclusively under ecclesiastical jurisdiction: you have fixed and permanent stations, to which you are henceforward to be nominated by myself;\* and your correspondence on all ecclesiastical matters will be carried on with myself or my Archdeacons: the rules prescribed for the regulation of your conduct will be precisely the same, except where local circumstances render it impracticable, with those which subsist at home: my Letters Patent direct me to administer the ecclesiastical laws, as they are received in the realm of England: and they evidently contemplate no other discipline, than that under which our Church has been favoured with such manifestations of the divine blessing, and still continues, notwithstanding the cavils of

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\* The Court of Directors did not confirm the regulation then made by the local Government in this respect.

“ bigoted or ignorant men, to be the great depositary of  
“ scriptural knowledge and sacred truth, and, under Christ,  
“ the main support of Christian piety throughout the world.

“ It is needless, I trust, in any circumstances, to employ  
“ much time in reminding Clergymen of the obligation which  
“ they contracted, when they solemnly devoted themselves to  
“ their holy calling; to bring to their recollection, that they  
“ promised, by the help of God, to ‘ give faithful diligence  
“ always so to minister the doctrine and sacraments, and the  
“ discipline of Christ, as the Lord hath commanded, and as  
“ this Church and realm hath received the same:’ and that  
“ in the public worship of God they will use the form pres-  
“ cribed in the Book of Common Prayer, and none other:  
“ an engagement, which precludes addition and omission, and  
“ every alteration whatever. And yet, perhaps, in the peculiar  
“ circumstances attending the situation of the Clergy in this  
“ country, one great danger, to which they have been exposed,  
“ has been that of falling into habitual neglect of canonical  
“ regularity: some practices of this kind have, in truth, come  
“ to my knowledge, of which, in the reliance that they will not  
“ be persisted in, I would much rather suggest the excuse, than  
“ pronounce the censure. I am ready to admit, that the Clergy  
“ have hitherto been placed in a condition by no means favour-  
“ able to the correct and regular performance of their duties.  
“ It is doubtless a high advantage enjoyed by your brethren in  
“ England, that their attention is so frequently drawn to every  
“ topic connected with their profession. Episcopal and archi-  
“ diaconal visitations afford the means of instruction and ad-  
“ vice, as well as of a ready and frequent intercourse among  
“ the Clergy of the same district: the example of an incumbent  
“ of revered character and approved judgment silently yet  
“ powerfully operates on his younger brethren, who are  
“ placed in his immediate neighbourhood: and occasionally,  
“ the penalties inflicted on the grosser derelictions of duty,  
“ and sometimes even on the omission of forms, will not suffer  
“ any to fall into a general inattention to subjects of this



“ nature. In the utter absence of these helps and restraints,  
“ it cannot be matter of surprise, if uncanonical practices have  
“ sometimes been admitted; especially in a country, where  
“ the laity themselves, little conversant with such subjects,  
“ have not exacted from the Clergy the same attention to  
“ established order, which is generally expected at home.  
“ These considerations seem to demand, especially at this  
“ our first meeting, that I should somewhat enlarge upon the  
“ topic of discipline.

“ The age in which we live, is not generally chargeable with  
“ any want of zeal in behalf of religion. The value of Christiani-  
“ nity is felt and acknowledged by the great mass of Christians;  
“ and very praiseworthy efforts are made for its diffusion.  
“ Much, however, of this zeal is destitute of regulation, or is  
“ directed only by the private views and notions of those, by  
“ whom it is cherished; and while those notions are so discor-  
“ dant, and are sometimes inculcated with so little regard to any  
“ recognised authority, it is to be expected, that the obligation  
“ to order in religious proceedings should be little attended to,  
“ and, in consequence, not generally understood: there seems  
“ even to be a prejudice against it, as if it were injurious to zeal,  
“ by having a tendency to cramp its exertions and to narrow  
“ the range of piety. It may be supposed, that an order of  
“ men, who have voluntarily adopted the sober views of the  
“ Church of England, and who know the grounds on which her  
“ discipline is established, and have had experience of its use  
“ and necessity, will be little liable, on such a subject, to be  
“ affected by the fluctuating opinions of the day; and yet, per-  
“ haps, it is too much to hope, that any of us, especially in such  
“ circumstances, should be wholly exempt from the influence  
“ of prevailing sentiment: human nature is too weak to adhere  
“ invariably and inflexibly to principles, which, however  
“ solemnly adopted and powerfully established, are yet dis-  
“ paraged in the public estimation, and not always observed in  
“ practice. I would remind you, then, that the order and  
“ discipline of our Church are an integral part of its constitution,

“ considering it as an instrument in the hands of God for the  
“ maintenance and diffusion of truth. The inculcation of sound  
“ doctrine is perceived by the most superficial, to be the highest  
“ object and aim of religious instruction; but it is not always  
“ remembered, that sound teaching can be maintained only by  
“ salutary discipline; and that the unity of truth must be pre-  
“ served by a reference to some particular interpretation of  
“ Scripture. Neither can provision be generally made for the  
“ maintenance of religion, but through the aid of an ecclesiasti-  
“ cal polity; not necessarily, indeed, enjoying the sanction and  
“ protection of the state, but sufficiently strong to maintain and  
“ enforce its regulations against opposition: which, however,  
“ in the present condition of society, is scarcely supposable to  
“ any great extent, without the assistance of the temporal  
“ power. And such appears to be the actual constitution of  
“ the Church of England. Its government and discipline ori-  
“ ginally emanate from higher authority than any human  
“ enactments, or the power of princes; even from the word of  
“ God, and the promises of Christ, and the practice of his  
“ apostles: its liturgy and its articles, though of human com-  
“ position, are yet interpretations of Scripture by persons, to  
“ whom was committed the ministry of the word: and the  
“ rubric, which it has framed to preserve a decency and pro-  
“ priety of worship, and the canons, by which it has provided  
“ for its government, are the results of piety and experience  
“ applied to these particular subjects: the part which the state  
“ has taken in these proceedings, has been only to adopt and  
“ to sanction them, and to secure to the Clergy, who teach in  
“ conformity with such principles, the emoluments, which a  
“ Christian state will appropriate to the maintenance of the  
“ Gospel, together with certain immunities and honours, to  
“ uphold them in the eyes of the world.

“ If this statement, then, be just, nothing can be more  
“ unfounded than any prejudice against the order and disci-  
“ pline of our Church, as tending to interfere with a salutary  
“ zeal; I mean, supposing such prejudice to subsist among



“ many of its members. With respect to others, the case is  
“ more intelligible, though it hardly deserves our notice: it  
“ is natural for those, who have no idea of sacred truth  
“ beyond the narrow views of the sect or party, with which  
“ they happen to be connected, to cherish a hope, that if the  
“ established interpretations of Scripture were divested of  
“ authority, and order and system could be brought into  
“ disrepute, their opinions would meet with less opposition:  
“ but with such we have at present no concern. For us it is  
“ sufficient to be convinced, that all the undoubted verities  
“ of Scripture are maintained and inculcated by our Church;  
“ that it furnishes the most ample means of grace, and well-  
“ founded hopes of glory; that its rites are primitive, and  
“ decent, and edifying; and that it imposes no restraints on  
“ zeal, but such as are necessary to order and peace, and to the  
“ maintenance of that establishment, under which the pur-  
“ poses of genuine piety are most easily attainable: and if  
“ any occasional inconvenience seems to result from the  
“ operation of the rules, which it has prescribed, it will be right  
“ to consider, though I cannot imagine a case, in which the  
“ inconvenience can be shewn, that in this, as in other  
“ instances, particular must give way to general good.

“ But in considering the unreasonableness of the prejudices  
“ against ecclesiastical discipline, it were unjust to rest its de-  
“ fence upon abstract principles, or even upon the constitution  
“ of the Church of England. The primitive Church, if we  
“ may rely upon the records of its earliest proceedings, was  
“ not more remarkable for the zeal and intrepidity of its  
“ preachers, than for their strict conformity to order, and their  
“ care to inculcate respect for discipline on the minds of their  
“ converts. To imagine that the first Christians bore any  
“ resemblance to the wild fanatics, who act as if it were a  
“ mark of piety to ‘despise dominion and to speak evil of  
“ dignities,’\* would indicate an utter ignorance of the history  
“ of our religion. It is well known, that the order and dis-  
“ cipline, the foundation of which had been laid by the

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\* Jude 8.

“ apostles, was a subject of unremitted attention in their  
 “ immediate successors. Not only is this apparent from the  
 “ writings of the apostolical fathers, but still more so, if  
 “ possible, from the history of the early councils, and the care  
 “ to provide for every emergency in the government of the  
 “ rising church. Many of the canons decreed at these  
 “ councils refer to doctrine, and scarcely fewer to discipline :  
 “ and though it is admitted, that the work which has come  
 “ down to us, under the name of ‘ apostolical canons,’ did  
 “ not actually proceed from the apostles, it has been shewn  
 “ to be of an antiquity little posterior to the apostolic age,  
 “ and in the judgment of Bishop Beveridge has merited the  
 “ appellation of ‘ the Code of the Primitive Church.’\* The  
 “ truth appears to be, that the zeal of the early Christians  
 “ went hand in hand with order and submission to authority ;  
 “ and whatever may be alleged of the influence and splendour,  
 “ which the Church acquired by the conversion of Constan-  
 “ tine, it is certain that the jurisdiction of the hierarchy had  
 “ been fully recognised from the earliest times ; and that the  
 “ great body of Christians evinced a conscientious obedience to  
 “ laws enforced under no other penalty than that of spiritual  
 “ excommunication, and deriving no support from the state.”

Bishop Middleton then proceeds to apply this part of his address, as connected with the possible extension of the Gospel in India ; and after reverting to an act of the legislature in the reign of King William, which enjoins, that “ such Ministers, “ as should be sent to reside in India, should apply them- “ selves to learn the native language of the country, the better “ to enable them to instruct the Gentoos, who should be “ servants of the Company, or of their agents, in the Pro- “ testant religion,”† continues the above subject as follows :—

\* Vide *Cotelerii Patres Apostolicos*, vol. 1, p. 432.

† Charter of the East India Company, A. D. 1698.—The author would not omit the allusion to the Rev. D. Corrie, the present Archdeacon of Calcutta, in this part of the charge. Adverting to the *Missionary* proceedings of that time, Bishop Middleton observes, he had met with none, which had been conducted with a happier combination of zeal and judgment than one of the clergy (the Gentleman now named) had displayed.

“ Every consideration, which can be urged in behalf of our  
 “ national Church, clearly supposes it to be well administered,  
 “ and that the Clergy, each in his station, be observed to dis-  
 “ charge their allotted duties with regularity and regard to  
 “ system. We otherwise become unconnected individuals, and  
 “ cannot possess in the public estimation any advantage arising  
 “ from our peculiar fitness to form a general standard. Even  
 “ with a view to our making converts by the mere force of  
 “ example, the effect of such regularity can hardly fail to be felt.  
 “ In the early ages, unbelievers, in endeavouring to account for  
 “ the rapid progress of the Gospel, laid great stress on the re-  
 “ gularity and order of the Clergy; and Sozomen\* has preserved  
 “ to us a remarkable letter of Julian the apostate to the high  
 “ priest of Galatia, in which he urges the priest to engraft on  
 “ paganism the laws and usages, by the observance of which  
 “ the Christian Clergy had been so successful. But in the  
 “ lowest view of the subject, and supposing that in the plan of  
 “ providence other means should be chiefly effectual in dis-  
 “ seminating the truth, if the doctrines of our church are  
 “ ultimately to be received as the preferable interpretation of  
 “ scripture, they must be diligently and consistently incul-  
 “ cated; and if her discipline is to be the model, it must be  
 “ exhibited in all its strength. This is our proper vantage  
 “ ground: and if we are verily persuaded, that the purest  
 “ principles of the Christian faith are those which we are  
 “ pledged to maintain, and that our Church is really built on  
 “ the foundations of the apostles and prophets, Jesus Christ  
 “ himself being the chief corner-stone, we shall not abandon  
 “ our ground by remissness, by irregularity, or by specious  
 “ attempts at accommodation.

“ In the course of my connexion with you, if Providence  
 “ should spare my life, I shall endeavour to keep in view the  
 “ general principles here laid down, and apply them to circum-  
 “ stances, as these may arise. For the present, under this

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\* Hist. Eccles. lib. vi. c. 16.



“ head, I will content myself with urging you to a strict conformity with the rubric and the canons of our Church: they have the same force in India that they have in England: and they are equally to be observed, wherever they are not plainly inapplicable: of which I shall be enabled to judge. Your dress, minute as the subject may seem, is by no means to be disregarded; and I am not aware that even the climate can require us to divest ourselves of any of the external marks of our profession: where, indeed, the Clergy are so few, it is more especially necessary, that they should be distinguishable, and should maintain respect. The same remark will apply to every feature of your deportment and conversation: and in truth, whenever I consider these points, I am convinced, that the responsibility which attaches to your situation, is even, if possible, greater than that which belongs to incumbents in England. The Ministers of the Gospel are everywhere ordained to be lights in the world; but here, in a world of thick darkness: and if any of you hide his light, there is no one at hand to supply his place, or to keep alive the sacred fire of divine truth in a region of wide extent; the charge is committed to a single individual, on whose fidelity and vigilance every thing must depend. Under the same head of admonition, I would remind you of the propriety, wherever there are Churches, of using them in the performance of such offices, as the rubric does not authorise in any other place. The practice which has been admitted in some instances, of performing the marriage service at all hours of the day, and in private houses, even where a Church is within a convenient distance, I cannot sanction or allow: and even where there is no Church, the decency and solemnity, which have prescribed certain hours for the purpose are quite as deserving of regard in this country as in any part of the world. So likewise in the administration of the office of baptism, the attendance of sponsors is to be required in the manner which the rubric directs: it is a salutary institution, both with respect to the provision,

“ which it makes, for bringing up children in the nurture of  
 “ the Lord, and as it tends to connect individuals, who are not  
 “ joined by any necessary tie, in the bonds of Christian love.  
 “ There are, probably, other topics of this kind, which may  
 “ deserve notice: but what has been said will, I trust, be  
 “ sufficient to convey my notions generally, as well as to shew  
 “ the stress, which I lay on the specified particulars.”—  
*Charge delivered to the Clergy of the Diocese of Calcutta on the*  
*7th Dec. 1815, at the primary visitation, by T. F. MIDDLETON,*  
*D.D. F.R.S. Lord Bishop of Calcutta.\**

\* The following extract selected from the Primary Charge, delivered to his Clergy by Bishop Heber, though not equally introductory and applicable to the immediate subject of this work, is however closely connected with the foregoing. The Bishop in describing the relative situation of a Clergyman in India and his functions, observes, in language peculiarly striking and interesting—

“ The Indian chaplain must not anticipate the same cheering circumstances which make the  
 “ house of the English parochial minister a school and temple of religion, and his morning and  
 “ evening walk a source of blessing and blessedness. His servants will be of a different creed  
 “ from himself, and insensible, in too many instances, to his example, his exhortations, and his  
 “ prayers. His intercourse will not be with the happy and harmless peasant, but with the  
 “ dissipated, the diseased, and often, the demoralized soldier. His feet will not be found at the  
 “ wicker gate of the well-known cottage; beneath the venerable tree; in the grey church-porch,  
 “ or by the side of the hop-ground and the corn-field; but he must kneel by the bed of infection  
 “ or despair, in the barrack, the prison, or the hospital.

“ But to the well-tempered, the well-educated, the diligent and pious clergyman, who can  
 “ endear himself to the poor without vulgarity, and to the rich without involving himself in their  
 “ vices; who can reprove sin without harshness, and comfort penitence without undue indul-  
 “ gence; who delights in his Master's work, even when divested of those outward circumstances  
 “ which in our own country contribute to render that work picturesque and interesting; who  
 “ feels a pleasure in bringing men to God, proportioned to the extent of their previous wander-  
 “ ings; who can endure the coarse (perhaps fanatical) piety of the ignorant and vulgar, and  
 “ listen with joy to the homely prayers of men long strangers to the power of religion; who can  
 “ do this, without himself giving way to a vain enthusiasm; and whose good sense, sound  
 “ knowledge, and practical piety, can restrain and reclaim the enthusiasm of others to the due  
 “ limits of reason and scripture; to him, above all, who can give his few leisure hours to fields  
 “ of usefulness beyond his immediate duty; and who, without neglecting the European penitent,  
 “ can aspire to the further extension of Christ's kingdom among the heathen;—to such a man as  
 “ Martyn was, and as some still are (whom may the Lord of the harvest long continue to his  
 “ church) I can promise no common usefulness and enjoyment in the situation of an Indian  
 “ Chaplain.

“ I can promise him, in any station to which he may be assigned, an educated society, and an  
 “ audience peculiarly qualified to exercise and strengthen his powers of argument and elo-  
 “ quence.—I can promise him, generally speaking, the favour of his superiors, the friendship of  
 “ his equals, and affection, strong as death, from those whose wanderings he corrects, whose  
 “ distresses he consoles, and by whose sick and dying bed he stands as a ministering angel!—  
 “ Are further inducements needful? I yet can promise more. I can promise to such a man the



The contents of the following Analysis may now be stated. In the first chapter will be found all that relates to the See and Diocese, as contained in the Letters Patent, with additional information applicable thereto; and with tables of the ecclesiastical stations, and churches, already consecrated, in the respective

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“esteem, the regard, the veneration, of the surrounding Gentiles; the consolation, at least, of having removed from their minds, by his blameless life and winning manners, some of the most inveterate and most injurious prejudices which oppose, with them, the reception of the Gospel; and the honour, it may be, (of which examples are not wanting among you,) of planting the cross of Christ in the wilderness of a heathen heart, and extending the frontiers of the visible church amid the hills of darkness, and the strongholds of error and idolatry.

“In what I have said, I feel that I have expressed, almost without intending it, my opinion as to what manner of man an Indian Chaplain ought to be; and to such of you, my brethren, as fill that honourable rank any further pastoral advice seems scarcely necessary. If there be any thing more, it must relate to matters of detail and local expediency, which may be left to every man for himself, according to his personal and particular experience.

“Two such points there are, however, which I would generally press on the notice of all; because I can hardly conceive a situation in this country where an attention to both will not be both necessary and blessed.

“The first is a continued and earnest furtherance of and attention to those powerful aids in your spiritual work, by the bounty of individuals, the parental care of Government, and the pious munificence of the venerable Society for Promoting Christian Knowledge,—in regimental or station schools, wherever they exist or can be established; in the dissemination of religious tracts, of our excellent Liturgy, and the Holy Scriptures; and in the arrangement and conduct of those lending libraries, which should more particularly fall under the Chaplain’s care, and which I hope, by God’s blessing, to see established throughout this land, wherever there is a barrack to receive, or an European soldier or invalid to use them.

“The second point which I would recommend to every Chaplain who is preparing himself for India, or who yet looks forward to a lengthened residence here, is the attentive and grammatical study of some one of the native languages. I mean not merely that jargon which a few weeks will bestow; which is picked up in our intercourse with the meanest of the people, and which suffices, perhaps, to order bread to be placed on our table, or to expedite our journey from stage. Nor do I recommend, as a general measure, what is to most impracticable, and useful, perhaps, to few, an investigation of the abstruse elegancies and intricate machinery of the learned language of the Brahmins. But I do earnestly recommend some further attention than the majority of Chaplains in India are accustomed to pay, to those dialects which are intelligible to the great body of the Indian people, and which well-born and well-educated men employ in conversing with each other.

“The duty, indeed, of endeavouring the conversion of his heathen neighbours, is to a Chaplain, I readily admit, an incidental duty only. It is a duty, nevertheless, expressly contemplated in those laws which send him hither; and the times may yet return in which it may be expedient to remind the opponents of Gentile conversion, that to acquire the languages and instruct the natives of India is declared, in the charter of these colonies, to be a legitimate and necessary part of the labours of every Chaplain whom the East India Company shall employ.”—*Charge delivered to the Clergy of the Diocese of Calcutta at Calcutta, the 27th May 1824, by the Right Reverend REGINALD HEBER, D. D. Lord Bishop of Calcutta.*



archdeaconries.\* The second chapter relates to the Bishop of the See and Diocese; his appointment, powers, and functions; and the proceedings in general, on his arrival, and installation, in India. In the third chapter, the appointments, institutions, and offices, of the several Archdeacons, and Commissaries, and their functions, are given; with practical forms. The fourth chapter concerns the Ministers and Chaplains in the diocese; containing instructions to them on arriving in India for obtaining licences to officiate; their practical duties, and other information connected with their appointments; and with practical forms. In the fifth chapter, the appointments and duties of the Registrars in the archdeaconries, are treated of; to which are also added applicable precedents. Separate chapters are given, as to ordination, confirmation, consecration of Churches, and visitation, in the Indian Diocese; each chapter containing the order of proceedings, with forms necessary to be observed and followed on those occasions. And lastly, a chapter, respecting the establishment of the Bishop's Consistory Court for the Archdeaconry of Calcutta, including the able address delivered on its opening.

Of the precedents set out in each chapter, it may be observed, that with the exception of a very few, the whole were brought out from England, by the author, in manuscript in 1814, and adapted to the Indian Diocese, by its first illustrious prelate, and whom to mention in this place, may perhaps be imputed to feelings of vanity—Bishop Middleton.—The same forms were followed, and acted upon, by his distinguished and still deeply lamented successor—Bishop Heber, and continue to be those observed. The proceedings on different occasions, as also given, were in great measure originally directed by Bishop Middleton.

The Appendix contains the 39 Articles, and the Canons of 1603; extracts from 53 Geo. 3, cap. 155; and 4 Geo. 4, cap.

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\* In the Tables here adverted to, had it before occurred to the author, a column might have been added to each, giving the number of schools under the immediate superintendence of the regular clergy, at the different stations.

71; copies of the Letters Patent of the 2d May, 54 Geo. 3, A. D. 1814; and his late Majesty's grant of the armorial ensigns of the see of Calcutta; the Letters Patent of the 27th Sept. 57 Geo. 3, A. D. 1817; the 27th May, 4 Geo. 4, A. D. 1823; and the 2d Oct. 5 Geo. 4, A. D. 1824. To which is added Bishop Middleton's Letter to the Reverend A. Hamilton, Secretary to the Society for the Propagation of the Gospel in Foreign Parts, London; enumerating the objects of the institution of Bishop's College near Calcutta, as being in great measure connected with the contents of this work. And at the end of the Appendix will be found a copy of the Government General Orders regarding soldier's libraries; and such of the Government regulations as concern the Chaplains of the Honorable Company, on the Bengal establishment.

The author repeats his hope of receiving every indulgence. The volume, inconsiderable in size, as it has proved, has been hastily compiled, and only as his official and other duties permitted. And whatever may be the fate, or result of his efforts to be useful to the ecclesiastical establishment in British India, it will be some satisfaction to his mind, to feel conscious that he has at least endeavored, by perseverance and industry, to accomplish that end, which might have been more effectually attained by superior pretensions and talents.

*Calcutta, August 1828.*

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## CORRIGENDA.

*Page 6, lines 2 and 12, for Bishops read Bishop.*

*8, for Section V. read Section VI.*

*17, line 3, dele that.*

*25, line 13, dele Clerk.*

*26, line 24, read Bishop and.*

*27, lines 15 and 16, for duty of Archdeacons, read duty of an Archdeacon.*

*37, line 4, of Section IV, dele that.*

*43, line 35, for into the said Archdeaconry, read into the — Church of — in the archdeaconry of —*

*44, lines 19 and 29, for unto your, read into the hands and possession of your.*

*45, line 23, for desirous to, read desirous of returning to Europe and to.*

*46, lines 37 and 38, for the said archdeaconry or archidiaconal dignity, read the — church of — as the Archdeacon.*

*52, line 9, for the episcopal, read our episcopal.*

*68, line 18, for cap. 38 and 6, read cap. 83, § 6.*

*109, for Section III, read Section IV.*

*151, line 14, for alter read altar.*



A

# PRACTICAL ANALYSIS

OF

## THE SEVERAL LETTERS PATENT

ERECTING, FOUNDING, AND CONSTITUTING,

The See and Diocese of Calcutta.

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### CHAP. I.

OF THE SEE AND DIOCESE OF CALCUTTA.

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#### SECTION I.

*Extracts from the several Letters Patent.*

---

THE preamble of the Letters Patent of His late Majesty, George the Third, dated at Westminster, the 2nd of May A. D. 1814, declares, that, “Whereas, “the doctrine and discipline of the United Church of England and Ireland are professed and observed by a considerable part of His Majesty’s subjects, resident “within the territories under the Government of the “United Company of Merchants trading to the East “Indies;” and that, “Whereas, no sufficient provision “hath been made for the supply of persons duly ordained, to officiate as Ministers, and that His Majesty’s “subjects are deprived of some offices prescribed in “the Liturgy, and the usage of the Church aforesaid, “for want of a Bishop.”

Preamble.  
Letters Patent  
2d May A. D.  
1814.  
*Appendix.*

Recites that the doctrine and discipline of the united Church of England and Ireland is professed by a considerable part of His Majesty’s subjects in the East Indies.

And that no sufficient provisions made.



For remedy,  
His Majesty  
erects and con-  
stitutes the  
British terri-  
tories in the  
East Indies to  
be a bishop's  
see.

Subject to the  
province of  
Canterbury.

Letters Patent  
27th of May  
A. D. 1823.  
*Appendix.*

The same Letters Patent, then proceed to state, that,  
“ for remedy thereof, His Majesty was pleased to  
“ erect, found, ordain, make, and constitute, the said  
“ British Territories, in the East Indies, to be a Bishop's  
“ See, and to be called, the Bishopric of Calcutta.  
“ Moreover, it was thereby ordained, that the said  
“ See of Calcutta should be subordinate to the Archi-  
“ episcopal See of the province of Canterbury.”

And by other Letters Patent, His present Majesty,  
George the Fourth, dated at Westminster, the 27th  
of May A. D. 1823, was pleased, also to declare,  
for removing all doubts, “ that the See and Diocese  
“ of the Bishop of Calcutta, should be extended over,  
“ the whole of His Majesty's territories within the limits  
“ of the charter of the said United Company.” And  
did ordain, “ that the said See of Calcutta should be  
“ subordinate to the Archiepiscopal See of the pro-  
“ vince of Canterbury.”

## SECTION II.

### *Of English Sees and Dioceses generally.*

BEFORE proceeding to the particulars of the ap-  
plication of the above Letters Patent to the Indian  
Diocese, it may be necessary to premise, something  
concerning English Bishoprics and the origin and  
meaning of Cathedrals or Sees,—and of Dioceses in  
general.

English realm  
how divided.

The British realm is laid down to have two sorts of  
divisions, one into shires, or counties, in respect of the  
temporal state, and another into dioceses, in regard  
to the ecclesiastical state. 1 *Inst.* 94. And at this  
day, the ecclesiastical state is also divided into two  
provinces, or archbishoprics, to wit, Canterbury and  
York; each Archbishop hath within his province Bi-  
shops of several dioceses. *Wood's Inst.* 2.

With respect to the meaning and origin of Cathedrals, or Sees, the following particulars are given, of the same.

Sees or Cathedrals origin of.

After the conversion of Constantine the Emperor, the other converts in those days, and in the following times, who were many of the governors and nobles, settled great and large demesne lands on those who converted them, and the first oratories, or places of public worship, are said to have been built upon those lands; which first oratories were called “*cathedral sedes*,” cathedrals, or seats, from the Clergy’s constant residence thereon. *God. 347. Burn. vol. 1, page 275.*

The Cathedral is the see of the Bishop, and cannot be conveyed to another without him. *Dean and Chapter of Norwich’s case. 2d And. 168.* The king, by his patent, may create a church, “*et ambitum ecclesiæ*” a cathedral. *Hayward v. Fulcher, Jones 166.*

The Sees of Bishops ought regularly to be fixed in such towns only as are noted and populous, and by the canon law, that, at what extent, or how populous soever the diocese, or jurisdiction of a Bishop, might be, it was most agreeable to the episcopal dignity to place the See, or Cathedral Church, in some large and considerable town. *Gibs. 171.*

And every town which hath a See of a Bishop placed in it, is thereby entitled to the honour of a city. *Gibs. 171.*

And Lord Coke defineth a city thus: A city (said he) is a borough incorporate, which hath had a Bishop, and though the bishopric be dissolved, yet the city remaineth. *1 Inst. 100.*

The word Diocese (*Diocesis*), signifies the circuit of every Bishop’s jurisdiction. *1 Inst. 94. Burn. Ecc. Law, vol. II, page 157.*

Diocese what.

## SECTION III.

*Of the Indian See and Diocese.*

Saint John's  
Church at Cal-  
cutta now the  
Cathedral.

HAVING stated the foregoing, in reference to His Majesty's said Letters Patent, and the Diocese of Calcutta, it may now be observed, that ever since the erection and foundation of that See, Saint John's Church in Calcutta, has been denominated the Cathedral of the See of Calcutta, being the principal Church, and in which the Bishops of Calcutta have their seat, and have hitherto been installed.

Diocese of Cal-  
cutta.

With regard to that Diocese itself, it would be beyond the purpose of the present analysis to give more than what is simply described in the several Letters Patent, which circumscribe the circuit thereof to within the limits of the Company's charter. And of those limits, the following may be added as being contained in the *53d Geo. 3, cap. 155*, "all the territorial acquisitions mentioned in the *33d Geo. 3, cap. 52*, with "such of the territorial acquisitions of the Company, "since obtained on the continent of Asia, or in any "Islands to the North of the equator, in the possession "and under the Government of the Company;" And the *33d Geo. 3, cap. 52*, comprizes, "all islands, ports, havens, coasts, cities, towns and places, *between* the Cape of Good Hope and Streights of Magellan;" and which are equally the same as mentioned in the *9th W. 3, cap. 44*.

The vast countries therefore in Asia, which form at present the Indian Diocese, and over which, the ecclesiastical jurisdiction of the See of Calcutta has been extended, render the same almost endless, for episcopal visitation. The greater part of Hindoostan, including the islands and countries to the eastward of the Bay of Bengal, as constituting the territories of the Honourable the East India Company, comprehended originally that Diocese; afterwards, the island of Ceylon was added thereto; and subsequently, by the same Letters



Patent, all other His Majesty's territories within the limits of the Honourable Company's charter, have been declared to form and at present constitute the See and Diocese of Calcutta.

Having thus cursorily enumerated the above, it is scarcely necessary to recur to what is laid down in England respecting the boundaries of English Dioceses, which are to be determined by witnesses and records, and more particularly, by the administration of divine offices. See *Burn*, vol. 2, page 157; and *Gibs.* 133.

---

#### SECTION IV.

##### *Of the archdeaconries in the Diocese of Calcutta.*

---

EVERY Diocese is divided into archdeaconries, and in England, archdeaconries again into towns or parishes. Every diocese divided into archdeaconries.  
1 *Inst.* 94.

And, consistently with such ecclesiastical division, the same Letters Patent of the 2d of May 1814, creating, first the See and Diocese of Calcutta, proceed to constitute one archdeaconry in and over the Presidency of Fort William, in Bengal, to be styled, the Archdeaconry of Calcutta; one other archdeaconry in and over the presidency of Fort Saint George, on the coast of Coromandel, to be styled, the Archdeaconry of Madras; and also one other archdeaconry, in and over the Presidency and Island of Bombay, on the coast of Malabar, to be styled, the Archdeaconry of Bombay. All such archdeaconries are declared to be subject and subordinate to the Bishops of Calcutta. Archdeaconries of Calcutta, Madras, and Bombay. Letters Patent, 2d May 1814. Appendix.

And his late Majesty, by other Letters Patent of the 27th of September, A. D. 1817, 57 Geo. 3, was pleased to found one other archdeaconry within the British Territories in the East Indies, that is to say, at Colombo in the Island of Ceylon, to be styled, the Archdeaconry of Colombo, and to declare such archdeaconry to be Archdeaconry of Colombo. 27th Sept. 1817, 57 Geo. 3. Appendix.

also subject, during the royal pleasure, to the jurisdiction, spiritual and ecclesiastical, of the Bishops of Calcutta for the time being.

Archdeaconry  
of New South  
Wales.  
2d Oct. A. D.  
1824, 5 Geo. 4.  
*Appendix.*

And His present Majesty, by other Letters Patent, dated 2d of October, A. D. 1824, 5 Geo. 4, was pleased also to constitute one other archdeaconry, in and over the British Territories, within His Majesty's colony, or settlement, of New South Wales, and its dependencies, including Van Dieman's Land, to be styled, the Archdeaconry of New South Wales, and to be subject and subordinate, during His Majesty's pleasure, to the Bishops of Calcutta for the time being.

Archdeaconries  
not yet defined,  
nor divided, as  
in the case of  
the English  
archdeaconries.

To define the bounds, or circuit of jurisdiction, of these archdeaconries, otherwise than by the limits of the Presidencies or Governments, would be almost impossible; the most inconsiderable of them may be said to be larger, in extent of country, than the two provinces of Canterbury and York, or the whole of the Dioceses in England; and all that can be observed of the Indian archdeaconries is, that in this early state of the episcopal establishment, none of them, in reference to the condition of the territories over which they extend, could, or can possibly, be circumscribed by bounds, as in the case of the archdeaconries in England; nor do they contain any defined parochial districts or parishes.

---

#### SECTION V.

#### *Of the Ecclesiastical Stations or Districts.*

The archdeaconries contain Stations or districts at which ministers are appointed to officiate.

THE archdeaconries of Calcutta, Madras, Bombay, and Colombo, at the present day comprize, only divers civil or military stations, at which, ministers and chaplains, duly licensed, officiate; most of which stations, in these respective archdeaconries, may be considered as distant from each other, some, one hundred, and others, upwards of three and four hundred English miles; the intermediate, or surrounding countries, being

left without the assistance of any regular or permanent ministry. In some few districts, where any considerable number of Europeans reside, or where missionary efforts have been directed, ministers, duly ordained, have been licensed to officiate.

Nor have any of these stations or districts been, as yet, laid down or defined by limits according to the ecclesiastical polity of England, for the good order and Government of the Church. And as many public advantages arise from such divisions (parishes being held to have been instituted for the ease and benefit of the people,\*) perhaps in the city of Calcutta, where the limits of that metropolis are so extremely extensive, and several churches already built, it might be found desirable and important, that some circuits resembling parochial boundaries, should be commenced upon, *in those parts* of that city *and its suburbs*, where the Christian population mostly reside. The different churches, by being assigned to independent districts and having a cemetery to each, would more conveniently accommodate the public: the poor, or other fit objects of relief, be easier ascertained; local charities and schools more effectually instituted; and the Clergy, not only thereby become better identified within their respective cures, but spiritual aid, and the ministration of Divine offices, generally afforded with greater facility.

Those stations  
or districts  
undefined.

Suggestions for  
making paro-  
chial districts  
at Calcutta.

In the present want at Calcutta of such ecclesiastical divisions, the limits of the duties of the respective ministers of the several churches are now with difficulty to be ascertained; and if the above measure met with the approbation of the Supreme Government, and the Clergy for the time being secured from loss or injury in their present appointments, parochial districts in the parts of the city of Calcutta mentioned, *including the suburbs*, might be formed, upon the mode and principle laid down in 58 *Geo. 3, cap. 45, § 19, 21,*

---

\* So held by Lord Holt in 3 *Salk.* 88, 89.



intituled, “an act for building in England additional churches, and converting extra-parochial districts into parishes;”—and an approximation made thus, to the English forms in that particular.

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#### SECTION V.

#### *Tables of Stations and Churches in the Indian Archdeaconries.*

---

Tables of clerical stations and places in the archdeaconries of Calcutta, Madras, Bombay, and Colombo, and the churches consecrated therein.

THE Tables appended to this chapter will exhibit the names of the stations, or places, in each of the four archdeaconries of Calcutta, Madras, Bombay, and Colombo, at which chaplains and ministers duly licensed have been appointed to officiate. The other particulars contained therein may not, perhaps, in the present early introduction of the Church establishment in the East Indies, or to any reader at some future period, be entirely devoid of interest, as having been detailed at this date (1828).

The number of consecrated Churches or Chapels within the respective archdeaconries is yet small, and inadequate, but the infancy of the Indian episcopal constitution, must be borne in mind, as well as the previous circumstances of British India. There are many stations in the Diocese of Calcutta at which the clergy are still obliged to perform the service on Sundays, either in barracks, or on the open plain; at others, in private houses, or else in bungalows hired merely for that purpose. As a matter of public concern, and for the interests of christianity, it is humbly hoped, from the known liberality of the Honorable the East India Company, and the other Governments, that a greater number of churches, or edifices calculated for the performance of divine worship, will, in a few years, appear; and the visible proofs of a christian feeling thus encrease with the advancing and improved state of the English Diocese in Asia.

## TABLE I.

## ARCHDEACONRY OF CALCUTTA.

Names of Places, or Stations to or at which Clergy have been licenced to officiate.	Number of Churches or Chapels of the Establishment at each Place or Station.	Number of Ministers or Chaplains ap- pointed to each.	In what year and by whom consecrated.
The City of Calcutta.	The Cathedral, St. John.	Two	Consecrated A. D. 1787.
	One Church, St. James.	One	Consecrated by Bishop Heber, A. D. 1823.
	One Church, St. Peter, within the Fort.	One	Consecrated by Bishop James, A. D. 1828.
	One Chapel, called Mission, or Old Church.	Two	Licenced by Bishop Middleton.
Bishop's College, near Calcutta.	The Collegiate Chapel.	.....	Consecrated by Bishop James, A. D. 1828.
Kidderpore.. ..	.....	One	—
Howra. ....	.....	One	—
Dum-Dum. ....	One Church, St. Stephen.	One	Consecrated by Bishop Heber, A. D. 1823.
Barrackpore. ....	.....	One	—
Chinsura. ....	One Church. ....	One	To be consecrated.
Berhampore, .....	.....	One	—
Dacca and Chittagong.	One Church. ....	One	To be consecrated, now licenced by Bishop Middleton.
Patna. ....	.....	One	—
Cuttack. ....	.....	One	—
Meerut. ....	One Church, St. John.	One	Consecrated by Bishop Heber, A. D. 1824.
Delhi. ....	.....	One	—
Futtyghur. ....	One Church. ....	One	To be consecrated, now licenced by Bishop Middleton.
Agra. ....	.....	One	—
Benares. ....	One Church, St. Mary.	One	Consecrated by Bishop Heber, A. D. 1824.
Ghazeepore. ....	A Church building	One	—
Cawnpore. ....	.....	Two	—
Dinapore. ....	A Church building	One	—
Bhaugulpore and Monghyr.	.....	One	—
Allahabad. ....	.....	One	—
Burdwan. ....	.....	One	—
Saugor. ....	.....	One	—
Barreilly. ....	.....	One	—
Chunar. ....	.....	One	—
Chupra. ....	.....	One	—
Goruckpore. ....	.....	One	—
Kurnaul. ....	.....	One	—
Neemuch. ....	.....	One	—
Nusseerabad. ....	.....	One	—
Prince of Wales' Island.	One Church, St. George.	.....	Consecrated by Bishop Middleton, A. D. 1819.

TABLE II.  
ARCHDEACONRY OF MADRAS.

Names of Places, or Stations to or at which Clergy have been licenced to officiate.	Number of Churches or Chapels of the Establishment at each Place or Station.	Number of Ministers or Chaplains appointed to each.	In what year and by whom consecrated.
The Town of Madras. } Bangalore.....	St. George's Church. St. Mary's Church The Chapel in Black Town. One Chapel.....	Two One One One	Consecrated by Bishop Middleton, A. D. 1816. Consecrated, A. D. — Consecrated, A. D. — Licenced by Bishop Middleton.
Saint Thomas's Mount. Arcot. ....	One Church building. One Church, St. Mary.	One One	— —
Cuddalore,..... Cannanore. ....	..... .....	One One	— —
Fritchinnopoly. ....	One Church, St. John.	One	Consecrated by Bishop Middleton, A. D. 1816.
Palamcottah..... Quilon. ....	..... .....	One One	— —
Tellichery. ....	One Chapel. ....	One	Licenced by Bishop Middleton, A. D. 1821.
Vizagapatam. .... Bellary. ....	..... .....	One One	— —
Secundrabad. ....	One Chapel, St. John.	One	Licenced by Bishop Middleton.
Belgaum. ....	.....	One	—
Masulipatam. .. } Poonamallee. ....	One Church, St. John. One Chapel, St. Mary. One Church, St. Mary Magdalene.	..... } ..... } ..... }	To be consecrated, now licenced by Bishop Middleton. Consecrated by Bishop Middleton, A. D. 1819.

*Note.*—THESE Tables do not comprize the churches in the Archdeaconry of New South Wales; the very great distance of which from Calcutta, and from its comparatively recent annexation to the Diocese, no episcopal proceedings of the description alluded to in the Tables, could have been given in the present work; nor do the Tables contain any of the Churches at the other detached or remote dependencies, but are confined exclusively to the four archdeaconries of Calcutta, Madras, Bombay, and Colombo.



## TABLE III.

## ARCHDEACONRY OF BOMBAY.

Names of Places, or Stations to or at which Clergy have been licenced to officiate.	Number of Churches or Chapels of the Establishment at each Place or Station.	Number of Ministers or Chaplains appointed to each.	In what year and by whom consecrated.
The Town of Bombay.	One Church, St. Thomas.	Two	Consecrated by Bishop Middleton, A. D. 1816.
Matoonga, including Tana. ....	One Chapel, St. James.	One	Consecrated by Bishop Heber, A. D. 1825.
Colaba. ....	.....	One	—
Surat, including Baroach.	One Church, dedicated to the Lord Jesus Christ called Christ Church.	One	Consecrated by Bishop Heber, A. D. 1825.
Poona, including Ahmednuggur, and Sattara.	One Church, St. Mary.	Two	Consecrated by Bishop Heber, A. D. 1825.
Kaira, including Ahmedabad. ....	One Church, St. George.	One	Consecrated by Bishop Heber, A. D. 1825.
Mhow. ....	.....	One	—
Bhooj. ....	.....	One	—
Baroda. ....	One Church, Holy Trinity.	One	Consecrated by Bishop Heber, A. D. 1825.
Kirkee. ....	.....	One	—
Cutch. ....	.....	One	—
Southern Concan. ....	.....	One	—
Harbor of Bombay. ....	.....	One	—
Malligaum, in Candesh.	.....	One	—

## TABLE IV.

## ARCHDEACONRY OF COLOMBO.

Names of Places, or Stations to or at which Clergy have been licenced to officiate.	Number of Churches or Chapels of the Establishment at each Place or Station.	Number of Ministers or Chaplains appointed to each.	In what year and by whom consecrated
Colombo. ....	One Church, St. Peter.	One	—
	One Church, St. Paul.	One	—
The Petta. ....	One Church. ....	One	—
Mount Livinia. ....	One Chapel. ....	.....	—
Trincomale. ....	.....	One	—
Galle. ....	One Church. ....	One	—
Kandy. ....	.....	One	—
Jaffna. ....	.....	.....	—
Baddagamma. ....	One Church, Christ Church.	Two	Consecrated by Bishop Heber, A. D. 1825.
Cotta. ....	.....	.....	—

## CHAP. II.

## OF THE BISHOP OF THE SEE AND DIOCESE OF CALCUTTA.

## SECTION I.

*Of the Episcopal Office in general.*

PREVIOUSLY to giving the extracts, from the Statute, and His Majesty's Letters Patent, applicable to the present chapter, the following particulars are briefly noticed.

Particulars as  
to the office of  
a Bishop.

A Bishop (*Episcopus*) is laid down to be the chief of the clergy in his Diocese, and is that spiritual secular person who hath supreme power, under the King, in all ecclesiastical causes, and is universal incumbent of his Diocese. A Bishop was formerly so called, from that watchfulness, care, charge, and faithfulness, which, by his place and dignity, he hath and oweth to the Church. *Godwin*, 22. 23.

Is the Arch-  
bishop's suf-  
fragan.

The Bishop is the Archbishop's suffragan, or assistant, the Archbishop being the chief of the clergy in the province. *Godwin*, 22.

Must be 30  
years of age.

Every man, which is to be ordained, and consecrated Bishop, shall be full thirty years of age. The reason for which, by the canon law, is, that our Saviour was baptised to preach at that age. *Dist.* 78, *cap.* 3.

Four requi-  
sites, election,  
confirmation,  
consecration,  
and installa-  
tion.

There are four things to complete a Bishop, 1st, election or appointment; 2nd, confirmation (if elected); 3rd, consecration; 4th, installation. 3 *Salkeld*, 72.

Right of elec-  
tion in the  
Crown.

The right of electing, or appointing to Bishoprics, is laid down to be in the Crown of England, as the Supreme Head of the Church. *Palm.* 28. On which subject, Lord Coke establisheth the right of donation in the Kings of this realm, upon the principle of foundation and property, for that all the Bishoprics in England were of the right of patronage. 1 *Inst.* 134, 344.

The election, or nomination, by the King's *congé*

*d'eslire*, or licence, is signified by His Majesty's Letters Patent, directed to the Archbishop of the province, or to four Bishops, requiring them to confirm, invest, and consecrate the person so elected, which they were bound to perform immediately. And confirma-  
tion.

And with regard further to that appointment, as vested in the Crown, it is observed, that election was, in very early times, the usual mode of elevation to the episcopal chair, throughout all Christendom; and this was promiscuously performed, originally, by the laity as well as the clergy, till at length, it becoming tumultuous, the Emperor, and other Sovereigns of the respective kingdoms of Europe, took the appointment in some degree into their own hands, by reserving to themselves the right of confirming those elections, without which the elected Bishop could not be consecrated. This right was acknowledged in the Emperor Charlemagne, A. D. 773, by Pope Hadrian I., and the Council of Lateran. *Decret.* 1. *Dist.* 63, 22. and universally exercised by other Christian Princes. *Blackstone's Com. vol. 1, page 377.*

With reference to the proceedings in England, regarding the election, confirmation, and consecration of Bishops, the reader may consult *Burn. Ecc. Law, vol. 1, page 198, 199*; and also *26th Geo. 3, cap. 84*, and *59th Geo. 3, cap. 60, § 6*, as relating to the consecration of Bishops, subjects or citizens of countries out of His Majesty's dominions.

After election and confirmation, and not before, the Bishop is fully invested to exercise all spiritual jurisdiction. *Gibs. 114.*

But he may not sue for his temporalities till after consecration. *Wats. cap. 40, page 423.*

In addition to the above particulars, the following extracts respecting the appointment and powers of the Bishop of Calcutta will now be added.



## SECTION II.

*Extracts from 53d Geo. 3, cap. 155. And particulars of the several Letters Patent relating to the Bishop of Calcutta.*

Extracts  
53 Geo. 3.  
cap. 155,  
*Appendix.*

BY the 53d Geo. 3, cap. 155, it is enacted, “ in  
“ case it shall please His Majesty, by His Royal Letters  
“ Patent, under the great seal of the said United King-  
“ dom, to erect, found, and constitute, one Bishopric  
“ for the whole of the British Territories in the East  
“ Indies and parts aforesaid; one Archdeaconry for the  
“ Presidency of Fort William in Bengal; one Archdea-  
“ conry for the Presidency of Fort Saint George, on the  
“ coast of Coromandel; and one Archdeaconry for the  
“ Presidency and Island of Bombay, on the coast of  
“ Malabar; and from time to time to nominate and ap-  
“ point a Bishop, and Archdeacons respectively,” then,  
that the Court of Directors should pay certain esta-  
blished salaries to such Bishop and Archdeacons.

Not to have ju-  
risdiction, &c.  
except such as  
limited by His  
Majesty.

And again, by the same 53d Geo. 3, cap. 155, sec.  
51, 52, 53, it is enacted, “ that such Bishop of Calcutta  
“ shall not have, or use any jurisdiction, or exercise any  
“ episcopal functions whatever, either in the East Indies,  
“ or elsewhere, but only such jurisdiction and functions  
“ as should from time to time be limited to him by His  
“ Majesty’s Letters Patent.

His Majesty  
may grant by  
letters patent,  
such jurisdic-  
tion, &c. as he  
may think  
necessary.

“ And that it shall and may be lawful for His Majesty,  
“ from time to time, if he shall think fit, by his Letters  
“ Patent, to grant to such Bishop, so to be nominated  
“ and appointed by His Majesty, such ecclesiastical ju-  
“ risdiction, and the exercise of such episcopal functions,  
“ within the East Indies and parts aforesaid, as His  
“ Majesty shall think necessary, for the administering  
“ holy ceremonies, and for the superintendence, and  
“ good government, of the ministers of the Church Esta-  
“ blishment, within the East Indies and parts aforesaid.

To be counter-  
signed by the  
President of

“ And also, that when and as often, as it shall please  
“ His Majesty to issue any Letters Patent respecting

“ any such Bishopric or Archdeaconry as aforesaid, or  
 “ for the nomination or appointment of any person  
 “ thereto, the warrant for the bill in every case shall be  
 “ countersigned by the President of the Board of Com-  
 “ missioners for the affairs of India.”

the Board of  
 controul.

In virtue of the above act, His late Majesty, by the  
 Letters Patent of the 2d May 1814, (the same as  
 already mentioned in the last chapter,) after thereby  
 erecting, founding, and constituting, the See and Dio-  
 cese of Calcutta, “ was pleased to nominate and ap-  
 “ point, THOMAS FANSHAW MIDDLETON, D. D. to be  
 “ the Bishop of that See, and did then ordain that the  
 “ Bishop should be subject to the see of the province  
 “ and Archbishop of Canterbury, in the same manner  
 “ as any other Bishop within that province, save in the  
 “ matter of appeals,” which were afterwards therein  
 provided for.

Letters Patent,  
 2d of May  
 1814.  
*Appendix.*  
 Appointment.

To be subject  
 to the Arch-  
 bishop of Can-  
 terbury, save  
 in appeals.

“ And after thereby creating the archdeaconries of  
 “ Calcutta, Madras, and Bombay, His late Majesty did  
 “ also grant to the Bishop the right of collating thereto,  
 “ in all times to come, any priest, being one of the  
 “ Chaplains of the Company, resident in India.

Power of col-  
 lating to arch-  
 deaconries of  
 Calcutta, Ma-  
 dras and Bom-  
 bay.

“ And by the same Letters Patent, the Bishop has  
 “ express authority to *ordain*, and to *confirm*.”

To ordain and  
 confirm.

“ And by himself, or by his commissary or commis-  
 “ saries, to exercise jurisdiction, spiritual and ecclesi-  
 “ astical, in and throughout the See and Diocese,  
 “ according to the ecclesiastical laws of England, in  
 “ the several causes and matters specified, and no  
 “ other.

By him or his  
 commissary  
 to exercise  
 jurisdiction  
 spiritual and  
 ecclesiastical,  
 as follows :

“ And by himself, or by his commissary or commis-  
 “ saries, by him thereunto specially authorized, to  
 “ grant licences to officiate, to all ministers and chap-  
 “ lains within the Diocese.”

To grant li-  
 cences to offi-  
 ciate.

“ To *visit*, in the Diocese, with all jurisdiction,  
 “ power, and coercion ecclesiastical requisite; and to  
 “ call before him, or his commissary or commissaries,  
 “ at such competent days, hours, and places, when and

To visit and  
 call before him  
 his clergy.

“ as often, as to him or them should seem meet and  
 “ convenient, all ministers, chaplains, priests, and dea-  
 “ cons, or any of them, and to enquire by witnesses, to  
 “ be sworn in due form of law, and by all other lawful  
 “ ways and means, by which the same might be best  
 “ and most effectually done, as well concerning their  
 “ morals, as their behaviour, in their offices and sta-  
 “ tions.”

To administer  
oaths.

Power is also granted the Bishop by himself, or  
 by his “ commissary or commissaries, to administer  
 “ all such oaths, as are accustomed and may, by law,  
 “ be administered according to the ecclesiastical law of  
 “ England.”

To punish and  
correct, by  
deprivation,  
suspension, or  
other censure.

The Bishop, or his commissary, is also expressly  
 authorized, “ to correct chaplains, ministers, or priests,  
 “ and deacons, according to their demerits, whether by  
 “ deprivation, suspension, or other censure, according  
 “ to the ecclesiastical law.”

To appoint a  
registrar or  
assume an  
actuary.

And “ to appoint a registrar in each of the archdea-  
 “ conries of Calcutta, Madras, Bombay, and Colombo,  
 “ or to assume an actuary.”

Court of Direc-  
tors, governors,  
judges, &c. to  
aid.

“ And the Court of Directors, and all Governors,  
 “ Judges, and Justices, &c. and Subjects, are com-  
 “ manded to aid and assist the Bishop, in the exe-  
 “ cution of his office.”

Bishop to be a  
body corporate,  
with perpetual  
succession.

“ His late Majesty further ordains, the Bishop to be  
 “ a body corporate, with perpetual succession; and to  
 “ be called and known, by the name of Bishop of  
 “ Calcutta, with full power to purchase and hold  
 “ lands in fee, and in perpetuity, or for life, or years,  
 “ as by grant or licence from the Company he may  
 “ be authorized, and to have and hold any manner of  
 “ personal property whatsoever, and by and under his  
 “ name, to prosecute and defend in all courts, or else-  
 “ where, in all causes, &c. as well temporal as spiritual.”

To purchase  
and hold lands  
&c.

“ The Bishop is for ever, empowered also, to have  
 “ and use a corporate seal; and the seal from time to  
 “ time, at his will and pleasure, to alter or make new.”

To have a cor-  
porate seal.



“ His Majesty also declares, that for removing all doubts, with respect to the validity of resignation, that if the Bishop by instrument under his hand and seal, delivered to his Majesty’s commissioners delegate, (consisting of the Judges of the Supreme Court of Judicature at Calcutta, for the time being, and the Members of Council at Calcutta, for the time being,) and be by them accepted and registered, should resign the office of Bishop, he should forthwith cease to be Bishop of Calcutta, but not without prejudice to any responsibility, to which he might be liable in law or equity, in respect of his conduct in his office.”\*

The office to be resigned to commissioners delegate.

And the Letters Patent, of the 27th day of September, A. D. 1817, as to the Archdeaconry of Colombo, after declaring that the same should be subject, during the royal pleasure to the jurisdiction, spiritual and ecclesiastical, of the Bishop, “ grant to the Bishop, all and singular the rights, powers, authorities, functions, and jurisdiction, in and over the Archdeaconry and Archdeacon of Colombo, which he exercises within the three Archdeaconries of Calcutta, Madras, and Bombay, except the right or power of collating thereto, subject also to the several limitations, reservations, and provisos contained in His Majesty’s Letters Patent of the 2d of May 1814: and also ordain, that the last mentioned Letters Patent, should be deemed and taken to be applicable also to the jurisdiction and functions of the Bishop, in regard to the Archdeaconry of Colombo.”

As to the jurisdiction and powers of the Bishop over the archdeaconry of Colombo.

Letters Patent, 27th September A. D. 1817. Appendix.

The same to be as over the other archdeaconries, except the right of collating.

And the Letters Patent, of the 27th of May A. D. 1823, after ordaining that *the whole* of His Majesty’s territories within the limits of the charter, should also form and constitute the See and Diocese of Calcutta, grant to the Bishop “ the right of appointing, any person or persons, to be his commissary or commissaries with in any of the territories and parts aforesaid; which

Extracts of Letters Patent of the 27th May A. D. 1823. Appendix.

Powers over the whole of His Majesty’s territories and may appoint commissaries.

\* And see further as to these Letters Patent, Chapter X. of this work.

“ commissary or commissaries, should or might act in  
 “ all matters relating to the episcopal jurisdiction and  
 “ functions of the Bishop according to the duty of a  
 “ commissary by the ecclesiastical law.” And also  
 grant to the Bishop and his successors, during His Ma-  
 jesty’s pleasure, “ all and singular the rights, powers,  
 “ authorities, functions, and jurisdiction in and over  
 “ all and every His Majesty’s territories within such  
 “ limits, which he and they might lawfully exercise in  
 “ and over the territories, under the Government of  
 “ the Company, by virtue of the Letters Patent of the  
 “ 2d of May 1814, or over the territories of Ceylon,  
 “ by the several Letters Patent of the 27th of Sep-  
 “ tember 1817, subject always to the same limitations  
 “ as therein contained.”

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### SECTION III.

*Further practical Observations applicable to the Indian Episcopal Appointment and Office, and the Letters Patent; Proceedings on the Arrival; and on the Installation of the Bishop of Calcutta, in India. And other particulars.*

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#### Consecration.

IN the last Section, the appointment, with the several legal powers vested in the Bishop of the Diocese of Calcutta, were detailed. It may now be observed, in reference to that Bishopric, that when His Majesty appoints thereto, Letters Patent under the great seal, are issued, which direct the Archbishop of Canterbury to do all things necessary in consecrating the person thereby appointed.

Every Bishop is consecrated either by the Archbishop and two other Bishops, or by four Bishops. 25th Henry 8, cap. 20. And for the form and manner of consecration of Bishops, the reader is referred to *the Rubric in the Common Prayer Book.*

And every Bishop, being consecrated, shall and may be installed. *25th Hen. 8, cap. 20, § 5.*

Before proceeding to the form of the installation of the Bishop of Calcutta in India, it may be found useful to be mentioned, that official information to the Government is immediately given by the Archdeacon of Calcutta, as soon as the newly appointed Bishop arrives at the Presidency. A copy of His Majesty's Letters Patent, under which the Bishop has been appointed, and of the act of consecration, are also at the same time transmitted to Government; upon which, orders are issued directed to the Archdeacon, or the clergy officiating at the Cathedral, to install the Bishop. And the Government then publicly announce for general information the appointment of the new Bishop to the Indian Diocese. The installation takes place as soon after his Lordship's arrival in Calcutta as possible, and the order of proceeding is as follows :\*

Bishop of Calcutta's installation, &c. in India.

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*Preparation will be made to receive the Bishop at the Cathedral and for the performance of Divine Service, in which the whole of the officiating Clergy take part.*

Order of Proceeding at Calcutta on the installation of the Bishop.

*The Bishop will enter at the west door of the Church and proceed to the ———— room, when the necessary mandate, or other authority for installing the Bishop is produced by the Secretary or Registrar, and where the Bishop remains; Divine Service commences, and at the conclusion of the Lessons, the Archdeacon, or Commissary, and the other Clergymen officiating, proceed to the same room, and then conduct the Bishop into the Church : on his entrance into the Church, the Organ plays, as the Clergy*

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\* In strictness perhaps, no formal installation in India, in the case of the Bishops of Calcutta, is requisite : and the same remark may apply to induction in general, in the instances of the Archdeacons. Bishop Middleton, however, thought all the forms in these particulars should be observed as in England, or as near as could be, and the practice of installing the Bishop, as here given, and of inducing the Archdeacons, has ever since continued.



proceed up the body, and when at the stall, or seat of the Bishop, the Archdeacon or the Commissary appointed addresses the Bishop as follows :

“ My Lord Bishop of Calcutta,

“ In obedience to { the mandate of \_\_\_\_\_  
or  
the orders of \_\_\_\_\_ } ”

“ I, the Reverend \_\_\_\_\_ do in the presence of  
“ the persons here assembled, install your Lordship  
“ into the true, lawful, and Episcopal See of the Bi-  
“ shopric of Calcutta.”

*The Bishop then takes his seat. And the Clergy retire to their places. The service proceeds ; and concludes with the blessing.*

Finally, a public notary, by the Archdeacon's command, records the whole matter of fact in this affair, in an instrument to remain as authentic. *God. 27.*

*And accordingly the Registrar, who is a Notary, attends the Bishop's installation, and afterwards records and attests the proceedings thereof by an act inserted in his register.*

The form of installation being given, the following particulars may now be introduced, as further applicable to the episcopal appointment in India.

A Bishop hath his consistory court ;

A Bishop hath his Consistory Court to hear ecclesiastical causes, and is to visit the Clergy, and to consecrate churches : he ordains, admits, and institutes priests ; he also confirms ; and likewise suspends, and excommunicates, &c. *Co. Rit. 96, Rob. Abt. 230.*

shall abide in his Cathedral, and shall visit and consecrate.

*Otho.* Bishops shall officiate on the chief festivals, and on the Lord's days, and in Lent, and in Advent : and shall visit their Diocese, at fit seasons, correcting and reforming the churches, and consecrating and sowing the word of life in the Lord's soil. *Athon. 55.*

To be resident especially on solemn days.

*Othobon.* Bishops shall be personally resident to take care of the flock committed to their charge, and for the comfort of the Churches espoused to them, especially on solemn days, in Lent and Advent : unless their absence is required by their superiors, or for other

just cause (that is, by their superiors either ecclesiastical or secular). *Athon.* 118.

In India, the Bishop of Calcutta by a regulation of Bishop Middleton, preaches at the Cathedral, on the days following: the Circumcision; Septuagesima Sunday; Mid Lent Sunday; Easter Day; Whit Sunday; First Sunday in Advent; and Christmas Day. In India days of preaching.

Bishops have the title of "Lord" and Right Reverend Father in God:" *Cham.* 65. And style themselves, "by divine permission Bishop," &c. *God.* 13.

In India, the Bishop of Calcutta takes precedence next after the respective Chief Justices. Precedence.

By the 4th Geo. 4, cap. 71, § 5, it is enacted, amongst other things, "that it shall and may be lawful for the said Company, and they are hereby required, to provide a suitable house at Calcutta for the residence of the said Bishop; provided always, that no greater sum on account of providing such house be at any time issued than shall from time to time be defined and settled by the Court of Directors of the said Company, with the approbation of the Commissioners for the affairs of India, any law or statute to the contrary notwithstanding." House or residence to be provided.

With regard to church preferment, in the gift of the Bishop of the Indian Diocese, it may be observed, that complete as the present ecclesiastical powers are belonging to the Bishop of Calcutta, with reference to the spiritual and ecclesiastical controul of the clergy of his Diocese, the circumstance of the several ministers and chaplains being all of them stipendiary, and mostly nominated and appointed by the Court of Directors, and the other Governments, and removed from one district or station to another at the pleasure of the local authorities—the right of selection, and of preferring to the several Churches, as yet vested in the Bishop, is confined solely to what is granted him in that respect by the Crown, as already noticed in the Letters Patent of the 2d of May 1814. It can

scarcely be denied, however, that considerable public benefit might arise from a different arrangement, and that, with regard to the clergy themselves, the approbation of their own immediate Diocesan would, in general, be more gratifying.

Besides collating to the archdeaconries of Calcutta, Madras, and Bombay, appoints his own Chaplain.

Besides simply the power of collating to the archdeaconries of Calcutta, Madras, and Bombay, the Bishop appoints his Domestic Chaplain, whom he nominates from the list of the Company's Chaplains, and who is allowed a salary by the Court of Directors.

Appoints the Registrars.

He also appoints, under the episcopal seal, the Registrars in all the four archdeaconries of Calcutta, Madras, Bombay, and Colombo, who have at present salaries granted them by the respective local Governments.

Registrar of Calcutta practises as his Secretary.

The Registrar of the archdeaconry of Calcutta practises as the Bishop's Secretary, in which professional capacity he acts as general Registrar for the whole Diocese.

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#### SECTION IV.

##### *On the Vacancy of the See of Calcutta.*

HIS late Majesty's Letters Patent, of the 2d of May 1814, provide, that "in case of a vacancy of the See "by demise or otherwise, the episcopal jurisdiction "and functions appertaining to the said See shall be "exercised, as far as by law they may, by the Archdeacon of Calcutta, for the time being, or in case "of a vacancy of the said Archdeaconry, then by the "Archdeacon of Madras, or the Archdeacon of "Bombay, or by two Clergymen of the Church of "England resident within the Diocese, as may be "directed by the Governor General in Council of "Fort William."

And by the law books, it is laid down that Bishoprics may become void by death, or deprivation; and also



by resignation. All resignations must be made to some superior, therefore a Bishop must resign to his Metropolitan. *Bla. Com. vol. 1, page 382.* The Letters Patent direct that the Bishop of Calcutta shall resign to His Majesty's Commissioners Delegate.

In England, when a Bishop dies, or is translated, or the Bishopric becomes in any manner vacated, the law takes care to provide a guardian, as to the spiritual jurisdiction, during such vacancy; to whom presentations may be made; and by whom institutions, admissions, and the like, may be given; and which officer is called, the guardian of the spiritualities. *God. Introd. 9, God. 39, and Com. Dig. Tit. Prerogative, D. 26, 27.*

During such vacancy, in England, the guardian of the spiritualities, hath all manner of jurisdiction of the courts; of granting admissions, and institutions; but he cannot, as such, consecrate, or ordain, or present to vacant benefices, or confirm a lease. *God. 21, 39. Word. 6, 1, cap. 3.*

And he shall have the perquisites, that happen, by the execution of such power, until the new elected Bishop may, by law, execute the same. *Wats. cap. 40.*

His power ceaseth, after confirmation of the new elected Bishop. *Gibs. 144.*

In India, on the demise of Bishop Middleton, in the month of July 1822, the episcopal functions of the See of Calcutta, under the Letters Patent, were assumed and exercised by Archdeacon Loring, as the Archdeacon of Calcutta; and on the death of Bishop Heber, in 1826, Archdeacon Corrie, the present Archdeacon of Calcutta, assumed the duties of the Bishopric, until the arrival of Bishop James in the present year 1828.

On the death of  
Bishop Middle-  
ton.

On the death of  
Bishop Heber.

## CHAPTER III.

OF THE ARCHDEACONS AND COMMISSARIES IN THE  
DIOCESE OF CALCUTTA.

## SECTION I.

*Extracts from the several Letters Patent applicable to the  
respective Archdeacons.*

THOSE parts of the 53d Geo. 3, cap. 155, which relate to the three Archdeacons of Calcutta, Madras, and Bombay, have been already given in Section II, of the preceding Chapter.\* It is now therefore only necessary, in reference to the subject under the present head, to add the following extracts from the several Letters Patent, concerning the appointments and powers of the respective Archdeacons belonging to the Indian Diocese.

Extract of  
Letters Patent  
of the 2d May  
1814.

Appendix.

Archdeacons of  
Calcutta, Mad-  
ras, and Bom-  
bay.

By His late Majesty's Letters Patent, of the 2d of May, A. D. 1814, already referred to, it is set forth, "that the respective archdeaconries therein mentioned were, for the further accomplishment of His late Majesty's intention" as therein expressed; His late Majesty then proceeds, thereby, "to nominate and appoint HENRY LLOYD LORING, A. M.,† Archdeacon

\* And see also further as to the same in Appendix.

† Archdeacon Loring survived Bishop Middleton scarcely two months. He fell a victim at Calcutta to that fatal disorder, the cholera morbus, with which, he was seized and died in less than nine hours! Of the Bishop, and the three Archdeacons, who were originally appointed, and formed at first, the Indian episcopal establishment, Archdeacon Barnes (now in England) became, on the death of Dr. Loring, in the space of little more than seven years, the only survivor. Archdeacon Loring accompanied Bishop Middleton, (whom the author also attended), to India in 1814. And whilst naming the former, with those distinguished characters already mentioned in the preface, the author hopes he may be excused for adding, that on the death of Dr. Loring the fullest testimony was borne to his public worth as a clergyman. In private life, his amiable habits and gentlemanly deportment, together with the uniform cheerfulness of his disposition, though under constant ailments from the effects of climate, won him the hearts, and made him the favourite of all who had the happiness to know him. His memory is yet strongly cherished by his friends, and by none more than by the author, who still deeply laments his loss.

“ of the Archdeaconry of Calcutta; JOHN MOUSLY,  
 “ A. M., Archdeacon of the Archdeaconry of Madras;  
 “ and GEORGE BARNES, A. M., Archdeacon of the  
 “ Archdeaconry of Bombay.”

And by the Letters Patent, of the 27th of September  
 A. D. 1817, appoints, “ THOMAS JAMES TWISLETON,  
 “ A. M., Archdeacon of the Archdeaconry of Co-  
 “ lomb.”

Colombo.  
 Extracts of  
 Letters Patent  
 of the 27th  
 Sept. A. D.  
 1817.  
*Appendix.*

And by the Letters Patent, of the 2d of October  
 A. D. 1824, after erecting, founding, and constituting,  
 the Archdeaconry of New South Wales, His present  
 Majesty, “ nominates and appoints, THOMAS HOBBS  
 “ SCOTT CLERK, A. M. Archdeacon of the Archdea-  
 “ conry of New South Wales.”

Archdeacon  
 of New South  
 Wales.  
 Letters Patent  
 2d Oct. 1824.  
*Appendix.*

The several Letters Patent also set forth, in regard  
 to the duties and functions of the Archdeacon, “ that  
 “ each of the Archdeacons, should, within his Arch-  
 “ deaconry, be assisting to the Bishop of Calcutta, in  
 “ the exercise of such episcopal jurisdiction and func-  
 “ tions, as had been limited to the Bishop, according  
 “ to the duty of an Archdeacon by the ecclesiastical  
 “ laws of England.”

Duties and  
 functions of  
 the respective  
 Archdeacons  
 by the Letters  
 Patent.

The right of collating, to the archdeaconries of  
 Calcutta, Madras, and Bombay, is granted, by the  
 Letters Patent of the 14th of May 1814, to the Bishop  
 of Calcutta, who is directed to appoint any priest  
 thereto, “ being one of the Chaplains of the Company,  
 “ resident in India.”

Right of colla-  
 tion of the  
 archdeaconries  
 of Calcutta,  
 Madras, and  
 Bombay, in the  
 Bishop.

The appointment to the archdeaconries of Colombo,  
 and New South Wales, remains in the Crown. *See*  
*Letters Patent, of the 27th September 1817, and 2d of*  
*October 1824, Appendix.*

Colombo, and  
 New South  
 Wales, in the  
 appointment of  
 the crown.

The Archdeacon of Calcutta, by the Letters Patent  
 of the 2d of May 1814, in case of a vacancy of the See,  
 by demise, is “ authorized, as far as by law he may,  
 “ to exercise the episcopal jurisdiction and functions;  
 “ or in case of a vacancy of that archdeaconry, then  
 “ the Archdeacon of Madras, or the Archdeacon of

In case of a  
 vacancy of the  
 See.



“ Bombay, to exercise the same, as may be directed by  
 “ the Governor General in Council of Fort William.”

In case of a  
 vacancy of the  
 archdeaconries  
 of Calcutta,  
 Madras, and  
 Bombay, same  
 to be carried on  
 by one of the  
 chaplains.

And which declare also, that “ during a vacancy of  
 “ either of the archdeaconries of Calcutta, Madras, and  
 “ Bombay, the duties thereof shall be performed by  
 “ one of the Chaplains of the Presidency; or if there  
 “ be no Chaplain there, then, by some discreet Minis-  
 “ ter in priests’ orders of the Church, who shall be  
 “ nominated, as the case may be, for that purpose, by  
 “ the respective Governors in Council of the Presi-  
 “ dency, in which such vacancy shall happen.”

Letters Patent  
 of the 27th  
 Sept. 1817.

“ In case of a vacancy of either of the archdeaconries  
 “ of Colombo, and New South Wales, the duties are  
 “ to be performed, by some discreet Minister in priests’  
 “ orders, who shall be nominated, as the case may be,  
 “ by the respective Governors of Ceylon, or Colony of  
 “ New South Wales.

Letters Patent  
 of the 2d Oct.  
 1824.

“ The Archdeacon of New South Wales is empowered  
 “ to appoint a Registrar or Actuary for that archdea-  
 “ conry.

Court of Direc-  
 tors to aid, &c.

“ The Court of Directors, their Governors, &c. and  
 “ all His Majesty’s Governors, Judges, &c. and other  
 “ subjects, within the parts aforesaid, are enjoined to  
 “ aid and assist the Bishop and Archdeacons, in the  
 “ execution of their respective offices.

Proceedings  
 against Arch-  
 deacons to be  
 carried on be-  
 fore commis-  
 sioners dele-  
 gate.

“ Any proceeding instituted against the Archdeacons  
 “ of Calcutta, Madras, Bombay, and Colombo, to  
 “ originate and be carried on before the commissioners  
 “ delegate, and the sentence to be transmitted by the  
 “ Bishop, or his Commissary, to the Governor General  
 “ in Council at Fort William, or the Governor in Coun-  
 “ cil of Fort Saint George, or Bombay, or His Majesty’s  
 “ Governor at Ceylon, as the case may be.” See  
*Letters Patent of the 2d of May 1814, and 27th of*  
*September 1817, Appendix.*

To be bodies  
 corporate with  
 perpetual suc-  
 cession by the  
 names of Arch-

“ All the Archdeacons are declared to be respectively  
 “ bodies corporate, with perpetual succession; to be  
 “ called and known by the names of Archdeacons

“ of Calcutta, Madras, Bombay, Colombo, and New South Wales, respectively; and by the names aforesaid, capable to purchase and hold lands, in fee, or in perpetuity, or for life or years; also to hold personal property, and by their names aforesaid, to prosecute and defend.”

deacon of Calcutta, Madras, Bombay, Colombo, New South Wales. And hold lands &c. plead &c.

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## SECTION II.

*Of the Institution, Induction, and other Proceedings concerning the respective Archdeacons in the Indian Diocese.*

THE foregoing Section contains those extracts principally, which respect the several Archdeacons; and as those Archdeacons are by the several Letters Patent declared and commanded to assist the Bishop, in the several powers limited, according to the duty of Archdeacons by the ecclesiastical law of England; that office will be detailed in the following Section.

Under the present head, the particulars to be attended to, before collation, will be set forth: observing, as already mentioned, that by the above Letters Patent of the 2d of May A. D. 1814, express power is given to the Bishop of Calcutta in all times to come, to collate and institute to the archdeaconries of Calcutta, Madras, and Bombay, “ any Priest being one of the Chaplains of the Company resident in India.” This is agreeable to the common ecclesiastical law which is thus laid down, “ archdeaconries are commonly given by the Bishops, who do therefore prefer the same by collation, and make letters testimonial thereof.” *Wats. c. 15.*

The Archdeacons of Colombo, and New South Wales, receive their appointments, in the first instance, under His Majesty's Letters Patent, which, in the former case, direct the Bishop of Calcutta to institute thereupon, and to do all things necessary in that behalf

with effect: whenever therefore the Archdeacon of Colombo has been appointed, an official copy of His Majesty's Letters Patent has been received from the Government of Ceylon, and the Bishop has then proceeded to institute, by commission, that Archdeacon.

An archdeaconry being a promotion in the Church having jurisdiction annexed, is a Dignity. *Com. Dig. Tit. Ecclesiastical Persons* (C. 16.) citing *Boughton v. Gonsley*, *Cro. El.* 663. *Semb. Cont.*

An Archdeaconry is also a Benefice with cure. *Wats. c.* 15.

Examination.

