

Judgment of the Lords of the Judicial Committee of the Privy Council on the Appeal of the Reverend Charles Voysey v. Thomas Shepherd Noble, from the Chancery Court of York; delivered 11th February, 1871.

Present:

ARCHBISHOP OF CANTERBURY.

LORD CHANCELLOR.

LORD CHELMSFORD.

DEAN OF THE ARCHES.

IN this case the Rev. Charles Voysey, Vicar of Healaugh, in the Diocese of York, appeals from a sentence or decree of the Judge of the Chancery Court of the Province of York, in a cause wherein the office of the Judge was promoted by the Respondent against the Appellant by virtue of letters of request from His Grace the Archbishop of the province.

The Appellant is charged with having offended against the Laws Ecclesiastical by writing and publishing within the diocese of London certain sermons or essays, collected together in parts and volumes, the whole being designated by the title of "The Sling and the Stone," in which he is alleged to have maintained and promulgated doctrines contrary and repugnant to or inconsistent with the Articles of Religion and Formularies of the Church of England.

The offence being alleged to have been committed in the diocese of London, a Commission of Inquiry was issued by the Bishop of that diocese, and the Report of the Commissioners and depositions of witnesses were transmitted to the Archbishop of York, in whose diocese the preferment held by the Appellant is situate.

On the 28th of October, 1869, Articles were exhibited on behalf of the Respondent containing the several charges made against the Appellant.

The Appellant, in person, appeared and opposed the admission of those Articles, and on the 22nd of December, 1869, the Judge, after hearing Counsel for the Respondent, admitted the Articles and condemned the Appellant in the costs of the opposition to their admission.

From that sentence the Appellant presented his present Appeal, by which he asked that the sentence or decree so made might be reversed, and further, that this Committee would retain the cause and hear and fully determine the same.

The Respondent in the case also made the same request as to the retaining and final determination of the whole cause.

The Committee heard the Appellant in person on that part of his application which sought to reverse the decision of the Court below as to the admission of the Articles, and at the conclusion of his argument informed the Counsel for the Respondent that they were of opinion, subject to further discussion on the part of the Respondent, that the 13th Article could not be sustained, but that the other Articles had been properly admitted. They at the same time informed the Appellant, that such admission of the Articles would not prejudice his right at the hearing to dispute the validity of the charges contained in the Articles as constituting an offence against the Laws Ecclesiastical.

Their Lordships, after consideration of the peculiar circumstances of the case, further stated that they would be ready to retain the cause if both parties should continue to be desirous that that course should be taken, and should enter into proper admissions for that purpose.

Accordingly, after taking time for consideration, the Counsel for the Respondent agreed to the withdrawal of the 13th Article of Charge, and both parties entered into formal admissions, enabling the Committee to retain and finally determine the case on its merits.

The Respondents were then heard by Counsel in support of the charges made by the Articles, and the Appellant was heard in person in answer to the whole case as contained in the Articles (reformed by

the omission of the 13th), and the Solicitor-General was heard in reply.

The Committee have now, therefore, to determine whether or not the offences charged by the Articles, or any of them, have been established.

The Articles have been framed in accordance with the principles laid down in several cases by the Court of Arches and by this Committee. The incriminated passages of the Appellant's work are fully cited. The Articles of Religion and Formularies of the Church which those passages are alleged to contravene are specifically referred to, and are also fully set forth.

The first of the Articles of Charge formally states the character of the alleged offence.

The next five Articles of Charge aver the publication of the Appellant's work. The 7th, 8th, and 9th Articles of Charge contain copious extracts from such publications.

By the 10th, 11th, and 12th Articles of Charge the Appellant is charged with asserting, in the extracts above named, several propositions inconsistent with the doctrine contained in the 15th and 31st Articles of Religion and certain parts of the Book of Common Prayer (set out in the 14th Articles of Charge) with reference to the Atonement or reconciliation for sin made by Christ.

The 13th Article we rejected, because it charged the Appellant with opposing "commonly received doctrines," which received doctrines, not being distinctly specified, their Lordships could not assume to be the same as those contained in the Articles of Religion or Formularies of the Church.

The 14th Article of Charge sets forth in full the Articles of Religion, and parts of the Book of Common Prayer, alleged by the previous Articles to be contravened.

The 15th and 16th Articles of Charge set forth a second set of extracts from the Appellant's publications.

By the 17th Article the Appellant is charged with contravening the doctrines of Original Sin and the Fall of man as specified in the 9th of the Articles of Religion, and the parts of the Book of Common Prayer set forth in the 19th Article of Charge.

The 18th Article of Charge alleges that the

Appellant has contravened, in the second set of extracts, the doctrine of Justification by Faith, as asserted in the 2nd and 11th of the Articles of Religion, and the Homily in the 11th of such Articles, and the parts of the Book of Common Prayer mentioned in that behalf in the 19th Article.

The 19th Article of Charge then proceeds to set forth the particular passages of the Articles of Religion, and of the Book of Common Prayer, and of the Homilies alleged to be contravened.

The 20th, 21st, and 22nd Articles of Charge set forth a third set of passages from the Appellant's publication; and

By the 23rd, 24th, and 25th Articles of Charge the Appellant is alleged to have contravened in these passages the doctrine of the Divinity or Godhead of Our Lord Jesus Christ, and the doctrine of Incarnation, as contained in the 1st, 2nd, 4th, and 8th Articles of Religion, and the parts of the Book of Common Prayer, set forth in subsequent Articles of Charge.

By the 26th Article of Charge the Appellant is charged with denying the return of Christ to judge the world, in contravention of the 4th and 8th Articles of Religion and the parts of the Book of Common Prayer set out in a subsequent Article.

By the 27th of the Articles of Charge the Appellant is charged with contravening the doctrine of the Trinity, contrary to the 1st, 2nd, 5th, and 8th of the Articles of Religion and the parts of the Book of Common Prayer set forth in the next Article.

