

Monday morning, with the understanding that the canon on the succession of the Metropolitan be first taken up.

The Rev. PROLOCUTOR then pronounced the benediction.

FIFTH DAY.

The delegates to the Lower House of Synod assembled in the Synod room at ten o'clock on Monday morning, when the meeting was opened with prayer by the Rev. Prolocutor. The clerical secretary then read the minutes of the proceedings on Saturday, which on receiving a few corrections were duly approved.

NOTICES OF MOTION.

A number of notices of motion were handed up.

COURT OF APPEAL.

The very Rev. the DEAN OF MONTREAL now, accompanied by the committee appointed for the purpose, carried to the Upper House the amended canon on the Court of Appeal. The Dean said on returning to the Lower House that their Lordships stated they would take the amendments into their consideration, and report their decision to the Lower House.

SUCCESSION TO THE METROPOLITAN SEE.

Hon. Justice McCORD moved that the canon framed by the committee on the Metropolitan See be now received, and considered clause by clause. He said as chairman of the committee appointed to draft this canon, he would now read it to the House—(published by us in our last). Though the matter in question was of great importance, nevertheless it had been condensed into a very narrow compass. The committee consisted of two lay and two clerical delegates from each diocese, forming twenty in all, and he was happy to say that out of those twenty, nineteen met, and that the great majority assented to the canon now submitted. The whole question was involved simply in this: by the letters patent the Bishop of Montreal and his successors were declared to be Metropolitan in this Province. Those letters patent, as worded, had seemed to settle the matter entirely. On application to Her Majesty, however, she had been pleased to alter the patent so as to permit this House, if it saw proper, to alter the succession. This was the question before them to-day. The speaker thought there was not much difficulty in proving that fact, and to support his view read the clause of the patent appointing the Bishop of Montreal and successors Metropolitan, "subject to such rules, regulations and canons as shall and may be made in respect thereof by the bishops, clergy and laity of the Church of England and Ireland in Canada, under the said recited act." The first portion of the clause related to the appointment of the Metropolitan, and the second gave this House power to alter the succession. The House had now to decide as to its views on this important subject.

Hon. J. H. CAMERON rose to second the resolution. The canon reported by the committee was one which, after a great deal of consideration on his part, he believed applicable to the best settlement of the difficulty which they all felt encompassed the subject now under consideration. It had been urged, both in the committee and out of it, that by the letters patent themselves had been fixed the Metropolitan See; and that, therefore, whatever right they had to deal with the succession to the see, they had no right to touch the see itself. He thought those who held that opinion might search in vain through the letters patent from the commencement to the

end without finding one single word which stated that the Diocese of Montreal was the Metropolitan See. It was ordained that the Lord Bishop of Montreal should be Metropolitan Bishop, but there was not a word to the effect that Montreal should be the Metropolitan See. Apart then altogether from this view, he would be glad if any delegate could point out to him any where in the letters patent any statement that the diocese of Montreal should be the Metropolitan See.

Mr. E. CAMERON here stated that in the clause of page three of the letters patent, the hon. gentleman would find such a statement, where the words occurred—"being placed under the said Metropolitan See of Montreal."

Hon. Mr. CAMERON continuing, said even these words were not sufficient for the purpose of proof. What he wanted to know was was it in any clause ordained or declared that the diocese of Montreal should be the Metropolitan See?

Mr. HURON—Yes, in the second clause it is stated—"And we will and ordain that the said Bishops of Quebec, Toronto, Huron, and Ontario, and the bishops of any other See that may hereafter be erected in Canada respectively, shall be suffragan bishops to the said Lord Bishop of Montreal and his successors."

