

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>

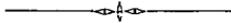
A table of contents for *The Churchman* can be found here:

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

us to get rid of some formal and mechanical theories, and to state truth in a more real, living and spiritual way. The evolution theory itself, whether it be or not an adequate account of the phenomena of the organic world, seems likely to help us considerably in the escape from materialism. It is at least, as we now see it, tending to detect, beneath all the forms of life, something akin to the workings of a rational and spiritual agent—a *spiritual*, because, as the learned scientist insists with no less emphasis than the unlearned theologian, life, as far as we know, is the ultimate fact of nature; and a *rational*, because in a scheme of evolutionary progress we see more and more clearly revealed the traces of a guiding purpose, of a ruling master-spirit, of something beyond a blind instinct and an unconscious aim—some far-off ideal to which the real is ever tending, some standard of perfection by which the imperfect is ever being formed. And thus materialism, the really great theoretical and working opponent of religion, is daily becoming more insecure in its position, and therefore less dangerous in its influence.

The practical result of such thoughts would seem to be that the Christian apologist ought to have more patience in the present, and a better and more tranquil hope for the future, than he sometimes shows. We are not after all, we discover, so sublimely wise as some of us have fancied; nor need we suppose that wisdom has been born with us, or that we have reached the apex of truth. There is no occasion, therefore, for clamorous alarm at the sight of every doubt suggested or difficulty proposed. It is far better to exercise a quiet confidence, to make an intelligent and sympathetic study of the problems of the day, and to remember, above all, that Truth, and Truth only, must be the object of our search.

SIDNEY A. ALEXANDER.



ART. V.—A SCHEME TO FACILITATE AND REGULATE THE EXCHANGE OF BENEFICES.

IT is remarkable that although the custom of the Exchange of Benefices has extensively prevailed for several centuries, no systematic scheme has been successfully formulated in order to facilitate and regulate them. It is thought that the details of a plan submitted to the London Diocesan Conference by one of its Committees, and approved by the Conference in principle, may help the consideration of the subject by the Authorities of the Church and their Advisers.

Early in the sixteenth century serious scandals arose in the Resignation and Exchange of Benefices, partly on account of Simoniacal transactions. With the object of checking them, an Injunction was issued on the Accession of King Edward VI.,

That any such persons as shall come to any Benefice, by fraud, or deceit shall be deprived of the same, and be made unable, at any time, to receive spiritual promotion.

But this Injunction proved to be ineffectual. Accordingly, in the thirty-first year of the reign of Queen Elizabeth, an Act was passed which, in the seventh section of its sixth chapter, enacts :

That if any Incumbent, of any Benefice, with Cure of Souls, shall corruptly resign, or EXCHANGE the same, or corruptly take, or give, in respect of the resigning or EXCHANGING the same, directly, or indirectly, any pension, sum of money, or other benefit whatsoever, as well the giver, as the taker, of any such pension, sum of money, or other benefit whatsoever corruptly, shall lose double the value of the sum so given, taken, or had, half to the Queen, and half to him who shall sue for the same, in any of Her Majesty's Courts of Record.

But, although the Act dealt thus trenchantly with Simoniacal transactions in relation to the Exchange of Benefices, although it is one of the most valuable Statutes in the entire range of Ecclesiastical Law, and although it is *the* Act on which almost every judgment with regard to the Exchange of Benefices has been based for more than three hundred years, it failed in an essential particular, for it unfortunately omitted to provide for the appointment of an Official Registrar, under Episcopal control, through whom alone negotiations for the Exchange of Benefices could be conducted.

Acts of Parliament subsequently have been passed to sanction the Exchange of Parsonage or Glebe Houses and Glebe Lands for other Houses or Lands of greater value, or more conveniently situated for occupation (55 Geo. III. c. 147 ; 56 Geo. III. c. 52 ; 1 Geo. IV. c. 6), but there has been no practical legislation whatever for facilitating and regulating the Exchange of Benefices since 1587, when the 31 Eliz. c. 6, s. 7 was passed !

Attempts, however, have been made in Convocation and in Parliament to deal with the question. But every effort has signally failed.

