

## VESTMENTS.

BY ALBERT MITCHELL, Member of the Church Assembly.

IN the unreformed Church of England a large number of vestures were in use, the form and variety of which served to distinguish both the grades of the clergy and the functions that they performed. The general term clergy included those in minor orders, whom we to-day regard as laymen. Many of these vestures might be worn not only by those in minor orders, but also by others of the laity who were called upon or permitted to take part in ecclesiastical functions. But others of these vestures were restricted to those in the higher orders, and some to those who executed the office of the Holy Eucharist, called the Mass. It is to these last that the technical term vestment is usually applied: while when mention is made of "the vestment" the reference is always to the Chasuble, the vesture that, in the Middle Ages, was assumed by the priest, who presided and officiated at the service then called the Mass, which was and is presented as the celebration of that ordinance of our Blessed Lord which we delight to call by such names as "The Lord's Supper," and "The most comfortable Sacrament of the Body and Blood of Christ."

It may be observed in passing that at the Mass, as also at the Sacrament in our Reformed Church, there is only one Priest—the Priest—the Minister. His assistants, whatever their ecclesiastical rank, were "the Deacon," and "the Sub-deacon." For these three ministers were provided the three stalls, still found in the more important of our old churches, which we name *Sedilia*.<sup>1</sup> In our modern usage the "Gospeller" and "Epistoler" roughly answer respectively to the "Deacon" and "Sub-deacon."

At the beginning of our consideration of this question, we are met with a sharp difference of opinion as to the origin of the vestures used in Church during the Middle Ages (I intentionally use the expression "the Middle Ages" to avoid prejudging the question of the antiquity of the use of the Mediaeval vestments).

One view, stated very fully in Stanley's *Christian Institutions* (Chapter VIII), derives them all from the secular dress of the ordinary civilised laity (Roman and Greek) of the early centuries. "The dress of the clergy had no distinct intention—symbolical, sacerdotal, sacrificial, or mystical; but originated simply in fashions common to the whole community of the Roman Empire during the three first centuries:" and again, "Not the clergy only but the laity as well, when they came to their public assemblies, wore indeed their ordinary clothes, but took care that they 'should be clean.'"

But this view is hotly contested by others, who insist that

<sup>1</sup> In great churches a fourth stall is provided for the contingency of the presence of a prelate who (without taking part in the essentials of the service) ornamentally "pontificates."

the vesture that came to be associated with the Christian ministry was taken over from the Jewish Priesthood. For this view see G. G. Scott's *Essay on English Church Architecture*, pp. 66-69. While it has even been attempted by symbolising enthusiasts to identify different articles with incidents in the dress of our Blessed Lord Himself.

The lesser vestments need not detain us long. The vestments of the Mass were the Amice, the Alb, the Girdle, the Maniple, the Stole, and the Chasuble. To these we may add the Cope, the Dalmatic (with its variant the Tunicle), the Surplice, the Pall, the Rochet, and the Chimere (chymmer).

The *Amice* (Amictus) is merely a linen collar, and is to be carefully distinguished (*pace* Palmer, *Origines*, 320) from the Almuce or Amess (Amitia) which was a scarf of black cloth, lined with fur (probably worn for warmth as a kind of muffler), the original of the modern black tippet or scarf. The *Alb* was a close-fitting linen vesture with tightened sleeves, girded in at the waist, and coming below the knees. The *Girdle* explains itself. The *Maniple*, on the utilitarian theory, was either the cleric's handkerchief (Sudarium), or a napkin to cleanse the lip of the cup. It is pinned or buttoned to the left sleeve of the alb. It has no modern use, but is now a narrow slip said to symbolise the cord of scourging. The *Stole* may have had a similar origin to the maniple. It is frequently confused with the tippet or scarf. The symbolists say it represents the rope by which the Lord was led to the cross. The *Dalmatic* is a loose robe, with open sleeves. Originally its use was reserved to the bishop, but in the fourth century the Roman deacons began to use it in their struggle for power: <sup>1</sup> and it came in time to be the distinguishing costume of "the Deacon" (Gospeller) at the Mass. The *Tunicle* is the simpler form worn by Sub-deacon.

