

prevailing at times in one or two of them that would unsettle any sound System, if it could have its way.

If it should be found that the Government would decline attempting to procure from Parliament a measure which should go suitably into details, the next best thing would seem to be to proceed at any rate as has been suggested in devising a Constitution by consultation among Colonial Bishops, and with the Government and Spiritual Heads of the Church of England, and then providing for a convention of the members of the Church of England, Lay and Clerical, in due form in each Colony, and submitting the Constitution to their adoption. The great object would be to gain the assent of the Colonial Church to a Constitution settling all cardinal points and placing them beyond the influence of disturbing forces within the separate Dioceses, which might destroy the unity of the Church and impair its resemblance to the Church of England in England.

We must all agree with Sir John Pakington in objecting to the plan of setting each Diocese separately to work to lay down a system for managing their Ecclesiastical affairs. Some points of vital importance to the Church might, I fear, be placed either at once or in time, under the influence of various causes, on so inconsistent a footing in the different Dioceses that the Church of England would no longer seem to be one Church in the Colonies, and we should have some Crotchet established under peculiar circumstances in one Diocese which would tend to unsettle the Church in other quarters, when, without such example the proposition would have received no encouragement. Moreover, the preponderating element in the population of a particular Colony—the tone of public feeling on various questions—the accidental circumstance of the Personal Character of the Bishop who would first have to set the machinery in motion—his discretion, his firmness, and ability to resist pressure and various other circumstances, would be almost certain to bring about different results—and possibly, in some Colonies, results that would be much regretted, and ought to be deprecated in all.

And besides, there may be differences in the present actual condition of the several Colonial Dioceses which could hardly fail to occasion a far greater diversity than ought to prevail in one Church in regard to matters of common interest.

CONSTITUTION.

The Members of the Church of England in the Colonies, desire in the first place, that the Constitution, or Act for the better government of the Church in the Colonies, should acknowledge the Supremacy of Her Majesty over all persons in all causes Ecclesiastical as well as Civil, within her dominions. We are deeply sensible of the necessity of preserving that Supremacy unimpaired, and are determined, in so far as in us lies, to maintain and defend it.

We desire, in the second place, that provision be made that the Church shall continue, as we have ever been, an integral portion of the United Church of England and Ireland—enjoying the true Canon of Holy Scripture as our Rule of Faith—acknowledging the three Orders as an authentic interpretation of Holy Scripture as they are embodied in the Liturgy, maintaining the Apostolic Form of Church Government by Bishops, Priests and Deacons—and we declare our firm and unanimous resolution in dependence on the Divine aid, to maintain those benefits, and transmit them unimpaired to posterity.

Hence we deprecate all attempts to tamper with the Doctrine of the Church, or any of her formularies. We deprecate any tendency to add to or diminish the deposit of Faith committed to the United Church of England and Ireland as a Branch of the Church Catholic—or to narrow her terms of communion as laid down in her Book of Common Prayer and Articles, for the preservation of which, we desire to express our deep thankfulness, and it is our earnest wish that Provincial and Diocesan Conventions in the Colonies, may be restrained from meddling with, much less from altering such high and weighty matters, and that they be confined to discipline and the temporalities of the Church, and such regulations of order and arrangement as may tend to her efficiency and extension.

The Constitution having secured the acknowledgment of the Royal Supremacy—the Unity and sound teaching of the Colonial Church in all things essential, and her identity as an integral part of the Church of England might proceed.

1st. To restrict the Provincial or Diocesan Conventions of the Colonial Church from entertaining any proposition for any change of the articles, Doctrines, Liturgy or offices in the United Church of England and Ireland.

2nd. To provide for the enforcing of proper discipline—the method of proceeding upon complaint against any clergyman,—for immoral conduct,—insubordination,—

habits and pursuits inconsistent with their sacred calling, neglect of duty, unsound doctrine, breaches of orders &c. &c. The sentence that may be imposed and in certain cases the right of appeal.

3d. To provide for the appointment and removal by due authority, and after proper proceedings, of Bishops, Presbyters, and Deacons.

4th. To provide for dividing the Dioceses into Parishes with proper regulations in case of future subdivision, with a view to Church purposes only.

5th. To provide for the extension and temporal interests of the Church,—by the members assessing themselves to raise Funds for building, repairing Churches, Parsonages, School Houses, for the support of the Clergy and School Masters, and the maintenance of Public Worship.

6th. To provide for the regulation of fees for marriages, baptisms and burials.

These and various other matters affecting the welfare of the Church would require to be taken up one by one and provided for—the design being to have certain things fixed by superior authority so as to be subject to no change by any legislation within the diocese.

I would more briefly recapitulate what appears to me desirable.

1st. That one Constitution be framed for the government of the Church in all the Colonies.

