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was perhaps more tolerant of being made a lion of than some other eminent men; but even his equanimity was disturbed, when tourists called on him without an introduction, or without any other pretext for doing so. And it could not have been otherwise than disagreeable to his feelings to have them looking in at his windows when they went to see his garden and grounds.

On one occasion, we recollect, a young Irish lady (who certainly must have been dipped in the Shannon, as the saying is) gave him her company in a walk, saying only by way of apology, "I am sure the poet will excuse me," and entertained him with details about her own family, which probably were more interesting to her than to him. Such are the penalties which a man has sometimes to pay for celebrity, especially if he lives in a place which is resorted to by visitors. But every condition of life has its drawbacks.

We must now bring this paper to a close. We have not (as the reader will see) attempted anything like a sketch of the lives of the distinguished men of whom we have spoken. But these, after all, may be obtained from their published memoirs, while the personal recollections which we have recorded are not known to many, and therefore may, by some, be considered more valuable than a mere summary of facts which may be found elsewhere.

EDWARD WHATELY.

ART. V.—THE DIACONATE.

IN a most able, learned, and interesting article which appeared in *THE CHURCHMAN* of July, 1882, on "The Extension of the Diaconate," the Rev. Jackson Mason has gone over the whole ground so exhaustively as to leave little else to be said on the subject. It is, however, one so full of interest, and is just now so much in the thoughts of Churchmen who are anxiously casting about for recruits to serve in the army of the Lord under His commission, that I cannot but respond to the invitation given to me by the editor of *THE CHURCHMAN*, and endeavour to supplement Mr. Mason's article by a few remarks of my own, even at the risk of repeating in less appropriate language what he has already written.

During the last year the subject of the Permanent or Self-supporting Diaconate has been discussed at the Church Congress of 1882, and at several Diocesan Conferences. So far as

I have been able to learn the result, I believe that the general idea of reconstituting the third order of the ministry, and of admitting to its ranks men who will, as a general rule, maintain themselves by secular employments, and who will not, as a matter of course, aspire to the priesthood, has been received with remarkable favour, except in the Diocese of Norwich.

On one important point there is no difference of opinion. It is universally agreed that upon her present system the Church of England cannot satisfactorily perform the duties entrusted to her by her Divine Head. What I said at the last Church Congress I venture to repeat here :

Once, perhaps many years ago, there was some fair proportion between the numbers to be ministered to and the number of ministers. But the Church has, despite the gigantic efforts of the last fifty years, failed even to overtake the arrears of long neglect, and in each and every year the numbers are increasing upon her ; at the rate of a thousand a day they still come on. Her clergy need to be increased in number by three each week, in order to meet this growing demand. The actual increase is under three each year. And this is not all. The population of our villages is decreasing. The villagers migrate into the large towns, and make these increasing numbers still vaster. Within a few square miles in the agricultural districts you have six clergymen, of whom only one perhaps has a sufficient income, and none has enough to do. Their parishioners leave them, and they stagnate for want of occupation. They and their income should follow their people into the centres of industry. Yet the few sheep left in the wilderness must not be left without a shepherd. It may be urged that the wealth of England increases faster than the population ; that the demand for more clergy will create the supply, and there is plenty of money to pay them. No ; that very wealth increases the difficulty. It has rightly raised the standard of average comfort, it has raised prices, and larger incomes are required. In other professions, and in commercial pursuits, larger incomes are obtained. These callings have greater worldly attractions than the ministry ; and experience shows that so long as the Church has to maintain her clergy, their number will not increase in proportion to the needs of her people. So long as the Bishops refuse to ordain a man until he has found some clergyman who will give him, as his "title to orders," a sufficient salary, the scarcity must continue to grow worse.

I have not been able to ascertain the exact relative proportions in which the clergy, beneficed and unbeneficed, are distributed throughout England and Wales ; but the Report of the Committee of the Lower House of Convocation of the province of Canterbury, appointed on May 20, 1881, to consider the working of the Acts relating to Pluralities, has supplied some useful information as to the benefices. In dealing, however, with the figures of this Report, it must be remembered that—though written in 1881—it is based on the census

of population taken in 1871, and therefore understates the case considerably.

According to this Report, there were in 1881 13,598 benefices, or one to every 1,900 people. Of these, 4,614 benefices had a population under 500. These, with an assumed average population of 330, account for a million and a half; and there remain 8,984 benefices for twenty-four and a half millions of people—or one to every 2,740. Yet averages are misleading, and this tells but half the tale. Of what use, for instance, is the clergyman who has the care of 167 people at Tatsfield to the 24,000 in St. Mary's, Bermondsey? Yet these two parishes are in the same diocese of Rochester, and the Vicar of Tatsfield helps to keep down the average. In that diocese, the average thus kept down was one benefice to 5,000 people; in the diocese of London, one to 6,000; in Manchester, one to 3,800; while the diocese of Hereford rejoices in the possession of one benefice to every 600 of her people.

