“IN THE MATTER OF MOVING THE LORD’S TABLE.”

CASE

Submitted for the Joint-Opinion

THEREON OF

R. B. FINLAY, Q. C.,

AND

BENJAMIN WHITEHEAD, B. A.

TOGETHER WITH THEIR

OPINION

Church Association Tract 195

The Case and Opinion now published will enable every churchman to see at a glance the legal bearings of this vexed question. The Appendix contains the full text of every document by which the placing of the Lord’s Table has been authoritatively regulated; while the strongest objections of opponents have been prominently put forward in the Case for the consideration of Counsel; and all the legal decisions which in any way bear upon the point in dispute have been carefully weighed in the Opinion.

The result is highly satisfactory. Counsel are of opinion that no faculty is needed. They add

> “The Canon evidently assumes that convenience will be ordinarily promoted by a ‘moving,’ and it is important to state that there is no presumption of law in favour of the east end position; on the contrary, *the presumption is* rather *in favour of ‘moving,’* on the true construction of the rubric as well as the canon.
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> “Therefore, although an ecclesiastical offence under the canon might be committed by a minister who for any reason moved the Table from the east wall to a position *known by him* to be less convenient, an offence would no less be committed by the minister who intentionally *abstains from moving* the Table from the east wall to a more convenient position.”

Again, since “there is no hint in the rubric, canon, or injunction relating to the subject, that the bishop’s consent is to be regarded as a condition precedent to the moving of the Table, we are of opinion that no such consent is needed before the rubric or canon are acted upon.”

And, moreover, “if the minister complies with one alternative ordered by the rubric, the bishop has no means of compelling him to adopt the other.”

There is, however, one point on which some misapprehension might possibly arise. What is meant by “a *bonâ fide* case of greater convenience” (p. 16)? The word “convenient” as popularly understood has reference to the comfort or pleasure of the congregation: this, however, is *not* the sense in which the word is here used. In Canon 82 which deals with this matter, the words

"*convenient* and decent tables for the celebration" are rendered "mensis *congruis* et decentibus ad cœnæ dominicæ celebrationem." Thus "congruity" to the purpose of the Institution, is the idea intended. In the same canon, "that the minister may be more *conveniently* heard" is rendered by "*commodius*." Again, to enable the communicants "in more number" to partake with the clergyman, that position which would secure the freest access to all sides of the Table at once, would seem to be preferentially indicated.[1]

Another branch of "convenience" is contemplated by providing that the clergyman shall "break the bread *before the people*, and take the cup into his hands"; or, as the Scotch Prayer Book expressed it, "He shall stand at such part of the holy table, where he may with the more ease and decency use both his hands." In that sentence, "ease" had reference to the comfort of the officiant, but "decency" must have related to the spectators, in whose sight the sacramental action was to be rendered in the way most suitable for edification. Of far higher moment than the ease of either parson or people is "congruity" to the purpose of the sacred rite itself. As in the French word *"convenable,"* fitness and suitability (viz., to the object for which the sacred ordinance was designed) is the primary and essential meaning. A few illustrations will place this beyond doubt. In the First Prayer Book, of 1549, the rubric directed absentees from church to suffer such punishment" as shall to the ecclesiastical judge (according to his discretion) seem *convenient*." Here, the ease and comfort of the offender was the very last thing provided for. The next rubric said, "It is thought *convenient* that the people commonly receive the sacrament of Christ's body in their mouths." This was not meant as a denial that placing it in their hands would be vastly more convenient *to them*. But the context shews that however awkward and inconvenient to the communicant, this method was then deemed most suitable to the "right use" of the sacrament, inasmuch as it prevented the wafers being filched for purposes of magic or "superstition," as had frequently been done in the Middle Ages. In our present Prayer Book, rubrics in the Offices for Matrimony and the Churching of Women declare that it is "*convenient*" that they receive the Holy Communion there and then; whereas it would often be most inconvenient if regard were had merely to the domestic or social arrangements of the individuals.

"Convenience," then, means suitability to the purpose for which both the Lord's Supper and the Lord's Table were designed. The two points especially insisted upon in the Injunction, and in the Canon (taken from it) are the seeing and hearing everything prescribed in the service, and the ability to communicate in the largest possible number at the same Table. This last circumstance ought not to be lost sight of. "We being the many (*hoi polloi*) are one bread and one body, *for* we are all partakers of that one loaf" (1 Cor. x.-17). "Communion" means fellowship of Christians with one another, in virtue of their common union with "the Head of the body." This truth is symbolised by their partaking at one table and at one time of the same covenant feast provided by their common Father, and Lord.

One use of this Opinion will be found in the warning it gives to zealous and well-meaning persons against relying exclusively upon theological considerations. It is obviously expedient to shelter their action under the very pleas which the ecclesiastical laws themselves assign as reasons for changing the place of the Holy Table "at the Communion time." Indeed those reasons ought to have more weight now than at any former period. The recent innovations of building carved screens behind the Table, sometimes adding curtains, or dwarf walls, or rows of flower pots at its North and South sides, with the still newer device of cutting down the breadth of the Table to the dimensions of a mere shelf, call loudly for some vigorous *practical* protest. "*Solvitur ambulando.*" The law of faculties is now abused to protect all changes, however irregularly made, which have the effect of reducing the Lord's Table to the similitude of an "altar"-like fixture. And as one abuse leads to another, this unlawful fixing of the Table leads to a multiplication of tables, so as to imitate more closely the sacrificial side-altars of Rome. This is so far from being a "catholic" practice, that for six hundred years after Christ, "frequent celebrations" on one day, and multiplied tables, were utterly unknown in any part of Christendom. As there was "One Lord, and one baptism," so there

was also but *one* Lord's Table. In no case could any need arise for a sham side-altar, if "*The* table" were "placed" as directed by the law, and as found "convenient" from time to time.

At the same time it must not be lost sight of that some churches are structurally unsuited for any such removals. Where the chancel is a mere recess, and the "body of the church" is crowded with fixed seats, it may be highly inconvenient to move the Table. Each case must be judged on its own merits, always remembering the inspired rubric—"*Let all your things be done to edifying*."

IN THE MATTER OF MOVING THE LORD'S TABLE.

THE CHURCH ASSOCIATION prepared the following Memorandum, and desired Counsels' Opinion as to the points raised.

CASE.

Doubts having arisen as to the right of an Incumbent (when acting in concert with the Churchwardens of his Parish) to move the Lord's Table "at the Communion time," as contemplated or directed by

(1) The fourth Rubric in the Communion Office (A), p. 17.
(2) The statutory Order appended to the Royal Injunctions of 1559 (B), p. 17.
(3) The statutory Order of 1561 (C), p. 19.
(4) The 82nd Canon of 1604 (D), p. 20.

These documents are printed in the Appendix, together with an extract from the Judgment of the Privy Council in *Liddell* v. *Westerton* relating thereto (E), p. 19.

