THE OFFSHORE ESTABLISHMENT OF RELIGION: CHURCH AND NATION ON THE ISLE OF MAN

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1. ENGLAND AND MAN—INTEGRATION OR INDEPENDENCE?

The public religion of the Isle of Man is protestant Christianity in the liturgical tradition of the English Prayer Book. The religious establishment is headed by a bishop, who has been since 1541 subject to the oversight of the Archbishop of York.[1]

To many people, that is the end of the story. The Island's church is part of the Province of York, and hence of the Church of England.

But the ecclesiastical law and legal history of the Isle of Man, like that of England, shows evidence of a longstanding tension between two virtually irreconcilable ecclesiologies. The one—characteristic of both Calvinism and modern Catholicism—sees the Church as forever distinct from society, a body constituted round its own office-bearers through whom alone Christ's authority is mediated in things of the spirit. This ecclesiology is happy to define the Church of England in terms of episcopal and provincial jurisdictions.

The ecclesiology of Henry Standish, of Thomas Cromwell and Richard Hooker, on the other hand, sees the Church in any broadly Christian nation as an entity fused with society, sharing with the nation one constitution, one set of officers, one internally consistent body of law. This ecclesiology is the one consistent with most of the Tudor religious legislation,[2] as also with many leading English judicial decisions down to Uthwatt J's laconic dictum 'The law is one, though jurisdiction as to its enforcement is divided'.[3]

If, then, one considers things from the standpoint of this second, 'national' ecclesiology, one cannot close one's eyes to the fact that England and Man have never been a single nation. Early medieval Man was a Christian kingdom in its own right. To this day the Island preserves its own customary law.

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Note: Acts and Measures approved by the English or Imperial Parliament in Westminster are denoted in these footnotes by (W); all other references are to legislation approved by Tynwald.

[1] Bishoprics of Chester and Man Act 1541 (33 Hen 8, c 31) (W).

[2] See for instance the preamble to the Ecclesiastical Licences Act 1533 (25 Hen 8, c 21) (W).

[3] *Attorney-General v Dean and Chapter of Ripon Cathedral* [1945] Ch 239 at 245, [1945] 1 All ER 479 at 483.

True, Man was declared in 1399—and has since been treated as—a conquest of the English Crown.[4] The Queen is Supreme Governor of the Island (as she is of England) in causes ecclesiastical as well as temporal. Supreme legislative authority, whatever the topic, resides in the English or Imperial Parliament sitting at Westminster, to which ultimately all insular organs must defer.[5] Yet in its policy toward Man Parliament has always stopped short of that full integration which became the lot of both Wales and Berwick, both once very similar in legal status.[6]

One cannot therefore assume, without careful inquiry, that what is true of England is necessarily true of Man. And at least by the logic of the 'national' ecclesiology, the same must be said of the Manx Church.

2. HISTORICAL ILLUSTRATIONS OF TENSION

In what has been said so far, we see a tension between two views of the Island's ecclesiastical relationship to the Church of England: integration and independence. This paper will go on to discuss five historical points illustrative of this tension, before outlining some principal features of the Isle of Man's religious constitution today.

(1) *The legal nature of the Reformation*

It is true of the Isle of Man, as of other conquered territories, that Acts of the Imperial Parliament are not construed to affect it unless they either say so, or make such an intention unmistakably clear.[7] There is scope for doubt whether even the Tudor Reformation statutes were regarded as doing this.

[4] The declaration to this effect by King Henry IV on his accession, following the seizure of the Island by his supporters from the officers of William le Scrope, last claimant through the ancient Norse line, may not satisfy historians; but it is consistent with the way in which English monarchs, Parliaments and courts have since regarded Man.

