

THE AMERICAN JURISDICTION OF THE BISHOP OF
LONDON IN COLONIAL TIMES.

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No one can study the ecclesiastical history of the English Colonies in America before the Revolution, without observing indications from first to last of the influence of the Bishop of London. Wherever the Church of England took root, it was to him especially that its adherents looked for countenance and direction, and for a century or more he exercised over them something very closely approaching episcopal authority.

In the *Repertorium Ecclesiasticum Parochiale Londinense* (London, 1708), which gives a full description of every parish in the diocese and a history of the see down to 1700, no mention is made of any American church or living. A few years later, Dr. Edmund Gibson, then occupying the see, in an interview with a representative of the parish of King's Chapel in Boston, expressly disclaimed any right of presentation to the rectorship which was then vacant.¹ How was it then that the Bishop of London could send commissaries to the colonies, and that the clergymen of the Church of England who came to this country were generally expected to produce a license to officiate, from him?

Bishop Perry, in his elaborate "History of the American Episcopal Church,"² follows Anderson in attributing the origin of this jurisdiction to the fact that in the early days of the colony of Virginia, Dr. King, who then held the see of London, was a member of the Royal Council constituted under the charter of the Virginia Company, and warmly

¹ Greenwood's Hist. of King's Chapel, 88. ² I., 74.

interested in the missionary aims of the new plantation.¹ The charter of 1606 provided for a Council of Thirteen, with its seat in England, to have the general direction of the affairs of the colony. The charter of 1609 enlarged the council to more than fifty members, one of whom was "James, Lord Bishop of Bath and Wells." That of March, 1611-12, states that "George, Lord Archbishop of Canterbury," had joined the "Adventurers" or incorporators since the grant of the former charter, but does not name him as a Councillor. In none of them do we find any mention of Dr. King.² The Archbishop of Canterbury, Dr. George Abbot, had, however, been Bishop of London during the year preceding the grant of the third charter, and probably joined the Virginia company soon after coming to London to assume that office.³ He was a strong though liberal Churchman, and published, a few years later (1617), a "Brief Description of the whole World, wherein is particularly described all the Monarchies, Empires and Kingdoms of the same, with their Academies, &c.," in which reference is made to what had then been accomplished in American colonization. It is to him (as Archbishop of Canterbury), that Smith's "Advertisements for the Unexperienced Planters of New England," was dedicated in 1631.

The first Church of England missionary sent to America, Rev. Robert Hunt, who sailed in 1606, was selected by Wingfield, the President of the Colony, with the approval of Dr. Richard Bancroft, then the primate, and Abbot's immediate predecessor, as such.⁴ On Wingfield's return

¹ Anderson's *Hist. of the Colonial Church*, I., 322. Both Perry and Anderson probably found their opinion on the statements made by Bishop Sherlock in 1759, in a memorial to the King in Council, printed in *Documents relating to the Colonial History of New York*, VII., 360.

² 2 Poore's *Charters and Constitutions*, 1898-1904.

³ Anderson, II., 229, erroneously states that he was named as Bishop of London in the charter of 1609. Apparently in making copies of that charter for American use, the names of adventurers who joined the company after 1609 were incorporated. —Neill's *Hist. of the Virginia Co.*, 24.

⁴ Perry's *Hist.*, I., 42.

to England in disgrace, he wrote out a narrative of his administration, and probably presented it to the Archbishop, for the original manuscript is to be found in the Lambeth Library.¹

The next missionary to Virginia went in 1609, recommended by Dr. Ravis, Abbot's predecessor as Bishop of London.² When Dr. King succeeded to that see, he therefore found it already sustaining certain relations to the American plantations, assumed by Ravis and Abbot. Abbot soon had quite enough to occupy his energies at home, in his long struggle against Laud and the Romanizing tendencies for which Laud stood. The Virginia Company had its principal seat at London. The Bishop of that diocese ranked next after the Archbishop in ecclesiastical precedence. Upon King's accession to the Council for Virginia, he would naturally be looked to for advice, by his associates, in all matters of an ecclesiastical nature. Hence, it may fairly be assumed, he increased, though he did not originate, the supervision of the Bishop of London over the Virginia settlements, until it gradually came to be recognized as authoritative on both sides of the Atlantic. In 1616, we find Dr. King extending the hospitalities of Fulham to Pocahontas,³ and at about the same time he was especially active in promoting the contributions for establishing a college in Virginia for the education of Indian children in the true faith; securing himself the greater part of the funds raised for that purpose.⁴ Laud became his successor in the see of London in 1628, and was not a man to let slip any prerogatives which had been enjoyed by his predecessor in office. Five years later, on his becoming Archbishop of Canterbury, he procured the appointment of Dr. William Juxon as his successor in the bishopric, and soon afterwards obtained an order from the Privy Council that religious services set

¹ Winsor's Narr. and Crit. Hist. of America, III., 155.

² Perry's Hist., I., 54. ³ *Ibid.*, I., 62. ⁴ *Ibid.*, I., 72, 70.

up in foreign parts by any company of merchants, should be according to the doctrine and discipline of the Church of England, and that on notice of any breach of this requirement given to the Bishop of London for the time being, he should take order and give remedy accordingly.¹

This was that dark period in English history which Green has aptly styled the time of the tyranny. For eleven years there were to be no parliaments, and the same policy dictated the replacement of the existing colonial governments by something more in accordance with the principles of absolutism.

On April 28, 1634, the patent was issued which made the two archbishops, with ten of the other principal officers of State, a High Commission, with power to regulate the affairs of every English colony in all matters, from the greatest to the least, subject as to the former to the approval of the crown.² England then had no colonies except those in America, and the main objects of the Commission undoubtedly were to extend the jurisdiction of the established church, and strike down free government in Massachusetts.

Early in 1635, Laud took what he describes as his greatest achievement yet in behalf of the Church of England,³ and secured the appointment of Juxon to the great office of Lord High Treasurer. The Earl of Portland, by whose death it had become vacant, had been one of the High Commissioners named in the patent of 1634. A new patent, to the same effect, was next issued on April 10, 1636, which, while revoking the old one, gave the powers which it conferred to the same persons, except that the name of the Earl was replaced by that of

¹ Anderson's Hist., II., 33, 34.

² Patent Rolls No. 2650, 10 Charles I., Part No. 39; Calendar of State Papers: Colonial, VIII., 1574-1660, 177. An English translation of the Latin original is given in Bradford's History, Mass. Hist. Soc. Coll., 4th series, III., 456, and was copied into the records of the Plymouth Church. Another translation appears in Hutchinson's Hist. II., 502, and Hubbard's Hist., Mass. Hist. Soc. Coll., 2d series, V. and VI., 264.

³ Hallam's Const. Hist. of Eng., II., 46, note.

Juxon, described both by his episcopal and civil dignities.¹

These commissions excited general alarm in New England, and well they might. The grant was one of power to the twelve Commissioners or any five of them, not only to order at pleasure the civil affairs of the colonies, but to provide for the support of the clergy there by tithes or otherwise, first advising with two or three bishops whom they were to call in for counsel, and further "*Judicesque et magistratus politicos et civiles ad causas civiles, et cum potestate et sub forma qua vob. quinq. vel pluribus vrm² videbitr expedire Ac judices magistratus et dignitates ad Causas Ecclticas et sub potestate et forma que³ vob. quinq. vel pluribus vrm⁴ Epis Suffraganeis Archiepi Cantuariens pro tempore existen consult videbitr expedire constituere et ordinare. . . .*"

For any such orders, however, as well as in the case of the revocation of a colonial patent or removal of a colonial governor, the royal assent was first to be obtained, under the privy seal.⁵

The provision thus made in regard to suffragan bishops is a peculiar one.

The clauses quoted are given as they appear in the original enrolment of the patent in the Patent Rolls of 10 Charles I., a copy of which I append to this paper,⁶ as it has never, I believe, been put in print.

Those copies which have been published fill up the abbreviations in the words referring to the Archbishop of Canterbury, so as to make them read

"*(Archiepiscopo Cantuariensi pro tempore existenti consulto).*"

¹ Rymer's *Fœdera*, Lond. Ed., XX., 8; Pownal's Administration of the British Colonies, II., 155.

² Vestrum.

³ This word was probably so written by a slip of the enrolling clerk and should read *qua*.

⁴ Vestrum.

⁵ See Appendix A, and the Patent of April 10, 1636, as given in Hazard's Hist. Coll., I., 344.

⁶ Appendix A, p. 213.

Two drafts of this commission in English are on file in the State Paper office, marked respectively No. 12 and No. 13, which are indexed in the Calendar of State Papers as copies of that document. A close examination of them shows that No. 12,¹ at least, is a draft only, as will appear by reference to the particular clause now under consideration, as given in each. I present them, for convenience in comparison, in parallel columns.

No. 12.

“And to Constitute Judges and Magistrates politicall and Civell for Civill Causes and under the power & forme; which to yo^u five or more of yo^u with the B^{pps} Vicegerentes (provided by the Arch^{bp} of Canturburie for the time being) shall seeme expedient. And to ordayne Courtes Pretorian and Tribunall as well Eccticall as Civell of Judgmentes to determine of the forme and manner of proceeding in the same.”

No. 13.

“And to constitute Judges and magistrates politicall and civile for Civile causes and under the power & forme w^{ch} to you five or more of you shall seeme expedient. And to ordaine Judges, Magistrates and dignities to causes Ecclesiasticall and under the Power & forme w^{ch} to you five or more of you wth the bishops vicegerents (pvided by the Archbishop of Canterbury for the tyme being) shall seeme expedient. And to ordaine Courts Pretorian & Tribunall as well Ecclesiasticall as Civile of Judgmentes. To determine of the formes and manner of proceedings in the same.”

¹ A copy of No. 12 is annexed to this paper: Appendix B, p. 218.