Counsel are requested to advise after reading these—

(1) *Whether any formal consent of the Ordinary is needed before the Rubric, Orders, and Canon aforesaid may be acted upon as regards moving the Table "at the Communion time" in any Parish (or other) Church*.

At the time when movable Tables were first introduced, it was contemplated that the site of "the Table" should be determined by the "discretion and agreement" of the "Curates, Churchwardens, and questmen." (See Ridley's Injunctions of 1550 in Cardwell's Documentary Annals, I.-93.) And in the "Interpretations" of the Injunctions drawn up by the Bishops in 1561 it was further assumed that the mode of placing the Table would vary in the SAME church, from time to time.

"That the Table be removed out of the choir into the body of the church, before the chancel door; where either the choir seemeth to be too little, or at great feasts of receivings. And at the end of the Communion to be set up again, according to the Injuctions." (Cardwell, Doc. Ann. I.-205. note; or Strype, Annals, I.-320.)

Such local and special considerations could be judged of only by persons present at the time. And while no one contends that Tables *must* necessarily be moved, still less that they OUGHT to be moved in EVERY church, it is yet deemed important to preserve such rights and liberties as have hitherto been granted by the law of this Church and Realm to every congregation of worshippers.

Among such rights would seem to be the licence given to the Minister to stand at and after the Consecration Prayer in the Communion Office on any one of the four (or more) sides of the Table, which may be preferred. For, in *Risdale* v. *Clifton*, it was declared that "beyond this, and after this," (viz., after the words "standing before the table, &c." in the rubric preceding the Consecration Prayer,) "there is NO SPECIFIC DIRECTION that, during the prayer, he is to stand on the West side or that he is to stand on the North side" (45 L. J. P. C., L. R. 2 P. D., p. 343).

In the absence of any such direction, it would seem, therefore, that he might lawfully stand on the East side facing the congregation, who would thus be best enabled to see the Bread "broken before the people." Such a practice accords with the original Institution of the Lord's Supper, with the usage of the Primitive Church (as shewn in the pamphlet sent herewith: "*The Liturgy* [2] *and the Eastward Position*"), and it has been recommended by High Churchmen like the late Bishop of Lincoln (Ch. Wordsworth) and by Broad Churchmen like the late Bishop Thirlwall, and Dean Stanley. Many clergymen of various schools of thought value this liberty, and desire now to restore the primitive position of the Celebrant relatively to the people.

There seems to be moreover a danger lest certain newly-introduced fashions of narrowing the Table almost to the dimensions of a shelf, and placing behind it a carved "reredos," with flanking curtains or flower pots at its North and South "sides" should lead to the substitution of an altar-like fixture in place of the movable Table which alone is sanctioned by law.

Nevertheless, it has been claimed in the interests of "liberty" and "toleration" that such arrangements are permissible. Hence it has become more needful than ever that the Table should now be so placed and so used as to be manifestly a "board" for the use of Communicants in partaking of the "Christian Passover" as a covenant feast "ordained by Christ Himself." (1 Cor. v.-8.) Sacraments are essentially God's gifts *to* man, and stand in this respect *in direct contrast with* Sacrifices which are men's gifts *to God*. It has been repeatedly ruled in a long series of Judgments of the Ecclesiastical Courts that the distinction between the Lord's Table and an Altar is both essential and important to be preserved. (*Liddell* v. *Westerton*, 1 Jur. N.S., 1178; *Faulkner* v. *Litchfield*, 9 Jur. 234; *Parker* v. *Leach*, 2 Moore's Reports P. C. Cases, N.S., p. 99, L. R., 1 P. C. 326; and obiter in *Martin* v: *Mackonochie*, 2 P. C., 386.)

In a recent Judgment by the Archbishop of Canterbury, it seems to have been assumed that in the seventeenth century the Lord's Table was turned half round from a position with its ends East and West, to a position crossing the long axis of the church, and that the Celebrant by following this movement of the Table *necessarily found himself* somehow on its Western side. Apart from the fact that the Laudian clergy did *not* stand on the Western side of their Tables, but at the North end, which they contended was "the North side," and which had been habitually regarded as "the North side" during the reign of Elizabeth when the Rubric was most recent (see Tomlinson's *Historical Grounds of the Lambeth Judgment Examined*,[3] pp. 21-29), it is obvious that in the imagined process of turning the Table, it would have been at least as easy, and a *great deal more fitting*, for the Minister to stand on the East side of the Table; in other words, the Table may have swung from left to right just as readily as from right to left. On this point, the remarks of the late Bishop Harold Browne given in the Appendix (F), p. 21, deserve attention.

In view of the above considerations, Counsel are requested to advise—

(2) *Whether it is contrary to law (as laid down by her Majesty's Judges) for the officiating Minister to stand on the East side of the Table, or, as described in the recent Judgment of the Privy Council in Read* v*. The Bishop of Lincoln, "standing at the side of the Table which now ordinarily faces Eastward,"* [4] *or, "at the northern, part of the side which faces Eastwards" (*p. 18 *of Official Report as read in Court). And further, whether it is contrary to law to move the Table "at the Communion time" sufficiently far from the Eastern wall of the Chancel to permit "one to go between."*

In support of the opposite view (which would deny to Ministers and to congregations alike any power to move their Tables) the authority of a Royal Order in Council in 1633 relating to St. Gregory's Church has been put forward. To the contention founded on this alleged precedent there are several answers:

First,—The Order was not a general one.

Second,—At St. Gregory's the Ordinary had by a formal Order previously directed the Table to be fixed at the East end. The suit was not instituted by the Bishop, but by the parishioners appealing to the Arches against this Order.

Third,—The whole case was iniquitous and a violation of constitutional principles of jurisdiction. (See *Historical Grounds*, p. 34, and Gardiner's *Hist. of James I. and Charles I.*, Vol. VII., p. 312.) The Stuart policy of governing the Church by means of Crown nominees *to the disregard of the regular process of law* was inimical to constitutional freedom; and the Crown may not lawfully set aside or alter statutory Rubrics.

The Canon (9th) of 1640, see Appendix (G), p. 24, was intended to bolster up this local Order of 1633 by laying down the erroneous principle that parish churches must assimilate their ritual to that of cathedrals on the ground that cathedrals are their "mothers." Such metaphors cannot serve as a ground of law; and, in fact, the 49th Injunction of Elizabeth, and the existing Rubric as to the "anthem," shew that a different standard of Ritual is applicable in the two cases; so that Archbishop Parker, in 1569, asks in the case of cathedrals, "Whether your Divine Service be used . . . in all points according to the Statutes of your Church not being repugnant to any of the Queen's Majesty's laws and injunctions:" but for parochial churches he merely asks whether it is "as set forth by the laws of this realm, without any kind of variation." (Wilkins, IV., 253, 257.) The reasons assigned in the 82nd Canon, &c., cannot apply alike to cathedrals and to parish churches. Moreover, the Canons of 1640 were judicially declared by Sir H. J. Fust in *Cooper* v. *Dodd* (*Eccl. Cases*, VII., 516) to "have never had any binding authority," and were reported to her Majesty in 1883 "as having no authority at all." (*Eccl. Courts Com. Rep.*, p. xxxvi.) The marked slur put upon these Canons by Parliament in Section 5 of 13 Chas. II. c. 12, was owing to this very attempt, among others, to aggrandise the powers of bishops at the expense of the rights of the Church.

