itself, provided it did not interfere with the proviso put in for its guidance. But this might involve a wrong sometimes, and therefore it was that the "general management and good government" referred to was vested in another body—the representative body of all the dioceses. The words in this Provincial Act were taken from the Imperial Act, empowering Colonial legislatures to deal with questions affecting the Colonies. Of course, those words were slightly altered to suit their peculiar circumstances. The Provincial Synod now stood, however, with regard to the legislature of Canada in the same position as the legislature of Canada formerly stood to England. The legislature of Canada existed only in its legislative capacity by virtue of an Act of Imperial Parliament, which gave authority to the legislature of Canada to make laws for the general management and good government of the province. If it did not say a single word about Courts of Appeal, or the erection of courts, or continuance of courts; nevertheless under the power conferred by that Act the Legislature of Canada could erect a Court of Appeal, and no one either here or in England had ever called in question the legality of a course that had altered and amended the Courts of Appeal. They had, consequently, every right to erect a Court of Appeal. Could any one imagine that a clergyman in Canada against whom a judgment had been rendered should be driven across the Atlantic to obtain redress, when there was within this province a law of the state which declared that the Provincial Synod had the right to legislate for the general management and good government of the church. The second question was—could they who were only delegates to the Synod themselves, take the power out of a general body and invest it in a particular body. On this question there was no difference of opinion in the committee, who all felt that a committee, appointed by a general body, was invested with the whole power of that body itself, and that there could be no difficulty whatever under their constitution with regard to this matter. They would find it would be a difficulty to have to deal with every case before a large assembly like this, and the committee were of opinion that it would be no exclusive or absolute delegation of the powers of the Synod; but just the same as if a committee of Synod were invested temporarily with its powers; and the consequence was a committee would have the right to act in that way. With regard to another point, the committee were of opinion that no power had been given to enforce attendance of witnesses at the Court of Appeal; and therefore it was that he (Mr. Cameron) had given notice of his intention to move in Parliament for that power. But of course if they had not such power, they were deprived of one of the strongest means of enabling the truth of any cause to be properly elicited. With regard to a Court of Appeal, attendance of witnesses was not necessary, because here no witnesses could be examined. With regard to the power of enforcing the decrees of the Court, they were unanimously of opinion that there was such power. Whenever the law gave anybody any authority to act, the law also provided a remedy; because it was a well-known maxim in law that there was no wrong without a remedy, and another was to the effect that the law gave to nobody the power to act without also enforcing what they might do, just as in the case of joint stock companies with respect to the transfer of stock, which would be enforced by the process of the courts. The diocesan court would be obliged to abide by the decision of the Provincial Synod, and if the former suspended a clergyman he would have the right to appeal to this court. There was no difficulty, in his judgment, in furnishing the means of satisfactorily carrying out the decisions of the Court of Appeals in the court below, and punishing that court if it did not carry out those decisions. The last point was—whether decisions of this court would be final. The Metropolitan, by his patent, had jurisdiction, and it was stated that that jurisdiction should be final. The object of this, no doubt, was to give the same opportunity of doing justice to a party appealing from a charge here, as would be afforded by an appeal to the Archbishop of Canterbury himself. But there was no power to say the decision of the Metropolitan should be final. Nothing they could do would over-ride the provisions of the imperial statute, and no decision here would be final to prevent an appeal to the Judicial Committee of the Privy Council. He thought everything that linked us close to the great Empire to which we belong should meet with approbation; and he believed it was a great privilege to be able to feel that if we had been wronged by any judgment here, we could invoke the aid of the best minds to be found in that council to have that judgment reversed. He would be unwilling to do a single thing which would have the effect of removing from us that avenue of redress. The majority of the committee were agreed upon all the points to which he had referred. Only one member had disagreed with the others on the second point, and a member had doubts as to the power of the Synod to establish a Court of Appeal, while a second was not prepared to give his opinion. The assessors were proposed simply for the purpose of giving their Lordships such information on points of law as they might not themselves be possessed of. The court would avail itself of their information, but would at the same time decide upon its own judgment. The Hon. Mr. Cameron sat down amid loud applause.

