

had a voice in the election. He thought it would not be difficult to discover some way by which the whole church in the province might be allowed to have a voice in the election.

A LAY DELEGATE said to decide this question was the chief reason for their being called together, and he thought it would be very undignified to send the matter back to the committee. He protested against it, as it would put off the question for three years, and what was to be done if any thing should happen in the meantime.

REV. MR. BALFOUR said the question was a very grave and important one, and it was desirable that it should have deep consideration. He felt inclined to look with favour upon the views contained in the amendment; but he did not think they could come to any conclusion at present. He was disposed to pay honour and respect to the letters patent. Originally the bishops were assuredly the only governors of the church, they exercising their authority within the jurisdiction of the States in which their Sees were placed. The fixed See had been the universal practice. With respect to the difficulties which stand in the way of a fixed See in this province, he thought that some way might be found to meet the necessity of complying with the ancient practice, and also the wishes of our most gracious Sovereign. They were all opposed to innovation.

ED. CARTER, Esq., then moved the following resolution, seconded by the Rev. Provost WHITAKER:

1. Inasmuch as by the act of the legislature of this province, under which this general assembly is constituted, power is conferred upon diocesan synods to elect a bishop in such dioceses, having jurisdiction within the limits thereof, but no authority thereby is given to appoint a Metropolitan, whose jurisdiction would extend throughout the province; and that it has pleased Her Majesty the Queen to accede to the prayer of the petitions of the several dioceses of Quebec, Montreal and Toronto, established under the authority of the said Act; and to grant Her Royal Letters Patent, appointing a Metropolitan:

2. Inasmuch as by the terms of the said letters patent, the See of the Lord Bishop of Montreal and his successors is constituted the "Metropolitan See of Montreal," and the now "Lord Bishop of Montreal and his successors, the bishops thereof for the time being," are declared to be Metropolitan bishops in the Province of Canada:

3. Inasmuch also as the succession to the said Metropolitan See, thus permanently fixed and attached to the See of the Lord Bishop of Montreal, by the said royal letters patent, is alone made subject to the rules, regulations and canons of this general assembly, but no power whatever is conferred to transfer the Metropolitan See to any other diocese, and that any canon based on the plan proposed in the report of the committee which would subject the Metropolitan See to be changed upon each new appointment of a Metropolitan, would be illegal and against the prerogative of the Queen, as exercised by the said royal letters patent.

Finally, Inasmuch as any rules, regulations or canons relating to the succession to the said Metropolitan See, must be so framed as not to take away the right vested in the diocese of Montreal, under the Synod act of electing the Bishop of Montreal upon a vacancy occurring.

Be it Resolved—That the report of the committee relating to the succession to the Metropolitan See be not adopted; but that a committee be appointed to report what measures

should be devised, as well upon a vacancy in the Bishopric of Montreal occurring, as to secure to the church at large in this province a voice in the selection of a successor, without depriving the diocese of Montreal of its privileges to elect.

MR. CARTER spoke at considerable length in support of his motion. He contended that the report of the committee could not be adopted, as it was based upon the erroneous supposition that the Provincial Synods possessed the power of transferring the Metropolitan See from Montreal, where it was now established under the letters patent, to any other diocese, and he proposed to show that this power did not exist, and that any cause providing for such change would be illegal and against the prerogative of the Queen, as exercised by the royal letters patent. It was argued by the Hon. Mr. Cameron that no words were to be found in the patent, which in effect declared the See of Montreal to be the Metropolitan See; but in this he was mistaken, as one of the last clauses in the letters patent ordains "that in case any proceedings should be instituted against any of the said Bishops of Quebec, Toronto and Huron, or any other diocese that may hereafter be erected (*when placed under the said Metropolitan See of Montreal*), such proceedings shall originate and be carried on before the Lord Bishop of Montreal for the time being, whom we hereby authorize and direct to take cognizance of the same." He also contended that there were other clauses indicating clearly that the exercise of a Metropolitan jurisdiction was clearly vested in the Lord Bishop of Montreal and his successors to the exclusion of all others, by ordaining that the bishops of every other diocese should be suffragan bishops to the said Lord Bishop of Montreal.

