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THE
CHURCHMAN

APRIL, 1882.

ART I.—CHURCH PATRONAGE BILL.

A Bill to amend the Law relating to Patronage, Simony, and Exchange of Benefices in the Church of England.

THOSE who are interested in this subject are beginning to grow wearied of repeating the same arguments, exposing the same abuses, and explaining the same remedies. Let them not be disheartened. Until they hear the echo of their own voices coming back again to them in their own words, their work will not be finished. Not long ago at a Ruridecanal Conference this Bill was thoroughly discussed: at the close of the proceedings a gentleman rose and asked, with the most perfect simplicity, whether there were really any abuses at all to be set right, for he had never known of any in the course of his own experience, nor had he ever read of any! He had not read the debates in the Parliament, nor the burning words of the Bishop of Peterborough, nor the resolutions of the Convocations, nor the speeches at Church Conferences, nor the columns of *The Liberator*, nor the Report of the Royal Commission. But this gentleman is typical of many; and until by tedious reiteration a subject is graven into the thoughts of common men, it is difficult to proceed to legislation.

We admit, of course, that there are differences of opinion. We maintain nevertheless that there is substantial unanimity. Too great prominence is sometimes given to the differences of Churchmen, because they have not yet formed for themselves a machinery by which the sense of the majority can be authentically declared. On one point, however, there is not room for any diversity of opinion, viz., that, in the words of the Royal Commissioners, grave abuses with respect to Church Patronage do exist, and that a remedy ought to be applied. We admit that it is impossible absolutely to prevent offences. All

we can do is to make it difficult to offend. If two men agree together to commit an illegal act, which lies only within the knowledge of the two, so long as they keep their counsel, the law will be evaded. Let us, therefore, deal with the question, not with an idea of reaching perfection, but with a reasonable hope of improving a system which is not all bad, and which needs amendment.

First, let us remember that Private Patronage ought to be preserved. More than half the livings in the Church are in private gift. It is beneficial to the Church that they should be so. Private patronage cannot be maintained unless it is capable of transference from one hand to another. Parliament has lately sanctioned the system by authorizing the Lord Chancellor to dispose of the patronage in his gift. It is good for the Church that a person interested in a parish should hold the advowson, rather than that it should belong to a public officer.

Now, if advowsons are made inalienable, to whom are they to descend? It is an indisputable fact that in the course of time they would inevitably lapse to the Bishop or to some public officer appointed for the purpose. But what if the owner of this inalienable trust becomes a felon, or a pauper, or a bankrupt, or an absentee, or renounces communion with the Church?

We hope we have suggested enough to show that it is impracticable to prohibit the conveyance of an advowson from one private person to another. But we go further. We maintain that it is for the benefit of the Church that the right of patronage should be capable of passing from the hands of an incompetent to a competent patron. The abuse which we wish to prevent is the breach of trust involved in presenting a particular clerk for money. The sale of next presentations facilitates this breach of trust, therefore we advocate its prohibition.¹ The

¹ Whereas it is desirable that a sale of the right to present on a next avoidance of a benefice should be prohibited by law, be it enacted as follows:

- (1.) From and after the commencement of this Act any instrument, assurance, or thing granting or otherwise assuring or purporting to grant or otherwise assure any estate or interest, legal or equitable, in the advowson of a benefice other than an estate in fee simple absolute on the right to present on every subsequent avoidance of the said benefice shall be absolutely void and of no effect, provided nevertheless that this provision shall not be held to apply to any settlement made by will or in consideration of marriage, or to any settlement under the terms of which lands or hereditaments exceeding in value the value of the fee simple absolute in such advowson may be granted or otherwise assigned to be held upon the same trusts as and together with the advowson comprised in and conveyed, granted, or otherwise assured by such settlement.
- (2.) It shall not be lawful for the purchaser or grantee of the advowson of a benefice or the right to present thereto to sell or contract for the

existence of Donatives makes illegal traffic easy, therefore we propose to convert them into presentative benefices.¹ Some few faint voices have been raised in favour of compensation. We answer that Patronage is a trust fenced round by law for securing its just administration. Roman Catholic patrons have been deprived of their rights of presentation without compensation. A patron has been deprived without compensation of his right to sell an advowson when the living is vacant. We might mention other cases in which the law has limited, without providing compensation, the rights of patrons in order to secure the due administration of a trust. We dismiss the idea as wholly inadmissible, and pass on to other clauses of the Bill.

The legal construction of the oath against simony is such that the spirit of the law is evaded. Therefore it is proposed to substitute for it a plain declaration, which cannot be evaded. Again, by the Bill before us the parishioners are for the first time taken into council. They are enabled to appeal against a presentation on the ground that "the presentee is unable from bodily infirmity or mental incapacity to perform adequately his duties," or "that he has committed an offence for which he would be liable to be deprived of his benefice, and has not since sufficiently purged the same by good conduct." A commission may be appointed by the Bishop to inquire into the matter, and in accordance with the report the Bishop may act.² Again,

4 sale of the same until after the expiration of *five* years next following the date of such purchase or grant, but this provision shall not extend to any such sale or contract for sale within such prohibited period by the heirs, devisees, executors, administrators, or trustees in bankruptcy of such purchaser or grantee.

