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allusion, quotation, is unbroken from the very first. It is impossible to set it aside without taking such liberties and doing such violence as would be scouted in any similar case, for, as a matter of fact, there is probably no book of antiquity so well attested as Deuteronomy. We are driven, therefore, to this device—we must either acknowledge the testimony or we must affirm that the body and bulk of evidence has been designedly fabricated, manufactured, and manipulated in order to give the appearance of an unbroken chain of testimony, so as to vouch for the genuineness of a work which was never doubted or called in question till within the memory of the present or the former generation. Is this probable?

STANLEY LEATHES.

(To be continued.)



## ART. II.—OUGHT THE PAROCHIAL SYSTEM TO BE MODIFIED?

A GENERAL understanding has been happily arrived at that, as a consequence of the issue of the Lincoln case, there are, for the present at any rate, to be no more prosecutions for ritual instituted by the "aggrieved parishioner." But the individual has not become extinct, nor have his grievances ceased; and while we rejoice that circumstances have practically debarred him from the unfortunate method of redress to which he has hitherto resorted, we may quite consistently, and do most deeply, sympathize with him in his position, and desire that he should obtain substantial relief in a legitimate and unexceptionable manner. Short of secession from the Church, the very idea of which ought not for a moment to be entertained, there is obviously only one direction in which this relief is to be sought. He has failed in his attempt to confine the ritual of his parish church within the limits of what he had a right to consider lawful and expedient. He is now justified in seeking to be supplied from some other quarter with a ritual which shall not exceed those limits. As a Churchman, he is entitled to demand that it should be possible for him to satisfy his desire without lapsing into Dissent himself, or overwhelming the Church in the cataclysm of Disestablishment and Disendowment.

The Church Association, in the scheme of future policy which they put out at the end of last year, and the new Church Protestant Aid Society, in their inaugural appeal which they issued a few months ago, have both of them indicated that they perceive the object to be aimed at, though

neither of them have apparently realized the proper means to be adopted for securing it. The Church Association suggest:

That the importance of additional lay evangelistic work be urged, not as being in any sense separatist, but as complementary to the work of the official ministry. And that in those parishes where the Protestant religion established by law has been practically disestablished by the usurped occupation of the structures of the Church of England by Romanizing intruders, the utmost encouragement be afforded to loyal members of the Church in their efforts to uphold in every Scriptural way the fundamental truths of pure religion, and to establish centres for Divine worship, for mutual edification, for the instruction of children and others in the verities of the Bible, for protection from the seductive influences of false teachers, for philanthropic and educational objects, and for the dissemination of the Gospel of Christ our Lord.

On the other hand, the Church Protestant Aid Society have appealed for £50,000, to be applied in the erection or acquisition of buildings, with the view—to quote from their inaugural appeal—of enabling “the Lord’s people, who are distressed on account of the absence of Gospel teaching, and are deprived of spiritual worship in every town and village where it is impossible for them to worship in Romanized or worldly churches, to meet together, and in the absence of a faithful minister, to speak ‘one to another,’ and worship God in spirit and in truth, being gathered in and to the name of the Lord.” The society will help them “to secure temporary places for worship during the present distress, where the services of the Church of England will be conducted as set forth in the Book of Common Prayer, and—in cases in which no insuperable legal difficulty is raised—where the occasional ministrations of clergymen will be provided who will preach the Gospel of the grace of God and act as true shepherds to His flock.”

Both of these schemes are designed to meet a real and felt need, but both are alike wholly inadequate to supply that need. In places where the parish church offers only an excessive ritual and high sacramentarian doctrine, Church people who dislike and conscientiously object to these modern developments, ought not to be, and will not be, satisfied with mere lay ministrations of an Evangelical character. They ought not to be, and will not be, content with these, even if there be superadded the occasional visit of an ordained clergyman. They have a right to demand the opportunity of enjoying continuous clerical ministrations in accordance with their own liturgical predilections and their own views of doctrine; and it is our business to see that their rights are recognised.