In 1868 the President of the Upper House of Convocation, in the Province of Canterbury, directed the Lower House to take into consideration :

The best mode of improving the Law, in reference to the Registration of Ecclesiastical Benefices, both simple Resignations, and Resignations in connection with EXCHANGES.

A committee, consisting of twenty-three members, was

appointed, and in the following year it was amalgamated with another committee appointed by the President for

The purpose of considering, and reporting upon the present system of Patronage, with special reference to the Sale of Preferment, and the existing condition of the Law of Simony.

In 1871 the committee reported

1. That they had endeavoured to master the complications of the Law in each case.
2. That they had traced the evils arising from the present condition of the Law.
3. That they had put forth such remedial measures as were calculated to produce a better condition of things in the future.

The details of the Report are set forth as follows, so far as Exchanges are concerned :

1. Exchange is defined on high authority¹ to be, when two persons, having procured Licence from the Ordinary, to treat of an Exchange, do, by an Instrument in writing, agree to exchange their Benefices, both spiritual, and in order thereunto, do resign them into the hands of the Ordinary. Such Exchange being executed, the Resignations are good.

2. *Manifest Evils*, and notably the Scandals arising out of the degrading practice of public advertisements, devoted to selfish interests—exist under the present Law. And the Committee desire especially to call the attention of the House, to the clause of the definition, which states the procuring of Licence, from the Ordinary, as the first step, in every case, when an Exchange of Benefices is to be effected.

3. The Committee have received communications, on the subject of Exchange, affecting CONSCIENCE MORE THAN LAW, and it has been stated to them, that after Licence has been procured from the Ordinary to treat of an Exchange, NO MODE OF PROCEDURE has been left open to effect such Exchange, except through ADVERTIZING. There is, however, reason to believe that many desirable Exchanges, are now arranged, without such procedure, and it is strongly recommended, that when public advertizing is resorted to, it should not be without the sanction of the Ordinary.

4. Exchanges are often BENEFICIAL. The absolute power of refusing any Resignation, with a view to an Exchange (except so far as interfered with by the Law of Donatives) is a sufficient safeguard against corrupt or injurious Exchanges, while the Bishop's knowledge of their respective Dioceses, will enable them to ENCOURAGE, such Exchanges as are BENEFICIAL, in the interests of the Church.

In an Appendix (A) the Committee recommended the following method of effecting Exchanges, as calculated to FACILITATE them, as well as to prevent some of the EVILS which are incident to the present practice :

1. That an Incumbent desirous of exchanging his Benefice, be required to obtain from his Bishop, a Licence to treat of an Exchange, and that such Licence be given under the hand and seal of the Bishop, according to a Form, prescribed by Law.
2. That when two Incumbents, to whom their respective Bishops have given Licence to Exchange, shall be willing to exchange their respective

¹ Phillimore's Burn., 2 Inst. 125 ; Watts, c. 4 ; Gibs, 821.

Benefices, each of such Incumbents shall submit to his Bishop the name of the other, and the name of the Benefice, to which he is willing to remove, and the Bishop shall, if he approve of such removal, signify his approval, under his hand, on the Licence given, as aforesaid, and that such Licence, with the Bishop's approval of the particular Exchange therein specified, shall be submitted by the Incumbent to the Patron of his Benefice, for his consent or otherwise.

3. That the consent of the Patron be signified by an endorsement of the Licence, aforesaid, under his hand, or in the case of a Corporation, the Official Seal.

4. That such Licence, when so endorsed, as aforesaid by the Patron, shall be deemed in Law a presentation made by the Patron, and the Bishop shall thereupon institute, or license, the Clerk to the Benefice, to which he removes by Exchange.

5. That in the case of a Benefice being in alternate Patronage, it shall be necessary for both Patrons to signify their consent, and that the right of next presentation shall stand as if no such Exchange had taken place.

