appointed Lord Chief Justice of the Queen's Bench. We know how he passed his days as a briefless barrister; this is how he spent them when transferred to the serene heights of the Bench.

I never rise in the morning to study (he writes) but get up to read the newspaper. By half-past eight we have prayers, and all breakfast together. Next I mount my horse to ride down to Westminster through Kensington Gardens, Hyde Park, Constitution Hill, the Mall or Birdcage Walk, my dear daughter Mary generally accompanying me. I am the first in the judges' robing room. In drop my lagging puisnes, and, after a little friendly gossip, we take our places on the bench. Here we sit from a few minutes past ten till about half-past four. I go to the House of Lords when it sits, continuing there till between six and seven, when their lordships generally adjourn. I walk or ride home, and have a mutton-chop or some such repast ready for me, never taking above two glasses of wine. About eight the whole family meet at tea, a most delightful meal. I hate great dinners, although I am obliged to submit to them sometimes, both at home and abroad. In the evening I write judgments or look into the Crown or Special papers for the following day, and go to bed about one."

Nine years after his appointment to the Queen's Bench, he held the seals as Lord Chancellor in the Palmerston Administration. He died suddenly, June 23, 1861.

Lord Campbell will chiefly be remembered as the author of those two chatty, gossiping books, "The Lives of the Lord Chancellors," and the "Lives of the Chief Justices." He makes no pretence to originality of research, his authorities are those that are readiest to hand, nor does he bore us with grave reflections and dissertations; but he is eminently readable, and his pages, if deemed superficial and incorrect by the antiquary and historian, will always be a welcome addition to the circulating library. To those who wish to know both the man and his work, these volumes of Mrs. Hardcastle will well repay perusal. They are full of anecdote and of interesting accounts of Lord Campbell's more distinguished contemporaries.

Art. IV.—THE STRUGGLE FOR THE NATIONAL CHURCH.

A Retrospect.

IT must be patent to everybody that though the crisis through which the English Church is passing is not nearly over, it has at all events entered upon a different phase. The object of our hopes and fears is no longer the ascertaining of

doubtful law, but the enforcement of ascertained law; and this change in the character of the questions at issue affords a good opportunity for taking a retrospect of the questions which have been settled. As he who would thoroughly understand some great war must wander over the theatre of the campaign, noting the progress of the sieges and the battlefields: so it will not be otherwise than instructive to present a short sketch in order of time of the various pitched battles which have taken place in this struggle for our old Church. For battles they undoubtedly were, and are, though waged in the law-courts instead of in the field; and, considering the feelings excited in the course of the contest, civilization may take considerable credit for the change of *venue*.

The struggle has been, like Inkerman, a soldiers' struggle. Our Episcopal generals, our clerical officers, have, indeed, been present at the fighting, but no skill or generalship on their part would have sufficed to win the victory if it had not been that the troops they commanded were of the stuff by which such battles are won. The bishops, indeed, candidly confessed their inability to cope with the danger. However it came about, circumstances had deprived the Church for the time of the active assistance of its official leaders; but, like the famous Ten Thousand when they had lost their generals, Churchmen rose to the occasion. Let us at once admit that it could not have been expected that our bishops should undertake the duties for which in former times it might have been not unnatural to look to them. A glance at the enormous diminution in the Episcopal incomes which took place under the Legislation of 1836, will show how absurd it is to expect the bishops of to-day to undertake what their predecessors could scarcely have afforded to do.

Nor, indeed, is it desirable that the Protestant Reformation should even appear to have left us in the same state of helpless dependence on our clergy which we commiserate in the members of churches not blessed with the same healthy individuality and vivifying self-reliance as ourselves.

The first case brought before the Courts relating to the Ritualist controversy was the case of *Faulkner v. Litchfield*, commonly known as the "Stone Altar" case. It was an application for a faculty to allow in the Round Church at Cambridge an immovable stone altar, weighing about 1¾ tons, in the place of the old Communion Table, which for this purpose had been removed, and as it seems (without much of that excessive reverence which Ritualists now profess for such things) broken up. The nominal applicants were two churchwardens; who were, however, but the catspaws of a society which, in this respect, undertook the functions now devolved on the so-called English

Church Union. Judgment was given by Sir Herbert Jenner Fust, the then Judge of the Arches Court, deciding that the proposed structure was not a lawful Communion Table for which a faculty could be granted.

