Art. III.—THE CHURCH PATRONAGE BILL.

THE sudden dissolution last summer of the very short-lived Parliament of 1885 extinguished the bright hopes we all had that the more glaring abuses connected with Church Patronage were at last to be taken away. In May everything seemed to promise speedy and effective legislation. A Bill promoted by Mr. Rylands and Mr. Leatham had passed its second reading in the Commons, and the Archbishop of Canterbury had safely conducted another Bill dealing with the same subject through the like crisis in the Lords. Not only had the whole group of questions been debated, and that with an unusual degree of accord on all sides, in both Houses of Parliament, but the Convocations had also discussed those questions at length, and the House of Laymen, which is becoming so important and influential an adjunct to the Synod of the Southern Province, had carefully revised the Archbishop's Bill, and expressed its judgment upon its several clauses. And we cannot forbear to notice at the outset with what goodwill that Lay House was animated towards this important branch of Church Reform. There is hardly anything in Church matters that could be mentioned which so nearly touches their worldly interests as this. It concerns, and very nearly too, those "sacred rights of property" which have so often stood in the way when anything to advance the practical efficiency of our church machinery was mooted. Yet hardly anything of jealousy about these rights appeared. Our picked laymen were in most cases patrons themselves; but they showed zeal in pushing on, out of their love for the Church, a great reform which they saw to be expedient, in spite of its involving a serious abridgment of their own powers, and a considerable depreciation of what the law, at any rate, regards as their property.

The Select Committee of the Lords, to which the Archbishop's Bill was by general consent referred on May 13, reported on June 4; and if the Session had run its normal course, the Bill as thus amended would undoubtedly have passed its third reading, and have reached the Commons before July. There it would no doubt have undergone fresh debate. Its proposals differed in some leading particulars from those which found favour with the House of Commons. Mr. Rylands's Bill, for instance, had given power to raise the purchase-money, when an advowson was sold, by mortgage of the benefice to Queen Anne's Bounty: and this proposal was most strongly and justly objected to in many quarters, and accordingly has no place in the Archbishop's Bill. Another difference between

the two Bills is found in the patrons to which advowsons, when sold under the provisions of the Bill, are to be transferred. Mr. Rylands and Mr. Leatham wished to make the Bishop and churchwardens the patrons in such cases, the majority to present in case of difference of opinion. Mr. Leatham had in the Parliament preceding proposed to hand over this right to the Crown, and on a previous occasion to the Crown and Bishop alternately. None of these suggestions found much favour; and instead of them the Archbishop's Bill offers us a Diocesan Board of Patronage. How far this Board would have found favour with the House of Commons we cannot say. Mr. Rylands's Bill in the Commons and the Archbishop's Bill in the Lords were both dropped when Mr. Gladstone wrecked his Government upon the Irish Bill, and the whole subject stands over intact for the new Parliament.

It certainly ought not to be a matter of insuperable difficulty, nor one involving any great delay, to secure an Act of Parliament from the present House which shall deal with the whole subject in a way that will satisfy loyal and reasonable Churchmen. Since the General Election in the summer, the Church Congress has held its annual group of meetings at Wakefield, and its discussion of Church Patronage manifested once more what a very general agreement there is amongst us about nearly all the most important particulars. We shall evidently hear no more of the scheme for taxing the revenues of benefices for thirty years in order to raise the means for effecting one last sale of the patron's rights over a parish. The Archbishop's Bill passes *sicco pede* over the difficulty. It says nothing whatever about the purchase-money. And again, nobody appears to have a good word to say about Donatives. These, which are benefices in the mere gift of the patron, to which he presents his nominee without any institution or induction by the Bishop or his officers, are a curious survival. They no doubt represent extraordinary favours originally conferred on a patron in acknowledgment of extraordinary munificence towards the Church and parish. Their number has been by various processes diminished, and the once almost absolute exemption from the jurisdiction of the ordinary has been by statute after statute encroached upon; but there are still about a hundred of them left, with their old peculiarity intact as regards patronage. Several of them are in the hands of ecclesiastical agents, and they serve the purpose of cloaking many an unsavoury or irregular transaction in the traffic in benefices. When we see an advertisement that a living is to be sold "with immediate possession," it may strongly be suspected that a Donative is the means by which the desired vacancy will speedily be brought about.

