

of the respective kingdoms of Europe took the appointment in some degree into their own hands; by reserving to themselves the right of confirming these elections, and of granting investiture of the temporalities, which now began almost universally to be annexed to this spiritual dignity; without which confirmation and investiture, the elected bishop could neither be consecrated, nor receive any secular profits. This right was acknowledged in the emperor Charlemagne, *A.D.* 773, by pope Hadrian I, and the council of Lateran<sup>i</sup>, and universally exercised by other christian princes: but the policy of the court of Rome at the same time began by degrees to exclude the laity from any share in these elections, and to confine them wholly to the clergy, which at length was completely effected; the mere form of election appearing to the people to be a thing of little consequence, while the crown was in possession of an absolute negative, which was almost equivalent to a direct right of nomination. Hence the right of appointing to bishopricks is said to have been in the crown of England<sup>k</sup> (as well as other kingdoms in Europe) even in the Saxon times, because the rights of confirmation and investiture were in effect (though not in form) a right of complete donation<sup>l</sup>. But when, by length of time, the custom of making elections by the clergy only was fully established, the popes began to except to the usual method of granting these investitures, which was *per annulum et baculum*, by the prince's delivering to the prelate a ring, and a pastoral staff or crozier; pretending, that this was an encroachment on the church's authority, and an attempt by these symbols to confer a spiritual jurisdiction: and pope Gregory VII, towards the close of the eleventh century, published a bulle of excommunication against all princes who should dare to confer investitures, and all prelates who should venture to receive them<sup>m</sup>. This was a bold step towards effecting the plan then adopted by the Roman see, of ren-

<sup>i</sup> Decret. 1. dist. 63. c. 22.

<sup>k</sup> Palm. 28.

<sup>l</sup> "Nulla electio praelatorum. (sunt verba Ingulphi) erat mere libera et canonica; sed omnes dignitates tam episcoporum, quam ab-

"batum, per annulum et baculum regis curia pro sua complacentia conferebat." Penes clericos et monachos fuit electio, sed electum a rege postulabant. Selden. Jan. Angl. l. 1. §. 39.

<sup>m</sup> Decret. 2. caus. 16. qu. 7. c. 12 & 13.

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