them And it is, in my judgment, unnecessary that they. should. There are certain great principles of justice, which when faithfully applied are abundantly sufficient.

Mr. Duncan.—I am obliged for this infomation—otherwise I should have been totally at sea. The subject of this canon has long engaged my attention, and the propositions I am going to submit embrace the views of many. They have been submitted to several Bishops, and met their approbation.

The question is whether, when the highest judiciary of the Church meets to determine questions under her general laws, whether it shall have rules of evidence to guide it? It is not a novel idea. We see the same thing in civil matters. The Supreme Courts of the States and our federal judiciary are all governed by rules of evidence. It is not therefore, either impracticable or inexpedient to provide them: and yet questions of local law may be safely left to the discretion of the local tribunals. And althongh in this case the decisions may be various, that will not affect the integrity of those tribunals. The Dioceses have, in many cases, legislated for themselves in this matter. It is not intended to touch their provisions. The proposed canon refers only to the proceedings of the Court of Bishops. Now, is the law of evidence such, that that court can safely and wisely proceed under it? I would not allude to a case that may cause excitement, but would refer to what lawyers call "a case in the books," in order to show the necessity of some alteration. When that court was last in session, its members felt and expressed the difficulty. They felt themselves governed by different rules of evidence. Is such a condition of things right? Is it just to the defendant? I think not. In such a case the defendant may be sacrificed to the conceptions of his judges. We need a canon that may guide the court, obviate this difficulty, and bring them to a conclusion, after having travelled the same course and taken the same views of law. In order to show the confusion of the law, and the injustice which may result from it, let me call the attention of the House to what one of the judges (the Bishop of W. New York) said on the occasion alluded to. "It must be admitted," he remarked, "that the canon is defective—that it leaves unsettled and even untouched many important points. It fixes no rule as to the number of witnesses necessary to establish any point, no limitation of time within which it is lawful to bring forward charges, it even leaves it dubious whether the presenters may not be of the court, provides no right of challenge, no penalty for witnesses who refuse to attend, and we are left to grope our way in the dark."

Now, sir, shall we leave them thus to grope their way amid darkness, when we have it in our power to shed light on their path? This is a favourable time when there is no case in prospect. I trust there will never be another. I hope the court may never be called together again till the resurrection morn. But it may be. And therefore it is wise that we do not leave them in the same perplexity and at liberty to legislate on the subject. Bishops have been consulted, and they prefer that action on this matter should emanate from this house. It might not be seemly for them to originate the mode by which they may be themselves hereafter brought to trial. There are several difficulties connected with the present canon. The time in which it shall be lawful to hear accusations against an individual after the criminal act has been committed is not fixed. It ought to be. I have inserted three years. The Presbyterians limits such time to one year. Without such a limitation a defendant may be sacrificed. An accusation may be kept until the witnesses are scattered or gone to their own final account, and then brought forward. And especially is this needed in our country. We are a moving people, and the witnesses to any transaction are scattered where it is impossible to collect them. Then as to the rules of evidence, what could be safer than to adopt that of the State. This may involve some disadvantage, but a disadvantage far inferior to that incurred by putting a defendant on trial under rules of evidence different from the only ones which he can be supposed to know, those adopted in the State where he resides. Nor can there be any real difficulty arising from the diversity of those laws. The Supreme Court of the United States is in such a category. It gives and rightly gives sometimes on the same day, directly opposite opinions under the precisely same state of law and fact. And why? because they arise in different States where different laws of evidence prevail. And they do right, because all men are supposed to know the law which is in force in the State where they reside. The court must, where the alleged crime has been committed, ascertain both the law and the facts. In this, is there any safer guide than the law of the land? I may think not, and my legal friend from Md. may think not. But if that should not be the general opinion it will be easy to fix some other rule. I want the rule determined. I want to hang up lights upon the outward wall of the Church, that there may hereafter be no groping in the dark. Let us suppose a case, an A B case under the present state of things. A court is held, and a case tried. Bishops A, B and C say we cannot think the respondent guilty because there has not been presented, what in our opinion, is sufficient evidence. Bishops D, E and F say your views of evidence are no rule for us. We think there is abundant evidence. What is the result? The weaker party is virtually put off the bench. Whereas, if some rule had been fixed upon beforehand, who does not see that the judges would, in all probability, have come to the same conclusion? Here then is a fair field for legislation.

