ILLEGAL RITUAL IN THE CHURCH OF ENGLAND: BEING A LIST OF UNLAWFUL PRACTICES WITH EXTRACTS FROM THE JUDGMENTS RELATING TO THEM; AND AN INDEX

Church Association Tract 259

Few in the present day realise that nearly all the Judgments as to the illegality of the ritual now used in Ritualistic churches were obtained by the Church Association. Most of the suits referred to in the following pages were conducted by the Church Association, at a cost of some £80,000. The Association, being desirous to avoid the imprisonment of Mr. Mackonochie, had to initiate no fewer than *three* suits, which occupied sixteen years, and cost over £10,000. These prosecutions were undertaken by the Church Association at the suggestion of the Archbishops and Bishops, who said that they did not know what the law was and had no means of finding out; but that when the law had been ascertained the bishops would certainly put it in force. That promise has not been kept.

RESULTS OF APPEALS TO THE ECCLESIASTICAL COURTS IN RITUAL AND OTHER CASES

In *The Times* of January 30th, 1899, Sir William V. Harcourt, M. P., wrote suggesting that "under competent legal advice a careful statement should be drawn up of the various practices now in use which have been declared illegal by the Ecclesiastical Courts." As we are daily being asked for similar information, the following summary has been drawn up.

ELEVATION OF THE BREAD OR PATEN.

The sanction of the Court was refused to any unnecessary elevation whatever.

LORD CHANCELLOR HATHERLEY, in delivering the Judgment of the Privy Council, on December 4th, 1869, said—

> "It is most desirable, and their Lordships are all of opinion, that it should be distinctly understood, that they give no sanction whatever to a notion that any elevation whatever of the Elements, as distinguished from the mere act of removing them from the Table, and taking them into the hand of the minister, is sanctioned by law. It is not necessary for their Lordships to say more (but most undoubtedly less we cannot say) than that we feel nothing has taken place in the course of this case, that can possibly justify a conclusion that any elevation whatever, as distinguished from the raising from the table, is proper or is sanctioned."—*Martin v Mackonochie, Law Reports, Privy Council Appeals*, Vol. III., part 1, 1870, page 63.

LORD CHELMSFORD, in delivering the Judgment of the Privy Council, November 25th, 1870, on an application to enforce obedience to the Monition issued against Mr. Mackonochie, said—

> "It appears, then, that the practice is, that, upon the officiating clergyman reaching the solemn words of institution in the Prayer of Consecration, he drops his voice so as to be nearly inaudible; a bell begins to toll; that he then elevates [not the paten but] a wafer, and replacing it upon the Communion table, bows his head down towards the table, and remains for some seconds in this position; that he then elevates the cup, and replacing it on the table bows down as before, after which the administration of the elements commences." . . .
>
> "Now the conclusion to be drawn from this statement of facts is that Mr. Mackonochie, having determined to yield the merest literal obedience to the precise letter of the monition, had resolved that

neither he nor his curates should elevate the paten or the cup above their heads during the Prayer of Consecration; but in consequence of the difficulty of keeping to the exact degree of elevation intended, the officiating clergyman, unconsciously and unintentionally, elevated the wafer and the cup to the extent mentioned in the affidavits. But if Mr. Mackonochie has been (as he admitted) carefully scanning the monition and the Order in Council, to see how he could keep exactly within them, and has been acting upon his understanding 'that legal judgments should be interpreted according to their letter,' he has no right to complain of the letter, if the monition is applied against him, and he is made accountable for an actual noncompliance with its terms, whatever his intentions to obey it may have been. The act of elevation to the prohibited degree was witnessed; the secret intention could not be known. That the elevation charged took place during the Prayer of Consecration appears from the evidence of Mr. Mackonochie, that the raising of the wafer and of the cup takes place after the words of institution in each kind; consequently, the wafer, at least, must be raised as the prayer is proceeding. . . .

"In the attempt to satisfy his conscience, and to shelter himself under the narrowest literal obedience to lawful authority, Mr. Mackonochie has been a second time foiled. Upon the former occasion their Lordships, after expressing their opinion judicially that the monition had been disobeyed, did not think it necessary to do more to mark their disapprobation of Mr. Mackonochie's course of proceeding than by directing that he should pay the costs of the application. Upon this repetition of his offence their Lordships think that they ought to proceed further. They therefore declare that Mr. Mackonochie has not complied with the monition in respect of the elevation of the paten or wafer, nor as abstaining from prostration before the consecrated elements. And they order, that he be suspended for the space of three calendar mouths from the time of notice of the suspension, from all discharge of his clerical duties and offices, and the execution thereof—that is to say, from preaching of the Word of God, and administering the Sacraments, and celebrating all other clerical duties and offices; and further, that he pay the costs of the application."—*Law Journal Reports, Ecclesiastical Cases*, Vol. XL., part 4, April, 1871, pp. 5 to 7.

ELEVATION OF CHALICE.

The Rev. John Purchas was charged, "that while reading the prayer for the whole state of Christ's Church Militant here on earth,' you stood with your back to the people, in front of the middle of the holy table, and while reading the word 'oblations,' as a religious ceremony took up the chalice, then being on the said holy table, and elevated it above your head."

Sir R. Phillimore, Dean of Arches, pronounced such elevation to be illegal.—*Elphinstone v. Purchas, Law Reports, Ecclesiastical Cases*, Vol. III., part 1, 1869-70, p. 109.

ELEVATION AND REMOVAL FROM TABLE OF ALMS BASIN.

The Rev. John Purchas was charged that he, "during the Communion Service as officiating minister, after receiving the alms contributed at the offertory, elevated the same, and then, placing the same for a moment on the holy table, did forthwith remove the same and hand them to an acolyte or attendant, who took them away and placed them on the credence table, instead of suffering the same to remain on the holy table."

SIR R. PHILLIMORE, Dean of Arches, said—

"I admonish Mr. Purchas to abstain for the future from doing or sanctioning the acts so charged." —*Ibid.*, pp. 100-101.

PROSTRATION OR KNEELING DURING THE PRAYER OF CONSECRATION.

LORD CHANCELLOR CAIRNS delivering the Judgment of the Privy Council, December 28th, 1868, said—

The evidence remains that the Respondent, after commencing the Prayer of Consecration standing, paused in the middle of the prayer, knelt down, inclining or prostrating his head toward the ground, and then, rising up again, continued the prayer standing.

In order to bring the conduct of the Respondent on this head to the test of eclesiastical law, it is proper now to turn to the Rubric of the order of the administration of the Holy Communion. . . . . .

The Rubric before the Prayer of Consecration then follows, and is in these words:

"When the priest, standing before the table, hath so ordered the bread and wine that he may with the more readiness and decency break the bread before the people, and take the cup into his hands,[1] he shall say the Prayer of Consecration as follows."

Their Lordships entertain no doubt on the construction of this Rubric, that the priest is intended to continue in one posture during the prayer, and not to change from standing to kneeling, or *vice versâ*; and it appears to them equally certain that the priest is intended to stand and not to kneel....

It was contended on behalf of the Respondent, that the act complained of was one of those minute details, which could not be taken to be covered by the provisions of the Rubric; that the Rubric could not be considered as exhaustive in its directions. . . . .

Their Lordships are of opinion, that it is not open to a minister of the Church, or even to their Lordships in advising Her Majesty as the highest ecclesiastical tribunal of appeal, to draw a distinction in acts, which are a departure from or violation of the Rubric, between those which are important and those which appear to be trivial. The object of a Statute of Uniformity is, as its preamble expresses, to produce ''an universal agreement in the public worship of Almighty God," an object which would be wholly frustrated if each minister, on his own view of the relative importance of the details of the service, were to be at liberty to omit, to add to, or to alter any of those details. The rule upon this subject has been already laid down by the Judicial Committee in *Westerton* v. *Liddell*, and their Lordships are disposed entirely to adhere to it: "In the performance of the services, rites and ceremonies ordered by the Prayer Book, the directions contained in it must be strictly observed; no omission and no addition can be permitted." . . .

On the whole, their Lordships are of opinion that the charge against the Respondent of kneeling during the Prayer of Consecration has been sustained, and that he should be admonished, not only not to recur to the elevation of the paten and the cup as pleaded in the 3rd Article, but also to abstain for the future from kneeling or prostrating himself before the consecrated elements during the Prayer of Consecration, as in the same article also pleaded.—*Martin* v. *Mackonochie*, *Law Reports, Privy Council Appeal Cases*, Vol. II., 1867-9, pp. 381 to 385.

LORD CHELMSFORD, in the before-mentioned Judgment of Privy Council, November 25th, 1870, said—

The remaining charge to be considered against Mr. Mackonochie is, his sanctioning kneeling or prostration before the consecrated elements during the Prayer of Consecration. Their Lordships (as already mentioned) having upon the former occasion, when Mr. Mackonochie was charged with disobedience to the monition, decided that the genuflexion, which he practised, amounted to kneeling. Mr. Mackonochie, with the same object which he has always had in view, to pay only the closest literal obedience to the monition, gave notice to his curates, that he intended thenceforth to bow without bending the knee at the part of the Prayer of Consecration where he had previously knelt. This intention he and his curates carried out, according to the description given in the affidavits, by bowing down towards the table after replacing the wafer upon it, and remaining some seconds in that position; and adopting the same course with respect to the cup. Mr. Mackonochie stated that upon some of these occasions his forehead may have touched the table, but that this was no part of the act of bowing, his object being merely a low bow. Their Lordships do not regard a reverential bowing in the light of an act of prostration, as contended for by the learned counsel for the appellant; but the posture assumed and maintained for some seconds by Mr. Mackonochie is certainly not a mere bow, but a humble prostration of the body in reverence and adoration. Their Lordships consider that the charge

against Mr. Mackonochie of sanctioning prostration before the consecrated elements is therefore fully proved.[2] —*Martin* v. *Mackonochie*, *Law Journal Reports*, *Ecclesiastical Cases*, Vol. XL., part 4, April, 1871, p. 7.

LIGHTED CANDLES.

LORD CHANCELLOR CAIRNS, delivering the Judgment of the Privy Council, December 23rd, 1868, said—

The facts, therefore, on this part of the case, appear to be that the Respondent uses two lighted candles during, with reference to, and as an accompaniment of the Communion Service, and not for the ordinary purpose of giving light, and that these candles are placed on a ledge of wood which is placed on the Communion table.

The Dean of Arches seems to have considered, that all the practices complained of before him, including this use of lighted candles, were ceremonies. The Respondent, in the argument of his counsel at the bar, appeared to prefer to treat the question as one of ornament, and Mr. James said he considered the lighted candles "part of the symbolical decoration of the altar."

If it were necessary to decide which of these views is correct, their Lordships would feel disposed to agree with the Dean of Arches that, however candles and candlesticks may *per se* be looked upon as a part of the furniture or ornaments of the church, taking the word ornaments in the larger sense assigned to it by this Committee in *Westerton* v. *Liddell* (*Moore*, p. 156), yet the lighting of the candles and the consuming them by burning throughout, and with reference to a service in which they are to act as symbols and illustrations, is itself either a ceremony, or else a ceremonial act forming part of a ceremony, and making the whole ceremony a different one from what it would have been, had the lights been omitted....

There is a clear and obvious distinction between the presence in the church of things inert and unused, and the active use of the same things as a part of the administration of a sacrament or of a ceremony. Incense, water, a banner, a torch, a candle and candlestick may be parts of the furniture or ornaments of a church: but the censing of persons and things, or, as was said by the Dean of Arches, the bringing in incense at the beginning or during the celebration, and removing it at the close of the celebration of the Eucharist, the symbolical use of water in baptism, or its ceremonial mixing with the sacramental wine; the waving or carrying of the banner; the lighting, cremation, *and symbolical use* of the torch or candle: these acts give a life and meaning to what is otherwise inexpressive: and the act must be justified, if at all, as part of a ceremonial law.

If the use of lighted candles in the matter complained of be a ceremony or ceremonial act, it might be sufficient to say that it is not—nor is any ceremony in which it forms a part—among those retained in the Prayer Book, and it must therefore be included among those that are abolished; for the Prayer Book, in the preface, divides all ceremonies into these two classes; those which are retained are specified, whereas none are abolished specifically or by name, but it is assumed, that all are abolished which are not expressly retained. . . .

As to the argument, that the use complained of is at most only part of a ceremony, their Lordships are of opinion that, when a part of a ceremony is changed, the integrity of the ceremony is broken and it ceases to be the same ceremony. . . .

It remains to be considered whether the use of these two lighted candles can be justified as a question of "ornaments" according to the definition of that term already referred to. It was in this sense that the argument for the Respondent appeared to prefer to regard them; and the learned Judge of the Arches' Court also, although, at the earlier part of his Judgment, he had stated that the matters complained of before him must be considered as "ceremonies," appears ultimately to have applied to the use of the lighted candles the Law or Rubric, as to ornaments.

The Rubric or note as to ornaments, in the commencement of the Prayer Book, is in these words:—

"And here it is to be noted, that such ornaments of the church and of the ministers thereof, at all times of their ministration, shall be retained and be in use as were in this Church of England, by the authority of Parliament, in the second year of the reign of King Edward VI."

