

Theology on the Web.org.uk

Making Biblical Scholarship Accessible

This document was supplied for free educational purposes. Unless it is in the public domain, it may not be sold for profit or hosted on a webserver without the permission of the copyright holder.

If you find it of help to you and would like to support the ministry of Theology on the Web, please consider using the links below:



Buy me a coffee

<https://www.buymeacoffee.com/theology>



PATREON

<https://patreon.com/theologyontheweb>

[PayPal](#)

<https://paypal.me/robbradshaw>

A table of contents for *The Churchman* can be found here:

https://biblicalstudies.org.uk/articles_churchman_os.php

relations, that men may take knowledge of us that we have been with Jesus.

A. D. MACNAMARA.



ART. V.—CHANCELLORS' AND ARCHDEACONS'
VISITATIONS.

SOME years ago the writer was made Chancellor of the Diocese of Chester, and took an early opportunity of conferring with a friend who occupied a like position elsewhere respecting the duties of the office. Amongst other matters, complaint was made of the irregularities which sometimes took place during the vacancy of benefices. Cases were mentioned. One, in which the squire, who happened also to be Patron, had taken opportunity to satisfy a long cherished aspiration.

O si angulus ille
Proximus accedat qui nunc denormat agellum !

He had squared off his lawn or garden by annexing a slice of the glebe, and the new vicar was put in conditionally on his not interfering with the transfer. In another case a great man had seen his chance, during the vacancy, of enlarging and improving the accommodation for himself and family in the chancel. In a third case a zealous parishioner had cut out the pattern from the middle of the altar cloth, and inserted one more to his mind. When the writer expressed amazement that such things could take place in these days, and inquired what the sequestrators were doing to permit them, he was told that livings were scarcely ever sequestrated during a vacancy in that diocese. And when he asked why, he was informed that the diocesan authorities really knew nothing, or next to nothing, about many of the parishes, and would not know whom to name as sequestrators. He suggested the churchwardens, and was then informed that nobody knew who the churchwardens were; that it was years in some instances since any churchwardens were admitted; and that generally scarce half the parishes sent representatives to the annual Visitations.

Since that time the diocese in question—a very extensive one indeed then—has been vigorously administered by two able and hard-working prelates, and the state of things described, the result of the apathy and neglect of former times, has, doubtless, been improved. It served, however, to indicate the real importance of those annual Visitations which are too often, most erroneously, regarded as mere forms, which ought to be got rid of as soon as possible.

they now commonly do, as Bishop's officers. Such a view, however, is utterly contradictory alike to history and authority; and, could it prevail, would assuredly inflict injury on the Church in ways that those who maintain it can have little considered. It would, for instance, degrade the office of churchwarden, and tend to level it with that of the parish beadle or the overseer. The picked laymen of our parishes are often willing, and, indeed, sometimes desirous to serve the office of churchwarden, but that is because of its special character and its intimate association with sacred things. The churchwardens are at present regarded, and truly, as the Bishop's officers, admitted to their functions in the Bishop's name and by his representative, reporting to the Bishop from year to year about their duties, and receiving his instructions thereon through the same channel. They are not mere nominees of the parish vestry. To assign their admission to the incumbent as some have proposed, or to the Rural Dean, would evidently impair the independence and consideration of their office.

The other paragraph touches on a point which has become of some importance. Whilst the churchwardens had Church Rates to fall back upon for, at least, their necessary expenses, no complaint was made about the fee on their admission. It was an insignificant item in a parish rate-book. But now all church expenses have to be defrayed from monies contributed in some form or other by the actual congregation in church, and difficulty is sometimes experienced in providing adequately the requisites for conducting the services, repairing the fabric, etc. The legal fee is, as the Commissioners intimate, 18s., but this, under present circumstances, seems too high. From reluctance to pay it, or, perhaps, sheer inability to do so, many churchwardens who are duly elected are never admitted at all, and the Visitations are badly attended. It is quite true that a churchwarden has no legal power to act until he is admitted, but this, in a quiet parish, may not seem to matter much; no one challenges his acts. It is, however, really important in the larger interests of the Church that her lay officers should be brought into direct and frequent relation with the Bishop and his lieutenants, and it may be, as we have seen, of importance at any time to the parish, both that it should be known at headquarters who are the responsible lay officers in the parish, and that they should be duly qualified to act. The Visitation fee ought to be everywhere reduced to 12s., or even 10s.; and the writer is convinced that a larger attendance would very soon recoup the diocesan officers who may have to incur some immediate sacrifice. It must not be forgotten, whilst this subject of fees is before us,

that very considerable expense is inevitable in a Visitation. Printing and postage are no small items, and the travelling expenses of Archdeacon, registrar, and clerk have to be provided for, to say nothing of reasonable payment for time and work.

