

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured covers/  
Couverture de couleur
  - Covers damaged/  
Couverture endommagée
  - Covers restored and/or laminated/  
Couverture restaurée et/ou pelliculée
  - Cover title missing/  
Le titre de couverture manque
  - Coloured maps/  
Cartes géographiques en couleur
  - Coloured ink (i.e. other than blue or black)/  
Encre de couleur (i.e. autre que bleue ou noire)
  - Coloured plates and/or illustrations/  
Planches et/ou illustrations en couleur
  - Bound with other material/  
Relié avec d'autres documents
  - Tight binding may cause shadows or distortion along interior margin/  
La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure
  - Blank leaves added during restoration may appear within the text. Whenever possible, these have been omitted from filming/  
Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
  - Additional comments:  
Commentaires supplémentaires:
- Coloured pages/  
Pages de couleur
  - Pages damaged/  
Pages endommagées
  - Pages restored and/or laminated/  
Pages restaurées et/ou pelliculées
  - Pages discoloured, stained or foxed/  
Pages décolorées, tachetées ou piquées
  - Pages detached/  
Pages détachées
  - Showthrough/  
Transparence
  - Quality of print varies/  
Qualité inégale de l'impression
  - Continuous pagination/  
Pagination continue
  - Includes index(es)/  
Comprend un (des) index
- Title on header taken from: /  
Le titre de l'en-tête provient:
- Title page of issue/  
Page de titre de la livraison
  - Caption of issue/  
Titre de départ de la livraison
  - Masthead/  
Générique (périodiques) de la livraison

This item is filmed at the reduction ratio checked below/  
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	12X	14X	16X	18X	20X	22X	24X	26X	28X	30X	32X
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14-00000-1-1000

# The Canadian Ecclesiastical Gazette;

OR

MONTHLY CHURCH REGISTER FOR THE DIOCESES OF QUEBEC, TORONTO, AND MONTREAL.

VOLUME IV.

TORONTO, AUGUST, 1857.

No. 8.

We publish in this number the Judgment of the Judicial Committee of Privy Council in the cases of Liddell and Horn v. Westerton, and Liddell v. Beal. We placed the article in the printer's hands in the month of April, but as we conceived that the decision of the Court of Appeal on the Rectory Question was the more interesting one to the Church members in this Diocese, (many of them having read the other in English papers,) we gave it the preference, and we have not since had room for it. We now give it, to the exclusion of much interesting matter which we had culled; as many, doubtless, will be glad to file so important a document for future reference.

We beg to call attention to some very creditable specimens of skill in stained glass, which have just been inserted in the Church of the Holy Trinity, Toronto, by Messrs. McCausland & Bullock, of this city. Two windows on the south side—the gift, we understand, of a member of the congregation—have been filled with enriched quarries, the effect of which strikes us as very rich; the borders of the windows contain a running-leaf pattern, thrown out by deep colour in the intervening spaces, while each compartment of the window contains a medallion in stained glass, the small figures in which represent works of charity—the idea being that Christianity is the great source of all benevolence. In the easternmost of the two windows the subjects are,—giving alms to the lame—visiting the sick—teaching the young—clothing the naked; in the other the same idea is represented by the acts of—giving water to the thirsty—bread to the hungry—loosing the prisoner—and receiving the stranger. The diaper forming the backgrounds of the several groups is very rich, and the drawing, while strongly partaking in the mediæval character usually marking ecclesiastical stained glass, is effective, considering the small size of the figures, one of the best proofs of which is that they will bear near inspection and improve by it. We trust that the firm will meet with liberal encouragement in their beautiful art.

## Ecclesiastical Intelligence.

### DIOCESE OF TORONTO.

The Lord Bishop of Toronto desires to draw the attention of the Clergy of his Diocese to the Order in Council (which will be found on our last page) with regard to the alteration of the Liturgy, and requests that they will make the change accordingly.

### CHURCH SOCIETY

We are requested to give notice that the publishers have now nearly completed the Annual Report, and that in a few days the Appendices will be placed in their hands. Circulars have been sent off to all the Parochial Clergy, with a statement of the collections made and the amounts transmitted to the Parent Society, in order that if they perceive any errors or omissions, they may notify the Secretary (within a fortnight,) so that they may be correctly inserted in the Report. Many of the parishes have not as yet sent in the lists of their subscribers; if not received within a fortnight they will be too late for publication.

### CHRISTIAN LIBERALITY.

The congregation of Trinity Church, Aurora, have recently presented a very gratifying address to their esteemed pastor, the Rev. Septimus Ramsay, M.A., in which is stated their intention of more than doubling the stipend heretofore received from them. Go, and do thou likewise, might be said in various other places, and among different protestant denominations. It would be well for the laity to bear in mind, that whilst their property and incomes have, generally speaking, very greatly increased, the incomes of ministers of the Gospel have in the same ratio decreased,—their salaries being usually fixed, whilst most of the necessaries of life have doubled in value within the past four years. We sincerely hope the example set at Aurora will be generally followed throughout the Province. The Christian labourer is worthy of his hire. This commendable determination on the part of the Rev. gentleman's congregation at Aurora, furnishes striking evidences of the high esteem in which he is held by those among whom he labours.—*Newmarket paper.*

In the Report of the Society, as published in the last number of the *Gazette*, we are sorry to find the following clerical errors:—

The total of income, under heading "Income," should be £5,372 Os. 6d., in lieu of £3,375 Os. 6d.

Under the heading "Books Granted," the first item of account should have been £81 1s., in lieu of £12 3s., the cost of the following grants having been erroneously deducted, in the supposition that they belonged to the previous year. The total amount given is correctly stated:—

Service Books, two sets, Brock.....	£8 18 0
Book and Tracts, Brock.....	2 10 0
Rev J Hilton, for Sunday Schools.....	5 0 0
Rev. T. Hodge, for distribution.....	2 10 0
	£18 18 0

We have been requested to state that in the edition of the Rev. H. Holland's Sermon, printed for the members of the Synod, the following errata occur:—

Page 5, line 14, for	have,	read	hero.
" 12, " 2, " "	desired,	"	decreed.
" 15, " 13, " "	alterate,	"	ultimate.
" 16, " 31, " "	secondary,	"	secondly.
" 17, " 3, " "	know,	"	learn.
" 18, " 8, " "	marked,	"	oerted.
" " 15, " "	witness,	"	impress.
" 22, " 6, " "	guarded,	"	guided.
" " 11, after	Himself,	add	and.
" " 28, for	to witness,	read	lowliness.

### COLLECTIONS FROM 6TH JULY TO 12TH OF AUGUST.

Collections appointed to be taken up in the several churches, chapels, and missionary stations in the Dioceses of Toronto, in the month of July, in behalf of the Mission Fund of the Society:—

St. John's, Elora, per Rev J Smith-hurst.....	£ 2 10 0
St. Paul's, Newmarket.....	1 2 1
Christ Church, Holland Landing.....	0 15 1
Trinity Church, Aurora.....	0 9 0
Per Rev. S. Ramsay.....	2 6 2
Port Burwell, per Rev. H. Jessopp....	1 0 0
Norway.....	2 2 6
St. Phillip's, Weston.....	2 14 7
Beechboro'.....	0 17 9
Per Rev. W. A. Johnson.....	3 12 4
Belleville, per Rev J. Grier.....	3 0 0
Shannonville.....	1 7 8
Christ Church, Mohawk.....	0 9 6
Per Rev G. A. Anderson.....	1 17 2
Playter's Corners.....	1 2 0
St John's, Oakridges.....	3 7 11
King Station.....	1 1 3
Per Rev. Dr. Beaven.....	5 11 11
Brampton, per Rev. T. Leech.....	0 7 6

