

in the process of elevation to the Episcopate makes in the contemplation of the Canon, a strong *prima facie* case in favor of the person on whom the choice of the Convention has fallen. This *prima facie* case diminishes, and is intended to diminish, somewhat, the labor and responsibility of the tribunal which is next called upon to act in this momentous transaction.

For, secondly, The Divine institution knows nothing of a mere Diocesan Bishop. A Bishop is a Bishop of the Catholic Church, and the restriction of his ordinary jurisdiction to the limits of a Diocese is a mere expedient and economical partition of the general powers of the Order, in certain specified particulars. But this convenient distribution of authority does not take away the general jurisdiction which inheres in the Office, and makes each Bishop a sworn guardian of the Faith in the whole Church, and subjects each one to the official visitatorial power of his brethren. Therefore, each organized Provincial or National Church, claims and exercises a potential voice in the creation of a Bishop. The canons of the American Church designate, as the second step in the execution of this high trust, the solemn assent and testimonial of the House of Deputies of the General Convention, in one contingency, and of the Standing Committee in every Diocese in another. Recognizing the *prima facie* case made in favor of the fitness and worthiness of the Bishop-elect, by the previous action of the Diocese, and with the knowledge that the Church at large has not the opportunity of such minute and searching inquiry as the Diocesan Convention is bound to make, the Testimonial prescribed for this higher tribunal, representing in part the Catholic Church, leaves out some of the particular specifications contained in the Testimonial presented by the Diocesan Convention.

But let any man consider the earnest, solemn, *personal* terms of this second Testimonial, and see if he can understand it to be a mere perfunctory-obedience to a *mandamus* sent down from a higher to a lower court. Yet this assumption, this strange fallacy, pervades the entire Report sent out by the Illinois Convention.

On the contrary, the language of the Testimonial, and the whole accompanying proceedings, impose upon this representative tribunal, in either of its forms, the most solemn responsibility to speak the truth; and to use every available means of knowing the truth of which it is required to speak any thing less than this, would be the wanton betrayal of a sacred trust, a flagrant injury to the Church of the living God. Ordinarily there has been little difficulty in the faithful discharge of this high duty. For, as a general rule, the Dioceses and Conventions have been careful in the choice of their Bishops. But when a Diocese, in a determined spirit of self-will, attempts to thrust upon the Church as one of its Bishops, a man whose doctrinal views, touching the very heart of Christian religion, are in avowed antagonism to the express doctrine of the Church, it is the plain duty of every representative of the Church to defeat and rebuke that attempt, in the most emphatic way.

Having thus seen the true relation of the House of Deputies, and of the Standing Committees, respectively, in the matter of making a Bishop in the Church of God, it will not take long to dispose of the strong assertions, and of the show of argument in the Illinois Report.

First of all, it is asserted that the House of Deputies was guilty of unwarrantable "usurpation" in presuming to enquire into the fitness of the Bishop-elect of Illinois, and that the Standing Committees will be guilty of a like "usurpation" if they dare to enquire into the fitness of the new Bishop-elect. And the charges are rung upon the language of the President of the House, declaring that the enquiry was conducted with "judicial clearness and calmness," as a proof of the "usurpation of judicial functions." It is the first time I ever heard it alleged as a crime against a body concerned in an appointment to office, that in the discharge of this official duty the members of the body acted with *judicial* calmness. Is it better that they should have acted capriciously, ignorantly, or corruptly? The *honest* discharge of the appointing power, however distributed, involves, *ex necessitate*, the exercise of judicial functions—JUDGMENT in the discrimination of character, in the determination of conduct. There was no trial of Dr. Seymour, either as a man or as a presbyter. No right of his was in issue or in jeopardy. It was simply an enquiry, to inform the judgment and the conscience of men charged with a high official duty—of men whose interest in the question of his elevation to the Episcopate was just as real and as strong as his own.