2nd. That the Constitution should provide 1. For the establishment in each Colonial Diocese, of an Assembly for managing so far as may be committed to it, the affairs of the Church.

2. For giving such assembly the most appropriate name.

3. For establishing how it shall be composed, as to the proportion of Clergy and Laity—what shall form a quorum—how questions are to be decided—what regulations as to times of session,—prorogation—adjournment &c.

4. Who shall preside—if the Bishop, shall he possess an absolute veto, or, one modified, or merely the casting vote.

5. Shall there be a power in the Archbishop of Canterbury, or the Crown, to disallow, within a limited period, any law or regulation of the Convocation.

From a review of these principles and details, two or three good men could, I think, in a single week, suggest a system for them all—not such as would satisfy and please every one, because that is not to be hoped for, but such as persons of good judgment and good intentions and with some knowledge of Colonial feelings and prepossessions, would think reasonable and practicable.

In regard to Sir John Pakington's well grounded fear of diversity of regulations in different Colonies it must be carefully provided against, since that would evidently be the effect of leaving a wide scope to Colonial Conventions or Synods, and I should much rather prefer that an Imperial Statute should lay down the system as regarded cardinal points, leaving minor points to be the subject of regulation within the Colony respecting which some diversity of system would not signify.

The great use and importance of the governing body would rather consist in their being called on to execute the powers delegated to them by the Statute. I mean in their application of them to individual cases, as they arise and which it would be their part to dispose of, not according to any system of action devised by themselves, but in the manner prescribed by the Imperial Statute.

THE RIGHT HON. W. GLADSTONE'S BILLS.

The Bill as at first framed, appears open to several of the objections urged against it, and such require to be removed or satisfactorily modified.

This has in some measure been done in the amended Bill, but further alterations and amendments may with propriety be suggested.

Whether by the law as it now stands, the Bishop with the Clergy and Laity of his Diocese in a British Colony can legally assemble of their own accord and make regulations for the management of their internal ecclesiastical affairs to the extent contemplated in the amended Bill is a point which ought not to be treated as doubtful, unless it really be so.

Surely the status of the Church of England throughout the Colonial possessions of the Empire is a matter about which we can hardly suppose that there had been no opinion or intention in all times past on the part of the Parliament and Government of England.

Would it not therefore be safe to assume that the Bishop Clergy and Laity had not authority of themselves to lay down a system of self-government without the sanction of Parliament, or of the Crown—and if this be so, it can hardly be right and certainly not politic to recite that it was doubtful,

whether they could or could not do so; because it might be that Parliament would not pass this proposed Bill, or concur in any act upon the subject, and then the admission that it was doubtful whether the power does not already exist might afford a strong argument in the Colonies for assuming an authority that might not be very discreetly exercised.

It would have been better in my humble opinion to have commenced by reciting, "That it was expedient to enable &c."—saying nothing about doubts.

I venture to remark that the introduction of such a Bill should be preceded by some preliminary notice either on the part of the Government or of the proper Ecclesiastical authority in England,—it being desirable that Church affairs in the Colonies should be governed according to some uniform and well defined system prevailing throughout.

THE AMENDED BILL.

(TITLE.)

It should not be entitled an act to explain and amend the Laws relating to the Church in the Colonies,—but "an act for the better Government of the Church in the Colonies."

PREAMBLE

Neither the Title nor preamble explain anything—the latter expresses doubts, and then proceeds not to explain them but to make positive provisions or Enactments. It does not propose to amend any particular Laws, but introduces for the first time a system for regulating certain matters which before had not been subjected to any regulation. How much better to commence by reciting "That it was expedient to enable the Bishop of any Diocese in the Colonies with his Clergy and Laity to meet together from time to time in Synods or Convocations &c."

Should not the words "Ecclesiastical affairs" be defined—what is understood by Ecclesiastical affairs—has the expression a reference to doctrine, or the form of prayer—or the ceremonial of public worship—all these are Ecclesiastical affairs. It is not easy to foresee to what subjects and objects such Synods or convocations might not attempt to apply themselves as coming within the construction of the words Ecclesiastical affairs. Some Conventions might understand that there are limits to their power of regulation and management, which limits other Conventions might not acknowledge.

FIRST CLAUSE.

1st Clause instead of being a mere negative provision that no Laws shall be construed to prevent and should, I think, in a natural and plain manner authorize that to be done which it is intended should be done.

"Being declared bonafide Members of the Church" seems not an accurate form of expression—for being disjunctive either of the requisites must be taken to be sufficient. What is a declared member of the Church? Must anyone be received as a Member of the Church who declares himself to be such—though he may never have attended one of her places of worship or joined in her service up to the moment that he declares himself a Member, and claims upon that declaration to have a vote in her Convocation. "Being regular communicants" better, that is, according to the 21 Canon, every person Communicating thrice a year a Canonical Test not unreasonable for those admitted to legislate for the Church.