The *Surplice* is well known. It is a *full* linen gown, made to be worn over other garments (superpellicum, "over the fur"), with full sleeves. It was the "clerkly habit" (Foxe, iv. 364). The *Pall* was possibly originally merely a long stole, twisted in fantastic fashion. In the result it became in the West the distinguishing mark of an Archbishop <sup>2</sup> (*praerogativa pontificalis dignitatis*), and appears to-day in conventional form upon the arms of the English primates. It could be sent only from Rome. The *Rochet* is simply the lawn surplice, with sleeves gathered in at the wrist, worn by bishops. The *Chimere* or chymmer is the loose

<sup>1</sup> *Camb. Med. H.* i. 156. (The writer is Mr. C. H. Turner.) The essential superiority of presbyter to deacon was not established without a struggle. Do. pp. 154-5. At the council of Arles 314 it was found necessary to forbid a deacon to celebrate the Eucharist. The Archdeacon of Rome had a fair chance of the papal chair.

(The *Spectator* reviewer, Jan. 1912, challenged the statement that the dalmatic was originally an episcopal vesture. Prof. Sanday, *Contemp. Review*, Feb. 1912, bore testimony to general accuracy of Mr. Turner's facts.)

<sup>2</sup> See Cranmer's challenge to (the jurisdiction of) his degraders (Foxe, viii. 79), "Which of you hath a pall, to take off my pall?"

sleeveless overcoat, of scarlet or black, now worn by bishops over the *rochet*.

There remain the *Cope* and *Chasuble*. The Cope is a large cloak, covering the whole body and garments, open down the front, but held together with a strap or band over the chest. In olden times it sometimes had a cowl or hood attached, but that is now represented merely by a pattern on the shoulders. The simple cope (*cappa nigra*—black cope) was of plain black cloth worn in choir over the surplice, probably for warmth. (It must be remembered that mediaeval churches were very chilly.<sup>1</sup>) The processional cope (*cappa serica*—silk cope) was of coloured or embroidered silk, worn in procession, and at ceremonial functions. It was worn by laymen as well as by the clergy, and even in wholly secular functions. It is not enumerated amongst the "*Paramenta degradando*."

The mediaeval cope was, undoubtedly, a soft, clinging garment. This is shown particularly by the vivid sculptures on the famous "Seven Sacraments" fonts of Norfolk. The priest could throw the cope back over the shoulder to have his arm free. The stiff formal structure affected in modern days was probably suggested by the stilted late mediaeval paintings aided by the analogy of the obsolete vestments grown rigid in old chests, etc. At Lincoln the Canons were directed to change their processional copes for their choir copes in their stalls. There would certainly be no room in a Lincoln stall for two of the modern Church-furnisher's copes, *plus* an ecclesiastic! The black choir cope was worn at Lincoln from September to Easter, and during the rest of the year the Canons carried their Amesses (mufflers) with them in case of cold. This shows that the cope was really a kind of overcoat (probably the "respectable" man's topcoat).

None of the foregoing vestments can be claimed as possessing doctrinal significance. But it is otherwise with the *Chasuble*, round which the whole controversy rages.

"Chasuble," or "Chesille," or "Chesible," were varying characteristic attempts of the awkward English tongue to achieve the Latin "*Casula*" (literally, "a little house," from its enveloping character). Another name was *Planeta* ("wanderer"), signifying its loose swaying character.

On the secular derivation, it was the ancient poorer man's overcoat (*paenula*, Phenolion)—probably more protection against rain than against cold—and as a secular dress it survives to this day in countries of Spanish origin as a *poncha* or *poncho*. Under this name it has (appropriately to its likely origin) found a use in England as a cyclist's rain cape. But Mr. Gilbert Scott disputes the secular origin, and claims (following Dr. Rock) that the chasuble is derived from the vestment described in Exodus xxviii. 32. He argues that as the *paenula* was the "vulgar" dress, as distinct

<sup>1</sup> The portly appearance in ancient pictures of even ascetic-faced ecclesiastics is largely due to the quantities of clothing necessary to support sufficient heat of body.

from the dignified *toga*, it is impossible that it should have been taken as the dress of the clergy. Others may be inclined to invert the argument.

In its original form the *casula* (Chasuble) was the shape of an obtuse cone, with the apex cut off to pass the head through, and ideally made up from a complete semi-circle of stuff stitched up. But such a make-up would involve a waste of material; and in practice two different ways of making up the garment were resorted to. In the Latin form it was made up of three pieces of stuff. This made three seams, which met on the chest so as to form a T cross. Another make-up (common in England and elsewhere) was of two pieces of stuff. This involved two seams only, one down the front and the other down the back. A variation of this by cross seams produced Y crosses back and front. The lines of the seams were ornamented with embroidery, called *orphreys* (i.e. "orfrais," gold embroidery), which made the "pillar" or "crosses."