In the ten years which passed away between 1871 and 1881 the average population of each benefice in the diocese of Rochester rose to 6,000, and there are forty-seven benefices with a population exceeding 10,000 apiece, and of these eight have more than 15,000, and the Vicar of five more has above 20,000 souls committed to his care.

It is unnecessary for me to describe in detail the social and spiritual condition of a poor parish with 15,000 people and only one church. In such parishes scarcely one householder keeps servants beyond the "slavey" or slip of a girl who drudges incessantly from morning to night under the keen and unsympathizing eye of a mistress, little removed from her in social position. In such poor town parishes there is but little Dissent, for religious bodies which maintain their ministers on a purely voluntary system are compelled to avoid neighbourhoods whence subscriptions cannot be looked for. The poorly paid and overworked Incumbent, assisted by the Pastoral-Aid Society or Additional Curates' Society to secure the aid of one young curate, is thankful if one-fourth of the 15,000 people in his parish can be brought within his reach—at the 11,000 left he casts a longing look of love and of despair, knowing that Christ died for them as for him, but knowing also that they are practically as much without Christ, and are as far from the sound of the Gospel as if they dwelt in the centre of China. Let us leave this sad scene and go by almost any railway out of London, and in two or three hours we shall find ourselves amid very different surroundings.

A group of some half-dozen villages, each within a walk of the others; in each a church, parsonage, and parson; the total income of the six benefices may be put at £2,400, the total

population of the six villages at 3,000 ; and for the last twenty years this population has been gradually diminishing, as the young men and women have migrated in search of work or excitement to the larger towns. Probably in each village is a little Bethel or Ebenezer, served by an itinerant preacher from a neighbouring town ; for in the early part of this century there was, alas ! no religious life in the large majority of country churches, and the few seekers after the glad tidings of salvation heard them only from the Dissenting ministers, who have naturally been slow to abandon their small followings even when men of the right stamp succeeded to the church livings.

The clergy desire to do their duty, and do it, but there are too many of them. Probably only one of the six has enough parochial and ministerial work to occupy his time ; only one (and most likely not that one) has a sufficient income from his living to live upon. Yet they are all *ascripti glebæ*, like the villeins of old, and find it difficult to get away, for a Sunday, once in a year. Month after month, in seed-time and harvest, they go on the same round, preaching to the same small congregation in the morning ; and though, at evensong, more people are present, many of them go to church only for their one weekly excitement of looking about them during the prayers ; and during the sermon, generally an old one, they "just puts up their legs and thinks of nothing." For, kind, charitable, and well-educated as their country parson is, he and his small flock cannot but in these long years, without a change, get mutually tired of each other ; and so stagnation sets in, until

An universal dulness buries all.

Of cultivated society, beyond that of his fellow clergy in the immediate neighbourhood, the country parson gets less and less each year, and so he suffers from a twofold "agricultural depression." The duty of visiting his parishioners (who very easily have too much of it) and of preparing two weekly (or weakly) discourses, leaves energies untaxed and aspirations unsatisfied. Some find vent for their pent-up activity in the harmless, though not very profitable, diversions of rose-growing, lawn-tennis, or bell-ringing. Others gradually settle down into a languid state of hopelessness and unconcern.

We have then to face these facts. In the towns, a vast population rapidly increasing ; in the villages, a small population growing less each year. In the towns, comparatively few clergy suffering from over-work : in the country, many clergy suffering from want of work. Both in town and country the average incomes of the clergy are insufficient to attract larger numbers into the clerical profession, or to maintain those

already in it, and there is no prospect of making any appreciable addition to their numbers, or their incomes.

For the result, let the reports of the Additional Curates' Aid and the Church Pastoral Aid, and the London City Mission Societies speak, and the statistics recently obtained in various parts of the country of the proportionate numbers of the people who attend regularly, and who never enter a place of worship of any kind. What remedies are proposed? By what means can the Church multiply her agents adequately to the need for them? Various proposals have been made; but in some way or other they all come to this: "Make more use of laymen." With all my heart; laymen can do, and are doing, much: but something more than lay ministration is required. I have myself, some years ago, both in speech and in print, advocated the employment of laymen, licensed by the Bishop, to take services and to preach in mission-rooms certainly, and perhaps in churches. But the law on the subject was then imperfectly known to me.