The construction of this Rubric was very fully considered by this Committee in the case of *Westerton* v. *Liddell* already referred to; and the propositions which their Lordships understand to have been established by the Judgment in that case may thus be stated:

First.—The words "authority of Parliament" in the Rubric, refer to and mean the Act of Parliament 2nd and 3rd Edward VI., cap. 1, giving Parliamentary effect to the First Prayer Book of Edward VI., and do not refer to or mean Canons or Royal Injunctions, having the authority of Parliament made at an earlier period.—MOORE, *Special Report*, p. 160.

Second.—The term "ornaments" in the Rubric means those articles the *use of which in the services* and ministrations of the Church is *prescribed by* that Prayer Book.—*Ibid*., p. 156.

Third.—The term "ornaments" is confined to these articles.—*Ibid*., p. 156.

Fourth.—Though there may be articles, not expressly mentioned in the Rubric, the use of which would not be restrained, they must be articles which are consistent with, and subsidiary to, the services; as an organ for the singing, a Credence-table from which to take the sacramental bread and wine, cushions, hassocks, &c.—*Ibid*., p. 187.

In these conclusions, and in this construction of the Rubric, their Lordships entirely concur, and they go far, in their Lordships' opinion, to decide this part of the case.

The lighted candles are clearly not "ornaments" within the words of the Rubric, for they are not prescribed by the authority of Parliament therein mentioned—namely,—the First Prayer Book: nor is the Injunction of 1547 the authority of Parliament within the meaning of the Rubric. They are not subsidiary to the service, for they do not aid or facilitate—much less are they necessary to—the service; nor can a separate and independent ornament, previously in use, be said to be consistent with a Rubric which is silent as to it, and which by necessary implication abolishes what it does not retain.

It was strongly pressed by the Respondent's counsel, that the use of lighted candles up to the time of the issue of the First Prayer Book was clearly legal, that the lighted candles were in use in the Church in the second year of Edward VI.; and that there was nothing in the Prayer Book of that year making it unlawful to continue them. All this may be conceded, but it is in reality beside the question. The Rubric of our Prayer Book might have said: those ornaments shall be retained which were lawful, or which were in use in the second year of Edward VI., and the argument as to actual use at the time, and as to the weight of the Injunction of 1547, might in that case have been material. But the Rubric, speaking in 1661, more than one hundred years subsequently, has, for reasons, which it is not the province of a judicial tribunal to criticise, defined the class of ornaments to be retained by a reference, not to what was in use *de facto*, or to what was lawful in 1549, but to what was in the Church by authority of Parliament in that year; and in *the* Parliamentary authority, which this Committee has held, and which their Lordships hold to be indicated by these words, the ornaments in question are not found to be included.

Their Lordships have not referred to the usage as to lights during the last three hundred years; but they are of opinion, that the very general disuse of lights after the Reformation (whatever exceptional cases to the contrary might be produced), contrasted with their normal and prescribed use previously, affords a very strong contemporaneous and continuous exposition of the law upon the subject.

Their Lordships will, therefore, humbly advise Her Majesty, that the charges as to lights also has been sustained, and that the Respondent should be admonished for the future to abstain from the use of them, as pleaded in these articles.—*Martin* v. *Mackonochie*, *Law Reports, Privy Council Appeal Cases*, 1867-9, pp. 386 to 392.

In the subsequent suit, *Read* v. *Bp. Lincoln*, the Privy Council (August 2nd, 1892) on Appeal held that the Incumbent and not the Bishop was the person responsible. LORD CHANCELLOR HALSBURY said—

> The Bishop is not charged, and manifestly could not be, with introducing unlawful ornaments. If he had disapproved of the existence of the lights where they were placed *he would have had no power to remove them;* and, where *no act of* lighting, *cremation, or actual use is proved* [*sic*] it is impossible to say that the ecclesiastical offence has been established of using a ceremony not retained, and, therefore, prohibited by the Act of Uniformity, unless the mere fact that the Bishop took part in the consecration and administration of the elements, whilst the lights were burning, constituted of itself the use by him of such a ceremony. No act was done by the Bishop which conveyed, or was calculated to convey, to the minds of those present any different idea from that which would have been conveyed had the lights been absent. Their Lordships are not prepared to hold that a clergyman who takes any part in the celebration of Divine Service in a church in which unlawful ornaments are present necessarily uses them as a matter of ceremony. Doubtless acts done *by a person primarily responsible* may be so aided and assisted by others that the persons thus aiding and assisting become parties to the transaction and as guilty as the principal, but no such case has been, in their Lordships' opinion, established here. *There is no allegation or evidence that the Bishop was a party to or a participant in the original lighting and placing the candles where they were placed, and the only alternative open to a clergyman, under the circumstances of this case, whatever his own views, and whatever his rank in the Church, would be to refuse to join in the administration* of the Sacrament of the Lord's Supper to the congregation because there was a light burning when no light was necessary. Whatever view might be entertained as to the propriety of such a course being taken, their Lordships are unable to affirm that the not taking such a course makes the Bishop so far responsible for the *act* of the incumbent in lighting and keeping alight the candles as to establish the charge contained in the 3rd Article. The Bishop's responsive plea, in which he submits that the existence of the two lighted candles on the table throughout the celebration is lawful, and in which he admits that he made no objection, does not add anything to the case made against him. No authority was cited to show that his *not making such objection* constitutes an ecclesiastical offence, and their Lordships are of opinion that it does not.—*Appeal Cases*, 1892.

INCENSE.

SIR R. PHILLIMORE, Dean of the Arches, in delivering Judgment, March 28th, 1868, said—

> The charge against the Rev. A. H. Mackonochie as to the use of incense is twofold; and is as follows:—
>
> (a.) That he "used incense for censing persons and things in and during the celebration of the Holy Communion, and permitted and sanctioned such use of incense."
>
> This mode of using incense had been discontinued before the institution of the suit.
>
> (b.) That he "unlawfully used incense in and during the celebration of the Holy Communion, and permitted and sanctioned such unlawful use of incense."
>
> It certainly was in use in the Church of England in the time of King Edward VI.'s First Prayer Book. The visitation articles of Cranmer as to forbidding the censing of certain images, &c., supplies one of the proofs of this fact. [?] On the other hand, the use of it during the celebration of the Eucharist is not directly ordered in any Prayer Book, Canon, injunction, formulary, or visitation article of the Church of England since the Reformation. . . .
>
> It is not, however, necessarily, subsidiary to the celebration of the Holy Communion, and it is not to be found in the Rubrics of the present Prayer Book, which describe with considerable minuteness every outward act, which is to be done at that time.

To bring in incense at the beginning or during the celebration, and remove it at the close of the celebration of the Eucharist, appears to me a distinct ceremony, additional and not even indirectly incident to the ceremonies ordered by the Book of Common Prayer.

Although therefore it be an ancient, innocent, and pleasing custom, I am constrained to pronounce that the use of it by Mr. Mackonochie, in the manner specified in both charges, is illegal and must be discontinued.—*Martin* v. *Mackonochie, Law Reports, Eccl. Cases*, Vol. II., 1867-9, pp. 211-215.

The Rev. John Purchas was charged that he "used incense for censing persons and things, and for other purposes, as a matter of ceremony, in and during the celebration of the Holy Communion, and also in and during other parts of Divine Service, and there permitted and sanctioned such use of incense."

The Dean of Arches admonished Mr. Purchas to abstain for the future from doing or sanctioning the acts so charged.—*Elphinstone* v. *Purchas, Law Reports, Ecclesiastical Courts*, Vol. III., part 1, 1869-70, pp. 99 to 101.

The said Rev. John Purchas was charged that he did "cense or permit to be censed, during Divine Service, the crucifix, placed and standing on the holy table or narrow ledge."

The Dean of Arches admonished Mr. Purchas to abstain for the future from doing or sanctioning the acts so charged.—*Ibid.*, pp. 99 to 101.

MIXING WATER WITH THE WINE USED IN ADMINISTRATION OF THE HOLY COMMUNION.

Mr. Purchas was charged with "during the celebration of the Holy Communion and as part of the ceremonies thereof, mixing water with the sacramental wine used in the administration of the Holy Communion, and permitting and sanctioning such mixing and the administration to the communicants of the wine and water so mixed."—*Judgment of Court of Arches, Elphinstone* v. *Purchas, Ibid.*, pp. 100-101.

SIR R. PHILLIMORE, Dean of Arches, in delivering Judgment, February 3rd, 1880, said—

I admonish Mr. Purchas to abstain for the future from doing or sanctioning the acts so charged.

On appeal, LORD CHANCELLOR HATHERLEY, delivering the Judgment of the Privy Council, February 23rd, 1871, said—

Their Lordships now proceed to the 16th Article, which charges that, on a certain day, the defendant "administered wine mixed with water instead of wine to the communicants at the Lord's Supper." The learned judge in the Court below has decided that it is illegal to mix water with the wine at the time of the service of Holy Communion; but he decides that water may be mixed with the wine "provided that the mingling be not made at the time of the celebration." . . .

Their Lordships are unable to arrive at the conclusion that, if the mingling and administering in the service water and wine is an additional ceremony, and so unlawful, it becomes lawful by removing from the service the act of mingling but keeping the mingled cup itself and administering it. But neither Eastern nor Western Church, so far as the Committee is aware, *has*[3] any custom of mixing the water with wine apart from and before the service.

As to the second question, the addition of water is prescribed in the Prayer Book of 1549; it has disappeared from all the later books, and this omission must have been designed. . . These directions make it appear, that the wine has not been mingled with water, but remains the same throughout. If the wine had been mingled with water before being placed on the table, then the portion of it, that might revert to the curate, would have undergone this symbolical mixing, which cannot surely have been intended. . . .

As the learned judge has decided that the act of mingling the water with the wine in the service is illegal, the private mingling of the wine is not likely to find favour with any. Whilst the former practice has prevailed both in the East and the West, and is of great antiquity, the latter practice has not prevailed at all; and it would be a *manifest deviation from the Rubric of the Prayer Book of Edward VI. as well as from the exceptional practice and directions of Bishop Andrewes.—Hebbert v. Purchas, Law Journal Reports, Ecclesiastical Cases*, Vol. XL., part 6, June, 1871, pp. 49, 50.

ARCHBISHOP BENSON, sitting as a judge of first instance, decided in the case of *Read* v. *Bishop of Lincoln*, that—

"The mixing of the wine in and as part of the service is against the law of the Church, but finds no ground for pronouncing the use of a cup mixed *beforehand* to be an ecclesiastical offence."—*L. R., P. D.*, 1891, p. 30.

And this ruling was sustained on appeal by the Privy Council.

VESTMENTS.

Copes in Parish Churches.
Albs (with patches called Apparels).
Tippets of a circular form.
Stoles of any kind (black, white, or coloured), and worn in any manner.
Dalmatics. Maniples.

SIR R. PHILLIMORE, Dean of Arches, delivering Judgment, February 3rd, 1870, said—

It is unlawful, therefore, for Mr. Purchas to wear or authorize to be worn, a cope at morning or at evening prayer; albs with patches called apparels, tippets of a circular form, stoles of any kind whatsoever, whether black, white, or coloured, and worn in any manner; dalmatics and maniples, which latter ornament, it appears from the evidence, was worn on one occasion by one of the officiating clergymen, though it does not appear that Mr. Purchas wore one himself.—*Elphinstone* v. *Purchas, Law Reports, Ecclesiastical Courts*, Vol. III., part 1, 1869-70, p. 94.

Chasuble.—Tunics or Tunicles.—Albs.

LORD CHANCELLOR HATHERLEY, in delivering Judgment, February 23rd, 1871, said—

The charges, which are the subject of this appeal, are: that the Respondent has offended against the statute law and the constitutions and Canons ecclesiastical, . . . by himself wearing and sanctioning and authorizing the wearing by other officiating ministers, whilst officiating in the Communion Service, and in the administrations of the Holy Communion in the said church, a vestment called a chasuble, as pleaded in the 36th Article; and by himself wearing, and causing or suffering to be worn by other officiating clergy, when officiating in the Communion Service in the said church, certain other vestments called dalmatics, tunics or tunicles, and albs. . . .

This Committee has already decided (*Westerton* v. *Liddell*), that the words "by authority of Parliament in the second year of the reign of King Edward VI." refer to the First Prayer Book of King Edward VI.

The Act of Parliament set in the beginning of Elizabeth's book is Queen Elizabeth's Act of Uniformity, and the 25th clause of that Act contains a proviso, "that such ornaments of the Church and the ministers thereof shall be retained and be in use, as was in this Church of England by authority of Parliament in the second year of the reign of King Edward VI. until other order shall be therein taken by the authority of the Queen's Majesty, with the advice of the Commissioners appointed and authorized under the Great Seal of England, for causes Ecclesiastical, or of the Metropolitan of this Realm."

The Prayer Book therefore refers to the Act, and the Act clearly contemplated further directions to be given by the Queen, with the advice of Commissioners or of the Metropolitan. . . .

