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AUTHORITY IN THE CHURCH OF ENGLAND.

That Old Catholics and Anglo-Catholics should be brought to a more true and sympathetic understanding, each of the other's position and proceedings, is, as I believe, one of the primary objects of this "Review". Towards that object I would gladly contribute, if I may be allowed to do so, by attempting to explain the position of those Anglo-Catholics, about whom some of our Old Catholic brethren (not to mention persons nearer home) may perhaps have heard no more than the Jews in Rome had heard about their Christian brethren n Palestine and elsewhere: namely, that they are "every—where spoken against".

The charge of "lawlessness" has been frequently brought against a considerable section of English Catholics. It is a charge which, whether true or false, is calculated to injure the Church of England, in her relations with Old Catholics, and to be an occasion of hinderance and suspicion. It is quite possible, and even probable, that this charge is sometimes made in good faith and sincerity: but if so, it is made in ignorance; for these people, who are called "lawless", are in reality not at all lawless, but only very anxious that the lawful constitution, and the fundamental principles of the English Church should not be undermined on the pretence of exacting lawful obedience[1]).

We English Catholics are not unmindful of the history of the encroachments of the Bishops of Rome, of their gradually growing claims to more and more autocratic authority, to more and more universal and absolute obedience. Every successive claim being made in the name of the Church and with pre-

[1]) Their attitude is analogous to that of the Old Catholics in regard to the claims of the see of Rome.

tence to be nothing more than the right and lawful exercise of spiritual authority. Those who resisted these claims were always called "lawless". As it has been century after century in the history of the Roman Church, so it is just now in the history of the English Church.

The Bishops of the Catholic Church are constitutional Rulers, not absolute autocrats. Therefore if it should happen that they, or any of them, advance claims, or issue orders, which are inconsistent with the constitution of the Church, a grave question would arise as to whether the unlawful claim of the lawful Ruler should be admitted or rejected; whether the Rulers should be allowed to set aside the Constitution, or whether the Constitution would warrant subordinates in setting aside the Rulers—only of course pro hac vice—.That such a question has arisen within the Church of England is notorious, and it is also well-known that there are those who hold that the second of the above-named alternatives is the one which ought to be adopted.

This opinion may be mistaken, and the action of those who hold this opinion may be wrong: but the motive of their action is not lawlessness. I refer generally to those members of the Church of England whether Clergy or Laity, who are unable to acknowledge the authority sometimes claimed for certain directions with reference to the use of Incense, and the reservation of the Blessed Sacrament for the sick, which have been lately issued by the Archbishops of Canterbury and York; and I refer more particularly to those clergy, who having adopted these usages for many years, without let or hinderance, and (as they believe) for the edification—and (as they know) with the cordial assent—of their people, decline now to give up these usages, and to deprive their people of the benefits, whatever they are, which result therefrom, in obedience to directions, the authority of which they hold to be altogether insufficient, and which moreover they apprehend to be "of dangerous consequence, as secretly (or more than secretly) striking at some established doctrine, or laudable practice of the Church of England, or indeed of the whole Catholic Church of Christ"[1]).

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[1]) Preface to the English "Book of Common Prayer".

In attempting to explain the position of those English Catholics, here referred to, I will state first some reasons for holding that English Catholics are not bound by the directions of this Document[1]), whatever they may be. And next I will give some reasons for holding that the directions, which this Document does give, are, in both cases (i. e. with reference both to Incense and to Reservation) in contravention of the fundamental principles of the Church of England, and in one case (i. e. that of Reservation) gravely injurious and unjust towards those who alone are immediately affected by it.

I will only premise that I am here speaking solely for myself and without any claim to speak on behalf of others.

I.

First then, let us look at some reasons for holding that English Catholics are not bound by the directions of this Document, whatever they may be.