And by Can. 39, no Bishop shall institute any to a benefice who hath been ordained by any other Bishop, except he first shew unto him his letters of orders; and bring him *a sufficient testimony* of his former good life and behaviour, if the Bishop shall require it; and lastly, shall appear *upon due examination to be worthy* of his ministry.

Where there is a mixture of divers languages in any place, the rule of the canon law is, that the person presented do understand the several languages. *Gibs.* 807.

Oath against simony.

By Can. 40, every Archbishop, Bishop, or other person having authority to admit, institute, or collate to any spiritual or ecclesiastical function, dignity, or benefice, shall, before such admission, institution, or collation, minister to every person to be admitted, instituted, or collated, the oath against simony.

Oaths of allegiance and supremacy.

By the 1 El. cap. 1, &c. 1 W. cap. 8, §. 5. every person who shall be promoted or collated to any spiritual or ecclesiastical benefice, promotion, dignity, office or ministry, before he shall take upon him to receive, use, exercise, supply, or occupy the same, shall take the oaths of allegiance and supremacy, before such person as shall have authority to admit him.

Oaths of canonical obedience.

Also the person to be instituted shall take the oath of canonical obedience in like manner. *Clarke Tit.* 91.

To read himself in and sub-

Archdeacons, by stat. 13 & 14 Car. 2, cap. 4, are to



read the Common Prayer, and declare their assent thereunto, as other persons admitted to ecclesiastical benefices, and also must subscribe the same before the Ordinary; but they are not obliged\* to subscribe the thirty-nine articles. It has been customary, however, for the latter to be done by the Archdeacon in India under the 36 *Can.*

scribe his assent to the common prayer

And after such subscription made, every such person, vicar, curate, and lecturer, shall procure a certificate under the hand and seal of the respective Archbishop, Bishop, or Ordinary of the Diocese (or such their Vicar-General, Chancellor, or Commissary as aforesaid) who shall on demand make and deliver the same to be read by him publicly in the Church afterwards.†

If the Bishop admit a Clerk as sufficient, he either institutes him in person, or else gives him his *fiat*, and sends him to his Vicar-General, Chancellor, or Commissary, to do it for him. *Johns.* 72.

Concerning the person instituting.

And not only by commission in particular cases, but also the general power of granting institution may be delegated by patent to Chancellors or Commissaries; but this hath not always been judged convenient. *Gibs.* 804.

The form and manner of the institution is, that the clerk kneeleth down before the Ordinary, whilst he readeth the words of institution out of a written instrument, drawn before hand for this purpose, with the seal episcopal appendant, which the Clerk during the ceremony is to hold in his hand. 1 *Inst.* 344. *Johns.* 74.

Form and manner of institution.

Institution being given to a Clerk, a distinct and particular entry thereof is to be made in the public register of the ordinary; that is, not only that such a clerk received institution on such a day and in such a year, but if the clerk was presented, then, at whose presentation, and whether in his own right or in the right of another, and if collated or presented by the

Entry thereof in the register.

\* Under the stat. 15 Eliz. cap. 12.

† 13 & 14 Car. 2, cap. 4, § 11.

Crown, then whether in their own right or by lapse. This hath been the practice, as far back as any ecclesiastical records remain: and it is of great importance that such entries be duly made and carefully preserved, both to the clerk whose letters of institution may be destroyed or lost, and to the patron whose title may suffer in time to come by the want of proper evidence upon whose presentation it was that institution was given. And it might tend, perhaps, to the better observation hereof, if every clerk, after having passed the examination of the Ordinary, and thereupon obtained his *fiat*, were sent to the proper office of the register for his letters of institution. *Gibs.* 813.

The form hitherto observed by the Bishops of Calcutta on the institution of an Archdeacon, when they have collated thereto, has been as follows;

Form of institution in the Indian Diocese.

*The Bishop takes the letters of institution in his hand, the Archdeacon also having hold of the same, and the latter kneeling, the Bishop repeats,*

“ By these letters we do admit and institute you, the  
 “ Reverend \_\_\_\_\_ in and to the Archdeaconry and archidiaconal dignity of \_\_\_\_\_  
 “ and do invest you with all the rights, members, privileges, and appurtenances thereunto belonging.

Effect of institution or collation.

The clerk, by institution on collation, hath the cure of souls committed to him, and is answerable for any neglect in this point. *Johns.* 74.

Mandate to induct.

Last of all, the Ordinary executeth and delivereth to the party instituted a written mandate to the Archdeacon, Minister, or other proper person, to induct him. *Johns.* 74.

The Bishops of Calcutta direct their mandate of induction to all ministers and chaplains generally.

The form of proceeding of an Archdeacon's induction in the Indian Diocese, after institution, is here added.\*

\* See the Author's Note, page 19, in reference to induction in this Diocese.

*This proceeding takes place at the Church in which the Archdeacon has his seat. At the time appointed by the Archdeacon, divine service is to be performed.*

Form of induction in the Indian Diocese.

*The Archdeacon attends at the Church and remains in the ————— room. At the conclusion of the lessons the Archdeacon is conducted by the officiating minister to the chair or seat assigned, when the latter repeats,*

“ Venerable Sir,

“ By authority of the mandate of the Right Reverend  
 “ ————— Bishop of Calcutta, I do now induct you,  
 “ the Reverend ————— into the possession of this  
 “ Church as the Archdeacon of ————— by placing  
 “ you in the chair and seat, to the said Archdeaconry or  
 “ archidiaconal dignity of ————— belonging, and  
 “ by the last Archdeacon thereof possessed and used.”

*The Archdeacon will then take his seat and the service proceeds.*

A memorandum of the induction, and date, is signed by the minister on the back of the mandate, which is returned to the office of the Registrar to be recorded.

For the *forms* applicable on instituting and inducting an Archdeacon in the Indian diocese, the reader is referred to *sect. VI. of this Chapter.*

The Registrar attends both on the institution and induction, and enters in his register the whole proceedings, and duly attests the same.

And by the ecclesiastical law of the realm of England\* every person who shall be presented or collated, or put into any ecclesiastical benefice or promotion, shall in the church, chapel, or place of public worship belonging to his said benefice or promotion, within two months next after that he shall be in the actual possession of the said ecclesiastical benefice or promotion, upon some Lord's day, openly, publickly, and solemnly, read the morning and evening prayers appointed to be read by and according

To read the common prayer and declare assent thereto.



to the Book of Common Prayer, at the times thereby appointed or to be appointed ; and after such reading thereof, shall openly and publicly, before the congregation there assembled, declare unfeigned assent and consent to the use of all things therein contained and prescribed, in these words, and no other : “ I, A. B. do  
 “ here declare my unfeigned assent and consent to all  
 “ and every thing contained and prescribed in and by  
 “ the book intituled, the Book of Common Prayer and  
 “ Administration of the Sacraments, and other rights  
 “ and ceremonies of the Church, according to the use  
 “ of the Church of England, together with all the  
 “ Psalter or Psalms of David, printed as they are to be  
 “ sung or said in Churches, and the form or manner  
 “ of making, ordaining, and consecrating of Bishops,  
 “ Priests, and Deacons.”

“ And every such person who shall (without some  
 “ lawful impediment to be allowed and approved by the  
 “ Ordinary of the place) neglect or refuse to do the  
 “ same within the time aforesaid (or in the case of such  
 “ impediment within one month after such impediment  
 “ removed), shall, *ipso facto*, be deprived of all his said  
 “ ecclesiastical benefices and promotions, and from  
 “ thenceforth it shall be lawful for all patrons and  
 “ donors of all and singular the said ecclesiastical bene-  
 “ fices and promotions, according to their respective  
 “ rights and titles, to present or collate to the same,  
 “ as though the person or persons so offending or neg-  
 “ lecting were naturally dead.”

But the same Ecclesiastical Law now declares\* “ it  
 “ hath happened, and may happen, through sickness or  
 “ other lawful impediment, that divers persons have been  
 “ and may be hindered from reading the said articles, and  
 “ making the said declaration, within the two months,  
 “ and yet such person after such sickness or other lawful  
 “ impediment removed hath read or may read the said  
 “ articles, and hath made or shall make the said decla-

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\* Stat. 23 Geo. 2, cap. 23, § 2.

“ration; and it is reasonable that such persons should  
 “be deemed to have complied with the true intent and  
 “meaning of the said act: it is therefore enacted, that  
 “every person who hath read or shall read the said  
 “articles, and hath made or shall make the said decla-  
 “ration, at the same time that he did read or shall read  
 “the morning and evening prayer, and declare his un-  
 “feigned assent and consent thereunto, according to the  
 “form in 13 & 14 Car. 2, cap. 4, § 6, shall be and is  
 “hereby declared and adjudged to have complied with  
 “the true intent and meaning of the said act of the 13  
 “Eliz. although the same were not or may not be read  
 “within the space of two months after such person’s  
 “induction into any benefice with cure; and every such  
 “person shall be freed and discharged from any depri-  
 “vation or other forfeiture by virtue of the said act.”

A man deprived for not giving his assent within two months is not disabled to be presented *de novo*, and if a stipendiary priest continues in the exercise of his function after the two months, with the approbation of the nominor and dean, who ought to approve; this amounts to a new nomination; and giving his assent, &c. at any time is sufficient. *Carver v. Pinkney*. 3 *Lev.* 83.

By 13 & 14. Car 2, cap. 4, § 11, he shall publicly and openly read the ordinary’s certificate of his having subscribed the declaration of Conformity to the Liturgy of the Church of England, as it is now by law established, together with the same declaration or acknowledgment upon some Lord’s day, within three months next after such subscription, in his Parish Church, where he is to officiate, in the presence of the congregation there assembled, in the time of divine service, upon pain that every person failing therein (without some lawful impediment to be allowed and approved by the ordinary of the place, 23 G. 2, cap. 28.) shall lose such parsonage, vicarage, or benefice, curate’s place, or lecturer’s place respectively; and shall be utterly disabled and *ipso facto* deprived of the same;

Declaration of  
conformity to  
the established  
church.

and the said parsonage, vicarage, or benefice, curate's place, or lecturer's place, shall be void as if he was naturally dead.

A doubt hath been raised whether the design of the act was that the Clerk should only read the Bishop's certificate to the congregation, in testimony of his having subscribed the declaration before him, or whether, after having read the certificate, he should not also make the same declaration again in form before the congregation; which point hath never been judicially determined; but the latter opinion is not only more safe, but hath also been thought more agreeable to the tenor of the act, than the bare reading of the certificate. *Gibs.* 817.

Presuming an Archdeacon, as constituted in the Indian Diocese by the several Letters Patent, to be regularly instituted and inducted, the following may now be laid down.

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### SECTION III.

*Of the office of an Archdeacon by the ecclesiastical Law of England, and other functions belonging to the Archdeacons in the Diocese of Calcutta.*

Office and duties of an Archdeacon by the law of England.

AN Archdeacon, (*Archidiaconus*) according to the ecclesiastical law of England, is defined to be, one that hath ecclesiastical dignity, and jurisdiction, over the clergy and laity, next after the Bishop, throughout the Diocese, or in some part of it only. Archdeacons had anciently a superintendant power over all the parochial clergy, in every deanery in their precincts, they being the chiefs of the deacons; though they have no original jurisdiction, but what they have got, is from the Bishop, either by prescription, or composition; and Sir Simon Degge tells us, that it appears, an Archdeacon is a mere substitute to the Bishop; and that what

Is the Bishop's substitute.



authority he has, is derived from him, *his chief office* being to *visit* and *enquire*, and “*Episcopo nunciare,*” &c.

And an Archdeacon, is now allowed to be, an Is an ordinary. ordinary, as he hath a part of the episcopal power lodged with him. *Gibs.* 970; *Burn. Eccl. Law*, vol. 1, page 95.

It is one part of the office of an Archdeacon to examine candidates for holy orders, and to induct clerks, within his jurisdiction, upon receipt of the Bishop’s mandate, 2 *Cro.* 556; 1 *Lev.* 193; *Wood’s Inst.* 30.

By the canon law, the Archdeacon is styled the Bishop’s Eye, and hath power to hold visitations, (when the Bishop is not there) and hath also power, under the Bishop, of the examination of clerks to be ordained, as also of institution and induction; likewise, of correction, inspecting, and reforming irregularities and abuses among the clergy; and a charge of all parochial churches within the Diocese: in a word, according to the practice of, and latitude given, by the canon law, to supply the Bishop’s room, and as the words of the law are, in all things to be the Bishop’s vicegerent. *God.* 61.

By canon law hath power to hold visitations;

to correct;

hath charge of all churches.

Bishops, in case of sickness or other public concerns, delegate and give Archdeacons commissions to visit and enquire, and to give them an account of all, at the end of their visitations. And the objects of visitations by the canons, are laid down to be, to consider of the state of the Church and religion within the Diocese. *Gibs.* 958.

Visitations by Archdeacons.

*Lindwood* says, the Archdeacon, although there be not a cause, may visit once a year. *Lind.* 94.

*Langton.* The Archdeacons in their visitation shall see that the offices of the Church be duly administered.

*Otho.* Concerning Archdeacons. We do ordain, that they visit the Churches profitably and faithfully, by enquiring of the sacred vessels and vestments; and

how the service is performed, and generally of temporals and spirituals, and what they shall find to want correction, that they correct diligently. And they shall instruct the clergy (amongst other things) to live well; and to have a sound knowledge and understanding in performing the divine offices. *Athon.* 52.

And by *canon* 86, shall survey the Churches of his or their jurisdiction; or cause the same to be done. And by *Reynolds*, have a diligent regard to the fabric, and especially of the chancel, to see if they want repair.

Further functions of the Archdeacons in the Indian Diocese.

And with regard further, to the functions of the Archdeacons in the Indian Diocese, it may be observed, that by an order of Bishop Middleton, the Archdeacon of Calcutta is appointed to preach at the Cathedral, on the following days: First Sunday after Epiphany; First Sunday in Lent; Good Friday; Ascension day; Trinity Sunday; Seventh Sunday after Trinity; and the Second Sunday in Advent.

Days of preaching.

And at the other archdeaconries.

And by the same order, at the other archdeaconries, the respective Archdeacons are appointed to preach in their several churches on the following; the Circumcision; Septuagesima Sunday; Mid Lent Sunday; Easter Day; Whit Sunday; First Sunday in Advent; and Christmas day.

Their right of preaching on other occasions.

And it may be here observed, with regard to the right of preaching in their respective Churches, on other occasions, when they think proper, that the opinion of Bishop Middleton on the same, was, "it

Bishop Middleton's opinion.

"was a right intended and implied in their very appointment, and virtually conveyed to them, by their institution, and that even though the presidency chaplains were (*personæ ecclesiæ*) (if indeed the definition of that character, as cited from Blackstone will allow it to be supposed two persons in one and the same church) he was still of opinion, that this would be no bar to the right of the Archdeacon, to certain participation in the use of the pulpit, inasmuch, as the chaplains could not hold their rights

“ by a fuller sanction than that upon which the  
 “ Archdeacon grounded his claim; and he conceived  
 “ that the share which the Archdeacon should take in  
 “ the service of the principal Church within his arch-  
 “ deaconry, was entirely matter of episcopal regula-  
 “ tion.” *See Memoirs of Bishop Middleton, by Arch-  
 deacon Bonny, page lxi; and the above opinion was  
 fully acted up to and confirmed by Bishop Heber.*

And with regard to the duties and functions,  
 generally, of Archdeacons, *See further, Stillingfleet's  
 Eccl. Cases, vol. 1, 337; Com. Dig. Tit. Ecclesiast. Per-  
 son, (c. 5) also 4. Inst. 339, and Dist. 25. c. 1; Dist.  
 94, X 1, 23; Synd. 49; Ath. 52, 93; and for the several  
 proceedings in the Indian Diocese in which the Arch-  
 deacons are further concerned, See the several other  
 chapters of this work.*

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#### SECTION IV.

#### *Of the Resignation of the office of Archdeacon in the Indian Diocese.*

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THE several Letters Patent, after reserving to His Majesty the power of revoking or recalling the ap-  
 pointments of the Archdeacons, expressly provide,  
 “ that for removing doubts with respect to the validity  
 “ of resignation of the said offices of Archdeacon, that  
 “ if either of the Archdeacons of Calcutta, Madras, or  
 “ Bombay, by any instrument under their hand and seal,  
 “ delivered to the Bishop of Calcutta for the time being,  
 “ and by him accepted and registered, shall resign the  
 “ office of Archdeacon: such Archdeacon shall forth-  
 “ with cease to be Archdeacon, but without prejudice to  
 “ any responsibility to which he might be liable in law  
 “ or equity in respect of his conduct in his office.”

*Resignation  
 under the Let-  
 ters Patent.*

The Archdeacons of Colombo and New South Wales  
 are directed to resign in like form to the respective  
 Governors.



Resignation  
what.

To understand practically, these provisions of the Letters Patent, it may be necessary to notice by way of Explanation, that, by the Ecclesiastical law,—a Resignation is, where a beneficed clergyman, voluntarily gives up and surrenders his spiritual charge and preferment to those from whom he received the same. *Deg. p. 1, cap. 14.*

To whom to be  
made.

The ordinary who hath the power of institution, hath power also to accept of a resignation: 2 *Roll. Abr.* 358; *Wats. cap. 4.* And resignation can only be made to a superior. *Gibs.* 822.

Should be  
made in per-  
son, regularly.

Regularly, resignation must be made in person and not by proxy. But in practice, there is no way (as it seemeth) of resigning, but either to do it by personal appearance before the ordinary, or at least to do it elsewhere before a public notary, by an instrument directed immediately to the ordinary, and attested by the said notary, in order to be presented to the ordinary, by such proper hand as may pray his acceptance. In which case, the person presenting the instrument to the ordinary doth not resign “*nomine procuratoris*,” as proctors do, but only presents the resignation of the person already made. *Gibs.* 822; *Deg. p. 1, cap. 14;* *Wats. cap. 4.*

Must be abso-  
lute and not  
conditional.

A collateral condition (*a. g.* to present any one) may not be annexed to the resignation, no more than an ordinary may admit upon condition, or a judgment be confessed upon condition, which are judicial acts. *Wats. cap. 4.*

But where the resignation is made for the sake of exchange only, there it admits of this condition, viz. if the exchange shall take full effect, and not otherwise, as appears by the form of resignation which is in the register. *Gibs.* 821.

Must be ac-  
cepted.

No resignation can be valid, till accepted by the proper ordinary: that is, no person appointed to a cure of souls can quit that cure, or discharge himself of it, but upon good motives, to be approved by the

superior who committed it to him; for it may be, he would quit it for money, or to live idly, or the like, and this is the law temporal, as well as spiritual, as appears by that plain resolution which hath been given, that all presentations made to benefices, resigned before such acceptance, are void \*

A form of resignation by an Archdeacon in the Indian Diocese, and other instruments thereon, are given in section VI. of the present chapter.

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SECTION V.

*Of the Commissaries in the Indian Diocese.*

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BY the several Letters Patent, it is also ordained and declared, that “ each of the Archdeacons shall “ within his Archdeaconry, be and be taken to be, “ without further appointment, the commissary of the “ Bishop; and shall exercise jurisdiction in all matters “ aforesaid, according to the duty and functions of a “ commissary, by the ecclesiastical law.”

“ *In all matters aforesaid,*” are the same powers as in all respects, limited therein to the Bishop, saving ordination and confirmation, qualified, however, by the words, “ to be by the Bishop and his successors thereunto specially authorized.” For these express powers, see Letters Patent of the 2d of May, 1814, and Chapter II.

And by the Letters Patent of the 27th of May 1823, power is granted the Bishop to appoint commissaries, generally, within the Diocese.

It may be useful here, in reference to the Letters Patent on this subject to detail so much of the nature of the office of a commissary, as is laid down according to the ecclesiastical law.

Office and duty of a commissary in England.

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\* The question of vacancy or no vacancy is to be determined by the *spiritual* law in the spiritual Court. *Blackstone's Comm.* vol. 3, p. 90, 91. If the right of patronage comes into dispute, the Ecclesiastical Court takes no cognizance. see *same*, pages 246, 247.

Office and  
duty of a com-  
missary.

It is mentioned, that the term *Commissary*, is a title of jurisdiction, appertaining to him that exerciseth ecclesiastical jurisdiction in places of the Diocese, so far distant from the chief city, that the Chancellor cannot call the people to the Bishop's principal consistory court, without great trouble to them. This Commissary, is called by the canonists "*commissarius*," or "*officialis, foraneus*," and is ordained to this special end, that he should supply the office and jurisdiction of the Bishop, in the out places of the Diocese, or in such places as are peculiar to the Bishop. *Terms of the Law*, 4 *Inst.* 338; and again,

Commissary, is he that is limited by the Bishop to some certain place of the Diocese, to assist him, and in most cases, hath the authority of Official, Principal, and Vicar General, within his limits. *Terms of the Law. Tit. Commissary.* 4 *Inst.* 338. And the proper work of an Official is, to hear causes between party and party of temporal cognizance. The proper work of a Vicar General is, the exercise and administration of jurisdiction, purely spiritual, by the authority and under the direction of the Bishop, as visitation, correction of manners, granting institutions, and the like, with a general inspection of men and things, in order to the preserving of discipline and good government in the Church. *Gibs. Introd.* 22. *Gibson's Tracts*, 108; which last office would seem more peculiarly to belong to the Commissaries of this Diocese, as intended by the Letters Patent.

Qualifications  
of a commis-  
sary in Eng-  
land.

By *Canon* 127, no man shall be admitted a Chancellor, Commissary, or Official, to exercise any ecclesiastical jurisdiction, except he be of the full age of six and twenty years, at the least, and one that is learned in the civil and ecclesiastical laws, and is at least a master of arts, or bachelor of law; and is reasonably well practised in the course thereof, as likewise well affected, and zealously bent to religion, touching whose life and manners no evil example is had; and



except before he enter into, or execute any such office, he shall take the oath of the King's supremacy, in the presence of the Bishop, or in the open Court, and shall subscribe to the thirty-nine articles, and shall also swear, that he will, to the uttermost of his understanding, deal uprightly and justly in his office, without respect of favor or reward; the said oaths and subscriptions, to be recorded by a *Register* then present.

## SECTION VI.

## FORMS:

*Archdeacons.*

## OATHS.

1. *Of Allegiance.*

I \_\_\_\_\_ Clerk, now to be admitted and instituted to the archdeaconry of \_\_\_\_\_ in the diocese of Calcutta, do sincerely promise and swear, that I will be faithful and bear true allegiance to His Majesty King \_\_\_\_\_ the \_\_\_\_\_

So help me God.

2. *Supremacy.*

I \_\_\_\_\_ Clerk, now to be admitted and instituted to the archdeaconry of \_\_\_\_\_ in the Diocese of Calcutta, do swear, that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine, and position, that princes excommunicated, or deprived by the pope, or any authority of the see of Rome, may be deposed, or murdered, by their subjects, or any other whatsoever. And I do declare, that no foreign prince, person, prelate, state, or potentate, hath or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within His Majesty's realm.

So help me God.

3. *Simony.*

I \_\_\_\_\_ Clerk, now to be admitted and instituted to the archdeaconry of \_\_\_\_\_ in the Diocese of Calcutta, do swear that I have made no simoniacal payment, contract, or promise, directly, or indirectly, by myself or by any other, to my knowledge, or with my consent, to any person or persons, whatsoever, for or concerning the procuring or obtaining of the office of Archdeacon, nor will, at any time hereafter, perform, or satisfy any such kind of payment, contract, or promise made by any other without my knowledge or consent.

So help me God.

4. *Canonical Obedience.*

I \_\_\_\_\_ Clerk now to be admitted and instituted to the archdeaconry of \_\_\_\_\_ in the Diocese of Calcutta, do swear, that I will pay true and canonical obedience to the Lord Bishop of Calcutta and his successors, in all things lawful and honest.

So help me God.

5. *Commissary's Oath.*

I \_\_\_\_\_ now to be appointed Commissary to the Right Reverend \_\_\_\_\_ Lord Bishop of Calcutta, in and for the archdeaconry of \_\_\_\_\_ do swear, that I will to the uttermost of my understanding, deal uprightly and justly in the office aforesaid, without respect of favour or reward.

So help me God.

## SUBSCRIPTIONS.

I \_\_\_\_\_ Clerk, now to be admitted and instituted to the archdeaconry of \_\_\_\_\_ in the diocese of Calcutta, do willingly and *ex animo*, subscribe to the thirty-nine articles of the Church of England, and to all things that are contained in them this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_

A. B.

I \_\_\_\_\_ do willingly, and *ex animo* subscribe to the three articles, in the thirty-sixth of the ecclesiastical canons, made in the year of our Lord one thousand six hundred and three, and to all things, that are contained in them, the day and year above mentioned.

A. B.

I the above named \_\_\_\_\_ do declare, that I will conform to the Liturgy of the Church of England as it is now by law established.

A. B.

On the day and year aforesaid these subscriptions were made before us,

C. Calcutta,  
which I attest,  
D. Reg.

No. 2.  
Certificate of  
subscriptions  
and oaths for  
the Archdea-  
con.

TO all Christian people to whom these presents shall come, or in any wise concern, ——— by divine permission Bishop of Calcutta, sendeth greeting; Be it known unto you, that on the day of the date hereof ——— to be admitted and instituted to the archdeaconry and archidiaconal dignity of ——— within our diocese and jurisdiction of Calcutta, did, before his admission thereto, personally appear before us, and subscribe to the thirty-nine articles of the Church of England, agreed upon in the convocation holden at London in the year of our Lord one thousand five hundred and sixty-two, and to the three articles in the thirty-sixth of the ecclesiastical canons, made in the year of our Lord one thousand six hundred and three, and to all things that are contained in them; and at the same time did, on the Holy Evangelists, swear that he would be faithful and bear true allegiance to His Majesty King George the ——— and that he renounced all foreign jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within His Majesty's realm, pursuant to an act of Parliament, made and published to that effect; and further, that he had not directly or indirectly obtained or procured the said archdeaconry or archidiaconal dignity by any simoniacal payment or contract whatsoever, and that he would pay true and canonical obedience to us and our successors, Bishops of Calcutta, in all things lawful and honest.

In testimony whereof, we have caused our seal to be hereunto affixed, dated the ——— day of ——— in the year of our Lord ——— and of our consecration the ———

No. 3.  
Declaration of  
conformity.

*I ——— clerk, now to be instituted to the Archdeaconry of ——— in the Diocese of Calcutta, do declare that I will conform to the Liturgy of the Church of England as it is now by law established.*

*A. B.*

TO all to whom these presents shall come, ——— by divine permission Bishop of Calcutta, sendeth greeting: Know ye, that on the day of the date hereof the abovesaid ——— to be admitted and instituted to the archdeaconry of ——— within our diocese and jurisdiction of Calcutta, did personally appear before us, and before his admission and institution thereto, did make and subscribe the declaration above written.

In testimony whereof, we have caused our seal (which in this behalf we use) to be hereunto affixed, dated this ——— day of ——— in the year of Lord ——— and of our consecration the ———

\_\_\_\_\_ by divine permission Bishop of Calcutta, to our No. 4.  
 well beloved in Christ \_\_\_\_\_ health, grace, and benediction; Letters of col-  
 We do by these presents appoint you to be Archdeacon of the arch- lation and in-  
 deaconry of \_\_\_\_\_ within our diocese and jurisdiction, vacant by stitution.

the { death  
 or  
 resignation } of the \_\_\_\_\_ the late Archdeacon thereof,

and to our donation or collation in full right belonging; and do hereby confer upon you the same, And by these presents do canonically institute you, in and to the said archdeaconry, and archidiaconal dignity of \_\_\_\_\_ and do invest you with all and singular the rights, members, privileges, and appurtenances to the same belonging; you having first before us subscribed the articles, taken the oaths, and made and subscribed the declaration, which are in this case by law required to be subscribed, made, and taken; and we do by these presents assign and appoint unto you the place, chair, and seat by the last Archdeacon thereof possessed and used \_\_\_\_\_ in the church of \_\_\_\_\_ at \_\_\_\_\_ in the said archdeaconry of \_\_\_\_\_ (saving always to ourselves our episcopal rights and the dignity and honor of our Cathedral Church of Calcutta).

In testimony whereof we have caused our episcopal seal to be hereunto affixed, dated this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ and of our consecration the \_\_\_\_\_

\_\_\_\_\_ by divine permission Bishop of Calcutta, to the No. 5.  
 Reverend \_\_\_\_\_ and all other of the Ministers and Chap- Mandate to in-  
 lains licenced to officiate and resident in the archdeaconry of \_\_\_\_\_ duct.  
 greeting; Whereas the Reverend \_\_\_\_\_ hath been appointed and collated by us to the said archdeaconry and archidiaconal dignity of \_\_\_\_\_ within our diocese and jurisdiction, and we have duly and canonically admitted and instituted him in and to the said archdeaconry, and have invested him with all and singular the rights, members, and appurtenances thereunto belonging, and have assigned and appointed unto him the place, chair, and, seat in the Church of \_\_\_\_\_ to him belonging, and by the last Archdeacon thereof possessed and used; we do therefore hereby empower and strictly require you, jointly and severally, to induct or cause to be inducted the said \_\_\_\_\_ into the said archdeaconry, and into all and singular the rights, members, and appurtenances thereunto belonging, by placing him in the place, chair, and seat, aforesaid, and to defend him so inducted, and what you shall do in and concerning the premises, you or whatsoever of you that shall execute this our present mandate, are duly to certify to us or our successors when you shall be duly required so to do.

Given under our seal (which in this behalf we use) the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ and of our consecration the \_\_\_\_\_



Indorsement  
and return  
for the fore-  
going mandate.

MEMORANDUM, this \_\_\_\_\_ day of \_\_\_\_\_ we whose names are hereunto subscribed, do humbly certify to all to whom it may concern, that the Reverend \_\_\_\_\_ was this day duly inducted as the Archdeacon into the archdeaconry of \_\_\_\_\_ in the diocese of \_\_\_\_\_, conformably with the within mandate by the under signed Reverend \_\_\_\_\_ in our presence,

A. B. Minister

C. D. Registrar.

E. F.

G. H.

No. 6.  
Form of re-  
signation by  
the Archdea-  
con.

TO the Right Reverend \_\_\_\_\_ Lord Bishop of Calcutta, and your Lordship's successors, Bishops of Calcutta; Whereas in and by certain letters of collation or institution, bearing date the \_\_\_\_\_ day of \_\_\_\_\_ under the episcopal seal of the Right Reverend \_\_\_\_\_ Lord Bishop of Calcutta, I the Reverend \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ was admitted and instituted, and on the \_\_\_\_\_ day of \_\_\_\_\_ was inducted into and do now hold and possess, and am invested with the archdeaconry and archidiaconal dignity of \_\_\_\_\_ within your Lordship's diocese and jurisdiction of Calcutta, and to your donation or collation belonging. And whereas, now intending to return to Europe, I am desirous for that and other good and sufficient causes to resign and relinquish the said office of Archdeacon unto your Lordship and your successors, Bishops of Calcutta; Now therefore, I, the Reverend \_\_\_\_\_ Archdeacon of the said archdeaconry of \_\_\_\_\_ by these presents, and to enable your Lordship and your successors, Bishops of Calcutta, to appoint and collate to the same archdeaconry, do, without compulsion, fraud or deceit, simply, purely and absolutely resign, surrender, and yield up the said office of Archdeacon, with all and singular its rights, members, privileges, and appurtenances, and all my right, title, interest, claim, and demand therein or thereto, together with the said letters \_\_\_\_\_ unto your Lordship and to your Lordship's successors, Bishops of Calcutta, and do so resign and relinquish the same, subject to all or any responsibility which I am now or may be liable for in law or equity, in respect to my conduct in the said office.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_

C. D.

Attested by A. B. Registrar and a notary public.

I, the Reverend \_\_\_\_\_ Archdeacon of the archdeaconry of \_\_\_\_\_ and now residing at \_\_\_\_\_ do make and appoint \_\_\_\_\_ to be my true and lawful proctor for me and on my behalf, to give in and exhibit to the Right Reverend \_\_\_\_\_ Lord Bishop of Calcutta, now residing at \_\_\_\_\_ the annexed resignation of my office as such Archdeacon, and to pray that the same may be accepted and registered and declared void, and to do all things needful and necessary for me in that behalf.

No. 7.  
Proxy, if necessary, for the same.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_

C. D.

Attested by A. B. Registrar and a notary public,

TO our beloved in Christ, the Reverend \_\_\_\_\_ greeting; Whereas \_\_\_\_\_ Registrar of the archdeaconry of \_\_\_\_\_ and your proctor or substitute in that behalf, hath exhibited to us on the day of the date hereof, a certain instrument under your hand and seal, bearing date the \_\_\_\_\_ day of \_\_\_\_\_ now last past, setting forth that you, the said \_\_\_\_\_ by the letters of collation or institution of the Right Reverend \_\_\_\_\_ Lord Bishop of Calcutta, bearing date the \_\_\_\_\_ day of \_\_\_\_\_ and under his episcopal seal had been collated and instituted Archdeacon of the archdeaconry of \_\_\_\_\_ and into which archdeaconry you was inducted on the \_\_\_\_\_ day of \_\_\_\_\_ and that being desirous to resign the said office of Archdeacon, you did by such instrument, without compulsion, fraud, or deceit, simply, purely and absolutely, resign the said office of Archdeacon into our hands, subject to all responsibility which you was then and might be liable for in law or equity in respect to your conduct in the said office. And did also, by a separate instrument under your hand and seal appoint the said \_\_\_\_\_ as your proctor, to exhibit before us such instrument of resignation by you, and to pray in your behalf that we would be pleased to accept the same. Now therefore know ye, that in compliance with such your request and prayer, we do hereby accept your resignation of the office of Archdeacon of \_\_\_\_\_ and we do also certify that such resignation has been duly registered by us, and do hereby declare the said Archdeaconry of \_\_\_\_\_ to be now void to all intents and purposes.

No. 8.  
Acceptance of the same.

In testimony whereof we have caused our episcopal seal to be hereunto affixed, dated the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_ and of our consecration the \_\_\_\_\_

*When instituted by Commission.*

No. 9.  
Commission.

\_\_\_\_\_ by divine permission Bishop of Calcutta, to our well beloved in Christ \_\_\_\_\_ Clerk, Minister and Chaplain at \_\_\_\_\_ in the archdeaconry of \_\_\_\_\_ within our diocese greeting; Whereas it is our purpose to confer upon and give to our beloved in Christ \_\_\_\_\_ he being one of the Chaplains of the United Company of Merchants trading to the East Indies, now resident in India, the archdeaconry or archidiaconal dignity of \_\_\_\_\_ in our said diocese, vacant by the 

{	death	}
	or	
	resignation	}

 of \_\_\_\_\_ the late Archdeacon thereof, and to our donation or collation in full right belonging; And also the office of our Commissary in and for the said archdeaconry, vacant also by the \_\_\_\_\_ of the said \_\_\_\_\_. And whereas the said \_\_\_\_\_ cannot conveniently attend us for the purpose of taking the oaths and making the subscriptions and declarations, and of being regularly admitted and instituted into the same office, and being appointed to the said office of Commissary, We do therefore by these presents constitute and appoint you the said \_\_\_\_\_ our Commissary in this behalf, and do empower you the said \_\_\_\_\_ to see the said \_\_\_\_\_ subscribe, as annexed, to the Thirty-nine Articles of Religion of the Church of England, and to the three articles of the thirty-sixth Canon, and to all things that are contained in them, and to see him also subscribe to, as annexed, and hear him declare his conformity to the Liturgy of the Church of England, as it is now by law established, and also to administer to him all and singular the oaths hereunto annexed; and also, after he shall have so made and taken all such oaths and subscribed the articles and made the declaration as aforesaid, we do then further authorize and empower you or any or either of you duly and canonically to admit and institute him the said \_\_\_\_\_ in and to the said archdeaconry and archidiaconal dignity of \_\_\_\_\_ aforesaid, and to invest him with all and singular the members, privileges, and appurtenances thereunto belonging; and lastly, after such admission, institution, and investiture as aforesaid, we do then empower and strictly require you or any or either of you, or any other minister or chaplain within our diocese, to induct or cause to be inducted, the said \_\_\_\_\_ into the real, actual, and corporal possession of the said archdeaconry or archidiaconal dignity of \_\_\_\_\_ with all and singular the rights, members, and appurtenances thereunto belonging, by placing him in the place, chair, and seat in \_\_\_\_\_ at \_\_\_\_\_ in the archdeaconry of \_\_\_\_\_ aforesaid, and to the said archdeaconry or archidiaconal dignity belonging, and by the last Archdeacon thereof possessed and used; and to defend him so inducted;



and what you or any or either of you shall do touching and concerning all and singular the premises herein, you are duly to certify to us of the same, together with these presents.

Given under our seal (which in this behalf we use) this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ and of our consecration the \_\_\_\_\_

### INDORSEMENTS.

*Archdeacon's Oaths, and the Commissary's Oath and Subscriptions are annexed to the above Commission, with the following indorsement or returns.*

TO the Right Reverend Father in God \_\_\_\_\_ by divine permission Lord Bishop of Calcutta I \_\_\_\_\_ Commissary within named, do hereby humbly certify your Lordship that the within named \_\_\_\_\_ Clerk, did, on the \_\_\_\_\_ day of \_\_\_\_\_ appear personally before me, and did then take all the oaths hereunto annexed, having first subscribed the articles, and made and subscribed the declaration of conformity within mentioned.

1st Indorsement  
on the above  
commission.

Witness my hand, *A. B.* Commissary

(Signed)

*C. D.* Registrar.

Dated, \_\_\_\_\_ day of \_\_\_\_\_

I \_\_\_\_\_ the Commissary above named, do hereby, also humbly certify your Lordship, that the within named \_\_\_\_\_ after having taken the oaths and subscribing as above, was this day duly and canonically admitted and instituted by me to the archdeaconry of \_\_\_\_\_ in your Lordship's diocese of Calcutta, conformably with the within authority.

2nd Indorsement.

Witness my hand, *A. B.* Commissary

*C. D.* Registrar.

Dated, \_\_\_\_\_ day of \_\_\_\_\_

MEMORANDUM, this \_\_\_\_\_ day of \_\_\_\_\_ we whose names are hereunto subscribed, do humbly certify that the Reverend \_\_\_\_\_ was this day duly inducted as the Archdeacon of \_\_\_\_\_ in the diocese of \_\_\_\_\_ conformably with the within authority by the undersigned \_\_\_\_\_ in our presence.

3rd Indorsement.

*A. B.* Commissary,

*C. D.* Minister,

*E. F.* Registrar.

Dated, \_\_\_\_\_ day of \_\_\_\_\_

No. 10.  
Certificate of  
oaths and sub-  
scriptions and  
other papers to  
be sent with the  
commission.

TO all Christian people to whom these letters testimonial may come or in any wise concern, greeting, Be it known unto you, that on the day of the date hereof \_\_\_\_\_ Clerk, to be admitted and instituted to the archdeaconry or archidiaconal dignity of \_\_\_\_\_ in the diocese of Calcutta, did, before his admission and institution thereto, personally appear before me (commissary for this purpose especially appointed by the Right Reverend Father in God \_\_\_\_\_ by divine permission Bishop of Calcutta) and subscribe to the thirty-nine articles of the Church of England agreed upon in the convocation holden at London in the year of our Lord one thousand five hundred and sixty-two, and to the three articles in the thirty-sixth of the ecclesiastical canons, made in the year one thousand six hundred and three, and to all things that are contained in them; and at the same time did on the Holy Evangelists swear that he would be faithful and bear true allegiance to His Majesty King George the \_\_\_\_\_ and that he renounced all foreign jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within His Majesty's realm, pursuant to an Act of Parliament made and published to that effect; further, that he had not directly or indirectly obtained or procured the said archdeaconry by any simoniacal payment or contract whatsoever, and that he would pay true and canonical obedience to the said Lord Bishop, and his successors, Bishops of Calcutta, in all things lawful and honest.

In testimony whereof the seal of the said Lord Bishop is hereunto affixed, and I have subscribed the same, the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_



No. 11.  
Commissary's  
certificate of  
conformity.

I \_\_\_\_\_ Clerk do declare that I will conform to the liturgy of the Church of England as it is now by law established.

*A. B.*

TO all to whom these presents shall come, greeting, Know ye that on the day of the date hereof, the above named \_\_\_\_\_ to be admitted and instituted to the archdeaconry or archidiaconal dignity of \_\_\_\_\_ in the diocese of Calcutta, did personally appear before me (Commissary for this purpose especially appointed by the Right Reverend Father in God \_\_\_\_\_ by divine permission Lord Bishop of Calcutta) and did before his admission and institution thereto make and subscribe the declaration above written.

In testimony whereof the seal of the said Lord Bishop is hereunto affixed, and I have subscribed the same this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_



\_\_\_\_\_ by divine permission, Bishop of Calcutta, to our well beloved in Christ \_\_\_\_\_ health, grace, and benediction, We do by these presents appoint you to be Archdeacon of the archdeaconsry of \_\_\_\_\_ within our diocese and jurisdiction \_\_\_\_\_

No. 12.  
If the Bishop collates, letters of collation, with the commission.

vacant by the { death  
or  
resignation } of the \_\_\_\_\_ the late Archdeacon

thereof, and to our donation or collation in full right belonging, and do hereby confer upon you the same; and we do by these presents assign and appoint unto you the place, chair, and seat, by the last Archdeacon thereof possessed, and used in the \_\_\_\_\_ church of \_\_\_\_\_ at \_\_\_\_\_ in the said archdeaconsry of \_\_\_\_\_ saving always to ourselves our episcopal rights and dignity; and have by our letters commissary of this date directed to the Reverend \_\_\_\_\_ authorized and empowered him as our Commissary in that behalf duly to admit and canonically institute you in and to the said archdeaconsry and archidiaconal dignity of \_\_\_\_\_ and to invest you with all and singular the rights, members, and privileges belonging to the same, and also to induct or cause you to be inducted thereto, and to do all other things necessary in that behalf, you having first before our said Commissary subscribed the articles, taken the oaths, and made and subscribed the declaration which are in this case by law required to be subscribed made and taken.

In testimony whereof we have caused our episcopal seal to be hereunto affixed. Dated this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ and of our consecration the \_\_\_\_\_

I the Reverend \_\_\_\_\_ Minister and Chaplain at \_\_\_\_\_ and Commissary for this purpose specially appointed, by the Right Reverend Father in God \_\_\_\_\_ by divine permission Lord Bishop of Calcutta, to my well beloved in Christ \_\_\_\_\_ Clerk \_\_\_\_\_ health grace and benediction; By these presents and by virtue of the authority aforesaid, I admit you in and to the archdeaconsry or archidiaconal dignity of \_\_\_\_\_ in the diocese of Calcutta

No. 13.  
Commissary's letters or certificate of institution with the commission.

vacant by the { death  
or  
resignation } of \_\_\_\_\_ Clerk ..... the last

Archdeacon thereof, and belonging to the donation or collation of \_\_\_\_\_ and I do duly and canonically institute you in and to the said archdeaconsry or archidiaconal dignity of ..... and do invest you with all and singular the rights, members, privileges and appurtenances thereunto belonging (you having first before me subscribed the articles, taken the oaths, and made and subscribed the declaration which are in this case by law required to be subscribed, made, and taken; saving always to the said Lord Bishop and his suc-



cessors' the episcopal rights and the dignity and honor of the Cathedral Church of Calcutta.

In testimony whereof the episcopal seal of the said Lord Bishop is hereunto affixed, and I have subscribed the same this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_

No. 14.  
The Bishop's  
form of ap-  
pointment of  
commissary, or  
commissary's  
letters.

\_\_\_\_\_ by divine permission Bishop of Calcutta, to our well beloved in Christ \_\_\_\_\_ Archdeacon of the archdeaconry of \_\_\_\_\_ within our diocese and jurisdiction greeting; Whereas, for the purpose of preventing as much as possible the delay and inconvenience which must arise from the great and remote distance of our residence from the said archdeaconry of \_\_\_\_\_ in performing the several matters and things herein specified, and from other good and sufficient causes and considerations, We do by these presents specially authorize and appoint you the said \_\_\_\_\_ our Commissary in and for and throughout the said archdeaconry of \_\_\_\_\_ during our absence from the same, or so long as we shall see fit and proper and no longer, in the several matters and for the several purposes hereinafter mentioned, you having first before \_\_\_\_\_ in that behalf subscribed to the Thirty-nine Articles, and taken the oaths of supremacy, and to deal uprightly and justly in the said office of Commissary: And for a declaration of those matters and things wherein we so direct and empower you to act as such our Commissary, we do by these presents expressly authorize and empower you the said \_\_\_\_\_ to call for and examine the letters of orders, and all licences and other faculties and testimonials relating as well to the official appointment of all and singular the Ministers and Chaplains in holy orders of the United Church of England and Ireland, now belonging to and unlicensed in the said archdeaconry of \_\_\_\_\_ as to those who may from time to time hereafter be appointed to and arrive at the same, for the purpose of satisfying us of their having been respectively duly and regularly appointed as Ministers and Chaplains of the diocese, and of their having been admitted to the holy orders of priests or deacons: And we do also specially authorize and appoint you the said \_\_\_\_\_ to see all such Ministers and Chaplains respectively subscribe to the Thirty-nine Articles of the Church of England, agreed upon in the convocation holden at London in the year of our Lord one thousand five hundred and sixty two, and to the three articles in the thirty-sixth of the ecclesiastical canons published in the year of our Lord one thousand six hundred and three, and to all things that are contained in them. And also to administer to each and every of them on the Holy Evangelists the following oaths, viz. to be faithful and bear true allegiance to His Majesty King George the \_\_\_\_\_, to renounce all foreign jurisdiction, power, superiority, preeminence or authority, ecclesiastical or

spiritual, within His Majesty's realm, pursuant to an Act of Parliament made and published to that effect; and to pay true and canonical obedience to us and our successors, Bishops of Calcutta, in all things lawful and honest; and also to hear, and see them respectively make and subscribe the declaration of conformity to the Liturgy of the Church of England as it is now by law established: And thereupon, as such our Commissary as aforesaid, to grant all such certificates thereof, as well as our licences to officiate under the episcopal seal to all such Ministers and Chaplains within such archdeaconry, and to execute and deliver the same, and to affix our episcopal seal thereunto, reserving to us and our successors, Bishops of Calcutta, the power of revoking all such licences, whenever we shall see just cause for the same. And we do further authorize and grant unto you, as our Commissary aforesaid, during such our absence as aforesaid, our full power to call before you at any competent days, hours, and places whatsoever, upon good and sufficient cause, any Minister or Chaplain or Priest and Deacon in holy orders in the said archdeaconry, and to enquire, by witnesses to be sworn before you in due form of law, and by all other lawful ways and means by which the same may be best and most effectually done, concerning his or their behaviour in his or their office and station; nevertheless, in all grave matters of correction concerning the same, and which are accustomed according to the said ecclesiastical law to be judicially examined, we do give and grant unto you our full power and authority in like manner judicially to examine; and for all and singular the purposes last mentioned, to have, use, and affix our episcopal seal to all necessary processes and instruments whatsoever; And all or any sentences to be passed and pronounced by us, or you, thereupon to certify and transmit without delay to the ————— and to us and our successors, Bishops of Calcutta. And we do also further authorize and grant unto you our full power to administer all such oaths as are accustomed and may by law be administered according to the ecclesiastical laws of England, as well to all and singular the aforesaid Ministers and Chaplains, and Priests and Deacons as to all or any other person or persons whomsoever; particularly to any person or persons who shall or may at any time or times be nominated and duly appointed by us and our successors, to be the Registrar of the aforesaid archdeaconry; and also to take or cause to be made and taken all subscriptions and declarations which are by law directed to be subscribed, made, and taken, by any such last mentioned person or persons in that behalf; and we do also further authorize and grant unto you, as our Commissary aforesaid, our power to grant licences under our episcopal seal for the performance or allowance of divine worship in any place or places until consecration; and also to grant all or any faculties under the episcopal seal for the

admission and erection of any monuments or tablets in any church or churches within the archdeaconry aforesaid, so that the same be not done to the hindrance of divine worship or to the removal, displacing, or injury of any monuments already erected, and be not otherwise prejudicial or have no improper inscription thereon for a place of divine worship; and lastly, to register or cause to be registered, by the Registrar of the said archdeaconry, all and every act, matter or thing, and all instruments passed by us and you under the episcopal seal, and what shall be done and executed by you under or by virtue of these our letters, and also what you shall cause to be done in all and singular the several matters and things aforesaid, you shall from time to time, and at all times when so required by us, or our successors, certify or exhibit to us and our successors, Bishops of Calcutta; and lastly we do hereby save and reserve to us all our episcopal rights and jurisdiction, and the power and authority of recalling or revoking these presents, and all things herein contained whenever we shall see just cause for the same.

In testimony whereof we have caused our seal to be hereunto set and affixed. Dated this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ and of our consecration the \_\_\_\_\_





## CHAPTER IV.

OF THE MINISTERS AND CHAPLAINS IN THE DIOCESE  
OF CALCUTTA.

## SECTION I.

*Extracts from the Letters Patent, of the 2d May,  
54th Geo. 3, A. D. 1814.*

“ HIS late Majesty by the same Letters Patent, Extract from letters patent 2d May 1814. Appendix.  
 “ grants to the Bishop and his successors full power  
 “ and authority by himself or themselves, or by his or  
 “ their Commissary or Commissaries, by him or them  
 “ to be thereunto specially authorized, to grant  
 “ *licences* to officiate to all Ministers and Chaplains of  
 “ all the churches of chapels or other places within  
 “ the diocese, wherein divine service shall be cele-  
 “ brated, according to the rites and liturgy of the  
 “ Church of England.”

## SECTION II.

*As to the Ministers and Chaplains in the Diocese of  
Calcutta, with such of the ecclesiastical Laws and Canons  
as apply to the Clergy generally, in order to being licenced  
to officiate, and other Proceedings relating thereto,  
applicable to the above Portion of the Letters Patent.*

BEFORE Bishop Middleton proceeded to licence his clergy, he consulted the then Advocate General in Calcutta, (E. Strettell, Esq.) who considered that the different Ministers and Chaplains in the Indian Diocese, approached nearest in their ecclesiastical character or vocation, to stipendiary *curates* in England; on which opinion, that Bishop for the most part acted, and framed his licences accordingly. The following extracts therefore may be considered, according to the Letters Patent, as applicable to the case of the Ministers and Chaplains in the Diocese of Calcutta.

Preliminary observations as to the ecclesiastical denomination of the clergy in the diocese of Calcutta.

Of curates and  
parsons.

It is laid down, that a Curate (*curator*) is he, who represents, in his absence, the Parson, Incumbent, or Vicar. And a Parson, (*persona ecclesiæ*) is defined to be one, that hath full possession of all the rights of a parochial church, and is called *parson*, *persona*, because by his person, the Church, which is an invisible body, is represented, and he is in himself a body corporate, in order to protect and defend the rights of the Church, which he personates by a perpetual succession. 1 *Inst.* 300.

The word *parson*, in a large sense, includes all clergymen having spiritual presentations. And there may be two parsons in one Church, one of the one moiety, and the other of the other; and a part of the church and town allotted to each. And there may be two that make but one parson in a Church, presented by one patron. 1 *Inst.* 17, 18.

Licence necessary and other particulars.

No curate or minister, ought to perform the duties of any Church, before he has obtained a licence from the Bishop. 2 *Burn* 58. By Can. 48, no curate or minister shall be permitted to serve in any place, without examination, and admission of the Bishop of the diocese or ordinary of the place, having episcopal jurisdiction, under his hand and seal, having respect to the greatness of the cure and meetness of the party.

Not to remove from one diocese to another without letters of testimony.

And the said curates and ministers, if they remove from one diocese to another, shall not be by any means admitted to serve without letters of testimony of the Bishop of the diocese, or ordinary of the place as aforesaid, whence they came, in writing, of their honesty, ability, and conformity to the ecclesiastical law of the Church of England.

Agreeable to the canon law.

All which is agreeable to the rule of the ancient canon law, which requireth, that no clergyman shall be received in another diocese, without letters commendatory from the Bishop of the diocese from whence he removed. *Gibs.* 896.

And by Can. 50, strangers are not to be admitted to preach in Churches or Chapels, without shewing their licence.

Strangers not to preach without licence.

Nor, by Can. 61, in any Cathedral Churches, or Colleges, without sufficient authority from the Bishop.

No minister to officiate in any cathedral, &c. without licence from the Bishop.

And by Article XXIII. it is not lawful for any man to take upon him the office of public preaching, or ministering the sacraments in the congregation, before he be lawfully called and sent to execute the same; and those we ought to judge lawfully called and sent which be chosen, and called to his work, by men who have public authority given unto them, in the congregation, to call and send ministers unto the Lord's vineyard.

To be lawfully called and sent.

And in order to his licence, he must produce his nomination in form aforesaid. Then it must appear, in the next place, that he is in holy orders; and this must appear to the Ordinary, either of his own knowledge, or by lawful testimony. And no person shall be admitted to officiate until proof shall first be made of his good life and learning. *Lind.* 47. and *Burn*, vol. 2, p. 61, 62.

In order to his licence what is requisite.

And in regard to the licence serving for any other parish, or place within the diocese; it is laid down, that although not enjoined by any express law, yet the same is very reasonable, being intended for the benefit of Curates, that having been once examined and approved by the Ordinary, they shall not need to be at the expence of a new licence for any other place unto which they shall remove within the diocese. *Burn*, vol. 3, p. 53 and 49.

One licence may serve in any diocese.

By Can. 36, no person shall be received into the ministry, nor admitted to any ecclesiastical living, nor suffered to preach, to catechize, or to be a lecturer, or reader of divinity in either University or in any Cathedral or Collegiate Church, city, or market town, parish church, chapel, or any other place within this realm, except he be licenced, either by the Archbishop or by

Subscriptions to be made preparatory to licence.



the Bishop of the diocese where he is to be placed, under their hands and seals, or by one of the two Universities under their seal likewise, and except he shall first subscribe to the three articles concerning the King's supremacy, the Book of Common Prayer and the Thirty-nine Articles.

By Can. 37, none licenced as is aforesaid to preach, read lecture, or catechize, coming to reside in any diocese, shall be permitted there to preach, read lecture, catechize or minister the sacraments, or to execute any other ecclesiastical function (by what authority soever he be thereunto admitted) unless he first consent and subscribe to the three articles before mentioned, in the presence of the Bishop of the diocese wherein he is to exercise such function.

Reading in; act  
of conformity.

And within two months after he is licenced he is to read the morning and evening prayers, and to declare his unfeigned assent and consent thereto openly and publicly in church before the congregation as follows :

“ *I, ————, do here declare my unfeigned assent and consent to all and every thing contained and prescribed in and by the book intituled the Book of Common Prayer and administration of the Sacraments, and other rites and ceremonies of the Church, according to the use of the United Church of England and Ireland, together with the Psalter or Psalms of David printed as they are to be sung or said in churches, and the form and manner of making, ordaining, and consecrating of Bishops, Priests and Deacons.*” And within the same time to read the Thirty-nine Articles and declare his unfeigned assent thereto. In England, by 13 and 14 Car. 2, c. 4. (Act of Uniformity) it is enacted that all and singular ministers in any cathedral, collegiate or parish church, or chapel, or other place of public worship shall be bound to say and use the Morning Prayer, Evening Prayer, celebration and administration of both the Sacraments, and all other public and common prayer in such order and form as is mentioned in the said book, intituled as aforesaid, and annexed and joined to

this present act; and that the Morning and Evening Prayer therein contained, shall, upon every Lord's Day, and upon all other days and occasions, and at the times therein appointed, be openly and solemnly read by all and every Minister or Curate in every church, chapel, or other place of public worship as aforesaid. § 2.

And shall subscribe the declaration following, "*I, A. B. do declare that I will conform to the Liturgy of the Church of England as it is now by law established.*"  
13 and 14 Car. 2, c. 4, § 8; 1 W. Sess. 1, c. 8, § 11.

Declaration of conformity.

Which said declaration shall be subscribed before the Archbishop or Ordinary of the diocese (or his Vicar-General, Chancellor or Commissary, 15 Car. 2, c. 6, § 5) on pain of forfeiting such office, place, promotion, or dignity, and being utterly disabled and *ipso facto* deprived of the same, which shall be void, as if such person failing, were naturally dead. 13 and 14 Car. 2, c. 4, § 10.

And after such subscription made shall procure a certificate under the hand and seal of the respective Archbishop or Ordinary of the diocese, (who shall make and deliver the same upon demand) and shall publicly and openly read the same, together with the said declaration, upon some Lord's Day, within three months then next following, in his parish church, where he is to officiate, in the presence of the congregation there assembled, in the time of divine service, upon pain that every person failing therein (without some lawful impediment to be allowed and approved by the Ordinary of the place. 23 Geo. 2, c. 28) shall lose such place respectively, and be disabled, and, *ipso facto*, deprived thereof, and the same shall be void, as if he were naturally dead. § 11.

And after declaration read the same.

No person shall be promoted to any spiritual or ecclesiastical office or ministry whatsoever, unless he takes the oaths of allegiance, supremacy, and abjuration. 1 Eliz. 1; and 1 W. c. 8; and finally, by 1 Geo. 1, c. 13, and 1 Geo. 2, c. 26.

Oaths to be taken previous to licence.

And the oath of canonical obedience is to be taken, if

Canonical obedience

required, concerning which, it is laid down, in Lind. 110; “ And if the said Priests shall presume to celebrate  
 “ divine service in such churches or chapels, until they  
 “ shall have taken such oath as required, they shall  
 “ thereby incur irregularity, besides the other penalties  
 “ which the canons inflict upon the breakers of holy  
 “ constitutions.” And “ if the said Curates being so  
 “ sworn as aforesaid, before a competent judge, shall  
 “ be convicted of having broken their oath, they  
 “ shall be entirely removed, and as perjured persons,  
 “ shall be interdicted from the celebration of divine  
 “ offices, until they shall be canonically dispensed  
 “ withal.” *Burn. vol. 2, page 64, 65.*

Having premised the foregoing particulars, as being applicable to the Indian diocese, the following instructions to the Clergy of that diocese, are now subjoined.

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### SECTION III.

*Instructions to the Clergy on arrival in the Indian Diocese for obtaining Licences to officiate, and other information concerning the Ministers and Chaplains thereof.*

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Instructions  
for obtaining  
licence to officiate in the  
Indian Diocese.

EVERY Clergyman, coming into the Indian Diocese, is expected to report himself to the Bishop, or in his absence, to the Archdeacon, or Commissary; upon which occasion, and with reference to obtaining the Bishop's licence to officiate, to give in his name, also his academical degree, if any; then the permission from the proper authorities, to reside in India; his letters of orders, his nomination or appointment; and such other testimonials as he may have; and if other than a Company's Chaplain, a document certifying by whom he is retained and maintained in his office.

Company's  
Chaplain producing testimonials.

It may not be improper to remark, that an opinion at present prevails, that the production to the Bishop of Calcutta, by a Company's Chaplain, of his nomi-



nation to that appointment by the Court of Directors, and his letters of orders, are all that can be required of him by that Bishop; but, as the canons expressly ordain, that no Clergyman shall be received in another diocese, without letters commendatory from the Bishop of the last diocese, from whence he removed, it is submitted, that the production by a Chaplain simply of his nomination by the Company and his letters of orders, both of which may be of a date long antecedent, can hardly be presumed, at this day, to be a sufficient title for the Bishop's licence, without the addition of some continuing testimonial from his last to the new Diocesan, under whom, or in whose diocese he is to serve: at all events, letters commendatory from the Bishop of London, by or before whom his credentials are examined, to enable him to become a candidate for the appointment of Chaplain, could never be superfluous in reference to the Bishop of this diocese.

The testimonials or other papers of the Clergyman to be licenced, being exhibited and approved, which should be signed by the Registrar, and the nomination (if a Chaplain) from the local Government, received, the Bishop, or his Commissary, orders the Registrar to prepare the proper documents for licensing the party; which consist, 1st, of the license; 2nd, the certificate of the usual subscriptions; 3d, the certificate of conformity; and 4th, the subscriptions written in the Registrar's book; for all which, and the oaths, *See last section of this Chapter*; and if licenced by Commission, *See also the same section for the Forms*.

Testimonials  
being approved.

It may not be unnecessary to notice, that Bishop Middleton licenced every Chaplain to a particular station; his chief reason for which, was, not only to secure to the station all the ecclesiastical advantages arising therefrom, but to compel the permanent residence of the Minister. If, afterwards removed, or the Chaplain succeeded to another station, he invariably

indorsed his licence “ removed with our consent,” which he always signed ; nor did that Bishop ever allow a Chaplain to be absent from his duty, so as to interfere or stop the performance of the regular service at the church, or public place of worship, on Sundays, without permission, except in cases of sickness or other unavoidable necessity.

After the arrival of Bishop Heber, the latter Prelate (if a station had no proper Church) added the term “ district” to that of “ station” in the licence, as being of a less restricted nature. The usual indorsement as adopted by Bishop Middleton was then also dropped ; the local authorities having directed, that all applications for leave of absence should be made, in future, through the Bishop ; who was also made acquainted with every removal and nomination, of the Chaplains, made by the Government, to the different stations.

The reasons alleged by Bishop Heber for making the above alteration were, that the Chaplains, by being licenced to districts as well as stations would be at liberty to make parochial visitations ; and preach on alternate, or stated Sundays, at different places, within the great extent of circuit of their appointments, instead of confining their ministrations and services all the year, to one part only.

Licences of  
Missionaries.

With regard to the licences of such native ministers, as missionaries, who had been ordained, for purposes within the diocese of Calcutta, Bishop Heber, in one or two instances, granted them his licence, conditionally, to preach and perform the office of a minister within a certain district and in a particular language.

When party to  
attend.

The licence being prepared as above, the party to be licenced receives notice when to attend upon the Bishop, or Commissary, for that purpose ; and after being licenced, the licence and other papers are directed to be registered ; and are afterwards called for, at the Registrar’s, by the Minister or Chaplain ; who,

in the opinion of Bishop Middleton, ought within two months after arrival, at the station, to read the certificate of the subscriptions and oaths; and the certificate, of the declaration of conformity, in the church at the station, as laid down in the second section of this chapter.

By an order of Bishop Middleton, Ministers and Chaplains, arriving at the archdeaconry of Calcutta, and being licenced, are appointed, before they proceed to their station, to preach once at the Cathedral. *Registrar's office, 7th January 1815.*

When licenced,  
to preach once  
at the Cathedral.

It has already been observed, that the prior right is given to the Honorable Company's Chaplains of being collated to the archdeaconries of Calcutta, Madras, and Bombay, by the letters patent of the 2d of May 1814. By the 4th Geo. 4, cap. 71, it is enacted, also, "that if any  
" person residing any time in the East Indies or parts  
" aforesaid, as one of the Chaplains of the said United  
" Company shall have been or shall be appointed to the  
" office of such Archdeacon as aforesaid, and shall have  
" resided in the East Indies or parts aforesaid as such  
" Archdeacon, seven years, the period of residence of  
" such person as Chaplain, shall be accounted and  
" taken, as and for a residence as such Archdeacon, in  
" the proportion of three year's residence as such Chap-  
" lain, to two years residence as such Archdeacon;  
" provided also, that nothing therein contained shall  
" extend or be construed to extend to prejudice the  
" right of any person, being or having been a Chaplain  
" of the said United Company, or their Court of Di-  
" rectors; nor to prejudice or affect the right of the  
" said United Company or their Court of Directors, to  
" make, repeal, vary, or alter, any regulations res-  
" pecting the Chaplains of the said United Company  
" or the pay, allowances, pensions, or retirements of  
" such Chaplains, which the said United Company or  
" their Court of Directors, may now lawfully make,  
" repeal, vary or alter." *Appendix, Extracts from 4th  
Geo. 4, cap. 71.*

The right of  
the Company's  
Chaplains to be  
appointed  
Archdeacons,  
and the 4th  
Geo. 4, c. 71.



The Honorable Company's Chaplains are directed to make all applications for leave of absence to the Government, through the Bishop, or in his absence, through the Archdeacons or Commissaries. *Govt. Reg. Appendix.*

Soldiers Libraries.

Adverting to what are denominated military stations, in the archdeaconry of Calcutta, and in reference to soldiers libraries for the same, *See the Government Letter thereon, Appendix.*

Different ecclesiastical proceedings.

For the different ecclesiastical proceedings, in the Diocese of Calcutta, in which the Ministers and Chaplains are concerned, and may wish for information they are referred to *chapter second*, herein on the Installation of the Bishop of Calcutta, to *chapter third*, on the Institution, and Induction, of the Archdeacons. And for proceedings upon Ordination, Confirmation, and Visitation, *to the respective chapters on those subjects.*

Any particulars also, which may be required, for obtaining the consecration of a church; or a licence to perform public worship, in a chapel until consecrated; and the different instruments thereon, will be found in *Chapter eight*; which contains likewise, a few suggestions intended for the use of the Clergy, respecting their churches generally, in the Indian diocese, in reference to the appointment of clerks; and obtaining books, plate, surplices and other requisites, concerning the same.

Letters testimonial.

It has been usual for the different Ministers and Chaplains, on their return to England; or becoming entitled to pensions, to take home letters testimonial, from the Bishop; or in his absence, to obtain them from the Commissary, under the episcopal seal; which letters testimonial, unless any objection appears, are seldom refused, as the want of them in England, for procuring Church preferment, or pensions, might possibly, from the extreme distance of the Indian diocese, subject the parties to very serious delay, and inconvenience. In reference also to such Letters Testimonial, the Chaplains are referred to the *Govt. Reg. Appendix.*

## SECTION IV.

*Of the Duties of the Ministers and Chaplains in the Indian Diocese, after Licence; and the legal Liabilities and Privileges of the Clergy in general.*

THE preceding instructions having been premised, the clerical duties of the Clergy, generally, as applicable, in the Indian Diocese, are now set forth, in the present and following sections.

By Can. 38, if any Minister after he hath subscribed to the Book of Common Prayer, shall omit to use the form of prayer, or any of the orders and ceremonies prescribed in the communion-book, let him be suspended; and if after a month, he do not reform, and submit himself, within the space of another month, let him be deposed from the ministry. Omitting the Form of Prayer

And by Can. 98, after any Judge ecclesiastical, hath pronounced judicially, against contemners of ceremonies, for not observing the rites and orders of the Church of England, or the contempt of public prayer, no Judge, *ad quem*, shall allow of his appeal, unless the party appellant do first personally keep and observe all the rites and ceremonies of the Church of England, as also the rescript form of Common Prayer, and do likewise subscribe to the same.

A Clergyman in performance of divine worship, cannot alter or omit any part of it; though if he do so from feelings of delicacy, it would extenuate the omission; nor can he give vent to his malevolence, by public addresses to obnoxious parishioners; in a manner which amounts to reprehension, leading to quarrelling, and are attempts to make the Church a place of public dispute and confusion. *Newbery v. Goodwin*; 1 *Phill. Rep.* 282.

Bishop Middleton's sentiments on the above subject regarding the performance of the Service in the Indian Diocese, may be collected from the following extract, taken from his address on the opening of his Consistory

Court. “ Another point on which it may be proper  
 “ to remark is, the obligation which binds every cler-  
 “ gyman not merely to use the Liturgy of the Church,  
 “ but to use it entire: as he is forbidden to make  
 “ substitutions or to add to it, so he is liable to cen-  
 “ sure if he presume to omit any portion of what the  
 “ Rubrics have directed to be used. It seems not  
 “ always to be considered that the Rubrics have the  
 “ validity of an act of Parliament, having been repeat-  
 “ edly so recognized; and if it were otherwise, it would  
 “ be difficult to understand how any Clergyman could  
 “ fulfil his solemn declaration made before the Ordi-  
 “ nary, and repeated in the presence of his flock,  
 “ that he ‘ *will conform to the Liturgy of the Church of*  
 “ *England as it is now by law established,*’ if he omit  
 “ any portion of it, when the same sanction has been  
 “ given to the whole.” See page 177, *herein*.

A Bishop may suspend a Minister wholly if he is irregular, till he submits to perform his duty properly. *Trebec v. Keith*, 2 *Alt.* 499; *H.* 1742.

Preaching.

Can. 45, every beneficed man allowed to be a preacher, having no lawful impediment, shall in his cure, or else as that Canon directs, preach one sermon every Sunday of the year.

Anciently it was laid down, every Priest should, on proper occasions in the year, preach and explain (besides all the articles of the christian faith), the ten commandments; the two evangelical precepts; the seven works of mercy; the seven deadly sins, with their consequences; the seven principal virtues; and the sacraments and other ministrations and rites. The ten commandments were laid down to be the precepts of the Old Testament; to these, the Gospel addeth two others, to wit, the love of God and of our neighbour; of the seven works of mercy, six were collected out of the Gospel of St. Mathew, to wit, to feed the hungry, to give drink to the thirsty, to entertain the stranger, to clothe the naked, to visit the sick, and to comfort those that are in prison; and the seventh was gathered



out of Tobias, to wit, to bury the dead. The seven deadly sins are, pride, envy, anger or hatred, slothfulness, covetousness, gluttony and drunkenness, luxury. The seven principal virtues are, faith, hope, charity; which respect God; prudence, temperance, justice, fortitude; with regard unto men, and the sacraments, baptism and the supper of the Lord. *Lind.* 1, 43, 54.

With regard to dress, the canonical habit (properly speaking), is that which is enjoined by the Canons of the Church; and for which, in particular, the reader is referred to *Can. 58 and 74, and the Rubric*. But it is to be observed on this subject, that in a matter so fluctuating as that of dress, it is impossible to lay down rules for apparel in one age, which will not appear ridiculous in the next. In such case, the general rule can only be, that clergymen shall appear in habit and dress such as shall comport with gravity and decency, and to have them known to the people, and thereby to receive the honor and estimation due to the special messengers and ministers of Almighty God.

Habit and  
dress of the  
Ministry.

By Article 26, of unworthiness, it is declared, *Unworthiness.* that, although in the visible church the evil be ever mingled with the good, and sometimes the evil have chief authority in the ministration of the word and sacraments, yet, forasmuch, as they do not the same in their own name, but in Christ's, and do minister by his commission and authority, we may use their ministry, both in hearing the word of God, and in the receiving of the sacraments: neither is the effect of Christ's ordinance taken away by their wickedness, nor the grace of God's gifts diminished from such, as by faith, and rightly, do receive the sacraments ministered unto them; which be effectual, because of Christ's institution and promise, although they be ministered by evil men. Nevertheless, it appertaineth to the discipline of the church, that enquiry be made of evil ministers; and that they be accused by those that have knowledge of their offences;

and finally, being found guilty by just judgment, be deposed.

Reviling and  
obstructing  
the ordinances  
of the church.

Concerning the offence of reviling the ordinances of the church; “this,” says Judge Blackstone, “carries  
“with it the utmost indecency, arrogance, and ingratitude; indecency, by setting up private judgment  
“in virulent and factious opposition to public authority; arrogance, by treating with contempt and  
“rudeness what has at least a better chance to be  
“right than the singular notions of any particular  
“man; and ingratitude, by denying that indulgence  
“and undisturbed liberty of conscience to the members of the national Church, which the retainers  
“to every petty conventicle enjoy. However, it is  
“provided by statutes 1 Edw. VI., Car. 1, and 1 Eliz.  
“cap. 1, that whoever reviles the sacrament of the  
“Lord’s Supper shall be punished by fine and imprisonment, and by the statute 1 Eliz. c. 2. if any  
“Minister shall speak any thing in derogation of the  
“Book of Common Prayer, he shall, if not beneficed,  
“be imprisoned one year, for the first offence, and for  
“life, for the second; and if he be beneficed, he shall  
“for the first offence, be imprisoned six months, and  
“forfeit a year’s value of his benefice; for the second  
“offence, he shall be deprived, and suffer one year’s  
“imprisonment; and for the third, shall in like manner  
“be deprived, and suffer imprisonment for life. And  
“if any person whatsoever shall, in plays, songs, or  
“other open words, speak any thing in derogation,  
“depraving, or despising of the said book, or shall  
“forcibly prevent the reading of it, or cause any other  
“service to be used in its stead, he shall forfeit for  
“the first offence, an hundred marks, for the second  
“four hundred, and for the third, shall forfeit all his  
“goods and chattels, and suffer imprisonment for life.  
And again, “These penalties were framed, in the  
“fancy of our present establishment, and proved a  
“principal means, under Providence, of preserving the

“purity, as well as decency, of our national worship,  
 “nor can their continuance to this time (of the milder  
 “penalties at least) be thought too severe and into-  
 “lerant, so far as they are levelled at the offence,  
 “not of *thinking* differently from the national Church,  
 “but of *railing* at the Church and *obstructing* its ordi-  
 “nances, for not submitting its public judgment to the  
 “private opinion of others. For though, it is clear,  
 “that no restraint should be laid upon rational and  
 “dispassionate discussions, of the rectitude and pro-  
 “priety of the established mode of worship, yet con-  
 “tumely and contempt are what no establishment can  
 “tolerate.”\* *Bla. Com. vol. 4, p. 50.*

The canonical offences, are principally laid down in *Can. 75, in the Appendix*, to which the reader may refer.

And by 1 H. 7, c. 4, as to the crime of adultery, it shall be lawful for all Archbishops and Bishops, and other Ordinaries having episcopal jurisdiction, to punish and chastise such priests, clerks, and religious men, as shall be convicted, before them, by examina-

Bishops to  
 punish and  
 chastise priests  
 for adultery,  
 &c.

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\* It has often been, of late years, matter of surprize, that no sufficient (if any) local regulations for the due observance of the Lord's Day in the city of Calcutta have ever been passed: and perhaps the author may be pardoned for giving in this place shortly, the remarks contained in the same work on the public expediency in general of such laws.

“Profanation of the Lord's Day, vulgarly (but improperly) called Sabbath-breaking is an offence against God and religion, punished by the municipal law of England. For, besides the notorious indecency and scandal of permitting any secular business to be publickly transacted on that day, in a country professing Christianity, and the corruption of morals which usually follows its profanation, the keeping one day in seven, holy, as a time of relaxation and refreshment as well as for public worship, is of admirable service to a state, considered merely as a civil institution. It humanizes, by the help of conversation and society, the manners of the lower classes, which would otherwise degenerate into a sordid ferocity, and savage selfishness of spirit: it enables the industrious workman to pursue his occupation in the ensuing week with health and cheerfulness: it imprints on the minds of the people, that sense of their duty to God so necessary to make them good citizens, but which yet would be worn out and defaced by an unremitted continuance of labour, without any stated times, of recalling them to the worship of their Maker. And therefore the laws anciently forbid, as they continue to do, under severe penalties, all merchandizing on the Lord's Day. *Bla. Com. vol. 4, p. 63.*

It may be not wholly unworthy of remark, that in the contract with the builder of Bishop's College near Calcutta, a clause was inserted by the express orders of Bishop Middleton, prohibiting the natives and others employed from working thereon on Sundays.



tion and other lawful proof, requisite, by the law of the Church, of adultery, and fornication.