Of the contemporary translations found in American historians, Bradford's makes the grant of establishing Ecclesiastical tribunals run to "five or more of you with the advice of the bishops vicegerents (provided by y^e Archbishop of Counterbure for y^e time being)." ¹ Hubbard, who is followed by Hutchinson, reads it as to "five or more of you with the advice of the bishops suffragan to the Archbishop of Canterbury for the time being." ²

It seems, however, difficult to read the Latin text otherwise than as meaning "suffragan bishops of the Archbishop of Canterbury for the time being having been consulted."

The official drafts show that *suffraganei* was understood at the time as equivalent to "vicegerents." A vicegerent is one who acts as the deputy of another and in his place. The commissary of a bishop might, in a certain sense, be styled his deputy, but the Latin commission excludes any such meaning in this instance. An episcopal commissary could never be styled an *episcopus suffraganeus*. The reference evidently is to bishops who are suffragan to the archbishop. Cowell, in his *Interpreter*, published in 1637, defines a *suffraganeus* as "a titular Bishop ordained and assisted to aide the Bishop of the Diocesse in his spirituall function." Spelman's *Glossary* makes him a bishop who is held to support (*suffragari*) and assist the archbishop, adding that *vocati enim sunt in partem sollicitudinis Archiepiscopi, non in plenitudinem potestatis*.

At the date of the commission now in question, it was competent for any archbishop or bishop in the realm, to procure the consecration of a suffragan bishop to execute within his diocese such episcopal powers as he might commit to him. ³ During the sixteenth century a considerable number of such suffragans were commissioned, and one at

¹ Mass. Hist. Soc. Coll., 4th Series, III., 458. This is a translation of the first patent of April 28, 1634.

² *Id.*, 2d Series, Vol. V. and VI., 264 (Chap. 36.); Hutchinson's Hist. II., 504.

³ Stat. 26 Henry VIII., Chap. XIV. (1534); 1 Eliz., Chap. I., Sec. 8 (1558).

least was appointed in the early years of the seventeenth.¹

In the declaration of Charles II. concerning ecclesiastical affairs, made immediately before his restoration, he promised to appoint "such number of suffragan bishops in every diocese, as shall be sufficient for the due performance of this work." None, however, were so appointed, and Burn, in the next century, treated this station in the church as out of use,² though all bishops in the province of Canterbury were popularly called suffragan to the archbishop.³

I incline to think that the two provisions in the patent as to taking episcopal advice must be construed in close connection with each other, and so that no special creations or appointments of suffragans for colonial purposes was contemplated.

The first of these provisions in the Latin text declares that the Commissioners are to designate the means for the support of the colonial clergy, by tithes, oblations or otherwise "*juxta sanas discrecoes vras in politicis et civilibus et hito Concilio duor vel triu Epor. quos ad vos convocandos duxeritis.*"⁴

Here we have the number of bishops to be consulted (*habito concilio*) fixed at two or three, and their selection left to the Commissioners. Considerations of local convenience as well as of propriety would make it almost certain that the Bishop of London, whose see included the capital, would always be one of those called on.

The later provision for ecclesiastical tribunals does not specify how many bishops are to be consulted, or in what way they are to be chosen, but does require them to be suffragan to the Archbishop of Canterbury. To make the patent definite and certain, therefore, it seems necessary to take this as referring to the number previously designated

¹ Dr. Sterne, Bishop of Colchester, appointed in 1606.

² 1 Burn's Ecclesiastical Law, 229.

³ Per Holt, C. J., in Bishop of St. Davids v. Lucy, 1 Lord Raymond's Reports, 54.

⁴ Appendix A, p. 214.

and the mode of selection before prescribed, adding simply that they must belong to the province of Canterbury.

By reading "*consult*" as meant for, not *consultis*, but *consulto*, the language used might also bear the construction that, with the advice or by the order of the Archbishop, the Commissioners were to constitute and ordain proper magistracies and *dignitates* for ecclesiastical causes by means of suffragan bishops; that is, by the appointment of such dignitaries for the colonies. It may be that the patent was advisedly drawn in this blind way, in order to leave the door open for such an appointment, if it were ever deemed expedient, and yet put the phraseology in a form which would bear a very different interpretation, should the people prove too restive under the rapid extension of royal prerogative.

Juxon retained the position of Lord High Treasurer until driven out by parliamentary agitation in 1641. Combining thus the highest of administrative civil offices with one of the highest spiritual offices, and also being a member of the High Commission for the Colonies, he was in a position to consolidate and confirm whatever of authority over the American churches his predecessors in the see of London had enjoyed. So far as Virginia was concerned, the Bishop of London, as such, was henceforth regarded as rightfully possessed of a certain episcopal authority, and the exercise of a visitatorial and ministerial jurisdiction of this description, by him and his successors in the see, was informally sanctioned, both by Charles I. and Charles II.¹ The first step in the nature of any official recognition was taken in the instructions issued in 1679 to Lord Culpepper, as Governor of the Colony, by which he was directed to prefer no minister to a benefice without a certificate from the Lord Bishop of London of his conformity to the Church of England.²

¹ Perry's Hist., I., 74, 154.

² Memorial of Bishop Sherlock in 1759. Documents relating to the Col. Hist. of New York, VII., 360.

Similar provisions occurred in the instructions to other provincial governors far into the next century. In several cases, as in those issued in 1685 to Governors in the West Indies, and in 1758 to Governor Bernard, upon his going to New York, we find an addition of this kind :

"And to the end that the Ecclesiastical Jurisdiction of the said Lord Bishop of London may take place in our said Province so far as conveniently may be, We do think fit that you give all Countenance & Encouragement to the Exercise of the Same, Excepting only the Collating to Benefices, Granting Licenses for marriages, and probate of Wills, which we have reserved to you Our Governor and the Commissioner in Chief of Our said province for the time being."¹

Another article declared that no one was to come from England and keep school in the province "without the licence of the said Bishop of London."²

In the instructions given to the Governor of Jamaica, in 1681, we find the provision that any minister officiating without due orders should be reported to the bishop. Bishop Sherlock, in remarking upon this, in a memorial addressed to the King in Council, in 1759, observes that it does not appear to what such a report could lead, "the Plantations being no part of his Diocese, nor had he any authority to act there."³

The Bishop of London never visited Virginia, but he was represented in the Colony by a succession of commissaries, the most eminent of whom was James Blair, the founder of William and Mary College (1693).⁴ The bishop's commissary for the time being was *ex officio* a member of the Governor's Council, after the full establishment of royal power in 1683.⁵

¹ Doc. rel. to Col. Hist. of N. Y., VII., 363; Greene on the Provincial Governor, App., XX., 230, 253.

² *Ibid.*, Greene, 254.

³ Doc. rel. to Col. Hist. of N. Y., VII., 362.

⁴ Perry's Hist. of the Am. Episcopal Church, II., 420.

⁵ Fisher's Colonial Era, 270.

Not unnaturally, this jurisdiction gradually attached itself to the Church of England in all the other American colonies. The charter of 1681, granted to William Penn, provides for Pennsylvania, that if any twenty inhabitants in the province shall at any time apply to the Bishop of London to send them a minister, the person so sent out may reside in the province without molestation.¹ The commission granted during the same year to the Governor of Jamaica, Sir Thomas Lynch, authorized him to collate to benefices; but the accompanying instructions limited his choice to such as should present a certificate of conformity to the Church of England, issued by the Bishop of London.²

In 1685, James II. authorized Dr. Henry Compton, then Bishop of London, to exercise "all ecclesiastical jurisdiction in the plantations," but by his opposition to the abrogation of the Test Act he soon lost the royal favor, and in the instructions sent out to Governor Dongan, of New York, in 1686, he was commanded to prefer no minister to any benefice without a certificate of his good standing and character from the Archbishop of Canterbury.³ Upon the accession of William and Mary, Bishop Compton was reinstated in all his honors, and resumed the general charge of church affairs in the American colonies, though still without any formal commission.⁴ He was, however, placed upon the Committee of the Privy Council for Trade and Foreign Plantations, in 1689.⁵ In 1710, we find Gov. Spotswood, of Virginia, reporting to him in form as to the religious state of the colony.⁶ The Attorney-General and Solicitor-General were subsequently consulted as to the powers really vested in the bishop, as respected the

¹ 2 Poore's Charters and Const., 1515.

² Anderson's Hist. of the Col. Church II., 482, 483.

³ Perry's Hist. I., 74, 154.

⁴ See "An Account of the Propagation of the Gospel in Foreign Parts," London, 1704, reprinted in Anderson's Hist. II., 761, 763.

⁵ Doc. relating to the Col. Hist. of N. Y., III., xiv.

⁶ Winsor's Hist. of America, III., 148.

colonies, and in 1725 gave it as their opinion that a patent under the great seal was indispensable to any delegation by the sovereign of his supreme ecclesiastical jurisdiction.¹

Such a patent was first issued to the Bishop of London, when the see was held by Dr. Edmund Gibson, on Feb. 9, 1727. This was during the closing months of the life of George I., and being an act of personal confidence by the supreme head of the church in a particular individual, it died with the sovereign, on June 11, of the same year.

It was revoked in form by his successor, and a new one of similar tenor granted in the first year of his reign (April 29, 1728).