There are some particulars in which my experience points to the need of legislative reforms. One somewhat urgent want is a better and easier method of trying the validity of an election to the office of churchwarden. At present the Ordinary has no proper jurisdiction in the matter. If the return is not properly made out, of course he will not admit; but if the return is in form, he has apparently no power to go behind it, however irregular the election may appear to have been. In fact, to save himself from a lawsuit, he usually, in case of dispute, admits all who present themselves with a colourable claim, leaving them to settle matters amongst themselves as they best may, or to go to law with one another if they please. The parties may indeed, if they think fit, submit the case to him for his decision, and that decision would apparently be then upheld if tried at law; but unless this course be voluntarily adopted, he has no authority to determine the question (See Prideaux, "Churchwarden's Guide," chap. i., sect. 3). Those who impugn an election have no other course than to apply to the Queen's Bench Division, and to ask that a *mandamus* for a fresh election may be issued, and on the return to the *mandamus*, the parties in dispute will be heard. The State Courts have in fact drawn to themselves the whole jurisdiction in this matter, on the ground, of course, that the churchwardens are clothed by law with various secular rights and duties. These, however, have to a large extent passed away; in new parishes they had for the most part never any existence at all, and new parishes are now very numerous. In the Diocese of Liverpool there are perhaps hardly more than thirty old parishes out of a total of nearly two hundred. The churchwardens have in fact almost become what they were originally, merely ecclesiastical functionaries; and if the divesting them of such relics as remain of purely civil duties, would render reforms in the interest of the Church easier, there would probably be no hesitation. We can hardly suppose, *e.g.*, that many churchwardens would care to retain the office of overseer to the poor, which attaches to them in ancient parishes *virtute officii*. As it is, the Ordinary has often at Visitations to deal with disputed points in connection with the Easter vestries and the elections made at them: he cannot help doing so; and it would be far better, now that the civil attributes of the churchwarden's office are become so shadowy, to put the whole responsibility upon him. There

would of course be an appeal to a civil Court where civil rights were affected.

Another particular which needs to be cleared up, is the obligation of a re-elected churchwarden to be re-admitted. That he ought to be so, is stated in "all the books;" but, as it is also affirmed, *per contra*, that such re-admission is not necessary to give validity to his acts, it is very commonly dispensed with. About this there are several points on which doubts may be raised. The tone of the judicial decisions on the matter sounds somewhat as if the maxim that a churchwarden once in office continues in office till his successor is admitted, were intended less as asserting a principle than as a sort of precaution. The common-law of England of old attached very great importance to the office, and would not suffer a parish to be without a churchwarden even temporarily. Someone there was always to be who should be accountable to the law for the parochial duties of the office; and for this reason it would seem it has been held that a churchwarden once in office must be responsible for the burdens of his office until he is discharged by being replaced. If a parish elects one new churchwarden, re-electing one former churchwarden, and the former is duly admitted and the latter not readmitted, might it not be held that the newly-admitted man is the only one legally competent? Would the Ecclesiastical Courts be bound to recognise as churchwarden in any particular year a person not admitted at the last preceding Visitation? For the proper proof of a claim to act is to be found in the signature in the admission book. Again, the clauses of the Church Building Acts, which prescribe the election of churchwardens, seem rather stringently worded. It might be held that in new parishes, at any rate, the election is made for the year only, and that the tenure of office absolutely determines at the year's end, whatever be the case as regards old parishes.