6. That such Licence, as aforesaid, may with the consent of the respective Bishops, Patrons, and Incumbents, include ARRANGEMENTS FOR ADJUSTING the INCOMES of the two Benefices by a SUM TO BE PAID ANNUALLY by the Incumbent of the one to the Incumbent of the other Benefice, so long as the latter is held by the person who effected the Exchange, and the sum to be paid Annually by one of such Incumbents, to the other shall be specified in the Licence aforesaid, and such Licence shall be deemed the Deed, entitling the Incumbent therein named to RECOVER BY PROCESS OF LAW, if necessary, the sum specified therein, from the other of such Incumbents.

After the presentation of the Report, it was moved and carried

That this House recommends that LEGAL EFFECT be given to the MODE of effecting Exchanges, as described in Appendix A.

But subsequently, as it was found that the sixth recommendation in Appendix A was a suggested departure from the LAW OF SIMONY, it was moved and carried

That the LAW OF SIMONY be AMENDED, according to the Report of the Upper House in 1860.

This Report of 1860 states that the existing Law of Simony requires CAREFUL REVISION, the object of which should be, on the one hand, to restrain really corrupt practices with regard to the Sale of Benefices and Residences, and on the other hand to ENLARGE THE DISCRETION of the Ordinary with respect to sanctioning innocent and beneficial arrangements respecting . . . THE EXCHANGE OF BENEFICES and other matters, which, according to the GENERAL LAW OF THE CHURCH, and the reason of the thing, might safely and wisely be placed under Episcopal control.

That in order to effect these objects—

1. The Statute 31 Eliz., c. 6, should be REPEALED.

2. A Statute should be passed conferring on the Ordinary the DISCRETIONARY POWERS which have been mentioned.

On July 8, 1873, the Report of the Upper House, on the Report of the Lower, was presented, in which the Committee

Advise the adoption of the Recommendation, and that LEGAL EFFECT be given to the MODE of effecting Exchanges, as described in Appendix A.

On May 24, 1874, the Bishop of Peterborough moved in the House of Lords that a Committee be appointed to inquire into the existing Laws relating to PATRONAGE, SIMONY and EXCHANGE OF BENEFICES. The Committee was appointed, and in the introduction to their Report, which was presented in 1875, they stated that their inquiry had involved the consideration of the following :

1. What are the PRINCIPLES on which LEGISLATION on these subjects should be based, and what, in accordance with these principles, are the OBJECTS which it should aim at EFFECTING ?

2. How far are these principles RECOGNIZED and these objects attained by the EXISTING LAW ?

3. If it should appear that the Law in its present state is DEFECTIVE, in either of these respects, whether any such practical evils have resulted from such a defective state of the Law as to call for its AMENDMENT.

4. What AMENDMENTS should be recommended to Parliament ?

Although the Committee critically considered the Recommendations of Convocation, and examined the Chairman of the Convocation Committee and others in reference to Exchanges, they only reported :

1. That the existing Law respecting Exchanges is capable of amendment in the direction of making the LICENCE OF THE ORDINARY to treat of an Exchange more STRICT and IMPERATIVE than it is now ;

2. And also in the direction of CHEAPENING and FACILITATING the subsequent steps by which Exchanges may be completed.

In the same year (1875) the Bishop of Peterborough, who had presided over the Committee of the House of Lords, presented a Bill as amended on Report, entitled "An Act to Amend the Laws relating to Patronage, Simony and EXCHANGE OF BENEFICES." But in the Bill there is NOT ONE CLAUSE embodying the recommendations of the Committee's REPORT. The only clause in relation to the Exchange of Benefices sets forth what shall be the procedure in Patronage, in the case of Benefices vested in more than one person !

This Bill failed to pass, and in 1878 the House of Commons appointed a Royal Commission to inquire into the law concerning the SAME SUBJECTS about which the Committee of the House of Lords had REPORTED in 1875.

In 1879 the Royal Commissioners presented their Report, and in clause 38 they state :

It is been suggested to us that Exchanges of Preferment on PECUNIARY CONSIDERATION should be allowed, if made with the knowledge and consent of the PATRON and ORDINARY. We are, however, of opinion

that it would be DANGEROUS to allow any PECUNIARY TRAFFIC in such matters.