In this case a stone altar was not the only thing involved. A stone credence table was also applied for, and also refused; but this part of the decision was reviewed subsequently, as we shall presently see.

The cases of St. Paul's, Knightsbridge, and St. Barnabas, Pimlico (*Liddell v. Westerton* and *Liddell v. Beal*) were decided in the years 1855–1857. In St. Paul's there was a wooden cross fixed into a ledge or super-altar; in St. Barnabas there was a cross on a rood-screen, and a jewelled cross upon and fixed to a stone altar.

As to the crosses, the Court decided that an architectural decoration was not illegal simply because it consisted of a cross; and that consequently the cross on the screen was not illegal. In the reasoning which led to this conclusion the Court had incidentally to consider and discuss the meaning of the "ornaments" rubric; and they came to the conclusion that by the word "ornaments" were meant utensils and things to be used in the services, such as cups, patens, &c., and not mere decorations or adornments. They were asked to hold that the cross on the screen at St. Barnabas was illegal because not allowed by the "ornaments" rubric; but they refused to accede to the application, on the ground that, whether legal or illegal on other grounds, the "ornaments" rubric at least did not make it illegal, inasmuch as mere architectural decorations or adornments were not "ornaments" within the meaning of that rubric. In order to arrive at this conclusion with regard to the meaning of this word "ornaments," they passed in review the several rubrics and directions on the same subject which had been in force previously to the year 1662; they showed how in previous rubrics the word "ornaments" must have meant "things to be used in the service," and not "decorations," and still meant *the same thing*, notwithstanding variations from time to time in the rubrics; and notwithstanding that the rubric of 1604 adopted the language of Queen Elizabeth's Prayer-Book, while the rubric of the present Prayer-Book adopts the language of Queen Elizabeth's Statute of Uniformity. "They all," said the Court, "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*."

Unfortunately, in printing the above passage the editor or the printers forgot to print in italics the words which we have italicized. The reader will not have failed to perceive that the question the Court was considering when it uttered these words

was whether a mere architectural decoration, such as the cross on the screen, was or was not one of the "ornaments" spoken of in the rubric; and the meaning of the rest of the rubric was perfectly irrelevant as soon as the Court had come to the conclusion that the rubric was not intended to apply to anything but "things *to be used*." This is the celebrated passage which the Ritualists quote as legalizing the Edwardian vestments. Any one can see that it really does nothing of the kind when the context is considered; and if the words had been italicized, the Ritualists could not even pretend to have been mistaken, or to have been led to think that Edwardian vestments were under discussion in the Knightsbridge cases.

After dismissing the "ornaments" rubric as inapplicable, the Court went on to consider whether the cross on the screen was illegal on any of the other grounds which had been urged against it, and finally decided in favour of the cross as a mere architectural adornment not in danger—as their lordships thought—of being abused.

The stone altar at St. Barnabas, with the cross upon the super-altar, was declared illegal, and the decision in the Cambridge case on this point was expressly approved. The table must be of wood and movable. It must also be flat, so that a cloth may be thrown over it; and, therefore, the cross affixed to the table at St. Paul's was declared illegal. But the credence tables were declared legal and even proper. And, with regard to the altar-cloths, it was held that although only one at a time was lawful, it did not follow that it might not be from time to time changed. But embroidery and lace were held to be inconsistent with the fair white linen cloth to be used at Communion, and consequently to be illegal.[1]

Such were the decisions of the Judicial Committee on the points brought up to it. Other points had been decided in the previous stages of the litigation, but did not come up before the Lords of the Council—viz., that candlesticks with unlighted candles might stand on the Table, because they might be lighted if required to give light; that a chancel screen was not in itself unlawful, although the brazen gates therein were disapproved of; and that the Ten Commandments ought to be set up on the eastern wall.

We now come to the cases of *Simpson v. Flamank*, a case from the diocese of Exeter, and *Martin v. Mackonochie*. And it is

[1] The case of St. Barnabas came up again in 1860, upon complaint made that the former judgment had not been obeyed; and on that occasion the Court expressed an opinion that it was not unlawful to place a movable block of wood at the back of the table for the candlesticks to stand on, provided it could be removed for the purpose of laying the cloth.

desirable to go somewhat into detail in narrating the progress of these and other suits, because a little attention to the dates of the proceedings will effectually vindicate the Church party from the imputation of any undue haste or vindictive urgency in pressing for what is now admitted to be their undoubted right to their old services.