According to Prebendary Meyrick (*Prot. Dict.* 100), it was about the end of the eighth century that the chasuble, ceasing to be worn by the laity, began to be an exclusively clerical vesture, although not necessarily a *ministerial* vesture.

So long as the primitive practice of the priest standing behind the Lord's Table, facing towards the people, continued, coupled with simplicity of rite, the uncurtailed conical shape of the chasuble presented no great inconvenience. But with the introduction and extension of the later practice of officiating with the back to the people, and with other developments of ritual expressive of development of doctrine, the freer use of the arms became necessary to the action of the celebrant.

The simplest alteration in the *Casula* was made in the East. There the priest is separated from the people by the *iconostasis*, or screen: and the Mysteries are not presented to the people for adoration until the moment of blessing, when the priest comes out and faces the people for the purpose. This does not require him to raise his hands above the level of his breast, and to suit this action the front of the chasuble is scooped out, so that it somewhat (to an uncritical judgment) resembles the Western cope.<sup>1</sup>

But in the West (to quote Gilbert Scott) "When the custom of veiling the altar <sup>2</sup> during mass (*sic*) had grown obsolete in the Latin Church, it became possible, and fitting, to make the moment of consecration the moment also of adoration, and one action to suffice for both. Thus the elevation of oblation became also the elevation for worship." (*Essay*, p. 117.)

To this end the rubric directed "post haec verba (sc. Hoc est

<sup>1</sup> It is suggested that the adoption by the Non-juring "Usagers" of the cope as their Eucharistic vesture may have been induced by a belief that it was identical with the Eastern "phenolion." The nonjurors largely influenced the Tractarians, with whom they were merged.

<sup>2</sup> There is no evidence of any such custom being general. By quoting Scott I do not adopt his views.

enim corpus meum) inclinet se sacerdos ad hostiam, et postea elevet eam supra frontem ut possit a populo videri." [After these words (For this is My Body) let the priest incline himself towards the Host, and afterward raise It above his forehead so that it may be seen by the people.] To make this action possible the sides of the chasuble were shaved off so that it came to a point back and front. Thus the very shape of the mediaeval chasuble was expressly due to the needs of ritual expressive of (a) sacrifice and (b) worship of the Host. It is therefore difficult to suggest that the use of the mediaeval chasuble does not involve doctrine.

In the Form of Degradation (see Foxe, viii. 77-79) the appropriate passage runs: *Casulam sive planetam per posteriorem partem captivi accipit degradator, et degradandum exuit, dicens: "Veste sacerdotali charitatem signante te merito expoliamus, quia ipsum et omnem innocentiam exuisti."*

See also Foxe's account (iv. 364) of the degradation of Dr. John Castellane at Tournay (1525): "Then he took away from him the chesille, saying: 'By good right we do despoil thee of this priestly ornament, which signifieth charity: for certainly thou hast forsaken the same, and all innocency.'" And in the degradation of Sautre (1401) by wicked Thomas of Arundel (see Foxe, iii. 227): "We pull from thy back the casule, and take from thee the priestly vestment, and deprive thee of all manner of priestly honour."

A further development of the shape of the chasuble has taken place since the Reformation for the same reasons, in Churches following the Roman Use. The whole of each side of the chasuble has been scooped out: and the result is reminiscent of "sandwich boards."

But it is worthy of note that where the primitive and orthodox position of the priest, facing towards the people, was retained, the "ancient ample unmutilated vestment" was also retained. (Scott, *ibid.*) It is a true instinct that connects the mediaeval vestment with the so-called Eastward Position (which I prefer to term "Arianistic"). The two cannot long be kept separate. Both stand for the doctrine of the *Priest*, the *Sacrificer*, interposing himself between the redeemed child and the Eternal Father, as if (forsooth) to re-Present to the Father that great Oblation which the one-begotten Son made once for all in complete union with the Father's will and purpose and love: and both, therefore, are contrary to the Truth of the Gospel. Both were excluded from the service of the Reformed Church at the same moment.

In the Order of the Communion issued in 1548, there was no reference to either the position of the priest or his vesture.