The Royal Commissioners further directed attention to the legal opinion of the present Right Hon. Sir Francis Jeune (one of their number), in which they expressed their concurrence :

There is no doubt that ANY CONSIDERATION GIVEN IN AN EXCHANGE is SIMONICAL, and even an AGREEMENT, of which neither party is to CLAIM DILAPIDATIONS as against the other, was considered by Baron Parke to SAVOUR OF SIMONY (*Downes v. Craig*, M. and W., 166).

In January, 1881, in spite of the Report of the Royal Commissioners, a Bill was brought into the House of Commons entitled "The Church Patronage Bill," in which, under clause 17, it was proposed to AUTHORIZE Exchange of Benefices for PECUNIARY CONSIDERATION with the approval of the Bishop.

To simplify this, the following, among other Schedules, were appended to the Bill :

1. I have PAID or AGREED TO PAY to the Rev. the sum of £ on his resigning the Benefice of
2. I know of an AGREEMENT for a PAYMENT by to the Rev. on his resigning the Benefice of

In May of the same year (1881) a Bill entitled The Church Patronage Bill, No. 2, was brought into the House of Commons by the same persons with one exception, but there was no reference in any of its Clauses to the Exchange of Benefices, although it *reinserted* the Schedules in relation to what the Royal Commissioners styled, PECUNIARY TRAFFIC.

In 1882 a third Church Patronage Bill was brought into the House of Commons by the same persons, with one exception, who brought in No. 2 Bill in 1881. But in this Bill no clause bearing on Exchange of Benefices was inserted, although the Bill was entitled "A Bill to amend the Laws relating to Patronage, Simony and EXCHANGE OF BENEFICES." In the Schedules there were forms for Patrons and Incumbents to sign in the Exchange of Benefices, but there was NO reference, as in the Schedules of the Bills of January and May, 1881, to PECUNIARY PAYMENTS.

In 1884 the three Bills were committed to a Select Committee of the House of Commons consisting of seventeen Members, of which the Right Hon. W. E. Forster was Chairman. In their Special Report :

1. They altogether passed over the Clause in the Bill of January, 1881, "Authorizing Exchanges FOR PECUNIARY CONSIDERATION."
2. They recommended that a Bill embodying the Resolutions in the Report be brought in during the following year, but no mention was made in any of the Resolutions, and there were seventeen, of Exchange of Benefices.

In accordance with this Recommendation a Bill prepared by several members of the Select Committee was brought into the House of Commons in January, 1886, and it made no provision therefore for the EXCHANGE OF BENEFICES.

Thus the Recommendation of the Lower House of Convocation in 1871 in respect of the EXCHANGE OF BENEFICES, and supported in 1873 by the Upper House of Convocation in order that LEGAL EFFECT might be given to the mode of effecting Exchanges, as described in Appendix A, was wholly laid aside in the Bill, amended on Report, intituled, An Act to amend the Laws relating to Patronage, Simony and the EXCHANGE OF BENEFICES, presented in 1875 by the Bishop of Peterborough in the House of Lords, and as to its 6th clause was condemned by the Royal Commissioners in 1879 and ignored by the Select Committee of the House of Commons in 1884.

And although the 6th section of Appendix A was practically adopted in the 17th clause of the Church Patronage Bill of January, 1881, which proposed to AUTHORISE the Exchange of Benefices for a PECUNIARY CONSIDERATION, the Clause did not reappear in the Church Patronage Bill (No. 2) in 1881, in 1882, nor in any Bill in any subsequent year!

These successive failures arose, most probably from the fact that the chief proposal of Convocation embodied in the 6th clause of Appendix A, was *inexpedient, unnecessary, unworkable* and *litigious*.

It was *inexpedient* to appeal to Parliament to repeal the Act of Elizabeth, and to enact a new STATUTE of Simony in order to *legalize*, what the Royal Commissioners in their Report presented in 1879 described, as a pecuniary traffic in Exchanges, which was *most dangerous*.

It was *unnecessary*. It is possible and practicable, as it will be shown hereafter in this Article, for the Bishops to control Exchanges without an appeal to Parliament for the amendment or enactment of a single Statute.