[5] The incapacity of Tynwald to amend or contradict applicable parliamentary legislation, long accepted on the part of both Crown advisers and Manx judges, has become the subject of debate during the past twenty years. It has been challenged in *obiter dicta* and the passing of some insular Acts and Measures—for example the Statute Law Revision Measure (Isle of Man) 1994 purports to modify a requirement of *London Gazette* publication in the Church of England (Ecumenical Relations) Measure 1988 (W). But no serious policy challenge has been made, such as would be likely to bring the question before Parliament or the Privy Council for authoritative resolution.

[6] The conquest of Wales by Edward I, and of Berwick by Edward III, left these territories initially in a position similar to the Isle of Man. But English common law replaced Welsh customary law under Henry VIII, and the Scots law formerly applicable in Berwick under James I. Both territories gained representation in the House of Commons, Welsh bishops sat in the Lords, and the process was completed by terminological incorporation under the Wales and Berwick Act 1746 (20 Geo 2, c 42) (W). While a new chapter began for Wales at the passing of the Welsh Church Act 1914 (W), Berwick remains fully integrated with England to this day. None of these later developments took place in relation to Man.

[7] The leading judicial statement of this rule in the Manx context is *Attorney-General v. Harris and Mylrea* (*Isle of Man Examiner*, 13th October 1894).

Despite their sweeping references to 'all other the King's dominions', they contained a number of significant provisions which the Island simply ignored. One example was the requirement of the King's writ for summoning convocations of the clergy.[8] An Island convocation has met regularly since the eighteenth century and possibly before. Another was the transfer of the papal dispensing (and related) powers to the Archbishop of Canterbury:[9] on Man it was the Bishop who granted special marriage licences, and the chief civil officer who admitted notaries.

It thus seems strongly arguable that—as in England—the Manx Reformation should be analysed in legal terms as having been essentially not a matter of new law, but rather a re-assessment (on the part of the governing and preaching classes) of the nation's constitutional and ecclesiastical heritage: the only difference being that, on the Island, this was achieved without the declaratory and supportive provisions of English legislation.

(2) *The Bishoprics of Chester and Man Act 1541*

Central to the integrationist argument is the Bishoprics of Chester and Man Act 1541. This was not one of the parliamentary draftsmen's finer creations; it seems almost certain to have been drawn for a transfer of the newly-created Chester diocese from Canterbury to York, and to have had the Isle of Man inserted into it in one section as a hasty afterthought. That may not reduce its significance, but it does signal a need for care in its construction.

The Act had two very important and generally recognised effects. Firstly, it led to the Manx clergy being represented at sessions of the northern English Convocation, and considering themselves bound by its canons. Since legal prescriptions affecting the clergy have a major indirect effect on their congregations, this was indeed a major step towards keeping England and Man in step. It was to the canons, rather than any other legal authority, that Anglo-Manx consistency in both liturgy and ministerial doctrinal standards should be ascribed.

Secondly, because of this Act any reference to the Province of York in later legislation has been taken to satisfy the test of express extension to the Island. This became critical in 1919, when the constitution of the Church Assembly (including its rules defining the ecclesiastical franchise) were taken to bind the Isle of Man. Today the extent section of many Measures will begin with a provincial reference, even if it goes on to qualify its Manx application by conditions.

In other areas, however, the 1541 Act's effect was very much more contentious. On its face it subordinated the Island to York 'to every effect and

[8] Submission of the Clergy Act 1533 (25 Hen 8, c 19) (W).
[9] Ecclesiastical Licences Act 1533 (25 Hen 8, c 21) (W).

purpose according to the ecclesiastical laws in this realm'. But this wording appeared in a provision relating to Chester, only incorporated by reference into the section on the Isle of Man. To take it literally would undoubtedly prove too much. It would suggest, for example, that Manx testamentary cases could be heard in the Archbishop's prerogative court; that unexercised presentation should have lapsed from the Bishop to the metropolitan; that the Bishop's two Vicars-General should have been commissioned by the Archbishop to continue their functions during any vacancy in the See. None of these conclusions was drawn in practice; and until the nineteenth century the locus of appellate jurisdiction from the Island's episcopal courts was also in considerable doubt.