When once the price is agreed on and secured, the agent presents the incumbent to his Donative, perhaps having taken security for its being resigned again on demand; and so the incumbency that has been made merchandise of becomes void, and the new patron may exercise his purchased rights immediately. The Bishop will never hear anything of the business until he is called upon by that patron to institute the clerk on whose behalf the living is bought, and is utterly powerless throughout. It is quite time that these anomalies should cease. Donatives will assuredly be made presentative benefices, and the change in their legal status will do no harm at all to the reasonable rights of their owners.

There is no less agreement of opinion on other very important particulars. Such, for instance, as prohibiting the sale of the rights of the patron to anyone "engaged in negotiating sales or exchanges," and of prohibiting that of next presentations to any purchaser whatever. There are those, indeed, who doubt whether it will prove to be practicable effectually to do this: whether the ingenuity of lawyers, and the unscrupulousness of some few owners and would-be owners of livings, will not find the means of evading any clauses in an Act of Parliament, however stringent those clauses may be in their prohibition of such sales. And Canon Trevor denied at the York Convocation in February, that there is "any substantial difference between a next presentation and an advowson. The difference, he added, was the difference between a loin of mutton and a mutton-chop. A next presentation was a slice, and the advowson a number of slices. Or the next presentation was a slice one was helped to; the advowson the joint that remained on the dish." Yet he failed to carry the judgment of the Lower House of York with him. When so many men of experience and skill in such matters see their way, it appears presumptuous to doubt that the thing can be done. And unquestionably, to stop the sale of next presentations would at one stroke abolish the most and the worst of the scandals which are complained of. For it is not the mere parting with the right of presentation which is so much resented, even though it be done in consideration of a money payment; it is the intolerable and cynical cupidity of some few who systematically sell this solemn trust, time after time, as soon as it becomes valuable. There are certain benefices in every diocese which are always sold as soon as the incumbent becomes old enough to make it worth while to put them on the market. The advowsons of these unhappy parishes are simply treated as sources of revenue; as affording every few years a sort of windfall to their owners. Is it wonderful that an incumbent, coming in under such circumstances, is apt to be not over-

lovingly regarded; or that there is a sort of chronic difficulty about Church-work in such parishes, and disaffection to the Church system, which is incrusted with such abuses?

It will greatly help to check irregular transactions in the transfer of Church patronage, if the proposed clauses be enacted which will put an end to the secrecy of them. The thirteenth clause of the Archbishop's Bill will, we believe, effectively secure the Church in this particular. At present the Bishop never at any time knows for certain, as regards a benefice in private gift, who is really the patron. It may have been sold since the last incumbent was presented, or the next presentation may have been so; and until an actual vacancy occurs, and a clerk comes with the Deed of Presentation in hand, and claims to be instantly instituted upon it, nothing will in all likelihood be heard about the business by the chief pastor of the diocese. It is quite right that all transfers should be at once made known to him, and the legal papers filed in the Diocesan Registry. And we observe with satisfaction that the Bill proposes to require a declaration, in stringent terms, that all is regular and incorrupt, from the patron. At present the oath about simony is required from the presentee; whereas it is the patron in most cases who ought to be interrogated about the character of the transaction, because it is he who will pocket the money if any sale has taken place.

Not less worthy of approval are the clauses which limit the period for which a benefice may be placed under sequestration for debt, or because of the lunacy of the incumbent. It is monstrous that a parish should suffer for years and years under the disadvantages attending the abstraction of its income, to pay off, it may be, the college debts of its vicar's youth; or should for no less a period have to bear the burden of an incumbent who is non-resident, simply because he is, and must for life remain, the inmate of an asylum. The present writer knows a parish well that was under sequestration, from the former of these two causes, for nearly thirty years; and knows now another parish that has been in the same predicament, from the latter cause, for thirty-six years! In the former case the glebe-house had fallen down, the chancel was ruinous, the farm buildings but little better, and yet the sequestrator could not be compelled to find anything out of the revenue except the bare salary of a curate, nor to answer for dilapidations when the impoverished rector at last died. Since those days the powers of the Bishop have been somewhat enlarged by recent statute. He can now require more to be done than he then could for the parish before the incumbent's creditors seize their due from its income. But it is

high time that these prolonged diversions of parochial endowments from their proper application—the maintenance of a resident incumbent—were put an end to. We are not sure, however, whether the clause—the twentieth of the Archbishop's Bill—which would declare a benefice void if sequestration for debt continue for one whole year, is not somewhat too severe.