Again, it seems manifestly unfair that in a new parish the parishioners should not only have the right to choose their own wardens, but should retain the power of attending at the vestry meetings of the mother-church, voting in the election of its churchwardens and discussing its Church affairs. The writer has known cases in which this power has been exercised merely to molest and hamper the incumbent of the old parish, and his church-officers and congregation. If there are any secular rights or beneficial privileges which remain in common to all the dwellers in an ancient parish, now ecclesiastically divided, it ought surely not to be beyond the ingenuity of our statesmen to frame some plan by which they could be cared for apart. The new parish is intended by law to be a separate and independent ecclesiastical unit. Those who have

the benefit of this arrangement ought not to have the right of meddling with the finances and the services of the old church which they no longer attend, and which they do not support by their offerings. Since they possess exclusive rights as against the original parish church, it is only fair that it should be independent of them.

Again, in certain of the Church Building Acts, it is required that the persons chosen to be churchwardens should be "members of the Church of England." Is it an unreasonable thing to ask that such provision should be extended to all persons chosen to be churchwardens? Doubtless the description itself is not in all respects satisfactory. It is somewhat slippery and ambiguous. What is meant by "a member of the Church of England?" Is any baptized person a member of the Church of England, unless he be excommunicated? Or would the terms, when applied to a candidate for the office of churchwarden, be found to exclude all but communicants, seeing that the Rubric orders that "every parishioner shall communicate at least three times in the year, of which Easter to be one?" But, at any rate, the terms have found favour with the Legislature. They are again embodied in the Public Worship Regulation Act of 1874; and if they were incorporated in the declaration made by churchwardens on taking office, they might at any rate save us from some unsatisfactory appointments and spare us some parochial troubles.

In the Southern Province, so far as the writer knows, the provisions of the 89th canon respecting the choice of churchwardens, are very generally in force, though there are some few exceptional customs in London parishes, and in some ancient boroughs. But in the Northern Province the exceptions are very numerous, and the customs about this matter are very various. In one case, belonging to a diocese with which the writer is connected, six churchwardens are chosen by the Court Leet of the six townships included in the ancient parish. In another, the four churchwardens are named absolutely by the Lord of the Manor. In these cases, and in some others that might be mentioned, neither minister nor people have any voice whatever by law in the appointment of their own lay officers. Possibly there might be reason for such arrangements when the churchwardens had great powers as regards parochial taxation and other matters touching property. Now, when their functions practically centre round the fabric of the church and the provision for its services, and when the funds at their command come from the free-will offerings of the congregation, it is surely alike right and expedient that these anomalies should cease and that the directions

of the canon should be extended to all churches and parishes. Two churchwardens, chosen by ministers and people, reinforced where need be by a sufficient number of sidesmen, might well be the universal rule. There is one place where a singular tenacity is manifested as regards ancient custom. It was originally an enormous parish, containing eighteen townships. New parishes have from time to time been formed out of this large area; indeed within it lies one large town, with eight or more populous parishes of its own. But the vestry of the mother-church still perseveres in its ancestral ways, and provides its vicar annually with a sufficiently numerous parochial council, consisting of eighteen churchwardens and thirty-six sidesmen. Quite a congregation bears down the aisle when at a Visitation the name of the parish is called; and the business of signing the Declaration is somewhat lengthy, especially as all the worthy parish officers do not always possess the pen of the ready writer.

The annual Visitations, when carefully worked, discharge even yet some very useful functions. In old times they served important purposes also, in connection with the discipline of the Church; and they may easily be made available for such purposes again. These are not days in which it is safe or wise to abandon or neglect any part of our ancient Church machinery and organization. We should rather seek to restore and to invigorate every element in them.

THOMAS E. ESPIN, D.D.

Reviews.

The World to Come. By JOSEPH WILLIAM REYNOLDS, M.A., Rector of SS. Ann and Agnes with St. John Zachary, Gresham Street, City, E.C., Prebendary of St. Paul's Cathedral, author of "The Supernatural in Nature," "The Mystery of Miracles," "The Mystery of the Universe." London: Kegan Paul, Trench and Co., Paternoster Square. 1888.

THE object of this work is "to show death as a blissful rather than a dreaded change." Surely a good object. Few indeed can take a third or middle view of death, and regard it as something indifferent; a man must be cold-blooded indeed who can so view death; neither can we admire such calmness and indifference to the fears and hopes of ordinary mortals. If death is not regarded in a hopeful spirit, through fear of it men will be all their lifetime subject to bondage.

The New Testament is the book that expresses the triumphant conviction that there is a victory to be gained over death. In this book, or rather, in the books of which the New Testament is composed