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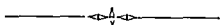
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wisdom. Why did our Lord, when He consecrated the Cup at the Paschal Feast, say, "Drink ye *all* of it"? He had not said the same of the Bread, but simply, "Take, eat." Who can doubt that the "all" was added because He knew that there would come a time when an attempt would be made to prevent "all" from partaking of it? Why did He attest the descent of all mankind from a single pair? It does not seem necessary to His immediate purpose. Why does He say that the Flood destroyed them *all*? Why does He say that "there is a sin which is forgiven, neither in this world, neither in the world to come"? Surely because He foreknew that erroneous and dangerous doctrines would be preached on all these points, against which He forewarned His children. Why did He attest the authorship and authority of Moses, of David, of Isaiah, of Daniel? Why did He declare the truth of Jonah's three days' stay in the fish's belly, and make I know not how many other declarations respecting other passages of the Old Testament, but because He sought to throw the shield of His protecting wisdom over feeble brethren who might be tempted to unbelief? How effectually He has done so may be seen by the fact that men, in order to disprove these statements of Scripture, must deny His infinite and perfect wisdom. Is not that fact enough to induce men to turn back from a path so dangerous?

H. C. ADAMS.



#### ART. VI.—THE ARCHBISHOP'S JUDGMENT.

**F**EW more important events have occurred in connection with our Church in past years than the judgment of the Archbishop's Court in the case of "Read and others *v.* the Bishop of Lincoln," which was delivered by the Primate on November 21st in last year. Whatever may be our individual notions as to the correctness of the judgment, and whatever treatment it may receive when the impending appeal against it is heard by the Judicial Committee of the Privy Council, there cannot be two opinions as to the conspicuous learning and ability displayed in it, and as to the labour and research which have been bestowed on its compilation. Whatever may be its legal fate, it will retain for all time a worthy place in the literary archives of our Church. It must surely also be a matter of general satisfaction that, with one small exception, it represents the unanimous opinion of the Archbishop himself and all his assessors—the Bishops of London, Hereford, Rochester,

Oxford, and Salisbury, and Sir James Parker Deane (Vicar-General of the Province of Canterbury). We are told that upon one of the conclusions of the judgment there was one dissentient among the assessors; but it has not transpired who this was, nor what was the particular on which he differed from the rest of the Court. We are left in ignorance as to whether the dissentient was for condemning the Bishop of Lincoln on a point on which the judgment is in his favour, or for acquitting him on a charge which the Court has found to be substantiated against him.

Looking at the judgment as a whole, it must undoubtedly be pronounced to be decidedly in favour of the Bishop of Lincoln, and adverse to his accusers. It is true that, on one method of calculation, he has been condemned on four and only acquitted on five out of the nine charges on which he was arraigned. But of the four points decided against him, two are practically identical, another had been already decided in the same sense by the Judicial Committee of the Privy Council, and the fourth is merely a portion of a charge, upon the rest of which he is acquitted. On the other hand, the importance of the decisions in his favour on the remaining five points is to be gauged by the fact that in four particulars they are directly in the teeth of the law as previously laid down by the highest Court which had made a pronouncement on the subject-matter—that Court being, in three instances out of the four, the Judicial Committee of the Privy Council. If, moreover, as has been popularly done, we describe the issues in the suit as six points instead of nine, Bishop King may be said to have virtually come off victorious in five out of the six. This will be apparent from the following tabular statement of the charges against him, with the previous legal decisions and the judgment of the Archbishop's Court upon them. The Roman numerals denote the classification of the charges under six heads, and the Arabic numbers their divisions into nine points:

| CHARGE.  | PREVIOUS DECISIONS.  | JUDGMENT.  |
|--|--|------------|
| I.—1. Mixing of water in the chalice during service. | Condemned by Sir R. Phillimore and the Judicial Committee.               | Condemned. |
| 2. Administration of mixed chalice.                  | Condemned by the Judicial Committee though allowed by Sir R. Phillimore. | Allowed.   |
| II.—3. Ablution of paten and chalice after service.  | None.  | Allowed.   |

