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MARTIN V. MACKONOCHE.

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for the avoiding of such profanation and disorder in the Holy Communion as might otherwise ensue." Then it is explained:—"Yet lest the same kneeling should by any persons, either out of ignorance or infirmity, or out of malice or obstinacy, be misconstrued and depraved, it is hereby declared, that thereby no adoration is intended, or ought to be done, either unto the sacramental bread and wine there bodily received, or unto any corporal presence of Christ's natural flesh and blood. For the sacramental bread and wine, remain still in their very natural substances, and therefore may not be adored; for that were idolatry, to be abhorred of all faithful christians."

And again, carefully does our Church provide in her 28th Article against any such adoration as we have spoken of by this declaration—"The sacrament of the Lord's Supper was not by Christ's ordinance reserved, carried about, lifted up, or worshipped."

Now that being so, and it being of the utmost importance that for the purposes of common prayer such union should be preserved as is essential to the happiness and comfort of all who are joining in this most holy ordinance; what can be a greater offence than the offence of either by addition or omission occasioning trouble or confusion in the minds of those who are invited to join in common prayer, and in one common act of reverence? Acts of reverence, where necessary, are enjoined; and the use of additional acts of reverence, where they are not enjoined, is, according to the judgment which has been pronounced in this very matter, a thing prohibited.

If, therefore, the reverend respondent, in performing his own special act of reverence, does it in such a manner that no one can tell whether he is not doing the very thing which he is prohibited from doing, and has performed that special act of reverence at a time when there is no direction in the Book of Common Prayer for that performance, he certainly does that which militates, in every possible view of the case, both in letter and spirit, against the monition which he has received, and the reasoning which occasioned that monition to be issued.

Whether or not Mr. Mackonochie can reconcile it with his view of what is right, that a judgment of this kind should be so narrowly scrutinized, that every possible limit should be placed upon it, and that, notwithstanding the reasons which are assigned for it—namely, the desire of promoting uniformity in common worship, it should be, as far as possible, evaded, it is not for their Lordships to say. There may be some who feel great grief and sorrow at any act which may appear to be at variance with the common charity and love that should induce us at all times when assembled for worship, and most especially this highest and holiest act of worship, to be as far as possible of one mind, so that then at least our unity be not disturbed.

But what one is justified in saying, as regards the act which is now complained of as a breach of the monition, is this, that it is not possible, happily, to reconcile with the administration of our law in its narrowest sense, any mere evasion of that which the law sanctions, of that which the law has ordered, by an authority which binds this reverend gentleman, as it binds every subject

of the realm, to strict obedience. That obedience may be rendered grudgingly, if so it must be; it may be rendered in a manner which I am sure the reverend gentleman would not tolerate on the part of any of his flock, if it were a question of obedience to a higher power; it may be rendered, therefore, strictly within the limits which are exactly prescribed by the monition, but that monition may not be evaded. A mere literal compliance is not all that even the law requires; the compliance must not be literal in a sense which is but evasive.

I will not, in the name of their Lordships, say more upon what I confess presses upon me individually very strongly, the narrowness of obedience shown by the course taken, as to keeping the candles lighted until the very moment when they are forbidden, and then extinguishing them, and as to the elevation of the elements to something which, even on the affidavits themselves, appears to me to be more than necessary for simply taking the cup and paten into the hands of the officiating clergyman, since we have been obliged to hold that these acts were, nevertheless, in literal compliance with the monition having reference to the articles.

But here, in this matter of the kneeling, their Lordships find that there is, first, not even a literal compliance with the order; and secondly, if, upon any strained interpretation of the word "kneeling" (for strained as it appears to their Lordships it would be), they could arrive at the conclusion that it did not preclude the act of bowing one knee so low that it must at times touch the ground, and in a manner which cannot possibly be distinguished from kneeling by those who witness the act; still, if it was a representation of the forbidden act, as nearly as the party charged dared to represent it, and in such a guise as to convey to all at a distance the impression that the act of kneeling was really performed, that would be a species of evasion of the order which a court of justice would find it right and due to the maintenance of its own force and vigour to visit as being itself a breach of the order which had been made.

For these reasons it has seemed to their Lordships (and it is the opinion of us all) that there has been a clear breach of this special monition.

Their Lordships next take into consideration what is proper and right to be done. They did not hear Mr. Stephens upon the question as to whether or not this tribunal has the means of enforcing its orders. Happily it has been supplied (and I say "happily," because it would be in vain to establish a tribunal which has no power to enforce its orders) with abundant means for that purpose by the statutes which have been passed in that behalf; but into the examination of those means, and the different modes that might be adopted for that purpose, we are not, for the reason I am presently going to mention, about to enter. In declining to take any more severe step than that of compelling Mr. Mackonochie to pay the costs of this discussion, their Lordships have had to consider the affidavit which was last made by him, and to which they have been desirous to give the most favourable construction and allowance; and in that affidavit Mr. Mackonochie very properly says that he never, intentionally or advisedly, in any respect,