This patent is entitled :

“*Commissio Regia pro Exercenda Jurisdictione Spirituali et Ecclesiastica in Plantationibus Americanis,*”

and recites that the dominions of the crown in America had not yet been erected or divided into dioceses, or annexed to any English see, but that spiritual jurisdiction over them resides only in the crown (*nobis ut supremo Ecclesie in terris Capiti solummodo spectat*). It runs to Edmund, Bishop of London, not naming his successors, and grants him : “*authoritatem per te vel per sufficientem Commissarium tuum, vel commissarios tuos sufficientes per te substituendos et nominandos Exereendi jurisdictionem Spritualem et ecclesiasticam in respectivis Coloniis, Plantationibus, ceterisque Dominiis nostris in America, secundum leges et canones Ecclesie Anglicane infra Angliam legitime receptos et Sancitos, in specialibus causis et materiis inferius in his presentibus expressis et specificatis.*”

These powers were to visit all churches in which divine service shall have been celebrated according to the rites and liturgy of the Church of England, and their incumbents and all priests and deacons of that church (“*et non*

¹ Doc. relating to Col. Hist. of N. Y., VII., 364.

alios quascumque personas"). . . . "cum omni et omni modo jurisdictione potestate et coercione Ecclesiastica quoad præmissa requisita," and to summon them to appear, and to administer oaths to witnesses by himself or his Commissary, with power of censure, amotion, suspension, or excommunication, and to appoint and remove commissaries for this purpose in each of said Colonies, Plantations, and Dominions. The term of the commission was during the king's good pleasure. An appeal from any sentence was given to those who should hold at the time being the offices of Archbishop of Canterbury, Lord Chancellor, Archbishop of York, High Treasurer, President of the Privy Council, Keeper of the Privy Seal, Steward of the Palace, Chamberlain, Principal Secretary of State, Lord High Admiral and first Lord Commissioner of the Admiralty, Speaker of the House of Commons, Chancellor of the Exchequer and First Lord of the Treasury, Chief Justice, Master of the Rolls, and Chief Justice of the Common Pleas; and they or any three or more of them, being of the Privy Council, could confirm, change or revoke the sentence.¹

There was no appeal to the Bishop from a sentence passed by his commissary; for the latter acted for the bishop, and spoke with equal authority.²

Bishop Gibson acted under this commission for more than twenty years, until his death in 1748. It was not renewed in favor of his successor, and while, down to the Revolution, the Bishop of London continued to be regarded in America as having a certain jurisdiction over the episcopal churches there, it was really dependent on custom and acquiescence.³ The rectors of the leading churches here generally sought and received his "license," though it was often approved at a vestry meeting,⁴ and his

¹ Doc. relating to Col. Hist. of N. Y., V. 849.

² *Id.*, VII., 364.

³ *Id.*, V. 364, 412, 415.

⁴ Perry, I., 233, 375.

pastoral letters sent to this country were considered authoritative.¹

The first episcopal commissary in America was the Rev. William Morell, who came over to New England with Captain Robert Gorges, in 1623, and took up his residence at Wessagussett, afterwards called Weymouth, for about a year.² In Holmes's "American Annals," his commission is described as one coming "from the ecclesiastical courts."³ Gov. Bradford, in his history, says that "he had, I know not what power and authority of superintendencie over the churches, granted him, and sundrie instructions for that end."⁴ Bishop Perry states that he was sent out by "the sagacious and far-seeing Laud." If so, Laud must have acted as Bishop of St. David's, to which see he was appointed in 1621, not being translated to that of London until 1628. Be this as it may, while Mr. Morell is said to have made journeys of some length as a kind of superintendent of ecclesiastical affairs in New England, he kept his official character to himself, and did not make his commission known until he was about to leave for England in 1624.⁵ The next year he published in London a Latin poem, entitled *Nova Anglia*, which seems to have been the only substantial fruit of his year in America.

¹ Perry, I., 642. Rev. Samuel Hart, D.D., of Middletown, Conn., Secretary to the House of Bishops, has kindly called my attention to a paper read by Dr. Sinclair, Archdeacon of London, at the English Church Congress, held in October, 1899, in which the following statements occur:

"Every British subject in foreign parts was at one time, and is very likely now, regarded in law as sailing from the parish of Stepney, and every child born on the high seas is registered in that parish. This principle gave the Bishop of London jurisdiction over every member of the Church of England outside the British Islands. The diocese of London is the mother of the whole colonial church. From the foundation of the American colonies in the reign of Queen Elizabeth until the consecration of Bishop Seabury, little more than a century ago, the United States of America were part of the diocese of London."

I venture to think that this claim of jurisdiction is somewhat overstrained.

² His residence is assigned to Plymouth by the older annalists, but Charles Francis Adams in his "Three Episodes of Massachusetts History," I., 142, 154, 155, has put the facts in a clear light, showing that he only took ship at Plymouth for his return voyage.

³ *Ibid.*, I., 229.

⁴ Mass. Hist. Soc. Coll., 4th Series, III., 154.

⁵ Perry I., 81, 395; II., 600.

Gorges, no doubt, came over with the design of establishing a Church of England settlement, but it is probable that the two clergymen whom he brought with him were far from being in accord in their political views.¹ Morell must have been friendly to the extension of episcopal power. William Blackstone, his colleague, or co-voyager, on the other hand, if we may trust Mather, left England because he "did not like the Lord Bishops."

In Virginia, the royal governors long exercised jurisdiction in ecclesiastical matters, even in many things which would in England have been disposed of by the bishop, or under his authority. Under Sir George Yeardley's administration, the first Assembly enacted that sentences of excommunication were to be passed only by a convocation of the clergy at the capital, and presented to the Governor for ratification. Ministers not conforming to the laws of the Church of England were to be dealt with by the Governor and Council.² In 1660-61 the Assembly sent in a petition to the King that he might direct the Universities of Oxford and Cambridge "to furnish the Church here with ministers for the present."³ The best source of supply, however, continued to be the Bishop of London, and he it was who induced Dr. James Blair to go over in 1685,⁴ whose letters to the Governor, while seeking the charter for William and Mary College in London a few years later, are still preserved in Fulham Library. One of these, after referring to the institution of such a college as belonging so entirely to this bishop's province that it would be idle to press it at court, unless he should give his cordial support, proceeds to state that on account of his being somewhat out of favor then at court, he had been prevailed on to turn the matter over to the Archbishop of Canterbury, at the latter's request.⁵

¹ See the account of the Gorges Company in Adams's "Three Episodes of Massachusetts History," I., Chapters IX., XVIII.

² Perry's Hist., I., 68. ³ *Ibid.*, I., 114. ⁴ *Ibid.*, I., 115.

⁵ *Ibid.*, I., 116, 117.

The patent of incorporation was obtained in 1693, and named the Bishop of London as the first Chancellor.¹ This office continued to be filled by him and his successors in the see, with a single *interregnum*, until the Revolution.²

While Blair was conducting his negotiations at court, Sir Edmund Andros received his commission as Governor of the colony. His instructions made him also the "ordinary" of the province, representing the crown in its ecclesiastical prerogatives. The Bishop of London, moved probably by this encroachment on what had been recognized as an appurtenance of his office, sent back Blair armed with authority to act as his commissary for Virginia, and he seems to have been the first to exercise that office. The Governor and commissary soon came in conflict. The latter preferred charges against Gov. Andros before the Archbishop of Canterbury, and a trial resulted in the Governor's recall. Two of his successors, Gov. Nicholson and Gov. Spotswood, afterwards fell into a similar controversy with Dr. Blair, who was in each case successful in deposing his rival in ecclesiastical authority.³

Blair was the first President of William and Mary College, and his successors until the independence of the Colonies were all, like him, commissaries of the Bishop of London.⁴ In no other colony was the bishop's influence as strong, because in no other was the Church of England established on so firm a footing. As late as 1759 he interfered, at the solicitation of the clergy there to protect their livings, to defeat a law passed by the Assembly that tithes payable in tobacco might be discharged in money at two pence the pound, and procured its disapproval by the King in Council.⁵

The episcopal clergy residing in Maryland, shortly after the accession of William and Mary, addressing the Bishop

¹ Perry's Hist., I., 122. ² The College Book, 57. ³ Perry's Hist., I., 121.

⁴ The College Book, 57. ⁵ Bancroft's Hist. of the U. S., III., 405.

of London as their "Diocesan," requested him to send some one to that province "invested with such ample power and authority from your lordship as may capacitate him to redress what is amiss and supply what is wanting to the church."¹ This was followed by a petition from the Governor and Assembly that he would provide for the appointment and support of a "superintendent, commissary or suffragan."² If a suffragan were appointed it was proposed to give him a seat in the upper House of the Assembly.³ The Bishop responded by naming Rev. Thomas Bray as his commissary for the Province, who thereupon took the degrees of Bachelor and Doctor of Divinity at Oxford, the better to support the dignity of the office.⁴ He arrived in 1700, made an inspection of all the parishes, and procured the enactment of a statute that the prayer book of the Church of England should be read in every place of public worship in the province. This was going too far, and was met by a royal veto.⁵ A few years later he came in collision with the Governor, Sir Francis Nicholson, the same whom Dr. Blair afterwards succeeded in driving out of Virginia, over which Colony he was put (for the second time) in 1699. Sir Francis, in defending himself on this last occasion, quite lost his temper, and complained of his hard usage "by a parcel of Black-coats," referring to the two commissaries as men whose names are "monosyllables and begin with B."⁶

Dr. Bray was one of the most public spirited and enterprising men of his day in the Church of England. He was active in the establishment of parochial libraries on both sides of the Atlantic, and initiated a movement in that direction which resulted during his life in setting up about

¹ Perry's Hist., I., 137.

² *Ibid.*, I., 138. The Governor had, up to this time, been invested with the judicial powers incident to such an office. Anderson's Hist., III., 202.

³ Neill's English Colonization in America, 337. Dr. Bray disapproved of this part of the plan. *Ibid.*, 340, note.