| CHARGE.  | PREVIOUS DECISIONS.  | JUDGMENT.  |
|--|--|------------|
| III.—4. Eastward position before Prayer of Consecration.   | Condemned by Sir R. Phillimore and the Judicial Committee.   | Allowed.   |
| 5. Hiding of manual acts.                                  | Condemned by the Judicial Committee.   | Condemned. |
| IV.—6. Singing of the "Agnus Dei" after Consecration.      | Condemned by Sir R. Phillimore.  | Allowed.   |
| V.—7. Use of lighted candles in daylight.                  | Condemned by the Judicial Committee though allowed by Sir R. Phillimore.                                   | Allowed.   |
| VI.—8. Making the sign of the Cross during the Absolution. | [None actually on 8 and 9; though Sir R. Phillimore had condemned a similar act just before Consecration.] | Condemned. |
| 9. Making the sign of the Cross during the Benediction.    |  | Condemned. |

In the judgment itself neither the sixfold nor the ninefold division is adopted, but the charges are discussed under eight heads, the two relating to the sign of the Cross being treated as one. With regard to each separate point two questions present themselves for consideration, namely, (*a*) what the law of our Church actually is, and (*b*) what it is expedient that the law should be. It will hardly be disputed that the latter is a perfectly legitimate question. For no one can seriously argue that any one of the controverted matters is in itself contrary to God's written Word, so as to be actually unlawful for the Church to ordain, as being outside the category of the rites and ceremonies which, according to our 20th Article, the Church has power to decree. And it is obvious that the two questions are entirely distinct, and that many cross-opinions may be held upon them. For instance, one of us may consider that the use of the mixed chalice is lawful, but that it ought not to be so; and another may believe that it is at present illegal, but that it ought to be legalized. It is of the utmost interest, as well as importance, to note the light which the Archbishop's judgment throws upon the two questions in reference to the various subjects of the litigation.

I.—1. (*a*) The ceremonial mixing of water with the wine during the Communion Service has been condemned by the Archbishop's Court, as it had been previously condemned by

Sir Robert Phillimore in the Court of Arches, as well as by the Judicial Committee of the Privy Council. The ground of its condemnation is that, whereas it was expressly directed in the first Prayer-Book of Edward VI., the direction has been omitted from subsequent Prayer-Books, and the omission must be taken as indicating an intention that it should be discontinued. It may be taken for granted that Bishop King will not appeal to the Judicial Committee on this or any other of the points which have been decided against him, and the Archbishop's judgment will, therefore, in any case stand unchallenged in this respect. It can scarcely be seriously argued that it is not in this particular perfectly sound law. (b) There is, moreover, every reason for contending that the law of the Church on the subject should remain as it is. This ceremonial mixing during the service has no warrant in the inspired accounts of the institution of the Lord's Supper. It is a mere human addition to the ceremonies recorded in connection with it. Nor can any continuous or general usage throughout Christendom be appealed to in support of it.

2. (a) The administration of a chalice in which water has been mixed with the wine previously to the service stands on an entirely different footing. It is true that in the undefended case of *Hebbert v. Purchas* (Law Reports, 3 Priv. Counc., 605) the Judicial Committee condemned the practice equally with the ceremonial mixing during the service. But in this respect they overruled the distinction between the two acts which had been drawn in the Court of Arches by Sir Robert Phillimore, who allowed the use of the mixed chalice, though he condemned the ceremonial mixing; and they undoubtedly made a mistake in supposing and in stating that the admixture of water with the wine in private before the service was a proceeding unknown in Christendom. It has been, in fact, from time immemorial the universal practice in the Eastern Church, except among the Armenians. The Archbishop's Court has now declared it lawful on the ground that there is no sufficient evidence to show that at the Reformation it was intended to change or abolish a primitive and prevalent custom. The Church Association, who are the real promoters of the suit against the Bishop of Lincoln, suggest that if the law and reasoning of the recent judgment is sound on this point, it follows that the use of the unmixed chalice—that is to say, of wine without water—is illegal. This suggestion does not appear to be warranted. The administration of the unmixed chalice has been now so long and so generally practised that, if challenged, it would unquestionably be held to have acquired legality by force of use. At the same time, the Archbishop's reasoning in favour of the opposite practice does not appear