Mr. D, then read his canon, entitled a 'Canon Supplementary to canon 3 of 1844, of the trial of Bishops,' and which provides—

1. That no alleged offence of longer date than three years' standing shall be a subject for trial.

2. That the rules of evidence shall be observed by the court, which are observed by the civil tribunals of the State in which the trial is held.

3. That the name of any known person in the city where the trial is held, or within twenty miles of it, who being summoned as a witness, shall refuse to appear, shall be reported by the Court to the Rector of the Parish to which he or she belongs, and if the person be a communicant of the church, the Rector shall proceed at once to strike his or her name from the list of communicants.

He moved, in conclusion, that this canon be referred to the Committee on Canons.

Mr. Evans of Md.—The canon now produced contains matter different from what had been before the committee on canons. That, however, has nothing to do with the law of evidence. The idea that we are to declare that the laws of evidence prevalent in the State Courts is to controul the evidence before our Ecclesiastical Court, involes us in a practical difficulty. And it arises from the simple fact that the Court is to be composed of *Bishops*, not lawyers. But another difficulty in referring to the laws of evidence adopted by the State, is that those rules are not such as are properly applicable to the subjects likely to come before our Ecclesiasticle Court. Different laws prevail as connected with peculiar subjects. The common law courts bave one rule of evidence, court of Chancery another, courts martial another. And, in fact, the question in the trial to which reference has been made, was not between the rules of this or the other State, but between the rules of the common law and those of the canon and civil law. And that is what we have to settle. And it is because of this case behind, which is too recent for us yet to consider as we ought, that I for one thought it not prudent to entertain the question now. The question of evidence there raised has become a party question, and we are not competent to decide it, and especially to do it indirectly. I do not think that we have in the rules of common law, the best rules for our purpose. I think for our courts the rules of the canon or civil law are best. And in many States two rules of evidence prevail. The common law courts have one, the Chancery Courts another. Which of these is the court to adopt? Hence the proposal after all is not practicable. But the whole subject matter will come before this committee. The gentlemen will find on p. 68 of the journal of the last General Convention a canon reported covering this whole ground, and on p. 100 he will find it referred to this Convention.

Mr. Williams, of Va.,—could not consent to the limitation proposed by the gentleman from La. It should run, not from the time of committing the alleged crime, but from the time it became known. He thought the gentleman from Maryland mistaken in the assertion, that there were two laws of evidence prevalent in any State. There was but one set of rules, in any State, regulating criminal trials. And these rules made the clear testimony of one unimpeached witness enough to convict: and would the Church adopt a different rule?—Would they determine that a man might lose his life under a judicial process on the testimony of one witness, and yet that there is something about a Bishop which shall screen him from the effect of crimes testified to in like manner? If any thing were likely to bring the Church into disrepute in our land, it would be the adoption of such a principle. What is the object of evidence? It is to convince the mind. And when testimony sufficient for that end is produced, the demands of justice are satisfied.

Rev. Dr. Atkinson thought there was much good sense in the remark of a Rev. delegate from Western New York, about the danger of protracting our sessions to an interminable length if we entertain and discuss every proposition brought before us. He would therefore do what he would not otherwise do, and with the greatest respect for the gentleman from Louisiana, he would move to lay the whole matter on the table.

The motion was carried, and then the house took a recess.

AFTERNOON SESSION.

Monday, Oct. 7, half-past three P.M.

The house re-assembled.

Judge Chalmers moved that it be referred to the committee on canons to enquire into the expediency of so amending canon 2d, of 1847, as to require that the call of a special meeting of the House of Bishops therein provided for, shall be made within a *reasonable time* after the application by five Bishops to the Presiding Bishop. In the year 1847, he remarked, the General Convention passed the canon referred to, for the purpose of admitting a modifieation by the House of Bishops of a sentence of suspension. It provides for a call of the House for this purpose, by the Presiding Bishop acting at the suggestion of five other Bishops, and that the time shall be fixed at a period not less than three months after the request shall be made. It appears at once that great caution had been intentionally used to avoid premature action, and to secure a full meeting. It had been thought that a well known principle of law would limit it on the other side. That principle was that when a thing is commanded, it must be done in a reasonable time. The history of the Church since the adoption of this canon has made it manifest that the interpretation which has been given it, is different. In February last, an application was made to the Presiding Bishop to convene such a meeting, and he called it for the first of October eight months after. Now the question is, shall we correct this interpretation? It was the sense of the Convention that passed the canon, and it ought to be the sense given to the canon, that not more than a reasonable time is to elapse between the request and the period fixed for the meeting. If the Presiding Bishop may limit the time thus, he may limit it to three years, and thus practically repeal it. The object of the motion is to prevent this.