⁴ Am. Hist. Review, II., 61. ⁵ Perry's Hist., I., 140. ⁶ *Ibid.*, I., 121.

forty in this country, and twice as many in England. In 1701 he obtained a charter from the crown under which was organized the Society for the Propagation of the Gospel in Foreign Parts.¹ At his request, his plans for more libraries and also for schools for negro children in the Colonies, were taken up after his death by a society whose first members he named, afterwards chartered by the name of the "Associates of Dr. Bray," and still in existence. Achdeacon Huetson of Armagh succeeded him as Commissary for Maryland, but never visited the Colony.² Bray sought to provide for his establishment there by making him *ex officio* a judge in testamentary causes, with the jurisdiction, previously vested in a civil magistrate, who had a salary of £300 a year. This scheme was opposed and defeated by the Governor.³ In 1716 Huetson's place was taken by two commissaries—one for the Eastern shore and one for the Western—but in 1729, the bishop consolidated the two offices in the hands of Rev. Jacob Henderson.⁴ The Governor of Maryland, however, under its peculiar form of proprietary government, had practically the episcopal power. He appointed the clergy in each of the parishes, of which, at the close of the colonial era, there had come to be nearly fifty.⁵ By a statute passed in 1771, every priest, on complaint of his church wardens and vestry, endorsed by the grand jury, was subject for cause to admonition and deposition from office by a court of seven, embracing three clergymen and three laymen, appointed by the Governor with the advice of the Council, and headed by the Governor himself, if he were a member of the established church, otherwise by the senior member of the Council who might be such.⁶

A somewhat similar law was passed in South Carolina in 1704, for the special purpose of getting rid of a Jacobite

¹ Perry, I., 142. ² Anderson's Hist., II., 639. ³ *Ibid.*, III., 282, 289.

⁴ *Ibid.*, I., 309.

⁵ Steiner's Life and Administration of Sir Robert Eden, 22, 33.

⁶ *Ibid.*, 51.

priest whom the Bishop of London had sent over a few years before, as rector of St. Philip's Church in Charleston, in response to a request made to him by the Governor and Council. The tribunal, in his case, was composed wholly of laymen, a majority of whom, it was said, had never been known to partake of the sacrament of the Lord's Supper, and after his deprivation, on complaint from the House of Lords, the Queen in Council annulled the Act.¹ Soon afterwards the Bishop of London sent over Rev. Gideon Johnson as his commissary for the Colony, but his authority as to the regulation of the clergy remained uncertain or disputed.²

Sir Francis Nicholson, the first royal governor, in 1720, came with instructions that the jurisdiction of the Bishop of London should be maintained, "except only the collating to Benefices, granting licenses for marriages, and probates of wills."³ Twenty years later this jurisdiction was exercised by his commissary in arraigining Rev. George Whitefield, the great "revivalist" of the 18th century, before an ecclesiastical court at Charleston, and sentencing him to suspension from the priestly office for praying and preaching at various "meeting houses" there, without using the Book of Common Prayer.⁴

Georgia, founded in the interest of Christian charity in its widest sense, and making liberty of conscience one of its fundamental principles, seems never to have been the seat of any episcopal commissary. John Wesley, while there, in 1737, styled himself the "Ordinary of Savannah," but was called to account for it by the grand jury.⁵

The licenses of the earlier clergymen in Pennsylvania came from the Bishop of London.⁶ Two of the rectors of Christ Church in Philadelphia—Rev. Archibald Cummings and Rev. Richard Peters—successively received from him the appointment of commissary during the 18th century.⁷

¹ Perry, I., 376, 377. ² *Ibid.*, 378, 382. ³ *Ibid.*, I., 384. ⁴ *Ibid.*, I., 386, 388.

⁵ *Ibid.*, I., 342, 344. ⁶ *Ibid.*, I., 232, 234, 240. ⁷ *Ibid.*, I., 237, 243.

In New York, we find the Bishop of London recognized as the Diocesan in 1690, and early in the next century he made Rev. William Vesey, a graduate of Harvard of the Class of 1693, his commissary for the province,¹ an office which he filled until his death in 1746. The charter of Trinity Church, granted by the royal governor in 1697, made the Bishop the rector, and directed that £100 a year be paid for the salary of the officiating minister. The "patronage and advowson" of the living, after the death or retirement of the first incumbent of the parish was, however, secured to the wardens and vestry.²

We hear nothing, after 1624, of episcopal supervision in New England until 1682, when Edward Randolph, the royal Collector of Customs, writes from Boston to the Bishop of London, urging him to send over suitable ministers, and referring to Massachusetts as being immediately under his (the bishop's) care. It is significant that he adds a suggestion that great help towards their maintenance can be secured by the prohibition of any marriages not celebrated by a clergyman of the Church of England.³ The Bishop responded by recommending Rev. Robert Ratcliffe as a proper person to organize a church at Boston, and in 1686 he arrived. The Archbishop of Canterbury, at a meeting of the Lords of the Committee for Trade and Foreign Plantations, had moved, though unsuccessfully, that one of the then Congregational meeting-houses in Boston should be appropriated for this purpose, and Randolph writes him, soon after Mr. Ratcliffe came, suggesting that each of them might be taxed twenty shillings a week for his support, and also that resort might be had to the funds previously contributed for the conversion of the Indians.⁴ During the following year, under Gov. Andros, the "Old South" was,

¹ Perry's Hist., I., 164. Doc. relating to Col. Hist. of N. Y., IV., 535; V., 420, 464.

² *Ibid.*, I., 162, 171.

³ Greenwood's Hist. of King's Chapel, 17, 19.

⁴ *Ibid.*, 29.

in fact, occupied for the services of the Church of England, much against the will of the society to which it belonged, and a kind of joint possession continued until after the accession of William and Mary.¹

The successors of Mr. Ratcliffe over what soon came to be known as King's Chapel were either named or approved by the Bishop of London down to 1746, and he also claimed, and on one occasion exercised the right of removal.² Down to 1729 he seems to have been conceded what was equivalent to a right of presentation, but after that the congregation presented, and he granted, the license.³

During the next year, the second episcopal commissary in New England was appointed—Rev. Roger Price. His functions seem to have been expressly confined to "inspecting the lives and manners of the clergy."⁴ In 1741, Gov. Shirley of Massachusetts, was furnished with a copy of Bishop Gibson's commission for record "in the Publick Records of the said Province," and instructed to "give all Countenance and due Encouragement to the said Bishop of London or his Commissaries in the legal exercise of such ecclesiastical jurisdiction according to the Laws of the Province under your Government, and to the Tenour of the said Commission."⁵

Mr. Price at this time was also the rector of King's Chapel, and upon resigning that office, in 1746, the congregation took the revolutionary step of choosing his successor, themselves, without any reference of the matter to the Bishop of London.⁶ The commissary made no objection, sailing for England soon after the installation, and I find few later traces of British episcopal supervision over New England. One such is a letter of congratulation from the minister, wardens and vestry of King's Chapel,

¹ Greenwood's Hist. of King's Chapel, 38-44. ² *Ibid.*, 54, 62, 66, 70, 105.

³ *Ibid.*, 88, 98, 165, 166, 173, 177. ⁴ *Ibid.*, 89, 94.

⁵ Mass. Archives, vol. 49, No. 52, *et seq.*, 42d Article of Instructions (Appendix C.) ⁶ Greenwood's Hist. of King's Chapel, 105.

written two years later, on the translation of Dr. Thomas Sherlock to the see of London, in which it is stated that they have the honor to be esteemed a part of his diocese.¹ That there were some in Boston who cherished these sentiments to the very end of the colonial era may be inferred from the mysterious disappearance of the Bradford manuscript from the "New England library" of Thomas Prince, and its equally mysterious appearance as a possession of the Fulham library, from which, through the efforts of this Society, it was, after a hundred years or more in the "Muniment Room over the Gateway of Fulham Palace," so graciously restored in 1897. Indeed, in the decree of the Consistorial and Episcopal Court of London, by which the return was authorized, it is stated that down to 1776 the Colony of Massachusetts "was by custom within the diocese of London for purposes Ecclesiastical, and the Registry of said Consistorial Court was a legitimate Registry for the Custody of Registers of Marriages, Births and Deaths within the said Colony."²

That there were those in Connecticut who acknowledged, as late as 1747, the episcopal authority of the see of London, is shown by the records of the first ecclesiastical society in New Cambridge, afterwards known as Bristol. At a meeting held in July of that year a call was extended to a Calvinistic minister, much against the will of an Armenian minority, whereupon, reads the entry, "here it must be noted that at the same meeting Caleb mathews, John hikox, Caleb Abernathy, Abner mathews, Abel Royce, danell Roe & simon tuttel publikly declard themselves of the Church of England and under the bishop of London." The first name on this list was that of the chairman of the society's committee, and the malcontents shortly afterwards formed an episcopal church, which

¹ Greenwood's Hist. of King's Chapel, 179.

² Account of the Part taken by the American Antiquarian Society in the Return of the Bradford Manuscript, 80.

maintained a feeble existence until 1792, and numbered among its adherents Moses Dunbar, the only Tory in the State who was ever executed for treason.¹

The appointment of a Commissary for Connecticut was discussed in 1760, and a prominent clergyman of that colony was named by President Johnson, of King's College, to the Archbishop of Canterbury, as a proper person for the position, whenever such action was taken, but nothing came of it.²

General directions were drawn up by Bishop Gibson, in the early part of the 18th century for all the commissaries in the American colonies.³ Dr. Douglas, a very intelligent as well as plain spoken annalist, writing a few years later, tells us that, while the Bishop of London is the Diocesan of America,⁴ his commissaries hold "only a nominal office."⁵ They had to meet not only the natural jealousy of Christians of other denominations, but the apprehension of those in civil authority that they might encroach on their official jurisdiction.⁶ The crown officers also were always watchful to prevent anything to the prejudice of the ecclesiastical prerogatives of the sovereign. The Massachusetts Congregationalists were made to feel this in 1725, when the colony had convoked a synod of their churches, and the Lords Justices interposed an emphatic veto.⁷

From an early period in colonial history, there had been a feeling among many in the Church of England in favor of appointing American bishops. In 1661 it was urged as a necessity in Virginia, in a pamphlet entitled "Virginia's Cure," addressed to the Bishop of London.⁸ Sheldon at

¹ Addresses at the 150th Anniversary of the First Congregational Church, Bristol, Conn., October 12th, 1897, pp. 25, 39.

