

'Church' ? — in the eye of the law, that is to say, for it has a corporate spiritual existence wholly apart from and above the civil law. To apply an infallible test, how could 'the Church' sue or be sued ? The answer clearly is that it cannot. We may sue the Archbishop of Canterbury, either personally or in his capacity of a 'corporation sole'. We may sue a dean and chapter, we may sue the Ecclesiastical Commissioners, or we may sue the trustees in whom a particular piece of church property is vested. But 'the Church' we cannot sue. Here is clearly an anomaly, a plain instance of legal theory refusing to recognize facts that stare it in the face. Parliament seems to have seen the inconvenience of this when it disestablished the Irish Church, for the Irish Church Act provided for the legal incorporation of a 'Representative Body' in which all the property of the Church should for the future be vested. But nothing of the sort has been done for the Church of England, the essential unity of which is disguised in the law by a number of more or less clumsy expedients.¹

It would be easy to show what lamentably grotesque results our lack of logical theory has

¹ In 1907 the Lower House of the Convocation of Canterbury passed the following resolution: 'That inasmuch as there is no existing body capable of receiving gifts and bequests for the general use and benefit of the Church of England, this House is of opinion that immediate steps should be taken to meet this need.' See also Section I § 6 of the *Report of the Archbishops' Committee on Church Finance* (Longmans, 1911).