The SPEAKER further stated that such being the rule established by the sovereign as the head of the church, the next question to be considered was, had the Provincial Synod the authority to alter or deviate from that rule. He urged that it was only necessary to refer to the Synod act to be convinced that the appointment of a Metropolitan was not contemplated when the act was framed—that the first clause vested the power of election of bishops in the Diocesan Synods with local jurisdiction in their respective dioceses, but did not contemplate the nomination or election of a Metropolitan, with jurisdiction throughout the province. The second clause gave no power to the Provincial Synod to make any appointment whatever, and so it was found necessary to petition the Queen for the exercise of her Royal prerogative by appointing a Metropolitan. This had been done by the letters patent. This Synod had adopted the letters patent, and had suggested certain amendments, which conveyed no other power than that of making the succession to the Metropolitan See subject to any rule or regulation of the Provincial Synod. He regretted being obliged to differ from the Hon. Mr. Cameron, but it seemed to him that there was a wide distinction between controlling the succession to a Metropolitan See, and the transferring that See, thus permanently fixed by the letters patent, to a diocese other than the one mentioned in the letters patent.

AFTERNOON SESSION.

MR. E. CARTER continued his address which he began in the morning, urging additional reasons for the opinions he stated in the morning, to the effect that the Synod could not pass a canon, having the effect of annihilating the provisions of the Queen's patent by which the Bishop of Montreal is constituted the Metropolitan of Canada. In case the Diocese of Mon-

treau should hereafter have to elect a Bishop, successor to the present, who believed that under the patent he was the Metropolitan, and supposed that the House of bishops under this canon should appoint a metropolitan, the result would be a humiliating conflict of jurisdiction; or even if there were none, the courts might interfere and set aside the decisions of the Metropolitan Court, as having no effect for want of authority.

The Rev. PROVOST WHITAKER seconded motion in amendment by Mr. CARTER. It was said that the patent in this matter was waste paper. If so there was a great responsibility thrown upon the Synod. In that case the power of the Synod was most dangerous, and if not used with caution might do great mischief not only to themselves but to the church at large. But if the patent of the Queen had no legal it had moral force. Three dioceses out of four then existing; four dioceses out of five existing now had virtually petitioned the Queen for the appointment of a Metropolitan. But could any body believe that if the Queen had understood the Synod to be desirous of appointing a perambulatory dignity, she would have consented to name the first person of such a series. He thought not; but believed she would have permitted the Synod to act for itself. He held that she did not so much appoint a person to be Metropolitan, as she did create a see to be the Metropolitan see. He contended that though it was true in modern times that civil powers were attached to the sees of the church, yet even in times when bishops had barely the right to live, there were still ecclesiastical authorities attached to certain places. The sees of Canterbury and York certainly existed before any civil powers were attached to them. What advantages could there be in changing the practice of eighteen centuries? He knew of none; and he believed that all would admit that there was no other place where the delegates of the church could have met in Synod with the enjoyment of so many privileges as they recently enjoyed in Montreal. He believed that all difficulty would be removed, if the diocese of Montreal would revert to the ancient practice of the Bishop being nominated by the Bishops and confirmed by the church in the Diocese. This might be thought unfair to the Diocese of Montreal, if it were not adopted as the rule in other dioceses; but the Diocese of Montreal would have a particular motive for setting a valuable example to other Dioceses. He should be most unwilling, especially at this moment, to do any thing that would look like separating ourselves from the church in England. He hoped that the time would come for an Imperial or Patriarchal Council to be held in England, and he trusted that in that Council the Province of Canada would have her right to take place. It would be a subject for deep pain, if it should be found that any thing had been done to prevent her from enjoying that privilege.

MR. HARMAN thought that there were three objections urged to the proposed canon. 1st. That we should be governed by the course the Church of England would take. 2nd. That we should introduce no new thing. 3rd. That the thing for determination could wait. Now, no one had a greater reverence for the Church of England than himself—a church which, he believed, had been planted on the soil of England by the Apostles, and afterwards purged by the reformation from the corruptions heaped upon her by Rome. But it was another thing to follow her example in all cases—an example which sometimes would not be followed with propriety or advantage to the Church here or at large. Had the church in Canada waited till the church of