Counsel will take into consideration also the final paragraph of the Preface to the Prayer Book "Concerning the Service of the Church," and will advise—

(3) *Whether a discretionary choice left open, to the officiants by the terms of a Rubric or Canon can be abolished by the mere possibility of a "resort to the Bishop," and this too so completely that no discretion may be exercised without formal permission from the Bishop. Also to advise—How far the words of the fourth Rubric in the Communion Service as to the Table standing "where Morning Prayer and Evening Prayer are appointed to be said" taken in conjunction with the first Rubric preceding the Order for Morning Prayer, viz. :* "The Morning and Evening Prayer shall be used, &c*., except* it shall be otherwise determined by the Ordinary of the place," *may be supposed to have given to the Ordinary special power to intervene in this matter.*

It will be remembered that both these last-named Rubrics were introduced into the Prayer Book at a later period than the Preface directing "resort to the Bishop," and their directions cannot therefore have been modified by it.

The following extract from the Privy Council Judgment in *Ridsdale* v. *Clifton* [5] relates to this portion of the Rubric:—

"The Rubric, indeed, contemplates that the Table *may* be removed at the time of the Holy Communion; but it does not, in terms, *require* it to be removed. Morning and Evening Prayer are, according to one of the early Rubrics of the Prayer Book, to be used in the accustomed place of the church, chapel, or chancel. In churches where it is customary to use both the chancel and body of the church, or the chancel alone, for Morning and Evening Prayer, the direction that the Table shall stand 'where Morning and Evening Prayer are appointed to be said,' is satisfied *without* moving it. That direction cannot be supposed to mean that the position of the Table is to be determined by that of the minister's reading-desk or stall only, the service being 'used' and 'said' by the congregation as to the part in it assigned to them, as well as by the minister. The practice as to the moving or not moving the Table has varied at different times. It was generally, if not always, moved in the earlier part of the post-Reformation period. When the revision of 1662 took place, and when the present Rubric before the Prayer of Consecration was for the first time introduced, it had come to be the case that the Table was very seldom removed. The instances in which it has been removed may be supposed from that time to have become still more rare: and there are now few churches in the kingdom in which, without a structural rearrangement, the Table could be conveniently removed into the body of the church. The utmost that can be said is, that *the Rubrics are to be construed so as to meet either hypothesis."* (2 P. D., pp. 339, 340.)

Bearing in mind the recognised rule of law that "the oath of Canonical obedience does not mean that the clergyman will obey all the commands of the Bishop against which there is no law, but that he will obey all such commands as the Bishop by law is authorised to impose" (*Long* v. *Bp. Capetown*, p. 313 of Brodrick and Fremantle's Privy Council Judgments),

Counsel will also advise—

(4) *What steps a Bishop might take (under bad advice, it may be) to enforce upon a clergyman his own personal "discretion" as to the placing of the Table, and in what manner might best be defended the liberty in this matter left by the law of the Church of England to Parochial Officers?*

(For the Answers to these Questions, See p. 15.)

OPINION.

I. It is clear that the Communion Table must be an easily movable table; that it may be moved, and that no faculty is required for the purpose.

The rubrics give no directions as to where the Table is to stand out of Communion time, but the fourth paragraph of the rubric preceding the Communion Office (which dates from 1552) says that "at the Communion time the Table shall stand in the body of the church, or in the chancel where Morning and Evening Prayer are appointed to be said."

The now prevalent custom of keeping the Table *at all times* close to the east wall of the chancel has only been general since about the year 1710, and in any case a custom can be of no force against the express words of a statute, as in this case (see *Hibbert* v. *Purchas*, L. R. 3 P. C. 649, 650).

In *Risdale* v. *Clifton* (in which the *St. Gregory's case* was cited at the bar) it was argued that the now customary position of the Table is illegal, and that it ought to stand lengthwise, either in the body of the church, or in the middle of the chancel; but it was held on the true construction of the

rubric that the position along the east wall is a legal one, but, on the other hand, that a position in the body of the church or chancel is equally legal-in short, that the rubrics "are to be construed so as to meet either hypothesis."

The general rule of law, therefore (subject to the question of convenience), is that the Table may at Communion time stand in any position (either crosswise or lengthwise) within the church or chancel.

Two questions, however, arise—

(1) Whether and how this power of placing the Table may be abused?

(2) Whether and under what circumstances the Ordinary has a power of interference with the Minister's direction.

(1) In *Ridsdale* v. *Clifton* it was only necessary to deal with the construction of the rubric; but for our purpose Canon 82,which superseded an Injunction of Queen Elizabeth to the like effect, must also be considered, as it is still binding on the clergy. By this canon it is provided that the Table is ordinarily to stand in some definite place (*suo certo loco*) not specified, but probably the place mentioned in the Injunction (viz., where the Altar anciently stood, *i.e.*, against the east wall of the chancel), "saving when the said Holy Communion is to be administered, at which time the same shall be *placed* in so good sort within the church or chancel, *as* thereby the minister may be more conveniently heard of the communicants in his prayer and ministrations, and the communicants, also, more conveniently and in more number communicate with the said minister."

The canon evidently assumes that convenience will ordinarily be promoted by a "moving," and it is important to state that there is no presumption of law in favour of the east end position; on the contrary, the presumption is rather in favour of "moving," on the true construction of the rubric as well as the canon.

Therefore, although an ecclesiastical offence under the canon might be committed by a minister who for any reason moved the Table from the east wall to a position known by him to be less convenient, an offence would no less be committed by the minister who intentionally abstains from moving the Table from the east wall to a more convenient position.

This question of convenience would naturally vary in different churches according to the shape of the church, the length of the chancel, the presence of a chancel screen, central tower, belfry, or other obstruction between the church and chancel. Some churches also have been enlarged laterally by the addition of wings, and in such cases it can hardly be said that the east end of the chancel is the most convenient position. Again, the question of convenience may vary in the same church at different times, *e.g.*, when there is a small congregation, all may be accommodated in the chancel close to the Communion Table, in which case no moving would be necessary; but when a very large congregation is present it may be impossible for all or even the bulk of them to be placed so as to hear the minister, and see him perform the manual acts, as required by law (see Judgments of Privy Council in *Hibbert* v. *Purchas*, L. R. 3 P. C. 660, 661, and *Ridsdale* v. *Clifton*, 2 P. D. 343, and the Archbishop of Canterbury in *Read* v. *Lincoln*, L. R., 1891, P. 63) unless the Table be moved to the lower end of the chancel or the body of the church. By the Interpretations of 1561 a place in the body of the church before the chancel door was directed as the most suitable "where either the choir seemeth to be too little or at great feasts of receivings." (I Cardwell, Doc. Ann., 205.)