Perrytown.....	1 8 9
Elizabethville.....	0 11 8
Per Rev. J. Hilton.....	2 0 0
St. John's, Jordan.....	0 13 8
Port Dalhousie.....	1 6 4
Per Rev. A. Dixon.....	2 0 0
S. Paul's, Yorkville, per Churchwarden.....	11 17 1
St. John's, Fort Erie.....	0 8 2
St. Paul's, do.....	1 6 10
Per Churchwarden.....	1 16 0
Williamsburg.....	1 18 0
Matilda.....	0 12 0
Per Rev. E. J. Boswell.....	2 10 0
St. Mary's, Warwick.....	1 9 2
St. James', Brooko.....	1 1 6
St. Paul's, Wisbeach.....	0 9 6
Per Rev. J. Smyth.....	3 0 0
St. Mary Magdalene, Loyd-town.....	1 19 6
Christ Church, Albion.....	1 9 1
St. James' do. do.....	1 6 6
Per Rev. H. B. Osler.....	4 16 0
St. Jude's, Oakville.....	2 10 8
Palermo.....	0 9 4
Per Churchwarden.....	3 0 0
St. Mark's, Niagara, per Churchwarden.....	4 5 0
Christ Church, Hamilton, per Churchwarden.....	10 2 6
Grace Church, Milton.....	1 16 0
Lowville.....	0 17 6
Per Rev. F. Tremayne.....	2 12 6
Trinity Church, Thornhill.....	2 10 0
Vaughan.....	1 0 0
Per Rev. D. E. Blake.....	8 10 0
St. Peter's, Credit.....	5 7 1
Sydenham Station.....	3 1 4
Per Rev. E. Denroche.....	8 8 5
St. Peter's, Brockville, per Rev. J. T. Lewis.....	20 0 0
Georgetown.....	1 16 0
Norral.....	1 2 6
Per Rev. J. G. McKenzie.....	2 17 6
Orillia.....	1 0 0
St. George's, Medonte.....	0 5 9
St. Luke's, Coldwater Road.....	0 5 0
St. Mark's, do.....	0 14 3
Per Rev. T. B. Read.....	2 6 0
Rockwood, per Rev. E. N. Stewart.....	0 6 3
St. George's, Kingston, per Ven. G. Stuart.....	5 12 6
St. Peter's, Barton.....	2 1 6
St. Paul's, Glanford.....	1 1 3
Per Rev. G. A. Bull.....	3 2 9
Trinity Church, Chippawa, per Rev. W. Leeming.....	7 11 7
Christ Church, Huntingford.....	1 5 10
Lot 29, Con. 11, East Zorra.....	0 13 2
Per Rev. F. D. Fauquier.....	1 19 0
St. James', Ingersoll.....	3 15 4
Trinity Church, Beachville.....	0 9 8
Per Rev. J. W. Marsh.....	4 6 0
St. George's, St. Catharines, per Rev. A. F. Atkinson.....	10 6 1

St. Stephen's, Hornby, per Rev. F. Tremayne.....	1 2 7
Trinity Church, Burford.....	1 8 1
Weir's Schoolhouse.....	0 18 2
Per Rev. J. Padfield.....	2 6 3
Christ Church, Port Stanley, per Churchwarden.....	1 10 0
St. James', Komptville.....	1 8 2
Christ Church, Marlbro'.....	0 17 8
Per Churchwarden.....	2 5 10
St. George's, Guolph.....	4 12 2
Pu-linch.....	0 9 4
Per Churchwarden.....	6 1 6
S. James', Dundas.....	2 8 9
St. John's, Ancaster.....	3 0 0
Per Rev. F. L. Osler.....	5 8 9
Almonte, per Rev. R. G. Cox.....	0 10 6
Woodstock, per Churchwarden.....	5 12 6
Station No. 1, York, per Churchwarden.....	1 6 3
St. John's, Portsmouth, per Churchwarden.....	2 0 0
Newton, per Rev. H. Brent.....	0 10 0
Christ Church, Mimico, per Churchwarden.....	0 5 2
Trinity Church, Cornwall.....	3 18 10
Christ Church, Moulinette.....	1 2 0
Per Rev. Henry Patton.....	5 0 10
74 Collections, amounting to.....	£172 8 10
MISSION FUND. XV. YEAR.	
Port Burwell.....	1 0 0
Vienna.....	2 0 0
Per Rev. H. Jessopp.....	3 0 0
INDIAN MISSIONS.	
Two little children, per Rev. J. Hilton.....	£1 0 0
WIDOWS AND ORPHANS' FUND.	
Previously announced.....	461 2 10
Charleston, per Rev. F. Tremayne.....	1 16 7
206 Collections, amounting to.....	£462 19 6
GENERAL PURPOSE FUND.	
Previously announced.....	£258 6 1
Christ Church, Delaware.....	1 12 6
Caradoc Academy.....	0 12 6
Per Rev. R. Flood.....	2 5 0
Charleston, per Rev. F. Tremayne.....	0 10 1
160 Collections, amounting to.....	£261 1 1
STUDENTS' FUND.	
Previously announced.....	£200 11 10
Christ Church, Delaware, per Rev. R. Flood.....	1 10 0
Mono Mission, per Rev. J. Van Linge.....	0 4 8
Woodstock, per Churchwarden.....	2 4 4
Carleton Place.....	0 15 0
Bellamy's Mills.....	0 10 0
Ennisville.....	0 9 6
Per Rev. R. G. Cox.....	1 14 6
Woodbridge, per Rev. J. G. Armstrong.....	1 19 7
140 Collections, amounting to.....	£208 4 11
PAROCHIAL BRANCHES.	
Barrie, including Rev. S. B. Ardagh's Annual Subscription.....	£ 8 15 8

ANNUAL SUBSCRIPTIONS, DONATIONS, &c.	
Rev. R. Flood.....	£1 5 0
H. J. Joseph, Esq.....	2 10 0
W. Rowell, Esq., Yorkville, donation G. P. Fund.....	0 10 0

English Ecclesiastical Intelligence.

JUDICIAL COMMITTEE OF PRIVY COUNCIL

MARCH 21.

(Before Lord WENSLEYDALE, Mr. PEMBERTON LEIGH, Sir JOHN PATTERSON, Sir W. H. MAULE, the ARCHBISHOP of CANTERBURY, and the BISHOP of LONDON.)

LIDDELL AND HORN v. WESTERTON.—LIDDELL v. BEAL.

The committee was constituted as above for the purpose of delivering judgment in the Knightsbridge cases.

Mr PEMBERTON LEIGH delivered the judgment, which was to the following effect:—These cases came before the Court by appeal from two orders in distinct suits, directing the removal of various articles of church furniture, in the one case from the district church or chapel of St. Paul, Knightsbridge, and in the other from the chapel of ease of St. Barnabas, Pimlico. Although there is some distinction between the circumstances of the two cases, they involve the same principles, they were included in one argument at this bar, and will be conveniently disposed of in one judgment. It appears that the district church of St. Paul was erected by private subscription; that the income by which it is supported is derived from the rent of pews; that Mr. Liddell is the incumbent, and Mr. Horne and Mr. Westerton the two churchwardens. The two churchwardens differed as to the propriety of certain ornaments of the church, and in Hilary Term, 1865, the suit out of which the present appeal arises was instituted in the Consistory Court of London, by Mr. Westerton, against Mr. Horne and Mr. Liddell, who are now the appellants. The citation called upon the appellants to show cause why a faculty should not be granted for removing the altar, or high altar, and the cloths used for covering the same, together with the wooden cross elevated thereon and affixed thereto, as well as the candlesticks thereon, together with the credentia, preparatory altar or credence-table, used in the said church or chapel, and for substituting in lieu and stead thereof a decent and proper table for the administration of the Lord's Supper and Holy Communion, and a decent cloth for the covering thereof. The answer of the defendants alleges that the article of church furniture called in the citation an altar, or high altar, is in fact, and according to the true and legal interpretation of the 82nd of the constitutions and canons of England and Ireland as by law established, mensa congrua et decens, or a convenient and decent table, such as is required by law for the celebration of the Holy Communion, and denies that the wooden cross is inconsistent with the laws, canons, customs, and constitutions of the said Church. In subsequent passages of the answer this table is always spoken of as the altar or communion table, and the platform on which the same is raised, the wooden cross attached thereto, the gilded candlesticks, and the said side-table or credence-table, were placed in the same church as the same now exist, and formed part of the furniture thereof at the time of the consecration of the said church and of the furniture thereof by the Lord Bishop of London, on the 30th of May, 1844. [App. 9] Their lordships understand that this table, described as an