The 28th Article then proceeds to set out the Articles and parts of the Book of Common Prayer alleged to have been contravened by the third set of extracts, and also certain Homilies of the Church on the same subject.

The 29th and 30th Articles of Charge set out a fourth set of extracts from the Appellant's publication.

By the 31st, 32nd, 33rd, and 34th Articles of Charge the Appellant is alleged by the last cited passages of his work to have expressed himself in derogation and depraving of Holy Scripture, and especially with reference to the Gospel according to St. John.

The 35th Article of Charge accordingly sets forth the Articles of Religion and parts of the Book of

Common Prayer, and also part of the Homilies applicable to the last set of Charges.

The 36th Article of Charge refers to the whole of the publications of the Appellant from which extracts have been given, and the last two Articles of Charge (the 37th and 38th) are formal.

The charges, therefore, against the Appellant are thirteen in number, which may be arranged under the following classes:—

1. Alleged errors concerning the reconciliation of God to man by the sacrifice or propitiation of Our Lord Jesus Christ, and as to the necessity of such reconciliation.

2. Alleged errors as to the Incarnate Godhead of Our Lord, and the doctrine of the Holy Trinity.

3. Alleged errors as to the authority of the Scriptures or Holy Writ.

Before examining the charges and comparing the proofs adduced from the Appellant's publications with the charges founded thereon, and with the Articles and Formularies of the Church alleged to have been contravened, it will be well to enunciate briefly the rules of judicial exposition with reference to the Articles and formularies of the Church.

In this respect we have the guidance of previous and recent Decisions of this Tribunal expressed in clear and definite language.

In the cases arising on the work called "Essays and Reviews" (*Williams v. Bishop of Salisbury*, and *Wilson v. Fendall*, 2 Moore, N. S. 425), Lord Westbury, in delivering the opinion of the Committee, said, "Our province is, on the one hand, to ascertain the true construction of those Articles of Religion and Formularies referred to in each charge according to the legal rules for the interpretation of Statutes and written instruments; and, on the other hand, to ascertain the plain grammatical meaning of the passages which are charged as being contrary to or inconsistent with the doctrine of the Church ascertained in the manner we have described."

But it is to be observed, that in inquiries of the nature now before us, the Committee is not compelled, as in cases affecting the right to property, to affix a definite meaning to any given Article of Religion the construction of which is fairly open to doubt, even should the Committee itself be of opinion (on argument) that a particular construction

was supported by the greater weight of reasoning. Thus, Lord Stowell, in the case of Her Majesty's Procurator *v.* Stone, thus expresses himself: "I think myself bound at the same time to declare that it is not the duty nor inclination of this Court to be minute and rigid in applying proceedings of this nature, and that if any Article is really a subject of dubious interpretation it would be highly improper that this Court should fix on one meaning, and prosecute all those who hold a contrary opinion regarding its interpretation. It is a very different thing where the authority of the Articles is totally eluded, and the party deliberately declares the intention of teaching doctrines contrary to them."

We have thought it right to refer to the canons of construction thus judicially expressed, because on the one hand they allow to the party accused a fair and reasonable latitude of opinion with reference to his conformity to the Articles and Formularies of the Church, and on the other they afford no sanction whatever to the contention of Mr. Voysey, that unless there be found in the publication complained of a contradiction, *totidem verbis*, of some passage in the Articles, he is at liberty to hold, or rather to publish, opinions repugnant to or inconsistent with their clear construction.

As regards those Articles of Religion as to the construction of which a reasonable doubt exists, the question may arise how far opinions of a similar character to those charged to be heretical have been held by eminent Divines without challenge or molestation, because the proof of their having been so held may tend to show the *bona fides* of the doubt. In this respect also we have ample guidance from authority; and it will be found that where the Article in question is subject to reasonable doubt, and eminent Divines have held opinions similar to those impugned in the case before the Court, that circumstance alone has been held to be of great weight in inducing the Court to allow a similar latitude of construction to the party accused, without itself deciding upon the construction of the Articles.

Thus, in the Case of Williams *v.* the Bishop of Salisbury (in Moore's P. C. Reports, New Series, vol. ii. p. 424) the Judgment of the Committee contains this passage:—

"It is obvious that there may be matters of

doctrine on which the Church has not given any definite rule or standard of faith or opinion; there may be matters of religious belief on which the requisition of the Church may be less than Scripture may seem to warrant; there may be very many matters of religious speculation and inquiry on which the Church may have refrained from pronouncing any opinion at all. On matters on which the Church has prescribed no rule there is so far freedom of opinion that they may be discussed without penal consequences. Nor in a proceeding like the present are we at liberty to ascribe to the Church any rule or teaching which we do not find expressly and distinctly stated, or which is not plainly involved in or to be collected from that which is written."

To proceed, then, to the particular offences charged to have been committed by Mr. Voysey.

In the passages cited from his publication called "The Sling and the Stone," in the 7th, 8th, and 9th Articles of Charge, he is alleged to have maintained the following positions:—

I. That Christ has not made an atonement or reconciliation for sin, and has not been made a sacrifice to reconcile the Father to us (10th Art. of Charge).

II. That there is no need of any atonement or sacrifice, nor any place for such in the purpose of God (11th Art. of Charge).

III. That Christ did not bear the punishment due to our sins, nor suffer in our stead, and that to think that he did, or that it was necessary that he should suffer, is the most revolting of all the popular beliefs (12th Art. of Charge).

The 13th Article of Charge we have rejected.

Now, the 2nd Article of Religion expressly asserts that Christ "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 all actual sins of men. The 15th Article of Religion declares that Christ "came to be the Lamb without spot, who, by sacrifice of Himself once made, should take away the sins of the world." And the 31st Article of Religion declares that "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 that there is none other satisfaction for sin but that alone."

We cannot doubt that these lastly-mentioned Articles of Religion assert in plain language that Christ was crucified to reconcile His Father to us (that is, to mankind), and was a sacrifice, and that He came by the sacrifice of Himself to take away the sins of the world—that the offering of Himself once made is a perfect “propitiation and satisfaction for the sins of the whole world”—and that there is none other satisfaction for sin but that alone.

