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By the morning of June 22nd the seven remaining members of the party were all exhausted. At noon, Brainard obtained some water; that and a few square inches of soaked seal-skin was all the nutriment which passed their lips for forty-two hours prior to their rescue. About midnight Greely heard the sound of a steamer's whistle. His comrades doubted; nothing could be seen or heard. "We had resigned ourselves to despair, when suddenly strange voices were heard calling me; and in a frenzy of feeling as vehement as our enfeebled condition would permit, we realized that our country had not failed us, that the long agony was over, and the remnant of the *Lady Franklin Bay Expedition* saved."



ART. VI.—CHURCH PATRONAGE.

FROM the third century, when the Bishopric of Carthage was purchased by a wealthy matron for one of her servants, traffic in Church Preferment has been an evil practice from which the chief officers of the Church have never, at least until recent times, been wholly free. The quasi-parental fondness of celibate Roman Catholic Bishops for their "nephews," shown in collating them to rich benefices, caused a scandal whose memory is kept alive in the word *Nepotism*, as applied to family jobs generally. The faithful laity branded these transactions as *Simony*—a misuse of the term, no doubt, but pardonable as marking the height of their indignation. Shakespeare makes it a prominent article in Queen Katharine's indictment of Cardinal Wolsey, that "to him simony was fair play." The Legislature has adopted the term, and defined it—in a manner to which I shall call attention presently.

In no historical work to which I have access can I find any trace of simony on the part of the laity in pre-Reformation days. In the eleventh century (according to Hallam), "*Simony, or the corrupt purchase of spiritual benefices, was the characteristic reproach of the clergy.*" Acting on a shrewd suspicion that the chief inducement to this traffic was the temporalities rather than the spiritualities of the benefice, our kings interposed investiture by the Bishop between the assumption of the spiritual privileges and the possession of the emoluments, in the hope that thus the Bishop might be enabled to check the growing evil. But when, after the Reformation, the action of a Bishop in refusing institution became, in its turn, subject to the control of the Courts of

Common Law, which rigidly limited the legal grounds of refusal, patrons saw their way to evasion, and thought themselves at liberty to do anything not expressly prohibited.

Izaak Walton (in his *Life of Bishop Sanderson*) complains that "some patrons think they have discharged that great and dangerous trust both to God and man if they take no money for a living, though it may be parted with for other ends less justifiable."

What these "other ends less justifiable" sometimes were, we learn from Thomas Randolph's play, "*The Show*" (1626), where "*The conceited Peddler*," vending his wares, says:

Will you buy any parsonages, vicarages, deaneries, or prebendaries? The price of one is his Lordship's cracked chambermaid, the other is the reserving of his Worship's tithes; or you may buy the knight's horse £300 too dear, who, to make you amends in the bargain, will draw you on fairly to a vicarage. Come, bring in your coin. Livings are majori in pretio than in the days of Domesday Book. You must give presents for your presentations. There may be several ways to your institution, but this is the only way to induction that ever I knew.

The natural result followed: evasion became an art, and those who were skilful at it grew rich, though their calling was not then disguised under the innocent title of "*Clerical Agency*." Our ancestors called a spade a spade, and Quarles (1630) wrote:

The Church sustains the extremes of cold and hunger
To pamper up the fat advowson-monger.

Three times has the Legislature tried its hand at the work of regulating the sale and purchase of livings, viz., by 31 Eliz., cap. 6; 12 Anne, cap. 12; and 9 George IV., cap. 94. The effect of these Acts and of the various judgments of the courts is briefly as follows:

The sale of an advowson, or even of a next presentation when the Church is empty, is not simoniacal; but it has been held to be illegal for a highly technical reason, viz., that "it is like the rent of an estate become in arrear, which is a chose in action and cannot be assigned"!