² Doc. relating to Col. Hist. of N. Y., VII., 439.

³ Greenwood's Hist. of King's Chapel, 94.

⁴ Douglas's Summary, I., 228.

⁵ *Ibid.*, 230, II., 119, note, 145.

⁶ See Steiner's Life and Administration of Sir Robert Eden, 33.

⁷ Douglas's Summary, II., 337.

Anderson's Hist., II., 562, 566.

this time filled the see, and the application fell on dull ears. Burnet has described him thus: "He seemed not to have a deep sense of religion, if any at all; and spoke of it most commonly as of an engine of government, and a matter of policy. By this means the King came to look on him as a wise and honest clergyman."¹ In 1664, in the set of private instructions issued to the Commissioners for New England, they were especially cautioned not to foment any sentiment on the part of those adhering there to the Church of England in favor of an American Episcopate, as it must be opposed to the general views of a people who had so recently "separated themselves from their owne country and the religion established, principally (if not only) that they might enjoy another way of worship."²

A few years later, under the influence of different counsels, a patent was actually made out to constitute Rev. Dr. Alexander Murray, Bishop of Virginia, with a general charge over all the American provinces; but it was never executed.³ In 1695, an army chaplain, licensed by the Bishop of London, who had been stationed at New York, in a report to him, urged that New York, New Jersey, Connecticut and Rhode Island should be made a single province, which should also be an episcopal diocese, with New York as the cathedral city. The Bishop was to be *ex officio* Governor of the province, which was to be augmented by adding Canada, if that could be secured from the French.⁴ In 1700, the Lords of Trade made formal application to the Bishop of London to "obtain for the colonists the advantage of ecclesiastical supervision."⁵

The American clergy were warmly in favor of some measure towards setting up American bishoprics, and

¹ Hist. of his own Time, I., 177.

² Doc. relating to Col. Hist. of N. Y., III., 59.

³ Perry's Hist., I., 396.

⁴ Hildreth's Hist. of the U. S., II., 192; Doc. relating to Col. Hist. of N. Y., IV. 182, note.

⁵ Palfrey's Hist. of New England, IV., 189.

became more active after the Act of Union between England and Scotland of 1707, which, in declaring the Church of England to be the established religion in her "territories," was claimed by some to make it such in every colony.¹ Dean Swift had hopes during the next year of securing an appointment as Bishop of Virginia, and we have several letters which passed between him and his friend, Gov. Hunter of New York and New Jersey, and previously of Virginia, in reference to the subject.² The Society for the Propagation of the Gospel in Foreign Parts, which had been chartered in 1701, presented a memorial to Queen Anne in 1713, asking for the foundation of two dioceses on the American continent, one having its seat at Burlington, New Jersey, and the other at Williamsburg, Virginia.³ For this purpose, the society had bought, the year before, through Gov. Hunter, a handsome residence at Burlington, as the bishop's seat, and given him directions to prepare it for immediate occupancy.⁴ The sickness of Queen Anne, followed by her death in 1714, was all, probably, that prevented the consummation of this scheme. Ten years later Dr. Richard Welton, who had been secretly and irregularly consecrated to the episcopate by Dr. Ralph Taylor, one of the Jacobite, non-juring bishops of the day, came over to Philadelphia, and took charge of Christ's Church. It is probable that he had previously in his assumed capacity of bishop assisted Dr. Taylor in endeavoring to elevate another American clergyman, Rev. Dr. John Talbot, of New Jersey, to the same position.⁵ Neither ever openly discharged episcopal functions, but there is much to

¹ Douglas's Summary, I., 226; II., 336. Beardsley's History of the Episcopal Church in Connecticut, I., 50. Beardsley's Life of Bishop Seabury, 86, 464. Doc. relating to Col. Hist. of N. Y., VII., 373.

² Swift's Works, Nichol's Ed., X., 79, 91, 295.

³ Greenwood's Hist. of King's Chapel, 80.

⁴ Swift's Works, X., 295; Perry's Hist., I., 602.

⁵ Anderson's Hist. of the Colonial Church, III., 351.

indicate that both occasionally, while in America, assumed them in secret.

Talbot had long before been urgent for the appointment of a suffragan bishop, to act under the Bishop of London.² No appointment of that character had been made in England since that of Dr. Sterne, as suffragan bishop of Colchester, in 1606, and none was made again until 1869, when a suffragan bishop was consecrated for Nottingham, in the see of Lincoln. The clergy of Maryland went so far as actually to elect one of their number, Rev. Mr. Colebatch, to that position for their colony, and the Bishop requested him to repair to London for consecration.³ The nominee was about to sail, when the legislature prohibited it, and the courts granted a writ of *ne exeat* to prevent his departure.⁴

Bishop Compton's views on this subject are given in a paper found in the archives of Lambeth, and probably presented by him to the Archbishop of Canterbury. It is dated in 1707, and he begins by saying that it would be impolitic to create an absolute American bishop, as "it will give as great alarm to the several colonies, as it did in K. Charles y^e 2^{ds} time, when there came over Petitions and addresses with all violence imaginable." "Now," he continues, "a Suffragan would come among them with all necessary power to restrain vice and keep good order, without any noise or clamour," adding that "they having been already used to a Commissary, a Bishop will come in upon them more insensibly, if he comes over by the same Authority, and under y^e same Jurisdiction as the other did."⁵

In 1715, we find Gov. Thomas Dudley, of Massa-

¹ See a labored argument against the probability of Dr. Talbot's consecration, in Perry's Hist., I., 541-560.

² Doc. relating to Col. Hist. of N. Y., V., 473.

³ Perry's Hist., I., 397, 404.

⁴ *Ibid.*, I., 406. Anderson's Hist., III., 295.

⁵ Doc. relating to Col. Hist. of N. Y., V., 29.

chusetts, signing a petition for the appointment of an American bishop, but there were few in New England who looked upon such a measure otherwise than with strong aversion.¹ It was the same in Pennsylvania. Nor did George I. look on the extension of the power of the establishment with the interest of Queen Anne. Bred a Lutheran, his natural sympathies were rather against than for the spread of episcopacy. The English dissenters found him their friend, and in 1718, were encouraged to expect his assistance in promoting the repeal of the Test Act.²

It was a period also of depression for Protestantism generally. The enthusiasm of the days of the Reformers had passed away. Methodism had not yet come to wake the Church of England to better things.³ Too many of the clergy and missionaries whom it had sent to the colonies were place hunters who had little zeal for anything but their salaries. They needed, no doubt, the regulating care of bishops, but there were few of them who desired it. Dr. Edmund Gibson became Bishop of London in 1720. He found himself in a position of responsibility without power, with reference to American affairs. Religion was at a low ebb in the colonies as well as at home. The morals of the people were correspondingly sunk. He preferred a petition to the King that in the instructions that might be issued to the Governors of the American plantations they might be especially enjoined to use vigor in executing the laws "against blasphemy, adultery, fornication, polygamy, incest, profanation of the Lord's day, swearing and drunkenness." In this he was successful, and we find his recommendations bearing fruit under the succeeding sovereign.⁴

¹ Mass. Hist. Soc. Coll., 5th series, VII., 62.

² Mahon's Hist. of England, I., 240.

³ *Ibid.*, I., 457.

⁴ Greene on the Provincial Governor, App., 254. Mass. Archives, Vol. 49, No. 52, *et seq.* Instructions to Gov. Shirley, Sept. 10, 1741 (Appendix C). These instructions

On Gibson's death in 1748, the *modus vivendi* created by the commission in his favor being at an end, the question of an American episcopate was again agitated. A scheme for such an establishment in the colonies or some of them south of New England, was formulated by Bishop Butler in 1750. They were to have no civil functions, no coercive powers over the laity, and were not to be a charge on the colonial governments.¹ Mild as this was, it found no favor, its supporters being met by the argument that if one Act of Parliament went thus far the colonists had no security that another would not go farther. Butler died two years later, and in 1758, we find his old friend and fellow student (at a time when both were dissenters), Archbishop Secker, in a letter to President Johnson, of King's College, in New York, regarding the creation of American Bishoprics, saying that it was useless to push the matter at that time, and that it had received some years before "a most mortifying check, by means of an unseasonable step, which a worthy and able prelate took to promote it and of which its opposers made their advantage."²

The next year, however, an important memorial was addressed to the King in Council, by Dr. Sherlock, Gibson's successor in the see of London, reviving the plan for one or more suffragan bishops, but advocating their appointment only for the American provinces in which the Church of England was established by law. He referred particularly to the two Carolinas, Virginia, Maryland, Jamaica, Barbadoes, Antigua, Nevis and the Leeward Islands, and expressly excluded New England and Pennsylvania.³

(43) are, *inter alia*, that he shall enforce the existing laws of the Province against these offences, "by Presentment upon Oath to be made to the Temporal Courts of the Church Wardens of the several Parishes, or other proper officers to be appointed for that purpose."

I am indebted for this reference to the courtesy of our associate, Andrew McFarland Davis, Esq.

¹ Annual Register for 1765, 108. ² Doc. relating to Col. Hist. of N. Y., VII., 346, 348.

³ Doc. relating to the Col. Hist. of N. Y., VII., 360, 365, 366.