Of course, this cannot be done without an alteration of the law. The Church Association are well aware of this, and the febleness of their policy in the matter is due to their con-

sciousness of the fact. The Church Protestant Aid Society also admit the obstacle which the existing state of the law presents, for they limit the prospect of the occasional ministrations of Evangelical clergymen to "cases in which no insuperable legal difficulty is raised." They know that such occasional ministrations can only be lawfully had upon two conditions. There must first be the license of the Bishop of the diocese. This, however, would probably in practice never be withheld where the other condition was fulfilled. But there must also be the permission or sufferance of the incumbent of the parish, who will always, *ex hypothesi*, be of an opposite way of thinking, and will be likely in many cases, so far from permitting the proposed intrusion into his sphere of labour, to do everything in his power to oppose it. Yet the Society do not urge that the law should be amended, although it may be safely predicted that in the absence of any such amendment their enterprise is doomed to failure. The attitude of the two bodies is probably to be accounted for by a consciousness of the fact that the amendment would cut both ways, and that if it legalized non-ritualistic ministrations in parishes where the incumbent was a ritualist, it would also enable ritualists to obtain a footing in parishes under an Evangelical incumbent.

The present article is written under a profound conviction that this consequence must be boldly faced, and that the exigencies of the present time urgently require an alteration of the law. The following remarks are accordingly offered as a contribution towards helping it forward, by indicating the direction in which reform is desirable and practicable. In order to realize this, it will be well to begin by examining briefly the actual state of the existing law.

A beneficed clergyman cannot, of course, be prevented by the Bishop from performing the ministrations incidental to his benefice otherwise than by formal legal proceedings instituted against him for some definite ecclesiastical offence. But with this exception, no clergyman has a right to officiate in any part of a diocese without the license of the Bishop. This license the Bishop has an absolute discretion to grant or withhold. Moreover, after he has granted it, he may at any time revoke it; and there is no appeal against the revocation except in the case of a stipendiary curate, to whom, if the incumbent be non-resident, and possibly also if he be resident, a right of appeal to the Archbishop of the province is accorded by the Pluralities Act, 1838 (1 and 2 Vict. c. 106, s. 98).<sup>1</sup> It

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<sup>1</sup> The question whether this section applies to the curate of a resident incumbent was raised, but not decided, in *Poole v. Bishop of London* (14 Moore, Priv. Coun. Ca. 262; 7 Jurist New Ser. 347). It is to be

makes no difference that the clergyman has been licensed as the minister of a proprietary chapel. The enjoyment of his license is just as precarious as if no such chapel existed (*Hodgson v. Dillon*, 2 Curteis' Reports, 388, a case decided by Dr. Lushington in the Consistory Court of London in 1840). In the second place, and this constitutes what is known as the parochial system, besides the Bishop's license, the consent of the incumbent of a parish, except in certain special cases, is necessary before any clergyman, other than the Bishop of the diocese or the Archbishop of the province, can lawfully perform any spiritual function in the parish. And he has the same arbitrary power of granting or withholding this consent in the first instance as the Bishop has with regard to his license. But if he has once given his consent to a brother clergyman taking up permanent duty within his parish, that consent will be binding on him personally, and cannot be revoked by him during the rest of his incumbency. The consent, however, will not bind his successor, who may thus oust from a proprietary chapel a minister appointed to it with the license of the Bishop and the full approval of the incumbent for the time being, the license being deemed in law invalid as against such successor (*Richards v. Fincher*, Law Reports, 3 Admir. and Ecclesiast. Cases, 255, decided by Sir Robert Phillimore in the Court of Arches in 1874).<sup>1</sup>