absolutely conclusive, and it will no doubt be stoutly combated in the course of the pending appeal by the Church Association to the Judicial Committee on the points which have been decided in favour of Bishop King. (b) If we turn now to the question whether it is expedient that the use of wine mixed with water before the service should be legal in our Church or not, there seems to be only one possible answer. To contend against the admissibility of water in the cup would be to argue that it is not right to use in Holy Communion an ingredient which it is nearly certain that the Lord employed when He instituted the ordinance, and which it is absolutely certain that the ancient Church universally made use of from the earliest times of which we have any record. Every tyro in Greek and Roman literature knows that when wine is referred to in those languages as a beverage, it means a mixture of wine and water, and that a man who took undiluted wine was regarded as a barbarian, and was said to drink like a Scythian. Some took a larger and some a smaller quantity of water in their potations, but no one who had any regard for social decency ventured to forego it altogether. Our customs are different, and it would be most inexpedient to enjoin the mixture of water in the chalice as an obligation. But to forbid its use appears equally inexpedient, not merely for the reasons already stated, but also on account of the practical absurdities in which such a prohibition would land us. For if it is unlawful for the minister to use wine to which he has himself added water previously to the service, it must be equally unlawful for him to use wine to which water has been added by anyone else. In order, therefore, to avoid illegality, the whole manufacture and treatment of sacramental wine must be carefully watched from the time that the grapes are first crushed until the wine is brought into Church for use. Nay, it would almost seem necessary to pass an ecclesiastical law prescribing the precise quantity of proof alcohol which sacramental wine ought to contain. The strictest sticklers for uniformity would hardly press their views to these logical conclusions. But they would refuse to our converts in India and other countries the mode of partaking which the climate and their native habits suggest as the most convenient. They might even in some cases render the celebration of the Sacrament actually impossible. For in their eyes the missionary within the Arctic Circle committed a heinous offence who, from inability to procure properly made wine, administered a cup of melted snow, in which he had previously steeped a raisin.

II.—3. (a) The Bishop of Lincoln was acquitted on the charge of rinsing the paten and chalice after the service and consuming the water which had been used in the process, on the ground that these acts took place after the conclusion of the service,

and could not therefore be condemned as an unauthorized interpolation in it. At the same time, the Court held that if they had been performed during the service they would have been illegal. It is difficult to see how the Judicial Committee, on the appeal, can come to any other conclusion. (b) Is it, then, desirable that these acts should continue lawful? Much as many of us may dislike them, and much as our sense of propriety may revolt from them—particularly when the process involves the water passing over the fingers of the officiating minister—I do not think that we ought to demand that the liberty of our fellow-Churchmen should be interfered with in the matter. We may regard the practice as savouring of a degrading superstition, and as bordering on, if not actually tainted with, irreverence. But to them it denotes the extreme of reverence; in their eyes it is a strict compliance with the rubric, which directs that what remains of the consecrated elements at the close of the service shall be reverently consumed. So long as they do not seek to impose it upon us, we ought not to attempt to impose on them the obligation of refraining from it.

III.—4. (a) The judgment next acquits Bishop King in respect of standing to the west instead of to the north of the table from the commencement of the Communion Service down to the ordering of the bread and wine before the Prayer of Consecration. In the case of *Ridsdale v. Clifton* (Law Reports, 2 Prob. Div., 276) the Judicial Committee had laid down that the western attitude—or, as it is commonly called, from the direction in which the minister faces, the eastward position—is lawful during the Prayer of Consecration, provided the manual acts are not hid from the people. But the present judgment goes further and declares that this position is lawful during the whole preceding part of the service. The point is discussed in the judgment at greater length than any other, and with reason, for it required a long investigation and an elaborate chain of arguments to get over the plain direction at the commencement of the service, that “the Priest standing at the North side of the Table shall say the Lord’s Prayer,” etc. After an exhaustive historical review of the question, the Court came to the conclusion that this direction, forming as it does part of the rubric which prescribes that “the Table at the Communion-time . . . shall stand in the Body of the Church or in the Chancel, where Morning and Evening Prayer are appointed to be said,” is a survival from the time when the tables used to be moved for the Communion Service and placed with the sides towards the north and south and the ends towards the east and west. North side; it was affirmed, cannot mean north end; and therefore, now that the practice prevails of the table remaining

during the service with its ends towards the north and south and its sides towards the east and west, a literal compliance with the direction is impossible. The position at the north end of the table has unquestionably become legal by long usage, but the position facing eastwards, in the middle of what was, when the rubric was first framed, the north side, but is now the west side, is not illegal. This decision—being, as it is, contrary to the judgment both of Sir Robert Phillimore, in the Court of Arches, and of the Judicial Committee, in the *Purchas* case (Law Reports, 3 Adm. and Eccl., 66; 3 Priv. Counc., 605)—will be challenged before the Judicial Committee on the appeal, and it would be rash to express a confident opinion as to the view which that tribunal will take upon the matter.

