

truth. To a great extent he was under bondage to his times. And what is true of Wycliffe is, in a larger degree, true of Chaucer. Neither of them must be judged in the light of the Reformation, much less in the light, so full and glorious, of the present day. It would be unfair to judge of Chaucer by the standard which we apply to Shakespeare, and still more by that which we apply to Wordsworth or Tennyson. It is safe, however, to say that his sympathies were with reform, and it is by no means improbable that he accepted the doctrines of his great contemporary, the master spirit in the assault upon the dominant Church, the first translator of the whole Bible into the English tongue, the creator, with Chaucer himself, of the English language and literature, the man who has been well called "the Morning Star of the Reformation."

WILLIAM COWAN.

ART. V.—THE LINCOLN JUDGMENT.

ON the second of last month the Judicial Committee of the Privy Council pronounced their decision upon the appeal brought to them against so much of the Archbishop of Canterbury's judgment delivered on November 21, 1890, in the suit of Read and Others *v.* the Bishop of Lincoln, as was in favour of the accused Prelate. The one-sided hearing of the appeal—for it will be remembered that the Bishop declined to appear—took place in June and July of last year, so that the Judicial Committee spent more than twelve months in making up their minds. In an article contributed to this Magazine by the present writer in January, 1891, the appeal (which had not then been lodged) was alluded to as inevitable, but the hope was expressed that it would fail all along the line. This is what has actually occurred; and the vast majority of Churchmen will agree that the result is to be hailed with thankfulness and satisfaction, as conducive not only to the peace, but also to the well-being of the Church.

The points on appeal to the Judicial Committee were five in number. The Archbishop had adjudged Bishop King to have been guilty of no ecclesiastical offence in having been a party to the following ceremonies: (1) The administration of a mixed chalice of wine and water; (2) the ablution of the paten and chalice after the service; (3) the singing of the *Agnus Dei* after the consecration of the elements; (4) the adoption of the eastward position before the Prayer of Consecration; and (5) the use of lighted candles on the Communion Table in daylight.

On the second of these points, the ablution of the paten and chalice after the service, there had been no previous legal adjudication; but the third, the singing of the *Agnus*, had been twice condemned by Sir Robert Phillimore as Judge of the Arches Court of Canterbury, without any attempt having been made on either occasion to upset his decision on appeal; and the other three practices had been condemned by the Judicial Committee of the Privy Council in previous ecclesiastical suits. The adoption of the eastward position at the beginning of the Communion service had also been independently condemned by Sir Robert Phillimore. The Church Association, therefore, in carrying up their appeal to the Judicial Committee, had good hope of success on most, if not all, of the points on which they sought to reverse the Archbishop's judgment. Let us see the grounds upon which their hope has been frustrated.

1. With reference to the administration of the mixed chalice, the Judicial Committee have distinctly dissented from, and decided counter to, the judgment of their predecessors in the suit of *Hebbert v. Purchas* (reported in Law Reports, Privy Council Cases, vol. iii., p. 605). In that case, as in the recent proceedings, the defendant did not appear or submit any arguments to the Committee. But they decided against him, in his absence, that the rubric in our present Prayer-Book does not allow wine mixed with water to be administered to the communicants, whether the water be mingled with wine before or during the Communion service. The question of mingling the two as a ceremonial part of the service was not before the Judicial Committee on the recent occasion, since it had been pronounced illegal by the Archbishop. But they have now reversed the earlier decision with respect to the previous addition of water to the wine, and have decided that so long as the quantity added is not so great as to cause the wine to lose its distinctive character as wine, there is no illegality in making the addition before the chalice is placed upon the Holy Table. It is unnecessary to repeat the reasons which were submitted in the former article in favour of this being recognised as the law of our Church. The Judicial Committee point out that in the first Prayer-Book of King Edward VI. the word "wine" is applied to the mixture of wine and water which is enjoined in that book. They might have added that the word "wine" is similarly used in the Act 1 Edw. VI. c. 1 (against such as unreverently speak against the Sacrament, and for the receiving thereof in both kinds), which was passed in the year before that Prayer-Book was authorised. In the narratives of the institution of the Lord's Supper the word used is "cup" (*ποτήριον*), and not

wine. But even if οἶνος had been distinctly mentioned, it would have implied a mixed beverage of wine and water, according to the statement of Plutarch that the people of his time gave the name of wine to such a mixture, even though the water predominated in quantity (τὸ κρᾶμα καίτοι ὕδατος μέτεχον πλείονος οἶνον καλούμεν).

