

that as that clause and the one following were intimately connected, as also the last clause in the patent printed in italics in the printed copy in the hands of the members of the House, he would move that they might be read at the same time, for the sake of economy of time. Some debate ensued on this point, but Mr. Carter finally moved, seconded by Rev. Mr. Slack, the suspension of the clauses referred to until after the consideration of the report, which motion was carried.

The 21st clause was then read, when a clerical delegate arose on a point of order, that the house could not proceed with the discussion of the clause until the previous ones were disposed of. Mr. Carter on this withdrew his motion, when the 7th clause was read, it having been explained that Mr. Carter had a perfect right to read and allude to any other part of the report.

Mr. CARTER said that in order to make his views on the subject the more intelligible to the house, he had drawn up his motion in a special form, and had embodied in that motion his objections to the clauses he had alluded to. He would read his motion, which was as follows:—

Moved by Edward CARTER, seconded by Rev. G. SLACK,

"Inasmuch as the Act of the Provincial Parliament under which this General Assembly is organised, has vested in the bishops, clergy and laity in their several dioceses, the power to meet for the purposes expressly stated in the said Act, and that to that extent only has the Crown divested itself of its Royal prerogative; and that the powers vested in this General Assembly by the second clause of that Act, to frame a constitution and regulations for the general management and good government of the Church in this Province, must be understood to limit its powers to such objects only as are within the jurisdiction of the local dioceses over which the authority of the General Assembly of such dioceses extends.

"Inasmuch also as no power is conferred by the said Act in any local diocese, or in the General Assembly, to appoint a Metropolitan or any dignitary of the Church above that of a Bishop, and such power was and is still indisputably vested in the Crown.

"And, inasmuch as by the proposed alteration in the letters patent appointing the Metropolitan, to place the succession to the office of the Metropolitan, and the powers and jurisdiction to be exercised by him under the said letters patent, subject to the control of this General Assembly as by any canon or decree may hereafter be declared; the effect of which would be to divest Her Majesty of her prerogative to an extent greater than by the said Act was ever contemplated, and to assume a power to be vested in this General Assembly by controlling the succession to the office of the Metropolitan and the exercise of his powers, contrary to a well established principle that if there be no power to create an office, there can be none to control it or direct the incumbent of his powers

"Finally, inasmuch as it is inexpedient that the superintending power of the Metropolitan derived under Royal letters patent, should be subject to the control of any General Assembly composed of bishops, clergy and laity, as being calculated to weaken the connection between the Church in this Province and the Mother Church, and to interfere with the exercise of the Royal prerogative, which should prevail to its fullest extent in this, as in every other portion of Her Majesty's dominions.

"That it be resolved that the following alterations in and addition to the said letters patent, suggested by the Committee in their report, be struck out, namely:

"The words 'subject as to the succession, to

the proviso hereinafter mentioned,' provided and proposed to be introduced in the last introductory clause of the letters patent; also all the words proposed to be introduced in the clause nominating His Lordship the Bishop of Montreal to be the Metropolitan, relating to the succession to that office; and likewise the whole clause proposed to be introduced at the end of the letters patent, declaring the powers conveyed by the said letters patent to be ruled by the rules, requisitions and canons which may by this General Assembly be made in respect thereof, and the words until and unless otherwise provided by the General Assembly aforesaid in the preceding clause."