But at once on the issue of the First Book of Edward VI in 1549, relief was given in the matter of the vesture: "the Priest that shall execute the holy ministry shall put upon him the vesture appointed for that ministration, that is to say: a white Albe plain, with a vestment or Cope." The "vestment" is, of course, the Chasuble of the unreformed ritual: but the significant innovation is the allowance of the alternative of the Cope. And when it is

remembered that "Cope" meant, in actual Divine service, as distinct from processions, quite as much (even if not more commonly) the *plain black cloth Choir cope* as the more showy "cappa serica," the possible extent of the innovation, and relief, begins to be appreciated.<sup>1</sup>

The First Book of King Edward does not appear to have been specially popular, and its revision was early commenced.

The Revised Book was issued in 1552, and was widely circulated (Gee, *Eliz. P.B.* 127). By this the Reform was carried further. The new Rubric ran :

"And here it is to be noted that the Minister at the time of the communion, and at all other times in his ministration, shall use neither Alb, Vestment, nor Cope : but being Archbishop, or Bishop, he shall have and wear a rochet : and being a Priest or Deacon, he shall have and wear a surplice only."

While the service of Holy Communion was directed to be said by the Priest "standing at the North side of the Table," a direction that has never since been varied.<sup>2</sup>

The Marian reaction restored the whole Mediaeval Ritual, although there is reason to believe that the 1552 book was used in private. But Mary died in November 1558, and the use of the 1552 book was at once revived without waiting for legal sanction. (Parker Society, *Lit. Serv. Eliz.* xi.)

By the Elizabeth Act of Uniformity, the 1552 book was re-enacted, and directed to be used "with one alteration or addition of certain lessons to be used on every Sunday in the year, and the form of the Litany altered, and corrected, and two sentences only added in the delivery of the Sacrament to the communicants, and NONE OTHER, or OTHER WISE." These words, undoubtedly, taken literally, re-imposed the 1552 Ornaments Rubric ; and if nothing else had been said on the subject no question could have been taken as to what Vestments were lawful under this Act. But towards the end of the Act there occurs a very ambiguous proviso :

"Provided always and be it enacted, 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 second year of the reign of King Edward VI, until other order shall be therein taken by the authority of the Queen's Majesty, with the advice of her Commissioners appointed and authorised under the great seal of England, for causes ecclesiastical, or the Metropolitan of this realm."

<sup>1</sup> It is not impossible that this fact is behind the lament of the old Papist chronicler that the Archbishop (Cranmer) did the service in "Powles" (St. Paul's) wearing no vestment, but only a cope ! (1549).

<sup>2</sup> The theory of the change of position of the Table is not substantiated by the evidence. Under this Rubric the Table stood, and was intended to stand, in the same posture that it stands to-day.

The proviso is ungrammatical, which suggests that some change of wording in the original draft had caused some crucial word or words to be left out. But we have no clue. In any case, the proviso is clearly temporary in its intention. There are two contemporary items of evidence as to its meaning, and each points in a different direction.

At the end of April 1559 (two days after the passing of the Act) Dr. Sandys (afterwards Archbishop of York) wrote to Dr. Matthew Parker (afterwards Archbishop of Canterbury): "The Parliament draweth towards an end. The last book of service is gone through with a proviso to retain the ornaments which were used in the first and second years of King Edward, until it please the Queen to take other order for them. Our gloss upon this text is that we shall not be forced to use them, but that others in the meantime shall not convey them away, but that they may remain for the Queen." "Gloss," be it remembered, is the ordinary word for "comment," and is from the same (Greek) root as "glossary." It has no connexion with the meaning "gloze" (which is from a different—Icelandic—root) as a well-known Ritualist controversialist dared to pretend a few years since in a public correspondence!

Dr. Sandys wrote without book, as the Act was not issued from the press until after May 30, and his allusion to the *first* year is an error. The "we" means, of course, the clergy.

If Dr. Sandys' view is right, it would appear that no ritual use of the discarded vestments was contemplated, but merely their leisurely disposal to the profit of the Crown. It is worthy of note that the word "Use" has the same legal, technical meaning as the word "Trust": so that for property to be "held in use" was the same as to be "held in trust." The famous Statute of Uses (27 Hen. VIII, c. 10) uses the phrase "in use" in this sense: and it was a commonplace with sixteenth-century lawyers. For a lay use of the same expression see *Merchant of Venice*, Act IV, Scene 1, line 383. But only a Conveyancing Lawyer is likely to appreciate the force of this view (see Mr. J. T. Tomlinson's evidence before the Royal Commission, Vol. I, pp. 208-224, 283-293): and, however fascinating the theory may be, there are no signs as yet of its winning general acceptance. It was, unfortunately, not before the Tribunal in *Ridsdale v. Clifton*.