(1) Chief among these reasons stands what the Archbishop of Canterbury himself said publicly on this point. For he must be supposed to have known what he meant to do; and he may well be allowed the first right to express an opinion as to the amount of authority which he himself claims on behalf of his own utterance. This then is what The Archbishop says in reply to a deputation, headed by the Duke of Newcastle, who came to present "a solemn protest" against the Document which we are here considering. The Archbishop constantly calls his pronouncement an "opinion" not "a judgment". He says "the Archbishop expresses *his opinion*, and adds to *his opinion* words which are in the nature of a pastoral admonition to the clergy throughout his province". To express an "opinion", however formally, is one thing. To deliver a "judgment" is

[1]) For the sake of convenience I will refer to the published "opinions" (as they are commonly called) of the Archbishops as a "Document", because that is a colorless word, which does not imply any claim to authority, or the contrary. The title of this Document, in three parts, as officially published, is simply "The Archbishops on the lawfulness of the liturgical use of Incense etc." or "The Archbishop of Canterbury (or York) on the Reservation of the Sacrament etc.": The title seems to be discreetly chosen in order to avoid any appearance of claiming to publish "a judgment". The word "Document" expresses, briefly and without undue significance, that which contains the embodiment of what the Archbishops have said on the question at issue.

quite another thing. The "judgment" of a lawful judge, acting within his competence, claims to be obeyed by all those whom it concerns, whatever may be the personal character or abilities of the judge. An "opinion" expressed by any man, however high his position, however eminent his abilities, has no such claim. It may be rash to act contrary to the opinion of a competent person; but it can not be called "lawless". The Archbishop then has himself told as that what he has said, on these disputed subjects, is an "opinion", not a "judgment". He has therefore, in effect, told us that we are *not bound* to obey. Those who decline to obey may be rash, but they are not "lawless", according to the Archbishop. But he has done more than saying this "in effect"; he has said so in plain words. Farther on in this same speech[1]) the Archbishop said, "certainly he (the archbishop) has not implied that this opinion of his is to be taken as a command to obey, unless their Bishops (i. e. The Diocesans of the Clergy affected) enforce it. It is left for the Bishops to call upon the clergy to take this opinion; but if they do not choose to act in this way, that of course would set the clergy in that diocese perfectly free from obedience to that opinion".

It will be observed that the Archbishop here clearly implies that the Bishops have a right, each in his own diocese, to "enforce" upon their clergy obedience to this "opinion". That is a very serious matter which deserves more close consideration than can here be given[2]). At present we are only concerned to observe that so far as the Archbishop's "opinion" stands by itself, and without enforcement by some further authority, the clergy (and of course all other people) are "perfectly free from obedience to that opinion".

This is not the view of the so-called "lawless" clergy, it is the view of the primate; and nothing, however inconsistent

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[1]) Vide "The Times" of 20 January 1900, page 14, column 3.

[2]) It is perhaps desirable that the Bishops should have power to "enforce" obedience to the laws. But to suggest that the Bishops should attempt to "enforce" upon their clergy the acceptance of an "opinion", even if it be the opinion of the Archbishop, appears to savour of unreasoning tyranny rather than of sober justice. At all events it is a proceeding hitherto unkown in England either in Church or State. It is strange that the Archbishop should now suggest this very novel method for "quieting and appeasing" the clergy.

with this view, which some of the other Bishops may have said can unsay the words used by the Primate, or alter the fact that the Primate did publicly declare that his "opinion", by itself, was not binding on the clergy.

This is the first and simplest reason for holding that the clergy are not bound to obey the directions, continued in these Lambeth opinions, whatever they may be.

(2) The second reason for holding this belief arises from consideration of the particular warrant to which the Archbishops referred as authorising their action in these matters. This warrant they found in a certain direction given in the Preface —or I should rather say—in a Preface to "The Book of Common Prayer". This direction stands as follows:—"Forasmuch as nothing can be so plainly set forth, but doubts may arise in the use and practice of the same; to appease all such diversity (if any arise) and for the resolution of all doubts, concerning the manner how to understand, do, and execute the things contained in this Book; the parties that so doubt, or diversely take any thing, shall always resort to the Bishop of the Diocese, who by his direction shall take order for the quieting and appeasing of the same; so that the same order be not contrary to any thing contained in this Book. And if the Bishop of the Diocese be in doubt, then he may send for the resolution thereof to the Archbishop."

It is in this "direction" alone that the Archbishops profess to find warrant for their late proceedings. They state expressly that they are not holding "a court" in any sense, i. e. that their proceedings in these "Hearings" are not based upon any lawful authority either of canon or statute, and it has never been suggested that there is any ancient or catholic precedent for such proceedings. Their claim, whatever it may be, rests solely on the above quoted "direction" in a Preface to the Prayer Book. It is of course true that the whole Prayer Book has been incorporated into an Act of Parliament, and therefore it may be said, in a true sense, that every direction contained in the Prayer Book has Parliamentary Authority. But it is needless to dwell on this contention because the question before us is, not the authority of this "direction", but its significance.