Neither can we doubt that it is plainly inconsistent with such statements to say that Christ has not made a reconciliation for sin, or has not been made a sacrifice to reconcile His Father to us; or that there is no need for any sacrifice, nor any place for such in the purpose of God.

It will only remain then to inquire as to the first two charges against Mr. Voysey, whether he has in the passages of his work cited in that behalf, asserted the propositions therein charged.

Before doing so it may be well, however, to observe that when the Articles of Religion speak of sacrifice and of oblation, and speak also of Christ being the Lamb without spot, and of His offering of Himself being a perfect satisfaction, and further allege that there is none other satisfaction for sin but that alone,—it is impossible to construe the word “sacrifice” in any other sense than that in which it is ordinarily used, viz., as an offering to God, and that as such offering Christ’s sacrifice is alleged to be a satisfaction, and the only satisfaction, for the sins of the world.

Let us consider, then, the following passages in the Appellant’s publication as cited in the Articles of Charge:—

“He [meaning the Saviour] never hinted at such a doctrine as that of the Fall of man, or the Atonement by sacrifice or Justification by Faith. He never taught that men needed to be accounted righteous before God, or needed any mediator to propitiate His wrath or to draw them to Himself. All these notions were Jewish, and Christ never gave any sanction or encouragement to them that I have been able to discover.”

And, again, “Sincere sorrow for sin is, or ought to be, enough to make a man quite reconciled and at peace with God; at least so our Lord teaches. We do not, therefore, need any atonement or justi-

fication. We need no atonement, for God requires none. We do not want to be justified, we do not want to be *accounted* righteous at all when we are not righteous; we only desire to be *made* righteous in God's good time. We seek reconciliation with God as a sorrowful and guilty son seeks reconciliation with a father: "I will arise and go to my Father," &c. The Father in Heaven receives and embraces us, only with a compassion more tender, and a love more Divine and inexhaustible. So we leave these Pauline doctrines for those who need them, thanking our Heavenly Father that through His Son Jesus Christ we have learnt a better and surer way to that peace of God which passeth all understanding."

* * * *

The majority of Christians, though fast tending to a change in their views, still maintain, like the Christianised Jews of the first century, a belief in a God who requires sacrifice—actual bloodshedding—mediation instead of personal communion with the sinner, and is the God only of a chosen people; who loves the few that shall be saved, and leaves the rest to be damned, and who only loves and saves the few because Christ had died for them as their sacrifice.

* * * *

"To us God is a Father, and we are His children; and if this be true it sweeps away the dusty cobwebs of mediation, intercession, sacramental sacrifice, and all the sacred and consecrated follies which grow out of it. We want neither altar nor sacrifice, neither victim nor priest, no sprinkling of blood, nor fumes of burning incense to render our approach to the mercy-seat of God more reverent or more successful."

* * * *

"I must own, however, that while I thoroughly and heartily embrace the truth that Christ is our example, I cannot so readily embrace what is often understood by the statement that he is a sacrifice for sin. In one sense, Christ was indeed a sacrifice. His life was sacrificed to the bigotry and blind malice of Chief Priests in Judea. He was a sacrifice, too, in the sense of laying Himself open to persecution by an honest discharge of His duty,

and in not trying to escape trouble by a violation of principle.

“ Sin, too, caused His death, as it was sinful to bear malice towards one so innocent and good, and still more sinful to put Him to death for the claim which He made for Himself and for us all—that God was His Father and our Father, and that we are His sons. But in what sense the death of Jesus Christ was a substitute for the punishment of your sins or mine I cannot discover. Theologians may be right, but until I can see reasonable ground for their opinion, I must keep my own. I can surely see and thankfully confess that His death has done me good, that His sacrifice has been most beneficial to the world in teaching and encouraging true heroism, true manliness, and true obedience to God’s will. Had He not been martyred for the truths which He taught, those truths would probably have been far longer in making their way among men; and England, at this hour, might still have been in Pagan darkness. But then I know this is not the common meaning of the words ‘Christ suffered for us,’ and I do not wish to pretend to put that meaning on them while I am using them in a totally different sense.”

We think that the expressions contained in these passages, and particularly in the last extract, cannot be reconciled with the teaching of the 2nd, 15th, and 31st Articles of Religion as regards Christ being crucified to reconcile the Father to us—and the necessity of a sacrifice for sin—and we hold therefore, that the 10th and 11th Articles of Charge are proved against the Appellant.

As regards the 3rd charge against the Appellant, contained in the 12th Article of Charge, namely, that he has asserted “that Christ did not bear the punishment due to our sins, nor suffer in our stead and for us, and that to think that He did, or that it was necessary he should so suffer, is infinitely erroneous and dishonouring to God, and is the most revolting of all the popular beliefs,”—we may remark that the somewhat uncharitable denunciation by the Appellant of all who may happen to differ from him in holding this popular belief is not the substance of the charge. The question is, whether it be or not, consistent with the Articles of Religion to deny that Christ bore the punishment due to our sins, or

suffered in our stead. We think that to deny this statement without any qualification is inconsistent with the plain meaning of the 2nd and the 15th Articles of Religion already cited: the latter of which Articles is headed, "Of the one Oblation of Christ finished on the Cross," and proceeds to describe that offering to be the perfect redemption, propitiation, and satisfaction for the sins of the whole world.

In these Articles also our Lord is described as without spot, *i.e.*, sinless, and as suffering the painful death of the cross, which is styled His offering of Himself, and the result of His suffering so offered is said to be the redemption, propitiation, and satisfaction for all the sins of the whole world, both original and actual. It is not consistent with such statements to aver without any qualification that He did not bear the punishment due to our sins, nor suffer in our stead.

The passage we have lastly cited is one in which the Appellant might seem to us to admit that he contravenes the Articles of Religion, for he fairly says that the common meaning of the words "Christ suffered for us" is totally different from the sense in which he uses those words. Had the Appellant spoken less explicitly, we should have been disposed to regard his denial of the doctrine in question as having reference to some exaggerated statement respecting Christ having borne in hell the punishment due to man's sin; and even as it is, we are not unwilling to give the Appellant the benefit of this doubt.

