Surely it cannot be desirable to sing these solemn words jauntily and with a flourish! And last, if your patience be not exhausted, *please* must the organ always dismiss us with a roar? This may be the right thing sometimes, but surely it would be well not to arrange what you are going to play beforehand, but to wait and be guided in some measure by the subject of the sermon.

I had an organist once, who seemed to think it his special work to supplement my teaching when he played; for no sooner had my voice done preaching, than he—himself a clergyman as well as a first-class musician, and more than all, a true Christian—took up his parable upon that organ, and wove the spell of tender music around thoughts that were still fresh in his hearers' minds. Peace to his dear memory—he has gone to join the chorus above. I can only say, as I look back lovingly on those calm efforts of sanctified melody and consecrated skill—*Utinam sic omnes!*

By the kind permission of the Editor, I shall proceed to consider other "little things" in a future paper.

W. Hay M. H. Aitken.

Art. II.—THE QUESTION OF THE INDEPENDENCE OF A DISESTABLISHED CHURCH FROM THE CONTROL OF THE CIVIL POWER.

THE above question, which I have not seen touched upon in any of the various articles or reviews which have succeeded each other in rapid succession on the subject of the Ecclesiastical Courts, has had some light thrown upon it by the evidence given before the Royal Commission. The subject itself is undoubtedly one of very great importance. It has not in my opinion received the attention which it deserves. Statements are frequently made which show that those who make them have not considered the subject in all its bearings. Men of strong self-will chafe under the restrictions to which they are subjected in a National Church, and oftentimes speak as though they imagined that all State control of any kind whatsoever would be removed simultaneously with the disestablishment of the Church. Utterances of such a kind must be familiar to the readers of this review, and by being oft-repeated have almost passed into supposed truisms. The liberty of disestablishment is sometimes sighed for by those who little know what that supposed liberty would entail.

I do not intend to refer to any aspect of disestablishment,

except as regards State control. I have my own very strong opinion to the effect that disestablishment of the Church would be a national evil of immense magnitude. If it comes upon the Church unsought by herself, no doubt all good Churchmen will rally round her banners, and strive with all their energies to make her—if not the National Church—at any rate the Church of the nation at large. The best weapons to ward off disestablishment, as far as the clergy are concerned, are increased faithfulness and zeal, a more intense love for our Church's Head showing itself in working for Him in the evangelization of the masses, the shepherding of those brought into the fold, and the faithful and zealous discharge of our duties as the "dispensers of the Word of God and of His holy Sacraments." It might be that, as with those herbs which only when bruised send forth their sweetness, so the Church in her time of trial would rise to higher levels of energy and usefulness than she had ever done before. God grant it might be so! But it would be a fearful risk to run! Surely it is not for Churchmen by the lifting up of a little finger to anticipate such a time. Surely it is not for them, like the French statesman under Louis Napoleon, to enter with "a light heart" upon such stony and difficult paths!

I venture to think that the following evidence tends to show that the question of disestablishment had not been considered by every witness under all its aspects; and it is because I believe that there are many who imagine that the State would have no control whatever over a disestablished Church, that I think it would be of advantage if the evidence were to be brought before the readers of this magazine, who may not have had the opportunity of reading it in the Parliamentary Blue Book of the Royal Commission.

The first evidence is that given by Mr. Mackonochie. Disestablishment had been spoken of by him as the remedy for the present evils (6129), and Sir Richard Cross questions him:

6139. (*Sir R. Cross.*) But then, do you suppose for a moment that in your disestablished Church you could get rid of the decision of the Law Courts in this kingdom of England?—I should suppose so.

6140. Are not you aware that whenever there is property or status involved, the Law Courts would still exercise the supreme jurisdiction?—Then, if the Church were disendowed there would be no property.

6141. No money?—I suppose the churches would be held by private individuals, and so allowed to be used as churches; in fact, in the hands of trustees.

6142. Is there any disestablished body that you are aware of that is in that position?—I am sorry to say that I have not gone into the question of disestablished bodies. I imagine that is the rule with most disestablished bodies, that their churches are in the hands of trustees.

