hood he received marks of great respect; and he always after remembered this period of his life with gratitude.[1]

When sixty-seven years of age, Mr. Evans moved to Caernarvon. He was invited to take charge of a Church which consisted of about thirty members, chiefly of the lowest class; the chapel was £800 in debt. At a ministerial meeting in Cardiff, the question of Mr. Evans's returning to the North was being discussed, and the matter was virtually settled, when a young minister spoke up in the conference, and said to the venerable man, "Yes, you had better go to Caernarvon; it is not likely your talents would suit; but you might do excellently well at Caernarvon." This impudent speech astounded all the ministers present; but, after a pause, Mr. Evans opened his one large eye upon his adviser, and said, "Ay, where hast thou come from? How long is it since thou didst chip thy shell?" Some gentleman facilitated his return by giving him a gig, so that he might travel, with Mrs. Evans, at his ease, and in his own way. His horse, Jack, had been his companion for twenty years. The horse knew from a distance the tones of his master's voice; and the pair were very fond of one another. The old man bade farewell to Cardiff in the year 1832. As he was coming down the pulpit-stairs on a July Sunday evening, in the year 1838, he said: "*This is my last sermon!*" And so it was. That night he was taken very ill; and on Friday his fifty-three years of ministerial life were ended. He spoke of Christ crucified, repeated a verse from a favourite Welsh hymn, and then, as if he had done with earth he waved his hand, and exclaimed, "*Good-by! Drive on!*"

Art. IV.—CONTUMACIOUS CHRISTIANS AND LORD BEAUCHAMP'S BILL.

A BILL was introduced at the end of last Session into Parliament, avowedly for the purpose of getting the Rev. S. F. Green, of Miles Platting, out of the Lancaster gaol. With considerable alteration, introduced in the House of Lords, the Bill was sent down to the Commons, and was there counted out. We must expect, however, that the same Bill will be reintroduced into Parliament next session; and, inasmuch as it most nearly concerns the interests of the Established Church, it is highly desirable that good citizens should make themselves acquainted with the proposal in all its bearings. We print the Bill itself

[1] Mary Evans, the old and faithful servant of himself, and his departed wife, was summoned from Anglesea to Caerphilly; and he married her in the parish church in which George Whitefield was married.

in an appendix to this paper; and we would entreat our liberal and careful readers not to rest satisfied with the comments we make upon its various provisions, or the conclusions we may draw therefrom, but in every case to verify or disprove what we may say by referring to the language of the Bill itself.

The particular object of the Bill, so far as it is to be found elsewhere than by inference from its actual enactments, is expressed in the preamble—viz., that it is expedient to amend the Act of 3 and 4 Vict. c. 93: and this is followed up by repeating the first proviso of that Act. The whole of this Act is printed below,[1] showing in italics the proviso intended to be repealed.

It gave to the Ecclesiastical Court the power, which it had not before, of ordering the release of a party committed for contempt in disobeying an order, although obedience had not in fact been rendered. It enabled the Court to dispense with obedience, if the other party consented; or, in cases of refusal to pay church-rates of an amount less than £5, on mere payment of the costs incurred by reason of the contempt, and the sum sued for, although the other party refused his consent. This Act was passed in 1840. Since then compulsory church-rates have been abolished, and the second proviso of the Act has in consequence been superseded. The effect of the proposed repeal of the first proviso will be to enable the Court to dispense, not only with obedience on the part of the offender, but also with the consent of the other party. We do not think this proposal unreasonable in itself. It is right to enforce payment of debts, but it does not follow that we ought to allow creditors to imprison their

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[1] 3 & 4 *Vict. c.* 93.

Whereas it is expedient to make further regulations for the release of persons committed to gaol under the writ De Contumace capiendo:

Be it enacted, &c.