The other (contrary) piece of evidence is the fact that, in the new editions of the 1552 book printed in Elizabeth's reign, the original rubric (quoted before) was omitted: and the following note substituted:

"And here it is to be noted, that the minister at the time of the communion, and at all times in his ministration, shall use such ornaments in the church as were 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"

This note was quite illegal, as it was not prescribed by the Act, and it does not profess to do more than refer to the Act : but it certainly suggests that some one, with power to control the licensed printer, thought, or wished others to think, that the (temporary) ritual use of the alb, and tunicle, and the " Vestment " *or* Cope, was at least permissible under the Elizabethan Act of Uniformity : yet the very change of expression from " be in use " to " shall use " witnesses to some uneasiness as to the meaning of the former phrase.

But it has been shown, beyond all question, that within a few months the Vestments somehow or other disappeared from ken (see Mr. Tomlinson's evidence, as above).

One of the consecrators of Matthew Parker, Bishop Barlow (Dec. 1559), wore a silk cope,<sup>1</sup> and the Queen retained a peculiar Use in her private chapel. The Advertisements of 1566 prescribed the use of Copes by the three ministers of the Eucharist in Cathedrals only ; and the Canons of 1604 (in James I's reign) limited even this use to " principal feasts." The disuse of the chasuble appears to have been complete, and that of the cope almost so. (Canons may lapse by desuetude.)

The explanation is probably to be found in the fact that during the summer of 1559 Royal Visitors (whose Commission appears to have been under the Great Seal and for causes ecclesiastical) were, fortified by Royal Injunctions, busy scouring the country, and taking " other order " under the Statute. At St. Paul's Cathedral it is said that they forbade copes and amices, and the Bishop-elect ordered the cathedral clergy to use only a surplice at the service time ; and at Bartholomew Fair there was a holocaust of " ornaments," including copes. The question as to whether the action of these Commissioners or Visitors technically satisfied the Statute and exhausted the proviso (and the unauthorised note in the printed Elizabethan Prayer Books) is considered in *The Prayer Book Articles and Homilies* (J. T. Tomlinson), pp. 41 *seq.*, and in the same author's evidence before cited. The " highly authoritative action of the Royal Visitation " (Frere) certainly gives colour to Dr. Sandys' view ; and it is on the assumption of the contrary view that doubts as to the Injunctions being the taking of " other order " partly rest. But it would not be fair to press this argument too far. It is probable that the situation was rather strained in the later months of 1559 by reason of the awkward dilemma, in regard to the confirmation and consecration of the Primate-designate, in which the contumacy of all the old bishops (except Anthony of Llandaff) had placed the Government. (See Courrayer.)

If, however, there was any technical deficiency in the action under the Royal Injunctions of 1559, it is claimed that it was

<sup>1</sup> Bishops Scory and Hodgkin wore linen surplices. Bishop Coverdale wore only " toga lanea," which probably means his warm overcoat, for he was an old man. Archdeacons Bullingham and Guest who were Epistoler and Gospeller also wore silk copes. After consecration, Parker assumed rochet, black chimere, and a sable " muffler."



remedied, or perfected, by the Royal Advertisements of 1566.

This, in effect, was the decision of the Appellate tribunal in *Ridsdale v. Clifton*, where the Privy Council (after expressing their doubts as to the Injunctions) advised the Sovereign that :

“ Their Lordships are clearly of opinion that the Advertisements (a word which in the language of the time was equivalent to ‘admonitions’ or ‘injunctions’) of Elizabeth, issued in 1566, were a ‘taking of order,’ within the Act of Parliament, by the Queen, with the advice of the Metropolitan.”

All attempts to question the *fairness* and uprightness of the decision in *Ridsdale v. Clifton* have failed. See the Report of the Royal Commission (Minutes), Vol. I, pp. 160-161. The Advertisements run :

Item : In the ministration of the holy communion in cathedral and collegiate churches, the principal minister shall use a cope with Gospeller and Epistoler agreeably;<sup>1</sup> and at all other prayers to be said at that communion table, to use no copes but surplices.

Item : That the dean and prebendaries wear a surplice with a silk hood in the choir ; and when they preach in the cathedral or collegiate church to wear their hood.

Item : That every minister saying any public prayers or ministering the sacraments, or other rites of the church, shall wear a comely surplice with sleeves, to be provided at the charges of the parish ; and that the parish provide a decent table standing on a frame for the communion table.

