

The Church Times.

HALIFAX, SATURDAY, OCTOBER 25, 1856.

DIOCESAN ASSEMBLY.

Our last week gave an outline of the proceedings of the D. U. S. and the Diocesan Assembly, comprising the Bishop's Address to the latter, at some length. We stated that it was an imperfect sketch, having been prepared from hasty notes, and there was not time to submit it to revision before going to press. Amongst some mistakes that have been pointed out, we call attention to the following. His Lordship is represented as saying that only eight clergymen had objected to the Assembly, whereas what he did say was, that "of fifty-eight parishes or districts entitled to send Representatives, including P. E. Island, only eight to the best of his knowledge and belief, had objected either to the Assembly or to its Constitution, the reason given in other cases where no election has taken place, being either distance, or inability to bear the expense, or in such districts the impossibility of electing a suitable person from amongst the few communicants." Of the clergy we believe it may be said, that not more than four have opposed the Assembly since its constitution was settled. As our readers will probably desire to be acquainted with some of the Resolutions proposed, and with the arguments used to sustain them, we shall give the former, and as much of the substance of the latter, as we can furnish from a few more of our imperfect notes.

The Bishop introduced a series of Resolutions prepared by the Business Committee, and explained that the object was to have the matters to which they referred, discussed during the present meeting of the Assembly, leaving the final action upon them until its next general meeting.

The Resolutions were read. The first is as follows:—

"Whereas Prince Edward Island is not part of the See of Nova Scotia Proper, so called, being only placed under the jurisdiction of the Bishop of said Diocese during the royal pleasure; and

"Whereas in consequence of the great distance of the said Island from the City of Halifax, the Clergy officiating therein have always been excused at the Visitations held by the Bishop of Nova Scotia, and they cannot therefore be expected to attend at the meetings of the Diocesan Assembly; and

"Whereas the laws affecting the Church of England in the said Island differ from those in the Province of Nova Scotia, and consequently the regulations suitable for the said Province may not be adapted to the Island.

"Resolved—That it is not expedient to include the Clergy or representatives of the Laity in the Assembly of this Diocese, so long as the above mentioned impediments shall continue to exist, and that no Clergyman or layman be henceforth entitled to a vote under any licence to officiate, or as a representative of the laity of any parish in the said Island of Prince Edward.

The Bishop thought that perhaps it would be better that the resolution should take effect, and enumerated some of the obstacles which would interfere with any attempt to unite the Province and the Island under one system, the different position of the Church in P. E. Island with relation to the State—the inconvenience to which its clergy who have always been excused from attendance at the Visitations, would be subject in attending the Assembly in this Province—the fact that they have no legally constituted parishes for Ecclesiastical purposes—the different time at which by Law they held their annual meetings, so that they cannot elect according to our rules—the probability that the Law affecting the Church in this Province would not at all times be adopted by the independent Legislature of the Island, so that regulations sanctioned by the law here might be illegal there. Upon all these grounds he thought it would be better to separate P. E. I. from the Diocesan Assembly of Nova Scotia. The Resolution would not however have an immediate effect—it might if they pleased, be rejected altogether—but if sustained by a majority, according to the rule of the Assembly, it would lie over until the next meeting, when if passed by two-thirds of those present, it would remain in force.

The Resolution was then moved by Mr. Tupper, seconded by Mr. B. Smith.

Mr. Fairbanks was of opinion that they should not reject the Resolution altogether, altho' he would not be willing to confirm it unless proved to be unavoidable. He referred to objections that had been urged against the Synod, and to the belief entertained by some that it was necessary to its existence that it should be sanctioned by the legislature. He denied that there was any necessity for legislative interference, and claimed for the members of the Church a substantial right to meet and consult for its interests. He instanced the conventions of the Church in the United States which were authorized by law but which were

of their natural privilege. Any body of Christians possessed that right, which could not be disputed, and he would rather they should exercise it than apply to the Legislature with a view to its confirmation. He did not agree with another class of objectors who feared that the power of the Bishop or that of the clerical branch would be increased through the action of the Assembly. He would, however, treat the opposition that had been made to the Synod with every degree of respect, and hoped it would soon give way to better feeling. His experience in other parts of the Diocese had taught him how much good might be done by the diffusion of the lay influence, and he trusted they would all unite to promote a good cause. Some modification of the rules of the Synod might be arranged if any portion proved objectionable, although he was not at all apprehensive that any power with which the Bishop was invested could ever be improperly exercised under its constitution at present established. With reference to the Resolution, he thought that no hasty course of action should be adopted, and that opportunity should be afforded to the Members of the Church in the Island to confer with us, and they might be able to devise some means by which they might derive benefit from the union. He proposed that a Committee be appointed to confer with the Church in P. E. Island upon the subject.

The Bishop here explained with reference to the feeling in P. E. Island towards the Synod, that, so far as he could judge, with one exception, all the clergy were in its favor. At the same time they were of opinion that the inconveniences attending their union with it were so great, that it would be advisable to separate the Island from its jurisdiction.

Mr. B. Smith made some pertinent observations in favor of the Resolution.

Mr. Fairbanks thought it possible if they affirmed the Resolution that it might interfere with the question that would come before them with reference to the trial of offending clergymen, if any case should ever occur in P. E. Island, as part of the Diocese of Nova Scotia.

Rev. Mr. Bullock explained that the Resolutions of the Business Committee were only to be treated as motions for discussion, which could not be decided for the next two years. The free discussion of other questions would not therefore be affected. There would also be sufficient time for the clergy and laity of P. E. Island to decide upon the most beneficial measures to be adopted.

