

its only sanction or penalty with us is expulsion from the Church, and deprivation of the benefits and privileges to which, through our church membership, we are entitled. And in asserting this principle it may be well at the outset to concede that the rules of Church Law are not necessarily like the law of the Medes and Persians, but are quite capable within due limits, of being altered and adapted to modern wants and requirements, by the proper legislative authority.

Most Societies, all perhaps, have their by-laws, either tacitly understood, or formally adopted. They could not carry on their work without them. And the law of the Church of England in Canada may be described as a collection of by-laws established for her internal government and the guidance and well-being of her members: by laws adopted in various ways, but which, when once established, are just as capable of being enforced between the members of the Church as if they had been formally enacted by both House of Parliament and had received her Majesty's assent.

Some of these by-laws are general and apply to the Church at large. Some are Diocesan and may vary in each of the *Dioceses into which her members are distributed*. Some again may be merely parochial, for the Church Act very wisely recognises the right of the Rector, Church Wardens, and Vestry of each Church to make by-laws, rules and regulations for the management of the affairs and temporalities of such church in their respective parishes, not repugnant to law.

The Church of England in Canada within New Brunswick, forms, as regards the civil authority, an *imperium in imperio*. She is subject to the civil legislature and to the general law of the land. Within herself, however, she possesses the right to adopt and make rules or laws just as binding between her members as if they were a part of that general law itself: provided always that they do not in any way conflict with what the civil legislature may have enacted.

When the Church of England first came to New Brunswick, it was not as a new communion, but as an offshoot from the parent body at home. And, just as the Colonists generally brought with them the civil law of the mother land; and that law, so far as adapted to their peculiar circumstances, was from the very first accepted and enforced, so did the members of the Church of England bring with them the laws of the mother Church, and those laws, so far as adapted to their circumstances, and subject to any subsequent changes lawfully made, have always prevailed among them and are recognized as so prevailing by the civil courts.

Beyond this, however, the existence of many of these laws was expressly recognized by the Royal Instructions issued at the time the Province of New Brunswick was established, and has ever since been assumed by the civil legislature and the Courts of law. And thus it is that the general principles of law governing the mother Church, wherever applicable, are equally binding, legally as well as morally, upon ourselves.

The Church in the Colonies possesses now what most of us have learnt to look upon as a great advantage, the right of self-government, under due limits. She is freed from direct connection with the State.

The old theory of the Church in England was not that of

the *imperium in imperio*, but that the Church and the State were different phases of one general system; that the members of the one should of necessity be the members of the other, and the one legislature should act for all.

It was a very beautiful theory, but unfortunately the minds of Englishmen were of too diverse a character to permit of its continued existence unimpaired. In matters of property the civil legislature reigned supreme. In matters of sanitary or social reform, its enactments, even if questioned, were accepted. In matters of conscience people thought and acted for themselves; and this came by degrees to be so far recognized that exceptions grew upon the established system until at last, beyond the presence of a certain number of the English Bishops in the House of Lords, and a number of parliamentary enactments affecting the Church, to which there seems, year by year, to be less of a disposition to add without her members expressed assent, very little of it appears, even in England itself, to be left.

Endowment is of course a very different thing from Establishment. Very many of the endowments of the Church in England have come, as in Canada, from private benefactors. Such as came from the Crown have been richly repaid through the educational work the Church has carried on alone. And the Diocesan and Parochial systems, and her general rules and laws are quite as capable of a continued existence, independent of State connection, in England, as in Canada or the United States.

Some attempt was made to apply the theories of State connection to the Church of England in the early history of New Brunswick; but the freedom of the Church from State interference, in matters concerning her members alone, is now conceded. As in England, however, the legislative enactments of the earlier days yet remain.* Apart from them, the Church of England in New Brunswick now regulates her own affairs in the Synods or legislative bodies which she recognizes as having authority for the purpose. Where, however, some change is sought in a matter already dealt with by legislative enactment, the Church must, after deciding it to be desirable, ask the Provincial Parliament for its formal confirmation; a request which, where the members of the Church are united, would probably never be refused.

It is a recognized rule that, after colonists have brought the laws of the mother land to their new home, changes in those laws made in the mother country do not necessarily apply to the colony as well. In like manner enactments of the Imperial Parliament affecting the Church of England made since the Province of New Brunswick was established, must be adopted or re-enacted by the Colonial Church, to become binding there.

The members of the Church of England brought with them to New Brunswick the Book of Common Prayer, and the laws and usages of the Church as they existed at the time; and any subsequent changes made in England itself would require confirmation by the Colonial Church. Thus

*The Revised Church Act, embodying these enactments, with the Canons of the Synod, etc., can be purchased of Messrs. J. & A. McMillan, St. John. Price 50 cents.