Hon. Mr. CAMERON—Where was there a word saying "we will and ordain that the Diocese of Montreal shall be the Metropolitan See of the Province of Canada?" Mr. Cameron now read the recital of the patent to support his view of the matter, and the clause at the top of page five of the letters ending with the following proviso:

"Subject, nevertheless, as to the succession to the Metropolitan See to such rules, regulations and canons as shall and may be made in respect thereof by the members of the Church of England and Ireland in Canada under said recited act." If the Bishops of Montreal was always to be the Metropolitan See, where was the use of giving them any power over the succession? There was no use in giving them power over the succession if they never could elect any other Bishop Metropolitan but the Bishop of Montreal. They had, therefore, the power over the succession. If the Crown had intended the Bishops of Montreal to be always Metropolitan, there was no necessity for saying a word about the succession. He maintained two things were required in the letters patent to give the power to the Diocese of Montreal contended for. First, there was no clause in the patent prescribing that the Diocese of Montreal should be the Metropolitan See; and second, if there was, the fact of their having power to deal with the succession showed they had the power over it. They had the right to deal with it, the right not merely upon reason but upon authority—that of those in a position to be the Crown's legal advisers. The latter had declared that the powers of the Crown were as to the succession subject to our decision; and further, "that the said several powers and authorities are subject to the rules, regulations, and canons the said general assembly may, from time to time make under and by virtue of the said recited act." The law advisers of the Crown declared that all powers having been conferred upon the assemblies of the church for the purpose of making canon—that ecclesiastical law and constitution required, that no power they can exercise can by virtue of the Queen's prerogative be overridden,—that their will was supreme in matters concerning the church, they being convened "for the general management and good government of the church." After the synod act was passed it was said that Her Majesty was advised by a large section of her cabinet not to as-

sent to it at all; and he (Mr. Cameron) had remained six months in England striving to obtain that assent. A cabinet minister was reported to have declared that if Her Majesty gave her assent, any minister so advising her would be liable to impeachment. He had been requested to draw up a memorial on the subject, with which he complied, and in which he set forth the constitutionality of the act, maintaining the right of the Queen to assent. Some of the law officers of the Crown declined to advise the signing of the act, but the Judicial Committee sanctioned it, and to that we owe it that we have the power of dealing with this question under the act and framing that ecclesiastical constitution which we were in want of before. After a thorough investigation of all matters and a long consideration of them, the act was finally assented to; every point that could be thought of or suggested by the law officers of the Crown, had been looked into, and the result of the opinions of those officers since had been that as an ecclesiastical assembly they (the Provincial Synod) had the power to deal with matters according to their own desires so long as they did not interfere with the rights guarded by the Provincial Parliament, or act in any way against the canons recognized by the Imperial Parliament. Every power which could be given had been given them, and therefore it was that they had the power to abrogate and annul the exercise of any of the authority vested by prerogative in Her Majesty, and which she had given them the right to exercise. By reason and by authority, then, were they empowered to deal with the Metropolitan succession. They were told by some that the Metropolitan being appointed by the Crown when it had the right to exercise that power, and before ever the Provincial Synod met at all, the Synod had no supreme jurisdiction in this matter. Every one of the powers and all the authority in connection with this matter were subordinate to the powers of this Synod, or there was no use in their sitting here at all, in fact they had no right whatever. But if they had the election of their bishops, and could determine who was to sit over them in the councils of the church, would any one say they could have this higher power and not have the power to determine where should be the Metropolitan See? The invariable practice of the Primitive Church with regard to the sees of bishops and archbishops was not fixity in one position. A large portion of the church in Africa never had a Metropolitan See, and when they found an exception in any portion of the ancient church, they had a right to look at that exception, perhaps but showed the general rule, but at the same time it shewed also that exceptional circumstances justified exceptional cases. The bishops of the Scottish church did the same thing this canon proposed we should do—they elected their own primate, and this church was nearer the Canadian branch of the church in its constitution than any other portion of the Episcopal Church, electing their own bishops, and being a voluntary church, entirely separated from the State, and having power to make their own regulations, they were a voluntary association of members of the Church of England in Scotland. So they (the Canadian branch) had a distinct existence in the present day and would stand, by that canon, in the same position, with regard to the points referred to as the Scottish church. The speaker here explained the reason for the fixity of bishops and Metropolitan's Sees in Great Britain. Those offices formerly included an extensive temporal jurisdiction, and contained with regard to England not merely spiritual jurisdiction but temporal power, and thus bishops of the church were barons of the