A few definite inroads have been already made on this exclusive right of the incumbent to the cure of souls in his parish. First, under the Pluralities Act, 1838, and the amending Act of 1885, if he neglects to perform his duties or to obtain the assistance of an adequate number of curates, the Bishop may, without his consent, import into the parish the services of one or more other clergymen. Secondly, in the Church Building Acts it is expressly enacted that the license of a minister appointed to a district chapel or a new church under those Acts shall continue in force in spite of a change in the incumbency of the parish in which the chapel or church is situate (1 and 2 Vict. c. 107, s. 13; 2 and 3 Vict. c. 49, s. 11; 8 and 9 Vict. c. 70, s. 18). Thirdly, under the Church

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observed that 36 Geo. III. c. 83, s. 6 has been since repealed by the Statute Law Revision Act, 1871, on the ground that it was superseded by 57 Geo. III. c. 99, ss. 1, 69).

<sup>1</sup> An appeal to the Judicial Committee of the Privy Council against this judgment was entered by the licensed minister of the proprietary chapel in question, but was not prosecuted, owing to his death. The judgment, however, commends itself as sound law and reason; for an incumbent can have no more inherent authority to abridge in advance the spiritual rights of his successor by obliging him to share the cure of souls with another, than he has to diminish the temporal emoluments of the benefice.

Building Acts Amendment Act, 1851 (14 and 15 Vict. c. 97), it is possible, in certain cases, to build a new church and create a new parish, wholly or in part, out of an existing parish without the consent of the incumbent of that parish; and so, against his will, to withdraw a portion of his flock from his legal pastoral care. And, lastly, the Public Schools Act, 1868, the Endowed Schools Act, 1869, and the Private Chapels Act, 1871, extend to chapels of colleges, schools, hospitals, and other public or charitable institutions, the same exemption from the control of the incumbent of the parish which had previously, by custom, been enjoyed by chapels attached to the mansions of peers, enabling the Bishop to license clergymen to serve in those chapels without the incumbent's consent.

Here the modifications of the parochial system stop for the present, since the attempts to extend them which were made during the next few years after the passing of the Private Chapels Act were unfortunately abortive. These attempts are, however, worthy of notice, as suggesting the lines upon which a further amendment of the law might hereafter, under favourable circumstances, be effected. In 1872 Mr. Thomas Salt, the author of the Private Chapels Bill, brought in another measure, under the title of the Public Worship Facilities Bill, to empower the Bishops to license clergymen to perform Divine service in parishes which contained a population of more than 2,000, or in which a hamlet with upwards of twenty inhabitants lay at a distance of more than two miles from the parish church, without the consent of the incumbent of the parish. The second reading of this Bill was opposed by Mr. Beresford Hope, Mr. Gathorne Hardy (now Earl of Cranbrook), and others; but was carried by 122 to 93. It was not further proceeded with during that session; but next year (1873) it was reintroduced in a somewhat modified form, and, Mr. Beresford Hope having withdrawn his opposition, it passed through all the stages in the House of Commons without controversy before Easter. Unhappily a different fate awaited it in the Upper House. The second reading was moved by Lord Carnarvon, and was supported by Archbishop Tait and by the votes of Archbishop Thomson and ten other prelates. No bishop voted against the Bill, but it was opposed by Lord Shaftesbury and Lord Dynevor, and thrown out on a division by 68 to 52. Nothing daunted, Mr. Salt reintroduced the Bill in the following year, when the exigencies of Government business barred its progress; and again in 1875. This was the last occasion of its appearance. It was once more read a second time early in the session, but was immediately afterwards referred to a Select Committee, "with power to

report upon the present facilities for providing additional means of worship in parishes with or without the consent of the incumbent, and also upon the desirability of extending such facilities." This decided the fate of the Bill, for the committee did not report until nearly the middle of July, when the session was too far advanced to admit of any further progress being made with it. The committee, however, went very fully into the subject, and examined a considerable number of witnesses. Their report, with the evidence which was given before them, is printed among the Parliamentary papers of the year, and contains a valuable mass of material for use in dealing with the question when it is next seriously taken up.