In considering these first three charges, as in the consideration of those that follow, we have been most anxious to arrive at a fair construction of Mr. Voysey's writings, not only by examining the context which he has referred to as bearing on the passages cited, but also by attentively considering whether any previous writer, himself in Holy Orders, has been allowed, with impunity, to assert opinions similar to those of the Appellant, so as to afford reasonable ground for holding that the Appellant has merely availed himself of the privilege of adopting a possible interpretation of the language of the Articles, although it may appear to us that such interpretation is not sound or correct. But we can find nothing of the kind. The Appellant, indeed, constantly refers to his views as being different from

generally received doctrine, and he does not in his book, nor has he in his argument, cited any authority of Divines holding views corresponding with his own. He founds, indeed, his argument mainly on the denial of original sin, or any original curse occasioned thereby, which assertions form the subject of other Articles of Charge; and if such be not a correct view of the meaning of the Articles of Religion, it is not surprising that the consequences he has derived from this doctrine should be equally inconsistent with them.

We have not, however, forgotten to observe, that a considerable portion of the Appellant's arguments in his writings is directed against special views of vicarious punishment and imputed righteousness which many divines have held, and which many other divines have considered exaggerated and unreasonable. If he had confined himself to such arguments as he might think fairly adducible in explanation of the doctrine enunciated in the Articles of Religion as to Christ suffering for sin, and offering Himself as a Lamb without spot for all sins original and actual of the whole world, and being crucified in order to reconcile us to His Father, then he would be entitled to claim a latitude of interpretation which has been allowed to others; but he does not profess to interpret, he simply denies the positions asserted in the Articles, and asserts other doctrines inconsistent with and repugnant to them.

We now proceed to consider the fourth and fifth charges made against the Appellant, viz. his alleged assertion "That mankind are not by nature born in sin and the children of God's wrath, and are not separated from God by sin, and under His wrath, or under a curse, and that they are not in danger of endless suffering, nor is there any curse to remove by the shedding of the innocent blood of Christ, and that the doctrine of the Fall of man is contrary to the teaching of Jesus Christ," contrary, it is contended, to the 2nd and 9th Articles of Religion (see 7th Article of Charge); and again, "That mankind need no atonement or justification, that salvation is not through justification, and that the doctrine of justification by faith is contrary to the teaching of Jesus Christ," which is alleged to contravene the 2nd and 11th Articles of Religion. (See 18th Art. of Charge.)

Now, the 2nd Article of Religion asserts that the

“ Son suffered to reconcile the Father to us and to be a sacrifice not only for original guilt, but also for all actual sins of men;” and the 9th Article of Religion in treating of “original or birth sin” says that “it standeth not ~~only~~ in the following of Adam but that it is the fault and corruption of every man that naturally is engendered of the offspring of Adam, whereby man is very far gone from original righteousness, and therefore, in every person born into the world it deserveth God’s wrath and damnation.”

We think that the plain meaning of the 9th Article is to assert the existence of original or birth sin, and to state that such sin exists in every one descended from Adam; that by it every man is very far gone from original righteousness; and that this sin “deserves God’s wrath and damnation.”

To assert, therefore, that children are not by nature children of God’s wrath—that they are not separated from Him by sin, nor under His wrath, appears to us plainly inconsistent with the express language of the Articles of Religion. It being also expressly laid down that Christ suffered to reconcile the Father to us, and to be a sacrifice for original sin, it appears to us to be in contradiction to such statements to say that we are not under a curse, and that there is no curse to remove by the shedding of the innocent blood of Christ. To assert also that the doctrine of the Fall of man is contrary to the teaching of Jesus Christ, whereas the 9th Article plainly asserts the doctrine, appears to us to contradict the Article.

The question how far a denial of the doctrine, that man being born in sin is therefore an inheritor of endless suffering, plainly contradicts the Articles, may be open to much more doubt, regard being had to the decision in “Wilson v. Fendall” on the subject of assertions of a similar character with regard to the duration of the punishment of the wicked; but with this exception it appears to us to be clear, that if the fourth charge be, in fact, established by the Appellant’s writings, the offences therein alleged would be offences against the Law Ecclesiastical.

Do, then, the extracts set out in the 15th and 16th Articles of the Charge bear out the Charge?

The Appellant in the first of these extracts says, by way of censure of the opinion, “St. Paul said

plainly that the whole human race should be set free from the curse in consequence of what Christ suffered—‘As in Adam all die, so in Christ shall all be made alive;’” and in the following extract he says, after citing the opinions of Augustine and of Milton, “And though St. Paul’s doctrine is the most merciful, yet it leaves the mind aghast at the picture of God’s cursing the whole race of mankind, and only removing that curse after being appeased by the shedding of innocent blood. This, of course, was simple Judaism, with a little of the genuine Gospel mixed up with it—an immense advance on the pre-existing views, but still far, very far, from the sublime teaching of our Lord Himself.” The following extract should also be considered: “He therefore (meaning the Apostle St. Paul) succeeded in teaching many, both Jews and Gentiles, who had superstitions about sacrifice in common, to believe that the death of Christ was a sufficient atonement for the sins of the whole world; and that it appeased the wrath of God entirely, and cancelled the curse against mankind. The arguments used by the Apostle might satisfy the Jews, but could scarcely satisfy us; as, for instance, when he says ‘Christ hath redeemed us from the curse of the law, being made a curse for us,’ because He was *crucified*, he quotes from some Jewish record that ‘cursed is every one that hangeth on a tree,’ as if the mere outward manner of Christ’s death could of itself furnish any satisfaction to the human mind that that death removed a curse from the whole race. That such an argument could be used by St. Paul discloses to us how very deep down these Jews were sunk in dogmatic unreasonableness. At all events, he satisfied *them* that as by Adam’s disobedience men had fallen from God, so by the death of Christ the curse was removed, and by His obedience He had rendered men righteous in the sight of God. Those who were dissatisfied with the old system at once embraced St. Paul’s nobler and more rational views, and thankfully owned Jesus Christ as their Redeemer and Atonement, in a sense which, I do not scruple to declare, was never taught by our Lord Himself. But what could a Jew or Pagan do else?” * *

“They [meaning Ritualists or priests] are (most falsely, as it seems to me) convinced that we are all by nature in danger of endless suffering; and that,

unless we obey *them* in thought, word, and deed, unless *they* pray and sacrifice for us, and *they* pardon our offences, there is no hope for us beyond the grave.