Carrying on  
traffic or trade.

By 57 Geo. 3, cap. 99, § 3, no spiritual person, shall by himself or another to his use, engage in, or carry on any trade or dealing for gain, or deal in any goods or merchandize by buying and selling for profit, in any fair or market, on pain of forfeiting the value of such goods bargained or bought to sell again, contrary to this act, and every bargain and contract, so made by him, or by any person to his use, contrary to this act, shall be void; and the one half of every such forfeiture shall go to His Majesty, and the other half to him that will sue for the same.

How licences  
may be revoked  
&c.

And by *Johns.* 88, also in *Burn*, vol. 2, p. 64, it is laid down, that Bishops may summarily revoke all licences granted to any Curate or Minister employed in their diocese or subject to their jurisdiction; and the 36 Geo. 3, c. 38, and 6, declares that, “*whereas it is expedient that the authority of Ordinaries to licence Curates, should be further explained, enlarged, and confirmed,*” and after enacting, “*that it shall be lawful for the Ordinary to licence any Curate, who is or shall be actually employed by the Rector, Vicar or other incumbent, of any parish church, or chapel, although no express nomination of such Curate shall have been made, either in words or in writing,*” to the Ordinary, by the said Rector, Vicar or other incumbent, provides that the Ordinary shall have power to revoke summarily and without process, any licence granted to any Curate within his jurisdiction, and to remove such Curate, for such good and reasonable cause as he shall approve; subject, nevertheless, to an appeal, as well in the case of a grant of a licence to a Curate who has not been nominated, as in the revocation of a licence granted to a Curate; such appeal to be made in either case to the Archbishop of the province,\* and to be

Subject to an  
appeal.

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\* In the diocese of Calcutta, all appeals are to be made to his Majesty's Commissioners delegate, and not to the Archbishop of the Province. See chapter X.

determined in a summary manner. *See also 57 Geo. 3, § 69.* And also may displace or remove such Curate by withdrawing his licence on reasonable cause, subject to appeal to be determined in a summary way, without formal process of law. *Johns. 88.*

Every Bishop, who shall grant or revoke any licence, shall cause a copy of such licence or revocation to be entered in the registry of the diocese. *Burn, vol. 2, p. 64, and 57 Geo. 3, cap. 99, § 70.*

Lastly, clergymen may be deprived or punished, How otherwise deprived, &c. either, first, by sentence in the ecclesiastical courts, for fit and sufficient causes allowed by the canon law, such as attainder of treason, or felony. *Dyer, 108. Jenk, 210.* On conviction of other infamous crime, in the King's Courts, for heresy, infidelity, (*Fitz. Ab. title Trial, 54.*) gross immorality, and the like; or secondly, for maintaining any doctrine in derogation of the King's supremacy, or of the Thirty-nine Articles, or of the Book of Common Prayer, statute 1 Eliz. c. 1, 2, and 13 Eliz. c. 12; And for neglecting after institution, to read the Liturgy and articles in the Church, or make the declarations against popery, or take the abjuration oaths, *also* statute 13 Eliz. c. 12, 13 and 14, C. 2, c. 4, and 1 Geo. 1, st. 2, c. 6; And for using any other form of prayer than the Liturgy of the Church of England. *Stat. 1 Eliz. c. 2.*

A clergyman cannot be compelled to serve on a jury. 2 *Inst. 4.* But if a layman is summoned on a jury, and before the trial, takes orders, he shall, notwithstanding, appear, and be sworn. 4 *Leon. 190.* A clergyman cannot be chosen to any temporal office as bailiff, reeve, constable, or the like, in regard of his own continual attendance on the sacred function. *Finch, L. 88.* During his attendance on divine service he is privileged from arrests, in civil suits, for a reasonable time; “eundo, redundo et morando,” to perform service. a Exemptions and privileges of the clergy.

## SECTION V.

*Of the Duties of the Ministers and Chaplains in the Indian Diocese, in reference to the Ministration and Law of Marriage.*

British subjects abroad governed in respect of marriage by the canon law.

BRITISH subjects resident in a British settlement abroad, are governed with respect to marriage, by the law which existed before the marriage acts, viz. the canon law. *Lautour v. Teesdale*, 2 Marsh. Rep. 243. 8 Taunt. 830. S. C. A. B. 1816; also *Burn*, 8 edit.

No minister under pain of suspension for 3 years to celebrate matrimony without licence or banns.

vol. 2, 476. And by *Can.* 62. "No minister, upon pain of suspension for three years, *ipso facto*, shall celebrate matrimony between any persons, without a faculty or licence, or without banns published; neither shall any minister, upon the like pain, under any pretence whatsoever, join any persons so licenced in marriage, at any unseasonable times, but only between the hours of eight and twelve in the forenoon, nor in any private place, but either in the churches, or chapels, where one of them dwelleth, and likewise in time of divine service; nor when banns are thrice asked (and no licence in that respect necessary) before the parents or governors of the parties to be married, being under the age of twenty and one years, shall either personally, or by sufficient testimony, signify to him their consent given to the said marriage."

Nor shall solemnize marriage between parties licenced except only between the hours of 8 and 12 in the forenoon.

Nor in any private place, but in the church of one of the parties.

Nor by banns without consent of parents if parties under 21.

Marriages to be solemnized in the face of the church.

By a constitution of Archbishop Reynold's; matrimony shall be solemnized reverently and in the face of the church. *Lind.* 271.

And at no other church than the church to which the woman belongs as a parishioner, &c.

Mr. Johnson says, it was an ancient custom that marriage should be performed in no other church, but that to which the woman belonged as a parishioner; and therefore to this day the ecclesiastical law allows a fee due to the curate of that church, whether she be married there or not. *Johns.* 188, 189. On granting licences, oath is made (and in the dioceses in England, bond is to be taken) that there are no

On licence oath is taken.



impediments of precontract, consanguinity, want of consent, and the like, nor any suit or controversy depending in any ecclesiastical Court touching any contract of marriage of either of the parties, with any other. The licences should state also, that the marriage should be openly solemnized in the parish church, where one of the parties dwelleth, or other church, between the hours of eight and ten in the morning.

The power of dispensing with banns, was exercised Of licence. by Archbishops and Bishops, long before the 25 H. 8, c. 21, by which statute all Bishops are allowed to dispense as they were wont to do. *Johns.* 194.

Canon 101, expressly declares, that licences of marriage shall be granted only by such as have *episcopal* authority, or the Commissary for faculties, Vicars-general of the Archbishops, and Bishops, “*sede plena*” or “*sede vacante*,” the guardian of the spiritualties, or ordinaries exercising of right *episcopal* jurisdiction. And again, under Canons 62 and 63, no minister upon pain of suspension *per triennium, ipso facto*, shall celebrate matrimony without a faculty or licence, granted by some of the persons, as in such constitutions is expressed.

And for avoiding of all fraud and collusion in the obtaining of such licences and dispensations; before such licence shall be granted, it shall appear to the Judge by the oaths of two sufficient witnesses, one of them to be known either to the Judge himself or to some other person of good reputation then present, and known likewise to the said Judge that the express consent of the parents or parent (if one of them be dead) or guardians or guardian of the parties, is thereunto had and obtained; and furthermore, that one of the parties shall personally swear that he believeth that there is no let or impediment of precontract, kindred, or alliance, or of any other lawful cause whatsoever, nor any suit commenced in any ecclesiastical Court, to bar or hinder the proceeding of the said

matrimony, according to the tenor of the aforesaid licence. *Can.* 103.

But if both the parties which are to marry being in widowhood, do seek a faculty for the forbearing of banns, then the clauses beforementioned, requiring the parents consent may be omitted, but the parishes where they dwell both shall be expressed in the licence, as also the parish named where the marriage shall be celebrated, and if any Commissary for faculties, Vicars-general, or other the said Ordinaries shall offend in the premises, or any part thereof, he shall for every time so offending be suspended from the execution of his office for the space of six months, and every such licence or dispensation shall be held void to all effects and purposes, as if there had never been any such granted, and the parties marrying by virtue thereof shall be subject to the punishments which are appointed for clandestine marriages. *Can.* 104.

Which Canon declaring the licence void to all effects and purposes as if there had never been any such granted, seemeth to render it a matter of great importance in all cases that the aforesaid pre-requisites be strictly observed.

And by the present ecclesiastical law of England no person shall after the 22d of July 1822, be deemed authorized by law to grant any licence for marriage except the Archbishops of Canterbury and York, according to the rights now vested in them respectively, and the other Bishops within their respective dioceses, for the marriage of persons, one of whom is to be resident at the time within the diocese of the Bishop in whose name such licence is granted; such residence to be proved as the marriage act directs.\*

And the marriage act at present declares, that if any *caveat* be entered against the grant of any licence for a marriage, which *caveat* being duly signed by or on behalf of the person who enters the same,

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\* Stat. 4 Geo. 4, c. 76, § 11.

together with his place of residence, and the ground of objection on which his *caveat* is founded, no licence shall issue till the said *caveat* or a true copy thereof, be transmitted to the Judge out of whose office the licence is to issue, and until the Judge has certified to the Registrar that he has examined into the matter of the *caveat*, and is satisfied that it ought not to obstruct the grant of the licence for the said marriage, or until the *caveat* be withdrawn by the party who entered the same.

And by the marriage act\* above referred to "for avoiding all fraud and collusion in obtaining of licences for marriage" it is enacted, that before any such licence be granted, one of the parties shall personally swear before the surrogate, or other person having authority to grant the same, that he or she believeth that there is no impediment of kindred or alliance, or of any other lawful cause, nor any suit commenced in any ecclesiastical Court to bar or hinder the proceeding of the said matrimony according to the tenor of the said licence, and that one of the said parties hath, for the space of fifteen days, immediately preceding such licence, had his or her usual place of abode within the parish or chapelry within which such marriage is to be solemnized; and where either of the parties not being widow shall be under the age of 21 years, that the consent of the person or persons whose consent to such marriage is required under the provisions of this act has been obtained thereto: provided always, that if there shall be no such person or persons having authority to give such consent, then upon oath made to that effect by the party requiring such licence it shall be lawful to grant such licence notwithstanding the want of any such consent.

And further, that no surrogate deputed by any ecclesiastical Judge who hath power to grant licences of marriage, shall grant any such licence before he hath

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\* Stat. 4 Geo. 4, c. 76, § 14.



taken an oath before the said Judge (or before a commissioner appointed by commission under seal of the said Judge, which commission the said Judge is hereby authorized to issue) faithfully to execute his office according to law to the best of his knowledge, and hath given security by his bond in the sum of £. 100 to the Bishop of the diocese, for the due and faithful execution of the said office.\*

And that, whenever a marriage shall not be had within three months after the grant of a licence by any Archbishop, Bishop, or Ordinary, or person having authority to grant such licence, no Minister shall proceed to the solemnization of such marriage until a new licence shall have been obtained, unless by banns duly published according to the provisions of the act.

Of banns.

By the ordinances of the Church, when persons are to be married, the banns of matrimony shall be published in the Church where they dwell, three several Sundays or holidays, in the time of divine service; and if at the day appointed for the marriage, any man do allege any impediment, as precontract, consanguinity, or affinity, want of parents consent, infancy, or the like, why they should not be married, (and become bound with sufficient securities to prove his allegations) then the solemnization must be deferred until the truth is tried. *Rubrick.*

The intention of the publication of banns, is, to make known that a marriage is about to take place between the individual parties: If therefore the publication is such, as not to designate, but conceal the parties, it is no designation. *Fellows v. Stewart, 2 Phill. Rep. 238, Reynolds.* Whilst the marriage is contracting, the Minister shall enquire of the people by three public banns, concerning the freedom of the parties

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\* Persons applying for licences of marriage, from the interior of the Indian Diocese should give in their names, and places of residence; and if both, or either of them are under the age of twenty-one years, the names of their next friends or guardians; and where and by whom the marriage is to be solemnized.

from all lawful impediments. *Lind.* 271. And now no Minister solemnizing marriages between persons under age after banns published shall be punishable for solemnizing such marriages without consent of parents or guardians, unless he shall have had notice of the dissent. And if such dissent is declared, such publication of banns shall be void. 4 *Geo.* 4, c. 76.

And where the parties dwell in divers parishes, the Curate of the one parish shall not solemnize matrimony between them, without a certificate of the banns being thrice asked from the Curate of the other parish. *Rubrick.*

The form of which certificate, in the diocese of Calcutta, may be to this effect :

“ I do hereby certify that the banns of marriage between A. B. of Form of certificate of the publication of banns in the Indian diocese.  
 “ \_\_\_\_\_ in the { district or town } of \_\_\_\_\_ in the  
 “ archdeaconry of \_\_\_\_\_ and C. D. of \_\_\_\_\_ in the  
 { “ district or town ” } of \_\_\_\_\_ have been duly published in the \_\_\_\_\_  
 “ of \_\_\_\_\_ at \_\_\_\_\_ aforesaid, on three several Sun-  
 “ days, to wit the \_\_\_\_\_ day of \_\_\_\_\_ the \_\_\_\_\_ day  
 “ of \_\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_ now last past,  
 “ and that no cause or just impediment hath been declared why they  
 “ may not be joined together in holy matrimony.  
 “ Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_  
 “ A. B. Minister and Chaplain of \_\_\_\_\_ ”

For the form, and particulars of the solemnization of marriage\* the reader may consult *Burn.* vol. II, p. 478.

*The following is a brief summary of the laws and canons, relating to marriage, and may not be superfluous under the present section or be found wholly useless for general reference.* General summary of the laws and canons relating to marriage.

As to the solemnization of marriage, this is regulated by the laws and customs of the nation, where we As to the solemnization of marriage.

\* The marriage act declares all marriages shall be solemnized in the presence of two or more credible witnesses, besides the Minister, who shall respectively sign their attestation thereof.

reside ; and every state allows privileges to the parties it deems expedient, and denies legal advantages to those who refuse to solemnize their marriage in the manner the state requires, but they cannot dissolve a marriage celebrated in another manner ; marriage being of divine institution, to which only a full and free consent of the parties is necessary.

Marriages  
solemnized by  
Romish priests.

Marriages by Romish priests, whose orders are acknowledged by the church of England, are deemed to have the effect of a legal marriage in some instances ; but marriages ought to be solemnized according to the rites of the church of England, to entitle the parties to the privileges attending legal marriages, as dower, thirds, and the like. But it has been decided, that where two British subjects, being Protestants, were married at Madras, by a Portuguese Roman Catholic Priest, according to the Romish form in the Portuguese language, in a private room, the same is a valid marriage, though without the licence of the Governor, which it is there the custom to obtain. *Lautour v. Teesdale*, 2 *Marsh. Rep.* 243 ; 8 *Taunton*, 830 ; *S. C. A. B.* 1816, and *Burn.* 8 edit. vol. 2, 476.

Ought not to  
be solemnized  
in Lent.

Marriages were prohibited in Lent, and on fasting days, because the mirth attending them was not suitable to the humiliation and devotion of those times, yet persons might marry with licence, in Lent, although the banns of marriage might not then be published. *Tom. Ed. Ja.*

Marriage in the  
light of a civil  
contract to be  
deemed valid  
where parties  
are, first,

Taking marriage in the light of a civil contract, the law treats it as it does all other contracts ; allowing it to be good and valid in all cases where the parties, at the time of making it, were, in the first place, willing to contract ; secondly, able to contract ; and lastly, actually did contract, in the proper forms and solemnities required by law. 1 *Comm. c.* 15, p. 433.

willing,

First, they must be willing to contract ; “ consensus non concubitus facit nuptias,” is the maxim of the civil law in this case ; and it is also adopted by the common lawyers. 1 *Inst.* 33.



Secondly, they must be able to contract; in general and secondly, able to contract. all persons are able to contract themselves in marriage, unless they labour under some particular disabilities and incapacities.

These disabilities are of two sorts; first, such as are canonical, and therefore sufficient by the ecclesiastical law to avoid the marriage in the spiritual court; but these in our law only make the marriage voidable, and not *ipso facto* void, until sentence of nullity be obtained; of this nature are pre-contract, consanguinity, or relation by blood; affinity, or relation by marriage; and some particular corporeal infirmities. Canonical disabilities of. These canonical disabilities are either grounded upon the express words of the divine laws, or are consequences plainly deducible from thence; it therefore being sinful in the persons who labour under them to attempt to contract matrimony together, they are properly the objects of the ecclesiastical justice's coercion; in order to separate the offenders and inflict penance for the offence, *pro salute animarum*. But such marriages not being void *ab initio*, but voidable only by sentence of separation, they are esteemed valid for all civil purposes, unless such separation is actually made during the life of the parties. Precontract. For after the death of either of them the courts of common law will not suffer the spiritual court to declare such marriages to have been void; because that declaration cannot now tend to the reformation of the parties. Consanguinity by blood, affinity by marriage, and corporeal infirmities. 1 *Inst.* 33, 2d *Inst.* 614. Therefore, when a man had married his first wife's sister, and after her death the Bishop's court was proceeding to annul the marriage, and bastardize the issue, the Court of King's Bench granted a prohibition *quod hoc*, but permitted them to proceed to punish the husband for incest. *Salk.* 548.

These canonical disabilities being entirely within the province of the ecclesiastical courts, our books are perfectly silent concerning them. But there are a few statutes which serve as directories to those courts,

Stat. 32 Hen.  
8, c. 38.

of which it will be proper to take notice. By Stat. 32 H. 8, c. 38, it is declared that all persons may lawfully marry but such as are prohibited by God's law, and that all marriages contracted by lawful persons in the face of the church, and consummate with bodily knowledge and fruit of children, shall be indissoluble. And (because in the times of popery a great variety of degrees of kindred were made impediments to marriage, which impediments however might be bought off for money), it is declared by the same statute, that nothing, God's law except, shall impeach any marriage but within the Levitical degrees, the farthest of which is, that between uncle and niece. *Gilb. Rep.* 158.

The prohibited degrees from consanguinity are, those under the 4th degree of the civil law except in the ascending and descending line.

Collaterals in the 4th or higher degree, may marry.

The prohibited degrees are all which are under the fourth degree of the civil law, except in the ascending and descending line; and by the course of nature, it is scarcely a possible case that any should marry his issue in the fourth degree. But between collaterals it is universally true, that all who are in the fourth or any higher degree, are permitted to marry; as first cousins are in the fourth degree, and therefore may marry; a nephew and great aunt, or niece and great uncle, are also in the fourth degree, and may intermarry. *Gibs. Cod.* 413.

The same degrees from affinity prohibited.

The same degrees by affinity are prohibited. Affinity always arises by the marriage of one of the parties related; as a husband is related by affinity to all the *consanguinei* of his wife; and, *vice versa*, the wife to the husband's *consanguinei*; for the husband and wife being considered one flesh, these who are related to one by blood, are related to the other by affinity. *Gibs. Cod.* 412. Therefore a man after his wife's death cannot marry her sister: for though I be not directly forbid to marry my wife's sister, yet when God commands me, I shall not marry my brother's wife, by parity of reason, he forbids me to marry my wife's sister; for there is the like analogy and proportion between one man and two sisters, and one woman and

two brothers; nor can he marry his aunt, or niece. But the *consanguinei* of the husband are not all related to the *consanguinei* of the wife. Hence, two brothers may marry two sisters; or father and son, a mother and daughter. If a brother and sister marry two persons not related, and the brother and sister die, the widow and widower may intermarry; for though I am related to my wife's by affinity, I am not so to my wife's brother's wife, whom, if circumstances would admit, it would not be unlawful for me to marry. 1 *Comm.* 435; 1 *Inst.* 235.

The son of a father by another wife, and daughter of a mother by another husband, cousins german, &c. may marry with each other: a man may not marry his brother's wife, or wife's sister, an uncle his niece, an aunt her nephew, &c.: but if a man take his sister to wife, they are *baron* and *feme*, and the issue are not bastards, till a divorce. *Levit. c.* 18, 20, 2 *Inst.* 683, 1 *Rol. Abr.* 340, 357, 5 *Mod.* 448.

A person may not marry his sister's daughter; and a sister's bastard daughter is said to be within the Levitical law of affinity, it being morally as unlawful to marry a bastard, as one born in wedlock, and it is in nature; and if a bastard doth not fall under the prohibition *ad proximum sanguinis non accedas*, a mother may marry her bastard son. 5 *Mod.* 168, 2 *Nels. Abr.* 1161.

There are persons within the reason of the prohibition of marriage, though not mentioned; and must be prohibited; as the father from marrying his daughter, the grandson from marrying the grandmother, &c. *Vaugh.* 321.

Other prohibitions as the father from marrying his daughter.

The other sort of disabilities are those which are created, or at least enforced by the municipal laws.

Legal disabilities by the municipal laws.

The first of these legal disabilities is a prior marriage, or having another husband or wife living; in which case, besides the penalties consequent upon it as a felony, the second marriage is to all intents and purposes void. *Br. Ab. title Bastard, pl.* 8.

Prior marriage.



Want of age.

The next legal disability is want of age. If a boy under 14, or a girl under 12 years of age marries, this marriage is only inchoate and imperfect, and when either of them comes to that age, which is for this purpose termed their age of consent, they may disagree and declare their marriage void, without any divorce or sentence in the spiritual Court. This is founded on the civil law. But the common law pays a greater regard to the constitution than the age of the parties, for if they are *habiles ad matrimonium*, it is a good marriage, whatever their age may be. And in law, it is so far a marriage, that if at the age of consent they agree to continue together, they need not be married again. *Co. Lit.* 79. If the husband be of years of discretion, and the wife under twelve, when she comes to years of discretion, he may disagree as well as she may; for in contracts the obligation must be mutual, both must be bound or neither, and so it is, *vice versa*, when the wife is of years of discretion, and the husband under. *Co. Lit.* 79.

Want of consent.

Another incapacity arises from want of consent of parents and guardians. By the common law, if the parties themselves were of the age of consent, there wanted no other concurrence to make the marriage valid; and this was agreeable to the Canon law, but by several ecclesiastical statutes penalties are laid on every Clergyman who marries a couple, either without publication of banns, (which may give notice to parents or guardians); or without a licence; to obtain which, the consent of parents or guardians, must be sworn to.

Want of reason.

A fourth legal incapacity of contracting marriage is want of reason: without a competent share of which, as no other, so neither can the matrimonial contract be valid. 1 *Roll. Abr.* 257, and *stat.* 51 *Geo.* 3, *c.* 37, for preventing the marriage of lunatics, under title *Idiots* and *Lunatics*.

Must be performed by a Priest in orders.

It is held to be also essential to marriage, that it be

performed by a person in orders. *Salk.* 19, *Burr. Set. Ca.* 232, 1 *Wils.* 74, though the intervention of a priest to solemnize this contract is merely "*juris positivi*," and not "*juris naturalis aut divini*;" it being said that Pope Innocent III. was the first who ordained the celebration of marriage in the church, before which it was totally a civil contract. *Moor.*

On the whole, as the law now stands, it may be collected, that no marriage by the temporal law is, *ipso facto*, void, that is celebrated by a person in orders, in a parish or public chapel, (or elsewhere by special dispensation) in pursuance of banns, or a licence, between single persons, consenting, of sound mind, and of the age of 21 years, or of the age of 14 in males, and 21 in females, with consent of parents and guardians, or without, in case of widowhood. And no marriage is voidable, by the ecclesiastical law, after the death of either of the parties; nor during their lives, unless for the canonical impediments of precontract (if that indeed still exists); of consanguinity, and of affinity, or corporeal imbecility subsisting previous to the marriage. 1 *Com.* 440.

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## SECTION VI.

*Of the Duties of the Ministers and Chaplains in the Indian Diocese, in reference to the Ministration and Law of Baptism.*

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BAPTISM is that Sacrament by which a person is initiated into the Christian Church; the receiving of which is not limited generally to any time or age of life; but it is laid down, however, that the baptism of young children is in any wise to be retained in the <sup>Baptism of infants.</sup>

Church, as most agreeable with the institution of Christ: *Art. 27.*

The Curates of every parish shall often admonish the people, that they defer not the baptism of their children longer than the first or second Sunday next after their birth, or other holiday falling between, unless upon a great and reasonable cause, to be approved by the Curate. *Rubr.*

Private baptism.

The Curate of every parish shall often warn the people that without great cause and necessity, they procure not their children to be baptized at home in their houses. *Rubr.* By *Canon 69*, in case of weakness and danger of death of any infant unbaptized in his parish, no Minister shall refuse or neglect to go and baptize the same. The reader is referred to that Canon and the Rubric for further information respecting private baptism.

Public baptism.

At first, Baptism was administered publickly, as occasion served, by rivers; afterwards the baptistery was built, at the entrance of the church or very near it, which had a large bason in it, that held the persons to be baptized, and they went down by steps into it; afterwards, when immersion came to be disused, fonts were set up at the entrance of churches. 1 *Sill. Eccl. Cases*, 146.

To be a font for baptism in every Church.

*Edmund.* There shall be a font of stone, or other competent material, in every church; which shall be decently covered and kept, and not converted to other uses. *Lind.* 241.

And by *Canon 18*, there shall be a font of stone in every church and chapel where baptism is to be ministered; the same to be set in the ancient usual places; in which only font, the Minister shall baptize publickly.

Duties of the Clergy in respect to baptism.

The people are to be admonished, that it is most convenient that baptism shall not be administered but upon Sundays and other holidays, when the most



number of people come together; as well for that the congregation there present may testify the receiving of them that be newly baptized, into the number of Christ's church, as also because in the baptism of infants, every man present may be put in remembrance of his own profession made to God in his baptism. Nevertheless, if necessity so require, children may be baptised upon any other day. *Rubric.*

And by *Can. 68*, no minister shall refuse or delay to christen any child according to the form of the Book of Common Prayer, that is brought to the Church to him, upon Sundays and holidays, to be christened (convenient warning being given him thereof before). And if he shall refuse so to do, he shall be suspended by the Bishop of the diocese, from his ministry, by the space of three months.

Not to refuse or delay baptism.

When there are children to be baptised, the parents shall give knowledge thereof over night, or in the morning before the beginning of morning prayer, to the Curate. *Rubric.*

There shall be for every male child to be baptised, two godfathers and one godmother, and for every female, one godfather and two godmothers. *Rubric.*

To be godfathers, &c.

No parent shall be urged to be present, nor be admitted to answer as godfather for his own child: nor any godfather and godmother shall be suffered to make any other answer or speech, than by the book of Common Prayer is prescribed in that behalf. Neither shall any person be admitted godfather or godmother to any child at christening or confirmation, before the said person so undertaking hath received the holy communion. *Can. 29.*

No parent to be godfather, &c. than as prescribed.

And the godfathers and godmothers, and the people with the children, must be ready at the font, either immediately after the last lesson at morning prayer, or else immediately after the last lesson at evening prayer, as the Curate by his discretion shall appoint. *Rubric.*

When to be ready at the font.

And the Priest coming to the font, which is then to be filled with pure water, shall perform the office of public baptism. *Rubric.*

The form of  
baptism.

The Priest, taking the child into his hands, shall say to the godfathers and godmothers, name this child: and then naming it after them (if they shall certify him that the child may well endure it), he shall dip it in the water discreetly and warily, saying, I baptize thee, in the name of the Father, and of the Son, and of the Holy Ghost. *Rubric.*

But if they certify that the child is weak, it shall suffice to pour water upon it. *Id.*

Then the Minister shall sign the child with the sign of the cross. And to take away all scruple concerning the same, the true explication thereof, and the just reasons for the retaining of this ceremony, are set forth in the thirtieth Canon.

In case of sick-  
ness.

*Can. 69.* If any minister being duly, without any manner of collusion, informed of the weakness and danger of death of any infant unbaptized in his parish, and thereupon desired to go or come to the place where the said infant remaineth, to baptize the same, shall either wilfully refuse so to do, or of purpose or of gross negligence shall so defer the time as when he might conveniently have resorted to the place and have baptized the said infant, it dieth through such his default unbaptized, the said minister shall be suspended for three months, and before his restitution shall acknowledge his fault, and promise before his Ordinary, that he will not willingly incur the like again, provided that where there is a Curate or a substitute, this constitution shall not extend to the Parson or Vicar himself, but to the Curate or substitute present.

Baptism of  
those of riper  
years.

As to the baptism of those of riper years, the reader may consult the *Rubric* in the Common Prayer.

As to fees.

With regard to fees on baptism it is laid down as follows.

*Langton.* We do firmly enjoin that no sacrament of the Church shall be denied to any one, upon the account of any sum of money, because if any thing *hath been accustomed to be given* by the pious devotion of the faithful, we will that justice be done thereupon to the churches by the Ordinary of the place afterwards.

[*hath been accustomed to be given.*]

That is, of old and for so long time as will create a prescription, although at first given voluntarily. For they who have paid so long are presumed at first to have bound themselves voluntarily thereunto. *Lind.* 279.

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SECTION VII.

*Of the Duties of the Ministers and Chaplains in the Indian Diocese in reference to the Ministration and Law of Burial.*

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No Minister shall refuse or delay to bury any corpse that is brought to the Church or Church-yard (convenient warning being given him thereof before) in such manner and form as is prescribed in the Book of Common Prayer, and if he shall refuse so to do (except the party deceased be denounced excommunicated, *major excommunicatione*, for some grievous and notorious crime, and no man able to testify of his repentance) he shall be suspended by the Bishop of the diocese from his ministry for the space of three months. *Canon* 68.

Burial. Minister not to refuse.

By the Rubric, confirmed by stat. 13 and 14 *Car.* 2, c. 4, § 1, 2, the office for burial shall not be used for any, unbaptized.

The office, for whom to be denied.

In *Kemp v. Wickes*, clerk, Arches, December 11, 1809, *cor.* Sir John Nicholl. The baptism of a child by a dissenting minister was held a sufficient baptism to entitle the child to christian burial by a Minister of the Church of England. *Burn*, vol. 1, p. 264.



Nor for any who have procured death unto themselves, but who have done it voluntarily and consequently have died in the commission of a mortal sin, and not idiots, lunatics, or persons otherwise of insane mind. *Burn.* vol. 1, p. 265.

Minister to use the form as appointed.

By the Rubric, the priests and clerks, meeting the corpse at the entrance of the church-yard, and going before it, either into the church or towards the grave, shall say as is there appointed.

By which it seemeth to be discretionary in the minister, whether the corpse shall be carried into the church or not, and there may be good reason for this, especially in cases of infection.

*Can. 67.* After the parties death, there shall be rung no more but one short peal, and one before the burial and one other after the burial.

Not to be denied on account of fees.

*Langton.* We do firmly enjoin that burial shall not be denied to any one *upon the account of any sum of money*; because if any thing *hath been accustomed to be given* by the pious devotion of the faithful, we will that justice be done thereupon to the churches by the Ordinary of the place afterwards.

[*upon the account of any sum of money.*]

Minister not to demand or take fees, unless as accustomed.

For burial ought not to be sold, but albeit the Clergy may not demand any thing for burial, yet the laity may be compelled to observe pious and laudable customs.

[*hath been accustomed to be given.*]

That is of old and for so long time as will create a prescription. *Burn, vol. 1, p. 268.*

Lord Stowell's judgment as to fees for burial.

The following extract from the judgment of Lord Stowell, in the case of *Gilbert v. Buzzard and Boyer*, 2 *Hagg. Rep.* 333, as to the adjustment of the *quantum* of fees for burial, may be useful to be known: "I am aware, as I have already intimated, that very ancient canons forbid the taking of money upon interment, upon the notion that consecrated grounds are amongst us, the *res sacræ*, and that money payments for them were therefore acts of simoniacal

“ complexion : but this has not been the way of considering that matter since the Reformation, for the practice goes up at least nearly as far ; it appears, founded upon reasonable consideration, and is subjected to proper controul of an authority of inspection.” And again, “ They are all submitted to the examination of the Ordinary, who exercises his judgment, expresses the result by a confirmation of their propriety in terms of very guarded caution. It is perhaps not easy to say where the authority could be more properly lodged or more conveniently exercised.”

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#### SECTION VIII.

*Of the Registers of Marriages, Baptisms, and Burials, in the Diocese of Calcutta, and the Returns of the same, as made in the Archdeaconry of Calcutta.*

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HAVING endeavored to detail the several duties of the Clergy in the Indian Diocese, in reference to the ministrations and laws of marriage, baptism, and burial, we proceed to notice briefly, what concerns them in keeping the necessary registers of those ministrations and the returns thereof.

By canon 70, it is laid down, as regards the Minister, that in every Parish Church and Chapel shall be provided one book, wherein shall be written the day and year of every christening, wedding, and burial, which have been in the parish since the time that the law was first made in that behalf.

And that for the safe keeping of the said book, a coffer shall be provided with locks and keys, as therein mentioned ; nor shall the book be at any time taken out of such coffer but as therein set forth. And the Minister, as therein is also directed, shall write and record in the said book the names of all persons christened, together with the names and surnames of their parents ;

Registers and  
returns in the  
Indian Diocese.

and also the names of all persons married and buried in that parish, in the week before; and the day and year of every such christening, marriage, and burial: and that done, shall as therein mentioned, lay up that book in the coffer as before; and the Minister, unto every page of that book, when it shall be filled with such inscriptions, shall subscribe his name. A true copy of which register, shall once every year as therein mentioned, be transmitted unto the Bishop of the diocese or his Chancellor, to the end, the same may faithfully be preserved in the registry of the said Bishop. And if any Minister shall be negligent in performance of any thing therein contained, it shall be lawful for the Bishop to convent him, and proceed against him as a contemner of that constitution or canon.

By the statutes. And by 6 and 7 W. 3, c. 6, § 24, every person in holy orders shall within their respective parishes and places, take an exact account, and keep a register in writing of every person married, christened, or born, therein, or buried in the common burying-place, where parishioners are buried; to view which book and registers, all parties concerned shall have *free* access at all seasonable times, without fee, and in default, subjected to penalties therein declared. And by 9 and 10 W. 3, c. 35, § 4, the words “ persons in holy orders ” shall comprehend Bishops.

In the English dioceses, the more recent acts regulating the mode of keeping registers are those of the 52 *Geo.* 3, c. 146, and 4 *Geo.* 4, c. 76, § 28; and the reader is referred to *Burn*, vol. 3, page 291, for any information thereon.

Books found  
by the local  
authorities.

In the Indian diocese, the local Governments or authorities, provide books for church registers for the different districts or stations to which the Clergy are appointed and licenced.

Suggestions as  
to clergy in the  
Indian diocese  
keeping private  
registers in  
addition.

But in the present condition and circumstances of the diocese of Calcutta, it frequently happens, that the Clergy, whilst in progress from one station to another,



are called upon to minister the different offices in question to individuals, either living remote from any regular station, or left without the assistance of any duly appointed or authorized Minister or Chaplain; and the Clergyman so officiating is often at a loss for a register, in which to enter and record the ministrations of such offices. To obviate any inconveniences arising therefrom, and viewing at the same time, the deep importance to society and to individuals of duly recording such acts, it might be useful to the public, for the Clergy to keep private registers of their own, expressly to meet such occasions; and likewise to transmit duplicates or copies of the entries made in them, to the next adjoining clerical district or station, or the nearest thereto, where a regular and public register is kept, for the purpose of being there publicly recorded, or else to transmit copies of the entries, at the proper periods, as extra returns, to the registrar of the archdeaconry. All private registers so kept might ultimately be given up to be deposited at the registrar's office for record. On such occasional ministrations as above, it might also be useful for the parties themselves to secure, and the Clergy to grant, immediate certificates thereof.

In reference to the general importance, which should be attached, by the Ministers and Chaplains in the Indian diocese, to this last portion of their ordinary duties, the following extracts taken from Phillips's Law of Evidence (vol. 1, page 389) are submitted to their attention.

“Registers are evidence of births, marriages, and burials. Registers are directed to be kept as public books, and are accompanied with all the means of authenticity. ‘They are in the nature of records,’ said Lord Mansfield, ‘and need not be produced or proved by subscribing witnesses.’ To prove a marriage, for instance, an examined copy of an entry is sufficient; this is proof of a marriage, at a certain

“time, between two parties, describing themselves  
“by the names and places of abode there mentioned.”

And the marriage act requires, in England, that the registers shall be signed by the Minister with his proper addition. And again in the above work.  
“By the canons of 1603, copies of parish registers  
“in every diocese ought to be regularly transmitted,  
“once in every year, to the Diocesan or his Chancellor; a regulation extremely important, for the purpose  
“of guarding the evidence of title and pedigree, but  
“which has been so generally neglected, as to make  
“it necessary for the legislature to interpose, and  
“pass an act for their better preservation. It is by  
“this statute enacted (stat. 52 G. 3, c. 146, § 7.) that  
“copies of the register books, verified by the officiating Minister of the parish, shall be transmitted  
“annually, as therein mentioned, to the Registrar of  
“the diocese within which the church is situated.”

The following, on the same subject, is taken from Bishop Middleton's Address on the opening of his Consistory Court for the archdeaconry of Calcutta, on the 15th of October 1819.

Extract  
from Bishop  
Middleton's  
Address.

“There has been ground of serious complaint in  
“some parts of this diocese, upon the subject of the  
“want of due attention in the keeping of the registers.  
“Persons who affirm their ability to prove the baptism of their children at a specified time, and in the  
“presence of specified witnesses, have not always  
“been able to find any trace of such baptism in the  
“registers of the station; and in some instances,  
“although there was an intention of making the entry,  
“yet from its not having been done at the time,  
“names have been mistaken, and no entry has been  
“found, which could at all avail for any purpose  
“contemplated by the law, in making this a part of  
“the duties of the clergy. More than once I have  
“been applied to, to suggest a remedy, which might  
“avert the mischiefs likely to arise from such neglect

“ such remedies are not easily supplied : it were much  
 “ easier to avoid the occasions which produce the evil.  
 “ But, independently of this negligence, there has been  
 “ in some instances a misconception of what is requi-  
 “ site to give to the register the validity of an original  
 “ document : I mean the actual signature of the Cler-  
 “ gyman, by whom the ministration was performed.  
 “ It seems to have been supposed, that a memorandum  
 “ might be copied into the station register by some  
 “ other than the officiating Minister, and signed by  
 “ the transcriber. Upon all such points, and indeed  
 “ upon all others connected with his ordinary duties,  
 “ it becomes every Clergyman to inform himself, if  
 “ he does not distinctly recollect the practice in  
 “ England. The canon and the statute are both express  
 “ upon this head, and the Court, in consideration of  
 “ the heavy injuries, which may be expected to arise  
 “ from such neglect, will visit the offence with such  
 “ censures as the laws have authorized. The returns  
 “ must also be punctually made to the Registrar for  
 “ the purpose of being recorded in the registry of the  
 “ archdeaconry, and transmitted through the Govern-  
 “ ment to England.”

Nor may it be thought improper also to add, that  
 besides the military and civil institutions for relief in  
 India, there are several benevolent public societies  
 founded entirely for the support of widows and children  
 in that country ; the regulations or usages of many of  
 which, render it necessary, for the parties seeking the  
 benefit of the same, satisfactorily to prove, first, their  
 marriage ; second, the death of the husband ; and  
 third, the birth or baptism of each child ; and that  
 from the relaxed mode in which those ministrations  
 have been recorded, or by transmitting the returns  
 irregularly, very deep anxiety and distress have been  
 often occasioned ; and the requisite certificates applied  
 for could not be provided, to secure the unfortunate  
 parties the only pittance left them.

Additional ob-  
 servations.



*Of the registers and returns as kept and made in the archdeaconry of Calcutta under the orders of Government.*

Of making the  
returns of re-  
gisters in the  
Indian diocese.

Prior and up to the commencement of the year 1816, authenticated duplicates or copies of the different registers kept by the Chaplains on the Bengal establishment, were regularly sent to the officiating Clergy at Saint John's Church, in Calcutta, (now the Cathedral) where those registers or returns to that date, still remain recorded; all applications therefore, relating thereto, must be made to the officiating Ministers or Chaplains at the Cathedral.

Since 1816.

Half yearly to  
the respective  
registers.

From the beginning of the year 1816, under the direction of Bishop Middleton, and the sanction of Government, the Chaplains were ordered, in future, to make half yearly returns, or authenticated copies of their registers, to the respective Registrars of the archdeaconries, in order that official copies of the same might be annually made by the Registrars for the local Governments, to be transmitted to the Honorable the Court of Directors, in England.

And to be  
transmitted to  
England.

Since 1828  
to be made  
quarterly.

The Court of Directors have, however, recently called for the returns to be made quarterly by their Chaplains; and in consequence, the Honorable Company's Chaplains, and the Clergy generally in the above archdeaconry, have been lately desired to make the returns, at the stated periods following: from the 1st day of January, to the 31st day of March; from the 1st day of April, to the 30th day of June; from the 1st day of July, to the 30th day of September; and from the 1st day of October, to the 31st day of December; all inclusive. And it is the duty of every succeeding Chaplain to see that the returns of the station to which he is appointed or removed have been duly forwarded according to such dates.

But in a diocese where most of the Chaplains and Ministers are so constantly removing from one station or district to another, and where the latter are in

consequence, from that circumstance, and other causes, not unfrequently left without any officiating Minister, the returns must be occasionally uncertain and irregular; and as the official returns have now been directed by the Government to be made as above, it might perhaps be desirable for the same authority to frame some public and permanent regulations on the subject.

Notwithstanding the directions and forms, formerly recommended by Bishop Middleton, it became necessary for Bishop Heber to establish, for greater ease, consistent forms of entries for the different register books. The following, with some slight additions, were those prepared under that prelate and circulated by him, and which continue to be the forms of the returns still in use in the archdeaconry of Calcutta.





# BAPTISMS

WITHIN THE CHAPLAINCY, STATION, OR DISTRICT OF \_\_\_\_\_ IN THE ARCHDEACONRY OF \_\_\_\_\_  
AND DIOCESE OF CALCUTTA.

Year.	Month.	Day.	Names of parties baptised.	Sex, and of whom born, their residence and profession.	When and where born.	Where baptised.	Signature by whom baptised.
			A. B.	Daughter } of C. & or } D. his Son } wife, of _____	Born on the _____ at _____	at _____	E. Minister and Chaplain.

Form for registers and returns of baptism.

Form for registers and returns of burials.

<p style="text-align: center;"><b>B U R I A L S</b></p> <p style="text-align: center;">WITHIN THE CHAPLAINCY, STATION, OR DISTRICT OF _____ IN THE ARCHDEACONRY OF _____ AND DIOCESE OF CALCUTTA.</p>						
Year.	Month.	Day.	Names.	Residence and Profession.	Where buried.	Signature, by whom buried.
			A. B.	of _____	at _____	C. Minister or Chaplain,

*Form of the Clergyman's attestation for each of the foregoing Returns.*

I HEREBY certify, that the foregoing (or annexed) returns, are true and faithful copies of all the entries in the register of  $\left\{ \begin{array}{l} \text{marriages,} \\ \text{baptisms,} \\ \text{or burials.} \end{array} \right\}$  belonging to and kept at the church or station of \_\_\_\_\_ within the archdeaconry of \_\_\_\_\_ and diocese of Calcutta, as therein entered and made, between the \_\_\_\_\_ day of \_\_\_\_\_ and \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_

Witness my hand,

A. B. Minister and Chaplain of \_\_\_\_\_

In concluding this chapter on the duties of the Ministers and Chaplains in the Indian diocese, it is submitted, whether it might not be found generally useful, as already adopted in some instances, if an additional book were directed to be kept at all the respective stations, besides the common registers, to record public or official correspondence, orders, and the like, concerning either the officiating Clergyman himself, or the advancement, and internal improvement of his station. All proceedings relating to the Church or Chapel; the establishment of schools; charities; and any institutions, for the promotion of Christian knowledge within the circuit of the station might by that means be permanently recorded; and every newly appointed Chaplain or Minister succeeding to the duties thereof would then be able to inform himself of the actual state of every part of his district, and what was incumbent upon him to superintend, and uphold, for its progressive advancement.

By the uniform observance of a practical system of that kind, throughout a diocese so recently founded, every Minister and Chaplain would not only exhibit and display a zeal in the performance of his ecclesiastical functions, honourable to himself as a *true* member of that church, *emphatically* by *law* established, but possess



the gratifying feeling of having humbly endeavoured to promote the permanent and spiritual welfare of every part of these His Majesty's territories; and by attending to laws, which are found equally necessary to benefit and bind society in this country, would be further sensible of having also contributed all in his power to advance the temporal interests of British India, and answer the designs in *all* respects of the English episcopal establishment in the East Indies.

## SECTION IX.

## FORMS :

*Applicable to the Ministers and Chaplains in the Indian Diocese.*

## OATHS.

1. *Of Allegiance.*

I \_\_\_\_\_ Clerk, now to be licenced to officiate as a Minister (and Chaplain if so) in the diocese and jurisdiction of Calcutta, do sincerely promise and swear that I will be faithful and bear true allegiance to His Majesty King \_\_\_\_\_ the \_\_\_\_\_

So help me God.

2. *Supremacy.*

I \_\_\_\_\_ Clerk (as above) do swear that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, that princes excommunicated or deprived by the pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever; and I do declare that no foreign prince, person, prelate, state or potentate, hath or ought to have any jurisdiction, power, superiority, preeminence, or authority, ecclesiastical or spiritual, within His Majesty's realm.

So help me God.

3. *Canonical Obedience.*

I \_\_\_\_\_ Clerk (as above) do swear that I will pay true and canonical obedience to the Lord Bishop of Calcutta and his successors, in all things lawful and honest.

So help me God.

## SUBSCRIPTIONS.

I \_\_\_\_\_ Clerk, now to be licenced to officiate as a minister (and chaplain if so) in the diocese and jurisdiction of Calcutta, do willingly and *ex animo* subscribe to the thirty-nine articles of the Church of England, and to all things that are contained in them, this \_\_\_\_\_ in the year of our Lord \_\_\_\_\_

A. B.

I the above named \_\_\_\_\_ do willingly and *ex animo*, subscribe to the three articles in the thirty-sixth of the ecclesiastical canons made in the year of our Lord one thousand six hundred and three, and to all things that are contained in them, the day and year above mentioned.

A. B.

I the above \_\_\_\_\_ do declare that I will conform to the liturgy of the Church of England, as it now by law established.

A. B.

On the day and year aforesaid these subscriptions were made before us.

C. Calcutta.

all which I attest,  
D. Reg.

TO all Christian people to whom these presents shall come, or in any wise concern, ————— by divine permission Bishop of Calcutta, sendeth greeting; Be it known unto you, that on the day of the date hereof ————— to be licenced to officiate as a Minister (and Chaplain) at ————— within the archdeaconry of ————— or any other place within our diocese and jurisdiction to which he may hereafter be duly appointed and removed, did personally appear before us, and fully and amply satisfy us of his having obtained the permission and licence of the honorable the ————— to reside in India as one of the Ministers (and Chaplains) thereof, and of his having been admitted to the holy order of priests, and did also subscribe to the thirty-nine articles of the Church of England, agreed upon in the convocation holden at London in the year of our Lord one thousand five hundred and sixty two, and to the three articles in the thirty-sixth of the ecclesiastical canons, published in the year of our Lord one thousand six hundred and three, and to all things that are contained in them, and at the same time did on the holy evangelists swear that he would be faithful and bear true allegiance to His Majesty King ————— the —————, and that he renounced all foreign jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within His Majesty's realm, pursuant to an act of Parliament made and published to that effect, and that he would pay true and canonical obedience to us and our successors, Bishops of Calcutta, in all things lawful and honest.

No. 2.  
Certificate of  
subscription  
and oaths.

In testimony whereof we have caused our hand and seal to be hereunto set and affixed, dated this ————— day of ————— in the year of our Lord ————— and of our consecration the —————

I ————— do declare that I will conform to the church of England as it is now by law established.

No. 3.  
Declaration of  
conformity.

A. B.

This declaration was made and subscribed before us by the said ————— to be licenced to officiate at ————— in the archdeaconry of ————— within our diocese and jurisdiction, or at any other place within the said diocese to which he may hereafter be duly appointed and removed, this ————— day of ————— in the year of our Lord ————— and of our consecration the —————

————— by divine permission Bishop of Calcutta, to our beloved in Christ ————— greeting; We do by these presents give and grant unto you, in whose fidelity, morals, learning, sound doctrine, and diligence, we do fully confide, our licence and authority to perform the office of minister (and chaplain) at ————— in the archdeaconry of ————— and within our diocese and jurisdiction, and to which you are nominated by ————— and at any

No. 4.  
Licence for  
ministers and  
chaplains.

other place within our diocese to which you shall be duly removed or appointed, in reading the Common Prayer, and performing other ecclesiastical duties belonging to the said office, according to the form prescribed in the book of Common Prayer made and published by authority of Parliament, and the canons and constitutions in that behalf lawfully established and promulgated, and not otherwise. And also to preach and expound the Word of God, you having first satisfied us of your having obtained the licence or permission to reside in India of the ————— as a minister (and chaplain), as well as of your having been admitted to the holy order of priests, and also having before us subscribed the articles, taken the oaths, and made and subscribed the declaration, which in this case are required by law to be subscribed, made and taken, and we do by these presents allow and assign unto you, all and singular the emoluments and allowances already belonging thereto, or granted or annexed, or which shall at any time or times hereafter belong or be granted or annexed to the same, for performing the clerical duties and functions thereof; hereby reserving to us and our successors the power and authority of revoking these presents, and all things herein contained, whenever we shall see just cause for the same.

In witness whereof we have caused our hand and seal to be hereunto set and affixed, dated this ——— day of ——— in the year of our lord and of our consecration the ———

### *When licensed by Commission.*

No 5.  
Commissary's  
certificate of  
oaths and sub-  
scriptions.

TO all christian people to whom these letters testimonial may come or in any wise concern, greeting; Be it known unto you, that on the day of the date hereof ——— to be licensed to officiate as a minister (and chaplain) at ——— in the archdeaconry of ——— and diocese of Calcutta, or at any other place within the said diocese to which he may hereafter be duly appointed and removed, did, before his being licensed thereto, personally appear before me (Commissary for this purpose specially appointed by the Right Reverend Father in God ——— by divine permission Bishop of Calcutta). and did fully satisfy me of his having obtained the licence or permission to reside in India of the ——— as a minister (and chaplain) and of his having been admitted to the holy order of priests, and did also subscribe to the thirty-nine articles of the Church of England, agreed upon in the convocation holden at London, in the year of our Lord one thousand five hundred and sixty-two, and to the three articles in the thirty-sixth of the ecclesiastical canons made in the year one thousand six hundred and three, and to all things that are contained in them, and at the same time did, on the holy evangelists, swear that he would be faithful and bear true allegiance to His Majesty king ——— and that he renounced all foreign jurisdiction, power,



superiority, pre-eminence, or authority, ecclesiastical or spiritual, within His Majesty's realm, pursuant to an act of Parliament made and published to that effect, and that he would pay true and canonical obedience to the Lord Bishop of Calcutta and his successors, Bishops of Calcutta, in all things lawful and honest.

In testimony whereof the episcopal seal of the said Lord Bishop is hereunto affixed, and I have subscribed the same, this ——— day of ——— in the year of our Lord ———

(Seal)

C. D. Commissary.

I ——— do declare, that I will conform to the liturgy of the Church of England, as it is now by law established.

A. B.

No. 6.  
Commissary's  
certificate of  
declaration of  
conformity.

TO all Christian people to whom these presents shall come, greeting; Know ye that the abovesaid ——— to be licensed to officiate as a minister (and chaplain) at ——— in the archdeaconry of ——— within the diocese of Calcutta, or at any other place within the said diocese to which he may hereafter be duly appointed and removed, did, on the day of the date hereof, personally appear before me (Commissary for this purpose specially appointed by the Right Reverend Father in God ——— Bishop of Calcutta) and before his being licensed thereto did make and subscribe the declaration above written.

In testimony whereof the seal of the said Lord Bishop is hereunto affixed, and I have subscribed the same this ——— day of ——— in the year of our Lord ———

C. D. Commissary.

I, the venerable ——— Archdeacon of the archdeaconry of ——— in the diocese of Calcutta, and Commissary of the Right Reverend ——— Lord Bishop of Calcutta, and his successors, in this behalf hereunto duly authorized, to my beloved in Christ ——— greeting, I do by these presents give and grant unto you, in whose fidelity, morals, learning, sound doctrine, and diligence, I do fully confide, the licence and authority of the said Lord Bishop of Calcutta, to perform the office of minister (and chaplain) at ——— in the archdeaconry of ——— within the diocese and jurisdiction of Calcutta, and to which you are nominated by ——— and at any other place within the said diocese to which you shall from time to time be appointed and removed, in reading the Common Prayer and performing all other ecclesiastical duties belonging to the said office, according to the form prescribed in the book of Common Prayer, made and published by authority of Parliament, and the canons and constitutions in that behalf lawfully established and promulgated, and

No 7.  
Commissary's  
licence.

not otherwise, and also to preach and expound the Word of God, you having first satisfied me of your having obtained the licence or permission to reside in India of the ——— as a Minister (and Chaplain) as well as of your having been admitted to the holy order of Priests, and also having before me subscribed the articles, taken the oaths, and made and subscribed the declaration which in this case are required by law to be subscribed, made, and taken. And I do by these presents allow and assign unto you, all and singular the emoluments and allowances already belonging thereto, or granted or annexed, or which shall at any time or times hereafter belong or be granted or annexed to the same, for performing the clerical duties and functions thereof, hereby reserving to the said Right Reverend ——— Lord Bishop of Calcutta, and his successors, Bishops of Calcutta, the power and authority of revoking these presents, and all things herein contained, whenever he or they shall see just cause for the same.

In testimony whereof the episcopal seal of the said Lord Bishop is hereunto set and affixed: and I have subscribed the same as commissary, dated this ——— day of ——— in the year of our Lord

No. 8.  
The Bishop's  
licence on  
Commissary's  
certificates  
when the com-  
missary does  
not licence.

———— by divine permission Bishop of Calcutta, to our beloved in Christ ——— Clerk, greeting: We do by these presents give and grant unto you, in whose fidelity, morals, learning, sound doctrine, and diligence, we do fully confide, our licence and authority to perform the office of minister (and chaplain) at ——— in the archdeaconry of ——— within our diocese and jurisdiction of Calcutta, and to which you are nominated by ——— or at any other place within our said diocese to which you shall from time to time be duly appointed and removed, in reading the Common Prayer and performing all other ecclesiastical duties belonging to the said office, according to the form prescribed in the book of Common Prayer, made and published by authority of Parliament, and the canons and constitutions in that behalf lawfully established and promulgated, and not otherwise, and also to preach and expound the Word of God, you having first satisfied us by the certificate of the Venerable ——— Archdeacon of the said archdeaconry of ——— our Commissary specially authorized and appointed in that behalf, of your having obtained the licence or permission to reside in India of the ——— as a Minister (and Chaplain), as well as of your having before him subscribed the articles, taken the oaths, and made and subscribed the declaration which in this case are required by law to be subscribed, made, and taken; and we do by these presents allow and assign unto you all and singular the emoluments and allowances already belonging thereto, or granted and annexed, or which shall at any

time or times hereafter belong to or be granted or annexed to the same, for performing the duties and functions thereof, hereby reserving to us and our successors, Bishops of Calcutta, the power and authority of revoking these presents, and all things herein contained, whenever we shall see just cause for the same.

In testimony whereof we have caused our episcopal seal to be hereunto set and affixed; dated this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ and of our consecration the \_\_\_\_\_



\_\_\_\_\_ by divine permission Bishop of Calcutta, to the faithful in Christ to whom these letters shall come or in any wise concern, greeting; By these presents we signify that the Reverend \_\_\_\_\_ has been for the space of \_\_\_\_\_ years licenced by us, and has officiated as a Minister (and Chaplain) in the archdeaconry of \_\_\_\_\_ within our diocese and jurisdiction, and has during that time administered the Sacrament and solemnized Divine Offices, and lived discreetly and laudably, nor hath in the mean time done any thing so far as we know or believe, by which he hath incurred ecclesiastical censure, according to the ecclesiastical laws of the Church of England, on which account we do, by these presents, commend him unto you.

No. 9.  
Letters testimonial.

In testimony whereof we have caused our seal, which we use in this behalf, to be hereunto set and affixed, dated this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ and of our consecration the \_\_\_\_\_





## CHAPTER V.

OF THE REGISTRARS IN THE DIOCESE OF CALCUTTA.

## SECTION I.

*Extracts from the Letters Patent.*

Extracts from  
Letters Patent  
2d of May  
1814.  
*Appendix.*

BY his Majesty's Letters Patent, 2nd of May, A. D. 1814, it is provided, that "the Bishop of Calcutta and his successors may from time to time appoint a proper and sufficient person in each archdeaconry to act as Registrar thereof, and in case of no Registrar being so appointed, or the Registrar being unable to act, the said Bishop or his commissaries respectively may assume any sufficient person to do all acts as Registrar." And that the person appointed to act as Registrar within the archdeaconry of Calcutta shall act as Registrar of the commissioners delegate for hearing and determining appeals as the Letters Patent also provide; "or if there be no such Registrar, or such Registrar be unable to act, the said commissioners delegate may assume an Actuary to do all acts as their Registrar."

## SECTION II.

*As to the necessary qualifications in order to the appointment of a Registrar in reference to the Letters Patent.*

PREVIOUSLY to entering on the subject of these appointments in the Indian diocese, and of the duties belonging to them, it may be proper to premise shortly, such qualifications as are necessary in the dioceses in England to constitute a Registrar for ecclesiastical purposes, and as may be applicable also to the provisions of the Letters Patent.

It is laid down that a Registrar ought always to be a Notary. And a Notary is described as anciently a Scribe that only took notes or minutes, and made short draughts of writings and other instruments both public and private. But at this day, we call him a Notary Public, who confirms and attests the truth of any deeds or writings in order to render the same authentic. *Ayl.* 382; *Burn*, vol. 3, p. 1.

The law books give to a Notary several names, or appellations, as “*Actuarius*,” “*Registrarius*,” and several other titles now obsolete; all which are put to signify one and the same person; but the word *Registrarius*, is confined to the officer of some Court, who has the custody of the records and archives of such Court, and is often times distinguished from the Actuary thereof, but a Registrar ought always to be a Notary Public, for that seems to be a necessary qualification of his office. *Ibid.*

A Notary by the law books.

A registrar ought to be a notary public.

As a Notary is a public person, so, consequently, all instruments made by him are called public instruments; and a judicial register of record made by him is evidence in every Court, according to the civil and canon law. And a Bishop's register establishes a perpetual proof and evidence, when it is found in the Bishop's archives; and credit is given not only to the original but even to an authentic copy exemplified. *Ayl. Par.* 386.

Is a public person, all acts and instruments by him are evidence.

And one Notary Public is sufficient for the exemplification of any act, no matter requiring more than one Notary to attest it.

And the rule of the canon law is, that one Notary is equal to the testimony of two witnesses. *Gibs.* 996; *Burn*, vol. 3, p. 3.

His testimony by the canon law.

By *Can.* 123. No Chancellor, Commissary, Archdeacon, Official, or any other person using ecclesiastical jurisdiction, shall speed any judicial act either of contentious or voluntary jurisdiction, (except he have the ordinary Registrar of that Court or his lawful deputy;

By canon no person exercising ecclesiastical jurisdiction to speed any act without the ordinary Registrar or public person.

or if he or they will not or cannot be present, then such persons as by law are allowed in that behalf to write or speed the same) under pain of suspension *ipso facto*.

Credit which  
the canon law  
gives to a No-  
tary Public.

And this is according to the rule of the ancient canon law, which, to prevent falsifications, requireth the act to be written by some public person (if he may be had) or else by two other credible persons; and the credit which the canon law gives to a Notary Public is, that his testimony shall be equal to that of two witnesses. *Gibs.* 996; *Burn*, vol. 3, p. 285.

By the 41 *Geo.* 3, c. 79, a person must serve seven years to a Notary Public, and be sworn, to qualify him to practice in England. It has been and is usual however for the Archbishop of Canterbury to grant Notarial faculties to persons abroad, or in the colonies, without requiring the qualifications necessary under that act; provided they are first duly sworn for that purpose.

The foregoing having been premised, we proceed, in the following section, to the original appointments of the Registrars of the archdeaconries, in the Indian diocese; and to notice briefly the duties now belonging to them.

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### SECTION III.

*Of the Appointments, and Duties, in general, of the Registrars of the archdeaconries, in the Indian diocese.*

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THE attention of Bishop Middleton after his arrival in his Indian diocese in 1814, was first directed to establish a permanent ecclesiastical registry for the acts and proceedings to be performed for, or done in the respective archdeaconries; and having obtained the consent of the Supreme Governments, to support those establishments, he appointed a Registrar in each of the archdeaconries accordingly, pursuant to the authority



in the Letters Patent, and in conformity, as near as could be, to the forms in the English dioceses.\*

These appointments have continued to be made, as in England, under an episcopal Patent which according to Bishop Middleton's form, is granted conditionally "*quoad se bene gesserit.*"

The several Registrars subscribe, as in the English dioceses, to the Thirty-nine articles; and to the first and third articles, and to the two first clauses of the second article of the 36th canon, and take the oath of office, and the oaths of allegiance and supremacy. For the forms of all which, and of their appointments, see precedents to this chapter.

The duties required of the Registrars of the respective archdeaconries, in the Indian diocese, are in general, to attend personally at all public ecclesiastical proceedings; such as upon the installation of the Bishop, and at the institution and induction of the Archdeacons; at Consecration of Churches, Ordination and Visitation, (the acts of all which proceedings are drawn up by those officers, and entered in their registers, and attested); to draw up and register, and attest, all the licences of the Clergy, and other instruments relating thereto; to draw up, and supply the necessary papers, petitions and proceedings, for the consecration of churches; and licences for the allowance of divine worship; faculties for monuments, and the like; also all documents, and letters of orders, required at ordinations; and prepare mandates, and citations, and record proceedings at visitations. Also to keep a separate book, to or in which, the thirty-nine articles are appended,

Summary of  
duties of the  
respective Re-  
gistrars in the  
Indian diocese.

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\* The gentlemen originally so appointed by Bishop Middleton to those ecclesiastical offices, were as follow: The Author (who accompanied that Bishop to India) Registrar in the archdeaconry of Calcutta; the late ROBERT ORME, Esq. then Attorney to the Honorable the East India Company at Madras, Registrar in the archdeaconry of Madras; the late JOHN HENRY STEPHENSON, Esq. then Attorney to the Honorable Company at Bombay, Registrar in the archdeaconry of Bombay; and to the registry of the archdeaconry of Colombo, the late RICHARD MORGAN, Esq.: of these, the Author is now the only survivor.

or inserted, with the three articles of the thirty-sixth canon of 1603; in which book, the subscriptions thereto are entered for the signatures of the Clergy and others, as licenced, promoted, or appointed.

The Registrar for the archdeaconry of Calcutta practices, in addition, as Secretary to the Bishop for all legal ecclesiastical purposes, and in that capacity acts generally as Registrar for the diocese. The Registrars in the other archdeaconries, when the Bishop is present, perform also the same duties.

The Registrars may not always be able to attend at consecrations of Churches in the interior of the archdeaconries; in which case, the Bishop, under the powers granted him in the Letters Patent, assumes an Actuary, and as the form of an act of consecration for registry, may on such occasions, be useful one is given in the eighth chapter of this work.

The Registrars also receive, and record, the quarterly returns of marriages, baptisms, and burials, performed by the respective Ministers and chaplains within the respective archdeaconries;\* and make authentic copies of the returns, and send the same quarterly into the local Governments, for transmission by them, to England. As their offices are public, they allow, at all stated and reasonable hours, searches to be made in their offices, for all entries in their respective register books, and in the returns of marriages, baptisms, and burials, and grant copies and certificates thereof when required, on payment of the usual fees by the parties. If the Registrars are requested on behalf of individuals to make searches, they are paid all reasonable charges for the same; as also for any private faculties, and all other instruments in which the Government are not directly interested.

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\* In the dioceses in England, as often as the copies of such registers and lists are transmitted to the office of the Registrars, they cause them to be safely kept from damage, and to be so arranged as to be resorted to when required; and cause correct alphabetical lists to be made in books of the names of all persons or places therein, which with the above copies, are open to public search at reasonable times, on payment of the usual fees. *Stat. 32, G. 3, c. 146.*

The above, are the leading duties and proceedings in which the Registrars are concerned. For any further practical information respecting those offices, in the Indian Diocese, in reference to the different ecclesiastical proceedings, and forms necessary, or relating expressly either to the Bishop; the Archdeacons, and Commissaries; the Ministers and Chaplains; Ordination; Confirmation; Consecration of Churches; Visitation; and the Consistory Court; the reader is referred to the several chapters as arranged, under each of these heads, in the present work; and for other particulars, may also consult, *Burn's Eccl. Law, vol. 3, Tit. Notary Public. Register.*

## SECTION III.

## FORMS:

## OATHS.

I ——— do sincerely promise and swear that I will be faithful and bear true allegiance to His Majesty King George the ———

So help me God.

I ——— do swear that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position that princes excommunicated or deprived by the Pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any whatsoever; and I do declare that no foreign prince, person, prelate, state, or potentate, hath or ought to have, any jurisdiction, superiority, preeminence or authority, ecclesiastical or spiritual, within His Majesty's realms, dominions, and countries.

So help me God.

I ——— before I enter into to execute the office or place of Registrar and also of Keeper of the registry and records within the archdeaconry of ——— in the diocese of Calcutta, and of the Consistory Court within the same, do swear that I will to the uttermost of my understanding deal uprightly and justly in the said office of Registrar, and also Keeper of the registry and records aforesaid, without respect of persons, favor or reward.

So help me God.

## SUBSCRIPTIONS.

I ——— now to be appointed Registrar and Actuary and Keeper of all acts and records within and for the archdeaconry of ——— and of the Consistory Court, within the same, as well under ——— by divine permission Bishop of Calcutta, and his successors, Bishops of Calcutta, as under his Commissary and Commissaries, and the Commissary and Commissaries of his successors, Bishops of Calcutta, do willingly and *ex animo* subscribe to the thirty-nine articles of the Church of England, and to all things that are contained in them, this ——— day of ——— in the year of our Lord ———

A. B.

I the above named ——— do willingly and *ex animo* subscribe to the first and third articles, and to the two first clauses in the second article of the thirty-sixth canon of one thousand six hundred and three, and to all things that are contained in them, the day and year above mentioned.

A. B.

The above subscriptions were made before us ——— by divine permission Bishop of Calcutta, the ——— day of ——— in the year of ——— in the presence of ———



No. 2.  
Registrar's patent.

WE ————— by divine permission Bishop of Calcutta, do by these presents for us and our successors, give, grant, and confirm to ————— of ————— in the archdeaconry of ————— within our diocese of Calcutta, gentleman he being a proper and sufficient person for that purpose, and having before us [or if otherwise, then in the presence of ————— Archdeacon of the said archdeaconry of ————— and our Commissary duly and specially appointed] subscribed to the thirty-nine articles of religion of the Church of England, and to the first and third articles and to the two first clauses in the second article of the thirty-sixth canon, and to all things that are contained in them, and also having before us, [or if otherwise, in the presence of the said Commissary] taken the following oaths, [*here give the oaths and signatures*].

The office of our Principal or General Registrar, and the Notary of our acts in and for the archdeaconry of ————— aforesaid, and also the custody of the registry and records thereof as well under us and our successors, Bishops of Calcutta, as under our Commissary and Commissaries, and the Commissary and Commissaries of our successors, Bishops of Calcutta, and the office of Registrar of our Episcopal Consistorial Court within and for the said archdeaconry, with all and singular the fees, profits, advantages, commodities, and appurtenances thereunto belonging; and do hereby also ordain, depute, and appoint him Registrar and Actuary, and Keeper of our acts and records within the said archdeaconry, as well under us as under our Commissary and Commissaries and the Commissary and Commissaries of our successors, and also Receiver of the profits, issues, and emoluments arising, and that shall arise or become due from the said office and offices, and custody aforesaid, within the said archdeaconry of ————— To have, hold, enjoy, and execute the said office, and all and singular other the premises to him the said ————— "*quoad se bene gesserit*;" together with all and singular the fees, profits, commodities, advantages, and appurtenances to the same belonging.

In testimony whereof we have caused our episcopal seal to be hereunto affixed, dated this ————— day of ————— in the year of our Lord ————— and of our consecration the —————

*When sworn under commission, the same form of commission may be observed as in the case of the Archdeacons, adopting only the instrument to the office of Registrar.*

TO all to whom these presents shall come ——— of ———  
 in the archdeaconry of ——— in the diocese of Calcutta  
 sendeth greeting, Whereas the Right Reverend Father in God  
 ——— by divine permission Lord Bishop of Calcutta, by  
 Letters Patent under his hand and episcopal seal bearing date the  
 ——— day of ——— in the year of our Lord one thousand  
 eight hundred and twenty ——— did give, grant, and confirm to  
 the said ——— the office of his principal or general  
 Registrar of the archdeaconry of ——— aforesaid and Notary  
 of his acts within the archdeaconry of ——— and also the  
 custody of his registry and records as well under him and his suc-  
 cessors Bishops of Calcutta as under his Commissaries and the  
 Commissaries of his successors Bishops of Calcutta, and did also  
 depute and appoint him Registrar of his episcopal Consistorial Court  
 within and for the said archdeaconry, to hold, enjoy and execute the  
 said office or offices, and all and singular other the premises to him  
 the said ——— as therein mentioned. As in and by the said  
 in part recited Letters Patent relation thereunto had will more fully  
 appear. And whereas the said ——— is desirous of voluntarily  
 resigning the said office into the hands of the Right Reverend  
 ——— Lord Bishop of Calcutta, Now know ye that for better  
 enabling the said ——— Lord Bishop of Calcutta to grant new  
 Letters Patent of the said office or offices, the said ———  
 hath and by these presents doth surrender and yield up into the  
 hands of him the said ——— Lord Bishop of Calcutta and  
 his successors the said recited Letters Patent and all the estate, right,  
 title, interest, property, claim and demand whatsoever of him the said  
 ——— of, in and to the same, every and either of them, to the  
 intent and purpose that the said ——— Lord Bishop of Calcutta  
 may be the better enabled to grant new Letters Patent of the said  
 office to such person or persons as to him shall seem meet. In Witness  
 the said ——— hath hereunto set his hand and seal, the  
 ——— day of ——— in the year of our Lord one thousand  
 eight hundred and twenty ———

No. 3.  
 Form of Sur-  
 render of a  
 Registrar's  
 Patent.

Sealed and delivered at ——— }  
 aforesaid, in the presence of }

## CHAPTER VI.

## ORDINATION IN THE DIOCESE OF CALCUTTA.

## SECTION I.

*Extract from the Letters Patent, and of the Statutes relating to Ordination, applicable to the Indian Diocese.*

Extracts of Letters Patent of 2d of May 1814. Appendix.

BY his late Majesty's Letters Patent, of the 2d of May 1814, his late Majesty grants unto the Bishop and his successors, Bishops of Calcutta, full power and authority, "to confer the orders of Deacon, and "Priest, within the limits of the See, but not elsewhere, "such Bishop and his successors having been first "duly ordained and consecrated."

4 Geo. 4, cap. 71. Appendix. Power to Bishop of Calcutta to ordain in his diocese under certain title, and as to oaths and subscriptions to be made by such as are so ordained.

And by 4 Geo. 4, cap. 61, sec. 6, it is declared, that whereas doubts have arisen whether the Bishop of Calcutta in conferring holy orders, is subject to the several provisions and limitations established by the laws of this realm, or canons ecclesiastical, as to the titles of the person to be ordained, and as to the oaths and subscriptions to be by such persons taken and made, and it is hereby enacted, that it shall and may be lawful for the Bishop of Calcutta for the time being, to admit into the holy orders of Deacon and Priest respectively, any person whom he shall, upon examination, deem duly qualified, specially for the purpose of taking upon himself the cure of souls or officiating in any spiritual capacity, within the limits of the said diocese of Calcutta, and residing therein, and that a declaration of such purpose, and a written engagement to perform the same, under the hand of such person, being deposited in the hands of such Bishop, shall be held to be a sufficient title, with the view to such ordination; and that in every such case, it shall be distinctly stated, in the letters of ordination of every



person so admitted to holy orders, that he has been ordained for the cure of souls within the limits of the said diocese of Calcutta only; and that unless such person shall be a British subject of or belonging to the United Kingdom of Great Britain and Ireland, he shall not be required to make the oaths and subscriptions which persons ordained in England are required to take and make.

And by 59 Geo. 3, c. 60, sec. 1, after reciting, that "Whereas it is expedient, that the Archbishops and Bishops of this realm, should from time to time, admit into holy orders persons specially destined for the cure of souls in His Majesty's foreign possessions, although such persons may not be provided with the title required by the canons of the Church of England, of such as are to be made Ministers. And whereas it will greatly tend to the advancement of religion within the same, if due provision shall be regularly made for a supply of persons properly qualified to serve as Parsons, Vicars, Curates, or Chaplains;" the above Archbishop or the Bishop of London, or any Bishop authorized by any or either of them, are then empowered thereby, to admit to the holy orders of Deacons and Priests, any person, whom, on examination, he shall deem duly qualified, specially for the purpose of taking on himself the cure of souls, or officiating in any spiritual capacity in His Majesty's colonies, or foreign possessions, and residing therein; and a declaration of and written engagement to perform such purpose, under the hand of such person being deposited in the hands of such Archbishop or Bishop, and so declared, shall be held a sufficient title with a view to such ordination; and it shall be distinctly stated in his letters of ordination, that he has been ordained for cure of souls in His Majesty's foreign possessions. § 1.

59 Geo. 3, cap. 60, § 1.  
As to title for foreign ordination.

Archbishop of Canterbury and Bishop of London power to ordain for foreign possessions.

A declaration in writing of the party to be ordained to be a sufficient title.

No person admitted into holy orders for these purposes, shall be capable of holding or of being admitted to any benefice or other ecclesiastical dignity soever,

No person so ordained capable of holding any benefice, &c. in England without consent.

within the United Kingdom or of acting as Curate therein, without the previous consent and approbation in writing, under the hand and seal of the Bishop of the diocese, in which any such benefice, &c. is locally situate, nor without the like consent of such one of the said Archbishops, or Bishop of London, by whom or by whose authority he had been originally ordained, or in case of the demise or translation of such Archbishop or Bishop, or his successor in the same see, provided that no such consent shall be given unless the applicant first produces a testimony of his good behaviour during his residence abroad, from the Bishop in whose diocese he has officiated, or if no such Bishop from the Governor in Council of the Colony, in which he may have been resident or from the Colonial Secretary of St te. § 2.

