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# THE CHURCHMAN

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NOVEMBER, 1880.

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## ART. I.—THE DISESTABLISHED CHURCH OF IRELAND.

### II. THE CONSTITUTION.

*The Constitution of the Church of Ireland.* Hodges, Foster & Co.  
Dublin. 1879.

THE financial operations of the Church of Ireland were last month considered in some detail ; and it then appeared that the Churchmen of that island had contributed four millions of their own money, and worked out a system of finance which relieves, as far as possible, the uncertainty and caprice of Voluntaryism ; while their English brethren were half persuaded that they had done nothing else than tear up their Prayer-Book. So harsh a misconception could scarcely have arisen but for the division of labour between the Representative Body and the General Synod—the former attending to our finances, all the year round, in the blissful privacy of a committee-room ; while the latter, the Supreme Council of the Church, gathered annually under the shadow (or, should it be said, under the bull's-eye lantern ?) of a reporters' gallery. The Diocesan Schemes also were quietly elaborated by a few experts, and then adopted in the synods of each diocese, of whose meetings no fame crossed the Channel. And while the General Synod itself dealt carefully with many unexciting questions, these evoked neither the heat nor the eloquence that moves a reporter's pencil and a reader's sympathy. Now, there are two proverbs which tell different stories of what will happen in such a case. Our unreported work did not profit by the principle, *omne ignotum pro magnifico* : the harder rule was applied, *de non apparentibus et de non existentibus eadem est ratio*. It was quietly assumed that no such work was done.

And yet our Supreme Council, at the very outset, had performed a remarkable task. It had framed a constitution for

the Church, which has its blemishes, like all things human, but has not broken down in any part, and is working more smoothly every year, as its capabilities are better understood. The nature of this constitution will best be explained by beginning at the ground, for from the very base upward its builders had to work. Every ecclesiastical corporation in the island was dissolved on the first of January, 1871, and the ecclesiastical law of Ireland ceased to exist, except in matrimonial causes. The jurisdiction of the archbishops and bishops was also swept away. But the existing law continued to bind the members of the Church of Ireland "for the time being . . . in the same manner as if such members had mutually contracted and agreed to abide by and observe the same." Power was given to "the bishops, clergy, and laity, by representatives, lay and clerical," to meet in General Synod or Convention, and frame constitutions and regulations for the general management and good government of the Church. If this had not been done, if any Order had failed to meet the others in harmony, the Church would have died with its existing members.

One principle only we had here distinctly settled for us: organization was impossible unless the laity were duly represented "in General Synod or Convention." But no attempt was made to settle the question, Who were the laity of the Church of Ireland? She had to solve for herself the problem, how to grant the just rights of each Order, and of every individual, without allowing one to trample another down. The Christian laity had hitherto been represented, in theory, by the influence which the nation exerts in Parliament upon an Established Church. But practice and theory had removed farther and farther from each other, until at last, as regards Ireland, the British nation renounced all connection with the Church. And now it was necessary at the outset to settle the franchise and to define the influence of the lay vote.

A vote is given to every male, of full age, who declares two facts in writing. He must be a member of the Church of Ireland. In addition, he must either be an accustomed member of the congregation of that church for which he claims a vote, or else a resident in its parish or district, or else an owner of landed or house property within its boundaries. But he may not vote as resident in the same parish within which he is registered as a member of the congregation of another church or chapel. The object of opening these three doors to the franchise is pretty plain. Members of a congregation have an obvious interest in the church in which they worship. And the other qualifications are a safeguard against excessive congregationalism. A clergyman might conceivably empty his church of all but his own

partisans by eccentricities of conduct or of doctrine, without bringing himself under the lash of any specific law. Even from a country parish many persons might be driven (though perhaps the case has not arisen) to seek food in neighbouring pastures. Now, such a clergyman would be rewarded for his perversities by obtaining a list of voters entirely to his mind, were not all the Churchmen in his parish allowed to register themselves as residents. If the malcontents are in a minority, it will do them good to be convinced of this, and probably to be refuted as well as outvoted. If their admission can turn an election, the clergyman must be out of harmony with his natural constituents, and it is the essence of a representative scheme to disclose this fact however unpleasant it may be. And since, lastly, the holders of property should interest themselves in the spiritual welfare of their labourers and dependents, to foster this feeling they also are entrusted with a vote. The Synod of a diocese may require, as a further qualification, that the voter should subscribe to the church funds, and on this point the practice varies, according as it is felt to be more important to interest the poorest Churchman or to guard against intrusion by those who have no real claim to a vote. The persons thus registered are the voters at our Easter Vestries—the vestrymen of the Church of Ireland. At the General or Easter Vestry one churchwarden is elected, and the clergyman nominates another.