The question of moving, or rather placing, is therefore in most cases one of discretion, a discretion which can only be properly exercised on the spot seeing that the conditions must vary according to time and occasion.

We are of opinion that in all cases in which any serious inconvenience caused to the congregation by reason of a moving or of a neglect to move the Table is wilfully left out of consideration by the minister, his discretion is exceeded, and such conduct might amount to an ecclesiastical offence.

We think that the Table may be moved (or not moved) at the discretion of the minister acting in good faith for the greater convenience of his congregation. We wish, however, to lay stress upon the fact that the power of moving or not moving the Table can be exercised only for the purpose of promoting the convenience of communicants, and that the courts would probably view with great disfavour any departure from a long-established practice which appeared to have been adopted simply from a desire to assume the westward position, and not from a desire to promote convenience. We think, indeed, that such a moving might be held to be unlawful.

In like manner we think it might be unlawful for a minister to decline to move the Table when convenience requires it, simply because he wishes the Table to look like an Altar, or for some other reason of a doctrinal or controversial character.

(2) Has the bishop any power to interfere? and, first, is his consent a condition precedent, rendering a moving without it an illegal act?

The only authority for this is the *St. Gregory's case*, decided in 1633, in which King Charles I. said that the liberty given by the Prayer Book and Canon "is not so to be understood as if it were ever left to the discretion of the parish much less to the particular fancy of any humorous person but to the judgment of the Ordinary to whose place and function it doth properly belong to give direction in that point both for the thing itself and the time when and how long as he may find cause" (2 Cardwell, Doc. Ann., 187). But apart from the irregular procedure, and the unconstitutional character of this case and the fact that it was, perhaps, as Lord Stowell said of another decision, "a case of party heat that took place in times of party ferment and is of smaller authority on that account" (1 Cons., 175); the proceedings in it, before the intervention of the Crown, were between the Ordinary and a minority of the parishioners, the Incumbent not being even mentioned.

In our opinion there cannot, on the authority of this case, be read into the rubric and canon a reference to the bishop which is not there. Where it is intended that the bishop's consent should be a condition precedent, the fact is clearly stated—*e.g.*, it is illegal without the bishop's previous consent to read Morning or Evening Prayer in a place other than "the accustomed place," under the rubric preceding the Ornaments Rubric; and also to use the Litany at times other than those appointed by the rubric preceding the Litany; and also for any minister to serve as a curate (Can. 48), &c. Canons 82 and 83 also shew that express authority is given where it is intended to enable the Ordinary to interfere, even in such small details as "Table coverings" and the place of the pulpit: but here his authority comes in only "if any question do arise."

In all other cases (where no faculty is required) it must, in our opinion, be taken that the discretion is that of the minister. In fact, he is expressly mentioned in the first rubrics at Morning and Evening Prayer respectively as follows: "At the beginning of Morning Prayer the minister shall read with a loud voice some one or more of these sentences." (Compare the similar rubric in the Communion Office.)

There is no suggestion in *Ridsdale* v. *Clifton* that the prior consent of the bishop is necessary. In *Read* v. *Bp. of Lincoln* the Privy Council assume that the discretion as to taking a southward or eastward position is in "the clergyman," and no hint is given that the prior, or any consent of the bishop is necessary. The exact words of their Lordships are: "They cannot think that it renders it obligatory on a *clergyman who thinks it desirable* during the Prayer of Consecration to stand at the side of the Table which now ordinarily faces westward[5] to stand during the earlier part of the service at a different part of the Table." (L. R. [1892] A. C. 665.)

If, therefore, a clergyman may without special leave adopt the eastward position, no mention of which is made in the words of the rubric, *a fortiori*, may he without special leave adopt an alternative expressly prescribed "for the direction," to use the language of the Preface to the Prayer Book, "of them that are to officiate in any part of divine service."

Therefore, as there is no hint in the rubric, canon, or injunction relating to the subject, that the bishop's consent is to be regarded as a condition precedent to the moving of the Table, we are of opinion that no such consent is needed before the rubric and canon are acted upon.

The question, however, remains, whether the bishop has a discretionary power which enables him absolutely to prevent the moving of the Table; in other words, whether, in cases where two or more courses equally legal and alike ordered as alternatives are open to the officiant, the bishop can at any time order which of these courses shall be adopted to the entire exclusion of the other alternatives, and enforce such order. Can he, *e.g.*, compel the officiant to "sing," and not to "say," the Psalms; to adopt the "eastward," and not the "southward" position; to say one to the exclusion of all the other verses at the beginning of Morning and Evening Prayer; to place the Table in the body of the church at Communion time, and not in the chancel?

Under this head we think it desirable to review the more important authorities. In the times of the Stuarts the bishops, backed up by the High Commission Court, exercised such power, and were in the habit of making summary orders at their visitations (as appears, *inter alia*, from the *Crayford case* (1633) 2 Cardwell, Doc. Ann., 174), but subsequently this practice seems to have fallen into disuse for want of means of enforcing the orders.

In 1792 the case of *Hutchins* v. *Denziloe* (1 Cons. 170) was decided by Lord Stowell. It was a charge against churchwardens for obstructing a practice directed by the incumbent and approved by the inhabitants and the bishop—viz., the practice of singing instead of saying the Psalms, which the churchwardens contended was illegal. Lord Stowell decided that "singing" was just as legal as "saying"; that the question of expediency was for the minister to decide, and that the churchwardens had no right to interfere, or, as Sir John Nicholl reports it, "that the right of directing the service was in the minister" (3 Phill. 91). In the course of his Judgment, however, Lord Stowell made some observations on the distinction between what is lawful and what is expedient, as follows (p. 175):—"I am next to consider whether the churchwardens, if having authority, have interposed in this case to hinder an illegal or legal act? And in this branch of the question I dismiss all consideration of expediency, which is in the ordinary himself alone, the court judges only of the legality. Has, then, the bishop a discretion upon this subject? Those who have undertaken to shew that he has not, must shew a prohibition which restrains it. And in order to establish *this*, it is said that though singing part of the Psalms is properly practised in cathedrals, it is not so in parish churches. No law has been adduced to this effect, but modern usage alone has been relied on, and it is said that such has been the practice from the time of the Reformation. This, however, is not supported by any particular statement of fact or authority." Then further on he says (p. 180): "The court would not advise ministers to introduce what may be liable to such remarks" (as to being obsolete, &c.) "against the inclinations of the parishioners and the approbation of the bishop. But this a matter of expediency and discretion, which the court must leave to the consideration of others."

