

inflicted by these Indian tribes would not be perpetrated under the forms and pretence of religious charity.

The recent advent of ritualism in the English church has given rise to considerable interference on the part of the ecclesiastical courts, and I am not sure but that it has demonstrated the utility of such institutions. It is certain that a court of law cannot be imposed on by such evasions as would succeed in a clerical court; and it is controlled by legal rules of evidence and interpretation. Consequently, those English clergymen who have lately gone into the millinery business, and have been evincing an undue fondness for the ways of the scarlet woman, are having a hard time of it before the Lord High Chancellor and those other lords who constitute the Privy Council, to say nothing of the clear and inexorable logic of Dr. Phillimore, Dean of the Court of Arches.

The Reverend Alexander Heriot Macknochie, clerk in holy orders in the church of England, and incumbent of the parish of St. Albans, seems to be a tough customer. He was charged by a round head fellow, named John Martin, with having, during the prayer of consecration in the order of the administration of the holy communion, knelt or prostrated himself before the consecrated elements, and also with using lighted candles on the communion table during the celebration of the holy communion, when such candles were not needed for the purpose of giving light; also with elevating the paten and the cup above his head, with using incense, and with mixing water with his wine. The court below "monished" him in respect of all the enormities, save the kneeling and the candles, but declined to give costs. 37 L. J. R. (N. S.) Ec. Cas. 17. From the refusals to monish, the puritan Martin appealed to the Privy Council, mainly, it is to be suspected, on the question of costs. The report of the decision on appeal is full of good reading. 38 L. J. R. (N. S.) Ec. Cas. 1. The court held, first, that the priest is intended by the rubric to continue in one position during the prayer of consecration, and not to change from standing to kneeling, or *vice versa*; and that he is intended to stand, and not kneel. Second, that the candles, as a ceremony, are unlawful, having been abrogated. Thirdly, that the lighted candles are not ornaments, within the meaning of the rubric. Counsel struggled hard for the candles, claiming that they had been used ever since the year 1100, but the court held the doctrine of ancient lights inapplicable to the case. And their lordships, with due regard to the dignity of the law, advised Her Majesty that the clergyman should pay the round head's costs.

One would suppose that the Rev. Alexander Heriot Macknochie was now pretty stringently tied up, but, "for ways that are dark and for tricks that are vain," this particular clergyman is "peculiar." He ceased to "elevate the elements above his head," but merely elevated them as high as his head: he put

out the candles just before communion, still allowing them to stand; and, instead of kneeling, he bent one knee, occasionally touching the ground with it. The hard-headed Mr. Martin followed him up, and moved the privy council to enforce obedience to their monition. 39 L. J. R. (N. S.) Ec. Cas. 11. The ingenious reverend gentleman made a very pretty argument, in person, in his own defence, which deserves rehearsing, as to the kneeling, at least. He says: "It is defined in Bailey's Dictionary, 'to bear oneself upon the knees.' I maintain, as regards the charge of kneeling, that kneeling is a distinct posture. The body must rest upon the knees. It is true, Dr. Johnson gives a different definition, but all his four examples fall within Bailey's definition; 'to perform the act of genuflexion,' 'to bend the knee.'

'When thou dost ask my blessing, I'll kneel down,
And ask of thee forgiveness.'—*King Lear*.

'Ere I was risen from the place that shewed
My duty, kneeling, etc.—*Ibid*.

perfectly before the court, but declared that they should hold, if it ever became proper for them to do so, that "any elevation, as distinguished from the raising from the table," is unlawful. One would suppose that, having cornered him on the charge of kneeling, the court would have shown some respect for their own decrees by punishing the infringement, but this clerical flea was not so easily caught. He had, like the prudent man, foreseen the evil, and hidden himself behind an affidavit that "he had never intentionally or advisedly, 'A certain man kneeling down.' Matt. xvii, 14. 'At the name of Jesus every knee should bow.' Phil. ii. 10. Bowing the knee is a distinct act from kneeling. Bishop Taylor says, 'As soon as you are dressed, kneel down.' *Guide to Devotion*. In every instance, in the prayer book, 'kneeling' is used to express the going upon the knees. Two things are necessary to a kneeling, first, that the body should rest upon the knees; secondly, that it should be for an appreciable time." He did not claim that his genuflexions were the result of any weakness in the knees, but boldly said, "I bend the knee as an act of reverence." This, of course, put the matter beyond any doubt, and, in respect to the kneeling, the court held that his peculiar evasion left him but one leg to stand on in physics, and none at all in law, and monished him not to do so any more. In respect to the candles, they expressed their disapprobation of the trick, but held that the reverend blower-out was, technically, within the monition. As to the elevation of the elements, the same may be said, the court holding that the point was not in any respect, disobeyed or sanctioned any practices contrary to the provisions of the monition;" i. e., he supposed he had successfully evaded them. Their lordships thought themselves bound, as christian gentlemen and lawyers, to give the affiant the benefit of this christian-like and gentleman-like, if not lawyer-like, affidavit, and so declined to punish