The Report proceeds to inform us that the whole function of the House of Deputies or of the Standing Committees in this matter, is to testify, as witnesses called in a court of justice, to what they *already know*. If they are ignorant, they must remain in that blissful state. Surely it might have occurred to the distinguished lawyer who drew up this paper, that when a person who has been called as a witness in any case, is found to know nothing about it, he is simply told to "stand aside." He is not required to sign a solemn testimonial, which is to

work incalculable mischief or incalculable good, in regard to a matter of which he knows nothing at all. In the case before us, the persons asked to testify, instead of being mere witnesses called to tell what they know in regard to an issue joined between two parties in a court of law, are the appointed guardians of the honor and integrity of the Church, called upon to perform a duty involving the dearest interests of that Church, and bound, therefore, by the most sacred obligation, to use all reasonable diligence to be correctly informed concerning the matter of which they are required to affirm.

After awhile, it seems to have dawned upon the writer of the Report, that possibly, there might be something which these official "witnesses" would have a right to inquire about: and he generously enlightens them as to the limits of the knowledge which they may legitimately seek. They may ascertain, the Report says, whether the person about whom they are to testify has ever been tried and condemned for any offence which would disqualify him for the Episcopate. A regular trial and condemnation, it is affirmed, is the only legitimate source of information for the House of Deputies, or for the Standing Committees; that is to say, a Diocese must have elected as its Bishop a man already degraded from the Ministry, or the reluctant "witnesses" must sign the Testimonials, expressing their confidence in his fitness. To use the language of the Report, this, at least, would seem to be "a *reductio ad absurdum*."

The most specious argument in the Report maintains that this Testimonial must be signed in any case in which a Bishop would be bound to give a Letter Dimissory. The speciousness of this argument comes from a mere verbal coincidence, where the circumstances are altogether different. The Presbyter has a vested right in his office, which can only be disturbed or taken away by trial and condemnation. When he asks for Letters Dimissory, therefore the Bishop must either grant them, or institute a trial. He has no right to deprive the Presbyter of his function by indirection. But no Presbyter, previous to consecration, has any vested right or property in the Episcopate. And all the parties concerned in conferring that high office upon any Presbyter, not only have the right, but are bound upon their consciences, to act as seems to them best for the honor of God, and for the good of His Church. A parallel case illustrates the distinction.

The President of the United States with all the power of his army, cannot *legally* punish the vilest criminal, until after trial and conviction. Will it be contended that before such trial and conviction, the President is bound, or even possesses the moral right to nominate such a man to a high and responsible office? And if the President could be so derelict as to make such a nomination, would the Senate be precluded from inquiry, and bound to confirm that nomination?

It would be too long to go into the last point of this remarkable document—the limits of true and false doctrine. In the case now at issue, this point has been decided with gratifying unanimity by the American Church. It is mainly by guarding the access to the several Orders of the Ministry that a Church can effectually exercise her Divine commission as an *Ecclesia Docens*. Laxity, or faithlessness, here, will soon lead to corruption, and to ultimate apostasy.

The imperious and denunciatory tone of the document we have been compelled to examine, as well as the election just made, is in suggestive keeping with the general policy of the party it represents—the apparent determination to carry every point by persistence and bravado.

A CHURCHMAN.

For the Church Journal and Messenger.

"SENTIMENTALISM."

MESSRS. EDITORS: I read most of the leaders in THE CHURCH JOURNAL with great pleasure and profit. But your article of Feb. 18th, on "Sentimentalism," to my apprehension, needs explanation. You say that "by the universal law and comity of the Catholic Church, Dr. Colenso is a deposed Bishop." And yet you rate him as a thoroughly honest man. I understand that the Catholic Church is a divine institution, founded on the Apostles and Prophets, Jesus Christ Himself being the chief cornerstone. This institution must necessarily be very comprehensive as to its membership, seeing that its Founder came into the world, not to establish a small society, with its constitution and bye-laws, but to draw all true and honest souls to Himself. He rejects none, we are assured, who come to Him, proposing to be His disciples. But perhaps He knew nothing about the universal law and comity of the Catholic Church. And, indeed, whatever this law and comity may be, I suspect it to be part and parcel of that mediævalism which you seem generally to hold in such just contempt. Nothing of the kind do I find mentioned in the writings of prophets or apostles, or the recorded sayings of the Son of God. The Bible does indeed raise a wall between one class of people and another, but it is between the good