Col. Gladwin would desire to have an expression from the Diocesan Assembly of their regret that the measure of separation was necessary, there being a considerable portion of our Church in that part of the diocese, with whom it would be advisable to be in union, if it were possible so to do. With regard to the inconveniences of travel, he thought that might be greatly obviated by having the meetings of the Assembly in the middle of the year instead of October. It appeared to him that every possible endeavor should be made to induce them to join in the deliberations for the welfare of the church. As to legislative enactments in favor of Synodical action, he was not at all satisfied that it was needed, or that it would be of any benefit. He did not think that any dependence could be placed upon the legislature to do justice to the Church, and as their right to assemble and make regulations for themselves could not be disputed, he would like that for the present at least that they should not apply for legislative sanction. He would first test their own capacity to govern themselves, leaving legislative action as a dernier resort. He saw no safety for the Church against her opponents except by uniting all her members, and with this view he hoped that some Resolution that would retain those in P. E. Island in close connection with us should be adopted.

Mr. Tupper, the mover of the Resolution, agreed with the previous speakers in the propriety of an expression of regret that such a resolution should be necessary; at the same time he argued with much force, that for the reasons stated it was advisable that it should pass.

Several clergymen and laymen freely expressed their opinions upon the resolution, chiefly in favor of affording the clergy and laity of the Island every encouragement to participate in the business of the Diocesan Assembly—and the notice of motion was then carried.

The Bishop stated that the Business Committee had been careful not to bring before the Assembly any matters affecting the laity, who were not quite unanimous in their desire to be represented in it—altho' he was satisfied that it would not be long before there would be a general expression in its favor. They had confined their labours to matters affecting the position of the Clergy, who had with very few exceptions, manifested their approval of its proceedings.

His Lordship then, in the name of the Committee, introduced a series of Resolutions relative to clergy discipline, and for regulating the trial of offending clergymen, and explained that they were based partly upon the ecclesiastical law of England, and partly upon the law of the Church in the United States.

Rev. Mr. DeBlois asked whether if under the Resolutions a charge were made by any person not a member of the Church, against a Clergyman, it would be received by the Bishop.

His Lordship thought it would depend upon the discretion of the Bishop whether to proceed or not upon a charge so made.

Mr. Arthur Cochran asked, if under the Resolution, the first Commission appointed to examine into the charges preferred, declared them unfounded, whether his Lordship if dissatisfied with their report, would then think it right to persist in the proceedings.

His Lordship thought it was not likely that any Bishop would place himself in the position of appointing Commission after Commission, unless the charges were repeated or the scandal continued, and that the case would be dismissed.

After a variety of observations by both clergy and laity, affirming the necessity for some action upon the Resolutions, it was moved by Rev. Mr. Arnold, seconded by Rev. Mr. Elliott—That it seemed good to the Assembly that some regulations should be adopted for the trial of offending clergymen.

A discussion ensued as to whether the Report of the Committee should be adopted, or the opinion of the Assembly expressed in the Resolution just proposed, should be taken as the basis for future action.

The Bishop stated that until the Assembly had decided upon some such resolutions as those which had been laid before them, he would still feel himself bound to act according to the best of his judgment on any complaint against a clergyman that might be brought under his notice. He referred to the opinions which the Bishop of Newfoundland had obtained some time since from Sir F. Theisiger and Dr. Phillimore, on the power of the Bishop to punish by suspension or deprivation, upon sufficient proof of the guilt of any of his clergy. He would certainly however prefer to have the benefit of their assistance, and to act by certain rules which might be laid down for guidance in these matters.

Rev. Dr. Shrovo asked if the meeting were bound to receive the report of the Business committee, and whether they might not act of their own motion in so important a matter.

Mr. Fairbanks said they were bound by no proceedings that were not sanctioned and passed by a majority of the Assembly. But if they did not pass the resolutions, and it ever became necessary for his Lordship to take cognizance of clerical offences, it would be found that the law of the land would bear him out in his authority; for there could be no doubt that when this country was settled, the people brought with them from the Mother Country as much of ecclesiastical as well as of the common law of England, as was applicable to their circumstances. He thought that a clergyman should be tried by his peers. They were met to establish principles for their future guidance as well as for the present regulation of Church affairs. The power which was vested in the Bishop was for the good of the Church, and he would like to see his Lordship's patent in the possession of every Churchman, that they might understand its nature and extent.

The motion was passed by an unanimous vote of the laity—of the clergy there were three dissentients.

A further motion in amendment, proposed by Rev. Mr. Arnold—That the Preamble and resolutions of the Business committee upon this subject, be considered clause by clause, and that the particulars agreed upon be afterwards printed for further consideration, was passed, and the Assembly adjourned.

The Assembly met again pursuant to adjournment, and an interesting discussion ensued upon the several clauses of the Report, which last was directed to be published.

The following Resolution, bearing upon the previous discussion relative to Prince Edward Island, was passed.

Moved by S. P. Fairbanks, Esq., seconded by C. B. Bowman, Esq.

"Resolved, That a Committee of three clerical and two lay members be appointed to co-operate with his Lordship the Bishop, and to confer with the Clergymen of P. E. Island, as to such terms of union with the Diocesan Assembly as may be convenient for them to enter into, and as to the removal of any obstacles that may exist thereon, and that the Committee be authorized to communicate this Resolution to the Clergymen of that portion of the Diocese.—And further, that the said Committee be authorized to watch over the interests of the Church in respect to any Legislative measure that may be proposed during the recess of this Assembly, and to take such steps relative thereto, as may be considered by them necessary and advisable."