It is held—and the more closely this "direction" is examined the more reasonable appears the view—that it applies

exclusively to the solution of "doubts" as to how the new public services of Mattins and Evensong ought to be performed —for these services were "new", when this direction was first given. It was given, as is well known, in the Preface to the first English "Book of Common Prayer", and its apparent purpose was to provide a way for the solution of any doubts which the clergy [1]) might feel as to "how to understand, do, and execute the things contained in this Book". The Preface begins by noting the subject of which it is about to speak, namely "The common Prayers in the Church, commonly called Divine Service". This phrase, as is well known, meant the Services of the Breviary, not the Missal—or, as we say, the Services of Mattins and Evensong, and not the Service for Holy Communion, or for the administration of any other Sacrament. This appears plainly from the title of our Prayer Book as it now stands, it is called "The Book of Common Prayer, *and* administration of the Sacraments etc." The "Common Prayer" i. e. the services of Mattins and Evensong being one part of the Book, and the services for the "administration of the Sacraments", another part.

The Preface goes on to say how "the decent order" of the old services had been "altered, broken, and neglected by planting in uncertain stories, legends etc." instead of regular lections from Holy Scripture: and moreover that there had been "great diversity in saying and singing" these services. Consequently it was desired (1) to simplify these numerous and intricate services by expunging, and by combining them into two services of "Common Prayer" i. e. Mattins and Evensong, and (2) to avoid the evils of the existing "great diversity" of uses in different Dioceses, by publishing one single use, which should be the same in every Diocese. The Preface notes some particulars of what has been done in the drawing up of these new services, and some of the advantages which may be looked for therefrom. And then immediately is added the direction that if any "doubts arise in the use and prac-

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[1]) In Queen Elizabeth's Latin Prayer Book the word representing "parties who doubt" is "Ministros", showing clearly that what is here intended is an instruction *for the clergy,* who feel doubtful how to execute these new services.

ticing" of these new services, "those that doubt" ("ministers" in the Latin Edition) shall "resort to the Bishop etc."

Now from these facts two points stand out plainly—

(1) That the "doubts", which the Bishop, or Archbishop is here authorised to resolve, are *doubts as to the meaning and use of these new Services of "Common Prayer"*. Not the remotest allusion is made to any other "doubts".

(2) That "the parties", who may apply to the Bishop for the resolving of their doubts, are the "Ministers", i. e. the Clergy, who feel uncertain how to "use and practice" these new services. The direction, here given, does not appear to have any reference to the settlement of disputes raised by outsiders; nor indeed of any disputes, raised by any body, except only on the question of how to "use and practice" these new services of "Common Prayer".

Therefore to take this "direction" as authorizing the Bishops to "take order" in reference to questions touching the doctrine, ritual, or the administration of the Sacraments appears to be altogether a mistake, and equally does it appear to be a mistake to suppose that a direction, which instructs the Bishop to "quiet and appease" the "doubts" of those who "resort" to him, authorises him also to issue orders (which may be very far from "quieting" or "appeasing") to persons who entertain no "doubts" whatever, and who have not "resorted" to him at all.

These very serious "mistakes", into which the Archbishops appear to have fallen, constitute the second reason why it is held that the clergy are not bound by the "Lambeth opinions", whatever they may be. The Archbishops have relied solely on one authority, and that authority proves to be altogether insufficient. Where authority is lacking, there can be no just claim to obedience. Obedience may indeed be practically "enforced" by a variety of means—The Archbishop speaks of the Bishops "enforcing" these Lambeth "opinions" on their clergy—but any such attempts to "enforce" would be unlawful and unjust. To resist such attempts therefore would not indicate "lawlessness", or any disregard of authority; rather it whould show an anxious desire that law should not be overridden by the mis-use of supposed authority.

(3) A third reason for declining to acknowledge the obli-

gation of these Lambeth "directions" arises out of the nature of the proceedings which led up to their issue.

Those proceedings were not the proceedings of a court of law, constituted by any authority of the State, nor of a Synod or ecclesiastical court, constituted by any authority of the Church. They were the proceedings of the two Primates, one sitting in his own Province, where he had full right to sit, if in a duly constituted court: the other sitting out of his own Province, where he had no right to sit at all; and both of them sitting in "an informal tribunal unknown alike to the Church and the Constitution[1])".

