

the proceedings of the presbytery to which he belongs, he may appeal to the ecclesiastical eldership; from them to the provincial assembly; from them to the national; and from them to the parliament."

"It is further provided, that the cognizance and examination of all capital offences shall be reserved entire to the magistrate appointed by the laws of the kingdom, who, upon his committing the party to prison, shall make a certificate to the eldership of the congregation to which they belonged, who may thereupon suspend them from the sacrament."

By these provisos it is evident the parliament were determined not to part with the spiritual sword, or subject their civil properties to the power of the church, which gave great offence to the Scots' commissioners, and to most of the English Presbyterians, who declaimed against the ordinance, as built upon Erastian principles, and depriving the church of that which it claimed by a divine institution. The parliament observing their ambition of making the church independent of the state, girt the laws closer about them, and subjected their determinations more immediately to the civil magistrate, by an ordinance dated March 14th, 1645—6.

This ordinance of suspension from the sacrament was extorted from the two houses before the time, by the importunate solicitations of the city clergy; for as yet there were no classes or Presbyteries in any part of England, which ought to have been erected before they had determined their powers. The house had voted that there should be a choice of lay elders throughout England and Wales, and had laid down some rules for this purpose, August 19, 1645; but it was the 14th of March following before it passed into a law.

It was then ordained, "1. That there be forthwith a choice of [ruling] elders throughout the kingdom of England, and dominion of Wales.

"2. That public notice be given of such election in every parish, by the minister of the parish, a fortnight before; and that on the Lord's day on which the choice is to be made, a sermon be preached suitable to the occasion.

"3. Elections shall be made by the congregation, or the major part of them then assembled, being heads of families, and such as have taken the covenant."

The parliament apprehended they had now established the plan of the Presbyterian discipline, though it proved not to the satisfaction of any one party of christians; so hard is it to make a good settlement when men dig up all at once old foundations. The Presbyterian hierarchy was as narrow as the prelatical; and as it did not allow a liberty of conscience, claiming a civil as well as ecclesiastical authority over men's persons and properties, it was equally, if not more insufferable. Bishop Kennet observes that the settling presbytery was supported by the fear and love of the Scots army, and that when they were gone home it was better managed by the English army, who were for independency and a principle of toleration; but as things stood nobody was pleased; Episcopalians and Independents were excluded; and because the parliament would not give the several