There is no suggestion here that the bishop had any power of enforcing his discretion. In fact, if any such power had existed, Lord Stowell would hardly have said that he would not "advise" ministers to introduce an innovation "against the approbation of the bishop." This very "advice" of his own is, indeed, of the same character as the bishop's, simply a friendly admonition, which finds no place in the order of the court. The advice of churchwardens and inhabitants is of a like nature.

Prior to the passing of the Church Discipline Act of 1840, the celebrated Report of 1832 was issued by the Ecclesiastical Commissioners, in which summary proceedings at visitations are not so much as mentioned. It is stated therein that there was the greatest difficulty in punishing a clergyman for any ecclesiastical offence, and that a new and more expeditious mode of effecting that object was extremely desirable.

In accordance with this report, the Act of 1840 (3 and 4 Vic. c. 86), provided that no criminal suit or proceeding against a clerk in holy orders for any offence against the laws ecclesiastical, shall be instituted in any ecclesiastical court otherwise than is provided in that Act (s. 23), but the Act is not to affect any authority over the clergy which the bishops might at the date of the passing of the Act, according to law, exercise personally and without process in court (s. 25).

In the *Dean of York's* case (1841), *Regina* v. *Archbishop of York* (2 Ad. and Ell. N. S. 1; 6 Jur. 412), which decided that the Archbishop of York had no power summarily to deprive the Dean of York at a Visitation, it was stated that it was for the purpose of supplying the defect pointed out in the Report of 1832 that the Act of 1840 was enacted.

In 1843, Sir H. Jenner Fast, Dean of Arches, lays down the law as follows:—"Nothing can be more clear than that under the general ecclesiastical law *universo consensu* the power of the ordinary over the clergy of a diocese, and of correcting them is established and exercised *by proceedings* in the Ecclesiastical Court. Private admonition may in some cases be sufficient, but where it is necessary to take proceedings they must be by Articles against a clergyman when acting contrary to his duty as a minister of the Church of England, and" (where such is the case) "as a beneficed clergyman." (3 *Notes of Cases*, 376.)

It therefore seems to be quite clear on the authorities—

(i.) that questions of expediency are not for the Court;
(ii.) that a bishop has no means of enforcing any order except through proceedings in Court.

Nevertheless, in 1868, Sir Robert Phillimore, then Dean of Arches, after quoting the following passage from the Preface of the Prayer Book, "To appease all such diversity (if any arise), and for the resolution of all doubts concerning the manner how to understand, do, and execute the things contained in this Book, the parties that so doubt or diversely take any thing shall always resort to the bishop of the diocese, who, by his discretion, shall take order for the quieting and appeasing of the same, so that the same order be not contrary to any thing contained in this Book. And if the bishop of the diocese be in doubt, then he may send for the resolution thereof to the Archbishop," made the following observations:—"It may be said that the bishop, when he had taken order for appeasing the doubt, would have no legal means of enforcing that order, and that for the purpose of such enforcement he must have recourse to his court. But it appears to me that on the supposition that the matter was one on which he could exercise discretion, he could clothe his order with the character of a monition, and that a disobedience to such a monition would subject the person disobeying to the penalties of contumacy." (*Martin* V. *Mackonochie*, L. R. 2 A. and E. 194.) On appeal, the Privy Council made the following remarks on this point:—"The learned Judge further observes that if Mr. Mackonochie has committed any error in this respect, it is one which should not form the subject of a criminal prosecution, but belongs to the category of cases which should be referred to the bishop. This category the learned Judge had previously defined to be things neither *ordered* nor prohibited, expressly or by implication, but the doing or using of which must be governed by the living discretion of some person in authority."

"And as to cases in this category, the learned Judge considered that according to the Preface to the Prayer Book the parties that doubt or diversely take anything should always resort to the bishop of the diocese.

"Their Lordships do not think it necessary to consider minutely the cases to which, or the manner in which, this direction in the Preface to the Prayer Book is applicable inasmuch as in their opinion the charge against the respondent with which they are now dealing involves what is *expressly ordered and prohibited* by the rubric, and is, therefore, a matter in which the bishop could have no jurisdiction to modify or dispense with the rubrical provisions." (L. R. 2 P. C. 384.)

On these authorities we are of opinion that moving the Holy Table does not come within the Preface of the Prayer Book. The rubric is clear. There is no doubt as to what is meant by "body of the church" or by "chancel." And further, to strike out one of the alternatives would be *ultra vires*; for an order under the Preface must not be "contrary to anything contained in this Book," and the rubric says the Table is to stand "in the body of the church or in the chancel."

In *Read* v. *Bp. of Lincoln* also, the Archbishop of Canterbury says, referring to the Eastward Position, "It would be virtually attempting to make a new rubric if it were judicially to attach a secondary meaning whencesoever derived or inferred to the definite primary term, and to declare under penal consequences that what has never been set forth as the *only possible* form of obedience to the rubric under present conditions is alone admissible." (L. R. [1891], P. p. 57.)

Therefore we are of opinion that if the minister complies with one alternative ordered by the rubric the bishop has no means of compelling him to adopt the other.

We may further remark that the tendency of the courts is in favour of preserving liberty. Thus in *Westerton* v. *Liddell* the Privy Council said, "Although their Lordships are not disposed in any case to restrict within narrower limits than the law has imposed the discretion which within those limits is justly allowed to congregations by the rules both of the ecclesiastical and common law courts, the directions of the rubric must be complied with." (5 W. R. 477, *Moore's Special Rep.*, 189.)

And the Archbishop of Canterbury, in his recent *Lincoln* Judgment, makes the following remarks as to the Eastward Position, which are equally applicable to the question of moving the Lord's Table: "So far, then, as the information before the court extends, the court is of opinion that a certain liberty in the application of the term (*i.e.* 'north side') existed, a liberty which was less and less exercised for a long time, but it does not appear to be lost by that fact or taken away. Such existing liberty it is not the function of a court, but only of legislation to curtail." (L. R. [1891], P. p. 57.)

II. As to the position of the minister during the Prayer of Consecration, the following rule is laid down in *Ridsdale* v. *Clifton*, and followed in *Read* v. *Lincoln*:—"The minister is to order the elements standing before the Table, words which, whether the Table stands altar-wise along the east wall, or in the body of the church or chancel, would be fully satisfied by his standing on the North side and looking towards the South; but which also in the opinion of their Lordships, as the tables are now usually and in their opinion lawfully placed, authorise him to do those acts standing on the West side and looking towards the East. Beyond this, and after this, there is no specific direction that during this prayer he is to stand on the West side, or that he is to stand on the North side. He must, in the opinion of their Lordships, stand so that he may in good faith enable the communicants present, or the bulk of them, being properly placed to see, if they wish it, the breaking of the bread, and the performance of the other manual acts mentioned." (L. R. 2 P. D. 343.)

This rule is, in our opinion, obviously complied with if the officiant stands in the middle of, or in any position along the East side of the Table, and faces the West, the Table being moved out a little way so as to permit "one to go between."

