

THE ECCLESIASTICAL COURTS.

maniples." The "biretta" or cap appeared to the doctor "as innocent an ornament as a hat or a wig, or as a velvet cap." Processions and incense were pronounced illegal. Blessing the candles was forbidden. So, as to announcing "a mortuary celebration for the repose of a sister," and interpolating a prayer for the rest of her soul. Wafers were not disapproved of, nor was mixing water wine so long as it was not done at the time of the celebration. Placing on the table a veiled crucifix, and unveiling it and bowing, and doing reverence to it, was deemed objectionable. But flowers on the holy table were approved. It was held, for the sake of protestantism and good manners, that the priest must not turn his back on his people, except during proper prayers. It only remains to remark, that placing a figure of the infant Saviour, with two lilies on either side, and a stuffed dove, in a flying attitude, over the credence and the holy table, respectively, was reprehended. All this occupies twenty-five double-columned pages of the report. But, on appeal, all the "eucharistic vestments," including the innocent "biretta," were held unlawful, and the clergy were restricted to the poverty of cope and surplice; the use of the mixed chalice and wafer bread was also pronounced illegal.

So much for rites and ceremonies. But, when we come to the efforts of the courts to keep the ritualists straight in doctrinal matters, we are lost in amaze. Take the case of *Sheppard v. Bennett*, for instance. 39 L. J. R. (N. S.) Ec. Cas. 68. The charge was, that the defendant inculcated the doctrine of the visible presence of our Lord in the elements, and the adoration of the elements themselves. The language used was: "Who myself adore and teach the people to adore Christ, present in the sacrament, under the form of bread and wine, believing that under their veil is the sacred body and blood of my Lord and Saviour Jesus Christ." The language at first was, "to adore the consecrated elements, believing Christ to be in them," but this was corrected as above. The court held that this amended language does not necessarily imply a belief in the actual presence, and an adoration of the elements themselves. The words by which it is preceded, however, would seem to render this judgment extremely charitable, to say the least: "I am one of those who burn lighted candles at the altar in the day-time; who use incense at the holy sacrifice; who use the eucharistic vestments; who elevate the blessed sacrament."

If, after believing and doing so much, he does not believe what he is accused of, he must be remarkable. If a man should tell us, "I am copper-colored; I go nearly bare and paint my body, and wear rings in my lips and nose; I live in a wigwag; I sail in a birch-bark canoe; my weapons are bow and arrow, knife and club; I am in the habit of scalping my enemies, and of getting intoxi-

cated on whisky; but I am not an Indian,"—the natural inquiry would be, What are you, then? And if you should believe him, for the reason that a great many other Indian disclaimants had told you the same story, you would use exactly the reasoning that Dr. Phillimore uses to arrive at his conclusion, at the end of fifty-three pages of fine print, in double columns. Peter, the patron saint of all these credulous theologians, persisted in denying his Master, although his "speech betrayed him." The learned Doctor hopes that nothing that he has said may further tend to

—"make this banquet prove
A sacrament of war, and not of love."

He says he does not sit "as a critic of style, or an arbiter of taste, or a censor of logic," and has "not to try Mr. Bennett for careless language, for feeble reasoning, or superficial knowledge." And he concludes that Bennett is saved from harm by the fact, that, in sentencing him, he should be passing sentence "upon a long roll of illustrious divines who have adorned our universities and fought the good fight of our church, from Ridley to Keble; from the divine whose martyrdom the cross at Oxford commemorates, to the divine in whose honour that university has just founded her last college." And he showed his leniency toward freedom of religious opinion by making no order as to costs. I must do the doctor the justice to say that he does not seem to regret his enforced decision, and even cites the decision of the privy council, that the words "everlasting fire" might be treated by a clergyman as not denoting the eternity of punishment.

But the humour of the matter consists in the necessity of having a court to adjudge what religious opinions a man may or may not teach, and what rites and ceremonies he may or may not observe. Of course, it is the theory of government that renders this necessary, but the humour of it is none the less apparent on that account. If our clergymen take leave of their senses, we soon find a way to restore their wits—we cut off their temporal supplies. If we disagree with our clergyman, we don't let him turn us out—we turn him out. Our theory is that the clergy and the Sabbath are made for man, not man for the clergy and the Sabbath. All judicial inquiries into one's religious opinions and ceremonial preferences strike us oddly. We do not see, of course, why the lord high chancellor should not be just as well invoked at the complaint of the Royal Geographical Society, to monish a man against saying and publishing that the world is flat, or, at the instance of Mr. Froude, to warn a rival historian against pretending that Henry VIII was not a conjugal saint. In short, affairs proceed in this country upon the principle of the menagerie-keeper, who, when asked whether a certain animal was a monkey or a baboon, replied: "Whichever you please—you pays your money, and you takes your choice."—*Albany Law Journal*.