altar, or communion table, is made of wood, and is not attached to the platform, but merely stands upon it; that it is placed at the east end of the church, or the chancel, according to the ordinary usage as to communion table; that at the end nearest the wall there is a narrow ledge raised above the rest of the table; that upon this ledge, which is termed the "super-altare," stand the two gilded candlesticks, which are moveable, and between them the wooden cross, which is let into and fixed in the super-altare, so as to form part of what is thus described as the altar or communion table. The judgment complained of has not ordered the removal of the table or of the candlesticks, but only of the cross, the credence-table, and the cloths. There is no appeal against this order, as far as it permits the table and candlesticks to remain, and it is therefore not open to their lordships to consider the judgment with reference to the articles not ordered to be removed. The evidence as to the wish of the parishioners upon this subject appears to their lordships to show what, in such a case, might perhaps be expected, that with respect to these ornaments there are many persons of great respectability who from conscientious motives are strongly attached to them; many of equal respectability who, from motives equally conscientious, feel an invincible repugnance to them; and some, it may be hoped not a few, who, whatever opinion they may form of their intrinsic value, consider them as of no importance whatever in comparison with Christian charity and concord, and who, whether they approve or whether they disapprove of them, would infinitely rather sacrifice their individual feelings and opinions, than secure their triumph at the expense of disturbing and distracting the Church of which they are members. With respect to the case of "Liddell v. Beal," St. Barnabas is a chapel of ease within the district chapelry of St. Paul, of which the curates are appointed by Mr. Liddell. In this case both the chapelwardens agree with Mr. Liddell as to the ornaments in question. On the 17th of January, 1856, a motion was issued against them, at the instance of Mr. Beal, an inhabitant of the district chapelry of St. Barnabas, by which they were monished to remove from the said chapel the rood-screen and brazen gates, together with the cross elevated and fixed on the said screen, and also the stone altar and cloth now used for covering the same, and the cross ornamented with jewels elevated thereon and fixed thereto, with the candlesticks and candles placed thereon, and also the marble credentia, preparatory altar or credence-table, and to substitute in lieu and stead thereof a decent table for the administration of the Lord's Supper and Holy Communion, and a decent covering thereto, and to set up on the east end of the chancel of the said chapel the Ten Commandments, as by the laws, canons, institutions, and customs of the United Church of England and Ireland is prescribed. [App., case 7.] The answer admits that between the chancel and the nave of the church there is a screen of carved wood, on the summit whereof a wooden cross is affixed. It admits, in substance, the existence of the stone table or altar, with the metal cross attached thereto, and it insists that the article of furniture so described is a *mensa congrua et decens* within the meaning of the canons, and such a communion table as is required by law for the celebration of the Holy Communion. It admits the use of various cloths differing in colour from each other as coverings of the communion table at different seasons, and that the covering used on the said altar or communion table at the time of the administration of the Holy Communion is of worked and embroidered white linen, ornamented and enriched and bordered at the ends with elaborately worked lace, and that the other articles of linen used in

the said office are also decorated and enriched with white lace. It denies that the credence-table is attached to the chancel, and alleges that the same is a moveable table, necessary and convenient for the decent celebration of the Holy Communion according to the rubrics of the Book of Common Prayer. The answer then alleges that these ornaments existed in the church when it was consecrated in 1850, and that the services are attended by large and devout congregations, whose religious feelings would be violated by their removal. The judgment complained of has ordered the church or chapelwardens of St. Barnabas to remove the present structure of stone used as a communion table in the said church, and to provide instead thereof a moveable table of wood; to remove the credence-table; to remove the cross on the screen, as also the cross on or near the present structure used as a communion table; to take away all the cloths at present used in the said church or chapel for covering the structure now used as a communion table during the time of Divine Service, and to provide and substitute in place of the said cloths one only covering for the communion table of silk or other decent stuff; and, further, to remove any cover used at the time of the ministration of the sacrament, worked or embroidered with lace or otherwise ornamented, and to substitute a fair white linen cloth, without lace or embroidery or other ornament; to cover the communion table at the time of the ministration of the sacrament, and to cause the Ten Commandments to be set up on the east end of the church in compliance with the terms of the canon. As to the order directing the Ten Commandments to be set up there is no appeal. When this case came by appeal before the Dean of the Arches, some additional evidence was given with respect to the assent of the Bishop of London to the use of these ornaments before the chapel was consecrated. But it does not appear to their lordships to be necessary to go into this part of the case. Their lordships will deal with each of the articles which are the subject of appeal separately; and, 1st, with respect to the crosses, the point to which by far the greater part of the argument at this bar was addressed. No distinction was taken by the Courts below between the different crosses which are the subject of appeal—between the crosses on what are termed the altars or communion tables, both at St. Paul's and at St. Barnabas, and the cross on the chancel screen in St. Barnabas. The learned judges have treated them as being all subject to the same considerations, and have ordered them all to be removed as illegal ornaments. But though both judges arrived at the same conclusion, there is some difference between the reasons assigned for their decisions. Dr. Lushington seems to have held that the question was, what ornaments could be shown to have been in churches in the second year of the reign of Edward VI., by authority of Parliament, according to the rubric of the present Prayer Book, according to the true construction of those words? Sir J. Dodson, on the other hand, considered the question to depend on the effect of certain royal injunctions and an Act of Parliament against the use of images, among which he considered crosses to be included. It will be necessary to examine both these grounds of decision with the attention and respect which are due to the eminent persons who have adopted them; and first, as to the effect of the rubric. In dealing with this question it is necessary to remember that there were many crosses, some with, some without, the image of the Saviour, which were in use in the Roman Catholic ritual; altar crosses, processional crosses, funereal crosses, and others, as well as painted or carved representations of the cross not used in the services, but set up as architectural decorations of churches, and the

question is whether the rubric applies to the latter class. The rubric is in these words:—

"And here it is to be noted that such ornaments of the church and of the ministers thereof at all times of their ministry shall be retained and be in use as were in this Church of England, by authority of Parliament, in the second year of King Edward VI."

Dr. Lushington was of opinion that by the true construction of these words reference must be had to the Act of the 2nd and 3rd of Edward VI., and the Prayer Book which is established, for the purpose of determining what ornaments were thereby sanctioned, but he was perplexed by the difficulty that, although there were words in that Prayer Book describing the ornaments of the ministers, there were none which applied to ornaments of the church in his understanding of this expression. Their lordships, after much consideration, are satisfied that the construction of this rubric which they suggested at the hearing of the case is its true meaning, and that the word "ornaments" applies, and in this rubric is confined, to those articles the use of which in the services and ministrations of the church is prescribed by the Prayer Book of Edward VI. The term "ornaments" in ecclesiastical law is not confined, as by modern usage, to articles of decoration or embellishment, but it is used in the larger sense of the word "ornamentum," which, according to the interpretation of Forcellini's dictionary, is used "pro quocumque apparatu et implemento." All the several articles used in the performance of the services and rites of the church are ornaments. Vestments, books, cloths, chalices, and patens are among church ornaments; a long list of them will be found extracted from Lynde's "Ecclesiastical law." In modern times organs and bells are held to fall under this denomination. When reference is had to the first Prayer Book of Edward VI., with this explanation of the term "ornament," no difficulty will be found in discovering among the articles of which the use is there enjoined ornaments of the church as well as ornaments of the ministers. Besides the vestments differing in the different services, the rubric provides for the use of an English Bible, the new Prayer Book, a poor man's box, a chalice, a corporas, a paten, a bell, and some other things. That these articles were included in the term "ornaments of the church" at the period in question is clear from two documents nearly contemporaneous, one before and the other after the establishment of the first Prayer Book. In a letter of the Council to Cranmer, dated the 3rd of April, 1548 [to be found in Strype's "Memorials of Cranmer," vol. ii. p. 90], they complain of the conduct of certain churchwardens, who sent away their chalices, crosses of silver, bells, and other ornaments of the church; and in a commission in 1552 [Crandw., Doc. Ann., 112], the commissioners are enjoined to leave in every church or chapel of common resort one, two, or more chalices or cups, according to the multitude of people in every such church or chapel, and also such other ornaments as by their discretion shall seem requisite for the Divine Service in every such place for the time. If reference be now made to the alterations in these matters, introduced by the second Prayer Book of Edward VI., and the subsequent rubric to the Prayer Book of Elizabeth, the meaning will be sufficiently clear. The second Prayer Book forbids the use of different vestments by the priest in the performance of the different services, and enjoins the use of a surplice only, and does not expressly mention the paten, chalice, and corporas. After the overthrow of Protestantism by Queen Mary, and its restoration on the accession of Queen Elizabeth, a great controversy arose between the more vio-

lent and the more moderate Reformers as to the church service which should be re-established, whether it should be according to the first or according to the second Prayer Book of Edward VI. The Queen was in favour of the first, but she was obliged to give way, and a compromise was made, by which the services were to be in conformity with the second Prayer Book, with certain alterations, but the ornaments of the church, whether those worn or those otherwise used by the minister, were to be according to the first Prayer Book. In conformity with this arrangement the Act 1 Elizabeth, chap. 2, was passed, by which the use of the second Prayer Book was established, but it was provided "that such ornaments of the church and of the ministers thereof shall be retained and be in use as was in this Church of England by authority of Parliament in the 2nd year of the reign of King Edward VI., until other order taken therein by the authority of the Queen's Majesty, with such advice as therein mentioned." The rubric to the new Prayer Book, framed to express the meaning of this proviso, is in these words:—

"And here is to be noted that the minister, at the time of the Communion, and at all other times of ministrations, shall use such ornaments in the church as are in use by authority of Parliament in the second year of the reign of King Edward VI., according to the Act of Parliament set in the beginning of this book."