The 14th Canon orders the use of the Prayer Book without omission or innovation, and the 80th Canon directs that copies of the Prayer Book are to be provided, in its lately revised form, and, by implication, the Ornaments Rubric is thus made binding on the clergy. Canon XXIV. directs the use of the cope in cathedral and collegiate churches upon principal feast days, *"according to the Advertisements for this end*, anno 7 Elizabeth." Canon LVIII. says that "every Minister saying the public prayers, or ministering the Sacraments or other rites of the Church, shall wear a decent and comely surplice with sleeves, to be provided at the charge of the parish." There can be no doubt that the intention here was not to set up a contradictory rule, by prescribing vestments in the Prayer Book and a surplice in the Canons which give authority to the Prayer Book. It could not be intended, *in recognizing the legal force of the Advertisements*, to bring back the things which the Advertisements had taken away: nor could it be expected, that either the minister or the people should provide vestments in lieu of those which had been destroyed, and accordingly no direction is given with regard to them. The provisions of the Canons and Prayer Book must be read together, as far as possible; and the Canons upon the vesture of the ministers must be held to be an exposition of and limitation of the Rubric of Ornaments. Such ornaments are to be used as were in use in the second year of Edward VI., limited *as to the vestments* by the special provisions of the Canons themselves, and *the contemporaneous exposition of universal practice shew, that this was regarded as the meaning of the Canons*. There does not appear to have been any return to the vestments in any quarter whatever. . . .

Their Lordships are of opinion that as the Canons of 1603-4, which in one part seemed to revive the vestments, and in another to order the surplice for all ministrations, ought to be construed together; so the Act of Uniformity is to be construed with the two Canons on this subject, which it did not repeal, and that the result is, that the cope is to be worn in ministering the Holy Communion on high feast days in cathedrals and collegiate churches, and the surplice in all other ministrations. Their Lordships attach great weight to the abundant evidence which now exists, that from the days of Elizabeth to about 1840 the practice is uniformly in accordance with this view; and is irreconcilable with either of the other views. Through the researches that have been referred to in these remarks, a clear and abundant *expositio contemporanea* has been supplied, which compensates for the scantiness of some other materials for a Judgment.

It is quite true, that neither contrary practice nor disuse can repeal the positive enactment of a statute, but contemporaneous and continuous usage is of the greatest efficacy in law for determining the true construction of obscurely framed documents . . .

Their Lordships will advise Her Majesty, that the defendant Mr. Purchas has offended against the Laws Ecclesiastical in wearing the chasuble, alb and tunicle; and that a monition shall issue against the defendant accordingly.—*Privy Council Judgment, Hebbert* v. *Purchas, Law Journal Reports, Ecclesiastical Cases*, Vol. XL., part 6, new series, June, 1871, pp. 39 to 48.

The question of Vestments (so far as regards the Albe and Chasuble) was allowed to be re-argued before the Lords of the Judicial Committee of the Privy Council on the Appeal of the *Reverend C. J. Ridsdale* v. *Clifton and Others*. On May 12th, 1877, LORD CHANCELLOR CAIRNS, in delivering the Judgment, confirmed their former decision. He said—

"The conclusion drawn by this Committee in *Hebbert* v. *Purchas*, that the Advertisements of Queen Elizabeth on this subject had the force of law under 1 Elizabeth, cap. 2, section 25, appears to their Lordships to be not only warranted, but irresistible. . . .

"Reading, then, as their Lordships consider they were bound to do, the order as to vestures in the Book of Advertisements, into the 25th section of the 1st of Elizabeth, cap. 2, and omitting (for the sake of brevity) all reference to hoods, it will appear that that section, from the year 1566 to 1662, had the same operation in law as if it had been expressed in these words: 'Provided always that such ornaments of the Church and of the ministers thereof shall be retained and be in use as were in this Church of England by authority of Parliament in the second year of King Edward VI., except that the surplice shall be used by the ministers of the Church at all times of their public ministrations, and the

alb, vestment or tunicle shall not be used, nor shall a cope be used except at the administration of the Holy Communion in cathedral and collegiate churches.'" . . .

"To repeal in 1662 the 25th section of the Statute of the 1st Elizabeth, and the order taken under its authority, would have required either a clear and distinct repealing enactment, or an enactment inconsistent and irreconcilable with the former law. It was admitted in the argument, and indeed could not be denied, that *the Statute of Elizabeth was not repealed* in terms; and it is in fact, as has been already observed, set forth as the first enactment in the new Prayer Book. The Statute is also beyond question one of those "good laws and statutes tor the uniformity of prayer and administration of the Sacrament," which by the 24th section of the Act of 1662 are declared to "stand in full force and strength, to all intents and purposes whatsoever for the establishing and confirming" of the new Book, and which are thereby directed to be "applied, practised, and put in use for the punishing of all offences contrary to the said laws, with relation to the book aforesaid, and no other."

"In order to judge whether there is anything inconsistent and irreconcilable between the Ornaments Rubric in the new Prayer Book and the 25th section of the older statute, that section must be read as if the order taken under the section had been inserted in it. And, as so read, their Lordships see nothing inconsistent between the Rubric and the section. The Rubric served, as it had long previously served, as a note to remind the Church that the general standard of ornaments, both of the church and of the ministers, was to be that established by the authority of Parliament in 1549; but that this standard was set up under a law, *still unrepealed*, which engrafted on the standard a qualification that, as to the vestures of parish ministers, the surplice, and not the alb, vestment, or tunicle, should be used.

"No doubt can be entertained that for nearly two centuries, succeeding 1662, the public and official acts of the Bishops and clergy of the Church, and of all other persons, were inconsistent with the supposition that the Rubric of 1662, had made any change in the law."

WAFER BREAD.

The Rev. John Purchas was charged with using "wafer bread, being bread made in the special shape and fashion of circular wafer instead, of bread such as is usual to be eaten," and with administering the same to the communicants.

LORD CHANCELLOR HATHERLEY, in delivering Judgment, February 23rd, 1871, said—

It is at least worthy of notice, that when Cosin and others at the last revision desired to insert the words making the wafer also lawful, these words were rejected.

But their Lordships attach greater weight to the exposition of this Rubric furnished by the history of the question. From a large collection of Visitation Articles, from the time of Charles II., it is clear that the best and purest wheat bread was to be provided for the Holy Communion, and no other kind of bread. They believe, that from that time till about 1840, the practice of using the usual wheat bread was universal.

The words of the 20th Canon, to which the Visitation Articles refer, point the same way. The churchwardens are bound to supply "wheaten bread," and this alone is mentioned. If wafer bread is equally permitted, or the special cakes of Edward VI.'s First Book and of the Injunctions, it is hard to see why the parish is to supply wheaten bread, in cases where wafers are to be supplied by the minister or from some other source. And if wafers were to be in use, a general injunction to all churchwardens to supply wheaten bread would be quite inapplicable to all churches, where there should be another, usage.

Upon the whole, their Lordships think, that the law of the Church has directed the use of pure wheaten bread, and they must so advise Her Majesty.—*Hebbert* v. *Purchas* (3, *L. R., P. C. Appeals*, p. 605).

The question was allowed to be re-argued before the Judicial Committee in the case of *Ridsdale* v. *Clifton*. The following is an extract from the Judgment—

> Their Lordships have no doubt that a wafer, in the sense in which the word is usually employed, that is, as denoting a composition of flour and water rolled very thin and unleavened, is not "bread such as is usual to be eaten," or "the best and purest wheaten bread that conveniently may be gotten."
>
> The practice of using fine wheat bread such as is usual to be eaten, and not cake or wafer, appears to have been universal throughout the Church of England from the alteration of the Rubric in 1662, till 1840, or later.
>
> Their Lordships think that *if it had been* averred and *proved* that the wafer, properly so called, had been used by the Appellant, *it would hare been illegal*, but as the averment and proof is insufficient, they will advise an alteration of the Decree in this respect.—*Official Copy of the Judgment of the Privy Council in Ridsdale v. Clifton*, pp. 44, 45, 48.
>
> In the case of *Perkins* v. *Rev. R. W. Enraght* (Holy Trinity, Bordesley), the Representation charged the Defendant that he "When officiating in his said church in the Communion Service, and in the administration of the Communion to the communicants, unlawfully used in such service and administration wafers not being, and instead of, bread such as is usual to be eaten."

The DEAN OF ARCHES, in giving Judgment on August 9th, 1879, said—

> The facts and offences alleged in the Representation had been very clearly proved, and he should accordingly order a Monition to issue against the Defendant (Mr. Enraght) to discontinue them in future.

SACRING BELL—AGNUS DEI IN WRONG PART OF SERVICE.

The Rev. John Purchas was charged with having "caused a small bell to be rung divers times during the Prayer of Consecration in the service of the Holy Communion, such ringing being simultaneous and connected with the consecration of the Elements, and with the elevation of them, as in the preceding Articles mentioned."

> And also with having "caused to be said or sung, before the reception of the Elements and immediately after the Prayer of Consecration in the Communion Service, the words or hymn or prayer commonly known as 'The Agnus,' that is to say: 'O Lamb of God that taketh away the sins of the world, have mercy on us;' which said words are appointed to be said only as a part of the said hymn or prayer at the conclusion of the said service, namely, after the reception of the Elements by the communicants is completely ended, and after the Lord's Prayer and the other prayer then appointed and the Gloria have been said, and immediately before the final blessing."

On both points the DEAN of ARCHES said—

> I think these Articles are substantially proved; and that in these circumstances the additional rites or ceremonies must be considered as illegal, on the principle of the decision in *Martin* v. *Mackonochie*; and I accordingly admonish Mr. Purchas to abstain from the use or sanction of the particular rites and ceremonies so charged for the future.—*Judgment of Sir R. Phillimore, Dean of Arches, Elphinstone* v. *Purchas, Law Reports, Ecclesiastical Cases*, Vol. III., part 1,1869-70, pp. 98-99.

SIR ROBERT PHILLIMORE'S Judgment as regards the Agnus was disregarded by the ARCHBISHOP OF CANTERBURY in *Read* v. *Bishop of Lincoln*, who held that if sung as an anthem during the reception by the people, so that the service were not letted thereby, it was not illegal. ARCHBISHOP BENSON said—

> "Although we might readily agree that the proximity of two other repetitions of the words in the Litany and Gloria may make them not the aptest anthem here, and may suggest their disuse, as apparently it did to the framers of the Second book, the Court has not to consider expediency but legality. That use

of them could only be condemned on the ground that any and every [?] hymn at this place would be illegal."—*L. R., P. C.* 1891, p. 74.

The Privy Council, on appeal, upheld this decision on the ground that—

> If hymns and anthems are lawful at this point in the service, it cannot be said that the "Agnus Dei" is otherwise than appropriate. Although the words are not in their combination taken out of Scripture, they combine two separate passages of Scripture and are found in more places than one in the Book of Common Prayer. They have direct reference to the great event commemorated in the Sacrament, and they are not likely to be abused to any kind of idolatrous adoration *except by those who would make for themselves other opportunities for it*. It is quite true that they were omitted from this part of the service in 1552, but other omissions were made at the same time which it was not suggested could have any doctrinal significance.—*P. C. Appeal Cases*, 644.

SIGN OF THE CROSS.—KISSING THE GOSPEL BOOK.

The Rev. John Purchas was charged that "during the saying of the Apostles' Creed and Nicene Creed, and at the pronouncing of the Absolution in the order for Holy Communion, and at the giving of the Elements to the communicants, and during the pronouncing of the Benediction, after the sermon, and on certain other occasions . . . when about to mix water with the wine, and when about to consecrate the same, you, being then the officiating minister, made the sign of the cross by the appropriate gesture for that purpose, the same being intended as and constituting a ceremony."

And further that "you being present, and responsible for the due performance of Divine Service during the Communion Service, directed, caused, or permitted and sanctioned a certain clergyman then assisting you in the performance of Divine Service by reading the Gospel for the day, to kiss the book from which he read the Gospel, such kissing of the book being intended as and constituting a matter of ceremony, the said book during such reading of the Gospel being in a ceremonial manner held before him by a deacon or attendant."

The DEAN OF ARCHES said—

> The ruling of the Privy Council in the case of *Martin* v. *Mackonochie*, with respect to the kneeling of the priest during the Communion Service, seems to me to apply to the acts of devotion complained of in these articles, which I must therefore pronounce illegal.—*Ibid.*, pp. 108, 109.

ARCHBISHOP BENSON, in *Read* v. *Bishop of Lincoln*, condemned that prelate for making the sign of the cross in giving absolution and at the final Benediction in the service of Holy Communion:—

> "There is no ground to allege that to make the sign of the cross at the Absolution in the Communion Service is in any sense a continuance of old prescription in the Church of England, or a compliance with prescription which could historically affect our service. . . . There is no justification, either in direction or usage, for making the sign of the cross in giving the final Benediction: that action is a distinct Ceremony, not 'retained,' since it had not previously existed; it is therefore a ceremony additional to the ceremonies of the Church, 'according to the use of the Church of England.' This ceremony, also, is an innovation which must be discontinued."—*L. R., P. D.*, 1891, p. 94.

LEAVING THE HOLY TABLE UNCOVERED ON GOOD FRIDAY.

The DEAN of ARCHES said—

> The leaving of the holy table wholly bare and uncovered during Divine Service is, I believe, a practice without warrant from primitive use or custom; but it is certainly contrary to the 82nd Canon, which governs this question, and is therefore illegal.—*Ibid.*, p. 107.

POSITIONS.

Standing in front of the Holy Table with back to the people during the Prayer of Consecration.

