

THE PROGRESS OF  
RELIGIOUS FREEDOM

AS SHOWN IN THE

HISTORY OF TOLERATION ACTS

BY

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TO  
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AND  
THE RISING GENERATION OF AMERICAN CHURCH HISTORIANS  
BY  
THE AUTHOR

“Where the Spirit of the Lord is, there is Liberty”  
—2 COR. iii., 17

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## PREFACE.

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This treatise is an enlargement of a paper which I prepared for the first annual meeting of THE AMERICAN SOCIETY OF CHURCH HISTORY, held in the city of Washington, December 28, 1888. It traces the progress of Christianity in its relation to the State from persecution to toleration, and from toleration to freedom.

It is a companion to my treatise on *Church and State in the United States*, which appeared in November, 1887. It properly precedes it, and ends where the other begins. Both together form a brief history of religious liberty in Europe and America. I have discussed the same subject in the introduction to the sixth volume of my *Church History* (pp. 50-86), and in separate essays (as in *Christ and Christianity*, pp. 276-291), but not so fully as here.

This important chapter of Church History has not yet received proper attention, and is almost ignored in European works. It can best be written from the American standpoint, because America reaps the benefit of all the preceding Toleration Acts, and has successfully tested, by an experience of a full century, the system of religious freedom on the basis of legal equality and a peaceful separation of Church and State.

P. S.

NEW YORK, February, 1889.



# THE PROGRESS OF RELIGIOUS FREEDOM

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### CHAPTER I.

#### TOLERATION AND LIBERTY.

An Edict or Act of Toleration is a grant of the civil government, which authorizes religious societies dissenting from the State religion to worship according to the dictates of conscience without liability to persecution. Such an Edict always presupposes a religion established by law and supported by the State, and the right of the State to control public worship. Toleration may proceed from necessity, or from prudence, or from indifference, or from liberality and an enlarged view of truth and right. It may be extended or withdrawn by the government; but it is usually the entering wedge for religious liberty and legal equality.

There is a wide difference between toleration and liberty. The one is a concession, the other a right; the one is a matter of expediency, the other a principle; the one is a gift of man, the other, a gift of God.

Toleration implies more or less censure or disapproval. We tolerate or endure what we dislike but cannot prevent. The most despotic governments are tolerant towards subjects who are too numerous or too useful to be killed or exiled. Russia tolerates Romanists, Protestants, Jews, and Mohammedans; Turkey tolerates "Christian dogs," and likes them to prey upon each other; but woe to him in either country who apostatizes from the State religion, or



attempts to induce any member of the same to apostasy. "Toleration is first sought and granted as a favor, then demanded and conceded as a right, and at last spurned as an insult." In a free country nobody wants to be tolerated for his religious opinions or sacred convictions.

Religious liberty is a natural, fundamental, and inalienable right of every man. It is founded in the sacredness of conscience, which is the voice of God in man and above the reach and control of human authority. There is a law above all human laws. It is written not on parchment and tables of stone, but on the heart of man by the finger of God. It is that law which commands with the categorical imperative, and which filled the philosopher Kant with ever-growing reverence and awe. "We must obey God more than man." He and he alone is the author and lord of conscience, and no power on earth has a right to interpose itself between them. "Every man stands or falls to his own lord." Liberty of conscience requires liberty of worship as its manifestation. To grant the former and to deny the latter is to imprison conscience and to promote hypocrisy or infidelity. Religion is in its nature voluntary, and ceases to be religion in proportion as it is forced. God wants free worshippers, and no others.

Toleration is an intermediate state between religious persecution and religious liberty. Persecution results from the union of Church and State; toleration, from a relaxation of that union; full religious liberty and legal equality requires a peaceful separation of the spiritual and secular powers.

The theory of mediæval Europe was intolerance and persecution; the theory of modern Europe is toleration; the theory of North America is religious liberty and equality. The papal Church is constitutionally exclusive and intolerant, and treats every departure from it as damnable heresy and schism. On the Continent a distinction is made between official Churches and tolerated Sects; in England, between the Established Church and societies of Dissenters. In the United States all forms of Christianity are equal before the law, and there is no distinction between Churchmen and

Sectaries or Dissenters. All enjoy the full right of self-government, and the protection of the laws of the land.

European toleration is irresistibly tending to American liberty, or to such an adjustment of the relation of Church and State as will guarantee freedom and independence to each in its own sphere, the one in the spiritual, the other in the temporal; while both have a common interest in promoting the moral purity and integrity of the people.

Religious liberty, like civil liberty, the liberty of speech, the liberty of the press, and every other liberty, is liable to abuse and consequent punishment. Every man's liberty is limited by the golden rule, not to do unto others what we would not have them do unto us. Nobody has a right to trespass on the rights of his neighbor, or to do wrong. The legal maxim is: "*Sic utere tuum, ut alienum non lædas.*" A State cannot control private opinions, but may forbid and punish overt acts of a religion which disturbs the peace of society, and undermines the moral foundations on which government rests. The Congress of the United States has forbidden polygamy in the Territories, which is a part of the Mormon religion, and would forbid licentious rites, bloody sacrifices, and other criminal acts practised in the name of religion. But all Christian churches which accept the Bible, teach the Ten Commandments, and enjoin love to God and man, are compatible with, and promotive of, the welfare of society, and make good citizens by making good Christians. A government consults its own interest by protecting all and persecuting none.

Liberty will be abused to the end of time. But no amount of abuse can abolish the right use. The same sun which spreads light and life promotes decay and death. No book is more abused than the Bible, and yet it will ever be the Book of books. So religious liberty remains the most precious of all liberties, and the strong foundation of all other liberty.

## CHAPTER II.

### THE TOLERATION EDICT OF CONSTANTINE THE GREAT. A.D. 313.

Toleration Edicts mark the epochs in the history of religious freedom. Under this view we shall consider them.

#### *Persecution of Christianity.*

For three hundred years Christianity had to struggle for a legal existence in the old Roman Empire, which adopted the policy of a limited toleration to the religions of conquered nations, and granted the same to Christianity as long as it was regarded as a sect of Judaism, but refused it as soon as it became known in its true character as a new religion aiming at universal dominion. Hence the long series of persecutions which fill the pages of the heroic age of Christian mártýrdom.

The last and fiercest of these persecutions was the Diocletian, which aimed at the utter extermination of the Christian religion, with its leading men and sacred books, from the face of the earth. But this desperate struggle ended in the destruction of Paganism and the triumph of Christianity.

#### *Toleration Edict of Galerius. A.D. 311.*

After the government had exhausted its efforts, Galerius, the real author of this persecution, issued from Nicomedia in 311, together with Constantine and Licinius, an Edict of Toleration, which acknowledged the failure of the persecution, and permitted the Christians to hold their assemblies, with the direction that they should pray to their God for the welfare of the Emperors and the State. The Edict insulted

the Christians, and yet asked their support in saving the tottering empire from ruin. It was merely negative, but it stopped persecution and prepared the way for the great change which soon took place under Constantine.

*The Toleration Edict of Constantine. A.D. 313.*

A few months after his victory over the persecuting pagan, Maxentius, at the Milvian bridge near Rome, in October, 312, Constantine the Great issued, in connection with Licinius, an Edict of Toleration from Milan, which marks the transition from the hostile neutrality of Galerius to friendly neutrality and official protection.<sup>1</sup>

This famous Edict changed the current of history. It breathes the air of pantheistic syncretism. Constantine, whatever we may think of the miracle, or vision, or dream of the cross in the skies with its prophetic inscription, was at that time already half a Christian, or on the way from the worship of Apollo to the worship of Christ, although he put off baptism to his deathbed twenty-four years later; Licinius was a heathen, and afterwards renewed the persecution of the Christians in the East; both agreed in the wise policy of conciliation, by which they hoped to win the support of all religions in the empire. But the most remarkable feature of the Edict, as compared with similar Edicts of later times, is its advanced position. It anticipates in several passages the modern theory of religious liberty. It recognizes and grants to every man the right to choose his religion and mode of worship, according to the dictates of his own conscience.

The same idea had been previously expressed by several ante-Nicene fathers, as Justin Martyr, Tertullian, and Lactantius, and was repeated by Nicene fathers in the times of Arian persecution. Tertullian says to the heathen Proconsul of Carthage<sup>2</sup>: "We are worshipers of one God, of whose existence and character nature teaches all men; at whose lightnings and thunders you tremble, whose benefits minister to your happiness. You think that others, too, are

<sup>1</sup> See Document I.

<sup>2</sup> *Ad Scapulam*, cap. 2.

gods, whom we know to be demons. However, it is a fundamental human right, a privilege of nature, that every man should worship according to his own convictions.<sup>1</sup> One man's religion neither harms nor helps another man. It is assuredly no part of religion to compel religion to which free-will, and not force, should lead us; the sacrificial victims even being required to be of a willing mind. You will render no real service to your gods by compelling us to sacrifice. For they can have no desire of offerings from the unwilling." A hundred years later, Lactantius, a contemporary of Constantine the Great, and teacher of his eldest son Crispus, addresses the heathen in the same spirit: "There is no occasion for violence and injury, for religion cannot be imposed by force; the matter must be carried on by words rather than by blows, that the will may be affected. . . . If you wish to defend religion by bloodshed and by tortures and by guilt, it will no longer be defended, but will be polluted and profaned. For nothing is so much a matter of free-will as religion; if the mind of the worshiper is disinclined to it, religion is at once taken away, and ceases to exist."<sup>2</sup>

Under the influence of the Edict of Constantine, Christianity made very rapid progress, for it commended itself to the conscience and reason of man, and had far more vitality than any other religion. Heathenism would have died a natural death without any prohibition. This was shown by the utter failure of the Emperor Julian's efforts to revise and restore it to its former power.

#### *Transition to Christian Intolerance.*

But the Edict of Constantine was only a short transition to a new order of things. Christianity exchanged place with heathenism. It became the religion of the State, and entered into possession of all the privileges of imperial protection at the expense of internal independence. The Emperor ceased to be Pontifex Maximus of idolatry, but

<sup>1</sup> "*humani juris et naturalis potestatis est unicuique quod putaverit colere.*"—Comp. his *Apology*, cap. 24.

<sup>2</sup> *Instit. Div.*, L. V., cap. 20.

assumed the authority of sovereign bishop of the external affairs of the Catholic Church. He now persecuted the followers of the old faith, as his predecessors had persecuted the followers of the new faith. Christian intolerance took the place of heathen intolerance, and even surpassed it in extent and vigor; for it aroused deeper passions both of love and hatred, and made heaven and hell depend upon the acceptance or rejection of the ruling faith. Penal laws were enacted against idolatry and heresy, and justified by the Mosaic legislation, without considering that this legislation was temporary and national, and abolished by Christ, whose teaching and example contradict the theory of persecution. Every open departure from the Catholic orthodox State-religion was punished first by civil disabilities, confiscation, deposition, and exile, and at last by death. Heresy was persecuted even before the heathen temples were disturbed. Constantine banished the Arian bishops as soon as the Council of Nicæa had condemned their doctrine. Arian emperors did the same when they were in power. After the Arian ascendancy and the short-lived reaction of heathenism under Julian the Apostate, the Nicene orthodoxy achieved a final victory under Theodosius the Great (381). He began the penal legislation against heresy, and Justinian completed it. From the Justinian Code it passed into the legislation of the German Empire and other States of Europe.

The union of Church and State which began with Constantine the Great, benefited the Church in many ways, enlarged her influence and facilitated the Christianization and civilization of the barbarian races of the Middle Ages, but it exposed her also to all the risks and abuses of wealth and power, and conformed the kingdom of Christ, which is a kingdom of love and peace, to the kingdoms of this world.



## CHAPTER III.

### MEDIÆVAL INTOLERANCE.

During the whole of the Middle Ages the principle of ecclesiastical exclusiveness and intolerance reigned supreme under the direction of the papacy. Christianity was identified with the visible Church, the Church with the papacy, and out of this Church there was thought to be no salvation. Christian heresy took the place of heathen idolatry in the Mosaic legislation, and was treated in the same way as the greatest of sins, as soul-murder, which is worse than literal murder. To punish heresy was a duty and a charity, since the temporal death of the heretic may save him from eternal death. The great and good Augustin of Hippo, who himself had been a Manichæan heretic for nine years, and in his earlier writings favored toleration, changed his view during the controversy with the fanatical Donatists, and gave the weight of his name to the theory of charitable compulsion, which he based on the words of the parable, "Compel them to come in" (Luke 14 : 23); but he held, on the other hand, the correct principle that "no man can believe against his will," and expressly discouraged the infliction of the death penalty on heretics. Thomas Aquinas, the standard theologian of the Middle Ages, went a step further and taught that heretics after due admonition should not only be excommunicated, but also put to death.

The first shedding of heretical blood in 385, caused an outburst of righteous indignation on the part of such saintly bishops as Ambrose of Milan and Martin of Tours, who refused communion with the persecuting bishops. But Pope Leo I. justified the act in 447, and Pope Innocent III.

exhorted to the crusade against the Albigenses in the South of France, in 1213. The Roman Catholic theory is this, that the Church herself does not persecute (*"Ecclesia non sinit sanguinem"*), she only excommunicates the heretic, and then hands him over to the civil power for temporal punishment. But she sanctions the penal laws against heresy, and thus makes herself *particeps criminis*. The Church uses the State as executor of her will, and enjoins upon it the punishment of heresy as a solemn duty.<sup>1</sup> Every offence against the Christian Church is, on Roman Catholic principles, also an offence against the Christian State. The papal bull of excommunication was followed by the ban of the Empire down to the time of the Diet of Worms, which outlawed Dr. Martin Luther, and condemned his books and person to the flames. The execution of the bull and the ban was only prevented by the irresistible progress of public opinion.

<sup>1</sup> Lea (*History of the Inquisition*, Vol. I., 215, *sq.*) says: "In the vast body of imperial edicts inflicting upon heretics every variety of disability and punishment, the most ardent churchman might find conviction that the State recognized the preservation of the purity of the faith as its first duty. Yet, whenever the State or any of its officials lagged in the enforcement of these laws, the churchman was at hand to goad them on. Thus the African Church repeatedly asked the intervention of the secular power to suppress the Donatists; Leo the Great insisted with the Empress Pulcheria that the destruction of the Eutychians should be her highest care; and Pelagius I., in urging Narses to suppress heresy by force, sought to quiet the scruples of the soldier by assuring him that to prevent or to punish evil was not persecution, but love. It became the general doctrine of the Church, as expressed by St. Isidor of Seville, that princes are bound not only to be orthodox themselves, but to preserve the purity of the faith by the fullest exercise of their power against heretics. How abundantly these assiduous teachings bore their bitter fruit is shown in the deplorable history of the Church during those centuries, consisting as it does of heresy after heresy relentlessly exterminated, until the Council of Constantinople, under the Patriarch Michael Oxista, introduced the penalty of burning alive as the punishment of the Bogomili. Nor were the heretics always behindhand, when they gained opportunity, in improving the lesson which had been taught them so effectually. The persecution of the Catholics by the Arian Vandals in Africa under Genseric was quite worthy of orthodoxy; and when Hunneric succeeded his father, and his proposition to the Emperor Zeno of mutual toleration was refused, his barbarous zeal was inflamed to pitiless wrath."



*The Papal Theory.*

The principle of intolerance is held by the Roman Church to this day. She claims the monopoly of Christian truth, and can tolerate no departure from it, but will punish it to the extent of her power. Liberal Catholics, in obedience to the better spirit of the age and the charitable instincts of the human heart, disown persecution and all civil punishments of spiritual offences, as belonging to a bygone age and inconsistent with the modern structure of society. But the official Roman Church does not and cannot give up the theory of intolerance without forfeiting her claim to infallibility. Every progress in favor of toleration and liberty during the last three centuries has been made in spite of her and against her express protest. She has repeatedly denounced toleration and reasserted the principle of intolerance, which implies persecution under favorable circumstances. And these declarations proceed from the highest seat of authority, whose decisions the Vatican Council of 1870 has made infallible and irrevocable.

Pope Gregory XVI., in an Encyclical of Aug. 15, 1832, identifies religious toleration with the liberty of error and indifferentism, and condemns it as "the most fruitful cause of evils with which the Church is at present afflicted," and goes on to say: "From this noxious fountain of indifferentism flows that absurd and erroneous opinion, or rather that form of madness, which declares that liberty of conscience should be asserted and maintained for every one. For this most pestilential error, that full and immoderate liberty of opinion, paves the way which, to the injury of sacred and civil government, is now spread far and wide, and which some with the utmost impudence have extolled as beneficial to religion."

The Papal Syllabus of 1864, issued by Pius IX., the first infallible Pope, condemns among the eighty errors of the age the following propositions, which are among the fundamental principles of the government of the United States:

"Every man is free to embrace and profess the religion which he believes to be true according to the light of reason." § III., 15.

"The Church ought to be separated from the State, and the State from the Church." § VI., 55.

"In the present day, it is no longer expedient that the Catholic religion shall be held as the only religion of the State, to the exclusion of all other modes of worship." § X., 78.<sup>1</sup>

The Encyclical "*Immortale Dei*" of Pope Leo XIII., concerning "the Christian Constitution of States," issued Nov. 1, 1885, is a moderate and prudent explanation, but not a retraction, of the doctrine of his predecessors; it expressly and approvingly refers to the Encyclical of Gregory XVI., of Aug. 15, 1832, and to the Syllabus of Pius IX., and adds: "From these decisions of the Popes it is clearly to be understood that . . . it is a crime of private individuals and a crime for States to make no account of the duties of religion, or to treat different kinds of religion in the same way. . . . The Church judges it not lawful that the various kinds of divine worship should have the same right as the true religion."

In a more recent Encyclical, "*Libertas præstantissimum naturæ donum*," issued June 20, 1888, the same Pope—one of the wisest, most moderate, and most liberal of modern times—reiterates the same doctrine even more strongly. He begins by praising liberty as the most excellent gift of nature, which belongs only to intellectual or rational beings, but he makes true liberty to consist in submission to the will of God, as expressed in an infallible Church with an infallible head. He expressly condemns what he calls the modern liberties (1) of worship, (2) of speech and of the press, (3) of teaching, and (4) of conscience, because they tacitly assume the absence of truth as the law of our reason, and of authority as the law of our will. He first caricatures or misstates the liberal theory, which he seems to know only in the form of infidel radicalism, and then denounces it. In the same document he incidentally calls the separation of Church and State "a pernicious maxim."<sup>2</sup> And he concludes: "From what has been said, it follows that it is in no way lawful to demand, to defend, or to grant, promiscuous

<sup>1</sup> See the Latin text in Schaff's Creeds of Christendom, pp. 217, 227, 232.

<sup>2</sup> "*Perniciosa sententia de rationibus ecclesiæ a republica disparandis.*"

freedom of thought, of speech, of writing, or of religion, as if they were so many rights which nature had given to man."

Cardinal Manning, in a preface to the English translation of this Encyclical,<sup>1</sup> fully approves of these sentiments, and predicts that "the Pontificate of Leo XIII. will be known in history as the time when, upon a world torn and tossed by anti-Christian and anti-social revolutions, the abundant seeds of Divine truths sown broadcast, revived the conscience of Christendom." He also predicts that the two Encyclical Letters to which we referred, "will be recorded as the pronouncements which have vindicated the political order of society from confusion, and the liberty of men from the license of liberalism." But we venture to say that Pope Pius IX. and Pope Leo XIII. have seriously injured the cause of the Roman Church by placing her in open antagonism to the irresistible progress of history, which is a progress of liberty. By declaring the separation of Church and State a "pernicious maxim," Leo XIII. has unwisely as well as unjustly condemned the Constitution of the United States, which makes such separation the law of the land, not from indifference or hostility to religion, but from respect for religion, and which secures to the Roman Catholic Church a greater amount of liberty and prosperity than she enjoys in Italy or Spain or Austria or France or Mexico or Brazil. The highest American dignitary of that Church, Cardinal Gibbons, of Baltimore, who attended the centennial celebration of the Constitution at Philadelphia, September, 1887, said in his letter of acceptance: "The Constitution of the United States is worthy of being written in letters of gold. It is a charter by which the liberties of sixty millions of people are secured, and by which, under Providence, the temporal happiness of countless millions yet unborn will be perpetuated." The same Cardinal, in a communication to the New York "Independent" of Nov. 29, 1888, thus eulogizes the condition of this

<sup>1</sup> Published in London, Burns & Oates, and in New York by the Cath. Pub. Society. The Latin text is printed in *Acta Sanctæ Sedis*, ed. by Pennachi and Piazzesi, Vol. XX., Rom. (S. C. De Propaganda Fidei), pp. 593-613.

free country as compared with others: "Assuredly we have many reasons to praise 'the Giver of all good gifts' for the blessings we enjoy as a nation and as individuals. We are in profound peace while other nations are preparing for war. We are enjoying unexampled prosperity while other people are struggling for the means of subsistence. Above all, we possess the luxury of liberty tempered by law and justice, while other races are bound by the yoke of tyranny."

The logic (granting the Romish premises) is on the side of the Pope, but the facts are on the side of the Cardinal. The facts ought to rectify the logic, not *vice versa*; for facts are stubborn and cannot be undone.

The modern State will never be again the obedient servant of the Roman curia. The middle ages have passed. History does not move backwards.

#### *Toleration in Modern Italy.*

Political events and the vote of the people have made an end of papal intolerance even in Italy, not to speak of other countries. Toleration was granted in 1848 by King Charles Albert of Sardinia, to the persecuted Waldenses and other Christian denominations.<sup>1</sup> Since 1870 this toleration extends through the united kingdom of Italy. In the city of Rome, where all public worship differing from the Roman Catholic was strictly prohibited before 1870<sup>2</sup>, no less than a dozen Protestant churches have since been organized, and the city is more prosperous than ever. The most enlightened statesmen of Italy advocate the theory of "a free Church in a free

<sup>1</sup> The *statuto fondamentale del regno* of March 4, 1848, declares indeed that the Catholic Apostolic Roman Church is the sole religion of the State (*la sola religione del stato*), but that the other existing modes of worship are tolerated according to the laws (*gli altri culti ora esistenti sono tollerati conformemente alle leggi*). This statute is the basis of the present constitution of Italy.

<sup>2</sup> Protestant worship of foreigners was tolerated, or rather ignored, but only in private houses or chapels of the embassies, as that of Prussia in the Palazzo Caffarelli; English residents worshipped outside of the city walls behind a stable. The importation of Bibles was prohibited, and many copies were often confiscated at the frontier of the papal States.



State," proposed by Count Cavour, and long since practically carried out in the United States.<sup>1</sup> The Italians are willing to take their religion from the Pope, but not their politics. The temporal power of the Pope was put down, not simply by force of arms, but by an overwhelming majority of voters in the plebiscite of Oct. 2, 1870 (133,681 against 1,507)<sup>2</sup>, and could only be reintroduced and maintained by foreign intervention at the point of the bayonet. It is impossible in this age, as well as immoral, to govern a people against their wish and will. The Vatican may continue to protest against toleration and liberty, and the united kingdom of Italy, but these protests will have about as much effect as a bull against a comet, or the motion of the earth around the sun. "*E purr si muove.*"

<sup>1</sup> Marco Minghetti (d. 1884; a pupil and successor of Cavour), *Stato e Chiesa*, Milano, 1878 (274 pages). A German translation (said to be by the Empress Frederick of Prussia), *Staat und Kirche*, Gotha, 1881. Francesco Scaduto (Prof. in Rome, formerly in Palermo), *Garantizie Pontificie e relazioni fra Stato e Chiesa*, Torino, 1884. Giacomino Cassani (formerly Prof. of Canon Law in Bologna), *Delle Principali Questioni politiche-religiose*, Bologna, 1872-'76. 3 vols. The first volume discusses at length the relation of Church and State.

<sup>2</sup> Schulthess: *Europ. Geschichts-Kalender*, for 1870, p. 403.



## CHAPTER IV.

### TOLERATION IN GERMANY.

#### *The Reformation.*

The Reformation of the sixteenth century effectually broke up the absolute power of the papacy among the leading nations of Europe, and vindicated the sacred rights of conscience. It was a grand act of redemption from the tyranny of an Italian priest who claimed to be and was believed to be the Vicar of Almighty God on earth, holding in his hands the keys of the kingdom of heaven. In this respect Luther's burning of the Pope's bull in December, 1520, and his rock-like stand before the representatives of Church and State at the Diet of Worms in April, 1521, are among the most heroic and most important events in history. The humble monk of Wittenberg, with his sublime faith in the Word of God and the sacredness of conscience, proved a greater power than Leo X. and Charles V. He was an emancipator of millions of spiritual slaves, and earned the gratitude of their countless posterity.

But the Reformation marks only the beginning in the modern development of freedom, and it took a long time before its full meaning was understood. The deep-rooted traditions of centuries continued to exert their influence even upon those who introduced a new age. The same Reformers who claimed the right of protest against the Pope, refused, in strange inconsistency, though from sincere conviction, the same right to the Anabaptists, Schwenkfeldians, Unitarians, and all others who dissented from them. They denied the infallibility of the Pope and general councils, and yet acted as if they were infallible themselves. They were

equally intolerant towards the Roman Church, which persecuted them as pestilential heretics. They believed that the Pope was the veritable Antichrist, and that the sacrifice of the mass was "an accursed idolatry," which evangelical rulers were in duty bound to prohibit. Both parties were engaged in a struggle for life or death. Persecution seemed to be justified by the law of self-preservation. In many cases it was a measure of retaliation. Down to the end of the seventeenth century the prevailing sentiment among Protestants as well as Roman Catholics condemned toleration as a compromise with error, and as a dangerous heresy. Calvin, the severest, and Melancthon, the mildest, among the Reformers, fully agreed in their view of the justice of the sentence which condemned Servetus to death in Protestant Geneva. The scattered and feeble testimonies in favor of toleration and freedom came only from persecuted Anabaptists, Socinians, and Quakers.

Protestant persecution differs from papal persecution in extent and degree, but not in principle. It employed the milder punishments of fine, imprisonment, and exile for the sword and the stake, though in not a few cases the death penalty was applied. The penal laws of Elizabeth and the Stuarts against Roman Catholics and Puritans are almost as severe as the Theodosian and Justinian codes against the ancient heretics. Even the history of America, in its colonial period, is darkened by several examples of persecuting intolerance in Massachusetts, Virginia, and New York. All Churches and Sects, with very few exceptions, have persecuted to the extent of their opportunity and power, and all ought to confess and repent. Protestant persecution is even less excusable than Roman Catholic persecution, because it is inconsistent and contrary to the first principle of the Reformation, which must stand or fall with liberty.

*The Peace of Augsburg. A.D. 1555.*<sup>1</sup>

Protestantism had to struggle for a legal existence in the German Empire and in all other countries, as Christianity

<sup>1</sup> Gustav Wolf, *Zur Geschichte der Deutschen Protestanten, 1555-'59*. Berlin, 1888.

had to struggle in the old Roman Empire ; and the number of Protestant martyrs far exceeds the number of Christian martyrs in the first three centuries. The Diet of Worms put Luther and his followers under the ban, and the imperial government of Charles V. and his brother Ferdinand felt in duty bound to crush out the Reformation as far as they could. But the movement was too strong for the combined forces of Pope and Emperor, and when it was found that neither party could exterminate the other, they were compelled to make peace and to adopt a *modus vivendi*.

After the victory of the Elector Maurice of Saxony over the Emperor Charles V., the Protestants gained a legal status and the protection of the Empire, first in a preliminary Treaty at Passau, 1552, then at the Diet of Augsburg, 1555.

The religious Peace of Augsburg broke the mediæval system of ecclesiastical uniformity and established a system of dualism by which the Romanists and Lutherans agreed to live together in perpetual peace on the basis of legal equality, but with an important advantage of the former as to future conversions ; the Romanists insisting on the restriction of the so-called *reservatum ecclesiasticum*, which subjected every prelate in case of his apostasy from Rome to deposition and the loss of his temporal and spiritual power. The religion of the subjects was made to depend on the religion of the civil ruler, according to the principle, *Cujus regio ejus religio*, which was first conceded, together with the *jus reformationis*, by the Diet of Speier in 1526, but merely as a temporary expediency till the meeting of a general council.

The Peace included only Romanists and Lutherans.

#### *The Peace of Westphalia. A.D. 1648.*<sup>1</sup>

The Peace of Augsburg was soon disturbed by the Jesuitical reaction in Austria, Bohemia, Bavaria, and along the Rhine, and at last broken up by the Thirty Years' War, which brought untold misery upon Germany. The only

<sup>1</sup> See the literature quoted by P. Hinschius in Herzog, 2d ed. XVI., 877, and a summary of the Treaty in Ch. XL. of L. Häusser's *Period of the Reformation* (Engl. translation, pp. 546-559).



good which came out of this horrible tragedy was the permanent triumph of the principle of legal parity or equality. It was worth all the sacrifices.

The Treaty of Westphalia was concluded at Münster, Oct. 14, 1648, and guaranteed by Sweden and France. It confirmed the Peace of Augsburg (with the obnoxious ecclesiastical reservation), and extended it also for the first time to the Reformed or Calvinists.<sup>1</sup> It enacted that the three churches between which Germany was then divided should be equal before the law, and enjoy the same civil and political rights. All other denominations are expressly excluded from toleration in the holy Roman Empire.<sup>2</sup>

The extension of legal protection to the Reformed was due chiefly to the influence of the great Elector Frederick William of Prussia, who belonged himself to the Reformed Confession and was married to a Dutch princess of the house of Orange.

The papal nuncio, Chigi, protested against the ecclesiastical articles of the Westphalia Treaty, Oct. 26, 1648, and a few weeks afterwards Pope Innocent X. declared them null and void.<sup>3</sup> But his bull was a *brutum fulmen*. Germany has not only adhered to this system of legal parity, but extended it more and more.

#### *Toleration in Prussia.*

Prussia took the lead in the further progress of toleration without any special edicts.

The Elector Frederick William went beyond the Westphalia Treaty, in 1686, by granting generous hospitality and freedom to twenty thousand Huguenot refugees, who were not associated with the Augsburg Confession, but had a

<sup>1</sup> "iis qui Reformati vocantur."

<sup>2</sup> "Sed præter religiones supra nominatas nulla alia in sacro imperio Romano recipiatur vel toleretur."

<sup>3</sup> "Articulos . . . potestatis plenitudine penitus damnamus, reprobamus, cassamus, annullamus, viribusque et effectu vacuamus." Bulla *Zelo domus Dei*, Nov. 26, 1648, published Jan. 3, 1651. See *Bullar. Magn. V.*, 466, and extracts in Gieseler III., A. 431, note 23.

Calvinistic Confession of their own, and became an influential element in the population of Prussia.