The suit against Mr. Simpson was instituted in the year 1866, and related to the offences of mixing water with the wine at consecration; the elevation of the elements; using lights on the Communion Table when not required; and placing the alms not on the table but on a stool beside it.

The trial was delayed till the end of the year 1867 by preliminary difficulties raised by Mr. Simpson, both in the Arches Court and also, by way of appeal, before the Privy Council. These difficulties were so frivolous that on the appeal the Archbishop of York, in delivering the judgment of the Court, declared that their lordships were unable to look upon the objections raised as otherwise than groundless, and made only for the purpose of delay.

However, in December, 1867, the suit of *Simpson v. Flamank* came to a hearing before the Court of Arches, together with the first suit of *Martin v. Mackonochie*, and judgment in both suits was given in March, 1868. The charges against Mr. Simpson we have already described. Those against Mr. Mackonochie were elevation, lighted candles on the table, the use of incense, the mixing of water with the wine during the service, and kneeling during consecration. The Court of Arches held that the lighted candles and the kneeling at consecration were lawful, but the rest of the above-mentioned charges in both cases were held to be offences. Mr. Mackonochie did not appeal from this judgment, having, doubtless, good reason for supposing that it was as favourable to him as he could possibly expect; but the decision on the kneeling at consecration was so startlingly opposed to a common-sense view of the law and practice of the Reformed Church of England, that the promoter appealed to the Privy Council, and obtained a reversal of the decision of Sir Robert Phillimore, on both the points upon which that judge had been in favour of Mackonochie; so that the illegality of kneeling at consecration, as well as of the lighted candles on the Communion Table, when not wanted for the purpose of giving light, was established; and the defendant adjudged to have been in the wrong on all the charges. So well did the event justify the suit and vindicate the old practice of the Church.

It will be observed that the charge against Mr. Mackonochie as to kneeling at Consecration related to his *posture* merely; not to his *position*. No question was then raised as to *where* he was to stand or kneel, as the case might be; but only

whether he was to stand all through the prayer of Consecration, or might kneel down in the course of it. Both questions, no doubt, depended for their answer on the rubric before the prayer of Consecration; but only the question of *posture* was before the Court in this case. The question of *position* was not argued by the counsel engaged, nor adjudicated by the Court. But because the Court in giving judgment on the one point let fall an expression apparently applicable to both points, it has been most unfairly contended by the Ritualists that *both* points were settled in this case, and that the subsequent cases in which the question of *position* was really discussed and decided are contradictory to this case of *Martin v. Mackonochie.*

We give the passage, italicizing the words fixed on by the Ritualists. The reader will observe how casually the words in question were introduced; and perhaps he may wonder by what process of reasoning they could be twisted into a solemn decision in favour of the eastward position:—

> The Rubric before the Prayer of Consecration then follows, and is in these words:—"When the Priest, standing before the Table, hath so ordered the bread and wine that he may with the more readiness and decency break the bread before the people and take the cup into his hands, he shall say the prayer of consecration, as follows." Their Lordships entertain no doubt (on the construction of this rubric) that the Priest is intended to continue in one posture during the prayer, and not to change from standing to kneeling, or *vice versâ;* and it appears to them equally certain that the Priest is intended to stand, and not to kneel. *They think that the words "standing before the Table" apply to the whole sentence;* and they think this is made more apparent by the consideration that acts are to be done by the Priest before the people, as the prayer proceeds (such as taking the paten and chalice into his hands, breaking the bread, and laying his hand on the various vessels), which could only be done in the attitude of standing.—*The Law Reports, Privy Council,* vol. ii. p. 382.

Up to this point the litigation had been conducted as if the only object had been to determine the law; not to enforce it. The sentences had not been penal, but declaratory of the law; and nobody supposed that any more was required than a mere monition. "You are wrong; don't do it again, and pay the costs," seemed quite enough to meet the case. But, towards the end of 1869, complaint was made that Mr. Mackonochie was repeating the forbidden practices. There was evidence brought before the Privy Council that Mr. Mackonochie continued to elevate the elements, to kneel or prostrate himself before the consecrated elements, and to use lighted candles on the Communion Table when they were not wanted. Mr. Mackonochie appeared in person; was it because he could get no lawyer to degrade himself to the point of arguing for the defence set up?