In short, those who follow the Hookerian or national ecclesiology cannot regard the 1541 Act as effecting wholesale integration without first asking what role Manx customary law did, or did not, ascribe to a metropolitan.

(3) *Relations with Dissent*

One component of English law which, it is generally agreed, had no Manx application was the body of statutes penalising recusancy and alternative religious practice. Nonconformity has always been treated gently on the Island; and for many centuries, perhaps because 'the blood of the martyrs is the seed of the church', where there was no blood there was remarkably little dissenting seed.

From this followed the lack of any seventeenth century Declaration of Indulgence or Toleration Act, or of any sharp decline in the established religion's fortunes thereafter. From this probably followed the continued vigour of episcopal moral discipline, which saw swearers and adulterers doing public penance, and contemnors confined in the Bishop's particularly uninviting prison, decades and more after the jurisdiction became moribund across the water. But from this also, perhaps, when a dissenting movement finally did catch the Manxmen's imagination, came the ability of Methodism to sweep freely across the Island and dominate its nineteenth and early twentieth century popular religious scene.

Today, when agnosticism is probably the dominant feature of Manx religious life, as of English, it is no longer Methodism that leads the religious remnant. The Establishment, simply by sinking less rapidly, has recovered its leading position, with Roman Catholicism in second place thanks to significant Irish immigration. But the Methodist heyday has left a legacy particularly among the leading native politicians, who are perhaps even more likely than their English counterparts to think of the practice of the Island's parish churches as merely one denominational tradition amongst others.

(4) *Insular religious legislation*

What has already been said about the non-extension of certain Westminster legislation indicates one factor that might be expected to push the ecclesiastical legal systems of England and Man further apart. A second factor is, of

course, the possibility of legislation for the Island alone. The magnates who held the Island as tenants-in-chief of Lancastrian, Stuart and Hanoverian monarchs enjoyed substantial rights of government (including patronage of the bishopric), and were not averse to legislating in the religious field. As Tynwald, the ancient law-speaking assembly, developed into a modern legislature, concurring in the ruler's legislation and ultimately initiating its own, it did the same.[10]

During the 1870s a question was briefly raised in Whitehall as to the propriety of Tynwald legislating in the religious field; but precedents were numerous enough for the objection to be rapidly withdrawn. The main relic of this separate insular provision during the nineteenth century dichotomy is now the Church Commissioners for the Isle of Man, a body that originally comprised a majority of Island worthies and a minority of clerics, set up by Tynwald in 1880 to do some—but not all—of what the Ecclesiastical Commissioners were doing on the mainland.

(5) *Westminster legislation in religious matters*

The four preceding points—concerning the Reformation statutes, the limited effect of the 1541 Act, the lack of penal legislation and the independent religious provision made by Tynwald—are all factors that have tended towards divergent development of the churches separated by the Irish Sea. This leaves it all the more important to stress the unifying effect of a fifth historical factor: the tendency of the Church Assembly to include the Island in legislation framed for the Imperial Parliament since 1919, and that of Tynwald during the same period to follow England's lead.

There was initially some confusion over whether the arrangements for the election of an English Church Assembly had any bearing upon the Isle of Man at all, and a Bill was passed in Tynwald providing for a variant electoral mechanism, with a confirmation franchise and no parochial church councils.[11] The insular Bill, however, failed to obtain royal assent, Parliament's approval of the convocations' proposals (which related to both provinces) being held sufficient evidence of an intention to bind the Island.