So that (according to *Ridsdale v. Clifton*), by 1566, the law of the Church as to vestments was settled by the imposition of the use of the surplice only in Parish Churches, with the use of three Copes in Cathedral and Collegiate Churches. The second half of the provision gradually fell into abeyance. In 1604 the use was limited to principal feasts, and, in practice, it is doubtful if copes were used except at the Coronations.

But the Prayer Book was again revised in 1661, upon the restoration of the monarchy, and the revised book was imposed by the Act of Uniformity of 1662. In the Revised Book the Ornaments Rubric Note appeared in the following form :

“ And here is to be noted, That such ornaments of the Church, and of the Ministers thereof at all times of their ministration, shall be retained and be in use, as were in this Church of England by the authority of Parliament, in the second year of the reign of King Edward VI.”

Three points are to be remarked. First, that the language is so reminiscent of the Elizabeth Proviso that it is manifestly founded on it : Second, that the use of the word “retained” precludes the

<sup>1</sup> It should be noted that the vesting of the Gospeller and Epistoler as Ministers of “the Word” in the same garb as “the Minister” of the Sacrament negated any significance of a “distinctive” vesture.

suggestion that *disused* ornaments were intended to be brought back: Third, that the omission of any special reference to the "time of communion" seems to imply that the framers of the rubric knew nothing of any special dress for use at Holy Communion.

The history of the 1661-2 Revision is very interesting. One of the leading advocates of Revision was Dr. Matthew Wren, Bishop of Ely. In his MS. suggestions he wrote of the Elizabethan Ornaments Rubric (i.e. the interpolated note):

"But what is now fit to be ordered herein, and to preserve those that are still in use, it would be set down in express words, without these uncertainties which breed nothing but debate and scorn. The very words too of that Act, 2 Edw. VI, for the Minister's Ornaments, would be set down, or to pray to have a new one made, for there is somewhat in that Act that now may not be used." (Jacobson, p. 55.)

It is a great pity that Bishop Wren's sensible suggestion was not then carried out, and the legal vestments "set down in express words."

But it seems pretty clear that the Bishops thought that the printing of the Elizabethan Act in the Prayer Book in full, and the use of the very words of the Act in this reference note, answered all reasonable objection. In the Prayer Books (preserved at Durham and Oxford) which record stages of the revision, Sancroft (afterwards Archbishop), who acted as a clerk, wrote against the amended rubric, "These are the words of ye Act itself, v. supra," and in the later of the two books he added "sec: penult ut supra" (Tomlinson, pp. 195, 147).

When the Savoy Conference, called by the King in the hope of agreement between the Bishops and the Presbyterian leaders, broke up without any result, the House of Commons decided to move for itself. It first directed search to be made for the original MS. of the 1552 Book, apparently with intent to re-enact it as it stood. When that could not be found, it fell back upon a copy of the Prayer Book printed in 1604 (before the suspect time of Laud's supremacy), and scheduled it to a Bill, read the Bill three times, and sent it up to the Lords. The House of Lords read the Bill a first time, and then laid it aside; as tidings came that Convocation had at last begun the work of Revision. This is, so far as is known, the first time that Convocation, as such, touched the Prayer Book. The theory that Convocation was consulted in 1549 has no documentary support.

When the Prayer Book revised in Convocation was presented to the Lords, that House duly passed it and sent it down to the Commons. The Commons received it sympathetically, but warily. A Committee was appointed to examine it and report. On the report that none of the alterations were serious, the House of Commons first asserted the rights of the laity by resolving (*nem. con.*) "That the amendments made by the Convocation and sent down by the Lords to this House, might, by order of this House, have

been debated," and then passed the Bill with the Scheduled annexed Book. A previous resolution, not to admit debate, was carried only by a majority of six. (See *English Churchman*, Oct. 5, 1911.)

Much of the actual work of Revision was done by a small Committee of Convocation, meeting at Bishop Wren's house in Ely Place. The Elizabethan Act of Uniformity was included in the Prayer Book, and numbered 1 in the Table of Contents. The falsification of this Table in modern Prayer Books deserves severe reprobation.

It is clear that no one in 1662 imagined that the effect of the new Prayer Book was to bring back the obsolete vestments. Mr. Tomlinson has unearthed nearly all the Visitation Charges of Bishops and Archdeacons in the years immediately following 1662 and all proceed on the assumption that the Surplice is the only vestment to be used (Royal Com. Rep. Minutes, I, 284). Many of these were referred to in the cases of *Ridsdale v. Clifton* and *Hebbert v. Purchas*. Bishop Cosin's 6th Visitation Article ran, "Have you a large and decent Surplice (one or more) for the Minister to wear at all times of his public ministration in the Church?"