Mr. Mackonochie *swore that he had endeavoured to obey the monition, and had never intentionally or advisedly in any respect disobeyed it.* But what had he done? He had elevated the elements, but only to a level with his head; he had used lighted candles, but had blown them out just before the Communion service began; he had bent his knee as if in the act of kneeling, but had not, as he said, allowed his knee actually to touch the ground, although nobody in the Church could tell whether it did or did not touch the ground. The judgment of the Privy Council on the matter is one which should be written in letters of gold, as a perpetual witness to future ages of the impartiality of the Ecclesiastical Courts of the Established Church of England. If their standard of morality ever permitted them to warp the law in the slightest degree, it would have been justified in this case by the wrigglings of the priest before them. What he had done was clearly illegal; they had no doubt of that: but he was brought before them not for illegal practices, but for *breach of the monition;* and consequently they had to look to what the monition had forbidden. It turned out that what he had been charged with, and what the monition had forbidden him to repeat, was elevation *above the head,* and the use of lighted candles *during the Communion service,* and consequently he had not disobeyed the monition in those respects. That the decision favourable to Mr. Mackonochie in these respects was not due to any of that sentimental limpness which some clerical and episcopal minds are so apt to mistake for impartiality, is shown by the judgment of the Court on the kneeling. The acts of the defendant were of course substantially kneeling, and the Court had no hesitation in so holding. But they gave credit, generously enough, to Mr. Mackonochie's oath that he wished to obey the monition, and let him off on his paying the costs.

In November, 1870, however, application was again made to the Privy Council alleging a breach of this monition. The acts were done not by Mr. Mackonochie himself, but by three other clergymen in his presence and with his sanction. Two of them denied on oath that they had elevated the paten or chalice above their heads during the prayer of consecration; the third only denied that he had done so intentionally. Their names should be known: they were Messrs. Howes, Stanton, and Willington. The Court had already had some experience of the necessity of carefully scrutinizing Mr. Mackonochie's evidence; and this is what—it needs no comment—they said: "These affidavits might, according to a possible view entertained by the reverend gentlemen, be regarded by them as literally true, because the paten was not elevated by them but a wafer bread, and *the whole of* the cup was not raised

above the head, but only the upper part of it." We need scarcely add that the Court believed the witnesses on the other side; and they suspended the reverend gentleman for three months.

A little before this—that is to say, in February, 1870—the suit of *Elphinstone v. Purchas* came before Sir Robert Phillimore in the Arches, and related to a perfect multitude of innovations. All of them, except two minor points, relating to flowers on the Communion Table and a marked pause in the prayer for the Church militant, were ultimately decided against Mr. Purchas, although there were a few points on which the promoter was obliged to appeal from Sir Robert Phillimore to the Privy Council. However, Sir R. Phillimore condemned as illegal certain processions, the having an attendant holding up a crucifix while the Gospel is being read, the smearing of ashes on people's faces during Communion service, the censing, and sprinkling of water over candles, the ringing of a bell during the Consecration prayer, the Agnus Dei, announcing during the service a "mortuary service for the repose of a sister," the ceremonial admission of an "acolyte," censing a crucifix, censing persons and things, elevation of the offertory alms and putting them on a side-table instead of on the Communion Table, the ceremonial use of lighted candles in different parts of the church, the ceremonial use of a crucifix on the Table, veiling and unveiling it, bowing to it, swinging a stuffed dove over the Table, leaving the Table sometimes bare altogether, using the sign of the cross, kissing a book as part of the service, elevating the chalice during the prayer for the Church militant, reading collects with his back to the people, announcing the celebration of the Holy Communion after a fashion of his own, announcing unauthorized festivals, and the wearing of tippets, scarlet stoles, dalmatics, girdles, amices and maniples. On every single point in this long list the promoter was held to be perfectly right, even in the Court of Arches, besides other points which we have not mentioned because they had been decided previously in other cases. The points decided by Sir Robert Phillimore in favour of Mr. Purchas, and on which the promoter appealed to the Queen in Council, were the administering of water mixed with wine, the eastward position at consecration, the use of wafer bread, the use of holy water, the wearing of a chasuble, alb, and tunicles, and carrying a biretta. The appeal was decided in February, 1871, and condemned the chasubles, albs, and tunicles, the wafer bread, the mixed chalice, and the eastward position; but decided that it was no offence to *carry* a biretta without wearing it; and the charge as to the holy water was held not to have been proved by the evidence. Mr. Purchas did not choose to appear on this appeal, so that his side was

not represented in argument except so far as the judgment of Sir R. Phillimore in the Court below answered the same purpose.