Frederick the Great (1712-1786), like the Emperor Julian, became an infidel in consequence of religious compulsion in his early training under a despotic father, but was a consistent advocate of toleration, and furnished an illustrious example for imitation. He agreed in theory with his treacherous friend Voltaire, but had more practical respect for religion, which animated his soldiers and aided him in achieving his victories. He measured the value of a creed by its moral teaching, and this he found to be substantially the same in all Christian sects. His famous motto was: "In my dominions everybody is at liberty to get saved after his own fashion." He gave freedom of worship to the Mennonites, the Socinians, the Schwenkfeldians, and the Moravians, and even to the Jesuits in Silesia after their expulsion from all other States of Europe and the abolition of the order by the Pope. He disliked their creed, but appreciated their educational institutions. "Here, in Brandenburg," he says, "all these sects live in peace, and equally contribute to the welfare of the State. There is no essential difference between the various religions in regard to morals; therefore they may be equal before the State government, and enjoy the liberty to choose their own way to heaven. All that a ruler can require of his subjects is that they be good citizens. False zeal for religion is a tyrant that depopulates the provinces; toleration is a loving mother that nurses them and promotes their welfare." Frederick deemed it the greatest perverseness in a ruler to demand that all should think alike or to enforce this by punishment. There never will be a society of uniformity of opinions. The prince has no authority over the opinions of citizens. His business is to guard the welfare of society, not to oppress the freedom of its members. The welfare of society requires toleration, which is the basis of national prosperity. With liberty of worship everybody is pleased, but persecution has

<sup>1</sup> *De la religion de Brandebourg*, in *Œuvres de Frédéric*, Berlin, 1846, Vol. I., 212.

caused the bloodiest, the longest, and the most destructive wars. Religious toleration, therefore, is demanded both by natural right and State policy.<sup>1</sup>

It must be remembered, however, that Frederick was an absolute monarch, and could exercise supreme control over the religious organizations of his subjects if he chose to do so. In Prussia, even to this day, the national evangelical Church is a department of the State government from which she derives her support, and has not even a voice in the appointment of theological professors, who are to educate her future ministry. The Roman Church, owing to her compact hierarchical organization, is much more independent, and has achieved a substantial victory in the recent *Culturkampf*. Prince Bismarck, notwithstanding his protest never to go to Canossa, met Leo XIII. half-way, and lent his influence to the repeal of most of the anti-papal Falk Laws, in exchange for the Pope's political services and rare present of the Order of Christ.

The Prussian Constitution of January 31, 1850, Article XII., which has not been disturbed by this conflict, guarantees three essential elements of civil and religious liberty, namely, freedom of private and public worship, the right of religious association, and the enjoyment of civil and political rights, irrespective of religious views. The last abolishes religious tests, and implies separation of Church and State as far as civil and political rights are concerned. The same Constitution guaranteed also, in Articles XV. and XVIII., to the Evangelical and Roman Catholic Churches, and all other religious associations, the right of self-government in the administration of their internal affairs; but those articles were unwisely repealed in the conflict with Rome, and have not been restored.<sup>2</sup>

*The Toleration Edict of Joseph II. A.D. 1781.*

Joseph II., since 1764 Emperor of the Holy Roman Empire, adopted the liberal views of Frederick the Great, the

<sup>1</sup> *Œuvres*, IX., 207 sq. Comp. Ed. Zeller, *Friedrich der Grosse als Philosoph*, Berlin, 1886, pp. 146-156.

<sup>2</sup> See Schaff, *Church and State in the U. S.*, 95-105, and the literature mentioned on p. 103 sq.

successful antagonist of his mother, and surprised the world in 1781 by an Edict of Toleration for the hereditary provinces of the house of Habsburg, where Protestantism had been almost extinguished by the Jesuitical counter-reformation. By that Edict the Protestants of the Augsburg Confession and of the Helvetic Confession, that is, the Lutherans and Reformed, received permission to hold public worship, but without bells and towers or any public signs of a regular church building. A very limited toleration indeed. Yet it enabled the Protestants in Bohemia to come out of their retreats without fear of persecution. The centennial of the Edict was celebrated with much enthusiasm in 1881, and called forth a considerable amount of literary discussion.

Austria, owing to the Roman Catholic preponderance of her population, is far behind Prussia in toleration, but is making slow progress in the same direction. The Revolution of 1848 and the separation from Germany in 1866 have broken down the old system. The Constitution of 1868 grants liberty of religion within the limits of the confessions which are recognized by the government.

*The Modern German Empire. A.D. 1871.*

The first official proclamation, not only of toleration but of entire religious liberty in Germany as a fundamental right of the people, was made by the Frankfort Parliament in 1849.<sup>1</sup> The North German Confederation, under the lead of Prussia, proclaimed the same principle by an imperial law of July 3, 1869, and abolished all remaining political and civil disabilities arising from differences of religious profession.

This law passed into the legislative code of the new German Empire, which was founded in 1871, with the Protestant King of Prussia as hereditary ruler, and marks the greatest epoch in the political history of Germany since the establishment of the holy Roman Empire by Charlemagne in league with Pope Leo III., A.D. 800. This new Empire has no official connection with any Church, and leaves the subject of religion to the several States of which it is composed.

<sup>1</sup> Art. V. of the *Grundrechte des deutschen Volkes*.

In this respect it occupies the same position as the general government of the United States. The several German States have adopted the same principle of liberty in theory, but retain in practice their Church establishments, which are supported from the public treasury, while the dissenting sects must support themselves.

The Emperor William II., who is at the same time King of Prussia, gave utterance to the best sentiment in Germany when he declared, in his speech from the throne to the Prussian Diet, June 27, 1888: "Following the example of my exalted ancestors, I shall always consider it a duty to extend to all religious denominations in my country my kingly protection, and the *free exercise of their form of worship.*"

What is still needed in Germany is the self-government of the Churches, which can not be enjoyed as long as they depend for their support on the civil government. Self-support and self-government are inseparable. But in Germany the subject is complicated by the question of Church property, which was confiscated in the period of the Reformation, or in more recent times, and which the State has no disposition to return to its rightful owner. In America, no rights were violated, no property injured by the constitutional provision of religious liberty. In the general government of the United States no union of Church and State ever existed, and therefore could not be dissolved. The same is true, as already remarked, of the new German Empire. All further action must be left to the several States, and it remains to be seen whether they will follow the example set by the Empire. In our country the union of Church and State continued in several States many years after the founding of the general government, but was ultimately abolished in all.

## CHAPTER V.

### TOLERATION IN FRANCE.

In Germany, toleration was a mutual concession of Roman Catholic and Protestant sovereigns; in France, it was the free grant of a Roman Catholic king to his Protestant subjects who had helped him to the throne. In Germany, it was steadily maintained and gradually extended; in France it was violently abolished and followed by a revocation, but ultimately restored and successfully established.

#### *The Edict of Nantes. A.D. 1598.*<sup>1</sup>

The famous Edict of Nantes, the ancient capital of Brittany, was issued and signed by Henry IV., April 13,

<sup>1</sup> On the Edict of Nantes and its Revocation see Dumont, *Corps diplomatique universel du droit des gens* (Amsterdam, 1726), V. A. 545 *sqq.* Elie Benoit, *Histoire de l'Edit de Nantes* (Delft, 1693-'95, 5 vols.). De Thou (Thuanus), *Historiarum libri cxxxviii. ab anno 1546 ad annum 1607*, Book cxxii. (London ed. 1733). Martin, *Histoire de France*, tome x., 421-425; xiii., 599-615; xiv., 37-46 (fourth ed., Paris, 1878). L. Anguez, *Histoire des Assemblées Politiques des Réformés en France, 1573-1622* (Paris, 1859), p. 82 *sqq.*, 183 *sqq.* Ranke, *Französische Geschichte*, II., 39-59; III., 454-484 (third ed., Stuttgart, 1877). L. Aguesse, *Histoire de l'établissement du Protestantisme en France* (Paris, 1886), tome IV., 585 *sqq.* (The text of the Edict is given in an appendix, IV., 601-620.) Bordier et Charton, *Histoire de France*, II., 109 *sqq.*, 274 *sqq.* (Paris, 1878). *Bulletin historique et littéraire de la société de l'histoire de protestantisme français*, 34<sup>e</sup> année, Nos. 9 et 10 (Paris, 1885). Leon Pilatte, *Edits, Déclarations et Arrêts concernant la religion P. réformée 1662-1751* (Paris, 1885; the Edict of Nantes is given first, pp. i.-lxxxii.). Henry M. Baird, *The Huguenots and Henry of Navarre* (N. York, 1886), II., 414 *sqq.*; and his oration at the Huguenots' Society's "Commemoration of the Bi-Centenary of the Revocation of the Edict of Nantes," N. York, 1886, p. 24 *sqq.* Theod. Schott, *Die Aufhebung des Ediktes von Nantes* (Halle, 1885). Also the important biographical work *La France protestante par MM. Eugène et Émile Haag*, Paris, 1877, *sqq.*, 10 vols. (second ed. by H. Bordier).—On the Protestant Refugees in particular see Charles Weiss (Prof. of History in the Lycée



1598, and ratified by the Parliament of Paris, February 25, 1599. It bears the title: "*Edict du Roy sur la Pacification des Troubles de ce Royaume.*" It brought the stormy period of the French Reformation to a close.

Henry of Navarre, the descendant of Hugo Capet, the political and military leader of the Huguenots, as the Calvinists were called, and protector of their religion, ascended by hereditary right the throne of France as Henry IV., August 2, 1589, abjured from policy the Protestant religion, and professed the faith of the great majority of Frenchmen, at St. Denis, July 25, 1593, but secured five years later, according to repeated promise, a legal status to his former associates in arms and religion. Before that time they were a proscribed party, and depended altogether on the fortunes of war. They achieved temporary concessions by their victories, but lost them again at the renewal of hostilities, and would probably have been overpowered in the end by the vast majority of Roman Catholics, who had the active sympathy of all papal countries.

The number of Calvinistic congregations at the time of the accession of Henry IV. was over 750, with a membership of perhaps one million, or one twentieth part of the whole population. According to a statement not sufficiently authenticated, there were then 274,000 Protestant families, or 1,250,000 souls, in France.<sup>1</sup> They occupied many fortified places.

Bonaparte), *Histoire des réfugiés protestants de France*, Paris, 1853, 2 vols.; (English translation by W. H. Herbert, N. Y., 1854). Sam. Smiles, *The Huguenots, their Settlements, Churches, and Industries in England and Ireland*, London, 1867 (Am. ed. with appendix by G. P. Disosway, N. Y., 1867). R. Lane Poole, *History of the Huguenots of the Dispersion at the Recall of the Edict of Nantes*, London, 1880. David C. A. Agnew (of the Free Church of Scotland), *Protestant Exiles from France, chiefly in the Reign of Louis XIV.*, or, *The Huguenot Refugees and their Descendants in Great Britain and Ireland*, London and Edinburgh, 1866; second ed., 1871, in 3 vols.; third ed., 1886, in 2 large vols. C. W. Baird, *History of the Huguenot Emigration to America*, N. York, 1882, 2 vols. The *Collections of the Huguenot Society of America*, N. York, 1886 sqq.

<sup>1</sup> See the note in Martin, X., 575. He reduces the number of congregations to 500, but it is usually stated at 760 or more.

The Edict of Nantes was prepared by a commission which included such men as Gaspard de Schomberg and the distinguished historian and jurist Jacques Auguste de Thou. It is a long and complicated document, containing: (1) ninety-two public articles; (2) fifty-six "secret" articles; (3) a "brevet" or patent of the king; (4) a second set of twenty-three "secret" articles, which were added on the last day of April, 1598.

The first of these four papers is the most important, and expressly declares the Edict to be "perpetual and irrevocable."<sup>1</sup> The Edict proclaims no general principle, but makes important concessions. It is a statesmanlike recognition of the rights of a highly respectable and influential minority, as far as existing circumstances seemed to demand and to permit. It is based upon previous pacification Edicts of 1563, 1570, 1577, enlarged them, and gave them permanency.

The chief provisions of the Edict are as follows:

The Huguenots were guaranteed full personal liberty in any part of France, without molestation on account of their religious opinions, and made eligible to all secular offices of trust, honor, or emolument. For their special protection special tribunals, called "Chambers of the Edict," were instituted in the Parliaments. They have free access to the schools, colleges, and hospitals; they may establish their own schools and universities, and publish religious books in the places where their worship is allowed; portions of the public cemeteries or special cemeteries are assigned to them for the peaceful burial of their dead; they are authorized to hold consistories, colloquies, provincial and national synods.

In the "brevet" or patent, the king pledges the annual sum of 45,000 crowns from the public treasury, for the support of their clergy and the expenses of the synods. The possession of their fortified cities was guaranteed to them for a term of eight years, and an annual sum of

<sup>1</sup> "*Edit perpétuel et irrevocable*," at the close of the introduction. The 92 Articles are printed in the Appendix.



180,000 crowns was set apart for the maintenance of the garrisons.<sup>1</sup>

But here the principle of justice and equality ceased. The public worship of the Huguenots was restricted to certain cities and places where it had been recently (in 1596 and 1597) maintained. It was forbidden in Paris and the surrounding district of five leagues, in the residences of the court, and other large cities, where worship could only be held in private houses and within closed doors. Consequently the Huguenots had often to walk or ride from ten to thirty miles to hear a Protestant sermon (*prêche*). Moreover, their creed is disparaged in the Edict by the designation of the *pretended* Reformed religion.<sup>2</sup> The Roman Catholic religion remained in every respect the only religion of the State, and the Protestants were required to pay the tithe to the clergy, to respect the fasts and feasts, and to conform to the marriage laws of the Roman Church.

The Edict, therefore, falls far short of religious liberty and equality. It recognizes fully the liberty of private conscience, but restricts the liberty of public worship. It is "a compromise between natural justice and social necessity."<sup>3</sup> But it goes as far as practicable, and marks a great advance beyond the public opinion of that age. It deserves to be ranked "among the grandest monuments of European civilization."<sup>4</sup> It is the first attempt to recognize two forms of worship under the common patronage of the civil government, though with a decided preference for the religion of the majority. It anticipated the present system in France, which was introduced by the first Napoleon.

The Edict created the greatest agitation and opposition in France. The Huguenots feared another massacre of St. Bartholomew's Day. Processions were held and sermons preached against it. Rome, true to her instincts, denounced

<sup>1</sup> The pecuniary promises, however, were only partially fulfilled.

<sup>2</sup> "*La religion prétendue réformée*"; and the Huguenots are styled, "*Les prétendus réformés*."

<sup>3</sup> Augustin Thierry.

<sup>4</sup> H. M. Baird, *The Huguenots and Henry of Navarre*, II., 420.

it in unmeasured terms. When Pope Clement VIII. was informed of its ratification, he declared to Cardinal d'Ossat, the French ambassador (as he reported to the king), that the "Edict is the most accursed that can be imagined, whereby liberty of conscience is granted to everybody; which is the worst thing in the world. In addition to this, the worship of that damnable sect is permitted throughout the kingdom; and the heretics are introduced into the courts of Parliament, and admitted to all charges, honors, and dignities, so as henceforth to oppose every thing that might turn to the advantage of the Catholic religion, and so as to promote and further heresy. Moreover, I see the king has made this Edict at a time when he is at peace both within and without his realm; so that it cannot be said that he has been compelled to make it." This unmeasured denunciation is quite in keeping with the glorification of the massacre of St. Bartholomew's Day by Pope Gregory XIII., who responded to it by a *Te Deum* in the churches of Rome, and commemorated it by a medal representing "the slaughter of the Huguenots" by an angel of wrath.

Henry regarded the threats of the Pope as empty clouds, from which no lightning nor thunder was to be feared. He adroitly maintained a friendly political neutrality towards the two religious parties of his kingdom, till he fell by the knife of an assassin, May 14, 1610, in the midst of his brilliant career and plans for a military campaign against Germany, and a possible reconstruction of the map of Europe. The crime of François Ravailac has often been traced to Jesuitical inspiration in revenge for the Edict of Nantes, but the bishop of Paris, Cardinal Gondy, solemnly attested the innocence of the Catholic Church and the order of the Jesuits. The assassin refused, even under frightful tortures, to disclose any name, but assigned as his motive that the king would not bring the Huguenots back to the Catholic Church, and that he intended to make war against the Pope, that is, against God.<sup>1</sup> He was a wild, half-crazy fanatic who

<sup>1</sup> " *Que dieu estoit le pape, et le pape estoit dieu.*" Ranke, *Franz. Geschichte*, II., 130.

associated with the most bigoted monks and priests, and embodied the Romish indignation against the Edict of Nantes; as the assassin of President Lincoln embodied the spirit of the pro-slavery rebellion. Ravailac was torn to pieces by four horses. Pope Paul V. saw in the tragic fate of Henry IV. a divine chastisement.<sup>1</sup>

Henry IV. is the most French and most popular of all French kings, and combined the virtues and vices of his nation. The saying, "Paris is worth a mass," though not authentic, expresses the selfish motive of his submission to Rome, but he soothed his conscience by a patriotic motive of duty to the State, and by the substantial service he did to the Huguenots in just return for their services to him and to France. He had moments in which he feared that, by abjuring his faith, he had committed the sin against the Holy Spirit, as he confessed to a Protestant friend and counsellor, Agrippa d'Aubigné, in a dangerous illness; and he told once to the Landgrave of Hesse that he intended before his death to declare once more his preference for the Reformed faith.<sup>2</sup> He was the pacificator of France, a just and far-sighted statesman, and died a martyr of religious liberty.<sup>3</sup>

The Edict of Nantes was repeatedly confirmed, by Marie de Médicis, May 22, 1610; by Louis XIII., October 1, 1614, and in March, 1626; by Anne d'Autriche, the widow of Louis XIII., July 8, 1643; and by Louis XIV., May 21, 1652; but never fully carried out, and often violated. At every national Synod complaints were made of non-payment of the promised aid.

Nevertheless the Reformed Church of France flourished for half a century after the Edict, and commended

<sup>1</sup> "*Deus gentium fecit hoc, quia datus erat in reprobum sensum.*" Ranke, II., 132.

<sup>2</sup> Ranke, II., 100, and Rommel's *Correspondance de Henry IV.*, p. 79, as quoted by Ranke. But the last word of Henry to D'Aubigné was: "*Je tiens ma vie temporelle et spirituelle entre les mains du pape, que je reconnait pour le véritable vicair de Dieu.*"—*La France Protestante*, I., 485.

<sup>3</sup> Martin, X., 571: "*Les penseurs ne cesseront jamais d'honorer en lui le précurseur d'une Europe nouvelle, l'esprit juste et profond . . . le champion enfin et le martyr de la plus sainte des libertés, de la liberté de conscience.*"

herself to Christendom by a high order of intelligence, virtue, and piety. Her members were among the most intelligent, industrious, conscientious, and useful citizens. Her academies and theological seminaries at Montauban, Saumur, Nimes, and Sedan took a high rank in sacred and secular scholarship, and attracted foreigners, even princes of the house of Brandenburg. Her divines, controversialists, and preachers, such as Daillé, Blondel, Basnage, Cappel, Amyraut, La Place, Du Moulin, Jurieu, made valuable contributions to the literature of France, and indirectly to the revival of the Roman Church, which would scarcely have produced a Bossuet, a Fénelon, and a Pascal without the influence of the Reformation. John Calvin laid the foundation for classical French prose. The pulpit of Charenton, on the Seine, a few miles above Paris, had a succession of eloquent preachers, as Daillé, Drelincourt, Allis, Mestrezat, Claude. While the Roman Church was agitated by the Jansenist controversy, the Calvinists of the schools of Montauban, Saumur, and Sedan discussed the subtle questions of inspiration, predestination, and imputation, and ably conducted the argument against the Romanists. They maintained strict discipline in their churches, and held provincial and national synods; for the last time in Loudun (Anjou), in 1659, under the moderatorship of Daillé, when an order from Louis XIV. prohibited such synods in future, on the frivolous pretext that they were too expensive and too troublesome.

Nor were the Huguenots at all behind their Catholic neighbors in secular pursuits, but rather excelled them. They developed the agriculture, commerce, and manufactures of the country. They furnished eminent men to all the learned professions, to the army, and to the navy. The true founder of the French Academy and its first secretary was a firm Protestant, Valentin Conrart, whom Richelieu kept in office till his death.<sup>1</sup> It is asserted that the finest victories of French arms under Louis XIII. and XIV. were due to captains of the Huguenot faith, as the Count de Gassion, Marshal Guebriant, Marshal Rantzau, the Duke

<sup>1</sup> *La France Protestante*, IV., 575 sq.

de la Force, the Duke de Rohan, Marshal du Chatillon, Admiral Du Quesne, Schomberg, Marshal Turenne (whose mother was a daughter of Prince William of Orange); though some of them, like Turenne in his old age, made their submission to the Catholic Church, together with most of the nobility during the reign of Louis XIV.<sup>1</sup>

Cardinal Richelieu, the great prime minister of Louis XIII., destroyed the power of the Huguenots as a political party by the capture of their main fortress of La Rochelle, which, from the year 1568, had been virtually an independent republic; but he pardoned them on the single condition of laying down their arms and swearing fidelity to their king, and expressly guaranteed to them the free exercise of their religion by the treaty of Alais in 1629.

*Persecution of the Huguenots under Louis XIV.*

With the long reign of Louis XIV. (1643-1715), the most brilliant and most despotic of French kings, and yet the slave of women, began without cause and provocation a series of systematic and cold-blooded vexations and persecutions of the Huguenots, which forms one of the most disgraceful chapters in the history of France.<sup>2</sup>

He was educated in the Roman Church and early formed the conviction that the unity of the State and the nation required unity of religion. He could not bear the idea that any of his subjects should differ from him, and deem their religion better than his. He wanted to be absolute monarch over his subjects, with his will as the supreme law. He was the embodiment of State-craft. His motto was "*L'état c'est moi.*" He wished to crown his military conquests by the extermination of heresy, and was encouraged in it by his advisers. He hoped thereby to conciliate the Pope whom he

<sup>1</sup> See the details in the second chapter of Weiss, *History of the French Prot. Refugees*, Vol. I., 49 *sqq.*, and sketches of all these distinguished Huguenots in *La France Protestante*.

<sup>2</sup> Martin (XIV., 54) says that history records greater effusions of blood, "*mais aucun spectacle ne blesse au même point le sens moral et l'humanité, que cette persécution exercée à froid et d'après des idées abstraites, sans l'excuse de la lutte et du danger, sans la fièvre ardente des batailles et des révolutions.*"



made his enemy by the Gallican liberties, and to atone for his many adulterous amours. These political and religious motives drew him step by step into a course of actions which made his otherwise glorious and prosperous reign most inglorious and ruinous in its ultimate consequences. He aspired to become "Louis the Great," but he only reached the distinction of "the great monarch" with his flatterers and admirers, and even that title is marred by his bigotry, cruelty, and licentiousness.

When a youth of eighteen, he declared (July 18, 1656) that he had "always considered the Edict of Nantes as a singular work of the perfect prudence of Henry the Great, our grandfather." But he acted on the opposite view after the year 1661. He withdrew one privilege after another from the Huguenots. The legal tribunals supported him by giving the least favorable interpretation to the legislative provisions for their protection, and the most favorable interpretation to the laws for the dominant Church. Whatever was not expressly granted to the Huguenots in the Edict of Nantes was denied them. Conversion to Protestantism was prohibited under heavy penalties, while conversion to Romanism was facilitated in every way by promises and threats. The Protestants were gradually removed from the offices of State and professions of emolument; even women were denied the humble avocations of midwives, milliners, and laundresses. Their "temples" were destroyed or confiscated when they stood inconveniently near the parish church, when the sound of psalm-singing disturbed the solemn mass, or when no clear title of the land could be produced. Thus Béarn, the mother province of French Protestantism, lost fifteen out of twenty churches at a stroke of the pen; the remaining five were destroyed in May, 1685, and the Protestant preachers expelled from the province that the Jesuits might begin their work of conversion without hindrance. The Chambers of the Edict were abolished. The colleges of Sedan, Montpellier, Saumur, and Montauban were closed, and the buildings given over to the Jesuits. Huguenot schoolmasters were forbidden to teach any thing but read-

ing, writing, and arithmetic. All preaching and writing against Catholicism were strictly interdicted. Infants must be baptized within twenty-four hours by priests, if no Protestant preacher was within reach, as was often the case. A child of seven years was permitted to profess the Roman religion against the will of the parents, and could not afterwards return to Protestantism. Emigration was forbidden, and the half of the goods of the emigrants was promised to the informers.

These iniquitous measures were crowned by the infamous Dragoonades. Companies of coarse troopèrs were billeted in times of peace upon the families of the Huguenots, in order to force their wholesale conversion or ruin by every kind of violence short of rape and deliberate murder. This was done in all the districts except that of Paris, where the king wished to appear humane and enlightened. The dragoons turned the parlors into stables, broke the furniture, compelled the proprietors to furnish them with every delicacy of the market, insulted women with ribald jests and songs, disturbed the night's rest, and made life unendurable.

Let us hear the reports of the best-informed French historians.

"The soldiers," reports Benoît, a contemporary historian,<sup>1</sup> "offered indignities to the women, which modesty does not suffer me to describe. The officers were no better than the soldiers. They spat in the women's faces; they made them lie down in their presence upon burning coals; they forced them to put their heads in ovens, the vapor of which was hot enough to suffocate them. Their chief study was to discover torments which should be painful without being mortal."

"In many villages," says Professor Charles Weiss,<sup>2</sup> "the priests followed the dragoons through the streets, crying: 'Courage, gentlemen; it is the intention of the king that these dogs of Huguenots should be pillaged and sacked.' The soldiers entered the houses, sword in hand, sometimes

<sup>1</sup> *Hist. of the Ed. of Nantes*, Book XII., Vol. V., p. 833 sq.

<sup>2</sup> *Hist. of the French Prot. Refugees*, I., 93 sq.

crying 'Kill! kill!' to frighten the women and children. So long as the inhabitants could satisfy their rapacity, they suffered no worse than pillage. But when their money was expended, the price of their furniture consumed, and the ornaments and garments of their wives disposed of, the dragoons either seized them by the hair to drag them to church; or, if they suffered them to remain in their houses, they made use of threats, outrages, and even tortures to compel them to be converted. They burnt, at slow fires, the feet and hands of some; they broke the ribs, legs, or arms of others, with blows of sticks. Many had their lips burned with hot irons. Others were cast into damp dungeons, with threats of leaving them there to rot. The soldiers said that every thing was permitted to them, except murder and rape."

The same writer gives several cases of the barbarous cruelty of these persecutions. - An old gentleman of Nimes, named M. de Lacassaque, after having been robbed of his sleep for many days, at last professed submission to the Roman Church. "Behold, now you may take your rest," said the Bishop Séquier. "Alas, my lord," replied the unfortunate man, "I no longer expect rest, but in heaven, and God grant that what I have done this day may not close its gate upon me." His wife, disguised as a servant-maid, was wandering through the woods, where many of the women were overtaken with the pains of childbirth. A pastor at Bordeaux, a brother of Bayle, was thrown by the order of Louvois into a dungeon, called "The Hell," and kept there for five months till death delivered him from his torments. The victims in these horrible dungeons "could not remain standing, sitting, or lying at length. They were let down into them with ropes, and were drawn up again every day to have inflicted upon them scourgings, either with a stick or the strappado. Many, after a few weeks' imprisonment, issued from the dungeons of Grenoble, without hair or teeth."

Voltaire described the French nature as being half monkey, half tiger. We have a more favorable idea of it from history



as well as from personal knowledge of some of the finest specimens of Christian gentlemen in that nation. But it is evident that during this period of persecution and during the reign of terror in the Revolution a century later, the government itself turned into a tiger and quenched its thirst in virtuous and innocent blood.

These cruelties had their effect upon weak human nature. The sufferers sought refuge in flight or insincere submission. "The dragoons," wrote Madame de Sévigné, "have been very good missionaries; the preachers who will be sent presently will render the work perfect." The governors of the provinces sent to the king exaggerated reports monthly and weekly of thousands of so-called new converts (*nouveaux convertis*),—60,000 in the district of Bordeaux, 20,000 in and around Montauban, 30,000 in Dauphiné, etc., without informing him of the means employed, or letting the complaints of the persecuted reach his ears, and made him believe that Protestantism was annihilated in France.

In this belief he was strengthened and encouraged to take the final step of revocation by his courtiers and advisers, especially by Louvois, his minister of war, Père la Chaise, his confessor, and Madame de Maintenon; his last mistress, the most influential woman in France, who had herself been a Calvinist (being the granddaughter of Agrippa d'Aubigné, a friend of Henry IV., and leader of the Huguenots by sword and pen), but was all the more zealous for her new faith, and acquired complete control over the head and heart of her royal lover, who secretly married her in 1684.

*Revocation of the Edict of Nantes. A.D. 1685.*

In the year 1685 the king revoked the "irrevocable" Edict of his grandfather by a formal decree, signed by his hand at Fontainebleau on the 18th<sup>1</sup> and registered on the 22d of October, eighty-seven years after the Edict of Nantes and seventy-five years after the death of Henry IV.<sup>2</sup> It was one of the darkest days in the history of France and the history of liberty."

<sup>1</sup> Or 17th. The Edict gives only the month.

<sup>2</sup> Appendix III.

In the Edict of Revocation, Louis XIV., after declaring that the greatest part of his Protestant subjects had embraced the Catholic religion and made the Edict of Nantes useless, prohibits the worship of Protestants, orders the immediate destruction of their temples, the closing of their schools, the banishment of their ministers within a fortnight on pain of death, and the Roman Catholic baptism of every new-born babe; while laymen are forbidden to leave the country, the men under peril of being condemned for life to the galleys, the women to perpetual imprisonment.

A series of proclamations followed from time to time to enforce this measure of injustice and cruelty.

The Edict extended also to the French colonies in America. The king informed the Governor de Denonville of Canada, in May, 1686, of the brilliant success of the Revocation in France, and instructed him to quarter his troops in the houses of any remaining Huguenots, or to imprison them, but to be careful to accompany this rigorous treatment with the necessary provisions for their religious instruction to be procured from the bishop. The governor informed him that there was not a heretic in Canada.<sup>1</sup> For the Huguenots were excluded from emigrating to New France in 1633, and the settlement given into the hands of Jesuit missionaries, whose heroic labors among the Indians in the Northwest deserve all credit. The conflict of England and France for the possession of North America ended with the defeat of France.

On the very day when the Edict of Revocation was registered (October 22d), the destruction of the eight hundred Protestant houses of worship began with the demolition of the large temple of Charenton, and the erection of a cross with the royal arms on the ruins.<sup>2</sup> Of the temple of Nimes a solitary stone was accidentally left, which bore the inscrip-

<sup>1</sup> Ch. W. Baird, *Hist. of the Hug. Emigration to America*, I., 126.

<sup>2</sup> See a picture of the temple in Bordier and Charton, *Histoire de France*, II., 194, and its destruction, p. 282, and a description in the *Bulletin historique et littéraire* of the "Society of the History of French Protestantism" for Sept. and Oct., 1885, p. 388 *sqq.*

tion: "Here is the house of God, here is the gate of heaven."