2. The Committee had no difficulty in acquitting the Bishop on the second charge of rinsing the paten and chalice after the service. It was in no sense a ceremony, nor a part of the service. The Bishop explained it as having been done with the intention of complying with the rubric, which directs the reverent consumption of what is left of the consecrated elements. Assuming that he had shown excessive care and scruple in the method of performing the prescribed duty, this certainly could not constitute an ecclesiastical offence.

3. The sanction by the Bishop of the singing of the *Agnus Dei* in English by the choir after the consecration of the elements was the next point under consideration. As already stated, the practice had previously been condemned by Sir Robert Phillimore in the cases of *Elphinstone v. Purchas* and *Martin v. Mackonochie* (suit No. 2) (*Law Reports, Admiralty and Ecclesiastical Cases*, vol. iii., p. 66; vol. iv., p. 279). The Judicial Committee of the Privy Council had, however, never before been called upon to adjudicate upon it. They have now overruled Sir Robert Phillimore, and have upheld the decision of the Archbishop, who had pronounced in favour of its legality. It was admitted, they said, that it was not illegal to introduce a hymn or anthem at some points during the service at which there is no order or permission in the Prayer-Book for their insertion. The usage in the matter is too universal to be called in question, and it is immaterial whether or not it is founded on the sixth section of the first Act of Uniformity (2 & 3 Edw. VI., c. 1), which enacts that "it shall be lawful for all men as well in churches, chapels oratories or other places to use openly any psalm or prayer taken out of the Bible at any due time, not letting or omitting thereby the service or any part thereof mentioned in the said book" (*i.e.*, the Book of the Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church after the use of the Church of England). The Committee referred to the fact that in Wither's "Hymns and Songs of the Church," licensed by James I. and Charles I., a custom is mentioned as then existing of a psalm or hymn being sung during the administration of the Sacrament, in order to keep the thoughts of the communicants from wandering. The *Agnus* complained of was a combination of two passages of Scripture, and was found in more than one place in the

Prayer-Book. They declined, therefore, to condemn its use as sanctioned by the Bishop.

4. The fourth subject of appeal, the adoption of the eastward position during the Communion before the Prayer of Consecration, occupies a larger portion of the judgment of the committee than any of the other points. It had been condemned by their predecessors in the case of *Hebbert v. Purchas*, already referred to. It had also been independently condemned by Sir Robert Phillimore in the same suit (*Elphinstone v. Purchas*, cited above). The words of the rubric at the commencement of the Communion service, directing the priest to stand at the north side of the table, appear in themselves clear and unmistakable. But the history of the rubric, and the fact of the situation of the table having been changed, so that instead of its longer sides facing north and south, as was the case when the rubric was first framed, they now face east and west, have introduced an element of uncertainty into the matter. We all remember the conclusion to which the Archbishop came after a lengthy review of the whole subject. He considered that while long custom had undoubtedly made the position at the north *end* of the table, looking southwards, a lawful use in our church, yet the change in the situation of the table, by which what had once been the north side had become the west side, warranted the adoption of the eastward position by the officiating clergyman throughout the Communion service. The Committee have practically adopted this view, and reversed the former decisions on the point. "Their lordships," they say, "are not to be understood as indicating an opinion that it would be contrary to the law to occupy a position at the north end of the table while saying the opening prayers. All that they determine is that it is not an ecclesiastical offence to stand at the northern part of the side which faces eastwards." As has been pointed out in letters to the newspapers, the west side is evidently meant in this last sentence. It is to be observed that the decision of the Judicial Committee does not entirely cover that of the Archbishop. The accused Bishop had stood at the northern part of the west side of the table, and all that the committee had to decide was as to the legality or otherwise of this. The Archbishop went further, and, while not condemning the Bishop for his exact position, held that the middle of the west side was the more correct place to stand. It was not necessary for the Judicial Committee to endorse this view, and they have abstained from doing so. Their judgment has, however, established the legality throughout the service of the eastward position, which had previously been held by the Judicial Committee to be legal only during, and perhaps after,

the Prayer of Consecration. In so doing they have decided the kernel of the matter against the Church Association; and the question at what precise part of the west side of the table the officiating clergyman may or may not stand is one of comparatively little moment.