¹ From and after the commencement of this Act all donative benefices shall become presentative benefices, and shall be subject in all respects to the laws which may be in force in relation to presentative benefices, and to the patrons and incumbents thereof, provided that it shall not be necessary for any person who has been admitted to a donative benefice before the commencement of this Act to be instituted and inducted thereto, but he shall have and enjoy all such rights and privileges and be subject to all such visitation and jurisdiction as if he had been instituted and inducted to such benefice after the commencement of this Act.

² Unless the bishop shall have previously refused to institute a presentee, he shall, as soon as may be after the completion of the presentation, and a month at least before institution or collation, issue and send mandates in the form or to the effect contained in Schedule D. to the officiating minister of every church within the parish of which the presentee would, if instituted, become the incumbent. The officiating minister or ministers shall thereupon comply with the directions contained in the mandate, and the bishop shall not accept the presentee or proceed to collate until the said mandate or mandates shall have been duly returned to him.

If any two or more parishioners of full age notify, which may be done in the form contained in Schedule E., that they know any cause why the presentee, by reason of bodily infirmity, mental incapacity, or mis-

institution of a presentee under twenty-five or over seventy is made discretionary with the Bishop; and greater strictness in regard to testimonials may be insisted on. It has been suggested by some that a heavy stamp duty might be placed upon the sale of advowsons in order to make them undesirable subjects of sale, and at the same time to leave them capable of transference. We think this point well worthy of consideration. The Bill provides for the public registration of all grants of advowsons, and it might be expedient, in addition to the registration, to require a stamp duty.

For the last ten years some Churchmen have been advocating these reforms; for the last three years more and more Churchmen have taken their stand with the reformers; at the present moment, we may say that the whole body of Churchmen are in favour of the principles of the Bill before us. Not a single one of the representative assemblies of the Church has opposed the change; on the contrary, every Conference, Synod, and meeting which has discussed the question, has passed resolutions in favour of an amendment of the law. They have not rested contented with vague and indefinite expressions; they have handled the subject in a practical manner, and have formulated their demands. Let us, take, for example, the resolution passed on Tuesday 7th March by the Central Council of the Diocesan Conferences which sums up the resolutions passed by Diocesan Conferences throughout England and Wales:—

“ That, in view of the Report of the Royal Commission of 1879, and of the decisions of diocesan conferences, the most strenuous efforts should be made to obtain the passing of an act without delay, which

conduct, ought not to be instituted or collated to the benefice of such parish, and shall be willing to prosecute the further proceedings, and to give to the bishop such security for the costs thereof, not exceeding *two hundred pounds*, as he may in such case prescribe, it shall be lawful for the bishop, if he think fit, to issue a commission to five persons for the purpose of the making inquiry and reporting as to one or more of the following matters; that is to say:

- (1.) Whether the presentee is unable from bodily infirmity or mental incapacity to perform adequately the duties of the benefice to which he has been presented, or has offered himself for institution, or is about to be collated:
- (2.) Whether the presentee has committed an offence for which any incumbent committing the same would be liable to be deprived of his benefice, and has not since the commission of such offence sufficiently purged the same by good conduct.

The members of the commission shall be nominated as follows: one shall be the vicar-general of the bishop or some other person nominated by the said vicar-general in each case, one shall be the archdeacon of the archdeaconry in which the benefice is situate, two, one of whom shall be a layman resident in the diocese, shall be chosen by the bishop, and the remaining member by the patron, or if he neglects or refuses to do so, by the bishop. The commission may be in the form contained in Schedule F.

should enforce the principle that 'patronage partakes of the nature of a trust to be exercised for the spiritual benefit of the parishioners,' and should contain clauses (1) for the abolition of the sale of next presentations; (2) for the due regulation and registration of the sale of advowsons; (3) for the conversion of all donatives into presentative benefices; (4) for giving increased powers to the Bishop to refuse institution in certain cases and under express limitations and conditions."

Such, briefly, are the main features of the Church Patronage Bill. By whom is the Bill opposed? By the members of the "Liberation" Society!

STANLEY LEIGHTON.

ART. II.—THE CHILDREN'S DAY OF REST.

THE vast importance of Sunday Schools has recently received public endorsement by the erection of a monument to the reputed founder. The statue of Robert Raikes speaks of a great fact, the existence of an institution recognized, honoured, and confided in by Christians of all denominations. Coincident with this general acknowledgment is a belief that by such means the insidious scepticism of the present day—negation of truth—which not a few regard as the beginning of the end, is to be met and combated. So the good seed of the Gospel is sown in prayerful hope that light springing up at the dawn of human life may preclude darkness in adolescence, deadness in manhood, apathy in old age.

Keeping in mind considerations so momentous, it may not be ill-timed to weigh seriously Sunday School work as now in operation, and to ask ourselves the questions whether—

- (1) The existing system is as efficient as practicable?
- (2) Whether modification is desirable?

And, (3) In such case, the form it should take?

The great principle toward which all agencies should coalesce and subserve is sufficiently obvious. It is to sow the good seed wisely as well as lovingly; it is to commend the Gospel of Christ in a form so attractive as to afford promise "of the life that now is and of that which is to come." Those who are experienced in the work realize that this is no easy task. Far otherwise. Something too might be said—indeed is said—by ministers as to the wisdom and un-wisdom of the teacher, his very varied conception of such office, its duties and way of fulfilment. To this bearing of the subject we shall recur.

Truly a child is a complex machine which needs to be studied,