anything to be raised—that is, to be taken from the table; or whether or not there was some ulterior purpose—that is to say, an act of elevation wholly distinct from and going beyond, what was necessary for the mere purpose of taking the paten and cup into the hands of the officiating minister.

But the words "*and otherwise*" were also inserted in the same third article in a part which rendered it very difficult to attach any definite sense to them. Those words are so vague that the learned judge before whom the case first came, Dr. Lushington, conceived that he could not admit the article in that form, and that the words introduced such a degree of vagueness as to render it improper to call upon the respondent to answer the charge in its then shape, and therefore the learned judge said that the article must be reformed.

In the reforming of that article, those who reformed it appear to have gone beyond anything that was required by the decision of the learned judge in the course of the argument upon the admission of the articles. They not merely struck out these words, "and otherwise," but they also materially varied the language by describing definitely in the reformed article the act which had been performed—namely, that it was an elevation of the elements "*above the head of the respondent.*"

The article then became confined to that particular mode of elevation, instead of being a charge of elevation beyond what was necessary for the proper compliance with the rubric; and, therefore, when the sentence of the judge, which directs that he shall abstain for the future from the elevation "as pleaded in the articles," is considered, it appears to their Lordships that they are necessarily confined to that particular charge which is there contained, and that particular mode of elevation which is there complained of.

We have been thus particular in going through all the circumstances of this case, which is left, as it appears to their Lordships, in a very unsatisfactory position, because 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 cause that can possibly justify a conclusion that any elevation whatever, as distinguished from the raising from the table, is proper or is sanctioned. All that their Lordships can say upon the present occasion is, that the point has never yet been in these proceedings raised, that a particular and definite mode of elevation only has been averred and complained of, and with that particular and definite mode of elevation we have nothing further to do, because it is conceded on all sides that such particular mode has been departed from.

It is not for us to say how far the letter to which the respondent himself has referred, and in a part of which he says that the simple compliance with the rubric—namely, taking the cup and the paten into his hands, would be sufficient for the purpose of satisfying a certain portion of his parishioners as regards the elevation of the elements, may or may not have misled the judges who had this case before them.

They say that the matter complained of having been discontinued, had not been complained of—that is, by the articles, and we have felt it to be right and proper to say that nothing we are now determining, can therefore be pleaded hereafter as a justification for any mode of elevation which is to be distinguished from the mere act of removing the elements from the table, and taking them into the hands of the minister.

Inasmuch, then, as the reverend respondent has said upon oath, and it is not now contravened, that his course of procedure has only been that which he says he adopted at the time of the first hearing of the matter, owing to the complaint made of the higher elevation spoken of in the articles, their Lordships think they cannot in that state of circumstances say that he has thereby committed a breach of the monition which has been served upon him.

The third matter which has been complained of is as follows: and as to this matter their Lordships think the case is open to very different considerations:—

The respondent was admonished "not to kneel or prostrate himself before the consecrated elements during the prayer of consecration;" and without going through the affidavits, the exact state of circumstances may be taken to be as they appear upon the affidavits made by the respondent himself, and by Mr. Walker, the gentleman who was present on the several occasions referred to in the motion. The affidavits in support of the motion stated distinctly acts of prostration and of kneeling during the period of the prayer of consecration. Into the details of those affidavits it is unnecessary to enter, because in the affidavit of the respondent there is this which seems to set the case in a very clear light as far as the facts are concerned. The respondent says:—"I did not on either of the days or times mentioned in the affidavits on which this motion is founded, nor have I ever since the service of the said monition on me, prostrated myself or knelt on steps leading to the communion table, or elsewhere, when celebrating the Holy Communion during any part of the consecration prayer. I admit that it is my practice during the prayer of consecration when celebrating the Holy Communion,"—the time, therefore, is exactly fixed to which the monition would apply—"and whilst standing before the holy table, reverently to bend one knee at certain parts of the said prayer, and occasionally in so doing my knee momentarily touches the ground, but such touching of the ground is no part of the act of reverence intended by me. Whether my knee may have thus momentarily touched the ground on either of the days mentioned in the said affidavits on which I am stated to be the celebrating priest, I am, of course, unable to say." Mr. Walker is a little bolder upon that point, because he says this—he was present on these days,—"I say that the respondent did not prostrate himself or kneel upon the steps leading to the communion table or elsewhere at any time during the prayer of consecration on the 18th day of