Here the term "ornaments" is used as covering both the vestments of the ministers and the several articles used in the services; it is confined to such things as in the performance of the services the minister was to use. It will be observed that this rubric does not adopt precisely the language of the statute, but expresses the same thing in other words. The statute says such ornaments of the church and of the minister "shall be retained and be in use;" the rubric, "that the minister shall use such ornaments in the church." The rubric to the Prayer Book of January 1, 1604, adopts the language of the rubric of Elizabeth. The rubric to the present Prayer Book adopts the language of the statute of Elizabeth; but they all obviously mean the same thing,—that the same dresses and the same utensils or articles which were used under the first Prayer Book of Edward VI. may still be used. None of them, therefore, can have any reference to articles not used in the services, but set up in churches as ornaments in the sense of decorations. It was argued at the bar that the present rubric, which refers to the second year of Edward VI., cannot mean ornaments mentioned in the first Prayer Book, because, as it is said, that Act was probably not passed, and the Prayer Book was certainly not in use, till after the expiration of the second year of Edward VI., and that therefore the words "by authority of Parliament" must mean by virtue of canons or Royal injunctions having the authority of Parliament made at an earlier period. There seems no reason to doubt that the Act in question received the Royal assent in the second year of Edward VI. It concerned a matter of great urgency which had been long under consideration, and was the first Act of the session; it passed through one House of Parliament on January 16, 1549, N. S., and the other on the 21st of the same month; and the second year of the reign of Edward VI. did not expire till January 28th. A missive of the Council to the Bishops, dated March 13, 1549, N. S., speaks of it as an Act passed at the Parliament lately holden at Westminster; and in the Act of the 5th and 6th Edward VI., chap 1, sec 5, it is expressly referred to as the Act "made in the second year of the King's Majesty's reign." Upon this point, therefore, no difficulty can arise. It is very true that the new Prayer Book could not come into

use until after the expiration of that year, because time must be allowed for printing and distributing the books; but its use, and the injunctions contained in it, were established by authority of Parliament in the second year of Edward VI.; and this is the plain meaning of the rubric. It was contended by Mr. Stephens, in a very able argument, that the canon passed in the reign of Henry VIII. had no Parliamentary authority in the reign of Edward VI., for that the true meaning of the statutes relating to that subject passed in the reign of Henry VIII., is, that they provide for the review of the existing canons by commissioners appointed by the King, and give authority to those canons only in the mean time—i. e., during the continuance of the commission, that the commissioners never made any report; that the commission determined by the death of King Henry VIII.; and that the Parliamentary sanction given to the canons ended at the same time. If it were necessary to determine this point, their lordships think this argument might deserve serious consideration, although it is contrary to the general impression which has prevailed upon the subject. As, however, their lordships entertain no doubt whatever as to the meaning of the words "authority of Parliament" used in the rubric, it is useless to enter further into the question. Their lordships, therefore, are of opinion that, although the rubric excluded all use of crosses in the services, the general question of crosses not used in the services, but employed only as decorations of churches, is entirely unaffected by the rubric. If crosses of the latter description were in use in the second year of Edward VI., they derive no protection from the rubric; if they were lawfully in use they are not excluded by the rubric, though they might not have the sanction of the authority of Parliament. The next question is, are crosses forbidden under the term "images" in the injunctions and Act of Parliament relied on by Sir John Dodson? It is laid down in the judgment, and was strongly pressed at the bar, that the term "images" may apply to crosses; that the "imagines crucis" are often mentioned, as well as "imagines crucifixi, et sanctorum;" that the cross, at the accession of Henry VIII., was itself an object of superstitious worship in the Roman Catholic Church; that two services in its honour are found in the Roman Catholic Church missal, that it was abused like other images, and was abolished like other images. It is impossible to deny that crosses are frequently spoken of among images. The Articles concerning laudable ceremonies, published by Henry VIII., 1536, under the head "Of Images," declare "that the worship is to be done only to God, although it be done before images, whether it be of Christ, of the cross, of our Lady, or any other saint beside." (1 Cardw. Formularies, xxvii.) And passages to the same effect are to be found in other contemporary documents. But the result of the best examination which their lordships have been able to make is that the term "image," though it may be extended by the context, is generally to be understood in a more limited sense. Although it is true that crosses have been abused as well as crucifixes and images of saints, it must be remembered that there is a wide difference between the cross and the images of saints, and even, though in a less degree, between a cross and a crucifix. A cross was used as a symbol of Christianity for two or three centuries before either crucifixes or images were introduced; it was used for ages before the Reformation, and has continued ever since to be used as an ensign of honour, as an ornament both of buildings and persons, ecclesiastical and civil, public and private without any relation to superstitious or even to religious usages. That this was the view taken by some of the early Reformers will sufficiently

appear by a letter of Casander, to be presently mentioned. The distinction between the cross and images is still more marked. Though in process of time, the cross was transferred into the crucifix, or itself became the object of adoration, it was the memorial of a real event, the most momentous that ever happened in the history of the world, and was worshipped, however erroneously, only in connexion with that being to whom all worship is due. The images of the saints, on the other hand, were often connected [to use the language of some of the writings to which we must refer] with lying legends and feigned miracles; and it might well be that the worship and invocation of saints should be abolished, and the images connected with that practice be swept away, while the cross was retained with the faith of which it was an emblem. The important question, however, is, not what it was reasonable to do, but what in fact was done by the regulations for the removal of images. The first set of injunctions of Edward VI. were issued in the first year of his reign, some time, as it was said, between the months of May and August, 1547. [Cardw., Doc. Ann., 5.] By these injunctions the clergy are required to teach the people that all the usurped authority of the Bishop of Rome has been justly abolished. They are not to extol any images, relics, or miracles for any superstition or lucre, nor allure the people by any enticements to the pilgrimage of any saint or image; they are to teach that works devised by men's fantasies, beside Scripture, as wandering in pilgrimages, offering of money, candles, or tapers to relics or images, or kissing or licking the same, praying upon beads or such like superstition, have not only no promise of reward in Scripture for doing them, but, contrawise, just threats and maledictions of God, for that they are things tending to idolatry and superstition. The third item is in these words:—

"8. Item, That such images as they know in any of their cures to be or have been so abused with pilgrimage or offerings of any thing made thereunto, or shall be hereafter censured unto, they [and none other private persons] shall, for the avoiding of that most detestable offence of idolatry, forthwith take down, or cause to be taken down, and destroy the same; and shall suffer from henceforth no torches nor candles, tapers, or images of wax, to be set before any image or picture, but only two lights upon the high altar, before the sacrament, which, for the signification that Christ is the very true light of the world, they shall suffer to remain still; admonishing their parishioners that images serve for no other purpose but to be a remembrance, whereby men may be admonished of the holy lives and conversation of them that the said images do represent; which images if they do abuse for any other intent, they commit idolatry in the same, to the great danger of their souls."

It is clear that in this passage images are spoken of as images of persons, and that only such images of any kind as had been or should be the subject of superstitious worship were to be removed; and it shows that the high altar was to remain as it had been before, with lights upon it, before the sacrament. The 10th section provides that no person shall change the order or manner of common prayer, or Divine Service, otherwise than is specified in these injunctions, until such time as the same shall be otherwise ordered by the King's authority. The 21st section provides for reading certain portions of Scripture in English in the time of High Mass. The 28th injunction is in these terms:—

"28. Also, that they shall take away, utterly extinct, and destroy all shrines, covering of shrines, all tables, candlesticks, trindles or rolls of wax, pictures, paintings, and all other monuments of feigned miracles, pilgrimages, idolatry,

and superstition, so that there remain no memory of the same in walls, glass windows, or elsewhere within their churches or houses. And they shall exhort all their parishioners to do the like within their several houses. And that the churchwardens, at the common charge of the parishioners in every church, shall provide a comely and honest pulpit, to be set in a convenient place within the same for the preaching of God's Word."