(b) This, however, does not preclude individual Churchmen from forming and expressing an opinion as to the way in which it is expedient that the law should be settled. Personally, as one who am in favour of liberty rather than uniformity, and of permission to differ in non-essentials, I hope that the Archbishop's judgment may be upheld as the law of our Church. The judgment lays down that in this, as well as in the other matters in dispute, there is absolutely no question of doctrine involved. We may confidently predict that this statement will not be contradicted by the Judicial Committee, and we shall be bound, therefore, to accept it as an authoritative declaration. Consequently the whole contention resolves itself into a question of points of the compass, upon which it is worse than pitiable that fellow-Christians and fellow-Churchmen should quarrel. It may be questioned, moreover, whether the opponents of the eastward position themselves ever observe accurately the rubric on which they rely, in cases where two clergymen are at the table together, taking part in the Communion Service. In such circumstances it is almost, if not quite, the invariable rule for the Epistle to be read at the south of the table. Not unfrequently other parts of the service are read there also. But if the north-side rubric forbids the eastward position, it renders any such south-side administrations equally illegal.

5. (a) The concealment, even unintentionally, of the manual acts is condemned by the Archbishop's Court, who endorse in that respect the decision of the Judicial Committee in the *Ridsdale* case. It may be taken, therefore, that this is the law of the Church, in spite of the suggestion thrown out in the judgment, that the breaking of the bread "before the people" in the rubric before the Prayer of Consecration has reference to the act being done in the *presence* of the people, and not previously in the vestry, and does not necessarily point to the bread being broken in the *sight* of the congregation.



(b) Most Churchmen, however, will agree with the eloquent passage in the judgment which insists on the practical importance of the manual acts being witnessed by the intending communicants, and will heartily approve of the law as at present settled.

IV.—6. (a) The Archbishop's Court declined to convict the Bishop of illegality on the ground that during the distribution of the elements the choir, with his sanction, sang in English the hymn or anthem "O Lamb of God, that takest away the sins of the world, have mercy upon us," which is commonly known as the "Agnus." The charge against the Bishop was that he had permitted this hymn to be sung immediately after the Prayer of Consecration, and *before* the reception of the elements. But the facts were so presented to the Court as to lead to the decision being given on the legality of singing the hymn *before* the reception *was concluded*. The difference between the charge as originally made and as adjudicated upon is of considerable importance. In fact, it not improbably turned the scale between condemnation and acquittal. In the first Prayer-Book of Edward VI. the hymn in question was directed to be sung while the distribution was taking place. This direction was omitted from the second Prayer-Book of Edward VI., and has never been subsequently restored. In this respect, therefore, the "Agnus" appears at first sight to stand upon the same footing as the ceremonial mixing of the chalice, which has been already referred to. And in the *Purchas* and *Mackonochie* cases (Law Reports, 3 Adm. and Eccl., 66; 4 Adm. and Eccl., 279) Sir Robert Phillimore held the hymn to be illegal whether sung before or during the distribution of the elements, on the ground that it was an unauthorized addition to the service. The point has never yet come before the Judicial Committee; but the recent judgment has reversed the decision of the late Dean of Arches so far as respects the singing *during* reception.

The reasons given for the reversal are shortly these: (i.) The direction as to the use of the hymn was omitted from the second Prayer-Book of Edward VI., and has since remained unrestored, not on any doctrinal ground, but simply because after the transfer of the "Gloria in Excelsis" from the commencement of the service to its close, which was effected in Edward VI.'s second Prayer-Book, the singing of the "Agnus" during the distribution became inexpedient in view of the repetition of the same words so soon afterwards in the transferred hymn. (ii.) The use of hymns, however, during Divine service was early sanctioned by authority, and has since become legitimized by continuous practice, provided that due regard is paid to the principle that no part of the service shall be hindered or omitted in consequence of their use. (iii.) The practice of

singing a hymn of some sort during the reception of the elements is not inappropriate, and has in fact from time to time been actually adopted in different English parishes. (iv.) If the singing of hymns at all is permissible at this point of the service, the particular hymn called the "Agnus" cannot be pronounced objectionable. The mere fact that the words are repeated again so soon afterwards is not a sufficient ground for declaring it illegal.