No person ordained by Bishops of Calcutta, Nova Scotia, or Quebec, capable of officiating in England without consent.

By § 5, 3, no person admitted into holy orders, by the Bishops of Quebec, Nova Scotia, or Calcutta, or by any other Bishop or Archbishop, shall be capable of officiating in any Church or Chapel, of England or Ireland, without special permission from the Archbishop of the province, where he proposes to officiate, or of holding, or being admitted to any ecclesiastical preferment, in England or Ireland, or acting as Curate therein, without consent and approbation of the Archbishop, and of the Bishop of the diocese, wherein any such preferment or curacy is situate.

And after the 2d of July 1819.

And by § 4, 5, no person after the 2d of July 1819, ordained deacon or priest, by any colonial Bishop, who at the time of such ordination, did not actually possess episcopal jurisdiction over some diocese, district or place, or was not actually resident therein, shall be capable of at any time holding preferment within His Majesty's dominions, or of being stipendiary Curate, or Chaplain, or of officiating in any place or manner as a Minister of the established Church of England, and Ireland, and all admissions, inductions, and appointments to curacies, made contrary to this act, shall be void. *Burn, vol. 3, p. 40. note.*

By the 24 Geo. 3, c. 35, after reciting that by the laws of the realm persons who are admitted into holy orders must take the oath of allegiance, and that there are divers subjects of foreign countries, desirous that the word of God and the sacraments should be administered to them, according to the liturgy of the Church of England, by subjects or citizens of the said countries, ordained according to the form of ordination in the Church of England, power is given to the Bishop of London, or any other Bishop to be by him appointed, to admit to the order of Deacon or Priest for the purposes aforesaid, persons, subjects or citizens of countries out of His Majesty's dominions, without requiring them to take the said oath of allegiance. But they are not to exercise their office within His Majesty's dominions. *Burn, vol. 3, p. 38, note.*

24 Geo. 3, cap. 35.  
Dispensing in certain cases with the oath of allegiance.

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## SECTION II.

*Of Orders, and Ordination in general, and of the form annexed to the Book of Common Prayer; and the time and place.*

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THE above particulars being premised, the following observations concerning the offices of Priest and Deacon, and of ordination in general, may be added, as in many respects useful and applicable in a practical view.

Of the offices of Priest and Deacon.

By Art. 25, orders are not to be accounted for a sacrament of the Gospel, as not having the like nature of sacraments with Baptism and the Lord's Supper; for, that they have not any visible sign or ceremony ordained of God.

Orders not to be accounted sacraments.

And by the preface to the forms of Consecration and Ordination, it is evident unto all men, diligently reading the holy scriptures, and ancient anthors, that from the apostle's time, there have been these orders of Ministers, in Christ's church; Bishops, Priests and

Of orders generally from the times of the apostles.



And no man  
to execute  
them except he  
be called, tried,  
and examined.

And by public  
prayer and  
imposition of  
hands.

Of the form of  
ordination as  
annexed to the  
Book of Com-  
mon Prayer.

Deacons, which offices were ever more had in such reverend estimation, that no man might presume to execute any of them, except he were first called, tried, and examined, and known to have such qualities as are requisite for the same, and also by Public Prayer with imposition of hands, approved and admitted thereunto by lawful authority. *Rubric.*

By Art. 36, the book of consecration of Archbishops and Bishops and ordering of Priests and Deacons, lately set forth in the time of Edward the Sixth, and confirmed at the same time by authority of parliament, doth contain all things necessary to such consecration and ordering; neither hath it any thing, that of itself is superstitious and ungodly. And therefore whosoever are consecrated or ordered, according to the rites of that book, since the second year of the forenamed King Edward, unto this time, or hereafter shall be consecrated or ordered according to the same rites, we declare all such to be rightly, orderly, and lawfully consecrated and ordered. And see Can. 8, *Appendix*, as to the offence, in affirming the above repugnant.

Time and place.

By Can. 31, no Deacon or Minister shall be made and ordained, but only upon Sundays, immediately following. "*jejunia quatuor temporum*," commonly called Ember Weeks, appointed in ancient time for prayer and fasting, and so continued at this day in the Church of England.

And by the preface to the form of consecration and ordination, it is prescribed that the Bishop may at the times appointed in the Canon, or else upon urgent occasion on some other Sunday or holiday, in the face of the Church, admit Deacons and Priests.

And this to be done in the Cathedral or Parish Church where the Bishop resideth. *Can. 31.*

## SECTION III.

*Of the Qualification and Examination of Candidates for Ordination in the Indian Diocese: the Oaths and Subscriptions to be taken and made; the Instruments necessary; and Form of ordaining.*

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ALTHOUGH by the recent statutes mentioned, the Bishop of Calcutta is undoubtedly authorized if he thinks proper so to do, to dispense with the titles for orders, necessary according to the ecclesiastical law in England, yet by the practice hitherto pursued in the Indian Diocese, it would seem to have been thought essential to the interests of the Church, as well as of Christianity, to attend as near as can be to all the rules laid down by the canons and the statutes in reference to the qualifications, testimonials, examination, and other requisites as in England, and not wholly to dispense with some satisfactory document, by which it may be ascertained in what manner and by whom the persons to be ordained are intended to be maintained in their office. With these brief preliminary remarks the following are now proceeded upon.

By Can. 34, no Bishop shall admit any person into sacred orders, except he, desiring to be a Deacon, is Qualification and examination. three and twenty years old; and to be a Priest, four and twenty years complete; for which also the reader may refer to the 44 *Geo. 3, c. 43.*

And by the statute of 13 *Eliz. c. 12*, none shall be made Minister being under the age of four and twenty years.

By a constitution of *Otho*, it is thus enjoined; Necessary title. seeing it is dangerous to ordain persons unworthy, void of understanding, illegitimate, irregular, and illiterate, we do decree, that before the conferring of orders, by the Bishop, strict search and enquiry be Examination to be made. made of all these things. *Athon. 16.*

No simoniac, homicide, or excommunicate, to be admitted.

And by a constitution of Archbishop Reynolds, no simoniac, homicide, person excommunicate, nor any other having canonical impediment, shall be admitted into holy orders. *Lind.* 33.

Learning.

And by Can. 34, no Bishop shall admit any person into sacred orders, except he hath taken some degree of school, in either of the two universities, or at the least, except he be able to yield an account of his faith, in Latin, according to the thirty-nine articles.

Good life and doctrine and competent knowledge of Latin,

And with respect unto Priest's orders in particular, it is thus directed by the statute of 13 *Eliz.* c. 12, none shall be made Minister, unless it appear to the Bishop that he is of honest life, and professeth the doctrine expressed in the Thirty-nine Articles; nor unless he be able to answer and render to the Ordinary an account of his faith in Latin, according to the said articles, or have special gift or ability to be a Preacher.

To exhibit letters testimonial.

And the ordinary way by which all this must appear to the Bishop, must be by a written testimonial; concerning which, it is directed by Can. 34, aforesaid, with respect both unto Deacon's and Priest's orders, that no Bishop shall admit any person into sacred orders, except he shall then exhibit letters testimonial of his good life and conversation, under the seal of some College of Cambridge, or Oxford, where before he remained, or of three or four grave Ministers; together with the subscription and testimony of other credible persons, who have known his life and behaviour for the space of three years next before.

As to priest's orders in particular.

And with respect unto priest's orders in particular, it is enacted, by the aforesaid statute of the 13 *Eliz.* c. 12; that none shall be made Minister, unless he first bring to the Bishop of that diocese, from men known to the Bishop to be of sound religion, a testimonial both of his honest life, and of his professing the doctrine expressed in the thirty-nine articles.

Letters testimonial.

By Can. 35, the Bishop before he admit any person to holy orders shall diligently examine him in the



presence of those Ministers, that shall assist him at the imposition of hands; and if the Bishop have any lawful impediment, he shall cause the said Ministers carefully to examine every such person so to be ordained.

When the Bishop intends to hold an ordination, all who are desirous to be admitted into the ministry, are to appear the fourth day before the ordination; and then the Bishop shall appoint some of the Priests attending him, and others skilled in the divine law, and exercised in the ecclesiastical functions, who shall diligently examine the life, age, and title, of the persons to be ordained; at what place they had their education, whether they be well learned, whether they be instructed in the law of God. And they shall be diligently examined for three days successively; and on the Saturday, they who are approved, shall be presented to the Bishop. *Gibs* 147, *See Dist.* 24, c. 5, *Burn*, vol. 3, page 34.

Candidates for when to appear and to be examined, and by whom,

And for how long.

By the 31 Eliz. c. 6, if any person shall receive or take any money, fee, reward, or any other profit, directly or indirectly, or shall take any promise, agreement, covenant, bond, or other assurance to receive, or have any money, fee, reward, or any other profit, directly or indirectly, either to himself or to any other of his friends (all ordinary and lawful fees only excepted) for or to procure the ordaining, or making of any Minister, or giving of any orders or licence to preach; and if, at any time within seven years next after such corrupt entering into the ministry or receiving of orders, he shall accept any benefice or promotion ecclesiastical, the same shall be void immediately upon his induction, investiture, or installation, and the Patron shall present or collate, or dispose of the same, as if he were dead, one moiety of which forfeitures are to be to the King, and the other to him that shall sue. § 10.

Simony.

By the 1 Eliz. c. 1, and W. 3, c. 8, every person taking orders, before he shall receive or take any such

Oaths and subscriptions.

orders, shall take the oaths of allegiance and supremacy before the Ordinary or Commissary.

And by the 13 *Eliz.* c. 12, none shall be admitted to the order of Deacon, or Minister, unless he shall first subscribe to all the articles of religion agreed upon in convocation in the year 1562, which only concern the confession of the true Christian faith, and the doctrine of the sacraments. § 5.

And by Can. 36, no person shall be received into the ministry except he shall first subscribe to these three articles following.—*For which see subscriptions in the precedents to this chapter.*

And for the avoiding of all ambiguities, such person shall subscribe in this form and order of words; setting down both his Christian and surname, viz. “ I. A. “ B, do willingly and *ex animo* subscribe to these three “ articles above mentioned and to all things that are “ contained in them.” *Can.* 36.

Which subscription, as it seemeth, must be before the Bishop himself.

What documents to be prepared and produced in the Indian Diocese.

The instruments therefore which would appear necessary, in order to ordination in the Indian Diocese, at the present day, in reference to the preceding observations and rules, and which are to be transmitted to the Bishop of Calcutta, at least twenty days before the day of ordination, are as follow.

1st. A signification of his name, and place of abode in the diocese.

2ndly. A certificate of publication having been made in the Church, of his design to enter into holy orders.

3rdly. Letters testimonial, of his good life and behaviour.

4thly. Certificate of his age.

5thly. The title, or a certificate by whom he is to be maintained, in the Indian Diocese.

6thly. If he comes for Priest's orders he must exhibit to the Bishop his letters of orders for Deacon.

For the service, and the form and manner of ordaining Deacons and Priests, the reader is referred to the Common Prayer Book in which the ceremony is given at length.

As to the service and form of ordaining in the Church.

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#### SECTION IV.

#### *Of the Offices and Duties of Deacon and Priest after Ordination.*

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It appertaineth to the office of a Deacon, in the Church where he shall be appointed to serve, to assist the Priest in divine service, and specially when he ministereth the Holy Communion, and to help him in the distribution thereof, and to read the Holy Scriptures and Homilies in the Church, and to instruct the youth in the Catechism. In the absence of the Priest, to baptize infants; and to preach, if he be licenced thereto by the Bishop himself. And furthermore, it is his office, where provision is so made, to search for the sick, poor, and impotent people of the parish, and to intimate their estates, names, and places where they dwell, unto the Curate, that by his exhortations they may be relieved with the alms of the parishioners or others. *Rubric, in the form of Ordination.*

Of the office of Deacons.

So far, the office of a Deacon is to be collected from the Rubric in the form of ordination, and from the form itself. And forasmuch as he is thereby permitted to baptize, to catechize, to preach, to assist in the administration of the Lord's Supper, so also, by parity of reasoning, he hath used to solemnize matrimony, and to bury the dead. *Wats. c. 14.*

And, in general, it seemeth that he may perform all the other offices in the Liturgy which a Priest can do, except only consecrating the sacrament of the Lord's Supper (as hath been said) and except also the pro-



nouncing of the absolution; the reasons for which, may be found in, *Burn, vol. 3, p. 45.*

Of the office  
of Priests.

A Priest, by his ordination, receiveth authority to preach the word of God, and to consecrate and administer the Holy Communion, in the congregation where he shall be lawfully appointed thereunto.

Yet, notwithstanding, by Canon 36, he may not preach without a licence, either of the Archbishop, or the Bishop of the diocese where he is placed, under their hand and seal. *Burn, vol. 3, p. 46.*

Offices of Deacon and Priest not to be relinquished upon pain of excommunication.

By Canon 76, no man being admitted a Deacon or Minister, shall from thenceforth voluntarily relinquish the same, nor afterwards use himself in the course of his life as a Layman, upon pain of excommunication.

Exhibiting letters of orders at visitations.

Canon 137; every Parson, Vicar, and Curate shall at the Bishop's first visitation, or at the next visitation after his admission, shew and exhibit unto him his letters of orders to be by him allowed (or if there be just cause disallowed), and registered, and being by him approved, to be signed by the Registrar.

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## SECTION V.

### *Forms relating to Ordination in the Diocese of Calcutta.*

No. 1.  
Registrar's notice to be inserted in the public papers.

NOTICE is hereby given, that The Right Reverend \_\_\_\_\_ Lord Bishop of Calcutta, will hold an Ordination at \_\_\_\_\_ in \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ and that divine service will commence at \_\_\_\_\_ o'clock. Of which, candidates for orders for the diocese of Calcutta are requested to take notice.

No. 2.  
Form of Clergyman's notice or "si quis" and of the certificate of the same having been published in the Church where the candidate usually resides, to be presented by the candidate.

NOTICE is hereby given, that A. B (if any academical degree, add the same) of \_\_\_\_\_ now resident in \_\_\_\_\_ intends to offer himself a candidate for the holy office of Deacon (or Priest) to be exercised within the limits of the diocese of Calcutta at the ensuing ordination of the Right Reverend \_\_\_\_\_ Lord Bishop of Calcutta, and if any person knows any just cause or impediment for which he ought not to be admitted into holy orders for the diocese aforesaid, he is now to declare the same, or to signify the same forthwith to the Lord Bishop.

WE do hereby certify, that the above notice was publicly read by the undersigned \_\_\_\_\_ in the Church at \_\_\_\_\_ during the time of divine service, on Sunday the \_\_\_\_\_ day of \_\_\_\_\_ and no impediment alleged. Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_

No. 3.  
Certificate of  
the above.

A. B. Minister and Chaplain.

C. D. A resident or other respectable person.

CERTIFICATE of the candidate's baptism, or some satisfactory document that the party has attained the age of 23 years, (if a Deacon) or 24 (if a Priest) and of his names, and degree. The form of which may be rendered very simple.

No. 4.  
Certificate of  
baptism.

TO the Right Reverend Father in God, Lord Bishop of Calcutta :  
Whereas our beloved in Christ \_\_\_\_\_ hath declared unto us his intention of offering himself a candidate for the holy order of \_\_\_\_\_ for the purpose of taking on himself the cure of souls within the limits of the diocese of Calcutta, and officiating and residing within the same for that purpose, and for that end hath requested our letters testimonial of his good and honest life and conversation, and other qualifications to be granted to him ; we, whose names and seals are hereunto set, do testify by these presents, that we have personally known the life and behaviour of the aforesaid \_\_\_\_\_ for the space of \_\_\_\_\_ years, now last past, and that he hath, during the said time, been a person of good and honest life and conversation ; and that he professeth the doctrine and discipline of the United Church of England and Ireland ; and we do believe in our consciences that the said \_\_\_\_\_ is qualified and worthy to be admitted (if it shall so please your Lordship) to the sacred order of \_\_\_\_\_ Given under our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_

No. 5.  
Form of let-  
ters testimo-  
nial.

[To be signed by three Clergymen.]

TO the Right Reverend Father in God \_\_\_\_\_ by divine permission Lord Bishop of Calcutta :

These are to certify your Lordship that we \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_ do hereby nominate and appoint \_\_\_\_\_ who is [or not, as may be] a British subject, to perform the office of a Minister and Chaplain [And as a Missionary, if it be so] at \_\_\_\_\_ within the limits of your Lordship's diocese of Calcutta, and do promise to maintain him, and for that purpose to allow to him, no less than the yearly sum of \_\_\_\_\_ and so to continue the same, unless for any fault by him committed, he shall be lawfully removed or interdicted to officiate ; and we do hereby declare that we do not fraudulently give this certificate to entitle the said \_\_\_\_\_ to

No. 6.  
Form of no-  
mination and  
declaration, to  
serve when re-  
quisite.

receive holy orders, but with a real intention to continue and employ him as above, within the limits of your Lordship's diocese. Witness our hands this ——— day of ——— in the year of ———

*A. B.*

*C. D.*

Declaration  
and agreement  
to perform the  
office.

I ——— now residing at ——— in the archdeaconry and diocese of Calcutta, do hereby declare that it is my purpose to be ordained for the cure of souls, within the limits of the diocese of Calcutta, and do hereby promise, engage, and agree, to and with, the Right Reverend ——— Lord Bishop of Calcutta, and his successors, Bishops of Calcutta, that if so ordained I will faithfully, diligently, and to the best of my power and ability, perform the office of a ——— for the cure of souls, within the limits of the diocese of Calcutta, and will reside and officiate in that capacity for that purpose within the limits of the said diocese of Calcutta. Witness my hand and seal this ——— day of ——— in the year of our Lord ———

*A. B.*



## FORMS:

## OATHS.

1. *Of Allegiance.*

I \_\_\_\_\_ now to be ordained  
 { Deacon }  
 { or } within the limits and juris-  
 { Priest } diction of the diocese of Calcutta, do  
 sincerely promise and swear, that I will  
 be faithful and bear true allegiance to  
 His Majesty King \_\_\_\_\_ the \_\_\_\_\_  
 So help me God.

2. *Supremacy.*

I \_\_\_\_\_ now to be ordained  
 { Deacon }  
 { or } within the limits and juris-  
 { Priest } diction of the diocese of Calcutta, do  
 swear, that I do from my heart abhor,  
 detest and abjure, as impious and heret-  
 ical, that damnable doctrine and posi-  
 tion that princes excommunicated or  
 deprived by the Pope, or any authority  
 of the see of Rome, may be deposed or  
 murdered by their subjects or any other  
 whatsoever, and I do declare that no  
 foreign prince, person, prelate, state or  
 potentate, hath, or ought to have, any  
 jurisdiction, power, superiority, pre-emi-  
 nence or authority, ecclesiastical or  
 spiritual, within His Majesty's Realm.  
 So help me God.

3. *Canonical obedience.*

I \_\_\_\_\_ now to be ordained  
 { Deacon }  
 { or } within the limits and juris-  
 { Priest } diction of the diocese of Calcutta, do  
 swear that I will pay true and canon-  
 ical obedience to the Lord Bishop of  
 Calcutta and his successors in all things  
 lawful and honest.

So help me God.

## SUBSCRIPTIONS.

I \_\_\_\_\_ now to be ordained  
 { Deacon }  
 { or } within the limits and juris-  
 { Priest } diction of the diocese of the Right  
 Reverend the Lord Bishop of Calcutta,  
 do willingly and *ex animo*, subscribe to  
 the Thirty-nine Articles of the Church of  
 England, and to all things that are  
 contained in them, this \_\_\_\_\_ day  
 of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_  
 A. B.

I, the above named \_\_\_\_\_ do de-  
 clare that I will conform to the Liturgy  
 of the Church of England as it is now  
 by law established.

A. B.

*The three Articles.*

First—That the King's Majesty, under  
 God, is the only Supreme Governor of  
 this realm and of all other His Majesty's  
 dominions and countries, as well in all  
 spiritual or ecclesiastical things or causes  
 as temporal, and that no foreign prince,  
 person, prelate, state, or potentate hath  
 or ought to have any jurisdiction, power,  
 superiority, pre-eminence, ecclesiastical  
 or spiritual, within His Majesty's said  
 realm, dominions, and countries.

Second—That the Book of Common  
 Prayer, and of ordering of Bishops,  
 Priests, and Deacons, containeth nothing  
 in it contrary to the word of God, and  
 that it may lawfully be used; and that  
 I will use the form in the said book  
 prescribed in public prayer and admin-  
 istration of the Sacraments, and none  
 other.

Third—That I allow the book of Ar-  
 ticles of Religion, agreed upon by the  
 Bishops and Archbishops of both pro-  
 vinces and the whole Clergy, in the  
 convocation holden at London, in the  
 year of our Lord one thousand five hun-  
 dred and sixty-two, and that I acknow-  
 ledge all and every the articles therein  
 contained, being in number nine-and-  
 thirty, besides the ratification, to be  
 agreeable to the word of God.

I \_\_\_\_\_ do willingly and *ex animo*,  
 subscribe to these three articles above  
 mentioned and to all things that are  
 contained in them the \_\_\_\_\_ day of  
 \_\_\_\_\_ in the year of our Lord \_\_\_\_\_  
 A. B.

On the \_\_\_\_\_ day of \_\_\_\_\_ these  
 subscriptions were made before us  
 at \_\_\_\_\_

C. Calcutta.  
 which I attest,  
 D. Reg.

No. 8.  
Letters of Dea-  
con's Orders.

BY the tenor of these presents We ——— by divine permission Bishop of Calcutta, make known unto all men, that on ——— in the year of our Lord ——— we, the Bishop before mentioned, solemnly administering holy orders under the protection of the Almighty in our Cathedral Church of ——— did admit our beloved in Christ ——— within our diocese and jurisdiction, of whose virtuous and pious life and conversation, and competent learning, and knowledge in the Holy Scriptures, we are well assured, into the holy order of Deacon, according to the manner and form prescribed and used by the Church of England, and him the said ——— did then and there, rightly and canonically, ordain Deacon for cure of souls, within the limits of our diocese and jurisdiction of Calcutta only, he having first in our presence freely and voluntarily subscribed to the Thirty-nine Articles of Religion, and to the three articles contained in the Thirty-sixth Canon, and likewise having taken the oaths appointed by law to be taken. In testimony whereof we have caused our episcopal seal to be hereunto affixed, the day and year above written, and in the ——— year of our consecration.

No. 9.  
Letters of  
Priest's Orders.

BY the tenor of these presents We ——— by divine permission Bishop of Calcutta, make known unto all men, that on ——— in the year of our Lord ——— We, the Bishop before mentioned, solemnly administering holy orders under the protection of the Almighty in our Cathedral Church of ——— did admit our beloved in Christ ——— within our diocese and jurisdiction, of whose virtuous and pious life and conversation, and competent learning and knowledge in the Holy Scriptures we are well assured, into the holy orders of Priest, according to the manner and form prescribed and used by the Church of England; and him the said ——— did then and there, rightly and canonically, ordain Priest for cure of souls within our diocese and jurisdiction of Calcutta only, he having first in our presence freely and voluntarily subscribed to the Thirty-nine Articles of Religion, and to the three articles contained in the Thirty-sixth canon, and likewise having taken the oaths appointed by law to be taken. In testimony whereof We have caused our episcopal seal to be hereunto affixed, the day and year above written, and in the ——— year of our consecration.

## CHAPTER VII.

## CONFIRMATION IN THE DIOCESE OF CALCUTTA.

## SECTION I.

*Extract from the Letters Patent.*

BY the Letters Patent of the second day of May, A. D. 1814, express “power and authority is also given” and granted to the Bishop, and his successors, Bishops of Calcutta, to confirm those that are baptised and “come to years of discretion.”

Extract from  
Letters Patent  
of the 2d May  
1814.  
*Appendix.*

## SECTION II.

*Of the Office of Confirmation by the Rubric and Canons.*

IN the office of Public Baptism, the Minister directeth the godfathers and godmothers to take care, the child be brought to the Bishop, to be confirmed by him, so soon as he or she can say the Creed, the Lord's Prayer, and the Ten Commandments; and be further instructed in the Church Catechism, set forth for that purpose.

Office of con-  
firmation,  
chiefly from  
the Rubric and  
Canons.

And by the Rubric, at the end of Baptism, of those that are of riper years, it is expedient that every person so baptized, shall be confirmed by the Bishop, so soon after his baptism as conveniently may be; that so he may be admitted to the Holy Communion.

And by the Rubric, before the office of Confirmation: so soon as children are come to a competent age, and can say in their mother tongue, the Creed, the Lord's Prayer, and the Ten Commandments, and also can answer to the other questions of the Catechism, they shall be brought to the Bishop.



Imposition of  
hands.

By Can. 60; forasmuch as it hath been a solemn, ancient, and laudable custom in the Church of God, continued from the Apostles times, that all Bishops should lay their hands upon children baptized and instructed in the Catechism of the Christian religion, praying over them, and blessing them, which we commonly call Confirmation; and that this holy action hath been accustomed in the Church in former ages, to be performed in the Bishop's visitation every third year, we will and appoint that every Bishop or his Suffragan, in his accustomed visitation, do in his own person, carefully observe the said custom: and if in that year, by reason of some infirmity he be not able personally to visit, then he shall not omit the execution of that duty of confirmation the next year after, as he may conveniently.

Every Bishop  
to observe the  
custom at their  
visitation.

No persons to  
be presented  
unless they  
can give an ac-  
count of their  
faith, &c.

By Can. 61; every Minister that hath cure and charge of souls, for the better accomplishing of the orders prescribed in the Book of Common Prayer, concerning Confirmation, shall take especial care that none shall be presented to the Bishop, for him to lay his hands upon, but such as can render an account of their faith, according to the Catechism in the said book contained; and when the Bishop shall assign any time for the performance of that part of his duty, every such Minister shall use his best endeavour, to prepare and make able, and likewise to procure as many as he can to be then brought, and by the Bishop to be confirmed.

Lists to be  
made by the  
Ministers of  
those to be  
confirmed.

And by the Rubric, whensoever the Bishop shall give knowledge for children to be brought unto him for their Confirmation, the Curate of every parish shall either bring or send in writing, with his hand subscribed thereunto, the names of all such persons within his parish, as he shall think fit to be presented to the Bishop to be confirmed; and if the Bishop approve of them, he shall confirm them according to the form in the Book of Common Prayer.

And every one shall have godfather or godmother, as a witness of their confirmation. *Rubr.*

And no person shall be admitted godfather or godmother, to any child at Confirmation, before the said person so undertaking hath received the Holy Communion. *Can. 29.*

By the Rubric, at the end of the office of Confirmation. There shall be none admitted to the Holy Communion until such time as they be confirmed, or be ready and desirous to be confirmed.

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### SECTION III.

#### *Proceedings and other particulars as observed at Confirmation in the Indian Diocese.*

IN general, Confirmations in the Indian Diocese have been hitherto held at the times of episcopal visitation; of which proceeding, and the time and place of holding the same, due notice is publicly given; and a circular letter is usually addressed by the Bishop to the different Clergy, where the Confirmation is to be held, apprizing them of his purpose, and exhorting them as to their duty on the occasion.

*Proceedings at confirmations in the Indian Diocese.*

The following was the style of letter and exhortation adopted by Bishop Middleton, and ever since continued to be used.

*Calcutta,*

REVEREND SIR,

INTENDING by Divine permission to hold a Confirmation at ——— in the early part of ——— next, on a day to be hereafter specified, you are requested to read from the desk an exhortation, of which the Archdeacon will supply you with a copy, in your Church, before the morning sermon, on every preceding Sunday; filling up the blanks according to the occasion.

*Bishop's letter to the Clergy forwarding the exhortation preparatory to confirmation and instructions thereon.*

I entreat you, at the same time, to instruct those who are committed to your care, both publicly and privately, in the nature and benefits of Confirmation; and to dispose such of them, to apply for it, as having been baptized, and being fourteen years of age, or

upwards, have not been confirmed already; and to prepare them diligently for receiving it: using your best endeavours, that they may not only be able to repeat their baptismal vow, and the rest of the Catechism, but may attain to a competent understanding of the doctrines and precepts of the Christian Religion, and come with a serious resolution to take upon themselves the profession and practice of them. I desire also that you will charge them to behave decently and reverently during the service; to give due attention to make their proper answers audibly; and to continue kneeling in their places, till they are dismissed with the blessing. Lastly, I beg that you will earnestly exhort them to proceed, within a reasonable time, to the Holy Communion; and to endeavour to preserve ever afterwards a strong sense of those things, which, at their Confirmation, they acknowledge themselves bound to believe and do. I pray God to bless you and all that are under your care, and

I am, Reverend Sir,

Your affectionate Brother and Servant,

———— Calcutta.

Notice and  
exhortation of  
the Clergy to  
be read in  
Churches.

### *The Clergyman's Notice and Exhortation.*

DEARLY BELOVED BRETHREN;

I AM directed by the Bishop of this diocese, to give notice, that he purposes, by Divine permission, to hold a Confirmation in ——— some time in ——— next, on a day to be hereafter specified.

I must therefore remind parents and guardians, and the conductors of schools, to teach the young persons committed to their charge, or the parties themselves, if of riper age, to consider, how incumbent it is upon them, according to the injunction of our Church, to renew, in their own persons, the vows and promises made by others for them, in their baptism, by this solemn rite of confirmation.

For which end, it will be expedient for them, especially to read over with due attention, the office for Baptism in the Common Prayer; and consider both the blessings which belong to that holy ordinance, and the engagements to which all Christians are subject, by virtue of it, and to come to this rite, with a just sense of the promises of the Christian covenant, and of the duties enjoined by it.

And that they may come to the same, with purity of heart and sincerity of mind, it is further necessary that they look back upon their past lives, repent of all their known sins, and form a resolution of amending their lives for the future, and conforming to the rules of Christian obedience.

Thus prepared, I must desire you, that are to offer yourselves, to come to me at ——— and give me such account of your knowledge of the Christian Religion, as is contained in the



Church Catechism, in order that you may receive the ticket necessary for your admission. I shall expect proofs of your faith in the same, and of your reliance upon it for your future Salvation; that I may, with a good conscience, present you to the Bishop, to be confirmed by him.

Remember above all, that in this ordinance, the chief part is your own; that you enter solemnly into covenant with God, by the responses which you are directed to make: after which, according to the practice of the Apostles, and the usage of the Church, you are to be blessed by the Bishop, and strengthened by his prayers. Performing then, your part well, doubt not, but God will bless the work, and persevering in this course, you may assuredly believe that you will, through the merits of your Redeemer, enjoy the privileges, and the comforts of the Gospel, while you remain in this world, and be admitted hereafter into those everlasting mansions which God hath prepared for his children.

The foregoing exhortation has been usually read by the Ministers and Chaplains at their respective Churches within their districts, on at least four Sundays prior to the day of Confirmation. Preparatory to the day fixed, lists of the persons or children of the respective stations or districts who are to be presented for Confirmation, are to be made out and signed by each Minister or Chaplain; with the names numbered, which should be delivered either immediately before the time of Confirmation, or on the previous day by the Minister, to the Archdeacon, who, after Confirmation, should hand the lists over with his signature thereto to the Registrar, to be deposited in his office.

What notice given; tickets; lists, and order of proceeding in the Indian Diocese.

Tickets are also given and signed by the Minister or Chaplain to each party to be confirmed, as examined and approved, and which have run as follows.

*" A. B. examined for confirmation by me, C. D.*

*" Minister or Chaplain at ——— dated the ———*

*" day of ———"*

Those tickets are to be delivered by the parties to be confirmed, to the officiating Minister or Chaplain, or more correctly, to the Bishop's Chaplain, when at the altar in the Church, immediately before receiving the rite.

It has been customary for those who are to be confirmed to assemble in the Church and to sit apart from the rest of the congregation; at the proper time of the Service they proceed in succession to the altar, round which they kneel, and have been thus confirmed by the Bishop.

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*Form of Notice of Confirmation.*

Notice is hereby given that the Right Reverend \_\_\_\_\_ Lord Bishop of Calcutta, purposes to hold a Confirmation in the \_\_\_\_\_ Church of \_\_\_\_\_ at \_\_\_\_\_ on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ next. Divine Service will commence at \_\_\_\_\_ o'clock.

Candidates for Confirmation are requested in the mean time to apply to their Minister or the officiating Chaplain of the station or district.

A. B. Registrar.

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## CHAPTER VIII.

CONSECRATION OF CHURCHES IN THE DIOCESE OF  
CALCUTTA.

## SECTION I.

*Of Consecration and Dedication in general.*

IN the ancient English Canons we read that the dedication of Churches is known to have had its beginning under the Old Testament, and was observed by the Holy Fathers under the New Testament: under which it ought to be done with the greater care and dignity, because that, under the Old Testament, were only offered sacrifices of dead animals, but, under the New Testament, is commemorated by a bloodless offering on the altar the one true sacrifice once offered, of the only begotten Son of God. Wherefore the Holy Fathers provided that so sublime an office should not be performed (unless in case of necessity) but in places dedicated. *Athon. 7, Burn, vol. 1, p. 324.*

Of consecration  
and dedication.

Also, by a constitution of Othobon; the Rector or Vicar of an unconsecrated Church shall apply to the Bishop (if it can conveniently be done) otherwise to the Archdeacon, that he may apply to the Bishop, within a year after the building of the Church for the Consecration thereof, upon pain of suspension until they comply. *Athon. 83.*

If rector or  
vicar of an  
unconsecrated  
Church, he  
shall apply  
within one year  
for consecra-  
tion.

## SECTION II.

*Of Churches and Chapels and particulars relating thereto.*

A CHURCH (*Ecclesia*) is laid down to be a temple, or building consecrated to the honor of God and religion, and anciently dedicated to some Saint, whose name it assumed.

Under pain of  
suspension.



Must have administration of sacraments and sepulture.

A Church, to be adjudged such in law, must have administration of the Sacraments and Sepulture annexed to it. And albeit, Churches or Chapels may be built by any of the King's subjects, yet before the law takes knowledge of them to be Churches or Chapels, the Bishop is to consecrate or dedicate the same, and this is the reason that a Church or not a Church, a Chapel or not a Chapel shall be tried and certified by the Bishop. 3 *Inst.* 203. And before Consecration, Sacraments are not to be administered therein. *Burn*, vol. 1, p. 322; and in some cases must be reconsecrated. *Id.*

And consecration.

Of what a Church should consist; a belfry or steeple, aisle, chancel, and cemetery.

A Church, in general, should consist of three principal parts, that is, a belfry or steeple, the body of the Church; including, in larger buildings, aisles or wings, and the chancel betwixt the quire and the body, and also have a church-yard, cemetery or dormitory surrounding or annexed to it. See also *Burn*, *Id.* And by the Canons, Churches are to be provided with the great Bible, and book of Common Prayer, a font of stone for baptism, a decent communion table, and a pulpit.

Chapels what.

A Chapel is laid down to have been, at first, only a tent or tabernacle; and sometimes a Chapel was formerly called a field church, being nothing more than a covering from the inclemency of the seasons. *Burn*, vol. 1, page 296. At present there are diversities of chapels; some are called private, being built by, and endowed, and belong to private individuals. *Degge*, p. 1, c. 12. Free Chapels are those exempt from all ordinary jurisdiction, *Gibs.* 210. Chapels of Ease are those under a mother church, being only for prayers and preaching (sacraments and burials being reserved to and performed at the mother church), *Gibs.* 209. And Parochial Chapels are those having the right of christening and burials, and differing in nothing from a Church, but the want of a rectory and endowment. *Degge*, p. 1, c. 12.

## SECTION III.

*Of the Churches in general in the Indian Diocese.*

IN the Indian Diocese no regular provision or endowment for the constant and permanent supply of ecclesiastical ministrations, have hitherto taken place, as in the dioceses in England. By far the greater part of the Churches and Chapels or other places of worship in the diocese of Calcutta, have been built by, and for the most part therefore belong to the local Governments, and are upheld at their expence. The local Governments appoint also their respective Chaplains to officiate at the same, upon stipends or salaries removable at their will, or according to the regulations of the particular service; nor has a pledge in any instance been given for a fixed and settled Ministry to officiate at any of the Churches. The Collegiate Chapel of Bishop's College may however be cited as an exception to the above remark; the Incorporated Society that founded the College being pledged to the supply of Professors and other Domiciliary Clergy for the permanent performance of divine worship *in that place*.\*

Churches in the Indian diocese.

Since the episcopal establishment of the Indian diocese, the practice, on Consecration, has been for the Bishop of Calcutta to require, first, the request or application and consent in writing of the local Government to consecrate, and in one or two instances the property has been first regularly made over.

In India request and consent of the local Government to consecrate.

But if the Church or Chapel belongs to or is the property of private individuals, the Bishop has always required a proper deed of endowment, or donation, or such other deed of trust for the purposes of Consecration as may be sufficient for supporting, maintaining,

Unless the Church be privately endowed.

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\* The Author has given in the Appendix Bishop Middleton's Letter to the Reverend A. Hamilton, enumerating the objects of the institution of Bishop's College.

and upholding permanently the Church and Service, and protecting the property from being again converted to common or profane uses.

Private Chapels in the Indian diocese.

There are, in some parts of that diocese, a few Chapels, or places of a private nature, held upon trust by individuals, for the purposes of public worship, and as they do not belong to Government, or any corporate body, and have been refused to be endowed or made over for the purposes of Consecration, (such for instance, as the one at Calcutta called the Old or Mission Church) the Bishops of that diocese have hitherto objected to consecrate property so held; but with the view of approximating to English forms, have granted licences to Ministers regularly ordained, to perform divine worship therein, subject to revocation on sufficient cause.

By the ecclesiastical law, Divine Service is not to be administered within a parish without consent of the incumbent, and the licence of the Bishop, and that only in writing under his hand and seal, to which, in some instances, must be added the consent of the patron; and the person officiating without such consent is subject to ecclesiastical censures. *Carr v. Marsh*, 2 *Phill. Rep.* 202, 204, 206, 207; and *Trebec. v. Keith*, 2 *Atk.* 499. And see (amongst others) *stat.* 52 *G.* 3, c. 155, § 2. In the dioceses in England no congregations for religious worship of Protestants (at which there shall be present more than twenty persons, besides the immediate family and servants of the person in whose house or upon whose premises such meeting, congregation, or assembly, shall be had) shall be permitted, unless and until the place of such meeting (if it has not been duly certified and registered under any former act relating to registering places of religious worship) has been duly certified to the Bishop of the diocese, or to the Archdeacon of the archdeaconry as therein mentioned. And all such places, and particularly where banns are to be published, are directed first to be registered.



In general, the Churches or Chapels, and burial grounds, in the Indian diocese, are entrusted to the sole care and superintendence of the officiating Minister or Chaplain: for, in that diocese, there can be no legally elected or constituted Churchwardens, as in the dioceses in England.

To whom  
Churches, &c.  
entrusted.

Should any practical information be required in reference to supposed rights as to Church, burial ground, seats, pewage, monuments, repairs, and other particulars, the reader is referred to *Burn's Eccl. Law*, vol. 1, p. 320, title CHURCH, where the law is fully detailed; but where Churches have been comparatively so recently introduced, any provision, relating to such matters, must depend either on local authority or usage, or on the trust deed under which the property is held, or by which any Church may happen to have been founded or established.

The appointment of Clerk, and other subordinate officers, rests, in most cases, in the Indian diocese, with the officiating Minister, or Chaplain, who is permitted by the local authorities to nominate them.

Appointments  
of clerk and  
subordinate  
officers rest in  
general with  
the officiating  
Minister or  
Chaplain.

Books for the reading desk, communion plate, register books, surplices, and other usual and necessary things appertaining to Churches, are provided, in general, by the respective local Governments; with all such however, the ecclesiastical functionaries have not interfered; such property is also intrusted to the keeping and responsibility of the officiating Minister or Chaplain. As a general rule, and with the view to assimilate the practice, to that of the dioceses in England, the Clergy of the Indian diocese, in their ecclesiastical character, would do well perhaps, to place themselves in direct communication with their respective Archdeacons (whose appointments in this country, as created by the British Crown, would seem virtually to imply the important archidiaconal duty to be in them, of general superintendence in those respects) in relation to all such matters, and make applications through

Books, plate,  
&c. in general  
provided by  
the local Go-  
vernments.

To whom in-  
trusted.

Suggestions.

them. The recommendations by the Archdeacons, might possibly also be considered, to strengthen all requests in regard to repairs, enlargements, or other necessities.

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#### SECTION IV.

*Proceedings and Instruments to be prepared previously to Consecration, in the Indian Diocese.*

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Licences granted till consecration.

IN a diocese so extensive as that of the diocese of Calcutta, it must frequently be inconvenient for the Bishop to proceed immediately to consecrate an edifice newly founded and raised. In such a case, it has been usual for him, on a petition, signed by the Minister and principal residents at the place, to grant his licence to the Minister to perform divine service therein until consecration. The forms of such a petition and licence are given in the present chapter, and may be adapted also to Chapels, not intended to be consecrated, or other temporary places of worship.

Requisites preparatory to consecration.

Church and Church-yard to be enclosed.

Instruments to be prepared.

Preparatory to consecrating a Church and cemetery it is necessary that the building, and cemetery (if there be one) should be fenced in or enclosed, and the abutments and specific admeasurement in feet should be stated of the size of the building, and of the ground. The following are the instruments necessary to be then obtained or prepared: first, a request or application for consecration on the part of the local Government, or else the deed of donation and endowment, as may be; second, a petition to the Bishop to consecrate, to be signed by the Minister, and no less than twenty of the principal residents of the place; third, a notice of consecration, to be fixed on the Church door three days before; fourth, the sentence of consecration for the Church; fifth, the same for the Church-yard. Similar proceedings are necessary to be observed in the case of ground being added to any former consecrated cemetery. Forms for all the foregoing are also added in this chapter.

## SECTION V.

*Preparations, and Form of Consecration, as given in Burn, (for which see Burn, Eccl. Law, vol. 1, page 327,) adapted to the Indian Diocese.*

The Church is to be paved, and furnished with a reading desk, Common Prayer, and great Bible, and one or more surplices; as also with a pulpit and cushion, a font, and a communion table, and with linen, and vessels for the same.

Proceedings  
and form of  
consecration.

The endowment, and the evidences thereof, are to be laid before the Bishop or his Chancellor, some time before the day appointed, in order to the preparing of the act or sentence of consecration against that day.

An intimation of the Bishop's intention to consecrate the Church, with the day and hour appointed for it, is to be fixed on the Church door at least three days before.

A chair is to be set for the Bishop on the north side of the communion table, within the rails; and another for his Chancellor\* without the rails, on the same side.

All things are to be prepared for a communion. The Church is to be kept shut, and empty, till the Bishop comes, and till it be opened for his going in.

*The Form of consecrating a Church.*

The Bishop is to be received at the west door, or at some other part of the Church, or Church-yard, which is most convenient for his entrance, by some of the principal inhabitants.

At the place where the Bishop is received, a petition is to be delivered to him by some one of the persons who receive him, praying that he will consecrate the Church.

The Petition is to be read by the Registrar.

The Bishop, his Chaplains, the Preacher, and the Minister who is to read divine service, together with

\* In the diocese of Calcutta, the Commissary or Archdeacon, acts as Chancellor on these occasions.



the rest of the Clergy, if any other be present, enter the Church, and repair to the vestry, or (if there be no vestry) to some convenient part of the Church, where as many as are to officiate put on their several habits; during which time the parishoners are to repair to their seats, and the middle aisle is to be kept clear.

As soon as the Church is quiet, the Bishop and his Chaplains, with the Preacher and the Minister who is to officiate, and the rest of the Clergy, if any other be present, return to the west door, and go up the middle aisle to the communion table, repeating the 24th Psalm alternately, as they go up, the Bishop one verse, and they another.

#### PSALM XXIV.

1. The earth is the Lord's, and all that therein is: the compass of the world, and all that dwell therein.

2. For he hath founded it upon the seas: and prepared it upon the floods.

3. Who shall ascend into the hill of the Lord, or who shall rise up in his holy place?

4. Even he that hath clean hands, and a pure heart: and that hath not lift up his mind unto vanity, nor sworn to deceive his neighbour.

5. He shall receive the blessing from the Lord: and righteousness from the God of his salvation.

6. This is the generation of them that seek him: even of them that seek thy face, O Jacob.

7. Lift up your heads, O ye gates; and be ye lift up, ye everlasting doors: and the King of glory shall come in.

8. Who is the King of glory? it is the Lord, strong and mighty, even the Lord mighty in battle.

9. Lift up your heads, O ye gates; and be ye lift up, ye everlasting doors: and the King of glory shall come in.

10. Who is the King of glory? even the Lord of hosts, He is the King of glory.

*The Bishop and his Chaplains go within the rails ; the Bishop to the North side of the communion table and the Chaplains to the South side ; the Minister officiating goes to the reading desk, and the Preacher to some convenient seat near the pulpit.*

*The Bishop, sitting in his chair, is to have the instrument or instruments of donation and endowment presented to him by the Founder, or some proper substitute ; which he lays upon the communion-table, and then standing up, and turning to the Congregation, says,*

“Dearly beloved in the Lord ; forasmuch as devout and holy men, as well under the law as under the gospel, moved either by the secret inspiration of the Blessed Spirit, or by the express command of God, or by their own reason and sense of the natural decency of things, have erected houses for the public worship of God, and separated them from all profane and common uses, in order to fill men’s minds with greater reverence for his glorious Majesty, and affect their hearts with more devotion and humility in his service ; which pious works have been approved and graciously accepted by our Heavenly Father : Let us not doubt but He will also favourably approve our godly purpose, of setting apart this place in solemn manner to the performance of the several offices of religious worship, and let us faithfully and devoutly beg His blessing on this our undertaking.”

*Then the Bishop kneeling, says the following prayer.*

“O Eternal God, mighty in power, and majesty incomprehensible, whom the Heaven of Heavens cannot contain, much less the walls of temples made with hands, and who yet hast been graciously pleased to promise thy especial presence in whatever place even two or three of thy faithful servants shall assemble in thy name, to offer up their praises and supplications unto Thee ; vouchsafe, O Lord, to be present with us, who are here gathered together, with all humility and

readiness of heart to consecrate this place to the honour of Thy great Name; separating it from henceforth from all unhallowed, ordinary, and common uses, and dedicating it to thy service, for reading thy holy word, for celebrating thy holy sacraments, for offering to thy glorious Majesty the sacrifices of prayer and thanksgiving, for blessing thy people in thy name, and for the performance of all other holy ordinances. Accept, O Lord, this service at our hands, and bless it with such success, as may tend most to thy glory, and the furtherance of our happiness, both temporal and spiritual, through Jesus Christ, our blessed Lord and Saviour. *Amen.*"

*After this let the Bishop stand up, and turning his face toward the Congregation, say,*

"Regard, O Lord, the supplications of thy servants; and grant, that whosoever shall be dedicated to Thee in this house by Baptism, may be sanctified with the Holy Ghost, delivered from thy wrath and eternal death, and received as a living member of Christ's church, and may ever remain in the number of thy faithful and elect children. *Amen.*

"Grant, O Lord, that they who at this place shall in their own persons renew the promises and vows made by their sureties for them at their Baptism, and thereupon shall be confirmed by the Bishop, may receive such a measure of thy Holy Spirit, that they may be enabled faithfully to fulfil the same, and grow in grace unto their lives end. *Amen.*

"Grant, O Lord, that whosoever shall receive in this place the Blessed Sacrament of the body and blood of Christ, may come to that holy ordinance with faith, charity, and true repentance; and, being filled with thy grace and heavenly benediction, may, to their great and endless comfort, obtain remission of their sins, and all other benefits of his passion. *Amen.*

"Grant, O Lord, that by thy holy word which shall be read and preached in this place, and by thy Holy



Spirit, grafting it inwardly in the heart, the hearers thereof may both perceive and know what things they ought to do, and may have power and strength to fulfil the same. *Amen.*

“Grant, O Lord, that whosoever shall be joined together in this place in the holy estate of Matrimony, may faithfully perform and keep the vow and covenant betwixt them made, and may remain in perfect love together unto their lives end. *Amen.*

“Grant, we beseech Thee, Blessed Lord, that whosoever shall draw near unto Thee in this place, to give Thee thanks for the benefits which they have received at thy hands, to set forth thy most worthy praise, to confess their sins unto Thee, and to ask such things as are requisite and necessary, as well for the body as the soul; may do it with such stedfastness of faith, and with such seriousness, affection, and devotion of mind, that Thou mayest accept their bounden duty and service, and vouchsafe to give whatever in thy infinite wisdom Thou shalt see to be most expedient for them: All which we beg for Jesus Christ his sake, our Blessed Lord and Saviour. *Amen.*”

*The Bishop sitting in his chair, the sentence of consecration is then read by the Chancellor,\* after which, the sentence is signed by the Bishop, and by him ordered to be registered, and then laid upon the communion-table.*

*After this, the person appointed is to read the service for the day, except where it is otherwise directed.*

Proper Psalms, 84, 122, 132.

First Lesson, 1 Kings 8, from v. 22 incl. to v. 62.

Second Lesson, Hebr. 10, from v. 19, incl. to v. 26.

*After the Collect for the day, the Minister who reads the service stops till the Bishop hath said the following prayer,*

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\* The Archdeacon or Commissary.

“O most Blessed Saviour, who, by thy gracious presence at the feast of dedication, didst approve and honour such religious services as this which we are now performing unto Thee, be present at this time with us also by thy Holy Spirit; and, because holiness becometh thine house for ever, sanctify us, we pray Thee, that we may be living temples, holy and acceptable unto Thee; and so dwell in our hearts by faith, and possess our souls by thy grace, that nothing which defileth may enter into us; but that, being cleansed from all carnal and corrupt affections, we may ever be devoutly given to serve Thee in all good works, who art our Saviour, Lord, and God, blessed for evermore. *Amen.*”

*Then the Minister proceeds in the service of the day, to the end of the general thanksgiving. After which, the Bishop says the following prayer,*

“Blessed be thy Name, O Lord, that it hath pleased Thee to put it into the hearts of thy servants ——— to erect this house to thy honour and worship. Bless, O Lord, them, their families, and substances, and accept the work of their hands; remember them concerning this; wipe not out this kindness that they have shewed for the house of their God and the offices thereof; and grant that all, who shall enjoy the benefit of this pious work, may shew forth their thankfulness by making a right use of it, to the glory of thy blessed Name, through Jesus Christ our Lord. *Amen.*”

*Then the Minister who officiates is to go on with the prayer of St. Chrysostom, and the Grace of our Lord Jesus Christ.*

*Then a Psalm is to be sung, with Gloria Patri.*

COMMUNION SERVICE.

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*The Bishop, standing on the north side of the communion table, as before, reads the communion service.*

*After the Collect for the King, he says the following prayer,*

O most glorious Lord God, we acknowledge that we are not worthy to offer unto Thee any thing belonging to us; yet we beseech Thee, in thy great goodness, graciously to accept the dedication of this place to Thy service, and to prosper this our undertaking: Receive the prayers and intercessions of us, and all others thy servants, who either now or hereafter entering into this house shall call upon Thee; and give both them and us grace to prepare our hearts to serve Thee with reverence and godly fear: Affect us with an awful apprehension of thy Divine Majesty, and a deep sense of our own unworthiness; that so, approaching thy sanctuary with lowliness and devotion, and coming before Thee with clean thoughts and pure hearts, with bodies undefiled and minds sanctified, we may always perform a service acceptable to Thee, through Jesus Christ our Lord. *Amen.*

*The two Chaplains are to read, one the epistle, and the other the gospel.*

The Epistle, 2 Cor. 6, v. 14 incl. to v. 17.

The Gospel, John 2, v. 13 to v. 18, incl.

*Then the Bishop reads the Nicene Creed. After which, a Psalm is sung.*



## SERMON.

*The Sermon being ended, and all who do not receive the Holy Communion returned, and the doors shut; the Bishop proceeds in the communion service; and he and the Clergy having made their oblations, the persons appointed collect the offerings of the rest of the Congregation.*

*After the Communion, and immediately before the final blessing, the Bishop says the following prayer,*

Blessed be thy Name, O Lord God, for that it pleaseth Thee to have thy habitation among the sons of men, and to dwell in the midst of the assembly of the saints upon earth; bless, we beseech Thee, the religious performance of this day: And grant that in this place, now set apart to thy service, thy holy Name may be worshipped in truth and purity to all generations, through Jesus Christ our Lord. *Amen.*

The peace of God, which passeth all understanding, keep your hearts and minds in the knowledge and love of God, and of his son Jesus Christ our Lord: And the blessing of God Almighty, the Father, the Son, and the Holy Ghost, be amongst you, and remain with you always. *Amen.*

## CONSECRATION OF THE CEMETERY.

*When the church service is finished, the Bishop, Clergy, and People, proceed to the Cemetery. And, the Bishop standing in the place prepared for the performance of the office there, the act or sentence of consecration is read by the Chancellor,\* and signed by the Bishop, and ordered to be registered.*

O God, who hast taught us, in thy Holy Word, that there is a difference between the spirit of a beast that goeth downwards to the earth, and the spirit of a man which ascendeth up to God who gave it: and likewise

\* The Commissary, in the Indian Diocese.

by the example of thy holy servants in all ages, hast taught us to assign peculiar places, where the bodies of thy saints may rest in peace, and be preserved from all indignities, whilst their souls are safely kept in the hands of their faithful Redeemer: Accept, we beseech Thee, this charitable work of ours, in separating this portion of ground to that good purpose; and give us grace, that, by the frequent instances of mortality which we behold, we may learn and seriously consider how frail and uncertain our condition here on earth is, and so number our days as to apply our hearts unto wisdom. That in the midst of life, thinking upon death, and daily preparing ourselves for the judgment that is to follow, we may have our part in the resurrection to eternal life, with Him who died for our sins, and rose again for our justification, and now liveth and reigneth with Thee and the Holy Ghost, one God, world without end. *Amen.*

The grace of our Lord Jesus Christ, and the love of God, and the fellowship of the Holy Ghost, be with us all evermore. *Amen.*

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CONSECRATION OF A CHURCH-YARD SINGLY.

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*The ordinary service for the day is to be read at the Church, except where it is otherwise ordered.*

*Of a Church-yard singly.*

Psalms, 39, 90.

First lesson, Gen. 23.

Second lesson, John 5, v. 21, incl. to v. 30; or 1 Thess. 4, v. 13, to the end.

*When the service at the Church is over, the Bishop, Clergy, and Parishioners repair to the ground which is to be consecrated: and the Bishop, standing in the place prepared for the performance of the office says,*

The glorious Majesty of the Lord our God be upon us; prosper thou the work of our hands upon us, O prosper thou our handy word.

*Then the instrument of donation is presented to the Bishop.*

Next, the act or sentence of consecration is read by the Chancellor \*, and signed by the Bishop, and ordered to be registered.

This done, the Bishop reads the Prayer that is before directed to be used in a Church-yard which is consecrated together with the Church.

Then are sung two staves of the 39th psalm, viz. v. 5, 6, 7, 8.

*After which the Bishop lets them depart with the blessing.*

The peace of God which passeth all understanding, keep your hearts and minds in the knowledge and love of God and of his Son Jesus Christ our Lord: And the blessing of God Almighty, the Father, the Son, and the Holy Ghost, be amongst you, and remain with you always. *Amen.*

## SECTION VI.

### FORMS :

*To the Right Reverend Father in God —————  
by divine permission Lord Bishop of Calcutta.*

No. 1.  
Petition to con-  
secrate adapted  
to Church and  
Burial ground.

The humble petition of the Reverend ————— Minister or  
Chaplain at ————— in the archdeaconry of —————  
within your Lordship's diocese and jurisdiction, and of the several  
residents and inhabitants in and about the same place, whose  
names and signatures are hereunto subscribed.

SHEWETH ;

That the new Church or edifice at ————— abovementioned  
called ————— and which has been lately erected, built and  
finished by and at the expence of ————— containing in length  
from East to West ————— feet, and in width from North to South  
————— feet, inclusive of the exterior walls, and the present Burial  
ground of ————— aforesaid, belonging to the said Church, consisting

\* The Commissary, in the Indian Dioceso.



of all that piece or parcel of ground as the same is inclosed around, containing by admeasurement ——— and lying and being in ——— and abutting as follows, that is to say, towards the East to the ——— and containing by admeasurement on that side ——— feet, towards the West to the ——— and containing by admeasurement on that side ——— feet, towards the South to ——— and containing by admeasurement on that side ——— feet, and towards the North ——— and containing by admeasurement on that side ——— feet have not yet been consecrated.

That your petitioners have obtained the sanction of the Government of ——— testified in the letter annexed hereto, marked ——— to make this application to your Lordship for the regular consecration of the said Church for the celebration of divine service therein according to the United Church of England and Ireland.

Your petitioners therefore humbly pray, that your Lordship will be pleased by virtue of your pastoral and episcopal office to separate the said edifice or building from all profane uses, and to dedicate and consecrate the same to the honour and worship of Almighty God, and assign it to be perpetually the Church of ——— at ——— aforesaid to the aforesaid use, and also to consecrate and set apart and appropriate the said Burial ground abovementioned as the Cemetery of the said Church, from all profane and common uses.

And your petitioners will ever pray.

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*The deed of donation or endowment is usually drawn up in the form of a conveyance in fee; and contains the terms of the endowment, and the necessary covenants. The form given in the 58 Geo. 3, c 45, § 37, might be made applicable for Churches founded in the diocese of Calcutta.*

No. 2.

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In the name of God, Amen. Whereas we did lately receive the petition of the Reverend ——— Minister or Chaplain at ——— in the archdeaconry of ——— within our diocese and jurisdiction, and of the several residents and inhabitants in and about the same place, whose names and signatures were thereunder subscribed, humbly praying, (amongst other things,) that we would be pleased by virtue of our pastoral and episcopal office to consecrate the new Church, or edifice at ——— aforesaid, to be called ——— Church. And whereas we have taken the said petition into our most serious consideration, and have at the special request and consent thereto of the Government of ——— complied with the same, We ——— by divine permission Bishop of Calcutta, do therefore, by virtue of our ordinary and episcopal authority, now separate and set apart the said place, edifice or structure, containing in length from East to West ——— feet

No. 3.  
Sentence of  
Consecration  
of a Church.

and in width from North to South ———— feet, from all profane or common uses, and do hereby dedicate the same as the Church of Saint ——— at ——— aforesaid, to God and divine worship, and do consecrate it for the celebration of divine service therein according to the United Church of England and Ireland, and we do openly and publicly pronounce and declare that it shall so continue for ever hereafter separated, dedicated, and consecrated, by this our definitive sentence or final decree, which we make, pronounce, and promulge in these writings; saving and reserving unto us and our successors, Bishops of Calcutta, all ordinary and episcopal jurisdiction, rights and privileges. In testimony whereof we have caused our episcopal seal to be hereunto affixed, this ——— day of ——— in the year of our Lord ——— and in the ——— year of our consecration.

No. 4.  
Sentence of  
Consecration  
of the Burial  
ground.

In the name of God, Amen. We ——— by divine permission Bishop of Calcutta, taking into consideration the pious and religious desires of the residents and inhabitants of ——— in the archdeaconry of ——— in our diocese and jurisdiction of Calcutta, do decree this piece of ground, as the same is enclosed around, containing on the East side ——— feet, on the West side ——— feet; on the South side ——— feet, and on the North side ——— feet; or thereabouts, to be separated from all ancient, common, and profane uses, and do by our ordinary and episcopal authority assign, dedicate, and consecrate it as the Churchyard, Cemetery, or Burying place, for the dead bodies of the residents and inhabitants of ——— aforesaid; and we do openly and publicly pronounce, decree, and declare, that the same shall for ever hereafter continue so separated, assigned, dedicated, and consecrated, by this our definitive sentence or final decree, which we make and promulge in these writings; saving always, and in all things, to ourselves and our successors, Bishops of Calcutta, all ordinary and episcopal jurisdiction, rights and privileges. In testimony whereof we have caused our episcopal seal to be hereunto affixed, this ——— day of ——— in the year of our Lord ——— and in the ——— year of our consecration.

No. 5.  
Registrar's, or  
Actuary's act,  
for a registry  
on the conse-  
cration of a  
Church and  
Cemetery.

Act on consecrating the new Church at ——— and the new Burial Ground at the same place, in the archdeaconry of ——— in the diocese of Calcutta, on the ——— day of ———

*Enter petition to consecrate. Then the sanction and authority in writing, of the local Government, and (if any) the deeds or instruments of endowment or donation.*

The Right Reverend ——— Lord Bishop of Calcutta, attended by the Venerable Archdeacon ——— and the following

Clergy, the Reverend ——— [adding their names] came this day to the above place, and were there met by the Reverend ——— the Minister and Chaplain, and by [here add the names of the petitioners and principal residents who attended] and who delivered the above petition, praying the edifice might be consecrated; which petition was then and there openly read by me, as Registrar [or actuary for that purpose]; which, being done, the Bishop entered on the work of consecration, and proceeded to the West door of the Church, where he was admitted; the Bishop followed by the Arch-deacon and officiating Clergy and other attendants, proceeded up the aisle to the altar, repeating alternately the 24th Psalm.

The above sanction in writing of the local Government and the instruments of endowment or donation were presented by ——— to the Bishop, at the altar.

The Bishop then proceeded with the service. After the appointed prayers had been offered up, the following sentence of consecration was then passed, and signed in my presence, by the Bishop, and was openly pronounced and read by the ——— and ordered to be recorded.

[Enter the Sentence.]

The service for the day then commenced, which was read by the Reverend ———

The Psalms being the 84th, 122nd, and 132nd.

The First Lesson, 1 Kings 8, from ver. 22, incl. to v. 62.

Second Lesson, Heb. 10, from v. 19, incl. to v. 26.

And the following Psalm sung, viz. 26, 67, 8, with Gloria Patri.

The Communion Service was read by ———

The Epistle by ——— and the Gospel by ———

The Epistle being 2 Cor. 6, v. 14. incl. to v. 17.

The Gospel, John 2, v. 13, to v. 18 incl.

And the Bishop read the Nicene Creed.

After the Communion Service the 100th Psalm was sung.

The Sermon was preached by the Reverend ———

The Holy Communion was then administered; and the Bishop before his final blessing, read the prayer as appointed.

After the service in the Church, the Bishop attended by the above Clergy and others, proceeded to the Burial ground, where the following sentence of consecration was passed and signed in my presence by the Bishop, and there openly pronounced and read by the ——— and ordered to be registered.

[Enter Sentence.]

Which being done, the Bishop offered up and repeated the prayers as appointed.

All which I duly attest,

A. B. Registrar, or Actuary.



No. 6.  
Petition for  
allowance of  
Divine Wor-  
ship until  
Consecration.

*To the Right Reverend — Lord Bishop of Calcutta :*

The humble petition of the Reverend — Minister and Chaplain and of the several residents and inhabitants about the same place, whose names are hereunto subscribed,

SHEWETH,

That a certain building or edifice lately erected and built by — and intended for a Church or place of divine worship at the said — in the — archdeaconry of — hath not been legally consecrated.

That the said edifice is furnished at present with all things necessary for the performance of divine service, and is placed under the care of — as the Minister and Chaplain at — aforesaid.

Your petitioners therefore humbly pray, that your Lordship will be pleased to grant you licence and authority for the performance of divine service therein, according to the rubric of the United Church of England and Ireland, until the same can and may be consecrated; we hereby promising in such case, to apply to your Lordship to consecrate the said edifice or church as soon as the same can be conveniently done.

And your petitioners will ever pray, &c.

No. 7.  
Licence for the  
performance of  
divine worship  
until Consecra-  
tion.

— by divine permission Lord Bishop of Calcutta, To all Christian people to whom these presents shall come greeting, Whereas, it has been represented unto us, by the petition of the Reverend C. D. Minister and Chaplain at — in the archdeaconry of — within our diocese of Calcutta, and of the several residents and inhabitants in and about the same place, that a certain building or edifice lately erected and built by — and intended by them for a Church or place of divine worship, at the said place called — and to be called, dedicated, and consecrated by the name of — hath not yet been legally consecrated a Church, and humbly praying that we would be pleased to grant our licence and authority for the performance of divine service therein, till such time as we should be enabled to consecrate the same, and thereby promising that they or some of them would again apply to us for the regular consecration thereof. Now therefore, know ye, that taking the premises into our most serious consideration, we have thought fit to grant, and do accordingly by these presents grant our full leave, licence, and authority, to the said C. D. Minister [and Chaplain] at — in the archdeaconry of — within our diocese as aforesaid, or to the Minister [and Chaplain] for the time being thereof, or who shall at any time hereafter be duly appointed and regularly licenced to officiate; and to

all and singular the residents and inhabitants of our said diocese as aforesaid, to resort to the said edifice or building until the same shall be legally and properly consecrated, and therein to perform and celebrate divine service according to the Rubric of the United Church of England and Ireland, so as this our licence shall continue in force only from the date hereof, until such time as the said erection, or building, or chapel, can be so as aforesaid legally and properly consecrated a Church and no longer, and so as that they the said residents and inhabitants or some of them, or the residents and inhabitants for the time being, together with the said *C. D.* or the Minister or Chaplain for the time being, shall and do apply to us and our successors as soon as the same can be legally and properly consecrated as aforesaid, or so soon after as may be convenient, to consecrate the same accordingly, hereby reserving unto us and our successors the power and authority at all times of revoking these presents whenever we shall see just and sufficient cause for the same. In testimony whereof we have caused our episcopal seal to be hereunto affixed this ——— day of ——— in the year of our Lord ——— and of our consecration the ———

*To the Right Reverend ——— Lord Bishop of Calcutta.*

The humble petition of the Reverend ——— Minister [and Chaplain] of the Church of ——— at ——— in the archdeaconry of ——— and others whose names are hereunder subscribed.

No. 8.  
Petition for a  
faculty for a  
Monument or  
Tablet in a  
Church.

SHEWETH,

That your petitioners *A. B.* and *C. D.* are anxious to raise a Monument (or Tablet) to the memory of *E. F.* deceased, in the Church of ——— at ——— aforesaid, and to erect or place the same at [*here describe the place or space in the Church*].

That the dimensions of the said Monument or Tablet will not exceed [*here give the dimensions*].

Your petitioners therefore humbly pray, that your Lordship will grant your permission and faculty, that the same may be admitted into the said Church, and placed or erected at the place or space aforesaid, we hereby promising the same shall not be done to the hindrance of divine worship, or to the injury, or the displacing of any Monument or Tablet already contained in the said Church.

And your petitioners, &c.

No. 9.  
Faculty for a  
Monument.

———— by Divine permission Bishop of Calcutta, to all to whom these presents shall come greeting; Whereas a petition hath lately been presented unto us by the Reverend ——— Minister [and Chaplain] of the Church of ——— in the archdeaconry of ——— in our diocese, and by others whose names are thereunto subscribed, humbly praying that we would give and grant unto them a licence or faculty under our episcopal seal to admit and erect a Monument near the [*describe the place*] in ——— at ——— in the archdeaconry of ——— aforesaid, to the memory of ——— late of ——— deceased, and whereas the said petitioners have submitted to us a copy of the intended epitaph, which contains nothing unfit or improper to be admitted within a building dedicated to the service of Almighty God; Now therefore know ye, that we have given and granted, and do by these presents for ourselves and our successors, Bishops of Calcutta, give and grant unto the said ——— and others whose names are subscribed as aforesaid, our licence and authority to admit and erect the said Monument within the Church aforesaid, and do hereby consent to the same being erected at ——— in the said Church, so that it be not done to the hindrance of the celebration of divine service, or to the removal, displacing or injury of any Monument already erected in the said Church. Given under our episcopal seal this ——— day of ——— in the year of our Lord ——— and in the ——— of our consecration.

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## CHAPTER IX.

## VISITATION IN THE DIOCESE OF CALCUTTA.

## SECTION I.

*Extract from the Letters Patent of the 2d of May 1814:  
And the 4th Geo. 4, c. 71. § 5.*

BY the Letters Patent of the 2d of May 1814, an express power is “granted to the Bishop and his successors, or by his or their Commissary or Commissaries, being thereunto duly authorized, by him or them, to visit” as therein mentioned.

Extracts from  
Letters Patent  
of the 2d of  
May A. D.  
1814.  
*Appendix.*

And by the 4th Geo. 4, c. 71, § 5. It is enacted, amongst other things, “that the expence of the Visitations to be made by the said Bishop, from time to time, shall be defrayed by the said Company, out of the revenue of the British territories in India; provided always that no greater sum on account of such Visitations be at any time issued than shall from time to time be defined and settled by the Court of Directors of the said Company, with the approbation of the Commissioners for the Affairs of India, any law or statute to the contrary notwithstanding.”

4 Geo. 4, cap.  
71, § 5.

## SECTION II.

*Of Episcopal Visitations in general.*

FOR the Government of the Church and the correction of offences, visitations of parishes and dioceses, were instituted in the ancient Church; that so, all possible care might be taken to have good order kept in all places. *God. Append. 7.*

Diocesan visitations.

By a constitution of Otho. Archbishops and Bishops shall go about their dioceses at fit seasons, correcting, and reforming the Churches, and consecrating, and sowing the word of life, in the Lord's field. *Ath.* 56.

And regularly, the order to be observed therein is this: In a diocesan visitation, the Bishop is first to visit his Cathedral Church, afterwards the diocese.

The office of Confirmation to be performed in visitations.

By Can. 60. For the office of Confirmation, it is enjoined, that the Bishop shall perform that office in his visitation every third year; and if in that year, by reason of some infirmity he be not able personally to visit, then he shall not omit the same the next year after, as he may conveniently.

In the Bishop's triennial, as also in visitations regal and metropolitan, all inferior jurisdictions respectively are inhibited from exercising jurisdiction during such visitation.

Rules to be observed.

And Dr. Aycliffe observes, from the sixth book of the decretals, that amongst the orders to be observed, by Archbishops, Bishops, and others, in their visitations, the first is, that they ought to preach the word of God, by giving the congregation a sermon. *Ayl. Par.* 515.

Clergy to exhibit letters of orders, licences, &c.

Can. 137. Forasmuch as a chief and principal cause and use of visitation is, that the Bishop, Archdeacon, or others assigned to visit, may get some knowledge of the state, sufficiency, and ability, of the Clergy and other persons whom they are to visit, we think it convenient that every Parson, Vicar, Curate, or other person licenced, do, at the Bishop's first visitation, or at the next visitation after his admission, shew and exhibit unto him his letters of orders, institution, and induction, and all other his dispensations, licences, or faculties whatsoever, to be by the said Bishop, either allowed or otherwise.

And concerning presentments to be made at visitations, the reader may consult *Burn's Ecclesiastical Law*, vol. 4, page 21.

## SECTION III.

*Episcopal Visitations as made and held in the Indian Diocese.*

THE Bishop of Calcutta makes his visitations, once every three years, as near as he can conveniently; but in a diocese so vast and extensive in circuit, for episcopal visitation, and in which the archdeaconries, and other places subject thereto, are so extremely remote and distant, and to most of which it is necessary, in general, to proceed by sea, the times and seasons for making those visitations must be regulated according to circumstances. He visits at the Cathedral first, and afterwards proceeds, either through the archdeaconry of Calcutta, or to such other of the archdeaconries as may be required to be visited, and so on in succession, as occasion permits.

When the period of his visitation is fixed upon, the Bishop issues his mandate, directed to the Archdeacon of the archdeaconry to be visited, and which contains the time and place appointed for holding the visitation, and directs the Archdeacon to cite the Clergy of the archdeaconry to attend accordingly. The mandate also inhibits the Archdeacon from exercising his office and jurisdiction, during such time as the Bishop so visits, until the visitation is over, which is officially notified to the Archdeacon.

Complete lists of the names of the licenced Clergy, and of the stations, to which they stand appointed are made out by the Registrar of the archdeaconry, and signed by the Archdeacon, who then issues a citation directed generally to all Ministers and Chaplains, and persons in holy orders; within the archdeaconry, and which citation is transmitted to the whole of the Clergy thereof. A public notice is also inserted in the official Gazette, of the Bishop's purpose to hold the visitation,

Visitations in the Indian diocese, proceedings thereof and duties of clergy, &c.

The Bishop's mandate.

Lists of the Clergy to be made.



which also intimates his intention of holding Confirmations generally at all the principal stations in the course of such Visitation.

Archdeacon's citation.

Where the Clergy are very far distant, it would occasion serious inconvenience, if not altogether be found impracticable for them to attend personally; those only therefore, who are resident within fifty miles from the place appointed for holding the visitation, have been hitherto expected to be personally present. The Bishops have considered all the Clergy exempted from attending, who resided beyond that distance or further than one or two days journey from the place assigned in the Archdeacon's citation.

Clergy to exhibit letters of orders.

The Clergy who attend personally exhibit their letters of orders, licences, and other papers relating to their appointments; and give such an account, concerning the state and condition of their respective Churches, and Stations, and their respective functions, as may be required of them.

Those beyond the distance mentioned, in general, authorize, in writing, the Archdeacon to give in the dates of their Letters of Orders; by whom ordained; the date of their licence; by whom licenced; and answer, through the Archdeacon, such enquiries as may have been made or as affect the interests of Christianity, within their districts, and report generally on all matters desirable to be presented, or given in, for the information of the Bishop; and particularly the number of persons requiring Confirmation at their respective stations.

The following was the Circular, and the articles of inquiry, drawn up and sent to all the Clergy, by Bishop Middleton, at his primary Visitation of his diocese in 1815.

(CIRCULAR.)

To the Revd. \_\_\_\_\_

Chaplain and Minister at \_\_\_\_\_

MY REVEREND BROTHER,

Desiring to gain information of the state of my diocese in every particular, which affects the interests of Christianity, and the functions

of my Clergy, I have, conformably with an ancient and salutary usage, directed that the subjoined articles of inquiry should be circulated at my primary Visitation: and I have entire reliance on your readiness to return to my several interrogatories as distinct answers, as your knowledge will enable you to supply. And, considering that accuracy is of the highest importance to the objects in view, I do not wish that your answers should be hastily put down, but only that you will transmit them, within a month from the receipt hereof, or (in case of your not having reached your station) within two months from your arrival, under cover to my Secretary at Calcutta, or in the archdeaconries of Madras and Bombay, to the respective archdeacons.