Since then there have been two schools of thought on the application of Westminster Measures to Man where their extent clause is silent. The Home Office tended to the view that since a Measure has the force and effect of an Act, the same rule of construction must be used to determine Parliament's intent as is used for Acts. The view preferred in Church House is one attributable largely to the late Chancellor Errington, who concluded that in 'spiritual matters' there could be no intention to 'split the Church of England'. Accordingly if the subject-matter of a Measure was 'spiritual' it

[10] Examples are cited in the author's article 'The Independence of the Manx Church', recently published online in *Studeyrys Manninagh* (Electronic Journal of the Centre for Manx Studies, Douglas); http://www.manxstudies.im .
[11] Church Assembly Bill 1924.

would apply to the Island automatically.[12] This was also the basis of a Manx High Court decision, delivered in 1936 by Deemster Reginald Farrant.[13]

It will be clear from what has gone before that, in the author's view, reasoning based on a presumption against 'splitting the Church of England' begs the question of integration or independence. The identification of matters as 'spiritual' is not as simple or uncontentious a task as these two learned judges seem to have thought, and a number of matters for which Tynwald has made provision in the past—on which, therefore, there is no precedent of Anglo-Manx uniformity—were topics traditionally conceived as spiritual.[14] The author therefore suggests that the Home Office view on this question is to be preferred.

The question is rendered largely academic by the fact that the extent clause is now seldom if ever silent. As noted earlier, Measures bind the Island if expressed to 'extend to the whole of the provinces of Canterbury and York'. The modern convention is either to include such a provision without qualification—as, for example, in the Priests (Ordination of Women) Measure 1993—or to allow for the Measure's application to the Island, possibly in modified form, by or under an Act of Tynwald. This latter course is almost invariably adopted; which leads us on to consider the two procedures by which Tynwald 'catches up with' English developments.

The Queen in Tynwald remains the only legislator for the Manx laity in religious matters. But since 1925 legislation has been framed for Tynwald's consideration in an insular Diocesan Conference (which became the Diocesan Synod in 1971), and the application of English Measures to the Island has taken place exclusively on Conference or Synod initiative. Before 1979 all Conference or Synod proposals required to be introduced into the Branches of Tynwald in Bill form and were passed by the usual three-Reading procedure.[15] Since 1979, legislation merely extending English provisions has been introduced into the joint session of Council and Keys known as Tynwald Court and passed by a simple resolution procedure. The term 'Measure' is used, as in England, for legislation consented to in this way.[16]

Measure procedure was extended in 1993 to all legislative initiatives of the Diocesan Synod;[17] but 'Manx Measures' continue to be submitted for the

[12] The Home Office view quoted here appears in its file HO45/16537 (Public Record Office, London); it was stated in early 1928 shortly after considering Chancellor Errington's reasoning, first expressed in an Opinion written jointly with Sir William Kiffin Taylor and F.H. Maughan QC for the Church of England Pensions Board.
[13] *Re Robinson deceased.*, Judgment delivered 30 January 1936. The full text is set out in G.V.C. Young, *Subject Guide to, and Chronological Table of, the Acts of the Parliaments of England, Great Britain, the United Kingdom and of Northern Ireland extending or relating to the Isle of Man (including Church Assembly and General Synod Measures) 1350–1975* (1st edn, Douglas 1978), 13–26.
[14] See 'The Independence of the Manx Church', note 10 above.
[15] Church Assembly Act 1925.
[16] Church (Application of General Synod Measures) Act 1979.
[17] Church Legislation Procedure Act 1993.

royal assent like all other insular primary legislation. The Home Office (since 2001 the Lord Chancellor) co-ordinates consultation with Church House, Westminster, on Manx Measures, and with the insular authorities on direct extension of Imperial Measures to the Island.

3. CHURCH AND NATION IN MODERN MAN

Over the past 125 years, then, the factors just considered have led to both separate and convergent development of Manx and English ecclesiastical law. Certain differences also remain from the two systems' customary roots; since although the *jus commune* of western Christendom was heavily influential in both territories, its rules adopted into the law of Man were not precisely the same, nor were modifications in all respects identical, to those responsible for the ecclesiastical content of the common law of England.