Not more than twelve others are elected, to form, with the clergy and churchwardens, a Select Vestry, or committee of parochial administration. This Select Vestry is of the utmost importance to the well-being of every parish: it manages the church funds; it appoints the sexton, organist, and other minor officials; it attends to the repairs of the fabric, and provides the requisites for church service. A hostile Select Vestry could evidently make itself a sharp thorn in the side of a clergyman. Nor could any conceivable arrangement make an estranged parish comfortable under a voluntary system; while it is, perhaps, not entirely desirable that a rector should be quite happy while his parish is in convulsions. But it is much easier for a clergyman to carry with him twelve intelligent and representative men, who then become his advocates and interpreters with their constituents, than to explain everything to every one. In practice, the amount of friction between the clergy and their Select Vestries is infinitesimal. The writer has never heard of an act or word of intentional discourtesy at such a meeting, and nothing has done more to arouse and interest the laity than these committees, in which questions are asked and answered, and by which a clergyman, if he has any tact, makes himself and his policy clearly understood. He is chairman *ex officio*, and in his absence

his curate, and after him his churchwarden. The Easter Vestry, which nominates this board, also elects diocesan synodsmen to represent the parish, and once in three years it chooses three parochial nominators, whose functions will be explained hereafter.

Into the Diocesan Synod are gathered all the working clergy of the diocese, from the highest dignitary to the deacon just ordained and licensed. To meet each of these, <sup>The Diocesan</sup> whether curate or incumbent, the parish sends two <sup>Synod.</sup> laymen, who must be communicants, and may hold office, as the Synod decides, for one year or for three. This Synod controls diocesan funds and endowments; it divides large parishes, joins small ones, and corrects inconvenient boundaries; it has a Court of Justice, which will be discussed presently; and it elects the bishop. Many of its duties are necessarily confided to a diocesan council or committee, for the Synod itself rarely meets oftener than once a year.

At this point we may pause to consider two objections.

It is complained that a person who habitually absents himself from the Lord's Table may be a registered "member of the Church of Ireland," and may even enter the <sup>The</sup> Diocesan Synod, if he can declare that he is at all "a <sup>Communion.</sup> communicant," no definition of this somewhat vague phrase being given. There are many who would prefer to exclude from both positions all who had not received the Communion within certain dates. But whether or not the existing rules be approved, they were not moulded by indifference to the Lord's Supper, but by reverence for it. Irishmen could not easily forget the Test Act, and the risk was chosen rather of some failure in theoretical symmetry, than of tempting prominent parishioners to approach the Communion rails with any motive but the most sacred. There would be danger not only of profanation by the thoughtless, but of exciting morbid fears and self-suspicious in the heart of the sensitive and scrupulous.

It is also occasionally urged that, both in the Diocesan and in the General Synod, the clergy may be overwhelmed by the <sup>The "two</sup> double representation of the laity. But this is rendered impossible by the Vote by Orders, for when a <sup>to one"</sup> difference of opinion between the clergy and the laity <sup>vote, and</sup> seems likely, a small number of either Order may <sup>the veto.</sup> demand a separate vote, and then the proposal can only be carried by obtaining a majority of each. There are unmistakable advantages in the larger representation of the laity, and especially in Diocesan Synods. In country parishes the squire, assuming that he is interested in the church, is almost certain to be elected: it is the second vote which sends a farmer to represent his class. In practice the lay attendance is so greatly reduced by various

causes, that the numbers are not at all disproportionate; and the effect of the present arrangement is to diffuse a sense of responsibility, and a considerable amount of information also, over the widest possible range.