What the decision of the Judicial Committee will be on this point, when it comes before them on appeal, it is not easy to forecast. One thing, however, seems clear. They will either endorse the recent judgment and legalize the "Agnus," or else condemn the singing of any hymn whatever at this period of the service. Assuming, however, that it is lawful to sing the "Agnus" during the reception of the elements, it by no means follows that the singing of it so as to delay the distribution is also lawful. The Archbishop's Court has distinctly affirmed the contrary; and the remarks in the judgment upon the inadmissibility of hymns which hinder or delay the due progress of the service appear conclusive as to the present illegality of the practice.

(b) On the question of what the law of the Church on the subject ought to be, impartial Churchmen will probably be unanimous in deprecating the existence of any legal restriction on the liberty of singing a hymn or hymns during the distribution of the elements in churches where a desire is felt to adopt that practice; and they will agree that if any hymns are permitted, the "Agnus" cannot with any show of reason be prohibited. The further point, however, whether the singing of the "Agnus" *before* distribution ought to be permitted, has, unhappily, been rendered one of greater difficulty by the manner in which the practice is carried on. The solemn chanting of it immediately after the Prayer of Consecration, while the whole congregation remain on bended knees, suggests, and is admittedly intended by those who adopt the practice to denote, prayer to the Saviour, Who, by virtue of the words of consecration, has just become present on the altar under the forms of the bread and wine. At the same time, the Archbishop's Court has most distinctly declared that no such signification can legitimately be attached to it. We are, therefore, again recalled from the particular to the general. Is it expedient that any hymn-singing should be permitted *between* the consecration and the reception of the elements? In the Prayer-Book of the Protestant Episcopal Church of America there is an express direction that such singing shall take place. Without desiring the insertion of a similar direction in our own Prayer-Book, it would seem right to permit singing to take place where it is

agreeable to local sentiment, in spite of the fact that the general permission must, of necessity, involve liberty to chant the "Agnus."

V.—7. (a) In reference to lighted candles on the Communion-table, the Archbishop's Court has again ventured to pronounce counter to several previous decisions, both of the Court of Arches and of the Judicial Committee. Both of these tribunals have condemned the use of lighted candles on or near the Communion-table in broad daylight, whether they be lighted before or during the service. The legality of lighting candles in the course of the service has not been in question in the Bishop of Lincoln's case. He was only accused of performing the Communion Service in broad daylight while candles were burning, which had been lighted before the service began. It may be taken as settled that to light the candles under such circumstances *during* the service is an unlawful ceremony. But what about using candles which have been lighted beforehand? This had been hitherto declared illegal on the ground that candles burning, otherwise than for the purpose of giving light, fall under the category either of ceremonies or of ornaments. If they are ceremonies they are illegal under the Act of Uniformity of the first year of Queen Elizabeth, while if they are ornaments they are hit by the Ornaments Rubric, since they are not ornaments of the Church which were in use in the Church of England by the authority of Parliament in the second year of Edward VI. The recent judgment ignores this reasoning. The conclusion in favour of the legality of the lights is based (i.) on the fact that two altar-lights were authorized by the injunctions of Edward VI. in 1547, and have never since been expressly prohibited; (ii.) on instances of their use down to the middle of the eighteenth century; and (iii.) on their being, in fact, neither ceremonies nor ornaments (in the technical sense in which that word is used in the Ornaments Rubric), but mere decorations, like the cross and vases of flowers which are now so commonly seen at the back of the Communion-table. Whether this view will stand the test of the pending appeal is very doubtful. The best chance of its being upheld is upon the ground that the candlesticks and candles are merely decorations, like the flower-vases by the side of which they are placed, and that the presence of a flame on the wick of the candles does not make them more or less than decorations, just as the insertion of newly-cut and living flowers into the vases is not regarded as altering their ecclesiastical or non-ecclesiastical character.

(b) The burning of two candles in broad daylight is open to exception as a childish and wanton proceeding. At the same time, if there are persons who really derive satisfaction from

the practice, it seems equally childish and wanton to interfere with their doing it. It would appear best that the law should treat candles, whether lit or unlit, as neither ceremonies nor ceremonial ornaments, but simply as decorations.