It would be seen Mr. CARTER continued, that several considerations were involved in that motion, and for the sake of brevity he would divide his argument. The four considerations, enumerated in that motion seemed to involve the consideration of the question in a legal and also in an ecclesiastical point of view, the last consideration in the motion being more particularly to be determined by ecclesiastical law. He would therefore first direct his argument to the legal question which presented itself. What were the powers properly pertaining to the office of Metropolitan, and in what position did that dignitary stand in relation to the Bishops, and inferior clergy? It would not be difficult to establish that his powers would be only inferior to those of Royalty itself. This was found necessary whether the affairs to be controlled were in relation to civil or ecclesiastical matters. He would read to the House some quotations from works which he had had under his hands, which would tend to establish his point. Now let them consider in what position the present Metropolitan stood. Having been appointed under Her Majesty's Royal Letters Patent, he was undoubtedly invested with all the powers and attributes pertaining to that office in England, with this difference only, that that authority was exercised within more prescribed limits. Let them next examine what powers this General Assembly possessed. On that subject they had all come to the conclusion that they possessed only the powers specified in the statute. To the extent therein set forth had Her Majesty been alone pleased to waive Her royal prerogative. Now it was in the first clause of the Act, which referred only to diocesan synods, that any renunciation of prerogative had been made, whereas in the second clause in relation to the Provincial Synod, there was no such renunciation made. The legal deduction from this fact was that the Provincial Synod could not place its authority above royal prerogative. There were some who contended that because the statute gave the power to Diocesan Synods of removing all persons of "whatever order or degree," therefore they had the authority to remove bishop or any one else; but this could not be supposed to refer to the Metropolitan, who was not mentioned in the clause, and who belonged not to any one diocese, but to all Canada. An honourable gentleman present had on one occasion expressed his opinion that the words of the statute gave to this General Assembly all powers necessary to the good working of the Church in Canada, and by implication the power was vested in the assembly of controlling not merely the bishops, but also the Metropolitan. This was a principle in which he (Mr. Carter) could not acquiesce. It had already been conceded that the Crown had indisputably the power to appoint a Metropolitan, and also, that it was out of the power of this General Assembly, owing to no such power having been named in the act. Therefore, it became necessary to call in the aid of the royal prerogative to give to this province a Metropolitan. If they admitted this, how could they with consistency affirm a

principle which was at variance with it, or presume to say that the powers of the Metropolitan should be made subject to rules and regulations of the Synod, that he might be controlled in his action, that he might possibly even be deprived of his office. The principle he wished to affirm was this, that while regretting that the law did not give them the power to control the action of the Metropolitan, that that law was defective, and ought to be corrected. Again, would not the fact of the Metropolitan accepting Letters Patent in the form then under consideration, place him in an inferior position to that which he should occupy. Arguing from analogy, and what obtained in England, the Metropolitan in authority was higher than any other Bishop; but under these Letters Patent he would be in an inferior position to the clerical, and even to the lay delegates, as occasions might arise when the lay element was stronger than the clerical. It was not expedient to make the authority of the Metropolitan subordinate to that of an inferior body.

A Delegate called Mr. Carter to order, as he did not think that this house should be called an inferior body, which was the highest body in the Church.

Mr. CARTER explained that he had been misunderstood, his argument being that the Metropolitan was the superior of its members. He then proceeded to the discussion of the question in an ecclesiastical point of view. Finally, he for his part desired to adhere as closely as possible to the forms followed in similar assemblies in England, by which means alone it was they could expect to see the influence of the Church exercised in an extended manner in this Province.

Rev. Mr. SLACK seconded Mr. Carter's motion, saying that the subject had been so ably put by Mr. Carter that it was scarcely necessary to enter into it at any greater length; but there were two or three points which still required further elucidation. The patent contained some powers to which it might not be desirable to give effect, and the Metropolitan himself admitted that it was not advisable to do so in his address to the Synod at its opening. The speaker here quoted the Metropolitan's words as reported in the Gazette, and remarked that the note on the draft of the Letters Patent was the letter of which they had heard so much. He also read the said note, and called the attention of the Synod to it, as in his opinion it had been most unaccountably overlooked.

Dr. BOVELL here requested the speaker to read the next clause.

Rev. Mr. SLACK read it, and concluded by objecting to the passage of amendments inimical to the authority of the Metropolitan and the spirit of the connexion of the church with the supreme authority of the Crown.

Dr. BOVELL, in a lengthy address, quoted the Metropolitan's remarks, in which he himself suggested that the question of the Letters Patent be referred to a committee of Synod. He believed that the assembly had a right to be heard as members of the United Church of England and Ireland, and not as a section of that church, and argued that though the strict letter of the canons placed the whole power of the law in the hands of the prince, its true spirit and the constitution of the church was inimical to the vesting of the whole power in this province with the Bishop of Montreal, and that by doing so they would ultimately militate against the true union of the Church in Canada with the Mother Church. They should seek to establish a wider, more palpable and broader union than now existed, and in order to do so might well adopt resolutions in accordance with the following suggestions:—

"That her Majesty the Queen, in issuing her new Letters Patent, be respectfully requested to