The case of *Sumner v. Wix*, decided together with *Elphinstone v. Purchas* in the Court of Arches, condemned Mr. Wix for having candles held up before him when reading the Gospel, using lighted candles in a retable just over the Communion Table, and others on each side of the table, and for using incense.

In March, 1871, Mr. Purchas applied to the Privy Council to re-hear the appeal in his case, which had been decided in his absence as we have already mentioned, alleging that then, for the first time, he had been put in possession of pecuniary assistance for the purpose. But the Court, of course, held that a man could not be allowed to take his chance of an appeal being unsuccessful, and afterwards, when it has gone against him, come in and ask for a re-hearing; and they dismissed Mr. Purchas's application.

But more serious matter than mere ceremonial was in the air. The doctrines of Mr. Bennett, of Frome, on the Real Presence were called in question, and came before Sir R. Phillimore in the Arches Court, in July, 1870. The doctrines of Archdeacon Denison on the same subject had been challenged so long ago as 1854, and he had been condemned for heresy; but on a technical objection to the jurisdiction, a side issue, such as that which sheltered the Bishop of Natal, the proceedings against him had been quashed. Mr. Bennett's case was decided in his favour in the Arches Court, and at the end of 1871 this decision was affirmed by the Queen in Council. It is unnecessary to explain how this decision was arrived at; suffice it to say that Mr. Bennett got off, as the expression goes, by the skin of his teeth. One example will show how subtle were the distinctions raised. Mr. Bennett had published three editions of a certain work; in the two first he had declared for adoration of the consecrated elements, but in the third edition he had altered this to adoration of Christ present in the Sacrament. Both Courts said he might have the benefit of the alteration, but both Courts would have condemned him if he had not made the alteration. And it cannot be too often impressed upon the public mind that it was not decided that Mr. Bennett's doctrines were the doctrines of the Church of England; it was not even decided that Mr. Bennett's doctrines were not forbidden by the laws of the Church of England; the decision was simply that such of the doctrines of Mr. Bennett as were alleged by the promoter to be heretical, were not forbidden by those particular articles and formularies which the promoter quoted for that purpose. There is the more need for calling attention to this

circumstance just now, with reference to the ridiculous complaint that lawyers decide what are the doctrines of the Church of England; whereas they only interpret the language in which the Church of England has expressed so much of her doctrine as she has thought fit to put into writing for the very purpose of being enforced by lawyers; and only so much of that language as the promoter has chosen to bring before their notice.

In July, 1872, it was again necessary to apply to the Court to enforce the monition obtained against Mr. Purchas. He was proved to have continued his illegal practices in spite of the monition, and was suspended *ab officio et beneficio* for one year. The power of the Court, however, to enforce the monition in this way, without a fresh suit, is one of the points contested in the common law proceedings now pending in the House of Lords.

In 1874 a second suit was commenced against Mr. Mackonochie, charging him with what we may now call the usual illegalities. This suit came to a hearing in December, 1874, when Sir Robert Phillimore thought it consistent with his duty to sentence Mr. Mackonochie to suspension *ab officio* only for a period of six weeks, with a monition to abstain for the future from his illegal practices.

It will be convenient to give a short notice here of the various other points decided as to the furniture and architectural adornments of the Church, especially of the chancel and Communion Table.

In December, 1873, a baldacchino or marble canopy erected over the Communion Table was decided to be an unlawful ornament, in the case of St. Barnabas, Pimlico, *White v. Bowron*, in the Consistory Court of London. And the case of *Durst v. Masters*, decided by the Privy Council in July, 1876, is an additional authority, confirming the decision in the Knightsbridge cases, for saying that it is illegal to have a movable wooden cross on a retable or wooden ledge at the back of, and immediately above, the Communion Table. This case is remarkable for the circumstance that it was the offending clergyman himself who was the prosecutor, or persecutor as the Ritualists call it.

The Exeter reredos case, after having been heard before the Bishop of Exeter at his visitation, and afterwards appealed to the Arches Court, was again appealed to the Queen in Council, who, in February, 1875, decided that the reredos in question was not illegal. It consisted of sculptured representations in high relief of the Ascension, the Transfiguration, and the Descent of the Holy Ghost on the Day of Pentecost, with angels as finials; and there appeared no likelihood that it would lead to superstition or be abused. In a subsequent case of St. Ethelburga's,

Bishopsgate, in 1878, Dr. Tristram refused a faculty for a wooden carved reredos with thirty figures—five of our Lord—in relief, painted and gilded.

