

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

ART. VI.—MR. MONK'S CHURCHWARDENS BILL.

SOME surprise has been expressed at the large majority by which the Churchwardens' and Sidesmen's Admission Bill passed the second reading in the House of Commons. The announcement in the morning papers of Friday, the 17th of February, that this Bill had been read the second time on the previous night after a division, when 86 voted for, and 20 against the Bill, seems to have electrified the official¹ element in the Lower House of Convocation. Without a moment's delay the Archdeacons framed a *gravamen*, and presented it on the same day to the Upper House as an *articulus cleri*, praying their Lordships to oppose the Bill, if it should make its appearance in the House of Lords. The first impression created in Convocation by the second reading of the Bill seems to have been that Visitation fees were in danger, and that an attack was intended upon the Archdeacons and their visitations. The latter view, however, must have been considerably modified on the publication of the division list, when it was discovered that of the twenty members, who voted against the Bill, more than two-thirds were Nonconformists and members of the Liberation Association. These gentlemen, headed by Mr. Illingworth, M.P. for Bradford, followed Colonel Makins into the No lobby as a protest against all legislation on Church matters, while the majority in favour of the Bill, with very few exceptions, were Churchmen. This movement on the part of the Lower House of Convocation does not appear to have elicited any very marked expression of opinion on the part of their Lordships, save that the Archbishop of the Province took exception to the provision, which allows an Incumbent to admit his own churchwardens. Probably his Grace was not aware that this is a frequent occurrence in those years when the Bishop visits and the Archdeacons are inhibited. In 1881, when the Churchwardens' Admission Bill was for seven months before the House of Commons, a similar resolution was adopted by the Lower House of Convocation, and was carried by the Prolocutor to the Upper

in 341. Owing to circumstances of a somewhat similar kind, they were common on the Continent till 753, when the Council of Vernueil in France resolved that the ordination of Presbyters should not take place by wandering bishops. The explanation is:—"On ne croyoit pas, sans doute, que ces évêques ambulans eussent reçu l'ordination épiscopale, et qu'ils fussent véritablement évêques."—Todd, p. 40 n.

¹ The Lower House of Convocation of the Province of Canterbury consists of 46 representatives of the parochial clergy and 111 deans, archdeacons, and cathedral dignitaries.

House, requesting the Bishops to oppose Mr. Monk's Bill for facilitating the admission of churchwardens.¹ Some discussion took place when the resolution was presented to their Lordships, but no decision was arrived at, though the Bishop of Gloucester and Bristol "expressed a hope that their Lordships would not oppose the Bill, which was simply a Bill to facilitate the admission of churchwardens. It was a Bill with very good intentions. It would not do any harm, and might do much good."

Without any betrayal of private confidence, it may be premised that the Bill meets with a considerable amount of approval from the Episcopal Bench: nay, more—A Bill containing a provision that any person elected or nominated churchwarden may sign the declaration required by law, in the presence of the Chairman of the Vestry Meeting, or of the Incumbent of the Parish, or of the Rural Dean, actually passed through Committee in the House of Lords in 1873, and received the unanimous assent of the Lords Spiritual and Temporal who were present on that occasion. That Bill was introduced into the House of Lords by the Archbishop of York, but it was eventually withdrawn in consequence of difficulties having arisen as to the further endowment of Archdeacons out of the Common Fund of the Ecclesiastical Commissioners.

What, then, was the cause of so unusual a stir among the dignified clergy in Convocation? Last year the objections to the Bill submitted to the Bishops by the Lower House were not of a formidable character. One objection was, that "Mr. Monk's Bill allows any churchwarden to be admitted to his office by the Incumbent or Rural Dean without attending the Archdeacon's Visitation. This will obviously tend to churchwardens not attending the visitation." In point of fact, some churchwardens do not regularly attend either the Archdeacon's, or the Bishop's Visitation; and, if they are admitted at all, in nine cases out of ten they are admitted by the incumbent of the parish under a commission issuing from the Registry of the Ordinary. Incidentally, this Bill will relieve those who, either from want of time or of inclination, are not regular attendants at visitations; but its real object is to enable a person who undertakes an onerous and a responsible office, to which no pay or emoluments are attached, to complete his legal title by admission at as early a period as possible, in order that he may be qualified at once to undertake the duties of the office, and relieve the outgoing churchwardens of all responsibility immediately after the Easter Vestry.

¹ During the entire Session of 1881 this Bill was blocked by Colonel Makins, whereas this year the obstructive motion stands in the name of Mr. Beresford Hope.

