been erected and the Bishop consecrated, yet no provision was made in the Patent for more than the three petitioning dioceses. They had prepared amendments to allow not only the Dioceses of Huron and Ontario to come in—but all other new Dioceses to be created in the Province. The next point was with respect to the visitatorial powers conferred upon the Metropolitan. He thought no one would wish to interfere with them: he thought that there was no question that the Metropolitan should have power of this sort. But upon the next point, he believed there was a wide difference of opinion. he referred to the powers of inhibition and suspension. In the old times of the Church, so far as he could learn from the books, this power could only be exercised when the suffragan Bishop, being properly summoned, refused to attend a Synod convoked by the Metropolitan. But on the other hand, there was no question that the powers conferred on the Archbishop of Canterbury, and other Metropolitan Bishops of the Church, were the same as those contained in this Patent. Perhaps it had been found necessary that a more arbitrary power should exist than in the old time, since power of inhibition and suspension of Bishops must be lodged some where. It was for the wisdom of the Synod to determine where. The Committee had not proposed any change here: the reason he should explain presently. Neither had they made any alteration in the clause which made the Metropolitan the final judge in appeal. This they believed to be simply illegal, and could not be enforced, and could do no harm. There was no power in the Crown to make the decision of the Metropolitan in appeal final, because by imperial statute a further right of appeal was secured to Her Majesty in Council. This limit of appeal could neither be made by Her Majesty, nor by that Synod. There remained only to be considered the merely formal final clause, which however they proposed to amend by declaring that all the powers conferred by the Patent should be held and exercised in subordination to such canons and rules as that Synod might from time to time enact. With that clause inserted, he thought the objectionable portions of the Patent which he had referred to were completely overruled and rendered harmless. The reason they had not proposed to strike them out was, that it was doubtful whether they could get the amendments accepted. No one who knew the difficulty of getting any changes made, of inducing any departure from settled precedents in the Patent Office in England would be willing to ask for one unnecessary alteration. There could be no danger of taking the Patent in the terms proposed. If they did not, they would find precedents of Patents for other Colonies and other Metropolitans urged against them, and perhaps be met with refusal to take out anything sanctioned by those precedents, though they might admit additions suited to our peculiar circumstances. The majority of the Committee had felt that if the proposed amendments could be secured, the Synod would have power in its own hands to remedy any evils that might arise under any clauses contained in the draft. Any member could move a canon with regard to the succession. He himself had given notice of one with respect to appeals. Any one might bring forward a canon with respect to inhibitions and suspensions. It was urged indeed that if it should happen in the course of God's providence that the present Metropolitan Bishop should be taken away, his successor in the See of Montreal would become Metropolitan of the province before they had taken any action. True that would be so, but he would hold his seat not as the present Metropolitan, with the power to plead vested rights, but knowing that these rights were to be subject to the vote of the Synod. He had already said that he believed they had themselves had the power to elect a Metropolitan. It was quite true that a strong legal argument had been urgd on the other side, that where an act specifies certain officers to be appointed under it, you cannot go with your power of appointment higher than the highest named in the statute. If you go higher, you go *ultra vires*, and your act ceases to have the sanction of the law. But although in the first clause of the statute only Bishops, Clergy and Laity were named, yet he thought the terms of the second section, giving them authority to provide rules, and do all necessary acts for the good government of the church were broad enough to enable them to create and appoint a Metropolitan, if that were found necessary for the proper organization of the church. But although they might possess a right to name a Metropolitan to preside over the church, yet they had no power to confer other necessary authority upon him. Some said they ought not to go to the Crown for Letters Patent for their Metropolitan, but putting out of question for the moment the link of connection which the Crown appointment formed between them and the Mother Church, which no one there, he was sure, would wish to dissolve, (applause,) this further question was not generally well considered, that the Synod could not confer upon him those temporal powers which were so necessary to the proper fulfilment of his office. They could not create him a corporation sole, or enable him to hold moneys or property, or invest him with the precedence and dignities which he ought to enjoy. It was true that the Queen had not alone the power to do this, the Legislature was also invested with it, but it was more convenient for other reasons as well as for the preservation of our connection with the mother Church, that the powers of the Metropolitan Bishop, so long as they desired him to retain them, should be derived directly from the Crown. For these reasons the committee had come to the conclusion that the last draft Patent should be approved of, with the amendments suggested in their report.