France had at that time about a million and a half of Protestants among twenty millions of inhabitants.<sup>1</sup>

*Approval of the Revocation by the Roman Clergy and the Pope.*

The leading Roman Catholic bishops and pulpit orators, with a few noble exceptions, as that of Fénelon, congratulated the infatuated king on this inglorious and disastrous deed. The great Bossuet, who with all his zeal for the Gallican liberties formulated by him in 1682, hated the Calvinistic heresy, took the lead in blind laudations of Louis, and called him a new Constantine, a new Theodosius, a new Marcian, a new Charlemagne, who established the faith, who exterminated the heretics. "Through your exertions," he addressed the king, "heresy exists no longer. God alone could perform this miracle. King of heaven, preserve the king of the earth, is the prayer of the churches, is the prayer of the bishops."<sup>2</sup> Fléchier expressed the same enthusiastic joy over the destruction of heresy. Abbé Tallemant after the razing of the Protestant church at Charenton exclaimed before the French Academy: "Happy ruins! which are the finest trophy France has ever seen. . . . There is nothing but the fable of the vanquished hydra, which can aid us to express in some degree our feelings of admiration at this astonishing victory." Massillon, in his funeral oration on Louis XIV., eulogized chiefly his great "victory over heresy," which fell at his first blow and was forced "either to conceal itself in the darkness from which it emerged, or to cross the sea and to carry with it its false gods, its wrath and its bitterness into foreign lands."<sup>3</sup>

<sup>1</sup> This is the estimate of Martin, XIV., 54, after deducting the loss sustained by conversions and emigration in the preceding twenty years, which Jurieu estimates at more than 200,000. Contemporary estimates vary between 800,000 and 2,000,000.

<sup>2</sup> In his funeral oration on Le Tellier, who prepared and countersigned the Revocation and died a few days afterwards (October 31st). Cardinal Hergenröther (*Kirchengesch.* III., 433) calls Bossuet the "church father of liberal Catholic theology, which would kiss the Pope's toe, but bind his hands and make the Church a tool of the State."

<sup>3</sup> Weiss, I., 123.

The clergy echoed these laudations. Municipal corporations, courts of justice, academies, and universities rived in expressions of admiration for the king; medals were struck, which represent him crowned by religion for having brought back to the Church two millions of Calvinists; statues were erected to "the destructor of heresy."

Pope Innocent XI., forgetting for a moment his quarrel with Louis XIV., on account of the assertion of the Gallican liberties, which deny the infallibility and temporal power of the Pope, praised him, in answer to official information, for an action fully worthy of "the most Christian king" (Nov. 16, 1685), and celebrated the Revocation with a *Te Deum* (March, 1686), as his predecessor had celebrated the massacre of St. Bartholomew.<sup>1</sup>

### *The Verdict of History.*

The verdict of history differs widely from Louis XIV., Bossuet, and the Pope. Catholic France was by no means unanimous in the approval of the Revocation, even at that time. The Duke de Saint-Simon, a courtier of Louis XIV.,

<sup>1</sup> The brief is printed in Latin and French in *Edits, Declarations et Arrests concernans la religion prétendue Réformée* (Paris, 1885), p. 605 sq. The Pope begins: "*Carissime in Christo fili noster,*" etc. "*Cum præ cæteris illustribus documentis quæ ingenitam Majestatis tuæ pietatem abunde declarant, maxime excellat eximius ille regeque christianissimo dignus plane zelus, quo strenue incensus faventes istius regni hæreticis constitutiones penitus abrogasti, fideique orthodoxæ propagationi sapientissimis editis decretis egregie consuluisti, sicut nobis exposuit dilectus filius, nobilis vir dux d'Estrées,*" etc. The Pope predicts: "*Recensebit profecto suis in fastis catholica ecclesia tam grande tuæ erga ipsam devotionis opus, nomenque tuum non interituris præconiis prosequetur.*"

Dr. Döllinger (*Kirche und Kirchen*, 1861, p. xxxiii.) and Cardinal Hergenröther (*Kirchengeschichte*, III., 597, 3d ed., 1886) assert that Pope Innocent disapproved the persecution. But he merely disapproved, in a roundabout way, the novel and uncatholic method of converting heretics by dragoons or "armed apostles," and tried to restrain James II. from his suicidal folly. I am glad, however, that such a Catholic scholar and dignitary as Hergenröther condemns the "terrible severity" of Louis XIV., though he prudently (must we not say, unfairly?) ignores the approval of Bossuet and the other lights of the French pulpit, as well as the *Te Deum* sung in Rome. His words are: "*Sowohl französische Bischöfe, wie Fénelon, als Papst Innocenz XI. missbilligten die furchtbare Härte; letzterer liess durch den Nuntius d'Adda in London den König Jacob II. zu Vorstellungen dagegen aufmuntern.*"

a great writer and a good Catholic (a zealous Jansenist and friend of Fénelon), was only ten years of age when the Edict of Revocation was issued, but lived long enough to see its consequences, and described them in the darkest, yet most truthful colors. The voice of Protestant Europe condemned it, and answered by offers of hospitality to the victims of persecution. Among modern historians there is scarcely a difference of opinion on the subject.

The Revocation was a moral crime, a political blunder, and a national disaster. It deprived France of many thousands of her best citizens, ruined her manufactures and commerce, subjected her for a long time to the pillage of the dragoons, brought untold misery upon individuals, families, and communities, armed parents against children and children against parents, covered the land with hypocrisy, perjury, and sacrilege, roused the indignation of the Protestant world, filled the refugees with hatred of their native country, and was the remote cause of the French Revolution.<sup>1</sup>

We may go even further, and say that the recent humiliation of France in the war of 1870 was the result of the policy of Louis XIV. with his Protestant subjects and of his unjust wars against Holland and Germany, the savage devastation of the Palatinate, and the robbery of Strasburg. When the German historian, Ranke, met the French historian and statesman, Thiers, at Vienna, after the downfall of the

<sup>1</sup> This is substantially the judgment of the Duke de Saint-Simon, in his *Mémoires*, ch. 313, quoted in French by Bordier (II., 282 sq.), and in English by Ch. W. Baird, *Hist. of the Hug. Emigration to America*, I., 259. Comp. also the spirited summary in Voltaire's *Siècle de Louis XIV.*, the judgments of Martin, Bordier, Weiss, and other historians. Dr. Döllinger, in an essay on Louis XIV. (*Akademische Vorträge*, 1888, Vol. I., 311), makes the striking remark, that that man would have been the greatest benefactor of the king and of France, who with the authority of a Hebrew prophet would have warned him in 1685 to this effect: Do not revoke the Edict of Nantes! You will forge a chain of oppressions; you will make more hypocrites than believers, and desecrate the sacred rites of the Church; you will drive hundreds of thousands of the most conscientious citizens out of the land; you will inflame bloody civil wars; you will alienate the hearts of foreign nations; you will raise a generation of infidels who will overthrow your throne and persecute and destroy your Church, which now offers you the weapons and instruments against the sons of your people.



second empire at Sedan, he is reported to have told him that the Germans were making war, not upon Napoleon, nor the empire, nor the republic, still less upon the French people, but upon Louis quatorze; whereupon Thiers wondered at the long memory of the Germans.

*The Great Exodus.*

The Revocation forced the Protestant ministers to leave the country, and the laymen to remain at home. Now the emigration which had begun in the early stages of the persecution assumed the proportion of a vast exodus, which may be compared to the exodus of Israel from the oppression of Pharaoh, and forms one of the most glorious, as the Revocation forms one of the most inglorious, chapters in the history of the French people. The Huguenot emigration for the sake of religion throws all similar emigrations into the shade. No church can boast of a larger army of confessors and martyrs of conscience than the Calvinistic Churches of France and of Holland.

The Huguenots as a rule were superior to the mass of the Roman Catholic population outside of Paris in intelligence, industry, and virtue, and the emigrants were the élite of the Huguenots, including such distinguished names as Claude, Jurieu, Bayle, Basnage, Lenfant, Beausobre, Abbadie, Saurin, Ancillon, Tronchin, Constant, Candolle, Denis Papin, de Blois, not to count the much larger number of their equally distinguished descendants in other countries.

Their high moral character is shown by the very fact of their emigration. They left their property and native land in obedience to their conscience and at the risk of their lives. They showed their heroism in flight under the greatest hardships, in constant dread of the heartless pursuers. They made their way to a place of safety, singly or with women and children, in all sorts of disguise,—as pilgrims, as couriers, as sportsmen with their guns upon the shoulder, as peasants driving cattle, on untrodden roads, traveling by night and passing the day in forests or caverns, hid under bales of goods and heaps of coal or in empty casks on Eng-



lish and Dutch merchant vessels. "Persons brought up in every luxury, pregnant women, old men, invalids, and children rivaled each other in constancy, hoping to escape their persecutors."

Those who were caught in the flight had to endure the extreme hardships of the galleys at Marsailles and Toulon, chained two and two, plying the long and heavy oars, exposed to the heat of the day and the chill of the night, without being able to change their position beyond the length of their chain.

Men made of such stuff and capable of such sacrifices are worthy of a place of honor and glory among the heroes of faith and "the noble army of martyrs."

The total number of French refugees cannot be exactly ascertained, and is variously stated at 300,000 up to a million. Counting all the Huguenots who emigrated before and after the Revocation for the sake of religion, half a million is probably not too high an estimate.<sup>1</sup>

#### *The Huguenots in Foreign Lands.*

The loss of France was a gain to foreign lands. The curse of the Revocation was turned into a blessing. Provi-

<sup>1</sup> Vauban counted 100,000 from 1684 to 1691; Jurieu more than 200,000 in 1687; Benoît 200,000 in 1695; Basnage, an illustrious refugee, speaks vaguely of from 300,000 to 400,000; others swell the number still more; while Martin (XIV., 59) and Bordier (II., 283) reduce it to 250,000, but only from the Revocation to the beginning of the following century. Professor Charles Weiss (Vol. I., p. 3 of the English translation) estimates the number of refugees during the last fifteen years of the seventeenth century at from 250,000 to 300,000, and gives several details of the diminution of the population in various cities and provinces according to official reports of 1698, but these reports are incomplete, and cover only a few years. The population of La Rochelle decreased more than one third. Of 1,938 Protestant families in the district of Paris, 1,202 emigrated, and only 731 remained behind. In the district of Meaux, 1,000 families out of 1,500 made their escape. In Burgundy about one third of the Protestants expatriated themselves. Normandy, which had formerly at least 200,000 Protestant families, suffered most. In Picardy, as in Normandy, the vicinity of the sea favored the escape into Holland and England. Pastor N. Weiss (secretary and librarian of the "Société de l'histoire du protestantisme français") estimates the whole number of refugees at from 500,000 to 600,000. See his *La Sortie de France pour cause de religion de Daniel Brousson et de sa famille*, Paris, 1885, p. vi.

dence overrules the counsels of bad men, and brings good out of evil.

The Huguenot refugees excited the active sympathy of all Protestant countries, and found new homes in Switzerland, England, Holland, Germany, Denmark, Sweden, and in the colonies of North America. They enriched the lands of their adoption by their intelligence, industry, virtue, and the charms of refined manners. Their names and those of their descendants are on honorable record in the theological, literary, political, and military history of those countries.

Those who emigrated to Holland and England lent effectual aid as private soldiers and officers, trained under Turenne and Condé, to William of Orange in the Revolution of 1688, and the defeat of the Jacobite rebellion in Ireland, aided by Louis XIV., in the following year. In the battle at the Boyne (July 1, 1690) the Huguenots first crossed the river under the command of Count de Schomberg, who addressed them: "Come, friends, remember your courage and your griefs; your persecutors are before you." Such acts of retaliation, which transplanted the civil war to foreign soil, are, of course, offensive to French patriotism, and obscure the fame of bravery. But the great majority devoted themselves to the arts of peace, greatly enlarged the commerce and navigation, and introduced or improved the manufacture of silks, linen, hats, tapestry. Allix, Abbadie, and Jacques Saurin (before his call to the Hague in 1705) graced the pulpits of London with their eloquence.<sup>1</sup>

The greatness of Prussia dates from that period, and was promoted by the French Reformed element. In the same month in which Louis XIV. signed the Revocation of the Edict, Frederick William, the great Elector of Brandenburg (who had received a French Protestant education at the court of the princes of Orange, and married Louisa Henrietta, a daughter of the Stadtholder Frederick Henry and a descendant of Admiral Coligny), signed at Potsdam an Edict expressive of warm sympathy with the persecuted

<sup>1</sup> Weiss, *l. c.*, I., 267 *sqq.*

Huguenots, and offering inducements to those who might wish to settle in his dominions (October 29, 1685).<sup>1</sup> He received about 20,000 refugees, including such distinguished scholars as Lenfant, Beausobre, Vignole, Lacroze, Abbadie (who afterwards settled in England), able journalists, skilled artisans, and brave officers. He made liberal provision from his private purse for their temporal and spiritual needs in Berlin and other cities. "I will sell," he said, "my silver plate before they shall suffer want." Several Huguenot churches remain to this day living monuments of that noble hospitality, which has borne rich fruit in subsequent history down to the victories of the Franco-German War of 1870.

It should be added, however, that he did not permit the free development of the presbyterian and synodical self-government which would interfere with his summepiscopate.

Huguenot colonies settled also in Halle, Magdeburg, Stendal, Halberstadt, Calbe, Spandau, Königsberg, Hamburg, Frankfort-on-the Oder, Frankfort-on-the Main, Cassel, Hanau, Friedrichsdorf in Hesse, and other places of Germany, and have in part preserved the French language in public worship to this day.<sup>2</sup>

In American History the influence of the Huguenot element is very conspicuous, and out of proportion to the extent of immigration. It may be traced in the French names of our patriots, statesmen, philanthropists, and ministers of the gospel. One of the chaplains of the old Continental Congress, during the War of Independence, Jacob Duché, of Philadelphia; three of the seven Presidents of that Congress, Henry Laurens, of South Carolina, John Jay, of New York, Elias Boudinot, of New Jersey; two of the four commissioners who signed the treaty of peace at Paris in 1782, Laurens, and Jay; the first Chief-Justice of the State of New

<sup>1</sup> See Doc. IV., in Appendix.

<sup>2</sup> Comp. Charles Ancillon, *Histoire de l'établissement des Réfugiés dans les États de son Altesse Electorale de Brandebourg*, Berlin, 1690. Weiss, *l. c.*, Book II. (p. 127 *sqq.*). E. Muret, *Geschichte der französischen Kolonie in Brandenburg-Preussen*, 1885. Henri Tollin, *Geschichte der französischen Kolonie von Magdeburg*, Halle, 1886-87, 2 vols. In the first volume (pp. 740), Tollin gives a full general history of Huguenot emigration to Germany.

York and the second Chief-Justice of the Supreme Court of the United States, John Jay, were descendants of French Protestant refugees, and gave their influence to the establishment of the new republic on the basis of political and religious freedom. John Jay was also, as joint editor with Hamilton and Madison of *The Federalist*, one of the chief advocates and expounders of the Federal Constitution.

*The Church of the Desert.*<sup>1</sup>

Louis XIV. vainly believed and declared, March 8, 1715, that God had blessed his "pious intentions" to bring back the heretics and their children to the true church. But the Protestant religion was not dead in France; it was only buried alive and continued to breathe, and at last burst the coffin. For a century the Reformed Church of France lived as a Church of the Desert, like the burning bush which it has chosen for its device: "*Flagror, non consumor.*" More than one half of the Huguenots could or would not flee from their native land, and yet adhered to their faith in the face of confiscation, torture, and death. They met for worship in forests, on the mountains, in caverns, under cover of the night. The awful silence of nature, the flickering torches, the reading of the Prophets, the plaintive strains of the psalms, the solemn prayers, the sudden interruptions by the cries of sentinels, created a morbid excitement of religious feelings, and gave rise to a set of enthusiasts and visionaries who took the place of regular pastors and believed themselves inspired by God. They stirred up the revolt of the Camisards in the Cevennes, but it was soon put down by the armies of Louis XIV.

<sup>1</sup> On this most interesting period of the French Reformed Church, I refer to Charles Coquerel, *Histoire des Églises du Désert*, Paris, 1841. O. Douen, *Les premiers pasteurs du désert* (1685-1700), Paris, 1879, 2 vols. Edmond Hugues, *Histoire de la Restauration du Protestantisme en France au XVIIIe siècle—Antoine Court—d'après des documents inédits*, Paris, 1875, 2 vols. *Les Synodes du Désert*, Paris, 1885, 2 vols., by the same. A. P. Dardier, *Paul Rabaut, ses lettres à Antoine Court (1739-1755). Dix-sept ans de la vie d'un apôtre du désert*, Paris (n. d.). The earlier work of A. Vinet, *Histoire de la Prédication parmi les Réformés de France au dix-septième siècle*, Paris, 1860 (1841), comes down to Jaques Saurin (1677-1730).

During that critical period, Providence raised a man of truly apostolic zeal and wisdom, Antoine Court (1696-1760), pastor at Nimes, who consecrated his whole life to the Protestant Church of France and is justly called its "Restorer." He collected the scattered members, called them from wild enthusiasm to sobriety, organized them into regular churches, and established a seminary of learning at Lausanne for the training of ministers. Paul Rabaut continued this work in a faithful ministry of fifty years till his death in 1785, shortly before the new Edict of Toleration.

### *The Triumph of Infidelity.*

France rejected the Reformation and reaped the Revolution. The tyranny of Romanism provoked infidelity. The Revocation of the Edict of Nantes was followed by the temporary destruction of the Church in France.

The eighteenth century is the century of infidelity, which had its head-quarters in Paris. Voltaire (1694-1778) was its chief apostle, who ruled as an absolute monarch in the realm of literature. He was a master-architect of ruin, but unable to build up. He was essentially a mocker, though not without noble impulses for justice, liberty, and humanity. Frederick the Great admired his genius but despised his character, and ascribed to him all the agility and malice of a monkey. Voltaire knew the Christian religion only in a distorted form, which it had assumed under Louis XIV. and Louis XV. in connection with worldliness and political despotism, and he never took the trouble to study seriously its true character in the Bible and in history. He hated the Roman Church of his day as the mother of superstition and the enemy of all freedom and progress. He employed his inexhaustible resources of sarcasm, irony, and ridicule for her destruction. He gave expression to his malignant hatred in the terrible phrase, "Crush the wretch," which frequently occurs in his works, and especially in his private letters. By the infamous wretch he meant no more or less than the Roman Church as a hierarchial institution,



the intolerant, persecuting, Jesuitical Church of the Inquisition and the Revocation.<sup>1</sup>

But while we deplore his infidelity, we must give him credit for his triumphant advocacy of religious toleration, by which he revolutionized public opinion in France. This is his noblest deed. He went to great trouble and expense to rescue the memory of Jean Calas and to cause the reversal of his unjust condemnation, and thereby he dealt a death blow to the system of religious persecution.

### *The Trial of Jean Calas.*

Jean Calas was a worthy Protestant merchant of Toulouse, and father of four sons and two daughters. One of his sons hung himself in a fit of melancholy, October 13, 1761. A rumor arose that the unfortunate youth intended to profess the Roman religion the next day, and that the father had strangled him to prevent his conversion. The clergy stirred up the fanatical passions of the populace. Calas was arrested, accused by false witnesses, condemned by the Parliament of Toulouse, and broken alive on the wheel, March 10, 1762. He protested his innocence to the

<sup>1</sup> "*Écrasez l'infâme.*" The word *infâme*, *infamous*, is also used as a noun in the sense of a convicted criminal, an infamous man or woman. Voltaire uses it as a feminine. It is often asserted, but denied by the best authorities, that he meant Christianity or even Christ. The writer of the Art. "Voltaire" in Pierre Larousse's *Grand Dict. universel du XIX. Siècle*, Tome XV., 1181, says that Voltaire by that phrase certainly intended no more than to designate "*la superstition, le fanatisme et l'intolérance, restes impurs du moyen âge, qui no-seulement n'ont rien de religieux, mais sont même subversifs de toute idée religieuse.*" The same writer states that Voltaire was no atheist, but simply a deist, and that he returned in his later writings more and more from skepticism to deism. When Franklin asked him to bless his grandson, he laid his hands on him with the words: "*Dieu et la liberté.*" G. Saintsbury, in the *Encycl. Britannica*, Vol. XXIV., 292 (9th ed.), takes a similar view: "*L'infâme* is not God; it is not Christ; it is not Christianity; it is not even Catholicism. Its briefest equivalent may be given as 'persecuting and privileged orthodoxy' in general, and, more particularly, it is the particular system which Voltaire saw around him, of which he had felt the effects in his own exiles and the confiscations of his books, and of which he saw the still worse effects in the hideous sufferings of Calas and La Barre." Compare also the discussion of the phrase by Strauss, *Voltaire*, p. 188 sq., and Zeller, *Friedrich der Grosse als Philosoph*, p. 144 sqq.





last breath, bore his sufferings without a murmur, and prayed God, not to punish his judges, who were no doubt deceived by false witnesses. His little property was confiscated, and his children were imprisoned in a convent; but two sons escaped to Geneva. The revision of the process proved the complete innocence of Calas. The verdict of the highest legal tribunal of Paris unanimously reversed the verdict of the Parliament of Toulouse (March 9, 1765); the property was restored to the family; and the king made the widow (who died an octogenarian in 1792) a present of thirty thousand francs; but the guilty parties were not punished.<sup>1</sup>

The case of Calas interested all France; it elicited no less than 145 publications, and was also brought upon the stage. The verdict of Toulouse was the last act of Huguenot persecution; the verdict of Paris was the death of the Edict of Revocation.

#### *Voltaire's Theory of Toleration.*

Voltaire did not defend Calas as a Protestant, but as an injured citizen. He cared no more for Protestantism as a religion, than for Catholicism, but he did care for the natural rights of man and for justice. He exposed the case in his *Tract on Toleration* which appeared first in 1763, in several editions and languages, and had a most extensive circulation and a powerful effect.<sup>2</sup>

He advocated toleration as a right of justice, a duty of humanity, a condition of the prosperity of the State, and as the only basis of peace between the State and religion, and the different religions. Toleration promotes population. It alone makes society endurable. The Christian religion,

<sup>1</sup> Comp. Athan. Coquerel, Jr., *Jean Calas et sa famille*, Paris, 1858; 2d ed., 1869 (with all the documents, 527 pp.); Herzog, *Die Familie Calas und Voltaire*, 1868; Kohler, *Die Familie Calas*, Hamburg, 1871; *La France Protest.*, Vol. III., 471 *sqq.*, 2d ed. (1881). The work of Coquerel is exhaustive.

<sup>2</sup> " *Traité sur la Tolérance à l'occasion de la mort de Jean Calas.*" Voltaire frequently speaks of toleration in his letters to D'Alembert.

he thought, ought to be the most tolerant, because Christians have been the most intolerant among men.

Yet Voltaire, Rousseau, and the other French freethinkers of the eighteenth century maintained the right of the civil ruler over the religion of his country. Voltaire recognized (as he wrote to Catherine II.) only the temporal power, which may forbid any dogma contrary to the public good. Dissenters from the established religion should always be obliged to apply to the magistrate to hold their assemblies. Rousseau taught that all believers in an exclusive religion (that is, all Roman Catholics) should be banished, because such a belief was incompatible with the safety and tranquility of society.

Through the influence of Voltaire, Rousseau, and the Encyclopædists the doctrine of toleration, in conjunction with indifference and infidelity, pervaded French society and reduced the intolerant legislation of Louis XIV. to a dead letter.

In the meantime the American Colonies with the aid of France achieved their independence, and the Constitutional Convention of 1787 made religious liberty the law of the land. This example was not without moral effect upon public opinion. General Lafayette acted as a mediator and friend of both countries and freely advocated the same principle on his return.

#### *Toleration Restored.*

At last toleration was restored in France, and Protestantism recognized by law.

Louis XVI., the innocent victim of the misgovernment of Louis XIV. and Louis XV., prepared the way for this act of justice. He signed an Edict in 1787, in which he declared: "After the example of our predecessors, we shall always favor, with all our power, the means of instruction and persuasion, which may tend to bind our subjects in the common profession of the ancient faith of our kingdom; and we shall proscribe, with the utmost severity, all those violent means which are as contrary to the principles of rea-

son and humanity as to the true spirit of Christianity. But while we wait till Divine Providence shall bless our efforts, and bring about this happy revolution, our justice and the interest of our kingdom permit us no longer to exclude from civil rights those of our subjects and of strangers, domiciled in our empire, who do not profess the Roman Catholic religion. A sufficiently long experience has demonstrated that rigorous proceedings are insufficient to convert them. We must, therefore, no longer permit our laws to punish them for the misfortune of their birth, by depriving them of rights, which nature must incessantly demand in their behalf."

The Constituent Convention of 1789 went a step beyond this Edict, and overthrew the barriers which still kept the Protestants from all public offices. It declared (August 21st) all citizens to be equal in the eyes of the law, and equally admissible to all public dignities according to their abilities, and passed a decree (August 23d) that "No person ought to be troubled on account of his opinions, even though they be religious, provided that their manifestation do not disturb the public order as instituted by law." A law of December 15, 1790, gave the descendants of French refugees, on returning to France and making it their home, all the rights of citizenship, and promised them restoration of such confiscated property as was not sold *bona fide* but still under sequestration. The Republican Constitution of June 24, 1793, Article VII., says in language similar to that of the First Amendment of the American Constitution: "The right of communicating thoughts and opinions, either through the press or in any other manner; the right of assembling peacefully; *the free exercise of religion*, cannot be prohibited."

It is true that the toleration of the infidel school of Voltaire and the Encyclopædists ended in the greatest intolerance, even the extermination of the Christian religion under the reign of terror. Voltaire's *Écrasez l'infâme* was literally carried into effect, and the worship of reason substituted for the worship of God by the National Assembly

in November, 1793. Thus the French Revolution took fearful revenge on the Revocation, and the Gallican Church was almost annihilated in France. The Pope himself was made prisoner by French troops, and his dominion changed into a republic (1798).

*The Napoleonic System.*

But this reign of terror was short-lived and committed suicide. It brought France to the brink of ruin, from which it could only be saved by military despotism. The first Napoleon, the rider and tamer of the wild beast of Revolution, saw that society cannot be reconstructed and maintained without religion. He therefore restored the Roman Catholic Church, and concluded a concordat with the Pope (1802). He also restored the legal existence of the Protestant (Calvinistic and Lutheran) Churches.

The Napoleonic system has, with unessential modifications and enlargements, remained in force through all the changes of government to this day. Even the Bourbons dared not set it aside, though they favored the Roman Church as far as possible. It is a system of limited liberty of religion under government supervision and with government support. It is an expansion of the Edict of Nantes with considerable improvements. It still recognizes the Roman Catholic Church as the religion of the great majority of Frenchmen, and gives her the strongest support ; it restores the legal and ecclesiastical status of the Huguenot or Calvinistic Reformed Church, but removes the restrictions of the Edict of Nantes, and authorizes its public worship everywhere, in Paris as well as in the country ; it recognizes and supports, in addition to those two Churches, the Lutheran Confession, and, since 1841, also the Jewish Synagogue ; in Algiers, even the Mohammedan worship. Finally, it tolerates other religious societies and congregations, which support themselves (as the *Église libre*, founded in 1849, foreign churches of Episcopalians, Wesleyans, Baptists, the M<sup>c</sup>All missions, etc.).

But by supporting the recognized religions from the pub-

lic treasury, the civil government, whether imperial or monarchical or republican, keeps them under its control, and obstructs their free movement. Even the present republic does not allow the Reformed Church to exercise the right of synodical self-government. It did so once in 1872, under the presidency of Thiers, and through the influence of Guizot ; but the synods held since that time are *unofficial*, and have no legislative authority. In this respect the present system is behind the Edict of Nantes, which authorized provincial and general synods.

The anti-clerical, infidel radicalism is opposed to the freedom and self-government of the Church, and endangers free institutions, which can only be maintained on the strong moral foundation of respect for law and reverence for religion. But the ablest advocate of the freedom of conscience in the French language—Alexander Vinet, of Lausanne, a descendant of the Huguenots, combined a clear and strong intellect with profound evangelical piety, and his views on the subject are generally held by Protestant Christians in France.

## CHAPTER VI.

### TOLERATION IN ENGLAND.<sup>1</sup>

#### *Comparison of the English Toleration Act with the Westphalia Treaty and the Edict of Nantes.*

We now come to the English Act of Toleration, which was passed four years after the Revocation of the Edict of Nantes, under the reign of William III., the greatest enemy of Louis XIV. It is directly connected with American history. It differs from the Westphalia Treaty, and the Edict of Nantes, in the following particulars :

1. The Toleration Act of 1689 proceeded from a Protestant government identified with the Episcopal Church, and was the result of an unbloody Revolution ; while the Westphalia Treaty was an agreement between Roman Catholic and Protestant States, after the bloody Thirty Years' War, and the Edict of Nantes was the grant of a Roman Catholic king, in time of peace, to his Protestant subjects, formerly his associates in religion and arms.

2. It was a concession made by Episcopalians to orthodox Protestant Dissenters, but it expressly excluded the Romanists ; while the Westphalia Treaty put Romanists, Lutherans, and Calvinists (German Reformed) on a legal equality, and the Edict of Nantes kept the Roman Church in possession of all the privileges of a State Church, but granted to the Calvinists full civil rights and a limited freedom of public worship.

<sup>1</sup> In this chapter I have, by the kind permission of the London publisher, incorporated, with some changes, the greater part of an essay on *The Toleration Act of 1689*, which I prepared for the Pan-Presbyterian Council, held in London, July 3-12, 1888, and which was published by James Nisbet & Co., 21 Berners Street, London, 1888 (59 pages).



3. It was gradually extended in the direction of full religious liberty, like the Westphalia Treaty ; while the Edict of Henry IV. was revoked by his grandson, though its principle ultimately triumphed in modern France.

The English Toleration Act presents in the shape of a legal settlement the final outcome of the struggles between Popery and Prelacy, and between Prelacy and Puritanism, which constitute the two periods of the English Reformation. First Popery was overthrown, and Episcopacy, with the royal supremacy, was established from Henry VIII. to Elizabeth ; then Episcopacy was overthrown by Scotch Presbyterianism and English Puritanism, culminating in the Westminster Assembly and the Protectorate of Cromwell. At last a compromise was effected between Episcopacy as the national Church and the dissenting Protestant denominations as tolerated Sects.

#### *English Intolerance.*

In England the Roman code of laws, with its persecuting provisions against heresy, had not so much influence as on the Continent, where it passed from the Byzantine Empire to the German Roman Empire and other countries.