The clause which will abolish "Resignation Bonds" is surely a wise provision. These bonds are exacted when a man is "put in" to a benefice for a temporary purpose; perhaps to give time for arranging a sale; perhaps to hold it until some young man is of age to be legally qualified for institution to it, or has been forced through the required examinations academical and episcopal. In such cases the stopgap incumbent, who has sometimes been termed a "warming-pan," is required to execute a bond binding him under heavy penalties to resign when called upon to do so. These jobs, though made legally valid by a special statute of 9 Geo. IV., c. 94, are scandalous, and ought no longer to be tolerated.

Church-people generally will likewise observe with satisfaction that the Archbishop's Bill will require that one month's public notice be given in a vacant parish of the name of the proposed presentee, and that any parishioner or parishioners may submit objections to the Bishop. These objections must be based, not on doctrines or ritual, but on what may be briefly described as moral grounds, such as indebtedness or evil report, or on the ground of physical or mental unfitness for the work. And of course a corresponding enlargement is accorded of the Bishop's power to refuse institution. Doubtless provisions of this nature, involving allegations about matters of opinion or of rumour, need to be somewhat narrowly scrutinized and carefully guarded. It might be possible, under shelter of such clauses, to do cruel injustice, and there would be no redress for an injured man, because the Bill carefully enacts that such communications as it suggests shall be "privileged." But some legislation of this sort is clearly right and necessary, and we deem the particular proposals before us to have been, perhaps, as considerately framed as the case admits of. It is emphatically an affair to which the maxim applies, "Salus populi suprema lex."

The portion of the Bill which creates most serious misgivings is that concerning the "Council of Presentations." Anyone who will refer back to the debate in the Lords, on May 13th, will observe that there also this element of the Bill was regarded with a certain doubt and mistrust. As it then stood the Council (termed the Council of Public Patronage) was to consist of an equal number of clerical and lay

members. In a diocese having two archdeaconries the Council would have had twelve members. The clergy would be the Bishop, the two Archdeacons, two representatives of the beneficed clergy, one of the cathedral chapter; whilst the lay members would have been two, representing the archdeaconries, and chosen by the Churchwardens, and four others named by the Lord-Lieutenant and Chairman of Quarter Sessions. This constitution was, however, greatly modified in Select Committee as regards the lay element, and the Board as now proposed would—when the diocese contained two archdeaconries—consist of ten persons, with the Bishop as chairman making an eleventh. The lay members would be the Chancellor of the Diocese when a layman, or a barrister nominated by him if he were a clergyman, and two laymen for each archdeaconry, elected by a representative body deputed for that purpose by the parishes, two being sent up from each parish vestry. This certainly seems simpler machinery than that originally proposed; and the element of nomination, to which great objection was at once taken in the Lords, is appreciably curtailed. But we do not know that the very serious objections entertained by many to the whole principle of a Diocesan Board of Patronage has been very much mitigated by the change. The proposed Board would have two sets of duties to discharge. It would have to act as the Bishop's Council when a patron made proposals for selling an advowson, or presented to him an objectionable nominee, and probably in other questions connected with patronage in his diocese; and it would itself exercise patronage in its own name, for which purpose it is to be constituted a body corporate, and to have power to acquire advowsons and to receive and hold moneys for the purchase of rights of patronage. As regards the former set of duties, we have little to say. The enlarged powers of the Bishop as regards rejection of a presentee doubtless entail a seriously increased responsibility; and we are not at all surprised that the Bishops should be willing to have that burden shared with them by such a Council as is proposed. Whilst many of us would prefer that the duty should rest with those on whom Church principle, as we hold, has placed it, we would not object to the Council if it were merely one to advise and help the Bishop. It is quite possible that such a body as that suggested in the Bill might give many useful hints, much local information which otherwise might never reach him, and would be a protection to him against unjust censures. It is another question whether it would be deemed worth while to set the rather cumbrous elective machinery of the Bill in motion merely to elect an advisory committee. But the really