If the Archbishops, sitting in this informal way, had heard what was to be said on the matters in question, and had then simply given their "opinion" thereon—and this was all which at first they assumed to have done—no sort of objection could have been taken against the informality of the proceedings; and no one, who has much knowledge of the English clergy, can doubt that the Archbishops' opinions would have received careful consideration and great respect. And it is more than probable that most, if not all, of the clergy, immediately concerned, would have yielded their own opinions in the matter, at least in regard to incense, and would have ceased to do what the Archbishops advised them, under present circumstances, not to do. Although it would seem rather hard to intrude with advice where it was neither asked nor desired, and to disturb and distress the clergy and the congregation of one Church—indeed of hundreds of churches—because some body belonging to another Church somewhere else was making complaints. This hardship, however, would have been patiently endured, certainly by very many of the clergy and by their people, out of deference to the Archbishops' "opinion".

But the matter assumed an entirely different aspect when the "opinion" was spoken of as a "judgment", and when the clergy, instead of being advised to give up the use of Incense and Reservation for the sick, out of deference to the Archbishops, were ordered to cease from these things, because the Archbishops declared them to be "illegal[2])".

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[1]) Vide "The Reformation Settlement" 9th Ed., p. 574, by Canon Maccoll where this question is very fully dealt with.

[2]) Vide Note on "None other, or otherwise" at the end.

Then immediately two questions arose—First, what right had the Archbishops to give any legal judgment at all, to declare these things either "legal" or "illegal"? And secondly, "as a matter of fact were these things illegal"?

(a) As to the first of these questions, it is notorious that no judge has a right to pronounce judgment except in a duly constituted Court, with those safe-guards of public right, and those precautions against the perversion of justice, which a duly constituted Court is intended to insure. But the Primate has himself declared that at these meetings in the library at Lambeth, where these matters were discussed and these "opinions", since called "judgments", were given, he was not holding a Court.—This is what the Primate said, "I heard what they (i. e. the persons concerned for and against the matters in dispute) had to say; it was a hearing for the information of the Archbishop's mind; *it was not a court,* for a Court, in the first place has powers of coercion. *I claimed no powers of coercion at all*". And again in the same speech, "the *hearing did not take the form of a Court of law,* and had not the powers of a Court of law, and was not characterised by the circumstances which would necessarily characterise a Court of law[1])". It is evident from what the Archbishop here says that he was not sitting, nor pretending to sit, as judge in any duly constituted Court. This being admitted, it follows of necessity that he *had no right to deliver any "judgment" at all,* in the strict legal sense of that word. Still less had he any right subsequently to speak of such pretended judgment being "enforced" by the Bishops, or by any other persons. There appears a strange inconsistency in saying, at one moment, that he "claimed no powers of coercion at all", and at the next moment speaking of his utterance as a sentence, which might be "enforced". If the clergy had been asked to give up Incense and Reservation, or anything else, out of deference to the Archbishop's desire and "opinion", their obedience would have been possible in all good conscience, since it would have implied no admission that the Archbishop had any "right" to forbid these things, nor any admission that these things were

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[1]) Vide Speech of Archbishop in "The Times", January 20, 1900, p. 14, col. 3.

illegal, or in any way wrong. But when the clergy are ordered to give up these things in obedience to a "judgment", which declares them to be "unlawful"; then obedience implies, or certainly would be commonly understood to imply, the admission that the official who pronounced such a judgment had a right so to do, and that the things condemned were "unlawful". This is an admission which can not be made, without manifest dishonesty, by any one who is entirely convinced that "the official", here concerned, had no such "right", and that the things, here condemned, are not "unlawful".

This is the answer which must be given to the first of the two questions, above propounded: —"What right had the Archbishops to pronounce any legal judgment at all, or to declare any thing to be either "lawful" or "unlawful"?" and it anticipates the reply which has to be given to the second question:

(*b*) "As a matter of fact, are these things "unlawful"?"

The reply to this question belongs properly to the second division of our proposed enquiry. Hitherto we have been engaged in enquiring into the reasons for holding that the clergy are not bound by the directions contained in these Lambeth "opinions", whatever they may be, and we have found the sufficient reason in this, that these "directions" are not clothed with any lawful judicial authority, they have no rightful claim to obedience, they are simply the out-come of an "opinion". It may be unwise, or even disastrous, not to follow the opinion of a competent counsellor—that depends on the discreetness of the opinion—but it is not "lawless". Now as it is the main purpose of this article to show that those who decline to follow the directions given in the Lambeth document are not actuated by "lawlessness", and contempt for authority, I might very properly stop here: but it may be well to show, not merely negatively that these persons are not "lawless", but also positively that they are impelled by a very careful regard for law and for authority, and by an anxious desire to do nothing which may endanger the well-being of the English Church, or deprive her members of their just rights.