and the bad only. "Ye shall discern between the righteous and the wicked, between him that serveth God, and him that serveth Him not." Such is the plainness and simplicity of Scripture. Now I understand that deposition from the Episcopate is not exactly excommunication from the Church. Yet it may be said to be a partial excommunication, seeing that it mars the fellowship previously existing, and is calculated to discourage and alienate the deposed. The grounds for such deposition should be just and lawful, according to the letter and spirit of the Divine Law, otherwise the deposition is an iniquity which the Judge of all must condemn. Now I should be glad to have it made clear that Dr. Colenso was justly and lawfully deposed—not according to the law and comity of the Catholic Church, which may be whatever you may choose to make or call it—but according to the law of God, and the comity of the fellowship of all true and honest souls. Show us what and where the walls are in the Church of God? PHOBOS.

For the Church Journal and Messenger.

THE CANON OF RITUAL.

MESSRS. EDITORS: It seems to me that the article of Dr. Hopkins on "The New Canon of Ritual," in the January number of the *Church Review*, ought to receive a few words of notice and reply. Perhaps the *Review* itself would be the most proper place for such a reply; but your journal will reach and be read by ten times as many persons as the *Review*, and I have but very few words to say.

The Doctor claims that the Canon is unconstitutional, and says, in italics, "that is now conceded all round."

This is surely a mistake: Does the Doctor suppose that the vast majority of the two Houses of the General Convention voted for a measure that they regarded as unconstitutional? Would he have done so himself? Or is he so much better than they?

The Doctor seems to lay great stress on the fact that so little was said in its favor, or rather so little in answer to the "arguments" and objections that were urged against the Canon. But I can assure him that a good many of us felt,

(1.) Sure that the Canon would pass by an overwhelming majority;

(2.) That it was best to give those who were opposed to it an opportunity to say all that they might feel disposed to say against it; to occupy *all* the time allowable for its discussion, if they should wish to do so. And

(3.) We felt, many of us at least, that there was no need of answering their objections; that their "arguments" were forceless, and their entreaties unavailing.

Now for the Canon itself. Dr. Hopkins claims that it is unconstitutional, because it is a trial, or provides a mode of trial, for Presbyters contrary to Article VI. of the Constitution. Now, I do not doubt, but there may be a sense of the word "trial" given in Webster's "Unabridged" in accordance with which what is directed to be done in § II. [I.] of the Canon may be called a trial. But certainly it is not a trial in the sense in which that word is used in the Constitution.

But waiving that, the vindication of the Canon is more simple than such an argument implies, and stands on other grounds.

In our Church the Bishop is regarded as the chief executive officer. As such he is clothed—as all executive officers of necessity must be—with the discretionary power of interpreting any words or formularies he may have occasion to enforce; which interpretation of his must stand as the law until it is reviewed and overruled by some higher authority.

Now a Bishop, as part of his ordination vows, is bound, "with all faithful diligence, to banish and drive away from the Church all erroneous and strange doctrine, contrary to God's word." And the Deacon is bound "to reverently obey his Bishop and other chief ministers, . . . following with a glad mind and will their godly admonitions." And this vow is repeated on his ordination to the Priesthood.

Under this rule there can be no doubt that it is made a Bishop's duty to inquire and see whether a Deacon or Presbyter is teaching strange or erroneous doctrines, and if he finds reason to think that such is the case, he is bound to advise and "admonish," if need be, the Deacon or Presbyter to do so no more.

Is this a "trial"? If so, then what is provided for in § II. [1] of the Canon, is a trial. But then the Bishop was authorized to make this kind of trial before the Constitution was adopted. It is an inherent part of his office, and the Constitution was never intended to interfere with or restrain it.

But suppose the doctrine or practice is not clearly either "strange" or "erroneous," but only "doubtful"? Dr. Hopkins makes great ado over the use of this word "doubtful." If a thing is *doubtful* it is not either clearly right or clearly wrong. It may be one of those things which St. Paul calls "lawful," but not "expedient." Here an act may be lawful in the sense of not