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## ART. II.—THE POSITION OF THOSE WHO DO NOT USE VESTMENTS.

SOME apology would seem to be necessary for bringing forward such a well-worn subject as the Ornaments Rubric, but I think it is to be found in the recent appearance of Mr. Tomlinson's work on the Prayer Book.<sup>1</sup> A great deal of new light is thrown on this vexed question by the research and learning of the author, and his views certainly demand consideration by those who are interested in ecclesiastical antiquities and their bearing on present-day practice. In dealing with a question around which so much controversy has raged, a good plan seems to be to state two facts which were admitted by all before the beginning of this contest: (1) The medieval Mass vestments had not been in use at the services of the Church of England since the first year of Queen Elizabeth (1559); (2) there had been ever since the same date a rubric in the Prayer Book which apparently *insisted* on their use. The problem was to reconcile the two. Following the opinion of the great judge who said there would be no safety for property or liberty if it could be successfully contended that all lawyers and statesmen had been mistaken for centuries as to the true meaning of an old Act of Parliament, it was thought by most people that all lawyers, statesmen and bishops could not have been mistaken for 300 years as to the meaning of the enactments which govern the vestments of the clergy. Those who took this view had therefore to cast about for some explanation of the anomalous rubric which would bring it into line with Church practice and tradition. To do this it was necessary to go back to the transitional Prayer Book of 1549. By this Book the vestment (*i.e.*, chasuble), cope, alb, tunicle, pastoral staff, rochet and surplice were all ordered. The Second Prayer Book of Edward appeared in 1552, and contained the matured views of the English Reformers. It is described in the statute which enforced its use as the Book of Common Prayer "faithfully and godly perused," "explained and made fully perfect." In this Book the rubric, which had statutory force, is as follows:

And here it is to be noted that the minister at the time of the Communion, and at all other times in his ministrations, 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.

Such was the law at the date of the death of Edward VI. (1553). Mary's reign then intervened, and the matter was

<sup>1</sup> "The Prayer Book Articles and Homilies: some Forgotten Facts in their History which may decide their Interpretation." By J. T. Tomlinson.

taken up by Elizabeth at the point where the death of Edward left it. An Act of Uniformity was passed in 1559 reviving the Second Prayer Book of Edward, "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 otherwise*" (1 Eliz., c. 2, s. 3). By the following section (s. 4) penalties are enacted, and it is clear that, under Sections 3 and 4 of the Act of Elizabeth, the priest or deacon was bound, under heavy penalties, to wear at all times of his ministrations "a surplice only."

It may be as well to remark here that the phrase "surplice only" obviously does not exclude secular or academic dress by custom worn with the surplice; thus, hoods, black tippets or scarves (often improperly called "black stoles"), badges of various orders, masonic insignia, square caps carried in the hand, etc., were and are legally used in church. For preaching, which is not a "ministration" within the meaning of the rubric, the surplice may be, and in fact formerly always was, discarded.

But to return to the Act of Elizabeth. In the last section but two (Section 25) is found the proviso which has occasioned all the mischief. It runs as follows:

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 authorized under the Great Seal of England for causes ecclesiastical, or of the Metropolitan of this Realm.

This clause admittedly refers to the vestments of 1549, and the general current of expert opinion (including the Privy Council judgment in *Ridsdale v. Clifton*) has considered that the effect of this Section 25 was to substitute, for the time being, the Popish vestments for the surplice at Communion. Mr. Tomlinson, however, takes the view that Section 25 does not deal with the use of vestments in church or at service at all, but is merely a direction as to the disposal of church property no longer required. "The proviso itself," he remarks, "says nothing about the minister or the times of ministration. It had, in fact, nothing to do with either. It had the more prosaic object of reserving for the Queen the goods which, being no longer required by law, would have been wasted or embezzled, as former experience in the days of King Edward had amply demonstrated." There seems to be no difficulty about the word "retain" in this connection, but it may