“We do not, then, wish to be ungrateful in declining their interference and in rejecting their control. We simply say to them, ‘You have made a fatal error at the very outset of your principles. You have made an entirely false assumption at the very beginning, and therefore we do not wonder that your course is altogether a foolish and mistaken one. You say we are by nature separated from God, or under His wrath—that He will not hear our prayers, or forgive our sins until we have been baptised, and have submitted ourselves to your authority.’ We deny this entirely. We say that we are *not* separated from God nor under His wrath; that God is always with us all, and we are his children by nature, and therefore we are near and dear to Him all our lives through. With or without your help we need no redemption in the sense in which *you* offer it to us. You are telling us we have got no friend here while outside your temple; but we know that we are *not* alone, because our Father is with us, and you can offer no friend, no Saviour, no Comforter, so good, and true, and faithful as *He*. We are therefore not afraid to disobey your injunctions, to tear up your creeds, and to despise your ordinances. For all these are based upon a fundamental mistake.”

If in the above extracts the Appellant had been simply combating the extreme views which have been adopted by some Divines, either with reference to what is commonly called Calvinism on the one hand or Ritualism on the other, we conceive he would have been fully entitled so to do; and we should have been glad if we could have so reconciled his writings with the doctrine contained in the Articles and Formularies of the Church, but the extracts themselves are clearly intended to teach that in no sense are mankind naturally separated from God, or under God’s wrath, which he represents to be a false assumption at the very beginning, and as occasioning the Ritualists, *on that account*, to take a foolish and mistaken course. It is true that he adds, as a portion of the error taught by them, and which he assumes to be their doctrine,

“God will not hear our prayers, or forgive us our sins, until we have been baptised, and have submitted ourselves to your authority,” meaning the authority of the Priest; and if this had been all it might have admitted of explanation consistent with the doctrine of the Church; but the Appellant makes his meaning clear, not only by the previously cited extract concerning St. Paul’s teaching, but by what follows the last cited words, “We say that we are not separated from God, nor under His wrath; that God is always with us all, and we are His children by nature, therefore we are near and dear to Him all our lives through.” “We know that we are not alone, because our Father is with us, and you can offer no friend, no services, no Comforter, so good, and faithful, and true as *He*.”

We cannot doubt that the Appellant advisedly contravenes the doctrine of a change of man’s natural condition (in which the Church represents him to be subject to God’s wrath), through the sacrifice of Christ offered to reconcile His Father to us, and that the 4th Charge is therefore established.

As regards the 5th Charge against the Appellant, we think that to assert that mankind needs no justification, or that salvation is not through justification, or that justification by faith is contrary to the teaching of Jesus Christ, is so plainly opposed to the very words of the 2nd and 11th Articles of Religion, that we need hardly cite them.

We have the advantage of an authoritative exposition, if any were required, of the 11th Article of Religion in the case of *Heath v. Burder*, before the Privy Council (15 Moore’s P. C. Reports, p. 82, and Fremantle, p. 235), where Lord Cranworth, in delivering Judgment, says, “The evident meaning of the 11th Article is, that man is accounted righteous, which in the Article is treated as the same thing as being justified before God, not for his own merits, but for the merits of Our Saviour by faith in Him, *i. e.*, that man is admitted to the favour of God not for his own works, but for the merit of his Saviour and by faith in Him, *i. e.*, by man’s faith in our Saviour, howsoever faith is to be defined.”

The following extracts from the Appellant’s book appear to us clear contradictions of these Articles of Religion.

“He [meaning the Saviour] never even hinted at such a doctrine as that of the fall of man, or the atonement by sacrifice or justification by faith. He never taught that men needed to be accounted righteous before God, or needed any mediator to propitiate His wrath, or to draw them to Himself. All these notions were Jewish, and Christ never gave any sanction or encouragement to them that I have been able to discover.” And again:—“Sincere sorrow for sin is enough to make a man quite reconciled and at peace with God; at least so Our Lord teaches. We do not therefore need any atonement nor any justification. We need no atonement, for God requires none.”

These six heads of Charge complete the first of the three classes of Charge, and we will proceed to the second class, viz., those relating to alleged errors as to the Incarnation and Godhead of Christ.

Five Articles of Charge (the 23rd to the 27th inclusive) allege these errors—first, that the Appellant asserts (23rd Article of Charge), “That Our Lord Jesus Christ is no more Very God of Very God, begotten not made, than we men are, contrary to the 2nd, 4th, and 8th of the Articles of Religion.” Next, that he asserts (24th Article of Charge) “That the worship of Christ is idolatry, and is inconsistent with the worship of the true God, and that it is an instance of holding up our hands to a strange God, and outrivals the worship of the one true God, and draws away our highest homage and affection from God to another,” contrary to the 1st, 2nd, and 8th Articles of Religion. Next, that he asserts (25th Article of Charge) “That the very idea of the Incarnation of the Son of God takes its rise in unbelief and springs out of absolute infidelity,” contrary to the 2nd and 8th Articles of Religion. Next, that he asserts (26th Article of Charge) “That the expected return of Christ to judge the world takes its rise in unbelief, and springs only out of absolute infidelity, and that such expectation is unreasonable, is opposed to the simplicity of the love of God as a Father, and is calculated to overthrow the moral government of God,” contrary to the 4th and 8th Articles of Religion. And lastly, that he asserts (27th Article of Charge) “That worship of the Father, Son, and Holy Ghost

is the worship of three Gods, and that the worship of the Son and of the Holy Ghost is idolatry, and that the belief in the Godhead of the Son and of the Holy Ghost, as expressed in the Nicene Creed, weakens and disguises the belief in one God the Father, and obliterates the true name of God,"—contrary to the 1st, 2nd, 8th Articles of Religion.