In the General Synod the Vote by Orders is a highly conservative influence, for it makes innovation of any kind impossible without the consent of a majority of bishops, a second majority of the clergy, and a third majority of the laity; while a bare half of any one Order suffices to forbid the change.

In the various Diocesan Synods 208 clergyman and 416 lay communicants of full age are triennially elected to constitute, with the bishops, the General Synod, the supreme authority of the Church. This assembly has "power to make all such regulations as shall be necessary for the order, good government, and efficiency of the Church of Ireland." But it has very carefully fenced its great powers against abuse. The Vote by Orders is a powerful check. An example of its self-control in small affairs is that it has forbidden itself to revise the boundaries of two dioceses, or to unite or subdivide them, without the consent of the Diocesan Synods and of the bishops who are interested. A striking and conspicuous example of the same spirit is that which guards the doctrine of the Church against corruption. No alteration can be made in the "articles, doctrines, rites, rubrics, or formularies of the Church," except under the following restrictions:—The change must be sanctioned by a resolution at one meeting of the Synod, where the resolution fails unless it is passed by a majority of the bishops and by two-thirds of the clergy and of the laity who vote. A year must intervene before this resolution can be made the basis of a Bill, which must then be read three times, and finally passed, as before, by a majority of bishops and two-thirds of each other Order. No change, great or small, in the doctrine or formularies of the Church of Ireland has been or can be made without undergoing this formidable process,<sup>1</sup> and obtaining these reiterated sanctions.

Two important subjects remain to be considered—Patronage and the Courts of Justice.

How shall a clergyman be appointed to a vacant parish? The congregational element in our Boards of Patronage has been perhaps more severely criticized than any other part of the constitution; but its bitterest enemies have been disposed, in the case of Bournemouth, to see the

Patronage.

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<sup>1</sup> The only theoretical exceptions were, such revisions as disestablishment made necessary (e.g., the "true religion established among us," and the oath at ordination), and unanimous recommendations of the Ritual Commission. But the procedure has actually been uniform in all cases.

matter in a very different light. To ignore, in a voluntary Church, the wishes of a parish, on which the incumbent must depend for maintenance, would indeed be impracticable, even if it were to be desired. Yet there was nothing attractive in the result (exhibited in certain Dissenting communities) of mass meetings where a minister was chosen by a show of hands. To canvass, to prophesy smooth things, to learn by rote a few glittering discourses, was the way to success where impulse prevailed, because no person was specially responsible for the result, nor entitled to make inquiries with authority. It was therefore arranged that the influence of the parish should not be exerted directly, but by three elected nominators, and that these should hold office for three years, to lessen the chance of their being appointed when a rector is failing, and with a view to some individual whom they would favour. But if the parish is deeply interested in the election, so is the whole diocese. Clergymen in obscure places should not be entirely forgotten: past services are a claim to advancement which local patrons might overlook: parishes with a tendency to extreme views should be checked by some influence which would prevent them from growing narrower and more one-sided still at every new appointment; and all these are matters of general concern. It was felt, too, that the clergy should have some voice in the sharing of promotion among themselves. The three parochial nominators, therefore, are met by one other layman and two clergymen, whom the Diocesan Synod has elected; and these six, with the bishop (who has a vote besides his casting vote), make the selection. Nor does this election interfere in any way with the bishop's inherent right of rejecting an unworthy nominee.

It is admitted on all hands that the working of this system is imperfect. Sometimes the diocesan nominators have failed to control the wishes of an ill-informed parish. Sometimes the parochial nominators have been chosen from a class which has little regard for learning or experience. Canvassing, private influences, and the preaching of trial sermons, have not been quite unheard-of.