6143. Have not you heard the cases recently about almost all the Dissenting bodies that have been brought before the Civil Courts?—I

am afraid I read so little of the newspapers that I scarcely know what is going on. My attention has not been called to these things.

6144. (*Bishop of Oxford.*) Then you have no other solution of the difficulty to lay before the Commission except that of disestablishment? I think things could be made a great deal better short of disestablishment.

6145. But could they be made so much better as to bind the conscience of those who now refuse submission?—I should think so, quite easily.

6146. (*Archbishop of Canterbury.*) And by disestablishment you mean denuding yourself of every sort of property and privilege?—Certainly. Exactly so. Being put exactly on the same level as any Dissenting community in the land.

6147. But is there any Dissenting community that has no property and no privileges?—I believe so.

6148. (*Sir R. Cross.*) All have chapels, have not they?—Yes, but I suppose most of these are held by trustees.

6149. Yes, but they are held on trust for certain purposes?—Quite so.

6150. That being so, the Law Courts would immediately interfere to see that the purposes of those trusts were carried out?—Yes; I suppose they would.

The following extracts from the evidence of the Rev. Edmund S. Ffoulkes refer to the Church of Rome:

2336. (*Lord Penzance.*) You mentioned how these matters of discipline are managed in the Court of Rome; you say that they are decided by a court that sits in private?—Yes.

2337. How is the judgment of the Court enforced?—Just simply by conveying it through the ecclesiastical channel, and informing that person whether he is acquitted or condemned.

2338. Supposing the individual complained of does not obey the judgment, what happens then?—Then he is excommunicated.

2339. But supposing he does not mind being excommunicated, and goes on performing the service?—He cannot go on performing the service, certainly, because they would stop him. They have power over their own chapels and places of worship; they could prevent a person officiating.

2340. How could they do it?—I suppose, finally, it would come before the Civil Courts in this country.

2341. What would their Courts do when they came before them?—They would only decide just in the same way as our Courts would.

2342. When they had decided, supposing the man still went on, how would they stop him?—I suppose by force—by imprisoning him if they could.

2343. (*Sir Walter James.*) Have you ever known a case of a Romish priest being imprisoned because he refused to obey the laws ecclesiastic?—I do not quite remember; they would be very chary of doing it in this country; though I have seen priests in this country detained in a monastery for some misdeed; and I have known priests appeal against their superiors, and I remember a case in which Cardinal Wiseman was cast at Gloucester by a priest who appealed against him.

2344. Was that in a Civil Court in England?—Yes, at Gloucester; but then of course the priest did not profit by it in the end.

The following evidence of the Rt. Hon. E. P. Bouverie refers to the Free Church of Scotland and the Church of Ireland:

5174. (*Archbishop of Canterbury.*) A good many of your constituents in Scotland belonged to the Free Church of Scotland?—A very large portion of them.

5175. Do you consider they are not liable to the Civil Courts?—The theory of the struggle between the Free Church and the Law Courts was that it was the boundary line between what was spiritual and what was civil. That is really the source of all these difficulties and discussions. There are many questions which everyone would say were spiritual, and many everyone would say were civil, and there would be no disagreement about it; but in the boundary line between the two there is something which may be contended to be civil or spiritual, and the Civil Courts claim to decide that boundary and that question in the last resort.

5176. And, notwithstanding the secession from the Established Church, that remains?—There is the difficulty about the Civil Courts interfering.

5177. They take it upon themselves to interfere in civil questions?—Yes, as regards the property of the Free Church.

5178. Just as they did before?—Yes. All their properties are trusts, and of course the Civil Courts hold that they are entitled to decide, in case of dispute, how those trusts are to be discharged.

5179. So that shaking themselves free from the establishment, they have not shaken themselves free from the State?—Not a bit; not free from the control of the Civil Courts as to property.

5180. And is it your opinion that there must always be in a well-ordered community a power in the Civil Courts to control everybody?—That seems essential, unless you are prepared to take the exactly opposite view, and going back a thousand years, to say it is all to be done by the Church Courts. . . .