It was *unworkable* in one important particular. Convocation wished Parliament to enact that, when the value of the respective Benefices, to be exchanged, was disproportionate, a sum of money should be paid annually by the Incumbent of one Benefice to the Incumbent of the other, so LONG as the Benefice WAS HELD by the Incumbent effecting the Exchange. Therefore, when the Incumbent resigned, or died, or was promoted, the annual payment CEASED.

It was *litigious*. Convocation provided in the 6th clause of Appendix A that if an Incumbent failed to pay annually the sum due to the other through the disproportionate incomes of the respective Benefices, the Licence on which was inscribed the amount of the annual payment to be made, should be the DEED entitling the other Incumbent to RECOVER BY *process of law* the sum specified therein.

Finally, Convocation made no provision with regard to

Exchange negotiations. They were left, therefore, as before, to *unauthorized and self-appointed Agents*. And yet it is in every way expedient that the Exchanges, which often are of such vital importance to Bishops, Patrons, Incumbents and Parishes, should be arranged by an Official Registrar, appointed and controlled by the Bishops, through whom ALONE Exchanges could be effected.

In order to carry out this view the writer obtained leave to discuss in the London Diocesan Conference, 1892,

The expediency of facilitating and regulating the Exchange of Benefices and of providing that the negotiations be conducted under EPISCOPAL AUTHORITY.

The resolution was passed unanimously, after which the Lord Bishop of London said that it was a matter which concerned the whole Bench of Bishops, and that if the Committee to be appointed would prepare a scheme to be submitted to him, he would take an early opportunity of bringing it before the Bishops of both Provinces.

The President then appointed a Committee, consisting of: The Bishop of Marlborough, the Bishop of Bedford, the Archdeacon of London, the Archdeacon of Middlesex, the Revs. Canon Nisbet, Prebendary R. Whittington, Prebendary R. Thornton, D.D., Prebendary C. H. Turner, W. H. Barlow, H. Montague Villiers, and J. Glendinning Nash; Chancellor T. H. Tristram, Q.C., D.C.L., Chancellor Lewis T. Dibdin, M.A., D.C.L., Chancellor Sir W. G. F. Phillimore, Bart., Q.C., D.C.L., and Edwin Freshfield, Esq., LL.D. The Committee met in the Chapter House, St. Paul's Cathedral, on July 19th, 1892, under the Presidency of the Archdeacon of London, and decided:

First, that for the following reasons it is expedient to facilitate and regulate the Exchange of Benefices, and to provide that the negotiations be conducted under Episcopal authority.

1.—*The Present Facilities are Objectionable.*

Agents who are self-appointed, and are not under any Episcopal authority, almost EXCLUSIVELY arrange at the present time the Exchange of Benefices in EVERY Diocese in England and Wales.

2.—*The Extent of the Custom of Exchange.*

The lists which have been recently published by four of the principal Agents for Exchange have been critically examined and tabulated by the Committee, with the following remarkable results:

	No. of Benefices.	Net Annual Value.	Population.
No. 1 ...	790 ...	£227,510 ...	1,343,907
No. 2 ...	490 ...	132,476 ...	905,860
No. 3 ...	94 ...	21,191 ...	54,300
No. 4 ...	32 ...	8,736 ...	37,032
	1,406	£389,913	2,341,149

3.—*Objections to the Present System.*

(a.) The Clergy, on account of the semi-secrecy of the negotiations, may be placed at times in positions of serious difficulty with regard to their Bishops, or Patrons, or Parishioners.

(b.) The custom of a three or four fold Exchange, may, under certain conditions, lead to compromising complications.

(c.) When there is a considerable disproportion in the respective values of the Benefices to be exchanged, it is possible that a simoniacal arrangement may be suggested.

4.—*Advantages arising from the Regulation of the Exchange of Benefices, and of providing that the negotiations be conducted under Episcopal authority.*

(a.) A Registrar or Registrars, Ecclesiastically appointed, would be *recognized* in every Diocese for the Exchange of Benefices.

(b.) The Clergy desiring Exchange could *openly*, and yet *without publicity*, register their requirements.

(c.) *Frivolous* Exchanges would be checked or discouraged, and *reasonable* Exchanges would be facilitated.