In 1861, the Rev. E. H. Plumptre, now Dean of Wells, writing in the *Contemporary Review* (vol. viii. pp. 397-416), expressed his opinion that the Incumbent of a parish "is at liberty to authorize a layman to read in church all that is not specifically appropriated in the Prayer Book to a priest," and to conduct in other places services differing from those of the Prayer Book in omissions, alterations, abridgments, and additions. Dean Plumptre so wrote because the Act 18 & 19 Vic., c. 86 (commonly called Lord Shaftesbury's Act), provides that nothing in the three restriction Acts of 1 William and Mary, Sess. 1, c. 18; 52 George III., c. 155, and 15 & 16 Vict., c. 36, shall apply to any congregation or assembly for religious worship held in any parish or any ecclesiastical district, and conducted by the Incumbent, or in case the Incumbent is non-resident, by the curate of such parish or district, or by any person authorized by them respectively. But the Act in no way mitigates the restriction imposed by the Acts of Uniformity of Elizabeth and Charles II., which appear to have been overlooked by Dean Plumptre.

It was my lot in 1878, at the request of the Bishop of Rochester, to take the opinion of Sir James FitzJames Stephen (now a judge) and Mr. H. R. Droop upon the rights and powers of laymen in such matters; and these learned counsel advised that laymen may not read the service nor preach in churches, and that what they may not do in churches they may not do in unconsecrated places; that if, indeed, a layman were of his own authority to conduct a service in some mission-room or schoolhouse without any formal authority to do so, the Court would probably not inter-

ferre, because by the simple process of registering the place as a place of worship for Protestant Dissenters, he could make himself free to continue what he was doing. But counsel also advised that if, under the express sanction of the Bishop, an order of lay preachers or lay readers, set apart according to some newly-devised ceremonial, and formally licensed by the Bishop and recognised by the clergy, were to preach and conduct services in places of worship unconsecrated, but still appropriated permanently to the purposes of divine worship; if, in short, all those things were done to give decency and order and regularity to lay ministrations which are being done in many dioceses, then the law would be broken in such a way that the Courts, if appealed to, must interfere, and the offending layman would, if he used the Prayer-Book service, be subject to ecclesiastical admonition and the payment of costs; and be liable, if he used a different service, to indictment before the Crown Courts; and if he preached, to three months imprisonment—fortunately without hard labour!

This is sufficient to show that in the present state of the law, little help of the kind required can be obtained from laymen, as laymen. And even if the law were altered, at least so far as to remove the unlawfulness and the punishments, it seems to me unlikely that public opinion would tolerate the appearance in the reading-desks or pulpits of our churches of unordained persons. It would certainly take many years to overcome the prejudice against it; and in the meantime unseemly rows would probably be got up in the churches by all the idlers and loafers in the parish, whose zeal for religion is confined to protesting against innovations.

Another proposal is that the age for ordaining deacons shall be lowered from twenty-three to twenty-one. To this I say, God forbid! We want men with more, not less, special training than now; the quality would grow worse, while the increase in the quantity would be so slight as to be practically useless. I doubt whether this course would add one hundred to the number of deacons; it would not increase by one that of priests, and would spoil them all.

There remains only that remedy which forms my subject—the revival of the third divinely ordained order of deacons, which at present does not really exist in the Church of England, and to permit these deacons to imitate the example of the Apostles, by waiving their right to live of the Gospel, and glorying to preach it free of charge, because their own hands and their own brains minister to and supply their necessities. “There are,” said the Bishop of Winchester at the Croydon Church Congress in 1875, “thousands of persons at this moment in this country who would very gladly indeed

add to their secular labours the duty and calling of a deacon in the Church of Christ." These are "men of virtuous conversation and without crime, and sufficiently instructed in Holy Scripture;" but some of them probably are not "learned in the Latin tongue." Well, in case of need, the Crown, Convocation and Parliament may be moved to pass a law dispensing with this qualification; though if I may draw an inference as to their unacquaintance with Latin from the profound ignorance of Greek displayed by many a priest, some easier way of getting over this difficulty has been discovered already.¹

The deacons would not necessarily all be immediately licensed by the Bishop to preach. The diversity of gifts would be recognised, and some discrimination shown. Would it not be more in accordance with the spirit of the Service for the Ordering of Deacons, if only those "annual deacons" who are able were licensed to preach? Probably no one but themselves would mourn their enforced silence. If you increase the number of clergy without making a proportionate addition to the revenue of the Church, you diminish the income of each, which is already small enough. Every curate takes so much from the poor incumbent's portion. If, indeed, you revert to the Romish plan of a celibate clergy, or to the state of things described by Brockert as existing in Cumberland in the eighteenth century, when "an harden sark, a guse grassing, and a whittle gait were all the salary of a clergyman" —when, in other words, his entire stipend consisted of a shirt of coarse linen, the right of commoning geese, and the privilege of using a knife (whytel) and fork at the table of his parishioners; if you revert to this state of things, you may divide the present income of the clergy among twice their number. But, says old Fuller, "a beggarly clergy makes a bankrupt Church;" and I need not stay to point out the objections to a celibate clergy. It follows that these new deacons must be permitted to maintain themselves wholly, or for the most part, by their secular occupations.

