

Synod, IGNORANCE and DISHONESTY. Now both of these, some may think, are very serious charges, especially as coming from a dignitary of the Church, against a body of men, who, although not blessed with the imposition of hands episcopal, do yet hold the office of religious teachers, pretend to some learning, and are doubtless desirous of a fair reputation for intelligence and honesty. Imputations against the characters of such men should be very cautiously made even in an address to be heard by none save the Clergy of the Archdeaconry of York. They should be still more cautiously made if they are designed to be published to the world in "The Church," stamped with the approbation of the Clergy, and a wider circulation requested for them by means of the political press. All this has been intended and done against the Synod, and it becomes a matter of importance to determine how far, or in what way, the charges are substantiated. Then as to the first, ignorance: The accuser is pleased to affirm on the credit of his own wisdom, that there is no foundation for the apprehension that the Rectors have been invested with powers incompatible with the rights of the Scotch Clergy. Now some, and among these perhaps the Doctor himself, may deem it high presumption in us to dispute his interpretation of a charter, which he has perhaps read as frequently as any learned person in Canada, and still more because of his being a Professor self elected, as rumor says, of moral and political science in a University hereafter to become famous for its great and learned men; yet nevertheless we presume to assert that the Doctor's declaration of the groundlessness of our apprehensions, has nothing whatever to rest upon but the credit of his own wisdom. Let the reader look to the words printed in italics in resolution second, the express words of the statute, and say whether there be not much in them to create apprehension in the minds of those who claim by an ancient and sacred treaty to be placed in a British Colony on a perfect equality with the subjects of England in all matters, both commercial and ecclesiastical. We are aware that one or two learned jurists, besides the Dr. have declared that these assertions in the charter mean nothing, and that they invest the Rectors with no power detrimental to other denominations of christians. But if language has any meaning, is it not evident that a very extensive right is here created, and by a maxim of law every thing is created essential to the enjoyment of that right. The ecclesiastical laws of England are essential to the full enjoyment of the created right, and therefore, in the clause referred to, they are constructively enacted for Canada. This view of the com-

prehension of the clause in our opinion is borne out by a statute passed in the first Provincial Parliament in 1792, in which French Canadian law relative to property and civil rights was abolished, and the law of England adopted in its stead. In the 6th section of this statute, it is ordained, that subsisting provisions respecting ecclesiastical rights or dues within this Province shall not by this act be interfered with or changed. Now these subsisting ecclesiastical rights or dues, are of two classes: first these that belonged to the church of Rome, and this statute provides that these shall continue to be recovered, according to the French Canadian law, and the usages of the Romish Church; second, the rights and dues belonging to the Church of England, created by the Imperial statute passed in the preceding year, and these were not to be altered, but should continue to be recovered according to the usages of the Church as established in England. It seems to us therefore that the English ecclesiastical and parochial law is by these statutes constructively enacted, and that the exclusive rights thereby conferred on the ministers of the Church of England, do create certain disabilities against all who are not of her communion; or in other words, it places them in exactly the same relation towards the newly created Provincial Rectors, as dissenters occupy in relation to the Church established in England. We hold farther that these disabilities are not legally relieved by any Imperial statute passed since 1792, in favour of religious liberty, and that all not of the Episcopal communion, may if they please, groan under the burden of English ecclesiastical law, as it stood in England at the time the act 31 Geo. III. was passed—excepting so far as this has been mitigated by the Provincial statutes respecting tythes and the celebration of matrimony.

But as it is not impossible that in this exposition of our legal knowledge, we may perhaps be displaying our ignorance of the law, we engage—if the Venerable Archdeacon shall make it so appear, otherwise than by his own simple affirmative, that the creation of parishes in Canada under this charter does not compromise our civil and religious liberty, if he shall make it appear that the Clergy of the Church are not invested by law with authority over other denominations and not even over their own people except in matters purely spiritual, by such demonstration of legal learning on his part, time and opportunity suiting—to seek the benefit of his first course of Lectures on Political science to be delivered hereafter in the University of Toronto.

But let us proceed to examine the more serious charge of hypocrisy.