LORD CHANCELLOR HATHERLEY, in delivering the Judgment of the Privy Council, February 23rd, 1871, said—

> The Rubric on this point is this: "When the priest, standing before the table, hath so ordered the bread and wine, that he may with the more readiness and decency break the bread before the people, and take the cup into his hands,[4] he shall say the Prayer of Consecration, as followeth." Their Lordships are of opinion that these words mean that the priest is so to stand that the people present may see him break the bread and take the cup into his hands; although the learned judge is right if he means to say that the mere words do not speak of seeing.
>
> Their Lordships think, that the evidence of the witness Verrall, which there is no reason to doubt, proves that "generally the congregation could not see" the breaking of the bread, because the respondent had his back turned to them. As regards the cup, the witness said that they could see him take the cup into his hand, but being asked further, he says, "I could tell he was taking the cup into his hand." This is consistently explained by supposing that the witness and others could see a certain motion of the Respondent, which from their knowledge of the service, and from the subsequent elevation, they were sure was the taking of the cup into his hands. It would probably be impossible in any position so to act that all the congregation could see, or that all should be unable to see; but we take it as proved, that the greater part of the congregation could not see the breaking of the bread or the act of taking the cup into the hands.
>
> The Rubric upon the position of the table directs that it shall "stand in the body of the church or in the chancel, where morning and evening prayer are appointed to be said." This is the same as the Rubrics of 1552, 1559, and 1604, excepting the verbal alteration of *are* for *be*. It goes on, "And the priest, standing at the north side of the table, shall say the Lord's Prayer with the Collect following." The table is a moveable table. By the Injunctions of Queen Elizabeth (*Cardwell*, *Doc. Annals*, I., p. 210) it is ordered "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 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 same holy table to be placed where it stood before." If this custom still prevailed of bringing the table from the east and placing it in the chancel, the two Rubrics would present no difficulty. The priest standing on the north side as directed by the one, would also be standing before the table, so as to break the bread before the people and take the cup into his hand as required by the other. No direction was given for a change of position in the Prayer of Consecration in the Second book of King Edward VI., but only a change of posture in the words standing up." But before the time of the Revision of 1662, the custom of placing the table along the east wall was becoming general, and it may fairly be said that the revisers must have had this in view.
>
> The following questions appear to require an answer, in order to dispose of this part of the case: What is meant by the "north side of the table?" What change, if any, is ordered by the Rubric before the Prayer of Consecration? And what is the meaning of "before the people" in that Rubric?
>
> As to the first question, their Lordships are of opinion that *"north side of the table" means that side which looks towards the north.*
>
> They have considered some ingenious arguments intended to prove that "north side" means that part of the west side that is nearest to the north. One of these is, that the middle of the altar before the Reformation was occupied by a stone or slab called *mensa consecratoria* and *sigillum altaris*, that the part of the altar north of this was called north side, and that to the south of it was called the south side. Without enquiring whether English altars were generally so constructed, which is, to say the least, doubtful, their Lordships observe that in the directions for the substitution of a moveable table for the

altar, and for its decent covering, and its position at various times, there is no hint that this is to revive this peculiarity of the altar which it replaced; and they do not believe that the table was so arranged or divided.

When it became the custom to place the table altarwise against the east wall, the Rubric remained the same. And there are many authorities to shew that the position of the minister was still upon the north side or end, facing south. It is only necessary to cite a few. Archdeacon Pory (1662), in his Visitation Articles, says, "The minister standing, as he is appointed, at the north side or the end of the table when he celebrates the Holy Communion." In the dispute between the Vicar of Grantham and his parishioners 1627), Bishop Williams plainly shews, that whichever way the table was to stand, which was the matter in dispute, the position of the minister was on the north. "If you mean by altarwise, that the table shall stand along close by the wall, so that you be forced to officiate at one end thereof (as you may have observed in great men's chapels), I do not believe that ever the Communion tables were otherwise than by casualty so placed in country churches." He also says, "I conceive the alteration was made in the Rubric to shew which way the celebrant was to face" (Heylin, *Coale from the Altar*, and Williams, *Holy Table*). Heylin says, quoting the Latin Prayer Book of 1560, "I presume that no man of reason can deny, but that the northern end or side, call it which you will, is *pars septentrionalis*, the northern part " (*Coale from the Altar*). When Bishop Wren was impeached in the House of Lords, A.D. 1636, for consecrating the elements on the west side of the table, he answered that he stood on the north side at all the rest of the service except at the Prayer of Consecration. "He humbly conceiveth it is a plain demonstration, that he came to the west side only for the more conveniency of executing his office, and no way at all in any superstition, much less in any imitation of the Romish priests, for they place themselves there at all the service before and at all after, with no less strictness than at the time of consecrating the bread and wine." Nicholls (*Commentary on Common Prayer*, published 1710), Bennet (*Annotations on Book of Common Prayer*, 1708), Wheatley (*Rational Illustrations of Common Prayer*, 1710), confirm the view, that, when the table was placed east and west, the minister's position was still on the north.

Their Lordships entertain no doubt whatever, that when the table was set at the east end the direction to stand at the north side was understood to apply to the south end, and that this was the practice of the Church.

It will be convenient to consider next, what is the meaning of the words "before the people," in the Rubric before the Consecration Prayer. Nicholls observes: "To say the Consecration Prayer (in the recital of which the bread is broken) standing before the table, is not to break the bread before the people, for then the people cannot have a view thereof, which our wise Reformers, upon very good reasoning, ordered that they should." That stress was laid on this witness of the people of the act of breaking, appears by other passages; for example, Udall says: "We press the action of breaking the bread against the Papist. To what end if not that the beholders might thereby be led unto the breaking the body of Christ" (*Communion Comeliness*, 1641). Wheatley says: "Whilst the priest is ordering the bread and wine he is to stand before the table; but when he says the prayer he is to stand so that he may with more readiness and decency break the bread before the people, which must be on the north side. For if he stood before the table, his body would hinder the people from seeing, so that he must not stand there, and, consequently, he must stand on the north side, there being in our present Rubric no other place for the performance of any part of this office."

Their Lordships consider, that the Defendant, in standing with his back to the people, disobeyed the Rubric in preventing the people from seeing the breaking of the bread.

The north side being the proper place for the minister throughout the Communion Office, and also whilst he is saying the Prayer of Consecration, the question remains, whether the words "standing before the table" direct any temporary change of position in the minister before saying the Prayer of Consecration? This is not the most important but it is the most difficult question. One opinion is that of Wheatley, quoted above, that the Rubric sends the priest to the west side of the table to order the elements, and recalls him for the prayer itself. This, however, would be needless if the elements were so placed on the table, as that the priest could, "with readiness and decency," order them from the north side, as is often done.

It would also be needless in any case, where the Communion table was placed in the body of the church or in the chancel with its ends east and west. And though this position is not likely now to be adopted, the question is whether that was the law at the time this Rubric was drawn. Now the Rubric prescribes, that the table shall stand "in the body of the church or in the chancel where morning and evening prayers are appointed to be said;" and there are two cases, which occurred in 1663, those of Crayford (Cardwell, *Doc. Annals*, ii.—226), and St. Gregory's, London (*Ibid.*, ii.-237), which shew that the table, though placed at the east end, might be moved for convenience' sake and under competent authority. This, too, is the view of Bishop Wren in 1636 (*Ibid*. ii.-252) "That the Communion table in every church do always stand close under the east wall of the chancel, the ends thereof north and south, unless the ordinary gave particular directions otherwise." Should the table be placed with its ends east and west, it would be absurd to enforce a rule that the priest should go to the west end to order the elements, seeing the north side would be in every way more convenient.

Upon these facts their Lordships incline to think, that the Rubric was purposely framed so as not to direct or insist on a change of position in the minister, which might be needless; though it does direct a change of posture from kneeling to standing. *The words are intended to set the minister free for the moment from the general direction to stand at the north side, for the special purpose of ordering the elements;* but whether for this purpose he would have to change the side or not is not determined, as it would depend upon the position of the table in the church or chancel, and on the position in which the elements were placed on the table at first. They think, that the main object of this part of the Rubric is the ordering of the elements; and that the words "before the table " do not *necessarily* mean "between the table and the people," and are not intended to *limit* to any side.

The learned judge in the Court below, in considering the charge against the Defendant, that he stood with his back to the people during the Prayer of Consecration, briefly observes, "the question appears to me to have been settled by the Privy Council in the case of *Martin* v. *Mackonochie*." The question before their Lordships in that case was as to *the posture and not as to the position* of the minister. The words of the Judgment are: "Their Lordships entertain no doubt on the construction of this Rubric" [before the Prayer of Consecration] "that the priest is intended to continue in one posture during the prayer, and not to change from standing to kneeling, or *vice versâ*; and it appears to them equally certain, that the priest is intended to stand and not to kneel. They think that the words 'standing before the table' apply to the whole sentence; and they think this is made more apparent by the consideration, that acts are to be done by the priest before the people as the prayer proceeds (such as taking the paten and chalice into his hands, breaking the bread, and laying his hand on the various vessels) which could only be done in the attitude of standing."

This passage refers to posture or attitude from beginning to end, and not to position with reference to the sides of the table. And it could not be construed to justify Mr. Purchas in standing with his back to the people, unless a material addition were made to it. The learned judge reads it as if it ran, "They think that the words standing before the table apply to the whole sentence, *and that before the table means between the table and the people on the west side*." But these last words are mere assumption. The question of position was not before their Lordships; *if it had been, no doubt the passage would have been conceived differently*, and the question of position expressly settled.

Upon the whole then, their Lordships think, that the words of Archdeacon, afterwards Bishop, Cosin in A.D. 1627 express the state of the law, "Doth he [the minister] stand at the north side of the table, and perform all things there; but when he hath special cause to remove from it, as in reading or preaching upon the Gospel or in delivering the Sacrament to the communicants, or other occasions of the like nature" (*Bishop Cosin's Correspondence*, Part I., p. 106. Surtees Society). *They think that the Prayer of Consecration is to be used at the north side of the table, so that the minister looks south, whether a broader or a narrower side of the table be towards the north.*

It is mentioned that Mr. Purchas' chapel does not stand in the usual position; and that, in fact, he occupied the east side when he stood with his back towards the people. If it happened, as it does in one of the Chapels Royal, that the north side had been where the west side usually is, a question between the letter and spirit of the Rubrics would have arisen. But the defendant seems to us to have departed, both from the letter and the spirit of the Rubrics; and our advice to Her Majesty will be, that a monition should issue to him as to this charge also.—*Herbert* v. *Purchas*, *Law Journal Reports*, Vol. XL., part 6, of new series, June 1,1871; *Ecclesiastical Cases*, pp. 51-55.

This decision was allowed to be reconsidered in the case of *Ridsdale* v. *Clifton*, and the following alteration was made:—

Their Lordships will now proceed to consider the charge against the Appellant with reference to his position during the Prayer of Consecration. . . .

If it were necessary that there should be extracted from the Rubrics a rule *governing the position of the minister throughout the whole Communion Office, where no contrary direction is given or necessarily implied, the rule could not*, in their Lordships' opinion, *be any other than that laid down in Hebbert* v. *Purchas*, and they entertain no doubt that the position which would be required by that rule—a position, namely, in which the minister would stand at the north side of the Table, looking to the south—*is not only lawful, but is that which would, under ordinary circumstances, enable the minister, with the greatest certainty and convenience, to fulfil the requirements of all the Rubrics. . . .*

Their Lordships are of opinion that the words "before the people," coupled with the direction as to the manual acts, are meant to be equivalent to "in the sight of the people." They have no doubt that the Rubric requires the manual acts to be so done, that, in a reasonable and practical sense, the communicants, especially if they are conveniently placed for receiving of the Holy Sacrament, as is presupposed in the Office, may be witnesses of, that is, may see them. What is ordered to be done before the people, when it is the subject of the sense, not of hearing, but of sight, cannot be done before them unless those of them who are properly placed for that purpose can see it. It was contended that "before the people" meant nothing more than "in the church;" to guard against an anterior and secret consecration of the elements. But if the words "before the people" were absent, the manual acts, and the rest of the service, could not be performed elsewhere than in the church, and in that sense *coram populo*, nor could the Sacrament be distributed except in the place and at the time of its consecration ; and the argument would, therefore, reduce to silence the words "before the people," which are an emphatic part of the declaration of the purpose for which the preparatory acts are to be done. That declaration applies not to the service as a whole, nor to the consecration of the elements as a whole, but to the manual acts separately and specifically.

There is, therefore, in the opinion of their Lordships, a rule sufficiently intelligible to be derived from the directions which are contained in the Rubric as to the acts which are to be performed. The minister is to order the elements "standing before the Table;" words which, *whether the Table stands "altarwise" 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, *authorize 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. He must not interpose his body so as intentionally to defeat the object of the Rubric and to prevent this result. It may be difficult in particular cases to say exactly whether this rule has been complied with; but where there is good faith the difficulty ought not to be a serious one; and it is, in the opinion of their Lordships, clear that a protection was in this respect intended to be thrown around the body of the communicants, which ought to be secured to them by an observance of the plain intent of the Rubric.—*Official copy of the Judgment of the Privy Council in Ridsdale v. Clifton*, pp. 38, 40, 41, 42.