The first important person that was persecuted for heresy in England was John Wiclif, the translator of the Bible. He was permitted to die in peace in his parsonage at Lutterworth (1384), but by order of the Council of Constance (1414) Bishop Fleming, of Lincoln, had his bones dug up and burnt, and his ashes thrown into that brook which, in the well-known language of Thomas Fuller, "conveyed them into Avon, Avon into Severn, Severn into the narrow seas, they to the main ocean, and thus the ashes of Wiclif are an emblem of this doctrine, which now is dispersed all the world over." Five hundred years after the completion of Wiclif's translation of the Bible, his memory was celebrated on five Continents !<sup>1</sup>

<sup>1</sup> See Dr. R. S. Storrs' learned and eloquent oration on *John Wycliffe and the English Bible* (New York, 1880, 88 pages), delivered at the semi-millennial celebration by the American Bible Society.

Parliament, at the instigation of Arundel, who became Archbishop of Canterbury in 1396, passed the statute, *De hæretico comburendo*, in 1401, which gave the bishops authority to arrest, imprison, and try heretical preachers and their supporters, and to hand them over to the sheriff to be burnt. Arundel made an example of the heretical clerk Sawtre, who was executed during the session of Parliament prior to the passing of the Act.<sup>1</sup>

This cruel enactment remained on the statute-book till the reign of James I., in which Legate and Neile were burnt for Arianism.

During the Reformation period in England, the instinct of national unity overruled the disintegrating tendencies of religious controversy, while on the Continent the reverse was the case. Hence the nation followed the religion of the ruler, who claimed absolute supremacy of jurisdiction in matters ecclesiastical as well as civil.

Under the reign of Henry VIII., Protestant and Roman Catholic Dissenters were burnt or beheaded alike according to the changing moods of that despot, who substituted a domestic for a foreign papacy. He was in his later reign the embodiment of arbitrary despotism. At his death (1547) the Bloody Articles were still in force, by which those who denied the doctrine of transubstantiation were to "suffer execution by way of burning."

Under his son Edward VI. (1547-1553), the Bloody Articles were repealed, but two persons—Joan of Kent and George van Pare—were burnt for heresy in Smithfield.

The re-introduction of Popery under Bloody Mary (1553-1558) is the period of Protestant martyrdom, which left an indelible impression of abhorrence of Popery on the English mind.

But the Protestant sovereigns who followed her, Queen Elizabeth and the three Stuarts, practised the same intolerance, only with less cruelty. Their aim was to secure absolute uniformity of religion and public worship, to the exclusion of all Dissent, whether Roman Catholic or Prot-

<sup>1</sup> W. Stubbs, *The Constitutional History of England*, Vol. III., 33, 384 sq.

estant. Public opinion sustained them. Even Lord Bacon, in his essay on *The Unity of the Church*, thought that uniformity in religion was absolutely necessary to the support of government, and that no toleration could with safety be given to sectaries.

The penal code of Elizabeth was chiefly aimed at the Roman Catholics, in self-defence against Pope Pius V., who excommunicated and deposed her as a bastard and a heretic (1570). They formed in her reign at least one third of the population, and might, with the aid of Spain and France, and of Queen Mary of Scotland, easily have overthrown her power; but Providence came to her rescue by the defeat of the Spanish Armada (1588).

The Puritans during their ascendancy were likewise intolerant in principle, though less in practice. Their worst act was the ejection of two thousand ministers from their livings for not conforming to their discipline. The Westminster Assembly attempted to frame a creed for England, Scotland, and Ireland, and declared that dangerous heretics "may lawfully be called to account and proceeded against by the censures of the Church, and *by the power of the civil magistrate.*"<sup>1</sup>

Toleration was regarded as indifference or treason to truth, dangerous to government, and pernicious to religion and good morals. The Mosaic laws against idolatry and blasphemy were transferred, as binding, to the dispensation of the gospel, and the civil magistrate was clothed with authority over the first as well as the second table of the Ten Commandments.<sup>2</sup>

Cromwell and Milton, and the five Independents in the

<sup>1</sup> *Westminster Confession of Faith*, XX., 2, 4. The last clause is justly omitted in the American recension of the *Confession*.

<sup>2</sup> On the lively discussions concerning toleration during the Westminster Assembly, see Schaff, *Church History*, VI., 74 *sqq.* Hallam (III., 169) quotes from a pamphlet of 1681, entitled *The Zealous and Impartial Protestant*, the following sentence: "Liberty of conscience and toleration are things only to be talked of and pretended to by those that are under; but none like or think it reasonable that are in authority. . . . It is not consistent with peace and safety without a standing army; conventicles being eternal nurseries of sedition and rebellion."

Westminster Assembly had more advanced views on the liberty of conscience than the Episcopalians and Presbyterians ; but even they excluded Papists, Prelatists, and Unitarians from their programme of toleration. Milton excluded Papists on the ground that their worship was idolatrous, and idolatry was forbidden in the Old Testament. The Puritans established in New England an exclusive Congregational theocracy, and in Massachusetts the union of Church and State lasted longer than in any of the United States. Quakers and witches were condemned to death and executed in Boston and Salem.

The Baptists and Quakers alone (and Protestant denominations of later date) were consistent advocates of universal toleration, and put it into their creeds. They never persecuted, and, fortunately for them, they never had a chance to resist the temptation to which our selfish and ambitious human nature is exposed when clothed with authority and power.

All persecuted parties and sects, however, plead for toleration and liberty under persecution, and thus approve a principle which they usually repudiate when in power. Churchmen were not behind the Puritans in this respect. One of the most eloquent defences of religious liberty is Bishop Jeremy Taylor's *Discourse on the Liberty of Prophesying*, which he wrote while in exile to prove "the unreasonableness of prescribing to other men's faith, and the iniquity of persecuting different opinions." He calls to his aid Tertullian, Cyprian, Minutius Felix, Lactantius, Hilary, Athanasius, and other Church fathers, who loudly called for liberty in the times of heathen and Arian persecution. He regards all as Christians who hold the fundamental truths and believe in the Apostles' Creed. He very properly included the Roman Catholics. But when Episcopacy was restored, he partly repudiated his liberal views, and apologized for the publication of his book. "Consistency, thou art a jewel."

#### *Enactments against Dissenters.*

Let us briefly review the intolerant Acts of Parliaments preceding the Revolution of 1688. They are repugnant to

every sense of justice and humanity, not to speak of Christian charity; and there is not a living Englishman, with his head and heart in the right place, who would advocate their restoration. They can only be explained from the unfortunate mixture of religion with politics, and the supposed or real danger of foreign aggression and internal disorder.

The Uniformity Acts of 1549, 1559, and 1662 prescribed the use of the Book of Common Prayer, by all ministers on penalty of forfeiture of stipend and six months' imprisonment, with heavier punishments for second and third offences (1549); they prohibited, under pain of forfeiting goods and chattels for the first offence, of a year's imprisonment for the second, and of imprisonment during life for the third (enforced by death if the offender should return), the use by a minister, whether beneficed or not, of any but the established liturgy, and imposed a fine of one shilling on all who should absent themselves from church on Sundays and holidays (1559); they deprived all ministers of their livings, who refused assent to the liturgy by St. Bartholomew's Day (1662), and required for the future all applicants for any benefice to make a declaration of passive obedience to the King, and to deny the binding force of the *Solemn League and Covenant*. In consequence of this Act more than 2,000 ministers, whose consciences did not allow them to conform to the Book of Common Prayer, were ejected from their places on St. Bartholomew's Day in 1662.

The Corporation Act of 1661 (13 Car., II., st. 2, c. 1) required all officers of corporations, besides taking the oaths of allegiance, supremacy, and non-resistance, and abjuring the *Solemn League and Covenant*, to receive, within one year of their appointment, the sacrament of the Lord's Supper according to the rites of the Church of England. The Act was not repealed till 1828.

The Test Act of 1672 (25 Car., II., c. 2) enforced upon all persons holding any office under the crown, civil or military, besides taking the oaths of allegiance and supremacy, a declaration against transubstantiation, and the obligation of receiving the sacrament within three months after admit-



tance to office. In 1678 (30 Car., II., st. 2) all peers and members of the House of Commons were required to make a declaration against transubstantiation, the invocation of saints, and the sacrifice of the Mass. The Test Acts were aimed chiefly against Roman Catholics, and remained on the statute-book till 1829.

The University Test Acts required subscription to the Thirty-nine Articles, and compulsory attendance at public worship in the Church of England at the Universities of Oxford, Cambridge, and Durham, and were not removed till 1871.

The Conventicle Act of 1664 (16 Car., II., c. 4) punished by fine, imprisonment, and transportation to the colonies, any person over sixteen years of age for attending a religious meeting of more than five persons not in accordance with the ritual of the Church of England. In the event of his return the offender was doomed to death. This barbarous law was enacted within three years after Charles II. had solemnly promised liberty of conscience.

The Five-Mile Act of 1665 (17 Car., II., c. 2) prohibited all non-conforming ministers, under a penalty of forty pounds, from coming within five miles of any corporate town, and from teaching in any public or private school. It was aimed at depriving the ejected clergy of their means of livelihood by preaching or teaching, and starving them into submission or death.

Under the operation of these Acts many of the purest and holiest men that England produced, such as Richard Baxter and John Bunyan, were crowded in dark and filthy dungeons, called prisons, with profligate and ferocious criminals, and exposed to extreme sufferings of cold, hunger, or nakedness; so that death, which frequently occurred before the trial, was hailed as a merciful deliverance. It was affirmed at the time, by William Penn, that during the short period of the Restoration "more than five thousand persons died in bonds for matters of mere conscience to God." Thousands of others fled to Holland or across the sea.

The Presbyterians of Scotland fared still worse than the



English Dissenters under the Restoration, which had been brought about by their aid. Episcopacy and the English liturgy were forced upon the people, and Presbyterianism was persecuted with heartless cruelty, almost equal to that of the dragoons whom Louis XIV. let loose upon the Huguenots.

This was the state of English ecclesiastical legislation when the "glorious" Revolution of 1688 broke out, and made an end of the treacherous reign of the Stuarts, who, like the Bourbons, "never learned and never forgot any thing."

#### *The Last Stuarts.*

Charles II. (1660–1685), a bright and witty, but frivolous, unprincipled, unscrupulous, unreliable, and sensual tyrant, without honor and without shame, introduced the period of the Restoration, which from Puritan rigor and severity swung to the opposite extreme of semi-popery in religion, libertinism in morals, and servility in politics. When told that he "never said a foolish thing but never did a wise one," he wittily charged his ministers with the foolish acts, while he claimed the words as his own. He left no legitimate issue, but a dozen bastards. He signed the Scotch Covenant and ejected the Presbyterian clergy in England after they had helped him to the throne, and persecuted them in Scotland. He swore to maintain the Episcopal Church and secretly joined the Church of Rome, while signing severe laws against her. He took pay from the bigoted Louis XIV., the persecutor of the Huguenots, that he might reign more absolutely and be independent of Parliament. On his deathbed, surrounded by the children of his mistresses, he abjured Protestantism and received absolution from the lips of a priest named Huddleston, who had saved his life after the battle of Worcester.

James II., his younger brother and successor (1685–1688), was a better but a weaker man, less criminal but more unfortunate. He presents a striking example of those whom the gods make mad before they destroy them. His reign was an unbroken series of fatal blunders. He had, as Duke of York, openly joined the Roman Church, in 1669,

and was obliged to resign his office as Lord High Admiral, after the passage of the Test Act (1672). Nevertheless, he took the oath on the constitution, and promised to "preserve this (English) government, both in Church and State, as it is now established." But the word of a Stuart was as unreliable as the wind. His acts contradicted his promises. His desire to secure toleration for his fellow-Catholics was natural and laudable, and might have succeeded if he had done it by constitutional means and with due regard for the rights of the national Church. But he made every effort to introduce Popery and despotism, and relied on the aid of Louis XIV., who, in the first year of James' reign, had revoked the Edict of Nantes. "To his policy," says Macaulay, "the English Roman Catholics owed three years of lawless and insolent triumph, and a hundred and forty years of subjection and degradation." He publicly attended the illegal celebration of mass; he appointed, in spite of the Test Act, secret and open Romanists to offices in the army and navy, in the universities, on the bench, and in the privy council; he sent an agent to Rome to promote the restoration of Popery; he received a Papal Nuncio at court; he treated the laws against Papists as null and void; he forbade the clergy to preach against "the King's religion," and used his ecclesiastical supremacy as a weapon for undoing the work of his Protestant predecessors. He disregarded even the Pope's counsel of moderation. In April, 1687, he suspended, by a usurpation of prerogative, the operation of the penal laws against all Nonconformists, and every Act imposing a religious test as a qualification for office, and promised, at the suggestion of Penn, the Quaker, but with the sole view of benefiting his own Church, to establish universal liberty of conscience for all time; hoping thereby to gain the good-will of the Protestant Dissenters.<sup>1</sup> But their

<sup>1</sup> Sir James Mackintosh, *History of the Revolution in England in 1688* (London, 1834, p. 155): "The declaration of indulgence had one important purpose beyond the assertion of prerogative: the advancement of the Catholic religion, or the gratification of anger against the unexpected resistance of the Church. It was intended to divide Protestants, and to obtain the support of the Nonconformists."

leading men—Baxter, Howe, and Bunyan—refused an indulgence proceeding from the arbitrary will of a monarch without a regular Act of Parliament. He dissolved a disobedient Parliament, and called a new one. He was obstinately determined “to lose all or to win all.”

### *The Revolution of 1688.*

The bloodless Revolution of 1688 was a revolt of the English nation against the political and spiritual despotism of Charles II. and James II. All parties in Church and State, the nobility, the gentry, the universities, Episcopalians and Dissenters, the army and the navy were alarmed, and combined against a common danger. They deposed James, and called the Protestant Prince William of Orange, the husband of his oldest daughter, and Stadtholder of Holland, from the Hague for the protection of English liberty and the Protestant religion.

William landed with an army of about 14,000 men, including many exiled Huguenot soldiers, and was received with popular enthusiasm. William and Mary were elected joint sovereigns by both Houses of Parliament, February 13th, and crowned at Westminster, April 11, 1689.<sup>1</sup>

James, forsaken by his people and his own children, sought safety in flight to France; was received with great honor by his congenial friend, Louis XIV., and spent the remainder of his life in fruitless intrigues for the recovery of his crown till his death (September 16, 1701).

From this time dates the secession of the “Nonjurors,” or Jacobites, who adhered to James II., and to his son, James III., called the “Old Pretender,” who died in Rome, January 2, 1766.

<sup>1</sup> The popular date for the English Revolution is 1688. At that time the civil year in England began on the 25th of March, the day of the Annunciation, according to a mode of reckoning introduced in the 12th century, and continued till the reformation of the calendar, in 1752. The historical year always began with the 1st of January; the liturgical or ecclesiastical year, with the 1st Sunday in Advent.

*William III.*

William of Orange (1650-1702) was brought up in the teaching of the Heidelberg Catechism and the Canons of Dort. He was a Calvinist in doctrine, but a latitudinarian in worship and discipline, and had imbibed the spirit of toleration from the Arminians. He strongly believed in Divine fore-ordination, and told Bishop Burnet, who knew him well, that "he did not see how the belief of Providence could be maintained upon any other supposition."<sup>1</sup> He was in favor of a simple worship, and had moderate views on Church polity. Hence he easily exchanged Presbytery for Episcopacy. "He was," says Burnet, "an attentive hearer of sermons, and constant in his private prayers and reading the Scriptures." He was cold, reserved, grave, and self-possessed; fond of hunting, brave, and an able commander.

He had promised to bring about "a good agreement between the Church of England and all Protestant Dissenters." He kept this promise. Burnet says that the Bill of Toleration gave him "great content. He, in his opinion, always thought that conscience was God's province, and that it ought not to be imposed on; and his experience in Holland made him look on toleration as one of the wisest measures of government. He was so true to his principle herein that he restrained the heat of some who were proposing severe acts against Papists."<sup>2</sup> Hallam calls William "almost the only consistent friend of toleration in his kingdom."<sup>3</sup> Macaulay judges him to have been endowed by nature with "the qualities of a great ruler," which "education developed in no common degree." Prince Albert pronounces him "the greatest sovereign England has to boast of; by whose sagacity and energy was closed that bloody struggle

<sup>1</sup> Burnet, *History of his own Time*, Vol. III., p. 125 (Oxford ed., 1823). Macaulay says that "the tenet of predestination was the keystone of his religion."

<sup>2</sup> *History*, etc., Vol. IV., p. 21.

<sup>3</sup> *Constit. Hist.*, Vol. III., p. 332. Dr. Stoughton (*History of Religion in England*, revised ed., London, 1881, Vol. V., p. 5) says: "Toleration was the ruling idea of his mind; and he blamed the Church of England for alienating itself from other Communion."

for civil and religious liberty which so long had convulsed this country, and who secured to us the inestimable advantages of our constitution and of our Protestant faith.”<sup>1</sup>

*The Bill of Comprehension.*

Two schemes were introduced into the first Parliament of William and Mary with the view to settle the Church question—the scheme of Comprehension and the scheme of Toleration. The first failed, the second succeeded. Both had been repeatedly taken up and as often laid down during the reign of Charles II.

The measure of Comprehension, entitled, “A Bill for uniting their Majesties’ Protestant subjects,” aimed to make the Church of England as wide as the nation, and to bring all the Protestants within its fold. It was favored by Sancroft, Archbishop of Canterbury, introduced by the Earl of Nottingham, and passed the House of Lords, April 8th, without consulting the clergy, but was coldly received and defeated in the House of Commons, which consisted mostly of Episcopalians and a few Presbyterians. The Churchmen were unwilling to lower their standards for the convenience of Dissenters; and the Dissenters—especially the Independents, Baptists, and Quakers—disapproved Episcopacy, liturgical forms and ceremonies, and some of them the principle of Church Establishment. Only a few of the leaders, like Philip Henry, Richard Baxter, Bates, and Howe, would have accepted Comprehension *salva conscientia*, to restore the unity of the Church. The Comprehension scheme was afterwards revived in Convocation by Archbishop Tillotson and the Latitudinarians, on the basis of a distinction between fundamental and non-fundamental truths, but it failed, and was indefinitely abandoned.

<sup>1</sup> In a speech at the third jubilee of the “Society for the Propagation of the Gospel in Foreign Parts,” June 19, 1851. For an admirable portraiture of William’s character see L. von Ranke, *History of England*, Vol. V., p. 298 sq. (Oxford ed.). He calls William “an international nature; by origin a German Prince, the son of an English mother, the husband of an English Princess; by old blood relations and religion attached to French Protestantism, and by his ancestors’ services, and by inherited claims, belonging to the Republic of the United Netherlands.”



*The Act of Toleration, A.D. 1689.*

The Bill of Toleration passed with little difficulty, "though not without murmurs of the bigoted Churchmen."<sup>1</sup> It received the royal assent May 24, 1689, and thus became a law. The Puritan divines thronged to the quarter-sessions of every county to swear and sign. Baxter signed the Act with a declaration that, while he approved the doctrine of the Athanasian Creed, he did not mean to assent to the damnable clauses, nor to condemn sincere and virtuous unbelievers. Many of the Dissenting ministers in London expressed their concurrence in these liberal and charitable sentiments.

The Act of Toleration left the Church of England unchanged, and in possession of all her endowments, rights, and privileges, but it limited her jurisdiction, so that she ceased from that time on to be coëxtensive with the nation. It gave the orthodox Protestant Dissenters, under certain conditions and restrictions, a legal existence, and the right of public worship and self-government, dependent upon self-support (for these two are inseparably connected). Its benefit extended to Presbyterians, Independents, Baptists, and Quakers, but to no others. It stopped the persecution against them, but not against Unitarians and Roman Catholics, who are expressly excluded from the benefit of the Act by Section XVII.

The Act is not called an Act of Toleration at all; but simply "An Act for exempting their Majesties' Protestant subjects dissenting from the Church of England from the penalties of certain laws," and defines its object to give "some ease to scrupulous consciences in the exercise of religion." It did not exempt them from "paying of tithes

<sup>1</sup> So says Hallam (III., 170), who adds: "The High-Church pamphlets of the age grumble at the toleration." Unfortunately, the Parliamentary debates of the period are mostly lost. Reporters were proscribed. "What little of the debate," says Stoughton (*l. c.*, Vol. V., 91), "has been preserved shows it to have been brief, desultory, and superficial—not dealing with any great principles, but only discussing details, with an outburst now and then of ill-temper." It was proposed by some that toleration should be granted only for seven years, and that the Dissenters be put on their good behavior, but that proposal was rejected.



or other parochial duties, or any other duties to the Church or minister" (Section VI.). It did not repeal any of the statutes of uniformity or conformity to the Church of England which were passed under the Tudors and Stuarts against every kind of Dissent, whether Protestant or Papal, under heavy penalties. But it exempted all persons from these penalties who took the oaths of allegiance and supremacy, and subscribed thirty-six and a half of the Thirty-nine Articles of Religion, and a declaration against the doctrine of transubstantiation. The Articles from which they were exempt are the 34th, 35th, and 36th, and a part of the 20th. They refer to the distinctive order and usages of the Episcopal Church, and are ecclesiastical and ritualistic, rather than doctrinal, but offensive to the Puritans.

The Baptists were also exempted from the 27th Article, which teaches that "the baptism of young children is in any wise to be retained in the Church, as most agreeable with the institution of Christ."

The Quakers were not required to subscribe the Articles at all, but instead of it to make a declaration of faith in the Holy Trinity and the Divine Inspiration of the Scriptures.

Upon these conditions, Dissenting ministers were authorized, for the first time in English history, to preach and to administer the sacraments in public meetings—though only with open doors. The shield of protection was thrown over their acts of worship, and every interruption made a punishable offence.

The Act of Toleration falls far short of our modern ideas of religious liberty, and by its limiting and exclusive clauses may be termed rather an Act of Intolerance against Unitarians and Roman Catholics. It assumes the authority of the civil magistrate to prescribe and regulate the religious opinions of Englishmen. It disclaims the principle of religious freedom. It describes the Dissenters whom it was to benefit, as persons of "*scrupulous* consciences," and their ministers as "persons in *pretended* holy orders or *pretending* to holy orders."

Nevertheless, the Act was a very important step towards

freedom, and led to it with irresistible force. It annunciated no principle, but simply met an actual grievance. To an abstract theorist it is, as Macaulay says, "a chaos of contradictions and absurdities"; but it was, nevertheless, as he admits, wise and beneficial. It combines the practical advantages and theoretical defects of English legislation as distinct from French legislation. It was adapted to the actual condition and wants, but aimed no higher; it dealt with facts, not with principles; it provided an immediate remedy, but no final solution. The abstract idea of religious liberty was foreign to that age. "A bill of religious liberty," says Macaulay, "would have been burned by the mob in half the market-places of England, and would have made the very name of Toleration odious to the majority of people." But a long and sad experience had taught the English people that it was impossible to make all men of one mind, and to force them into the same creed and mode of worship. Uniformity had been tried and found wanting. Something had to be done to relieve the consciences and remove the grievances of those who could not honestly conform to a religion prescribed by the State and kept up by continued persecution. Moreover, the common danger of Popery had made all parties of Protestants to combine against it. The Act was a half-measure, but half a loaf is better than no bread. It answered the existing want, and reached its end for the time; while a more sweeping act would have shocked the prejudices of the overwhelming majority of both Churchmen and Dissenters.

Under this view, the Act of Toleration, as far as it went, was really a great blessing, and the only measure of religious liberty which the age and most men of that age needed and desired. It put a stop to persecution, which had disgraced England for four generations, which had cost many precious lives, wrought untold sufferings, and sent thousands of good and useful men to loathsome prisons, or across the Atlantic to the wild woods of America. Even the Church of England reaped great benefit; for what she lost in extent was more than made up by the gain of release from the

odium of persecution and political complications. She could now follow her proper spiritual vocation, and commend herself to the people by her intrinsic merits and virtues.

*Judgments of Historians.*

All the leading Protestant historians of England represent the main features of the Toleration Act as a great advance in liberty and civilization.

Bishop Burnet says:—"The clergy began to show an implacable hatred to the Nonconformists, and seemed to wish for an occasion to renew old severities against them. But wise and good men did very much applaud the quieting the nation by the Toleration. It seemed to be suitable, both to the spirit of the Christian religion and to the interests of the nation. It was thought very unreasonable that, while we were complaining of the cruelty of the Church of Rome, we should fall into such practices among ourselves; chiefly, while we were engaging in a war, in the progress of which we would need the united strength of the whole nation."<sup>1</sup>

Henry Hallam:—"The Revolution [of 1688] is justly entitled to honor as the era of religious, in a far greater degree than of civil liberty; the privileges of conscience having had no earlier Magna Charta and petition of right whereto they could appeal against encroachment. . . . We may justly deem this Act a very scanty measure of religious liberty; yet it proved more effectual through the lenient and liberal policy of the eighteenth century."<sup>2</sup>

Sir Thomas Erskine May:—"The Toleration Act, whatever its shortcomings, was at least the first recognition of the right of public worship, beyond the pale of the State Church. It was the great charter of Dissent. Far from granting religious liberty, it yet gave indulgence and security from persecution. The age was not ripe for wider principles of toleration."<sup>3</sup>

<sup>1</sup> *History of his own Time*, Vol. IV., 21.

<sup>2</sup> *Constitutional History of England from Henry VII. to George II.*, Ch. XV. (London, eighth ed., Vol. III., pp. 168 and 171).

<sup>3</sup> *The Constitutional History of England since the Accession of George III. 1760-1860*, seventh ed., London, 1882, Vol. III., 78 sq.

Lord Macaulay calls the Toleration Act "the great charter of religious liberty."<sup>1</sup>

W. E. H. Lecky:—"The Toleration Act, though very imperfect according to our present notions, is justly regarded as the Magna Charta of religious liberty. . . . While the Toleration Act and the establishment of the Scotch Kirk gave virtual freedom of worship to all Protestants, the abrogation of the censorship established freedom of discussion. The battle was thus won. Intolerance became an exception and an anomaly, and it was simply a question of time how soon it should be expelled from its last entrenchments."<sup>2</sup>

Canon Perry (Episcopalian):—"The Toleration Act, much needed and long delayed, received the royal sanction May 24th, and by it a crying grievance to a great portion of the king's subjects, and a sore stumbling-block and cause of offence to the Church, was taken away."<sup>3</sup>

Dr. Stoughton (Independent):—"The Act afforded to all Protestants, with few exceptions, a legal protection in carrying out their systems of doctrines, worship, and discipline. It threw the shield of law over every religious assembly with open doors. To interrupt the Independent, the Baptist, the Quaker, in the service of God, became a criminal offence. By shielding Dissent, the law, though of course not endowing it, might also be said, in a certain sense, to establish it. It left national emoluments to Episcopalians; but it secured as much religious freedom to other denominations as to them. Nay, it secured more, a consequence necessarily resulting from the difference in relation to the State between voluntary churches and one nationally endowed. . . . From the moment that William gave his assent to the Act, the Established Church ceased to be national in the sense it had been before. It could no longer claim all Englishmen, as by sovereign right, worshipers within its pale."<sup>4</sup>

<sup>1</sup> *History of England*, Ch. XI., Vol. II., 461 *sqq.*

<sup>2</sup> *History of Rationalism in Europe*, London, seventh ed., 1875, Vol. II., 83, 84.

<sup>3</sup> *History of the English Church*, second period, p. 544.

<sup>4</sup> *History of Religion in England*, revised ed., Vol. V., 96.

*The Philosophy of Toleration.*

JOHN LOCKE.

The spirit of the Toleration Act is best represented by John Locke, who may be called the philosopher of English toleration. The first of his four *Letters on Toleration* was published in Latin at Tergon (Gauda), Holland, 1689 (*Epistola de Toleracione*), and at once translated into Dutch and French. The second letter was published in 1690; the third in 1692, without his name; the fourth is not dated.<sup>1</sup> These letters, therefore, could not have influenced the legislation of 1689; but they expressed the sentiments of the liberal men of the same age, and went a step in advance of the Act.

Locke was born of Puritan parents, educated at Oxford under Dr. Owen, a friend of Leclerc, Limborch, and other Dutch Arminians, and nominally a member of the Established Church, but attended the ministry of a lay preacher. In religion he was a disciple of Chillingworth, in politics he followed Harrington. His principles would have consistently made him a Dissenter, and a champion of the complete separation of Church and State, but not of religion and the State. He was a believer in a Protestant Christian nation. For he excluded from toleration atheists on religious grounds, and Papists on political grounds. The former can have no regard for oaths and divine commands, which are the bonds of human society. "The talking away of God," he says, "though but even in thought, dissolves all." Roman Catholics are dangerous to the State, because they exclude all who differ from them, as heretics, and claim the power of the Pope to depose kings and to dissolve subjects from their allegiance.

Within these limits, Locke proves both the equitableness and practicableness of toleration. He identifies it with charity, as the chief characteristic of the Christian Church (I Cor. ch. 15), in opposition to ambition and love of power over one another (Luke 22 : 25, 26). He draws a sharp distinction between Church and State, and carries it almost to

<sup>1</sup> The four letters on Toleration make up the sixth volume (546 pages) of his *Works* in 10 vols., 11th ed., London, 1812.



the point of separation. The State, he teaches, has jurisdiction only over civil and temporal affairs. The care of souls is not committed to it. It has no authority to impose creeds or to punish errors in religion; it can only punish the transgressions against society. No man can, if he would, conform his faith to the dictates of another. True religion consists in the inward persuasion of the mind, without which nothing can be acceptable to God. The anonymous preface calls for more than toleration and comprehension, the first of which will but palliate, the second increase, the evil. It demands "absolute liberty, just and true liberty, equal and impartial liberty."

In a letter to Limborch, dated June 6, 1689, Locke says of the Act of Toleration: "You have no doubt heard before this time that toleration is at length established by law, not perhaps to the extent which you, and such as you, sincere, and candid, and unambitious Christians, would desire; but it is something to have proceeded thus far. By such a beginning I trust that those foundations of peace and liberty are laid on which the Church of Christ was at first established. None are entirely excluded from freedom of worship, nor subjected to punishment, except the Romanists, if they only will swear the oath of fidelity, and renounce transubstantiation and certain dogmas of the Roman Church. Of the oaths the Quakers are dispensed."<sup>1</sup>

Limborch, to whom this letter is addressed, was a famous Arminian Divine in Holland, and a strong advocate of toleration. He shows in the first chapter of his *Historia Inquisitionis* (Amsterd., 1692) that Christ, the Apostles and ancient fathers before the Council of Nicæa, and even St. Augustin before his controversy with the Donatists, were opposed to religious persecution. About the same time Thomasius, Professor of Law in Halle, defended toleration in his program, *De Tolerantia Dissidentium in Religione*, 1690. He was in sympathy with the Pietistic leaders, Francke and Spener, and one of the promoters of modern civilization by his effective opposition to intolerance, the trials of

<sup>1</sup> *Familiar Letters*. See the original Latin in his *Works*, Vol. X., p. 23.



witchcraft, and the torture. He also introduced the use of the vernacular language instead of the Latin as the medium of academic instruction.

Locke's view on toleration with the same limitation was maintained fifty years later by Bishop Warburton in his treatise on the *Alliance of Church and State*,—namely, that the State has no control over religious errors as such, but must hold to the being of a God, a Providence, and a natural difference of moral good and evil.