The Articles of Religion referred to in the above five Articles of Charge undoubtedly recognize the Godhead both of the Son and of the Holy Ghost as co-equal with that of the Father, and recognizes them as being with him one God (1st Article of Religion); that the Son took man's nature in the womb of the blessed Virgin of her substance, and that the Godhead of the Son and His manhood are united in Christ (2nd Article of Religion); that the Son ascended into Heaven, and there sitteth until He returns to judge all men at the last day (4th Article of Religion); and the 8th Article of Religion says that the Nicene Creed, Athanasius Creed, and the Apostles' Creed are to be thoroughly received and believed. If, therefore, the last five Articles of Charge be proved they are plainly repugnant to the Articles of Religion.

We think it impossible to read the following passage or extract contained in the 21st Article of Charge without coming to the conclusion that the 6th charge against the Appellant is made out:—

“And so God, the great unseen Creator, has wedded to Himself the great visible universe, and out of that mystical marriage has come as offspring the human family—a race of beings noble even as animals, but surpassing all we yet know of created life in being born of God—very God of very God—begotten not made, a statement as true of all of us as of Him who was called the first-born among many brethren.” The extracts cited in the 21st Article of Charge in pp. 32 and 33 of the Appendix, clearly describe the worship of Christ as idolatrous, and thus the 7th charge made in the 24th Article of Charge is also established. We may cite for this purpose the following, amongst other extracts, from pp. 33, 34.

“At the time when Jesus Christ the Lord of men, appeared on earth, religious feelings towards God, in the hearts both of the Jew and Pagan, were such as to render impossible any repose in the bosom

of the Creator. None could conceive of Him as even actuated by tender feelings, or as even guided by laws of justice such as were common amongst men. So the Christ in His life of pity and kindness began to be worshipped and loved as infinitely nearer and dearer to human hearts than any Deity whom men had ever worshipped before.

“Not only was this perfectly natural, but under the circumstances it was infinitely creditable to mankind that they should worship and adore such a one as Christ was, instead of the Jehovah known to the Jews, and the Zeus and Jupiter known to the Greeks and Romans. Since the days of some of the Psalmists, their purer ideas of Jehovah had become miserably corrupted, and a whole system of propitiatory sacrifices had taken the place of their sensible and manly devotion.”

* * * *

“But as soon as ever the notion gained ground that Jesus Christ was engaged on man's behalf, in assuaging the Divine wrath, all the love and trust of men rushed in a torrent towards Him, and they were quite content (as well they might be) to adore their Redeemer, and leave their Creator further off than ever. I do not wonder at this. The wonder would have been if men had not clung to Christ, if they had refused to worship so glorious a manifestation of Divine love and goodness.

“Yet, surely, this is not what Christ would have of us. I always thought that He came to bring us to God. Whatever else may be recorded in the Gospels, most surely it is there recorded that He said all he could say, and did all He could do, to make men feel the Fatherly love of God for us all, to make known the Father in heaven, and to win back affrighted men from their ghastly dread. Jesus Christ desired and pressed upon us all to worship the Father—‘His Father and our Father, His God and our God;’—and none will dare to say that He ever stepped in between men and their Maker to beguile their highest allegiance to Himself, to hide the Father's face, or to close the portals of the Father's home.”

“Belief in all these miracles [meaning the miracles recorded in the New Testament] and in these angelic messengers, and in these wonderful births was impossible, unless there had been first in

men's minds belief in an absent God—in a God who was *not* immediately and constantly present, in the world and among men. The very idea of Incarnation itself, which means Deity coming from heaven and dwelling in an individual man for some years implies a belief that God does not, nor ever did, dwell in the hearts of all men. This belief, and and a belief in other miracles, are not peculiar to Christianity; they are common to all the religions of the world. The Brahmins have their nine incarnations of Vishnu, which, in their way, are splendid conceptions of Divine love and sympathy."

As regards the charge contained in the 25th Article of Charge, the last cited passage with reference to the Incarnation is sufficient proof.

As regards the charge contained in the 26th Article of Charge the following extract from p. 35 will suffice:—

"But the Fatherhood of God strikes more deeply at the prevailing views than this.

"The common notion about the coming of a God into the world once and His expected return to judge the world, turns entirely upon the belief in an absent God. It takes its rise in unbelief. These notions of a God coming to dwell amongst men in human form after thousands of years' absence from them, then departing, after a short life on earth, and not returning for thousands of years more, only spring out of absolute infidelity. Men must first be convinced that God is away from them before they can adopt the idea that God has sent some one to visit them. And if that one Man who came was Very God of Very God in a sense in which all other men are not, His going away again after a short human lifetime, proves that absence still more painfully; and it cannot be wondered at that His return to earth should be looked for and longed for with the most passionate eagerness of the soul. If God could leave the long ages of human life deserted by Him before the coming of Christ and then, after the little space of thirty-three years, could leave mankind again for thousands of years more in the same desolate desertion, then He is not the Father of men, and we might then question if He is even our Friend."

Indeed, the author in an extract contained in p. 24 (Articles of Charge, No. 9) candidly states "I

found that I could not hold to the true Fatherhood of God if I did not give up some of the doctrines of so-called Christianity. The doctrines of mediation, intercession, atonement, isolated incarnation, and the expected return of Jesus to earth are all, more or less, opposed to the perfect harmony and simplicity of the love of God as a Father."

