

proper to direct similar pauses, but with different objects, to be introduced in different parts of the public services. The Bishop of Oxford's injunction has reference to the civil war pending in America. If his Lordship's injunction be legal, it would be equally legal for the Bishop of A. to direct a pause to enable his congregation to pray mentally for the success of the Northern States as the supposed champions of anti-slavery; and for the Bishop of B. to direct a prayer to be offered for the success of the Southern States as needful for the supply of cotton to England. It cannot be reasonably contended, if this diversity prevailed, that there would be one uniform order or form of prayer in accordance with the Act of Uniformity. The common prayer of the Church cannot be made up of special diocesan intercessions suggested by the ordinaries of the respective dioceses, as expressive of their individual sentiments.

In some churches a practice is pursued of making a pause in the Litany after the Petition on behalf of sick persons; but such a pause has no legal warrant. And in the special remembrances, in the Prayer for all Conditions of Men, as well as in the General Thanksgiving, the remembrances are not made silently and by the private prayer of the congregation, but audibly by the minister in a prescribed form.

It cannot be maintained that the injunction simply requests the congregation to apply mentally the ordinary prayer to a special case, for the notice given to the congregation is in these words, "You are earnestly desired to make your humble supplications to Almighty God, who is the author of peace and lover of concord, that he will promote peace among our brethren in America, and inspire their hearts with Christian unity and fellowship. To allow of which prayer a short pause will for the present be made after the suffrage in the Litany, 'That it may please Thee to give to all nations unity, peace, and concord.'"..... These "humble supplications" are tantamount in effect to an audible petition made by the minister in the name of all; for though nothing is said openly, an actual incident of public worship takes place; during the pauses, the congregation prays.

For the foregoing reasons, we are of opinion—

1. That the Bishop of Oxford has not a legal right to enjoin the clergy of his diocese to make the two pauses specified in his communication to his archdeacons; and,
2. That the clergy of the diocese of Oxford could not be punished by the laws ecclesiastical for disobeying such injunction.

A. J. STEPHENS,
RICHARD JERR.

61, Chancery-lane, Aug. 16, 1862.