That after the passing of this Act, it shall be lawful for the Judicial Committee of Her Majesty's Most Honourable Privy Council, or the Judge of any Ecclesiastical Court, if it shall seem meet to the said Judicial Committee or Judge, to make an order upon the gaoler, sheriff, or other officer in whose custody any party is or may be hereafter, under any writ *de contumace capiendo* already issued or hereafter to be issued, in consequence of any proceedings before the said Judicial Committee or the Judge of the said Ecclesiastical Court, for discharging such party out of custody; and such sheriff, gaoler, or other officer, shall on receipt of the said order forthwith discharge such party:

Provided always that no such order shall be made by the said Judicial Committee or Judge without the consent of the other party or parties to the suit:

Provided always that in cases of subtraction of Church rates for an amount not exceeding £5, where the party in contempt has suffered imprisonment for six months and upwards, the consent of the other parties to the suit shall not be necessary to enable the Judge to discharge such party so soon as the costs lawfully incurred by reason of the custody and contempt of such party shall have been discharged, and the sum for

debtors until payment. It is enough if the results of non-payment are sufficiently disagreeable to induce debtors, *as a rule*, to pay. There will always be a Mr. Pickwick here and there who won't pay, whatever you do to him. On the other hand, though we do not imprison for debt, we give the creditor every facility for obtaining payment out of his debtor's property, through the medium of writs of execution and the Bankruptcy Courts. There is nothing to complain of if the enforcement of ecclesiastical duties is judiciously treated on the same principles. And thus we come to the consideration of what Lord Beauchamp proposes to do.

He proposes to substitute in certain cases deprivation of the benefice for imprisonment, presumably because he considers deprivation the more satisfactory punishment; and so far we agree with him, where the party has a benefice of which he can be deprived; but why, then, does not Lord Beauchamp go further, and give the judge power himself to substitute deprivation for imprisonment without the necessity of waiting till the man has been six months in prison? As the Bill is drawn the recalcitrant *must* be confined for six months certain; but if deprivation is better than imprisonment, why should the man lie six months in prison? Why not substitute at once the better punishment and give the Court power to shorten the term of imprisonment by depriving the offender at an earlier period than the end of the six months? When a man has been in prison a week it is certain that he does not intend to conform,

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which he may have been cited into the Ecclesiastical Court shall have been paid into the registry of the said Court, there to abide the result of the suit; and the party so discharged shall be released from all further observance of justice in the said suit.

2. And be it enacted that any such order may be in the form given in the schedule annexed to this Act.

3. And be it enacted that this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULE.

Warrant of Discharge.

To the Sheriff [Gaoler or Keeper, as the case may be] of in the county of .

Forasmuch as good cause hath been shown to us [or me] [here insert the description of the Judicial Committee, or Judge, as the case may he] wherefore A. B. of , now in your custody, as it is said, under a writ de Contumace Capiendo, issued out of [here insert the description of the Court out of which the writ issued] in a suit in which [here insert the description of the parties to the suit] should be discharged from custody under the said writ; we [or, I] therefore with the consent of the said [here insert the description of the parties consenting] command you, on behalf of our Sovereign Lady the Queen, that if the said A. B. do remain in your custody for the said cause and no other, you forbear to detain him [or, her] any longer, but that you deliver him [or, her] thence, and suffer him [or, her] to go at large, for which this shall be your sufficient warrant. Given, &c.

and it is by far the most merciful course, and at the same time the least scandalous and the most satisfactory to everybody, to cut short both the agony and the resistance of the recusant.

With this view we offer the draft of three sections which might be introduced by way of amendment in Lord Beauchamp's Bill after the first section:—

It shall be lawful for the Judicial Committee of Her Majesty's Most Honourable Privy Council, or the Judge of any Ecclesiastical Court, if it shall seem meet to the said Judicial Committee or Judge, upon making any such order as is mentioned in the first section of the said Act, to pronounce or inflict upon the person to whom such order relates a sentence of deprivation.

Such sentence of deprivation need not purport to be pronounced or inflicted by virtue of this Act; and shall not be invalidated by any invalidity or irregularity in, or relating to, the warrant of discharge by which such party shall be released from prison, or in, or relating to, any writ *de contumace capiendo* by the apparent authority of which such party shall have been imprisoned, or in, or relating to, any writ in consequence of which such writ *de contumace capiendo* shall have issued.

A warrant of discharge issued without any consent of parties may omit the words relating to the consent of parties contained in the form in the schedule to the said Act.[1]

The result of these amendments would be not to abolish imprisonment for contumacy—and in this respect they agree with Lord Beauchamp's Bill—but to shorten the period of six months' imprisonment now standing in Lord Beauchamp's Bill by enabling the Court to deprive as soon as ever it appears that imprisonment will not serve its purpose. We cannot see the sense of imprisoning the man at all, except for the purpose of inducing him to obey the law; and when it is clear that imprisonment will not effect this object, the less we have of it the better.