VI.—8, 9. (*a, b*) Little need be said on the signing of the Cross during the Absolution and Benediction. The Archbishop's Court has condemned the practice, and it is well that the law on the subject should remain as it has been now laid down.

Few disinterested persons can have risen from a perusal of this remarkable judgment without heartily sympathizing with the Court in the feeling to which it has given utterance, as to the incongruity of minute questionings and disputations in great and sacred subjects, and as to the extent to which time and attention are diverted thereby from the Church's real contest with evil and building up of good, both by those who give and by those who take offence unadvisedly in such matters. To many of us the only redeeming feature in the suit against Bishop King will appear to have been the opportunity which it has given to such a weighty Court as that which has recently sat at Lambeth, to make authoritative declarations that not one of the practices of the Bishop which the judgment has pronounced legal is to be regarded as the expression of any anti-Protestant doctrine. As has been already observed, whatever else the Judicial Committee may do, there is no prospect of their impugning these declarations. Loyal Churchmen are, therefore, bound to accept them, and to reject, in the light of them, all unauthorized assertions which Ritualists may make to the contrary. The truth, however, which is expressed in these declarations only intensifies our sense of the mistake made in the institution of the suit which has evoked them. The suit is now seen to have been brought in respect of matters of mere form; and, to borrow the language of a Nonconformist critic, the infinite littleness of the whole proceeding is made apparent. The promoters of the suit and their friends are themselves guilty of numerous breaches of the regulations of the Prayer-Book. They have, however, always maintained that these breaches are of too microscopic a character to be even capable of being regarded as motes in comparison with the Ritualistic beams; and, when challenged to distinguish between the delinquencies of themselves and their opponents, their reply has been that the doctrinal significance of their opponents' transgressions creates an immeasurable difference between those transgressions and their own. This plea, however, will no longer avail; and the Church is entitled in the future to demand from the supporters of the Church Association that when they seek to pin others to a strict interpretation of the Acts of Uniformity they shall conform to that interpretation themselves.

Unfortunately, however, we have not yet heard the end of the present suit. The Church Association will appeal to the Judicial Committee upon every one of the points which have been decided in favour of Bishop King. Much as the appeal is to be deplored, it is easy to see that from their point of view it is inevitable. They might have abstained from prosecuting the Bishop; but, having commenced proceedings, they can hardly be expected to rest satisfied with his acquittal on points which have previously been declared unlawful by the Final Court of Appeal. At the same time it is permissible to hope that their appeal will fail all along the line. In the present impossibility of obtaining any new legislation on the points in dispute, it is only in that way that the law can become settled in the manner in which it has been the endeavour of the foregoing remarks to show that it ought to be settled. Moreover, it is only from such a result that peace can be anticipated for the Church in the future. For if the promoters of the suit succeed in their appeal, there is only too much reason to fear that they will be encouraged by their victory to persevere in their litigious career. Such a course cannot but be injurious to the Church at large; but its injurious effects will be felt most by what is known as the Evangelical section of the Church. It is impossible to estimate the damage which has resulted to this section, and the gain which has accrued to the High Church side, from the prosecutions which have already taken place; but these gains are as yet small in comparison with what they are likely to become if the litigious policy is still further persisted in. We Evangelicals can afford, perhaps, to lose the countenance of the religious Gallios of our time, but we cannot afford to be deserted by the young and ardent spirits who are disgusted when they see personal holiness and devoted work for Christ held, as it appears to them, of no account in comparison with a few outward forms or decorations, and note that in the task of conducting the arguments respecting these forms and decorations the aid of lawyers is invoked who have not given reason for supposing that they have any special personal interest in the doctrines or work of the Church. A frank recognition on our part of the points now decided in the Bishop of Lincoln's favour as lawful would probably lead on the other side to an equally frank recognition of the truth enforced towards the close of the judgment—that they are not therefore necessarily expedient. We might then hope, by God's blessing, to arrive at a time when both parties would be ready to concede the demand, which, as the judgment says, the Church has a right to make, that her congregations may not be divided either by needless pursuance or by exaggerated suspicion of practices not in themselves illegal.

PHILIP VERNON SMITH.