As regards the 10th charge contained in the 27th Article of the Charge against the Appellant, being the last of the general class relating to the Incarnation and Godhead of Christ, we think it is proved by the following passage, "Take away (that is from the Book of Common Prayer) what we can most heartily join in, and the greater part, as well as the most important part, of the Service would be expunged. For the sake of this, then, we may well bear for a time with the blemishes, weaknesses, and minor superstitions which the Church of Rome bequeathed to us when we parted company at the last Reformation. We need not hesitate at the repetition of any creed which makes us say as its first words, 'I believe in one God, the Father Almighty, Maker of Heaven and Earth, and of all things visible and invisible.' Any clause added thereto which seems to weaken or to disguise that first grand utterance may well be tolerated, considering the changing times in which we live, for the sake of the cardinal, and central and most vital principle upon which all the rest is, or is supposed to be based."

The four remaining Charges against the Appellant constitute the last general class of his alleged errors, viz., his depraving of Scripture; and they are as follows:—

That the Appellant has promulgated, in derogation and depraving of Holy Scripture, the doctrine that the revelation of the knowledge of God by means of any book is impossible; that all true knowledge of God comes directly from the law of God written in men's hearts; that all knowledge of God comes only from men's own sense of what He requires them to do; and that the only true revelation possible by God to man is through the sense of God's presence, and is originated in the heart of man independently of God's written Word (31st Article of Charge).

That he has asserted that in God's Word written,

Holy Scriptures, and Holy Writ, there are found manifest, palpable, and irreconcilable contradictions, and many places which cannot be explained but so that they be repugnant to others (32nd Article of Charge).

That he has asserted, in derogation and depraving of Holy Scripture, that the authority of the Gospel, according to St. John, is doubtful, and that the said Gospel ought not to be applied to establish any doctrine, and that whole chapters of the said Gospel are crowded with passages which represent Jesus Christ as speaking words which He never could have spoken, and which, if spoken, would not have been believed (33rd Article of Charge).

That he has asserted that the Gospel according to St. John contains passages which can only be expounded so that they be repugnant to each other or to other places of God's Word written, or Holy Scripture, and that the character of our Lord Jesus Christ as there set forth is quite irreconcilable with the idea of His being a Teacher sent from God, and is entirely different from the character of the Christ of the other Gospels. (34th Article of Charge).

The first, second, and fourth of the offences alleged in the last mentioned Articles of Charge are stated to contravene the 6th and the 20th Articles of Religion, and the 13th to contravene the 6th Article of Religion; and each of the said offences is also charged to be an assertion of Doctrine inconsistent with certain portions of the Book of Common Prayer, set forth in the subsequent Articles of Charge.

The 6th Article of Religion lays it down that there never was any doubt in the Church of the Authority of the Canonical Books of the Old and New Testaments, and that the Church applies them to establish doctrine. Whilst the 20th Article of Religion declares "that it is not lawful for the Church to ordain anything that is contrary to God's Word written, nor may it so expound one portion of Scripture that it be repugnant to another."

Now it is very important upon this head of the inquiry to consider the Judgment delivered by Lord Westbury in the case of "Essays and Reviews." (*Williams v. The Bishop of Salisbury, and Wilson v. Fendall*. 2 Moore, P.C. Cases, New Series, p. 426).

In considering one of the charges against

Dr. Williams in that case the Judgment states the case thus:—

“The words that the Bible is ‘an expression of devout reason, and, therefore to be read with reason in freedom,’ are treated in the Charge as equivalent to these words:—The Bible is the composition or work of devout or pious men, and nothing more; but such a meaning ought not to be ascribed to the words of a writer who, a few lines further on, has plainly affirmed that the Holy Spirit dwelt in the Sacred Writers of the Bible. This context enables us to say that the words ‘an expression of devout reason, and, therefore, to be read with reason in freedom,’ ought not to be taken in the sense ascribed to them by the accusation. In like manner we deem it unnecessary to put any interpretation on the words, ‘written voice of the congregation’ inasmuch as we are satisfied that whatever may be the meaning of the passages included in this Article, they do not, taken collectively, warrant the charge which has been made that Dr. Williams has maintained the Bible not to be the Word of God, nor the rule of faith.”

The Judgment therefore is express in saying that the ground for regarding the statements of Dr. Williams as not exceeding the just limits allowed by the Articles of Religion was, that he did not state the Bible to be the composition of devout men, and nothing more. So, in considering the charge against Mr. Wilson, the following passage occurs (p. 429):—“In the 8th Article of Charge an extract of some length is made from Mr. Wilson’s Essay, and the accusation is, that in the passage extracted, Mr. Wilson has declared and affirmed in effect that the Scriptures of the Old and New Testament were not written under the inspiration of the Holy Spirit, and that they were not necessarily at all, and certainly not in parts, the Word of God; and then reference is made to the 6th and 20th Articles of Religion, to part of the Nicene Creed, and to a passage in the Ordination of Priests in the Book of Common Prayer. This charge, therefore, involves the proposition,—that it is a contradiction of the doctrine laid down in the 6th and 20th Articles of Religion, in the Nicene Creed, and in the Ordination Service of *P. 1521*, to affirm that any part of the Canonical books of the Old or New Testament, upon any subject whatever,

however unconnected with religious faith or moral duty, was not written under the inspiration of the Holy Spirit."

Guided by the Judgment we have thus referred to we do not think the 11th charge contained in the 31st Article of Charge is so made out by the extract given from the Appellant's work as to justify us in regarding that Article of Charge as established. The Appellant asserts, indeed, at the end of a long passage, extracted in page 41, that all knowledge of God can only come from our own deep sense of what He requires us to do; and these words are associated with much disparagement of the Bible. But it is possible to interpret these words as meaning that the Bible itself would be of no effect in imparting a knowledge of God if that deep sense of what he requires us to do were absent. A sense in which the expression would be allowable, and, following the example set by the judgment in the case of the Essays and Reviews, we think this interpretation in a *quasi-criminal* proceeding should prevail.