In the subsequent suit of *Read* v. *Bishop of Lincoln* the Privy Council, referring to the Judgment in *Clifton* v. *Ridsdale*, said—

Yet it has been decided by this Committee—and the Appellants did not seek to impeach the decision—that the celebrant may at that time stand at the middle of the table facing eastwards. If this be lawful, *of what importance can it be* to insist that he shall during the two prayers with which the service commences place himself at that part of the table which faces towards the north? And this is all that is now in controversy. The point at issue has been sometimes stated to be whether the Eastward position is lawful, but this is scarcely accurate. Even if the contention that the priest must stand at that part of the table which faces northward were well founded, there is nothing to make his

> saying the Lord's Prayer and the opening collect with his face eastward unlawful; the only question is whether he can lawfully do so when occupying a position *near the north comer of the West Side* [!] of the table. . . . Their Lordships are of opinion that, even assuming that what would be more commonly spoken of as "ends" may properly be called "sides," yet where a position at the "north side was enjoined *by the Rubric, one of the longer sides of the table was in contemplation*,[5] and it was also in contemplation that all the acts prescribed which were to be done at the table should be done at that side. When the terms of the Rubric are considered in connection with the *circumstances existing at the time it was framed*,[6] their Lordships consider that it cannot be regarded as so definitely and unequivocally enjoining that the priest shall, no matter how the table may be placed, stand at that end of the table which faces the north when saying the opening prayers that no other position can be assumed without the commission of an ecclesiastical offence. 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 Eastward [*sic*], to stand during the earlier part of the service at a different part of the table. Their Lordships are not to be understood as indicating an opinion that it would be contrary to the law to occupy a position at the north end of the table when saying the opening prayers. All that they determine is that it is not an ecclesiastical offence to stand at the northern part of the side which faces Eastwards."—*Report, Guardian*, August 3rd, 1892.

In the case of *Dean and others* v. *Green* the Representation charged the Defendant "when officiating in his church in the Communion Service with unlawfully standing while saying the Prayer of Consecration in the said service at the middle of the west side of the Communion table (such Communion table then standing against the east wall with its shorter *sides* towards the north and south) in such wise that during the whole time of his saying the said prayer he was between the people and the Communion table with his back to the people so as to prevent the communicants then present from seeing him break the Bread or take the Cup in his hand."

The DEAN OF ARCHES in delivering Judgment said—

> "The eighth was what was commonly known as the use of the Eastward Position; and it was made very plain by the evidence that the Defendant stood with his back to the congregation, so that those who were seated in the aisles immediately behind him, and running down the centre of the church—the seats branching off as they usually did from each side of the aisle—those seated on either side could not possibly see the manual acts during the administrations owing to the interposition of the body of the Defendant. . . .
>
> "A Monition would therefore go to the Defendant admonishing him to discontinue the acts complained of and not repeat them."

Standing in front of the middle of the Holy Table with back to the people, while reading Collects.

The DEAN OF ARCHES said—

> The Rubric, which governs the position of the minister at this period of the service, is the one preceding the Lord's Prayer at the beginning of the Communion Service: "And the priest, standing at the north side of the table, shall say the Lord's Prayer, with the collect following, the people kneeling;" and, after the interval of the Ten Commandments, the Rubric enjoins the priest "to stand as before." I am aware that learned persons hold that these words, "the north side," mean "the north side of the table's front," and possibly they do so; but, in the absence of any argument before me to this effect, I think I must take the primâ facie meaning of the Rubric, and consider it as of the north side of the whole table; and upon this ground I must decide against Mr. Purchas upon this Article.—*Judgment of Sir R. Phillimore, Dean of Arches, in Elphinstone* v. *Purchas, Law Reports, Ecclesiastical Cases*, Vol. III., part 1, 1869-70, p. 110.

Standing at the foot of the Holy Table with back to the people, while reading the Collects after the Creed at Evening Prayer. Standing with back to the people, while reading the Epistle.
The DEAN OF ARCHES gave the following decision—

The first offence appears to me plainly contrary to the Rubric; and the second, though perhaps not governed by any positive order in a Rubric, is obviously contrary to the intent of the Prayer Book, the Epistle not being a prayer addressed to God, but a portion of the Scriptures read to the people.—*Ibid.*, pp. 110, 111.[7]

Minister attended by Acolytes and a person holding a Crucifix while reading the Gospel.

Te Deum, sung at the Communion table, immediately after Evening Service, with Crucifix and Banners about the minister.

SIR R. PHILLIMORE, Dean of Arches, said—

The following Articles, which I have grouped together, contain charges against Mr. Purchas for using, during the time of, or so immediately connected with, the prescribed service, as to be practically undistinguishable from it, rites or ceremonies other than and additional to those prescribed in the Book of Common Prayer:—

"V. That . . . you, the said Rev. John Purchas, caused a group of acolytes, or attendants, to stand or kneel round you, and a person called the crucifer to stand by the side of you, bearing a crucifix or gilt cross, with the figure of the Saviour thereon, as a matter of ceremony during the reading by you, the said Rev. John Purchas, of the Gospel in the Communion Service; that on certain other occasions . . . the ' Te Deum' being on each of such occasions sung as a part of evening service immediately after the evening prayers, in the said church or chapel of St. James's, Brighton, aforesaid, the congregation remaining in the said church or chapel during the singing thereof, you, the said Rev. John Purchas, during the singing thereof, caused the said crucifer, with his said crucifix, and the bearers of banners, to stand holding the same as a matter of ceremony near to you, the said Rev. John Purchas, and in front of the holy table."

I think these Articles are substantially proved; and that in these circumstances the additional rites or ceremonies must be considered as illegal, on the principle of the decision in *Martin* v. *Mackonochie*; and I accordingly admonish Mr. Purchas to abstain from the use or sanction of the particular rites and ceremonies so charged for the future.—*Ibid.*, pp. 97 to 99.

PROCESSIONS.

A Procession, composed of—Thurifer, carrying and swinging incense; Crucifer, with Crucifix; Acolytes, with lighted candles; Deacons or others with banners; Choristers, dressed in red and white; Ceremoniarius, in cassock and cotta, with blue tippet; Rulers of the Choir, in copes; Clergy in copes, singing a hymn before or after service.

Palms, Lighted Candles and Crucifix, carried in procession at and as a Ceremony connected with Divine Service.

Blessing of, and giving to the people, Palms on Palm Sunday.

SIR R. PHILLIMORE, Dean of Arches, said—

There are various charges relating to particular kinds of processions organised by Mr. Purchas in his church, which I will now deal with; they are to be found in the following Articles:—

"IV. That you, the said Rev. John Purchas, on several occasions, . . . immediately before, but at the hour appointed for the commencement of the prayers appointed to be read at morning and evening service respectively, and *without any break or interval, and as connected with and being the beginning of and a part of the rites and ceremonies of public worship on the said several occasions*, in the presence of the congregation then assembled in the said church or chapel of St. James's, Brighton, for the purpose of hearing Divine Service, formed, or caused to be formed, a procession composed of a thurifer carrying an incense-vessel containing incense, swinging the same; a crucifer bearing a

crucifix, or a large cross with a figure of the Saviour thereon; two acolytes, or boys dressed in red and white, with red skullcaps on their heads and bearing lighted candles; several deacons, or other persons, bearing one or more silk banners; divers choristers dressed in red and white; a person, called a ceremoniarius, in cassock and cotta, with blue tippet; two persons, called rulers of the choir, in copes; you, the said Rev. John Purchas, and the other officiating ministers of the day, in copes: that the procession so formed proceeded round the said church or chapel of St. James's, singing a certain hymn, being No. 100 of the hymns contained in a book called *Words of the Hymnal Noted*, or some other hymn from the same book; and that, immediately on the return of each of such processions on each of the said several occasions to the choir, the prayers for the day were commenced; and that on a certain other occasion, to wit, on Sunday, February 28th, 1869, immediately after the Benediction at evening service, and *without any break or interval, and as connected with and forming the conclusion of and part of the rites and ceremonies of public worship*, formed, or caused to be formed, a like procession to the one immediately hereinbefore mentioned, and proceeded therewith round the said church, singing as aforesaid in the presence of the congregation assembled."

"XIV. *That you then*,"—that is, after doing certain acts, which fall under another category, and which I will consider presently*,—"formed or caused to be formed a procession*, consisting of a thurifer with his incense-vessel containing incense, the crucifer with a large crucifix, acolytes or boys with lighted candles, the person called ceremoniarius, an assistant minister, and you, the Rev. John Purchas, in a cope, followed by several members of the congregation, each with a lighted candle; that the procession so formed proceeded round the interior of the said church or chapel, singing; that thereupon afterwards you, the said Rev. John Purchas, took off your cope, and wearing a white alb with gold stole and chasuble, proceeded to the Communion table and, after being yourself censed, commenced the Communion Service, during the reading of which the congregation extinguished their candles. That after the collect and epistle had been read the said candles were, during the reading of the Gospel, again lighted and were then again extinguished; each of the Acts in this Article hereinbefore set forth, being of the nature of and intended by you as and constituting a religious ceremony."

"XXVI. That you, the said Rev. John Purchas, in the said church or chapel of St. James's, Brighton, aforesaid, on the Sunday next before Easter, March the 21st, 1869, at Morning Service, and during or immediately after the conclusion of morning prayer, and before the commencement of the Communion Service, sprinkled or caused to be sprinkled with so-called holy water, and blessed or consecrated, or caused to be blessed or consecrated, and censed, or caused to be censed, divers palm branches then lying on a table placed near to the Communion table, and that after the said morning prayer was concluded you caused the said palm branches to be distributed to yourself, and to divers other clerks in holy orders, to persons of the choir, and members of the congregation then and there present in the said church or chapel; and that *you then caused to be formed a procession* in the said church or chapel, with a crucifix borne before it, and consisting of the thurifer, choristers, priests, and others, which said procession then proceeded round the interior of the said church or chapel, chanting, and elevating the said palm branches and accompanied with lighted candles; and that on the return of the procession, the Communion Service was immediately commenced and proceeded with, the whole taking place in the presence of the congregation then assembled to hear Divine Service as a part of Divine Service, and as a ceremony connected therewith, without break or intermission."

It appears to me from the evidence that these particular processions have been so conducted as to constitute a further rite or ceremony in connection with the morning and evening service, and in addition to those prescribed by the Rubrics for those services. I must therefore, placing them under this category, pronounce them illegal.—*Ibid.*, pp. 95-97.

Blessing of, and giving to the people, Ashes on Ash Wednesday, Candles on the day of the Purification of the Virgin Mary (Candlemas Day).

The DEAN OF ARCHES said—

I think these Articles are substantially proved; and that in these circumstances the additional rites or ceremonies must be considered as illegal, on the principle of the decision in *Martin* v. *Mackonochie*; and I accordingly admonish Mr. Purchas to abstain from the use or sanction of the particular rites and ceremonies so charged for the future.—*Ibid.*, pp. 97-99.

Candles lighted when not wanted for the purpose of giving light, and used in any of the ways following—Carried on Candlemas Day and Whit Sunday; used at reading of the Gospel; placed on the Communion table or on a ledge over it, and seeming to be part of it, or about or before the Communion table, either during the Communion Service or other parts of Divine Service; Paschal light at Easter.

The specific charges were—

> "X. That you, the said Rev. John Purchas, in the said church or chapel of St. James's, Brighton, aforesaid, on divers occasions . . . used lighted candles on the holy table or Communion table (or a ledge immediately over the said table, and appearing and intended to appear part thereof), during the celebration of the Holy Communion, as a matter of ceremony, and at times when such lighted candles were not wanted for the purpose of giving light, and permitted and sanctioned such use of lighted candles."
>
> XI. That you, the said Rev. John Purchas, on Christmas Day, 1868, on the day of the Purification of the Virgin Mary, February the 2nd, 1869, and on Easter Sunday, 1869, used lighted candles standing on and about and before the Communion table during the performance of other parts of the morning service than the Communion Service, as a matter of ceremony, and when they were not wanted for the purpose of giving light. That you also during the whole of Divine Service, on Easter Sunday, 1869, kept a very large lighted candle, called a paschal taper, placed and standing towards the south side of the Communion table, as a matter of ceremony, and when it was not wanted for the purpose of giving light. That you also, at various times, during the performance of Divine Service (to wit, on Sunday morning, November the 1st. 1868; Sunday morning, March the 21st, 1869, and Whit Sunday, May the 16th, 1869), caused acolytes, or attendants, as a matter of ceremony, to bear about, move, set down, and lift up various lighted candles when the same were not needed to give light."
>
> "XIV. That after the collect and epistle had been read, the said candles were, during the reading of the gospel, again lighted."

The DEAN OF ARCHES said—

> I admonish Mr. Purchas to abstain for the future from doing or sanctioning the acts so charged in these articles.—*Ibid.*, pp. 99-101.

Notices of "High" Celebrations.

Notices of Feasts not directed by the Church to be observed.

The charge was as follows—

> "That you, the said Rev. John Purchas, in the said church or chapel of St. James's, Brighton, aforesaid, on Sunday morning, November the 1st, 1868, publicly during the performance of Divine Service, that is to say, at the conclusion of the Nicene Creed, gave notice that on the morning of the next day there would be a 'high celebration of the Holy Eucharist' at eleven o'clock. . . . and that you, on the same day, after the sermon, gave, or caused to be given, notice that on the next Friday, 'being the Feast of St. Leonard,' there would be a celebration of the Holy Eucharist at eleven o'clock; and that on Sunday, the 8th of November, 1868, after the Nicene Creed, you gave notice that the Holy Eucharist would be celebrated on Wednesday, 'being the Feast of St. Martin;' and on Friday, being the 'Feast of St. Britius.' And that on Sunday morning, January the 31st, 1869, after the Nicene Creed, you gave notice that 'on Tuesday next, being the Festival of our Lady, there would be a high celebration of the Holy Eucharist at eleven o'clock in the morning.'"