The sale may take place when the incumbent is *in extremis*, provided that if only the next presentation be sold under such circumstances, it be made without the privity or a view to the nomination of a particular clerk. A person who has bought a next presentation in his own name, or in that of a Trustee, may not be presented to the living, but he may if he has bought the advowson. If any patron presents to a living in consideration of any pecuniary or other benefit to himself, direct or indirect, the presentation is void.

The last Act (9 Geo. IV., cap. 2) makes a sort of exception in the patron's favour. It allows him to take from his intended

presentee a bond to resign the living in favour of any one named person, or of one of two named persons, provided that those two persons are nearly related, even though they be at the time children in the nursery. This last act savours of the unholy reign in which it was passed. It does its best to establish the theory that the presentation to a benefice is a right to be exercised for the private advantage of the patron, rather than a sacred trust to be exercised for the good of the parish.

It goes without saying that the prospect of an early vacancy renders an advowson or next presentation more valuable, and the ingenuity of advowson-mongers or clerical agents is principally directed to make this certain. There does not appear to be anything illegal in an incumbent making a promise or even a contract to resign at a fixed period; but it is certain that, if the Bishop should find him out, his resignation will be refused, and the purchaser disappointed. Here comes in the use of donatives; a donative advowson is a right to nominate to a benefice by the patron alone without presentation, institution, or induction, and of such a benefice the resignation is made to the patron and not to the Bishop. Your clerical agent becomes the owner or controller of two or more donatives; through his unclean hands passes the sale of the living of Great-Tything. The rector—who probably is patron also—having promised immediate possession, cannot resign to the Bishop, who might be suspicious, and refuse to accept his resignation. The clerical agent or advowson-monger is prepared for the emergency; he is patron of a nice donative. It is full, but no matter; the incumbent resigns to him, and he presents to it the Rector of Great-Tything. The acceptance of this other living avoids that rectory; the purchaser presents himself or his friend, and the Bishop is powerless. As for the poor little donative, that parish keeps its new pastor until its vacating powers are to be again availed of for the purpose of carrying out a similar transaction. Is it a wonder that the parishioners are disgusted with this shuttlecock arrangement; and though they have no quarrel with the doctrines or formularies of our Church, leave her for some dissenting sect, and swell the ranks of her enemies?

On the other hand, the people of Great-Tything, though they have never had any voice in the choice of their rector, are not unnaturally displeased to find that mere money has enabled some clergyman to become the sole judge of his own fitness to have the care of their souls; and if he should turn out ill, attribute to the fact that livings may be sold a fault which is inherent in all systems of patronage.

Ever and anon some bad case comes prominently to light, in which the law has been astutely evaded for the benefit—

well,—of not the best of clergymen. People cry out. Friends are shocked. The enemy blasphemes. The isolated case is made out to be the normal custom. Every sale of livings, however innocent, gets a bad name, and the parties to it may as well be hanged at once without benefit of clergy. They have been guilty of “traffic in souls,” of simony, of sin against the Holy Ghost; and the whole system of selling livings is voted so irredeemably bad that an absolute stop must be put to it at any cost, instantly. Otherwise, they argue, the long-impending attack on the Church (which is delayed only until Mr. Gladstone has pacified Ireland with Home Rule, and the expropriation of the landlords, and the expatriation of all Loyalists) will find out this weak spot in her defences; and her foes, marching in by this breach, will demolish her citadel with a triumphant cry of “Down with it! down with it! even to the ground!”

Personally, I am not in favour of legislation in a panic. My desire is to look into the whole matter calmly; to ascertain the facts, and to form a right estimate of them; to balance the advantages and disadvantages of the present system of private patronage taken as a whole; to consider whether it be possible to retain the former, and get rid of or at least minimize the latter, and thus to find the best practicable solution of the difficulties which surround the question.

