

all be wholesome examples and patterns for the people to follow. That, when the Chief Shepherd shall appear, we may all enter together into the joy of our Lord, and receive the crown of glory that fadeth not away.

Hear me, O Father, and grant my desires, for the sake of that precious life once offered on the cross. Amen.

THE BISHOP'S COURT.

We are of those who viewed the establishment of the Bishop's Court, under his patent, with great distrust of its applicability to our diocese. Nothing but his Lordship's announcement that a grave case required immediate treatment, reconciled us to the adoption of a Court and a Church Discipline Act, which, however just and reliable in England, where they are established by the civil authority, may, under a totally different system of things in Canada, be an engine of injustice and a weapon to be used successfully by vindictive and malicious accusers. We thought that a Synodical Court, constituted in some such way as was suggested in the Canons reported to Synod by the Rev. Dr. Beaven, would be regarded with more confidence by the Church than a Bishop's Court, regulated in its mode of proceeding against clergymen by laws only partially applicable to this country. No clergyman's character is safe if he be unfortunate enough, in the exercise of duty, to have aroused spiteful animosity against him. The least action may be misconstrued, or word tortured, until a designing person has caught hold of some overt act of frivolity, which in a layman would probably be unnoticed, but which, in the case of a clergyman, would be gladly seized on, if a commission of inquiry was to issue upon every such occasion. The Synod should specify the occasions on which such commissions should be appointed, because an alleged act of impropriety, however trifling, becomes magnified in the eyes of the public when the formidable apparatus of the Church Discipline Act is put in motion against it.

But we have other objections to our present Ecclesiastical Court. It does not seem fair that the Bishop should be involved in the responsibility of nominating the five Commissioners; and it is still more unfair that the penalty for various offences should be left to his discretion, no law defining whether the offence deserves the punishment of admonition, suspension, deprivation, or degradation. Again: no witness can be compelled to attend,—and this is a serious matter, when malice will often supply the place of a *subœna* for vindictive prosecutors, but witnesses who could save a defendant from ruin, will hesitate to expose themselves to odium, especially if they happen to be in an humble rank of life, and dependent upon the custom and employment of the prosecuting parties. Moreover, there is NO APPEAL from this Court to a higher tribunal except the Privy Council, which, of course, is out of the question in the case of a poor clergyman.

From these considerations, we believe that there is no adequate protection against conspiracy. The case of the Rev. Mr. Hatch, in England, who was deprived of his chaplaincy, and actually sentenced to penal servitude on a heinous charge, and yet ultimately acquitted, bids us consider that if, under the securities afforded by the civil law, conspiracy is often successful, there is much greater danger when every facility is afforded to the accuser, and the power of compelling witnesses to give evidence is denied to the accused, who is thus called on to prove a negative or forfeit his character.

We are induced to call the attention of the Church to this subject, owing to occurrences which have lately taken place in one of our parishes. A commission of four clergymen sat in public, with all the scandal-mongers of the place present, to institute an inquiry whether there was *prima facie* evidence to present a clergyman for trial. We do not wish to prejudice a case which must, it seems, come to a formal trial; but inasmuch as the law permits the Commissioners, at the request of the accused, to give publicity to the inquiry, which was accordingly made in as public a manner as possible, we do not think

we are acting indiscreetly in drawing attention to the fact, and protesting against its recurrence. The scandal that accrues to the Church from such publicity in the early stages of the proceedings, is never wholly obliterated, even when subsequently the trial justifies the accused. Again: it may so happen, that the accuser may not enter an appearance at the trial, and then there is the alternative of acquitting the accused while the sworn charges of the preliminary investigation are recorded against him, or of proceeding with the case in the absence of the prosecutor, affidavits which cannot be cross-examined, being accepted in lieu of witnesses who can. It seems, therefore, most injurious to the church that an enquiry for *prima facie* evidence should be made in public; but inasmuch as the facts alluded to have become known to as many persons as could squeeze themselves into a school house, and consequently to the public, we shall take the facts as an illustration of the dangers to be apprehended by clergymen who are subjected to the practical administration of the church discipline act. The charges we ascertained to be, first, that contrary to good morals, a clergyman kissed one of his female parishioners. Secondly, that he introduced jealousy and strife into a family, by informing a lady that her husband was too familiar with the young lady whom he is accused of kissing. The young lady gave her testimony in the most self-possessed and easy manner imaginable, swearing that he had paid her great attention, that he kissed her, and even said that if she waited twelve months, they might be married, as his wife was in wretched health. In answer to questions from a Commissioner, she swore that the kissing was done playfully, and that the defendant meant nothing morally wrong in his proposal to her. Moreover, all this occurred months ago, and was repeated more than once. On being asked why she permitted such liberties to be repeated without resenting or mentioning them, her reply was, that "she was fascinated by him," and "that the fascination tho' in a less degree existed even when he was absent." The fascination however was overcome when she found that "he was speaking about her," and she forthwith proceeds to a magistrate who administered to her an illegal oath, whereby she swears that the charges, of which we have given the substance, are true. If the clergyman had only been good natured we should have heard nothing of this scandal, but when he cut the young lady, and said naughty things about her, she proceeds to swear that he had kissed her, to his own great detriment, and the scandal of the church. It appears that this young lady did not confine her favors to her Pastor, but several times kissed the husband of the lady who appeared to testify to her character. Now, in all seriousness, here is a case, where all that makes life valuable is at stake, so far as the clergyman is concerned, and yet the circumstances of the case are these; a young woman, who on her own admission was fascinated and slighted by him, is his accuser, and her character apparently cannot be injured by any new development of the case, as all who were examined testify to her excellent moral character, and to her occupying a good position in society. The only things against her, are her patient endurance of such attentions and proposals for a length of time, and a *penchant* for kissing. The parties, therefore, are not fairly matched; one is actuated by a feeling of unrequited affection, the other cannot compel witnesses to attend, and though at the trial itself he may probably succeed in inducing persons who can give a totally different complexion to his part in the drama to come forward with their testimony, yet we have in this sad affair, warning enough to make us draw the attention of the Synod to the whole subject of Ecclesiastical courts. No pains should be spared to guard the clergy against conspiracy, when the result of even a frivolous charge may destroy their usefulness for ever. A clergyman may be ruined for life, although, as in the present case, if all the charges be substantiated, the severest penalty can be only an admonition and censure from the Bishop of the Diocese.