The DEAN OF ARCHES said—

> The Prayer Book does not warrant, in my opinion, this particular mode of announcing that the Eucharist will be celebrated. According to the Rubric, after the Nicene Creed notice is then to be given of the Communion, and according to the Rubric after the Church militant prayer, "When the minister giveth warning for the celebration of the Holy Communion . . . after the sermon or homily ended he shall read the exhortation following." It appears to me that the epithet "high" has no sanction from the Rubric, and though perhaps in itself not very material, cannot legally be used.
>
> It appears from the evidence, that at different times notices were given that the feasts of St. Leonard, St. Martin, and St. Britius would be observed. The Rubric, after the Nicene Creed, directs that "the curate shall declare unto the people what holy days or fasting days are in the week following to be observed." Mr. Purchas is not charged with having violated the law by omitting to give notice of these holy days or fasting days, but by having given notice of holy days which *the Church has not directed to be observed*. I think the holy days which are directed to be observed are those which are to be found after the preface of the Prayer Book, under the head of "A Table of *all* the Feasts that are to be observed in the Church of England throughout the year." The feasts of St. Leonard, St. Martin, and St. Britius are not among these; I therefore think the notices of them were improper, and I must admonish Mr. Purchas to abstain from giving such notices for the future.—*Judgment, Arches Court*, *Elphinstone* v. *Purchas*, *Ibid.*, pp. 111, 112.

Notices of Mortuary Celebrations.

Interpolation of a Prayer, while reading the Communion Service, after the Collect for the Queen.

Epistle and Gospel, not in the Prayer Book, read at a Mortuary Celebration.

Ceremonies on admission of an Acolyte or Choir Boy immediately before Service.

The charges were—

> "That you, the said Rev. John Purchas, in the said church or chapel of St. James's, Brighton, aforesaid, on Sunday, March the 14th, 1869, at evening service, and immediately on the conclusion of your sermon, gave notice that on the next day there would be a 'mortuary celebration for the repose of a sister at eleven o'clock;' that on Monday morning, March the 15th, 1869, while performing Divine Service in the said church or chapel, namely, while reading the Communion Service, immediately after the Collect for the Queen, and before the Epistle, yon interpolated and said the following words, that is to say: 'O God! whose property is ever to have mercy and to forgive, be favourable unto the soul of this Thy servant' (thereby meaning the soul of the deceased person for whose repose the said mortuary celebration was made), 'and blot out all her iniquities, that she may be loosed from the chains of death and be found meet to pass unto the enjoyment of life and felicity, through Jesus Christ our Lord. Amen.' After which, 1 Thess. chap. iv., verse 13 to verse 18, was read as the Epistle, and the rest of the service was proceeded with, John chap. vi., verse 37 to verse 40 being read as the Gospel."
>
> "That you, the said Rev. John Purchas, in the said church or chapel of St. James's, Brighton, aforesaid, on Whit Sunday evening, May the 16th, 1869, at the usual hour for, and immediately before, the commencement of evening prayer, and in the presence of the congregation then assembled to hear Divine Service, made, received, or admitted a new acolyte or choir boy, by causing him then to kneel on one of the steps before the Holy Table, and reading some words or sentences out of a book, and making the sign of a cross over him, and putting into his hands a candlestick with candle, and afterwards, in like manner, putting into his hands decanters or glass bottles of wine and of water, those actions collectively being intended as and constituting a religious rite or ceremony."

The DEAN OF ARCHES said—

> I think these Articles are substantially proved; and that in these circumstances the additional rites or ceremonies must be considered as illegal, on the principle of the decision in *Martin* v. *Mackonochie*; and I accordingly admonish Mr. Purchas to abstain from the use or sanction of the particular rites and ceremonies so charged for the future."—*Ibid,* pp. 98, 99.

Metal Crucifix, not part of architectural decorations, on or in apparent connection with the Holy Table, and seeming to be part of its furniture, covered and uncovered ceremonially and bowed to by the Minister.

The charges were—

> "That you, the said Rev. John Purchas . . . placed or caused to be placed upon the Holy Table, or on a narrow ledge resting thereon or connected therewith, or fixed immediately above the same, so as to appear to the congregation to be in contact or connection with the Holy Table, a large metal crucifix with a figure of the Saviour thereon (the same being intended for a ceremonial or religious purpose, *and not being a part of the architectural decorations of the church* but being placed on such ledge with the object and intention of being made to appear a part of the furniture of the Holy Table); and that you, on the said several occasions, allowed the same so placed to remain there during the performance of Divine Service, and during the celebration of the Holy Communion. That you, the said Rev. John Purchas, also, during Lent, having covered or caused to be covered, the said crucifix so placed on the Holy Table or narrow ledge as aforesaid, with a white veil striped with a red cross, allowed the same to remain on the said Holy Table or narrow ledge so covered during the performance of Divine Service. That you also afterwards (to wit, on Easter Sunday, March the 28th, 1869), having previously removed, or caused to be removed, such veil, kept the said crucifix during Divine Service so uncovered; the circumstance of the said crucifix being so kept covered and uncovered, being intended as and constituting on each of the said occasions a ceremonial and symbolical observance during and connected with such Divine Service.
>
> "That you, the said Rev. John Purchas, did immediately before and during the performance of Divine Service bow and do reverence to the said crucifix."

The DEAN OF ARCHES said—

> I think I am bound to conclude from the evidence before me, unimpeached as it is by any other testimony, and in the absence of any explanation, that the crucifix has been introduced into or connected with the performance of the services prescribed by the Prayer Book, so as to constitute an additional rite or ceremony. And I must admonish Mr. Purchas to abstain from the practice complained of in these Articles.—*Ibid.*, p. 105.

Crucifix on the top of a screen separating the chancel from the body or nave of the Church.

"The learned Judge, whose decision is under Appeal, thus describes the Screen and Crucifix:—

> "There is a screen of open ironwork some 9 feet high, stretching across the church at the entrance to the chancel; the middle portion of this screen rises to a peak, and is surmounted by a crucifix or figure of our Saviour on the Cross in full relief and about 18 inches long—this is the crucifix complained of. The screen of course, from its position, directly faces the congregation, and the sculptured or moulded figure of our Lord is turned towards them. There is, further, a row of candles at distances of nearly a foot apart all along the top of the screen, which is continued up the central and rising portion of it, the last candles coming close up to the crucifix on either side, so that when the candles are lighted for the evening service, I should presume that the crucifix would stand in a full light." . . .
>
> The learned Judge states that the crucifix, as formerly set up in our churches, had a special history of its own.
>
> He refers to the rood ordinarily found before the Reformation in the parish churches of this country, which was, in fact, a crucifix with images at the base, erected on a structure called the rood loft, traversing the church at the entrance to the chancel, and occupying a position not otherwise than analogous to that which the iron screen does in the present case.

He refers to the evidence as to the preservation of the crucifixes or roods during the reign of Queen Mary, and of their destruction, as monuments of idolatry and superstition, in the reign of Elizabeth.

He takes notice of a letter of Bishop Sandys in 1561 in *The Zurich Letters*, first series, p. 73, in which he states:

"We had not long since a controversy respecting images. The Queen's Majesty considered it not contrary to the Word of God, nay, rather for the advantage of the Church, that the image of Christ crucified, together with Mary and John, should be placed, as heretofore, in some conspicuous part of the church, where they might more readily be seen by the people. Some of us thought far otherwise, and more especially as all images of every kind were at our last visitation not only taken down, but also burnt, and that too, by public authority, and because the *ignorant and superstitious multitude are in the habit of paying adoration to this idol above all others*."

The learned Judge arrives at the conclusion that the crucifix so placed formed an ordinary feature in the parish churches before the Reformation, and that it did so, not as a mere architectural ornament, but as an object of reverence and adoration.

He further points out that the worship of it was enjoined in the Sarum Missal, in which the order of service for Palm Sunday ends with the adoration of the rood by the celebrant and choir before passing into the chancel. . . .

"It is no doubt easy to say, What proof is there of idolatry now? What facts are there to point to a probability of 'abuse?'

"But when the Court is dealing with a well-known sacred object—an object enjoined and put up by authority in all the churches of England before the Reformation, in a particular part of the church and for the particular purpose of 'adoration'—when the Court finds that the same object, both in the church and out of it, is still worshipped by those who adhere to the unreformed Romish faith, and when it is told that, now, after a lapse of three hundred years, it is suddenly proposed to set up again this same object in the same part of the church *as an architectural ornament only*, it is hard not to distrust the uses to which it may come to be put, or escape the apprehension that what begins in 'decoration' may end in 'idolatry.'

"If this apprehension is a just and reasonable one, then there exists that likelihood and danger of 'superstitious reverence' which the Privy Council in *Philpotts* v. *Boyd* pronounced to be fatal to the lawfulness of all images and figures set up in a church."

In these observations of the learned Judge their Lordships concur; and they select them as the grounds of his decision which commend themselves to their judgment. They are prepared, under the circumstances of this case, to affirm the decision directing the removal of the crucifix, while at the same time they desire to say that they think it important to maintain, as to representations of sacred persons and objects in church, the liberty established in *Philpotts* v. *Boyd*, subject to the power and duty of the Ordinary so to exercise his judicial discretion in granting or refusing faculties, as to guard against things likely to be abused for purposes of superstition.—*Official copy of Judgment of the Privy Council in Ridsdale v. Clifton*, pp. 48, 49, 51, and 52.

Figure of the Infant Saviour with lilies over the credence table at Christmas.

Stuffed Dove over the Holy Table on Whitsunday.

The charges were—

"That you, the said Rev. John Purchas, on the occasion of a celebration of the Holy Communion at midnight on Christmas Eve, the 24th of December, 1868, placed, or caused to be placed, on a shelf just above the credence-table in the said church, a modelled figure of the infant Saviour, with two lilies on either side, the same being so then placed as a part of the ceremonial of the service of that night, and which was subsequently removed; and that on Whit Sunday, May the 16th, 1869, you placed, or caused to be placed, in the said church or chapel, above and hanging over the Holy Table, a figure,

image, or stuffed skin of a dove in a flying attitude, and kept the same so placed during Divine Service, the same being so then placed and kept as a part of the ceremonial of the service."

The Dean of Arches said—

I think the result of the evidence is that these figures, having regard to the time and the services during which they were brought in and removed, being also emblematic in their character, were ceremoniously used upon the occasions referred to, and that, according to the Judgment in *Martin* v. *Mackonochie*, they were therefore illegal.—*Ibid*., p. 107.

CROSS (APPARENTLY) ON COMMUNION TABLE.

In the Judgment of the Judicial Committee of the Privy Council, on the Appeal of *Marsters* v. *Durst*, from the Court of Arches, delivered July 11th, 1876, by LORD CHANCELLOR CAIRNS, it was stated:

This is a criminal suit promoted in the Court of Arches against the Appellant, who is one of the Churchwardens of the Parish of St. Margaret, in the Borough of King's Lynn, for having removed from the church, without a faculty, a certain moveable cross of wood which had been placed on a ledge called a "re-table" at the back of and above the Communion table.

The Respondent is the Vicar of the parish, and the cross was placed there by his authority, but without the sanction of a faculty. . . .

The question which their Lordships are thus called upon to decide is the single one of the legality of a cross of this description in the place which it occupied when the Appellant removed it from the church.

The Special Case states that the cross was above three feet in height; that it is a moveable one: that it was placed by the Respondent's orders on a structure of wood called a "re-table," consisting of a wooden ledge at the back of the Communion table, having a front of wood about eight inches deep, coming down to within five-sixteenths of an inch of the surface of the Communion table, and that this structure is fixed to the wall by nails.

A photograph is appended to the Special Case, from which, and the statements in this case, it is plain that the Communion table and the "re-table" would at a very short distance bear the appearance of one entire table or structure.

It is further stated that the cross was placed on this ledge with "the intention that it should remain there permanently." . . .

Their Lordships are therefore of opinion that the cross in the position which it occupied while in the church is forbidden by law; and they will advise Her Majesty that the present suit should be dismissed.—*Official copy of the Judgment of the Judicial Committee of the Privy Council in the case of Marsters* v. *Durst*.

"REAL PRESENCE," SACRIFICE AND ADORATION.

In the Judgment of the Judicial Committee of the Privy Council on the Appeal of *Sheppard* v. *Bennett* from the Court of Arches, delivered June 8th, 1872, the following remarks were made regarding the Real Presence, Sacrifice in the Holy Communion, and Adoration.

THE REAL PRESENCE.

Their Lordships may consider the remaining charges against the Respondent under three heads:—
I. As to the presence of Christ in the Holy Communion.
II. As to sacrifice in the Holy Communion.

III. As to adoration of Christ present in the Holy Communion.
The Respondent is charged with maintaining under these three heads the following propositions:—

I. That in the Sacrament of the Lord's Supper there is an actual presence of the true Body and Blood of our Lord in the consecrated bread and wine, by virtue of and upon the consecration, without or external to the communicant, and irrespective of the faith and worthiness of the communicant, and separately from the act of reception by the communicant; and it was contended by Counsel under this head that the true Body of Christ meant the natural body.

