

a Synod. That which the Diocese and its Delegates did upon compulsion, and in obedience to a supposed authority which had convoked a Synod without regard to its wishes, cannot be tortured into a willing assent to the creation of a Synod which could not have been formed without its aid and co-operation; and, even had the delegates assumed to give such assent their action would have been wholly nugatory; since they were delegated for no such purpose, nor entrusted with any such power; they were sent to represent the Diocese in a Synod already convoked under the Letters Patent, not to create a Synod by voluntary consent under the Act independent of the Letters.

But whatever the power or conduct of the Delegates, it is clear that the Diocese cannot, under the circumstances, be affected by the alleged assent to and acquiescence in the proceedings. The contrary position, whether viewed in its moral or in its legal aspect, is equally untenable.

He who, having procured a contract by a representation, erroneous in fact, but which he believed to be true, chooses after the discovery of his error to insist upon the contract, commits a moral and a legal fraud.

No man ought to be, no man is, morally or legally bound by assent or acquiescence induced through ignorance of his rights or misapprehension of his position; nor is it from proceedings, originated and continued on a false assumption and under a grave mistake, that an assent can be inferred obligatory in morals or in law.

We have, therefore, to state to your Lordships that we see no reason to doubt the accuracy of our former opinion, and we have to repeat "that the meetings and organization of Synod were not, nor are they under the circumstances, legal or binding, and that in order to its proper organization it is necessary that all the Dioceses in Canada should concur in a new organization thereof."

We have the honor to remain,

Your Lordship's faithful servants,

ADAM CROOKS,  
EDWARD BLAKE.

Toronto, November 18, 1864.