As regards the remaining charges contained in the following Articles of Charge, whatever force may be given to the word "authority" in the 6th Article of Religion "as applied to the Canonical Books of the Old and New Testament," we are of opinion that, in order that the books (which are enumerated) should have any authority at all, it is not consistent with that Article of Religion for any private clergyman, of his own mere will, not founding himself upon any critical inquiry, but simply upon his own taste and judgment, to assert that whole passages of such Canonical books are without any authority whatever, as being contrary to the teaching of Christ as contained in others of the Canonical Books. We think that no private clergyman can do that which the whole Church, is by the 20th Article declared to be incompetent to do, viz.: expound one part of Scripture in a manner repugnant to another, and we need not go through the painful task of citing the numerous passages in the extracts where this is done by the Appellant. We find whole chapters of the Gospel of St. John, declared by the Appellant on his own simple assertion, to be irreconcilable with the other Gospels not on points unconnected with "religious faith and duty," to use the words of the

Judgment in the case of the "Essays and Reviews" but in the most essential manner connected with both; and again, whole passages declared to be spurious on no other ground than that they do not approve themselves to the Appellant's taste. We can entertain no doubt then, that the charges contained in the 32nd, 33rd, and 34th Articles of Charge are abundantly established.

We have now fulfilled the duty of examining minutely the Articles of Charge exhibited against the Appellant. We have not been unmindful of the latitude wisely allowed by the Articles of Religion to the clergy, so as to embrace all who hold one common faith. The mysterious nature of many of the subjects associated with the cardinal points of this faith, must of necessity, occasion great diversity of opinion, and it has not been attempted by the Articles to close all discussion, or to guard against varied interpretations of Scripture with reference even to cardinal Articles of Faith, so that these Articles are themselves plainly admitted, in some sense or other, according to a reasonable construction, or according even to a doubtful, but not delusive construction. Neither have we omitted to notice the previous decisions of the Ecclesiastical Courts, and especially the Judgments of this Tribunal, by which interpretations of the Articles of Religion, which by any reasonable allowance for the variety of human opinion can be reconciled with their language, have been held to be consistent with a due obedience to the Laws Ecclesiastical, even though the interpretation in question might not be that which the tribunal itself would have assigned to the Article.

We have also had careful regard to the explanations given by the Appellant himself in Court of those of his writings from which the extracts contained in the Articles of Charge have been taken, in order to see whether the extracts convey to the mind the advised and definite opinions of the author, or whether their meaning can be modified by the context in a sense more consistent with the Articles of Religion, but we cannot find any indications of such being the case.

We think that the extracts deliberately exhibit the opinions of the Appellant, by which the Articles of Religion, with reference to original sin, the sacrifice

and suffering of Christ, the Son of God, both God and man, to reconcile His Father to man, the Incarnation and Godhead of the Son, His return to judge the world, the doctrine of the Trinity, are plainly controverted and impugned, and the Holy Scriptures are as plainly denied their legitimate authority, even on points essential both to faith and duty, by the process of denying their genuineness, not on any critical grounds, but avowedly because they contradict the Appellant's private judgment.

We have not, in this our decision, referred to any of the formularies of the Church other than the Articles of Religion. We have been mindful of the authorities, which have held that pious expressions of devotion are not to be taken as binding declarations of doctrine. But the Appellant will, we think, himself feel how impossible it is that any society whatever of worshippers can be held together without some fundamental points of agreement, or can together worship a Being in whom they have no common faith. He himself appears to have experienced the difficulty in the remarkable passages extracted in page 42 of the Appendix, with reference to prayer in the name of Jesus Christ.

The whole of the formularies of the Church, and of its devotion, are based on the faith in one God, the Father, Son, and Holy Ghost. In the daily services of the Church, both morning and evening, Glory is ascribed at the end of each Psalm to this one God in Trinity, naming each person of the Godhead separately. Prayer constantly concludes with a reference to the mediation of Jesus Christ. Direct prayer, is addressed to Jesus Christ in the daily service, morning and evening, by the short prayer of "Christ, have mercy upon us." In the daily Morning Prayer, throughout a great portion of the Te Deum, prayer is made to the Son; and, three times in a week, in the Litany, there is direct prayer addressed both to the Son and to the Holy Ghost, as well as to the Holy Trinity. In fact, a large portion of the Litany is addressed to the Son directly.

It is not surprising, then, that there should be Articles distinctly supporting devotions, so fully impressed with a faith in the intercession and power of the Son Who is thus invoked. — And it would be as contrary to morality as to Law to direct the professors of any Religion daily to offer prayer to

One in whose Divine power they have no faith, or to address as God, One whom they believed to be only man.

The Appellant, in his address to us, relied much on the absence of direct verbal contradiction in his writings to the words of the Articles of Religion, and asserted that, inasmuch as the Articles could not be all reconciled with each other, he might properly dwell on one view of an Article, which, from the inconsistent character of the Articles, would be opposed to the construction of another Article.

The mode in which the Appellant constantly misrepresents and caricatures the opinions from which he differs no doubt accounts for his thus attributing inconsistency to statements of doctrine which he has misunderstood.

We are, on a perusal of the Appellant's writings, driven to the conclusion, not removed by his arguments, that the Appellant advisedly rejects the doctrines on the profession of which alone he was admitted to the position of a Minister of the Church. He disclaims all wish to reconsider his avowed and published opinions, and does not desire an opportunity of retracting any of his opinions. We are bound, therefore, to advise Her Majesty that his appeal against the admission of the Articles should be dismissed with costs, and that, on the merits of the whole case, sentence of deprivation should be pronounced against the Appellant, and that he should be condemned in the costs of the suit.

In pronouncing this decision their Lordships have assumed that the Appellant adheres to the intimation, made by him on the conclusion of the argument, that he does not desire an opportunity of retracting the opinions which have now been condemned; but their Lordships are, nevertheless, unwilling to proceed to the last step of their duty if he do, within a week from this date, expressly and unreservedly retract the several errors of which he has been convicted.

Their Lordships would have followed the precedent afforded by Mr. Heath's case if the Appellant had been present and would have required his immediate decision, but they have been informed that Mr. Voysey's absence is occasioned by a sufficient reason.