Next let us consider the legal difficulties; and here we are

¹ A few weeks ago, a priest (whose hood proclaimed him to be an Oxford M.A.) told a wondering congregation, of which I happened to be a member, that the word "creature" in Romans viii. meant a Christian. "The strict primary literal meaning of the Greek word κτίσις," said he, "is a thing created. But St. Paul uses the word differently; for he writes in Gal. vi., 'If any man be in Christ he is a new creature,' using the same word; and in Eph. ii. he says that Christians are 'created in Christ Jesus unto good works,' from which it is evident that this word κτίσις means a Christian!" The good man ought to have added that, by a similar process of reasoning, Mark xvi. 15 should be translated "Preach the gospel to every Christian!"

confronted with (1) the laws or customs of the early Church ; (2) the canons and services of our own Church ; and (3) statute law. Let us take them in order.

(1) The early Church. Until the fourth century the inferior clergy were not only permitted to trade, but were encouraged to do so, by being exempted from the payment of the trading tax called *Chrysargyrum*, provided only that their operations were confined within moderate bounds ; and it was not until the year 364 that, because of their abuse of this privilege, they were forbidden to trade by the Roman Emperor Valentinian. Thus the prohibition was political, and not a matter of Church law at all. The Council of Carthage, A.D. 397, interdicted all three orders of the ministry from working farms, or acting as agents, or from "growing their food by any discreditable employment." There seems to me to be nothing in these decrees to affect the right of our Church to make such regulations on the subject now as seem good to her in her present needs.

(2) The Canons bearing on the subject, and quoted in the report of the committee of the Norwich Diocesan Conference, as preventing deacons from earning their own livelihood, are the 32nd, the 33rd, and the 76th. The 32nd speaks of the office of deacon as a step or degree to the ministry—wherefore a man is not to be made deacon and minister in one day. The 33rd requires as a title to be ordained deacon and priest, that the man shall have some certain place where he may use his functions—such as a benefice or church, a minister's place, or a fellowship ; but even here exception is made in favour of a M.A. of five years' standing who liveth at his own charge ; the whole point being that the new deacon may not become a pensioner of the Bishop. This Canon was intended to limit the number of deacons and ministers to the number of offices and benefices ; but the Statute of Uniformity of Charles II. (passed after consulting Convocation), by prohibiting the admission of deacons into benefices, practically freed them from the restriction of this Canon.

The 76th Canon prohibits deacons and ministers from forsaking their calling and becoming laymen again. It does not seem to me to touch the question of the secular employment of a deacon while exercising his sacred calling ; and this Canon has been virtually repealed by 34 & 35 Vic., c. 91.

To argue from the 32nd canon that no man ought to be ordained a deacon who is not desirous of becoming a priest, is futile, unless it is also contended that a deacon must seek the priesthood as a step to becoming a Bishop ; and this last contention is untenable in the face of the well-known duty in-

cumbent upon every priest of replying "Nolo episcopari" to the offer of a Bishopric—even that of Durham!

(3) There remain for consideration the Statutes 41 Geo. III., c. 63, and 1 & 2 Vic., c. 106. These Acts place deacons as well as priests in the same category of "spiritual persons," as to whose disqualification for secular callings the law, put briefly, is as follows: a spiritual person holding any curacy or lectureship, or who shall be licensed or otherwise allowed to perform the duties of any ecclesiastical office whatever, may not farm more than eighty acres (as tenants) without the Bishop's permission; he may not engage in trade, unless he has more than six partners, or unless the interest in such trade has come to him by will, marriage, descent, or bankruptcy, and then he must not do it in person; but he may keep a school; he may be a director of an insurance office, and he may write novels, and (if a Bishop) books impugning the veracity of the Scriptures, or recommending polygamy and other breaches of the marriage law. This statement of the law shows that the only thing required to make a self-supporting diaconate legal is a short amending Act, containing one clause, to the effect that in future a deacon shall not be a "spiritual person" within the restrictions of the recited statutes.

It is not quite clear to me whether barristers, solicitors, doctors, engineers, and other professional men can be ordained deacons and yet follow their secular callings, and it would be well to make this clear in the proposed Act.

There remain to be considered some of the practical results of the proposed change. In populous places there will probably be a fair range of choice among men of piety, education, and mature age, who either having private means can give their whole time to the work of the Church, or maintaining themselves by some profession will gladly devote their Sundays and some evenings in the week, without desire for remuneration, to such ministerial duties as their Bishop and Rector shall entrust them with. In this way in many places a curate's salary will be saved, to the great relief of the poorly paid Incumbent. Divine services may be held at all hours of any day at which it is found that a congregation can be collected, and all excuse for their rarity will be taken away. A Rector with 15,000 souls committed to his care will no longer despair of reaching them, for he will be assisted by a zealous band of faithful men, whose ministrations being voluntary and unpaid will be accepted with greater readiness and less suspicion than the professional offices of his regular curates. The thickly peopled parish will be mapped out into convenient districts, manageable by one man,

and the Rector, as a *quasi* Bishop, will oversee and organize the whole.