I heartily commend yourself and your labours to the blessing of Almighty God; and, I am,

Reverend Sir,

Your affectionate Friend and Brother,

T. F. CALCUTTA.

Dated at \_\_\_\_\_

### *Articles of Inquiry, &c.*

1. How long have you officiated at \_\_\_\_\_
2. Is there a Church or Chapel or other building at \_\_\_\_\_ appropriated to Divine Service according to the Rubric of the Church of England? And is it either consecrated or licensed?
3. What are the dimensions of such place of worship? And if it be a Church or Chapel, has it a Steeple or Cupola with Clock or Bells, and has it a Font? Or, if it be only a room for temporary use, has it a Reading Desk, a Pulpit, and a Communion Table, with a large Bible, and the Book of Common Prayer?
4. What Communion-plate have you at \_\_\_\_\_? Is a Surplice provided for the Chaplain? and do you wear the hood of your degree?
5. Is any provision made for the repairs of your Church or other place of worship? and at whose expence and when was it built?
6. Have you Churchwardens, and Trustees for your Church, or any thing resembling a Vestry?
7. Are there any funds or revenues for charitable purposes at \_\_\_\_\_? And by whom are they applied?
8. How often is Divine Service performed at \_\_\_\_\_ on the Lord's Day, and at what hour of day?
9. What Festivals and Fasts of the Church are kept holy?
10. How often is the Sacrament of the Lord's Supper administered? What is the ordinary number of Communicants? And what is done with the Sacramental Collections?
11. When are the Sick visited? And do they frequently desire to receive the Sacrament?
12. At what times are Christian Children instructed in the Church Catechism?

13. Is Psalm-singing used at ————, with or without instrumental music, in time of Divine Service?

14. Have you a person to act as Clerk, and another as Sexton? and by whom appointed?

15. Are proper books for registers provided? By whom, and where are they kept? And to whom, and how often is a copy of the entries sent?

16. Upon an average of the time, during which you have officiated at ————, what is the annual number of Baptisms, Marriages, and Burials? Or the actual number, if the time be less than a year?

17. If you have a Church or Chapel, are Marriages ever solemnized in any other place? And wherever they are solemnized, do you observe Canonical hours?

18. Have you a Burial-ground at ———— set apart exclusively for the purpose? And has it been consecrated?

19. What Military or other Christian Schools are there at ————? And who superintend them? And if there be a Military School, is it or not conducted on the system of Dr. Bell?

20. Do any Natives attend such Schools, and do any of them receive Christian instruction?

21. How many of the European Military are usually stationed at ————? And what number of Europeans are resident there, exclusive of the Military and their families?

22. What places of Christian Worship of denomination, besides that in which you officiate, are there at ————, or in its immediate vicinity?

23. Have you any remarks to offer, not immediately referring to any of these questions, but yet of importance in the general view, in which they are proposed?

#### SECTION IV.

#### *The form and manner of holding the Bishop's Visitation in the Indian Diocese.*

Form and mode of holding visitations in the Indian Diocese.

ON the day appointed, preparation is made for Divine Service at the Cathedral or principal Church of the Archdeaconry. The sermon is preached by the Clergyman appointed by the Bishop, for that purpose; after the Sermon, and the Bishop has pronounced his blessing, he proceeds to the altar accompanied by the Archdeacon, as Commissary, where the Bishop, and the latter, take their seats.



The Apparitor then makes a proclamation in the body of the Church, to the following effect :

*“ The several Ministers and Chaplains of the arch-  
 “ deaconry of ——— and all persons in holy orders  
 “ cited to appear this day, at the [ primary, or triennial,]  
 “ visitation of the Right Reverend ——— Lord Bishop  
 “ of Calcutta, are now requested to draw near and  
 “ answer to their names.”*

The Registrar, whose place is near the Bishop, then calls over the list of the Ministers and Chaplains of the archdeaconry, made out according to their academical degrees, who answer to their names; and the Registrar marks off those who personally appear. He then calls over the Archdeacon's list of the licenced Clergy beyond the distance of fifty miles, not personally served with the Archdeacon's citation.

After the Clergy are so called, and are assembled before him, the Bishop then delivers his charge.

After which, the Bishop, accompanied by the Archdeacon as his Commissary, and the Registrar, proceed to the ——— room appointed within the Church, where the Clergy in succession are called in, and then produce their Letters of Orders, and make their presentments, or answer personally such enquiries as may be made of them by the Bishop. The presentments of the Clergy beyond the above distance are made through the Archdeacon, as their representative. The Registrar marks and signs his initials to all exhibits presented.

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## SECTION V.

### FORMS.

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Notice is hereby given, that the Lord Bishop of Calcutta will commence his primary visitation of his Diocese on ——— the ——— day of ——— next: on which day his Lordship will hold a visitation in the ——— and afterwards proceed, about the end of that month, to visit and confirm at all the principal stations or districts, throughout the Archdeaconry of ———: the other Archdeaconries

No. 1.  
Registrar's notice for the Gazette.

and parts of the Diocese will be visited by his Lordship at a subsequent date, of which previous notice will be given.

In the mean time, it is requested that the Ministers and Chaplains at the distant stations and districts within the above Archdeaconry, will prepare and examine those who are candidates for confirmation.

Calcutta ——— 182

A. B. Registrár.

P. S. On the day above mentioned, divine service will commence at ——— at ten o'Clock.

The Sermon will be preached by the Reverend ——— by appointment.

Such of the licenced Ministers and Chaplains as reside within a convenient distance of Calcutta, and receive a citation to attend at the visitation, will be expected to produce their Letters of Orders, unless exhibited at the last visitation.

No. 2.  
Mandate to cite  
for a visitation.

————— by divine permission Lord Bishop of Calcutta, to our well beloved ——— Archdeacon of the archdeaconry of Calcutta within our diocese and jurisdiction, and our Commissary duly appointed, greeting, Whereas it is our purpose, with the blessing of God, to commence our ——— visitation of the diocese of Calcutta and to hold in the Cathedral [ *or Church* ] of ——— our ——— visitation of the archdeaconry of ——— on ——— the ——— day of ——— next, at the hour of ——— in the morning. We do therefore hereby require and strictly enjoin you peremptorily to cite, or cause to be cited, at the same, all and singular the Ministers and Chaplains, and all Priests and Deacons in holy orders of the United Church of England and Ireland, within your archdeaconry especially those who shall be within fifty miles from ——— aforesaid, to appear personally before us at our said ——— on the day and hour aforesaid; and then and there to produce their Letters of Orders of Priest and Deacon, with all licences and other faculties relating to their official appointment to be by them exhibited, and to hear and receive all such matters and things as may be delivered in charge. And further, we do by these presents expressly inhibit, and restrain you from the exercise of all ecclesiastical jurisdiction and authority, by right and usage appertaining to your office of Archdeacon of ——— during such our visitation: and whatsoever you shall do or cause to be done in the premises you shall duly certify unto us, together with these presents. Given under our hand and episcopal seal this ——— day of ——— in the year of our Lord ——— and in the ——— year of our consecration.

No. 3.  
Archdeacon's  
citation there-  
on.

————— Archdeacon of ——— and Commissary, duly appointed. To ——— and all and singular the Ministers and

Chaplains, and all Priests and Deacons in holy orders of the United Church of England and Ireland, stationed and now being within the archdeaconry of ——— aforesaid, greeting.

Whereas by a mandate under the hand and seal of the Right Reverend Father in God ——— by Divine permission Lord Bishop of Calcutta, bearing date the ——— day of ——— signifying his Lordship's purpose to commence his ——— visitation of his diocese, and to hold in the ——— his ——— visitation of the archdeaconry of ——— on ——— the ——— day of ——— at the hour of ——— in the morning, I am required and strictly enjoined as the Archdeacon of ——— and Commissary aforesaid, peremptorily to cite or cause to be cited, at the same, all and singular the Ministers and Chaplains, and all Priests and Deacons in holy orders of the United Church of England and Ireland, within my archdeaconry aforesaid especially those who shall be within the distance of fifty miles from ——— aforesaid, to appear before the said Lord Bishop, at the said ——— on the day and at the hour aforesaid, and then and there to produce their Letters of Orders of Priest and Deacon, with all licences and other faculties relating to their official appointment, to be by them exhibited, and to hear and receive all such matters and things as shall be delivered in charge; I therefore do in obedience thereto, by these presents, require and strictly enjoin you the said ——— as one of the Ministers and Chaplains, and Priests or Deacons in holy orders as aforesaid, if you shall be on the receipt or service hereof within the distance aforesaid, to appear before the said Lord Bishop, at the said ——— on ——— the said ——— at the hour of ——— in the morning, and then and there to produce your Letters of Orders of Priests and Deacon, with all licences and other faculties relative to your official appointment, to be by you exhibited, and to hear and receive all such matters and things as may be delivered in charge.

Given under my hand, this ——— day of ——— in the year of our Lord ———

——— Archdeacon.

Witness,

In obedience to a mandate under the hand and seal of the Right Reverend Father in God ——— by Divine permission Bishop of Calcutta, bearing date the ——— day of ——— I the Reverend ——— Archdeacon of the archdeaconry of ——— and Commissary duly appointed, do hereby cite all and singular the Ministers and Chaplains, and all Priests and Deacons in Holy Orders of the United Church of England and Ireland, being within the arch-

No. 4.  
Archdeacon's  
notice published  
in the  
Gazette.



deaconry of ——— or on the receipt or service of my citation within fifty miles from ——— aforesaid, to appear before the said Lord Bishop at his ——— visitation, to be held at the ——— Church of ——— on ——— the ——— day of ——— next at the hour of ——— in the morning, and then and there to produce their Letters of Orders of Priest and Deacon, with all licences and other faculties relative to their official appointment, to be by them exhibited, and to hear and receive all such matters and things as may be delivered in charge. Witness my hand this ——— day of ——— in the year of our Lord ———

A. B. Archdeacon and Commissary.

No. 5.  
Commission to  
hold a visita-  
tion.

————— by Divine permission Bishop of Calcutta, to our beloved in Christ ——— greeting, Whereas we did intend, God willing, to have visited the ——— of ——— in our said diocese of Calcutta, on ——— the ——— and the Clergy of the same, and what offences should be found on our said visitation to correct and reform, and whereas we are by urgent causes impeded and prevented from making our said visitation in person. We do therefore by these presents commit, give, and grant unto you, in whose circumspection, integrity, and prudence, we greatly confide, full power and authority for us and in our name to make and hold our said visitation, and to correct and reform all such offences as shall be found therein, and to admonish and censure all and every person and persons as shall be found delinquent in our said visitation, and to proceed in, and act, do, and perform all and every other act, matter or thing, in or concerning our said ——— visitation, in as full, ample and effectual manner and form as we ourselves could or might do if personally present; and we do hereby constitute, make, and appoint you the said ——— our Commissary, Commissioner and Deputy for the purposes aforesaid, hereby giving and granting unto you our absolute power and authority in the premises, and every of them. Given under our hand and seal, this ——— day of ———

## CHAPTER X.

## OF THE BISHOP'S CONSISTORY COURT AT CALCUTTA.

## SECTION I.

*Of Consistory Courts, in general.*

BEFORE introducing such parts of the Letters Patent as are considered applicable to the present chapter, the following particulars would be premised.

Consistory (*consistorium*) signifies as much as *prætorium*, or tribunal, and is the Court Christian, or Spiritual Court of a diocese, formerly held in the Cathedral Church, in which the Bishop presided, or his Commissary, and had assessors and other assistants, and is now held by the Bishop's Commissary, Archdeacons, and other officials, in the Cathedral Church or other convenient place of the diocese. *Ken. Par. Ant. Gloss, God. 83, and 4 Inst. 338, and Burn, vol. 2, p. 11.*

Every Bishop hath his Consistory Court to hear ecclesiastical causes, 4 *Inst. 338, Co. Rit. 96, Rob. Ab. 230.* And again, every Bishop by his election and confirmation, even before consecration, hath ecclesiastical jurisdiction annexed to his office, as *judex ordinarius* within his diocese. *Hale's Hist. of the Com. 2, 30.*

The Bishop's jurisdiction, as to punishment of offences and hearing and determining causes, being derived from the Crown, a Bishop may make a layman his Commissary; (*Walker v. Lamb, Cro. Car. 258; Jones, 264. S. C.*) or may officiate as judge in person. *Bishop of St. David's v. Lacy, 1 Salk. 134.*

And in places remote from the consistory, the Bishop appoints a Commissary (*commissarius foranens*) to judge in all causes within a certain district, and a Registrar to enter his decrees. 2 *Rol. Abr. 286; Seld. Hist. of Tithes, 413, 414.* From the sentence of this Court an appeal lies. 24 *Hen. 8, c. 12.*

Consistory, signification of,

Is the Court Christian or Spiritual Court of a diocese. Held at the Cathedral.

Every Bishop hath his Consistory Court.

And in right of his Office is *judex ordinarius* within his Diocese.

The Bishop's jurisdiction derived from the Crown.

And may make a layman his Commissary or preside himself.

Bishop appoints his Commissary in places remote.

And a Registrar.

From the sentence of this Court an appeal lies.

And for the qualifications in general of Commissaries, the reader may consult, *Burn, vol. 2, page 43*; and for those of Registrars, the same work, *vol. 3, p. 284*; concerning Advocates, the same, *vol. 1, p. 2*, and of Proctors, also the same work, *vol. 3, p. 211*.

Having prefaced the above particulars, the extracts from the Letters Patent are now subjoined.

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#### SECTION II.

#### *Extracts from the Letters Patent, of the 2d of May, A. D. 1814.*

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The Bishop of Calcutta made subject to the Archbishop of Canterbury.

The same as any other Bishop.

Save in appeals from the Bishop's judgment, decrees and sentences.

Which are to be made not to the Archbishop but to Commissioners deputed.

Besides the jurisdiction and powers already detailed.

Bishop of Calcutta to perform all other functions peculiar to the office of a Bishop.

Nevertheless, in all grave matters of correction to proceed in due form of law.

HIS late Majesty's Letters Patent of the above date expressly ordain, that "the Bishop of Calcutta shall be subject and subordinate to the Archiepiscopal see of the province and Archbishop of Canterbury, in the same manner as any Bishop of any see within that province in England, save and except in the matter of appeals from judgements, decrees, and sentences pronounced by the Bishop or by his Commissary; which are directed, shall not be made to the Archbishop, but to Commissioners appointed by his Majesty as therein mentioned."

Besides the jurisdiction therein granted to the Bishop of Calcutta, and the powers already detailed in this work, and of appointing Commissaries, and Registrars, the same Letters Patent authorize the Bishop to perform "all other functions peculiar and appropriated to the office of a Bishop within the limits of his see. Nevertheless, it is declared, that "in all grave matters of correction, which are accustomed according to the Ecclesiastical Laws of England to be judicially examined, the same shall in like manner be judicially examined and proceeded in before the Bishop or his Commissary, in the archdeaconry in which the party to be proceeded against shall reside, and all such causes



“ shall be proceeded in, to final sentence, in due form  
 “ of law.”—“ Also, if any person against whom judg-  
 “ ments or decrees shall be pronounced, and who shall  
 “ conceive himself aggrieved, that it shall be lawful  
 “ for such person to appeal, provided the appeal shall  
 “ be entered within fifteen days after such sentence  
 “ pronounced.”

And in the archdeaconry in which the party resides. Appeals to be entered in fifteen days.

“ The Judges of the Supreme Court of Judicature  
 “ at Calcutta for the time being, and the Members of  
 “ Council at Calcutta for the time being, are appointed  
 “ His Majesty’s Commissioners Delegate to hear such  
 “ appeals; any three of whom (one to be a Judge)  
 “ shall have power finally to decide and determine the  
 “ said appeals, and provided also that in any sentence  
 “ to be given by the said Commissioners Delegate, one  
 “ at least of the said judges shall concur.

Commissaries delegate for hearing and determining such appeals.

“ The Registrar of the Archdeaconry of Calcutta to  
 “ act as Registrar of such Commissioners Delegate.”

Judges of the Supreme Court Calcutta, and Members of Council,

“ Proceedings against any Archdeacon to be before  
 “ such Commissioners Delegate.”

Any three of whom one to be a Judge to decide. Registrar of the archdeaconry of Calcutta to act as Registrar to such commissioners. Proceedings against Archdeacons.

“ A copy of the sentence in all cases, without delay,  
 “ to be certified and transmitted, by the Bishop, or  
 “ Commissary, to the respective Governments, as the  
 “ case may be.”

A copy of all sentences to be transmitted to Government.

“ Powers are granted or saved to His Majesty’s  
 “ several Supreme Courts to interfere by writ of pro-  
 “ hibition or *mandamus*; the same as the King’s Bench  
 “ in England; regard being had to the provisions in the  
 “ Letters Patent, or to any laws and regulations in the  
 “ East Indies or diocese of Calcutta.”

Supreme Courts to interfere by *mandamus* or prohibition as in the King’s Bench in England.

“ Nothing therein to extend to repeal or alter the  
 “ charters of justice of the said Courts, so far as the  
 “ same did not appertain to the correction of Clerks,  
 “ or the spiritual superintendence of ecclesiastical  
 “ persons.”

Nothing to repeal the charters of justice so far as did not appertain to correction of Clerks, or spiritual superintendence of ecclesiastical persons.

“ Nothing therein to extend to abridge the powers  
 “ of the Governments, as to the residence of any person  
 “ whatsoever within the territories aforesaid.”

Nor to abridge the power of Government as

to residence of  
any person.

For all which, the reader is referred to the Letters Patent of the above date in the Appendix.

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SECTION III.

*Of the Establishment of the Bishop's Consistory Court at Calcutta.*

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Previous observations upon and reasons for Bishop Middleton opening and establishing the Consistory Court at Calcutta.

ACCORDING to the ecclesiastical law, a Bishop may proceed against a Clergyman "*in camera*" as it is termed, and without formal citation or process, censure or admonish, and may also summarily recall or revoke his licence, on sufficient cause,\* which would probably be the means in this diocese, of leading to a forfeiture of the stipends or emoluments of the office of the individual for the time, and thereby prove a sufficient punishment for any ordinary irregularity: but when a Clergyman commits any public offence or notorious crime, it may become the painful and indispensable office of the ecclesiastical authority, in relation as well to the Church as to the community, not only to suspend, but if the offence be of sufficient magnitude, to deprive the Clergyman, *ipso facto*, of his ministerial functions. In that case the party should be proceeded against "*in curia*," the Letters Patent directing also, in reference to all grave matters of correction, that "*all such causes shall be proceeded in to final sentence in due form of law.*"

Uncalled for, however, as such proceedings had been in the Indian diocese, still a case of gross immorality, in the instance of one of the Company's Chaplains, had occurred, in the year 1819; and under the Letters Patent mentioned, Bishop Middleton, for greater caution and to enable him to be prepared for conforming

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\* 36 Geo. III, cap. 83, § 6.—*vide* Chapter IV, page 68, herein. Query, as to appeal in the case of a summary revocation of a licence, and the party being inhibited to preach or perform offices or ministrations, under the same, in this diocese.

in all respects therewith, found it necessary to establish and open a Consistory Court, for the archdeaconry of Calcutta: which, as well in virtue of his episcopal office, as from the powers conferred by the Crown, he proceeded to do, in person, under the advice of the then Advocate General of the Honorable Company; \* and established the Court in question on the 15th day of October A. D. 1819.

Bishop Middleton first opened and established his Consistory Court at Calcutta.

On the 15th Oct. A. D. 1819.

The Court was convened pursuant to a public and previous notification under the episcopal seal, dated the 8th of the previous month of September, and the following days were ordered to be considered as the regular Court days, viz. the second day of January; the fifteenth day of April; the tenth day of June; and the fifteenth day of October. On which days the Court has always been convened, if business has required, and has adjourned and assigned other days or terms probatory, in the intervals accordingly.

What days to be convened if business requires.

The Cathedral at Calcutta not affording sufficient accommodation for a Court room, on the above occasion, Bishop Middleton was obliged to open his Consistory in the house then contiguous thereto, being at that time the public office of the Registrar for the time being of that Archdeaconry: which Officer continues to provide a room for that purpose when a Court is convened.

The Cathedral not affording accommodation the Registrar of the Archdeaconry of Calcutta provides a room.

The only two sworn and appointed officers of that Court under the episcopal seal, are the Commissary, and Registrar.

Officers sworn and appointed are the Commissary and Registrar.

Bishop Middleton gave his permission to four gentlemen to appear and act as Proctors for any parties before the Court, on taking the usual oath.

Proctors.

An Apparitor was also appointed.

Apparitor.

The Company's standing Counsel at Calcutta, on the first establishment of the Bishop's Consistory Court, as above, was directed by the Government, to act at its

Assessor.

\* R. Spankie, Esq. now Mr. Serjeant Spankie.



commencement as Assessor, or legal adviser to the Bishop.\*

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#### SECTION IV.

*Of the Proceedings and Causes incidental to Consistory Courts: when Causes summary and plenary, and other practical Information*

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THE foregoing particulars of the establishment of the Consistory Court at Calcutta being premised, a few practical observations on the proceedings generally, and the nature of causes usually cognizable in such Courts, may be found useful.

Proceedings in  
general of Con-  
sistory Courts.

With regard to the proceedings of Consistory Courts in general, it is briefly observed, they are commenced by libel or articles: the witnesses are privately examined; then there are exceptions and replications. The sentence is published in writing: from which an appeal lies finally to the King, or his Delegates, who judge according to the civil and common law, and revoke or confirm the sentence, and in their judgments given by the course of the civil law the Judges of the common law do acquiesce, and give credit thereunto, and will not examine them over again, unless they think that there is cause for the King's prohibition. *Duck. 346. Burn, vol. 2, p. 48.*

And it is also laid down, that the law and practice of the ecclesiastical Court, are matters of fact, to be proved by witnesses. *Beaurain Gent, v. Sir W. Scott,*

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\* The gentlemen appointed to the Bishop's Consistory Court, at Calcutta, at its original formation, were,

COMMISSARY,	
The Venerable Archdeacon Loring.	
ASSESSOR,	
George Money, Esq. as the Com-	
pany's standing Counsel.	
REGISTRAR,	
W. H. Abbott, Esq.	

PROCTORS,
Robert Waller Poe, Esq.
William Hunter Smoult, Esq.
George Hamilton, Esq.
and
Charles Trebeck, Esq.

3 *Camb. C. N. P.* 388. *Acc. Crogate's Rep.* 143.  
*Note, 8 edit. Burn, as above.*

In regard to the nature of the causes cognizable in such Courts, it is observed, that all criminal causes therein are laid down to be causes of correction, and in these the judge may proceed from his mere office, and then it becomes a summary cause, or from his office promoted, and then it is plenary.

*Of the causes cognizable.*

Any one may promote the office against a spiritual offender, as it is a matter of common concern.

In causes of mere office, if there be no Proctor for the office settled in the Court, the Judge shall appoint one of the Proctors as necessary in such a cause, who upon the offender appearing and proceeding shall give in articles against him, and pray that they be admitted, and that the offender be sworn to answer them the next Court day as assigned.

*Articles against offenders.*

The impugnant should protest against answering any criminous position, but if he does answer the same, it must be accounted and deemed null and void.

*Answer to articles.*

Although he is not obliged to answer any criminous position, yet he must answer such as allege the cause to appertain to the ecclesiastical jurisdiction, and the impugnant to be within the jurisdiction of the Court: that the competency of the Court may appear; and also it is held that he must answer such position as contains the fame and report of the crime.

And if he refuses to swear to answer such articles, he for such contumacy is to be excommunicated.

But if when sworn he will not answer, he is to be declared for having confessed the articles he was to answer.

In cases of voluntary promotion, the voluntary promoter should himself give in articles.

If the impugnant denies the articles, and will not confess, you are to pray a probatory term, which is the space of three Court days as assigned, produce witnesses, and to proceed in general as in other causes.

For all which see *Clarke, and Oughton, and the appendix to Cockburn.*

Causes of contempt.

If a person served with a citation shall tear it, and use reproachful words against the ecclesiastical Judge and his jurisdiction, or beat the mandatory, who served it, upon an allegation of these facts made to the Judge, and that they were committed in contempt to ecclesiastical jurisdiction, or rather upon an affidavit of them, the Judge shall decree citation against him.

So also against Commissioners, taking upon them a commission to examine witnesses, and not returning the commission at the time appointed them.

But the Proctor obtaining the commission, and making the allegation that the Commissioners neglect and do not care to return the commission, should pray that his probatory terms be continued.

Articles containing the contempt.

If the Judge proceeds from his mere office, the Proctor of office (as his necessary promoter) upon the appearance of his party should give in articles containing the matter of his contempt; and pray that they be admitted.

Answer of party principal.

And then he should produce the party principal present in Court upon them, who shall be sworn to answer them the next Court day, and to appear then and to exhibit and recognize his answer.

And he should then dissent, and protest against answering any position which he is not obliged to answer by law.

No Proctor or Advocate is allowed to appear for him without leave of the Court; nor is it usual to grant him a copy of articles exhibited against him before he be first examined upon them.

Where the office is promoted, the promoter himself should properly give in articles, and upon the answer to them constitute his Proctor as before in criminal cases.

Sentence.

If the contempt be confessed, the Judge may immediately pronounce sentence, or assign a term to hear



sentence from the first assignation, as in summary causes, for causes of contempt are held such.

If the contempt be denied, a probatory term is to be prayed, and you must proceed as in other summary causes, nor is there that full proof necessary which other causes require.

For further practical information the reader is referred to *Zouch Descrip. Ju. et Jud. Eccles. Par. II. et IV.*—See *Clarke, and Oughton, Cockburn.*

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#### SECTION V.

#### *Bishop Middleton's Address on the establishment of his Consistory Court at Calcutta.*

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HAVING shortly detailed all the previous particulars, concerning the establishment of the Consistory Court at Calcutta, and the causes and proceedings incidental thereto, the valuable address delivered by Bishop Middleton on his first opening that Court, ably explaining the nature and objects of that ecclesiastical tribunal in the Indian diocese, is in conclusion now added.

“ Upon the occasion of the opening of this Court,  
 “ it may be expected, that, before the Court ad-  
 “ journs, something should be said as to the nature  
 “ and extent of its jurisdiction, and in reference  
 “ to the objects, to which its attention will be espe-  
 “ cially directed: and it is the more important, that  
 “ the Court should declare itself generally, on these  
 “ points, as they can hardly be presumed, in the cir-  
 “ cumstances of this country, to be well understood.

*Bishop Middleton's address on the opening of his Consistory Court at Calcutta.*

“ Much controversy has arisen since the days of  
 “ the reformation, as to the origin and limits of eccle-  
 “ siastical jurisdiction: and even before that period,  
 “ as is evident from various passages of our national  
 “ history, the question was sometimes brought into

“ discussion, in consequence of the inordinate claims  
 “ of the Romish Pontiffs. With any thing, which  
 “ occurred previously to the legal establishment of  
 “ the Protestant Church of England, we are not  
 “ now concerned. Its Bishops hold their jurisdiction  
 “ upon principles recognized by a Protestant legisla-  
 “ ture, and upon no other. The office of the conse-  
 “ cration of Bishops has been confirmed, with the  
 “ Book of Common Prayer, in four several Acts of  
 “ Parliament: and in that formulary, every Bishop is  
 “ required to promise, that, ‘ by the help of God,  
 “ he will maintain and set forward, as much as  
 “ shall lie in him, quietness, love, and peace among  
 “ all men; and such as be unquiet, disobedient, and  
 “ criminous, within his diocese, he will correct and  
 “ punish, according to such authority as he hath by  
 “ God’s word, and as to him shall be committed by the  
 “ ordinance of the Realm.’—This language strongly  
 “ marks the moderation and the abhorrence of ex-  
 “ tremes, which characterizes our national Church. It  
 “ claims not with the Romanists a divine right for all  
 “ the authority, with which its Governors are invest-  
 “ ed; nor does it admit, with the abettors of indepen-  
 “ dency, that spiritual authority, as exercised in our  
 “ Church, has no sanction whatever from the word of  
 “ God. We do, however, acknowledge, and it is our  
 “ duty to maintain, that the King is on earth the Su-  
 “ preme Head of the Church: nor has spiritual autho-  
 “ rity, considered in itself, any efficacy in the restraint  
 “ of disorder, except where it is acknowledged to bind  
 “ the conscience: it has nothing external and coer-  
 “ cive: it has not temporal and legal effect: it can-  
 “ not proceed in form of law, but with the consent  
 “ and sanction of the Sovereign; and in this sense eccle-  
 “ siastical Courts, are the King’s Courts, though not  
 “ of the number of those, which are so denominated.

“ It is under this authority, and by an ordinance of  
 “ the Realm, that the Court, which has been now es-

“tablished, assembles to exercise jurisdiction, and  
“claims obedience to its decrees. His Majesty, by  
“Letters Patent, has been pleased to grant ‘to the  
“Bishop of Calcutta and his successors, by himself or  
“themselves, or by his or their Commissaries, full  
“power and authority to exercise jurisdiction, spiri-  
“tual and ecclesiastical, in and throughout the said  
“see and diocese, according to the ecclesiastical  
“laws of the realm of England, in the causes and  
“matters therein expressed and specified.’—For the  
“further accomplishment of His Majesty’s gracious  
“‘intention,’ and ‘for aiding the Bishop of Calcutta  
“according to the laws and customs of the United  
“Church of England and Ireland, in the due and cano-  
“nical superintendence of ecclesiastical persons and  
“affairs,’ three Archdeaconries were then founded, and  
“subsequently a fourth; the Archdeacons of which are  
“declared to be, without further appointment, the Com-  
“missaries. And moreover, it is declared, ‘that in  
“all matters of correction, which are accustomed, ac-  
“cording to the practice of the ecclesiastical laws  
“of His Majesty’s realm of England, to be judicially  
“examined, the same shall in like manner be judicially  
“examined and proceeded in before the said Bishop  
“and his successors, or his or their Commissary or  
“Commissaries, in the respective Archdeaconries in  
“which the party to be proceeded against shall reside,  
“and all such causes shall be proceeded in to final  
“sentence in due form of law.’”

“This Court, therefore, claims for itself a juris-  
“diction complete and valid, so far as its objects  
“extend. It is bound to administer the ecclesiastical  
“law of the realm of England applicable to these  
“objects, whether that law be found in the ecclesi-  
“astical customs and immemorial usages, which have  
“been denominated the common law of the Church;  
“in the Canons which are ecclesiastical enactments;  
“made obligatory by royal authority, or in the Statute



“ Book, in which much is contained, having a direct  
“ reference to causes, which are of such a character  
“ as fitly to come before this Court.

“ It will now be proper to state, of what nature  
“ these causes will principally be. From a great part  
“ of the business incident to the Consistory Courts  
“ in England, this Court is altogether relieved by the  
“ extensive jurisdiction granted by His Majesty’s  
“ charter of justice to the Supreme Court of Judica-  
“ ture at Calcutta. The causes here proceeded in will  
“ be causes of correction, and the most important of  
“ these it is apprehended, will relate to the Clergy.  
“ In this view of the subject it is exceedingly to be  
“ desired, that the jurisdiction of the Court may seldom  
“ be called into actual exercise: it were too much indeed  
“ to expect, that its interference should never be requi-  
“ site in this department of its functions, but to further  
“ an object of which the accomplishment is so earnestly  
“ to be wished, it may be useful to point out some of  
“ those more prominent and probable occasions, on  
“ which the Court may be required to interpose its  
“ authority.

“ There has been ground of serious complaint in  
“ some parts of this diocese, upon the subject of the  
“ want of due attention in the keeping of the Registers.  
“ Persons who affirm their ability to prove the baptism  
“ of their children, at a specified time, and in the pre-  
“ sence of specified witnesses, have not always been  
“ able to find any trace of such baptism in the Registers  
“ of the station: and in some instances, although there  
“ was an intention of making the entry, yet from its not  
“ having been done at the time, names have been  
“ mistaken, and no entry has been found, which could  
“ at all avail for any purpose contemplated by the  
“ law in making this a part of the duties of the  
“ Clergy; more than once I have been applied to, to  
“ suggest a remedy which might avert the mischiefs  
“ likely to arise from such neglect: such remedies are

“ not easily supplied : it were much easier to avoid the  
“ occasions which produce the evil. But indepen-  
“ dently of this negligence, there has been in some  
“ instances misconception of what is requisite to give  
“ to the register the validity of an original document.  
“ I mean the actual signature of the Clergyman, by  
“ whom the ministration was performed : it seems to  
“ have been supposed, that a memorandum might be  
“ copied into the Station Register by some other than  
“ the officiating Minister, and signed by the trans-  
“ criber : upon all such points, and indeed upon all  
“ others connected with his ordinary duties, it be-  
“ comes every Clergyman to inform himself, if he  
“ does not distinctly recollect the practice in England.  
“ The canon and the statute are both express upon  
“ this head ; and the Court, in consideration of the  
“ heavy injuries which may be expected to arise from  
“ such neglect, will visit the offence with such cen-  
“ sures as the laws have authorized. The half yearly  
“ returns must also be punctually made to the Regis-  
“ trar for the purpose of being recorded in the  
“ Registry of the archdeaconry, and transmitted  
“ through the Government to England.\*

“ Another point, on which it may be proper to  
“ remark, is the obligation which binds every Clergy-  
“ man not merely to use the Liturgy of the Church, but  
“ to use it entire ; as he is forbidden to make substitu-  
“ tions, or to add to it, so he is liable to censure, if he  
“ presume to omit any portion of what the Rubrics  
“ have directed to be used. It seems not always to  
“ be considered that the Rubrics have the validity of  
“ an Act of Parliament, having been repeatedly so  
“ recognised : and if it were otherwise, it would be  
“ difficult to understand how any Clergyman could  
“ fulfil his solemn declaration made before the Ordi-  
“ nary, and repeated in the presence of his flock, that

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\* These returns are now made quarterly in the archdeaconry of Calcutta, page 92, herein.

“ he ‘will conform to the Liturgy of the Church of  
 “ England as it is now by law established ;’ if he omits  
 “ any portion of it, when the same sanction has been  
 “ given to the whole.

“ The Court will not occupy further time by ad-  
 “ verting at length to other matters of this nature,  
 “ which may hereafter require its interposition ; such  
 “ as irregularity in the dress of the clergy, or absence  
 “ from their stations without permission : to say  
 “ nothing of complaints which ought never to be  
 “ contemplated, of a conduct, which may subject  
 “ any individual to general reproach ; but one point  
 “ merits the attention of the laity as being highly  
 “ important to the discipline of the Church, and appa-  
 “ rently but little considered : I mean the manner in  
 “ which this Court can take cognizance of any dis-  
 “ order or neglect of duty. It appears to be supposed  
 “ that the best mode of obtaining remedy for such  
 “ complaints is to give them a wide circulation in the  
 “ way of rumour, or even to state them publicly in  
 “ some of the journals : and not much better is the  
 “ supposition, especially in a diocese of such vast  
 “ extent, that the ecclesiastical authorities are bound  
 “ to know of every irregularity, which may perhaps  
 “ be abundantly notorious to the persons residing  
 “ where it prevails. The consequence will be, an  
 “ imputation of negligence in the exercise of the au-  
 “ thority, by which all such grounds of complaint  
 “ should be removed : and yet such imputation would  
 “ in all cases be unreasonable, but more especially in  
 “ a diocese, where the actual inspection of the state  
 “ of things is, for the present at least, impracticable,  
 “ and never can be very frequent. The laity, how-  
 “ ever, it should be understood, have their parts to  
 “ perform in the restraint of irregularities, by bringing  
 “ them to the notice of the ecclesiastical authority in  
 “ the proper course.

“ In England there are three ways, in which the



“ Consistory Courts are authorised to proceed : either  
“ by inquisition, as when there is a public and pre-  
“ vailing rumour of some disorder, or persons worthy  
“ of credit bring it to the knowledge of the Bishop or  
“ Archdeacon, who then proceeds of his mere office :  
“ secondly, by accusation, as when a complainant comes  
“ forward, not as witness, but as promovent or prosecu-  
“ tor : and thirdly, by denunciation or presentment,  
“ which last mode, however, is not applicable to this  
“ diocese, where Churchwardens are unknown to the  
“ law, still it should seem, that nothing is easier, even  
“ in this diocese, than to obviate any abuse or neglect,  
“ by either of the former methods, provided only  
“ there be desire in the laity to see the evil removed :  
“ and this, though not specifically the duty of any,  
“ where there are not persons sworn ‘ to make pre-  
“ sentment of all defaults, vices, and irregularities  
“ committed within a parish and known by them to  
“ be presentable by the ecclesiastical laws of the  
“ realm,’ does yet become indirectly incumbent upon  
“ persons especially in station and authority, who  
“ have the glory of God and the well being of Christian  
“ society at heart ; and yet, even in such instances,  
“ admonition it is hoped, where the case admits it,  
“ will be found effectual, and will spare this Court  
“ the pain of a formal and public censure. The  
“ Court, however, will not entertain or encourage  
“ complaints which are evidently frivolous, or which  
“ at most demand the publication only of private and  
“ paternal counsel.

“ Commencing, then, under such auspices, and  
“ actuated by these views, this Court presumes to  
“ implore on its endeavours the blessing of Almighty  
“ God, and trusts, that as its proceedings are directed  
“ solely to his honor and the good of his Church it  
“ will be found in due time to have been eminently  
“ subsidiary to true religion and virtue.”

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# APPENDIX.

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## ARTICLES

No. 1.

AGREED UPON BY

**The Archbishops and Bishops of both Provinces,  
and the whole Clergy,**

In the Convocation holden at London, in the year 1562, for the avoiding of Diversities of Opinions, and for the stablishing of Consent touching true Religion: Reprinted by His Majesty's Commandment, with his Royal Declaration prefixed thereunto.

### HIS MAJESTY'S DECLARATION.

BEING by God's Ordinance, according to our just Title, Defender of the Faith, and Supreme Governour of the Church, within these our Dominions, We hold it most agreeable to this our kingly office, and our own religious zeal, to conserve and maintain the Church committed to our charge, in unity of true religion, and in the bond of peace; and not to suffer unnecessary disputations, altercations, or questions to be raised, which may nourish faction both in the Church and Commonwealth. We have therefore, upon mature deliberation, and with the advice of so many of our Bishops as might conveniently be called together, thought fit to make this Declaration following:

That the Articles of the Church of England (which have been allowed and authorized heretofore, and which our Clergy generally have subscribed unto) do contain the true Doctrine of the Church of England, agreeable to God's Word: which We do therefore ratify and confirm, requiring all our loving subjects to continue in the uniform profession thereof, and prohibiting the least difference from the said Articles; which to that end We command to be new printed, and this our Declaration to be published therewith.



No. 1.

That We are Supreme Governour of the Church of England : And that if any difference arise about the external policy, concerning the injunctions, canons, and other constitutions whatsoever thereto belonging, the Clergy in their convocation is to order and settle them, having first obtained leave under our broad seal so to do : and We approving their said ordinances and constitutions ; providing that none be made contrary to the laws and customs of the land.

That out of our princely care, that the Churchmen may do the work which is proper unto them, the Bishops and Clergy, from time to time in convocation, upon their humble desire, shall have license under our broad seal to deliberate of, and to do all such things, as being made plain by them, and assented unto by Us, shall concern the settled continuance of the doctrine and discipline of the Church of England now established ; from which We will not endure any varying or departing in the least degree.

That for the present, though some differences have been ill raised, yet We take comfort in this, that all Clergymen within our realm have always most willingly subscribed to the Articles established ; which is an argument to Us, that they all agree in the true, usual, literal meaning of the said Articles ; and that even in those curious points, in which the present differences lie, men of all sorts take the Articles of the Church of England, to be for them ; which is an argument again, that none of them intend any desertion of the Articles established.

That therefore in these both curious and unhappy differences, which have for so many hundred years, in different times and places, exercised the Church of Christ, We will that all further curious search be laid aside, and these disputes shut up in God's promises, as they be generally set forth to us in the Holy Scriptures, and the general meaning of the Articles of the Church of England, according to them. And that no man hereafter shall either print or preach to draw the Article aside any way, but shall submit to it in the plain and full meaning thereof : and shall not put his own sense or comment to be the meaning of the Article, but shall take it in the literal and grammatical sense.

That if any publick reader in either of our universities, or any head or master of a college, or any other person respectively in either of them, shall affix any new sense to any Article, or shall publickly read, determine, or hold any publick disputation, or suffer any such to be held either way, in either the universities or colleges respectively ; or if any divine in the universities shall preach or print any thing either way, other than is already established in convocation with our royal assent ; he, or they the offenders, shall be liable to our displeasure, and the Church's censure in our commission ecclesiastical, as well as any other : And We will see there shall be due execution upon them.

## ARTICLES OF RELIGION.

No. 1.

I.—*Of Faith in the Holy Trinity.*

THERE is but one living and true God, everlasting, without body, parts, or passions; of infinite power, wisdom, and goodness; the Maker and Preserver of all things both visible and invisible. And in unity of this Godhead there be three Persons, of one substance, power, and eternity; the Father, the Son, and the Holy Ghost.

II.—*Of the Word or Son of God, which was made very Man.*

THE SON, which is the Word of the Father, begotten from everlasting of the Father, the very and eternal God, and of one substance with the Father, took Man's nature in the womb of the Blessed Virgin, of her substance: so that two whole and perfect Natures, that is to say, the Godhead and Manhood, were joined together in one Person, never to be divided, whereof is one Christ, very God, and very Man, who truly suffered, was crucified, dead and buried, to reconcile his Father to us, and to be a sacrifice, not only for original guilt, but also for actual sins of men.

III.—*Of the going down of Christ into Hell.*

AS Christ died for us, and was buried: so also is it to be believed, that he went down into Hell.

IV.—*Of the Resurrection of Christ.*

CHRIST did truly rise again from death, and took again his body, with flesh, bones, and all things appertaining to the perfection of Man's nature, wherewith he ascended into Heaven, and there sitteth until he return to judge all Men at the last day.

V.—*Of the Holy Ghost.*

THE Holy Ghost, proceeding from the Father and the Son, is of one substance, majesty, and glory, with the Father and the Son, very and eternal God.

VI.—*Of the Sufficiency of the Holy Scriptures for Salvation.*

HOLY SCRIPTURE containeth all things necessary to salvation: so that whatsoever is not read therein, nor may be proved thereby, is not to be required of any man, that it should be believed as an article of the faith, or be thought requisite or necessary to salvation. In the name of the Holy Scripture we do understand those Canonical Books of the Old and New Testament, of whose authority was never any doubt in the Church.

No. 1.

*Of the Names and Number of the Canonical Books.*

Genesis,	The First Book of Chronicles,
Exodus,	The Second Book of Chronicles,
Leviticus,	The First Book of Esdras,
Numbers,	The Second Book of Esdras,
Deuteronomy,	The Book of Esther,
Joshua,	The Book of Job,
Judges,	The Psalms,
Ruth,	The Proverbs,
The First Book of Samuel,	Ecclesiastes, or Preacher,
The Second Book of Samuel,	Cantica, or Songs of Solomon,
The First Book of Kings,	Four Prophets the greater,
The Second Book of Kings,	Twelve Prophets the less.

And the other Books (as *Hierome* saith) the Church doth read for example of life and instruction of manners; but yet doth it not apply them to establish any doctrine; such are these following:

The Third Book of Esdras,	Baruch the Prophet,
The Fourth Book of Esdras,	The Song of the Three Children,
The Book of Tobias,	The Story of Susanna,
The Book of Judith,	Of Bel and the Dragon,
The rest of the Book of Esther,	The Prayer of Manasses,
The Book of Wisdom,	The First Book of Maccabees,
Jesus the Son of Sirach,	The Second Book of Maccabees.

All the Books of the New Testament, as they are commonly received, we do receive, and account them Canonical.

*VII.—Of the Old Testament.*

THE Old Testament is not contrary to the New: for both in the Old and New Testament everlasting life is offered to Mankind by Christ, who is the only Mediator between God and Man, being both God and Man. Wherefore they are not to be heard, which feign that the old fathers did look only for transitory promises. Although the Law given from God by Moses, as touching Ceremonies and Rites, do not bind Christian men, nor the civil precepts thereof ought of necessity to be received in any Commonwealth; yet notwithstanding, no Christian man whatsoever is free from the obedience of the Commandments which are called Moral.

*VIII.—Of the Three Creeds.*

THE three creeds, Nicene Creed, Athanasius's Creed, and that which is commonly called the Apostles' Creed, ought thoroughly to be received and believed: for they may be proved by most certain warrants of Holy Scripture.



IX.—*Of Original or Birth-Sin.*

ORIGINAL Sin standeth not in the following of *Adam* (as the *Pelagians* do vainly talk;) but it is the fault and corruption of the nature of every man, that naturally is ingendered of the offspring of *Adam*, whereby man is very far gone from original righteousness, and is of his own own nature inclined to evil, so that the flesh lusteth always contrary to the spirit; and therefore in every person born into this world, it deserveth God's wrath and damnation. And this infection of nature doth remain; yea, in them that are regenerated; whereby the lust of the flesh, called in the Greek, *Φρόνημα σαρκός*, which some do expound the wisdom, some sensuality, some the affection, some the desire of the flesh, is not subject to the law of God. And although there is no condemnation for them that believe and are baptized, yet the Apostle doth confess, that concupiscence and lust hath of itself the nature of sin.

X.—*Of Free-Will.*

THE condition of man after the fall of *Adam*, is such, that he cannot turn and prepare himself by his own natural strength and good works, to faith, and calling upon God: Wherefore we have no power to do good works pleasant and acceptable to God without the grace of God by Christ preventing us, that we may have a good will, and working with us, when we have that good will

XI.—*Of the Justification of Man.*

WE are accounted righteous before God, only for the merit of our Lord and Saviour Jesus Christ by faith, and not for our own works or deservings. Wherefore, that we are justified by faith only, is a most wholesome doctrine, and very full of comfort, as more largely is expressed in the homily of justification.

XII.—*Of Good Works.*

ALBEIT that good works, which are the fruits of faith, and follow after justification, cannot put away our sins, and endure the severity of God's judgement, yet are they pleasing and acceptable to God in Christ, and do spring out necessarily of a true and lively faith, insomuch that by them a lively faith may be as evidently known, as a tree discerned by the fruit.

XIII.—*Of Works before Justification.*

WORKS done before the grace of Christ, and the inspiration of his Spirit, are not pleasant to God, forasmuch as they spring not of faith in Jesus Christ, neither do they make men meet to receive grace, (or as the school-authors say) deserve grace of congruity: yea, rather for that they are not done as God hath willed and

No. 1.

commanded them to be done, we doubt not but they have the nature of sin.

#### XIV.—*Of Works of Supererogation.*

VOLUNTARY works besides, over and above, God's commandments, which they call Works of Supererogation, cannot be taught without arrogancy and impiety. For by them men do declare, that they do not only render unto God as much as they are bound to do, but that they do more for his sake, than of bounden duty is required: Whereas Christ saith plainly, when ye have done all that are commanded to you, say, We are unprofitable servants.

#### XV.—*Of Christ alone without Sin.*

CHRIST in the truth of our nature, was made like unto us in all things, sin only except, from which he was clearly void, both in his flesh, and in his spirit. He came to be the Lamb without spot, who, by sacrifice of himself once made, should take away the sins of the world: and sin, as Saint John saith, was not in him. But all we the rest, although baptized and born again in Christ, yet offend in many things, and if we say, we have no sin, we deceive ourselves, and the truth is not in us.

#### XVI.—*Of Sin after Baptism.*

NOT every deadly sin, willingly committed after Baptism, is sin against the Holy Ghost, and unpardonable. Wherefore the grant of repentance is not to be denied to such as fall into sin after Baptism. After we have received the Holy Ghost, we may depart from grace given, and fall into sin, and by the grace of God we may arise again, and amend our lives. And therefore they are to be condemned, which say, they can no more sin as long as they live here, or deny the place of forgiveness to such as truly repent.

#### XVII.—*Of Predestination and Election.*

PREDESTINATION to life is the everlasting purpose of God, whereby (before the foundations of the world were laid) he hath constantly decreed by his counsel secret to us, to deliver from curse and damnation those whom he hath chosen in Christ out of mankind, and to bring them by Christ to everlasting salvation, as vessels made to honour. Wherefore they which be endued with so excellent a benefit of God, be called according to God's purpose by his Spirit working in due season: they through grace obey the calling: they be justified freely: they be made sons of God by adoption: they be made like the image of his only-begotten Son Jesus Christ: they walk religiously in good works, and at length, by God's mercy, they attain to everlasting felicity.

As the godly consideration of Predestination, and our Election in

Christ is full of sweet, pleasant and unspeakable comfort to godly persons, and such as feel in themselves the working of the Spirit of Christ, mortifying the works of the flesh, and their earthly members, and drawing up their mind to high and heavenly things, as well because it doth greatly establish and confirm their faith of eternal salvation, to be enjoyed through Christ, as because it doth fervently kindle their love towards God: so, for curious and carnal persons, lacking the Spirit of Christ, to have continually before their eyes the sentence of God's Predestination, is a most dangerous downfall, whereby the Devil doth thrust them either into desperation, or into wretchlessness of most unclean living, no less perilous than desperation.

Furthermore, we must receive God's promises in such wise, as they be generally set forth to us in Holy Scripture: And in our doings, that will of God is to be followed, which we have expressly declared unto us in the Word of God.

### XVIII.—*Of obtaining eternal Salvation only by the Name of Christ.*

THEY also are to be had accursed, that presume to say, that every man shall be saved by the Law or Sect which he professeth, so that he be diligent to frame his life according to that Law, and the light of nature. For Holy Scripture doth set out unto us only the name of Jesus Christ, whereby men must be saved.

### XIX.—*Of the Church.*

THE visible Church of Christ is a congregation of faithful men, in the which the pure Word of God is preached, and the Sacraments be duly ministered according to Christ's Ordinance, in all those things that of necessity are requisite to the same.

As the Church of Jerusalem, Alexandria, and Antioch, have erred; so also the Church of Rome hath erred, not only in their living and manner of Ceremonies, but also in matters of Faith.

### XX.—*Of the Authority of the Church.*

THE Church hath power to decree Rites or Ceremonies, and authority in controversies of Faith: And yet it is not lawful for the Church to ordain any thing that is contrary to God's Word written, neither may it so expound one place of Scripture, that it be repugnant to another. Wherefore, although the Church be a witness and a keeper of Holy Writ, yet as it ought not to decree any thing against the same, so besides the same ought it not to enforce any thing to be believed for necessity of salvation.



## XXI.—*Of the Authority of General Councils.*

GENERAL Councils may not be gathered together without the commandment and will of Princes. And when they be gathered together (forasmuch as they be an assembly of men, whereof all be not governed with the Spirit and Word of God) they may err, and sometimes have erred, even in things pertaining unto God. Wherefore things ordained by them as necessary to Salvation, have neither strength nor authority, unless it may be declared that they be taken out of Holy Scripture.

## XXII.—*Of Purgatory.*

THE Romish Doctrine concerning Purgatory, Pardons, worshipping and Adoration, as well of Images as of Reliques, and also invocation of Saints, is a fond thing vainly invented, and grounded upon no warranty of Scripture, but rather repugnant to the Word of God.

## XXIII.—*Of ministering in the Congregation.*

IT is not lawful for any man to take upon him the office of publick preaching, or ministering the Sacraments in the congregation, before he be lawfully called and sent to execute the same. And those we ought to judge lawfully called and sent, which be chosen and called to this work by men who have publick authority given unto them in the congregation, to call and send Ministers into the Lord's vineyard.

## XXIV.—*Of speaking in the Congregation in such a Tongue as the People understandeth.*

IT is a thing plainly repugnant to the Word of God, and the custom of the Primitive Church, to have publick Prayer in the Church, or to minister the Sacraments in a Tongue not understood of the people.

## XXV.—*Of the Sacraments.*

SACRAMENTS ordained of Christ be not only badges or tokens of Christian men's profession: but rather they be certain sure witnesses, and effectual signs of grace, and God's good-will towards us, by the which he doth work invisibly in us, and doth not only quicken, but also strengthen and confirm our Faith in him.

There are two Sacraments ordained of Christ our Lord in the Gospel, that is to say, Baptism, and the Supper of the Lord.

Those five commonly called Sacraments, that is to say, Confirmation, Penance, Orders, Matrimony, and Extreme Unction, are not to be counted for Sacraments of the Gospel, being such as have grown, partly of the corrupt following of the Apostles, partly are states of life allowed in the Scriptures; but yet have not like nature of Sacraments with Baptism, and the Lord's Supper, for that they have not any visible sign or ceremony ordained of God.

The Sacraments were not ordained of Christ to be gazed upon, or to be carried about; but that we should duly use them. And in such only, as worthily receive the same, they have a wholesome effect or operation: but they that receive them unworthily, purchase to themselves damnation, as Saint Paul saith.

### XXVI.—*Of the Unworthiness of the Ministers, which hinders not the effect of the Sacrament.*

ALTHOUGH in the visible Church the evil be ever mingled with the good, and sometimes the evil have chief authority in the ministration of the Word and Sacraments, yet forasmuch as they do not the same in their own name, but in Christ's, and do minister by his commission and authority, we may use their Ministry, both in hearing the Word of God, and in receiving of the Sacraments. Neither is the effect of Christ's ordinance taken away by their wickedness, nor the grace of God's gifts diminished from such, as by faith and rightly do receive the Sacraments ministered unto them; which be effectual, because of Christ's institution and promise, although they be ministered by evil men.

Nevertheless, it appertaineth to the discipline of the Church, that enquiry be made of evil Ministers, and that they be accused by those that have knowledge of their offences: and finally being found guilty, by just judgment be deposed.

### XXVII.—*Of Baptism.*

BAPTISM is not only a sign of profession, and mark of difference whereby Christian men are discerned from others that be not christened: but it is also a sign of Regeneration or new Birth, whereby, as by an instrument, they that receive Baptism rightly are grafted into the Church: the promises of forgiveness of sin, and of our adoption to be the sons of God by the Holy Ghost, are visibly signed and sealed: faith is confirmed, and grace increased by virtue of prayer unto God. The Baptism of young Children is in any wise to be retained in the Church, as most agreeable with the institution of Christ.

### XXVIII.—*Of the Lord's Supper.*

THE Supper of the Lord is not only a sign of the love that Christians ought to have among themselves one to another; but rather is a Sacrament of our redemption by Christ's death; insomuch that to such as rightly, worthily, and with faith, receive the same, the bread which we break, is a partaking of the body of Christ; and likewise the cup of blessing is a partaking of the blood of Christ.

Transubstantiation (or the change of the substance of bread and wine) in the Supper of the Lord, cannot be proved by holy Writ; but is repugnant to the plain words of Scripture, overthroweth the

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nature of a Sacrament, and hath given occasion to many superstitions.

The body of Christ is given, taken, and eaten in the Supper, only after an heavenly and spiritual manner. And the mean whereby the body of Christ is received and eaten in the Supper, is Faith.

The Sacrament of the Lord's Supper was not by Christ's ordinance reserved, carried about, lifted up, or worshipped.

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**XXIX.—***Of the Wicked, which eat not the Body of Christ, in the use of the Lord's Supper.*

THE wicked, and such as be void of a lively faith, although they do carnally and visibly press with their teeth (as Saint Augustine saith) the Sacrament of the body and blood of Christ: yet in no wise are they partakers of Christ: but rather, to their condemnation, do eat and drink the sign or Sacrament of so great a thing.

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**XXX.—***Of both kinds.*

THE Cup of the Lord is not to be denied to the Lay-people: for both the parts of the Lord's Sacrament, by Christ's ordinance and commandment, ought to be ministered to all Christian men alike.

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**XXXI.—***Of the one Oblation of Christ finished upon the Cross.*

THE Offering of Christ once made, is that perfect Redemption, Propitiation, and Satisfaction for all the sins of the whole world, both original and actual; and there is none other satisfaction for sin, but that alone. Wherefore the sacrifice of Masses, in the which it was commonly said, that the Priest did offer Christ for the quick and the dead, to have remission of pain or guilt, were blasphemous fables, and dangerous deceits.

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**XXXII.—***Of the Marriage of Priests.*

BISHOPS, Priests, and Deacons, are not commanded by God's Law, either to vow the estate of single life, or to abstain from Marriage: therefore it is lawful for them, as for all other Christian men, to marry at their own discretion, as they shall judge the same to serve better to godliness.

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**XXXIII.—***Of excommunicate Persons, how they are to be avoided.*

THAT Person which by open denunciation of the Church, is rightly cut off from the unity of the Church, and excommunicated, ought to be taken of the whole multitude of the faithful, as an Heathen and Publican, until he be openly reconciled by penance, and received into the Church by a Judge that hath authority thereunto.



XXXIV.—*Of the Traditions of the Church.*

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It is not necessary that Traditions and Ceremonies be in all places one, and utterly like; for at all times they have been divers, and may be changed according to the diversities of countries, times, and men's manners, so that nothing be ordained against God's word. Whosoever through his private judgement, willingly and purposely doth openly break the traditions and ceremonies of the Church, which be not repugnant to the Word of God, and be ordained and approved by common authority, ought to be rebuked openly (that others may fear to do the like) as he that offendeth against the common order of the Church, and hurteth the authority of the Magistrate, and woundeth the consciences of the weak brethren.

Every particular or national Church hath authority to ordain, change, and abolish, ceremonies or rites of the Church, ordained only by man's authority, so that all things be done to edifying.

XXXV.—*Of the Homilies.*

THE second Book of Homilies, the several titles whereof we have joined under this Article, doth contain a godly and wholesome doctrine, and necessary for these times, as doth the former Book of Homilies, which were set forth in the time of Edward the Sixth; and therefore we judge them to be read in Churches by the ministers, diligently and distinctly, that they may be understood of the People.

*Of the Names of the Homilies.*

- |                                   |                                    |
|-----------------------------------|------------------------------------|
| 1 Of the right Use of the Church. | 10 Of the reverend estimation of   |
| 2 Against peril of Idolatry.      | God's Word.                        |
| 3 Of repairing and keeping clean  | 11 Of Alms-doing.                  |
| of Churches.                      | 12 Of the Nativity of Christ.      |
| 4 Of good Works: first of Fast-   | 13 Of the Passion of Christ.       |
| ing.                              | 14 Of the Resurrection of Christ.  |
| 5 Against Gluttony and Drunk-     | 15 Of the worthy receiving of the  |
| enness.                           | Sacrament of the Body and          |
| 6 Against Excess of Apparel.      | Blood of Christ.                   |
| 7 Of Prayer.                      | 16 Of the Gifts of the Holy Ghost. |
| 8 Of the Place and Time of        | 17 For the Rogation-days.          |
| Prayer.                           | 18 Of the state of Matrimony.      |
| 9 That Common Prayers and Sa-     | 19 Of Repentance.                  |
| craments ought to be minis-       | 20 Against Idleness.               |
| tered in a known tongue.          | 21 Against Rebellion.              |

XXXVI.—*Of Consecration of Bishops and Ministers.*

THE Book of Consecration of Archbishops and Bishops, and Ordering of Priests and Deacons, lately set forth in the time of Edward the Sixth, and confirmed at the same time by authority of Parliament, doth contain all things necessary to such Consecration and Ordering.

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neither hath it any thing, that of itself is superstitious and ungodly. And therefore whosoever are consecrated or ordered according to the Rites of that Book, since the second year of the forenamed King Edward unto this time, or hereafter shall be consecrated or ordered according to the same Rites; we decree all such to be rightly, orderly, and lawfully consecrated and ordered.

### XXXVII.—*Of the Civil Magistrates.*

THE King's Majesty hath the chief power in this Realm of England, and other his 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.

Where we attribute to the King's Majesty the chief government, by which Titles we understand the minds of some slanderous folks to be offended; we give not to our Princes the ministering either of God's Word, or of the Sacraments, the which thing the Injunctions also lately set forth by Elizabeth our Queen do most plainly testify; but that only prerogative, which we see to have been given always to all godly Princes in holy Scriptures by God himself; that is, that they should rule all states and degrees committed to their charge by God, whether they be Ecclesiastical or Temporal, and restrain with the civil sword the stubborn and evil-doers.

The Bishop of Rome hath no jurisdiction in this Realm of England.

The Laws of the Realm may punish Christian men with death, for heinous and grievous offences.

It is lawful for Christian men, at the commandment of the Magistrate, to wear weapons, and serve in the wars.

### XXXVIII.—*Of Christian men's Goods, which are not common.*

THE Riches and Goods of Christians are not common, as touching the right, title, and possession of the same, as certain Anabaptists do falsely boast. Notwithstanding, every man ought, of such things as he possesseth, liberally to give alms to the poor, according to his ability.

### XXXIX.—*Of a Christian man's Oath.*

As we confess that vain and rash Swearing is forbidden Christian men by our Lord Jesus Christ, and James his Apostle, so we judge, that Christian Religion doth not prohibit, but that a man may swear when the Magistrate requireth, in a cause of faith and charity, so it be done according to the Prophet's teaching, in justice, judgement, and truth.

*The Ratification.*

No. 1.


THIS Book of Articles before rehearsed, is again approved, and allowed to be holden and executed within the Realm, by the assent and consent of our Sovereign Lady Elizabeth, by the grace of God, of England, France, and Ireland, Queen, Defender of the Faith, &c. Which Articles were deliberately read, and confirmed again by the subscription of the hands of the Archbishops and Bishops of the Upper-house, and by the subscription of the whole Clergy of the Nether-house in their Convocation, in the Year of our Lord 1571.

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No. 2.  
Canons and  
Constitutions.



## CONSTITUTIONS AND CANONS ECCLESIASTICAL,

Treated upon by the Bishop of London, President of the Convocation for the Province of Canterbury, and the rest of the Bishops and Clergy of the said Province; and agreed upon with the King's Majesty's Licence, in their Synod begun at London, Anno Dom. 1603, and in the Year of the Reign of our Sovereign Lord James, by the Grace of God, King of England, France, and Ireland, the First, and of Scotland the Thirty-seventh: And now published for the due Observation of them, by his Majesty's Authority under the Great Seal of England.

JAMES, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. to all to whom these Presents shall come, greeting: Whereas Our Bishops, Deans of Our Cathedral Churches, Archdeacons, Chapters, and Colleges, and the other Clergy of every Diocese within the Province of Canterbury, being summoned and called by virtue of Our Writ directed to the Most Reverend Father in God, John late Archbishop of Canterbury, and bearing date the One and thirtieth day of January, in the First Year of Our Reign of England, France, and Ireland, and of Scotland the Thirty-seventh, to have appeared before him in Our Cathedral Church of St. Paul in London, the Twentieth day of March then next ensuing, or elsewhere, as he should have thought it most convenient, to treat, consent, and conclude upon certain difficult and urgent Affairs mentioned in the said Writ; did thereupon, at the time appointed, and within the Cathedral Church of St. Paul aforesaid, assemble themselves, and appear in Convocation for that Purpose, according to Our said Writ, before the Right Reverend Father in God Richard Bishop of London, duly (upon a second Writ of Our's dated the Ninth day of March aforesaid) authorized, appointed, and constituted, by reason of the said Archbishop of Canterbury his Death, President of the said Convocation, to execute those things, which by virtue of Our first Writ, did appertain to him the said Archbishop to have executed, if he had lived: We, for divers urgent and weighty Causes and Considerations Us thereunto specially moving, of Our especial Grace, certain Knowledge, and meer Motion, did, by virtue

of our Prerogative Royal, and supreme Authority in Causes Ecclesiastical, give and grant by our several Letters Patent under Our Great Seal of England, the one dated the Twelfth day of April last past, and the other the Twenty-fifth day of June then next following, full, free, and lawful Liberty, License, Power, and Authority, unto the said Bishop of London, President of the said Convocation, and to the other Bishops, Deans, Archdeacons, Chapters, and Colleges, and the rest of the Clergy before mentioned, of the said Province, that they, from time to time, during Our first Parliament now prorogued, might confer, treat, debate, consider, consult, and agree of and upon such Canons, Orders, Ordinances, and Constitutions, as they should think necessary, fit, and convenient, for the Honour and Service of Almighty God, the good and the quiet of the Church, and the better Government thereof, to be from time to time observed, performed, fulfilled, and kept, as well by the Archbishop of Canterbury, the Bishops, and their Successors, and the rest of the whole Clergy of the said Province of Canterbury, in their several Callings, Offices, Functions, Ministries, Decrees, and Administrations; as also by all and every Dean of the Arches, and other Judge of the said Archbishop's Courts, Guardians of Spiritualities, Chancellors, Deans and Chapters, Archdeacons, Commissaries, Officials, Registers, and all and every other Ecclesiastical Officers, and their inferior Ministers, whatsoever, of the same Province of Canterbury, in their and every of their distinct Courts, and in the order and manner of their and every of their Proceedings; and by all other Persons within this Realm, as far as lawfully, being members of the Church, it may concern them, as in our said Letters Patents, among other clauses more at large doth appear. Forasmuch as the Bishop of London, President of the said Convocation, and others, the said Bishops, Deans, Archdeacons, Chapters, and Colleges, with the rest of the Clergy, having met together at the time and place before mentioned, and then and there, by virtue of Our said Authority granted unto them, treated of, concluded, and agreed upon, certain Canons, Orders, Ordinances, and Constitutions, to the end and purpose by Us limited and prescribed unto them; and have thereupon offered and presented the same unto Us, most humbly desiring Us to give our Royal Assent unto their said Canons, Orders, Ordinances, and Constitutions, according to the form of a certain Statute or Act of Parliament, made in that behalf in the Twenty-fifth year of the Reign of King Henry the Eighth, and by our said Prerogative Royal and supreme Authority in Causes Ecclesiastical, to ratify by our Letters Patents under our Great Seal of England, and to confirm the same; the Title and Tenor of them being word for word as ensueth:

Constitutions and Canons Ecclesiastical of the Church  
of England.1.—*The King's Supremacy over the Church of England,  
in Causes Ecclesiastical, to be maintained*

AS our duty to the King's most excellent Majesty required, we first decree and ordain, that the Archbishop of Canterbury (from time to time), all Bishops of this Province, all Deans, Archdeacons, Parsons, Vicars, and all other Ecclesiastical Persons, shall faithfully keep and observe, and (as much as in them lieth) shall cause to be observed and kept of others, all and singular Laws and Statutes, made for restoring to the Crown of this Kingdom the ancient Jurisdiction over the State Ecclesiastical, and abolishing of all foreign Power repugnant to the same. Furthermore, all Ecclesiastical Persons having Cure of souls, and all other Preachers, and Readers of Divinity Lectures, shall, to the uttermost of their wit, knowledge, and learning, purely and sincerely, without any Colour or Dissimulation, teach, manifest, open, and declare, four times every year, at the least in their Sermons, and other Collations and Lectures, that all usurped and foreign Power (forasmuch as the same hath no establishment nor ground by the Law of God) is for most just causes taken away and abolished: and that therefore no manner of Obedience, or Subjection, within His Majesty's Realms and Dominions, is due unto any such foreign Power, but that the King's Power, within his Realms of England, Scotland, and Ireland, and all other his Dominions and Countries, is the highest Power under God; to whom all Men, as well inhabitants as born within the same, do by God's Laws owe most Loyalty and Obedience, afore and above all other Powers and Potentates in the Earth.

2.—*Impugners of the King's Supremacy censured.*

WHOSOEVER shall hereafter affirm, That the King's Majesty hath not the same Authority in causes Ecclesiastical, that the godly Kings had amongst the Jews and Christian Emperors of the primitive Church; or impeach any Part of his Regal Supremacy in the said Causes restored to the Crown, and by the Laws of this Realm therein established; let him be excommunicated *ipso facto*, and not restored, but only by the Archbishop, after his Repentance and publick Revocation of those his wicked Errors.

3.—*The Church of England, a True and Apostolical Church.*

WHOSOEVER shall hereafter affirm, That the Church of England, by Law established under the King's Majesty, is not a true and



Apostolical Church, teaching and maintaining the Doctrine of the Apostles; let him be excommunicated *ipso facto*, and not restored, but only by the Archbishop, after his Repentance, and publick Revocation of this his wicked Error.

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4.—*Impugners of the publick Worship of God established in the Church of England, censured.*

WHOSOEVER shall hereafter affirm, That the Form of God's Worship in the Church of England, established by law, and contained in the Book of Common Prayer and Administration of Sacraments, is a corrupt, superstitious, or unlawful Worship of God, or containeth any thing in it that is repugnant to the Scriptures; let him be excommunicated *ipso facto*, and not restored, but by the Bishop of the place, or Archbishop, after his Repentance, and publick Revocation of such his wicked Errors.

5.—*Impugners of the Articles of Religion established in the Church of England, censured.*

WHOSOEVER shall hereafter affirm, That any of the nine and thirty Articles agreed upon by the Archbishops and Bishops of both Provinces, and the whole Clergy, in the Convocation holden at London, in the Year of our Lord God one thousand five hundred and sixty-two, for avoiding Diversities of Opinions, and for the establishing of Consent touching true Religion, are in any part superstitious or erroneous, or such as he may not with a good conscience subscribe unto; let him be excommunicated *ipso facto*, and not restored, but only by the Archbishop, after his Repentance, and publick Revocation of such his wicked Errors.

6.—*Impugners of the Rites and Ceremonies established in the Church of England, censured.*

WHOSOEVER shall hereafter affirm, That the Rites and Ceremonies of the Church of England by Law established, are wicked, antichristian, or superstitious, or such as being commanded by lawful authority, men who are zealously and godly affected, may not with any good conscience approve them, use them, or as occasion requireth, subscribe unto them; let him be excommunicated *ipso facto*, and not restored, until he repent, and publicly revoke such his wicked Errors.

7.—*Impugners of the Government of the Church of England by Archbishops, Bishops, &c. censured.*

WHOSOEVER shall hereafter affirm, That the Government of the Church of England, under His Majesty, by Archbishops, Bishops, Deans, Archdeacons, and the rest that bear office in the same, is antichristian and repugnant to the Word of God; let him be excom-

municated *ipso facto*, and so continued, until he repent, and publicly revoke such his wicked Errors.

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8.—*Impugners of the Form of consecrating and ordering Archbishops, Bishops, &c. in the Church of England, censured.*

WHOSOEVER shall hereafter affirm or teach, That the Form and Manner of making and consecrating Bishops, Priests, and Deacons, containeth any thing in it that is repugnant to the Word of God; or that they who are made Bishops, Priests, or Deacons, in that form, are not lawfully made nor ought to be accounted, either by themselves or others, to be truly either Bishops, Priests, or Deacons, until they have some other calling to those Divine Offices; let him be excommunicated *ipso facto*, not to be restored, until he repent, and publicly revoke such his wicked Errors.

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9.—*Authors of Schism in the Church of England, censured.*

WHOSOEVER shall hereafter separate themselves from the Communion of Saints, as it is approved by the Apostles' Rules, in the Church of England, and combine themselves together in a new Brotherhood, accounting the Christians, who are conformable to the Doctrine, Government, Rites, and Ceremonies of the Church of England, to be profane, and unmeet for them to join with in Christian profession; let them be excommunicated *ipso facto*, and not restored but by the Archbishop, after their Repentance, and publick Revocation of such their wicked Errors.

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10.—*Maintainers of the Schismatics in the Church of England, censured.*

WHOSOEVER shall hereafter affirm, That such Ministers, as refuse to subscribe to the form and manner of God's Worship in the Church of England, prescribed in the Communion-book, and their Adherents, may truly take unto them the name of another Church, not established by Law, and dare presume to publish it, That this their pretended Church hath of long time groaned under the burden of certain grievances imposed upon it, and upon the members thereof before mentioned, by the Church of England, and the Orders and Constitutions therein by Law established; let them be excommunicated, and not restored, until they repent, and publicly revoke such their wicked Errors.

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11.—*Maintainers of Conventicles, censured.*

WHOSOEVER shall hereafter affirm or maintain, That there are within this Realm other Meetings, Assemblies, or Congregations of the King's born Subjects, than such as by the Laws of this land are

held and allowed, which may rightly challenge to themselves the name of true and lawful Churches; let him be excommunicated, and not restored, but by the Archbishop, after his Repentance, and public Revocation of such his wicked Errors.

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12.—*Maintainers of Constitutions made in Conventicles, censured.*

WHOSOEVER shall hereafter affirm, That it is lawful for any sort of Ministers, and Lay Persons, or of either of them, to join together, and make rules, orders, or constitutions in Causes Ecclesiastical, without the King's Authority, and shall submit themselves to be ruled and governed by them; let them be excommunicated *ipso facto*, and not be restored, until they repent, and publicly revoke those their wicked and Anabaptistical Errors.

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Of Divine Service, and Administration of the Sacraments.

13.—*Due Celebration of Sundays and Holy-days.*

ALL manner of Persons within the Church of England shall from henceforth celebrate and keep the Lord's Day, commonly called Sunday, and other Holy-days, according to God's holy will and pleasure, and the Orders of the Church of England prescribed in that behalf; that is, in hearing the Word of God read and taught; in private and publick Prayers: in acknowledging their offences to God, and amendment of the same; in reconciling themselves charitably to their neighbours, where displeasure hath been; in oftentimes receiving the Communion of the Body and Blood of Christ: in visiting of the Poor, and Sick; using all godly and sober conversation.

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14.—*The prescript Form of Divine Service to be used on Sundays and Holy-days.*

THE Common Prayer shall be said or sung distinctly and reverently upon such days as are appointed to be kept holy by the Book of Common Prayer, and their Eves, and at convenient and usual times of those days, and in such place of every Church, as the Bishop of the Diocese or Ecclesiastical Ordinary of the place shall think meet, for the largeness or straitness of the same, so as the People may be most edified. All Ministers likewise shall observe the Orders, Rites, and Ceremonies prescribed in the Book of Common Prayer, as well in reading the Holy Scriptures, and saying of Prayers, as in administration of the Sacraments, without either diminishing in regard of preaching, or in any other respect, or adding any thing in the matter or form thereof.



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15.—*The Litany to be read on Wednesdays and Fridays.*

THE Litany shall be said or sung when, and as it is set down in the Book of Common Prayer, by the Parsons, Vicars, Ministers, or Curates, in all Cathedral, Collegiate, Parish Churches, and Chapels, in some convenient Place, according to the discretion of the Bishop of the Diocese or Ecclesiastical Ordinary of the place. And that we may speak more particularly, upon Wednesdays and Fridays weekly, though they be not Holy-days, the minister, at the accustomed hour of service shall resort to the Church or Chapel, and warning being given to the People by tolling of a Bell, shall say the Litany prescribed in the Book of Common Prayer: whereunto we wish every householder dwelling within half a mile of the Church, to come, or send one at the least of his household, fit to join with the Minister in Prayers.

16.—*Colleges to use the prescript Form of Divine Service.*

IN the whole Divine Service, and Administration of the holy Communion in all Colleges and Halls in both Universities, the Order, Form, and Ceremonies shall be duly observed, as they are set down and prescribed in the Book of Common Prayer, without any omission or alteration.