5182. Does the present Irish Church exist by an Act of Parliament?—No, I consider not. I think it was founded by an Act of Parliament.

5183. That is, it holds all its authority in consequence of that Act?—By the arrangements of that Act of Parliament, certainly.

5184. And for violating this Act of Parliament the matter comes before the Civil Courts?—Yes, exactly.

5185. So that though they are disestablished they are just as much subject to the Civil Courts as they were before?—Quite so.

5186. (*Sir Walter James.*) Except when strictly spiritual matters are concerned.

5187. (*Archbishop of Canterbury.*) Supposing they have no connection with property.

5188. (*Dean of Durham.*) The Courts have nothing to do with the changes in their liturgy; they can make any changes they like without reference to the Civil Courts?—It might raise a question as to the tenure, I think.

5189. They have actually done so.

5190. (*Sir Walter James.*) All questions relating to the performing of Divine worship would be quite independent of any Civil Court?—Not necessarily.

5101. (*Archbishop of Canterbury.*) Supposing a clergyman of the Church of Ireland, a thing almost inconceivable, were to wear a chasuble, do you suppose his parishioners would not be entitled in some way to restrain him by means of the Civil Courts?—I think the question would be raised undoubtedly in the Civil Courts. The question of his right to hold a certain benefice and discharge certain duties in a church would come before the Civil Court.

5192. So that those matters would come before the State by being disestablished?—The bottom of it is that the clergy, perhaps not unnaturally, think they should be independent of the Civil Courts, especially

in the matter of opinion ; but when you come to thresh it out and look at it from the outside point of view, we find it impossible that it should be so, so long as the exercise of those opinions and outward observances involved in the maintenance of those opinions, by the clergy, are connected with property of any kind.

An extract from a letter to the Archbishop of Canterbury from Mr. Reeve, the Registrar of the Privy Council (June 24, 1882), which touches on this point, has an interest of its own : "This jurisdiction" (the regular appellate jurisdiction of the Queen), writes Mr. Reeve, "is not at all confined to the members and interests of churches in connection with the Church of England. It is exercised in precisely the same manner over other Churches and sects. Thus, in my own recollection, the Queen in Council has adjudicated upon the rights, and sometimes on the doctrine and practices of the Presbyterian Church of Canada in connection with the Church of Scotland ; of the Presbyterian Church in New South Wales, in the case of Dr. Lang ; of the Presbyterian Synod of the Cape of Good Hope, in the case of Mr. Burgers ; of the Roman Catholic Church at Gibraltar ; and an appeal has been lodged, though not prosecuted, on behalf of the Wesleyan body in Natal. The jurisdiction over the clergy and the fabrics of the Anglican Church in the dependencies of the empire[1] is precisely the same, neither more nor less, as that to which all corporate bodies are subject."[1]

Our last extract shall be from the evidence of the Dean of St. Paul's :

7037. (*Sir Richard Cross.*) Now one question about the Supreme Court. In the case of all religious bodies who have no connection with the State of this realm of England, the ordinary Civil Courts will step in ?—Certainly.

7038. If there is property or position ?—Yes, certainly.

7039. And in some points do you think the Church of England in any form or shape would escape from that general law ?—Certainly not.

7040. And that is not the desire ?—Certainly not ; but the decision in the State Court about the Church in Canada, or about some Huddersfield congregation, is not the decision of the Church in Canada or of the Huddersfield congregation, but the decision of the law of England on some particular matter arising in its transactions. The decision in the final Court of Appeal now is the law of the Church of England. The Court is the mouthpiece for the time of the Church of England.

7041. In the Court of Chancery they would consider whether a Nonconformist body was acting according to the spirit of the trust deed in their churches or chapels ?—Certainly.

7042. And in order to find out whether that is so or not, they would have an inquiry into the question of doctrine ?—Undoubtedly.

7043. (*Bishop of Winchester.*) Still you would not consider that was the mouthpiece of the Dissenting body ?—The Dissenting body might agree to change its trust-deeds, or at least its constitution, to-morrow.