Overall, however, the twentieth century was responsible for convergence rather than separation, and it is understandable that popular terminology now joins Nonconformist and Catholic practice in referring to all Manx Established religious structures, and not only the authorised liturgy, as 'belonging to the Church of England'.

The final portion of this paper seeks to describe some principal features of the Island's ecclesiastical constitution, which now largely reflects this convergence. Nonetheless little will be said regarding features virtually identical to those prevailing on the English mainland. The Diocesan Synod, for example, has a deliberative function very similar to that in mainland dioceses, though its standing committee lacks the supplementary title of 'Bishop's Council'. Its unique legislative role (for which it possesses a smaller pool of expert knowledge than the General Synod, hence is very largely dependant upon official guidance) has been described in the previous section.

Parochial church councils, after being a bone of contention earlier in the twentieth century, are now constituted largely in the English fashion; though it is less common for worshippers' donations to be routed through them (the older vehicle of the incumbent and churchwardens being preferred).

The royal supremacy in causes ecclesiastical can be seen:

- in the legislative sphere, in the giving or refusal of assent to the religious legislation of Tynwald and Parliament;
- in the judicial sphere, in the determination of final appeals from the Manx episcopal courts (which, by virtue of a recent statute, now lie either via the Chancery Court of York to Her Majesty in Council or via the Court for Ecclesiastical Causes Reserved to a royal Commission of Review);[18]

[18] Church Act 1969, extending the Ecclesiastical Jurisdiction Measure 1963 (W) with modifications. Until 1765 the uncertain effect of the Bishoprics of Chester and Man Act 1541 had led to rivalry between the principal insular courts and the Chancery Court of York over appeals from Manx episcopal courts. Neither was, in any event, the final instance: appeals would have lain from the Lord's courts for the Island to the King in Council, and from York to the royal Court of Delegates.

- in the Queen's position as universal Ordinary: it is open to the sovereign to visit the Archbishop of York and the ecclesiastical state and persons committed to his oversight, which would since 1541 include the Manx Church;
- in royal patronage of the episcopal See and the Archdeaconry of Man. This remains a matter of customary law. The rights were granted with the Island to its tenants-in-chief between 1399 and 1827, but then surrendered back to the Crown. There remains in principle no reason why the patronage of an English archdeaconry should not lie elsewhere than with the bishop, but in practice it never does. Appointment to English bishoprics was long ago secured to the Crown by statute.[19]

Thanks to the suppression of various religious houses which surrendered their estates to the English or Scots Crown, the monarch also enjoys the patronage of ten of the Island's seventeen ancient benefices. While Crown livings on the mainland are filled with some care, on the advice of the Lord Chancellor or First Lord of the Treasury after consultations by their Appointments staff, recent practice has been to make Manx presentations on the advice of the Bishop alone. The First Lord still advises on appointments to the episcopal See, assisted as in England by recommendations from the non-statutory Crown Appointments Commission. When considering the Isle of Man this body adds the Lieutenant-Governor and Chief Minister to the other parties usually consulted.

The Manx clergy are, as already indicated, free to govern themselves by canons made in the Island Convocation, but also considered themselves bound by the canons of the Convocation of York, whose legislative authority was transferred in 1970 to the General Synod. The Synod's canons, made with the Queen's assent and licence, may by their control over the conduct of ministers have considerable indirect effect upon the life of the whole Manx Church. A prime example are the canons concerning doctrinal standards and authorised liturgies made pursuant to the Church of England (Worship and Doctrine) Measure 1974.

The parish system resembles that existing in England, and incumbents have similar rights and duties in relation to marriage. The normal number of churchwardens by Manx customary law is four, though German, whose parish church is also the Cathedral, now has six.[20] The churchwardens of the seventeen ancient parishes remain the Island's principal burial authorities, only Douglas having a municipal cemetery serving a cross-parochial area. To assist them in this responsibility they have power to precept upon local rates and a power of compulsory acquisition.[21]

[19] Appointment of Bishops Act 1533 (25 Hen 8, c 20) (W).
[20] New parishes and districts created under nineteenth and twentieth century legislation have only two churchwardens: see generally the Church (Miscellaneous Provisions) Measure (Isle of Man) 1990.
[21] Burials Act 1986.