In those years when the Archdeacons visit the diocese, admission under the most favourable circumstances is usually postponed for some weeks, whereas in the year of the Bishops' triennials, when the Archdeacons are inhibited from holding their Visitations, the churchwardens are for the most part not admitted till five or six months after their appointment. It must be borne in mind that parochial churchwardens are temporal as well as ecclesiastical officers. They are not only guardians of the parish church and of the parish property and the legal representatives of the parochial body, but upon admission they become overseers of the poor. Those officers are required, under the 4 and 5 W. IV. c. 76, to sign the burgess lists under a penalty of £50. From time to time various temporal duties have been imposed by statute upon churchwardens. It is true that the 118th Canon provides that the old churchwardens shall remain in office until their successors are admitted. But it will scarcely be contended that admission should not take place as soon as possible after their election. From an ecclesiastical as well as from a temporal point of view this is a matter of much importance, as cases of emergency not unfrequently arise when the churchwardens are required to act with promptitude. When a benefice becomes vacant, the churchwardens are usually appointed sequestrators, but they cannot act as such until they have been duly admitted.

To this it will be answered that they may be admitted by commission from the Ordinary, or they may take a journey to the cathedral city and make an appointment with the Archdeacon or the Bishop's officer, with a view to their admission. But commissions and journeys to cathedral cities are costly, and try the patience of country churchwardens. They not unreasonably desire to know what grounds there are for the objection to the Incumbent or the Rural Dean acting as an ecclesiastical officer at the Easter Vestry, and performing the purely ministerial act of admitting the churchwardens, while no objection has ever been made to the same Incumbent admitting them, when he has received a commission empowering him to do so from the Archdeacon's or the Bishop's Registry. This is an everyday occurrence in those years when the Bishop holds his visitation in the autumn; but a commission cannot issue under seal without necessitating the payment of a fee, which must come out of the churchwarden's own pocket.

The House of Commons has, by a very large majority, affirmed the principle of this Bill, and pronounced an opinion that there is a need for such a change in the law. It cannot be denied that the Rural Dean and the Incumbent are as much the officers of the Bishop as the Archdeacon, the Chancellor, and the Surrogate. It is undoubtedly the duty of the Churchwardens to attend

Visitations, and to make their presentments according to law ; but they are not liable to the payment of any fee in respect of their admission to office. The right of the Ordinary to require their attendance at his Visitation is indisputable, and has been expressly reserved in the Bill, while Visitation fees will continue to be payable in all cases where the churchwardens have funds available for such payments. A refusal on the part of the Legislature, at the instance of the Archdeacons, to grant the reasonable facilities provided by this measure would scarcely be looked upon as an encouragement to churchwardens to attend the gathering of the clergy and laity at Visitations. Indeed, there is reason to fear that such gatherings, useful and desirable as they are in the abstract, have not hitherto been utilized by the Archdeacons, or by the Bishops themselves, to the extent that Churchmen generally desire. Far from wishing to throw any obstacle in the way of the Ordinary turning to good account these meetings of clergy and churchwardens, the promoter of this measure cordially agrees with the Archdeacon of Northumberland in the following remarks which he addressed to the clergy at his Primary Visitation at Newcastle-upon-Tyne last year :—

“ While I am thus anxious that nothing should diminish, but that every means should be taken to increase, the attendance of lay-officers of the Church at these Visitations, I confess to a feeling of dissatisfaction at the comparatively little use which is customarily made of their presence. As things now are, it is impracticable for the churchwardens and clergy of this archdeaconry to meet in a body after the close of this Charge. And yet there must be many subjects on which interchange of thought would be for the good of all, and I can but regret that this one yearly opportunity is lost.”

C. J. MONK.

Reviews.

On the Ecclesiastical Courts. By GEORGE TREVOR, D.D.
James Parker & Co., Oxford and London. 1882.

CANON TREVOR has been very active of late in discussing the Church Courts and projecting schemes for their reform. In a somewhat irregular manner, he has had a share—and if we may speculate from appearances, no slight one—in framing the recent report and resolutions of the Joint Committee of Convocation. He was not originally a member of the committee, and it was not found possible to add his name afterwards ; but, to quote the words of Dean Cowie in explaining the matter, “ he was invited to come and sit with them.” This he did, but gave no vote—a limitation not very important, having regard to the Chairman, Canon Sumner’s, assurance, that the report was agreed to *unanimously*. In the Northern Convocation, moreover, Canon Trevor was conspicuous.