Mr. Justice McCord said the subject matter of the discussion was a question which was perfectly new to them. It had never been brought up except in the Diocese of Toronto. He had no doubt the matter had been minutely examined by those gentlemen who brought it up; but there was one question on which he was not prepared to give any opinion—was there power conferred by the 2nd clause to establish a Court of Appeal? He had strong doubts on the question, and would like more time to investigate it.

Rev. Mr. Palmer inquired if a charge were brought against a clergyman, might not the object of the Court of Appeal be defeated by the bishop giving judgment against him, and withdrawing his license.

Hon. J. H. Cameron replied that there could be no appeal when the bishop withdraws his license.

ADJOURNMENT.

It being one o'clock, the meeting was here adjourned for an hour and a half.

AFTERNOON SESSION.

COURT OF APPEAL.

Judge McCord said he doubted the power of the Synod to make a Court of Appeal.

Mr. Penton would move an amendment to refer this canon to a committee. When grave doubts were entertainned, even by a judge of the land, as to the capacity of the Synod to create a court, it was not desirable that the Synod should proceed rashly. Besides, he confessed that he shared in these doubts. There had been a Court of Appeals, created (as we understand) by imperial act, and yet it was now said that the Synod had received authority to alter that by the acts of the Provincial Legislature. But he believed it was a maxim in law that no prerogative of the Crown could be abolished unless by express words. He found no such express words for that purpose in the synodical acts. Comparison had been made with imperial laws, repealed by provincial act, but these acts were passed by the Queen herself, who could, of course, modify or repeal the laws which she had made. But the Synod was a mere corporation, which could do nothing except what it was authorised to do. He doubted very much whether the Synod possessed those great powers which Mr. Cameron had asserted for it, who appeared to believe that the Synod could do any thing that it pleased—could even abolish the Metropolitan dignity which the Queen had created. He did not mean to express an authoritative opinion; but he repeated that he thought the synod should do nothing that was doubtful, and which might give rise to great inconvenience hereafter.

Rev. Mr. Bond said that it would be a grand mistake to appoint a Court of Appeal, and find out afterwards that the Synod had no power. Now there certainly were grave doubts on the subject, and if they looked into the matter it would be found that there was certainly no power to compel witnesses to appear in the inferior court. Upon what ground, then, could the Court of Appeals proceed, if there was no means of obtaining evidence on the matters which they had to decide. Again, suppose that an appeal being made, the bishop should say, I do not care for your judgment in appeal adverse to my judgment. In that case the Synod was told, you must go to the secular courts to compel the bishop to follow the judgment of the Court of Appeals. Was that what they wanted? He would shrink from such a step.

Hon. J. H. Cameron said that unless they tried to establish a Court of Appeals, they could never tell whether they had the power or not. A committee of lawyers would only differ.

Rev. Mr. Darling said if there were no diocesan courts, no courts of appeal would be required; but there was a Diocesan Court in Toronto, which was very active, and if wrong was done there, no means of redress existed.

Mr. H. Taylor thought the liberties of the people of this country were involved to a great extent in this motion; and that time for deliberation ought to be given. He never knew of a case of a court of appeal being established except by a sovereign legislature, or in virtue of direct authority from such legislature, and as to injustice arising from want of an appeal from the diocesan courts, it was quite as possible that wrong would be done by a court of appeal as by a court of first instance.

Rev. Mr. Balfour said he did not think they stood there as members of a state church, desiring the interference of the secular courts. But the diocesan jurisdiction being, in its nature, ecclesiastical, so must be the jurisdiction of the court of appeals. In the early times of the church there was a court of appeal; but the sentences of that court, as of all church courts then, were not carried out by secular interference; but being of an ecclesiastical nature, were carried out only by ecclesiastical authority. He thought without the court of appeal the lower tribunals would be useless, as great injustice might be done in them to individuals.

Rev. Mr. Palmer thought if an offender were brought before a court of appeal and sentenced to a penalty, and if it subsequently appeared that the proceedings were altogether nugatory, it would bring great contempt upon the church. He therefore thought an application should be made to the legislature for authority to create a court of appeal, not subject to any of the doubts which now existed.