In so doing, I would take as my guide the wise principle laid down by the Archbishop of Canterbury in his address to the House of Laymen: “Our object must be to extinguish wrongs without injuring rights.” But with the utmost respect for his Grace, I must say that this excellent principle has not been kept in view in framing the Church Patronage Bill, which the Bishops have lately introduced into the House of Lords, and submitted to Convocation and the House of Laymen for their opinion. Of some of its provisions, indeed, the latter House has made very short work; but even this House and both Houses of Convocation appear, to my humble but deliberate judgment, to have, with the most laudable intentions, shown a disregard for the rights of property almost sufficient to qualify their lordships for admission into the present Cabinet.

The Church Patronage Bill is framed for three purposes:

I. To enlarge the Bishop's power to refuse institution, so as to include certain defined grounds of unfitness in the patron's nominee.

II. To abridge the existing rights of patrons to dispose of their patronage—

- (a) By a total prohibition of the sale of next presentations;
- (b) By restrictions upon the sale of advowsons, and by limiting the number and class of purchasers.

III. To create a new purchaser of livings in a Diocesan Board of Patronage, and to provide this Board in some cases with the purchase-money.

With I. I go heartily—nay, would carry it much further, as shall be shown presently; but such drastic proposals as II. and III. require careful consideration.

The total number of benefices in the Church of England is about 13,800. Of these, 941 are in the gift of cathedral bodies (Dean and Chapter); 716 are in the gift of the Universities and Colleges; 848 are in the hands of Trustees. Therefore for the patronage of 2,495 livings (18 per cent. of the whole) there is joint or divided responsibility. 1,030 (8 per cent.) belong to the Crown, acting through the Lord Chancellor or the Prime Minister. In right of their office, Bishops have 2,654, and Rectors and Vicars 1,142 (altogether 3,796; 28 per cent. of the whole). In all these the patrons are trustees, and have no rights of property. Individual patrons possess 6,469 livings (47 per cent. of the whole); and of these nearly 3,000 belong to patrons who own three or more advowsons, presumably inherited with their family estates, and not likely to be sold unless the old family and the estate be broken up together.

Of the whole number of 13,800 livings, we have it on the authority of the Bishop of Peterborough that only 2,000, or just one in seven, have ever been, or are ever likely to be, sold.

Now, it must be remembered that the patrons of these 6,469 livings have acquired their rights under laws which have existed since the days of the Saxons. Their ancestors or predecessors in title endowed the livings, and often built the churches, on condition that they and their heirs should have the patronage. For many centuries most of these advowsons have been, and they still are, advowsons appendant to the estates with which they were previously connected, and pass by the conveyance or devise of the estate without special mention, as appurtenant to it. Others of these livings have been purchased by the present holders for large sums of money. Some of them were bought under express Parliamentary titles, as when municipal corporations were compelled to sell their advowsons at the best price, or when the Lord Chancellor was permitted to do so on the terms that the purchase-money was to be invested for the increase of the income of the living.

Notwithstanding the obloquy cast upon the King of Israel for his attempt to force Naboth to sell his vineyard at a full price, it is now generally conceded that a man's property may be taken from him, and his rights over it may be diminished, for the public advantage, provided that adequate compensation

be made to him. Without such compensation, to do either of these things is a violation of the eighth commandment, which is not justified even though the motive be sacred; for He Who enacted the commandment said also, "I hate robbery for burnt-offering."

The State has for its own advantage treated advowsons and next presentations as private property. It has charged succession duty on the death of the owner; it has charged stamp duties on their estimated value when they have been settled on a marriage; it has charged higher stamp duties still when they have been sold and conveyed. They are assets in the hands of the trustee in bankruptcy for the benefit of the owner's creditors. Can the State now turn round, because such property has, in a higher sense than other properties, duties as well as rights, and declare that there are no rights at all?