If this section be read in connexion with those which precede it, it is obvious that it applies only to articles which had been the object of feigned miracles, pilgrimages, idolatry, and superstition, and at all events could not include either crosses or images which had not been so abused, and which by the previous injunctions were to be retained; and, as regards the cross itself, its use was not only permitted, but enjoined, as the old services which required it were retained. The section could not mean that all candlesticks should be removed from churches, for two were to be retained on the high altar. Still less could it mean that all tables, candlesticks, and pictures should be removed from private houses. That this is the true meaning of the injunctions is further shown by the Articles of Visitation, in which inquiry was to be made whether they had been obeyed. The article applicable to this subject is as follows:—

"Whether there do remain not taken down in your churches, chapels, or elsewhere, any misused images, with pilgrimages, clothes, stones, shoes, offerings, kissings, candlesticks, trindles of wax, and such other like; and whether there do remain not delated and destroyed any shrines, covering of shrines, or any other monument of idolatry, superstition and hypocrisy."—Cardw., Doc. Ann., p. 26.

Another inquiry is:—

"Whether they which have spoken and declared any thing for the setting forth of pilgrimages, feigned relics, images, or any such superstition, have not openly recanted the same."—Cardw., Doc. Ann., p. 27.

The object of these injunctions appears to have been to abolish the worship or superstitious veneration of images and relics; but they left entirely untouched the service of High Mass, and made no declaration as to the nature of the sacrament then administered. Indeed, a subsequent proclamation of the King, dated the 27th of December, 1547, forbids any discussion of the doctrine of the real presence until the King should define the doctrine. On the 6th of February, 1548, N. S., the King issued a proclamation by which punishment was denounced against persons as proud of their private mind omit, leave done, change, alter, or innovate any order, rite, or ceremony commonly used and frequented in the Church of England, and not commanded to be left done in the reign of the late King, other than such as Edward VI., in manner therein mentioned, had ordered or should order to be altered; provided always that no man should be punished for omitting certain particular observances therein mentioned, and among others for not creeping to the cross. The ceremony of creeping to the cross seems to be explained by a constitution of Giles de Bridport, Bishop of Sarum, A. D. 1246, [Wilkin's "Concilia," vol. i., p. 713] which provides that on the day of our Saviour's Passion all the parish "shall come to worship the cross, and offer according to their inclinations." In Strype's "Memorials of Cranmer," the practice is alluded to in these terms: "And because creeping to the cross was a greater abuse than any of the others [for there the people said, 'Crucem tuam adoramus, Domine,' and the Ordinal said, 'Precedant clerici ad crucem adorandum nudis pedibus,' and it followeth in the said Ordinal, 'Ponatur crux ante aliquod

altare ubi a populo adoretur," which by the bishop's book, entitled, "A Necessary Instruction," is against the Second Commandment, therefore he, the archbishop, desired of the King that creeping to the cross might also cease hereafter." Strype's Mem., vol. i., p. 290.] It is plain, therefore, that up to this time the use of the cross was permitted, though misused images were, in the strongest and most general terms, forbidden. On the 21st of February, 1648, N. S., however, another proclamation was issued, upon the authority of which it is contended that all images, including crosses, were to be taken down. It is in these terms:—

"After our right hartie recommendations to your good Lordship: where now of late in the King's Majesties visitation, amongst other goodlye injunctions commanded to be generally observed throughte all partes of this his highness' realme, one was set forth for the taking dawne of all suche images as had at any time ben abused with pilgrimages, offerings, or ceasings; albeit that this said injunction hath in many partes of the realme been wel and quyetlye obeyed and executed, yet in many other places muche stryfe and contentyon hath risen and daily riseth, and more and more encreaseth about the execution of the same, some men being so superstitious or rather wyllfull, as they wold by theyr good wylls retayne a l such images styll, although they have been mooste manifestlye abused, and in some places also the images whiche by the same injunctions were taken downe be now restored and set up agayne, and almoste in every place ys contentyon for images, whether they have been abused or not; and whiles these men go about on both sides contentyouslye to obtayne theyr mindes, contending whether this or that image hath been offered unto, kysed, cursed, or otherwyse abused, parties have in some places been taken in suche sorte, as further inconvenience is very like to ensuee yf remedie be not provided in tyme; considering therefore that almoste in no places of this realme ys any sure quyetnes but where all images be hoolly taken awaye and pulled downe already, to the intent that all contentyon in every parte of this realme for this matter may be clerely taken away, and that the lvely images of Chryste shulde not contende for the dede images, whiche be things not necessary, and without whiche the churches of Chryste continued moost goodlye many yeres: We have thought good to signitye unto you, that his Highness' pleasure with the advyse and consent of us the lord protector and the reste of the counsellors, that immediately upon the sight herof, with as conveynent diligence as you maye, you shall not onely gyve ordre, that all the images remaynyng in any church or chapell within your diocesse be removed and taken away, but also by your letters signitye unto the reste of the bishoppes within your provyuce his highnesse pleasure for the lyke ordre to be gyven by them, within the severall diocesses; and in th' execution thereof we require bothe you and the reste of the bishoppes foresayd, to use suche foresight as the same may be quyetlye donne with as good satisfaction of the people as may be."

It appears to their lordships that this proclamation, applies only to such images as are the subject of the former proclamation, and that the intention was not to introduce within the prohibition articles of a description not before forbidden, but to do away with the distinction between images which had been, and images which had not been abused. This proclamation, any more than the former, could not apply to crosses, for the old services were still in use. The Act establishing the new Book of Common Prayer did not pass till a twelvemonth afterwards, and that Act itself provides that for a certain term after its date the

old ceremonies should continue. This is confirmed by the proclamation issued on the 13th of May, 1648, by which clergymen were enjoined to teach the people on the one hand "to flee all erroneous superstitions, as the confidence in pardons, pilgrimages, beads, religious images, and other such of the Bishop of Rome's traditions and superstitions, with his usurped power, which things be here in this realme most justly abolished;" and then, on the other hand, "straitly to rebuke those who will take upon them to run before they be sent, to go before the rulers, and to alter and change things in religion without authority." "It is declared that it is not a private man's duty to alter ceremonies, to innovate orders in the church, nor yet is it a preacher's part to bring that into contempt and hatred which the Prince doth either allow, or is content to suffer."—[Cardwell, Doc. Ann., i. p. 66.] The next authority relied on is the 3rd and 5th Edward VI., chap. 10, entitled, "An Act for the Abolishing and Putting away divers Books and Images." The object of this Act was to enforce the observance of the new Prayer Book, and of former orders with respect to images. After enacting that all Antiphonals and other books of the services of the church other than the authorized Prayer Book shall be utterly abolished, it proceeds to enact that if any person shall have such books in his possession, or any images of stone, timber, alabaster, or earth, graven carved, or painted, which heretofore have been taken out of any church or chapel, or shall stand in any chapel, and do not before the last day of June next ensuing deface and destroy the images, and deliver up the books for the purpose of being destroyed, such persons failing to deliver up the books shall be subject to certain penalties; but it inflicts no penalty on persons failing to deface or destroy the images, nor does it in terms order their destruction or defacement. No doubt, however, it implies that to retain them is illegal, but it relates in their lordships' opinion to the destruction of images already ordered to be removed, but which either had not been removed, or having been so, were still retained for private veneration and worship; and the images so described, for the reasons already assigned, cannot include crosses. The letter of King Edward VI. to Cranmer, directing him to give effect to this Act, refers only to books, saying nothing as to images. Thus matters remained as regarded the law upon the subject now in question until the end of the reign of Edward VI., for, although most important alterations were made in the order of Divine Service by the 5th and 6th of Edward VI., ch. 1, and the new prayer Book thereby introduced, they apply only, like the former Prayer Book, to that which was to be used in the services and rites of the church. But although their lordships are of opinion that the law did not require the removal from churches of crosses merely as such, both Books of Common Prayer had excluded them from use in the services. They were no longer to be employed; and nothing is more probable, therefore, than that if they could be turned to any profit they would be made the subject, either of sale or robbery, and that in the popular disturbances which accompanied the great change in the religion of the nation, and in many cases anticipated and outran the acts of the Government, crosses would share the fate of images; so that between the fanaticism of the populace and the cupidity of the courtiers the ornaments of the churches, in every sense of that term, would be subject to spoliation and destruction. We find, indeed, by the injunction of the Council of the 30th of April, 1648, already referred to, that even at this early period such proceedings were going on, for that letter expressly forbids the sale or alienation of the canopies, silver crosses, bells, or other ornaments, which it