17.—*Students in Colleges to wear Surplices in time of Divine Service.*

ALL Masters and Fellows of Colleges or Halls, and all the Scholars and Students in either of the Universities, shall, in their Churches and Chapels, upon all Sundays, Holy-days, and their Eves, at the time of Divine Service, wear Surplices according to the Order of the Church of England; and such as are Graduates, shall agreeably wear with their Surplices such Hoods, as do severally appertain unto their degrees.

18.—*A Reverence and Attention to be used within the Church in time of Divine Service.*

IN the time of Divine Service, and of every part thereof, all due reverence is to be used, for it is according to the Apostle's rule, Let all things be done decently and according to order: answerably to which decency and order we judge these our directions following: No man shall cover his head in the Church or Chapel, in the time of Divine Service, except he have some infirmity; in which case let him wear a night-cap or coif. All manner of persons then present shall reverently kneel upon their knees, when the general Confession, Litany, and other Prayers are read: and shall stand up at the saying of the Belief, according to the rules in that behalf prescribed in the Book of Common Prayer: and likewise when in time of Divine Service the Lord Jesus shall be mentioned, due and lowly reverence shall be done by all persons present, as it hath been

accustomed; testifying by these outward ceremonies and gestures, their inward humility, Christian resolution, and due acknowledgment, that the Lord Jesus Christ, the true eternal Son of God, is the only Saviour of the world, in whom alone all the mercies, graces, and promises of God to Mankind, for this life and the life to come, are fully and wholly comprised. None, either man, woman, or child, of what calling soever, shall be otherwise at such times busied in the Church, that in quiet attendance to hear, mark, and understand that which is read, preached, or ministered; saying in their due places audibly with the Minister, the Confession, the Lord's Prayers, and the Creed; and make such other answers to the publick Prayers, as are appointed in the Book of Common Prayer; neither shall they disturb the Service, or Sermon, by walking, or talking, or any other way; nor depart out of the Church, during the time of Service, or Sermon, without some urgent or reasonable cause.

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19.—*Loiterers not to be suffered near the Church in time of Divine Service.*

THE Churchwardens or Questmen, and their Assistants, shall not suffer any idle persons to abide, either in the Church-yard, or Church-porch, during the time of Divine Service, or Preaching; but shall cause them either to come in or to depart.

20.—*Bread and Wine to be provided against every Communion.*

THE Churchwardens of every Parish, against the time of every Communion, shall at the charge of the Parish, with the advice and direction of the Minister, provide a sufficient quantity of fine white Bread, and of good and wholesome Wine, for the number of Communicants that shall from time to time receive there: which Wine we require to be brought to the Communion Table in a clean and sweet standing pot or stoop of pewter; if not of purer metal.

21.—*The Communion to be Thrice a Year received.*

IN every Parish-church and Chapel, where Sacraments are to be administered within this realm, the holy Communion shall be ministered by the Parson, Vicar, or Minister so often, and at such times, as every Parishioner may communicate at the least Thrice in the Year (whereof the feast of Easter to be one) according as they are appointed by the Book of Common Prayer. Provided, that every Minister, as oft as he administereth the Communion, shall first receive the Sacrament himself. Futhermore, no Bread or Wine newly brought, shall be used, but first the words of institution shall be rehearsed, when the said Bread and Wine be present upon the Communion Table. Likewise the Minister shall deliver both the Bread and Wine to every Communicant severally.

22.—*Warning to be given beforehand for the Communion.*

WHEREAS every Lay Person is bound to receive the holy Communion Thrice every Year, and many notwithstanding do not receive that Sacrament once in a Year; we do require every Minister to give warning to his Parishioners publickly in the Church at Morning Prayer, the Sunday before every time of his administrating that holy Sacrament, for their better preparation of themselves; which said warning we enjoin the said Parishioners, to accept and obey, under the penalty and danger of the law.

23.—*Students in Colleges to receive the Communion Four times a Year.*

IN all Colleges and Halls within both the Universities, the Masters and Fellows, such especially as have any Pupils, shall be careful that all their said Pupils, and the rest that remain amongst them, be well brought up, and thoroughly instructed in points of Religion, and that they do diligently frequent publick Service, and Sermons, and receive the holy Communion; which we ordain to be administrated in all such Colleges and Halls the first or second Sunday of every month, requiring all the said Masters, Fellows and Scholars, and all the rest of the Students, Officers, and all other the servants there so to be ordered that every one of them, shall communicate four times in the year at the least, kneeling reverently and decently upon their knees, according to the order of the Communion Book prescribed in that behalf.

24.—*Copes to be worn in Cathedral Churches by those that administer the Communion.*

IN all Cathedral and Collegiate Churches, the holy Communion shall be administrated upon principal Feast-days, sometimes by the Bishop, if he be present, and sometimes by the Dean, and at sometimes by a Canon, or Prebendary, the principal Minister using a decent Cope, and being assisted with the Gospeller and Epistler agreeably, according to the advertisements published Anno 7 Eliz. The said Communion to be administrated at such times, and with such limitation, as is specified in the Book of Common Prayer. Provided, that no such limitation by any construction shall be allowed of, but that all Deans, Wardens, Masters or heads of Cathedral and Collegiate Churches, Prebendaries, Canons, Vicars, Petty-Canons, Singing-men, and all others of the Foundation, shall receive the Communion four times yearly at the least.

25.—*Surplices and Hoods to be worn in Cathedral Churches, when there is no Communion.*

IN the time of Divine Service and Prayers in all Cathedral and Collegiate Churches, when there is no Communion, it shall be suffi-



cient to wear Surplices ; saving that all Deans, Masters, and heads of Collegiate Churches, Canons, and Prebendaries, being Graduates, shall daily at the times both of Prayer and Preaching, wear with their Surplices such Hoods as are agreeable to their degrees.

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26.—*Notorious Offenders not to be admitted to the Communion.*

No Minister shall in any wise admit to the receiving of the Holy Communion, any of his cure or flock, which be openly known to live in Sin notorious without repentance ; nor any who have maliciously and openly contended with their neighbours, until they shall be reconciled ; nor any Churchwardens or Sidemen, who having taken their oaths, to present to their Ordinaries all such public offences, as they are particularly charged to enquire of in their severally Parishes, shall (notwithstanding their said oaths, and that their faithful discharging of them is the chief means whereby public Sins and Offences may be reformed and punished) wittingly and willingly, desperately and irreligiously incur the horrible crime of perjury, either in neglecting or in refusing to present such of the said enormities and publick offences, as they know themselves to be committed in their said Parishes, or are notoriously offensive to the Congregation there ; although they be urged by some of their Neighbours, or by their Minister, or by their Ordinary himself, to discharge their consciences by presenting of them, and not to incur so desperately the said horrible sin of perjury.

27.—*Schismatics not to be admitted to the Communion.*

No Minister, when he celebrateth the Communion, shall wittingly administer the same to any but to such as kneel, under pain of suspension, nor under the like pain to any that refuse to be present at publick Prayers, according to the Orders of the Church of England ; nor to any that are common and notorious depravers of the Book of Common Prayer and Administration of the Sacraments, and of the Orders, Rites and Ceremonies therein prescribed, or of any thing that is contained in any of the Articles agreed upon in the Convocation, one thousand five hundred sixty and two, or of any thing contained in the Book of ordering Priests and Bishops, or to any that have spoken against and depraved his Majesty's Sovereign Authority in Causes Ecclesiastical ; except every such Person shall first acknowledge to the Minister before the Churchwardens, his Repentance for the same, and promise by word (if he cannot write) that he will do so no more ; and except (if he can write) he shall first do the same under his hand-writing, to be delivered to the Minister, and by him sent to the Bishop of the Diocese, or Ordinary of the Place, provided, that every Minister so repelling any, as is specified either in this or in the next precedent constitution, shall, upon complaint, or being

required by the Ordinary, signify the cause thereof unto him, and therein obey his order and direction.

28.—*Strangers not to be admitted to the Communion.*

THE Churchwardens or Questmen, and their Assistants, shall mark, as well as the Minister, whether all and every of the Parishioners come so often every Year to the holy Communion, as the Laws and our Constitutions do require; and whether any Stranger come often and commonly from other Parishes to their Church; and shall shew their Minister of them, lest perhaps they be admitted to the Lord's Table amongst others, which they shall forbid; and remit such home to their own Parish Churches and Ministers, there to receive the Communion with the rest of their own neighbours.

29.—*Fathers not to be Godfathers in Baptism, and Children not Communicants.*

No Parent shall be urged to be present, nor be admitted to answer as Godfather for his own Child; nor any Godfather and Godmother shall be suffered to make any other answer or speech, than by the Book of Common Prayer is prescribed in that behalf: neither shall any person be admitted Godfather or Godmother to any Child at Christening or Confirmation, before the said Person so undertaking hath received the Holy Communion.

30.—*The lawful use of the Cross in Baptism, explained.*

WE are sorry that His Majesty's most princely care and pains taken in the conference at Hampton Court, amongst many other points, touching this one of the Cross in Baptism, hath taken no better effect with many, but that still the use of it in Baptism is so greatly stuck at and impugned. For the further declaration therefore of the true use of this Ceremony, and for the removing of all such scruples, as might any ways trouble the consciences of them who are indeed rightly religious, following the royal steps of our most worthy King, because he therein followeth the rules of the Scriptures, and the practice of the Primitive Church; we do commend to all the true Members of the Church of England these our directions and observations ensuing.

First, it is to be observed, that although the Jews and Ethnicks derided both the Apostles and the rest of the Christians, for preaching and believing in him who was crucified upon the Cross; yet all, both Apostles and Christians, were so far from being discouraged from their profession by the Ignominy of the Cross, as they rather rejoiced and triumphed in it. Yea, the Holy Ghost by the mouths of the Apostles did honour the name of the Cross (being hateful among the Jews) so far, that under it he comprehended not only Christ crucified, but the force, effects, and merits of his Death and

Passion, with all the comforts, fruits, and promises which we receive or expect thereby.

Secondly, the honour and dignity of the name of the Cross begat a reverend estimation even in the Apostles' times (for ought that is known to the contrary) of the sign of the Cross, which the Christians shortly after used in all their actions; thereby making their outward shew and profession, even to the astonishment of the Jews, that they were not ashamed to acknowledge him for their Lord and Saviour, who died for them upon the Cross. And this sign they did not only use themselves, with a kind of glory, when they met any Jews, but signed therewith their Children, when they were christened, to dedicate them by that badge to his service, whose benefits bestowed upon them in Baptism the name of the Cross did represent. And this use of the sign of the Cross in Baptism was held in the Primitive Church, as well by the Greeks as the Latins, with one consent and great applause. At what time, if any had opposed themselves against it, they would certainly have been censured as enemies of the name of the Cross, and consequently of Christ's merits, the sign whereof they could no better endure. This continual and general use of the sign of the Cross is evident by many testimonies of the ancient Fathers.

Thirdly, it must be confessed, that in process of time the sign of the Cross was greatly abused in the Church of Rome, especially after that corruption of Popery had once possessed it. But the abuse of a thing doth not take away the lawful use of it. Nay, so far was it from the purpose of the Church of England, to forsake and reject the Churches of Italy, France, Spain, Germany, or any such like Churches, in all things which they held and practised, that, as the apology of the Church of England confesseth, it doth with reverence retain those ceremonies, which do neither endamage the Church of God, nor offend the minds of sober men; and only departed from them in those particular points wherein they were fallen both from themselves in their ancient integrity, and from the Apostolical Churches which were their first Founders. In which respect, amongst some other very ancient ceremonies, the sign of the Cross in Baptism hath been retained in this Church, both by the judgment and practice of those Reverend Fathers and great Divines in the days of King Edward the Sixth, of whom some constantly suffered for the profession of the truth; and others being exiled in the time of Queen Mary, did, after their return, in the beginning of the reign of our late dread Sovereign, continually defend and use the same. This resolution and practice of our Church hath been allowed and approved by the censure upon the Communion book in King Edward the Sixth his days, and by the harmony of Confessions of latter yéars: because indeed the use of this sign in Baptism was ever accompanied here with such sufficient cautions and exceptions against all Popish



superstition and error, as in the like cases are either fit, or convenient.

First, the Church of England, since the abolishing of Popery, hath ever held and taught, and so doth hold and teach still, that the sign of the Cross used in Baptism is no part of the substance of that Sacrament: for when the Minister dipping the Infant in water, or laying water upon the face of it (as the manner also is) hath pronounced these words, I baptize thee, in the name of the Father, and of the Son, and of the Holy Ghost, the Infant is fully and perfectly baptized. So as the sign of the Cross being afterwards used, doth neither add any thing to the virtue and perfection of Baptism, nor being omitted doth detract any thing from the effect and substance of it.

Secondly, it is apparent in the Communion-book, that the Infant baptized is, by virtue of Baptism, before it be signed with the sign of the Cross, received into the Congregation of Christ's flock, as a perfect member thereof, and not by any power ascribed unto the sign of the Cross. So that for the very remembrance of the Cross, which is very precious to all them that rightly believe in Jesus Christ, and in the other respects mentioned, the Church of England hath retained still the sign of it in Baptism: following therein the Primitive and Apostolical Churches, and accounting it a lawful outward ceremony and honourable badge, whereby the Infant is dedicated to the service of Him that died upon the Cross, as by the words used in the book of Common Prayer it may appear.

Lastly, the use of the sign of the Cross in Baptism, being thus purged from all Popish superstition and error, and reduced in the Church of England to the primary institution of it, upon those true rules and doctrine concerning things indifferent which are consonant to the word of God, and the judgment of all the ancient Fathers, we hold it the part of every private man, both Minister and other, reverently to retain the true use of it prescribed by publick authority; considering that things of themselves indifferent do in some sort alter their natures, when they are either commanded or forbidden by a lawful Magistrate; and may not be omitted at every man's pleasure contrary to the law when they be commanded, nor used when they are prohibited.

### Ministers, their Ordination, Function, and Charge.

#### 31.—*Four solemn Times appointed for the making of Ministers.*

FORASMUCH as the ancient Fathers of the Church, led by examples of the Apostles, appointed Prayers and Fasts to be used at the solemn Ordering of Ministers; and to that purpose allotted certain times, in which only sacred Orders might be given or conferred: We, following their holy and religious examples, do constitute and decree,

that no Deacons or Ministers be made or ordained ; but only upon the Sundays immediately following *Jejunia quatuor temporum* commonly called *Ember Weeks*, appointed in antient time for Prayer and Fasting (purposely for this cause at their first institution) and so continued at this day in the Church of England : and that this be done in the Cathedral or Parish Church where the Bishop resideth, and in the time of Divine Service, in the presence not only of the Archdeacon, but of the Dean and two Prebendaries at the least, or (if they shall happen by any lawful cause to be lett or hindered) in the presence of four other grave Persons, being Masters of Arts at the least, and allowed for publick Preachers.

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32.—*None to be made Deacon and Minister both in one Day.*

THE office of Deacon being a step or degree to the Ministry, according to the judgment of the ancient Fathers and the practice of the Primitive Church ; we do ordain and appoint, that hereafter no Bishop shall make any person, of what qualities or gifts soever, a Deacon and a Minister both together upon one day ; but that the order in that behalf prescribed in the book of making and consecrating Bishops, Priests, and Deacons, be strictly observed. Not that always every Deacon should be kept from the Ministry for a whole year, when the Bishop shall find good cause to the contrary ; but that there being now four times appointed in every year for the Ordination of Deacons and Ministers, there may ever be some time of trial of their behaviour in the office of Deacon, before they be admitted to the order of Priesthood.

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33.—*The Titles of such as are to be made Ministers.*

It hath been long since provided by many decrees of the ancient Fathers, that none should be admitted either Deacon or Priest, who had not first some certain place where he might use his function. According to which examples, we do ordain that henceforth no person shall be admitted into Sacred Orders, except he shall at that time exhibit to the Bishop, of whom he desireth imposition of hands, a presentation of himself to some Ecclesiastical Preferment then void in that Diocese ; or shall bring to the said Bishop a true and undoubted certificate, that either he is provided of some Church within the said Diocese, where he may attend the cure of souls, or of some Minister's place vacant either in the Cathedral Church of that Diocese, or in some other Collegiate Church therein also situate, where he may execute his Ministry ; or that he is a Fellow, or in right as a Fellow, or to be a Conduct or Chaplain in some College in Cambridge or Oxford, or except he be a Master of Arts of five years standing that liveth at his own charge in either of the Universities ; or except by

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the Bishop himself, that doth ordain him Minister, he be shortly after to be admitted either to some benefice or curateship then void. And if any Bishop shall admit any person into the Ministry; that hath none of these titles, as is aforesaid, then he shall keep and maintain him with all things necessary, till he do prefer him to some ecclesiastical living. And if the said Bishop shall refuse so to do, he shall be suspended by the Archbishop, being assisted with another Bishop, from giving of orders for the space of a year.

#### 34.—*The quality of such as are to be made Ministers.*

No Bishop shall henceforth admit any person into Sacred Orders, which is not of his own Diocese, except he be either of one of the Universities of this realm, or except he shall bring letters dimissory (so termed) from the Bishop of whose Diocese he is; and desiring to be a Deacon, is three and twenty years old; and to be a Priest, four and twenty years complete; and hath taken some degree of School, in either of the said Universities; or at the least, except he be able to yield an account of his faith in Latin, according to the Articles of Religion approved in the Synod of the Bishops and Clergy of this realm, one thousand five hundred sixty and two, and to confirm the same by sufficient testimonies out of the Holy Scriptures; and except moreover, he shall then exhibit letters testimonial of his good life and conversation, under the seal of some College of Cambridge or Oxford, where before he remained, or of three or four grave Ministers, together with the subscription and testimony of other credible persons, who have known his life and behaviour by the space of three years next before.

#### 35.—*The examination of such as are to be made Ministers.*

THE Bishop, before he admit any person to holy Orders, shall diligently examine him in the presence of those Ministers that shall assist him at the imposition of hands; and if the said Bishop have any lawful impediment, he shall cause the said Ministers carefully to examine every such person so to be ordered, provided, that they who shall assist the Bishop in examining and laying on of hands, shall be of his Cathedral Church, if they may conveniently be had, or other sufficient Preachers of the same Diocese, to the number of three at the least: and if any Bishop or Suffragan shall admit any to Sacred Orders who is not so qualified, and examined, as before we have ordained, the Archbishop of his Province, having notice thereof, and being assisted therein by one Bishop, shall suspend the said Bishop or Suffragan so offending, from making either Deacons or Priests for the space of two years.



36.—*Subscription required of such as are to be made Ministers.*

No person shall hereafter be received into the Ministry, nor either by institution or collation admitted to any Ecclesiastical Living, nor suffered to preach, to catechize, or to be a Lecturer or Reader of Divinity in either University, or in any Cathedral or Collegiate Church, city, or market-town, parish-church, chapel, or in any other place within this realm, except he be licensed either by the Archbishop, or by the Bishop of the Diocese where he is to be placed, under their hands and seals, or by one of the two Universities under their seal likewise; and except he shall first subscribe to these three Articles following, in such manner and sort as we have here appointed.

I. That the King's Majesty, under God, is the only Supreme Governor of this Realm, and of all other his Highness's Dominions and Countries, as well in all spiritual or ecclesiastical things or causes, as temporal; and that no foreign Prince, Person, Prelate, State or Potentate hath, or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within his Majesty's said Realms, Dominion, and Countries.

II. That the Book of Common Prayer, and of Ordering of Bishops Priests and Deacons, containeth in it nothing contrary to the Word of God, and that it may lawfully so be used; and that he himself will use the form in the said Book prescribed, and publick Prayer, and Administration of the Sacraments, and none other.

III. That he alloweth the Book of Articles of Religion agreed upon by the Archbishops and Bishops of both Provinces, and the whole Clergy in the Convocation holden at London in the year of our Lord God one thousand five hundred sixty and two; and that he acknowledgeth all and every the Articles therein contained, being in number nine and thirty, besides the ratification, to be agreeable to the Word of God.

To these three Articles whosoever will subscribe, he shall for the avoiding of all ambiguities, subscribe in this order and form of words, setting down both his Christian and Surname, viz. I, N. N. do willingly and *ex animo* subscribe to these three Articles abovementioned, and to all things that are contained in them. And if any Bishop shall ordain, admit, or license any as is aforesaid, except he first have subscribed in manner and form as here we have appointed, he shall be suspended from giving of orders and licences to preach for the space of twelve months. But if either of the Universities shall offend therein, we leave them to the danger of the law, and his Majesty's censure.

*37.—Subscription before the Diocesan.*

NONE licensed, as is aforesaid, to preach, read lecture, or catechize, coming to reside in any Diocese, shall be permitted there to preach, read lecture, catechize, or minister the Sacraments, or to execute any other ecclesiastical function, by what authority soever he be thereunto admitted, unless he first consent and subscribe to the three Articles before mentioned, in the presence of the Bishop of the Diocese, wherein he is to preach, read lecture, catechize, or administer the Sacraments, as aforesaid.

*38.—Revolters after Subscription, censured.*

IF any Minister, after he hath once subscribed to the said three Articles, shall omit to use the Form of Prayer, or any of the Orders or Ceremonies prescribed in the Communion-book, let him be suspended; and if after a month he do not reform and submit himself, let him be excommunicated; and then, if he shall not submit himself within the space of another month, let him be deposed from the Ministry.

*39.—Caution for Institution of Ministers into Benefices.*

No Bishop shall institute any to a Benefice, who hath been ordained by any other Bishop, except he first shew unto him his letters of orders, and bring him a sufficient testimony of his former good life and behaviour, if the Bishop shall require it; and lastly, shall appear upon due examination, to be worthy of his Ministry.

*40.—An Oath against Simony at Institution into Benefices.*

To avoid the detestable sin of Simony, because buying and selling of spiritual and ecclesiastical functions, offices, promotions, dignities, and livings, is execrable before God; therefore the Archbishop, and all and every Bishop or Bishops, or any other person or persons, having authority to admit, institute, collate, instal, or to confirm the election of any Archbishop, Bishop, or other person or persons, to any spiritual or ecclesiastical function, dignity, promotion, title, office, jurisdiction, place, or benefice, with cure, or without cure, or to any ecclesiastical living whatsoever, shall, before every such admission, institution, collation, installation, or confirmation of election, respectively minister to every person hereafter to be admitted, instituted, collated, installed, or confirmed in or to any archbishoprick, bishoprick, or other spiritual or ecclesiastical function, dignity, promotion, title, office, jurisdiction, place, or benefice, with cure or without cure, or in or to any ecclesiastical living whatsoever, this Oath, in manner and form following, the same to be taken by every one whom it concerneth in his own person and not by a proctor: I, N. N. do swear, That I have made no simoniacal payment, contract, or promise, directly or indirectly, by myself, or by any other, to my know-

ledge, or with my consent, to any person or persons whatsoever, for or concerning the procuring and obtaining of this ecclesiastical dignity, place, preferment, office, or living (respectively and particularly naming the same whereunto he is to be admitted, instituted, collated, installed, or confirmed) nor will at any time hereafter perform or satisfy any such kind of payment, contract, or promise made by any other without my knowledge, or consent: So help me God, through Jesus Christ.

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#### 41.—*Licenses for Plurality of Benefices limited, and Residence enjoined.*

No license or dispensation for the keeping of more benefices with cure than one, shall be granted to any but such only as shall be thought very well worthy for his learning, and very well able and sufficient to discharge his duty; that is, who shall have taken the degree of a Master of Arts at the least in one of the Universities of this realm, and be a publick and sufficient preacher licensed. Provided always, that he be by a good and sufficient caution bound to make his personal residence in each his said benefices for some reasonable time in every year; and that the said benefices be not more than thirty miles distant asunder: and lastly, that he have under him in the benefice, where he doth not reside, a preacher lawfully allowed, that is able sufficiently to teach and instruct the people.

#### 42.—*Residence of Deans in their Churches.*

EVERY Dean, Master, or Warden or chief Governor of any Cathedral or Collegiate Church, shall be resident in his said Cathedral or Collegiate Church fourscore and ten days *conjunctim* or *divisim* in every year at the least, and then shall continue there in preaching the Word of God, and keeping good hospitality, except he shall be otherwise lett with weighty and urgent causes, to be approved by the Bishop of the Diocese, or in any other lawful sort dispensed with. And when he is present, he, with rest of the Canons or Prebendaries resident, shall take special care that the statutes and laudable customs of their Church, (not being contrary to the Word of God, or prerogative royal) the statutes of this realm being in force concerning ecclesiastical order, and all other constitutions now set forth, and confirmed by His Majesty's authority, and such as shall be lawfully enjoined by the Bishop of the Diocese in his visitation, according to the statutes and customs of the same Church, or the ecclesiastical laws of this realm, be diligently observed; and that the petty canons, vicars choral, and other Ministers of their Church, be urged to the study of the Holy Scriptures; and every one of them to have the New Testament not only in English, but also in Latin.



43.—*Deans and Prebendaries to preach during their Residence.*

THE Dean, Master, Warden, or chief Governor, Prebendaries, and Canons in every Cathedral and Collegiate Church, shall not only preach there in their own persons so often as they are bound by law, statute, ordinance, or custom, but shall likewise preach in other Churches of the same Diocese where they are resident, and especially in those places whence they or their Church receive any yearly rents or profits. And in case they themselves be sick, or lawfully absent, they shall substitute such licensed preachers to supply their turns, as by the Bishop of the Diocese shall be thought meet to preach in Cathedral Churches. And if any otherwise neglect or omit to supply his course, as is aforesaid, the offender shall be punished by the Bishop, or by him or them to whom the jurisdiction of that Church appertaineth, according to the quality of the offence.

44.—*Prebendaries to be resident upon their Benefices.*

No Prebendaries or Canons in Cathedral or Collegiate Churches, having one or more benefices with cure, and not being Residentiaries in the same Cathedral or Collegiate Churches) shall, under colour of their said prebends, absent themselves from their benefices with cure, above the space of one month in the year, unless it be for some urgent cause, and certain time to be allowed by the Bishop of the Diocese. And such of the said Canons and Prebendaries, as by the ordinances of the Cathedral or Collegiate Churches do stand bound to be resident in the same, shall so among themselves sort and proportion the times of the year, concerning residency to be kept in the said Churches, as that some of them always shall be personally resident there; and that all those who be, or shall be residentiaries in any Cathedral or Collegiate Church, shall, after the days of their residency appointed by their local statutes or customs expired, presently repair to their benefices, or some one of them, or to some other charge where the law requireth their presence, there to discharge their duties according to the laws in that case provided. And the Bishop of the Diocese shall see the same to be duly performed and put in execution.

45.—*Beneficed Preachers, being resident upon their Livings, to preach every Sunday.*

EVERY beneficed man, allowed to be a preacher, and residing on his benefice, having no lawful impediment, shall in his own cure, or in some other Church or Chapel where he may conveniently, near adjoining (where no preacher is) preach one Sermon every Sunday of the year; wherein he shall soberly and sincerely divide the Word of Truth, to the glory of God, and to the best edification of the people.

46.—*Beneficed Men, not Preachers, to procure monthly Sermons.*No. 2  
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EVERY beneficed Man, not allowed to be a preacher, shall procure Sermons to be preached in his cure once in every month at the least, by preachers lawfully licenced, if his living in the judgment of the Ordinary will be able to bear it. And upon every Sunday, when there shall not be a Sermon preached in his cure, he or his curate shall read some one of the Homilies prescribed or to be prescribed by authority, to the intents aforesaid.

47.—*Absence of beneficed Men to be supplied by Curates that are allowed Preachers.*

EVERY beneficed Man, licenced by the laws of this realm, upon urgent occasions of other service, not to reside upon his benefice, shall cause his cure to be supplied by a Curate that is sufficient and licensed preacher, if the worth of the benefice will bear it. But whosoever hath two benefices, shall maintain a preacher licensed in the benefice where he doth not reside, except he preach himself at both of them usually.

48.—*None to be Curates but allowed by the Bishop.*

No Curate or Minister shall be permitted to serve in any place, without examination and admission of the Bishop of the Diocese, or Ordinary of the place having episcopal jurisdiction, in writing under his hand and seal, having respect to the greatness of the cure, and meetness of the party. And the said Curates and Ministers, if they remove from one diocese to another, shall not be by any means admitted to serve without testimony of the Bishop of the diocese, or Ordinary of the place, as aforesaid, whence they came, in writing, of their honesty, ability, and conformity to the ecclesiastical laws of the Church of England. Nor shall any serve more than one Church or Chapel upon one day, except that Chapel be a member of the Parish Church, or united thereunto; and unless the said Church or Chapel, where such a minister shall serve in two places, be not able in the judgment of the Bishop or Ordinary, as aforesaid, to maintain a curate.

49.—*Ministers not allowed Preachers, may not expound.*

No person whosoever not examined and approved by the Bishop of the diocese, or not licensed, as is aforesaid, for a sufficient or convenient preacher, shall take upon him to expound in his own cure, or elsewhere, any Scripture or matter of doctrine; but shall only study to read plainly and aptly (without glossing or adding) the Homilies

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already set forth, or hereafter to be published by lawful authority, for the confirmation of the true faith, and for the good instruction and edification of the people.

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50.—*Strangers not admitted to preach without shewing their License.*

NEITHER the Minister, Churchwardens, or any other officers of the Church, shall suffer any man to preach within their Churches, or Chapels, but such as by shewing their license to preach, shall appear unto them to be sufficiently authorized thereunto, as is aforesaid.

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51.—*Strangers not admitted to preach in Cathedral Churches without sufficient authority.*

THE Deans, Residents, and residentiaries of any Cathedral or Collegiate Church, shall suffer no stranger to preach unto the people in their Churches, except they be allowed by the Archbishop of the province, or by the Bishop of the same diocese, or by either of the Universities. And if any in his Sermon shall publish any doctrine, either strange, or disagreeing from the Word of God, or from any of the Articles of Religion agreed upon in the Convocation-house, Anno 1562, or from the Book of Common Prayer; the Dean or the Residents, shall, by their letters subscribed with some of their hands, that heard him, so soon as may be, give notice of the same to the Bishop of the diocese, that he may determine the matter, and take such order therein, as he shall think convenient.

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52.—*The names of strange Preachers to be noted in a Book.*

THAT the Bishop may understand (if occasion so require) what Sermons are made in every Church of his diocese, and who presume to preach without license, the Churchwardens and side-men shall see that the names of all Preachers, which come to their Church from any other place, be noted in a book, which they shall have ready for that purpose; wherein every Preacher shall subscribe his name, the day when he preached, and the name of the Bishop of whom he had license to preach.

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53.—*No publick Opposition between Preachers.*

IF any Preacher shall in the pulpit particularly, or namely, of purpose, impugn or confute any doctrine delivered by any other Preacher in the same Church, or in any Church near adjoining, before he hath acquainted the Bishop of the Diocese therewith, and received order from him what to do in that case, because upon such



publick dissenting and contradicting there may grow much offence and disquietness unto the people; the Churchwardens, or party grieved shall forthwith signify the same to the said Bishop, and not suffer the said Preacher any more to occupy that place which he hath once abused, except he faithfully promise to forbear all such matter of contention in the Church, until the Bishop hath taken further order therein, who shall with all convenient speed so proceed therein, that publick satisfaction may be made in the congregation where the offence was given. Provided, that if either of the parties offending do appeal, he shall not be suffered to preach *pendente lite*.

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54.—*The Licenses of Preachers refusing Conformity, to be void.*

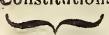
IF any man licensed heretofore to preach, by any Archbishop, Bishop, or by either of the Universities, shall at any time henceforth refuse to conform himself to the laws, ordinances, and rites ecclesiastical, established in the Church of England; he shall be admonished by the Bishop of the Diocese, or Ordinary of the place, to submit himself to the use and due exercise of the same. And if after such admonition, he do not conform himself within the space of one month, we determine and decree, that the license of every such preacher shall thereupon be utterly void and of none effect.

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55.—*The Form of a Prayer to be used by all Preachers before their Sermons.*

BEFORE all Sermons, Lectures, and Homilies, the Preachers and Ministers shall move the people to join with them in prayer in this form, or to this effect, as briefly as conveniently they may: Ye shall pray for Christ's holy Catholick Church, that is, for the whole Congregation of Christian people dispersed throughout the whole world, and especially for the Churches of England, Scotland, and Ireland, and herein I require you most especially to pray for the King's most excellent Majesty, our Sovereign Lord James, King of England, Scotland, France, and Ireland, Defender of the Faith, and Supreme Governor of these his realms, and all other his dominions and countries, over all persons, in all causes, as well ecclesiastical as temporal; ye shall also pray for our Gracious Queen Anne, the Noble Prince Henry, and the rest of the King's and Queen's Royal Issue; ye shall also pray for the Ministers of God's holy Word and Sacraments, as well Archbishops and Bishops, as other Pastors and Curates; ye shall also pray for the King's most Honourable Council, and for all the Nobility and Magistrates of this realm; that all and every of these, in their several callings, may serve truly and faithfully to the glory of God,

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and the edifying and well governing of his people, remembering the account that they must make; also ye shall pray for the whole Commons of this realm, that they may live in the true faith and fear of God, in humble obedience to the King, and brotherly charity one to another; finally, let us praise God for all those which are departed out of this life in the faith of Christ, and pray unto God, that we may have grace to direct our lives after their good examples: that this life ended, we may be made partakers with them of the glorious Resurrection in the Life everlasting; always concluding with the Lord's Prayer.

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*56.—Preachers and Lecturers to read Divine Service, and administer the Sacraments twice a year at the least.*

EVERY Minister being possessed of a benefice that hath cure and charge of souls, although he chiefly attend to preaching, and hath a Curate under him to execute the other duties which are to be performed for him in the Church, and likewise every other stipendiary Preacher that readeth any lecture or catechizeth, or preacheth in any Church or Chapel, shall twice at the least every year read himself the Divine Service upon two several Sundays publicly, and at the usual times, both in the forenoon and afternoon, in the Church which he so possesseth, or where he readeth, catechizeth, or preacheth, as is aforesaid; and shall likewise as often in every year administer the Sacraments of Baptism, if there be any to be baptized, and of the Lord's Supper, in such manner and form, and with the observation of such rites and ceremonies as are prescribed by the Book of Common Prayer, in that behalf: which if he do not accordingly perform, then shall he that is possessed of a benefice (as before) be suspended; and he that is but a Reader, Preacher, or Catechizer, be removed from his place by the Bishop of the diocese, until he or they shall submit themselves to perform all the said duties, in such manner and sort as before is prescribed.

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*57.—The Sacraments not to be refused at the hands of unpreaching Ministers.*

WHEREAS divers persons, seduced by false teachers, do refuse to have their children baptized by a Minister that is no Preacher, and to receive the Holy Communion at his hands in the same respect, as though the virtue of those Sacraments did depend upon his ability to preach; forasmuch as the doctrine both of Baptism and of the Lord's Supper is so sufficiently set down in the Book of Common Prayer to be used at the administration of the said Sacraments, as nothing can be added unto it that is material and necessary; we do require and

charge every such person, seduced as aforesaid, to reform that their wilfulness, and to submit himself to the order of the Church in that behalf; both the said Sacraments being equally effectual, whether they be ministered by a Minister that is no Preacher, or by one that is a Preacher. And if any hereafter shall offend herein, or leave their own Parish Churches in that respect, and communicate, or cause their children to be baptized in other parishes abroad, and will not be moved thereby to reform that their error and unlawful course; let them be presented to the Ordinary of the place by the Minister, Churchwardens, and Side-men, or Quest-men of the parishes where they dwell, and there receive such punishments by ecclesiastical censures, as such obstinacy doth worthily deserve; that is, let them (persisting in their wilfulness) be suspended, and then, after a month's farther obstinacy, excommunicated. And likewise if any Parson, Vicar, or Curate, shall, after the publishing hereof, either receive to the Communion any such persons which are not of his own Church and Parish, or shall baptize any of their Children, thereby strengthening them in their said errors; let him be suspended, and not released thereof, until he do faithfully promise that he will not afterwards offend therein.

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58.—*Ministers reading Divine Service, and administering the Sacraments, to wear Surplices, and Graduates therewithal Hoods.*

EVERY Minister saying the publick prayers, or ministering the Sacraments or other rites of the Church, shall wear a decent and comely Surplice with sleeves, to be provided at the charge of the parish. And if any question arise touching the matter, decency, or comeliness thereof, the same shall be decided by the discretion of the Ordinary. Furthermore, such Ministers as are graduates, shall wear upon their Surplices, at such times, such Hoods as by the orders of the Universities are agreeable to their degrees, which no Minister shall wear (being no graduate) under pain of suspension. Notwithstanding, it shall be lawful for such Ministers as are not graduates, to wear upon their Surplices, instead of Hoods, some decent tippet of black, so it be not silk.

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59.—*Ministers to catechize every Sunday.*

EVERY Parson, Vicar, or Curate, upon every Sunday and Holy-day before Evening Prayer, shall, for half an hour or more examine and instruct the youth and ignorant persons of his parish, in the Ten Commandments, the Articles of the Belief, and in the Lord's Prayer; and shall diligently hear, instruct, and teach them the Catechism set forth in the Book of Common Prayer. And all fathers, mothers,



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masters, and mistresses, shall cause their children, servants, apprentices, which have not learned the catechism, to come to the church at the time appointed, obediently to hear, and to be ordered by the Minister, until they have learned the same. And if any Minister neglect his duty herein let him be sharply reprov'd upon the first complaint, and true notice thereof given to the Bishop or Ordinary of the place. If, after submitting himself, he shall willingly offend therein again, let him be suspended; if so the third time, there being little hope that he will be therein reformed, then excommunicated, and so remain, until he will be reformed. And likewise, if any of the fathers, mothers, masters, or mistresses, children, servants, or apprentices, shall neglect their duties, as the one sort in not causing them to come, and the other in refusing to learn, as aforesaid; let them be suspended by their Ordinaries (if they be not children) and if they so persist by the space of a month, then let them be excommunicated.

#### 60.—*Confirmation to be performed once in three Years.*

FORASMUCH as it hath been a solemn, antient and laudable custom in the Church of God, continued from the Apostles times, that all Bishops should lay their hands upon children baptized, and instructed in the Catechism of Christian Religion, praying over them, and blessing them, which we commonly call Confirmation, and that this holy action hath been accustomed in the Church in former ages, to be performed in the Bishop's visitation every third year; we will and appoint, that every Bishop, or his Suffragan, in his accustomed visitation, do in his own person carefully observe the said custom. And if in that year, by reason of some infirmity, he be not able personally to visit, then he shall not omit the execution of that duty of Confirmation the next year after, as he may conveniently.

#### 61.—*Ministers to prepare Children for Confirmation.*

EVERY Minister, that hath cure and charge of souls, for the better accomplishing of the orders prescribed in the Book of Common Prayer concerning Confirmation, shall take especial care that none shall be presented to the Bishop for him to lay his hands upon, but such as can render an account of their faith according to the Catechism in the said Book contained. And when the Bishop shall assign any time for the performance of that part of his duty, every such Minister shall use his best endeavour to prepare and make able, and likewise to procure as many as he can to be then brought, and by the Bishop to be confirmed.

62.—*Ministers not to marry any Persons without Banns, or License.*

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No Minister, upon pain of suspension *per triennium ipso facto*, shall celebrate Matrimony between any persons, without a faculty or license granted by some of the persons in these our constitutions expressed, except the Banns of Matrimony have been first published three several Sundays, or Holy days, in the time of Divine Service, in the Parish Churches and Chapels where the said parties dwell, according to the Book of Common Prayer. Neither shall any Minister, upon the like pain, under any pretence whatsoever, join any persons so licensed in marriage at any unseasonable times, but only between the hours of eight and twelve in the forenoon, nor in any private place, but either in the said Churches or Chapels where one of them dwelleth, and likewise in time of Divine Service; nor when Banns are thrice asked, and no license in that respect necessary, before the parents or governors of the parties to be married, being under the age of twenty and one years, shall either personally, or by sufficient testimony, signify to him their consents given to the said marriage.

63.—*Ministers of exempt Churches not to marry without Banns or License.*

EVERY Minister, who shall hereafter celebrate Marriage between any persons contrary to our said constitutions, or any part of them, under colour of any peculiar liberty or privilege claimed to appertain to certain Churches and Chapels, shall be suspended *per triennium* by the Ordinary of the place where the offence shall be committed. And if any such Minister shall afterwards remove from the place where he hath committed that fault, before he be suspended, as is aforesaid, then shall the Bishop of the diocese or Ordinary of the place, where he remaineth, upon certificate under the hand and seal of the other Ordinary, from whose jurisdiction he removed, execute that censure upon him.

64.—*Ministers solemnly to bid Holy-days.*

EVERY Parson, Vicar or Curate, shall in his several charge declare to the people every Sunday at the time appointed in the Communion-book, whether there be any Holy-days or Fasting-days the week following. And if any do hereafter wittingly offend herein, and being once admonished thereof by his Ordinary, shall again omit that duty, let him be censured according to law, until he submit himself to the due performance of it.

65.—*Ministers solemnly to denounce Recusants and Excommunicates.*

ALL Ordinaries shall in their several jurisdictions carefully see and give order, that as well those who for obstinate refusing to frequent Divine Service established by publick authority within this Realm of England, as those also (especially of the better sort and condition) who for notorious contumacy, or other notable crimes, stand lawfully excommunicate, (unless within three months immediately after the said sentence of excommunication pronounced against them, they reform themselves, and obtain the benefit of absolution,) be every six months ensuing, as well in the Parish Church, as in the Cathedral Church of the Diocese in which they remain, by the Minister openly in time of Divine Service, upon some Sunday, denounced and declared excommunicate, that others may be thereby both admonished to refrain their company and society, and excited the rather to procure out a writ *de excommunicato capiendo*, thereby to bring and reduce them into due order and obedience. Likewise the Register of every Ecclesiastical Court shall yearly, between Michaelmas and Christmas, duly certify the Archbishop of the province of all and singular the premisses aforesaid.

66.—*Ministers to confer with Recusants.*

EVERY Minister being a Preacher, and having any Popish Recusant or Recusants in his Parish, and thought fit by the Bishop of the Diocese, shall labour diligently with them from time to time, thereby to reclaim them from their errors. And if he be no Preacher, or not such Preacher, then he shall procure, if he can possibly, some that are Preachers so qualified to take pains with them for that purpose. If he can procure none, then he shall inform the Bishop of the diocese thereof, who shall not only appoint some neighbour Preacher or Preachers adjoining to take that labour upon them, but himself also, as his important affairs will permit him, shall use his best endeavour, by instruction, persuasion, and all good means he can devise, to reclaim both them and all other within his diocese so affected.

67.—*Ministers to visit the Sick.*

WHEN any person is dangerously sick in any Parish, the Minister or Curate, having knowledge thereof, shall resort unto him or her (if the disease be not known or probably suspected to be infectious) to instruct and comfort them in their distress, according to the Order of the Communion Book, if he be no Preacher; or if he be a Preacher, then as he shall think most needful and convenient. And when any is passing out of this life, a bell shall be tolled, and the Minister shall



not then slack to do his last duty. And after the party's death, if it so fall out, there shall be rung no more than one short peal, and one other before the burial, and one other after the burial.

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68.—*Ministers not to refuse to Christen or Bury.*

No Minister shall refuse or delay to christen any child according to the form of the Book of Common Prayer, that is brought to the Church to him upon Sundays or Holy-days to be christened, or to bury any corps that is brought to the Church or Church-yard, convenient warning being given him thereof before, in such manner and form as is prescribed in the said Book of Common Prayer. And if he shall refuse to christen the one, or bury the other (except the party deceased were denounced excommunicated *majori excommunicatione* for some grievous and notorious crime, and no man able to testify of his repentance) he shall be suspended by the Bishop of the diocese from his ministry by the space of three months.

69.—*Ministers not to defer Christening, if the child be in danger.*

If any Minister, being duly without any manner of collusion, informed of the weakness and danger of death of any infant unbaptized in his parish, and thereupon desired to go or come to the place where the said infant remaineth, to baptize the same, shall either wilfully refuse so to do, or of purpose, or of gross negligence, shall so defer the time, when he might conveniently have resorted to the place, and have as baptized the said infant, it dieth, through such his default, unbaptized; the said Minister shall be suspended for three months, and before his restitution shall acknowledge his fault, and promise before his Ordinary, that he will not wittingly incur the like again. Provided, that where there is a Curate, or a substitute, this constitution shall not extend to the Parson or Vicar himself, but to the Curate or substitute present.

70.—*Ministers to keep a Register of Christenings, Weddings, and Burials.*

In every Parish Church and Chapel within this realm, shall be provided one parchment book at the charge of the Parish, wherein shall be written the day and year of every Christening, Wedding, and Burial, which have been in that Parish since the time that the law was first made in that behalf, so far as the ancient books thereof can be procured, but especially since the beginning of the reign of the late Queen. And for the safe keeping of the said book, the Churchwardens, at the charge of the Parish, shall provide one sure coffer, with three locks and keys; whereof the one to remain with the

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Minister, and the other two with the Church-wardens, severally; so that neither the Minister without the two Church-wardens, nor the Church-wardens without the Minister, shall at any time take that book out of the said coffer. And henceforth upon every Sabbath-day, immediately after Morning or Evening Prayer, the Minister and Church-wardens, shall take the said parchment book out of the said coffer, and the Minister, in the presence of the Church-wardens, shall write and record in the said book the names of all persons christened, together with the names and surnames of their parents; and also the names of all persons married and buried in that parish in the week before, and the day and year of every such Christening, Marriage, and Burial; and that done, they shall lay up that book in the coffer, as before; and the Minister and Church-wardens unto every page of that Book when it shall be filled with such inscriptions, shall subscribe their names. And the Church-warden shall once every year, within one month after the five and twentieth day of March, transmit unto the Bishop of the diocese, or his Chancellor, a true copy of the names of all persons christened, married, or buried in their parish, in the year before, ended the said five and twentieth day of March, and the certain days and months in which every such Christening, Marriage, and Burial was had, to be subscribed with the hands of the said Ministers and Church-wardens, to the end the same may faithfully be preserved in the registry of the said Bishop; which certificate shall be received without fee. And if the Minister or Church-wardens shall be negligent in performance of any thing herein contained, it shall be lawful for the Bishop, or his Chancellor to convent them, and proceed against every of them as contemners of this our Constitution.

71.—*Ministers not to preach, or administer the Communion in Private Houses.*

No Minister shall preach, or administer the Holy Communion, in any private house, except it be in times of necessity, when any being either so impotent as he cannot go to the Church, or very dangerously sick, are desirous to be partakers of the Holy Sacrament, upon pain of suspension for the first offence, and excommunication for the second. Provided, the houses are here reputed for private houses, wherein are no Chapels dedicated and allowed by the ecclesiastical laws of this realm. And provided also, under the pains before expressed, that no Chaplains do preach, or administer the Communion in any other places, but in the Chapels of the said houses, and that also they do the same very seldom upon Sundays and Holy-days; so that both the Lords and Masters of the said houses, and their families, shall at other times resort to their own parish

Churches, and there receive the Holy Communion at the least once every year.

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72.—*Ministers not to appoint publick or private Fasts or Prophecies, or to exercise, but by authority.*

No Minister or Ministers shall without the license and direction of the Bishop of the Diocese first obtained and had under his hand and seal, appoint or keep any solemn fasts, either publickly or in any private houses, other than such as by law are, or by publick authority shall be appointed, nor shall be wittingly present at any of them, under pain of suspension for the first fault, of excommunication for the second, and of deposition from the ministry for the third. Neither shall any Minister, not licensed, as is aforesaid, presume to appoint or hold any meetings for sermons, commonly termed by some prophecies or exercises, in market-towns, or other places, under the said pains: nor, without such license, to attempt, upon any pretence whatsoever, either of possession or obsession, by fasting and prayer, to cast out any devil or devils, under pain of the imputation of imposture or cosenage, and deposition from the ministry.

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73.—*Ministers not to hold Private Conventicles.*

FORASMUCH as all Conventicles, and secret meetings of Priests and Ministers, have been ever justly accounted very hurtful to the state of the Church wherein they live; we do now ordain and constitute, that no Priests, or Ministers of the word of God, or any other persons, shall meet together in any private house, or elsewhere, to consult upon any matter or course to be taken by them, or upon their motion or direction by any other, which may any way tend to the impeaching or depraving of the doctrine of the Church of England, or of the Book of Common Prayer, or of any part of the government and discipline now established in the Church of England, under pain of excommunication *ipso facto*.

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74.—*Decency in Apparel enjoined to Ministers.*

THE true, ancient, and flourishing Churches of Christ, being ever desirous that their Prelacy and Clergy might be had as well in outward reverence, as otherwise regarded for the worthiness of their Ministry, did think it fit, by a prescript form of decent and comely apparel, to have them known to the people, and thereby to receive the honour and estimation due to the special Messengers and Ministers of Almighty God. We therefore, following their grave judgment, and the ancient custom of the Church of England, and hoping that in time new-fangleness of apparel in some factious



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persons will die of itself, do constitute and appoint, that the Archbishops and Bishops shall not intermit to use the accustomed apparel of their degrees. Likewise all Deans, Masters of Colleges, Archdeacons, and Prebendaries, in Cathedral and Collegiate Churches (being-Priests or Deacons), Doctors in Divinity, Law and Physick, Batchelors in Divinity, Masters of Arts, and Batchelors of Law, having any ecclesiastical living shall usually wear gowns with standing collars, and sleeves strait at the hands, or wide sleeves, as is used in the Universities, with hoods or tippets of silk or sarcenet, and square caps. And that all other Ministers admitted or to be admitted into that function, shall also usually wear the like apparel, as is aforesaid, except tippets only. We do further in like manner ordain, that all the said ecclesiastical persons above-mentioned shall usually wear in their journeys, cloaks with sleeves, commonly called priests cloaks, without guards, welts, long buttons, or cuts. And no ecclesiastical person shall wear any coif or wrought night-cap, but only plain night caps of black silk, satten, or velvet. In all which particulars concerning the apparel here prescribed, our meaning is not to attribute any holiness or special worthiness to the said garments, but for decency, gravity, and order, as is before specified. In private houses, and in their studies, the said persons ecclesiastical may use any comely and scholar-like apparel, provided that it be not cut or pinkt; and that in publick they go not in their doublet and hose, without coats or cassock; and that they wear not any light-coloured stockings. Likewise poor beneficed men and curates (not being able to provide themselves long gowns) may go in short gowns of the fashion aforesaid.

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75.—*Sober Conversation required in Ministers.*

No ecclesiastical person shall at any time, other than for their honest necessities, resort to any taverns, or alehouse, neither shall they board or lodge in any such places. Furthermore, they shall not give themselves to any base or servile labour, or to drinking or riot, spending their time idly by day or by night, playing at dice, cards, or tables, or any other unlawful games; but at all times convenient they shall hear or read somewhat of the Holy Scriptures, or shall occupy themselves with some other honest study or exercise, always doing the things which shall appertain to honesty, and endeavouring to profit the Church of God; having always in mind, that they ought to excel all others in purity of life, and should be examples to the people to live well and christianly, under pain of ecclesiastical censures, to be inflicted with severity, according to the qualities of their offences.

76.—*Ministers at no time to forsake their Calling.*

No man, being admitted a Deacon or Minister, shall from thenceforth voluntarily relinquish the same, nor afterward use himself in the course of his life as a layman, upon pain of excommunication. And the names of all such men, so forsaking their calling, the Churchwardens of the parish where they dwell shall present to the Bishop of the diocese, or to the Ordinary of the place having episcopal jurisdiction.

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School-Masters.

77.—*None to teach School without License.*

No man shall teach either in publick school, or private house, but such as shall be allowed by the Bishop of the diocese, or Ordinary of the place, under his hand and seal, being found meet as well for his learning and dexterity in teaching, as for sober and honest conversation, and also for right understanding of God's true religion; and also except he shall first subscribe to the first and third articles aforementioned simply, and to the two first clauses of the second article.

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78.—*Curates desirous to teach, to be licensed before others.*

In what Parish Church or Chapel soever there is a Curate, which is a Master of Arts, or Batchelor of Arts, or is otherwise well able to teach youth, and will willingly so do, for the better increase of his living, and training up of children in principles of true religion; we will and ordain, that a license to teach youth of the parish where he serveth, be granted to none by the Ordinary of that place, but only to the said Curate. Provided always, that this constitution shall not extend to any Parish or Chapel in country towns, where there is a publick school founded already; in which case we think it not meet to allow any to teach grammar, but only him that is allowed for the said publick school.

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79.—*The Duty of School-Masters.*

ALL School-Masters shall teach in English or Latin, as the children are able to bear, the larger or shorter catechism heretofore by publick authority set forth. And as often as any Sermon shall be upon holy and festival days within the parish where they teach, they shall bring their scholars to the Church where such sermons shall be made, and there see them quietly and soberly behave themselves; and shall examine them at times convenient, after their return, what they have borne away of such sermons. Upon other days, and at other times, they shall train them up with such sentences of Holy

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Scripture, as shall be most expedient to induce them to all godliness: and they shall teach the grammar set forth by King Henry the Eighth, and continued in the times of King Edward the Sixth, and Queen Elizabeth, of noble memory, and none other. And if any School-Master, being licensed, and having subscribed, as aforesaid, shall offend in any of the premises, or either speak, write, or teach against any thing whereunto he hath formerly subscribed, (if upon admonition by the Ordinary he do not amend and reform himself,) let him be suspended from teaching school any longer.

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### Things appertaining to Churches.

#### 80.—*The great Bible, and Book of Common Prayer to be had in every Church.*

THE Church-wardens or Quest-men of every Church and Chapel shall at the charge of the Parish, provide the Book of Common Prayer lately explained in some few points by his Majesty's authority, according to the laws and his Highness's prerogative in that behalf, and that with all convenient speed, but at the farthest within two months after the publishing of these our constitutions. And if any Parishes be yet unfurnished of the Bible of the largest volume, or of the Books of Homilies allowed by authority, the said Church-wardens shall within convenient time provide the same at the like charge of the Parish.

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#### 81.—*A Font of Stone for Baptism in every Church.*

ACCORDING to a former constitution, too much neglected in many places, we appoint that there shall be a font of stone in every Church and Chapel where baptism is to be ministered; the same to be set in the ancient usual places: in which only font the Minister shall baptize publicly.

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#### 82.—*A decent Communion Table in every Church.*

WHEREAS we have no doubt, but that in all Churches within the realm of England, convenient and decent tables are provided and placed for the celebration of the Holy Communion, we appoint that the same tables shall from time to time be kept and repaired in sufficient and seemly manner, and covered, in time of Divine Service, with a carpet of silk or other decent stuff, thought meet by the Ordinary of the place, if any question be made of it, and with a fair linen cloth at the time of the ministration, as becometh that table, and so stand, saving when the said Holy Communion is to be administered: at which time the same shall be placed in so good sort within the



Church or Chancel, as thereby the Minister may be more conveniently heard of the Communicants in his prayer and ministration, and the Communicants also more conveniently, and in more number, may communicate with the said Minister; and that the Ten Commandments be set up on the east end of every Church and Chapel, where the people may best see and read the same, and other chosen sentences written upon the walls of the said Churches and Chapels in places convenient; and likewise that a convenient seat be made for the Minister to read service in. All these to be done at the charge of the Parish.

### 83.—*A Pulpit to be provided in every Church.*

THE Church-wardens or Quest-men, at the common charge of the parishioners in every Church, shall provide a comely and decent pulpit, to be set in a convenient place, within the same, by the discretion of the Ordinary of the place, if any question do arise, and to be there seemly kept for the preaching of God's Word.

### 84.—*A Chest for Alms in every Church.*

THE Church-wardens shall provide and have, within three months after the publishing of these constitutions, a strong chest, with a hole in the upper part thereof, to be provided at the charge of the Parish (if there be none such already provided) having three keys; of which one shall remain in the custody of the Parson, Vicar, or Curate, and the other two in the custody of the Church-wardens for the time being: which chest they shall set and fasten in the most convenient place, to the intent the parishioners may put into it their alms for their poor neighbours. And the Parson, Vicar, or Curate shall diligently, from time to time, and especially when men make their testaments, call upon, exhort, and move their neighbours to confer and give, as they may well spare, to the said chest; declaring unto them, that whereas heretofore they have been diligent to bestow much substance otherwise than God commanded, upon superstitious uses, now they ought at this time to be much more ready to help the poor and needy, knowing that to relieve the poor is a sacrifice which pleaseth God: and that also whatsoever is given for their comfort is given to Christ himself, and is so accepted of him, that he will mercifully reward the same. The which alms and devotion of the people, the keepers of the keys shall yearly, quarterly, or oftener (as need requireth) take out of the chest, and distribute the same in the presence of most of the parish, or six of the chief of them, to be duly and faithfully delivered to their most poor and needy neighbours.

### 85.—*Churches to be kept in sufficient Reparation.*

THE Church-wardens or Questmen shall take care and provide that the Churches be well and sufficiently repaired, and so from time to time kept and maintained, that the windows be well glazed, and that the floors be kept paved, plain, and even, and all things there in such an orderly and decent sort, without dust, or any thing that may be either noisome, or unseemly, as best becometh the House of God, and is prescribed in an Homily to that effect. The like care they shall take that the Church-yards be well and sufficiently repaired, fenced, and maintained with walls, rails, or pales, as have been in each place accustomed, at their charges unto whom by law the same appertaineth : but especially they shall see that in every meeting of the congregation peace be well kept ; and that all persons excommunicated, and so denounced, be kept out of the Church.

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### 86.—*Churches to be surveyed, and the Decays certified to the high Commissioners.*

EVERY Dean, Dean and Chapter, Archdeacon, and others which have authority to hold ecclesiastical visitations by composition, law, or prescription, shall survey the Churches of his or their jurisdiction once in every three years, in his own person, or cause the same to be done ; and shall from time to time within the said three years, certify the high Commissioners for causes ecclesiastical, every year, of such defects in any the said Churches, as he or they do find to remain unrepaired, and the names and surnames of the parties faulty therein. Upon which certificate, we desire that the said high Commissioners will *ex officio mero* send for such parties, and compel them to obey the just and lawful decrees of such ecclesiastical ordinaries, making such certificates.

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### 87.—*A Terrier of Glebe Lands, and other Possessions belonging to Churches.*

WE ordain, that the Archbishops, and all Bishops within their several dioceses shall procure (as much as in them lieth) that a true note and terrier of all the glebes, lands, meadows, gardens, orchards, houses, stocks, implements, tenements, and portions of tithes lying out of their parishes (which belong to any parsonage, or vicarage, or rural prebend) be taken by the view of honest men in every parish, by the appointment of the Bishop (whereof the Minister to be one) and be laid up in the Bishop's registry, there to be for a perpetual memory thereof.

88.—*Churches not to be profaned.*No. 2.  
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THE Churchwardens or Questmen, and their assistants, shall suffer no plays, feasts, banquets, suppers, church-ales, drinkings, temporal courts, or leets, lay-juries, musters, or any other profane usage to be kept in the Church, Chapel, or Church-yard, neither the bells to be rung superstitiously upon Holy-days or Eves abrogated by the book of Common Prayer, nor at any other times, without good cause to be allowed by the Minister of the place, and by themselves.

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Churchwardens, or Questmen, and Sidemen or Assistants.

89.—*The Choice of Churchwardens, and their Accounts.*

ALL Churchwardens or Questmen in every Parish shall be chosen by the joint consent of the Minister, and the Parishioners, if it may be; but if they cannot agree upon such a choice, then the Minister shall choose one, and the Parishioners, another: and without such joint or several choice none shall take upon them to be Churchwardens: neither shall they continue any longer than one year, in that office, except perhaps they be chosen again in like manner. And all Churchwardens at the end of their year, or within a month after at the most, shall before the Minister and the Parishioners give up a just account of such money as they have received, and also what particularly they have bestowed in reparations, and otherwise, for the use of the Church. And last of all, going out of their office, they shall truly deliver up to the Parishioners whatsoever money or other things of right belonging to the Church or Parish, which remaineth in their hands, that it may be delivered over by them to the next Churchwardens by bill indented.

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90.—*The Choice of Sidemen, and their joint Office with Churchwardens.*

THE Churchwardens or Questmen of every Parish, and two or three or more discreet persons in every Parish, to be chosen for Sidemen or Assistants by the Minister and Parishioners, if they can agree (otherwise to be appointed by the Ordinary of the diocese) shall diligently see that all the Parishioners duly resort to their Church upon all Sundays and Holy-days, and there continue the whole time of Divine Service; and none to walk or stand idle or talking in the Church, or in the Church-yard, or the Church-porch, during that time. And all such as shall be found slack or negligent in resorting to the Church (having no great or urgent cause of absence) they shall earnestly call upon them; and after due monition (if they amend



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not) they shall present them to the Ordinary of the place. The choice of which persons, viz. Churchwardens or Questmen, Sidemen or Assistants, shall be yearly made in Easter-week.

### Parish-Clerks.

#### 91.—*Parish-Clerks to be chosen by the Minister.*

No Parish-Clerk upon any vacation shall be chosen within the City of London, or elsewhere within the Province of Canterbury, but by the Parson or Vicar ; or where there is no Parson or Vicar, by the Minister of that place for the time being : which choice shall be signified by the said Minister, Vicar, or Parson, to the parishioners the next Sunday following, in the time of Divine Service. And the said Clerk shall be of twenty years of age at the least, and known to the said Parson, Vicar, or Minister to be of honest conversation, and sufficient for his reading, writing, and also for his competent skill in singing, if it may be. And the said Clerks so chosen, shall have and receive their ancient wages, without fraud or diminution, either at the hands of the Churchwardens, at such time as hath been accustomed, or by their own collection, according to the most ancient custom of every Parish.

### Ecclesiastical Courts belonging to the Archbishop's Jurisdiction.

#### 92.—*None to be cited into divers Courts for Probate of the same Will.*

FORASMUCH as many heretofore have been by Apparitors both of inferior Courts, and of the Courts of the Archbishop's Prerogative, much distracted, and diversely called and summoned for Probate of wills, or to take administrations of the goods of persons dying intestate, and are thereby vexed and grieved with many causeless and unnecessary troubles, molestations, and expences ; we constitute and appoint, that all Chancellors, Commissaries, or Officials, or any other exercising ecclesiastical jurisdiction whatsoever, shall at the first charge with an oath all persons called or voluntarily appearing before them for the Probate of any will, or the Administration of any goods, whether they know, or (moved by any special inducement) do firmly believe, that the party deceased, whose testament or goods, depend now in question, had at the time of his or her death, any goods or good debts in any other diocese or dioceses, or peculiar jurisdiction within that province, than in that wherein the said party died, amounting to the value of five pounds. And if the said person cited, or voluntarily appearing before him, shall upon his oath affirm, that he knoweth, or (as aforesaid) firmly believeth, that the said party deceased had goods or good debts in any other diocese or dioceses,

or peculiar jurisdiction within the said province, to the value aforesaid, and particularly specify and declare the same; then shall he presently dismiss him, not presuming to intermeddle with the Probate of the said will, or to grant Administration of the goods of the party so dying intestate; neither shall he require or exact any other charges of the said parties, more than such only as are due for the citation, and other process had and used against the said parties, upon their further contumacy; but shall openly and plainly declare and profess, that the said cause belongeth to the Prerogative of the Archbishop of the province; willing and admonishing the party to prove the said will, or require administration of the said goods in the Court of the said Prerogative, and to exhibit before him, the said Judge, the Probate or Administration under the seal of the Prerogative, within forty days next following. And if any Chancellor, Commissary, Official, or other exercising ecclesiastical jurisdiction whatsoever, or any their Register, shall offend herein, let him be *ipso facto* suspended from the execution of his office, not to be absolved or released, until he have restored to the party all expences by him laid out contrary to the tenor of the premisses; and every such Probate of any testament, or Administration of goods so granted, shall be held void and frustrate to all effects of the law whatsoever.

Furthermore, we charge and enjoin, that the Register of every inferior Judge, do without all difficulty or delay, certify and inform the Apparitor of the Prerogative Court, repairing unto him once a month, and no oftener, what executors or administrators have been by his said Judge, for the incompetency of his own jurisdiction, dismissed to the said Prerogative Court within the month next before, under pain of a month's suspension from the exercise of his office for every default therein. Provided, that this Canon, or any thing herein contained, be not prejudicial to any composition between the Archbishop and any Bishop or other Ordinary, nor to any inferior Judge that shall grant any Probate of testament, or Administration of goods, to any party that shall voluntarily desire it, both out of the said inferior Court, and also out of the Prerogative. Provided likewise, that if any man die *in itinere*, the goods that he hath about him at that present, shall not cause his testament or administration to be liable unto the Prerogative Court.

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### 93.—*The Rate of Bona notabilia liable to the Prerogative Court.*

FURTHERMORE, we decree and ordain, that no Judge of the Archbishop's Prerogative shall henceforward cite, or cause to be cited, *ex officio*, any person whatsoever to any of the aforesaid intents, unless he have knowledge that the party deceased was at the time

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of his death possessed of goods and chattels in some other diocese or dioceses, or peculiar jurisdiction within that province, than in that wherein he died, amounting to the value of five pounds at the least; decreeing and declaring, that whoso hath not goods in divers dioceses to the said sum or value, shall not be accounted to have *bona notabilia*. Always provided, that this clause, here and in the former constitution mentioned, shall not prejudice those dioceses, whereby composition or custom *bona notabilia* are rated at a greater sum. And if any Judge of the Prerogative Court, or any his surrogate, or his register or apparitor, shall cite, or cause any person to be cited into his Court, contrary to the tenor of the premisses, he shall restore to the party so cited all his costs and charges, and the acts and proceedings in that behalf shall be held void and frustrate. Which expences, if the said Judge, or Register, or Apparitor, shall refuse accordingly to pay, he shall be suspended from the exercise of his office, until he yield to the performance thereof.

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94.—*None to be cited into the Arches or Audience, but Dwellers within the Archbishop's Diocese, or Peculiars.*

No Dean of the Arches, nor official of the Archbishop's consistory, nor any Judge of the audience, shall henceforward, in his own name, or in the name of the archbishop, either *ex officio*, or at the instance of any party, originally cite, summon, or any way compel, or procure to be cited, summoned, or compelled, any person which dwelleth not within the particular diocese or peculiar of the said Archbishop, to appear before him or any of them, for any cause or matter whatsoever belonging to ecclesiastical cognizance, without the licence of the Diocesan first had and obtained in that behalf, other than in such particular cases only, as are expressly excepted and reserved in and by a statute *anno 23 H. 8, cap. 9*. And if any of the said Judges shall offend herein, he shall for every such offence be suspended from the exercise of his office, for the space of three whole months.

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95.—*The Restraint of double Quarrels.*

ALBEIT by former constitutions of the Church of England, every Bishop hath had two months space to enquire and inform himself of the sufficiency and qualities of every Minister, after he hath been presented unto him to be instituted into any benefice; yet for the avoiding of some inconveniencies, we do now abridge and reduce the said two months unto eight and twenty days only. In respect of which abridgement we do ordain and appoint, that no double quarrel shall hereafter be granted out of any of the Archbishop's Courts at the suit of any Minister whosoever, except he shall first take his personal oath, that the said eight and twenty days at the least are expired,



after he first tendered his presentation to the Bishop, and that he refused to grant him institution thereupon; or shall enter bonds with sufficient sureties to prove the same to be true; under pain of suspension of the granter thereof from the execution of his office for half a year *toties quoties* (to be denounced by the said Archbishop) and nullity of the double quarrel aforesaid, so unduly procured, to all intents and purposes whatsoever. Always provided, that within the said eight and twenty days the Bishop shall not institute any other to the prejudice of the said party before presented, *sub pœna nullitatis*.

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96.—*Inhibitions not to be granted without the subscription of an Advocate.*

THAT the jurisdictions of Bishops may be preserved (as near as may be) entire and free from prejudice, and that for the behoof of the subjects of this land better provision be made, that henceforward they be not grieved with frivolous and wrongful suits and molestations: it is ordained and provided, that no inhibition shall be granted out of any Court belonging to the Archbishop of Canterbury at the instance of any party, unless it be subscribed by an Advocate practising in the said Court; which the said Advocate shall do freely, not taking any fee for the same, except the party prosecuting the suit do voluntarily bestow some gratuity upon him for his counsel and advice in the said cause. The like course shall be used in granting forth any inhibition, at the instance of any party, by the Bishop or his Chancellor, against the Archdeacon, or any other person exercising ecclesiastical jurisdiction: and if in the Court of Consistory of any Bishop there be no Advocate at all, then shall the subscription of a Proctor practising in the same Court be held sufficient.

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97.—*Inhibitions not to be granted, until the Appeal be exhibited to the Judge.*

It is further ordered and decreed, that henceforward no inhibition be granted by occasion of any interlocutory decree, or in any cause of correction whatsoever, except under the form aforesaid: and moreover, that before the going out of any such inhibition, the appeal itself, or a copy thereof (avouched by oath to be just and true) be exhibited to the Judge, or his lawful surrogate, whereby he may be fully informed, both of the quality of the crime, and of the cause of the grievance, before the granting forth of the said inhibition. And every appellant, or his lawful Proctor, shall, before the obtaining of any such inhibition, shew and exhibit to the Judge, or his surrogate, in writing, a true copy of those acts wherewith he complaineth himself to be aggrieved, and from which he appealeth, or shall take a corporal oath, that he hath performed his diligence and true endeavour for the obtaining of

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the same, and could not obtain it at the hands of the Register in the country, or his deputy, tendering him his fee. And if any Judge or Register shall either procure or permit any inhibition to be sealed, so as is said, contrary to the form and limitation above specified, let him be suspended from the execution of his office for the space of three months: if any Proctor, or other person whatsoever by his appointment, shall offend in any of the premisses, either by making or sending out any inhibition, contrary to the tenor of the said premisses, let him be removed from the exercise of his office for the space of a whole year, without hope of release or restoring.

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98.—*Inhibitions not to be granted to factious Appellants, unless they first subscribe.*

FORASMUCH as they who break the laws, cannot in reason claim any benefit or protection by the same; we decree and appoint, that after any Judge ecclesiastical hath proceeded judicially against obstinate and factious persons, and contemners of ceremonies, for not observing the rites and orders of the Church of England, or for contempt of publick prayer, no Judge, *ad quem*, shall admit or allow any his or their appeals, unless, he having first seen the original appeal, the party appellant do first personally promise and avow, that he will faithfully keep and observe all the rites and ceremonies of the Church of England, as also the prescript form of Common Prayer; and do likewise subscribe to the three Articles formerly by us specified and declared.

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99.—*None to marry within the Degrees prohibited.*

No person shall marry within the degree prohibited by the laws of God, and expressed in a table set forth by authority in the year of our Lord God 1563. And all marriages so made and contracted shall be adjudged incestuous, and unlawful, and consequently shall be dissolved as void from the beginning, and the parties so married, shall by course of law be separated. And the aforesaid table shall be in every Church publickly set up and fixed at the charge of the Parish.


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100.—*None to marry under 21 Years, without their Parents consent.*

No children under the age of one and twenty years complete, shall contract themselves, or marry, without the consent of their parents, or of their guardians and governors, if their parents be deceased.

101.—*By whom Licences to marry without Banns shall be granted, and to what sort of Persons.*

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No faculty or licence shall be henceforth granted for solemnization of matrimony betwixt any parties, without thrice open publication of the banns, according to the Book of Common Prayer, by any person exercising any ecclesiastical jurisdiction, or claiming any privileges in the right of their Churches; but the same shall be granted only by such as have episcopal authority, or the Commissary for faculties, Vicars-General of the Archbishops and Bishops, *sede plena* or, *sede vacante*, the guardian of the spiritualities, or ordinaries exercising of right episcopal jurisdiction in their several jurisdictions respectively, and unto such persons only, as be of good state and quality, and that upon good caution and security taken.

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102.—*Security to be taken at the granting of such Licences, and under what conditions.*

THE security mentioned shall contain these conditions; first, that at the time of the granting every such licence, there is not any impediment of precontract, consanguinity, affinity, or other lawful cause to hinder the said marriage. Secondly, that there is not any controversy or suit depending in any Court before any ecclesiastical Judge, touching any contract or marriage of either of the said parties with any other. Thirdly, that they have obtained thereunto the express consent of their parents (if they be living) or otherwise of their guardians or governors. Lastly, that they shall celebrate the said matrimony publicly in the Parish Church or Chapel where one of them dwelleth, and in no other place, and that between the hours of eight and twelve in the forenoon.

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103.—*Oaths to be taken for the conditions.*

FOR the avoiding of all fraud and collusion in the obtaining of such licences and dispensations, we further constitute and appoint, that before any licence for the celebration of matrimony without publication of banns be had or granted, it shall appear to the Judge by the oaths of two sufficient witnesses, one of them to be known either to the Judge himself, or to some other person of good reputation then present, and known likewise to the said Judge, that the express consent of the parents, or parent, if one be dead, or guardians of the parties, is thereunto had and obtained. And furthermore, that one of the parties personally swear, that he believeth there is no lett or impediment of precontract, kindred, or alliance, or of any other lawful cause whatsoever, nor any suit commenced in any ecclesiastical



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Court, to bar or hinder the proceeding of the said matrimony, according to the tenor of the foresaid licence.

104.—*An Exception for those that are in Widowhood.*

IF both the parties which are to marry being in widowhood, do seek a faculty for the forbearing of banns, then the clauses before-mentioned, requiring the parents consents, may be omitted; but the parishes where they dwell, both shall be expressed in the licence, as also the parish named where the marriage shall be celebrated. And if any Commissary for faculties, Vicars-General, or other the said Ordinaries shall offend in the premisses, or any part thereof, he shall, for every time so offending, be suspended from the execution of his office for the space of six months; and every such licence or dispensation shall be held void to all effects and purposes, as if there never had been any such granted; and the parties marrying by virtue thereof, shall be subject to the punishments which are appointed for clandestine marriages.

105.—*No Sentence for Divorce to be given upon the sole Confession of the Parties.*

FORASMUCH as matrimonial causes have been always reckoned and reputed among the weightiest, and therefore require the greater caution, when they come to be handled and debated in judgment, especially in causes wherein matrimony have been in the Church duly solemnized, is required, upon any suggestion or pretext whatsoever, to be dissolved or annulled: we do straitly charge and enjoin, that in all proceedings to divorce, and nullities of matrimony, good circumspection and advice be used, and that the truth may (as far as is possible) be sifted out by the deposition of witnesses, and other lawful proofs and evictions; and that credit be not given to the sole confession of the parties themselves, howsoever taken upon oath, either within or without the Court.