It amazes me that many excellent men—for whose opinion I have the highest respect—while admitting that it would be wrong to deprive a patron of the right to sell an advowson, unless full compensation be given to him, yet contend that he may be rightly deprived of the right to sell a next presentation, without compensation. Yet Euclid taught us long ago that a whole is made up of its parts. The next presentation is worth on an average three-fourths of the value of the advowson. If it be wrong to sell three-fourths, how can it be right to sell the whole? If it be wrong to sell the next turn, how can that wrong be made right by also selling the second turn, and the third, and so on? One most respected member of the House of Laymen (who has himself built and endowed a church in London, and retained the patronage in his family) contended for the prohibition, on the assumption that when the patron of an advowson sells the next presentation only, he must himself present the living to the purchaser's nominee, and must thus retain all the responsibility for a proper exercise of his trust, although he has put it out of his power to use any discretion in the matter.¹ But this is not the case: the patron's rights and duties are transferred to the purchaser for one turn; his responsibility devolves upon another, and there is no reason why that other should not be as conscientious as the first in the fulfilment of his duties and the exercise of his rights.

The proposed restrictions upon the sale of advowsons are open to similar objections. By the Bishop's Bill, a patron may

¹ The present trustee, having already spoken, was unable to correct this misapprehension.

in future sell an advowson only to some one of the following possible purchasers :

- (a) Any public patron ;
- (b) A body of trustees not having power of sale ;
- (c) A Diocesan Board of Patronage to be constituted under the Bill.

Deferring for a moment the consideration of the important question whether any advantage will be gained by transferring advowsons from private gentlemen to any such patrons as these, I must point out that if you take away a man's right to sell his property at the best price which he can obtain for it—whether you do this by limiting the number of purchasers, or by enacting that his purchaser shall hold it on less advantageous terms as to power of selling or otherwise than he himself does—you rob him of that which the law has professed to secure to him, and no question of the piety of your motive can alter the fact. Their condemnation is just who would do evil that good may come.

I am afraid that the same maxim applies to the only means suggested by the Bishop's Bill, of supplying the fund wherewith the new Board of Patronage is to be provided with the purchase-money of the living, in the solitary case in which the patron, having been by the Act practically debarred from selling to anyone else, is to have the power of compelling the Board to purchase. Hitherto the law has set its face against selling a vacant living, conceiving that to be the worst form of simony, but of this superstition the Bill before us takes no account. Under its provisions, when, and only when, a living is vacant, the patron may compel the Board of Patronage to purchase the advowson. The price is, in case of difference, to be settled by arbitration, and during all the time that is taken up with haggling about the value, with the selection of arbitrators and an umpire, with bringing the case before them, with waiting for their award, with making out the patron's title, and conveying the advowson to the purchaser, the living must remain vacant, and the parish left without a pastor.

It is clear that unless the patron is to be treated worse than an Irish landlord, he ought to receive such a price as he could have obtained in the open market, if this Bill had not been passed. This cannot be put, the living being vacant, at less than ten years' purchase of the net income. The Bill, *mirabile dictu*, enacts that the Board may borrow the amount and charge its payment with interest upon the income of the living for a term of sixty years. With regard to this proposal the House of Laymen resolved unanimously :

That any scheme of Church Patronage Amendment which would directly or indirectly divert any portion of the revenues of a benefice to the advantage of a patron would be inadmissible, as secularizing the property given to the parish for God's service.

Besides this objection on principle, there is a very real practical difficulty not less worthy to be taken into account. £1,000 has to be raised for every £100 of income. To repay this with interest in sixty years will, on the four per cent. tables, take £45 a year, leaving £55 to the parson. Assuming the high average of £500 a year as the income of the living—little enough, surely, to secure the services of an educated gentleman—two generations of the people will see their pastor and his family starving upon a pittance of £265. And the only consolation to him and them will be the thought that the responsibility of selecting his successor will be divided among several gentlemen, of whom one-half may be Dissenters!

But let us now assume that all difficulties in the way of providing the purchase-moneys have been overcome—by funds dropped from the clouds—and that private patronage has ceased to exist. Will there be any gain to the Church and to religion commensurate with the cost? Nay, apart from the cost, will there be any balance of advantage?