Paley, in his *Moral and Political Philosophy* (1785), goes further than Locke, and advocates the liberation of Roman Catholics.

The English philosophers of toleration differ from the French by their religious tone and respect for Christianity. The English freethinkers—Herbert, Hobbes, Bolingbroke—were opposed to toleration, and favored a despotic government. Hobbes was the most unflinching teacher of an absolute despotism of the State, which implies an unlimited power of persecution. Hume calls toleration a “salutary practice,” but a “paradoxical principle.” The assertion is frequently made that toleration is the child of skepticism and unbelief, while intolerance is the necessary consequence of strong conviction. This is the opinion of Romanists, who condemn toleration, and of Rationalists, who approve it. We hold that religious liberty is as old as Christianity itself, and always had its defenders in times of persecution, as it has now in times of peace.

#### *Progress of Toleration in England.*

The chief defect of the Toleration Act was the express exclusion of Unitarians and Roman Catholics ; but this defect has been mended by subsequent legislation.

#### *Emancipation of Unitarians.*

The Socinians, who deny the tri-personality of the God-head and the eternal Divinity of Christ, could not subscribe the first two and the fifth of the Thirty-nine Articles, nor the eighth, which recognizes the Nicene and Athanasian

creeds. They were regarded by orthodox Dissenters as well as by the Churchmen as heretics who deny fundamental truth. Dr. South traced their pedigree "from wretch to wretch back to the Devil himself." Dr. Joseph Priestley was attacked by a barbarous mob at Birmingham (1791) and emigrated to America, where he died (1804), generally esteemed for his services to science and for his blameless life.

But during the course of the eighteenth century the descendants of those Presbyterians who in the sixteenth and seventeenth centuries had justified wholly, or in part, the burning of Servetus, gradually and imperceptibly were infected with Arminian and Socinian sentiments, and most of their congregations, with their property, passed into the hands of Unitarians.

From that time the Unitarians found advocates in Parliament in the great Whig statesman and orator, Charles James Fox, and William Smith. The first attempt to secure toleration for them was defeated by Burke and Pitt, but in 1813 their claim was admitted.

#### *Persecution and Emancipation of Roman Catholics.*

The Roman Catholics, who once ruled England and excluded all other creeds, had to wait longest for the recognition of their rights, on account of their intolerant principles and the political suspicions resting on them. The English people could not forget for a long time the horrors of the Marian persecution, the burning of the Reformers at Oxford, the Popish plots to assassinate Queen Elizabeth, whom Pius V. had excommunicated and deposed, the gunpowder conspiracy of Guy Fawkes, and the Mediæval and Jesuitical doctrine of the power of the Pope over civil rulers. Continental events, such as the massacre of St. Bartholomew's Day, the murder and assassination of William of Orange and Henry IV., the Revocation of the Edict of Nantes, and the terrible calamities of the Thirty Years' War, also had a powerful effect upon public opinion, and strengthened the hatred and fear of Popery. It was regarded as the sworn enemy of liberty in Church and State. This sentiment has by no means died

out yet in Protestant lands, and is confirmed from time to time by official deliverances of the papal chair, such as the Syllabus of 1864.

It is only in view of these facts that we can understand, although we would not justify, the cruel laws enacted against the Romanists under Queen Elizabeth and her successors. James I. denied them the right to educate their children in the faith which was the faith of his own mother. Even Cromwell, Milton, and Locke, as we have already mentioned, excluded them from toleration. The close connection of the despotism of the last Stuarts, with the attempt to re-introduce Popery, made the condition of its followers even worse after the Revolution than it was before. They sympathized with the expelled dynasty, and became political rebels in arms. To tolerate the Jacobites seemed fatal to the independence of the kingdom, as well as to the cause of the Protestant religion. Jacobitism lingered in England and Scotland till the death of the ill-fated Charles Edward, "the Young Pretender," who made the last attempt to restore, by force of arms, the dynasty of the Stuarts and the religion of the Pope. He died at Rome, January 30, 1788.

In 1700, Parliament passed a cruel Act, which offered a reward of a hundred pounds for the discovery of any Romish priest performing the offices of his Church; incapacitated every Roman Catholic from inheriting or purchasing land, unless he abjured his religion upon oath; and even prohibited him from sending his children abroad to be educated in his own faith.<sup>1</sup>

The Catholics in Ireland fared still worse than in England. They were in arms for the exiled James II. Defeated by the sword, they were condemned to proscription and outlawry. The laws of oppression enacted against them during the reigns of William III. and Queen Anne intensified that double hatred of race and religion which has been the curse of Ireland and the shame of England ever since. "No Papist," says Hallam, "was allowed to keep a school,

<sup>1</sup> May, *l. c.*, III., 79, and Butler's *Hist. Mem. of Catholics*, III., 134-138, 279.

or to teach any in private houses, except the children of the family. Severe penalties were denounced against such as should go themselves or send others for education beyond seas in the Romish religion. . . . Intermarriages between persons of different religion, and possessing any estate in Ireland, were forbidden; the children, in case of either parent being Protestant, might be taken from the other, to be educated in that faith. No Papist could be a guardian to any child. . . . Papists were disabled from purchasing lands, except for terms not more than thirty-one years, at a rent not less than two-thirds of the full value. . . . No Papist was permitted to retain arms, and search might be made at any time by two justices. Regular priests, bishops, and others claiming jurisdiction, and all who should come into the kingdom from foreign parts, were banished on pain of transportation. . . . Priests were forbidden to leave their own parishes. . . . Rewards were held out to informers who should detect the violations of these statutes. . . . To have exterminated the Catholics by the sword, or expelled them, like the Moriscos of Spain, would have been little more repugnant to justice and humanity, but incomparably more politic.”<sup>1</sup>

But as the political danger to England and all prospects of re-Romanizing the nation passed away, public opinion underwent a slow and steady change in favor of the civil and religious rights of Roman Catholics. Such men as Fox, Burke, and Sir G. Savile sympathized with their grievances. The execution of the cruel laws against them in several notable cases made these laws hateful. The first measure of relief was passed in 1778, notwithstanding the “No Popery” cry which resounded in the streets. Other measures of relief followed from time to time.

At last they were set free by the Catholic Emancipation Act of 1829, under the reign of George IV. (10 George IV., c. 7). The measure was introduced by the great statesman, Sir Robert Peel, into the House of Commons, March 5, 1829, and defended as a necessity in a speech of four hours.

<sup>1</sup> *Const. History*, III., 396 sq. (N. York ed., III., 381 sq.)

The Duke of Wellington justified it in the House of Lords, as a means of averting a civil war. The ultra-Protestant sentiment of the land raised a loud protest, but was overcome by the more liberal and intelligent majority. The bill passed the Commons and the Lords by large majorities, in April, and the king himself reluctantly gave his assent, not daring to overrule his Ministers and Parliament. This Act admits Roman Catholics, on taking a new oath, instead of the oath of supremacy, to both Houses of Parliament, to all corporate offices, to all judicial offices, except in the ecclesiastical courts, and to all civil and political offices, except those of Regent, Lord Chancellor of England and Ireland, and Lord Lieutenant of Ireland, all of whom must belong to the Established Church.

In 1869, under the leadership of a High Church Episcopalian Prime Minister, who in his youthful years had published an elaborate defence of the union of Church and State,<sup>1</sup> that union was dissolved in Ireland, and the Episcopal Church, which represented only about one eighth of the Irish people, was disestablished, to her own advantage, and the increase of lay-activity and prosperity, according to the testimony of the present Archbishop of Dublin. This was another step in the policy of justice and conciliation, which alone can solve the Irish problem.

#### *Emancipation of Jews and Atheists.*

The same justice was done in 1858 to the Jews, whose history in Christian lands is one unbroken martyrdom. For a long time every son of Abraham was treated as if he were personally responsible for the crucifixion. In 1837, Baron Lionel Nathan de Rothschild was chosen to the House of Commons as one of the members for London, and continued to be returned again and again, until Parliament, in 1858, removed the legal obstacle by allowing the Jews to omit, in the oath of abjuration, the words, "on the faith of

<sup>1</sup> William Ewart Gladstone, *The State in its Relation with the Church*, 4th ed., London, 1841, 2 vols. Compare the famous critique of Macaulay in the "Edinburgh Review" for 1839.



a Christian," and to be sworn upon the Old Testament instead of the Gospels.

The success of Charles Bradlaugh, who, after repeated elections, was admitted to the House of Commons in 1885, and the debates of Parliament on his case, in July, 1888, settle the question that even professed atheists may sit in the councils of the English nation on simple affirmation, which is allowed to Quakers in deference to their conscientious objection to an oath.

All these Acts of toleration and relief are simply measures of justice which the State owes to all its subjects alike. They no more unchristianize the British nation than the fact that Jews and infidels dwell in England and are allowed to hold property. On the contrary, they show the progress of the true spirit of Christianity, which is a spirit of justice and good-will to all classes and conditions of men.

But while Jews and Gentiles are entitled to the rights of men and citizens, they cannot claim a right to legislate for Christians. And here lies the difficulty which points to the separation of Church and State as the final solution. A Parliament composed of such heterogeneous elements from Romanism down to atheism, becomes less and less qualified to legislate for religion, and must leave that to the Church, to which it properly belongs by divine right.

#### *Toleration and Liberty in Scotland.*

The Act of Toleration was intended for England ; but the Revolution of 1688 was of the greatest benefit also to Scotland. It ended a reign of terror, and secured the natural development of Presbyterianism as the religion of the great majority of the people, with freedom for all other forms of Protestantism, and ultimately also of Romanism.

Three months after their election in England, William and Mary were invested with the regal authority in Scotland, in the banqueting house at Whitehall (May 11, 1689). William wisely left the settlement of the Church question to the Estates of the kingdom. They had previously declared the throne vacant, drawn up fourteen grievances, and made a



claim of rights and liberties as the ancient inheritance of the nation. In this bill of rights they claimed that no Papist should ever succeed to the throne, and that no Protestant successor should presume to exercise any act of royalty before taking the coronation oath. With regard to religion, they voted that "prelacy, and the superiority of any office in the Church above presbyters, is, and hath been, a great and unsupportable grievance and trouble to this nation, and contrary to the inclinations of the generality of the people ever since the Reformation."

In accordance with this declaration, during the second session of the same Parliament, 1690, Episcopacy, which had become intensely obnoxious to the Scots by the barbarous persecution under the previous reigns, was for ever abolished as the State religion, and Presbyterianism restored as it was in 1592. The union of Scotland and England in 1707 brought the Church of Scotland under the power of the English Parliament, but her permanence was secured by treaty.

The Revolution Settlement was not satisfactory to the stern Covenanters, who wished the restoration of the platform of 1638, and the enforcement of the Solemn League and Covenant. But this was an impossibility, and would have been an act of injustice to all non-Presbyterians. The great majority of the people were satisfied. "It would be in a high degree ungrateful," says the Free Church of Scotland in an official deliverance,<sup>1</sup> "to overlook the signal and seasonable benefits which the Revolution Settlement really did confer upon the Church as well as the nation. Not only did it put an end to the cruel persecution by which the best blood of Scotland had been shed in the field, on the hill-side, and on the scaffold; not only did it reinstate in their several parishes the pastors who had been unrighteously cast out in the reign of the second Charles, and set up again the platform of the Presbyterian government; but by reviving and re-enacting the Statute of 1592, the original charter and foundation of Presbytery, it recognized as an inalienable part

<sup>1</sup> *Act and Declaration*, 1851.

of the constitution of this country the establishment of the Presbyterian Church. It secured also effectually, as was then universally believed, the exclusive spiritual jurisdiction of the Church, and her independence in spiritual matters of all civil control. And by the arrangements which it sanctioned for the filling up of vacant charges, it abolished those rights of patronage which had been reserved in 1592, and made provision for enforcing the fundamental principle of this Church, that 'no pastor shall be intruded into a congregation contrary to the will of the people.' "

The Westminster Standards are still in force in all the Presbyterian Churches of Scotland, England, Ireland, and America, but the clauses which assume the right of the civil magistracy to protect orthodoxy and to punish heresy and give it control over the first table of the Ten Commandments as well as the second, have never been enforced to the extent of persecution in any Presbyterian Church, and are explained away by a very liberal, though not natural, construction. The General Assembly of the Free Church in 1846 declared that "while the Church firmly maintains the same Scriptural principles as to the duties of nations and their rulers in reference to true religion and the Church of Christ, for which she has hitherto contended, *she disclaims intolerant or persecuting principles*, and does not regard her Confession of Faith, or any portion thereof, when fairly interpreted, as favoring intolerance or persecution, or consider that her office-bearers by subscribing it profess any principles inconsistent with liberty of conscience and the right of private judgment." <sup>1</sup> And the United Presbyterian Church, in a Declaratory Act adopted in May, 1879, besides some very important modifications of the doctrines of Divine decrees and the extent of redemption, expressly "*disapproves of all compulsory or persecuting and intolerant principles in religion* ; and declares, as hitherto, that she does not require

<sup>1</sup> See this and other Presbyterian acts concerning the authority of the Westminster Confession in Appendix to the *Report of Proceedings of the Second General Council of the Presbyterian Alliance, convened at Philadelphia, Sept., 1880* (Philad., 1881), p. 985.

approval of any thing in her Standards that teaches, or may be supposed to teach, such principles.”<sup>1</sup>

The Presbyterian Church of England has now (1889) under consideration, with a view to adoption, a Declaratory Statement, in which the following important passage occurs: “That with reference to the teaching of the Confession regarding the duty of Civil Rulers, this Church, while holding that such rulers are subject in their own province to the authority of the Lord Jesus Christ, does not accept any thing in that document which favors, or may be regarded as favoring, intolerance or persecution.”<sup>2</sup>

The Presbyterian Church of the United States went a step further, and in 1787 so altered the Westminster Confession—Chaps. XX., XXIII., 3, and XXXI., 1, 2—as to eliminate the principle of State-churchism and persecution, and to assert the principle of religious liberty and legal equality of all Christian denominations; thus bringing the Confession in entire harmony with the Federal Constitution, which was prepared in the same year, and in the same city of Philadelphia.

The Protestant Episcopal Church in the United States, in 1801, made similar alterations in those of the Thirty-nine Articles of Religion, which treat of the ecclesiastical power of the civil magistracy (Art. XXI. and XXXVII.).<sup>3</sup>

#### *Present Status and Prospect.*

The history of England for the last three hundred years, and especially since 1689, shows a slow but steady and irresistible progress in civil and religious liberty. A return to penal legislation for the suppression of heresy is simply impossible. Practically, there is now as much freedom in the British Empire as in the Republic of the United States,

<sup>1</sup> *Ibid.*, p. 1003.

<sup>2</sup> See *Minutes of the Synod of the Presbyterian Church of England held at Newcastle-upon-Tyne in 1888*. There is every prospect that the “Declaratory Statement,” which is in full accord on this point with the expressed views of the Free Church and the United Presbyterian Church, will be adopted.

<sup>3</sup> See the alterations in Schaff, *Church and State in the United States*, pp. 48-52.

and the rights of minorities are, perhaps, even better protected; but theoretically, or on the statute-book, the Dissenters are merely tolerated; their ministers are not recognized as clergymen, nor their houses of worship as churches, but only as chapels. Some civil disabilities also still remain, and give undue weight to social inequalities which indeed cannot be removed by legislation any more than doctrinal differences and theological passions, but should be made independent of religious opinions.

The tendency of English legislation and the spirit of the times is towards equality before the law in religious as well as civil rights. Disestablishment in Ireland, which was accomplished in 1869, will probably be followed before long by disestablishment first in Wales, then in Scotland, and at last in England. The Established Presbyterian Church of Scotland and the Established Episcopal Church of England will be at first the losers, but ultimately the gainers, by disestablishment; for it will restore to them the inherent right of self-government, which is worth more than State patronage, and it will stimulate and develop the liberality and devotion of church members, which are a better guarantee for spiritual progress and prosperity than coercive and penal laws. In both those Churches the voluntary principle has of late made wonderful progress, and will be abundantly able to supply all the needs, as among the Dissenters, who have had to support themselves from the beginning, like the early Christians. History furnishes us no greater example of liberality than the Free Church of Scotland, which left all endowments and replaced them by voluntary gifts of the people, from zeal for the principle of the sole headship of Christ.

## CHAPTER VII.

### FREEDOM IN AMERICA.<sup>1</sup>

Toleration with legal inequality ends in the United States, and is superseded by liberty and legal equality. As I have discussed the American system at length in another book, I confine myself here to a few points in order to show the connection and the difference of the European and American systems.

#### *The Colonial Period.*

North America started with European notions and practices of intolerance and toleration, and furnishes examples of both. European intolerance occasioned the settlements of Massachusetts, Pennsylvania, and Maryland, and increased the population of other colonies. Persecuted Puritans, Huguenots, Quakers, Presbyterians, and others who loved religion better than their native land, are the spiritual fathers of the American Republic, and left it a legacy of virtue and piety as a solid foundation of free institutions.

They sought that freedom of worship which was denied them in the mother country, and it was natural that they should guard it against danger of abridgment and loss.

Hence the apparent inconsistency of a Puritan Church establishment in New England, with its intolerance towards Romanists, Prelatists, Baptists, and Quakers. In the Southern States, Episcopacy with its advantages was transplanted from England, and excluded all non-Episcopalians from civil

<sup>1</sup> Philip Schaff, *Church and State in the United States, or the American Idea of Religious Liberty, and its Practical Effects. With Official Documents.* New York (Scribner's Sons, 1888, 161 pages).

and political rights. Each colony framed its code of laws according to the wishes of the majority of its population.

The Baptist Colony of Rhode Island, the Quaker Colony of Pennsylvania, and the Roman Catholic Colony of Maryland started with the professed principle of liberty of conscience, but subsequent laws in Pennsylvania and Maryland excluded Unitarians and Romanists from public offices by prescribing the religious tests of the Toleration Act of 1689, which had a restraining as well as a liberalizing influence on colonial legislation. All the colonies, except Connecticut and Rhode Island, received their governors from the crown of England, and causes of appeal were carried from the colonial courts to the English Privy Council, except in Rhode Island, which by the charters of 1643 and 1663 had the power of legislation with the sole proviso that the laws should be agreeable to those of England "as near as may be, considering the nature and constitution of the place and people."<sup>1</sup>

Nevertheless North America from the very start was a hospitable asylum for the persecuted of all the creeds of Christendom, and far in advance of Europe on the question of liberty. When the colonies made common cause in the separation from England and melted into one nation under one government, it was their common interest to give to all creeds the same protection of the law. The liberty of all was the best guarantee for the liberty of each.

The movement for religious liberty by separating Church and State began nearly simultaneously in Virginia, New York, and Pennsylvania soon after the Declaration of Independence (1776) and several years before the framing of the Federal Constitution (1787).<sup>2</sup> It was supported and successfully carried out by the combined influence of Dissenters, (Presbyterians, Baptists, Quakers, and others) and liberal statesmen, especially Thomas Jefferson and Benjamin

<sup>1</sup> James Bryce, *The American Commonwealth*, I., 16.

<sup>2</sup> In Virginia it began June 12, 1776, several weeks before the Declaration of Independence (July 4th), by the "Declaration of Rights," drawn up by Jefferson, but the actual disestablishment of the Church of England was not effected in Virginia till October, 1785, when Jefferson was absent in Paris.



Franklin, who were deists and skeptics, but sincere and earnest advocates of religious as well as civil liberty.

*The Federal Constitution.*

This famous charter of American liberty, framed in 1787 and adopted, with ten amendments, by Congress in 1791, abolishes religious tests and prevents the Congress of the United States from making any law establishing a State Church or prohibiting the free exercise of religion. It protects the State against interference from the Church, and protects the Church against interference from the State, and establishes a system of friendly independence. It favors or supports no particular Church or Sect, and puts all on the same footing before the law.

This constitutional provision of religious liberty applies as far as the jurisdiction of the United States extends, but no further. It is a sovereign law in the District of Columbia and the Territories, but it did not and could not abolish the State Church where one existed, nor does it forbid any State to establish a religion by law. The whole subject of religious legislation is taken out of the power of the national government and left with the several States, as one of the reserved rights which were not delegated to that government and never possessed by it. Some features of a union of Church and State remain in some States even to this day.

But the Federal Constitution expresses the national sentiment, and has had a liberalizing effect upon every State constitution made since. Most of these constitutions contain similar guarantees of full religious liberty within the limits of public peace and order. And thus it may be regarded as the American theory, that Church and State should be separate and distinct, each independent in its own sphere, yet not hostile, but equally interested in public morality and national prosperity, the State protecting the Church by law, the Church self-supporting and self-governing, and strengthening the moral foundations of the State. In one word, the American system is a free Church in a free State.

This is the American solution of a problem of ages. It is

not the final, but so far the best, and, for America under existing circumstances, the only possible, solution.

*The American Experience.*

The American theory has so far worked well in practice, and disappointed the fears of pessimists and of those who trust more in the arm of the flesh than the power of the spirit. Christianity, which for three hundred years prospered and progressed in a hostile heathen State, should certainly prosper still more in a friendly State which cannot resist the influence of centuries of Christian civilization. And this is proven beyond all doubt by the experience of all Churches and Sects in the United States. They flourish and progress, in proportion to their number and vitality, as much here as in the old countries; yea more, because of their freedom. The people are more liberal for religious purposes than the governments. They love their ministers and churches all the more, because they have a personal interest in them and are responsible for their welfare.

It is difficult, indeed, to judge of the state of religion in so large a country with such a heterogeneous population as the United States. Comparisons are always invidious, and one nation may greatly excel another in some virtues and fall behind it in others. Human nature and divine grace are essentially the same in all ages and climes, but manifest themselves differently, in accordance with national characteristics and conditions. In the United States all nationalities and Churches of Europe are commingling on the same broad basis of the Constitution; all partake alike of its benefits; all act and react on each other; each has its inherited and native virtues and vices; and there is not a nation in the world which presents such a variety of types of religious life and ecclesiastical polity.

But if the religion of a people may be judged by the number of churches, chapels, and Sunday-schools, of literary and theological institutions, of religious books and periodicals, of liberal gifts for foreign and home missions, of charitable institutions and societies; if it may be judged by the observance of Sun-

day, the attendance on divine worship, the respect paid to the clergy, and its influence upon society, then the American nation need not be afraid of a comparison with any of the older and most Christian nations of Europe. And this is owing in no small measure to the freedom of religion and the voluntary principle.

It is remarkable that the two European standard writers on American institutions who by historical erudition and personal observation are best able to judge and cannot be charged with national or religious prejudice, have independently reached the same conclusion as to the favorable effect of the separation of Church and State upon the religious life of the nation.

Alexis de Tocqueville, a French statesman and political economist, member of the Academy and at one time Minister of Foreign Affairs, who visited the United States in 1831 with a commission to investigate the penitentiary system, came to the conviction that "there is no country in the whole world in which the Christian religion retains a greater influence over the souls of men than in America."<sup>1</sup>

James Bryce, Professor of Civil Law in Oxford, and Member of Parliament, who spent much time in the United States on three visits, states his impressions as follows<sup>2</sup>:

"The Americans are a religious people. It is not merely that they respect religion and its ministers, for that one might say of Russians and Sicilians; not merely that they are assiduous church-goers and Sunday-school teachers, but they have an intelligent interest in the form of faith they profess, are pious without superstition, and zealous without bigotry. The importance which they still, though less than formerly, attach to dogmatic propositions does not prevent them from feeling the moral side of their theology. Christianity influences conduct not indeed half as much as in theory it ought, but probably more than it does in any other modern country, and far more than it did in the so-called ages of faith."

"Nor do their moral and religious impulses remain in the soft haze of self-complacent sentiment. The desire to expunge or cure the visible evils of the world is strong. Nowhere are so many philanthropic and reformatory agencies at work. Zeal outruns discretion, outruns the possibilities of the case, in not a few of the efforts made, as well by legislation as by voluntary action, to suppress vice, to prevent intemperance, to purify popular literature."

"The influence of Christianity seems to be, if we look not merely to the

<sup>1</sup> *Democracy in America*, translated by Henry Reeve, N. Y., 1838, I., 285.

<sup>2</sup> *The American Commonwealth*, Vol. II., pp. 248, 567 sq. (London and New York, Macmillan & Co., 1888).

numbers but also to the intelligence of the persons influenced, greater and more widespread in the United States than in any part of western continental Europe, and I think greater than in England. In France, Italy, Spain, and the Catholic parts of Germany, as well as in German Austria, the authority of religion over the masses is of course great. Its influence on the best educated classes—one must include all parts of society in order to form a fair judgment—is apparently smaller in France and Italy than in Great Britain, and I think distinctly smaller than in the United States. The country which most resembles America in this respect is Scotland, where the mass of the people enjoy large rights in the management of their church affairs, and where the interest of all classes has, ever since the Reformation, tended to run into ecclesiastical channels. So far from suffering from the want of State support, religion seems in the United States to stand all the firmer, because, standing alone, she is seen to stand by her own strength. No political party, no class in the community, has any hostility either to Christianity or to any particular Christian body. The churches are as thoroughly popular, in the best sense of the word, as any of the other institutions of the country."

#### *Conclusion.*

The history of religious liberty teaches important lessons. Intolerance and persecution have wrought incalculable misery in the past, and are contrary to the spirit of Christianity, justice, and mercy, and incompatible with modern civilization; while liberty has proved to be the best friend of religion, and receives from it its strongest moral support. Spiritual offences should be spiritually judged and punished according to the gospel; temporal offences should be temporally judged and punished according to the law. The best legal guarantee of religious liberty is a peaceful separation of the spiritual and temporal power; the best moral guarantee of liberty is humane culture and Christian charity.

The Church needs and should ask nothing from the State but the protection of law. She commends herself best to the world by attending to her proper spiritual duties and keeping aloof from political and secular complications. She can only lose by force and violence; she can only gain and succeed by the spiritual weapons of truth and love.

The whole solution of the problem of the relation of Church and State lies in the declaration of Christ: "My kingdom is not of this world"; and in that wisest answer ever given to a perplexing question: "Render unto Cæsar the things that are Cæsar's, and unto God the things that are God's."

## DOCUMENTS.

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### DOCUMENT I.

#### *The Toleration Edict of Constantine the Great. A.D. 313.*

(Page 5.)

From Lactantius: *De Mortibus Persecutorum*, chapter 48. Eusebius, in his *Church History*, Bk. X., ch. 5, gives a Greek translation in substantial agreement with the original Latin text of Lactantius. The Edict was issued by both rulers at Milan early in 313, and published in June of the same year by Licinius in Nicomedia. It is the *second* Edict of Toleration, counting that of Galerius (311) as the *first*. The oft repeated statement that it is the *third* rests on a mistake. There is no third Toleration Edict of Constantine. The translation is from the Am. ed. of *The Ante-Nicene Fathers*, Vol. VII. 320, compared with the Latin and slightly altered. See Schaff, *Church History*, II. 72.

When I, Constantine Augustus, and I, Licinius Augustus, had an interview at Milan, and conferred together with respect to the good and security of the commonweal, it seemed to us that, amongst those things that are profitable to mankind in general, the reverence paid to the Divinity merited our first and chief attention, and that it was proper that we should give to the Christians, as well as to all others, the right to follow that religion which to each of them appeared best,<sup>1</sup> so that every divinity seated in heaven might be benign and propitious to us, and to every one under our government. And therefore we judged it a salutary measure, and one highly consonant to right reason, that no man should be denied the privilege of choosing the worship of the Christians, or any other religion which he deemed best adapted to his mind;<sup>2</sup> that thus the supreme Divinity, to whose worship we freely devote ourselves, might continue to vouchsafe His favor and beneficence to us. And accordingly we give you to know that, without regard to any provisos in our former orders to you concerning the Christians, all who choose that religion are to be permitted, freely and absolutely, to remain in it, and not to be disturbed any ways, or molested. And we thought fit to be thus special in the things committed to your charge, that you might understand that the indulgence which we have granted in matters of religion to the Christians is ample and unconditional; and perceive at the same time that the open and free exercise of their respective religions

<sup>1</sup> "Ut daremus et Christianis, et omnibus liberam potestatem sequendi religionem, quam quisque voluisset."

<sup>2</sup> "Ut nulli omnino facultatem abnegandam putaremus, qui vel observationi Christianorum, vel ei religioni mentem suam dederet."



(*liberam atque absolutam colendæ religionis suæ facultatem*) is granted to all others, as well as to the Christians. For it befits the well-ordered state and the tranquillity of our times that each individual be at liberty, according to his own choice, to worship the Deity; and we mean not to derogate aught from the honor due to any religion or its votaries.<sup>1</sup>

Moreover, with respect to the Christians, we formerly gave certain orders concerning the places appropriated for their religious assemblies<sup>2</sup>; but now we will that all persons who have purchased such places, either from our exchequer or from any one else, do restore them to the Christians, without money demanded or price claimed, and that this be performed peremptorily and unambiguously; and we will also, that they who have obtained any right to such places by form of gift do forthwith restore them to the Christians; reserving always to such persons, who have either purchased for a price, or gratuitously acquired them, to make application to the judge of the district, if they look on themselves as entitled to any equivalent from our beneficence.

All those places are, by your intervention, to be immediately restored to the Christians. And because it appears that, besides the places appropriated to religious worship, the Christians did possess other places, which belonged not to individuals, but to their society in general, that is, to their churches, we comprehend all such within the regulation aforesaid, and we will that you cause them all to be restored to the society or churches, and that without hesitation or controversy; Provided always, that the persons making restitution without a price paid shall be at liberty to seek indemnification from our bounty. In furthering all which things for the behoof of the Christians, you are to use your utmost diligence, to the end that our orders be speedily obeyed, and our gracious purpose in securing the public tranquillity promoted.

So shall that divine favor which, in affairs of the mightiest importance, we have already experienced, continue to give success to us, and in our successes make the commonweal happy. And that the tenor of this our gracious ordinance may be made known unto all, we will that you cause it by your authority to be published everywhere.

## DOCUMENT II.

*The Edict of Nantes Issued by Henry IV., King of France,  
A.D. 1598.*

*Édit du Roy sur la pacification des troubles de ce royaume. Donné à Nantes au mois d'Avril 1598. Vérifié en Parlement le 25 Février, 1599.*

(See page 23.)

We give here the 92 Articles, which are the Edict proper, without the appended 56 Secret Articles (*Articles peculiars ou secrets*), which refer to minor details and local matters. See the Appendix to Charles Weiss' *History of the French Prot. Refugees*, Vol. II., 335-378. I have compared the translation with the French original.

<sup>1</sup> " *Ut in colendo, quod quisque delegerit, habeat liberam facultatem, quod nobis placuit, ut neque cuiquam honori, neque cuiquam religioni aliquid a nobis detractum videatur.*"

<sup>2</sup> This passage probably refers to some limitations of the previous Edict of Galerius (311), and to directions for officials which are no longer extant, but it does not justify the hypothesis of an intervening Edict of 312, of which there is no trace.