We go on therefore to consider.

II.

Some reasons for holding that these directions, with which

many of the clergy feel unable to comply, are, in both cases (i. e. with reference to Incense and Reservation) in contravention of a fundamental principle of the Church of England: and in one case (i. e. that of Reservation), gravely injurious and unjust towards those who alone are immediately affected thereby.

This fundamental principle is laid down by the Church of England in her thirtieth Canon, which declares, as follows:

"So far was it from the purpose of the Church of Eng-"land to forsake and reject the Churches of Italy, France, "Spain, Germany, and any such like Churches, in all things "which they held or practised, that, as 'The Apology of the "Church of England' confesseth, it doth with reverence retain "those ceremonies which do neither endanger the Church of "God, nor offend the minds of sober men; and only departed "from them in those particular points wherein they were fallen "both from themselves, in their ancient integrity, and from "the Apostolic Churches, which were their first founders."

Here is a fundamental principle, here is the broad basis of the Church of England. Whatever was common to all the Churches of the Catholic communion; whatever was no breach of "ancient integrity", no abuse or corruption of ancient custom; whatever threatened not to "endanger the Church", nor to give "offense to sober men", all such things the Church of England asserts, as a broad general principle, that it "doth with reverence retain". Now if any man asserts that the Church of England rejects and forbids any ceremony, custom, doctrine, or whatever else, which the Church itself declares that it "doth with reverence retain", such a man has clearly set himself in opposition to the Church; and if he should be a person in official position, and should issue orders, in the sense of any such assertion, then his subordinates would be fully justified in withholding obedience, on the ground that such orders were unlawful, and could not be obeyed without contravening the principles of the Church [1]).

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[1]) Dr *Sanday,* the Margaret Professor of Theology in the University of Oxford, speaks of the position of the High-Church clergy as follows: —Having spoken of the principles of obedience to "legitimate authority, as such, and not out of regard to the nature of what was commanded", he proceeds, "It must however be recognized that this principle holds good

This describes the position in which many of the English Clergy believe that they stand at the present moment. They have profound respect for authority, they have every desire to obey the law, and for that very reason they feel unable to yield any consent to such an encroachment on constituted authority, and such an overriding of law as is involved in the attempt to "enforce" the directions of these Lambeth "opinions".

That these clergy are not mistaken in this estimate of their position, appears more than probable from the following, among many other, considerations. The limits of this Article preclude anything more than a very brief and imperfect setting out of these considerations.

(1) The use of Incense in Divine Service and the Reservation of the Sacrament for the sick, are undoubtedly ancient customs—"ancient" in the sense of having been in common use in public worship so soon as the ages of pagan persecution were ended, and Christians were free to worship in public. This is proved by abundant evidence, and there is a little, but very distinct, evidence of its use in earlier ages. It was certainly "ancient", in the sense of being the ordinary custom of the Church in the fourth century, the age of the general councils, and before the division of East and West [1]).

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only up to a certain point. So long as the thing commanded was in itself a matter of indifference or minor moment, the authority of the Superior would have full play, and there would be no conflict of duties. But as soon as the demand went beyond this and touched a point that appealed directly to the conscience, or raised a question of principle, the claim of authority and the claim of principle come into collision, and it would be necessary to make up one's mind which of the two was the stronger. This is the unfortunate position in which many of those who have been called upon to obey the Archbishop's decision have been placed."

("The Obedience of the Clergy" by W. Sanday D. D., L. L. D.—pages 9, 10.)

[1]) Vide Pellicia, "The Polity of the Christian Church". Engl. transl.: —Masters 1883, p. 171—who states that the use of Incense in the Liturgy dates "from the earliest times", and refers in proof to the third "Apostolic Canon", a canon of the 3rd century. Vide also Professor *Sanday's* "The Catholic Movement", p. 13. Where he says, after quoting evidence, "It would therefore be precarious to say that *Incense* was certainly not in use in the Church" for even two hundred years after the Apostolic times, not to speak of "at least three hundred". Professor Sanday is here refer-

That the liturgical use of Incense is "catholic", in the sense of having been general throughout the whole Church, both East and West ever since the fourth century up to the times of the Reformation:—of this there is no dispute. "It is obvious", says Professor Sanday[2]), that the Archbishops could not have decided that the use of Incense was un-catholic. It is common both to the East and to the West. It is any case early, if not primitive, and the use without doubt, existed in our own Church on the very eve of Elizabeth's first act of Uniformity."