weighty objections to the proposals of the Bill attach to the Diocesan Board in its capacity as patron. Can it be said that experience, so far as we have had it, has proved that Boards are, as a rule, better patrons than individuals? The sense of responsibility is divided amongst the members of a corporate body, and they have been not seldom known to do collectively what no one of them would venture to do singly. There is sometimes a certain timidity also in the action of a Board in the face of popular feeling, real or supposed. The nominees of a Board might be apt to be rather safe than brilliant, rather respectable than eminent; mediocrities more often than men of original power and independent views. Has not the experience of the Church of Ireland pointed in this direction? Does not the Church need from time to time that bold appointments should be made? and have they not usually been made, when made, by the private patrons whose rights and powers are to be taken over by these Diocesan Boards? Is it not through private patronage that our dioceses mostly get that new blood which they often very much want?

And this brings us to the last point which space permits us now to mention. We mean the abridgment of the area of private patronage which must, as it appears to us, result in time from the operation of the Archbishop's Bill, if enacted. The Diocesan Board would be always in presence. It is the way of such bodies to be acquisitive and somewhat aggressive. Probably they would in time, in one way or another, obtain a good deal of money to buy up advowsons, for which the Bill gives them a certain kind of right of pre-emption, and would secure in one way or another a considerable slice out of the private patronage of each diocese. And, once obtained, their patronage would change hands no more. It is "*vestigia nulla retrorsum.*" The Diocesan Board might buy, but apparently cannot sell. The process might not be rapid, for a Board would have no funds except from free gifts; but it would be continuous, and the number of livings in the gift of private individuals would undergo a steady if gradual diminution. Is this desirable in the interests of the Church, broadly considered? We greatly doubt it. The Bill is of course levelled directly against private patronage, and this cannot be helped, because the gross scandals and abuses connected with patronage have, so far as the law can remedy them, attached exclusively to this class of patrons. But it must not be forgotten that, taken on the whole, private patrons have discharged their responsibilities quite as well and with quite as high a degree of conscientiousness as any other. Those who have been merely venal, or lent themselves to corrupt transactions in any form, are exceptions, and far more rare exceptions than

is generally supposed from the noise there has been about them, and exceptions, also, that tend ever to become more rare. Moreover, there has been in every quarter an anxious disclaimer amongst reformers of any wish to do away with private patronage in the Church of England. Nothing could be more emphatic in its way than the testimonies in this direction delivered at Wakefield by the Archbishop of York in his admirable inaugural sermon, and by speakers on the subject subsequently. But if this be so, is not the natural and the politic course one that would remove the scandals and abuses whilst not tending to transfer private patronage from individuals to Diocesan Boards? There are many, we think, who would be very glad to see the "Council of Presentations" disappear from the Archbishop's Bill; or, if that may not be, that the functions of the Council should be limited to advising the Bishop in cases which he may see fit to refer to it. And, perhaps, a shorter and simpler Bill, which should contain only those provisions which strike directly at corruptions and abuses, might be easier to pass. No one now ventures to defend these scandals in either House of Parliament, and if they were taken away we should probably have on the whole as good a system of patronage as we can expect in a world where everything is imperfect.

T. E. Espin.

Art. IV.—FRANCIS MORSE.

In Memoriam.

In one of the most delightful and characteristic papers by Dean Stanley, the sketch of Archdeacon Hare, there is a remarkable passage. The Dean observes, if a foreigner who landed in England in 1853 wished to find the man best acquainted with the philosophical and theological thought of the Continent, he would have found him, "not in Oxford, not in Cambridge, not in London. He must have turned far away from academic towns or public libraries to a secluded parish in Sussex, and in the minister of that parish, in an Archdeacon of one of the least important of English dioceses, he would have found what he sought." Ten years after this, if the same foreigner had asked, "Can I find among the working ministry of the Church of England a man who combines real learning with intense faith, and who gives himself absolutely and entirely to the duties of his office?" many who were well acquainted with the hard-working clergy of populous Birmingham would have directed his steps to the church, the school,