5. The last point before the Committee was the use of lighted candles on the table during the Communion service when not required for the purpose of giving light. On this subject the Judicial Committee, in the case of *Martin v. Mackonochie* (Law Reports, Privy Council Cases, vol. ii., p. 365), had condemned as unlawful the ceremonial lighting and burning of candles on the Holy Table when not required for light, and had also declared that the lighted candles, under such circumstances, were unlawful ornaments. The Bishop of Lincoln was accused of having used and permitted to be used lighted candles under similar circumstances as a matter of ceremony; and the Committee pointed out that the words, "as a matter of ceremony," were an essential part of the charge against him. It was not pretended that he had himself placed the candles on the table or lit them. They might be illegal ornaments, but he was not responsible for their being there. He could only have been guilty of an illegal act in connection with them, by having used them or permitted them to be used as a matter of ceremony; and the sole evidence of his having done this was that they had remained there lighted during the whole of the service without any objection on his part. The Committee do not consider that this omission to take objection constituted an ecclesiastical offence. Nor, they add, "are they prepared to hold that a clergyman who takes any part in the celebration of Divine service in a church in which unlawful ornaments are present necessarily uses them as a matter of ceremony." They have, therefore, acquitted the Bishop on this head without impugning the decision of their predecessors on the subject, in the case of *Martin v. Mackonochie* already mentioned. They have consequently not endorsed all the historical research and reasoning with which the Archbishop's judgment is replete on the subject of what are popularly called "altar-lights"; and, as far as the authority of the Final Court of Appeal is concerned, the question of their intrinsic legality or illegality remains where it was before the recent judgment. All that has been decided is that a clergyman, not responsible for their having been placed on the table or lighted, does not commit an offence in conducting or taking part in the service while they remain there.

Such are, in brief, the decisions of the Committee on the different points under appeal. But there are two general

features of the judgment which call for special notice. In the first place, the line adopted by the Archbishop of referring back to primitive and pre-Reformation usage and to contemporaneous histories and other documents for the purpose of elucidating the meaning and force of the rubrics in the Prayer-Book is distinctly approved. It had been objected to on the part of the promoters of the suit, though their counsel, Sir Horace Davey, in his argument before the Judicial Committee, said that he did not deny, and he thought no lawyer or any other person who understood the history of his country would deny, the legal continuity of the Church of England (*Times*, June 12, 1891, p. 3). But the Judicial Committee declared that the Archbishop had been right in the investigations in which he had engaged, and of which he embodied the results in his judgment. To a certain extent they themselves adopted the same line of reasoning, although, from the view which they took of some of the charges, it was unnecessary for them to follow the Primate throughout the whole of his researches. In the next place, the Committee were as careful as the Archbishop had been to point out the entire absence of any doctrinal significance in the various practices, of which the legality was impugned in the proceedings before them. In reference to the eastward position, the words of the judgment upon the point are so weighty that it is well to transcribe them in full :

Before discussing the matter in its relation to the express words of the rubric, their lordships cannot forbear from observing that it is impossible to assign to the directions in the rubric any meaning, either positively or negatively, which touches matters of doctrine. Whatever the position of the priest may be, it is the same whether there is or is not a celebration of the Lord's Supper ; and the rubric, immediately before the Prayer for the Church Militant, shows that what is described as the Communion service may be used—at least, that the part of it down to the end of that prayer may be used—without the celebration of the Lord's Supper at all. This is also plain from the first rubric at the end of the entire service. The question is, therefore, by the form of the charge, whether the position of the respondent, on the occasion to which the charge relates, constituted an ecclesiastical offence. It is difficult to understand the importance which has been attached by the appellants to the position of the priest during the early part of the Communion service. It appears to be suggested that the eastward position at the Holy Table is significant of the act of the priest being a sacrificial one. The Archbishop has pointed out that, in his opinion, this view is erroneous ; but, quite apart from this, if there be any such significance in the position of the officiating priest, and if the intention of those who framed the rubrics now in force was to prohibit a position which could be interpreted as indicating a sacrificial act, it is obvious that the prohibition would have been specially aimed at the position during the consecration of the elements. Yet it has been decided by this Committee, and the appellants did not seek to impeach the decision, that the celebrant may at that time stand at the middle of the table facing eastwards. If this be lawful, of what importance can it