As to the custom of Reservation for the sick being "ancient", it may suffice to quote what the Archbishop of Canterbury himself asserts in his "opinion" (official Report page 6) "as early as the time of Justin Martyr the first form of Reservation is mentioned *as common,* and this not merely for the sick, but for any who were absent, though in good health. It was even sent to other churches as a token of good will, though this custom was afterwards discontinued; and whether the practice of reserving in the second or third manner was quite as early or not, it certainly can be found in not much later times. This shows that such a practice was quite consistent with the Christian Faith, and there was nothing in it that was wrong in itself". On this point then there is no contention; nor is there any dispute that this ancient use of the Sacrament remained general throughout the whole Church, East and West until the Reformation era.

It has been shown then that the liturgical use of Incense and the Reservation of the Sacrament for the sick are customs both ancient and catholic. Such customs the Church of England declares that it does not desire to "forsake or reject". Therefore when the clergy are ordered to forsake and reject

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ring to the statement made by the Archbishop of Canterbury in his "Opinions", where he says of Incense that "it was certainly not in use in the Church for at least three hundred years from the Apostolic times". An unfortunate statement, which an adequate knowledge of the facts of the case would have prevented the Archbishop from making.

Vide also Canon Maccoll's "The Reformation Settlement", 9th Ed. pp. 628 and 29: where the question of the use of Incense is very fully dealt with.

[2]) "The Catholic Movement", p. 6.

these customs—even if the person so ordering is an Archbishop—they appear to have good ground for saying "we can not obey this order, because it directly contravenes a declared principle of the Church". Plainly this is not "lawlessness", nor does it show any "contempt for authority"; but rather the contrary.

But then, it is urged, there are many customs which are "ancient" and which claim to be "catholic", which the Church of England certainly has "forsaken". Undoubtedly, and this Canon of the English Church, which lays down the general principle of retention, tells also why certain customs etc. have not been retained. The Church of England "departed from", other churches of the Catholic Community "only in those particular points wherein they were fallen both from themselves in their ancient integrity, and from the Apostolic Churches, which were their first founders".—Let it be observed that it is expressly said that the departure was in regard to those particular points "*only*".

Now it is not by any one pretended that the use of Incense, or the Reservation of the Sacrament is a falling away from "ancient integrity"[1]); nor that there is any thing superstitious, corrupt, or idolatrous in these customs. They do not therefore come at all within the compass of those customs, which alone the Church of England rejected. It is hardly necessary to remark that there are of course a great number of ancient customs, which were either merely local, as suited only to particular places, or merely temporary, as suited only to particular social, political, or other, conditions, which no longer exist: these no doubt have been forsaken; but the rejection of these, for obvious reasons, does not touch the general principle laid down by the Church.

It is the breach made upon this general principle by the "Lambeth opinions", which raises a strong presumption against the duty of obeying them.

(2) There is another consideration, leading towards the same conclusion, which consists in the fact that there is not a word, of any sort, in the Book of Common Prayer which

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[1]) The rejection of these things might with some show of truth be so designated.

forbids, or could be imagined to forbid, the use of Incense. There are indeed certain very important words, i. e. those of the famous "Ornaments Rubric"[1]) which, in the opinion of some of the most accomplished ecclesiastical lawyers, are held to enjoin the use of Incense. If the lawyers are right here, then the Lambeth Opinion on the use of Incense is against the law of England (for this rubric forms part of an act of Parliament). But this is a lawyer's question, and we need not dwell on this point, as it is not our purpose here to show that the Lambeth Opinions contravene the laws of the State, but that they contravene the principles of the Church. Whether this rubric actually orders the use of Incense, or not, there is certainly nothing here or elsewhere in the Prayer Book which forbids it. And if the use of Incense in the Liturgy was so ancient and so universal a custom, it is incredible that the Authorities of the Church of England, had they desired to forbid that custom, should not have said so. They laid down a broad general principle, according to which the use of Incense is enjoined; they made certain exceptions in the application of that principle, saying expressly that these were the "only" exceptions: The use of Incense is not among these exceptions. Hence the conclusion appears inevitable, that the use of Incense is lawful, by force of this general principle; and that any one, who declares its use "unlawful", does thereby assume to override and set aside a principle which the Church has adopted. It is this "lawlessness", under the guise of archiepiscopal authority, which the law-abiding clergy feel compelled to resist.