The ancient parishes still form the basis for the delineation of sheadings (now the Island's largest subdivision, each with a civil enforcement officer known as the coroner).[22] Outside the towns there continues to be a perceptible parochial identity.

In other respects the distinction between civil and ecclesiastical units has become more marked. Units of local government for civil purposes only began to be created from 1852,[23] and are still found only in the Island's four towns and five 'village districts'. Portions of the ancient parishes outside these areas have had civil 'parish commissioners' since 1894.[24] 1880 saw the first provision for subdividing parishes for ecclesiastical purposes only; it also imposed strict controls on pluralities, which began to be relaxed in 1938 as financial constraints started to dictate the sharing of ministry.[25] The English Pastoral Measure 1983 was applied to the Island in 1990. Schemes are made by the insular Church Commissioners; they now require no royal confirmation,[26] but an appeal still lies to the Queen, who determines it through her senior judge in the Island, the Clerk of the Rolls.[27]

Between the Supreme Governor and the parochial congregation, intermediate ecclesiastical oversight now has effectively two tiers, episcopal and metropolitical. Since the whole Island is both diocese and archdeaconry, and the archidiaconal court (with an appeal to the Bishop) was abolished in 1874,[28] the Archdeacon is probably better conceived as an assistant throughout the Bishop's jurisdiction than as a separate instance. There is no archidiaconal stipend and the appointment is always combined with a significant Island living—historically the best-endowed benefice (Andreas) but currently that of Douglas St George. Rural deaneries have only existed since 1880[29] and there were no ruridecanal conferences before 1971, though there are now deanery synods.

The authority of the Bishop in Manx law is now virtually the same, both judicial and extra-judicial, as in English law. His unique special marriage licence jurisdiction is of customary origin but was later confirmed by local statute.[30] We have noted that he was never forbidden, unlike his English

[22] The only civil officer at parish level is the Captain of the Parish, formerly responsible under the Governor for the local militia, and who now summons certain public meetings and may act as a returning officer.
[23] Towns Act 1852.
[24] Local Government Amendment Act 1894.
[25] Church Act 1880, ss 10–19, 39; Church Act 1938.
[26] Church Commissioners' schemes did require confirmation by the Governor in Council until 1983. Interestingly the Church Act 1983 introduced a decade of parliamentary, rather than royal, control over pastoral provision, substituting the Ecclesiastical Committee of Tynwald for the Governor.
[27] Pastoral Measure (Isle of Man) 1990. The first such appeal, relating to the chapel of St Jude in the parish of Andreas, was pending as this paper was being written. The progress of the case may be traced in detail through law reports in the *Isle of Man Church Leader*.
[28] Ecclesiastical Courts Act 1874.
[29] Church Act 1880, s 32.
[30] Clandestine Marriages Act 1757. See now the Marriage Act 1984.

counterparts, to summon clerical convocations on his own initiative: local canons have been made for the Island's clergy from time to time, and in 1703 Tynwald confirmed a body of these, making them binding on the lay population. The same Ordinance required the Island convocation to become an annual event on the Thursday in Whitsun week.[31]

The most unique feature of the Bishop's position is his place in the Legislative Council, the upper Branch of Tynwald.[32] This role rests on a very different basis from that of the English lords spiritual, who joined the medieval Great Council (both bishops and abbots) primarily in right of their considerable landholdings.[33]

The Isle of Man had no legislature in the modern sense before the seventeenth century, when both the Keys (a body of respected citizens from across the Island) and the Lord's Officers claimed the right to concur in new laws made by the Lord.[34] This was roughly the time when the Bishop, Vicars-General and Archdeacon all joined the temporal Officers to make up the Council, not because of their economic status (which the lesser ecclesiastics after all lacked) but as educated persons with important parts to play in Island life. There may also have been a perception that the religious aspects of lawmaking needed ordained participation.[35]