be to insist that he shall during the two prayers with which the service commences place himself at that part of the table which faces towards the north? And this is all that is now in controversy. The point at issue has been sometimes stated to be whether the eastward position is lawful, but this is scarcely accurate. Even if the contention that the priest must stand at that part of the table which faces northward were well founded, there is nothing to make his saying the Lord's Prayer and the opening collect with his face eastward unlawful; the only question is whether he can lawfully do so when occupying a position near the north corner of the west side of the table. Of what moment is it, or can it ever have been, to insist that he should, during the two prayers with which the service commences, place himself at that part of the table which faces towards the north, if it be lawful to stand at the middle of the table facing eastward during the Prayer of Consecration? The very necessity of occupying the position which it is contended is alone legal during the early part of the service would serve to emphasize the subsequent change of position, and to render the position assumed at the time the elements are consecrated the more significant. (*Times*, Aug. 3 1892, p. 5.)

May we venture to hope that, after the emphatic pronouncements both of the Archbishop and the Judicial Committee, we shall hear no more of any doctrinal importance being attached to the matters which have now been decided to be beyond question lawful. Whatever may have been the case in the past, it is henceforth permissible to us—nay, more, it is our duty—to regard them as mere matters of taste.

At the annual meeting of the Church Association in May, the chairman said that they were still anxiously waiting for a decision, the most momentous, he believed, which had been delivered by a Supreme Court for the past three centuries; for upon it depended very much more than was generally supposed—the fate of the Church of England and the liberties of the country. Without looking on the recent judgment from the same point of view as Captain Cobham, we may agree with him as to its importance, and as to its influence on the fate of the Church and on the liberties, if not of the whole country, at any rate of all Churchmen. *Interest ecclesiæ*—no less than *reipublicæ*—*ut sit finis litium*. For half a century, and particularly during the last thirty years, litigation on matters of ritual has been going on in our midst. The prosecution of a bishop was rightly regarded as the culminating effort of this litigation; though we were plainly told that if it were successful, proceedings against other prelates would follow. That scandal, happily, has now been rendered impossible, and it is to be hoped that after the judgment which has just been delivered we shall have heard the last of litigation on ritual for many years to come. But the mere cessation of agitation would have been a doubtful benefit if it had left the Church cramped and confined in the way in which the promoters of the ritual prosecutions desired. The

principle on which the universal Church, and every national branch of it, should be organized is expressed by the Latin formula, *In necessariis unitas, in non-necessariis libertas, in omnibus caritas*. It is further to be remembered that in putting this formula into practice it is an offence against charity to include among essentials things which are not essential. The Archbishop's judgment, and the judgment of the Judicial Committee, have declared, what was already plain to common-sense without the assistance of a judicial decision, that there is no inherent doctrinal significance in any of the five practices which formed the subject of the recent appeal. They are consequently non-essentials, and, as in the case of other non-essentials, there ought to be liberty in respect of them. If it is objected that this reasoning would lead to the toleration in the Church of England of a multitude of other aberrations from the standard of ritual as laid down by the Book of Common Prayer and the Act of Uniformity, the reply is that it is precisely on that account to be considered valuable. On no other ground is it possible to justify the deviations in ritual perpetrated by members of the so-called Evangelical section of the Church, many of which, however, are not only harmless, but positively expedient. For instance, nothing can be more clearly un-rubrical than the recital of the words of administration to several communicants at once, instead of to each one singly. Yet the practice can be defended on many grounds both sentimental and practical, and, in the opinion of the present writer, is far preferable to the rule prescribed by the Prayer-Book. It is highly desirable that both this and other departures from the letter of the rubric in matters of mere convenience or taste should be purged from the suspicion of being ecclesiastical offences. But the tendency both of the Archbishop's judgment and of the recent decision in the direction of latitude of ritual opens up a yet further vista of far-reaching consequences.

It is becoming every day more evident that it will be impossible for the Church of England to maintain the position which she has occupied since we became a nation, of being our National Church, unless she succeeds in re-attracting into her fold the bulk of the Dissenters who now stand aloof from her. It is not clear that this result can be achieved on any terms to which it would be possible for Churchmen to assent; but it is quite certain that, whatever else may be requisite, two conditions are indispensable for its attainment.