When that will be it is, alas! impossible to conjecture. The golden opportunity for Church legislation has, for the present, gone by, and it may be long before we witness a return to the comparatively favourable state of things which existed in 1873. This renders more deplorable the error committed by Lord Shaftesbury in that year. Admirable philanthropist and whole-hearted servant of God as he was, he was not always able to take a broad and statesmanlike view of ecclesiastical and religious matters. Witness, for instance, his opposition in the Irish Church Disestablishment controversy to the principle of concurrent endowment. That principle, if it had been then recognised and acted upon, would not only have done justice in the particular conjuncture, but would also have permanently attached the Roman priesthood in Ireland to the side of property and order, and have rendered impossible the entertainment of the godless schemes of disendowment which are now being broached for Wales and Scotland, and ultimately for England. In like manner, his uncompromising opposition to the Public Worship Facilities Bill in 1873 was a grave error of judgment, and the success which he achieved inflicted a serious blow on the prospects of beneficial Church reform. His attitude becomes the more difficult to understand, and the more regrettable, when we turn to the speech in which he justified it, as reported in the debate on the second reading of the Bill in "Hansard" (vol. cxxvi., 1378-1396). In that speech he referred at considerable length to the opinions on the subject expressed by Mr. Ryle, the present Bishop of Liverpool. Mr. Ryle had written letters, in which he had urged the necessity of affording to the people the fullest means of joining in the religious worship of the Established Church, and of removing all obstacles to their doing so, and, for the attainment of this object, had advocated a restriction of the power of incumbents to obstruct all improvements by a rigid enforcement of the parochial system. This, in the abstract, Lord Shaftesbury agreed with, but he proceeded to quote

extracts from the letters, with which he was quite unable to concur :

We must break the bonds (so Mr. Ryle wrote) which black tape has too long placed on us, and cast them aside. We must take the bull by the horns, and supplement the ministry of inefficient incumbents by an organized system of Evangelical aggression, and that without waiting for any man's leave. Parishes must no longer be regarded as ecclesiastical preserves, within which no Churchman can fire a spiritual shot or do anything without the license of the incumbent. This wretched notion must go down before a new order of things.

And, again, in a second letter :

One crying want of this day is liberty for Churchmen to provide additional places for worship without being obliged to wait for the sanction either of the incumbent or of the Bishop. This ought to be the main principle of Mr. Salt's Bill. If the present Bill, now before the House of Lords, cannot be amended so as to provide this liberty, by all means let it be thrown out. It would not be worth having, and might do more harm than good.

To the policy suggested in these extracts Lord Shaftesbury not unreasonably took exception, as involving not a mere modification, but a total subversion, of the parochial system. Condemning both it and the proposal contained in the Bill, he expressed his individual preference for a large extension of the system of district churches, for an increase in the number of proprietary chapels, and, if a further encroachment on the parochial system was necessary, a Bill to authorize any ordained clergyman of the Church to obey the will of a majority of dissatisfied parishioners, who, regardless of the Bishop of the diocese and the incumbent and patron of the parish, might form an independent congregation and desire a minister of their own choice.

It is lamentable that, under the circumstances, the Bill which had actually passed the Commons was not allowed to be read a second time in the House of Lords, after which any requisite amendments might have been made in committee. As it is, the debate only proved valuable in bringing into prominence the four different courses which may be adopted in reference to the parochial system. They are as follows:

1. To leave the present monopoly of the incumbent untouched.
2. To permit inroads upon it, wherever the majority of the parishioners express a desire that this should take place, importing, in short, the principle of local option into the matter.
3. To permit inroads upon it under certain specified circumstances, with the express sanction in each case of the Bishop of the diocese.
4. To abrogate it altogether, allowing absolute free trade in spiritual ministrations.