All advowsons will be gradually vested in patrons who have no beneficial or saleable interest in them; and the scandals connected with the sales of a few of them will be a thing of the past. So far, so good.

But observe, first, that by this absorption of the patronage now held by about 4,000 people in about forty Diocesan Boards, you lose the real advantage of the interest taken by the patrons in the pecuniary welfare of the churches. One ducal patron of many livings takes upon himself the cost of keeping the parsonages in repair; another repairs the chancels. The erection of many of our best suburban churches must have been stopped had not an arrangement been made by which, in consideration of a large donation, the advowson or one or two presentations have been given to some donor who has presented himself or his son; and there are few parishes better worked than these. The system, though open to objection in theory, works well in practice.

My next point is that, as matters now stand, there lies in the way of disendowing the Church the enormous difficulty of compensating the patrons. None but the Liberation Society will rejoice at the removal of that difficulty.

Let us now consider whether the only worthy objects of all patronage will be better attained under the new system than the old. Those objects are to secure, first, that only men of piety and ministerial aptness shall be admitted to holy orders; second,

that of the ordained men thus presumably fit for the cure of souls generally, none shall be placed in charge of a parish who is unfit for that particular cure. It will be seen that I make the spiritual benefit of the parish the main object of patronage. A secondary good object may fairly be to provide for the promotion of clergymen who have shown themselves worthy.

For all these several purposes there seems to me to be great advantage in the present variety of Church patronage; and upon those who are endeavouring to get rid of one large class—the private patrons—lies the burden of proving that the other classes will do better. I was present recently at a meeting of clergymen and laymen where the whole subject was debated, and numerous instances were given to show the aptness of the parish clerk's blundering notice, "The chair will be taken by the *Incumbrance* of this Parish;" but not one of the incumbents alluded to had been appointed by a private patron. It would be invidious to draw a comparison between the exercise of Church patronage by the Crown or by Bishops on the one side, and by private patrons on the other. It is enough for my present purpose to point out the objections to concentrating much patronage in the hands of Diocesan Boards. We have warning beacons, in our experience of such bodies as the Deans and Chapters, and the Master and Fellows of a College. Individual conscience is more tender than conscience distributed among a Board. "You are excellent men individually," said Archbishop Whately to some such body—"not one of you would hurt a fly; but you would divide a murder amongst you!" Sometimes the right to nominate is given to each member of the Board in turn; sometimes the member of most influence—from rank or pertinacity—gets his way; in either case, the real choice is made by one, but the responsibility is thrown upon all, and being thus subdivided into fractions, weighs upon none. If all the members take their fair share in the choice, it is likely to fall upon some candidate who offends nobody, only because there is nothing in him.

But scandals exist, and they must be abated—true; and in the Archbishop's words may be found the best mode of getting rid of them.

"Our object," said his Grace, "must be to extinguish wrongs, without injuring rights." If you touch a patron's rights, you have him up in arms against you. Lay hold of the other end of the stick, and you may draw him with you. Tell him that property has its duties as well as its rights, and he will assent to so self-evident a proposition. Assure him that you will not injure his rights, but that the duties must be performed, and in case of need enforced, and though he may wince a little, he dares not object. Scarcely any patron will be found in this year

of our Lord 1886 to deny that the good of the parish ought to be taken into consideration by the patron in appointing to a living. The majority of patrons will admit, if pressed, that it ought to be the chief consideration. Some patrons would go so far as to allow that the parishioners might reasonably desire to have some voice in the selection of their pastors. Many more, knowing the evils of popular election, would stop short here, but would give to the parishioners (in the words of the Archbishop), "some power of effective remonstrance against the appointment of a pastor whom they can show to be unfit."

The House of Laymen, in which sit the patrons of many livings, agreed to the following resolutions:—

That the best remedy for the improper use of patronage is to extend the power of the Bishop to refuse institution, and to relieve him in the exercise of such authority by adding a Council to assist him.

That power should be given to parishioners to bring before the Bishop objections to the appointment of the presentee.