These considerations apply to the Lambeth opinions both on Incense and on Reservation. But with regard to the latter of these, there is another very grave consideration, which withholds many of the clergy from obeying the Archbishop's directions.

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[1]) This is the rubric—"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 the Sixth."—There is no doubt that censers were among these "ornaments"; and if censers are to "be in use", it is evident that Incense must also "be in use".

(3) This consideration arises from the fact that, in many cases, if the sick are not communicated with the Reserved Sacrament, they can not be communicated at all; and in many other cases the alternative is a private celebration amid circumstances painfully unfitting and irreverent. Such cases are well known to hundreds of parish priests, who have had charge either of town parishes, where the very poor are congregated in filthy rooms, or of remote country parishes in the moorlands of England or the highlands of Scotland. How is it possible to have a reverent Celebration of the Holy Eucharist in a room where three or four families, Father and Mother and boys and girls, all live together, day and night all in one room; where there is no furniture except the mattresses on the floor, and a few more or less broken chairs; where everything is foul and nauseous? Or how is it possible in some poor cabin on the moor, or the mountain, where there is no pretence of furniture, where the sick man lies on his bed (if he has one) or on the ground, and the fowls, or other animals, run in and out as they please?

There are thousands of such rooms in our great towns. There are hundreds of such cabins in our country districts. Are the poor who live in these places to be left to sicken and to die without the Blessed Sacrament, because according to this Lambeth Opinion it is "unlawful" to give them the Sacrament in the only way in which they can possibly receive it?

There are other cases, not nearly so numerous as those just alluded to, but cases of which many parish priests could speak from their own experience, where a sick person, near to death, is too feeble to be able, by any possible effort, to attend to a service, such as that of a private Celebration, as given in our Prayer Book. Such a dying person may be able to follow silently the words of the Confession, able to accept thankfully the Absolution, able perfectly to understand what he is doing as he receives the Blessed Sacrament for "the strengthening and refreshing of his soul" before the solemn hour of passing into the eternal world. Is such an one to be denied that bread of life for which he hungers, because forsooth the Archbishops opine that it is "unlawful" for him to receive the Sacrament unless he attends to "a service", to

which he can not possibly attend, and to which no reasonable person, who had any knowledge of serious illness, would, for a moment, think of asking him to attend [1]).

Certainly it is no wonder that the clergy, who have to deal with such cases, decline to follow the Archbishop's "opinion". It is not "lawlessness", which induces them so to do!

In conclusion, let me again suggest that the attitude of English Catholics towards the Lambeth Opinions is strikingly analagous to the attitude of the Old Catholics towards the Vatican decrees. Both are accused of lawlessness, and both desire to be law-abiding. Both are reproached with defiance of constituted authority, and both alike have the highest respect for authority. But both alike know, and act upon their knowledge, that authority is based on right and justice; and that authority, if it is not exercised rightly and justly, loses its best claim to reverence. There is, however, one great difference between the position of the Old Catholics, and that of English Catholics. The Old Catholics have at length resisted the last and the most insufferable of a long series of encroachments and usurpations perpetrated by the See of Rome. English Catholics are resisting the encroachments of the See of Canterbury at their outset. "Principiis obsta" is a wise practical maxim.

It may perhaps be asked, "Do you then from a similar attitude exspect a similar result, viz. excommunication, separation, and the setting up of a separate communion?" I would answer "No"; and for the reason just indicated, i. e. that the encroachment of the See of Canterbury is taken now at its very first inception: it has no prestige, no precedent, no place whatever in the history or the custom of the Church of England, it may now be nipped in the bud; and no evil consequences may ensue. It was far otherwise in the case of the Old Catholics. The encroachments which they resisted had a notorious place in the history and the customs of the See of Rome, they

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[1]) More than 700 Medical men (among whom were some of the first Physicians in London) presented a memorial to the Archbishops, declaring, from their own experience, the impossibility in some cases, and the danger to the patient in others, of administering Communion except by means of Reservation!

(Vide "The Reformation Settlement" p. 708.)

had a long line of precedents to which they might appeal, and great prestige on which to rest. All this was no justification, if the encroachments were per se iniquitous and injurious: but it made resistance a very much more difficult matter, and the result of resistance very different from any thing which is probable, or even possible, in the case of resistance to the first attempt at an encroachment which is hesitating and tentative, and devoid of any pretence of precedent upon which to rely.