As to those portions of the Communion Service during which the minister is directed either expressly or by reference or implication to stand at the North side of the Table, there is a conflict between the Privy Council decisions in *Hibbert* v. *Purchas* and *Ridsdale* v. *Clifton*, with that in

Read v. *Bp. of Lincoln*. The rule in the *Ridsdale case* is as follows:—"Their Lordships have no hesitation in saying that whether the Table is placed altar-wise along the east wall or standing detached in the chancel or church, it is the duty of the minister to stand at the side of the Table which, supposing the church to be built in the ordinary Eastward position, would be the North, whether that side be a longer or shorter side of the Table." (2 P. D. 341.) The rule in the *Lincoln case* is as follows:—"It is not an ecclesiastical offence to stand at the northern part of the side which faces westwards."[6] (L. R. [1892], A.C. 665.)

Assuming the *Bp. of Lincoln's case* to be the binding authority we are of opinion that the train of reasoning which is considered sufficient to legalise the Eastward Position would apply in like manner to the Westward Position, *i.e.*, to a position at the Northern part of the side which faces Eastwards.

There can be no question that the Westward Position is more conducive to convenience than the Eastward, both for hearing and seeing, which all the authorities agree is of the greatest importance. As to seeing, the Archbishop of Canterbury—in a passage in his *Lincoln* Judgment already referred to—says, "The Court decides that the order of Holy Communion *requires* that the manual acts should be visible." L. R. [1891], P. p. 63.)

THEREFORE, in answer to the questions propounded, we say as follows:—

1. We are of opinion that it is the duty of the minister to place the Table at Communion time in the position which in his *bonâ fide* discretion he considers to be the most convenient in the church or chancel, and that no formal consent of the Ordinary is needed before moving the Table.

2. That when the Table stands detached in the church or chancel it is not contrary to law for the officiating minister to stand in the middle, or at any other part of the East side of the Table and face West during the Prayer of Consecration, and (assuming the reasoning in the *Lincoln* Judgment to be correct) at the Northern part of the East side during those portions of the service as to which there are express or implied directions to stand at the North side.

We also think that, for the purpose of assuming the Westward Position, the Table may be lawfully moved out a little way, so as to permit one to go between it and the east wall, if it appears that the adoption of the Westward Position is for the convenience of the communicants. We do not think that the Table could be lawfully moved merely for the purpose of adopting the Westward Position, and we strongly advise that it should not be done unless there is a *bonâ fide* case of greater convenience from the change.

3 and 4. That a discretionary choice, left open to the officiants by the terms of a rubric or canon, cannot be destroyed by the mere possibility of a resort to the bishop. That the rubric as to "the accustomed place" does not affect the question. That in normal cases where the minister acts in good faith for the greater convenience of the congregation the Ordinary has no power conferred on him which could entitle him to interfere except by way of advice.

We think that, if any serious inconvenience resulted to the congregation by reason of the Table being moved to or being allowed to remain (at Communion time) in an obviously inconvenient place, or if the Table is moved or not moved from some motive other than a *bonâ fide* desire to promote the convenience of the congregation, the minister might possibly be held to be guilty of an ecclesiastical offence, and could be proceeded against accordingly by articles in the Consistory Court.

We wish, however, to point out that if in any case the Table has been converted into a fixture, a faculty will probably be necessary for the removal of the obstructions, so that the Table may be an easily movable one as required by law.

R. B. FINLAY.
BENJAMIN WHITEHEAD

TEMPLE, *June 22nd*, 1893.

APPENDIX.

A.

FOURTH RUBRIC IN COMMUNION SERVICE.

"The Table at the Communion time having a fair white linen cloth upon it, shall stand in the body of the Church, or in the Chancel, where Morning and Evening Prayer are appointed to be said. And the Priest standing at the north side of the Table shall say the Lord's Prayer with the Collect following, the people kneeling."

B.

ORDER APPENDED TO ROYAL INJUNCTIONS, 1559.

"FOR TABLES IN THE CHURCH." [7]

"Whereas her Majesty understandeth, that in many and sundry parts of the realm the altars of the churches be removed, and tables placed for the administration of the Holy Sacrament, *according to the form of the law* therefore provided; and in some other places, the altars be not yet removed, upon opinion conceived of some *other* order therein *to be taken* by her Majesty's visitors; in the order whereof, saving for an uniformity, there seemeth no matter of great moment, so that the sacrament be duly and reverently ministered; yet for observation of one uniformity through the whole realm, and for the *better imitation of the law* in that behalf, it is *Ordered*, that no altar be taken down, but by oversight of the curate of the church, and the churchwardens, or one of them at least, wherein no riotous or disordered manner to be used. And that the Holy Table in *every* church be decently made, and set in the place where the altar stood, and there commonly covered, as thereto belongeth, and as shall be appointed by the visitors, and so to stand, saving when the Communion of the Sacrament is to be distributed; at which time the same shall be so placed in good sort within the chancel, as whereby the minister may be more conveniently heard of the communicants in his prayer and ministration, and the communicants also more conveniently, and in more number communicate with the said minister. And after the Communion done, from time to time, the same Holy Table to be placed where it stood before." (Card., Doc. Ann., Vol. I., p. 233.)

Footnote to the above.

The Injunctions of 1559 are stated by Dr. Richard Cosin, who was Whitgift's Chancellor from 1583 to 1590, and Dean of the Arches from 1590 to 1598, to have been "set out by the Queen's Majesty in the first year of her reign and are *under the Great Seal* of England for better record of the matter, her Highness being thereunto authorised by Act of Parliament." (*Apologie of and for sundry proceedings by Jurisdiction Ecclesiastical, of late time by some challenged, and also diversely by them impugned*. Edit. 1591, p. 22, and 1593, p. 45.) So at p. 63 of *An answer to an Abstract*, 1584, Dr. Cosin, quoting Injunction 27, says, "They were not by the Bishops, but by her Majesty's own authority, and Injunctions under the Great Seal of England."

In *Clifton* v. *Ridsdale*, the Court said, "Their Lordships do not think it necessary to dwell upon the Injunctions of Queen Elizabeth, and still less upon the Interpretation of those Injunctions; because

they cannot satisfy themselves, either that the Injunctions pointed to the vestments now in controversy, or that they were issued with the advice required by the section of the Act of Parliament."

But since that Judgment was delivered, a great deal of new evidence has been brought to light (*see* CHURCH INTELLIGENCER, Vol. III., p. 101) shewing

(1) That the Ordinaries throughout the reign of Elizabeth, and subsequent to it, regarded the Injunctions as relating to the dress of Ministration, and

(2) That the Commission to the Royal Visitors in 1559 (to which Commission the Royal Injunctions were "annexed") fulfilled all the requirements of the 25th and 26th sections of 1 Eliz. c. 2.