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[1] Report II., pp. 341, 342.

7044. That is the distinction between it and the Church of England, that one can do that, and the other cannot?—Yes.

The point here referred to is certainly of the utmost importance, but it is not so clear that the solution of the difficulty is to be found here. No doubt, if the trust-deed of a Dissenting body is brought into Court for the judicial interpretation of the doctrines contained in it, and if this judgment be contrary to the meaning assigned to the trust-deed by the majority of the body, that body could "reproclaim their faith." But be it remembered, that this simple and easy process would in the eye of the law make them a wholly different body, and they would lose all interest, either in their chapel or pecuniary endowments to which the trust-deed had formerly entitled them. In the case of "Jones *v.* Stannard" this actually occurred. It was a suit in Chancery, and concerned a Huddersfield chapel. Judgment was given against Mr. Stannard, the minister, whereupon he and those who agreed with him "reproclaimed their faith," and, in consequence, had to resign all interest in the chapel in which Mr. Stannard had formerly served, and to build another for their own purposes. It will thus be seen that, whether a Church be established or not, the State absolutely asserts the right of determining in her Courts whether the provisions of the trust-deeds, under which the body is formed, are duly carried out or not.

I will only add that in their Report the Commissioners thus refer to the subject: "The English Civil Courts do not appear ever to have placed any limitation upon their power of deciding on the merits of controversies which have arisen between members of the Nonconformist bodies whose civil rights depended on the decision. They do not accept the decision of the supreme authority of the particular society as binding in regard to the interpretation of its documents, unless such acceptance has been specifically agreed to, but claim to interpret them independently. The Court administers each trust according to its terms; and if the instrument declaring the trust does not define the precise form of religious worship for the benefit of which it was designed, the Court will endeavour to determine by usage what the intention of the founder was. But it will not allow any usage to alter the nature of the original management of the property, to make it serve for the support of opinions different from those which the founder prescribed."[1]

From the foregoing evidence it will be seen that by the separation of the Church from the State, the control of the

[1] Report XIV.

civil power is not simultaneously removed, and that it may be better to bear the evils which we know, than rashly to bring upon ourselves evils which we know not of.

GEORGE HENRY SUMNER.

ART. III.—MEDIÆVAL LIFE AMONG THE NOBLES.

WE exceedingly civilized people, in this extremely superior nineteenth century, are apt to look back on our mediæval forefathers as at once more, and yet less, civilized than they really were. Human nature, and human needs, are alike in all ages: it is only the expression of them which differs. In some directions our ancestors surpassed us, and in other directions we have far outstripped them. In respect of materials for clothing, whether as regards variety, splendour, or endurance—in beauty of architecture, in plate and jewellery—they were decidedly our superiors; while in respect of home comforts, of houses and furniture, of cookery and travelling, we are much better off than they were. With regard to manners, we are at once less ceremonious and more refined than they. Young ladies no longer kneel on cushions in the awe-striking presence of their mothers, not daring to take a seat; but neither do they wipe their mouths upon the tablecloth, nor help themselves from a dish with their own spoons. Their brothers do not now wait at table upon the family and guests, nor walk bareheaded in a north-east wind when a lady is in the company; nor, on the other hand, are they habitually carried to bed drunk and helpless, neither do they regard their sisters and daughters as pieces of merchandise, to be disposed of to the highest bidder.

Between the style of life led by a noble and a commoner there was a vast gap in the Middle Ages. It must not, however, be forgotten that "nobleman" is a much more elastic word than "peer," and that all knights were reckoned among the nobles. Below them were squires, yeomen, and villeins or serfs. The squire might naturally look forward to becoming a knight, if he could distinguish himself sufficiently; the yeoman could not hope for such an honour, except in extraordinary circumstances. For the villein, unless manumitted and unaccountably favoured, the thing was an absolute impossibility.

Those who explore the by-ways of history become familiar with the personal history of many noble families, to an extent which would hardly be guessed by persons unacquainted with the study. For them, the dry bones of mediæval days become