106.—*No Sentence for Divorce to be given but in open Court.*

No sentence shall be given either for separation *a thoro et mensa*, or for annulling of pretended matrimony, but in open Court, and in the seat of justice; and that with the knowledge and consent either of the Archbishop within his province, or of the Bishop within his diocese, or of the Dean of the Arches, the Judge of the Audience of Canterbury, or of the Vicars-General, or other principal officials, or, *sede vacante*, of the guardians of the spiritualities, or other ordinaries to whom of right it appertaineth, in their several jurisdictions and courts, and concerning them only that are then dwelling under their jurisdictions.

107.—*In all Sentences for Divorce, Bonds to be taken for not marrying during each other's Life.*

IN all sentences pronounced only for Divorce and Separation *a thora et mensa*, there shall be a caution and restraint inserted in the act of the said sentence, that the parties so separated, shall live chastely and continently; neither shall they, during each other's life, contract matrimony with any other person, and for the better observation of this last clause, the said sentence of divorce shall not be pronounced, until the party or parties requiring the same, have given good and sufficient caution and security into the Court, that they will not any way break or transgress the said restraint or prohibition.

108.—*The Penalty of Judges offending in the premisses.*

AND if any Judge, giving sentence of Divorce or Separation, shall not fully keep and observe the premisses, he shall be, by the Archbishop of the province, or by the Bishop of the diocese, suspended from the exercise of his office for the space of a whole year; and the sentence of separation, so given contrary to the form aforesaid, shall be held void to all intents and purposes of the law, as if it had not at all been given or pronounced.

Ecclesiastical Courts belonging to the jurisdiction of Bishops and Archdeacons and the proceedings in them.

109.—*Notorious Crimes and Scandals, to be certified into Ecclesiastical Courts by Presentment.*

IF any offend their brethren, either by adultery, whoredom, incest, or drunkenness, or by swearing, ribaldry, usury and other uncleanness, and wickedness of life, the Churchwardens, or Questmen, and Sidemen, in their next presentments to their Ordinaries, shall faithfully present all and every of the said offenders, to the intent that they, and every of them may be punished by the severity of the laws, according to their deserts; and such notorious offenders shall not be admitted to the holy Communion, till they be reformed.

110.—*Schismatics to be presented.*

IF the Churchwardens, or Questmen, or Assistants do or shall know any man within their Parish, or elsewhere, that is a hinderer of the word of God to be read or sincerely preached, or of the execution of these our constitutions, or a Fautor of any usurped or foreign power, by the laws of this realm justly rejected and taken away, or a defender

of popish and erroneous doctrine; they shall detect and present the same to the Bishop of the diocese, or Ordinary of the place, to be censured and punished according to such ecclesiastical laws as are prescribed in that behalf.

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111.—*Disturbers of Divine Service to be presented.*

IN all visitations of Bishops and Archdeacons, the Churchwardens, or Questmen, and Sidemen, shall truly and personally present the names of those which behave themselves rudely and disorderly in the Church, or which by untimely ringing of bells, by walking, talking, or other noise, shall hinder the Minister or Preacher.

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112.—*Non-Communicants at Easter to be presented.*

THE Minister, Churchwardens, Questmen, and Assistants of every Parish Church, and Chapel, shall yearly, within forty days after *Easter*, exhibit to the Bishop or his Chancellor, the names and surnames of all the Parishioners, as well men as women, which being of the age of sixteen years, received not the Communion at *Easter* before.

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113.—*Ministers may not present.*

BECAUSE it often cometh to pass, that the Churchwardens, Sidemen, Questmen, and such other persons of the Laity, as are to take care for the suppressing of sin and wickedness in their several parishes, as much as in them lieth, by admonition, reprehension, and denunciation to their Ordinaries, do forbear to discharge their duties therein, either through fear of their superiors, or through negligence more than were fit, the licentiousness of these times considered; we ordain, that hereafter any Parson or Vicar, or in the lawful absence of any Parson or Vicar, then their Curates and substitutes may join in every presentment with the said Churchwardens, Sidemen, and the rest abovementioned, at the times hereafter limited, if they the said Churchwardens and the rest will present such enormities as are apparent in the parish; or if they will not, then every such Parson and Vicar, or in their absence, as aforesaid, their Curates, may themselves present to their Ordinaries at such times, and when else they think it meet, all such crimes as they have in charge, or otherwise, as by them being) the persons that should have the chief care for the suppressing of sin and impiety in their parishes) shall be thought to require due reformation. Provided always, that if any man confess his secret and hidden sins to the Minister, for the unburdening of his conscience, and to receive spiritual consolation and ease of mind from him; we



do not any way bind the said Minister by this our constitution, but do straitly charge and admonish him, that he do not at any time reveal and make known to any person whatsoever, any crime or offence so committed to his trust and secrecy (except they be such crimes, as by the laws of this realm his own life may be called into question for concealing the same) under pain of irregularity.

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114.—*Ministers shall present Recusants.*

EVERY Parson, Vicar, or Curate shall carefully inform themselves every year hereafter, how many Popish Recusants, Men, Women and Children, above the age of thirteen years, and how many being popishly given (who though they come to the Church, yet do refuse to receive the Communion) are inhabitants, or make their abode, either as sojourners, or common guests, in any of their several parishes, and shall set down their true names in writing (if they can learn them) or otherwise such names as for the time they carry, distinguishing the absolute recusants from half recusants; and the same, so far as they know or believe, so distinguished and set down under their hands, shall truly present to their Ordinaries before the Feast of the Nativity next ensuing, under pain of suspension to be inflicted upon them by their said Ordinaries; and so every year hereafter, upon the like pain, before the Feast of St. John Baptist. Also we ordain, That all such Ordinaries, Chancellors, Commissaries, Archdeacons, officials, and all other ecclesiastical officers, to whom the said presentments shall be exhibited, shall likewise within one month after the receipt of the same, under pain of suspension by the Bishop from the execution of their offices for the space of half a year, as often as they shall offend therein, deliver them, or cause to be delivered to the Bishop respectively; who shall also exhibit them to the Archbishop within six weeks, and the Archbishop to his Majesty within other six weeks, after he hath received the said presentments.

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115.—*Ministers and Churchwardens not to be sued for presenting.*

WHEREAS for the reformation of criminal persons and disorders in every parish, the Churchwardens, Questmen, Sidemen, and such other church officers are sworn, and the Minister charged to present as well the crimes and disorders committed by the said criminous persons, as also the common fame which is spread abroad of them, whereby they are maligned, and sometimes troubled by the said delinquents, or their friends; we do admonish and exhort all Judges, both ecclesiastical and temporal, as they regard and reverence the fearful judgement-seat of the Highest Judge, that they admit not in any of

their courts any complaint, plea, suit, or suits against any such Churchwardens, Questmen, Sidemen, or other church officers, for making any such presentments, nor against any Minister for any presentment that he shall make; all the said presentments tending to the restraint of shameless impiety, and considering, that the rules both of charity and government do presume, that they did nothing therein of malice, but for the discharge of their consciences.

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116.—*Churchwardens not bound to present oftener than twice a year.*

No Churchwardens, Questmen, or Sidemen of any parish shall be enforced to exhibit their presentments to any having ecclesiastical jurisdiction, above once in every year, where it hath been no oftener used, nor above twice in any diocese whatsoever, except it be at the Bishop's visitation. For the which presentments of every Parish Church or Chapel, the register of any court, where they are to be exhibited shall not receive in one year above four pence, under pain for every offence therein, of suspension from the execution of his office for the space of a month, *toties, quoties*. Provided always, that as good occasion shall require, it shall be lawful for every Minister, Churchwardens, and Sidemen to present offenders as oft as they shall think meet; and likewise for any godly disposed person, or for any ecclesiastical Judge, upon knowledge or notice given unto him or them of any enormous crime within his jurisdiction, to move the Minister, Churchwardens, or Sidemen, as they tender the glory of God, and the reformation of sin, to present the same if they shall find sufficient cause to induce them thereunto, that it may be in due time punished and reformed. Provided, that for these voluntary presentments there be no fee required or taken of them, under the pain aforesaid.

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117.—*Churchwardens not to be troubled for not presenting oftener than twice a Year.*

No Churchwardens, Questmen, or Sidemen shall be called or cited, but only at the said time or times before limited, to appear before any ecclesiastical Judge whosoever, for refusing at other times to present any faults committed in their parishes, and punishable by ecclesiastical laws. Neither shall they, nor any of them, after their presentments exhibited at any of those times, be any further troubled for the same, except upon manifest and evident proof, it may appear, that they did then willingly and wittingly omit to present some such publick crime or crimes as they knew to be committed, or could not be ignorant that there was then a publick fame of them; or unless

there be very just cause to call them for the explanation of their former presentments. In which case of wilful omission, their Ordinaries shall proceed against them in such sort, as in causes of wilful perjury in a Court ecclesiastical it is already by law provided.

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118.—*The old Churchwardens to make their Presentments before the new be sworn.*

THE office of all Churchwardens and Sidemen shall be reputed ever hereafter to continue until the new Churchwardens that shall succeed them be sworn, which shall be the first week after *Easter*, or some week following, according to the direction of the Ordinary. Which time so appointed, shall always be one of the two times in every year, when the Minister, and Churchwardens, and Sidemen of every parish shall exhibit to their several Ordinaries the presentments of such enormities as have happened in their parishes since their last presentments. And this duty they shall perform, before the newly chosen Churchwardens and Sidemen be sworn, and shall not be suffered to pass over the said presentments to those that are newly come into office, and are by intendment ignorant of such crimes; under pain of those censures which are appointed for the reformation of such dalliers and dispensers with their own consciences and oaths.

119.—*Convenient time to be assigned for framing presentments.*

FOR the avoiding of such inconveniences as heretofore have happened by the hasty making of bills of presentments upon the days of the visitation and synods, it is ordered, that always hereafter every Chancellor, Archdeacon, Commissary and Official, and every other person having ecclesiastical jurisdiction, at the ordinary time when the Churchwardens are sworn; and the Archbishop and Bishops, when he or they do summon their visitation, shall deliver, or cause to be delivered to the Churchwardens, Questmen, and Sidemen of every parish, or to some of them, such books of articles, as they or any of them shall require, for the year following, the said Churchwardens, Questmen, and Sidemen to ground their presentments upon, at such times as they are to exhibit them. In which book shall be contained the form of the oath, which must be taken immediately before every such presentment; to the intent that having beforehand time sufficient, not only to peruse and consider what their said oath shall be, but the articles also whereupon they are to ground their presentments, they may frame them at home both advised and truly, to the discharge of their own consciences, after they are sworn, as becometh honest and godly men.



120.—*None to be cited into ecclesiastical Courts by process of quorum nomina.*

No Bishop, Chancellor, Archdeacon, Official, or other ecclesiastical Judge, shall suffer any general processes of *quorum nomina* to be sent out of his Court; except the names of all such as thereby are to be cited, shall be first expressly entered by the hand of the Register, or his deputy, under the said processes, and the said processes and names be first subscribed by the Judge, or his deputy, and his seal thereto affixed.

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121.—*None to be cited into several Courts for one crime.*

In places where the Bishop and Archdeacon, do by prescription or composition visit at several times in one and the same year, lest for one and the self-same fault any of his Majesty's subjects should be challenged and molested in divers ecclesiastical Courts; we order and appoint, that every Archdeacon, or his Official, within one month after the visitation ended that year, and the presentments received, shall certify under his hand and seal to the Bishop, or his Chancellor, the names and crimes of all such as are detected and presented in his said visitation, to the end the Chancellor shall thenceforth forbear to convent any person for any crime or cause so detected or presented to the Archdeacon. And the Chancellor within the like time after the Bishop's visitation ended, and presentments received, shall under his hand and seal signify to the Archdeacon, or his Official, the names and crimes of all such persons which shall be directed or presented unto him in that visitation, to the same intent as is aforesaid. And if these officers shall not certify each other, as is here prescribed, or after such certificate shall intermeddle with the crimes or persons detected and presented in each other's visitation; then every of them so offending, shall be suspended from all exercise of his jurisdiction by the Bishop of the diocese, until he shall repay the costs and expences which the parties grieved have been at by that vexation.

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122.—*No Sentence of Deprivation or Deposition to be pronounced against a Minister, but by the Bishop.*

WHEN any Minister is complained of in any ecclesiastical Court belonging to any Bishop of his province, for any crime, the Chancellor, Commissary, Official, or any other having ecclesiastical jurisdiction, to whom it shall appertain, shall expedite the cause by processes and other proceedings against him: and upon contumacy, for not appearing, shall first suspend him; and afterward, his contumacy continuing, excommunicate him. But if he appear, and

submit himself to the course of law, then the matter being ready for sentence, and the merits of his offence exacting by law either deprivation from his living, or deposition from the Ministry, no such sentence shall be pronounced by any person whosoever, but only by the Bishop, with the assistance of his Chancellor, the Dean (if they may be conveniently had) and some of the Prebendaries, if the Court be kept near the Cathedral Church, or of the Archdeacon, if he may be had conveniently, and two other at the least grave Ministers and Preachers, to be called by the Bishop, when the Court is kept in other places.

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123.—*No act to be sped but in open Court.*

No Chancellor, Commissary, Archdeacon, Official, or any other person using ecclesiastical jurisdiction whosoever, shall speed any judicial act, either of contentious or voluntary jurisdiction, except he have the ordinary Register of that Court, or his lawful deputy: or if he or they will not, or cannot be present, then such persons, as by law are allowed in that behalf to right or speed the same, under pain of suspension *ipso facto*.

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124.—*No Court to have more than one seal.*

No Chancellor, Commissary, Archdeacon, Official, or any other exercising ecclesiastical jurisdiction, shall without the Bishop's consent have any more seals than one for the sealing of all matters incident to his office: which seal shall always be kept either by himself, or by his lawful substitute exercising jurisdiction for him, and remaining within the jurisdiction of the said Judge, or in the city or principal town of the county. This seal shall contain the title of that jurisdiction, which every of the said Judges or their deputies do execute.

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125.—*Convenient Places to be chosen for the keeping of Courts.*

ALL Chancellors, Commissaries, Archdeacons, Officials, and all other exercising ecclesiastical jurisdiction, shall appoint such meet places for the keeping of their Courts, by the assignment or approbation of the Bishop of the diocese, as shall be convenient for entertainment of those that are to make their appearance there, and most indifferent for their travel. And likewise they shall keep and end their Courts in such convenient time, as every man may return homewards in as due season as may be.

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126.—*Peculiar and inferior Courts to exhibit the original Copies of Wills into the Bishop's Registry.*

WHEREAS Deans, Archdeacons, Prebendaries, Parsons, Vicars, and others, exercising ecclesiastical jurisdiction, claim liberty to prove last wills and testaments of persons deceased within their several jurisdictions, having no known or certain registers, nor publick place to keep their records in; by reason whereof many wills, rights and legacies, upon the death or change of such persons, and their private notaries, miscarry and cannot be found, to the great prejudice of his Majesty's subjects; we therefore order and enjoin, that all such possessors and exercisers of peculiar jurisdiction shall once in every year exhibit into the publick registry of the Bishop of the diocese, or of the Dean and Chapter, under whose jurisdiction the said peculiars are, every original testament of every person in that time deceased, and by them proved in their several peculiar jurisdictions, or a true copy of every such testament, examined, subscribed and sealed by the peculiar Judge and his Notary, otherwise, if any of them fail so to do, the Bishop of the diocese, or Dean and Chapter, unto whom the said jurisdictions do respectively belong, shall suspend the said parties, and every of them, from the exercise of all such peculiar jurisdiction, until they have performed this our constitution.

Judges Ecclesiastical, and their Surrogates.

127.—*The Quality and Oath of Judges.*

No man shall hereafter be admitted a Chancellor, Commissary, or Official, to exercise any ecclesiastical jurisdiction, except he be of the full age of six and twenty years at the least, and one that is learned in the civil and ecclesiastical laws, and is at the least a Master of Arts, or Batchelor of Law, and is reasonably well practised in the course thereof, as likewise well affected, and zealously bent to religion, touching whose life and manners no evil example is had; and except before he enter into or execute any such office, he shall take the oath of the King's supremacy in the presence of the Bishop, or in the open Court, and shall subscribe to the Articles of religion agreed upon in the convocation in the year one thousand five hundred sixty and two, and shall also swear that he will, to the uttermost of his understanding, deal uprightly and justly in his office, without respect or favour of reward; the said oaths and subscription to be recorded by a Register then present. And likewise, all Chancellors, Commissaries, Officials, Registers, and all other that do now possess or execute any places of ecclesiastical jurisdiction, or service, shall before *Christmas* next, in the presence of the Archbishop, or Bishop,



or in open Court, under whom or where they exercise their offices, take the same oaths, and subscribe, as before is said; or, upon refusal so to do, shall be suspended from the execution of their offices until they shall take the said oaths, and subscribe as aforesaid.

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### 128.—*The Quality of Surrogates.*

No Chancellor, Commissary, Archdeacon, Official, or any other person using ecclesiastical jurisdiction, shall at any time substitute in their absence any to keep any Court for them, except he be either a grave Minister and a Graduate, or a licensed publick preacher, and a beneficed man, near the place where the Courts are kept, or a Bachelor of Law, or a Master of Arts at least, who hath some skill in the civil and ecclesiastical law, and is a favourer of true religion, and a man of modest and honest conversation: under pain of suspension, for every time that they offend therein, from the execution of their offices, for the space of three months, *toties quoties*. And he likewise that is deputed, being not qualified as is before expressed, and yet shall presume to be a substitute to any Judge, and shall keep any Court, as is aforesaid, shall undergo the same censure, in manner and form as is before expressed.

### PROCTORS.

#### 129.—*Proctors not to retain Causes without the lawful Assignment of the Parties.*

NONE shall procure in any cause whatsoever, unless he be thereunto constituted and appointed by the party himself, either before the Judge, and by act in Court, or unless, in the beginning of the suit, he be by a true and sufficient proxy thereunto warranted and enabled. We call that proxy sufficient, which is strengthened and confirmed by some authentical seal, the party's approbation, or at least his ratification wherewithal concurring. All which proxies shall be forthwith by the said Proctors exhibited into the Court, and be safely kept and preserved by the Register in the publick registry of the said Court. And if any Register or Proctor shall offend herein, he shall be secluded from the exercise of his office, for the space of two months, without hope of release or restoring.

#### 130.—*Proctors not to retain Causes without the Counsel of an Advocate.*

FOR lessening and abridging the multitude of suits and contentions, as also for preventing the complaints of suitors in Courts ecclesiastical, who many times are overthrown by the oversight and negli-

gence, or by the ignorance and insufficiency of Proctors; and likewise for the furtherance and increase of learning, and the advancement of civil and canon law, following the laudable customs heretofore observed in the Courts pertaining to the Archbishop of *Canterbury*; we will and ordain, that no Proctor exercising in any of them, shall entertain any cause whatsoever, and keep and retain the same for two Court days, without the counsel and advice of an advocate, under pain of a year's suspension from his practice; neither shall the Judge have power to release or mitigate the said penalty, without express mandate and authority from the Archbishop aforesaid.

131.—*Proctors not to conclude in any Cause without the knowledge of an Advocate.*

No Judge in any of the said Courts of the Archbishop shall admit any libel, or any other matter, without the advice of an Advocate admitted to practise in the same Court, or without his subscription; neither shall any Proctor conclude any cause depending, without the knowledge of the Advocate retained and feed in the cause: which if any Proctor shall do, or procure to be done, or shall by any colour whatsoever defraud the Advocate of his duty or fee, or shall be negligent in repairing to the Advocate, and requiring his advice what course is to be taken in the cause, he shall be suspended from all practice for the space of six months, without hope of being thereunto restored before the said term be fully complete.

132.—*Proctors prohibited the Oath In animam domini sui.*

FORASMUCH as in the probate of testaments and suits for administration of the goods of persons dying intestate, the oath usually taken by Proctors of Courts, *In animam constituentis*, is found to be inconvenient: we do therefore decree and ordain, That every executor, or suitor for administration, shall personally repair to the Judge in that behalf, or his Surrogate, and in his own person (and not by Proctor, take the oath accustomed in these cases. But if by reason of sickness, or age, or any other just lett or impediment) he be not able to make his personal appearance before the Judge, it shall be lawful for the Judge (there being faith first made by a credible person, of the truth of his said hindrance or impediment) to grant a commission to some grave ecclesiastical person, abiding near the party aforesaid, whereby he shall give power and authority to the said ecclesiastical person, in his stead, to minister the accustomed oath above mentioned to the executor, or suitor for such administration, requiring his said substitute, that by a faithful and trusty messenger he certify the said Judge truly and faithfully what he hath done therein. Lastly, we ordain and appoint, That no Judge or Register

shall in any wise receive for the writing, drawing, or sealing of any such commission, above the sum of six shillings and eight pence; whereof one moiety to be for the Judge, and the other for the Register of the said Court.

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### 133.—*Proctors not to be clamorous in Court.*

FORASMUCH as it is found by experience, that the loud and confused cries and clamours of Proctors in the Courts of the Archbishop, are not only troublesome and offensive to the Judges and Advocates, but also give occasion to the standers by, of contempt and calumny toward the Court itself; that more respect may be had to the dignity of the Judge, than heretofore, and that causes may more easily and commodiously be handled and dispatched, we charge and enjoin, That all Proctors in the said Courts do especially intend, that the acts be faithfully entered and set down by the Register, according to the advice and direction of the Advocate; that the said Proctors refrain loud speech and babbling, and behave themselves quietly and modestly: and that when either the Judges or Advocates, or any of them shall happen to speak, they presently be silent, upon pain of silencing for two whole terms, then immediately following every such offence of their's. And if any of them shall the second time offend herein, and after due monition shall not reform himself, let him be for ever removed from his practice.


## REGISTERS.

### 134.—*Abuses to be reformed in Registers.*

IF any Register, or his Deputy or substitute whatsoever, shall receive any certificate without the knowledge and consent of the Judge of the Court, or willingly omit to cause any person cited to appear upon any Court day, to be called; or unduly put off, and deter the examination of witnesses to be examined by a day set and assigned by the said Judge; or do not obey and observe the judicial and lawful monition of the said Judge; or omit to write, or cause to be written such citations and degrees as are to be put in execution, and set forth before the next Court-day; or shall not cause all testaments exhibited into his office, to be registered within a convenient time; or shall set down or enact, as decreed by the Judge, any thing false, or concealed by himself, and not so ordered or decreed by the Judge; or, in the transmission of processes to the Judge *ad quem*, shall add or insert any falsehood or untruth, or omit any thing therein, either by cunning, or by gross negligence; or in causes of instance, or promoted of office, shall receive any reward in favour of either party; or be of counsel directly or indirectly with either of the parties in suit; or in the execution of their office shall do aught else malici-



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ously, or fraudulently, whereby the said Ecclesiastical Judge, or his proceedings, may be slandered or defamed; We will and ordain, that the said Register, or his deputy or substitute, offending in all or any of the premises, shall by the Bishop of the diocese be suspended from the exercise of his office for the space of one, two, or three months, or more, according to the quality of his offence; and that the said Bishop shall assign some other publick Notary to execute and discharge all things pertaining to his office, during the time of his said suspension.

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135.—*A certain Rate of Fees due to all Ecclesiastical Officers.*

No Bishop, Suffragan, Chancellor, Commissary, Archdeacon, Official, nor any other exercising ecclesiastical jurisdiction whatsoever, nor any Register of any ecclesiastical courts, nor any Minister belonging to any of the said officers or courts, shall hereafter, for any cause incident to their several offices, take or receive any other or greater fees, than such as were certified to the most Reverend Father in God, *John* late Archbishop of *Canterbury*, in the year of our Lord God one thousand five hundred ninety and seven, and were by him ratified and approved; under pain, that every such Judge, Officer, or Minister offending herein, shall be suspended from the exercise of their several offices for the space of six months, for every such offence. Always provided, that if any question shall arise concerning the certainty of the said fees, or any of them, then those fees shall be held for lawful, which the Archbishop of *Canterbury* for the time being shall under his hand approve, except the statutes of this realm before made do in any particular case express some other fees to be due. Provided, furthermore, That no fee or money shall be received either by the Archbishop, or any Bishop, or Suffragan either directly or indirectly, for admitting of any into sacred orders; nor that any other person, or persons under the said Archbishop, Bishop, or Suffragan, shall, for parchment, writing, wax, sealing, or any other respect thereunto appertaining, take above ten shillings, under such pains as are already by law prescribed.

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136.—*A Table of the Rates and Fees to be set up in Courts and Registries.*

We do likewise constitute and appoint, that the Registers belonging to every such Ecclesiastical Judge, shall place two tables, containing the several rates and sums of all the said fees; one in the usual place or consistory where the Court is kept, and the other in his Registry; and both of them in such sort, as every man, whom it concerneth, may without difficulty come to the view and perusal thereof;

and take a copy of them: the same tables to be set up before the feast of the nativity next ensuing. And if any Register shall fail to place the said tables according to the tenor hereof, he shall be suspended from the execution of his office, until he cause the same to be accordingly done: and the said tables being once set up, if he shall at any time remove or suffer the same to be removed, hidden, or any way hindered from sight, contrary to the true meaning of this constitution, he shall for every such offence be suspended from the exercise of his office for the space of six months,

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137.—*The whole Fees for shewing Letter of Orders, and other Licenses, due but once in every Bishop's time.*

FORASMUCH as the chief and principal cause and use of visitation is, that the Bishop, Archdeacon, or other assigned to visit, may get some good knowledge of the state, sufficiency and ability of the Clergy, and other persons whom they are to visit; we think it convenient, That every Parson, Vicar, Curate, Schoolmaster, or other person licensed whosoever, do at the Bishop's first visitation, or at the next visitation after his admission, shew and exhibit unto him his letters of orders, institution, and induction, and all other his dispensations, licenses or faculties whatsoever, to be by the said Bishop, either allowed, or (if there be just cause) disallowed and rejected; and being by him approved, to be as the custom is, signed by the Register; and that the whole fees accustomed to be paid in the visitations in respect of the premises, to be paid only once in the whole time of every Bishop, and afterwards but half of the said accustomed fees in every other visitation, during the said Bishop's continuance.

APPARITORS.

138.—*The Number of Apparitors restrained.*

FORASMUCH as we are desirous to redress such abuses and grievances as are said to grow by Somners or Apparitors, we think it meet that the multitude of apparitors, be (as much as is possible) abridged or restrained: wherefore we decree and ordain, that no Bishop, or Archdeacon, or their Vicars, or Officials, or other inferior Ordinaries, shall depute or have more Apparitors to serve in their jurisdictions respective, than either they or their predecessors were accustomed to have thirty years before the publishing of these our present constitutions. All which apparitors shall by themselves faithfully execute their offices; neither shall they by any colour or pretence whatsoever, cause or suffer their mandates to be executed by any messengers or substitutes, unless it be upon some good cause to be first known and approved by the Ordinary of the place. Moreover, they shall not take upon them the office of promoters or informers for the

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Court, neither shall they exact more or greater fees than are in these our constitutions formerly prescribed. And if either the number of the apparitors deputed shall exceed the aforesaid limitation, or any of the said apparitors shall offend in any of the premises; the persons deputing them, if they be Bishops, shall, upon admonition of their superior, discharge the persons exceeding the number so limited; if inferior ordinaries, they shall be suspended from the execution of their office, until they have dismissed the apparitors by them so deputed; and the parties themselves so deputed, shall for ever be removed from the office of apparitors; and if, being so removed, they desist not from the exercise of their said offices, let them be punished by ecclesiastical censures, as persons contumacious. Provided, that if upon experience the number of the said apparitors be too great in any diocese in the judgement of the Archbishop of *Canterbury* for the time being, they shall by him be so abridged, as he shall think meet and convenient.

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AUTHORITY OF SYNODS.

139.—*A National Synod the Church Representative.*

WHOSOEVER shall hereafter affirm, that the sacred synod of this nation, in the name of Christ, and by the King's authority assembled, is not the true Church of *England* by representation; let him be excommunicated, and not restored until he repent, and publicly revoke that his wicked error.

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140.—*Synods conclude as well the absent as the present.*

WHOSOEVER shall affirm, that no manner of person, either of the Clergy or Laity, not being themselves particularly assembled in the said sacred synod, are to be subject to the decrees thereof in causes ecclesiastical (made and ratified by the King's Majesty's supreme authority) as not having given their voices unto them; let him be excommunicated, and not restored until he repent, and publicly revoke that his wicked error.

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141.—*Depravers of the Synod, censured.*

WHOSOEVER shall hereafter affirm, that the sacred synod assembled as aforesaid, was a company of such persons as did conspire together against godly and religious Professors of the Gospel; and that therefore both they, and their proceeding in making of Canons and Constitutions in causes ecclesiastical by the King's authority, as aforesaid, ought to be despised and contemned, the same being ratified, confirmed, and enjoined by the said regal power, supremacy, and authority; let them be excommunicated, and not restored, until they repent, and publicly revoke that their wicked error.

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WE of Our princely inclination and royal care for the maintenance of the present estate and government of the Church of England, by the laws of this Our realm now settled and established, having diligently with great contentment and comfort, read and considered of all these their said Canons, Orders, Ordinances, and Constitutions, agreed upon, as is before expressed; and finding the same such as we are persuaded will be very profitable, not only to our Clergy, but to the whole Church, of this Our kingdom, and to all the true members of it, if they be well observed; have therefore for Us, Our Heirs, and Lawful Successors, of Our special grace, certain knowledge, and mere motion, given, and by these presents do give Our royal assent, according to the form of the said statute or act of Parliament aforesaid, to all and every of the said Canons, Orders, Ordinances, and Constitutions, and to all and every thing in them contained, as they are before written.

And furthermore, We do not only by Our said prerogative royal, and supreme authority in causes ecclesiastical, ratify, confirm, and establish, by these our letters patents, the said Canons, Orders, Ordinances, and Constitutions, and all and every thing in them contained, as is aforesaid; but do likewise propound, publish, and straightway enjoin and command by Our said authority, and by these our letters patents, the same to be diligently observed, executed, and equally kept by all Our loving subjects of this Our kingdom, both within the provinces of Canterbury and York, in all points wherein they do or may concern every or any of them, according to this Our will and pleasure hereby signified and expressed: and that likewise, for the better observation of them, every Minister, by what name or title soever he be called, shall, in the Parish Church or Chapel where he hath charge, read all the said Canons, Orders, Ordinances, and Constitutions, once every year, upon some Sundays or holy-days, in the afternoon, before divine service, dividing the same in such sort, as that the one half may be read one day, and the other another day. The book of the said Canons to be provided at the charge of the parish, betwixt this and the feast of the nativity of our Lord God next ensuing: straitly charging and commanding all Archbishops, Bishops, and all other that exercise any ecclesiastical jurisdiction within this realm, every man in his place, to see, and procure (so much as in them lieth) all and every of the same Canons, Orders, Ordinances, and Constitutions, to be in all points duly observed; not sparing to execute the penalties in them severally mentioned, upon any that shall wittingly or wilfully break or neglect to observe the same, as they tender the honour of God, the peace of the Church, the tranquillity of the Kingdom, and their duties and service to Us their King and Sovereign.

In witness, &c.

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54. *The Licenses of Preachers, refusing Conformity, to be void.*
55. *The Form of a Prayer to be used by all Preachers before their Sermons.*
56. *Preachers and Lecturers to read Divine Service, and administer the Sacraments twice a year at the least.*



No. 2.  
Canons and  
Constitutions.

57. *The Sacraments not to be refused at the Hands of unpreaching Ministers.*
58. *Ministers reading Divine Service, and administering the Sacraments, to wear Surplices, and Graduates therewithal Hoods.*
59. *Ministers to catechise every Sunday.*
60. *Confirmation to be performed once in three years.*
61. *Ministers to prepare Children for Confirmation.*
62. *Ministers not to marry any Persons without Banns or License.*
63. *Ministers of exempt Churches not to marry without Banns or License.*
64. *Ministers solemnly to bid Holy-days.*
65. *Ministers solemnly to denounce Recusants and Excommunicates.*
66. *Ministers to confer with Recusants.*
67. *Ministers to visit the Sick.*
68. *Ministers not to refuse to Christen or Bury.*
69. *Ministers not to defer Christening, if the Child be in danger.*
70. *Ministers to keep a Register of Christenings, Weddings, and Burials.*
71. *Ministers not to preach, or administer the Communion in Private Houses.*
72. *Ministers not to appoint publick or private Fasts or Prophecies, or to exorcise but by Authority.*
73. *Ministers not to hold private Conventicles*
74. *Decency in Apparel enjoined to Ministers.*
75. *Sober Conversation required in Ministers.*
76. *Ministers at no time to forsake their calling.*

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School-Masters.

77. *None to teach School without License.*
78. *Curates desirous to teach, to be licensed before others.*
79. *The Duty of School-masters.*

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Things appertaining to Churches.

80. *The Great Bible, and Book of Common Prayer to be had in every Church.*
81. *A Stone for Baptism in every Church.*
82. *A decent Communion Table in every Church.*
83. *A Pulpit to be provided in every Church.*
84. *A Chest for Alms in every Church.*
85. *Churches to be kept in proper Reparation.*
86. *Churches to be surveyed, and the Decays certified to the high Commissioners.*
87. *A Terrier of Glebe Lands, and other Possessions belonging to Churches.*
88. *Churches not to be profaned.*

## Churchwardens, or Questmen, and Sidemen or Assistants.

89. *The Choice of Churchwardens, and their Accounts.*
90. *The Choice of Sidemen, and their joint Office with Churchwardens.*

## Parish-Clerks.

91. *Parish-Clerks to be chosen by the Minister.*
92. *None to be cited into divers Courts for Probate of the same Will.*
93. *The Rate of Bona notabilia liable to the Prerogative Court.*
94. *None to be cited into the Arches or Audience, but Dwellers within the Archbishop's Diocese, or Peculiars.*
95. *The Restraint of double Quarrels.*
96. *Inhibition not to be granted without the subscription of an Advocate.*
97. *Inhibitions not to be granted, until the Appeal be exhibited to the Judge.*
98. *Inhibitions not to granted to factious Appellants, unless they first subscribe.*
99. *None to marry within the Degrees prohibited.*
100. *None to marry under 21 Years, without their Parents consent.*
101. *By whom Licences to marry without Banns shall be granted, and to what sort of Persons.*
102. *Security to be taken at the granting of such Licences, and under what conditions.*
103. *Oaths to be taken for the conditions.*
104. *An Exception for those that are in Widowhood.*
105. *No Sentence for Divorce to be given upon the sole Confession of the Parties.*
106. *No Sentence for Divorce to be given but in open Court.*
107. *In all Sentences for Divorce, Bonds to be taken for not marrying during each other's Life.*
108. *The Penalty of Judges offending in the premisses.*
109. *Notorious Crimes and Scandals, to be certified into Ecclesiastical Courts by Presentment.*
110. *Schismatics to be presented.*
111. *Disturbers of Divine Service to be presented.*
112. *Non-Communicants at Easter to be presented.*
113. *Ministers may not present.*
114. *Ministers shall present Recusants.*
115. *Ministers and Churchwardens not to be sued for presenting.*
116. *Churchwardens not bound to present oftener than twice a year.*
117. *Churchwardens not to be troubled for not presenting oftener than twice a year.*
118. *The old Churchwardens to make their presentments before the new be sworn.*

No. 2.  
Canons and  
Constitutions.

119. *Convenient time to be assigned for framing precedents.*
120. *None to be cited into Ecclesiastical Courts by process of quorum nomina.*
121. *None to be cited into several Courts for one Crime.*
122. *No Sentence of Deprivation or Deposition to be pronounced against a Minister, but by the Bishop.*
123. *No Act to be sped but in open Court.*
124. *No Court to have more than one seal.*
125. *Convenient Places to be chosen for the keeping of Courts.*
126. *Peculiar and inferior Courts to exhibit the original Copies of Wills into the Bishop's Registry.*

### Judges Ecclesiastical, and their Surrogates.

127. *The Quality and Oath of Judges.*
128. *The Quality of Surrogates.*

### PROCTORS.

129. *Proctors not to retain Causes without the lawful Assignment of the Parties.*
130. *Proctors not to retain Causes without the Council of an Advocate.*
131. *Proctors not to conclude in any Cause without the knowledge of an Advocate.*
132. *Proctors prohibited the Oath In animam homini sui.*
133. *Proctors not to be clamorous in Court.*

### REGISTERS.

134. *Abuses to be reformed in Registers.*
135. *A certain Rate of Fees due to all Ecclesiastical Officers.*
136. *A Table of the Rates and Fees to be set up in Courts and Registers.*
137. *The whole Fees for shewing Letter of Orders, and other Licenses, due but once in every Bishop's time.*

### APPARITORS.

138. *The Number of Apparitors restrained.*

### AUTHORITY OF SYNODS.

139. *A National Synod the Church Representative.*
140. *Synods conclude as well the absent as the present.*
141. *Depravers of the Synod, censured.*



## EXTRACTS

No. 3.

FROM

53d GEO. III, cap. 155.

*Intituled "an Act for continuing in the East India Company for a further term, the Possession of the British Territories in India, together with certain exclusive Privileges for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same, and for regulating the Trade to and from the Places within the Limits of the said Company's Charter."*

(21st July 1813.)

SECT. 49. AND whereas no sufficient provision hath hitherto been made for the maintenance and support of a Church Establishment in the British Territories in the East Indies, and other parts within the limits of the said Company's charter; Be it therefore enacted, that in case it shall please His Majesty by his Royal Letters Patent under the great seal of the said United Kingdom to erect, found, and constitute, one Bishoprick for the whole of the said British Territories in the East Indies and parts aforesaid, one Archdeaconry for the Presidency of Fort William in Bengal, one Archdeaconry for the Presidency of Fort Saint George on the Coast of Coromandel, and one Archdeaconry for the Presidency and Island of Bombay on the Coast of Malabar, and from time to time to nominate and appoint a Bishop and Archdeacon to such Bishopric and Archdeaconries respectively, the Court of Directors of the said Company shall and they are hereby required to direct and cause to be paid certain established salaries to such Bishop and Archdeacons respectively, that is to say, from and out of the revenues of the said Presidency of Fort William in Bengal, to the said Bishop five thousand pounds by the year, at an exchange of two shillings for the Bengal current rupee, and to the said Archdeacon of the said Presidency of Fort William two thousand pounds by the year, at the like exchange, and from and out of the revenues of the Presidency of Fort Saint George on the coast of Coromandel, to the Archdeacon of the said Presidency of Fort Saint George two thousand pounds by the year, at an exchange of eight shillings for the pagoda at Madras, and from and out of the revenues of the Presidency and Island of Bombay

If a Bishop and three archdeacons shall be established in India by His Majesty's Letters Patent, their salaries to be paid by Company.

No. 3.

on the coast of Malabar, to the archdeacon of the said Presidency and Island of Bombay two thousand pounds by the year, at an exchange of two shillings and three pence.

Directs salaries to commence on taking office to be in lieu of fees, and to cease when functions cease.

50. And be it further enacted, that the said salaries shall take place and commence from and after the time at which such persons as shall be appointed to the said offices respectively shall take upon them the execution of their respective offices, and that all such salaries shall be in lieu of all fees of office, perquisites, emoluments, and advantages whatsoever, and that no fees of office, perquisites, emoluments or advantages whatsoever shall be accepted, received or taken in any manner, or on any account or pretence whatsoever, other than the salaries aforesaid, and that such Bishop and Archdeacons respectively shall be entitled to such salaries so long as they shall respectively exercise the functions of their several offices in the East Indies or parts aforesaid and no longer.

Bishop to have no jurisdiction or functions except such as may be limited by Letters Patent.

51. Provided always, and be it further enacted, that such Bishop shall not have or use any jurisdiction or exercise any episcopal functions whatsoever, either in the East Indies or elsewhere, but only such jurisdiction and functions as shall or may from time to time be limited to him by His Majesty by Letters Patent under the great seal of the United Kingdom.

His Majesty may grant to Bishop by Letters Patent such ecclesiastical jurisdiction as he may think necessary.

52. And be it further enacted, that it shall and may be lawful for His Majesty from time to time if he shall think fit, by his Letters Patent under the great seal of the said United Kingdom, to grant to such Bishop so to be nominated and appointed as aforesaid, such ecclesiastical jurisdiction and the exercise of such episcopal functions within the East Indies and parts aforesaid as His Majesty shall think necessary, for the administering holy ceremonies and for the superintendence and good government of the Ministers of the Church establishment within the East Indies and parts aforesaid, any law, charter or other matter or thing to the contrary notwithstanding.

Warrant for Letters Patent to be countersigned by President of Board of Controul.

53. And be it further enacted, that when and as often as it shall please His Majesty to issue any Letters Patent respecting any such Bishopric or Archdeaconry as aforesaid, or for the nomination or appointment of any person thereto, the warrant for the bill in every such case shall be countersigned by the President of the Board of Commissions for the affairs of India.

His Majesty may grant pensions to Bishops and Archdeacons who have discharged functions in India for fifteen years.

54. And be it further enacted, that it shall and may be lawful for His Majesty by warrant under the Royal sign manual, countersigned by the Exchequer for the time being, to grant to any such Bishop and Archdeacons respectively who shall have exercised in the East Indies or parts aforesaid for fifteen years the office or offices of Bishop or Archdeacon, or either of them, the following pensions, that is to say, to any such Bishop, fifteen hundred pounds *per annum*, and to any such Archdeacon a pension not exceeding eight

hundred pounds *per annum*; which said pension shall be paid and defrayed quarterly by the said Company, and shall be deemed and taken as part of the political charges of the said Company.

89. And whereas by a certain act passed in the thirteenth year of His present Majesty's reign, intituled "an act for establishing certain regulations for the better management of the affairs of the East India Company as well in India as in Europe," it is enacted, that the salaries of the Governor General and Council of Fort William and of the Chief Justice and Judges of the Supreme Court of Judicature at Fort William in Bengal, shall take place and commence, in respect to all such persons who shall be resident in Great Britain at the time of their appointment, upon and from the day on which such persons shall embark from Great Britain, and that the salaries of all such persons who shall at the time of their appointment be resident in India shall commence from and after their respectively taking upon them the execution of their offices; and whereas, by an act passed in the fortieth year of His Majesty's reign, intituled, "an act for establishing further regulations for the Government of the British Territories in India, and the better administration of justice within the same," a similar provision is made in respect to the salaries of the Chief Justice and Judges of the Supreme Court of Judicature at Madras, and whereas by an act passed in the thirty-seventh year of His Majesty's reign, intituled, "an act for the better administration of justice at Calcutta, Madras and Bombay, and for preventing British subjects from being concerned in loans to the native princes in India," a similar provision is made in respect to the salary of the Recorder of the Court of Judicature at Bombay, and whereas no such provision has been made respecting the commencement of the salaries of the Governor or Council of Fort Saint George, or of the Governor or Council of the Town and Island of Bombay, or of the Governor of Prince of Wales's Island, or of the Recorder there, and whereas it is expedient that a general and moderate provision should be made in respect of all the said offices, and of others who may happen to be in the United Kingdom at the time of their appointments. Be it therefore further enacted, that so much of the said acts of the thirteenth, thirty-seventh, and fortieth years of His Majesty's reign, as relates to the commencement of salaries, shall be and the same is hereby repealed: and that from and after the passing of this act, the salaries of the several officers hereinbefore mentioned shall commence from and after their respectively taking upon them the execution of their offices, and the said Court of Directors shall and they are hereby required to pay and advance to all and singular the officers and persons herein-after mentioned, who shall be resident in the United Kingdom at the time of their equipments and voyage, such sums of money as are set against the names of such officers and persons respectively: that is to say,

No. 3.

Court of Directors required to pay and advance amongst others, to Bishop and Archdeacons certain sums for expences of equipment and voyage.

39 and 40 G. 3.  
c. 79, § 37.



## No. 3.

	£.
To the Governor General of Fort William in Bengal....	5000
To each of the Members of Council there.....	1200
To the Commander-in-Chief of all the Forces in India..	2500
To the Chief Justice of the Supreme Court at Fort William.....	1500
To each of the Puisne Judges there.....	1000
To the Governor of Fort Saint George.....	3000
To each of the Members of Council there.....	1000
To the Commander-in-Chief there.....	2000
To the Chief Justice of the Supreme Court....	1200
To each of the Puisne Judges there.....	1000
To the Governor of Bombay .....	2500
To each of the Members of Council there.....	1000
To the Commander-in-Chief there.....	1500
To the Recorder there.....	1000
To the Governor of Prince of Wales's Island.....	1200
To the Recorder there.....	1000
To the Bishop .....	1200
To each of the Archdeacons .....	500

## EXTRACTS

FROM

4th GEO. IV, cap. 71.

## No. 4.

53 G. 3, c. 155,  
§ 54.

SECT. 2. And whereas by the said act of the fifty-third year of the reign of His said late Majesty King George the Third, provision was made for granting certain pensions to the Bishop of Calcutta, and the Archdeacons of Calcutta, Madras, and Bombay respectively, who should have exercised in the East Indies or parts in the said act mentioned, for fifteen years, the office or offices of Bishop or Archdeacons; and it is expedient to shorten the period during which such Bishops and Archdeacons respectively are required to hold their said offices before such pensions should be granted to them respectively, and to make other provisions respecting such pensions; Be it enacted, that so much of the said act as relates to such pensions shall be and the same is hereby repealed.

Repealed.

Pensions to  
Bishop and  
Archdeacons.

3. And be it further enacted, that it shall and may be lawful for His Majesty, his heirs and successors, in manner in the said act mentioned, to grant to any such Bishop who shall have exercised in the East Indies or parts aforesaid, for ten years, the office of Bishop or Archdeacon, and to any such Archdeacon who shall have

exercised in the East Indies or parts aforesaid, for ten years, the office of Archdeacon, pensions not exceeding such sums respectively as His Majesty by the said act of the fifty-third of the reign of His late Majesty is empowered to grant to any such Bishop or Archdeacon.

No. 4.

4. Provided also, and be it further enacted, that if any person residing any time in the East Indies or parts aforesaid, as one of the Chaplains of the said United Company, shall have been or shall be appointed to the office of such Archdeacon as aforesaid, and shall have resided in the East Indies or parts aforesaid as such Archdeacon seven years, the period of residence of such person as Chaplain shall be allowed and taken as and for a residence as such Archdeacon in the proportion of three years residence as such Chaplain to two years residence as such Archdeacon; provided also, that nothing herein contained shall extend or be construed to extend to prejudice the right of any person being or having been a Chaplain of the said United Company, to any benefit he may be entitled to under or by virtue of any regulation now in force or hereafter to be made by the said United Company or their Court of Directors, nor to prejudice or affect the right of the said United Company or their Court of Directors, to make, repeal, vary, or alter any regulation or regulations respecting the Chaplains of the said United Company, or the pay or allowances, pensions, or retirements, of such Chaplains, which the said United Company or their Court of Directors, may now lawfully make, repeal, vary or alter.

Chaplains appointed Archdeacons to be entitled to pensions, in a certain proportion

Further provision as to Chaplains.

5. And whereas it is proper that a suitable house of residence should be provided for the said Bishop, and that the expences of his visitations should be defrayed by the said Company; Be it therefore further enacted, that it shall and may be lawful for the said Company, and they are hereby required, to provide a suitable house at Calcutta for the residence of the said Bishop; and that the expence of the visitations to be made by the said Bishop from time to time shall be defrayed by the said Company, out of the revenues of the British Territories in India: provided always, that no greater sum on account of providing such house, or of such visitations, be at any time issued, than shall from time to time be defined and settled by the Court of Directors of the said Company with the approbation of the Commissioners for the affairs of India, any law or statute to the contrary notwithstanding.

Residence and expence of visitations of Bishop to be defrayed by Company.

Proviso.

6. And whereas doubts have arisen whether the Bishop of Calcutta, in conferring holy orders, is subject to the several provisions and limitations established by the laws of this realm or canons ecclesiastical, as to the titles of the persons to be ordained, and as to the oaths and subscriptions to be by such persons taken and made; Be it further declared and enacted, that it shall and may be

Bishop of Calcutta may admit persons to holy orders.

No. 4.

lawful for the Bishop of Calcutta for the time being to admit into the holy orders of Deacon and Priest respectively, any person whom he shall, upon examination, deem duly qualified, especially for the purpose of taking upon himself the cure of souls or officiating in any spiritual capacity within the limits of the said diocese of Calcutta and residing therein; and that a declaration of such purpose, and a written engagement to perform the same, under the hand of such person, being deposited in the hands of such Bishop, shall be held to be a sufficient title with a view to such ordination, and that in every such case, it shall be distinctly stated in the letters of ordination of every person so admitted to holy orders, that he has been ordained for the cure of souls within the limits of the said diocese of Calcutta only, and that unless such person shall be a British subject of or belonging to the United Kingdom of Great Britain and Ireland, he shall not be required to take and make the oaths and subscriptions which persons ordained in England are required to take and make: provided always, that nothing herein contained shall be construed to repeal or affect the provisions of an act passed in the fifty-third year of the reign of his late Majesty King George the Third, intituled, "An act for continuing in the East India Company, for a further term, the possession of the British Territories in India, together with certain exclusive privileges; for establishing further regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's charter, or any Letters Patent issued by his late Majesty, or by his present Majesty, their heirs and successors, in virtue of the said act or of their lawful prerogative."

Proviso for 53  
G. 3, c. 155.  
and for Letters  
Patent.

No. 5.

## LETTERS PATENT

2ND MAY, A. D. 1814, 54 GEO. 3.

Letters Patent  
dated 2nd of  
May, A. D.  
1814, 54 Geo. 3.  
Preamble.

GEORGE the Third, by the grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, To all to whom these presents shall come greeting.

Whereas the doctrine and discipline of the United Church of England and Ireland are professed and observed by a considerable part of our loving subjects resident within our territories under the government of the United Company of Merchants of England trading to the East Indies.



No. 5.

And whereas no sufficient provision has been made for the supply of persons duly ordained to officiate as Ministers of the United Church of England and Ireland, within the said territories, and our aforesaid subjects are deprived of some offices prescribed by the liturgy and usage of the Church aforesaid, for want of a Bishop residing within the same.

For remedy of the aforesaid inconveniences and defects We have determined to erect the aforesaid territories into a Bishop's see, and We do by these presents erect, found, ordain, make, and constitute the said British territories in the East Indies to be a Bishop's see, and to be called from henceforth THE BISHOPRIC OF CALCUTTA.

The British territories to be a see, to be called the Bishopric of Calcutta.

And to the end that this our intention may be carried into due effect, We having great confidence in the learning, morals, and probity of our well beloved THOMAS FANSHAW MIDDLETON, Doctor in Divinity, do name and appoint him to be Bishop of the said see of Calcutta, so that the said Thomas Fanshaw Middleton shall be and be taken to be Bishop of the Bishop's see of Calcutta, and may by virtue of this our nomination and appointment enter into and possess the said Bishop's see as the Bishop thereof, without any let or impediment of us, our heirs or successors; subject nevertheless to the power of revocation and to the right of resignation hereinafter more particularly expressed.

T. F. Middleton, D. D. appointed Bishop.

Subject to revocation and resignation.

Moreover We will and ordain by these presents, that the Bishop of the said see of Calcutta, and his successors, shall be subject and subordinate to the archiepiscopal see of the province of Canterbury, and to the most Reverend Father in God, CHARLES Lord Archbishop of Canterbury, primate of all England, and metropolitan, and his successors, in the same manner, as any Bishop of any see within the Province of Canterbury in our kingdom of England is under the authority of the aforesaid archiepiscopal see of Canterbury and the Archbishop thereof; save and except in the matter of appeals from judgments, decrees, and sentences pronounced by the Bishop of Calcutta or his successors, or by his or their Commissaries, which We will shall not be made to the said Archbishop or to his Courts, but shall be made to Commissioners appointed by us or our successors in manner hereinafter set forth.

The Bishop declared to be subject to the province and Archbishop of Canterbury.

Except in the matter of appeals.

And to the end that all the matters and things herein prescribed may have their due effect, We do hereby signify to the Most Reverend Father in God, Charles Lord Archbishop of Canterbury, primate of all England and metropolitan that We have erected and founded the aforesaid episcopal see of Calcutta, and have named and preferred our beloved Thomas Fanshaw Middleton, Doctor in Divinity, to the said Bishopric, and have appointed him the Bishop and ordinary Pastor thereof, requiring, and by the faith and love whereby he is bound unto us, commanding him, to consecrate the aforesaid Thomas Fanshaw Middleton, Bishop of Calcutta, in manner accustomed, and

Signification thereof to the Archbishop.

No. 5.

The Bishop to ordain and confirm, and to perform all other functions of a Bishop within the see.

And also by him or his commissary to exercise jurisdiction spiritual and ecclesiastical, in the several causes specified.

Declaration concerning the jurisdiction to be exercised.

To grant licences to officiate.

To visit.

To administer oaths.

diligently to do and perform all other things appertaining to his office in this behalf with effect.

And We do by these presents give and grant to the said Thomas Fanshaw Middleton and his successors, Bishops of Calcutta, full power and authority, to confer the orders of Deacon and Priest; to confirm those that are baptised and come to years of discretion; and to perform all other functions peculiar and appropriated to the office of Bishop within the limits of the said see, but not elsewhere; such Bishop and his successors having been first duly ordained or consecrated Bishops according to the form prescribed by the liturgy of the Church of England; and also by himself and themselves or by his or their Commissary or Commissaries to exercise jurisdiction, spiritual and ecclesiastical, in and throughout the said see and diocese according to the ecclesiastical laws of our realm of England, which are lawfully made and received in England in the several causes and matters hereinafter in these presents expressed and specified and no other.

And for a declaration of our Royal will concerning the special causes and matters in which We will that the aforesaid jurisdiction shall be exercised, We have further given and granted, and do by these presents give and grant to the aforesaid Bishop and his successors, full power and authority by himself and themselves, or by his or their Commissary or Commissaries by him or them to be thereunto specially authorized, to grant licences to officiate to all Ministers and Chaplains of all the Churches or Chapels or other places within the said diocese wherein divine service shall be celebrated according to the rites and liturgy of the Church of England; and to visit all such Ministers and Chaplains and all Priests and Deacons in holy orders, of the United Church of England and Ireland, resident in their said diocese, with all and all manner of jurisdiction, power and coercion ecclesiastical that may be requisite in the premises, as also to call before him or them or before his or their Commissary or Commissaries at such competent days, hours and places whatsoever, when and so often as to him or them shall seem meet and convenient, the aforesaid Ministers, Chaplains, Priests or Deacons in holy orders of the United Church of England and Ireland, or any of them, and to enquire by witnesses to be sworn in due form of law, and by all other lawful ways and means by which the same may be best and most effectually done, as well concerning their morals as their behaviour in their said offices and stations respectively.

And We do hereby authorize and empower the said Bishop and his successors, and his and their Commissary and Commissaries to administer all such oaths as are accustomed and by law may be administered, according to the ecclesiastical laws of our realm of England.



No. 5.

And to punish and correct the aforesaid Chaplains, Ministers, Priests, and Deacons in holy orders, of the United Church of England and Ireland, according to their demerits, whether by deprivation, suspension, or other such ecclesiastical censure or correction as they would be liable to according to the ecclesiastical laws aforesaid.

To punish and correct by deprivation, suspension or otherwise.

And for the accomplishment of our intention and for aiding the said Bishop of Calcutta according to the laws and customs of the United Church of England and Ireland, in the due and canonical superintendence of ecclesiastical persons and affairs, We do hereby erect, found and constitute one archdeaconry in and over the presidency of Fort William in Bengal, to be styled the archdeaconry of Calcutta.

His Majesty then erects the archdeaconry of Calcutta.

And one other archdeaconry in and over the presidency of Fort St. George on the coast of Coromandel, to be styled the archdeaconry of Madras.

The archdeaconry of Madras.

And also one other archdeaconry in and over the presidency and Island of Bombay on the coast of Malabar, to be styled the archdeaconry of Bombay.

The archdeaconry of Bombay.

All such archdeacons to be subject and subordinate to the said Bishop of Calcutta.

Subject to the Bishop.

And to the end that this our intention may be carried into due effect, We having great confidence in the learning, morals, probity and prudence of our beloved HENRY LLOYD LORING, Master of Arts; JOHN MOUSLEY, Master of Arts, and GEORGE BARNES, Master of Arts, do name and appoint him the said Henry Lloyd Loring to be Archdeacon of the archdeaconry of Calcutta, and him the said John Mousley to be Archdeacon of the archdeaconry of Madras, and him the said George Barnes to be Archdeacon of the archdeaconry of Bombay, so that they the said Henry Lloyd Loring, John Mousley, and George Barnes, shall be and be taken to be Archdeacons of the archdeacons respectively, and may by virtue of this our nomination and appointment severally enter into and possess the said offices of Archdeacon within the said archdeacons respectively; subject nevertheless to the powers of revocation or resignation hereinafter more particularly expressed.

H. L. Loring, A. M. Archdeacon of Calcutta.

J. Mousley, A. M. Archdeacon of Madras.  
G. Barnes, A. M. Archdeacon of Bombay.

Subject to revocation and right of resignation.

And We do hereby signify to the said Thomas Fanshaw Middleton, whom We have by these presents named to be Bishop of Calcutta, that We have nominated the said Henry Lloyd Loring, John Mousley, and George Barnes, to be Archdeacons of Calcutta, Madras, and Bombay respectively, requiring him the said Thomas Fanshaw Middleton to institute the said Henry Lloyd Loring, John Mousley, and George Barnes respectively, to the said Archdeacons to which we have appointed them, and to do all things appertaining to his office in this behalf with effect.

Appointments signified to the Bishop.

And to institute.

And for a declaration of our Royal will, in regard to the duties and functions to be exercised by the said Archdeacons and their successors, We do hereby declare that each of the said Archdeacons

Declaration in regard to the duties and functions of Archdeacons.



No. 5.

shall within his archdeaconry be assisting to the Bishop of Calcutta in the exercise of such episcopal jurisdiction and functions as we have hereby been pleased to limit to the said Bishop, according to the duty of an Archdeacon by the ecclesiastical laws of our Realm of England.

Archdeacons, Commissaries to the Bishop, according to the duty of Commissaries in England.

And We do hereby further will, ordain, and declare, that each of the said Archdeacons shall within the archdeaconry be and be taken to be, without further appointment, the Commissary of the said Bishop and his successors, and shall exercise jurisdiction in all matters aforesaid according to the duty and functions of a Commissary by the said ecclesiastical laws.

Power to the Bishop to collate to the archdeaconries.

And it is our further will, and We do hereby further give and grant to the said Bishop of Calcutta and his successors, the right of collating to the said offices of archdeacons in all times to come, after the death or other avoidance of Henry Lloyd Loring, John Mousley, and George Barnes, whom we have severally by these presents appointed to be first Archdeacons of Calcutta, Madras, and Bombay, any Priest being one of the Chaplains of the said United Company resident in India.

During the vacancy of the see, episcopal functions to be carried on.

And We will, that during a vacancy of the said see by the demise of the said Bishop or his successors, or otherwise, the episcopal jurisdiction and functions appertaining to the said see shall be exercised as far as by law they may, by the Archdeacon of Calcutta for the time being, or in case of a vacancy of the said archdeaconry, then by the Archdeacon of Madras, or the Archdeacon of Bombay, or by two Clergymen of the Church of England resident within the diocese, as may be directed by the Governor General in Council of Fort William.

During a vacancy of the archdeaconries.

And We do further direct, that during the vacancy of either of the said archdeaconries respectively, and until the Bishop shall collate thereto, or otherwise provide for the performance of the duties thereof, such duties shall be performed by one of the Chaplains of the said Presidency, and if there be no Chaplain there, then by some discreet Minister in Priests orders of the Church of England, who shall be nominated as the case may be, for that purpose by the respective Governors in Council of the Presidency in which such vacancy shall happen.

The Court of Directors, Governors, Officers, Judges, &c. enjoined and commanded to aid the Bishop and Archdeacons in their offices.

And moreover We command and by these presents, for Us, our heirs and successors, do strictly enjoin as well the Court of Directors of the said United Company and their Governors, Officers and Servants, as all and singular our Governors, Judges and Justices, and all and singular Chaplains, Ministers and other our subjects within the parts aforesaid, that they and every of them be in and by all lawful ways and means aiding and assisting to the said Bishop and Archdeacons, and his and their successors in the execution of the premises in all things.

Nevertheless, We will and do by these presents declare and ordain, that in all grave matters of correction, which are accustomed according to the practice of the ecclesiastical laws of our realm of England to be judicially examined, the same shall in like manner be judicially examined and proceeded in before the said Bishop and his successors, or his or their Commissary or Commissaries aforesaid, in the respective Archdeaonries in which the party to be proceeded against shall reside, and all such causes shall be proceeded in to final sentence in due form of law.

And We do further will and direct, that the said Bishop and his successors may from time to time appoint a proper and sufficient person in each archdeaonry to act as Registrar thereof, and in case of no Registrar being so appointed, or the Registrar being unable to act, We will and direct that the said Bishop or the Commissaries respectively may assume any sufficient person as Actuary to do all acts as Registrar.

And further, We will and do by these presents declare and ordain, that if any person against whom a judgment or decree shall be pronounced by the said Bishop or his successors, or by his or their Commissary or Commissaries, shall conceive himself to be aggrieved thereby, it shall be lawful for such person to appeal to Us, our heirs or successors, provided such appeal be entered within fifteen days after such sentence shall have been pronounced.

And We do hereby nominate, institute, and appoint the Judges of the Supreme Court of Judicature at Calcutta for the time being, and the Members of Council at Calcutta for the time being, to be our COMMISSIONERS DELEGATE to hear such appeals, and that such Commissioners Delegate or any three of them, of whom one shall be a Judge of the said Supreme Court of Judicature, shall have power finally to decide and determine the said appeals, in as ample manner and form as the Commissioners appointed under our great seal by virtue of the statute made in the twenty-fifth year of the reign of King Henry the Eighth, intituled, "an act for the submission of the Clergy and restraint of appeals," can or may hear and definitively determine appeals from any of the Courts of the Archbishops of our realm of England; provided always, that in any sentence to be given by the said Commissioners Delegate, one at least of the said Judges of the Supreme Court of Judicature shall concur.

And We do further direct, that the person appointed to act as Registrar within the Archdeaonry of Calcutta, shall act as Registrar of the said Commissioners Delegate, or if there be no such Registrar, or such Registrar be unable to act, the said Commissioners Delegate may assume an Actuary to do all acts as their Registrar.

And We do further will, declare, and ordain, that in case any proceedings shall be instituted against any Archdeacon, such proceedings

No. 5.

In all grave matters, Bishop to proceed according to law to final sentence.

Bishop to appoint a Registrar in each Archdeaonry.

Appeals.

Commissioners Delegate, Members of Council, and Judges at Calcutta, three of whom, one to be a Judge, to have power to determine appeals.

The Registrar at Calcutta acts as Registrar to Commissioners.

Proceedings against Archdeacons.



## No. 5.

Sentences  
to be certified  
and transmitted  
to the respec-  
tive Govern-  
ments.

shall originate and be carried on before our said Commissioners Delegate, whom we hereby authorize and direct to take cognizance of the same.

And We further will, and do by these presents declare and ordain, that in case any Archdeacon appointed as aforesaid, or Chaplain duly appointed by the Court of Directors of the said United Company shall be for any cause whatever deprived of his said office, or suspended therefrom, or inhibited from preaching the word of God, or exercising his holy office within the limits of the Presidency to which he shall have been appointed, or shall be subjected to any ecclesiastical punishment or censure whatsoever, by the said Bishop of Calcutta or by his successors, or by his or their Commissary or Commissaries, a copy of the sentence in such cases promulgated and given, setting forth the causes of such deprivation, suspension, or other ecclesiastical punishment or censure, shall without delay be certified and transmitted by the said Bishop and his successors, or his or their Commissary and Commissaries, to the Governor General in Council at Fort William, or the Governor General in Council at Fort Saint George, or Bombay, as the case may be.

Power reserved  
to the Supreme  
Courts to  
interfere by  
prohibition or  
mandamus.

And We further ordain, that the Supreme Court of Judicature at Calcutta or Madras, or the Recorder's Court at Bombay, as the case may be, shall have such and the like jurisdiction and power of interfering by writ of prohibition or mandamus, subject to the same laws, restrictions and rules of practice as is or has been exercised by our Court of King's Bench at Westminster, in regard to proceedings in the Ecclesiastical Courts in England; regard being had nevertheless to any special provisions or exceptions contained in these our Letters Patent, and to any other laws and regulations specially applicable to or concerning our territories in the East Indies, or the see and diocese of Calcutta.

Nothing to  
alter or repeal  
the charters of  
justice, save  
as to correction  
of clerks and  
spiritual super-  
intendence of  
ecclesiastical  
persons.

Moreover, it is our Royal will, and We do hereby declare and ordain, that nothing in these presents contained shall extend or be construed to extend, to repeal, vary, or alter the provisions of our several charters of the twenty-sixth day of March, in the fourteenth year of our reign, the twenty-sixth day of December, in the forty-first year of our reign, and the twenty-eighth day of February, in the twenty-eighth year of our reign, whereby ecclesiastical jurisdiction was given to the said Courts of Judicature and Recorder's Court respectively, so far as the same does not appertain to the correction of Clerks, or the spiritual superintendence of ecclesiastical persons, or to give to the said Bishop or Archdeacons, or their successors, any authority or jurisdiction whatever in matters now cognizable in the said Courts, except as herein last before excepted.

Bishop and  
Archdeacon to  
be bodies cor-

Moreover, We will and grant by these presents, that the said Bishop and Archdeacons respectively be bodies corporate, and do ordain



make and constitute him and them to be perpetual corporations and to have perpetual succession.

And that he and they, and his and their successors, be for ever hereafter called and known by the names of Bishop of Calcutta and Archdeacon of Calcutta, Madras, and Bombay, respectively, and that they and their successors by the names aforesaid shall be able and capable in the law, and have full power to purchase, have, take, hold and enjoy such manors, messuages, lands, rents, tenements, annuities, and hereditaments, of what nature or kind soever in fee and in perpetuity, or for term of life or years, as by grant or licence from the said United Company they shall at any time be authorized to take, hold or enjoy, and also all manner of goods, chattels and things personal whatsoever, of what nature or value soever, and that they and their successors, by and under the said name, may prosecute, claim, plead and be impleaded, defend and be defended, answer and be answered, in all manner of Courts of us, our heirs and successors, and elsewhere, in and upon all and singular causes, actions, suits, writs, and demands, real and personal, and mixed, as well temporal as spiritual, and in all other things, causes, and matters whatsoever.

And that the said Bishop and his successors shall and may for ever hereafter have and use a corporate seal, and the said seal from time to time at his and their will and pleasure break, change, alter, or make new, as to him or them shall seem expedient.

And We do hereby further declare, that nothing herein contained shall extend or be construed to extend to limit or abridge any power now by law vested in the Governor General in Council, or Governors in Council of Fort William, Fort St. George and Bombay, respectively, as to the residence of any persons whatsoever within the territories under the government of the said United Company.

And We do hereby declare, that if We, our heirs or successors shall think fit to revoke or recall the appointment of the said Bishop of Calcutta or his successors, or of the Archdeacons of Calcutta, or Madras, or Bombay, respectively, for the time being, and shall declare such our pleasure by Letters Patent under our great seal of our United Kingdom, then every such Bishop or Archdeacon shall, from and after the notification thereof in such manner as in the said Letters Patent shall from time to time be directed to the said Bishop or Archdeacons respectively, to all intents and purposes cease to be Bishop of Calcutta or Archdeacon of Calcutta, Madras, or Bombay, as the case may be.

And for removing doubts with respect to the validity of resignation of the said office of Bishop or Archdeacon, it is our further will, that if the said Bishop or any of his successors shall by instrument under his hand and seal delivered to our Commissioners Delegate aforesaid, and to be by them accepted and registered, or any of the said Archdeacons or their successors by a like instrument delivered to the

No. 5.

porate, with perpetual succession.

And to be called and known by the names of Bishop of Calcutta and Archdeacon of Calcutta, Madras, and Bombay, respectively, and capable to purchase and hold lands, &c.

Bishop to have a corporate seal.

Nothing to abridge any power of the respective Governments as to residence of any person within the Company's territory. Power in the Crown to revoke or recall the appointments.

Power to the Bishop and Archdeacons to resign their office, and in what manner.

No. 5.

Bishop of Calcutta for the time being, and by him accepted and registered, resign the office of Bishop of Calcutta or Archdeacon as aforesaid, such Bishop or Archdeacon shall forthwith cease to be Bishop of Calcutta or Archdeacon, as the case may be, to all intents and purposes, but without prejudice to any responsibility to which he may be liable in law or equity in respect of his conduct in his said office.

And lastly, to the end that all the things aforesaid may be firmly holden and done, We will and grant to the aforesaid Thomas Fanshaw Middleton, Henry Lloyd Loring, John Mousley, and George Barnes, that they shall have our Letters Patent under our great seal of our United Kingdom duly made and sealed.

In witness whereof We have caused these our Letters to be made Patent. Witness ourselves at Westminster, the second day of May, in the fifty-fourth year of our reign.

By writ of Privy Seal,

(signed)

*Bathurst and Bathurst.*

(The Great Seal)

No. 6.

## GRANT OF THE ARMORIAL ENSIGNS TO THE SEAL OF THE SEE OF CALCUTTA.

IN the name and on the behalf of His Majesty,

GEORGE, P. R.

GEORGE the Third, by the grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. To our right trusty and right entirely beloved cousin Charles Duke of Norfolk, Earl Marshal, and our Hereditary Marshal of England, greeting: Whereas We have by our Letters Patent bearing date the twelfth day of April last, erected, founded, ordained, made, and constituted our province of Calcutta, in the East Indies, into a Bishop's See, to be called from henceforth the Bishopric of Calcutta, and to the end that our intentions may be carried into effect, have in confidence of the learning, morals, prudence, &c. of our well beloved THOMAS FANSHAW MIDDLETON, Doctor of Divinity, named and appointed him Bishop of the said see of Calcutta, for and during the term of his natural life, with certain powers attendant on his ecclesiastical dignity, as more particularly are set forth in our said Letters Patent, and it having been usual from very early times for Bishops to affix to all instruments incident to their episcopal functions, an official seal, composed of the arms of their several sees, impaled with their respective family arms, We have thought fit to permit and allow the

same privilege to our said see of Calcutta. Know ye, therefore, that We, of our princely grace and special favour have given and granted, and do by these presents give and grant the armorial ensigns following, to our said see of Calcutta, that is to say, *per fess indented ermine and gules in chief, two palm branches surmounted by a mitre proper; in base a crosier surmounted by an open book, also proper*; as the same are depicted in the painting hereunto annexed, to be impaled, borne and used by our said Bishop of Calcutta and his successors, Bishops of Calcutta, on seals, shields or otherwise, according to the ancient usage and laws of arms, provided the said armorial ensigns be first duly exemplified according to the laws of arms, and recorded in the Herald's office, otherwise this our licence and permission to be void and of none effect. Our will and pleasure therefore is, that you, Charles Duke of Norfolk, to whom the cognizance of matters of this nature doth properly belong, do require and command that this our concession and especial mark of our royal favour be registered in our College of Arms, to the end that our officers of arms, and all others upon occasion, may take full notice and have knowledge thereof, and for so doing this shall be your warrant. Given at our Court at Carlton House, this twenty-seventh day of September one thousand eight hundred and fourteen, in the fifty-fourth year of our reign.

No. 6.

*See the armorial ensigns depicted in the frontispiece of the work.*

By the Command of his Royal Highness the Prince Regent in the name and on the behalf of His Majesty.

*Sidmouth.*

Recorded in the College of Arms, London, pursuant to a warrant from the Most Noble Charles Duke of Norfolk, Earl Marshal and Hereditary Marshal of England; and examined therewith this ninth day of December one thousand eight hundred and fourteen.

*Ralph Bigland, Norroy and Register,  
James Cathrow, Somerset Herald.*

## LETTERS PATENT

27TH SEPT. A. D. 1817, 57 GEO. 3.

*As to the Archdeaconry of Colombo.*

No. 7.

GEORGE the Third, by the grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, To all to whom these presents shall come greeting, Whereas the doctrine and discipline of the United Church of England and Ireland are professed and observed by a considerable part of our loving subjects resident within our territories in the Island of Ceylon in the East Indies;

Preamble.



## No. 7.

## Preamble.

And whereas no sufficient provision has been made for the supply of persons duly ordained to officiate as Ministers of the United Church of England and Ireland, within the said territories, and there is no competent authority for the care and direction of ecclesiastical affairs, and our aforesaid subjects are deprived of some offices prescribed by the liturgy and usage of the Church aforesaid, by reason that there is no Bishop or Archdeacon residing or exercising jurisdiction and canonical functions within the same;

His Majesty then constitutes one archdeaconry in and over the island of Ceylon, to be styled the archdeaconry of Colombo, subject during H. M.'s pleasure to the jurisdiction of the Bishop of Calcutta.

Thomas James Twisleton appointed Archdeacon thereof.

For remedy of the aforesaid inconveniences and defects, We have determined to constitute within the aforesaid territories an Archdeaconry subject during our pleasure to the jurisdiction, spiritual and ecclesiastical, of the Bishop of Calcutta for the time being. And We do hereby erect, found and constitute one Archdeaconry in and over the British Territories within the said Island of Ceylon, to be styled the Archdeaconry of Colombo; such Archdeaconry to be subject and subordinate during our pleasure to the jurisdiction of the said Bishop of Calcutta as aforesaid; and to the end that this our intention may be carried into due effect, We having great confidence in the learning, morals, probity, and prudence of our well beloved Thomas James Twisleton, Clerk, do name and appoint him the said Thomas James Twisleton to be Archdeacon of the Archdeaconry of Colombo, so that the said Thomas James Twisleton shall be and be taken to be the Archdeacon of the said Archdeaconry of Colombo, and may by virtue of this our nomination and appointment enter into and possess the said office of Archdeacon within the said Archdeaconry; subject nevertheless to the powers of revocation or resignation hereinafter more particularly expressed.

Such appointment signified to the Bishop of Calcutta, who is required to institute, &c.

And We do hereby signify to our right trusty and well beloved the Right Reverend Father in God, Thomas Fanshaw, Bishop of Calcutta, that We have nominated the said Thomas James Twisleton to be Archdeacon of Colombo, requiring him the said Thomas Fanshaw, Bishop of Calcutta, to institute the said Thomas James Twisleton to the said Archdeaconry, to which we have appointed him, and to do all things appertaining to his office in this behalf with effect.