HENRY, by the grace of God King of France and Navarre : to all present and future, greeting. Among the infinite graces it has pleased God to bestow on us, this is the most signal and remarkable, that he has given us virtue and strength to withstand the frightful troubles, confusions, and disorders which attended our accession to the throne, when the country was torn into parties and factions, the least numerous of which was as it were the most legitimate ; and that he has so strengthened us against this difficulty, that we have at length surmounted it, and reached a harbor of safety and repose for the State. To Him alone be all the glory, and to us the honor and obligation, that he has made use of our labor to accomplish this good work, which has been visible to all, if we have performed what was not only our duty and ability, but something more beside, which might not have been at any other time proper to the dignity we hold, which we have no fear of exposing here, seeing that we have so freely exposed our own life. And in this remarkable concurrence of so great and perilous affairs, it not being in our power to settle every thing at one and the same time, it has been necessary for us to follow this order, namely, to undertake first those things which could be settled only by force, and the rather to remit and lay aside till some other time such as could and should be settled by reason and justice : such as the different views of our good subjects, and the particular evils of the more healthy parts of the State, which we deemed easily curable, after the principal cause had been taken away, namely, the continuance of civil war. In which having (by the grace of God) well and happily succeeded, and both arms and hostilities having ceased within the entire kingdom, we hope for an equally prosperous issue in what remains to be settled, and that by this means we shall attain to the establishment of a good peace and tranquil repose, which has always been the object of our wishes and prayers, and the reward that we desire for so many sufferings and labors through which we have passed in the course of our life.

Of the above-mentioned affairs for which patience will be needed, and one of the principal has been the complaints made by divers of our provinces and Catholic cities, that the exercise of the Catholic Religion was not universally reëstablished, as ordered by the edicts hitherto made for the pacification of troubles on account of religion. As also the supplications and remonstrances which have been made by our subjects of the Pretended Reformed Religion,<sup>1</sup> partly in regard to the non-fulfilment of what had been granted them by these edicts, and partly in regard to what they deemed should be added thereto, touching their above-mentioned religion, liberty of conscience, and the safety of their persons and property :<sup>2</sup> presuming themselves in possession of just cause for new and yet greater apprehensions, by reason of these late troubles and movements, whose principal pretext and foundation has been their ruin. In regard to which, that too great a press of matters might not be laid on us at once, and also that the rage of armies might not interfere with the establishment of the laws, such as they were, we have always postponed this matter.

But now that it has pleased God to give us a beginning of quiet and repose,

<sup>1</sup> *la Religion Prétendue Réformée*,—the reproachful title given to the religion of the Huguenots by the Catholics, who regard the whole Reformation as a Deformation.

<sup>2</sup> *la liberté de leurs consciences, et la sûreté de leurs personnes et fortunes.*

we esteem it the best employment in our power to apply ourselves to what concerns his holy name and service, and to bring it about that he should be worshiped and adored by all our subjects: and if it has not pleased him that there should be one and the same form of religion, yet there should be the same intention (*une même intention*), and under such regulations that there should arise no tumult or disturbance on account of it among you: and that both we and this kingdom may ever merit and preserve the title of *very Christian*, which has been acquired for so long a time, and by so many merits: and by the same means to take away the cause of evil and trouble which can befall the cause of religion, which is ever the most supple and penetrating of all. On this occasion, considering the affair as one of very great importance, and worthy of the very gravest consideration, after receiving the complaints of our Catholic subjects, having also permitted our subjects of the Pretended Reformed Religion to assemble by deputies and draw up theirs, and to bring together all their remonstrances, and having conferred with them at divers times in regard to the matter, and having read over the preceding edicts, we have thought it necessary, at this time, to give to all our subjects a general law, clear, concise, and absolute,<sup>1</sup> by which they may govern themselves with regard to all differences which have hitherto sprung up, or may hereafter arise, among them, and of which both may be a subject of contention, as the temper of the times may be. We have, on our part, entered on the deliberation only through the zeal we have for the service of God, and that it may be offered and rendered by all our subjects, and to establish among them a true and lasting peace. For this we implore and expect from his divine goodness the same protection and favor that he has ever visibly bestowed on this kingdom from its birth, and during the entire period it has passed through, and that he may give grace to our subjects to well comprehend, that in the observance of this ordinance consists (next to their duty to God and their fellows) the principal foundation of their union, concord, tranquillity and repose, and of the reëstablishment of this whole State in its first splendor, opulence, and strength. On our part, we engage its strict observance, suffering no infringement thereof. For these reasons, having, with the advice of the princes of our blood, other princes and officers of the crown, and other great and notable personages of our Council of State, being near us, well and diligently weighed and considered the entire affair, we have, by this perpetual and irrevocable Edict,<sup>2</sup> said, declared and ordered, do say, declare and order:

## ARTICLE I.

Firstly, that the memory of all past transactions, both on the one part and the other, since the beginning of the month of March, 1585, up to our accession to the Crown, and during the preceding troubles, and on account of them, shall remain extinct and dormant as though they had never happened. And it shall not be allowed or permitted to our Procureurs-General, or any other person whatever, public or private, at any time, or on any occasion whatever, to make mention thereof, or institute a suit or prosecution in any courts or jurisdictions whatever.

<sup>1</sup> *une loi générale, claire, nette et absolue.*

<sup>2</sup> *per cet Edit perpetuel et irrevocable.*

## ARTICLE II.

We forbid all our subjects, of whatever state or quality, from renewing the memory, attacking, resenting, injuring or provoking the one or the other by reproaches for what has passed, under any cause or pretext whatever, from disputing, contesting, quarrelling, or outraging or offending by word or deed : but to restrain themselves and live peaceably together like brothers, friends and citizens, under pain of being punished as breakers of the peace and disturbers of public order.

## ARTICLE III.

We command that the Catholic Religion, Apostolic and Roman, shall be reinstated and reestablished in all places and parts of this our kingdom, and within the bounds of our authority, where its exercise has been intermitted, that it may be peaceably and freely exercised without any disturbance or impediment. Expressly forbidding every person of any state, quality or condition whatever, under the above-mentioned penalties, from troubling, disturbing or molesting the ecclesiastics in the celebration of divine service, from the enjoyment and receipt of the tithes, fruits and revenues of their benefices, and all other rites and duties appertaining thereto : and that all those who, during the troubles have taken possession of churches, houses, properties and revenues belonging to said ecclesiastics, and who still hold and occupy them, shall give up the entire possession and peaceful enjoyment of them, with such rights, liberties, and sureties, as they had before they were seized. Forbidding very expressly those of the said Pretended Reformed Religion from preaching or any exercise of their religion in the churches, houses and habitations of the said ecclesiastics.

## ARTICLE IV.

The said ecclesiastics may, if they choose, purchase the houses and buildings raised on profane places, upon those occupied during the commotions, or constrain the possessors of the said buildings to purchase the ground, all according to a valuation made by experts agreed on by the parties. And if the parties cannot agree on them, they shall be provided by local judges, provided the said possessors are not included therein. And if said ecclesiastics constrain the holders to purchase the ground, the sum agreed on shall not come into their hands : but the holders shall retain it in their hands, drawing interest at the rate of twenty per cent., till it becomes profitable to the church : which shall be deemed a year. And when the said time shall have elapsed, should the acquirer be unwilling to continue the said rent, he shall be discharged therefrom by consigning the moneys into the hands of a solvent person with the consent of the judges. And with regard to the sacred places, the views of the commissioners appointed by us for the execution of the present Edict shall be followed, as by us provided.

## ARTICLE V.

Nevertheless, the places and sites occupied for repairs and fortifications of our cities and places of our kingdom, and the materials used therein, shall not be taken possession of or sold by the ecclesiastics or other persons, either

public or private, unless the said repairs and fortifications shall be demolished by our ordinances.

ARTICLE VI.<sup>1</sup>

And that all occasion of troubles and differences among our subjects may be taken away, we have and do permit persons of the Pretended Reformed Religion to live and remain in all the cities and places of this our kingdom, and countries under our authority, without being questioned, vexed or molested, or constrained to do any thing with regard to religion contrary to their conscience (*contre leur conscience*), nor on account of it shall they be searched for in their houses and places where they desire to dwell, provided they comport themselves in accordance with the provisions of our present edict.

## ARTICLE VII.

We have also given permission to all seigneurs, gentlemen, and other persons, denizens or otherwise, making a profession of the Pretended Reformed Religion, holding within our kingdom and country, under our authority, high judicial office, or a full fief of knighthood (as in Normandy), whether as property or usufruct, in whole or in part, or even a third part, to have, in such of their houses of the said high justices, or said knights, as they shall hold themselves ready to name to our bailiffs or seneschals, each in his own right, as his chief place of residence, the exercise of the said Religion, as long as they reside therein : and in their absence, their wives, their family, or a part of it ; and if the title of either justice or knight shall be questioned, still the worship of said Religion shall be allowed, provided the above-mentioned persons have actual possession of said offices, until our Procureur General can attend to the matter. We also permit the said worship to be held in other houses belonging to those high functionaries, or knights, in the presence, and not otherwise, of their domestics, their family, and subjects.

## ARTICLE VIII.

In the houses of tenants, or persons of the said religion who are not high functionaries or knights, there can be said worship for their families alone. However, this is not to be understood as allowing a search in cases where other persons, to the number of thirty, chance to arrive, or friends come to visit them : provided, also, that said houses are not within cities, towns, or villages belonging to high Catholic lords, other than ourselves, in which said Catholic lords have houses ; in which case, those of the said Religion cannot, in said cities, towns, or villages, have religious services, unless by permission and consent of the said Catholic lords, and not otherwise.

## ARTICLE IX.

We also permit members of the said Religion to do and continue the exercise of it in all villages and places under our authority where it has been established by them, and publicly performed at several and divers times, in the year one thousand five hundred and eighty-six, and in the year one thousand

<sup>1</sup> Here begin the Articles bearing upon the privileges and restrictions of the Huguenots.



five hundred and eighty-seven, until the end of the month of August, all decrees and judgments to the contrary notwithstanding.

ARTICLE X.

Likewise the said worship shall be established and reëstablished in all villages and places where it has been introduced, or ought to be, by the Edict of Pacification, made in the year 1577, by the private articles and conferences of Nerac and Flex, without which the said establishment might be prevented in the places and situations mentioned in that edict, articles, and conferences, as places for bailiwicks, or which had been hitherto, though they have been alienated to Catholic persons, or shall be hereafter. It is not to be understood, however, that the said worship may be reëstablished in places and situations of the said domain, which have been heretofore possessed by persons of the Pretended Reformed Religion, in which it might have been allowed for personal considerations, or on account of feudal privileges, if the said fiefs are at present in the possession of persons of the Catholic, Apostolic, and Roman Religion.

ARTICLE XI.

Besides in each of the ancient bailiwicks (*Bailiages*), seneschalships (*Sénéchaussées*), and governments holding the place of bailiwicks, being plainly under the jurisdiction of the courts of parliament, we order that in the suburbs of a city, excepting those which have been granted by the said edict to them, as also by special articles and conferences, and where there are no cities, in a burgh or village, the exercise of the Pretended Reformed Religion shall be made publicly by all those who may wish to go there, although in the said bailiwicks, seneschalships, and governments there may be several places in which the said exercise may be at present established, save and excepting for the said places of bailiwicks newly granted by the present edict, the cities in which there is an archbishop or bishop, although the members of the said Pretended Reformed Religion have the power to ask for and name, for the said place of worship, the boroughs and villages in the neighborhood of those cities, excepting also the places and seigneurships belonging to ecclesiastics, in which we must not be understood as allowing the said second place of the bailiwick, these being excepted and reserved by special favor. We mean and understand by the name of ancient bailiwicks, to speak of those which in the time of the late King Henry, our very honored lord and father-in-law, were held for bailiwicks, seneschalships, and governments, being clearly under the jurisdiction of our courts.

ARTICLE XII.

The present edict must not be understood as doing away aught of the edicts and agreements heretofore made for the reduction of any princes, lords, gentlemen, and Catholic cities in our authority, as it respects the exercise of the said Religion, which edicts and agreements shall be held and observed as it regards this matter, as it shall be determined by the instructions of the commissioners, who shall be appointed for the execution of the present edict.



## ARTICLE XIII.

All persons of the said Religion are very expressly forbidden from making any exercise of it, either of ministry, regulation, discipline, or public instruction of children, and other matters in this our kingdom, and in countries under our authority, in what concerns religion, except in those places permitted and allowed in the present edict.

## ARTICLE XIV.

Also from performing any exercise of said Religion in our court and suite, and also in our lands and countries which are beyond the mountains, and also in our city of Paris, or within five leagues of said city; although the members of said Religion, dwelling in said lands and countries beyond the mountains, and in our said city, and within five leagues around it, shall not have their houses searched, nor be compelled to do any thing in regard to their religion contrary to their conscience, provided they comport themselves as it is commanded in the present edict.

## ARTICLE XV.

Nor shall a public exercise of said Religion be allowed among the armies, except at the quarters of the chiefs who make a profession thereof, excepting the quarter which shall contain our person.

## ARTICLE XVI.

By the twelfth article of the Conference of Nerac, permission was given to those holding said Religion to build places for the exercise of it in such villages and places as might be agreed on, and those shall be restored to them that they have hitherto built, or the site of them, in such state as they may be in at present, even in those places where the exercise of their worship is not allowed, except they have been changed into other kinds of edifices, in which case there shall be given to them, by the possessors of said edifices, places and situations of the same value and price which they had before they were built on, or the proper value of them, to be determined by experts: provided the proprietors and possessors whom the matter concerns, are not of it.

## ARTICLE XVII.

We forbid all preachers, readers, and others who speak in public, from using any word, discourse, and terms tending to excite the people to sedition; but we have enjoined, and do enjoin, them to a retiring and modest carriage, and to do nothing which is not calculated for the edification and instruction of their auditors, and for the maintenance of the repose and tranquillity by us established in this our kingdom, under pain of the penalties mentioned in preceding edicts. Enjoining very expressly our prosecuting officers and their deputies to inform against those who contravene them, under pain of answering in their own persons, and by privation of their offices.

## ARTICLE XVIII.

We forbid all our subjects, of whatever quality or condition soever, from bearing away by force or stratagem, against the consent of their parents, chil-



dren of the said Religion, in order to have them baptized or confirmed in the Church Catholic, Apostolic and Roman. The members of the said Pretended Reformed Religion are under the same prohibition, under pain of being severely punished.

ARTICLE XIX.

Persons belonging to the said Pretended Reformed Religion shall be in no manner constrained, or considered bound by reason of abjurations, promises, and oaths that they have hitherto made, or sureties by them given, in regard to said Religion, and shall not be molested or disturbed on account thereof, in any manner whatsoever.

ARTICLE XX.

They shall be bound to guard and observe the festivals in use in the Church Catholic, Apostolic and Roman, and shall not on such days labor, sell, or display for sale, in open shops, nor in like manner shall artisans labor without their shops, and in chambers and closed houses, on the said festival days, and other days forbidden, at any trade, the noise of which can be heard by passers-by or neighbors ; nevertheless, no search shall be made, except by the officers of justice.

ARTICLE XXI.

Books concerning the said Pretended Reformed Religion shall be printed and sold publicly only in the cities and places where the public exercise of said religion is permitted ; and as it respects other books, which shall be printed in other cities seen and visited, whether by our officers or theologians, as it is commanded by our ordinances. We very expressly forbid the expression, publication, and sale of all books, libels, and defamatory writings, under the penalties contained in our ordinances, enjoining all our judges and officers to see to its execution.

ARTICLE XXII.

We order that there shall be no difference or distinction made with regard to said Religion, in receiving scholars to be instructed in the universities, colleges and schools, as well as the sick and poor in the hospitals, lazarettos, and charitable institutions.

ARTICLE XXIII.

Those belonging to the Pretended Reformed Religion shall be bound to respect the laws of the Church, Catholic, Apostolic and Roman, received in this our kingdom, in regard to marriages contracted, and to be contracted, within the degrees of consanguinity and affinity.

ARTICLE XXIV.

In like manner the members of the said Religion shall pay the entrance fees, as is the custom, for the employments and offices with which they are provided, without being constrained to assist at any ceremonies contrary to their religion ; and when about to be sworn, shall be bound only to raise the hand, swear, and promise to God to tell the truth ; and may also dispense with the oath by them to be taken in passing contracts and obligations.

## ARTICLE XXV.

We will and order that all members of the said Religion pretendedly Reformed, and others who have followed their party, of whatever state, quality, or condition they may be, shall be bound and holden by all reasonable dues; and under the penalties contained in the edicts on these matters, to pay and discharge tithes to the curates and other ecclesiastics, and to all others to whom they may belong, according to local usage and custom.

## ARTICLE XXVI.

No one of our subjects shall be disinherited or deprived of his property, either in the past or future, by will or otherwise, made only from hatred, or on account of religion.

## ARTICLE XXVII.

In fine, that we may as far as possible reunite our subjects in friendly feelings, as is our wish, and to take away all complaints in future, we declare all those who have made, or shall make, a profession of the said Pretended Reformed Religion, capable of holding and exercising all employments, dignities, offices, and public employments of whatever kind, royal, seigneurial, in either of the cities, or of this our kingdom, countries, lands, and manors under our authority, notwithstanding all oaths to the contrary; and our courts of parliament and other judges shall learn and inquire of the life, manners, and religion and honest conversation of those who are or shall be candidates for office, as well of one religion as of the other, taking of them no oath except to well and faithfully serve the King, in the exercise of their employments, and to see that the ordinances are observed, as it has been done from all time. In regard to vacancies in these situations, employments, and offices, as it regards those who shall fill them, this shall be done indifferently, and without distinction, from capable persons, as a matter that regards the union of our subjects. Let it also be understood that members of the Pretended Reformed Religion are to be admitted and received to all councils, deliberations, assemblies, and functions, which depend on the above-mentioned things, and not to be rejected on account of their religion, or prevented from enjoying them.

## ARTICLE XXVIII.

We order, in regard to the interment of the dead of persons of the said Religion, for all the cities and places of this kingdom, that there be promptly provided in each place, by our officers and magistrates, and by the commissioners we shall appoint for the execution of the present edict, a place as commodious as possible; and the cemeteries hitherto held by them, and of which they have been deprived by the troubles, shall be returned to them; but if they should be found to be occupied, at the present time, by edifices and buildings of whatever sort, they shall be provided with others gratuitously in their place.

## ARTICLE XXIX.

We expressly command our officers to see to it, that at the said interments no scandal be committed; and they shall be bound, within five days after a

requisition shall have been made, to provide the members of said Religion a place proper for said burial, without any delays, under penalty of a fine of five hundred crowns : and the said officers, as well as all others, are forbidden to take any thing for services to these dead bodies, under penalty of being punished for extortion.

## ARTICLE XXX.

In fine, that justice may be rendered and administered to our subjects, without any suspicion, hatred or favor, as being one of the principal means of preserving peace and concord, we have ordered and do order, that in our court of parliament of Paris shall be established a chamber, composed of a president and sixteen councillors of said parliament, which shall be called and entitled the *Chamber of the Edict*, and shall have cognizance not only of causes and suits of persons of the Pretended Reformed Religion, who shall be within the jurisdiction of said court ; but also of suits from our parliaments of Normandy and Brittany, according to the jurisdiction which shall be given to them by this edict, and just as far as in each of the said parliaments have been established a chamber to render justice in those places. We order, also, that of the four offices of councillors in our said parliament, remaining from the last erection made by us, there shall be chosen and received to this parliament four persons of this Pretended Reformed Religion, sufficient and capable men, who shall be distributed thus : The first to the Chamber of Edict, and the other three, as they shall be selected, to three of the Chambers of Inquest. And, beside, the two first offices of councillors of said court, which shall become vacant by death, shall be filled by two persons of the said Pretended Reformed Religion ; and these shall be distributed among the other two Chambers of Inquests.

## ARTICLE XXXI.

Beside the chamber heretofore established at Castres, for the jurisdiction of our court of parliament of Toulouse, which shall be continued in the state in which it now is, we have, from the same considerations, ordered and do order, that in each of our courts of parliament of Grenoble and Bordeaux shall be likewise established a chamber, composed of two presidents, the one a Catholic, and the other of the Pretended Reformed Religion, and of twelve councillors, of which the first six shall be Catholics, and the other six of the said Religion ; whose Catholic presidents and councillors shall be by us chosen and taken from the bodies of the said courts. And, as to those of the said Religion, there shall be a new creation of a president and six councillors for the parliament of Bordeaux, and of a president and three councillors for that of Grenoble, which, with the three councillors of said religion, who are at present in said parliament, shall be employed in the said Chamber of Dauphiné. And the said offices of new creation shall be entitled to the same salary, honors, authorities and præminences as others of the said courts. And the said sitting of the said court of Bordeaux shall be at the said Bordeaux, or at Nerac ; and that of Dauphiné, at Grenoble.

## ARTICLE XXXII.

The said Chamber of Dauphiné shall have cognizance of the suits of members of the said Pretended Reformed Religion, within the jurisdiction of our

parliament of Provence, without the necessity of taking letters of appeal, nor other provisions, except in our chancery of Dauphiné. So, also, persons of that religion in Normandy and Brittany shall not be compelled to take out letters of appeal, nor other provisions, except in our chancery of Paris.

## ARTICLE XXXIII.

Our subjects of the same religion in the parliament of Bourgogne shall have the choice and option to plead in the chamber ordered at Paris, or in this of Dauphiné. And shall not be bound to take letters of appeal, nor other provisions, than from the chanceries of Paris and Dauphiné, according to the choice they make.

## ARTICLE XXXIV.

All of the said chambers, composed as above, shall have jurisdiction, and give final judgment by decree, privately from all others, of suits begun and to be begun, in which persons of the said Pretended Reformed Religion shall be principal parties or securities, whether plaintiff or defendant, in all matters civil or criminal, whether the said process be by writing or verbal summons. And this, if it seem good to the said parties, and one of them shall require it before joining suit, as it regards causes yet to be commenced; excepting, however, all matters respecting benefices and the possession of tithes not in fee, ecclesiastical advowsons, and suits which concern the rights and duties of the domain of the Church, which shall all be treated and judged of in courts of parliament, so that the said Chambers of Edict shall not have jurisdiction. So, also, we desire, as it regards the judging and deciding criminal suits arising between the said ecclesiastics and persons of the said Pretended Reformed Religion, if the ecclesiastic be the defendant, in that case the jurisdiction and judgment shall belong to our sovereign courts, in private at the said chambers; but if the ecclesiastic be plaintiff, and the defendant be of the said Religion, the jurisdiction and judgment shall belong by appeal; and, as a last resort, to the said established chambers. Recognizing, also, the said chambers in times of vacation, as to matters belonging to them by the edicts and ordinances of chambers established in times of vacation, each in its own sphere.

## ARTICLE XXXV.

The said Chamber of Grenoble shall be, as at present, united and incorporated with the body of the said court of parliament, and the presidents and councillors of the said Pretended Reformed Religion shall be named presidents and councillors of the said court, and entitled to the same rank and number; and, for these ends, they shall at first be distributed among the other chambers, then selected and drawn from them, to be employed and used in those that we order anew, with this understanding, however, that they shall sit with, and have a voice in, all the deliberations which the assembled chambers shall make, shall receive the same salary, authority, and preëminences, as the other presidents and councillors of the said court.

## ARTICLE XXXVI.

We will and intend that the said Chambers of Castres and Bordeaux shall be reunited and incorporated with parliaments in the same manner as the others,

when it shall be necessary, and that the suits which have been instituted before its establishment shall cease, and have no place among our subjects ; to these ends, the presidents and councillors of them, of the said Religion, shall be nominated for presidents and councillors of said courts.

ARTICLE XXXVII.

There shall also be created and erected anew, in the chamber ordered for the parliament of Bordeaux, two substitutes for our procureur and advocate-general, of which the substitute for procureur shall be a Catholic, and the other of the said Religion, who shall be appointed to said offices at ready salaries.

ARTICLE XXXVIII.

Nor shall the said substitutes have any other duties than as substitutes ; and when the chambers ordered for the parliaments of Toulouse and Bordeaux shall be united and incorporated with the said parliaments, the said substitutes shall be appointed to the offices of councillors in them.

ARTICLE XXXIX.

The certificates of the Chancery of Bordeaux shall be made in the presence of two councillors of this chamber, the one being a Catholic, and the other of the said Pretended Reformed Religion, in the absence of one of the masters of inquests of our palace ; and one of the notaries and secretaries of the said court of the parliament of Bordeaux shall make his residence at the place where the said chamber shall be established, or one of the ordinary secretaries of the chancery, to sign the certificates of the said chancery.

ARTICLE XL.

We will and order that in the said Chamber of Bourdeaux, there shall be two registry clerks to the said parliament, the one for civil, and the other for criminal suits, who shall exercise those offices by commissions from us, and shall be called clerks of the civil and criminal registry, and yet they shall not be deprived of office by the said registers of parliament : however, they shall be bound to render the emoluments of the said registries to the said registers, whose clerks shall be paid by the said registers, as it shall be determined and agreed on by the said chamber. Besides these, shall be appointed Catholic ushers, who shall be taken from said court, or elsewhere, according to our good pleasure, besides whom there shall be appointed, for the first time, two also of the said Religion, and appointed gratuitously ; and all the said ushers shall be regulated by the said chamber, as well in regard to the exercise and department of their office, as the emoluments they ought to derive from it. A commission shall also be expedited for paying the salaries and receiving the penalties of the said chamber, to be appointed in such manner as shall please us, if the said chamber is established elsewhere than in said city ; and the commission heretofore accorded for paying the salaries of the Chamber of Castres, shall take full and complete effect, and shall be joined to the said commission for the receipt of penalties for the said chamber.



## ARTICLE XLI.

Good and sufficient assignations shall be provided for the salaries of the officers of the chamber ordered by this edict.

## ARTICLE XLII.

The presidents, councillors, and other Catholic officers of the said chamber shall continue as long as possible, and as we shall see useful for our service, and for the good of our subjects ; and if some of them are to be released, others shall be provided in their places before their departure, so that they shall not, during the time of their service, depart or absent themselves from the said chambers, without the permission of those who shall judge on the causes of the ordinance.

## ARTICLE XLIII.

The said chambers shall be established within six months, during which (if such establishment remains to be made) suits begun, and to be begun, to which persons of the said Religion are parties, within the jurisdiction of our parliaments of Paris, Rouen, Dijon, and Rennes, shall be heard in the chamber established at Paris, in virtue of the edict of 1577, or at a grand council, at the choice and option of persons of the said religion, if they require it ; those of the parliament of Bourdeaux in the court established at Castres, or at the grand council, at their choice, and those who shall be of Provence, at the parliament of Grenoble ; and if the said courts are not established within three months after the presentation of our edict, such of our parliaments as shall have refused so to do, shall be interdicted from having jurisdiction and judging causes of persons of said Religion.

## ARTICLE XLIV.

Suits not yet decided, pending in the said courts of parliament and grand councils, of the quality aforesaid, shall be returned in whatever state they may be to the said chambers, each in its own jurisdiction, if one of the parties of the said religion require it, within four months after the establishment of the said courts ; and as to those which shall be discontinued, and not in a state to be judged, the said persons of the said Religion shall be bound to make a declaration at the first intimation and signification which shall be made to them of a prosecution, and the said time being passed, they shall not be required to be sent back.

## ARTICLE XLV.

The said chambers of Grenoble and Bourdeaux, as well as that of Castres, shall follow the forms and style of the parliaments, within whose jurisdiction they shall be established, and shall sit in equal numbers of either religion, if the parties do not consent to the contrary.

## ARTICLE XLVI.

All the judges to whose address shall be sent executions of arrest, commissions of said chambers, and letters obtained in the chanceries, with all doorkeepers and serjeants shall serve their summons in all parts of our



kingdom, without petition or writ of chancery, under penalty of suspension from office, and of charges, damages, and interest of the parties where cognizance belongs to the said chambers.

## ARTICLE XLVII.

No appeal shall be allowed where cognizance is given to said courts, except in the case of ordinances, whose return shall be made to the nearest court established by our edict, and the distribution of suits of said courts shall be judged in the nearest, observing the proportion and forms of said chambers, whose suits shall be proceeded in courts of law, excepting the Chamber of Edict to our parliament of Paris, where the suits shall be distributed in the same chamber by judges, who shall be named by our special letters, for that purpose, if the parties prefer to wait the reorganization of such chamber, and provided the same suit shall be a party in all the mixed chambers, the distribution shall be returned to the said court of Paris.

## ARTICLE XLVIII.

The challenges which shall be made against the presidents and councillors of the mixed courts shall be limited to the number of six, to which number the parties shall be limited, otherwise no regard shall be made to these challenges.

## ARTICLE XLIX.

The examination of presidents and councillors lately instituted for said mixed courts, shall be made in our privy council, or by the said courts, each in its own right, when they shall amount to a sufficient number ; nevertheless the usual oath shall be taken by them in the courts where the said chambers shall be established, and on their refusal, in our privy council, excepting the members of the Chamber of Languedoc, who shall take the oath from the hands of our chancellor, or in his chamber.

## ARTICLE L.

We wish and order that the reception of our officers of the said religion should be judged in the said mixed chambers by plurality of voices, as is usual in other judgments, so that there may be no necessity that the opinions should surpass two thirds, according to the ordinance, which as it regards the matter is abrogated.

## ARTICLE LI.

There shall be made at the said mixed chambers propositions, deliberations, and resolutions, which appertain to the public quiet and the particular state and police of the cities in which the said chambers shall be.

## ARTICLE LII.

The article of jurisdiction of said chambers ordered by the present edict shall be followed and observed, according to its form and term, even in what concerns the execution, or want of execution, or infraction of our edicts, when those of the said Religion shall be parties.

## ARTICLE LIII.

The subaltern officers, royal or otherwise, whose admittance appertains to our courts of parliament, if they are of the said Pretendedly Reformed Religion, shall be examined and received in such chambers, viz. : Those in the jurisdiction of the parliaments of Paris, Normandy, and Brittany, in the said Chamber of Paris ; those of Dauphiné and Provence, in the Chamber of Grenoble ; those of Burgundy, in the said Chamber of Paris, or of Dauphiné, at their choice ; those in the jurisdiction of Toulouse, in the Chamber of Castres ; and those of the parliament of Bourdeaux, in the Chamber of Guyenne ; but the others shall not oppose their admittance and right to render judgment, as our Procurers-General, and their deputies. However, the usual oath shall be by them taken in the courts of parliament, which shall have no cognizance of their said admittance ; and, on the refusal of the said parliaments, the said officers shall take the oath in the said chambers ; which being taken, they shall be bound to present by a bailiff or notary the act of their admittance to the registers of the said courts of parliament, and to leave a collated copy with the said registers : on whom it is enjoined to register said acts, under pain of being liable for all charges, damages and interests of the suits, and, in case the said register shall refuse to do so, it shall suffice for said officers to report the act of the said summation, sent by said bailiffs or notaries, and the same shall be registered in the registry of their said jurisdictions, that recourse may be had to it, if need be, under penalty of nullifying their procedures and judgments. And, as it respects the officers whose reception is usually made in our said parliaments, in case that those to whom it belongs shall refuse to proceed to such examination and reception, the said officers shall withdraw from said chambers, to be provided for as it shall seem proper.