But some one will doubtless say, Your arguments are all very well, provided it is admitted that the only object of imprisonment is to make the punished person obey the law; but that is not the case; punishment is needed not only to correct the punished person, but also to deter others from offending; and indeed in some cases, in the case of capital punishments for instance, to deter others is necessarily the only object.

Such an objector has forgotten that what he says is only

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[1] Lord Beauchamp's Bill omits to make this necessary alteration in the form of the warrant of discharge, from which it might be inferred that the contemptuous party's consent was to be essential if the other party's consent were refused, and that the Court could not act *mero motu*. But we presume that he did not intend to force his friends to anything so repugnant to their consciences as to consent to their own release.

applicable to punishments properly so called—definite punishments inflicted for definite offences—and not to the mere means of enforcing obedience to the orders of the Court. The means of enforcing obedience are something totally distinct from the punishment of offences. The punishment of offences pertains to the criminal courts and criminal jurisdiction alone; but to have the means of enforcing its orders on the parties or on others in the course of litigation, is essential to every court of law whatever. The orders which require enforcement may be made not only at the end of the proceedings, but also at any time during their progress. They may be, and are, in fact, made upon plaintiffs and defendants indiscriminately; nay, even upon persons who are not parties to the proceedings or in any way interested therein; as, for example, upon a mere witness, or a juryman. In short, wherever in the course of legal proceedings somebody, whether a litigant party or not, ought to do something which is necessary to be done, in order to do justice between the two litigant parties, the order enjoining him to do it, must, in the interest of justice, be made enforceable in some way or other. And the object of imposing disagreeable consequences upon disobedience to these orders is solely to enforce obedience by the person to whom they are addressed.

Now, the imprisonment under the writ *de contumace capiendo* is solely with a view to enforce obedience to the orders of an Ecclesiastical Court by the person to whom the orders were addressed. These orders *may* be addressed to the defendant—the orders we are all thinking of were no doubt so addressed—but they *may* be addressed to the plaintiff, or even to persons not concerned in the result of the suit in which the orders are made. And whatever disagreeable consequences may ensue from disregarding them, those consequences have only a superficial resemblance to punishment inflicted for a criminal offence, which can only be inflicted on the defendant himself.

The punishments (properly so called) which can be inflicted by the Ecclesiastical Court are suspension, deprivation, and the like, and do not include imprisonment, which is a punishment as much outside the power of the Ecclesiastical Courts as it is outside those of the Court of Chancery, the Court of Admiralty, or the Divorce Court. Imagine the Divorce Court, in a suit for the restitution of conjugal rights, sentencing a man to six months' imprisonment! The thing is incongruous and absurd on the face of it; and yet if the order for restitution were wilfully disobeyed in the very smallest particular, the offender would be sent to prison without the slightest hesitation, and as a matter of course. He is not punished for not taking his wife back—he has perhaps obeyed to that extent—but for disobeying, and in order to force him to obey, the order of the Court. In the same

way, it is a simple mis-statement, and the result of dense ignorance or wilful confusion, to repeat, as the Ritualists repeat, that Mr. Green was sent to prison for wearing illegal vestments. He was imprisoned for disobeying the order of the Court. The order of the Court inhibited him from officiating at all; it would have been equally disobeyed, and would have equally rendered him liable to imprisonment, whether he had officiated in legal or illegal vestments.[1]

It is essential to bear these distinctions in mind, when the proposal is made to change the law under which Mr. Green and others have been imprisoned. It is one thing to change the law under which he was *sentenced*, and quite another thing to change the law under which he was *imprisoned*. Though the Public Worship Act and the Clergy Discipline Act should both be wiped out of the Statute Book to-morrow, yet the scandal (if it be a scandal) would remain—that clergymen are liable, like everybody else, to be imprisoned through refusing to act against their consciences, where their consciences are in conflict with their legally ascertained duties. True it is that, by abrogating some of these duties, some occasions would be removed on which it is possible for their consciences to be in conflict with the performance of them. But so long as they have any irksome duties as clergymen or otherwise, the possibility of imprisonment, and therefore the scandal of such a possibility, will remain.

Lord Beauchamp does not, in so many words, propose to alter the duties of Mr. Green, or of any other clergyman. He does not propose to alter the punishments inflicted by law for neglect of those duties. All that he leaves as it is.