These objections should be extended to everything which renders the nominee unfit for the particular living, quite irrespective of his general character as a clergyman.

If the law be altered in accordance with these resolutions, people will cease to buy advowsons or next presentations for the purpose of providing for themselves or their relatives; the risk of rejection by the Bishop and his Council will be too great; and for the same reason parents will no longer deserve Bishop Sanderson's complaint, that "those that have advocations of church livings must needs have some of their children thrust into the ministry."

To these reforms must be added the abolition of donatives by turning them into presentation advowsons, and all the scandalous trickery to secure immediate possession will come to an end. This also is recommended by the House of Laymen. With these safeguards, and others which have been suggested for the prevention of secret dealings with Church Patronage, it would be best to repeal the Acts against simoniacal contracts, and to make sales of advowsons and next presentations as free and open as the sale of other real property. It is the miserable evasions of the present illogical restrictions (resting on no principle) which have caused most of the scandal. If these things be done, no right will have been injured, and no compensation will be due; but the wrongs which have been a blot on our Church system will be abolished. Hard-working, godly, efficient clergymen will not be thrust on one side by men whose character is less high than their connections: these will rather cease to desire ordination, for the ministry will be no profession for them. And our dear old

Church of England will not fear the assaults of the Liberation Society, for she will be happy with her quiver full of loving children, who will speak with her enemies in the gate.

SYDNEY GEDGE.

Mitcham Hall, March 8th.

RECOLLECTIONS OF THE REV. C. P. GOLIGHTLY.

On Christmas Day last there passed away quietly, and without pain, in the eightieth year of his age, a very remarkable character, who had once played a prominent part in the University life of Oxford.

Mr. Mozley, in his "*Reminiscences of Oriel*," thus writes :—"Golightly must have been as much at home and master of a certain position the day he arrived at Oxford, fifty-eight years ago, as he is to-day. He was always accessible, companionable, and hospitable, and his own kindness and frankness were diffused among those that met in his room and made a social circle. He could criticize the University sermons freely, raise theological questions, and occasionally lay down the law—a very useful thing to be done in the mass of wild sentiment, random utterances, and general feeling of irresponsibility, constituting undergraduates' conversation."

It is not often that the possession of wealth is a distinct drawback to success in life, but in the present instance there is at least some reason to think that this was the case. When Mr. Golightly proceeded to take the degree of Bachelor of Arts, so long ago as the closing years of the reign of King George IV., he found himself disqualified, by the amount of his private income, from standing for election for a fellowship in his own college of Oriel. He therefore determined to take a country curacy, and to devote all his spare time to the study of theology. With this distinct end in view, he settled down in the pretty little village of Penshurst in the county of Kent. Afterwards he was a short time at Godalming. But he soon found that the peaceful and pleasant life of his village home was not quite compatible with the intellectual intercourse and more severe private study in which he delighted. The noble libraries of Oxford, with their endless resources, were now far away. It was impossible now just to cross the High Street and find one's self within the threshold of the Bodleian. The need of books, as well as the genuine love of Alma Mater, very soon brought back Golightly to that ancient seat of learning, where he had been educated, and where he could easily find congenial society. He settled in one of the curious old houses in Holywell Street, whose low portal was distinguished on the exterior by the sign of a cardinal's hat over the door. There he lived for over half a century, thoroughly enjoying the extensive gardens which stretched away towards the parks at the back of his quaint old tenement. Dean Gaisford had at one time occupied the same house, and there was a tradition that Bishop Berkeley had died there. The peculiar interior was characteristic of the owner. The hall consisted of a fair-sized chamber, handsomely panelled and stained in well-seasoned elm. Near the oak staircase were two wooden columns. The drawing-room was on the left and the dining-room on the right of the western extremity of the hall. The former, well-decorated in white and gold, looked into the main street. The latter, with a very dark paper and hangings, faced the gardens. But the owner of this comfortable residence was really of a