

heron, Chancellor of the
ruary last, begs leave to

such 6th Canon, he has
approval required, under the
the Province of Canada,
ed, "An Act to make fur-
poralities of the United
the Governor in Council,
vernments of Ontario and

h are, in other words, the
relating to property and
tion of the Local Legisla-
"British North America
governors of the Provinces
f all laws coming within

y of the powers conferred
nt of the Dominion, the
act in this case.

his opinion is conclusively
ect in question, which au-
on is liable to be amended
d that beyond a doubt, any
y be effected in the Provin-

ature of Quebec has already
he undersigned, properly,))
respect to the Church of
and Vic., Cap 76; by which
ament of Canada, intituled,
for the management of the
yterian Church of Canada,
Scotland" is amended. The
poralities of that Church in
Canada.

Governor General acting in
inconvenience of the Synod
vernments. This is simply
property in two countries
urse to the Legislature and

of opinion, that there would
oral in Council sanctioning

the Canon *quantum valet*; but, on reflection, he now thinks that it would be an improper course; that it would be an undue and therefore a reprehensible interference with the rights of the Governments of Ontario and Quebec, and, as such, might be resented as a usurpation. Besides, the consequences to the Church might be very serious if they proceeded to act upon a Canon which might subsequently be decided to be illegal. It might cause endless legislation, not only as to property, but as to every action taken under the Canon.

Even supposing, however, that the right of approval did rest with the Governor General, some grave questions arise on the Canon itself.

The Act of 1866 gives no such absolute power of repeal or amendment of the several statutes recited in it, as is assumed by the Canon when it substitutes its provisions for those Acts and repeals them entirely.

The statute of 1866 gives the Synod the power to make such repeal, change, alteration and amendment of the Acts therein recited as they shall deem advisable and necessary *for the better and more uniform regulation and management of the Temporalities*. It does not confer any powers additional to those contained in the several Acts relating to such Temporalities.

Now in some of these Acts the soil and freehold of the churches and church-yards are in the Incumbent, the management being in the Incumbent and church-wardens. In others the fee is in the Incumbent and church-wardens. Now in the Canon all this is changed. The fee of the churches is to be in the Incumbent, and of the church-yards in the Incumbent and church-wardens.

It may be a question whether this is not a matter of title altogether, and not of regulation and management; and, therefore, beyond the powers of the Synod.

Again by the Temporalities Acts of Upper Canada and Quebec, 1840 and 1843, the Incumbent is not expressly made a Corporation *sole*, and the church-wardens are only made a *quasi* Corporation. The words of the Acts are "that the church-wardens shall, during the term of their office, be as a Corporation to represent the interests of such church."

The Montreal Temporalities Act, 1851, makes the Incumbent and church-wardens a Corporation. It might be doubted whether the Synod has the power to assimilate the laws of the three dioceses in that respect, and to make the Incumbent and church-wardens a Corporation in Ontario and Quebec as in Montreal.