The Bill deals, in fact, only with the *execution* of sentences and orders. We contend that this is a totally wrong principle. Take the severity out of your sentences to as great an extent as is consistent with the public weal: but don't while leaving your sentences hard, render their execution weak and futile. It is as if some philanthropist were to say, "I do not propose to make murder lawful; I do not propose even to change the sentence of death now pronounced on the murderer; but when the man has fallen a certain distance through the air, I think he has fallen far enough, the scandal ought to cease, and I propose that at that point the rope round his neck ought to break, and the poor misguided man to meet *terra firma* once more."[2]

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[1] No doubt, if he had never worn a chasuble, he would not have gone to prison. Neither would Mr. Pickwick, if he had never lodged at Mrs. Bardell's; but it is not recorded that Mr. Pickwick ever protested against the monstrous injustice, the tyrannous persecution, of being sent to prison for lodging at Mrs. Bardell's, or even for ordering chops and tomato sauce.

[2] To make the parallel quite exact, our philanthropist should continue:—

There is this great advantage in maintaining imprisonment as the means of enforcing obedience to judicial orders, that it is universally applicable to all alike, high and low, rich and poor, lay and clerical. You cannot reach the poorest with a fine; the richest will not mind it, unless you can graduate its amount according to the income of the offender; and if an inquiry into his income has to be entered upon, the remedy loses the promptness which constitutes a large part of its efficacy. It is therefore only the middle classes with whom a fine could be a prompt and effectual method. And it is also unnecessarily cruel, for there can be no restitution on obedience being rendered. For if there were restitution of the fine on obedience being rendered, the method of fining would of course lose its efficacy. There used once to be the method of outlawry, the principle of which was that where a man would not do his duty to the State, the State simply placed him outside of its protection. This method might in some cases be very efficacious, but it is not sufficiently prompt; and its persuasive power would vary according to the number and strength of the ties by which the offender was connected with the social fabric of the country. A foreigner merely residing temporarily in this country, would care no more for outlawry than a ritualist cares for suspension. But imprisonment of the person is a method which if open at all to these objections, is so only in a very much smaller degree than any other available method. It is prompt; it is the same to all persons alike; it proportions itself in respect of length to the obstinacy of the party; it can be readily remitted; it leaves no irremediable consequences; and it has been very generally effectual. Consequently a proposal to substitute something else will require very strong support. And when there is no reason why the new method should not exist concurrently with the old, and prove its superiority if it can in fair competition, it is unwisdom, surely, to throw away our already tried weapon, before we have proved the new one? Why not let both stand together in our armoury?

So much for the general principle of this Bill. Let us now examine its provisions more in detail. In cases where the contumacious person, having been let out of prison after his six months' internment by virtue of Lord Beauchamp's Bill, persists in his illegalities, and the Bishop certifies his continued disobedience, how does Lord Beauchamp propose to deal with him?

"But the poor man shall not by reason of the safety of his neck in manner aforesaid, be released from further execution of his sentence; provided that he shall not be hanged again, in manner aforesaid, except for costs, unless," &c. &c. &c.

The Court shall issue against such party or person, being an incumbent within the meaning of the Public Worship Regulation Act, 1874, for the purpose of enforcing obedience to the monitions or monition, orders or order, previously made and disobeyed in such suit, an inhibition, which shall have the same force and effect in all respects as if the same had been a second inhibition issued within three years from the relaxation of an inhibition under the thirteenth section of the Public Worship Regulation Act, 1874.

This roundabout and referential language can, in our opinion, lead to nothing but most unnecessary doubt and difficulty in interpreting the law. But let us see what it really comes to.

The Public Worship Regulation Act, 1874, sec. 13, says that upon a second inhibition being issued within the three years after the relaxation of a former inhibition in regard to the same monition, "any benefice or other ecclesiastical preferment held by the incumbent of the parish in which the church or burial-ground is situate . . . . in relation to which church or burial-ground such monition has been issued, shall become void," unless the bishop postpone it. He is not deprived of *all* his preferments within the jurisdiction, as would be the case upon an ordinary sentence of deprivation; but only of the particular one. If the offender is unfit to keep one benefice, one would conclude that he was unfit to keep any. This is the whole theory of deprivation in such cases. It is exactly like cashiering. His services are dispensed with, and that is all. The deprivation, if proper at all, ought to be general, not partial.