Cardwell suggests that the Royal Visitors were merely to "visit the Ecclesiastical state and Persons": but this is contradicted by the language of the Commission itself, which describes the Visitors as authorised "statum tam ecclesiasticum, quam *laicum* visitare . . . vice, nomine, et auctoritate nostris exequendum," gives them jurisdiction in testamentary matters, and arms them with the power of suspension, deprivation, the infliction of Ecclesiastical censures, &c., &c.

It speaks of them as "Commissariis," and their Commission was "by letters patent," "teste me ipsâ apud Westmonaster. 24. die Junii. anno regni Primo." (Cardwell, Doc. Ann., No. XLIV.) They were thus "Commissioners under the Great Seal for Causes Ecclesiastical," or as the Commission itself says, "causasque *quascumque* examinandum, audiendum, et finaliter terminandum."

Archbishop Parker, writing to Cecil, the Prime Minister, quotes this Order as a fulfilment of the proviso—"the Injunction hath authority by proviso of the Statute" (1 Eliz. c. 2, sec. 26), and says that the Queen told him so. (Archbishop Parker's *Correspondence*, p. 375.) Its own language respecting "*other Order therein to be taken* by her Majesty's visitors" shews also that this was the *recognised* understanding at the time: it being assumed by the Nonconformists that the visitors had legal power to vary the statutory requirement of a "Table."

Long after the death of Elizabeth, these Injunctions continued to be quoted as authoritative in Visitation Articles. It may well be that the Orders appended to the Injunctions of 1559 were Statutory Orders, even though the Injunctions themselves were but administrative enforcements of the existing law. And even though the Order were not Statutory, it would still shew authoritatively the recognised meaning of a Rubric which was re-enacted *at the same time*, and dealt with the same subject matter.

E.

JUDGMENT OF PRIVY COUNCIL IN *Liddell* v. *Westerton*. (Brooke, 70, 71.)

"This change in the view taken of the nature of the sacrament naturally called for a corresponding change in the ancient altar. It was no longer to be an altar of sacrifice, but merely a table, at which the communicants were to partake of the Lord's Supper." . . . "These Injunctions [of Elizabeth] plainly shew that the Communion of the Lord's Supper was to be held at a table as distinguished from an altar, a table in the ordinary meaning of that term; that as by the Rubric the bread used was to be 'the ordinary bread eaten at table with other meats,' so the table was to be of the character of those employed on such occasions; that it was not only to be movable, but was from time to time to be moved. The 82nd Canon of 1604—that which is now in force—introduces no material alterations; it assumes the existence in all churches of convenient and decent tables for the celebration of the Holy Communion, and provides that they shall be kept in repair. It orders that

the table be covered in time of Divine Service with a carpet of silk or other decent stuff thought meet by the Ordinary, and at the time of the ministration with a fair linen cloth, as becometh that table. Since this period no alteration has been made in the law with respect to the nature of the table to be used."

C.

QUEEN ELIZABETH'S ORDERS OF 1561.

"Also that the steps which be as yet at this day remaining in any cathedral, collegiate, or parish church, be not stirred nor altered; but be suffered to continue, with the tombs of any notable or worshipful personage, where it so chanceth to be, as well as in chancel, church, or chapel. And if in any chancel the steps be transposed, that they be not erected again, but that the place be decently paved, where the communion table shall stand *out of the times of receiving communion*, having thereon a fair linen cloth, with some covering of silk, buckram, or other such like, for the clean keeping of the said cloth on the communion board, at the cost of the parish.") (Miller's *Guide to Ecclesiastical Law*, p. 43, or British Museum, "5155, a. a. 7.") For the Queen's Warrant see Parker *Correspondence*, p. 132, and for the execution of it, p. 134. Commissioners named, Doc. Ann. 224. Enforced, see Britton's *History of Bristol Cathedral*, p. 52, from which a copy of the Commissioners' Order is appended.

"ORDER

"After our hearty commendations. Whereas we are credibly informed that there are divers tabernacles for images as well in the fronture of the rood-loft of the Cathedral Church of Bristol, as also in the frontures, back, and ends of the walls where the communion table standeth; forasmuch as the same church should be a light and good example to the whole city and diocese, we have thought good to direct these our letters unto you, and to require you to cause the said tabernacles to be detached and hewn down, and afterwards to be made a plain wall, with mortar, plaster, or otherways, and some Scripture to be written in the places, and namely that upon the wall *on the east end of the choir where the communion table* usually *doth stand*, the table of the commandments to be painted in LARGE characters, with convenient speed, and furniture according to the *Orders* lately set forth by *virtue of the Queen's Majesty's Commission for causes ecclesiastical*, at the cost and charges of the said church; whereof we require you not to fail. And so we bid you farewell. From London, the xxi of December 1561."

This Royal Order being also a statutory order under the Act 1 Elizabeth, c. 2, still in force, has never been superseded, and is applicable, therefore, to St. Paul's, where the idolatrous "bane" has now supplanted its legal "antidote."

D.

CANON 82.

"A DECENT COMMUNION-TABLE IN EVERY CHURCH."

"Whereas we have no doubt, that in all churches within the realm of England, convenient and decent tables are provided and placed for the celebration of the Holy Communion, we appoint, that the same tables shall from time to time be kept and repaired in sufficient and seemly manner, and covered, in time of Divine Service, with a carpet of silk or other decent stuff, thought meet by the Ordinary of the place, if any question be made of it, and with a fair linen cloth at the time of Ministration, as becometh that Table, and so stand, *saving* when the said Holy Communion is to be administered: *at which time* the same shall be placed in so good sort within the church or chancel,

as thereby the Minister may be more conveniently heard of the Communicants in his Prayer and Ministration, and the Communicants also more conveniently, and in more number, may communicate with the said Minister; and that the Ten Commandments be set upon the East end of every church and chapel, where the people may best see and read the same, and other chosen sentences written upon the walls of the said churches and chapels, in places convenient; and likewise that a convenient seat be made for the Minister to read service in. All these to be done at the charge of the parish."

F.

PASTORAL LETTER BY BP. HAROLD BROWNE, 1875. (Longmans.)

"It is (at communion time) to stand either in the chancel or in the body of the church, and is, therefore, to be movable, not fixed to the east wall. The priest, instead of standing 'afore' it, is to stand at its north side.'