doctors were not given for that purpose to be alienated by parishes at their pleasure, but rather to be used to the intent they were at first given, or to some other necessary and convenient service of the church. Under these circumstances it cannot be matter of surprise if comparatively few crosses remained either standing in the churches or preserved in the repositories of its ornaments. On the accession of Queen Mary all the old superstitions were restored, and the Acts of Parliament to which we have referred were repealed. The images which had not been taken down remained, and many which had been taken down were restored. On the accession of Elizabeth, in the year 1558, the statutes of Queen Mary on these matters were repealed, the supremacy of the Crown was established by the Act of the 1st Elizabeth, chap. 1, and all such jurisdiction in spiritual matters as hitherto had been or lawfully might be exercised by any spiritual or ecclesiastical authority was annexed to the Crown of England, and power was given to the Queen and her successors to appoint commissioners for the purpose of exercising ecclesiastical jurisdiction. By the 1st of Elizabeth, chap. 2, the second Prayer Book of Edward VI., with certain alterations, was re-established, injunctions were issued, and articles of visitation framed, much to the same effect with those already promulgated in the reign of Edward VI., but which do not appear to their lordships to extend the prohibition with respect to images. It is known, indeed, that at this time great differences of opinion prevailed among the early Reformers with respect to the use of crosses and crucifixes, and that the Queen was favourable to the use of both; that she retained them in her own chapel, and although they were removed for a time in consequence of the remonstrances made to her, they were afterwards restored [Cardw., Doc. Ann., 268]. But a great distinction was made between the cross and the crucifix, and the use of the former might well be permitted, while the other was forbidden. This is very manifest from the letter of George Cassander to Bishop Cox, dated at Worms, 1560, printed in the second series of the "Zurich Letters," p. 43. He here expresses himself in these terms:—

"I understand that you are not altogether agreed among yourselves with respect to the setting up the image of the cross or the crucifix in the church; but I do not sufficiently understand whether this question refers to the mere figure of a cross, or also to the image of Christ hanging upon it. I have seen here a certain print which contained a cross, only in the middle, with some text of Holy Scripture written on each side; whence I suspect that your question only refers to the figure of the cross. . . . Your excellency is aware in what frequent use and in what great esteem the figure of the cross was held among the early Christians, inasmuch that it was every where placed (and represented in their buildings, sacred and profane, public and private, and this, too, before the practice of setting up other images in the churches, whether of Christ himself or of the saints, had come into use; that on the destruction of all monuments of idolatry, by which every thing was defiled, the figure of the cross, which was as it were a sacred symbol of Christianity, succeeded under better auspices into their places. As like as the word 'cross' in the writings of the Evangelists and Apostles mystically signifies the passion, death, and triumph of Christ, and the afflictions of the saints, so also by the figure of the cross every where set up and meeting the eye they intended all these things to be set forth as it were, by a mystic symbol, and infused in men's minds; wherefore they made a just distinction between the figure

or representation of the cross, and all other images."

Of the cross thus used Cassander signifies his approval. That many of the English bishops objected both to crosses and crucifixes, and either ordered or sanctioned their removal from churches within their dioceses, and that in many others they were defaced or destroyed by the violence of the people, can admit of no doubt; and that this violence extended also to monuments in churches appears by a proclamation issued by Queen Elizabeth against defacements of monuments in the year 1560: for it speaks of these proceedings as "in slander of such as in times past had in charge only to deface monuments of idolatry and false feigned images in churches and abbeyes;" expressions which tend strongly to confirm the meaning their lordships have already attributed to the injunctions and Act of Parliament of Edward VI. Upon the whole, their lordships, after the most anxious consideration, have come to the conclusion that crosses as distinguished from crucifixes, have been in use as ornaments or *chiffres* from the earliest periods of Christianity; that when used as mere emblems of the Christian faith, and not as objects of superstitious reverence, they may still lawfully be erected as architectural decorations of churches; that the wooden cross erected on the chancel screen of St. Barnabas is to be considered as a mere architectural ornament; and that as to this article they must advise Her Majesty to reverse the judgment complained of. The laws in force respecting the consecration of any building for a church, and which forbid any subsequent alteration without a faculty from the ordinary, will be sufficient to prevent any abuse in this respect. This decision, however, by no means disposes of the question as to crosses attached to communion tables, which it will be convenient to deal with in connexion with the altar at St. Barnabas, which is ordered to be removed. This article of church furniture consists of a thick marble slab, with a super-altare on the side nearest to the wall of the chapel. It stands apart from the wall, supported upon stone carved arches, the arches resting upon a stone plinth, on which it stands. The cross is attached to the which is let into and embedded in the pavement super-altare, and stands between two large candlesticks, which are moveable. The question is whether this structure is a communion table within the meaning of the law. The appellants, in their pleadings, term these tables altars or communion tables; and in the argument they have referred to two recent statutes in which the word "altar" is used to signify the communion table. When the same thing is signified it may not be of much importance by what name it is called; but the distinction between an altar and a communion table is in itself essential, and deeply founded in the most important differences in matters of faith between Protestants and Romanists—viz. in the different notions of the nature of the Lord's Supper which prevailed in the Roman Catholic Church at the time of the Reformation, and those which were introduced by the Reformers. By the former it was considered as a sacrifice of the body and blood of the Saviour. The altar was the place on which the sacrifice was to be made: the elements were to be consecrated, and, being so consecrated, were treated as the actual body and blood of the victim. The Reformers, on the other hand, considered the Holy Communion, not a sacrifice, but as a feast, to be celebrated at the Lord's table: though as to the consecration of the elements, and the effect of this consecration, and several other points, they differed greatly among themselves. This distinction is well pointed out in Cudworth's "Discourse Concerning the True

Nature of the Lord's Supper," c. 6, p. 27:—

"We see how the theological controversy which hath cost so many disputes, whether the Lord's Supper be a sacrifice, is already decided; for it is not 'sacrificium,' but 'epulum de sacrificio;' not a sacrifice, but a feast upon sacrifice; or else in other words, not 'oblatio sacrificii' but as Tertullian excellently speaks, 'participatio sacrificii,' not the offering of something up to God upon an altar, but the eating of something which comes from God's altar, and is set upon our tables. Neither is it ever known among the Jews or heathens that those tables upon which they did eat their sacrifices should be called by the name of altars: therefore he [St. Paul] must needs call the communion table by the name of the Lord's table—i. e. the table upon which God's meat is eaten, not his altar upon which it is offered."

That the Roman Catholic altars are constructed with a view to this doctrine of sacrifice admits of no doubt. Cardinal Bona speaks of them in these terms:—*De Altaribus Novi Testamenti agendum est in quibus corpus et sanguis Christi sacrificium incrementum immolatur.*"—Lib. 1, chap. 20, p. 251. With respect to the question, what is required to constitute a Roman Catholic altar, we have been furnished with valuable information by a treatise, entitled, "*Institutiones Liturgicæ ad usum Seminarii Romani*," by Fornici, the present text book of the Pope's Seminary. In the first part, "*De Sacrificio Missæ*," chap. 3, p. 18, "*De Altari ejusque ornatu*," it is laid down, in the first place, "*Nunquam extra altare hostiam immolari.*" It is then stated that altars originally were made indifferently of wood or stone, but that many centuries ago the church ordered that they should only be of stone. The term "altar" is thus explained:—"Nomine autem altaris intelligitur superficies plana ad sacrificium Missæ immediate deputata." The altar is to be in the church; it is to be fixed and immoveable, "*Immobile seu fixum definitum super suis pedibus sine base quod habet totam integram superficiem seu mensam superiorem;*" and it is required to be "*lapideum et ab episcopo consecratum.*" The treatise then proceeds to state that by most ancient usage, as early as the Council of Tours, in the year 567, the standard of the cross, "*velum crucis*," was to be placed in the middle of the altar; it states that by the term "cross" is meant the crucifix; and it refers to two comparatively modern declarations on the subject by the Holy See, one in 1746, and another in 1822, by which orders are given with respect to the size and position of the crucifix on altars. It then refers to the lights upon the altar:—"Ad utrumque crucis latus cerium in Missæ sacrificio accendi jubet ecclesia," p. 22; and it refers to the rubric by which it is ordered:—"Collocetur cruz et candelabra saltem duo." Such, then, as regards its form, is the Roman Catholic altar. A stone structure fixed in the church, and immoveable, with a plane surface or mensa, on which the unbloody sacrifice ["sacrificium incrementum"] may be offered; on which the host and the cup ["hostia et calix"] may be placed with a crucifix and two candlesticks, as essential adjuncts to it. At the date of the first Prayer Book of Edward VI., the doctrine of the English Church as to the real presence and the nature of the Holy Communion was undecided; the book, therefore, enjoined no change in the form of the altar, but spoke of the rite itself as the Lord's Supper, commonly called the high mass, and of the structure indifferently by the names of the altar and the Lord's table. It contains a prayer for the consecration of the sacred elements, in which the sign of the cross is to be used. The bread is to be unleavened, and round as it was of oldtime.