But does this verbiage really mean deprivation at all? We are not prepared to say for certain that the language of the Bill does not amount to saying that the Court shall inflict a sentence of (at all events, partial) deprivation; but if that is the intention, why not plainly say so? The very fact that it would have been so easy to say so affords a valid argument against such an intention; but what then can be meant?

Looking closer into it, we shall perceive that the Public Worship Regulation Act only takes away (the language is quoted above) "any benefice or other ecclesiastical preferment held by the incumbent in the parish in which the church or burial-ground is situate . . . . in relation to which . . . . *such* monition has been issued." *Such* monition is a monition upon a representation; where there has been no representation, there can be no *such* monition, and therefore no church or burial-ground to which *such* monition can relate; therefore none to become void. Is this an intentional loophole?

We can easily imagine an enormous crop of wasteful litigation springing out of this absurdly involved phraseology. We do not yet know what is the effect of a second inhibition under the Public Worship Regulation Act. We do indeed know what the

Public Worship Regulation Act says shall be the effect; but we cannot know what holes may be picked in that part of the Act until it comes to be disputed in some case arising upon it. It is mere reckless folly at present to say that an inhibition under Lord Beauchamp's Bill shall have the effect of a second inhibition under the Public Worship Regulation Act.

The careful reader will have observed that the Bill says "the Court *shall* issue" the inhibition. This takes away the Court's discretion in the matter. The Court becomes merely the minister of the Bishop. Upon the Bishop's certificate of nonconformity, no other question will be allowed to be mooted—no other evidence will be required or admitted. Why, then, should the bishop not act alone, or even his certificate alone suffice?

There are, indeed, cases which Lord Beauchamp (or his draftsman, or both) have entirely forgotten, in which deprivation is clearly no substitute for imprisonment. Supposing the offender has no benefice, what is to happen?

Where indeed the contemptuous party has a benefice, he loses it; at least that seems to be the general effect of this wordy section; but what besides? He is, *ex hypothesi*, under an inhibition—that is, in intelligible language, a prohibition, injunction, or order not to do something. Not to do what? Amusing as it seems, Lord Beauchamp leaves this to the fancy of the reader. But it does not much matter, because whatever the inhibition may order, Lord Beauchamp prescribes what its *effect* is to be. "It shall have the same force and effect in all respects, as if it had been a second inhibition issued within three years from the relaxation of an inhibition under the thirteenth section of the Public Worship Act, 1874." Now, the inhibition referred to forbids the party from officiating anywhere in the diocese; consequently we presume that Lord Beauchamp's inhibitions are to forbid (we beg pardon, to have the force and effect of forbidding) the party to officiate anywhere within the diocese. This may be the difference between a person simply deprived by a sentence of deprivation, and a person deprived by the effect of an inhibition under Lord Beauchamp's Bill, that the latter is not only deprived, but is also prohibited, from officiating within the diocese. Now, in what is the advantage of this addition, especially when the only practical means of enforcing it are expressly abolished?[1]

[1] If Lord Beauchamp really intends that the "means of enforcing" are to be deprivation only, he leaves monitions to unbeneficed clergymen and laymen totally unprovided with any means of enforcement whatever: while, on the other hand, if he thinks that his inhibitions will have any effect beyond deprivation, that effect is only that the man, having been ordered (monished) to do something, and having disobeyed that order so obstinately that he has deliberately preferred six months' imprisonment to obedience, is to be ordered to do something else (inhibited): and there

One thing more on this part of the Bill. It provides that "in any case in which such inhibition shall have been issued, no further signification of any sentence of contumacy or contempt shall be made against the same party or person with a view to the issuing of a writ *de contumace capiendo* under [the Statutes on that behalf]—unless such party or person shall attempt to officiate or otherwise act as incumbent of 'the benefice of which he has been deprived.'" Lord Beauchamp cannot have had the slightest idea of what he was doing. In no suit then existing, in no suit thereafter to be instituted, whether against himself or by himself, or by or against anybody else, whatever his conduct may be, contempt in open court or in anything incidental to the administration of justice, whether he is beneficed or unbeneficed, lay or clerical, litigant or not, can that fortunate person ever be "signified" again, unless he happens to be a beneficed clergyman and to have attempted to officiate or otherwise act as incumbent of a benefice of which he has been *deprived under Lord Beauchamp's bill.*[1] He has been, as it were, inoculated with a mild dose of imprisonment, and need not fear that it will ever touch him again, unless he officiates or *otherwise* acts as incumbent of the benefice of which he has been so deprived.[2]