A motion to lay on the table, was put and lost.

The House then adjourned.

Tuesday, Oct. 8.

This day was occupied in discussing a memorial from the Diocese of Maryland, on the claims made by the Bishop: To administer the Lord's Supper on occasions of canonical Visitations, and at other times when present in virtue of his office; To appropriate the offerings made on such occasions; and to pronounce the Absolution when present.

Wednesday, Oct. 9.

The house met pursuant to adjournment. The minutes of yesterday were read and approved. The Secretary called the business in order.

The committee on Canons reported in part.

1. A Canon on Clergymen declaring they will no longer be ministers of this church, providing for a delay of three months in all cases, and of an additional three months, at the discretion of the Ecclesiastical authority of a Diocese, between the receiving such a declaration from a minister and the pronouncing of the displacement. During this time it shall be lawful for the minister to reconsider and withdraw his declaration.

2. A resolution referring the Canons offered by the Rev. Dr. Atkinson, on the ordination of Deacons and Priests, and on candidates for orders, to the next General Convention.

3. Certain amendments to Canons 25 and 26 of 1832. The first of these provides that among other objects for which a Bishop shall visit the parishes of his Diocese, shall be to minister the word and sacraments. The second makes it the duty of the Rector to make proper arrangements for the services designated by the Bishop, to take such part as the Bishop shall assign him, and to promote as far as in his power, the objects of the visitation.

Mr. Taylœ, of Alabama, offered the following resolution:

*Resolved*,—The House of Bishops concurring that when this General Convention adjourn, it shall adjourn to meet in Philadelphia. Laid on the table.

Mr. Evans, of Maryland moved, that it be referred to the committee on Canons to enquire into the expediency of so altering the 5th article of the constitution as to admit of the formation of smaller Dioceses. Adopted.

Rev. Dr. Mason offered a proposed amendment to Canon 3rd of 1844, on the trial of Bishops. It provides that the court shall consist of the Bishops of the five nearest Dioceses, provided none of them be of the number of the presenting Bishops, and gives the accused Bishop the right of challenge for cause against any of the judges.

On motion, the proposed amendment, together with the Canon on the same subject, referred by the last General Convention to this, and found on page 68 of the journal, and the Canon on the same subject, proposed by Mr. Dunam, of La., were referred to the Committee on Canons.

On motion, the House determined to go into an election of a committee to nominate a Board of Missions.

Judge Chambers then moved, that the proposed substitute for the 26th Canon of 1832, reported by the committee, be printed for the use of the House.

At the suggestion of Rev. Dr. Brooke, he added to his motion, also, the proposed amendment to Canon 25 of 1832—carried.

A message was received from the House of Bishops, informing this House that they had ordered the reports of the Missionary Bishops to be transmitted to this House; and proposed, this House concurring, that they be referred to a joint committee. They had named their committee on the Missionary Boards, Bishops Johns, Doane and Henshaw, as the committee on their part.

The House concurred and designated its committee on the Missionary Boards, as the committee on its part.

Rev. Dr. Mason, of Maryland, moved that, the House of Bishops concurring, a joint committee be appointed to prepare a table of the degrees of consanguinity and affinity within which it shall not be lawful to marry, and publish the same in the Standard Bible.

Rev. Mr. Rooker referred to the excitement which this question had caused in the Church of England and the Presbyterian Church, and moved to lay the resolution on the table.

The hour of eleven having arrived, the House took up the order for the day, being the unfinished business of yesterday.

Mr. Yerger withdrew his motion to refer to a committee of the whole House, in order to make way for

A resolution was introduced by the Rev. Dr. Stevens of Philadelphia, to appoint a committee to be joined with a committee from the House of Bishops, to whom should be referred the memorial from Maryland and the proposed canons relating to the duties of Clergymen in regard to Episcopal visitations. The house appointed on its part the Rev. Drs. Stevens, Naville, VanIngen, and Tomes, of Tenn., Judge Chalmers, Mr. Taylor of Va., and Mr. Wharton, of Philadelphia. The Convention took a recess.