## ARTICLE LIV.

The officers of the said Pretended Reformed Religion who shall be admitted as above, to serve in the bodies of our said courts of parliaments, grand council, chamber of accounts, court of aids, departments of the treasury, and other officers of finance, shall be received and examined in such places as is usual ; and, in case of refusal or denial of justice, shall be admitted in our private council.

## ARTICLE LV.

The receptions of our officers, made in the chamber heretofore established at Castres, shall be deemed valid, notwithstanding all decrees and ordinances to the contrary. Also shall be valid the receptions of judges, councillors, assessors of subsidies, and other officers of the said Religion, made in our private council, or by commissioners ordered by us for the refusal of our courts of parliament, courts of aids, and chamber of accounts, as if they had been made in such courts and chambers, and by the other judges to whom the reception belonged. And their salaries shall be allowed by the chambers of accounts, without difficulty ; and, if any have been erased, they shall be reinstated without other order than the present decree, and without being obliged to show any other admittance, notwithstanding all decrees to the contrary, which shall remain null, and of no effect.

## ARTICLE LVI.

Until the means of meeting the expenses of justice of said chambers shall be furnished by the moneys derived from penalties, a valid and sufficient assignment shall be provided by us to defray the expenses, provided that penalties shall not be levied again on the property of the condemned.

## ARTICLE LVII.

The president and councillors of the said Pretended Reformed Religion, heretofore admitted to our court of the parliament of Dauphiné, and in the Chamber of Edict incorporated with it, shall continue, and have their sessions in the same; that is to say, the presidents as they now do, and the councillors, according to the decrees and provisions that they have obtained in our private council.

## ARTICLE LVIII.

We declare all sentences, decrees, procedures, seizures, sales, and decrees made and given against persons of the Pretended Reformed Religion, living or dead, since the decree of the late King Henry the Second, our very honored lord and father-in-law, on account of said religious tumults and disturbances since arising with the judgments and decrees, from the present time are revoked and annulled. We order that they shall be erased and taken from the registries of the courts, whether higher or inferior; we will, also, that all marks, vestiges and monuments of the said executions, libels and defamatory acts against their persons, memories and posterity, shall be effaced and destroyed; and that the places in which demolitions and razements have been made on such occasion, shall be returned in such state as they are to the proprietors of the same, to enjoy and dispose of them as they please: and generally, we have erased, annulled and revoked, all procedures and informations made for whatever enterprises, pretended causes of treason, etc.; notwithstanding which procedures, decrees and judgments concerning assemblies, incorporation and confiscation, we will the persons of the said Religion, and others who have followed their party and their heirs, shall enter into possession, real and actual, of all and each of their property.

## ARTICLE LIX.

All procedures made, judgments and decrees given, against persons of the said Religion, who have borne arms, or have withdrawn from our kingdom, or within the same, in cities and countries held by them, as it respects all matters of religion and disturbances, legal as well as conventional, and customary and feudal seizures, forfeited during the said troubles, or legitimate impediments derived from them, and whose cognizance shall remain to our judges, shall be considered as though they had not been done or happened. And such we have and declare them; and the same shall be of no validity, so that no one can make use of them, but shall be remitted to the state they were in before, notwithstanding the said decrees and their execution. The same shall also hold with regard to others, who have followed the party of the said Religion, or have been absent from our kingdom in the midst of the troubles. And, as

it regards minors, children of those of the above-named quality, who have died during the troubles, we remit the parties to the same state they were in before, without refunding the charges, or being bound to return the fines, not meaning that the judgments given by the presidial judges, or other inferior judges, against those of the said Religion, or who have followed their party, shall be null, if they have been given by judges in cities held by them, and which have been of free access to them.

## ARTICLE LX.

The decrees given in our courts of parliament, in matters where jurisdiction belongs to the chambers instituted by the edict of the year 1577, and the articles of Nerac and Flex, in which courts the parties have not proceeded voluntarily, that is to say, have alleged and proposed official exceptions to the jurisdictions on which have been given by default or foreclosure, whether the matter be civil or criminal, notwithstanding which exceptions the said parties have been compelled to go on, shall, in like manner, be null and of no effect ; and with regard to decrees rendered against those of the said Religion, who have proceeded voluntarily, without offering exceptions, said decrees shall remain in force. However, without prejudice to the execution of the same, they can, if it seems good, institute an examination by civil inquest before the chambers ordered by the present edict, except the time allowed by the present edict shall have passed to their prejudice, and until the said chamber and chanceries of the same shall be established, verbal or written summons offered by persons of said Religion before the judges, registers, or commissioners, executors of decrees and judgments, shall have like effect as if they had been released by royal letters.

## ARTICLE LXI.

In all inquests which shall be made for whatever cause in civil matters, if the examiner or commissioner is a Catholic, the parties shall be bound to choose an adjunct, and if they cannot agree on one, one shall be furnished by the said examiner or commissioner, who shall be of the said Pretended Reformed Religion ; and the practice shall be the same when the examiner or commissioner shall be of the said Religion, an adjunct shall be chosen who shall be a Catholic.

## ARTICLE LXII.

We will and order that our judges recognize the validity of wills, in which persons of the said Religion have an interest, if they require it : and the appellations of the said judgments can be released from persons of the said Religion, notwithstanding all customs to the contrary, even those of Brittany.

## ARTICLE LXIII.

In order to obviate all differences which might arise between our parliamentary courts and the chambers of said courts ordered by our present edict, there shall be made by us a good and sufficient regulation between said courts and chambers, and such, that persons of the said Religion shall have the full benefit of this edict ; which regulation shall be verified in our courts of parliament, and guarded and observed without regard to precedents.

## ARTICLE LXIV.

We inhibit and forbid all our sovereign courts, and others of this kingdom, from taking cognizance of and judging civil or criminal suits of persons of the said Religion, whose jurisdiction is given by our edict to the said chambers, unless a reference be demanded by them, as is provided for them in the XLth article above.

## ARTICLE LXV.

We desire also, be it now provisionally, and until it may be otherwise ordered, that in all suits begun and to be commenced, in which persons of the said Religion shall be either plaintiffs or defendants, principals or sureties, in civil cases in which our officers and presidial courts have power to give final judgment, it shall be allowed them to demand that two members of the court, where the suit is to be tried, shall abstain from giving judgment, which without cause being given, they shall be bound to do, notwithstanding the ordinance by which the judges are not bound to comply with exceptions without cause given, there remaining besides, this exception of right against the rest : And in criminal cases, in which the said presidial and other judges give final judgment, those charged with crime being of the said Religion, may demand that three of the said judges shall abstain from passing judgment on their case without giving them reasons therefor ; and the provosts of the marshals of France, vice-bailiffs, vice-seneschals, lieutenants of the short robe, and other officers of like quality, shall judge according to the ordinances and regulations heretofore given in regard to vagrants, and as to those being householders, accused of crime, to be tried in prevotal courts ; if such persons are of said Religion, they can demand that three of the said judges having jurisdiction, shall abstain from giving judgment in their suit, and shall be bound to abstain, without cause given therefor, except there be in the number to judge the matter, in civil cases, two judges, and in criminal, three judges, who are members of said Religion, in which case exceptions shall not be taken without giving reasons therefor ; and this shall be equally allowable to Catholics in the above-mentioned cases, regarding the said exceptions to judges, where members of the said Pretended Reformed Religion are in a majority. We do not intend, however, that the said presidial courts, provosts of marshals, vice-bailiffs, vice-seneschals, and others who give final judgment, shall, in consequence of what is now said, take cognizance of past disturbances ; and as to crimes and excesses arising from other causes than said troubles, since the commencement of the month of March, 1585, until the end of the year 1597, in cases where they have jurisdiction, we desire that there shall be an appeal from their judgments to the chambers ordered by this edict, likewise for Catholic persons charged with crime, and when persons of the Pretended Reformed Religion shall be parties.

## ARTICLE LXVI.

We also will and order that in all instructions other than criminal process, in the seneschalships of Toulouse, Carcassone, Rouergue, Laraguais, Beziers, Montpellier, and Nismes, that the magistrate or commissioner for said



instruction, if he be a Catholic, shall be bound to take an adjunct who shall be of the said Pretended Reformed Religion, on whom the parties shall agree, and when they cannot agree, one of the said Religion shall be selected for the office by the said magistrate or commissioner. So in like manner, if the said magistrate or commissioner is of the said Religion, he shall be bound in the same form above spoken of to take a Catholic adjunct.

## ARTICLE LXVII.

In case criminal process is to be served by the provosts of marshals, or their lieutenants, on any one of the said Religion, being a householder, who shall be accused of prevotal crimes, the said provosts, or their lieutenants, if they are Catholics, shall be bound to call in to the instruction of said process, an adjunct of said Religion : which adjunct shall assist in the judgment of jurisdiction, and in the final judgment of said process : said jurisdiction shall be decided at the next sitting of the presidial court, in full bench of the principal officers of said court, who shall be present under penalty of having their proceedings declared null, except the accused demand that the jurisdiction be judged of in said chamber, ordained in the present edict. In which case, in regard to those being householders in the provinces of Guyenne, Languedoc, Provence, and Dauphiné, the deputies of our Procureurs-General shall make an inquest of these householders, and shall report the charges and accusations made against them, in order to decide whether the cases are prevotal or not, so that, according to the quality of the crimes, they shall be sent by said chambers for judgment to the ordinary or prevotal courts, as they shall see to be proper, by observing the contents of this edict. And the presidial judges, provosts of marshals, vice-bailiffs, vice-seneschals, and others who give final sentence, shall be bound respectively to obey and fulfil the commands made by the said chambers, as they have been accustomed to do at the said parliaments, under penalty of being deprived of their offices.

## ARTICLE LXVIII.

The proclamations, post-bills and sales of inheritances in consequence of judgment, shall be made at the usual places and hours, if possible, according to our ordinances, or in public markets, if possible, in the places where the said inheritances are situated, and when not, they shall be made at the nearest market to the court in which the matter is to be adjudicated, and the bills shall be posted in the most public places of said market, and also in the entrance to session-house of said place, and by this means, the said proclamations shall be deemed good and valid, and not subject to arrest by the flaws which can be alleged against them.

## ARTICLE LXIX.

All papers, titles, vouchers, and documents which have been taken, shall be returned and restored, by both parties, to those to whom they belong ; though said papers, or the castles and houses in which they are kept, have been taken and seized, whether by special commissions of the late king last deceased, our very honored lord and brother-in-law, or our own, or by the commands of the



governors and lieutenant-generals of our provinces, or by the authority of the chiefs of either party, or under any other pretext whatever.

ARTICLE LXX.

The children of those who have withdrawn from our kingdom since the death of the late King Henry the Second, our very honored lord and father-in-law, on account of religion and the troubles, though the said children have been born out of this kingdom, shall be held for true Frenchmen and citizens ; and such we declare them, so that they shall not be under the necessity of taking out letters of naturalization, or other provisions than our present edict ; notwithstanding all ordinances to the contrary, which we have and do abrogate ; provided the said children born in foreign countries shall be bound, within ten years after the publication of the present edict, to take up their residence in this kingdom.

ARTICLE LXXI.

Those of the said Pretended Reformed Religion, and others who may have followed their party, who may have a lease previous to the troubles of registry-fees or other public property, tax, foreign imposition, and other rights to us appertaining, which they have been unable to enjoy the use of on account of the troubles, shall remain discharged, as we now discharge them, from payment of all they may have received of said finances or that they have paid without fraud, elsewhere than at the receivers' office, notwithstanding all obligations by them passed.

ARTICLE LXXII.

All places, cities and provinces of our kingdom, countries, lands and manors under our authority, shall use and enjoy the same privileges, immunities, liberties and franchises, fairs, markets, jurisdictions and courts of justice, as they were in possession of, previous to the troubles, beginning with the month of March, one thousand five hundred and eighty-five, and other years preceding, notwithstanding all letters to the contrary and the transferences of said courts elsewhere : provided that they have been done solely on account of the troubles : which courts shall be remitted and reestablished in the cities and places where they were originally.

ARTICLE LXXIII.

If there be any prisoners who are still held by authority of justice, or otherwise, even in the galleys, on account of the troubles, or of said Religion, they shall be freed and set at full liberty.

ARTICLE LXXIV.

Persons of the said Pretended Reformed Religion shall for the sequel be discharged from all ordinary or extraordinary charges, as well as Catholics, and in proportion to their possessions and facilities ; and the parties who wish to be discharged, can bring the matter before the judges to whom the jurisdiction belongs : and on all subjects, whether of the one religion or the other, shall be indifferently discharged from all charges, which have been imposed by the one

party on the other during the troubles against their consent ; with debts contracted but not paid, expenses made without their consent, without, however, suffering the moneys employed in the payment of said charges to be reclaimed.

## ARTICLE LXXV.

We do not mean, however, that those of the said Religion, and others who have followed their party, nor the Catholics who remained in the cities and places by them occupied and detained, and who have contributed, shall be prosecuted for the payment of taxes, aids, octrois, and other impositions and subsidies, which have expired, imposed during the troubles previous, and up to our accession to the crown, whether by edicts and commands of late kings our predecessors, or by the advice and deliberation of the governors and estates of the provinces, courts of parliaments, and others, from which we have and do discharge them, by forbidding the Treasurers-General of France and of our finances, general and special Receivers, their commissioners and agents, and other intendants and commissioners of our finances, from searching, molesting, or disturbing them, directly or indirectly, in any manner.

## ARTICLE LXXVI.

All chiefs, lords, chevaliers, gentlemen, officers, corporations of cities and communities, and all others, who have aided and succored them, their widows, heirs, and successors, shall be quit of the payment of all moneys, which have been by them and their ordinances taken and levied, as well of royal property, whatever it may amount to, as of cities and communities, and private individuals, rents, revenues, plate, sales of furniture, ecclesiastical or otherwise, forests of full growth, whether of public property or otherwise, fines, pillage ransoms, or other kind of property, taken by them on account of the troubles begun in the month of March, 1585, and other troubles preceding until our accession to the crown, though those who have been commissioned by them for the levy of the said moneys, or who have given or furnished them, by these ordinances shall be in no manner disturbed therefor, either now or hereafter, and shall be quit, both they and their commissioners, of all the management and administration of the said moneys, by bringing in, within four months after the publication of the present edict, made in our court of parliament of Paris, their acquittances duly expedited by the chiefs of the said Religion, or by those who have been commissioned to audit and close the accounts.

Likewise they shall be acquitted and discharged for all acts of hostility, levy and conduct of troops, the fabrication and valuation of money made according to the ordinances of said chiefs, the casting and seizure of artillery and munitions, confections of powder and saltpetre, seizures, fortifications, dismantling and demolition of cities, castles, towns and villages, attacks upon the same, burning and destroying of churches and houses, establishment of courts, judgments and executions of the same, whether of civil or criminal cases, police and their regulation, voyages and intelligences, negotiations, treaties, and contracts made with all princes and foreign communities, and the introduction of the said strangers into cities and other places of our kingdom, and generally for all that has been done, undertaken, and negotiated during the said troubles,

since the death of the late King Henry the Second, our very honored lord and brother-in-law, by those of the said Religion and others who have followed their party, though it may not be particularly expressed and specified.

## ARTICLE LXXVII.

Persons of the said Religion shall also be held harmless for all general and provincial assemblies by them made and held, as well at Mante as at other places, up to the present time, with councils by them established and ordered in the provinces, deliberations, ordinances, and regulations made at the said assemblies and councils, establishment and augmentation of garrisons, assemblage of troops, levy on and taking possession of our property, whether in the hands of receivers-general or private persons, parish collectors or otherwise, in whatever manner soever, seizures of salt, continuation or erection anew of roads, tolls, and the receipts from them, even at Royan, and upon the banks of the Bharente, Garonne, the Rhone, and Dordogne, armaments and battles by sea, and all accidents and excesses happening, to pay for the said journeys, tolls and other moneys, fortifications of cities, castles, and places, exactions of money and labor, receipts of the said money, destitution of our receivers and lease-holders, and other officers, establishment of others in their place, and of all reviews, despatches, and negotiations made, as well within as without our kingdom, and generally of all which has been done, deliberated, written, and ordered by the said assemblies and councils; so that those who have given their advice, signed, executed, caused to be signed and executed, the said ordinances, regulations, and deliberations, shall not be molested therefor, nor their widows, heirs, and successors, now or hereafter, although the full particulars are not here fully declared. And especially shall perpetual silence be imposed on our Procureurs-General and their substitutes, and on all those who are interested therein in what manner soever, notwithstanding all decrees, sentences, judgments, informations, and procedures made to the contrary.

## ARTICLE LXXVIII.

We approve, besides, and render valid, and authorize the accounts, which have been heard and closed, and examined by the deputies of the said assembly; we wish that these, with the acquittances and papers which have been returned to those having accounts, should be carried to our chamber of accounts at Paris, three months after the publication of the present edict, and placed in the hands of our Procureur-General, to be delivered to the guardian of books and registers of our chamber, to be consulted whenever it shall be necessary, so that the said accounts shall not be reviewed, nor those rendering them bound to any appearance, correction as in case of omission, or false acquittances; imposing silence on our said Procureur-General, with regard to the surplus which may be thought to be defective, and in regard to the formalities which may not have been kept. Forbidding our officers of account, as well at Paris as in the other provinces where they are established, from taking any cognizance thereof in any manner whatsoever.

## ARTICLE LXXIX.

And as it regards the accounts which have not been returned, we wish the same to be heard, closed, and examined by commissioners, who shall be

appointed by us, who shall without difficulty pass and allow the accounts paid by the said persons authorized in virtue of ordinances of the said assembly, or others having power.

## ARTICLE LXXX.

All collectors, receivers, farmers, and all others, shall continue well and duly discharged for all sums of money that they have paid to the said commissioners of the said assembly, of whatsoever nature, even until the last day of this month. We wish the whole to be passed and allowed, at the accounts which shall be rendered at our chamber of accounts, purely and simply in virtue of the quittances which shall be brought in ; and if any shall be brought in hereafter, they shall continue null, and those who accept or pass them shall be fined for false use ; and if there should be any accounts already rendered, on which are found any erasures or changes, we have and do establish the said papers entirely in view of these presents, so that there will be no necessity for particular letters, nor any thing else, except an extract from the present article.

## ARTICLE LXXXI.

Governors, captains, consuls, and persons commissioned to recover property, to pay the garrisons of places held by the party of the said Religion, whom our receivers and parish collectors may have supplied by loan upon their notes of hand and obligations, whether through constraint, or in obedience to the commands of the treasurers-general, with moneys required for the support of said garrisons until their regulation by the State allowance which we caused to be granted in the year one thousand five hundred and ninety-six, and the augmentation, since granted by us, shall be held acquitted and discharged of all payments made for the above purpose, although no express mention thereof is made in the said notes of hand and obligations, the same shall be returned as null. And to make the matter satisfactory, our receivers-general in each district shall furnish by the special receivers their quittances to the said collectors. For the discharge of the said receivers-general, there shall be sums of which they shall keep account, as is directed, indorsed on the orders levied by the royal treasurer, under the authority of the treasurers-general extraordinary of our wars, for the payment of the said garrisons ; and where the said charges shall not amount to so much as our said allowance granted in the year one thousand five hundred and ninety-six, and the said augmentation, we order, that it may be supplied, that new orders shall be granted of what may be necessary for the discharge of those who are responsible, and the restitution of the said promises and obligations, so that there shall be no demand for the future on those who have made them ; and that all writings necessary to render legal the discharge of those responsible, shall be granted, in virtue of the present article.

## ARTICLE LXXXII.

Also, the members shall depart and desist from all practices, negotiations, and intelligences, as well within as without our kingdom ; and the said assemblies or councils, established in the provinces, shall separate promptly, and all

leagues and associations made, and to be made, shall be broken and annulled, as we now break and annul them ; forbidding, very expressly, our subjects from making without our permission hereafter any assessments and levies of moneys, fortifications, enrolments of men, congregations and assemblies, other than those permitted by our present edict, and without arms : which we now prohibit and forbid, under pain of being rigorously punished, as contemners and infractors of our commands and ordinances.

## ARTICLE LXXXIII.

All captures made at sea during the troubles, in virtue of permission and consent given, and such as have been done by land from those of the contrary party, and which have been approved of by judges and commissioners of the admiralty, or by the leaders of the party of the said religion or their council, shall remain undisturbed, under the benefit of our present edict, so that there shall be no persecution ; nor shall the captains, and others who have made the said prizes, their sureties, and the said judges, officers, their widows and heirs, be disturbed or molested in any manner whatever, notwithstanding all decrees of our privy council, and parliaments ; and all letters of marque, and seizures pending and not decided, we wish to have fully and entirely replevied.

## ARTICLE LXXXIV.

Nor shall persons of the said Religion be disturbed in like manner for the opposition and impediment they may have made heretofore, even previous to the troubles, to the execution of the decrees and judgments given for the re-establishment of the Catholic Religion, Apostolic and Roman, in divers places of this kingdom.

## ARTICLE LXXXV.

And, as it regards whatever has been done or taken during the troubles beyond the regular course of hostilities, or by hostilities contrary to the public or private regulations of the leaders, or of communities of provinces which have power, the same may be prosecuted by the ordinary course of justice.

## ARTICLE LXXXVI.

Nevertheless, if what was done by both parties contrary to the regulations, were, without any difference, excepted and reserved from the general amnesty contained in our present edict, and were liable to inquiry (prosecution), as every soldier could be prosecuted ; in consequence of which a renewal of disturbance could happen.

On that account, we will and order that only the extreme cases shall be exempt from the said abolition : as ravishing and rapes of women and girls, burnings, murders, and robberies made by treachery and ambuscade, out of the course of hostility, and to satisfy private vengeance, contrary to the rights of war, infractions of passports, and safeguards, with murder and pillage without order, in regard to those of the said religion and others, who have followed the party of the chiefs who had authority over them, founded on particular occasions, which have led them to command and order the above.



## ARTICLE LXXXVII.

We also order that punishment shall be made for crimes and offences committed between persons of the same party, if said acts are not ordered by the leaders of either party, from the necessity, law, and order of war. And the levying and exacting of money, licenses to carry arms, and other exploits of war made by private authority, and without permission, shall be subject to the usual course of justice.

## ARTICLE LXXXVIII.

In the cities dismantled during the troubles, the ruins and injuries of the same may, by our permission, be reëdified and repaired by the inhabitants, at their cost and expense, and the provisions made heretofore in regard to this matter shall hold in this case.

## ARTICLE LXXXIX.

We order, will, and it pleases us, that all lords, chevaliers, gentlemen and others, of whatever quality and condition, of the said Pretended Reformed Religion, and others who have followed their party, shall enter upon, and be effectually guarded in, the enjoyment of all and each of their possessions, rights, names, consideration, and actions, notwithstanding the judgments rendered against them during the troubles, and on account of them, which decrees, seizures, and judgments, we finally have, and do declare null and void, and of no force and effect.

## ARTICLE XC.

The acquisitions that those of the Pretended Reformed Religion, and others who have followed their party, have made, by the authority of others than the late king's, our predecessor's, from the lands or houses belonging to the Church, shall have no force and effect ; but we order, wish, and it is pleasing to us, that the ecclesiastics shall recover directly, and without delay, and be protected in, the possession and enjoyment, real and actual, of the said properties thus alienated, without being bound to return the price of said sales, and that, notwithstanding the said contracts of sale, which for that purpose we have annulled and revoked : nor shall the said purchasers have any claim on the chiefs, by whose authority the said sales have been made. Nevertheless, for the reimbursement of the money, by them truly and faithfully paid out, letters patent of permission shall be granted to persons of the said Religion, to impose and equalize on themselves the sums for which said sales have amounted to ; but the said purchasers shall bring no action for damages and interest, of which they have been deprived, but shall content themselves with the reimbursement of moneys by them furnished for the purchase of such acquisitions ; deducting therefrom the worth of the revenues by them received, in case the said sale shall be found to have been made at a vile and unjust price.

## ARTICLE XCI.

And, in fine, that our justices, officers, as others our subjects, may clearly and with all certitude be informed of our will and intention, and, in order to

take away all ambiguities and doubts which may be made by means of preceding edicts, from their diversity, we have and do declare all other preceding edicts, secret articles, letters, declarations, modifications, restrictions, interpretations, decrees and registries, secret deliberations, or otherwise, heretofore by us or our predecessors made in our courts of parliament or otherwise, concerning the said Religion, and the troubles arising in our kingdom, to be null and of no effect ; which, and the derogatory clauses therein contained, we have, by this our edict, derogated, and do derogate them, and, from the present time, do destroy, revoke, and annul them ; declaring expressly, that we wish this our edict to be firm and inviolable (*ferme et inviolable*) guarded and observed, as well by our judges, officers, as others our subjects, without its being impeded, or any regard being had to any thing to the contrary, or derogatory thereto.

## ARTICLE XCII.

And for the greater assurance of its preservation and observance, we will, order, and it pleases us, that all the governors and lieutenant-generals of our provinces, bailiffs, seneschals, and other ordinary judges of cities of our kingdom, shall, directly after the reception of this edict, swear to guard and to observe it each in his own jurisdiction, as well as the mayors, sheriffs, capitouls, consuls, and aldermen of cities, annual or perpetual. We enjoin it also on our bailiffs, seneschals, or their lieutenants, and other judges, to have it administered to the principal inhabitants of the said cities, as well of one as the other religion. Placing all the said cities under our protection and safeguard, and the one under the protection of the other, charging them respectively, and by public acts, to respond by the ordinary courts to infractions which may be made to this our edict, in the said cities, by the inhabitants of the same, or to represent and place the matter into the hands of justice. We command our true and liege people holding our courts of parliament, chambers of accounts, and courts of aids, that directly after the reception of the present edict, they shall, all things ceasing, under pain of rendering their other acts null, take the same oath as above, and cause this our said edict to be registered and published in our courts, according to the form and tenor thereof, purely and simply, without using any modifications, restrictions, declarations, and secret registries, nor wait for any other order or command from us ; and we order our Procureurs-General to require and forward without delay the said publication.

[Then follows the order to read, publish and register this Edict.]

Given at Nantes, in the month of April, in the year of our Lord, one thousand five hundred and ninety-eight ; and of our reign, the ninth.

Signed HENRY ; and above : By the King, being in his council, FORGET.

And sealed with the great seal of green wax, upon a ground of red and green silk. Read, published, and registered, etc. Signed, VOYSIN.



Le Roy par ces lettres a permis au Parlement de Paris de faire le présent acte de revocation. Et a permis au Parlement de Paris de faire le présent acte de revocation. Et a permis au Parlement de Paris de faire le présent acte de revocation.

ou de culte de lad' religion de quelque nature qu'il soit, sous les peines  
 cy dessus de confiscation de corps & de biens de DOMINATION et  
 mandement au nom auz et de vraye cou' l'ax gaurz nous cour  
 de parlemant, Chambre de vraye Comptre, & Cour des Aydes a Paris  
 Vaulzefu, de vraye Cou' L'ax gaurz, & a vraye vraye justice & officiere  
 qui apparandra a aucun lieu ou ville de France, publique  
 & au gaurz, n'ice p'vint l'edict l'ax gaurz & jurisdiction, n'ice  
 au vraye l'ax gaurz & fait l'ax gaurz l'ax gaurz & observe  
 de parlemant, d'aucun contumace n'y p'vint qui y doi  
 contumace au vraye l'ax gaurz. Car tel est le gaurz l'ax gaurz.  
 afin que ce soit chose ferme & stable a vraye vraye l'ax gaurz  
 n'ice l'ax gaurz l'ax gaurz l'ax gaurz l'ax gaurz l'ax gaurz  
 d'Octobre l'an dix-sept cent dix-sept mil dix-sept cent dix-sept  
 le quatorze vraye l'ax gaurz.

*[Handwritten signature]*

Louis Le Roy  
*[Signature]*

J. de  
*[Signature]*

Registrees ont ete l'ax gaurz l'ax gaurz l'ax gaurz l'ax gaurz l'ax gaurz  
 general du Roy plus es pres l'ax gaurz l'ax gaurz l'ax gaurz l'ax gaurz l'ax gaurz  
 l'ax gaurz l'ax gaurz l'ax gaurz l'ax gaurz l'ax gaurz l'ax gaurz l'ax gaurz l'ax gaurz  
 fait a Paris le vingt-septiesme jour de ce mois  
 d'Octobre mil six cent quatre-vingt-cinq.

*[Signature]*

FAC-SIMILE OF LAST PAGE OF THE REVOCATION OF THE EDICT OF NANTES.

## DOCUMENT III.

*The Edict of Revocation by Louis XIV., A.D. 1685.*

*Édit du Roy, du mois d'Octobre 1685, portant révocation de celui de Nantes ; et défenses de faire aucun exercice public de la R. P. R. dans son Royaume.*

(See page 34.)

At the commemoration of the Revocation, which was in fact a celebration of the Edict of Nantes and a condemnation of its Revocation, a fac-simile of this document was made in Paris, a copy of which I have deposited in the library of the Union Theological Seminary in New York. It covers eight pages 4to. I give the last page on a reduced scale as a specimen.

Louis by the grace of God King of France and Navarre ; to all present and future, greeting. The King Henry the Great, our grandfather of glorious memory, wishing that the peace he had procured for his subjects after the great losses they had suffered by the civil and foreign wars, should not be disturbed on account of the said R. P. R.<sup>1</sup> (Pretended Reformed Religion), as had happened in the reigns of the kings his predecessors, did, by his edict given at Nantes, in the month of April, 1598, regulate the conduct to be pursued towards those of the said Religion, the places where they could exercise it, established extraordinary judges to administer justice to them, and in fine, provided by private articles for all which might be deemed necessary to maintain tranquillity in his kingdom, and to diminish the aversion between persons of both religions ; in fine, that he might be in a better state to work, as he had resolved to do, to reunite to the church those who had so easily withdrawn from it. And as the intention of the King our said grandfather was not effected on account of his sudden death, and as the execution of the said edict was even interrupted during the minority of the late King, our very honored lord and father of glorious memory, by new enterprises of the said R. P. R., which gave occasion to deprive them of divers advantages which had been granted them by the said edict. However, the King our said late lord and father, using his usual clemency, granted them a new edict at Nismes, in the month of July, 1629, by means of which tranquillity being again established, and the said late King being animated by the same spirit and the same zeal for religion as the King our late grandfather, resolved to profit by this repose to attempt the execution of his pious design ; but the foreign wars happening a few years after, so that from 1635 till the truce concluded in the year 1684 with the Princes of Europe, the kingdom being scarcely a moment free from agitation, it was impossible to do any thing for the advantage of religion except to diminish the number of exercises of the R. P. R. by the interdiction of such as were found to be prejudicial to the provisions of the edicts and by the suppression of the mixed Chambers, whose erection had been made only provisionally. God having at length permitted our people to enjoy perfect repose, and we ourselves not being occupied with the cares of protecting them against our enemies, having it in our power to take advantage of this truce to

<sup>1</sup> *i. e.*, *Réligion Prétendue Reformée*, the title uniformly given to the Reformed Church in this Edict, and in the Edict of Nantes.



bestow our entire application in order to find the means of succeeding in the designs of the Kings our said grandfather and father, into which we have entered from our first accession to the crown. We see now with the just gratitude we owe to God, that our pains have the end which we proposed, since the better and larger portion of our subjects of the said R. P. R. have embraced the Catholic Religion : and inasmuch as the execution of the said edict, and of all that has been ordered in favor of the said R. P. R. has been useless, we have judged that we could do nothing better to efface entirely the memory of the troubles, of the confusion and the misfortunes that the progress of this false religion has caused in our kingdom, and which have given room for the said edict, and to so many other edicts and declarations which have preceded or been made in consequence of it, than to revoke entirely the Edict of Nantes, and the special articles granted in consequence of it and all that has been done in favor of the said Religion.