In the Denbigh case, in June, 1877, the Court of Arches allowed a reredos, of which the central compartment consisted of a sculptured panel representing the Crucifixion, having the figure of our Saviour on the cross, and the figures of St. John and the three Maries on either side, all such figures being in high relief.

In the Hatcham case, in 1878, the same Court ordered the removal of (among other things) a *confessional box*, chancel gates, and some stone steps by way of a pedestal to the Communion Table; the last of which was ironically attempted to be justified as helping the congregation to see the manual acts.

The illegality of celebrating the Communion when less than three or four communicate with the minister, came up in 1874 before the Privy Council, in the case of Mr. Parnell. The effect of the decision, which affirmed that of the Chancery Court of York, was that the mere fact of so few persons communicating was in itself an offence, unless the minister could show that it was unexpected or unintentional on his part. The point arose on a mere question of pleading; but it deserves to be noticed that it was Mr. Parnell himself who appealed to the Privy Council (there being in those days no conscientious objection to doing so), and in giving judgment the Court said:—

> Their lordships cannot but regret that upon what is merely a question of technicality in pleading, the great, and as they think the unnecessary, expense has been incurred in bringing the case at this stage before this tribunal.

We now come to the celebrated Ridsdale case. Proceedings against Mr. Ridsdale were commenced in March, 1873, by the Archbishop's secretary, for the purpose of getting rid of some illegal and offensive representatives of figures in coloured relief, of plastic material, representing scenes of our Lord's passion, which Mr. Ridsdale had set about his church for the purpose of certain ceremonial observances which he practised towards them, and called Stations of the Cross and Passion. These proceedings were of a civil and not a criminal character, so great was the consideration shown to Mr. Ridsdale, but he took advantage of this circumstance to overthrow them on a technical ground.

Meantime, the Public Worship Act had become law, and it was under that Act that, in February, 1876, Mr. Ridsdale was brought before Lord Penzance, who had succeeded Sir R. Phillimore as the Judge of the Arches Court. We need not specify the whole of the charges. There was one of administering the

Communion to less than three persons, upon which the Court followed the decision above-mentioned of *Parnell v. Roughton*. The "Stations of the Cross" were of course condemned. A crucifix with lights over the screen was held unlawful, on the ground that under the circumstances there was danger of its becoming an object of superstition. Upon this last point, and also upon the use of wafer bread, the wearing of an alb and a chasuble, and the eastward position, Mr. Ridsdale appealed to the Queen in Council. On this appeal the decision as to the unlawfulness of the vestments and of the crucifix was confirmed. As to the wafer bread, the charge had not complained of the use of a wafer properly so called, but charged the use of "bread made in the form of circular wafers instead of bread such as is usual to be eaten;" and the Court said that if Mr. Ridsdale had used bread such as is usual to be eaten, but had had *such bread* cut *in the form of* circular wafers, he would have committed no offence; and that the language of the charge was not inconsistent with this, and consequently not inconsistent with Mr. Ridsdale's having committed no offence. It followed that this charge did not allege any offence, and that Mr. Ridsdale ought not to have been found guilty upon it; and the judgment below was accordingly reversed on this point. But it was admitted by the Court that the use of wafers was illegal. With regard to the eastward position at Consecration, the Court held that it was not illegal to consecrate standing on the west side, although it would be illegal to consecrate standing on the west or any other side *so that the people generally could not see the manual acts;* that though Mr. Ridsdale had stood on the west side, it was not proved that he had stood so that the people generally could not see the manual acts; and consequently that no offence in this respect had been proved against him, and the judgment below was accordingly reversed, so far as it related to this point.

Here we may conveniently bring our story to a close for the present. By this time all reasonable excuse for maintaining that there was any doubt as to the law of the Church had ceased to exist, and the Ritualists were obliged before the whole nation to choose between obedience and defiance. Litigation assumed an altogether different appearance, being no longer directed to ascertaining the law but to upholding it. No longer were the defences of the Ritualists grounded on high matters; they began to plead for "toleration;" and, following the inevitable degradation with which a false position had infected their moral standard, their arguments descended to legal quibbles about the opening of a writ or the place where the judge ought to sit.