In country districts double good may be looked for, direct and indirect. In such a group of villages as has been described, for the six incumbents should be substituted six permanent deacons and one Rector (or Archdeacon) of the six united parishes. The Rector should have a good house (if possible in the most central, or at least in the most important parish), and £1,000 a year. Sell the other parsonages, and with the purchase-money, compensate the patrons, if necessary. Let the remaining £1,400 a year be thus applied: first, a sum not exceeding £400 a year may go for the payment of such of the deacons as may require such assistance (and for many reasons some small payment for services rendered may be advisable); the remainder should be applied in endowing churches in the towns to which the agricultural population has migrated, and to which also the five superseded Incumbents may follow, and there find abundant work for God, and the active life which is so good for us all. Each of the six country parishes will be under the charge of a deacon: the schoolmaster, one of the farmers, the doctor, the squire's agent—or, better still, the squire himself—the professional man of the neighbouring town, who resides in the village. Or perhaps the deacon may even be taken from a lower grade. He will conduct Divine service, baptize, and marry, visit the sick, and bury the dead, happy in being able to devote, as the commissioned officer of his Church, to the good of those around him, such spiritual gifts as God has given him, carefully overseen by his Rector, who will visit each parish frequently, and preach and celebrate the Holy Communion at stated times.

What with Sundays and holy days, every communicant may thus have the opportunity of drawing near to the Lord's table twice in the month in his own church; and if he desires to do so oftener, some of the other churches would be within an easy walk.

It has been objected to this proposal that there will be a confusion in people's minds about their deacon; they won't know whether he is a layman or a clergyman, and whether he is to be dubbed "the reverend" or not; that if he is "reverend" he is not a layman; if a layman he is not "the reverend." It seems to me, however, that the real confusion in the people's minds has been between a priest and a deacon, no difference between them being popularly discerned; that as a judge is "my lord" only on the Bench, so a deacon may be addressed as "the reverend" when engaged in his ministerial duties. The difficulty, such as it is, did not interfere with George Herbert's usefulness; and as, after all, the title "reverend" is

a mere courtesy title, applied not only to clergy, but to every man who holds forth at a chapel or meeting-house, the question of its adoption by a self-supporting or permanent deacon is not worth answering. Enough if (in Milton's words),

A Reverend Sire among them came,
Who preached conversion and repentance.

If it be urged as an objection that men who are not educated gentlemen will not go down as ministers with the poor, and that secular occupations are incompatible with spiritual usefulness, let this objection be answered by the experience of Wesleyan local preachers and class-leaders. Would that we had in every large town such a man as the blacksmith Samuel Hick, rescuing the wandering sheep and folding them within the Church of England, instead of outside it! Would that we had in every country village such a deacon preacher as the Yorkshire farmer, William Dawson, of whom it is said that "he could sway the people like the summer breeze that swept over his own golden corn; whose words could play with cloud and sunshine across the listening hosts, and who, thrusting in his sickle, saw hundreds of sheaves gathered safely for the Lord, with shouts of harvest home!" Had Hick, and Dawson, and Silas Todd, and Richardson the Lincolnshire thrasher, and other men like them, been laid hold of by our Bishops and clergy, and could they have been made deacons in our Church, we should not have now to regret that 1,200 Wesleyan ministers, and some 8,000 class-leaders, and half a million of "Church members" were halting on neutral ground outside our pale, and only too likely to march away and join the ranks of the enemies of our Church. Of course the law as to pluralities must be altered, and patrons of livings must be willing to make some sacrifices. But there is, thank God, a growing feeling amongst them that their patronage is held, not for their own advantage, but exercised for the benefit of the Church, and for the glory of God.

Lastly, let me refer my readers to Macaulay's "Review of Ranke's History of the Popes."¹ He there portrayed in glowing language the wonderful manner in which the Church of Rome has ever dealt with enthusiasts. In young Churches, he says, enthusiasm is allowed to be rampant and gets beyond control. In long-established Churches it is too often regarded with aversion. The Church of Rome neither submits to enthusiasm

¹ Curiously enough, the same post which brought me the proofs of this article for correction brought me also *The Battle Axe*; or, *Gazette of the Church Army*, for 1st August, in which a full extract is given from Macaulay's article on this very point. May I advise each of my readers to buy that number of the *Battle Axe*?

nor proscribes it, but uses it. This is what the Church of England will do if she will now take advantage of her opportunity, and enlist in her services, as duly commissioned volunteer officers, the many men of mature wisdom, practical experience, and ardent zeal who stand ready, waiting and anxious to go forth with authority from the Church they love, to preach, and to pray, and to fight in the van, in the great battle which is being waged against sin, the world and the devil, for the extension of the kingdom of the Lord Jesus Christ.

SYDNEY GEDGE.

MITCHAM HALL, August, 1883.