In the early twentieth century, sectarian and nationalist feeling combined to demand the removal of the Bishop's ecclesiastical colleagues from Tynwald. The Bishop himself survived the purge,[36] and has indeed retained his voting membership even while all other ex-officio voting members of the Council have been replaced by indirectly-elected popular representatives.[37] Pressure to complete this process of constitutional change has seriously threatened his position on two occasions, in the early 1980s and in 1999–2000; but two typically Manx sentiments have so far combined to defeat the proposals.

One has been the Islanders' instinctive conservatism on issues perceived as 'moral', which extends well beyond regular worshippers and has supported the view that a religious or 'moral' viewpoint should find expression in the

[31] Convocations Ordinance 1703.
[32] The author has collaborated with Dr Peter Edge of Oxford Brookes University on a research project considering the Bishop's role in the Manx legislature from all angles. A full report on the project is expected to appear in early 2003.
[33] Although the Bishop is indeed a 'baron' of the Island (see the Lord's Rents Purchase Act 1913), there is no evidence that he ever participated *in lawmaking* in this capacity.
[34] Tynwald is of course an ancient institution, but not as a forum for the making of new law. The historic role of the Deemsters and Keys was to 'speak' the customary law and apply it to current cases.
[35] This is a surmise based upon the date of the first recorded concurrence of ecclesiastics in legislation, which took place in 1637. James Stanley, Lord of Man (himself holding a high view of 'church' authority) was a close supporter of King Charles I who was himself at that date committed to the governmental views of Archbishop William Laud.
[36] Isle of Man Constitution Amendment Act 1919.
[37] The further changes were made by the Constitution Acts 1961 to 1990.

legislative task. The second has been the fear that if loss of the Bishop's legislative role were to persuade the authorities in Westminster to rationalise the Island See, with its very low figures of clergy and worshippers, out of existence, something historically Manx would be lost and mainland influence enhanced.[38]

Customary law allows the Bishop to appoint two judicial representatives in place of the single English official principal. On Man the style Vicar-General is preferred, though 'Chancellor' is not incorrect. In 1845 the British Treasury agreed to commutation of judicial fees for an annual public salary, but the Home Secretary's price for recommending this was the Bishop's agreement to appoint only one Vicar-General in future. Though no longer bound by this agreement after the system of fees was restored in 1921,[39] no Bishop has since reverted to a dual appointment. There exists a Registrar, with duties similar to English registrars. The enforcement and process officer corresponding to England's diocesan apparitors was the Sumner-General; but uniquely the Island also possessed the office of parish sumner, the arm of the ecclesiastical law thus extending even to the local level.

The Vicars-General enjoyed both a wide jurisdiction in matters now considered 'civil' (including, for example, suits to recover debts owed by decedent estates) and more direct powers of coercion in 'spiritual' causes than their English equivalents. We have already noted the late disappearance of public penance; the contumacious and excommunicate could also be confined forthwith in the Bishop's prison on St Patrick's Island, without the need for England's laborious process of *significavit* and Chancery writ. In 1736 Tynwald replaced this by a fixed term of imprisonment to accompany excommunication, and a 'writ of contempt' in the event of contumacy.

Matrimonial, testamentary and guardianship jurisdiction was transferred in 1884[40] and now resides in the Manx High Court. Bastardy suits remained with the Vicar-General until 1921. The High Court's matrimonial jurisdiction did not originally extend to dissolution of marriages, which remained a matter for Bill procedure in Tynwald until 1938.