(d.) No arrangement in the Exchange of Benefices, leading to *legal or other complications* could be made.

Secondly, the Committee believe that the conditions embodied in the following Resolutions, are essential to the successful working of the scheme which they have prepared :

It was proposed by Chancellor Dibdin, seconded by Dr. Edwin Freshfield, and carried unanimously :

That it is desirable to appoint an Official Registrar for the Exchange of Benefices, provided that such of the Bishops as concur in the appointment refuse to sanction any Exchange which has not been arranged through such Official Registrar.

It was proposed by Chancellor Sir Walter Phillimore, seconded by Chancellor Tristram, and carried unanimously :

That it is not desirable to appoint *Diocesan* Registrars, for the following reasons :

1. As Exchanges are in most cases from one Diocese to another, the machinery would be unnecessarily multiplied.
2. The work and remuneration of each Diocesan Registrar would, it is believed, be insufficient and inadequate.
3. The appointment of a Provincial, if not a National, Registrar,

would establish a central authority, simplify negotiations, and provide a reasonable income for an efficient Official.

It was proposed by Chancellor Dibdin, seconded by Dr. Edwin Freshfield, and carried unanimously :

That it is expedient that the Registrar be selected, and appointed, with a view to his peculiar fitness for the office, which will require exceptional enterprise, aptitude, and tact.

Thirdly, the following Scheme, with its Sanctions and its Restrictions, was passed unanimously, Section by Section :

1. That a Provincial, if not a National, Registrar under Episcopal controul be appointed, whose Registry shall be in London.

2. That the expenses of the Registry be met by Fees, which may be 10s. 6d. on Registration, and provisionally 2½ per cent. on the net income of each Benefice exchanged, and that these Fees be *inclusive*.

3. That the Clergy desiring an Exchange register their requirements by filling up and signing an authorized Form, provided by the Registrar.

4. That the Register be examined *confidentially* by the Clergy whose particulars have been *registered*, but that it be not open to the inspection of any others, except the Archbishops, Bishops, and Archdeacons of the Provinces of Canterbury and York.

5. That the Registrar periodically forward, confidentially, to the Clergy whose particulars are registered, selections from the Register, corresponding as nearly as possible with their requirements.

Fourthly, while a fundamental change with regard to Church Patronage would involve Parliamentary Legislation, the proposal to regulate the Exchange of Benefices, and to provide that the negotiations be conducted under Episcopal authority, requires only the authorization collectively or individually of the Episcopate.

It was therefore proposed by Chancellor Tristram, seconded by Chancellor Sir Walter Phillimore, and carried unanimously :

That the Lord Bishop be respectfully requested to consider the foregoing Scheme, and to bring it in its present, or in revised form, before the Archbishops and Bishops, with a view to its adoption, if possible, at an early date.

At a Meeting of the London Diocesan Conference on April 18, 1893, the foregoing Report was presented, when the Lord Bishop of London announced that, in compliance with the request of the Committee, he had placed the Report before the

Archbishops and Bishops of the Provinces of Canterbury and York, and that it would be carefully considered by them at their next Meeting.

The Chancellors of Durham, Rochester, and Exeter, in behalf of other Chancellors and Ecclesiastical Lawyers, said that they were very much impressed with the ingenuity and practical nature of the scheme. They trusted it would receive favourable consideration, especially now, when there is before the country a Patronage Bill, which dealt with abuses and needed reforms about advowsons, but did not touch this matter of Exchanges. They could not help believing that if this proposal were adopted—the Bishops refusing to sanction any Exchanges of Benefices not arranged by the official contemplated—it would stop, or make rarer, those transactions of which they heard from time to time with regret and shame.

The Report was then adopted, and the Committee subsequently was re-appointed

To prepare a Series of Suggestions with regard to the Appointment, Controul, Duties, Tenure, and Emoluments of the Official Registrar, and the way in which the Surplus arising from the Fees paid by the Exchanging Clergy may be distributed.