If the encroachments of the See of Rome had been wisely and firmly resisted ab initio, it may be that the East and the West would not have been rent asunder. Rome would not have become—what she is now, and long has been—the prime source of divisions, the insurmountable obstacle to the Unity of Christendom. If the encroachments of the See of Canterbury are wisely and firmly resisted, at the outset, it may be that the Church of England will be saved from drifting on to the rocks of disruption, and will, in God's good time, become a prime agent in bringing about that, for which all true Catholics long and pray—although as yet they only "see it afar off"—the re-union in one holy Catholic Church of all those who love the Lord Jesus Christ in sincerity and truth.

F. NUTCOMBE OXENHAM.

Note on "None other, or otherwise".

The Archbishop asserts Incense to be illegal, on the strength of the interpretation which he places on certain words of an Act of Parliament, i. e. Elizabeth's Act of Uniformity, which enjoins on the clergy the use of the Services of the Prayer Book "in such order and form as is mentioned in the said Book, so authorised by Parliament in the said fifth and sixth year of the reign of King Edward the Sixth . . . and none other, or otherwise". (Official Report p. 7.) And he argues that the words "none other, or otherwise" "are clearly meant to exclude all variations": and from this he draws the conclusion that these words prohibit everything for which the Prayer contains "no direction".

Now on this it may be said:

(1) That the Archbishop, sitting informally—or indeed sitting any how—has no authority to judicially interpret the meaning of an Act of Parliament. That is the proper function of the Courts of Law.

(2) That a Court of Law, fulfilling its proper function, has interpreted the meaning of this Act of Parliament, and has ruled that its true meaning is not that which the Archbishops assign to it—(Vide judgment in case of "Rex v. Sparks" referred in "Reformation Settlement" pp. 708, 709.)

(3) That, as a matter of fact, this Act never has been understood to mean what the Primate now says that it means; nor is it so understood

in practice at the present moment, either by the clergy or by the Bishops. "There is", says the Archbishop, "no direction in the Book of Common Prayer either enjoining or authorising" the use of incense. Quite true (if we pass over the Ornaments Rubric). But of how many other things in common use in the Services of the Church might not the same thing be said! There is "no direction" in the Prayer Book "enjoining or authorising" the vesting of choir men and boys in surplices, and *sending them in procession:* but this is done in every Cathedral in England, and in hundreds of parish churches. There is "no direction" for placing a cross, or candles, or flowers on the altar, nor for singing hymns, nor for saying collects before or after the sermon. Indeed there is "no direction enjoining or authorising" the clergy to preach any sermons at all except after the Creed in the Communion Service. Yet we shall hardly be told that it is "unlawful" to preach a sermon at Mattins or at Evensong! And again, there is "no direction" authorising a Bishop to wear a cope or a mitre, or to carry a pastoral staff. Yet how many Bishops, including both the Archbishops, habitually do some or all of these "unlawful" things! And will they—the Bishops—turn upon their clergy and accuse them of being "lawless", because they decline to accept and obey a narrow, rigid, unreasonable, and probably illegal, interpretation of certain words in an Act of Parliament, which the Bishops themselves never think of obeying?

I will add one more example of an "unlawful" practice, which shows perhaps, more clearly than any other example, the extreme unreasonableness, it might be said the impossibility, of obeying the Archbishop's interpretation of "none other, or otherwise".

"The order for the visitation of The Sick" in the Prayer Book has this initial rubric "when *any* person is sick, notice shall be given thereof to the Minister of the Parish; who coming into the sick person's house shall say"—then follows what he is to say—and next "When he cometh into the sick man's presence, he shall say"—then follows "The Order", many pages of prayer, psalm, questioning, exhortation. All this "The Minister *shall say*" (with the exception, that if the sick person is 'very sick', a rubric allows him to omit part of one rather long exhortation: but otherwise all of this Order) "none other or otherwise". Not if the sick person desires it; for there is "no direction" that he should be asked. Not if the Minister thinks such a service suitable; for he has no choice. *Here is "the Order", and he "shall say" it*—"None other, or otherwise".

Is there a single parish priest from one end of the land to the other who does not habitually visit the sick very much "otherwise" than as this "Order" directs? Are all the clergy of the Church of England "lawless", or is this Lambeth interpretation of "none other—or otherwise" a sad mistake?