The corporas, the paten, the chalice, the vestments are all articles directed to be used in the Roman Catholic ritual, and spoken of by those names in the missal. But by the time when the second Prayer Book was introduced a great change had taken place in the opinion of the English Church, and the consequence was, that on the revision of the service these several matters were completely altered; the use of a surplice was substituted for the several vestments previously enjoined; the prayer for consecration of the elements was omitted, though in the present Prayer Book it is restored; the bread and wine delivered to the communicants were no longer described as the body and blood of Christ, as was the case in the first Prayer Book: the table was no longer spoken of as the altar, but as the Lord's table, or as God's board; and the table is to have, at the time of the communion, a fair white linen cloth upon it, and is to stand in the body of the church, or in the chancel, where morning prayer and evening prayer are appointed to be said. And it is declared by the rubric that—

"To take away the superstition which any person hath, or might have, in the bread and wine, it shall suffice that the bread be such as is usual to be eaten at the table with other meals, but the best and purest wheaten bread that conveniently may be gotten. And if any of the bread and wine remain, the curate shall have it to his own use."

The distinction between the Supper of the Lord and the sacrifice of the mass is set forth with great precision in the articles agreed upon in Convocation in the year 1562, soon after the accession of Queen Elizabeth, and which still form the Articles of the Church of England. The 28th Article, "Of the Lord's Supper," contains this clause:—

"The Supper of the Lord is not only a sign of the love that Christians ought to have among themselves one to another, but rather is a sacrament of our redemption by Christ's death; inasmuch that to such as rightly, worthily, and with faith receive the same, the bread which we break is a partaking of the body of Christ, and likewise the cup of blessing is a partaking of the blood of Christ."

The article then contains a declaration against transubstantiation; and Article 31, entitled, "Of the one oblation of Christ finished upon the cross," declares that "the sacrifices of masses, in which it was commonly said that the priest did offer Christ for the quick and the dead to have remission of pain or guilt, were blasphemous tables and dangerous deceits." This change in the view taken of the nature of the sacrament naturally called for a corresponding change in the ancient altar. It was no longer to be an altar of sacrifice, but merely a table, at which the communicants were to partake of the Lord's Supper. Accordingly, it appears that, with or without sufficient authority, such change had been carried into effect in the majority of churches before the Act of 5 and 6 of Edward VI. was passed. At his visitation in 1550 Bishop Ridley issued injunctions, in which, after forbidding the use of superlatives, he introduces, among other directions, the following item:—

"Whereas in divers places some use the Lord's board after the form of a table, and some as an altar, whereby dissension is perceived to arise among the unlearned; therefore, wishing a godly unity to be observed in all our diocese, and for that the form of a table may more move and turn the simple from the old superstitious opinions of the Popish mass, and to the right use of the Lord's Supper, we exhort the curates, churchwardens, and questmen here present to erect and set up the Lord's board after the form of an honest table decently covered in such place of the choir or chancel as shall be thought most meet by their

discretion and agreement, so that the ministers with the communicants, may have their place separated from the rest of the people, and to take down and abolish all other by-alters or tables." [Cardw., Doc. Ann., 96.]

This injunction extended only to Ridley's own diocese, and probably had no binding force even there; but injunctions were afterwards, in the month of November in the same year, issued by the King to Ridley and the other bishops, reciting that in most of the churches the altars were already taken down, and ordering that those which still remained should be taken down and tables substituted. [Cardw., Doc. Ann., 98.] Bishop Burnet remarks upon those changes, that the reasons for them were to remove the people from the superstitious opinions of the Popish mass, and that a table was a more proper name than an altar for that on which the sacrament was laid. He says:—

"It was observed that altars were erected for the sacrifices under the law, which ceasing they also were to cease, and that Christ had instituted the sacrament, not at an altar, but a table, and it had been ordered by the preface to the Book of Common Prayer that if any doubt arose about any part of it the determining of it should be referred to the bishop of the diocese. Upon these reasons, therefore, was the change ordered to be made in all England, which was universally executed this year." [Burnet, Hist. of Ref., vol. ii., page 96; "Faulkner v. Litchfield," 3 Notes of Cases, 665.]

By the injunctions of Queen Elizabeth, issued in the first year of her reign [Cardw., Doc. Ann., 224], it is ordered,—

"That the holy table in every church be decently made, and set in the place where the altar stood, and there commonly covered, as thereto belongeth, and as shall be appointed by the visitors, and so to stand, saving when the communion of the sacrament is to be distributed, at which time the same shall be so placed in good sort within the chancel, as whereby the minister may be more conveniently heard of the communicants in his prayer and ministrations, and the communicants also more conveniently and in more number communicate with the minister; and after the communion done from time to time the same holy table to be placed where it stood before."

These injunctions plainly shew that the communion of the Lord's Supper was to be held at a table as distinguished from an altar—a table in the ordinary meaning of the term that as by the rubric, the bread used was to be "the ordinary bread eaten at table with other meats," so the table was to be the character of those employed on such occasions; that it was not only to be moveable, but was from time to time to be moved. The 82nd canon of 1604, that which is now in force, introduces no material alterations. It assumes the existence in all churches of convenient and decent tables for the celebration of the Holy Communion, and provides that they shall be kept in repair. It orders that the table be covered in time of Divine Service with a carpet of silk or other decent stuff thought meet by the ordinary, and at the time of the ministrations with a fair linen cloth, as becometh that table. Since this period no alteration has been made by the law with respect to the nature of the table to be used. The rubric of the present Prayer Book provides only that at the communion time, the table, having a fair white linen cloth upon it, shall stand in the body of the church, or chancel, where morning and evening prayer is appointed to be said; and the priest is to commence the service standing at the north side of the table. The term "altar" is never used to describe it, and there is an express declaration at the close of the service against the doctrine of transubstantiation, with which the

idea of an altar and sacrifice are closely connected. Under these circumstances the first question is, whether the stone structure at St. Barabas is a communion table within the meaning of the canons and the rubric; and their lordships are clearly of opinion that it is not. The case is within the principle of Sir H. Jenner Fust's decision, in "Faulkner v. Litchfield" [3 Notes of Cases, 666]; from which, indeed, the present proceeding is in effect an appeal. In the elaborate judgment in that case the whole subject is discussed with a learning and ability which make it useless on the present occasion to go further than their lordships have already done, into the authorities. The decree complained of in the appeal of "Liddell v. Beal" has ordered the church or chapelwardens of St. Barabas to remove the present structure of stone used as a communion table, and to provide instead thereof a moveable table of wood. Their lordships had at first some doubt whether the law had prescribed of what material the table should be made; but on further consideration they are satisfied that the opinion expressed by Sir H. Jenner Fust and adopted in the decree in this case is well founded. The term "table" and the corresponding Latin word "mensa," especially when it is considered for what purpose it was to be used, naturally import a table of the material of which tables are ordinarily made. The communion table was to be provided by the parish, was to be moveable, not by machinery, but by hand, and was actually to be frequently moved. Wood is a lighter and cheaper material than stone, and the circumstance that the old altar was necessarily of stone would be an additional reason with the Reformers for requiring that the table should be of wood. The canons of 1671 expressly provide that it shall be of that material—"mensa ex asseribus compositis juncta;" and although those canons, not having received the Royal assent, were not of themselves of binding force, it is probable that they were generally acted upon, and they sufficiently show what was at that time understood to be the proper material of the table, which, under the Act of Elizabeth and the regulations of Edward VI., was to be substituted for the altar. The canons of 1604, which are now in force, do not contain any provision upon this point. They speak of the communion tables as things which already exist in parish churches, and provide for their repair, and give minute directions as to the covering to be used. If any doubt had existed at that time as to the material of the table itself, it is not probable that the canons would have omitted all notice of this question. Their lordships, therefore, are satisfied that the decision upon this point in "Faulkner v. Litchfield" it well founded, and they must advise Her Majesty that the decree as to the removal of the stone structure at St. Barabas, and the cross upon it, and the substitution of a communion table of wood, ought to be affirmed. Next, with respect to the wooden cross attached to the communion table at St. Paul's. Their lordships have already declared their opinion that the communion table intended by the canon was a table in the ordinary sense of the word, flat and moveable, capable of being covered with a cloth, at which or around which the communicants might be placed in order to partake of the Lord's Supper, and the question is whether the existence of a cross attached to the table is consistent either with the spirit or with the letter of the regulations. Their lordships are clearly of opinion that it is not, and they must recommend that upon this point also the decree complained of should be affirmed. It may be urged, and indeed was urged with great force by counsel at the bar, that in modern usage the communion table never, in fact, is moved; that the general adoption of rails to fence off the table from the rest of the