The Committee met at the Chapter House, St. Paul's, on May 8, 1893, under the presidency of the Archdeacon of London, when the following Suggestions were unanimously agreed upon :

1. APPOINTMENT OF OFFICIAL REGISTRAR.

It is suggested that he be appointed by a Committee nominated by the Archbishops of Canterbury and York, and the Bishop of London, consisting of two Clergymen and two Laymen of the Province of Canterbury, and two Clergymen and one Layman of the Province of York.

2. COUNCIL OF CONTOUL.

It is suggested that the Committee be constituted a Council to controul the Registrar and the Registry ; that it be appointed for terms of five years ; and that if any vacancy arise, it be forthwith filled up by the aforementioned Prelates.

It is suggested that the Council of Controul appoint a Treasurer, Official Auditor, and Secretary, either Honorary or otherwise ; and that the Council meet not less than once a quarter.

3. LEGAL COUNCIL.

It is suggested that there be a Legal Council, consisting of three Chancellors, nominated by the Archbishops of Canterbury and York and the Bishop of London, for terms of five years, who shall be ex-officio Members of the Council of Controul.

4. QUALIFICATIONS OF OFFICIAL REGISTRAR.

It is expedient that he be selected and appointed with a view to his peculiar fitness for the Office, which will require exceptional enterprise, aptitude, and tact.

5. DUTIES OF OFFICIAL REGISTRAR.

It is suggested, after careful inquiry, that the following be the Duties of the Official Registrar :

Registrar's Duties with regard to the Registry.

To be in daily attendance during the hours fixed, to conduct correspondence, to keep the Register, the Letter, Cash and other Office Books, and to be responsible for all other work in connection with the Registry.

Registrar's Duties with regard to the Council of Controul.

1. To prepare a Quarterly Report in writing of all the Registry Transactions for the Council of Controul, and to produce when its Meetings are held the Registry Books, Bills for payment, and Lists of Requisites.

2. To give facilities, whenever required, to any Members of the Council of Controul or Legal Council with regard to the Registry Work.

Registrar's Duties with regard to the Clergy.

1. To furnish the Clergy desiring an Exchange with the following Forms (which appear in the Appendix to this Report), and to see that they are duly filled in and signed :

The Statement relating to the income and outgoings of the Benefice.
An Agreement that the negotiations be conducted solely by the Registrar.

A Declaration that the Applicant will not corruptly take or give in respect to an Exchange, directly or indirectly, any pension, sum of money, or other benefit whatsoever (31 Eliz., c. 6, s. 7).

2. To forward periodically to the Registered Clergy particulars of Benefices corresponding as nearly as possible with their requirements.

3. To arrange by appointment, after an application in writing, for the confidential examination of the Register by any of the Registered Clergy, and not to permit the inspection of the Register by any others, except the Archbishops, Bishops, and Archdeacons of the Provinces of Canterbury and York, and the Council of Controul.

4. To conduct the negotiations in each case, and at their completion, to obtain the written consents of the Exchanging Clergy, Bishops and their Patrons, and a written declaration from the Exchanging Clergy that they have not corruptly taken or given in respect of the Exchange, directly or indirectly, any pension, sum of money, or other benefit whatsoever (31 Eliz., c. 6, s. 7).

5. To forward copies of the same, duly attested by the Official Registrar, to the Bishops concerned, and to keep the originals in the Registry.

Registrar's Duties with regard to Moneys received in behalf of the Council.

1. To receive from each of the Clergy desiring an Exchange, a Registration Fee of 10s., before the Requirements are Registered.

2. To receive $2\frac{1}{2}$ per cent. Commission on the net value of each Benefice to be exchanged, which is to include every charge, before the Copies of the Consents and Declarations are sent to the Bishops concerned.

3. To make Entries at the time in the Cash Book of all the Moneys received, and to pay the same into the Bank of the Registry, not less than once a week.

6. REGISTRAR'S SALARY AND TENURE.

It is suggested that his Salary, subject to re-arrangement, be £300 per Annum and 5 per cent. of the Registry Fees, and that the engagement be terminable on either side at the expiration of Three Months' notice from any date.

7. REGISTRY.

It is suggested that the Registry be in the Church House.