A resolution was passed that the Constitution of the General Theological Seminary be so amended that special meetings of the Board of Trustees may be called by a majority of the Bishops, when the Bishop of the diocese, from any disability, cannot call such a meeting. A resolution was passed that the Constitution of the Seminary be further amended, so that in the election of Professor, the Trustees may vote by proxy. Another resolution was offered, that the Constitution be further amended, so that there shall be a general meeting of the Board of Trustees at the time and place of the meeting of the General Convention. The resolution was supported by Mr. Newton of Mass., Williams of Va., Rev. Mr. Taylor of Mich., Judge Conyny and Rev. Mr. Trapier of South Carolina; and was opposed by the Rev. Dr. Mead of Conn., and Rev. Mr. Patterson of Miss. While Mr. Trapier was speaking the Convention adjourned to Thursday.

Thursday, October 10.

The House met pursuant to adjournment.

The minutes of yesterday's session were read, amended and approved.

A message was received from the House of Bishops, informing this House that they had concurred in its resolution designating New York as the place of meeting of the next General Convention.

Rev. Mr. Vail of Rhode Island, offered a canon, as a substitute for the 25th canon of 1832, allowing a Bishop to preach and administer the sacrament and hold ordination at a visitation, and to controul the services. It provides that the Rector shall have the controul at all other times.

The Committee on Canons reported a canon "on Assistant Bishops." This provides that in case of any permanent cause of disability in a Bishop of a Diocese, an Assistant Bishop may be elected. In case the disability arise from a suspension of the Bishop, he shall not direct the services of the Assistant. But a suspended Bishop shall have power to give his assent to the election of an assistant.

On motion of Mr. Williams, of Va., this canon was ordered to be printed, and made the order of the day for to-morrow at 3½ o'clock p.m.

From the Committee on the General Theological Seminary, reported the nomination of Trustees by the several dioceses.

Mr. Dobbin, of Maryland, had a series of resolutions in reference to the General Theological Seminary which he would present to the House. They did not originate with himself, but with a gentleman who had been for years identified with it and its interests. They were in substance as follows: Whereas, the efficiency of the General Theological Seminary is the interest of the Church, therefore, *resolved*,

1. That this Seminary should differ from a Diocesan institution, as being a normal school for the training of able ministers of the Church.

2. That it should have a permanent head, in the nature of a President, and that this head should be nominated by the Bishops as visitors and confirmed by the Trustees.

3. That in the election of the President, as in that of Trustees, absent Trustees may vote by proxy.

4. That the qualifications for admission should be raised to a high standard of literary attainment, and the course of studies should be extended to four years, at the expiration of which, the degree of B.D. may be conferred.

5. That a three years residence and study shall be required of its alumni, preliminary to an examination, after which alone the degree of D D. shall be conferred on them by authority of the Church.

Mr. Dobbin then moved that these resolutions be referred to the board of trustees as subjects highly worthy of consideration.

Mr. Newton concurred in the resolutions, but was opposed to the reference. It seemed to convey the idea that the board should originate legislation, whereas it is the creature of the convention and should be subject to the control of the Church. He moved a substitute, that the resolutions be printed on the journal and referred to the next General Convention.

The question of reference was further debated.

On motion it was finally laid on the table to make way for

The Joint Committee on the part of the House of Bishops to which were referred the Maryland memorial and the proposed canon of the duties of Clergymen was communicated to this House. The Episcopal Visitation Committee is composed of Bishops Brownell, Hopkins, Ives, McIlvaine and Polk. Several reports were presented. The amendment under discussion yesterday was again brought up and further debated by the Rev. Mr. Trapier, Rev. Mr. Goodwin, of Mass., Mr. Bobbins, of Md., Pendleton, of Ohio, &c.

Immediately before the adjournment of the Convention in the evening, the resolution of amendment requiring that a meeting of the trustees shall be held at the time and place of the General Convention was carried. The vote was then taken by dioceses and by orders, with the following result; twenty-nine dioceses were represented by the clergy, of which seventeen voted in the affirmative and ten in the negative, and two divided; twenty-four dioceses were represented by the laity, of which fifteen were in the affirmative, seven in the, negative, and two divided.

Friday, Oct. 11.

The Joint Committee on the Maryland matter, and the proposed canons relating to Episcopal visitations reported. A minortity report was also presented. The subject was made the order of the day for Saturday at eleven o'clock.

Saturday, Oct. 12.