After all, we doubt whether it is possible by any amendments to convert Lord Beauchamp's Bill into a workable measure. It would be better to begin *de novo*. The Church Association are said to have a Bill in hand for a similar object. If so, they will be adding one more to the many services they have rendered to the Church. They have at least competent knowledge of the subject at their command. We hope the rumour may prove correct; and that by their assistance, and the concurrence of moderate men of all parties, a really good Bill may be passed; in which Justice shall be tempered with Mercy, and (what we think of far greater importance) both Justice and Mercy shall be bridled by common-sense.

A LAWYER.

APPENDIX.

Whereas it is expedient to amend the Act of Parliament of the third and fourth years of the reign of Queen Victoria, chapter ninety-three:

Be it enacted, &c.

1. The second proviso in the said Act is hereby repealed.

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are no means, when deprivation has taken place, of enforcing either order. The "means of enforcing," then, are mere windy scolding, so far (if at all) as they extend beyond simple deprivation.

[1] The reader will perceive, on carefully perusing the language of the Bill, that no other deprivation will bar the party from his immunity.

[2] Even the exception is ambiguously worded. It *may* be, and ought to be, equivalent to "unless he attempts to act as incumbent of the benefice

2. Any party or person committed to gaol under the writ *de contumace capiendo* shall, at the expiration of six months from the time when he was first so committed to gaol, if he be still in custody, be discharged out of custody by the sheriff, gaoler, or other officer in whose custody he may be without any order.

3. Such party or person shall, notwithstanding his discharge, remain liable for the costs lawfully incurred by reason of his custody and contempt.

4. Such party or person shall not by reason of his discharge in manner aforesaid be released from further observance of justice in the suit in which he has been pronounced in contempt: Provided always, that no further proceeding shall be taken in such suit except as to costs unless the bishop of the diocese certify in writing under his hand that the party or person has since his release from custody had an opportunity of submitting to his admonition and has failed to submit to the same. And upon such certificate being filed in the registry of the Court in which such suit shall be depending (whether the same shall have been instituted under the Act for better enforcing Church Discipline passed in the fourth year of Her present Majesty, or under the Public Worship Regulation Act, 1874) the said Court shall issue against such party or person, being an incumbent within the meaning of the Public Worship Regulation Act, 1874, for the purpose of enforcing obedience to the monitions or monition, orders or order, previously made and disobeyed in such suit, an inhibition, which shall have the same force and effect in all respects as if the same had been a second inhibition issued within three years from the relaxation of an inhibition under the thirteenth section of the Public Worship Regulation Act, 1874; and from and after the time when such inhibition shall have been duly served upon such party or person, or after the expiration of the time (if any) during which the effect of such inhibition may have been postponed by the bishop, pursuant to the power in that behalf given to him by the said thirteenth section of the Public Worship Regulation Act, 1874, every such benefice or other ecclesiastical preferment held by such party or person as is mentioned in the thirteenth section of the Public Worship Regulation Act, 1874, shall become void in the same manner and with the same effects and consequences in all respects as if such inhibition had been a second inhibition duly issued under and by virtue of the thirteenth section of the last-mentioned Act: Provided also, that in any case in which such inhibition shall have been issued, no further signification of any sentence of contumacy or contempt shall be made against the same party or person with a view to the issuing of a writ *de contumace capiendo* under the provisions of the Act passed in the fifty-third year of King George the Third, intituled "An Act for the better Regulation of Ecclesiastical Courts in England, and for the more easy recovery of Church Rates and Tithes," or of any Act amending the same, unless such party or person shall attempt to officiate or otherwise act as incumbent of such benefice or other ecclesiastical preferment, after the same shall have become void as aforesaid.

5. This Act may be cited as the Discharge of Contumacious Prisoners Act, 1881.

[of which he has been deprived] or officiates." But, as it stands, it may also mean "unless he officiates as incumbent of the Church of which he has been deprived," leaving him free to officiate elsewhere, and even to officiate in his old church otherwise than as incumbent.