I. Be it known, that we for these and other causes moving us thereto, and of our certain knowledge, full power and royal authority, have by this present perpetual and irrevocable Edict suppressed and revoked, do suppress and revoke (*supprimons et révoquons*) the Edict of the King our said grandfather, given at Nantes in the month of April, 1598, in its whole extent (*en toute son étendue*), with the particular articles decreed the 2d of May following, and the letters patent granted from them, and the edict given at Nîmes in the month of July, 1629, declaring them null and void, with all the concessions made as well by them as by other edicts, declarations and decrees made to people of the said R. P. R., of what nature soever they may be, which shall remain in like manner as though they had not been ; and in consequence, we will, and it pleases us that all the temples of those of the said R. P. R., situated within our kingdom, countries, lands, and seigneuries, under our authority, shall be immediately destroyed (*soient incessamment démolis*).

II. We forbid our subjects of the R. P. R. from assembling again for the exercise of said Religion in any other place or private house, under any pretext whatever, even if the said exercises have been allowed by decrees of our council.

III. We forbid in like manner all lords of whatever quality from the exercise thereof in their houses and fiefs, of what quality soever the fiefs may be, under pain, against all our subjects who shall take part in the said exercise, of confiscation of body and goods.

IV. We command all ministers of said R. P. R., who will not be converted to, and embrace, the Catholic, Apostolic and Roman Religion, to leave our kingdom and lands under our authority, within fifteen days after the publication of our present Edict, without making any delay, nor, during the said time of fifteen days, shall they preach, exhort, or have any other exercise thereof, under penalty of the galleys.

V. We will that those said ministers, who shall be converted, shall continue to have, during their lives, and their widows after their decease, the same exemptions from taxes, and from the lodging of soldiers, which they have enjoyed whilst they were ministers, and further, we will pay to the said ministers, during their lifetime, a pension one third larger than their salaries as minis-

ters, a moiety of which shall be allowed to their widows after their decease, as long as they remain in a state of widowhood.

VI. If any of the said ministers shall desire to become lawyers, or to take the degree of Doctor of Law, we will and intend that they shall dispense with the three years of study prescribed by our declarations ; and having passed the usual examinations, and by them shown to be capable, they shall be received as doctors by paying only a half of the fees usually paid for that end at each university.

VII. We forbid private schools for the instruction of the children of the said R. P. R., and, generally, all things whatever, which can be considered a concession, whatever it may be, in favor of said Religion.

VIII. With regard to the children of persons of the said R. P. R., born hereafter, we order that they shall for the future be baptized by the parish priest. We enjoin on fathers and mothers to send them to church for that purpose, under pain of a penalty of five hundred livres ; and the children afterwards shall be educated in the principles of the Catholic, Apostolic and Roman Religion of which we expressly order our judges to see to the execution.

IX. And, as a mark of our clemency towards our subjects of the said R. P. R., who may have withdrawn from our kingdom, countries and possessions, previous to the publication of our present Edict, We will and command that, in case they shall return within four months from the day of said publication, they can, and shall be allowed to enter on the possession of their property, and to enjoy the same as fully as though they had always remained here ; on the contrary, the properties of those who shall not return within the said four months, in our kingdom, or countries or lands under our authority, which they have abandoned, shall remain and be confiscated in consequence of our declaration of the 20th of August last.

X. We make very express and repeated prohibitions to all our subjects of the said R. P. R. from departing, them, their wives and children, from our said kingdom, countries and lands under our authority, or from carrying away their properties and effects, under pain, for the men, of the galleys, and of confiscation of body and goods for the women.

XI. We will and understand that the declarations made against relapses shall be executed according to their form and tenor.

With regard to the remainder of the said R. P. R., until it shall please God to enlighten them, as he has the rest, they shall continue to dwell in the cities and places of our kingdom, countries and lands under our authority, and may continue their business, and enjoy the possession of their property without being troubled or disturbed under pretext of the said R. P. R., on condition, as has been said, of having no exercise, nor assembling under pretext of prayer, or of worship of said Religion, of any nature whatever, under the above-mentioned penalties of body and goods.

[Then follows the order for the publication and execution of the Edict.] *15*

Given at Fontainebleau, in the month of October, 1685, and of our reign the forty-third. Signed LOUIS. And upon the fold the signature of LE TELLIER, and upon the side : By the king, COLBERT. And sealed with the great seal of green wax, upon a ground of red and green silk.

Enregistered, in the CHAMBRE DES VACATIONS, 22 October 1685. Signed DE LA BAUNE.

## DOCUMENT IV.

*The Edict of Potsdam, Issued by Frederick William, Elector of Brandenburg, Oct. 29, 1685.*

(See page 41.)

This is not the first, but the most remarkable, liberal and effective Edict, extending hospitality to the persecuted Protestants of France. Similar invitations were issued by the Electors of the Palatinate 1607, 1652, 1662, 1672, 1680, 1682, 1683; Landgrave Charles I. of Hesse-Cassel, 1685; King Christian V. of Denmark, 1681; King Charles II. of England, 1681; the City of Amsterdam, 1681; the United Provinces of Holland, 1681; and the American colonies. The largest collections for the Refugees were made in Geneva, Holland, and England. Germany was poor and still exhausted by the Thirty Years' War. The Edict was published in French and German. See Weiss, *l.c.*, II., 390 *sqq.* Tollin, *Geschichte der französ. Colonie von Magdeburg*, Vol. I., 274 *sqq.*

Frederick William, by the grace of God, Margrave of Brandenburg, Arch-Chamberlain, and Prince Elector of the Holy Roman Empire, etc. As the persecutions and rigorous procedures put in force for some time in France against persons of the Reformed Religion, have obliged many families to leave the kingdom, and to strive for an establishment in foreign countries, it is our wish, touched with the just compassion we ought to feel for those who unhappily suffer for the gospel, and for the purity of the faith we confess with them, by the present Edict, signed with our own hand, to offer to the said Frenchmen a sure and free retreat in all the lands and provinces of our dominion, and to declare at the same time what rights, franchises, and advantages we intend they shall enjoy, to the end that we may alleviate and obviate in some sort the calamities with which Divine Providence has found good to strike a portion so considerable of his Church.

1. In fine, that all who shall take the resolution of coming here to live, may find as much facility as possible in getting here, we have given orders to our Envoy Extraordinary, near Messieurs the States General of the United Provinces, the Sr. Diest, and our Commissioner at the city of Amsterdam, the Sr. Romswinkel, to furnish, at our expense, to all those of the said Religion who apply to them, the boats and provisions they may stand in need of to transport themselves, properties and families, from Holland to the city of Hamburg, where our councillor of State and Resident in the circle of lower Saxony, the Sr. de Gerike, will furnish them with all commodities they may stand in need of, to come into said city and province of our States, that they may find it good to choose to live in.

2. Such as leave France on the side of Sedan, Champagne, Lorraine, Bourgoigne, or the southern provinces of that kingdom, and who do not find it convenient to come by way of Holland, have only to go to Frankfort-on-the-Main, and to apply to Sr. Mérian, our Consul and Resident in that city, or to Sr. Léti, our agent, whom we have also commanded to assist with money, passports and boats, to descend the Rhine into our Duchy of Cleves.

3. Those who shall desire to establish themselves in our Provinces, shall choose such place as may suit them in the countries of Marck, Ravensberg, and Minde; or in those of Magdeburg, Halberstadt, Brandenburg, Pomerania,

and Prussia ; and as we think that the Electoral Marche, the cities of Stendal, Werbe, Rathenow, Brandenburg, and Frankfort, and in the counties of Magdeburg, the cities of Magdeburg, Halle, and Calbe, as also in Prussia the city of Koenigsberg, would be more commodious for them, whether we regard the facility of obtaining nourishment, provisions, and subsistence at a low price, or with regard to business ; we have ordered that as soon as any of the said Frenchmen shall arrive, they shall be well received, and furnished with all they may need for their establishment, giving them, besides, entire liberty, and leaving it to their own disposition to determine in what city or province of our states they think most convenient for them.

4. The goods, furniture, merchandise, wares that they bring with them shall not be subject to any taxes, custom-house duties, but shall be exempt from all charges and impositions of whatever name and nature.

5. In case that in the cities, towns, and villages where the said refugees shall go to establish themselves, there should be found any houses ruined, empty, or abandoned by their possessors, and which the proprietors are unable to repair, we give and assign them to those persons in full right of property for them and their heirs ; we will endeavor to satisfy the proprietors according to the value of said houses, and to disengage them of all charges with which they may yet be bound, whether for mortgages, debts, contributions or other dues heretofore affecting them. We will also supply them with wood, lime, stone, brick, and other things they may need to repair what they find ruinous and decayed in the said houses, which shall be free and exempt for six years from all sorts of taxes, watches, lodgment of soldiers and other charges, and shall pay during the said time of franchise the fees of sale alone.

6. In the cities and other places where are found proper places for building, persons of the said Religion, who have retired here, shall be authorized to take possession for themselves and heirs, as also all gardens, fields, and meadows appertaining thereto, without being obliged to pay any charges with which the said places and their dependencies may be affected ; and to facilitate the construction of the said houses, we will furnish all the materials which they may stand in need of, and grant them ten years of franchise, during which they shall be subject to no charges except the said charges for sale. And, as our intention is to make these establishments here as easy for them as possible, we have commanded the magistrates and other officers of our said provinces to search in each city for houses to rent, in which they can be lodged when they arrive, promising to pay for them and for their families four years of rent of the said houses, provided they engage to build in time on the places selected for them on the above-mentioned conditions.

7. As soon as they have fixed their residences in any city or town of our states, they shall be granted the rights of citizenship, and become members of the Trade Associations, which it is proper for them to enter, and enjoy the same privileges as those who were born and have lived all their lives in said cities and towns, and without paying any thing, or being liable to the escheat tax, or any other of whatever nature laid on strangers in other countries and States, but shall be treated and considered wholly and everywhere in the same light as our natural subjects.

8. Those who may wish to undertake any manufacture or work, whether of cloths, stuffs, hats, or of any other kind of merchandise it may please them, shall not only have all the privileges, grants, and franchises they may need, but they shall be supplied with assistance of money, and of such provisions and furniture as they may judge necessary for their designs.

9. To peasants and others wishing to go to the country, we will assign a certain extent of land to cultivate, and they shall receive all the assistance needed for their subsistence at the first, in like manner as we have done by a considerable number of Swiss families who have come to live in our states.

10. In regard to jurisdiction and manner of settling differences, arising among the said Frenchmen of the Reformed religion, we give permission that in those cities where there are some of their families established, they can choose one from their number, who shall be authorized to settle their differences in an amicable manner, without any formality or process; and, if these differences arise between Germans and Frenchmen, they shall be decided conjointly by the magistrates and by the person chosen from among the French above mentioned; and, also, they shall decide those cases among the French, which they are unable to settle by the amicable agreement above spoken of.

11. We will salary a minister in every city, and will assign a fitting plan for the exercise of the religion in French, according to the customs and with the same ceremonies hitherto in use by them in France.

12. Such French noblemen as have placed themselves under our protection and entered our service, shall actually enjoy the same honors, dignities, and advantages, as those of the country, and may be even advanced to the first places at court, and command of our troops. We will also grant the same favors to those of the said nobility who shall hereafter dwell in our States, giving them employment, honors, and dignities, of which they may be capable; and if they purchase fiefs or other property, and lands of noblemen, they shall hold them with the same rights, liberties, and prerogatives, as the nobility of the country.

13. All privileges and other rights spoken of above, shall hold not only with regard to those of the French nation who may arrive at the date of the present Edict, but also such as shall hereafter come here to live, provided they are exiles from France on account of the "Reformed" religion; those, however, making a profession of the Roman religion, are not entitled to them.

14. We establish commissions in each of our provinces, duchies, and principalities, to whom Frenchmen of the "Reformed" religion may have recourse if there be need, not only in the beginning of their coming here but afterwards. And all our governors and regents of our provinces and States have orders, in virtue of these presents and of the particular commands we shall send them, to take the said persons under their protection, and to maintain them in all the privileges indicated above, and not to allow them to suffer any wrong or injustice, but rather all kinds of favor, aid, and assistance.

Given at Potsdam, the 29th October, 1685.

(Signed.)

FREDERICK WILLIAM.



## DOCUMENT V.

*The Act of Toleration. A. D. 1689.**Anno Primo Gulielmi et Mariæ. Ch. 18.**An Act for exempting their Majesties' Protestant subjects, dissenting from the Church of England, from the penalties of certain laws.*

(See page 51.)

[From "The Statutes at large from the first year of King William and Queen Mary to the eighth year of King William III."—Vol. IX. page 19–25. Cambridge, 1764. The preamble is counted as Art. 1.]

Forasmuch as some ease to scrupulous consciences, in the exercise of religion, may be an effectual means to unite their Majesties' Protestant subjects in interest and affection :—

II. Be it enacted by the King's and Queen's Most Excellent Majesties, by and with the advice and consent of the Lords spiritual and temporal, and the Commons in this present Parliament assembled, and by the authority of the same, That neither the Statute made in the three and twentieth year of the reign of the late Queen Elizabeth, intituled an Act to retain the Queen's Majesty's subjects in their due obedience ; nor the Statute made in the twenty-ninth year of the said Queen, intituled an Act the more speedy and due execution of certain branches of the Statute made in the three and twentieth year of the Queen's Majesty's reign—viz., the aforesaid Acts ; nor that branch or clause of a Statute made in the first year of the reign of the said Queen, intituled an Act for the uniformity of common prayer and service in the Church, and administration of the Sacraments ; whereby all persons, having no lawful or reasonable excuse to be absent, are required to resort to their parish church or chapel, or some usual place where the Common Prayer shall be used, upon pain of punishment by the censures of the Church, and also upon pain that every person so offending shall forfeit for every such offence twelve pence ; nor the Statute made in the third year of the reign of the late King James the First, intituled an Act for the better discovering and repressing Popish recusants ; nor that other Statute made in the same year, intituled an Act to prevent and avoid dangers which may grow by Popish recusants ; nor any other law or Statute of this realm made against Papists or Popish recusants, except the Statute made in the five and twentieth year of King Charles the Second, intituled an Act for preventing dangers which may happen from Popish recusants ; and except also the Statute made in the thirtieth year of the said King Charles the Second, intituled an Act for the more effectual preserving the King's person and Government, by disabling Papists

The several laws do not extend to Dissenters.

23 Eliz. c. 1.

29 Eliz. c. 6.

1 Eliz. c. 2. f. 14.

3 Jac. 1. c. 4.

3 Jac. 1. c. 5.

Exception.  
25 Car. 2. c. 2.

30 Car. 2. stat.  
2. c. 1.



from sitting in either House of Parliament ; shall be construed to extend to any person or persons dissenting from the Church of England, that shall take the oaths mentioned in a Statute made this present Parliament, intituled an Act for removing and preventing all questions and disputes concerning the assembling and sitting of this present Parliament ; and shall make and subscribe the declaration mentioned in a Statute made in the thirtieth year of the reign of King Charles the Second, intituled an Act to prevent Papists from sitting in either their House of Parliament ; which oaths and declaration the Justices of Peace at the general Sessions of the Peace, to be held for the County or place where such person shall live, are hereby required to tender and administer to such persons as shall offer themselves to take, make, and subscribe the same, and thereof to keep a register ; and likewise none of the persons aforesaid shall give or pay, as any fee or reward, to any officer or officers belonging to the Court aforesaid, above the sum of sixpence, nor that more than once, for his or their entry of his taking the said oaths, and making and subscribing the said declaration ; nor above the further sum of sixpence for any certificate of the same, to be made out and signed by the officer or officers of the said Court.

Supra. c. 1.

30 Car. 2. stat.  
2. c. 1.  
Taking declaration to be registered.

Fee for register and certificate.

Persons convicted, &c., taking the oaths, &c., shall be discharged.

III. And be it further enacted by the authority aforesaid, that all and every person and persons, already convicted or prosecuted in order to conviction of recusancy, by indictment, information, action of debt, or otherwise, grounded upon the aforesaid statutes, or any of them, that shall take the said oaths mentioned in the said statutes made this present Parliament, and make and subscribe the declaration aforesaid, in the Court of Exchequer, or Assize, General or Quarter Sessions to be held for the county where such person lives, and to be thence respectively certified into the Exchequer, shall be thenceforth exempted and discharged from all the penalties, seizures, forfeitures, judgments, and executions, incurred by force of any of the aforesaid statutes, without any composition, fee, or further charge whatsoever.

35 El. c. 1.

22 Car. 2. c. 1.  
Ecclesiastical court.

IV. And be it further enacted by the authority aforesaid, That all and every person and persons that shall, as aforesaid, take the said oaths, and make and subscribe the declaration aforesaid, shall not be liable to any pains, penalties, or forfeitures, mentioned in an Act made in the five and thirtieth year of the reign of the late Queen Elizabeth, intituled an Act to retain the Queen's Majesty's subjects in their due obedience ; nor in an Act made in the two and twentieth year of the reign of the late King Charles the Second, intituled an Act to prevent and suppress seditious conventicles ; nor shall any of the said persons be prosecuted in any ecclesiastical court, for or by reason of their non-conforming to the Church of England.

V. Provided always, and be it enacted by the authority aforesaid, That if any assembly of persons dissenting from the Church of England shall be had in any place for religious worship with the doors locked, barred, or bolted, during any time of such meeting together, all and every person or persons that shall come to and be at such meeting shall not receive any benefit from this law, but be liable to all the pains and penalties of all the aforesaid laws recited in this Act, for such their meeting, notwithstanding his taking the oaths and his making and subscribing the declaration aforesaid.

Private meetings excluded.

VI. Provided always, That nothing herein contained shall be construed to exempt any of the persons aforesaid from paying of tithes or other parochial duties, or any other duties to the Church or minister; nor from any prosecution in any ecclesiastical court or elsewhere, for the same.

Tithes saved.

VII. And be it further enacted by the authority aforesaid, That if any person dissenting from the Church of England, as aforesaid, shall hereafter be chosen or otherwise appointed to bear the office of high-constable, or petit-constable, church-warden or overseer of the poor, or any other parochial or ward office, and such person shall scruple to take upon him any of the said offices in regard of the oaths, or any other matter or thing required by the law to be taken or done in respect of such office, every such person shall and may execute such office or employment by a sufficient deputy, by him to be provided, that shall comply with the laws on this behalf. Provided always the said deputy be allowed and approved by such person or persons, in such manner as such officer or officers respectively should by law have been allowed and approved.

Officers scrupling oaths, &c., allowed to act by deputy.

VIII. And be it further enacted by the authority aforesaid, That no person dissenting from the Church of England in holy orders, or pretended holy orders, or pretending to holy orders, nor any preacher or teacher of any congregation of dissenting Protestants, that shall make and subscribe the declaration aforesaid, and take the said oaths at the General or Quarter Sessions of the Peace to be held for the county, town, parts, or division where such person lives, which Court is hereby empowered to administer the same, and shall also declare his approbation of and subscribe the articles of religion mentioned in the Statute made in the thirteenth year of the reign of the late Queen Elizabeth, except the thirty-fourth, thirty-fifth, and thirty-sixth, and these words of the twentieth article—viz. [the Church hath power to decree rites or ceremonies, and authority in controversies of faith, and yet] shall be liable to any of the pains or penalties mentioned in an Act made in the seventeenth year of the

Persons in orders how exempted from.

17 Car. 2. c. 2.  
13 and 14 Car.  
2. c. 4.

13 Eliz. c. 12.

17 Car. 1. c. 4. reign of King Charles the Second, intituled an Act for restraining Nonconformists from inhabiting in corporations ; nor the penalties mentioned in the aforesaid Act made in the two-and-twentieth year of his said late Majesty's reign for or by reason of such persons preaching at any meeting for the exercise of religion ; nor to the penalty of one hundred pounds mentioned in an Act made in the thirteenth and fourteenth of King Charles the Second, intituled an Act for the uniformity of publick prayers, and administration of sacraments, and other rites and ceremonies ; and for establishing the form of making, ordaining, and consecrating of bishops, priests, and deacons in the Church of England, for officiating in any congregation for the exercise of religion permitted and allowed by this Act.

13 and 14 Car.  
2. c. 4.

Taking the oaths, &c., to be registered.

IX. Provided always, That the making and subscribing the said declaration, and the taking the said oaths, and making the declaration of approbation and subscription to the said articles, in manner as aforesaid, by every respective person or persons herein before mentioned, at such General or Quarter Sessions of the peace as aforesaid, shall be then and there entered of record in the said Court, for which sixpence shall be paid to the clerk of the peace, and no more : provided that such person shall not at any time preach in any place, but with the doors not locked, barred, or bolted, as aforesaid.

Meeting-door to be unlocked.

Anabaptists.

X. And whereas some dissenting Protestants scruple the baptizing of infants ; be it enacted by the authority aforesaid, That every person in pretended holy orders, or pretending to holy orders, or preacher, or teacher, that shall subscribe the aforesaid articles of religion, except as before excepted, *i. e.*, except the three articles and part of the twentieth article mentioned in VIII., and also except part of the seven and twentieth article touching infant baptism, and shall take the said oaths, and make and subscribe the declaration aforesaid, in manner aforesaid, every such person shall enjoy all the privileges, benefits, and advantages, which any other dissenting minister, as aforesaid, might have or enjoy by virtue of this Act.

Teachers exempt from offices.

XI. And be it further enacted by the authority aforesaid, That every teacher or preacher in holy orders, or pretended holy orders, that is, a minister, preacher, or teacher of a congregation, that shall take the oaths herein required, and make and subscribe the declaration aforesaid, and also subscribe such of the aforesaid articles of the Church of England as are required by this Act in manner aforesaid, shall be thenceforth exempted from serving upon any jury, or from being chosen or appointed to bear the office of church-warden, overseer of the poor, or any other parochial or ward office or other office in

any hundred of any shire, city, town, parish, division, or wapentake.

XII. And be it further enacted by the authority aforesaid, Justice of Peace may tender the oaths, &c. That any Justice of the Peace may at any time hereafter require any person, that goes to any meeting for exercise of religion, to make and subscribe the declaration aforesaid, and also to take the said oaths or declaration of fidelity hereinafter mentioned, in case such person scruples the taking of an oath; and Penalty for refusing. upon refusal thereof, such Justice of the Peace is hereby required to commit such person to prison without bail or mainprize, and to certify the name of such person to the next General or Quarter Sessions of the peace to be held for that county, city, town, part or division, where such person then resides; and if such person so committed shall upon a second tender at the General or Quarter Sessions scruple to make and subscribe the declaration aforesaid, such person refusing shall be then and there recorded, and he shall be taken thenceforth to all intents and purposes for a Popish recusant convict, and suffer accordingly, and incur all the penalties and forfeitures of all the aforesaid laws.

XIII. And whereas there are certain other persons, dissenting from the Church of England, who scruple the taking of any oath; be it enacted by the authority aforesaid, Quakers—how exempted. Altered as to Quakers by 8 Geo. 1. c. 6. That every such person shall make and subscribe the aforesaid declaration, and also this declaration of fidelity following—viz :

I, A. B., do sincerely promise and solemnly declare before Declaration of fidelity. God and the world that I will be true and faithful to King William and Queen Mary; and I do solemnly profess and declare that I do from my heart abhor, detest, and renounce, as impious and heretical, that damnable doctrine and position, That Princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare that no foreign prince, person, prelate, State, or potentate, hath, or ought to have, any power, jurisdiction, superiority, preëminence, or authority ecclesiastical or spiritual, within this realm.

And shall subscribe a profession of their Christian belief in these words :—

I, A. B., profess faith in God the Father, and in Jesus Christ Profession. His Eternal Son, the true God, and in the Holy Spirit; one God blessed for evermore; and do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine inspiration.

Which declarations and subscription shall be made and entered of record at the General or Quarter Sessions of the peace for the county, city, or place where every such person shall then reside. And every such person that shall make and subscribe the two

5 Eliz. c. 1. declarations and profession aforesaid, being thereunto required, shall be exempted from all the pains and penalties of all and every the aforementioned statutes made against Popish recusants, or Protestant Nonconformists, and also from the penalties of an Act made in the fifth year of the reign of the late Queen Elizabeth, intituled an Act for the assurance of the Queen's Royal power over all estates and subjects within her dominions, for or by reason of such persons not taking or refusing to take the oath mentioned in the said Act ; and also from the penalties of an Act made in the thirteenth and fourteenth years of the reign of King Charles the Second intituled an Act for preventing mischiefs that may arise by certain persons called Quakers, refusing to take lawful oaths ; and enjoy all other the benefits, privileges, and advantages under the like limitations, provisoes, and conditions, which any other Dissenters shall or ought to enjoy by virtue of this Act.

13 and 14 Car.  
2 C. 1.

How purged  
after refusal of  
the oaths.

XIV. Provided always, and be it enacted by the authority aforesaid, That in case any person shall refuse to take the said oaths, when tendered to them, which every Justice of the Peace is hereby empowered to do, such person shall not be admitted to make and subscribe the two declarations aforesaid, though required thereunto either before any Justice of the Peace, or at the General or Quarter Sessions, before or after any conviction of Popish recusancy, as aforesaid, unless such person can, within thirty-one days after such tender of the declaration to him, produce two sufficient Protestant witnesses to testify upon the oath that they believe him to be a Protestant Dissenter, or a certificate under the hands of four Protestants, who are conformable to the Church of England, or have taken the oaths and subscribed the declaration above mentioned, and shall also produce a certificate under the hands and seals of six or more sufficient men of the congregation to which he belongs, owning him for one of them.

XV. Provided also, and be it enacted by the authority aforesaid, That until such certificate, under the hands of six of his congregation, as aforesaid, be produced, and two Protestant witnesses come to attest his being a Protestant Dissenter, or a certificate under the hands of four Protestants, as aforesaid, be produced, the Justice of the Peace shall and hereby is requested to take a recognizance with two sureties in the penal sum of fifty pounds, to be levied on his goods and chattels, lands, and tenements, to the use of the King's and Queen's Majesties, their heirs and successors, for his producing the same ; and if he cannot give such security, to commit him to prison, there to remain until he has produced such certificate, or two witnesses, as aforesaid.

Laws for divine  
service in force.

XVI. Provided always, and it is the true intent and meaning of this Act, That all the laws made and provided for the fre-



quenting of Divine Service on the Lord's Day, commonly called Sunday, shall be still in force, and executed against all persons that offend against the said laws, except such persons come to some congregation or assembly of religious worship allowed or permitted by this Act.

XVII. Provided always, and be it further enacted by the authority aforesaid, That neither this Act, nor any clause, article, or thing herein contained, shall extend, or be construed to extend, to give any ease, benefit, or advantage to any Papist or Popish recusant whatsoever, or any person that shall deny in his preaching or writing the doctrine of the Blessed Trinity, as it is declared in the aforesaid articles of religion.

XVIII. Provided always, and be it enacted by the authority aforesaid, That if any person or persons, at any time or times after the tenth day of June, do and shall willingly and of purpose, maliciously or contemptuously, come into any cathedral, or parish church, chapel, or other congregation permitted by this Act, and disquiet or disturb the same, or misuse any preacher or teacher, such person or persons, upon proof thereof before any Justice of Peace, by two or more sufficient witnesses, shall find two sureties to be bound by recognizance in the penal sum of fifty pounds, and in default of such sureties shall be committed to prison, there to remain till the next General or Quarter Sessions; and upon conviction of the said offence at the said General or Quarter Sessions, shall suffer the pain and penalty of twenty pounds, to the use of the King's and Queen's Majesties, their heirs and successors.

XIX. Provided always, that no congregation or assembly for religious worship shall be permitted or allowed by this Act, until the place of such meeting shall be certified to the Bishop of the diocese, or to the Archdeacon of that Archdeaconry, or to the justices of the peace at the General or Quarter Sessions of the peace for the county, city, or place in which such meeting shall be held, and registered in the said Bishop's or Archdeacon's Court respectively, or recorded at the said General or Quarter Sessions; the register or Clerk of the peace whereof respectively is hereby required to register the same, and to give certificate thereof to such person as shall demand the same, for which there shall be no greater fee nor reward taken than the sum of sixpence.

Papists, &c.,  
excepted.

Disturbers of religious worship  
—how punished.  
See 1 Geo. 1.  
stat. 2. c. 5. s. 4.

Place for worship to be certified.

## DOCUMENT VI.

*Provisions of the Constitution of the United States Securing Religious Liberty, A.D. 1787 and 1789.*

(See page 80.)

CONSTITUTION (1787), Article VI., Section 3 :

“ No religious test shall ever be required as a qualification to any office or public trust under the United States.”

AMENDMENTS (adopted by Congress, 1789, ratified by the States, and incorporated in the Constitution, 1791). Article I. :

“ Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ; or abridging the freedom of speech, or of the press ; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

[For a history of this Amendment see Schaff, *Church and State in the U. S.*, pp. 25-34.]

*The Virginia Ordinance of 1787.*

While the Constitutional Convention was in session at Philadelphia, the Continental Congress sitting under the Articles of Confederation passed an ordinance, July 13, 1787, “ for the government of the territory of the United States northwest of the Ohio river.” This territory was ceded by Virginia to the United States, and embraced the present States of Ohio, Indiana, Illinois, Michigan, and Wisconsin. The same ordinance was afterwards extended to Tennessee, Alabama, and Mississippi. It shows that the separation of Church and State in America is not hostile, or indifferent, but friendly, to religion, by which is meant, of course, Christianity as the religion of the nation.

This ordinance provides on the one hand for full religious liberty, and on the other hand for the cultivation of religion, morality, and education, as essential conditions of national prosperity. Among the articles which shall “ forever remain unalterable,” are the following :

Art. I. “ No person demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments in the said territory.”

Art. III. “ Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.”