NOTE.—The Committee of the Norwich Diocesan Conference seem to prefer to any such proposal the present state of things in the rural districts. What that is will appear from the following extract from a letter recently written to me (without any view to publication) by a clergyman in that diocese :

“No one who has not lived in the country, as I have done, can have any conception of the immovable resistance of the country Clergy to any modification even of the existing state of things. The old fight between prophet and priest, which probably caused John the Baptist, the forerunner of a layman, to be chosen from a priestly family, is as strong as ever ; and the fact that in the early Church anyone could be called upon for ‘a word of exhortation’ is utterly ignored and rejected. This confining in the Church of preaching to the Clergy has been the main source of the strength of Dissent. Still, under the cover of the Diaconate, the prejudice may perhaps be got over. . . . But anything that might tend to render the present arrangement less of an anachronism is hooted at directly. Sometimes I think *Quem Deus vult perdere, prius dementat*. It is a fact that if you place anything before the ordinary country clergyman to read, which is uncomfortable to his prejudices, because it has something in it, he will generally refuse to read it. I am certain that whilst the infusion of the influence of a man of broader views and superior education than the farmers possess is most necessary, it is hopeless to expect that the mass of the country people will attach themselves to the ministry of the educated clerical gentleman, while they have the more congenial Dissenting minister as an alternative. When they do so, it is from old habit, or for some advantage ; but once let the habit be broken, and most of the farmers be themselves Dissenters, and the parson have no squire to back him, and be not himself a *quasi*-squire, with money and social weight, and the Church, as at present constituted, has no chance at all. The introduction of such a class of men as you propose, as Church ministers in some shape, would be of infinite value for the resuscitation of Church influence among the people. But you will never get a hearing among the country Clergy. They will look upon your proposed amalgamation of benefices as the destruction of so many nests of comfortable social dignity—for the sake of which Englishmen will bear any sort of difficulty and even of poverty. In this neighbourhood are several fat livings and some very lean ones. On the whole there is a very large disposable income, very badly and irregularly ap-

plied. Dissent is rife, the chapels being large and well-attended in all the parishes; and none but the gentry and a small minority of farmers, who like to be churchwardens or to sit under the same roof with the squire, would trouble themselves if the Church ceased to exist to-morrow. In this, as in everything else now, popular opinion will carry the day; and if the Church does nothing to popularize herself, and give new classes an interest in her, she must go. Mere personal character may make a parson welcome to his people in other ways, but it will not fill his Church, or attach the masses to the Church. The idea is alarmingly prevalent that the parson is not so much a minister as an official—a sort of moral policeman and representative of State order."

NOTE.—*The questions put to counsel, and their opinions, are subjoined.*

COUNSEL are requested to advise in consultation on the following points:

1. What part or parts, if any, of the Morning and Evening Prayers may be conducted by a layman in a church, if licensed thereto by the Bishop, and requested by the Incumbent?
2. May a layman, so licensed and requested, preach a sermon or deliver an address in a church?
 - (a) As part of the Morning or Evening Prayers?
 - (b) When the sermon is followed by an administration of the Communion?
 - (c) Under what other circumstances?
 - (d) May the sermon be of the layman's own composition, spoken or written, or must it be a homily or some written sermon previously approved by the Bishop or Incumbent?
3. May a layman, so licensed and requested, conduct in a church some other form of service not such as a clergyman is tied down to, under any and what circumstances and limitations?
4. May a layman, so licensed and requested, perform the funeral service in a consecrated chapel and churchyard?
5. May a layman, so licensed and requested as aforesaid, do any and which of the above-mentioned things in an unconsecrated building?
6. Will the answer to question 5 be in any way affected or modified by the fact that the unconsecrated building is what is called conventionally "licensed," as explained in the case?
7. Can a room or building be itself licensed by the Bishop in any other way?
8. To what penalties, (a) civil or (b) ecclesiastical, would a layman be subject who conducted such service or part of it in contravention of the law?
9. Is there any law of England to prevent a Bishop from, after due examination and inquiry, setting apart, by laying on of hands or otherwise, an order of quasi-clerical persons who, while they continue as laymen to maintain themselves by their trade, mercantile business, or profession, shall, so long as they hold the Bishop's license, act within his diocese as (a) preachers and (b) readers or conductors of Divine service, in such churches as shall be offered to them for that purpose by the Incumbent thereof, such persons having no care of souls and no benefice?
10. If there be no law of England to prevent this, is there any ecclesiastical law binding upon Bishops to prevent it?
11. Counsel will kindly add any further opinion as to the subject submitted to them above, which will assist the Committee in reporting to the Bishop of Rochester.

3rd December, 1878.

JOINT OPINION

OF

SIR J. FITZJAMES STEPHEN, Q.C., AND MR. H. R. DROOP.

1. The Preface to the Ordination Service, which is part of the Prayer Book, and which received statutory authority from the Act of Uniformity of 1662, says that no man shall be suffered to execute any of the said functions, i.e. those of Bishops, Priests, and Deacons, unless he be ordained as then mentioned.