First, there must be a substantial relaxation of the Act of Uniformity of 1662, which led to the permanent schism of the Presbyterians and Congregationalists. And secondly, there

must be a considerable modification of the parochial system, which at present gives the incumbent exclusive control over the church ministrations in his parish, and which led to the Wesleyan Methodist schism. The issue of the recent proceedings can scarcely fail to give us a lift forward in both of these directions. The prosecutors of the Bishop of Lincoln desired to stamp uniformity of ritual on the Church, and relied on the Act of Uniformity for effecting their purpose. Both the Archbishop and the Judicial Committee have decided that, in spite of that Act and of the rubrics in the Prayer-Book, to which it gives the force of law, a divergence of ritual is permissible in points to which some Churchmen attach great importance. This, so far as it goes, is a forward step. If we admit, as we can scarcely help doing, that all real Christians ought to be united together in one ecclesiastical organization, and that this organization ought not to impose greater restrictions upon their public worship than are absolutely necessary, we cannot do otherwise than welcome any progress in the direction of making our law of ritual more elastic. On this ground we may hail the decisions in the Bishop of Lincoln's case as a substantial advance in themselves, and as an earnest of a further advance in the future in the way, not of a higher ritual, but of greater variety of ritual.

The bearing of the decisions on the other requirement of our day which has been mentioned—namely, a modification of the parochial system, is not so direct or obvious. But satisfaction with the result of the recent proceedings is entirely compatible with keen sympathy for those to whom the ritual now pronounced legal is a distasteful innovation. Their endeavour, however, should be, not to suppress the tastes of others, but to obtain for themselves liberty to worship God as they desire, without forfeiting their status as Churchmen. This liberty can only be fully obtained by dethroning the incumbent of a parish from his present position as sole arbiter of the Church services to be conducted within it. In common worship there must, of course, always be of necessity a certain amount of give and take, and of surrender of one's own predilections to those of others. But, subject to this, the right of Churchmen, within certain wholesome but not too restricted limits, to engage in forms of public worship which are in harmony with their feelings and conscience, ought to be placed on an unquestionable footing, and the Church Association, if it survives its recent defeat, would do well to bend its energies towards the accomplishment of this object. When this is achieved, the way will have been prepared for the present dissenting chapels being admitted as chapels of ease to the parish church. The central edifice will retain the standard

of ritual prescribed by the Prayer-Book, but in the other places of worship different forms of prayer and extempore prayers without any form at all will be permissible. It may, indeed, be that the fate of the Church of England and the liberties of the country will prove to have depended on the recent judgment to an extent not generally realized. The proceedings against the Bishop of Lincoln, when they were first taken, were regarded by most Churchmen with regret, and by some even with dismay. But there are substantial grounds for hoping that in their result, against the will of those who promoted them, they will have been overruled for good. It will be something if they lead to peace. It will be still better if they clear the way for the toleration of a wide diversity of ritual, and for the return to the Church of those whose dissent has been due to the rigidity in her forms of public worship, which has prevailed to an extravagant degree in past generations, and of which there is still legitimate reason to complain.

PHILIP VERNON SMITH.



ART. VI.—THE OLD CATHOLIC CHURCH OF HOLLAND.

A Visit to Utrecht.

THE recent death of Dr. Heykamp, the old Catholic Archbishop of Utrecht, and the election and consecration of his successor in that see, the Rev. G. Gul, formerly pastor of the parish of St. Vitus, Hilversum, has directed special attention to the ancient Church, commonly called "The Jansenist Church of Holland," a title, however, which its members repudiate as a sobriquet imposed by their adversaries the Jesuits, the official designation of their Church being "The Church of the Old Episcopal Clergy of Holland" ("Kerk der Oud-bisschoppelijke Klereszij te Holland"), a title distinguishing them from both the Roman Catholics and from the various denominations of Presbyterian Protestants. Theirs is the only one national Latin Church which stands, and for generations has stood, independent of the Papacy. It has borne many persecutions and endured much opposition, and whilst not formally severing itself from all connection with Rome, has yet cast off many Romish errors, and refused to accept the modern dogmas of that corrupt Church, *e.g.*, Papal infallibility, and the universal episcopate or ecclesiastical omnipotence of the