The system would doubtless have been changed long ago if any other could be substituted of which the working would always and in every place be perfect. What is claimed for the present arrangement comes far short of this; yet it may be affirmed that if a parish will only choose its representatives with ordinary care, if the diocesan nominators will exercise their function with discretion and firmness, and if the bishop will make his legitimate influence felt, then the result, upon the whole, and with some possible modifications, will be equal to that of any other scheme which can easily be devised. It is pretty certain also that its operation is steadily improving. The

homely representatives of very backward places often show the utmost intelligence and earnestness in the search for a godly as well as a qualified incumbent. The diocesan nominators are learning by experience how to respect local wishes without submitting to local caprices. Many bishops have publicly declared that they find their influence under the new system to be as great as they could reasonably desire. We have no hope that a time will come when every one will be pleased, when defeated candidates will cease to cry out, or when their complaints will be always utterly without reason. But we do expect that the working of our Boards of Nomination will be far better than its uncompromising assailants predict.<sup>1</sup>

A bishop is elected by the Diocesan Synod, if two-thirds of each Order have agreed to vote for him; if not, two names at least must be sent to the Bench of Bishops, who select one of them.

We pass to the two Courts of Justice. In the Diocesan Court, the bishop or his commissary, with a barrister of ten years' standing for his chancellor or assessor, sits as judge. The clergy in Synod elect, as a kind of jury-panel, three clergymen, and the lay members, three laymen, to hold office for five years; and when a case arises for trial, one clergyman and one layman is summoned, in the order of rotation, to act with the bishop as judges of fact. Charges which concern doctrine must proceed either from the bishop (whose chancellor then tries the case) or from four male communicants, of full age, who have signified in writing their submission to the authority of the General Synod, and who give their bond for expenses not exceeding £50. In all cases there is an appeal to the superior Court; and whenever doctrine is involved, the diocesan authorities can only try the question of fact, while the deeper issue must go up unprejudiced.

In the Court of the General Synod each archbishop sits in turn, and the archbishops select a bishop to be the second episcopal member of the Court. The General Synod elects a

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<sup>1</sup> Since this paragraph was written, it has been pointed out by a very eminent authority that persons of the highest distinction would have failed to obtain recognition if the new system had prevailed in their day. It is a consideration that deserves great weight. But there are some considerations which weigh heavily in the other scale. One is, that other persons of the highest distinction were equally passed over under the old system. The other, and the chief one, is, that these would also have been passed over, for exactly the same reasons, under any other system of popular election. But popular election is inevitable in a Church where the people support their minister. The argument is unanswerable as against disestablishment, but when disestablishment has come we must submit to its consequences.

panel of ten lawyers of prescribed rank and standing, from which panel, in each case, three lay judges are chosen by ballot, and by these five the case is tried. Thus the episcopal element provides for theology, while the majority of trained lawyers prevents zeal for an opinion from interfering with legal rights. The decision of this Court is final, but it cannot sentence to deposition from the ministry without the concurrence of the archbishops, nor can a bishop be deposed, deprived, or removed from his see unless they assent.

If now the whole constitution be reviewed, it will be seen that two principles pervade it from end to end—the clearest recognition of the rights of every Churchman, and the utmost watchfulness against momentary impulses. In other words, no constitution could be devised for a voluntary Church at once more popular and less democratic. Every Churchman is free to vote for a diocesan synodsmen, but the Legislative Assembly is only elected by voters who have themselves been thus selected. The interests and passions of each Order are checked by the veto of the others, and wherever one Order has misgivings, the presumption in favour of the *status quo* prevails. Above all, the revision of doctrine and the trial of offenders have been fenced around by safeguards the most jealous, against which it would seem to be impossible for any mere gust of passion or impulse of panic to prevail.

The clergy, presiding over every vestry and possessing a veto in the Synods, have more legislative influence than they ever enjoyed before. Formerly, indeed, they had none.

The bishops preside in the Courts of Law, in the Councils and Synods, and on the Boards of Nomination, where they hold the balance between the parish and the diocese. They constitute one-fifth of the Representative Body. They appoint, as usual, their deans and archdeacons. A bishop can send any decision of his Diocesan Synod into the General Synod for review; and in the General Synod itself the House of Bishops has an absolute veto. It does not appear that any arrangement could have preserved their influence more effectually. It is hard to see what more conservative constitution, short of despotism, could have been devised.

Nevertheless, we are supposed to have legislated against the Prayer-Book in a very reckless spirit. A final Article will therefore be devoted to the consideration of the revised Prayer-Book of the Church of Ireland.

G. A. CHADWICK.