reasonably be asked what is the explanation of the fact that the proviso directs the old vestments to be retained and *be in use*. Mr. Tomlinson accounts for this in an ingenious and interesting way. The phrase "be in use" is, as he says, "studiously vague." "Use" here means simply employment, utilization. And he continues: "'Sold to the use of the Church,' 'sold to the King's use,' were phrases continually recurring." Of this he gives several examples, amongst others an order of Bishop Horn to the Head of Trinity College, Oxford, to deface censers, etc., and to convert the matter thereof "to the godly use, profit and behoof of your house." The rejected ornaments were still to "be in use" of the churchwardens, or other persons entitled. Another meaning may, however, not unreasonably be attached to the word "use" in the proviso—one well known to lawyers—of "trust." This interpretation would give a similar result to Mr. Tomlinson's, viz., that church ornaments which were no longer legal should be retained and held in trust until other order was taken. The phrase "in use" appears in this sense in the "Merchant of Venice," when Antonio says:

So please my lord the duke and all the court  
 To quit the fine for one half of his [Shylock's] goods  
 I am content, so he will let me have  
 The other half *in use*, to render it  
 Upon his death unto the gentleman  
 That lately stole his daughter. (Act IV., Scene 1.)

This was the view actually taken at the date of the passing of the Act by Dr. Sandys (afterwards Archbishop of York and a Royal Commissioner), as is shown by a letter written by him to Dr. 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 year 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."

The construction thus put upon Section 25 is at least quite as natural as to say that it must be read into Section 3 as a fourth alteration of the Prayer Book of 1552, a course of proceeding very unlike the careful draftsmanship of those days. Indeed, it is doubtful whether the penalties for disobedience mentioned in Section 4 could have been enforced in respect of Section 25.

But now let us turn to the facts, and see what was actually done under the statute of Elizabeth. If the commonly received interpretation be correct, we shall expect to find

that the use (at service) of the popish vestments was enjoined and enforced by those in authority until other order was taken seven years later by the Advertisements. But this was not the case. Mr. Tomlinson says: "Although Elizabeth herself, the Bench, the Bar, and a majority probably of the House of Lords, with a large section of the people, especially of the landed gentry, are supposed to have been in favour of a high ritual, and although very many of the Marian clergy retained their livings, yet we do not find one clear instance of the ritual of 1549 being followed in any one church during the crucial years 1559-1566, when on the received hypothesis all the ornaments of 1549 were required by law." This is a courageous assertion of a negative, and it ought to be easy for those who maintain that the mediæval vestments were at this period not merely legal, but, in fact, the only legal ones, to give some instances of their use; to show, *e.g.*, that some one of the Bishops wore alb and vestment, and carried a pastoral staff at his ministrations; that some of the clergy wore albs and chasubles. But it is not likely that any such evidence will be forthcoming. Even the cope was treated as illegal at this period, though tolerated in a few cases, the rule followed being (as will be seen from instances cited later on) that of the statutory rubric of 1552, *viz.*, rochet for Bishop, for priest or deacon surplice only.

We have next to consider whether the orders issued by the Queen and the Bishops from 1559-1566 agree with this view. By the Injunctions of 1559 Her Majesty was declared to be desirous of having the prelacy and clergy held in reverence, known to the people both *in the church and without*, and consequently they are directed to use and wear such seemly habits, garments, and such square caps as were most commonly and orderly received in the latter year of Edward VI.; and Bishops' visitation articles usually inquire whether the ministers do wear at Divine service the surplice prescribed by the "Injunctions and the Book of Common Prayer," which seems to dispose of the contention that the Injunctions dealt with outdoor costume only. In the year 1564, on March 24, Archbishop Parker, with Bishop Grindal and other Commissioners, sat at Lambeth, when the Chancellor is reported by Strype to have addressed the London clergy as follows: "My masters and the ministers of London. The Council's pleasure is that strictly ye keep the unity of apparel like this man," pointing to the Rev. R. Cole; "that is, a square cap, a scholar's gown (priest-like), a tippet, and in the church a linen surplice, and inviolably observe the rubric of the Book of Common Prayer and the Queen's Majesty's Injunctions." At the visitation in January of the same year, the clergy were

told to wear "in the ministry of the church the surplice only." Instances might easily be multiplied.