Their Lordships are bound to consider, in the first place, what has been affirmed and what has been denied, in reference to the doctrine to which these three statements relate.

The 4th Article of Religion affirms:

1. "That Christ did truly rise from death and took again His body, with flesh, bones and all things appertaining to the perfection of man's nature; wherewith He ascended into Heaven, and there sitteth, until He return to judge all men at the Last Day."

In the 28th Article of Religion it is affirmed:

1. "The Supper of the Lord is not only a sign of the love that Christians ought to have among themselves, one to another; but rather it is a Sacrament of our redemption by Christ's death; insomuch that to such as rightly, worthily, and with faith receive the same, the bread which we break is a partaking of the Body of Christ, and likewise the cup of blessing is a partaking of the Blood of Christ."

2. "Transubstantiation (or the change of the substance of bread and wine) in the Supper of the Lord cannot be proved by Holy Writ; but it is repugnant to the plain words of Scripture, overthroweth the nature of a Sacrament, and hath given occasion to many superstitions."

3. "The Body of Christ is given, taken, and eaten in the Supper only after a heavenly and spiritual manner."

4. "The mean whereby the Body of Christ is received and eaten in the Supper, is faith."

5. "The Sacrament of the Lord's Supper was not by Christ's ordinance reserved, carried about, lifted up, or worshipped."

By the 29th Article of Religion it is affirmed:

6. "The wicked and such as be void of a lively faith, although they do carnally and visibly press with their teeth (as St. Augustine saith) the Sacrament of the body and blood of Christ, yet in no wise are they partakers of Christ; but rather to their condemnation do eat and drink the sign or sacrament of so great a thing."

By the 31st it is affirmed:

7. "The offering of Christ once made is that perfect redemption, propitiation, and satisfaction for all the sins of the whole world, both original and actual; and there is none other satisfaction for sin, but that alone." And—

8. "The sacrifice of masses, in the which it was commonly said that the priest did offer Christ for the quick and the dead to have remission of pain or guilt, were blasphemous fables and dangerous deceits."

9. In the Catechism it is stated that "the Body and Blood of Christ are verily and indeed taken and received by the faithful in the Lord's Supper."

Their Lordships proceed, with these passages before them, to examine the charges made against the Respondent. The first relates to the presence of the Body and Blood of Christ in the Holy Communion.

The Church of England in the passages just cited holds and teaches affirmatively that in the Lord's Supper the Body and Blood of Christ are given to, taken, and received by the faithful communicant. She implies, therefore, to that extent, a presence of Christ in the ordinance to the soul of the worthy recipient. As to the mode of this presence she affirms nothing, except that the Body of Christ is "given, taken, and eaten in the Supper only after an heavenly and spiritual manner," and that "the mean whereby the Body of Christ is received and eaten is faith." Any other presence than this—any presence which is not a presence to the soul of the faithful receiver—the Church does not by her Articles and Formularies affirm or require her ministers to accept. This cannot be stated too plainly. The Church of England, by the statement in the 28th Article of Religion that the Body of Christ is given, taken, and eaten in the Lord's Supper, only after a heavenly and spiritual manner, excludes undoubtedly any manner of giving, taking, or receiving, which is not heavenly or spiritual.—*Six Privy Council Judgments* (*W.G. Brooke*), pp. 232-4.

SACRIFICE IN THE HOLY COMMUNION.

II. The next charge against the Respondent is, that he has maintained that the Communion table is an altar of sacrifice, at which the priest appears in a sacerdotal position at the celebration of the Holy Communion, and that at such celebration there is a great sacrifice or offering of our Lord by the ministering priest, in which the mediation of our Lord ascends from the altar to plead for the sins of men.

The Church of England does not by her Articles or Formularies, teach or affirm the doctrine maintained by the Respondent. That she has *deliberately ceased to do so* would clearly appear from a comparison of the present Communion Office with that in King Edward's First Book, and of this again with the Canon of the Mass in the Sarum missal.

This subject was fully discussed before their Lordships in *Westerton* v. *Liddell*, when it was decided that the "change in the view taken of the Sacrament naturally called for a corresponding change in the 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."

The 31st Article of Religion, after laying down the proposition (which is adopted also, in words nearly the same, in the Prayer of Consecration), that "the offering of Christ once made, is that perfect redemption, propitiation, and satisfaction for all the sins of the whole world, both original and actual," and that "there is none other satisfaction for sin but that alone," proceeds, on the strength of these propositions, to say that "the sacrifices of masses, in the which it was commonly said that the priest did offer Christ for the quick and the dead to have remission of pain or guilt, were blasphemous fables and dangerous deceits."

It is not lawful for a clergyman to contradict, expressly or by inference, either the proposition which forms the first part of this Article, or any proposition plainly deducible from the condemnation of propitiatory masses which forms the second part of it, and is stated as a corollary to the first.

It is not lawful for a clergyman to teach that the sacrifice or offering of Christ upon the Cross, or the redemption, propitiation, or satisfaction, wrought by it, is or can be repeated in the ordinance of the Lord's Supper; nor that in that ordinance there is or can be any sacrifice or offering of Christ which is efficacious, in the sense in which Christ's death is efficacious, to procure the remission of the guilt or punishment of sins.—*Ibid.*, pp. 238-9.

ADORATION.

III. Their Lordships now proceed to the third charge, which relates to the adoration of Christ present in the Sacrament.

The Declaration of Kneeling states that, by the direction that the communicants shall receive the consecrated elements kneeling, "no adoration is intended or ought to be done either to the Sacramental bread and wine there bodily received, or to any corporal presence of Christ's natural Flesh and Blood."

According to this declaration, neither the elements nor any corporal presence of Christ therein ought to be adored.

The 28th Article lays down that "the Sacrament of the Lord's Supper was not by Christ's ordinance reserved, carried about, lifted up or worshipped."

In the 25th Article it had been affirmed that "the Sacraments were not ordained by Christ to be gazed upon, or to be carried about, but that we shall duly use them."

It was laid down in *Martin* v. *Mackonochie* that such acts as the elevation of the cup and paten, and kneeling and prostration of the minister before them, were unlawful, because they were not prescribed in the Rubric of the Communion Office, and because acts not prescribed were to be taken as forbidden. Their Lordships in that Judgment adopted the words of the Committee in *Westerton* v. *Liddell* : "for the performance of the services, rites, and ceremonies ordered by the Prayer Book, the directions contained in it must be strictly observed; no omission and no addition can be permitted."

It follows then that the Church of England has forbidden all acts of adoration to the Sacrament, understanding by that the consecrated elements. She has been careful to exclude any act of adoration on the part of the minister at or after the consecration of the elements and to explain the posture of kneeling prescribed by the Rubric.—*Ibid.*, pp. 242-3.[8]

CEREMONIALLY WASHING, RINSING, AND WIPING THE COMMUNION CUP.

The DEAN OF ARCHES, in delivering Judgment on June 10th, 1879, in the case of *Dean and others* v. *Rev. S. F. Green* (St. John's, Miles Platting), said—

"Then came the ninth charge, which was that of washing the cup as a ceremonial act, and from what the witnesses had said he had no doubt that what took place was a careful washing of the cup and drinking of the contents, not once but twice, and that there was a rinsing and a wiping of the cup in a manner which was evidently intended as a species of ceremony. It followed, therefore, that this was a case outside the ceremonies provided for by the Rubrics, and not admissible. The introduction of any fresh ceremony, provision for which was not found in the Rubrics, was contrary to law, and therefore he thought that allegation was also proved. . . .

"A monition would therefore go to the Defendant admonishing him to discontinue the acts complained of and not repeat them."—8 *P. D.*, 79; and 46 J.P., 742.

In *Read* v. *Bishop of Lincoln* it, was held, however, that drinking the rinsings was lawful after the Benediction for the reasons stated by LORD CHANCELLOR HALSBURY, viz. :

"The charge in the 8th and 12th Articles seems to resolve itself into a question of fact. It is not denied, but implicitly admitted by the Bishop, that anything like the ceremony of ablution would be illegal. The time at which the act was done is by the Appellants themselves stated to have been after the Benediction, when, according to all ordinary understanding, as well as upon the true construction of the Rubric, the service is at an end. The act itself is described by the Bishop as having been done with the intention of complying with the direction of the Rubric, reverently to consume what remained of the consecrated elements. Even if their Lordships should be of opinion that in the honest desire to comply with the direction in question, the Bishop exhibited excessive care and scruple in the mode in which he performed the prescribed duty, that certainly could not be construed to be an ecclesiastical offence. The drinking of what the witness called to prove the facts describes as the 'rinsings,' does not suggest any ceremony, and their Lordships cannot think that what was done was intended to be anything but what it is alleged to have been—namely, a reverent consumption of the remnants of the consecrated elements in accordance with the Book of Common Prayer, or that there is any reason to regard it as an additional and therefore unlawful ceremony. The appeal on this point therefore fails."[9]

A BALDACCHINO.

Dr. TRISTRAM (the Chancellor of the Diocese of London), on December 15th, 1873, in delivering Judgment in the Consistory Court of London, in the case of the *Vicar ad Churchwardens of the Parish of St. Barnabas, Pimlico*, v. *Bouran*, said—

> "After much consideration, I have come to the conclusion that the Baldacchino, for authorising the erection of which a faculty is prayed, is an ornament of the Church within the meaning of the Rubrics; and as it is not prescribed by the Rubrics, or can be regarded as in any way necessary or subsidiary to the performance of the services of the Church, I decline to order the faculty to issue." —43 *L. J., Eccl*. 7.

BIRETTA.

In the case of *Hudson and others* v. *Tooth* (St. James's, Hatcham), the Respondent was charged with having unlawfully permitted to be worn by the officiating minister during the time of Divine Service a certain covering on the head—namely, a cap commonly called a Biretta.

The Dean of Arches on July 18th, 1876, ordered a Monition to issue to the Respondent, admonishing him to refrain from the practice in future.—2 *P. D*., p. 125.

STATIONS OF THE CROSS.

In the case of Clifton v. Ridsdale (the Folkestone Case) one of the charges was as follows:—

> "That the said Rev. Charles Joseph Ridsdale, without lawful authority, had unlawfully set up and placed in his said church since the consecration thereof, that is to say, in the year 1871, and still unlawfully retains therein certain representations of figures in coloured relief, of plastic material, purporting to represent scenes of our Lord's Passion, attached to the walls of the said church, and forming what are commonly known as Stations of the Cross and Passion, such as are commonly used in Roman Catholic churches, and not in churches of the Church of England, and that some of the said representations relate to legendary and superstitious scenes, not part of the Gospel history, and not accepted or recognised as authentic by the Church of England, and that the said representations as a whole tend to encourage ideas and devotions of an unauthorised and superstitious kind and are unlawful."

LORD PENZANCE, DEAN OF ARCHES, in delivering Judgment on February 3rd, 1876, condemning the pictures of the Stations of the Cross (fourteen in number), said—

> "It is needless to enter into the history of this set of pictures. Whatever origin they or some of them had, it is clear that the three falls of Christ under the Cross, and the legend of Sainte Véronique, have no warrant in Gospel history.
>
> "It is also clearly established by the two devotional books put in evidence, *The Crown of Jesus*, published under the authority of Cardinal Wiseman and four Roman Catholic archbishops of Ireland; and *The Key of Heaven*, by St. Alphonsus Liguori; that these fourteen representations are to the present day authorised objects of adoration in that Church.
>
> "The entire set viewed as a whole, and in their relation to their well-known history, must be regarded, I think, as likely (if not intended) to be used for the purposes for which they always have been used, and not for the mere purpose of decorating the church. I shall, therefore, as I have above said, order their removal."—2 *P. D*. p. 277.

CEREMONIAL USE OF FIGURES OF ANGELS WITH GUILT WINGS—TOLLING CHURCH BELL DURING CONSECRATION PRAYER.

The DEAN OF ARCHES, in delivering Judgment on July 18th, 1876, in the case of *Hudson* v. *Tooth* (St. James's, Hatcham), said—

> "The other ceremonies and observances, including tolling the great bell of the church, of which evidence has been here given, have been each and all at one time or other declared unlawful, by the decisions either of this Court or the Court of Appeal, except perhaps the ceremonial use of the figures of Angels with gilt wings, but the principle of those decisions excludes the addition of any other ceremonial observance to those prescribed by the Rubrics and appears to be now, therefore, applicable to the use of these figures.
>
> "Under these circumstances it only remains for me to order a Monition to issue to the Respondent, admonishing him to refrain from these various practices in future, and to order that he shall pay the costs of these proceedings."—2 *P. D.*, p. 125.

ALTARS.