Declaration as to the duties and functions of the Archdeacon

And for a declaration of our Royal will, in regard to the duties and functions to be exercised by the said Archdeacon and his successors, We do hereby declare that the said Archdeacon shall within his Archdeaconry be assisting to the Bishop of Calcutta in the exercise of his episcopal jurisdiction and functions, according to the duty of an Archdeacon by the ecclesiastical laws of our realm of England, and in such manner and subject to the like provisions as the same are and ought to be lawfully performed by the Archdeacons of Calcutta, Madras and Bombay respectively.

And shall be the Commissary to the said Bishop.

And We do further will, ordain and declare, that the said Archdeacon shall within his Archdeaconry be and be taken to be without

further appointment the Commissary of the said Bishop and his successors, and shall exercise jurisdiction in all matters aforesaid according to the duty and functions of a Commissary by the said ecclesiastical laws.

No. 7.

And We do further direct, that during the vacancy of the said Archdeacons, and until the Bishop shall institute thereto a Clerk duly nominated by Us, our heirs and successors, or otherwise provide for the performance of the duties thereof, the duties thereof shall be performed by some discreet Minister in Priest's orders of the Church of England, who shall be nominated, as the case may be, for that purpose by our Governor of the said Island of Ceylon.

That during a vacancy of the archdeaconry, duties to be performed by some discreet Minister in Priests orders to be nominated by H. M.'s Governor of Ceylon.

And moreover, We command and by these presents for Us, our heirs and successors, strictly enjoin all and singular our Governors, Judges, and Justices, and all and singular Chaplains, Ministers, and others our subjects within the territories aforesaid, that they and every of them be in and by all lawful ways and means aiding and assisting to the said Archdeacon and his successors, in the execution of the premises in all things.

The Governors, Judges, and all Chaplains and Ministers and others commanded to be aiding the Archdeacon.

And We do further will and direct, that the said Bishop and his successors may from time to time during all such times as the said Archdeacons shall be subject to the jurisdiction of the Bishop of Calcutta for the time being as aforesaid, appoint a proper and sufficient person in the said Archdeaconry to act as a Registrar thereof, and in case of no Registrar being so appointed or the Registrar being unable to act, We will and direct that the said Bishop or the Commissary respectively may appoint any sufficient person as Actuary to do all acts as Registrar.

Bishop of Calcutta to appoint a Registrar for the archdeaconry of Colombo. And in case of no Registrar, &c. may assume an Actuary.

And We further ordain, that the Supreme Court of Judicature in Ceylon shall have such and the like jurisdiction and power of interfering by writ of prohibition or mandamus, subject to the same laws, restrictions, and rules of practice, as is or has been exercised by our Court of King's Bench at Westminster, in regard to proceedings in the ecclesiastical Courts in England, regard being had nevertheless to any especial provisions or exceptions contained in these our Letters Patent, and to any other laws and regulations specially applicable to or concerning our Island of Ceylon.

The Supreme Court in Ceylon to have jurisdiction and power to interfere by writ of prohibition or mandamus. Regard being had to any especial provisions therein, and to any laws applicable, &c. to Ceylon.

Moreover it is our Royal will, and We do hereby declare and ordain, that nothing in these presents contained shall extend or be construed to extend to repeal, vary, or alter, the provisions of our Charter whereby ecclesiastical jurisdiction in causes testamentary and matrimonial was given to the said Court of Judicature, so far as the same does not appertain to the correction of Clerks, or the spiritual superintendence of ecclesiastical persons, or to give to the said Archdeacon or his successors any authority or jurisdiction whatever in matters now cognizable in the said Court, except as herein last before excepted

Nothing contained herein to repeal or alter the charter of Justice of the said Supreme Court, So far as the same did not appertain to the correction of clerks, &c.



## No. 7.

The said Archdeacon to be a body corporate &c.

To be called and known by the name of Archdeacon of Colombo, and capable of holding lands, &c.

as by grant or licence of the Governor he may be authorized, and by and under such name to plead, prosecute and defend, &c.

Moreover, We will and grant by these presents, that the said Archdeacon be a body corporate, and do ordain, make and constitute him to be a perpetual corporation, and to have perpetual succession, and that he and his successors be for ever hereafter called and known by the name of Archdeacon of Colombo, and that he and his successors by the name aforesaid shall be able and capable in the law, and have full power to purchase, have, take, hold, and enjoy, such manors, messuages, lands, rents, tenements, annuities, and hereditaments, of what nature and kind soever in fee and in perpetuity, or for term of life or years, as by grant or licence from our said Governor he or they shall at any time be authorized to take, hold or enjoy, and also all manner of goods, chattels and things personal whatsoever, of what nature or value soever, and that he and his successors by and under the said name may prosecute, claim, plead and be impleaded, defend and be defended, answer and be answered, in all manner of Courts, of us, our heirs and successors, and elsewhere, in and upon all and singular causes, actions, suits, writs, and demands, real and personal, and mixed, as well temporal as spiritual, and in all other things, causes and matters whatsoever.

His Majesty reserves the power of revoking or recalling the appointment.

And We do hereby declare, that if We, our heirs or successors, shall think fit to revoke or recal the appointment of the said Archdeacon of Colombo for the time being, and shall declare such our or their pleasure by Letters Patent under the great seal of the United Kingdom, that every such Archdeacon shall from and after the notification thereof in such manner as in the said Letters Patent shall from time to time be directed to the said Archdeacon, to all intents and purposes cease to be Archdeacon of Colombo.

Resignation of the said office of Archdeacon how to be made.

And for removing doubts with respect to the validity of resignation of the said office of Archdeacon, it is our further will, that if the said Archdeacon or his successors shall by instrument under his hand and seal, delivered to the Bishop of Calcutta for the time being, and by him accepted and registered, resign the office of Archdeacon as aforesaid, such Archdeacon shall forthwith cease to be Archdeacon to all intents and purposes, but without prejudice to any responsibility to which he may be liable in law or equity in respect of his conduct in his said office.

Letters Patent granted to Thomas James Twisleton.

And further, to the end that all things aforesaid may be firmly holden and done, We will and grant to the aforesaid Thomas James Twisleton, that he shall have our Letters Patent under our great seal of our United Kingdom duly made and sealed.

In witness whereof We have caused these our Letters to be made Patent. Witness ourselves, at Westminster, the twenty-seventh day of September, in the fifty-seventh year of our reign.

By writ of privy seal,

(Signed) Bathurst.

(The Great Seal)



## LETTERS PATENT

No 8.

27TH SEPT. A. D. 1817, 57 GEO. 3.

*Further declaratory as to the Archdeaconry of Colombo.*

GEORGE the Third, by the grace of God of the United Kingdom Preamble  
of Great Britain and Ireland, King, Defender of the Faith, to all recites, Letters  
to whom these presents shall come greeting, Whereas We did by Patent of the  
Letters Patent under the great seal of our United Kingdom bearing 2d May 1814.  
date the second day of May, in the fifty-fourth year of our reign,  
erect, found, ordain, make, and constitute certain of the British  
Territories, in the East Indies to be a Bishop's see, and to be called  
from thenceforth the BISHOPRIC OF CALCUTTA :

And whereas We did give and grant to Thomas Fanshaw Middleton,  
the first Bishop of Calcutta, and to his successors Bishops of Calcutta,  
full power and authority to perform all the functions peculiar and  
appropriated to the office of a Bishop within the limits of the said  
see, but not elsewhere ; and also by himself or themselves or by his  
or their Commissary or Commissaries to exercise jurisdiction spiritual  
and ecclesiastical, in and throughout the said see and diocese accord-  
ing to the ecclesiastical laws of our realm of England, which are  
lawfully made and received in England in the several causes and  
matters therein expressed and specified and no other ; and We did  
make a further declaration of our royal will concerning the special  
causes and matters in which we would that the aforesaid jurisdiction  
should be exercised, and did give and grant to the aforesaid Bishop  
and his successors, certain powers and authorities for the due per-  
formance of his and their episcopal functions, subject however to  
certain limitations and reservations ; as on reference to our said  
Letters Patent will more fully appear ; and for the further accom-  
plishment of our intention, and for aiding the said Bishop of  
Calcutta according to the laws and customs of the United Church of  
England and Ireland in the due and canonical superintendence of  
ecclesiastical persons and affairs, We did also erect, found and con-  
stitute one Archdeaconry in and over the Presidency of Fort William  
in Bengal, to be styled the Archdeaconry of Calcutta, and one other  
Archdeaconry in and over the Presidency of Fort Saint George on  
the Coast of Coromandel, to be styled the Archdeaconry of Madras,  
and also one other Archdeaconry in and over the Presidency and  
Island of Bombay on the Coast of Malabar to be styled the Arch-  
deaconry of Bombay, all such Archdeaconries to be subject and  
subordinate to the said Bishop's see of Calcutta, and did in like  
manner make a declaration of our royal will in regard to the duties

No. 8.

That by other Letters Patent one other archdeaconry at Colombo was also erected to be called the archdeaconry of Colombo.

That for giving effect to such Letters Patent, declaration as to the Bishop's jurisdiction over the same archdeaconry, except the right of collating.

Provided only that in case of any sentence pronounced the same to be transmitted to His Majesty's Governor of Ceylon.

and functions to be exercised by the said Archdeacons and their successors:

And whereas We have by Letters Patent under the great seal of our United Kingdom, erected, founded and constituted one other Archdeaconry within the British Territories in the East Indies, that is to say, at Colombo, in the Island of Ceylon, to be styled the Archdeaconry of Colombo, such Archdeaconry to be also subject during our pleasure to the jurisdiction, spiritual and ecclesiastical, of the Bishop of Calcutta for the time being :

Now know ye, that in order to give full effect to our royal intention, in respect of the said Archdeaconry of Colombo, and for removing all doubts touching the jurisdiction of the Bishop of Calcutta and his successors over the said Archdeacon and Archdeaconry, We have given and granted and do by these presents give and grant to the Bishop of Calcutta and his successors, during our pleasure, all and singular the rights, powers, authorities, functions, and jurisdictions in and over the said Archdeaconry and Archdeacon of Colombo, which he and they may now lawfully exercise within the three Archdeaconries of Calcutta, Madras, and Bombay, except the right or power of collating to the said Archdeaconry of Colombo, subject always to the several limitations, reservations, and provisions, which in our said Letters Patent of the second day of May, in the fifty-fourth year of our reign, are fully set forth, and We will that all clauses, matters and things, contained in our said Letters Patent shall be deemed and taken to be applicable to the jurisdiction and functions of the Bishop of Calcutta, in regard to the Archdeaconry of Colombo, and to all appeals by persons who shall conceive themselves aggrieved by any judgment or decree of the said Bishop or his Commissary, and to all proceedings against the said Archdeacon as if the same were herein inserted word for word ; provided only that the copy of the sentence in any such case shall be rectified and transmitted to our Governor of Ceylon for the time being ; and We do hereby will and declare that these our Letters Patent shall be of force and effect only during our royal will and pleasure and no longer.

In witness whereof We have caused these our Letters to be made Patent.

Witness ourselves at Westminster, the twenty-seventh day of September, in the fifty-seventh year of our reign.

By writ of privy seal,

*Bathurst.*

(The Great Seal)

## LETTERS PATENT

27<sup>TH</sup> MAY, A. D. 1823, 4 GEO. 4.

No. 9.

*Extending the Diocese over all His Majesty's other territories within  
the limits of the Company's Charter.*

GEORGE the Fourth, by the grace of God, of the United King- Preamble.  
dom of Great Britain and Ireland King, Defender of the Faith,  
To all to whom these presents shall come, greeting, whereas his late  
Majesty our royal Father, King George the Third, did by Letters  
Patent under the great seal of our United Kingdom of Great Britain  
and Ireland, bearing date the second day of May, in the fifty-fourth  
year of his reign, erect, found and constitute our Territories under the Letters Patent  
Government of the United Company of Merchants of England trading 54 Geo. 3d.  
to the East Indies, to be a Bishop's See, and to be called from thence-  
forth the Bishopric of Calcutta, and his said late Majesty by the same  
Letters Patent did give and grant to THOMAS FANSHAW MIDDLETON,  
the first Bishop of Calcutta, and to his successors, Bishops of Cal-  
cutta, full power and authority to perform all the functions peculiar  
and appropriated to the office of a Bishop within the limits of the  
said see, but not elsewhere, and also by himself or themselves, or  
by his or their Commissary or Commissaries, to exercise jurisdiction  
spiritual and ecclesiastical in and throughout the said see and  
diocese according to the ecclesiastical laws of our realm of England,  
which are lawfully made and received in England in the several  
causes and matters therein expressed and specified and no other ;  
and his said late Majesty by the same Letters Patent did make a fur-  
ther declaration concerning the special causes and matters in which  
he would that the aforesaid jurisdiction be exercised, and did give and  
grant to the aforesaid Bishop and his successors certain powers and  
authorities for the said performance of his and their episcopal func-  
tions, subject however to certain limitations and reservations as on  
reference to the said Letters Patent will more fully appear :

And for a further accomplishment of his intention, and for aiding  
the said Bishop of Calcutta according to the laws and customs of the  
United Church of England and Ireland, in the due and canonical  
superintendence of ecclesiastical persons and affairs, his said late  
Majesty by the said Letters Patent did erect, found and constitute  
one Archdeaconry in and over the Presidency of Fort William in  
Bengal, to be styled the Archdeaconry of Calcutta, and one other  
Archdeaconry in and over the Presidency of Fort Saint George on  
the coast of Coromandel, to be styled the Archdeaconry of Madras,  
and also one other Archdeaconry in and over the Presidency and  
Island of Bombay on the coast of Malabar, to be styled the Arch-  
deaconry of Bombay, all such Archdeacons to be subject and  
subordinate to the said Bishop's see of Calcutta.



No. 9.

Letters Patent  
57 Geo. 3.  
Colombo.

And whereas his said late Majesty did by Letters Patent under the great seal of our United Kingdom, bearing date the fifteenth day of August, in the fifty-seventh year of his reign, erect, found, and constitute one other Archdeaconry within the British territories in the East Indies, that is to say, at Colombo in the island of Ceylon, to be styled the Archdeaconry of Colombo, such Archdeaconry to be also subject during the royal pleasure to the jurisdiction, spiritual and ecclesiastical, of the Bishop of Calcutta for the time being :

And whereas his said late Majesty by other Letters Patent, under the great seal of our United Kingdom, bearing date the fifteenth day of August in the fifty-seventh year of his reign, in order to give full effect to his royal intention in respect of the said Archdeaconry of Colombo, and for removing all doubts touching the jurisdiction of the Bishop of Calcutta and his successors over the said Archdeacon and Archdeaconry, did give and grant to the Bishop of Calcutta and his successors all and singular the rights, powers, authorities, functions and jurisdictions in and over the said Archdeaconry and Archdeacon of Colombo, which he and they might lawfully exercise in and over the three Archdeaconries of Calcutta, Madras, and Bombay, except the right of collating to the said Archdeaconry of Colombo :

By demise of  
Bishop Middleton,  
the see  
vacant.

And whereas by the demise of the said Thomas Fanshaw Middleton, the late Bishop, the said See or Bishopric of Calcutta has become and is now vacant, and it is our royal will and pleasure to appoint a successor thereto :

Other parts of  
H. M.'s territories  
not heretofore  
included.

And whereas the doctrine and discipline of the United Church of England and Ireland are professed and observed by a considerable part of our loving subjects resident in certain other parts of our territories within the limits of the charter of the United Company of Merchants of England trading to the East Indies, not heretofore included in the said see and diocese of Calcutta :

And that no  
provision made.

And whereas no provision has been made for the supply of persons duly ordained to officiate as Ministers of the United Church of England and Ireland, within such parts, and there is no competent authority for the care and direction of ecclesiastical affairs, and our aforesaid subjects are deprived of some offices prescribed by the liturgy and usage of the Church aforesaid, by reason that there is no Bishop residing or exercising jurisdiction and canonical functions in and over the same ; for remedy of the aforesaid inconveniences and defects, it has become expedient, and it is our will and pleasure, that the see and diocese of the Bishop of Calcutta shall be extended over the whole of our territories within the limits of the charter of the said United Company of Merchants of England trading to the East Indies :

The whole of  
H. M.'s territories  
within  
the limits of  
the C.'s charter  
to form the  
diocese.

Reginald Heber,  
D. D. appointed  
Bishop.

Now KNOW YE, that in order to give full effect to our royal will and pleasure of appointing a successor to the said Bishopric of Calcutta now vacant, and of extending the limits of the said See or Bishopric as

aforesaid, We having great confidence in the learning, morals, probity, and prudence of our well beloved REGINALD HEBER, Doctor in Divinity, do name and appoint him to be Bishop of the said See and Diocese of Calcutta, so that the said Reginald Heber shall be and be taken to be Bishop of the Bishop's See and Diocese of Calcutta, and may by virtue of this our nomination and appointment enter into and possess the said Bishop's See as the Bishop thereof, without any let or impediment of us, our heirs, or successors, subject nevertheless to the power of revocation and to the rights of resignation expressed and contained in the said Letters Patent of the second day of May, in the fifty-seventh year of the reign of his late Majesty King George the Third.

No. 9.

And We do hereby signify to the Most Reverend Father in God, CHARLES, Lord Archbishop of Canterbury, Primate of all England and Metropolitan, that We have named and preferred the said Reginald Heber to the said Bishopric of Calcutta, and have appointed him the Bishop and ordinary Pastor thereof, requiring and by the faith and love whereby he is bound unto us, commanding him to consecrate the aforesaid Reginald Heber, Bishop of Calcutta, in manner accustomed, and diligently to do and perform all other things appertaining to his office in this behalf with effect.

Signification thereof to the Archbishop, and authority to consecrate.

We do by these presents also ordain and declare our royal will and pleasure, that from henceforth the whole of our territories within the limits of the charter of the United Company of Merchants of England trading to the East Indies, shall form and constitute the See and Diocese of Calcutta.

Declaration as to the whole of H. M's. territories within the limits of the charter.

And we have given and granted; and do by these presents give and grant to the said Bishop of Calcutta and his successors, during our pleasure, the right of appointing any person or persons to be his or their Commissary or Commissaries within any of the territories and parts aforesaid, which Commissary or Commissaries shall or may act in all matters relative to the episcopal jurisdiction and functions of the said Bishop and his successors, according to the duty of a Commissary by the ecclesiastical laws of England.

Power to the Bishop to appoint Commissaries.

And we have further given and granted, and do by these presents give and grant to the said Bishop of Calcutta and his successors, during our pleasure, all and singular the rights, powers, authorities, functions and jurisdictions in and over all and every our territories within the limits of the charter of the said United Company of Merchants of England trading to the East Indies, which he and they may lawfully exercise in and over the territories under the government of the said United Company by virtue of the said Letters Patent of the second day of May in the fifty-fourth year of the reign of his late Majesty King George the Third, or in and over the territories in the Island of Ceylon by virtue of the said first recited Letters Patent of the fifteenth day of August in the fifty-seventh year.

And have the like jurisdiction and powers.

No. 9.

Subject to the same limitations.

of his said late Majesty's reign, and the said last recited Letters Patent of the fifteenth day of August in the fifty-seventh year of his said late Majesty's reign, or either of them, subject always to the several limitations, reservations and provisions which in the same several Letters Patent are fully set forth, and We will that all clauses, matters and things contained in the said several Letters Patent shall so far as the same are applicable, be applied to the jurisdiction and functions of the Bishop of Calcutta in regard to all and every the territories hereby added to his Diocese, as if the same were herein inserted word for word.

In witness whereof We have caused these our Letters to be made Patent.

Witness ourselves at Westminster, the twenty-seventh day of May in the fourth year of our reign.

By writ of privy seal.

*Bathurst.*

(The Great Seal.)

No. 10.

## LETTERS PATENT

2ND OCT. A. D. 1824, 5 GEO. 4.

*Concerning the Archdeaconry of New South Wales.*

Preamble.

GEORGE the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, To all to whom these presents shall come, greeting, whereas the doctrine and discipline of the United Church of England and Ireland are professed and observed by a considerable part of our loving subjects resident within our colony or settlement of New South Wales and its dependencies, including Van Dieman's Land :

New South Wales.

And whereas it is expedient to make further provision for the due regulation and order of persons duly ordained to officiate as Ministers of the United Church of England and Ireland within the same colony or settlement, We have determined to constitute within the said colony or settlement an Archdeaconry subject during our pleasure to the jurisdiction spiritual and ecclesiastical of the Bishop of Calcutta for the time being :

One archdeaconry constituted subject during H. M's. pleasure to the jurisdiction of the Bishop of Calcutta.

And We do hereby erect, found and constitute one Archdeaconry in and over the British territories within the said Colony of New South Wales and its dependencies, to be styled the Archdeaconry of New South Wales, and to be subject and subordinate during our pleasure to the Bishop of Calcutta and his successors as aforesaid, according to the ecclesiastical laws of this realm.



And to the end that this our intention may be carried into due effect, We having full confidence in the piety, learning, morals, probity and prudence of our well beloved THOMAS HOBBS SCOTT, Clerk, do name and appoint him the said Thomas Hobbes Scott, to be Archdeacon of the Archdeaconry of New South Wales as aforesaid, so that the said Thomas Hobbes Scott shall be and be taken to be in all things Archdeacon of the said Archdeaconry of New South Wales, and by virtue of this our nomination alone, enter into and fully and absolutely possess and enjoy the said office of Archdeacon within the said Archdeaconry, subject to the power of revocation and resignation hereinafter more particularly expressed; and We do hereby signify to our right trusty and well beloved the Right Reverend Father in God, the Lord Bishop of Calcutta, that We have nominated the said Thomas Hobbes Scott, Clerk, to the Archdeaconry of New South Wales, and to be subject and subordinate during our pleasure to him and his successors as aforesaid.

No. 10.  
Rev. Thomas  
Hobbes Scott,  
appointed  
Archdeacon  
thereof.

His Majesty  
signifies the  
same to the  
Lord Bishop of  
Calcutta.

And for a declaration of our royal will and pleasure in regard to the duties and functions to be exercised by the said Archdeacon and his said successors, We do hereby declare that the said Archdeacon shall be assisting to the Bishop of Calcutta in the exercise of his episcopal jurisdiction and functions according to the duty of an Archdeacon by the ecclesiastical laws of our realm of England, and in as full and ample a manner as the same are or may be lawfully exercised by any Archdeacon within our realm of England, save as hereinafter excepted.

Declaration as  
to duties and  
functions of  
the said Arch-  
deacon.

And We do further will ordain and declare, that the said Archdeacon shall within his Archdeaconry be and be taken to be without further appointment the Commissary of the said Bishop and his successors, and shall exercise jurisdiction in all matters aforesaid according to the duty and function of a Commissary by the said ecclesiastical laws.

To be also the  
Commissary of  
the Bishop.

And We do further direct that during the vacancy of the said Archdeaconry, or until the person who shall be appointed by Us to fill the same shall arrive and take on him the duties of the said office, and certify the same in writing to the Governor of our said colony or settlement, the said duties shall be performed by some discreet Minister in Priests orders of the Church of England, who shall be nominated as the case may be for that purpose by our Governor for the time being of the said colony or settlement of New South Wales as aforesaid.

During a  
vacancy of the  
archdeaconry,  
by whom  
duties to be  
performed.

And moreover, We command and by these presents for Us, our heirs and successors, strictly enjoin all and singular our Governors, Judges and Justices, and all and singular Chaplains, Ministers and other our subjects within the territories aforesaid, that they and every of them be in and by all lawful ways and means aiding and assisting to

All Governors,  
Judges, &c.  
commanded to  
be aiding the  
Archdeacon.

## No. 10.

Archdeacon  
may appoint  
a Registrar.

Supreme Court  
at New South  
Wales to have  
like jurisdiction  
by writ of pro-  
hibition or  
mandamus as  
H. M.'s Court  
of K. B.  
Regard being  
had to any  
special provi-  
sions herein.

Nothing herein  
to repeal the  
charter where-  
by ecclesiasti-  
cal jurisdiction  
was given to  
the said Su-  
preme Court  
except as be-  
fore excepted.

The said Arch-  
deacon to be a  
body corporate,  
&c.  
To be called and  
known by the  
name of Arch-  
deacon of New  
South Wales,  
with full power  
to hold lands,  
&c. as by  
grant or licence  
from the Go-  
vernor he may  
be authorized,  
and by and  
under such  
name to plead,  
prosecute and  
defend, &c.

the said Archdeacon and his successors in the execution of the premises in all things.

And We do further will and direct that the said Archdeacon and his successors may and shall from time to time appoint a proper and efficient person in the said Archdeaconry to act as Registrar thereof, and in case of no Registrar being so appointed or the Registrar being unable to act during any vacancy of the said Archdeaconry, We will and direct that the person officiating as such as above directed may appoint any sufficient Actuary to do all acts and things to the said office of Registrar appertaining.

And We do further ordain that the Supreme Court of Judicature in New South Wales shall have such and like jurisdiction and power of interfering by writ of prohibition or mandamus, subject to the same laws, restrictions and rules of practice as is or has been exercised by our Court of King's Bench at Westminster, in regard to proceedings in the ecclesiastical Courts of England; regard being had nevertheless to any special provisions or exceptions contained in these our Letters Patent, or to any other laws and regulations specially applicable to or concerning our colony or settlement of New South Wales, as aforesaid.

Moreover it is our royal will, and We do hereby declare and ordain, that nothing herein contained shall extend or be construed to extend to repeal, vary or alter the provisions of our charter whereby ecclesiastical jurisdiction was given to the said Court of judicature, so far as the same does not relate to the correction of Clerks or the spiritual superintendence of ecclesiastical persons, or to give to the said Archdeacon or his successors any authority or jurisdiction whatsoever in causes testamentary or matrimonial, and in matters now cognizable in the said Court except as herein last before excepted.

Moreover, We will and grant by these presents, that the said Archdeacon be a body corporate, and do ordain, make and constitute him to be a perpetual corporation, and to have perpetual succession, and that he and his successors be for ever hereafter called and known by the name of Archdeacon of New South Wales, and that he and his successors by the name aforesaid shall be able and capable in the law, and have full power to purchase, have, take, hold and enjoy such manors, messuages, lands, rents, tenements, annuities, and hereditaments, of what nature or kind soever, in fee and in perpetuity, or for term of life or years, as by grant or licence from our said Governor he or they shall at any time be authorised to take, hold or enjoy within our territories in the said island or settlement, and all and all manners of goods, chattels, and things personal whatsoever, of what nature or value soever, and that he and his successors by and under the said name may prosecute, claim, plead and be empleaded, defend and be defended, answer and

be answered in all manner of Courts of Us, our heirs and successors and elsewhere, in and upon all and singular causes, actions, suits, writs, and demands, real and personal, and mixed, as well temporal as spiritual, and in all other things, causes and matters whatsoever.

And We do hereby declare, that if We, our heirs or successors, shall think fit to revoke or recall the appointment of the said Archdeacon or his successor for the time being, and shall declare such our or their pleasure by Letters Patent under the great seal of the United Kingdom, then every such Archdeacon shall from and after the notification thereof in such manner as in the said Letters Patent shall from time to time be directed to the said Archdeacon, to all intents and purposes cease to be Archdeacon as aforesaid.

And for removing doubts with respect to the validity of resignation of the said office of Archdeacon, it is our further will and pleasure that if the said Archdeacon or his successors shall by instrument under his hand and seal, delivered to Us or to the Governor of our said colony or settlement for the time being, and duly accepted and registered, resign the office of Archdeacon aforesaid, such Archdeacon shall forthwith cease to be Archdeacon to all intents and purposes, but without prejudice to any responsibility to which he may be liable in law or equity in respect of his conduct in his said office.

And further, to the end that all the things aforesaid may be firmly holden and done, We will and grant to the aforesaid Thomas Hobbes Scott, Clerk, that he shall have our Letters Patent under our great seal of our United Kingdom duly made and sealed.

In witness whereof we have caused these our Letters to be made Patent.

Witness ourselves at Westminster, the second day of October, in fifth year of our reign.

By the King himself,

(Signed) Bathurst.  
(The Great Seal.)

No. 10.

His Majesty reserves the power of revoking or recalling the appointment.

Resignation of the said office of Archdeacon how to made.

Letters Patent granted.



No 11.

## LETTER FROM BISHOP MIDDLETON TO THE REV. ANTHONY HAMILTON.

*Enumerating the objects in the establishment of Bishop's College  
near Calcutta.*

*Calcutta, 16th Nov. 1818.*

REVEREND SIR,

I HAVE received your letter, conveying to me a copy of the proceedings of the Society in the month of March last, on the subject of India missions; from which it appears, that the Society have placed at my disposal the sum of 5,000*l.*, and invite my more particular suggestions as to the most prudent and practicable methods of promoting Christianity in this country. The Society may be assured, that I have been much gratified by this communication, and that I shall, with the Divine blessing, heartily co-operate with them in an enterprise so honourable to our established Church, and commenced under auspices which give it the character of a national effort to disseminate in these regions our holy faith in its purest form.

In offering to the Society my opinion as to what may be prudent, with reference to the *safety* of the measure, I can feel no embarrassment: the *danger*, generally speaking, of attempting to propagate Christianity in this country, is not the difficulty with which we have to contend: ordinary discretion is all that is required: and every proceeding I should consider to be safe, which did not offer a direct and open affront to the prevailing superstitions. In any attempt to enlighten, to instruct, or to convince, experience has abundantly shown that there is not the smallest ground for alarm; and this, I believe, is now admitted by many, who once regarded such attempts with manifest apprehension. A more remarkable change of sentiment has seldom been effected within so short an interval.

The question, however, what may be practicable, so as most effectually to further the Society's views, is much more comprehensive. Experience does not hold out much encouragement to efforts, which rely for their success entirely on the effect to be produced by preaching; they seem rarely to have excited any interest beyond that of a transient curiosity: the minds of the people are not generally in a state to be impressed by the force of argument, and still less to be awakened to reflection by appeals to their feelings and their fears: and yet preaching must form a part, a prominent part, I apprehend, in any scheme for the conversion of these people: what is further required seems to be a preparation of the native mind to comprehend the importance and truth of the doctrines proposed to them: and this must be the effect of education. The Scriptures must also be translated, and other writings conducive to the end in view.

To embrace and combine these objects, therefore, I would have the honour to recommend to the Society the establishment of a Mission College, in the immediate vicinity of this capital, to be subservient to the several purposes :

1. Of instructing native and other Christian youth in the doctrines and discipline of the Church, in order to their becoming preachers, catechists, and schoolmasters.

2. For teaching the elements of useful knowledge and the English language to Mussulmans or Hindoos, having no object in such attainments beyond secular advantage.

3. For translating the scriptures, the liturgy, and moral and religious tracts.

4. For the reception of English missionaries to be sent out by the Society, on their first arrival in India.

It may be expected that something should be offered in explanation of my meaning, under each of these heads.

1. One object proposed in this establishment is the training of native and Christian youth to be preachers, schoolmasters, and catechists. Such, I have no doubt, might be found in sufficient number, when it was understood that they would be fostered in a respectable establishment, with the assurance of an adequate provision upon leaving it : and I am clearly of opinion, that though native teachers by themselves will never effect much, our religion will make little progress in this country without their aid : the native Christian is a necessary link between the European and the Pagan : these two have little in common : they want some point of contact ; the European and native mind seem to be cast in different moulds : if the Hindoo finds it very difficult to argue as we argue, and to view things as we view them, it is scarcely more easy for us to imagine ourselves in his condition, and to enter into the misconceptions and prejudices, which obstruct his reception of the truth ; the task is much the same as that of a man, who, in the full maturity of understanding and knowledge, should endeavour to divest himself of these, and to think as a child.

It may have been observed, that I have mentioned the education of native and *other* Christian youth : in which I include a class of persons who, though born in this country, are to be distinguished from natives usually so denominated, being the offspring of European parents : and I had more especially in view the sons of missionaries, who might be glad to avail themselves of this opportunity to bring up their sons to the same profession. It may not, perhaps, be improper to add, that, when I was in the south of India, specific proposals of this kind were made to me by missionaries of the Society for Promoting Christian Knowledge.

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2. Another of the objects proposed is to afford to native children instruction in useful knowledge, and specially in the English language, without any immediate view to their becoming Christians. It seems now to be generally believed, that little effect can be produced by preaching, while superstition and extreme ignorance are the prevailing characteristics of the people. We have not here, indeed, to encounter barbarism : the impediments to conversion are probably much greater than really rude and uncivilized life ever presents : the progress of our religion is here opposed by discipline and system : and by these alone, with the Divine blessing, can it ever make its way : the tenets of superstition are inculcated in early life : the popular writings are generally tales familiarising the mind with the achievements of Hindoo divinities ; and the Brahmin possesses an almost unbounded influence over the people committed to his care. While this state of things prevails, the truths of the Gospel are heard unheeded : they are not perceived to be truths, nor is there much disposition to examine them : they appeal to no recognised principle, and they excite no interests : the Hindoo, if he reflect at all, finds atonement in his sacrifices, and a mediator in his priest.

It is conceived, therefore, that one great instrument of the success of Christianity will be the diffusion of European knowledge : it seems almost impossible that they, who in their childhood shall have been accustomed to use their minds, can ever afterwards be capable of adopting the absurdities and reverencing the abominations now proposed to them as truth, and the acceptable worship of God : it is hoped that by enlarging the sphere of their ideas generally, we shall teach them to enquire at least upon subjects, on which we do not professedly instruct them : and that they, who have been emancipated from superstition, may in time be brought to a knowledge of Christ.

I have, however, laid particular stress upon the teaching of English : if this were generally understood through the country, it would, I doubt not, entirely alter the condition of the people : it would give them access to our literature and habits of thinking : and the familiar use of it would tend very much to dissipate the prejudices and the indifference, which now stand in the way of conversion. Our language is so unlike every thing Oriental, not merely in its structure, but in the ideas to which it is made subservient, in imagery, in metaphor, and in sentiment, that a competent acquaintance with it seems unavoidably to lead the mind of a native into a new train of thought, and a wider field of reflection. We, in learning the languages of the East, acquire only a knowledge of words ; but the Oriental, in learning our language, extends his knowledge of things.

The introduction of our language, however, into this country to any great extent, is, in the present state of things, to be wished for rather than to be expected. To the acquisition of it there has not



been much inducement. For almost every purpose of intercourse with the natives, we have learnt their languages, instead of inviting them to learn ours: the effect of which has been, that they have hitherto known little more of our religion, our science, and our institutions, than may have transpired in an intercourse which had other objects in view. Still, however, parents are found, who are anxious that their children should acquire our language, especially in the neighbourhood of the presidencies; and this disposition is increasing; a knowledge of English is found to facilitate the intercourse of the natives with the commercial part of the community, especially since the opening of the trade; and it is useful in some of the public offices. Of this disposition, we should avail ourselves as far as we can: neither is there a backwardness to attend schools for instruction in general knowledge; the only restriction is, that we do not introduce the Scriptures, or books directly inculcating our religion; and even that is by no means rigidly enforced.

3. In the third place, I would make the Mission College subservient to the purpose of translations. Much has, indeed, been done or attempted in this way; but by no means, as I have reason to believe, so much and so well, as to make this department of missionary labour superfluous or unimportant. We still want versions, which, instead of being the work of one or two individuals, should be the joint production of several, taking their allotted portions of Scripture, submitting their tasks to approved examiners, and sending the whole into the world under the sanction of authority. Rapidity of execution, and the carrying on of many versions at the same time, should not be among the objects aimed at: it is not to be expected, that standard works can be thus produced. To the same department would be committed translations of our liturgy, that thus copies of the prayer-book might accompany the Scriptures: hence also might emanate translations of useful tracts, or original ones better adapted perhaps than any which yet exist, to the use of the natives: and it would be proper to include under this head what probably has not yet been attempted, I mean something which might convey to converts an idea of the nature of Christian society, and the constitution of the Church. Success, however, in this department, evidently supposes the College to be well established, and great progress to have been made in the languages by the persons connected with it; and at no period, perhaps, could it supply the number of labourers required; but it would doubtless receive assistance from without from persons abundantly competent to afford it, and be a point of union for the exertions of all, who would wish the native Christianity of India to be that of the established Church.

4. In the last place, I consider the College as affording great advantages to missionaries coming from England, upon their first

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arrival : they would here live in the society of persons, whose minds were directed to the same pursuits; they would have in the Moon-shees attached to the institution every facility for acquiring the languages : they would have the use of books, and they would acquire a knowledge of the manners and opinions of the natives, before they proceeded to their destined scene of duty. Every missionary must, in fact, have been a year or more in the country, before he can be at all efficient; and no where could he pass this interval so profitably as in such an establishment.

It is obvious, however, that this plan will require considerable funds. The 5,000*l.* already voted will probably be sufficient to defray the expence of all requisite buildings including the purchase of land. The annual expence of the establishment is a subject of separate consideration : in the beginning we should require at least two persons, and afterwards three, to be permanently attached to the seminary, as professors or teachers : and these should be clergymen of the Church of England. The salary of the senior could not be well less than 400 sicca rupees per month, or 600*l.* per annum; and that of his colleague or colleagues 300 sicca rupees per month, or 450*l.* per annum; and I should hope, that men well qualified for the work, and really actuated by zeal in such a cause, (without which all other qualifications would be useless,) might be induced to accept the appointments: in addition to the salary, a residence capable of accommodating a family would be assigned to each. Two Moon-shees or native teachers would cost together about 100*l.* per annum. Ten students, as above described, might be fed and clothed for about 500*l.* per annum; and a small establishment of servants would require about 100*l.* per annum. These different heads of expenditure make up an annual sum of 2,100*l.*, supposing three professors; or 1,650*l.* with two. Besides this, a printing establishment would in a few years require to be supported; and native schools would also be attended with some expence (about 36*l.* per annum) for every school of one hundred children, besides about 20*l.* for building a room or shed; but for this I have little doubt, that the liberality of the Indian public would in great measure provide, as has lately been done with respect to the schools of the Calcutta Diocesan Committee. I do not know of any contingent expences, except repairs, which in the case of new and substantial buildings could not amount to any thing considerable for the first twenty years.

But we are to recollect, that our institution has for its leading object the education of persons who are afterwards to be maintained as missionaries, catechists, and schoolmasters, and to act under and in concert with missionaries to be sent out from England. I suppose every missionary station to be the residence of an English missionary (a clergyman), one or two missionaries educated in the college, and

who might perhaps be ordained, or a missionary and a catechist, and a schoolmaster, all from the college. This would be the state of things when the system was in full action, and any considerable progress had been made. The English missionary would be indispensable to direct the course of proceedings, and to give respectability and energy to the mission: while the native missionaries would be necessary not only for the tasks assigned them, but to give the English missionary easier access to the natives, and to assist him in encountering opinions and habits with which an European must be less conversant. It is difficult to determine, or rather to conjecture, how many stations, thus constituted, the College, with the proposed number of students, might in any given period supply: much, of course, would depend upon the age of admission and the time required for their studies according to which the succession would be quicker or slower: but the admission might be so regulated as to supply any demand not beyond its actual power, which demand would be limited by the funds applicable to the support of missionaries, &c. brought up in the college. Upon any reasonable supposition, however, a college of ten students would very soon supply all that could be required for three missionary stations constituted as already described; after which, if necessary, the admissions might be reduced. With respect to the English missionary, who should be a clergyman, he would require a salary of 250*l.* per annum, and his assistants from the college from 150*l.* to 80*l.* each, according to the class of persons to which they belonged: or among them 350*l.* per annum,—and small dwellings, or bungalows, as we call them in this country, should be provided; of which, however, the original cost is little, and it could not frequently recur. Independently of this charge, and a small chapel at each station, to be built in due time, which might cost perhaps 500*l.* we should have three missionary stations, well provided, at the expence of 600*l.* each, or 1,800*l.* for the three; and if these should have the blessing of God, and means were found to extend the system, it might be done almost indefinitely with a moderate addition of expence within the college; without any, in fact, till it should be found necessary to increase the number of students.

But in this detail of annual expenditure, which I should hope does not exceed what may be expected from the public benevolence at home, when appealed to by the highest authorities, and assisted perhaps in India, I should observe, that some time must elapse, even in the most prosperous commencement of the work, before the funds required can be nearly so considerable as I have here supposed. The expence, which is to accrue without the walls of the college, could not arise for some time; and even the whole of the charge for students would not be immediate, in as much as the professors or teachers must devote some time after their arrival to the acquisition of the languages, before they could instruct pupils unacquainted with



No. 11.

English. The establishment would at first consist of the two English professors, perhaps a very few pupils acquainted with our language, two moonshees, and a few servants. In process of time, indeed, such an institution might, if blessed by the Almighty, multiply its labours and extend its operations through so wide a field as to baffle all present calculation of its future wants : but the Society, I apprehend, will not consider this remote contingency as an objection to such appropriation of any resources which Providence may place at their disposal.

No funds, however, can ensure a reasonable prospect of success in such an undertaking, unless the persons selected to execute it have the requisite qualifications. The clergymen, sent out to conduct the labours of the college, must possess considerable endowments, he, of course, especially, who is to be at the head of it : they should be, if not distinguished for general scholarship, at least respectable divines; acquainted with the Scriptures in the originals; of frugal and laborious habits; and possessing a talent for languages : and without a certain ardour of character, a deep feeling of the importance of the duties committed to them, and a disposition to value success in such an enterprise more than that in any other human pursuit, they would not, I fear, answer the end proposed. The senior should not, I imagine, be more than thirty years of age, and his colleagues might be somewhat younger. With respect both to the professors and the missionaries, I would observe, that temper and manner are here of the utmost importance : the natives require in their teachers great patience and mildness : they do not feel strongly themselves, and they are easily disgusted by any thing like asperity or irritation. I hardly need add, that they should be men of sedate habits and of serious piety : the natives look for these qualities in all, who seem to them to set up for teachers, though they do not find it, or perhaps expect it, in their hereditary priesthood. Vacancies in the professorships should, I conceive, be filled up from among the missionaries, not with reference merely to seniority, but to merit and qualifications.

You will observe, that I have supposed the college to be in the immediate vicinity of Calcutta : several considerations make this expedient. The time appears to have arrived, when it is desirable that some missionary endeavours at least should have a visible connection with the Church establishment : the natives have a preference, all other things being equal, for that which is countenanced by authority ; and this seems to point out the propriety of placing this establishment within the Bishop's reach (I speak for myself and my successors), that they may in some measure superintend its proceedings, and make it apparent that the propagation of our religion is not a matter of so little interest with us, as to be left entirely to persons whom none of the constituted authorities avow. Supposing the college to be in or near Calcutta, the bishop might act as visitor ; but he could not otherwise, in any degree which could be of use.

Another circumstance, however, seems to indicate the propriety of the proposed situation: I speak with reference to the literary labours connected with the college. Translations will require a concentration of all the learning which can be brought to bear upon the subject; and here, if any where in India, is this aid to be looked for: besides, that translators will here have access to books which the college-library might not for some time supply. To these considerations I will add what is, indeed, but an indirect advantage, yet ought not to be wholly overlooked, that such an institution in or near to Calcutta will attract the observation of our countrymen, serving continually to remind them of the great object to which it is directed, and to interest them in promoting it.

Upon the subject of the vote of credit, I ought to observe, that at the present, and I believe the usual rate of exchange, I should draw upon the Society's treasurer to great disadvantage: at this period the loss would be from 12 to 15 per cent. The most advantageous mode of remittance to India is considered to be by the transmission of dollars, when they do not bear a very high price in London.

I have thus, Sir, complied with the request of the Society in offering them my sentiments upon the subject of their inquiry. In conclusion, I beg leave to add, that the crisis is such as not to admit any delay, which can conveniently be avoided. I regret, indeed, exceedingly, that from my ignorance of the Society's further views, and future resources, I cannot immediately avail myself of their vote of credit for the purposes here detailed: a year is of great importance, and yet a year must be lost. It may appear perhaps that the plan, which I have recommended, is somewhat extensive: no scheme, however, which is narrow in its first conception, or not capable of an almost unlimited expansion, is suited to the temper of the times, or to the circumstances of this country. Our power is now established throughout this vast peninsula in a degree which, but a few years since, the most sanguine did not contemplate: civilization and religion may be expected in the ordinary course of providence to follow the successes of a Christian state; and in every view, religious or political, ought we to desire, that the faith adopted, and the opinions imbibed, may attach the people to our national institutions and more firmly cement the connection of India with the British crown.

I request you, Sir, to assure the Society of my cordial desire to forward their benevolent designs to the utmost of my power, and that I pray the Almighty to direct them in all their deliberations.

I am, Reverend Sir,

Your most obedient and faithful servant,

(Signed) T. F. CALCUTTA.

No. 12.

## GENERAL ORDERS

BY THE HONORABLE THE GOVERNOR GENERAL  
IN COUNCIL.

*Fort William, 21st March, 1823.*

1. Books having been received from the Honourable the Court of Directors for the purpose of establishing permanent Soldiers Libraries at seven of the principal European stations, they will be supplied accordingly to the following places, through the Adjutant General of the army, viz. Fort William—Dum-Dum—Dinapore—Ghazepore—Cawnpore—Meerut—Naugpore. N. B. an eighth library will be supplied to Berhampore eventually on its arrival from Europe.

2. On the arrival of the Library at each station, it will be placed under the charge of the Chaplain or person acting as such, who will furnish a proper receipt to the Adjutant General through the commanding officer, and at each relief or change of station, the Library will be made over regularly in station orders and receipts furnished in duplicate for the same, one copy for the Adjutant General and one for the Brigade Major or other station staff-officer.

3. In all cases where there may not be a Chaplain resident or present, the duty will devolve on the Brigade Major or other public staff-officer.

4. To assist in the care and preservation of the books, and to keep a proper list and account thereof, the person officiating as clerk under the Chaplain, or a steady non-commissioned officer shall be employed on a salary of 12 rupees per mensem, from the arrival of the books at each station, to be certified by the commanding officer and public staff. The bills to be countersigned by the Chaplain or public staff-officer as the case may require.

5. His Excellency the Commander in Chief is requested to issue such further orders as may be deemed necessary for the internal management and regulation of these Libraries, and to give effect to the views of the Honourable Court in their transmission to this country.

(Signed)

*W. Casement*, Lieut. Colonel,  
Secretary to Government, Military Department.

(A true copy)

*E. Molony*,  
Acting Secretary to Government.



## REGULATIONS

OF THE HONORABLE THE EAST INDIA COMPANY CONCERNING THEIR CHAPLAINS ON THE BENGAL ESTABLISHMENT.

No. 13.

*Rules relative to Leave of Absence to Chaplains.*

1. ALL applications for leave of absence either on account of private affairs, or of sickness, are to be submitted for the orders of Government through the channel of the Lord Bishop, or in his absence through that of the Archdeacon, or episcopal Commissaries.

*N. B. The foregoing rule is to apply to official applications to Government of every description from the subordinate Clergy.*

2. Applications for leave of absence from the station on account of sickness, are to be accompanied with a certificate in the following form, to be prepared in duplicate, signed by the Surgeon or Assistant Surgeon of the station, and countersigned by the senior medical officer when there may be more than one, specifying the state of the applicant's health.

*Form of Certificate.*

I, A. B. Surgeon of \_\_\_\_\_ do hereby certify that  
C. D. Chaplain at \_\_\_\_\_ is in a bad state of health, and I solemnly and sincerely declare, that according to the best of my judgment, a change of air is essentially necessary to his recovery, and I do therefore recommend, that he be permitted to proceed to sea, or upon the river, &c. (as the case may be)

Certified at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

A. B. Surgeon.

3. When an extension of leave of absence from the station may be requisite, a certificate in the accompanying form (B.) is to be furnished, and renewed monthly under the signature of the Senior Surgeon of the station, civil or military.

4. Should the individual proceed to any other station, without coming to Calcutta, then a certificate is to be procured, and sent from the Senior Surgeon of such station, civil, or military, as the case may be. But if he come to Calcutta, a similar certificate from the Surgeon attending upon him, countersigned by the Superintending Surgeon of the Presidency, or by one of the Members of the Medical Board.

*Form of certificate (B.) to be renewed monthly.*

I, A. B. Surgeon at \_\_\_\_\_ do hereby certify that  
C. D. Chaplain of \_\_\_\_\_ arrived here on the \_\_\_\_\_ in a bad state of health; and I solemnly and sincerely declare, that according to the best of my judgment, he is still in such a state as to render it improper that he should yet return to resume the duties of his office, this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

A. B. Surgeon.

No. 13.

Gen. Orders, G. G. in Coun. cil of the 28th Nov. 1821, and as they are applicable to clerical stations.

From Presidency, Dum-Dum, Berhampore, Dha-ka, and Chitgaon, Deenajpoor, Patna.

Gornkpoor,	}	6 months.
Benares,		
Kanpoor,	}	7 months.
Futehgurh,		
Meerut,	}	7½ months.
Agra,		
Nagpoor,	}	8½ months.
Mhow,		
	}	9 months.

5. In the case of leave of absence from the station on account of private affairs; the full allowances of Chaplains are to be drawn for the periods specified in the margin, to commence from the date of quitting such station.

6. In the case of leave of absence on certified sickness, Chaplains shall be permitted to draw full allowances whilst to the Eastward of the Cape of Good Hope, or being at the Cape, or St. Helena, for the time during which such certificate or certificates shall testify that leave of absence is, or continues to be absolutely necessary to the reestablishment of the individual's health, and to no later period.

7. The two foregoing regulations are applicable only to cases of Chaplains who shall return to India after leave of absence obtained either on account of sickness, or of private affairs; or who shall die without having previously obtained permission to proceed to Europe.

8. But Chaplains quitting India on leave of absence on account of sickness, or private affairs, who shall proceed to Europe without having returned to India, shall be considered as on furlough to Europe, from the dates on which they shall have respectively left India, and their allowances of office shall be considered to have ceased from those dates, agreeably to the provision made in the 33d Geo. 3, cap. 50, sec. 37, and conformably to General Orders of the Governor General in Council, of the 15th of September 1821.

9. The Officiating Senior or Junior Chaplain at the Presidency will be entitled to all fees arising out of the performance of the functions of his office, during the absence of the principal.

10. Should a voyage to sea, or to the Cape of Good Hope, St. Helena, or other settlement within the Company's limits, be deemed requisite for recovery of health, a certificate to that effect from the Surgeon in immediate attendance, countersigned by one of the members of the Medical Board, is to accompany the application for leave in the forms marked (C.) and (D.) But application to be first made for permission to come to the Presidency, preparatory to proceeding to sea, or to Europe.

11. A certificate of the date on which the pilot quits the ship, to be signed by that person, is to accompany the intimation of final departure, which the individual will forward to the address of the Civil Auditor.

12. If there be no pilot on board then the leave of absence is to commence from the date of Government Order granting the same.

13. Application on account of sickness to be further accompanied by the medical certificate.

14. The colony or settlement to which the individual is desirous to proceed, to be invariably specified in the application for leave, the same not being admissible in the general terms "to make a voyage to sea."

15. If the individual's return to the Presidency be unavoidably delayed beyond the term of leave, by circumstances over which he could exercise no controul, a certificate of the fact, to be signed by the chief officer at the place of detention, is to be transmitted with the application for the extension of leave.

16. The individual having obtained leave of absence to proceed to sea, (whether to Europe, or not) will apply to the Secretary in the General Department for an order to the commander of the ship to be received on board (with family, if any) as passenger, and whenever the individual may proceed beyond the limits of the Presidency, he will furnish the following certificates (F.) and (G.) to be obtained from the offices of Civil Auditor, and Accountant General.

*Form of Certificate (F.)*

This is to certify, that A. B. Chaplain on this establishment, has received his allowances up to the ———— and that on examination of the accounts of this Presidency up to the latest period, it does not appear that Government have any pecuniary claims against him.

C. D. Civil Auditor.

*Form of Certificate (G.)*

This is to certify, that on reference to the general books of this Presidency to the 30th of April, I do not find that there are any pecuniary claims exhibited therein against the Reverend A. B. Chaplain in the Honorable Company's Service on this establishment.

E. F. Accountant General.

17. Should continued sickness prevent the individual's return to the Presidency, within the term for which leave of absence may have been granted, a further application is to be made to Government for an extension thereof; in which case a certificate from the chief medical officer at such colony or settlement, where the individual may then be, is to be sent with the application, stating the necessity of a further term, drawn up according to the following form.

18. A similar course to be pursued upon every subsequent application for renewal of leave, on account of sickness.

*Form of Certificate (C.)*

I, A. B. Surgeon at ———— do hereby certify, that C. D. Chaplain in the Honorable Company's service on the Bengal establishment at ———— is in a bad state of health, and I think it highly advisable for him to proceed to the Cape



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of Good Hope (or as the case may be) by the first opportunity.  
This \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

A. B. Surgeon.

confirmed, C. D. Member of the Medical Board.

*Form of Certificate (D.)*

I, A. B. Surgeon at \_\_\_\_\_ do hereby certify, that C. D. Chaplain in the Honorable Company's Service on the Bengal establishment at \_\_\_\_\_, is in a bad state of health, and that I think a voyage to the Cape of Good Hope (or as the case may be) necessary to his recovery.

A. B. Surgeon.

confirmed, C. D. Member of the Medical Board.

19. Should the period of leave originally granted to proceed beyond the limits of the Presidency, on account of private affairs, be insufficient, satisfactory reasons are to be assigned for preferring an application for its extension.

20. The period of absence on private affairs from the Bengal Presidency, is not to be included in the term of service; the completion of which, entitles to retirement on pay of military rank.

21. In case of leave of absence, on certificate of sickness, to the Eastward of the Cape of Good Hope, or the Cape, or at St. Helena, full allowance to be drawn for the certified time that leave of absence is or may continue to be absolutely necessary to the reestablishment of health, and to no later period; but such allowances shall not be disbursed after embarkation, or until the return of the party to the Presidency.

22. The above regulation is applicable only to cases in which the individual shall return to India, after leave of absence either on account of sickness, or of private affairs, or in case of his death (to be certified by the chief officer at the place) previously to obtaining permission to proceed to Europe. But if, after quitting India on leave of absence on account of sickness or private affairs, he proceed to Europe, without returning to India, he shall then be considered as on furlough to Europe, from the date of his departure from India, and his allowances are to cease from such date, agreeably to the provision made in the 33d Geo. 3, cap. 50, sect. 37.

23. Chaplains returning to England on furlough, or retiring from the service, with the permission of Government, will receive, on application to the Secretary in the General Department, a certificate according to the following form (H.) a duplicate of which is to be forwarded to the Court of Directors, by the next despatch.

*Form of Certificate (H.)*

General Department, the \_\_\_\_\_ 18 \_\_\_\_\_

I do hereby certify that, on the \_\_\_\_\_ A. B. Chaplain in the Honorable Company's Service on the Bengal establish-

ment. obtained the permission of the Governor General in Council to proceed to Europe on furlough for three years on his private affairs, or on account of sickness; such leave of absence to commence from the ——— and that on the above date the length of service of the said *A. B.* was ——— years, including (as the case may be) an absence of ——— years ——— months ——— days, on furlough, as appears by a certificate from the Civil Auditor.

*A. B.* Secretary to Government.

24 In case of sickness, a certificate according to form (*E.*) to be signed by the Surgeon attending upon the individual, and countersigned by a Member of the Medical Board, is to accompany the application of leave to proceed to Europe on furlough.

*Form of Certificate (E.)*

I, *A. B.* Surgeon at ——— do hereby certify, that *C. D.* Chaplain in the Honorable Company's Service on this establishment, is in a bad state of health, and that it is highly advisable for him to proceed to Europe by the earliest opportunity.  
this ——— day of ——— 18 —

*A. B.* Surgeon,

confirmed, *F. G.* Member of the Medical Board.

25. A statement of length of service compared and certified by the Civil Auditor is to accompany all applications to the Secretary to Government in the General Department for furlough; such statement is to certify the period of actual residence in India; the time of absence on furlough on any former occasion, and the intention of retiring or otherwise.

26. Furlough to Europe is limited to three years from the date of embarkation in India; during which period the full pay of Major is allowed, viz. fifteen (15) shillings per diem, after seven years service at the least. and from the date of first arrival at the Presidency of Bengal. But if granted on account of sickness, prior to completion of that period of service, then the pay of Captain only, or (10) ten shillings per diem.

27. An advance of six months pay of Major, or Captain, will be issuable in India: such advance to be regulated according to actual period of service.

28. On arrival in England on furlough, a report of the same is to be addressed by letter to the Secretary to the Court of Directors, accompanied by certificates received in India.

29. Extension of furlough will not be granted in England except in cases of certified sickness, or in those in which it shall be proved to the Court of Directors, that further residence in Europe is absolutely necessary.

30. When, under such circumstances, furlough shall have been

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extended to a given period; at the expiration thereof, an application is to be made for permission either to return to duty, or to reside a further time in Europe.

31. Under the exception contained in the act 53 Geo. 3, cap. 15, sec. 84, as applicable to cases of sickness, infirmity, or inevitable accident, no officer below the rank of Lieutenant Colonel is eligible to return to the service, after five years absence under that enactment, or [under act 33d Geo. 3, cap. 52, sec. 70,] who may fail to obtain from the Court of Directors an extension of furlough, under the provisions of these acts.

32. Pay in England to commence from the date of last pay issued in India, and to be continued for a period not exceeding two years and six months from the date of quitting India; notwithstanding that the furlough may have been extended beyond that period: but on the return to India an advance of six months will be made, on application to the Auditor of India Accounts.

33. If three years from the date of quitting India shall have been extended, pay is to cease after the prescribed period.

34. On return to India, allowances to recommence from the date of actual arrival in Bengal.

35. Previously to embarkation for India on return from furlough, a certificate and shipping order are to be obtained from the Secretary to the India House, to be laid before Government, immediately on arrival in Bengal.

36. In the payment of allowances, the time passed in any previous furlough is to be reckoned, together with every subsequent furlough.

37. In case of demise in England whilst on furlough, the estate of the deceased will be entitled to the pay due to the time of decease, to be certified by the Minister, or Church-wardens, or the chief magistrate of the nearest town or borough corporate.

38. A certificate of unavoidable detention on the homeward voyage, or in England, is to be obtained from the Auditor of India Accounts, as the ground of exception to General Rules, if so admitted by the Court of Directors.

39. Pay in England issues half yearly; at Midsummer and Christmas, when due, a bill is to be presented to the Auditor of India Accounts in the following form.

*Form of Bill.*

THE HONORABLE UNITED EAST INDIA COMPANY

*Dr.*

To amount of six month's pay (or half pay) as Chaplain on the ecclesiastical establishment of Bengal on furlough, being for the corresponding rank of (Major or Captain) or from 1st of March to the 1st of September at 15 or 10 shillings per day (*as the case may be*)  
the ——— day of ——— 18 ———

£

*A. B.*



40. At the period of payment, the principal, or his attorney is to appear at the office of the Auditor in England. The attorney is to produce a certificate signed by the Minister, or Churchwardens or by the chief magistrate of the nearest town or borough corporate to the nearest place of his residence, testifying to the principal being alive.

41. A pay certificate is to be obtained from the Auditor of India Accounts, specifying the date up to which payment may have been made in England.

42. In computing the period of service, the completion of which entitles to retirement, the period of absence on certified sickness, and under regular permission either to the Cape of Good Hope, or other settlement, is to be included therein, but not the period of absence on account of private affairs, or from other cause than sickness.

43. The following certificates to be obtained from the Secretary to Government in the General Department, previously to quitting the Presidency, whenever a Chaplain may have an intention of retiring from the service.

*Form of Certificate (K.)*

I do hereby certify, that *A. B.* Chaplain in the Honorable Company's Service on the Bengal establishment, obtained on the—— day —— in the year —— permission of the Governor General in Council to proceed to Europe, with the option of retiring from the service, and that at the above date, the length of service of the said *A. B.* was —— years —— including an absence of —— years —— months —— days on furlough, as appears by a certificate from the Civil Auditor.  
Given under my hand at Fort William this —— day of ——

*C. D.* Secretary to Government.

44. The intention of retiring from the service is to be signified to the Court of Directors, within twelve months immediately after arrival in England.

45. The vacancy caused by retirement from the service, is to be reckoned from the date the Pilot may leave the ship on which the individual embarks for Europe.

46. Chaplains after 18 years service, including 3 years for one furlough, are entitled to retire on the pay of Lieutenant-Colonel, viz. £ 365. per annum: should sickness, however, compel them to quit the country after 10 years service, they are entitled to retire on the half-pay of Lieutenant-Colonel, viz. £ 200. 15. per annum: and if compelled by the same necessity to quit the country after 7 years service, they are then entitled to retire on the half pay of Major, viz. £ 173. 7. 6. per annum.

47. Retirement from the service, in cases in which no express intention has been signified, to be assumed and computed after the

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expiration of 3 years from the date of quitting India, unless further be extended, then from the date of the expiration of such additional time, or otherwise from the date on which the application to retire may be laid before the Court, which ever shall first happen

48. In cases of retirement, testimonials from the Lord Bishop of Calcutta as to conduct in India, to be transmitted to the Honorable the Court of Directors through the Government.

By command of the Governor General in Council,

(Signed) *E. Molony,*

Acting Secretary to Government.

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## ADDENDA.

Page 76.—At the end of the first paragraph add note :—

In *Haydon v. Gould*, 1 *Salk. Rep.* 119. See also *Burn*, vol. 2, p. 472, where the parties were Sabbatarians, and their marriage not celebrated by a Priest, it was decided, that a party claiming under the ecclesiastical law, must prove himself a husband according to that law, to entitle himself to administer as such. But where there is a marriage *de facto* only, the wife or children who are not in fault, may be entitled to a temporal right. So, if there is a marriage *de facto*, husband and wife may sue for a debt due to the wife. *Alleyne and Uxor v. Grey*, *Salk.* 437.

Page 103.—After forms, insert the following :—

\_\_\_\_\_ by divine permission Bishop of Calcutta. To our beloved in Christ \_\_\_\_\_ greeting. We do by these presents give and grant unto you, in whose fidelity, morals, learning, sound doctrine and diligence, we do fully confide, our licence and authority to perform the office of a Missionary Minister at \_\_\_\_\_ and within the missionary circuit of \_\_\_\_\_ in the Archdeaconry of \_\_\_\_\_ within our diocese and jurisdiction, and to which you are nominated by us, or at any other station within the said archdeaconry to which you shall from time to time be appointed and removed with our consent to be hereon indorsed, in reading the Common Prayer and performing all other ecclesiastical duties belonging to the said office, according to the form prescribed by the authority of Parliament, and the canons and constitutions in that behalf lawfully established and promulged, and not otherwise, and also to preach and expound the word of God as a Missionary, within the said circuit, you having first satisfied us of your having obtained the licence of the Honorable the East India Company to reside in India, as well as of your having been admitted to the holy order of Priests, and also having before us subscribed the articles, taken the oaths, and made and subscribed the declaration which in this case are required by law to be subscribed made and taken : and we do by these presents assign unto you all and singular the salary and emoluments already granted or annexed, or which shall or may at any time or times be granted or annexed to the same, for performing the duties and functions aforesaid. Provided always, that nothing herein contained shall prejudice the rights belonging to the licenced Ministers and Chaplains for the time being of the station of \_\_\_\_\_. And hereby

No. 10.

Licence for a  
Missionary.



reserving to us and our successors, Bishops of Calcutta, the power and authority of revoking these presents, and all things herein contained whenever we shall see just cause for the same. In testimony whereof we have caused our episcopal seal to be hereunto set and affixed. Dated this — day of — in the year of Lord — and of our consecration the —

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Episcopal licences of marriage at Calcutta.

Since this work was put to press, and the foregoing written, Episcopal Licences of Marriage, in the Archdeaconsry of Calcutta have been directed, by Bishop James, to be issued in future, from the Bishop's Consistory Court at Calcutta, and Surrogates have been appointed for that purpose, according to Canon 128, and the Marriage Act.

The public notice given of the above, in the Calcutta Journals, was as follows :

#### ECCLESIASTICAL :

Notice is hereby given, that the Reverend William Eales, A. M., and the Reverend Joseph Rawlins Henderson, A. M., Chaplains Officiating at the Cathedral, Calcutta, have been substituted Surrogates by and under the Venerable Daniel Corrie, Archdeacon and Commissary of the Right Reverend the Lord Bishop of Calcutta, in and for and throughout the Archdeaconsry of Calcutta, within the jurisdiction and diocese of Calcutta.

And that all persons in the above Archdeaconsry, requiring Dispen-sations or Licences of Marriage, under the episcopal seal, may, on application to either of the above Surrogates, or to the Registrar of the Bishop's Consistory Court at Calcutta, obtain the same on complying with the necessary forms.

By order of the Right Reverend John Thomas, Lord Bishop of Calcutta.

W. H. ABBOTT, *Registrar.*

Dated this 1st day of July 1828.

In reference to the notice above mentioned, the subjoined may be considered as the established and necessary forms adverted to, and may be found useful to be added.

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No. 1.  
Form of ap-  
pointment of a  
Surrogate.

FOR just and reasonable causes me hereunto moving, I — Archdeacon of the archdeaconsry of — and Commissary of the Right Reverend — by divine permission Lord Bishop of Calcutta, do hereby appoint and substitute you, the Reverend — one of

the Ministers and Chaplains in the archdeaconry of ——— to be a Surrogate in and for and throughout the said Archdeaconry within the said Diocese, in order that Episcopal Licences of Marriage may be granted, and for that purpose, to administer all such ecclesiastical oaths as are expedient, and to do and exercise all such matters and things which shall be necessary in that behalf, within the limits of the said Archdeaconry and no where else; and in all cases of doubt or difficulty I recommend your applying to the Registrar of the Archdeaconry of ——— for the time being; you having first taken the following oath before me, that is to say,

“I ——— do swear that I will faithfully execute the office of Surrogate within the Archdeaconry of ——— under the Commissary of the Right Reverend the Lord Bishop of Calcutta, lawfully appointed according to law, and to the best of my knowledge. So help me God.”

Given under the episcopal seal of the see of ———

Dated this ——— day of ——— in the year of our Lord ———

KNOW all men by these presents, that I ——— am held and firmly bound to ——— in the sum of sicca rupees ——— of good and lawful money of Bengal, to be paid to the said ——— for the well and faithful payment whereof, I bind myself, my heirs, and executors, and administrators, firmly by these presents. Sealed with my seal. Dated this ——— day of ——— in the year of our Lord ———

No. 2.  
Surrogate's  
bond to the  
Bishop.

Now the condition of this obligation is such, that if the above bounden ——— deputed Surrogate of ——— within and for the Archdeaconry of ——— in the diocese of ——— to the end that Licences of Marriage to be solemnized therein may issue, doth and shall well and faithfully execute the said office according to law and the best of his skill and knowledge, then this obligation to be void and of no effect, otherwise to remain in full force and virtue.

Sealed and delivered in the presence of ———

Within the Archdeaconry of Calcutta }  
and Diocese of Calcutta }

Before me ———

In the matter of ———  
and ———

No. 1. Oath.

I, the above named ——— of ——— in the Archdeaconry of Calcutta ——— do swear that I have attained my full age of

No. 3.  
Form of oaths  
to be complied  
with and taken,  
for obtaining  
licences. These  
are returned by  
the Surrogate,  
to the office of  
the Registrar  
for record;  
upon which, the  
licence issues.

twenty-one years and upwards, and am desirous of being married to the above named \_\_\_\_\_ of \_\_\_\_\_ and of obtaining a licence for that purpose.

Sworn at \_\_\_\_\_ }  
 this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_ }  
 Before me \_\_\_\_\_

*No. 2. Oath.*

I, the above named \_\_\_\_\_ of \_\_\_\_\_ do swear that I have attained my full age of twenty-one years and upwards \_\_\_\_\_

Sworn at \_\_\_\_\_ }  
 this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_ }  
 Before me \_\_\_\_\_

*No. 3. Oath.*

And we the said Deponents \_\_\_\_\_ and \_\_\_\_\_ do also jointly swear that we do verily believe there is no let or impediment of pre-contract, kindred, or alliance, or any other lawful cause whatsoever, or any suit pending in any Ecclesiastical Court to bar or hinder the proceeding of the said marriage.

Sworn at \_\_\_\_\_ }  
 this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_ }  
 Before me \_\_\_\_\_

*No. 4. Oath of the Parent or next Friend.*

I \_\_\_\_\_ of \_\_\_\_\_ the\* \_\_\_\_\_ of the above named \_\_\_\_\_ do swear that the said \_\_\_\_\_ is now residing at \_\_\_\_\_ and is a minor under the age of twenty-one years, to wit, of the age of \_\_\_\_\_ years; and that I do at his express request, and as his\* \_\_\_\_\_ consent to his intermarriage with the above named \_\_\_\_\_ of \_\_\_\_\_ and that the said \_\_\_\_\_ is desirous of obtaining a Marriage Licence to enable him to marry with the said \_\_\_\_\_

Sworn at \_\_\_\_\_ }  
 this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_ }  
 Before me \_\_\_\_\_

*No. 5. Oath of the Parent or next Friend.*

I \_\_\_\_\_ of \_\_\_\_\_ the\* \_\_\_\_\_ of the above named \_\_\_\_\_ do swear that the said \_\_\_\_\_ is now residing under my care and protection, and is a minor, under the age of twenty-one years, to wit, of the age of \_\_\_\_\_ years or thereabouts, and that she hath expressed

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\* Here give the designation of the party, whether the lawful father or mother or next friend or guardian in India, (as the case may be).



to this deponent her consent to intermarry with the said \_\_\_\_\_;  
to which marriage also I have at her request consented on her behalf.

Sworn at \_\_\_\_\_ }  
this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_ }  
Before me \_\_\_\_\_

FOR just and reasonable causes \_\_\_\_\_ hereunto moving:  
Whereas an application for a Marriage Licence or dispensation under  
the episcopal seal of the see of Calcutta, hath been made to \_\_\_\_\_  
by or on the part of \_\_\_\_\_ of \_\_\_\_\_ who it is alleged is about  
to intermarry to and with \_\_\_\_\_ of \_\_\_\_\_ within the diocese  
of Calcutta. Now therefore \_\_\_\_\_ do by reason of the great dis-  
tance of \_\_\_\_\_ from \_\_\_\_\_ and for other sufficient causes,  
and to the end that the said Episcopal Licence may issue, hereby,  
especially appoint and substitute you \_\_\_\_\_ of \_\_\_\_\_ and  
\_\_\_\_\_ of \_\_\_\_\_ in the said Archdeaconry of \_\_\_\_\_ within  
the said diocese, the several Commissaries, and either of you to admi-  
nister to the said parties, or any persons competent in their behalf,  
such of the several oaths hereunto annexed, as are expedient to enable  
the said parties to obtain the said Licence. And what you or either  
of you shall do or cause to be done in the premises by virtue hereof,  
you or either of you are duly to certify to \_\_\_\_\_ or to the Registrar  
of the said Archdeaconry of \_\_\_\_\_ together with these presents.  
Given under the episcopal seal of the see of Calcutta (which in this  
behalf is used) this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord  
one thousand eight hundred and \_\_\_\_\_

No. 4.  
Episcopal com-  
mission for ad-  
ministering the  
like oaths in the  
interior, where  
no Surrogate  
may happen to  
reside. The  
Registrar as  
above is applied  
to for this com-  
mission, which  
is generally  
directed to the  
Clergyman  
who is to so-  
lemnize the  
marriage; and  
when executed  
is returned to  
the Registrar to  
be recorded.  
To this com-  
mission the  
proper oaths  
are annexed.

#### *Indorsement.*

I hereby certify the return of this Commission appears by the  
schedule annexed.

Commissary.

#### *Instructions for executing the above Commission.*

You will use great caution in examining the parties to be sworn,  
filling up the forms with the names and places of residence, and dates,  
at full length.

In the parties to be married are both of full age (twenty-one years)  
you will administer to them the three oaths, Nos. 1, 2, and 3.

If both parties are under age (*i. e.* twenty-one years) you will sub-  
stitute and administer to their parents, guardians or next friends,  
the two oaths, Nos. 4 and 5, instead of Nos. 1, and 2.

If one of the parties is only of full age and the other not of age, you will then use either of the forms Nos. 1 and 2, as applicable with either of the forms Nos. 4 and 5, as also applicable, but in all cases Nos. 3 oath, must be administered.

You will see that the parties sign their respective oaths, and you will afterwards fill up and sign the memorandum at the foot of each, and at the certificate above written, and return this commission with the annexed schedule to me. You will then sign your name as Commissary on the licence, filling up the blanks, and deliver the same to the parties.

In case the party to be married is a minor, either in the Civil or Military Service, and without possessing either parents or guardians in this country, the marriage must be with some satisfactory assurance, that the permission of the Governor General has been first obtained for his marriage.

A. B. Registrar for the archdeacons of Calcutta.

No. 5.  
Form of the  
Episcopal Li-  
cence of Mar-  
riage at Calcutta.

Within the Diocese }  
of Calcutta. }

TO ——— of ——— in the Archdeacons of Calcutta, within the diocese and jurisdiction of Calcutta ——— and ——— of ——— in the said Archdeacons ——— health and grace. Whereas it is alleged that ye being of full age have resolved to proceed to the solemnization of true and lawful matrimony, and that ye greatly desire that the same may be solemnized, according to the rites of the United Church of England and Ireland, without the publication of Banns. And being willing that these your reasonable and honest desires may be effected, and to the end therefore that this marriage may be publicly and lawfully solemnized without the publication of Banns by the officiating Minister in holy orders at ——— aforesaid, or by such other Minister in holy orders as may be lawfully authorized to perform the same within the diocese of Calcutta, aforesaid, provided there shall be and appear no lawful impediment in this case by reason of any consanguinity, affinity or any other cause whatsoever, nor any suit, controversy or complaint be now depending, or shall be moved before any Judge, ecclesiastical or civil, for or by reason thereof; and provided the solemnization of the said marriage be within the canonical hours, and be solemnized also within the Church of the station where one of the said parties do reside, or if there be no Church then at the place where public worship hath been usually performed at such station, according to the rites of the said United Church ——— do for lawful causes graciously grant this Episcopal License and faculty, as well to the parties contracting as to the said officiating Minister, or such other Minister in holy orders as may be lawfully authorized to solemnize the said marriage

between you according to the rites of the Book of Common Prayer, set forth for that purpose by the authority of the Parliament of Great Britain; provided always, that if in this case, there shall hereafter appear any fraud suggested, or truth suppressed, at the time of obtaining this licence, then this licence shall be null and void to all effect of law, as if the same had never been granted; and in that case ——— do inhibit all Ministers, if any thing of the premises shall come to their knowledge, that they do not proceed at present to the solemnization of the said marriage. Given under the episcopal seal of the see of Calcutta, which in this behalf is used, this ——— day of ——— in the year of our Lord, one thousand eight hundred and ———

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