The correspondence of Archbishop Secker with President Johnson shows that at least one of the ministry (Lord Halifax) looked with favor on these plans.¹ Dr. Johnson was urgent for immediate action. He was not unreasonably indignant at American opposition to the appointment of bishops to exercise a simply spiritual jurisdiction over adherents to their own church, and was ready to sacrifice the colonial charters which had made their governments strong enough to resist the movement so long and so successfully. In 1763, he urges upon Secker that something be done "either for obtaining Bishops or demolishing these pernicious charter Governments and reducing them all to one form of immediate dependence on the King."²

Such letters, and another, in which Johnson refers to his native colony of Connecticut as one that might "in effect be called a Commonwealth of hypocrites,"³ sufficiently explain why there was never a colonial bishop before the Revolution. There were too strong political reasons against it. It would diminish the importance of the colonial governors, by trenching upon what had been their prerogatives in affairs of an ecclesiastical character.⁴ It would also tend to abridge the jurisdiction of the colonial assemblies; for if the crown should appoint bishops for America, not only might it naturally proceed to impose a religious establishment, but the very assertion of authority in such matters, as John Adams pointed out in 1774 to the people of Boston in the letters of *Novanglus*,⁵ implied authority to legislate or govern in all matters, so far as parliament might think proper to go. In his old age, Adams wrote in the same spirit to an historical scholar, that, during the years immediately preceding the Revolution, the apprehension of an American Episcopacy

¹ Doc. relating to the Col. Hist. of N. Y., VII., 439, 446, 448, 449, 566. See Annual Register for 1765, 108.

² *Ibid.*, VII., 592. ³ *Ibid.*, VII., 440.

⁴ See *Town of Pawlet v. Clark*, 3 Cranch's Reports, 292; Anderson's Hist., III., 566.

⁵ Life and Works, IV., 66.

contributed as much as any other cause to urge the common people "to close thinking on the constitutional authority of Parliament over the Colonies."¹

Rev. Jonathan Boucher, formerly of Virginia, in his *View of the Causes and Consequences of the American Revolution*, published in London in 1799, declared that the feeling against bishops was "one great cause."² It was especially strong throughout New England. All her traditions were against the institutions of episcopacy. In an early election sermon in Massachusetts, quoted by Cotton Mather,³ the preacher, in stating the reasons for the settlement of the colony, named first the desire to "worship God without that Episcopacy, that common prayer, and those unwarrantable ceremonies with which the land of our forefathers' sepulchres has been defiled."

The founders of New England had also, from bitter personal experience, a dread of Bishop's courts, and a fear that some degree of civil power would attend the advent of any American episcopate. The colonial jurisdiction of the Bishop of London was wholly confined to matters affecting the regulation of the American churches which were under his supervision. Only an Act of Parliament could extend the arm of a spiritual court into the colonies.⁴ Only an Act of Parliament could set up an American Bishopric. Such an Act was as much dreaded by the mass of the community as it was desired by the adherents of the Church of England. About the middle of the eighteenth century a war of pamphlets and newspaper letters on this subject began to rage, the storm centre starting in Boston,⁵ and the matter soon began to assume a political character.

Among other aspirants to an American see was Dr.

¹ *Life and Works of John Adams*, X., 185.

² See a discussion of this point in Chamberlain's *John Adams and other Essays*, 25.

³ *Magnalia*, I., 219.

⁴ *Stephen's Commentaries on the Laws of England*, I., 102.

⁵ Winsor's *Hist.*, VI., 70, 243; VIII., 498; Perry's *Hist.*, I., 412, *et seq.*; *Life of Peter Van Schaack*, 10.

George Berkeley, a son of the Bishop of Cloyne, who wrote to a friend in Connecticut, in 1772, to ask if some Colonial assembly might not be willing to establish one, under a law by which the bishop should be incapable of translation to any English or Irish diocese.¹

One result of the newspaper controversy was to further a movement for drawing together the New England Congregationalists and the Presbyterians of the Middle States. A plan of union was proposed, though never consummated. During the negotiations, a letter was drafted and filed with the records of the New Haven East Association in Connecticut, setting forth in warm colors the dangers to be apprehended from any Act of Parliament to create an American bishop, and written as if it were intended for some friend or agent of the colonies in the mother country. It is to be found in the "Minutes of the Convention of Delegates from the Synod of New York and Philadelphia and from the Associations of Connecticut, held annually from 1766 to 1775 inclusive," and is there² headed thus: "Suppose a gentleman in the Colonies should write to his correspondent in London as follows." No address or signature is given. Among the papers left by Roger Sherman was found a copy (or the original) of this paper, in his handwriting. It is inserted in full in his biography by Boutell,³ who hazards the conjecture that Sherman wrote it, in 1768, to send to William Samuel Johnson, who was at that time representing the Colony of Connecticut at London, in the defence of the "Mohegan case," then pending on appeal before the King in Council. I think it probable that the letter came from Sherman's pen, but not that it was written to Johnson, who was a warm friend of episcopacy, in close relations with the Bishop of London, and at that very time was using his influence to promote the scheme for the creation of

¹ Beardsley's *Life of Wm. Samuel Johnson*, 96.

² P. 13. ³ *Ibid.*, 65.

American bishoprics.¹ It is more probable that it was designed for Richard Jackson, of the Inner Temple, who had been since 1760 the efficient agent of the Colony at Court,² and to whom Gov. Trumbull wrote on this subject in 1769.³ He received the degree of Doctor of Laws, from Yale, a few years later, of which institution Sherman was the Treasurer from 1765 to 1776, and when Jackson retired from the Colony agency in 1771, and the Assembly voted him "a piece or pieces of plate," suitably inscribed, at an expense of not exceeding £150, as a mark of their appreciation, Sherman and Johnson were on the committee appointed to select and present it.⁴ It is not improbable, therefore, that Sherman and Jackson had been in correspondence, and the letter in question is not only too formal and impersonal to have been meant for Johnson, but would certainly have been thought by him highly overstrained. It may have been intended for the Chairman of the London "Committee for managing the civil affairs of the Dissenters," with whom the New England Congregational bodies were in active communication at this time.⁵

The movement for the creation of American bishoprics by British authority, however, was destined to die in the house of its friends. In 1771, a convocation of the clergy of Virginia, where the Church of England was still established, assembled at the call of Dr. Camm, the commissary of the Bishop of London, for that colony, declined an overture from some of their clerical brethren in New York and New Jersey for an address to the King on this subject, and the House of Burgesses denounced it as a "pernicious project."⁶ The shadow of the Revolu-

¹ Beardsley's *Life of Wm. Samuel Johnson*, 37, 38, 51, 52, 76, 96, 98. See his guarded letter of Feb. 26, 1770, to Gov. Trumbull, in *Mass. Hist. Soc. Coll.*, 5th Series, IX., 412.

² *Col. Rec. of Conn.*, XI., 358; XII., 255; XIII., 518.

³ *Mass. Hist. Soc. Coll.*, 5th Series, IX., 390, 434.

⁴ *Col. Rec. of Conn.*, XIII., 518.

⁵ *Minutes of the Convention of Delegates, etc.*, 14, 22, 65.

⁶ *Anderson's Hist.*, III., 252, 253.

tion was already cast over the American churches, and they were in no temper to invite a new tie between them and the mother country.

Shortly after the recognition by Great Britain of the independence of the United States, an Act of Parliament was passed giving the Bishop of London power to ordain priests and deacons who might come to him for that purpose from foreign countries, without requiring from them the customary oaths of conformity and allegiance. This was intended for the benefit of American Episcopalians. Pitt, who had recently taken his place as prime minister, was strongly urged to go farther, and allow the consecration of foreign bishops under similar conditions, but declined, believing that it might be regarded as an unfriendly act by the United States.¹

Dr. Samuel Seabury, who went to London in 1783, with the recommendation of the Episcopal clergy of Connecticut for his consecration, sought an early interview with the Bishop of London. Dr. Lowth, who then occupied that see, had, a few years before, while holding that of Oxford, spoken strongly in favor of the appointment of American bishops.² He was now, however, in declining health, and indisposed to take any active part in endeavoring to secure the necessary changes in legislation.³ The Archbishops received Dr. Seabury with even greater coolness, and he contented himself with obtaining consecration at the hands of the non-juring Jacobite bishops of Scotland. One of them, Dr. Skinner, preached a sermon on the occasion, in which he said that the successors of the Apostles were bound by their commission, to contribute to the spread of the Church, without restraint from fear of worldly censure or dependence on any government whatever, adding that as for the Scottish clergy, they

¹ Beardsley's *Life of Wm. Samuel Johnson*, 99; Beardsley's *Life of Bishop Seabury*, 133, 173, 229.

² Anderson's *Hist.*, III., 257, note.

³ Beardsley's *Life of Seabury*, 120.

had been accustomed to show more regard to the Acts of the Apostles than to the Acts of the British Parliament.¹ The discourse was published, though without the author's name, and elicited an anonymous letter, signed "a dignified clergyman of the Church of England," addressed in 1785 to the *primus* of the Scottish episcopate, Dr. Kilgour, which justly and temperately criticised the covert fling at the English bishops for having held aloof from Dr. Seabury. It is attributed by high authority to Bishop Lowth, and, if written by him, was the last important act of the Bishop of London, with reference to what had been the principal part of his American charge. A year or two later, he joined, with the Archbishop of Canterbury, in a memorial to the King, which led to the creation of the first Anglican bishopric in America, or indeed any British colony, that of Nova Scotia, in 1787.²

¹ Beardsley's *Life of Seabury*, 182, 186.

² *American Hist. Review*, I., 312.

APPENDIX A.

Copy of the original Patent of April 28, 1634, made in 1899 by Arthur F. Heintz of St. Agnes, Fensgate's Road, Redhill, Surrey.

PATENT ROLL, No. 2650,

10 CHARLES I. PART 9.

No. 3 back of the Roll.