In *Sheppard* v. *Bennett* the Privy Council said—

> The next charge against the Respondent is, that he has maintained that the Communion table is an altar of sacrifice, at which the priest appears in a sacerdotal position at the celebration of the Holy Communion, and that at such celebration there is a great sacrifice or offering of our Lord by the ministering priest, in which the mediation of our Lord ascends from the altar to plead for the sins of men.
>
> *The Church of England does not by her Articles or Formularies, teach or affirm the doctrine maintained by the Respondent. That she has deliberately ceased to do so* would clearly appear from a comparison of the present Communion Office with that in King Edward's First Book, and of this again with the Canon of the Mass in the Sarum missal.
>
> This subject was fully discussed before their Lordships in *Westerton* v. *Liddell*, when it was decided that the "change in the view taken of the Sacrament naturally called for a corresponding change in the 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."*

In *Martin* v. *Mackonochie* the Privy Council, discussing the Injunction of 1547 directing the two lights set upon the high altar before the Sacrament to be suffered to remain still, said—

> "It would deserve consideration how far, under any circumstances, this njunction could now be held operative, having regard to the words, 'upon the high altar, before the Sacrament,' and to the distinction pointed out by this Committee in *Westerton* v. *Liddell* (Moore, 176-184) and *Parker* v. *Leach* (2 Moore, N. S. 199) between the Sacrificial Altar and the Communion table."—*Browning's Report*, p. 25.

In *Falkner* v. *Litchfield* the Dean of Arches (Sir H. J. FUST) said—

> "Prior to the Reformation, the religion of this country being the Roman Catholic, the Church of England held the doctrine of transubstantiation; that doctrine, at the Reformation, was one of the most important points upon which the two Churches differed from each other, and by the 28th Article of our Church, it is declared to be 'repugnant to the plain words of Scripture, overthroweth the nature of a Sacrament, and hath given occasion to many superstitions.' It is necessary, therefore, to see what a 'table' was at that time, and what an 'altar,' and whether the terms were indifferently used: whether it was not meant that there should be a change in the form as well as the name.
>
> "It is important to this inquiry to see, in the first place, what were the requisites of altars at the time when these structures were used in our churches before the Reformation. Cardinal Bona (*De Rebus Liturgicis*, lib. 1, c. 20) gives the origin, history and condition of altars from the earliest times. They were at first of wood; subsequently, of stone or wood; but at length it was required that no altar should

be used that was not of stone: 'Sancivit Ecclesia ut nemini liceat celebrari nisi in altari lapideo consecrato.' The construction varied; sometimes they were supported by one pillar, and sometimes by two, the most recent being in the form of tombs, 'tumuli formam referebant, tanquam martyrum sepulchra,' and they were to be fixed and immoveable, adhering to the place in which they were erected. Cardinal Devoti, in his *Institutiones Canonicæ* (Vol. II., tit. 7, lib. 2, sec. 12), speaks much to the same effect. The Court may, therefore, safely conclude that, at the time of the Reformation, the altars in our churches were of stone, fixed and immoveable, and generally in the form of tombs of the martyrs.

"Upon the renunciation of the doctrine of transubstantiation by the Reformed Church, it became necessary to remove from the minds of the people all those superstitious notions connected with that doctrine. Up to the accession of Edward VI., however, Mass continued to be celebrated; and we find, in his First Prayer Book (1549), that, in the Order for the Celebration of the Mass, the word 'altar' was used; but in the Second Prayer Book (1552), very material alterations were made in that service. In the First Prayer Book, the Communion Service is described as 'The Supper of the Lord and the Holy Communion, commonly called the Mass;' in the Second, it was called 'The Order for the Administration of the Lord's Supper or Holy Communion,' and the word 'table' was substituted for 'altar.'"

[The learned judge pointed out with great minuteness the several variations between the two Prayer Books.]

''In the Second Prayer Book the following direction is given: 'And to take away the superstition which any person hath or might have of the bread and wine, it shall suffice that the bread shall be such as is usual to be eaten at the table with other meats.' This seems to throw a very important light upon the meaning of the word 'table' in the Second Prayer Book.

"But in the interval between the publication of the two Prayer Books, certain events had occurred, and various orders and injunctions had been issued directing changes in the place where the Sacrament was to be administered. In 1547, orders were given for the taking away and utterly destroying all shrines and monuments of superstition. In 1550, Bp. Ridley issued his Injunctions to the clergy in the diocese of London, 'for that the form of a table may more move and turn the simple from the old superstitious opinions of the Popish Mass, and to the right use of the Lord's Supper, we exhort the curates, &c., to erect and set up the Lord's board after the form of an honest table,' and 'to take down and abolish all other by-altars or tables.' And it appears, from Cardwell's *Documentary Annals* (No. 24, p. 100), that an Order in Council was issued to take down all altars, and to place tables in their stead; and Burnet's *History of the Reformation* (Vol. II., part 2, p. 31) states that letters were sent to every Bishop to 'pluck down the altars,' the reason assigned being that of 'removing the people from the superstitious opinions of the Popish Mass, and because *table* was a more proper name than *altar* for that on which the Sacrament was laid.' It is proper to keep this consideration in mind with reference to the alterations made at this time, when Communion tables came to be used instead of altars.

"It is clear that, in the reign of Edward VI., the Communion table was no longer of stone and fixed, but of wood and moveable, and was required to be placed in the body of the church, or in the chancel, where the minister could be most conveniently seen and heard. In the reign of Mary, the Acts passed in the preceding reign regarding religion were repealed; but upon the succession of Queen Elizabeth, in 1558, the statutes of Philip and Mary were, in their turn, repealed, and the orders contained in the Second Prayer Book of Edward VI. became again the rule for the administration of the Sacrament. The object of this alteration was stated to be the removal of the old superstitions connected with the Popish Mass, and one mode of effecting it was to be by the abolition of all altars, and the substitution of tables. This change must mean something more than a mere alteration of name, for the mere change of a name would have left the old superstitious notion of a sacrifice still remaining; the alteration must have been a substantial, not a merely nominal one."—STEPHENS: *Eccl. Statutes*, p. 2073, column 2.

"Then we come to the real point: has any alteration been since made? Did the Rubric of 1662 introduce any variation? The word 'table' is used throughout, and the present Rubric affords no reason to suppose that any different sense was attached to the word than that which is given to it by common use. There is also a provision in the Rubric for the Communion Service, guarding against any superstition connected with the bread and wine used in the ceremony, following up the alterations

made in the reign of Edward VI., with reference to the superstitions associated with the doctrine of transubstantiation. And looking at the word 'table' itself, as used in the Rubric, would anyone suppose that it meant such an object as is represented by the model before the Court? Any flat surface raised from the ground, and supported by pillars or otherwise may be called a table; but a stone table of such a weight and such dimensions, imbedded in the floor, does not correspond with the ordinary and popular meaning of the word. Upon my construction of the Rubrics, therefore, I have no doubt that the article was meant to be a table in the popular sense of the word, and I have no difficulty in holding that the faculty in this case cannot issue."—STEPHENS: *Eccl. Statutes*, p. 2075, col. 2.

In *Liddell* v. *Westerton* the Privy Council said—

"When the same thing is signified, it may not be of much importance by what name it is called; but the distinction between an 'altar' and a 'Communion table' is in itself essential, and deeply founded in the most important differences in matters of faith between Protestants and Romanists—namely, in the different notions of the nature of the Lord's Supper, which prevailed in the Roman Catholic Church at the time of the Reformation, and those which were introduced by the Reformers. By the former it was considered as a sacrifice of the Body and Blood of the Saviour. The altar was the place on which the sacrifice was to be made; the elements were to be consecrated, and, being so consecrated, were treated as the actual Body and Blood of the Victim. The Reformers, on the other hand, considered the Holy Communion, not as a sacrifice, but as a feast, to be celebrated at the Lord's Table; though as to the consecration of the elements, and the effect of this consecration, and several other points, they differed greatly among themselves. This distinction is well pointed out in Cudworth's *Discourse Concerning the true Notion of the Lord's Supper*, chap. v., p. 27: 'We see, then, how that theological controversy, which has cost so many disputes, whether the Lord's Supper be a sacrifice, is already decided; for it is not "sacrificium," but "epulum"; not a sacrifice, but a feast upon sacrifice; or else, in other words, not "oblatio sacrificii," but, as Tertullian excellently speaks, ''Participatio sacrificii"; not the offering of something up to God upon an altar, but the eating of something which comes from God's altar, and is set upon our tables. Neither was it ever known amongst the Jews or heathens, that those tables on which they did eat their sacrifices should be called by the name of altars. . . . Therefore he (St. Paul) must needs call the Communion table by the name of the Lord's Table—*i.e.*, the table on which God's meat is eaten, not His altar on which it is offered.'

"That the Roman Catholic altars are constructed with a view to this doctrine of sacrifice admits of no doubt."

"The term 'table,' and the corresponding Latin word 'mensa,' especially when it is considered for what purpose it is to be used, naturally import a table of the material of which tables are ordinarily made. The Communion table was to be provided by the parish, was to be moveable, not by machinery, but by hand, and was actually to be very frequently moved. Wood is a lighter and cheaper material than stone, and the circumstance that the old altar was necessarily of stone would be an additional reason with the Reformers for requiring that the table should be of wood. The Canons of 1571 expressly provide that it shall be of that material: 'Mensa ex asseribus composite juncta'; and although those Canons, not having received the Royal assent, were not of themselves of binding force, it is probable that they were generally acted upon, and they sufficiently shew what was at that time understood to be the proper material of the table which, under the Act of Elizabeth, and the regulations of Edward VI., was to be substituted for the altar. The Canons of 1604, which are now in force, do not contain any provision upon this point. They speak of Communion tables as things which already exist in parish churches, and provide for their repair, and give minute directions as to the covering to be used. If any doubt had existed at that time as to the material of the table itself, it is not probable that the Canons would have omitted all notice of this question. Their Lordships, therefore, are satisfied that the decision upon this point in *Faulkener* v. *Litchfield* is well founded, and they must advise Her Majesty that the decree as to the removal of the stone structure at St. Barnabas', and the cross upon it, and the substitution of a Communion table of wood, ought to be affirmed."—BROOKE: *Six P. C. Judgments*, pp. 66, 73.

In *Parker* v. *Leach* LORD CHANCELLOR WESTBURY said—

"In a Roman Catholic church there is an altar, or place where the priest offers sacrifice. In a Protestant church there is no altar in the same sense, but there is a Communion table, on which bread and wine are placed, that the parishioners may come round it to partake of the Sacrament—the Supper of our Lord.

"It is impossible to derive from language applicable to a Roman Catholic altar a conclusion of law applicable to a Protestant church, which conclusion cannot be drawn unless you hold the Communion table to be in all respects equivalent to the altar of a Roman Catholic church" (4 *Moore's Privy Council Reports,* New Series, p. 180).

SECOND COMMUNION TABLE.

(*Except when divided off from the Choir by walls or screens so as to form a separate place of worship*.)

"Complaint has been made in this suit of certain structures which have been put up by the Respondent's authority in the church. A crucifix is set up on a beam crossing the nave of the church, and a second Communion table has been placed in the south aisle; and as no faculty has been obtained for these additions and alterations, I must order them to be removed."—2 *P. D.*, p. 125.

"We do further command you, the said Rev. Arthur, to remove or cause to be removed from your said Church the second or additional Communion table in the south aisle of the said Church."—*Monition in Hudson* v. *Tooth* (*Monthly Intelligencer*, X.-317).

ELEVATION OF LIGHTED CANDLES AT CONSECRATION.

The DEAN OF ARCHES said—

"He makes the sign of the cross in the air towards the congregation: the Agnus Dei is sung: the great bell of the Church is tolled: two boys hold up lighted candles high in the air, and retire: and the Holy Communion is then received either by the celebrant himself alone, or by himself and one other person. . . . Under these circumstances it only remains for me to order a monition to issue to the respondent, admonishing him to refrain from these various practices in future, and to order that he shall pay the costs of these proceedings."—*Hudson* v. *Tooth*, 2 *P. D.*, p. 125.

Endnotes:

1) In the original MS. annexed to the Act of Uniformity, a semicolon at this point separates the first half of this rubric (relating to the newly introduced rite of "ordering the bread and wine") from the later words, taken from the older Prayer Books, which *alone* relate to the prayer which follows.

2) Similar Judgment by Sir R. Phillimore in Court of Arches, *Elphinstone v. Purchas*.

3) Such a custom *formerly* existed for a time, but that does not affect the statement in the text.

4) In the original MS. annexed to the Act of Uniformity, a semicolon at this point separates the first half of this rubric (relating to the newly introduced rite of "ordering the bread and wine") from the later words, taken from the older Prayer Books, which *alone* relate to the prayer which follows.

5) It is remarkable that for this alleged usage in 1552 and 1559 (when this Rubric was framed) not a scrap of evidence was adduced either in the Judgment or in the arguments of Counsel. Mr. Whitehead, in his *Dictionary of Church Law*, second edition, p. 126, says, "There seems to be no authority for the exclusive use of the "lengthwise" position prior to Archbishop Williams's time.

6) It is remarkable that for this alleged usage in 1552 and 1559 (when this Rubric was framed) not a scrap of evidence was adduced either in the Judgment or in the arguments of Counsel. Mr. Whitehead, in his *Dictionary of Church Law*, second edition, p. 126, says, "There seems to be no authority for the exclusive use of the "lengthwise" position prior to Archbishop Williams's time.

7) In *Hudson* v. *Tooth* the minister was similarly monished to discontinue the reading of the Gospel with his back to the people."—*Monthly Intelligencer*, X.-315.

8) A verbatim Report of this Judgment (with notes) is published by the Church Association, price 2*d*.

9) A verbatim Report of this Judgment (with notes) is published by the Church Association, price 2*d*.

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