A bonafide Member of the Church is not so definite as it appears to be—who is to pronounce upon two bonafides? And what shall be the criterion? Moreover this first clause makes no provision for calling the first meeting. When and how—or by whom, nor by any means clearly who are to meet or who is to preside.

What does "by common consent" mean? If there is no dissentient voice, there would be common consent—but if all the Clergy vote one way or a majority of them, and all the Laity or a majority of them the other way, which opinion shall prevail for the better conduct of their Ecclesiastical affairs. The union of Dioceses should only be permitted under a Metropolitan, and include all under his jurisdiction.

The last three lines of the first clause, "subject always as at this time in common with all other Religious Communions, to the authority of the Local Legislatures respectively, and to such Provisions as they may think proper to enact" are intended perhaps to meet Sir John Pakington's objections as tending to make the Church dominant to a greater degree than it has been hitherto—by giving to the regulations of the Colonial Synods an authority supported by Parliament and so beyond the control of Colonial Legislation. Now, instead of these three lines it would be wiser, I think, to guard against any supposition that such dominancy was intended, by inserting in the middle of the clause some such words as these:—Not repugnant to any Law passed or to be passed by the Parliament of the United

Kingdom, or by the Legislature of the Colony within which such Dioceses are respectively situated.

2ND CLAUSE.

2nd Clause. As it is here assumed that regulations will be made for the trial of offending Clerks,—it appears desirable that the Bill should contain a definitive provision for the erection of a Court for the purpose of giving authority to the Bishops for suspension or deprivation of office on conviction of the offender.

3RD CLAUSE.

3rd Clause. This Clause could be better framed I think, by providing that no regulation so to be made should have power to affect any person not being a Member of the Church of England.

4TH CLAUSE.

4th Clause. I would certainly leave Bishops, as now, to be appointed by the Crown, or if any voice or control were intended to be given to any authority within the Colony, I would provide for it in the act. I mean as to the point of voting, by whom to be exercised, and how, and not leave it to be the subject of a regulation by a Colonial Convocation—and for obvious reasons. Some concession may be made to the Colonies which provide for the becoming support of their own Bishops.

5TH CLAUSE.

5th Clause. I would make the sanction of the Queen, through her Principal Secretary of State for the Colonies, or of the Archbishop of Canterbury, necessary to all regulations not clearly within the powers given by the Constitution—such sanction to be given or withheld within twelve months,—and this if it were only to preserve a wholesome link of unity and subordination, which Churchmen generally are not indisposed to entertain and because of its tendency to produce uniformity.

6TH CLAUSE.

6th Clause. I would provide that nothing should be dispensed with which in England is indispensable for obtaining Ordination, unless it be something which is inapplicable to the case of Colonies.

Toronto, Canada, }

4th Feb. 1853. }

J. T.

(CIRCULARS.)

Toronto, 20th October 1852.

REV. AND DEAR SIR,—The Secretary of State, Sir John Pakington, has requested my views on the Hon. Mr. Gladstone's measure respecting the Colonial Church.—It is contained in the two bills which I enclose, or rather in the amended one of the 25th of June last.

The subject being of vast importance, I am anxious to avail myself of the assistance of my Brethren in making up my report, but as it is rather a private than a public communication, I confine myself chiefly to my Rural Deans, with the desire that they consult most of the Clergy of their respective Deaneries, and others as they may think fit.

The Secretary of State while admitting that the present position of the Colonial Church is in many respects unsatisfactory, and requires greater powers for regulating its own affairs, and maintaining its own discipline, yet considers Mr. Gladstone's measure open to serious objections, as appears from his speech enclosed. But being desirous of remedying the evil, he wishes to procure the opinions of the Colonial Bishops and others, on a matter of so great consequence, to enable him to frame an effective, and safe measure, either by further amending that of Mr. Gladstone's, or introducing a new one, framed on his own views and such information as he may obtain from the Colonies and other sources.

I should like to forward my Report early next month, and therefore request your reply at your earliest convenience.

Allow me further to suggest, that as I want my communication to the Secretary of State to be as brief as possible, your reply would suit me better in the shape of concise remarks on the different clauses, keeping rather to principles than entering into details, in some such way as in the form annexed.

I must not conceal from you, that I consider Mr. Gladstone's Bill, defective as a remedy. I think it not only in some degree open to Sir John Pakington's objections, but even its Title is unfortunate. It affects to explain and amend the law, and instead of doing so it states doubts, explains nothing, and refers to no law. Indeed, the preamble, as well as every clause, seem capable of improvement, and some matters are omitted which ought to be provided for.

I remain, Rev. and Dear Sir,
Yours truly,

JOHN TORONTO.

PROVINCIAL PARLIAMENT.

The Provincial Parliament re-assembled on Monday. For report of proceedings, see First Page.