Now it is a very curious and anomalous thing that all this while, the rubric of 1552 had been expunged from the copies of the Prayer Book issued in 1559, and a new rubrical note (professedly founded on what has already been shown to be probably a wrong interpretation of Section 25) inserted by the executive. This note is called by Mr. Tomlinson the "fraud rubric," and directs that "the minister, at the time of the Holy Communion, and at all other times in his ministrations, shall use such ornaments in the church as were in use by authority of Parliament in the second year of the reign of Edward VI., according to the Act of Parliament set out in the beginning of this book" (*i.e.*, 1 Eliz. c. 2). The great difference in wording between this "rubric" and the 25th Section already quoted will be evident on comparison, and all that need be said about it is contained in the following passage from the Ridsdale Judgment: "The note or rubric, as pointed out by Bishop Gibson, was not inserted by any authority of Parliament. If it was an accurate summary, it was merely a repetition of the Act. If it was inaccurate or imperfect, the Act, and not the note, would be the governing rule." As a matter of fact, the book was tampered with in other respects, which need not be gone into here, but for which no equivocal wording of a statute can be cited in support.

Now, assuming Mr. Tomlinson's construction of Section 25 to be correct, it will be obvious that the force of that proviso has long since been spent. By virtue of the order actually taken immediately after the passing of the Act, the mediæval vestments were within a comparatively short period either destroyed, defaced, removed or put to other church uses. London was promptly visited, and the result is recorded in Machyn's "Diary" and Grindal's "Register." Everywhere the roods, crosses and altars were pulled down; "so that from Bartholomew-tide, and so forward within a month's time or less, were destroyed all the roods, church images, church goods, with copes, crosses, censers, etc." In 1565 the Commissioners for removing superstitious ornaments told the Bishop of Chester that they had taken away "vestments, altar-cloths, corporas, and other idolatrous gear," and the result of these and other authorities cited by Mr. Tomlinson shows that there had been a general destruction and removal of the very vestments the use of which is supposed to have been enjoined by law. It is strange that we should be asked to believe that these albs and chasubles, which under the direction of Royal Commissioners were being removed or converted into cushions, table-coverings, and surplices, were really re-

quired for use at Divine service. At any rate, it would seem by the date of the Advertisements (1566) all the Popish vestments had practically disappeared, and it may be doubted whether many copes were in use, at service, even in "the greater churches."

Now, on this construction, the Advertisements could not have contained "other order" under Section 25, altering the rubric of 1552; but they may very well have been of statutory force under Section 26, which empowered the Queen with the like advice to ordain and publish "further ceremonies or rites." On this hypothesis the Advertisements, which sanctioned copes in cathedral and collegiate churches, would have effected a raising, not a lowering, of the legal standard of ritual, and that it was so regarded is borne out by contemporary evidence. One Elizabethan writer cited by Mr. Tomlinson, p. 130, puts this as follows: "The article that the minister shall wear a cope with gospeler and pisteler agreeably smelleth of superstition, and as far as I can find both against Her Highness' Injunctions, and besides the Book of Common Prayer."

In short, law and fact may be said to coincide with church tradition in showing that the mediæval vestments abolished in 1552 have (except during the short reign of Queen Mary) remained illegal down to the present day. That no change in the law was intended at the statutory revision in 1662 has been so generally acknowledged that there is no necessity to go into that question here.

BENJAMIN WHITEHEAD.



### ART. III.—THE LIFE OF DE LA SALLE,

THE FOUNDER OF THE SOCIETY OF THE CHRISTIAN BROTHERS.

THE Society of the Christian Brothers is much more widely known than the life of its distinguished founder, although to him they chiefly owe the great success of their work as educationalists. He was a man of wonderful sagacity and energy; and, whilst his lot was cast amidst the superstitious gloom of the Church of Rome, this did not prevent him from pursuing, with admirable zeal and self-denial, as the one object of his life, the education of the poor. A sketch of the most striking features of his career may interest our readers, as viewed in connection with the work of his Brotherhood.