

the exceptional position of the Czar, who is personally supreme over all civil and ecclesiastical procedure. The members of the Holy Synod are chosen and appointed by him, and his relation to it does not appear to be defined by any legal instrument. The Czar exercises, in some cases directly, powers which properly belong to an ecclesiastical tribunal, but generally he acts through the synod. "In the synod he is represented by a high official (Chief Procurator), who has a negative on all its resolutions till laid before the Emperor," and this officer, though he has theoretically no voice in the deliberations of the synod and no vote, practically exercises a powerful influence upon its decisions. The synod cannot in fact give effect to any of its decisions without the Emperor's consent, given through his representative.

The extent and character of the Imperial interference with the wishes of the synod at any time might, no doubt, be determined in some degree by public opinion, within the Russian Empire, and in grave cases by the expressed or expected judgment of the four eastern patriarchs: but in the empire itself there is no constitutional check on such an exercise of the Czar's personal authority as that by which Peter the Great abolished the patriarchal power in Russia. The indefinite relation of the ecclesiastical to the Imperial power, determined only by general expressions of respect for early precedents, corresponds with the peculiar circumstances of the nation. The Czar is necessarily unwilling to limit his own authority, and the synod may shrink from the danger of being formally forced to accept a position inconsistent with spiritual freedom.

In the older provinces of the Kingdom of Prussia the eight provincial Consistories, each consisting partly of legal members from 6 to 14 in number, with a legal president, form Courts of First Instance. If the charge be one of false doctrine, the members of the Provincial Synodal Committee, a body of ecclesiastics and laymen, freely elected from the Synods of each province for three years, are joined to the Consistory with equal rights of voting.

An appeal from the judgment of the Consistory lies to the Evangelical Supreme Council, a mixed body of ecclesiastics and laymen, by which the final decision is given.

There is no appeal from the Ecclesiastical

Court to a Civil Court; but in certain cases it is permitted, under the name of appeal, to address a remonstrance on account of misuse of ecclesiastical authority to a Civil Court, the Royal Tribunal for Ecclesiastical Affairs. This court has either to reject the appeal or else to cancel the disputed sentence of the ecclesiastical authorities. It has no right to give a decision of the case itself, or to issue a separate disciplinary sentence.

In France the discipline of those clergy of the Roman Catholic church who have a permanent position depends almost entirely upon their voluntary and loyal obedience to their spiritual rulers. The Church possesses no coercive jurisdiction, and there is no external power to execute a sentence given by an Ecclesiastical Court against a priest. One article only of the penal code may be applied, which punishes the individual who wears a costume which he has no right to wear. This article has often been enforced on priests who have been forbidden by the ecclesiastical tribunal to wear the habit of priest.

The priest in charge of the churches of the chief places in the "canton" (églises cantonales) have alone a fixed tenure, and are alone legally styled curés. All the other clergy hold their charges absolutely at the will of the bishops, who have, however, to inform the Government of the changes which they make in their dioceses by the appointment or the removal of clergy.

The cases in which the civil courts can interfere in ecclesiastical matters in France, under the present laws, are more numerous than is commonly supposed. In addition to cases which fall under the *appel comme d'abus*, the articles 199 sqq. of the Penal Code are capable of severe application against the clergy, but they appear to be commonly disregarded in some particulars with impunity, though it is said that convictions occur almost every year for breaches of the code. The synods and consistories of other religious bodies in France are composed of clerical and lay members in general chosen by themselves; but in the case of the General Consistory of the Lutheran Church, the president and two ecclesiastical members are named by the Government. These synods appear to have complete control over the internal discipline and administration of the bodies which they represent, but all their decisions, of whatever kind, are submitted to the approbation of the Government; nor can they meet without the permission of the civil authorities. The duration of the sessions of the general synods is limited to six days.