"To my mind the fact that 'afore' is changed into 'north side,' of itself proves that they are not convertible terms; but the point of chief importance to be noticed is this, that though there is a direction to place the holy table either in the chancel or in the nave (so clearly implying that it shall be movable, like a table, not like an altar) yet *neither here nor ever afterwards*, by rubric, canon, or Act of Parliament, was there any injunction whatever by which the table, which had always stood north and south, should he turned round through an angle of 90º and stand east and west. If there ever was such an injunction, I have overlooked it, and *have tried to find it in vain*. The custom was universal that the altar or table should stand with its ends to the north and south, with its longer sides to the east and west. The only effect of the Rubric of 1552, and of any subsequent legal injunctions that I can find, was to make it movable and to place it, sometimes in the chancel, sometimes (when more convenient to communicants) in the nave; *but no hint is given that it should be twisted half-way round*. Let it be observed that the meaning of 'north side' in the Rubric of 1552 must rule the meaning in all subsequent rubrics, and it can hardly be contended that in 1552 holy tables had already been turned east and west. The effect was, no doubt, to give it a 'table-wise 'in contradistinction to an 'altar-wise' position; for it was only 'altar-wise' according to mediaeval custom when it stood at the east end, and was fastened immovably to the ground or to the wall. But, I think, there can be no reasonable doubt that in the year 1552, when first the Second Service Book of Edward VI. came into use, all the holy tables were standing north and south; and when they were first removed *they were simply moved forward*, retaining the same position relatively to the points of the compass; and that if the priest stood 'afore' the table he could not stand at the north of it, and if he stood at the north of it he could not stand 'afore' it. Of course, we are all aware of the difficulty of calling the end of a table a 'side.' I confess I see no solution of it but by admitting that the revisers used 'side' equally of what we now call 'ends.' A mathematician would now speak of the four 'sides' of a rectangle or other parallelogram, whether the sides were equal or unequal; and the Scotch Prayer Book did undoubtedly identify north side with north end. The holy tables in those days, too, were more nearly square than they are now. By degrees, no doubt, and while Puritan opinions were rapidly gaining ground through the reigns of Elizabeth, James I., and Charles I., the holy table being removed into the nave and the nave becoming crowded with large pews, the custom grew up of turning the table east and west, both to accommodate it to its place in the church, and to make it look less and less like an altar. By degrees, probably, this altered position relatively to the points of the compass came to be called the 'table-wise' in distinction to the 'altar-wise' position; and at length we find the most Puritan-minded bishop of the seventeenth century, Williams, Bishop of Lincoln, in 1627, instructing one of his clergy that the table was to stand 'table-wise,' by which he meant east and west, and the clergyman at the north *side* of it—not 'altar-wise' and the clergyman at the north *end* of it. *Had Bishop Williams any legal authority for saying this?* Even if the Royal Commissioners who removed the altars and substituted tables for them had always placed them table-wise (and I doubt if there be proof[8] of this), still many such acts

were performed with no sufficient authority of law. It requires proof that the action and language of one arbitrary prelate is of more weight than the language of another, living at the same time, of higher rank and greater influence; and it is undoubted that Archbishop Laud, in the Scotch Prayer Book, explained north side by north end. It appears to me that there is no manner of doubt but that the meaning of the Rubric of 1552 was that, when the table was moved forward from the wall to the middle of the chancel, it should be moved *as anyone would naturally move it, not altering its orientation*, but carrying it simply in its original position; and that when it was moved into the nave it should be placed just before the chancel screen or chancel steps, at the east of the nave, still with the same orientation, and just as, I am told, is the custom now in many of the Lutheran churches on the Continent.

"The Injunctions of Elizabeth are exactly to the same effect as the Rubric of 1552, only still more favourable to the view which I am taking. 'The holy table' is to be 'set in the place where the altar stood' . . . . 'and so to stand, saving when the Communion of the Sacrament is to be distributed; at which time the same shall be so placed in good sort within the chancel, as whereby the minister may be more conveniently heard of the communicants in his prayer and ministrations, and the communicants also more conveniently and in more number communicate with the said minister. And after the Communion is done, from time to time the said holy table be placed where it stood before' (Cardwell, Doc. Ann., Vol. i., p. 201). When the table was placed against the wall, without doubt it stood north and south. It was moved forward from that position farther westward in the chancel when necessary, and then moved back to it again. Why should the injunction mean that on every such occasion it was not only to be moved forward, but also to be twisted round? I am the more convinced that *there was no authority for this*, from the fact that of the many able and learned writers and speakers, who maintain that the legal position was the east and west position, *not one has referred to any one* authoritative *document in its* favour.

"The only approach to authorities are the private injunction of Williams, the great opponent of Laud, who was sure to take the view favoured by the Puritans, and the order of Parliament in[9] 1640, that every Bishop should 'take care that the communion-table in every church in his Diocese do stand decently in the ancient place where it ought to be by the law, and as it hath done the greater part of the threescore years last past.' (*Second Report of Rit. Comm*. (556), quoted by the Dean of Bristol, p. 27.) Even this order of Parliament says nothing, whatever it may mean, as to the orientation of the Holy Table; and it only speaks of the practice which it enjoins as of nearly *sixty* years' prevalence, whereas the original rubric of Edward's Second Prayer Book was nearly *ninety years older*."

G.

CANON IX. OF 1640.

"That the standing of the Communion-Table side-way under the east-window of every chancel or chappel, is in its own nature indifferent, neither commanded nor condemned by the Word of God, either expressly, or by immediate deduction, and therefore, that no religion is to be placed therein, or scruple to made thereon. And albeit at the time of Reforming this Church from that gross superstition of Popery, it was carefully provided that all means should be used to root out of the minds of the people, both the inclination thereunto, and memory thereof; especially of the Idolatry committed in the Mass, for which cause all Popish Altars were demolished; yet notwithstanding, it was then ordered by the Injunctions and Advertisements of Queen *Elizabeth* of blessed memory that the Holy Tables should stand in the place where the Altars stood, and accordingly have been continued in the Royal Chappels of three famous and pious Princes, and in most Cathedrals, and some Parochial Churches, which doth sufficiently acquit the manner of placing the said Tables from any illegality, or just suspicion of Popish superstition or innovation. And therefore we judge it fit and convenient, that all Churches and Chappels do conform themselves in this particular to the

example of the Cathedral or Mother Churches, saving always the general liberty left to the Bishop by Law, during the time of Administration of the Holy Communion. And we declare that this situation of the Holy Table, doth not imply that it is, or ought to be esteemed a true and proper Altar, whereon Christ is again really sacrificed; but it is, and may be called an Altar by us, in that sense in which the Primitive Church called it an Altar, and no other."

Endnotes:

1) In Prynne's *Canterburie's Doom*, p. 477, the Injunction of Elizabeth quoted below at p. 17, is said to direct the table to be "seated in the Body of the church (where the Chancel is too small or *inconvenient*), or in the chauncell (where it is capacious), neare the midst." Although Prynne is no authority as to rubrics, his use of the word "inconvenient" may be noted.

2) Published by J. F. Shaw & Co., 48, Paternoster Row.

3) Published by J. F. Shaw & Co.

4) In the Law Reports, A. C. (1892), pp. 663, 665, this word "Eastward" has in three separate instances been changed, by some person or persons unknown, into "Westward"!

5) See on this, Note to page 4 (*supra*)

6) See Note, p. 4 (*supra*).

7) Several copies printed by Jugge and Cawood, 1559, read "For *the* tables in the Church."

8) There is not one known instance.

9) This was not an order of Parliament, but of the House of Lords only, who *refused, Sept*. 8th, 1641, *to concur* in the order of the Commons (Nalson, ii.-493).