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 Archiep̄o
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Rea t̄i Reverendissimo in Xpo p̄ri & ꝑdileo
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 ditina Cantuariens̄ Archiep̄o totius Angl̄
 Primat̄ & metropolitano ꝑdileo & ꝑꝑ̄m̄ꝑdeli
 Consiliari n̄ro Thomae D̄no Coventry magni si-
 -gilli n̄ri Angl̄ Custod̄ Reverendissimo in Xpo
 p̄ri ꝑdileo & ꝑꝑ̄m̄ꝑdeli Consiliari n̄ro Ricco
 ꝑvidencia divina Eborac̄on Archiep̄o Anglie
 Primat̄ & metropolitano ꝑdileo & ꝑꝑ̄m̄ꝑdeli
 -bz Consanguineis & Consiliari n̄ris Ricco
 Comit̄ Portland summo Thesaurari n̄ro Angl̄
 Henr̄i Comit̄ Monasteri Privat̄ Sigilli n̄ri
 Custodi Thomae Comit̄ Arrundell & Gūm̄ Comit̄
 Marschall Angl̄ Ed̄ro Comit̄ Dor̄ Camerari
 ꝑcharissime Consortis n̄re Regine & d̄it̄is
 & fidelibz Consiliari n̄ris Francisco D̄no
 Cottington Cancellari & Subthesaurari - Sc̄ci
 n̄ri Thomae Admon̄s mit̄ Thesaurari hospicii
 n̄ri Henr̄i Fane mit̄ contr̄olator̄ eiusdem
 hospicii n̄ri Johi Coke mit̄ Secretari n̄ri
 primari vni & Francisco Windbank̄e mit̄
 Secretari n̄ri primari alteri salt̄m Cum
 subditor̄ n̄ror̄ & n̄p̄ p̄ris n̄ri d̄ni Jacobi
 n̄p̄ Regis Angl̄ memorie recolende nonnull̄
 Regia Luc̄n̄ mediante Imperii n̄ri Territoria
 non tantum dilabande studio sed ꝑcipue
 ex pio & religioso D̄ni n̄ri Iesu Xpi Evange-
 -lii ꝑꝑ̄ꝑ̄ndi affectu & desiderio copiosas
 gentes Anglicane Colonias summa industria &
 magnis expens̄ in diuersas mundi plagas in
 cultas penitus & incolis vacuas vel a
 Barbaris

Barbaris nullam divinam vimus noticiam
 hientibz occupac̄ deduc̄ fecerunt. Nos eorū
 tranquillitate popic̄o valentes ḡiose & quide
 v̄mq; fide p̄dentia iusticia & p̄vida circum-
 -spec̄tōe plenius confidentes Constitui⁹ vos
 p̄dict̄ Archiep̄um Cantuar̄ d̄m Custod̄ mag-
 -ni Sigilli n̄ri Angl̄ Eboracen̄s Archiep̄um
 d̄m Thesaurar̄ n̄ri Angl̄ d̄m Custod̄ Privat̄
 Sigilli n̄ri Comit̄ Marschall̄ Angl̄ Edm̄
 Comit̄ Dor̄ Franciscum d̄m Cottington Tho-
 -mam Remond̄ mit̄ Henricum Fane mit̄ Joh̄m
 Locke mit̄ St̄ Franciscum Windebanke mit̄ &
 quoslibet quinq; vel plures v̄m Comissionarī
 n̄ros & vos & quibuscūq; quinq; vel pluribz v̄m
 dam⁹ & comittim⁹ potestatem ad Regimen
 & tutamen d̄carū Coloniarū deductarū vel
 que gentis Anglican̄e imposterū fuerint in
 partibz h̄m̄arū deducte leges constituc̄ōes &
 ordinac̄ōes seu ad publicum Coloniarū illarū
 statum seu ad privatam singulorū utilitatem
 p̄tinentes eorūq; Cras bona deb̄a & successio-
 -nem in eisdem partibz continen̄ ac qualibz
 invicem & erga principes ext̄os eorūq; po-
 -puli. Nos eciam & subditos n̄ros tam in
 partibz ext̄is quibuscūq; q̄m in mari in
 partes illas vel retro navigante se gerant
 vel que ad sustentac̄ōem b̄leri regimen
 vel curam ac̄arū populi in p̄tibz illis de-
 -gentis exercentis congruas portōes in deci-
 -mis oblac̄ōibz aliōq; p̄ventibz decernendo
 spectant iuxta sanas discret̄ōes suas in
 politicis & civilibz & tuto Concilio duorū vel
 trium Ep̄orū quos ad vos convocandos duxeritis
 necessarios in lecticis & b̄lero portōes deleg-
 -nant̄ condendi facienti & edendi ac in
 legum constituc̄ōe ordinac̄ōe illarū violatorū
 penas

illas plenam juris firmitate adipisci &
 ab omnibus quorum interesse potest inviolabiliter
 observari volumus & mandamus licet tamen
 vobis quibus vel pluribus vobis ut predictum est leges
 constitutiones & ordinationes sic edentes licet
 promulgatae fuerint assensu nostro Regis mutare &
 vocare & abrogare aliasque novas in forma predicta
 de tempore in tempus facere & edere ut predictum est
 novisque emergentibus malis vel periculis nova appo-
 -nere remedia quae decet toties quociens expedierint
 vobis videbitur & necessarium Scitis vobis quod
 constitutionibus vos & quolibet quibus & plures
 vobis prefatus Willielmum Archiepiscopum Cantuariensem Thomam
 ducem Coventry magni Sigilli nostri Regis Custodem
 Ricardum Eboracensem Archiepiscopum Ricardum Comitem Port-
 -land Henricum Comitem Manchester Thomam Comi-
 -tem Arundell & Henricum Comitem Dorset Fran-
 -ciscum ducem Cottingham Thomam Eboracensem mit
 Henricum Facem mit Johannem Coke mit & Franciscum
 Wimplebanck mit Commissionariis nostris ad au-
 -dicendum & Eminenti iuste sanas discretiones
 vestras omnimodas querelas sive contentiones
 ipsas seu eorum prefatos vel procuratores ad
 instantiam partis quae vel ad debentem
 de injuriis hinc vel inde inter ipsas vel
 ipsorum membra aliquod allat movendas partes
 coram vobis evocare ac partibus vel eorum prefatos
 hinc & inde... auditis plena iusticie complementum
 exhibent Quatenus vobis & quibuslibet quibus vel
 pluribus vobis quod sive quas Coloniarum predictarum
 vel aliquam Prefectorum eorum ditiones alienas
 iniuste possident vel usurpando vel in-
 -vicem seipsos quando seu vobis rebelles
 a fide nostra subtrahendo aut mandatis nostris
 non obtemperantes inventis nobis prius in
 hac parte consultis Coloniarum hinc &
 Prefatos

Prefectos eorum ob causas predictas vel alias justas
 de causis vel in Angliam redire aut ad alia
 loca designanda divertere mandare sub vestris
 sanas discretiones vestras equam justum vel ne-
 cessarium videbitur. Datum in supradictis & quibuslibet
 quinque vel pluribus vestrum potestatem & man-
 datum speciale ad omnia Cartas, Chartas, patentes
 & recripta Regia de Regionibus, Provinciis Insularibus
 vel Terris in partibus ecclesiarum Coloniarum de duodecim
 concessis coram vobis. Duci faciunt in quibus
 inspectis si que eorum surreptivum vel indebitum
 obtinuerint vel per eadem privilegia libertates vel
 prerogative nos & Coronam nostram vel principibus
 ecclesiarum nociva & prejudicialia indulta vel
 concessa fuere vobis quinque vel pluribus vestrum
 innoveat ea secundum legem & consuetudinem
 regni nostre Anglie revocari jubere ceteraque asser-
 di que ad regimen salutare & tutamen
 Coloniarum predictarum & Subditorum nostrorum in eisdem
 residentium fuerint necessaria. Et ideo vobis man-
 damus quod circa premissa ad dies & loca que
 ad hoc fuerint diligenter sitis intendentes
 sicut decet. Precipimus etiam & firmiter in-
 jungerimus damus in mandatis omnibus & singulis
 prefectis Provinciarum in quibus Colonie predictae
 deducte sint, vel fuerint & singulis de Colo-
 niis ipsius & aliis quorum in hac parte interest quod
 vobis in premissis sint intendentes mandatisque
 vestris in eisdem obtemperantes & obedientes
 quocumque & sicut ex parte nostra fuerint requisitum
 periculum incumbentem. In cuius rei testem
 apud Westmonasterium octavo die Aprilis
 per breve de privato sigillo.

APPENDIX B.

Draft in English of Patent of April, 28, 1634 (calendared as a copy of the Patent,) preserved in the "State Papers, Colonial."

Transcribed in 1899, by Arthur F. Heintz, of St. Agnes, Fengate's Road, Redhill, Surrey.

State Papers. Colonial, 1574-1660. Vol. viii. No. 12.

"A Commission for y^e makeinge Lawes & ordenes for Government of English Colonies planted in Forraigne parts.

Dated xxviii Aprilis An^o Caroli Regis, x^{mo} Añoq. Dñi 1634.