In 1969 the modern English system of diocesan jurisdiction was applied to the Island, along with rights of appeal that finally put to rest any controversy

[38] This later concern—though far from fanciful, as the short-lived union provision in the Ecclesiastical Commissioners Act 1836 (6 & 7 Will 4, c 77) (W) showed—had arguably more basis as a genuine threat in 1982 than in recent years. The Bishop's stipend and expenses are now virtually the only area of financial subsidy from the English Church to the Island, and its current prosperity suggests that the Manx could even cover these if need be. Under the Dioceses Measure 1980 the Manx Bishop's consent would be necessary to unite his See with another; and although there have been recent suggestions that this requirement be lifted, it is unlikely that a Measure framed in Westminster for this purpose would proceed to royal assent if it provided for direct extension to the Island in the face of a Tynwald petition to the contrary.

[39] Isle of Man Judicature Act 1921.

[40] Ecclesiastical Civil Judicature Transfer Act 1884.

about the jurisdiction of York. Besides the consistory court, however, the Island retained its ancient 'chapter court', in which today the Vicar-General admits churchwardens to office (an archidiaconal task in England).[41]

Since 1541 the Archbishop of York has been metropolitan of Man as well as of northern England. The contention as to the exact implications of this provision covered appeals, lapse of presentation and oversight during episcopal vacancies; all matters that, thanks to recent statutes, are either provided for or no longer arise.[42] The Island's clerical representation in the General Synod consists of its Bishop, Archdeacon and proctors in the Convocation of York.

There are probably no surviving royal peculiars. It was contended in the early eighteenth-century that the Lord's official residence, Castle Rushen, was exempt from episcopal jurisdiction, as were the household and garrison residing within it. Though denied by the then Bishop, this claim was probably justified, by analogy with the peculiar status of royal palaces on the mainland. But Castle Rushen has long since ceased to house either ruler or Governor, and was transferred by the Crown to the statutory Government Property Trustees in 1929.

Two non-parochial churches had been erected with public funds, the Government Chapel of St Mary in Castletown in 1698 and the Royal Chapel of St John on an ancient church site adjoining Tynwald Hill, geographically in the parish of German. By the close of the nineteenth century the Governor had moved to Douglas and there was no justification to pay a chaplain in Castletown from the Island revenues. St Mary's was transferred to the Church Commissioners in 1921[43] and became the church of a parochial district until sold in the 1980s.

St John's is a more complicated case. Custom sanctioned the Chapel's use both for divine service before the promulgation of laws on Tynwald Hill, and for sessions of the legislature (normally held immediately after the annual ceremony). The Act of 1921 which abolished the chaplaincy at Castletown did the same for St John's, and allowed the Church Commissioners to allocate a parochial district and a minister to it; but it reserved Tynwald's rights and did *not* alter the ownership of the building. Without sight of title documents the author cannot be sure, but suspects that the Chapel passed with the Hill to the Government Property Trustees in 1929 and is now vested in a statutory government department. If not strictly a peculiar, it is clear that neither the Bishop nor the district incumbent can forbid the building's use for Tynwald purposes and doubtful how much control, if any, they could exert over any service held there by the legislature's direction.

[41] Church Act 1969, s 1.
[42] Church Act 1969; Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992; Patronage Measure (Isle of Man) 1997.
[43] Government Chaplaincies Act 1921.

In practice amicable relations prevail. At times St John's serves a 'national' role comparable to Westminster Abbey in England, the Governor and other insular dignitaries attending acts of worship like the memorial service following the destruction of the World Trade Centre in 2001.

The Island's Cathedral Church, finally, derives its status and constitution from local statute. The original building on St Patrick's Island having fallen into ruin, the Bishop's palace chapel was designated as a pro-cathedral by Tynwald in 1893. A Chapter was incorporated, presided over by the Bishop and comprising four Canons appointed by him.[44] The canonries, carrying no stipends, are now held by the Archdeacon and serving incumbents. Their stalls are now in the parish church of German, which was substituted as the Cathedral in 1980.[45]

[44] Church Act 1893.
[45] Cathedral Church Act 1980.