church shows that its removal is never contemplated; and that if it is not to be moved it is useless to require it to be moveable; that if it be in such a form that a sufficient portion of it may be covered with a fair linen cloth to receive the sacred elements, it is idle to insist on the whole being capable of being covered. To these observations the answer is, that the distinction between an altar and a table is in itself essential; that the circumstances, therefore, which constitute the distinction, however trifling in themselves, are for that reason important; and that when positive rules are established by law, courts of justice, when called into action by parties entitled to maintain the suit, are bound to enforce the law as they find it, leaving it to the Legislature, if it sees fit, in any manner to alter it. The next question is as to the credence tables. Here the rubrics of the Prayer Book become important. Their lordships entirely agree with the opinions expressed by the learned judges in these cases, and in "Faulkner v. Litchfield," that in the performance of the services, rites, and ceremonies ordered by the Prayer Book the directions contained in it must be strictly observed, that no omission and no addition can be permitted; but they are not prepared to hold that the use of all articles not expressly mentioned in the rubric, although quite consistent with and even subordinate to the service, is forbidden. Organs are not mentioned, yet, because they are auxiliary to the singing, they are allowed. Pews, cushions to kneel upon, pulpit cloths, hassocks, seats by the communion table, are in constant use, yet they are not mentioned in the rubric. Now, what is a credence table? It is simply a small side table on which the bread and wine are placed before the consecration, having no connexion with any superstitious usages of the Church of Rome. Their removal has been ordered on the ground that they are adjuncts to an altar; their lordships cannot but think that they are more properly to be regarded as adjuncts to a communion table. The rubric directs that, at a certain point in the course of the communion service [for this is, no doubt, the true meaning of the rubric], the minister shall place the bread and wine on the communion table, but where they are to be placed previously is no where stated. In practice they are usually placed on the communion table before the commencement of the service, but this certainly is not according to the order prescribed. Nothing seems to be less objectionable than a small side table, from which they may be conveniently reached by the officiating minister, and at the proper time transferred to the communion table. As to the credence tables their lordships, therefore, must advise a reversal of the sentence complained of. Next, as to the embroidered cloths, it is said that the canon orders a covering of silk, or of some other proper material, but that it does not mention, and therefore by implication excludes more than one covering. An order that a table shall always be covered with a cloth surely does not imply that it shall always be covered with the same cloth or with a cloth of the same colour or texture. The object of this canon seems to be to secure a cloth of a sufficiently handsome description, not to guard against too much splendour. In practice, as was justly observed at the bar, black cloths are in many churches used during Lent, on the death of the Sovereign, and on some other occasions, and there seems nothing objectionable in the practice. Whether the cloths so used are suitable or not is a matter to be left to the discretion of the ordinary. In this case their lordships do not see any sufficient reason for interference, and they must therefore advise the reversal of the sentence as to the cloths used for the covering of the Lord's table during the time of Divine Service, both with

respect to St. Paul's and St. Barnabas. The last question is with respect to the embroidered linen and lace used on the communion table at the time of the ministration of the Holy Communion. The rubric and the canon prescribe the use of a fair white linen cloth, and both the learned judges in the Court below have been of opinion that embroidery and lace are not consistent with the meaning of that expression, having regard to the nature of the table upon which the cloth is to be used. Although their lordships are not disposed in any case to restrict within narrower limits than the law has imposed the discretion which, within those limits, is justly allowed to congregations by the rules both of the ecclesiastical and the common law courts, the directions of the rubric must be complied with; and, upon the whole, their lordships do not dissent from the construction of the rubric adopted by the present decree upon this point, and they must therefore advise Her Majesty in this respect to affirm it. As the judgments in these cases have been materially altered, and such alterations ought to have been made at the hearing in the Arches Court, so much of the sentence of that Court on each case as awards costs against the appellants must of course be reversed; and in those proceedings, as well as in the present appeals, each party must bear his own costs. In the case of "Gorham v. Bishop of Exeter" it was stated at the end of the judgment that the right reverend prelates present did not all coincide in it; but their lordships are happy to say that the Archbishop of Canterbury and the Bishop of London fully concur in the present judgment. The Lord Chancellor would have been present, but has been prevented by public duties.

The delivery of the judgment occupied about one hour and a half.

#### THE "PRINCE CONSORT."—ALTERATION IN THE LITURGY.

[From the London Gazette of Friday, June 26th.]

At the Court at Buckingham Palace, June 26. Present—The Queen's Most Excellent Majesty in Council.

Whereas there was this day read at the Board the draft of Letters Patent, conferring upon His Royal Highness Prince Albert the title and dignity of Prince Consort, Her Majesty having taken the same into consideration, was pleased, by and with the advice of her Privy Council, to approve thereof, and to order, as it is hereby ordered, that the Right Hon Sir George Grey, Bart, one of Her Majesty's Principal Secretaries of State, do cause a warrant to be prepared for Her Majesty's signature, for passing Letters Patent conformable to the said draft under the Great Seal of Great Britain.

Whereas by the Act of Uniformity, which establisheth the Liturgy, and enacts that no form or order of Common Prayer be openly used other than what is prescribed or appointed to be used in and by the said book, it is notwithstanding provided that in all those prayers, litanies, and collects, which do any wise relate to the King, Queen, or Royal progeny, the names be altered and changed from time to time, and fitted to the present occasion, according to direction of Royal authority. Her Majesty was pleased this day in Council to declare her Royal will and pleasure that in all the prayers, litanies, and collects for the Royal Family, the words the "Prince Consort" be inserted, instead of the words the "Prince Albert." And Her Majesty doth strictly charge and command that no edition of the Common Prayer be from henceforth printed but with this amendment; and that in the mean time, till copies of such edition may be had, all persons,

vicars, and curates within this realm do (for the preventing of mistakes), with the pen, correct and amend all such prayers in their church-books, according to the foregoing directions; And, for the better notice hereof that this Order be forthwith printed and published, and sent to the several parishes: and that the Right Reverend the Bishops do take care that obedience be paid to the same accordingly.

In pursuance of an Act, passed in the tenth year of her Majesty, Queen Anne, and of another Act, passed in the thirty-second year of his Majesty King George the Third, wherein provision is made for praying for the Royal Family in that part of Great Britain called Scotland: it is ordered by Her Majesty in Council, that henceforth every minister and preacher in Scotland shall, in his respective church, congregation, or assembly, pray in express words for "the Prince Consort," instead of for "the Prince Albert;" of which all persons concerned are to take notice, and govern themselves accordingly.

WM. L. BATHURST.

#### SUBSCRIPTIONS RECEIVED TO AUG. 16.

Dr. G., Toronto, vol. 4; Rev. J. Van L., Mono Mills, vols. 4 & 5.

### PROVIDENT LIFE ASSURANCE COMPANY,

TORONTO, C. W.

#### LIFE ASSURANCE & ANNUITIES.

#### ENDOWMENTS FOR CHILDREN.

#### PROVISION FOR OLD AGE.

Capital ----- £100,000.

Paid up ----- 11,500.

**THE PROVIDENT LIFE ASSURANCE AND** Investment Company is now ready to receive applications for Life Assurance in all its branches, and for granting Annuities.

The Directors of the "Provident" are determined to conduct the business of the Company on equitable principles: and while using every necessary caution in the regulation of their premiums will give parties assuring every legitimate advantage to be attained by a local company. Having every facility for investing the funds of the Company at the best possible rates of interest, the Directors have full confidence that, should the duration of Life in the British North American Provinces be ascertained to be equal to that of the British Isles, they will be able at no distant day, to make an important reduction in the Rates for Assurance. Till that fact is ascertained they consider it best to act with caution.

The attention of Clergy, men is particularly called to the tables of Rates for Endowment Assurance, and for Deferred Annuities, by adopting either of which, parties may for a small annual outlay secure a comfortable provision for old age.

Tables of Rates and forms for application may be obtained at the Office of the Company,

54 KING STREET EAST, TORONTO, or at any of the Agencies.