The House of Bishops have refused to remit the sentence of Bp. Onderdonk, and have rejected the petition of the Diocese of New York, both by a majority of two to one. They have also refused to restore Bp. H U. Onderdonk by a vote of seventeen to nine.

A Canon has been passed by the House of clerical and lay Deputies providing for the election of an Assistant Bishop, where the Bishop of a Diocese has been indefinitely suspended.

The order of the day was taken up at eleven o'clock, being the Memorial from Maryland, and the proposed canon of Episcopal Visitation.

Monday, October 14.

This morning a motion was carried recommending the striking out of article V. of the Constitution.—[Some amendment we suppose is meant.]

The debate on the Maryland Memorial was continued through the day.

It was resolved to adjourn *sine die* on Wednesday, the 16th instant.

Tuesday, October 15.

The House decided to vote on the Maryland Memoreal at four o'clock this afternoon, and to limit speeches to fifteen minutes each.

The House also determined to employ the New York Bible and Prayer Book Society to publish a standard edition of the Bible.

A canon on Missionary Bishops, affecting both Bishops Southgate and Boone, was sent from the House of Bishops.

At eleven o'clock, the debate on the Maryland case was resumed.

Cincinnati, October 15.

THE PROTESTANT EPISCOPAL CONVENTION.—The convention, this afternoon, decided the Maryland case, by giving the Bishop the right to administer the communion during his visitation to a church.

The canon relative to the election of an assistant bishop, to one indefinitely suspended, passed by the House of Clerical and Lay Deputies, was taken up and amended by the House of Bishops. As amended it provides for the election of an assistant bishop in all cases where the bishop is suspended.

The amendment was sent to the other House, and the subject was pending when the body took a recess, at half-past seven.

(*To be continued.*)

## From our English Files.

THE LAITY IN CONVOCATION.

The *London Guardian* of the 2nd instant, gives insertion to the Circular of the Rev. Wm. Bettridge, on the subject of Convocation or Convention in this Diocese; and in the same are the following two letters on the question of admitting the Laity as members of Ecclesiastical Convocations.

*To the Editor of the Guardian.*

SIR—Your correspondent "A. B." moots a very important, and at this moment specially interesting question, touching the admission of laymen as members of the Convocation of the Church, and one which I, in common with many of your readers, shall be glad to see fully discussed in your columns.

One important fact with regard to this question I am enabled to mention, that the opinion of the English Episcopate is decidedly in favour of this change in the Constitution of Convocation. At the dinner which succeeded the visitation of the Bishop of Chester, held at Lewis on Tuesday last, his lordship proposed the health of the laymen present, and, after expressing the pleasure it always gave him to see the lay members of the Church on such an occasion as that which had called them together, he proceeded nearly as follows:—"It may be interesting to you to learn that if a Synod of the Church be assembled in Convocation or otherwise, it is the unanimous opinion of the whole bench of Bishops, without a single exception—I repeat it, *without a single exception*—that there should be a considerable infusion of the lay element in its constitution" I will not be quite positive that these were the exact words used, but they were to this precise effect; and it was with feelings of the deepest thankfulness they were listened to by many, who, while they depreciate the revival of Convocation in its present form, would hail with joy the assembling of a Synod in which the truly primitive practice of uniting the lay and clerical members of the Church in one deliberative assembly was restored.

I enclose my card, as a voucher for the authenticity of my statement, and remain, yours,

PRESBYTER ARCHIDIOC. LEWES.

Sebtemper 30.

*To the Editor of the Guardian,*

SIR,—In the mean time, until such venerated correspondents as "E.B.P." and "J.K." shall have given us their weighty opinion as to the admissibility of laymen to Provincial or National Synods, I beg to offer the following extracts from an old divine, a true type of Anglican teaching, as in some sort an answer to the inquiries of "A.B." in your paper of September 18th. Field, in his *Treatise on the Church*, Book 5, Chapter 49, speaking of the persons that may be present in General Councils, thus determines;—"Laymen also may be present, whereupon we shall find that Bishops and Presbyters subscribe in this sort: Ego M. definiens, subscripsi; that is, I as having power to define and decree, have subscribed. But the Emperor or any other lay person, Ego M. consentiens, subsripsi; that is, I as one giving consent to that which is agreed on by the spiritual pastors, have subscribed." In a note he adds, "In the council of Eliberis, in the first coun-