The hon. gentleman sat down amid prolonged applause.

The first section was then read and its adoption moved by the Very Rev. DEAN.

Archdeacon HELLMUTH did not wish to raise any objection to the report, only he thought it would be well if further legal advice were had. He had certainly been informed that Sir John Harding had written a letter declaring the patent illegal in consequence of the Synod Act, and had understood that he had after this still been peremptorily ordered by the Duke of Newcastle to draw out the Patent.

Mr. IRVINE said that he could not conceive any doubt to exist about the legality of the Patent. He could not conceive how any man representing a body who had asked for this Patent could now call its legality in question. It surely came with very bad grace from them. Nor could he see how any one could raise the question, who had taken his seat in that Synod, since they were summoned by virtue of the power conferred by that Patent. He would add before he sat down, that if gentlemen near him had understood what were the feelings and opinions of the hon. and learned gentleman who had just spoken and his friends with respect to the powers conferred by the Patent, they would probably not have divided yesterday on the address.

Mr. CAMERON said the amendment embodied by the committee on the draft of the Patent, were given by him to the Metropolitan three months ago at his request.

Dr. BOVELL contended that the Canadian act could not take away the Queen's prerogative, since she could not divest herself of it without the consent of the Imperial Parliament.

Mr. CARTER argued ably at some length the clear existence of the prerogative in the Crown. It was a little extraordinary that so many as five legal men should have been members of it, and all of them concurred in this opinion

Rev. Dr. PATTON thought that if, hereafter, Canadians made application to the Crown for any concession, she might well ask as a preliminary to granting it, if we really wanted what we said we did, if we were earnest and sincere in our request; if we would accept it if granted; and if we would not afterwards turn round and abuse the gift or dispute its legality. Once on the sent of government question, and now on this, Canadians were showing the need of such preliminary interrogatories. If they called the patent in question, they cut their own throats. If it were illegal, then they were not legally assembled. They had heard a good deal about a letter of Sir John Harding. If it existed, why was it not produced? I.. had heard it mentioned, coupled with the name of the Bishop of Huron and with that of the Metropolitan. He had the authority of the Metropolitan to say he knew of no such letter, and had no reason to believe it existed, but on the contrary, Mr. Pennefather's letter would induce him to think it could not. He proceeded to argue eloquently in favour of upholding the connection with the Mother Church, and the recognition of the Queen, as under Christ, the temporal head of it, and with the mother country, and sat down amid vehement applause.

Rev. Dr. FULLER argued that there ought to be no doubt or dissension on this point. When a patron of a living failed to present to it, the Crown stepped in and filled it up. Here they had failed to present to the Metropolitan See, and the Crown had exercised its undoubted right.

Mr. KIRKPATRICK felt no doubt as a legal man of the validity of the Patent. He should like to see Sir J. Harding's opinion, and on what statement it was based, and he felt no doubt it would not differ from that of the legal men on the committee. It was not likely he had raised doubts about the legality of an act to which he had himself been a party. He might have held it unnecessary but not illegal

Judge McCORD said when they saw a report concurred in by five lawyers, it was so unusual a thing they might take it for granted that there was no ground for reasonable doubt. It had been hinted with respect to Mr. Cameron's opinion that he was not infallable. That was true. No man was. But an opinion coming from him would go very far with most men in any part of the province, for if any man had a reputation through its length and breadth, both as an able lawyer and sound canonist, it was that honourable and learned gentleman (hear.) His opinion would carry more weight he believed on such a question than that of any other man in Canada.

Rev. Mr. MARSH said the gentlemen who had voted against the address had not been fairly treated. There was a wide difference between this report limiting and controlling the powers of the Metropolitan, and the note of Sir J. Harding asking whether further powers were necessary, submitted by his Lordship. Had the former been before them they might have voted otherwise. They were as loyal to the Crown, and as desirous to maintain the connection with the mother country and mother church as any gentlemen opposite, however vehemently they spoke on the subject.

The clause was then adopted *mem. con.*, and the Synod adjourned, the Rev. Prolocutor dismissing them with the benediction.

To be Continued.

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