Charles by the Grace of God King of England Scotland France and Ireland Defender of the Faith &c To the most reverend Father in God our welbeloved and most faithfull Councillor William by Divine Providence Archb^{pp} of Canterburie of all England Primate and Metropolitan, our welbeloved and most faithfull Cuncello^r Thomas Lord Coventry Lord Keeper of the greate Seale of England The most reverend Father in Christ our welbeloved and faithfull Cuncello^r Richard by Divine Providence Archb^{pp} of Yorke Primate and Metropolitan, our welbeloved & most faithfull Cozens and Cuncello^{rs} Richard Earle of Portland o^r high Trer of England, Henry Earle of Manchester, Lord Keeper of our Privie Seale Thomas Earle of Arundell and Surrey Earle Marshall of England, Edward Earle of Dorsett, Chamberlaine to o^r most deare Consort the Queene, And our welbeloved and faithfull Cuncello^{rs} Fraunces Lord Cottington Chancello^r and Under Treasuro^r of our Exchequer, S^r Thomas Edmonds knight Treasurer of o^r Howshold, S^r Henry Fane Knight Comptroller of the same Howshold, S^r John Coke Knight one of our Privie Secretaries and S^r Francis Windebancke Knight one of our Privie Secretaries Greeting. Whereas very manie of our Subjects and of our late Fathers of blessed memorie our Sovereigne Lord James King of England by meanes of Lycence Royall, not onlie with desire of enlarginge y^e Territories of o^r Empire but cheifely out of a pious and religious affection and desire of propagatinge the Ghospell of our Lord & Saviour Jesus Christ, have planted large Colonies of the English Nation in divers parts of the world altogether unmanured and voyde of Inhabitants, or occupied of the barbarous people that have noe knowledge of Divine wor^{pp}. Wee being willing graciouslie to provide a remedie for the tranquillitie and quietnes of those people and being very Confident of your faith Wisdome Justice and provident Circumspection have constituted you the aforesaid Arch^{pp} of Canterbury Lord Keeper of the greate Seale of England The Arch^{pp} of Yorke, The Lord Treasuro^r of England Lord Keeper of the Privie Seale, The Earle Marshall of England, Edward Earle of Dorsett, Francis Lord Cottington S^r Thomas Edmonds Knight S^r Henry Fane Knight S^r John Coke Knight and S^r Francis Windebancke Knight or any five or more of yo^u o^r Commissioners And to you five or more of yo^u Wee doe give and committ Power for the Government and safetie of the said Colonies drawne, or w^h out of the English Nation into those partes shalbe drawne, to make Lawes Constitutions & Ordinances pertainyng

either to the publique State of those Colonies or the private profit of them and concerning the lands Goods debtes and Succession in those partes and how they shall demeane themselves towards forraigne Princes and their people, or how they shall beare themselves towards us and our Subjectes aswell in any forraigne Partes whatsoever, or on y^e Seas in those partes or in their returne saylinge home, or which may appertaine to y^e maintenance of the Clergie Government, or to the cure of Soules amonge the people living and exercising Trade in those partes by designing out congruent portions arising in Tithes oblations and other things there accordinge to your sound discretions in politicall and Civill Causes, and by having the advise of twoore or three B^{pp}s for the settlinge, making and ordering of the business for designing necessarie Ecclicall and Clergie portions, which yo^u shall cause to be called and taken to yo^u, and to make provision against the Violators of those Lawes Constitutions and Ordinances by imposinge penalties & mulctes imprisonm^t (if there be cause and that the qualitie of the offence doe require it by deprivation of member or life to be inflicted) with power also (our assent being had) to remove and displace y^e Governo^rs or Rulers of those Colonies for causes which to yo^u shall seeme lawfull, and others in their stead to Constitute, and to require an Accompt of their Rule and Government. And whome yo^u shall finde culpable, either by deprivation from the Place or by Imposition of a mulct upon the Goods of them in those Partes to be levied or banishment from the Provinces in which they have been Governo^rs, or otherwise to Chastice according to the qualitie of the fault. And to Constitute Judges & Magistrates politicall and civell for Civill Causes and under the power & forme; which to yo^u five or more of yo^u with the B^{pp}s Vicegerentes (provided by the Arch^{bp} of Canterburie for the time beinge) shall seeme expedient. And to ordayne Courtes Pretorian and Tribunall as well Ecclicall as Civell of Judgmenes to determine of the forme and manner of proceeding in the same. And of appealing from them in matters and causes aswell Cryminall as Civill, Personall reall and mixt. And to y^e Seates of Justice what may be equally and well ordered and what crymes, faultes or excesse of Contractes or injuries ought to belonge to y^e Ecclicall Courte and Seate of Justice. Provided Neverthelesse That the Lawes Ordinances and Constitutions of this kind shall not be put in Execution before o^r assent be had thereunto in writing under o^r Signet signed at least. And this Assent being had thereunto and the same publiclye proclaymed in y^e Provinces in which they are to be executed. Wee will and Command that those Lawes Ordinances and Constitutions more fully to obtayne strength and be confirmed shalbe invariable observed of all men whome they shall concerne. Notwithstanding it shalbe lawfull for yo^u five or more of yo^u as is aforesaid (although those Lawes Constitutions and Ordinances shalbe proclaymed with o^r Royall Assent) to change revoke and abrogate them and other new ones in forme aforesaid from time to time to frame and make as is aforesaid and to new evils arisinge or daungers to applie new remedies as is fitting soe often as to yo^u shall

seeme expedient. Furthermore yoⁿ shall understand that wee have Constituted yoⁿ or every five of yoⁿ the aforesaid Archb^{pp} of Canterbury Thomas Lord Coventrie, Lord Keeper of the greate Seale of England, Richard Archb^{pp} of Yorke, Richard Earle of Portland Henry Earle of Manchester, Thomas Earle of Arundell & Surrey Edward Earle of Dorsett, Frauncis Lord Cottington S^r Thomas Edmondes knight S^r Henry Fane knight, S^r John Coke knight and S^r Fraunces Windebancke knight o^r Commissioners to heare and determine accordinge to yo^r sound discretions all manner of Complaintes either against those Colonies or the Rulers & Governo^{rs} at the instance of the parties greived or at the Accusation brought from hence or from thence betweene them and their members to be moved, and to call y^e parties before yoⁿ, and to the Parties and their Procurators from hence or from thence being heard, the full complement of justice to be exhibited. Giving unto yoⁿ or any five or more of yoⁿ Power that if yoⁿ shall finde any of the Colonies aforesaid or any of the Cheife Rulers upon the jurisdiction of others by unjust Possession or Usurpation or one against another making greivance, or in Rebellion against us, or withdrawing from o^r Allegiance or o^r Mandates not obeying (consultation first with us in that case had) to cause those Colonies or the Rulers of them for the Causes aforesaid either to return to England or to Comand them to other Places designed even as according to your sound discretions it shall seeme to stand with equitie justice and necessitie.

Moreover Wee doe give unto yoⁿ or any five or more of yoⁿ power and especial comand over all the Charters & Leters Patentes and Rescriptes Royall of the Regions Provinces Islandes or Lands in other Partes graunted raising Colonies to cause them to be brought before yoⁿ and the same being reviewed if any surreptiously or unduely hath bine obtayned, or that by y^e same Priviledges, Liberties or Prerogatives hurtfull to us or o^r Crowne or to forraigne Princes have bene prejudicially suffered & graunted, the same being better made knowne unto yoⁿ five or more of yoⁿ to commaund them according to the Lawes and Customes of England to bee revoked, and to doe such other thinges which to y^e Government profitt and safeguard of the aforesaid Colonies and of o^r Subjectes resident in the same shalbe necessarie.

And therefore wee doe Commaund yoⁿ that about the premises at dayes and times which for theis thinges yoⁿ shall make provision that yoⁿ be diligent in accordance as it becometh yoⁿ Giving in Precept also and firmly enjoyninge Wee doe give Comand to all & singuler Cheife Rulers of Provinces into which the Colonies aforesaid have bine drawn, or shalbe drawne and concerning y^e Colonies themselves & concerning others that have any interest therein that they give attendance upon yoⁿ and be observant & obedient to yoⁿ warrantes in those Affaires as often as need shall require and even as in o^r name.

In testimonie whereof wee have caused these o^r Letters to be made Patentes Wittnesse o^r selfe at Westminster the 28th day of Aprill in y^e 10th yeare of o^r Raigne.

By Writt from the Privy Seale.
Willis.

APPENDIX C.

Extract from the Instructions to Gov. Shirley, in 1741.

Mass. Archives Vol. 49. Numbers 52 *et seq.* (42nd Instruction and part of 43rd).

“ By the Lords Justices.

Instructions to William Shirley, Esq^r. His Majesty's Captain General and Governor in Chief in and over the Province and Territory of the Massachusetts Bay in New England, in America, Given at Whitehall the Tenth day of September, 1741, in the fifteenth year of His Majesty's Reign.

* * * * *

42. His Majesty having been graciously pleased to grant unto the Right Reverend Father in God, Lord Bishop of London, a Commission under the Great Seal of Great Britain, whereby he is impowered to execute Ecclesiastical Jurisdiction by himself, or by such Commissaries as he shall appoint in the sev^l Plantations in America. It is His Majesty's Will & Pleasure that you give all Countenance and due Encouragement to the said Bishop of London or his Commissaries in the legal exercise of such Ecclesiastical Jurisdiction, according to the Laws of the Province under your Government, and to the tenour of the said Commission, a Copy whereof is hereunto annexed; and that you do cause the said Commission to be forthwith registred in the publick Records of the said Province.

43. The said Lord Bishop of London having presented a Petition to His late Majesty, humbly beseeching him to send Instructions to the Gov^{rs} of all the severall Plantations in America, That they cause all the Laws already made against Blasphemy, Prophaneness, Adultery, Fornication, Polygamy, Incest, Prophanation of the Lord's Day, swearing and Drunkenness in their respective Governments, to be vigorously executed; and His Majesty thinking it highly Just, that all Persons who shall offend in any of the Particulars aforesaid, should be prosecuted & punished for their s^d offences, It is therefore His Will and Pleasure, that you take due Care for the Punishment of the aforementioned Vices and that you earnestly recommend to the Council & House of Representatives of the Massachusetts Bay to provide effectual Laws for the Restraint and Punishment of all such of the aforementioned Vices against which no Laws are as yet Provided, and also you are to use your Endeavours to render the Laws in being more effectual, by providing for the Punishment of the aforementioned Vices by Presentment upon Oath to be made to the Temporal Courts of the Church Wardens of the severall Parishes, or other proper Officers to be appointed for that Purpose and for the further Discouragement of Vice and Encouragement of Virtue and good living (that by such example the Infidels may be invited and persuaded to embrace the Christian Religion). * * * * *

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