No further question was taken on this subject until the middle of the nineteenth century, when in the progress of the Tractarian Movement the claim was set up that the Ornaments Rubric required the use of the Vestment (i.e. the Chasuble) or Cope at Holy Communion.

The law was very carefully and painstakingly considered before a very strong Committee of the Privy Council, in *Ridsdale v. Clifton*, and the Judicial Committee advised the sovereign, That the 1622 Ornaments Rubric was only a Memorandum or note of reference to the Law: that the Elizabethan Act of Uniformity remained as an unrepealed and effective law, and that that Act must be read and construed with the insertion of the order as to vestures in the Advertisements of 1566; and the effect of that insertion would be to the effect:

"That the surplice shall be used by the ministers of the Church at all times of their public ministrations, and the alb, vestment or tunicle shall not be used, nor shall a cope be used except at the administration of the Holy Communion in cathedral and collegiate churches."

Unfortunately the opinion of the Judicial Committee is very long, and digresses from time to time to consider side points; so that it is by no means easy effectively to summarise its decision: but the foregoing may be relied on. It is in its digressions that this opinion or "judgment" is (mainly) claimed, by those dissatisfied with it, to be vulnerable.

The case is in Law Reports 2 Probate Division, p. 276 (a cheap copy of the "Judgment" only was published by the Church Association for threepence, and can still be bought). The official head-note of the editor of the Law Reports (which, of course, has no independent authority) runs:

"1 Elizabeth, c. 2, s. 25 must be read together with the order made thereunder by the Advertisements of the Queen in 1566, and the law so understood acted upon and enforced from 1566 to 1662 (excepting a brief interval) cannot be repealed without a distinct and repealing enactment or an enactment inconsistent and irreconcilable therewith. The Rubric Note of 1662 could not and did not purport to repeal the law and all that had been done under it, while the Act of 1662, 13 & 14 Car. II, c. 4, s. 24, expressly confirms the Act of Eliz. c. 2; nor is the rubric inconsistent with s. 25 of the latter Act read as if the order made thereunder had been inserted therein."

It is customary to speak of the "advice" of the Committee as a "Judgment," but it should be remembered that the Judicial Committee of the Privy Council is not a "Court"; its members are the legal advisers of the Sovereign, *whose* decision is given, on the appeal made to the *Crown*, in accordance with their advice.

No attempt has ever been made to procure any reversal of this decision of the highest tribunal. A not very creditable attempt has been made to suggest that the tribunal was not impartial; but the following interesting questions and answers, enshrined in the Minutes of Evidence of the Royal Commission, Vol. I, are significant. The questioner is Sir Lewis T. Dibdin, admittedly the first Ecclesiastical lawyer of the day, and the answerer is Dr. W. Howard Frere, then of the Mirfield Community and now Bishop of Truro, one of the leading experts of the Ritualist School of Liturgiologists:

Questions 2432, 2433. "Well now, would you tell me . . . any single fact which was left out of the consideration of this case by the Privy Council . . ." A. "I think that the most important thing that was not before the Privy Council is the letter to the Dean of Bocking. . . ."

Question 2437. "Give whatever weight you like to it, I do not think you will put your case so high as to say, with this mass of historical documents of authority, that that letter by itself could turn the verdict from one side to the other?" A. "No."

Question 2438. "So that we really have got to this: that the Privy Council substantially had the case before them as it is before you, and before us to-day?" A. "To a very large extent they had, no doubt."

Question 2439. "Then your real grievance with the Privy Council is, is it not, that on those facts they came to a wrong conclusion?" A. "On the question of history. Yes."

Question 2440. "No, on the question of law." (Then follows a dispute as to whether the question is one of law or history.)

Question 2451. "But the point I put to you on that is—we have arrived at this—that this is a question of law, and that on the question of law I read to you what I am sure you

will agree with me is a very authoritative opinion (i.e. Lord Selborne's) upon the question of law?" A. "Yes."

Question 2452. "And there I think I had better leave it."

And in his book *Some Principles of Liturgical Reform* Dr. Frere makes the admission: "It seems more hopeful to have a new law than a new judicial interpretation."

So it may be taken that the decision in *Ridsdale v. Clifton* is not very likely to be upset by any "new decision," as, a few years ago, experts of the Ritualist school were fond of assuring us it would be.