The 23rd Article and the Ordination Service for Priests and Deacons show, in our opinion, that public preaching and ministering of the sacraments are to be considered as among these functions.

Whether reading Divine service is also part of their exclusive functions is not equally clear. But the office for the Ordination of Deacons includes among the duties of a Deacon "to assist the Priest in Divine service," and the rubrics of the Prayer Book constantly speak of prayers or sentences as to be said by "the Minister" or "the Priest," and although these directions are not so strictly interpreted in practice as to prevent Deacons from saying some of the prayers attributed by the rubrics to the Priest, we think they would probably be considered to indicate that these prayers and sentences, and other parts of the services of a similar character, were only to be said by ordained ministers in the public worship in church.

The Courts would probably apply to this question the same rule that has been recently applied to questions of ritual, viz., that the directions contained in the Prayer Book must be strictly complied with (*Liddell v. Westerton and Moore*). Moreover, this has been, so far as we are aware, the uniform usage since before the last Act of Uniformity.

The preceding observations answer the first question, except as to the Lessons and Psalms. As regards the Lessons, the substitution in 1662 of "he that readeth" for the minister, seems to indicate an intention to permit them to be read by persons who are not ministers, and this is customary in college chapels. As regards the Psalms, the Prayer Book is silent, and we are not aware of anything to prevent them from being read as well as sung entirely by laymen.

2. Having regard to the Preface to the Ordination Service, the second question must, in our opinion, be answered in the negative, so far as it relates to a layman's preaching in church. We are not aware of anything expressly preventing a layman from reading a homily, set forth by authority, but we do not see how reading any other sermon could be distinguished from preaching. We do not include under preaching speeches made by laymen as individuals at missionary and other meetings.

3. In our opinion, no layman may conduct in a church any other service than such as a clergyman is tied down to.

4. We do not think that a layman, though so licensed and requested, may perform the Funeral Service in a consecrated chapel or churchyard.

5. The above opinions as to what a layman may do in a church or consecrated churchyard do not in the main depend upon their having been consecrated, though no doubt the consecration gives the Ecclesiastical Court a jurisdiction *ratione loci*, in addition to any other jurisdiction it may have under the Acts of Uniformity or otherwise.

Until the Toleration Acts, the Acts of Uniformity of Elizabeth and Charles II. applied to every place of public worship, whether consecrated or not; and, so far as we are aware, they have not been expressly repealed, except as to the registered places of worship of Protestant Dissenters, Roman Catholics, and Jews. The 18 & 19 Vict., c. 86, only exempts certain assemblies from religious worship from being registered under 52 Geo. III., c. 155, and says nothing about exempting them from the Acts of Uniformity.

6. As regards unconsecrated buildings, however, the Ecclesiastical Courts would probably take circumstances into account, and therefore, if laymen were to hold a service with the permission of the Incumbent in a private house or school-room, whether he only read the Prayer Book Service or even delivered an address, or used a shortened or different service (so that there was nothing doctrinally objectionable), we think it not improbable that the Court would decline to interfere, having regard to the fact that, by registering the place as a place of worship for Protestant Dissenters, he could make himself free to continue what he was doing.

7. On the other hand, if a building be fitted up as a church and Divine service be regularly conducted in it, whether with or without the Bishop's license, we do not think the Ecclesiastical Court would abstain from or be prevented from interfering on account of its not having been consecrated. The license of the Bishop, indeed, would in such a case constitute rather a difficulty in the way of a lay minister than an assistance to him. The Courts would be, to the last degree, reluctant to interfere with any form of religious worship conducted by laymen, avowedly acting as such on their own authority. The aspect of such conduct

would be altogether changed if it was adopted under the express sanction of the Bishop, as in that case it would be regarded as constituting an attempt to establish a kind of supplementary ecclesiastical body, under episcopal sanction,

8. By reading the Prayer Book Service, a layman would not, we believe, subject himself to any civil penalties, but only to have articles filed against him in the Ecclesiastical Court, the only result of which (for a first offence) would probably be admonition and payment of costs.

By using a different service he might also subject himself to an indictment under Elizabeth's Act of Uniformity, and by preaching (supposing that his license was held void on account of his being a layman) to three months' imprisonment under the 19th and 21st sections of Charles II.'s Act of Uniformity.

9. As the Prayer Book provides in the Ordination Services a prescribed course for setting apart persons to officiate in Divine service and preach, which does not authorize what is here proposed, we do not think it would be at all prudent for a Bishop to do this.

If laying on of hands or any other religious ceremony were used, a question might be raised whether it was not unlawful under the Acts of Uniformity, and as the Prayer Book contains Ordination Services, the question would differ materially from that of the customary services for the consecration of churches.

J. F. STEPHEN.

H. R. DROOP.

THE TEMPLE, 14th December, 1878.