The third course was that proposed by the Public Worship Facilities Bill, and will surely commend itself as the only really wise and safe



solution of the problem. There will, however, be no prospect of its ever becoming law, unless Churchmen come to an agreement among themselves to accept it, and press its adoption upon Parliament with unanimity and persistency.

Two further points, one financial and the other personal, suggest themselves for consideration in connection with a reform of the parochial system. How would the authorized intrusion of another clergyman into a parish affect the stipend and resources of the incumbent? So far, of course, as his income depends on tithe rent-charge, or other endowment, and on marriage and burial fees, it would not be in the slightest degree affected. For it is not proposed that the imported clergyman should receive any of the emoluments of the benefice, or have the right to take weddings and funerals. But, undoubtedly, in proportion as his popularity with the parishioners exceeded that of the incumbent, his presence would tend to diminish any revenue which the incumbent had previously derived from such sources as pew-rents, offertories, and Easter offerings. The receipts for the maintenance of the fabric and services of the parish church might also be impaired by the existence of a rival place of worship. It is, however, by no means certain that these results would follow. It is quite possible that, on the contrary, the introduction of the new element would kindle new life in the whole parish, would elicit a healthy rivalry, a wholesome provoking of one another to good works, and would thus lead to the parish church and its minister receiving even better support than before. At any rate, if the opposite effect were produced, it would be the fault of the incumbent himself, and we are not concerned to protect him from the consequences of his own mistakes or incapacity.

The second and what I have called personal point is suggested by the obvious reflection that in some cases the interests of the parish require the removal of the existing parson rather than the introduction of an additional clergyman. We need, in fact, a modification of the parochial system in the direction of restricting not merely the rigour of the incumbent's monopoly, but also its duration. It would unquestionably be for the benefit of the parishioners to reduce his tenure of the office from that of a perpetual freehold to a condition of removability. Provided the *status* of existing incumbents were respected, no rights of property would be violated by such a change in the law. For what the patron of the living would lose in the value of each appointment which he made, he would gain in the more frequent opportunity of making appointments, and no clergyman who was appointed to the living under the altered conditions could complain of the arrangement under which

he had accepted it. In effecting the change, however, it would be of the utmost importance not to impair the inestimable advantage which our parochial clergy at present possess of holding their posts independently of any whims and caprices or unjustifiable prejudices on the part of their congregations. This advantage would, to a great extent, be imperilled if an incumbent was appointed merely for a fixed term of years, at the end of which he would vacate the living, unless his position was expressly renewed to him for another definite period. In such a case, if the patron were a crotchety or wrong-headed individual, the parson, as the expiration of his term drew near, might be reduced to a choice between his bread and butter on the one hand, and the faithful discharge of his duty on the other. But this evil would be avoided if, instead of a formal reappointment being requisite for his continuance in the incumbency after the completion of the fixed period, the law were to be that at the close of this period he should have the right of remaining in the living for another similar period, and so on *toties quoties*, unless at the end of any such period the Bishop of the diocese and the patron and, perhaps, a person elected for the purpose by the parishioners concurred in giving him a notice terminating his incumbency. If something of this kind were arranged, an opportunity would be afforded for relieving a parish of an incumbent whose ministrations were not conducive to its spiritual interests; while a sufficient safeguard would be provided against his being arbitrarily dismissed without adequate cause. Whatever suggestions may be made as to the details of the plan, it can hardly be denied that the principle is a sound one, and that no reform of our parochial system can be accepted as final which does not in some way or other mitigate the existing liability of a parish to be saddled against its will with an incompetent or unsuitable incumbent, till death them do part.

PHILIP VERNON SMITH.



ART. III.—CLERICAL EDUCATION IN ITALY,  
1786—1888.

THE regeneration of Italy and its unification under the dynasty of Savoy is one of the grandest of the events which have rendered the present century a period of unequalled progress and advancement. The aspirations of centuries have been fulfilled in a few brief years, and the greatest obstacle which stood in the way of the formation