The Royal Commission formally reported, "Thus for ceremonies the date of the standard is 1662, for vestments 1566, and for church ornaments 1549" (p. 6, c. ii).

In point of fact part of the strength of the Tractarian (or Ritualist) contention that the Mass Vestments are lawful, despite the legal decision to the contrary, lies in the appeal to prejudice against "the lawyers." This line is also taken by Dr. Frere, in his (cited) book, where he ventures to say (page 126) that the Advertisements of 1566 were (by the Privy Council) "presumed to have the necessary royal authority"; whereas as a matter of fact this point was carefully discussed for some nine pages. That very fact has laid the document open to criticism, as an argumentative "judgment" necessarily invites academic debate!

The contention that the Mass Vestments are really legal under the present law, rests upon a series of assumptions:

*First*, that the Elizabethan Act directed their temporary *ritual* use. This assumption is not unreasonable, but it is not certain.

*Second*, that the "other order," promised by the Statute, was never taken by the Queen. This assumption goes contrary to all the available evidence as to the practice of the latter years of Elizabeth.

*Third*, that the Bishops in 1662 knew that no "other order" had been taken. This assumption is negated by Bishop Wren's express note that "there is somewhat in that Act" (i.e. the 1549 Act) "that now may not be used."

*Fourth*, that the 1662 Bishops, at least (not to speak of the others concerned), intended that the temporary provision (on the first previous assumption) should become permanent. This is negated by their striking out the reference to "time of communion" in the Rubric Note and by their Visitation action.

This series of assumptions ought scarcely to carry weight against the careful, considered opinion of the Judicial Committee in *Ridsdale v. Clifton*, which, I submit, holds the field as the most generally and practically reasonable view. After all, the dry, critical judgment of a body of trained lawyers should command more respect, in such a matter, than the consensus of any number of clerical experts, who (however upright and honourable they may be and are) cannot help being unconsciously biased towards what they would prefer to be true.

Let it also be remembered that the suggestion sometimes made that the Ritualist view is the simpler, is a little absurd, as it requires a much more involved reference to extraneous documents than the really simple rule established in *Ridsdale v. Clifton*. Moreover, it is not a question of two opposed theories. There are a large number of variants (for all of which something may be argued). When so many rival theories are afloat, it seems safest, on the whole, to assume that the highest Appellate Tribunal was most probably substantially right. That is my view, although I regret that the Tribunal had not before it the valuable evidence subsequently collected by Mr. J. T. Tomlinson, and now partly accessible in his published Tracts.

I think I have said enough to show that Evangelicals need not be apprehensive that, under the present Prayer Book, they could ever be coerced into use of the Vestments. But, on the other hand, it has been made abundantly clear that any hope or expectation that the use of the Vestments by those who desire to use them can be effectively controlled by legal methods is illusory.

The attempt in connexion with Prayer Book Revision to substitute for the so-called "Ornaments Rubric" a plain rubric based on the rule in *Ridsdale v. Clifton* failed. The rubric propounded in N.A. 84 leaves the question of the present law uncriticised, and the present "Rubric" unaltered. But it proposes to recognise the practice of alternative use, "for the avoiding of all controversy and doubtfulness."

Evangelicals have, therefore, to make up their mind, not between assent to the prevalence of two or more alternative uses, and the enforcement of uniformity (for the possibility of enforcement of uniformity is outside presently practical politics); but between tacit acceptance of the fact of existing diversity, punctuated with public and private protest of the "illegality" of one or other use, on the one hand, and assent to official recognition of both fact and (hereafter) legality of the existence side by side of two uses, on the other hand. In putting the matter thus, I am not taking a side, but simply seeking to make the issue clear. Either way, the Laity suffer severely, as always, and they are likely to continue without adequate redress. The growing realisation by the Laity of their utter helplessness as against the clergy constitutes one of the greatest dangers in the Church to-day. There is no doubt that the movement for revision is purely clerical and artificial. The Laity as a whole do not want it, even in its more practical points. Certainly the Laity are almost wholly opposed to any alteration in regard to Holy Communion; and, I think, this includes a preference for leaving the matter of Vestments alone. Certainly any change means a price too heavy to be paid with equanimity. It really resolves itself into a matter of practical statesmanship rather than controversial polemics. Doctrinally, the Eastward Position is of immeasurably more importance and concern than the Vestments alone. The two together reinforce each other.