OPINION OF SIR J. FITZJAMES STEPHEN, Q.C.

Having been desired to state my opinion somewhat more fully than I have already stated it on the subject of the legality of religious ministrations by laymen in unconsecrated buildings, I proceed to do so.

In the first place, I think that the only legal difference between a consecrated and an unconsecrated building is that the one is, and the other is not, set apart by the sentence of an Ecclesiastical Court for the purposes of public worship. Unless the Consecration Service were accompanied by the sentence of the Court it would have no legal effect whatever.

As to the right of laymen to officiate in unconsecrated buildings with the assent of the minister of the parish and the Bishop, I think that the principle upon which the question must be decided is this:—The Church of England, in a legal point of view, is a common name for a variety of institutions recognised and regulated by the law for the purpose of public worship and religious instruction. Down to the Reformation the clergy practically regulated these institutions much as they pleased, subject, however, to interference by the lay power in some matters of great importance. By the legislation of Henry VIII., Edward VI., Elizabeth, and Charles II., the Pope was deprived of all legal power, and the supremacy of the King and Parliament was established, but the institution as a whole still continued to be exclusive. No form of public worship was allowed except that which was established by law.

From the time of William III. to our own days, a series of Acts made exceptions to this so wide, that for all practical purposes the exception has been the rule. Anyone can worship, teach, or preach, as he pleases, by virtue of a series of Toleration Acts, but the theory of the law has not been altered. Legally speaking, toleration is the exception, and intolerance the rule. If a man wishes to take part in or conduct services other than those provided expressly by the Act of Uniformity and the Book of Common Prayer, or if he wishes to take part in those services celebrated in a different way or by different persons from those prescribed by the Book of Common Prayer, the only legal way in which he can carry out his wishes fully is by becoming a Dissenter.

I think that this general principle would not exclude services conducted by laymen, if the circumstances were such as to show that they were neither intended nor calculated to be a substitute for or rivals to our established services, and I think that the approbation of the Bishop and of the minister of the parish would be strong evidence that such were their nature. The fact that the place in which they were conducted was not appropriated by law exclusively to the purposes of a church, and the fact that formal authority was not conferred on the persons who

conducted the services, would tend to show that they were only measures of convenience and ancillary to the established system. If, however, churches not formally consecrated, but still practically appropriated permanently and exclusively to the purposes of public worship, were to be built; if an order of men not ordained in the regular way, but according to some newly-devised ceremonial, were to be set apart for the purpose of preaching and conducting services in them; if they were to be formally licensed by the Bishop, and recognized by the clergy; and if such a system were to assume a regular organized form—I think the Ecclesiastical Courts would be compelled to hold that the establishment of such a system was unlawful, inasmuch as it would obviously be both intended and calculated to set up by the side of the existing Church of England a completely new institution, similar in its general character, but under a new and unauthorized set of rules, and the greater the weight and authority of those who set such an institution on foot the more objectionable would it be.

It is difficult, if not impossible, to say precisely what it would and what it would not be lawful for laymen to do in the direction suggested; but I may say, in general, that for the laity to help the clergy in their ministrations appears to me lawful. As soon as they begin to supersede them, even by their own consent, I think their conduct becomes unlawful. The precise point at which the one process ends and the other begins is a question of degree which cannot be solved by the use of any general terms.

J. F. STEPHEN.

TEMPLE, December 18th, 1878.

This supplementary opinion is my own exclusively. I have not had the advantage of consulting Mr. DROOP upon it.

Reviews.

The Life and Times of St. Anselm, Archbishop of Canterbury and Primate of the Britains. By MARTIN RULE, M.A. 2 vols. Kegan Paul, Trench, and Co., 1883.

IN reading Mr. Rule's two volumes, the first fact which forces itself on our notice—and which we do well not to disregard—is, that the author is a Roman Catholic. As such, he may perhaps be credited with a greater facility for entering into the monastic side of his hero's life than an English Churchman could lay claim to. On the other hand—and this is a source of serious detriment to the value of the work before us—it renders his views on the policy of the times not only one-sided, but absolutely untrustworthy. This is perhaps less surprising, when we remember that Mr. Martin Luther Rule (for such is his full name) was an English clergyman; he united himself to the Church of Rome, and is now filled with that zeal which characterizes every convert.

Having said thus much, it is but common justice to turn to the other side of the picture. As a whole, with the one great exception named above, the book is one that commends itself to us. Mr. Rule has evidently spared no pains during the five years which he spent upon collecting his materials, and has left no stone unturned in order to obtain correct information on his subject. His work has been honest work. He has visited the haunts and home of St. Anselm; he has endeavoured to set before us a vivid representation of what his life was at school, in the monastery, and as Primate of Britain. One thing is evident throughout; that to Mr. Rule, Anselm is no more the austere prelate of eight centuries back, than he was at the time to his devoted companion and historian