8. SURPLUS FUNDS.

It is suggested that if there be a Surplus after payment of the Registry Expenses, a portion be devoted to Clergy Pensions or the Augmentation of Poor Benefices.

9. ANNUAL REPORT.

It is suggested that the Council of Controul prepare annually the Registry Report, with a detailed Financial Statement, audited by an Official Auditor, and that it be sent to the Archbishops, Bishops, Deans, Archdeacons, Proctors in Convocation, Chancellors, and Diocesan Registrars of the Provinces of Canterbury and York.

10. APPENDIX.

In the Appendix there are eight Forms which may be used in the Registry. Forms 1, 2, 5, 6, 7, 8 have been revised by an Ecclesiastical Lawyer. Forms 3 and 4 have been revised by a Diocesan Surveyor.

Forms 1, 2, 3 are to be filled in and signed by each Clergy mandesiring Registration.

Form 4 is to be sent periodically by the Registrar to the Registered Clergy.

Forms 5, 6, 7, 8 are to be signed when the negotiations for an Exchange are being concluded.

When, at the completion of the negotiations for an Exchange of Benefices, the last of the Forms has been signed by the Exchanging Clergy, and their connection with the Official Registry terminates, they will resign their respective Benefices to their respective Bishops, and subsequently make the Declaration against Simony according to the Canon framed by Convocation in 1864, and ratified by the Crown in 1865 (28 and 29 Vict., c. 122, s. 3).

Thus, therefore, it is possible and practicable to facilitate and regulate the Exchange of Benefices, and to provide that the negotiations be conducted under Episcopal Authority, WITHOUT AN APPEAL TO PARLIAMENT for the Amendment or Enactment of A SINGLE STATUTE.

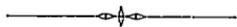
The Reform can be *immediate*, if it should recommend itself to the whole EPISCOPAL BENCH, by a Resolution distinguished for its SIMPLICITY and its STRINGENCY :

That no Exchange of Benefices be sanctioned by the Bishops unless arranged by their Official Registrar.

The Reform so sweeping in its completeness could be forthwith accomplished by Episcopal Authority. By one decisive stroke the Reform would terminate the continuance of the abuses, anomalies, and scandals which have more or less prevailed in connection with Exchanges almost from time immemorial. It would, in facilitating and regulating the Exchange of Benefices, increase the power and authority of the Bishops, and the

privileges and advantages of the Beneficed Clergy. It would, it is confidently believed, be a Reform which, in its beneficial results, would be felt in every Diocese, not only in the present time, but in generations to come.

J. GLENDINNING NASH, M.A.



ART. VI. — THE UNREASONABLENESS OF HOME RULE; OR, WHAT SHALL WE DO FOR IRELAND?

PART II.

4. *THE colonial constitutions* present no encouraging analogy for Ireland. There are two essential conditions which would be absent from such an arrangement at home; one is the pride and pleasure of the colonies in sharing in the prestige and prosperity of the British Empire; the other, the fact that they are all such an immense distance from the mother country that, though she would view the secession of any of them with infinite regret, she would not consider such a secession as fatal to her own life as a nation. These two considerations render possible the supreme power of the Privy Council, the recognised authority of the British Parliament, over the Colonial Parliament, and the appointment of the Governor from home. Such an arrangement between Great Britain and Ireland, viewed from the point of the impossibility of secession and the absence of any pride or pleasure in the British Empire, would cause unceasing and growing friction. The interference of the Privy Council, of the British Parliament, and of the Governor-General would be a hundred times more irritating than it is now. And without resort to arms, England would be compelled to witness acts of injustice and tyranny for which she would be ashamed and humiliated. Frequent opportunities would occur to Irish parties in the Irish Parliament for obstructing the working of the imperial machine and for making it unworkable. Four millions a year are now raised from Ireland for the purposes of the British Empire; but if the colonial system of Government were adopted, this would be lost; for the colonies tax themselves only for their own purposes, and it has become a sort of constitutional maxim of the Empire that where there is no representation, there shall be no power of taxing. The financial aspect is obviously bristling with difficulties.

5. Mr. Gladstone's constitution depends for its acceptability even to its own author on arrangements which are self-con-