

to me to be very desirable that what the exact requirements of the law are should be thoroughly ascertained, and ascertained by ourselves in the way here proposed. I say the requirements of the law; because it is just this which makes it so very important. There is statute law upon the subject, and, as I venture to think, the rule laid down in that statute law is very clear and very distinct and very wise, and I think almost all the church legislation of the reign of Henry VIII. was. The statutes passed in that reign differ most markedly from the statutes passed in the succeeding reigns in this matter of the strict accuracy and the State Church character maintained in the statutes of Henry VIII. Now, it is a statute of Henry VIII. which alone at present governs the making of canons by the clergy of the realm. You will remember that the clergy of this realm, before the Act of Submission of the clergy, had, as the clergy of the whole of Christendom ever had, the power of making canons for the government and rule of the Church. The acceptance of these canons by the laity in their regular assemblies is laid down by the great Lord Coke as essential to those canons becoming the law of the land. But the canons were just as much canons of the church, whether the law of the land enforced them and added to them its own peculiar stringency, or whether it did not. Down to the time of Henry VIII. that power was, with certain occasional restrictions laid upon it, as at the time of the Constitutions of Clarendon and the like, in the hands of the clergy, and, at the time of the passing of the act of Henry VIII., which was in future to regulate the making of canons, the enactments of the statute required that a certain course should be followed in order to prevent the clergy from coming under the penalties of the law. The clergy submitted, and there was, so to speak, a concordat between the government and the clergy of the realm, which was for the future to govern the important functions of the clergy in making canons. It was in the mind of none that the making of canons should be transferred to any other body. It was in the minds of both parties, as fixed by the act, that the conditions under which the clergy, as the makers of the canon, should for the future make canons, should be freed from the conditions which had before existed. The great change in the conditions was to be this—that whereas the church established in this land, having the benefits of an establishment, and assistance from the courts of law which belong to an establishment—that as that established church which is the nature of a concordat between the nation and the church, neither party were to alter the existing basis upon which their mutual co-operation was then fixed, without the consent of the other. Now, the making of a canon would, to a certain extent, alter the existing status of things upon which the concordat had been framed and privileges given to the church. Therefore, as I think very wisely and well, it was enacted by the statute that the Crown, as the representative of the state and of the laity, should approve of and give its licence for the passing of any canon, before that canon should in future be enacted by the clergy. Now, the point at which the statute aimed was that, and that only. Not to give to the clergy an unlimited power of making any new canon that they pleased upon any subject which was before them; but that the Crown, being furnished in writing with a copy of a canon which the clergy desired to pass, who have the power of submitting that canon to its own lawyers and the first authorities in the realm, and ascertain that what was proposed was not contrary to any statute law or to any custom of the realm, because the making of a canon contrary to these would

involve the clergy in difficulties. It was, therefore, a strictly paternal and protective act, that the canon which the clergy desired to pass should first be submitted to the Crown, examined by the authorities that the Crown could bring to bear upon it, and that then the Crown should send down its licence, not to make a canon, but that canon—the canon of which it had already approved in writing; and pass it, and make it a part of the canonical rules of church law. That was the act of Henry VIII. At the time of the Stuarts, which is our principal record of the making of canons—at that time, as your Grace is aware, the law was unfortunately far too little regarded, and the licence which was sent down to the clergy, under the Kings of the Stuart family, began to be a declaration of the Crown, possessing the dispensing power, which enabled it to set the clergy free from any adverse statute, and which then proceeded to give a form of licence, which form of licence was, on the one hand, far too great and far too little by the statute of Henry VIII. It was far too great, in that it gave the clergy power to make a canon on any given subject; it was far too little, because it denied afterwards that the Crown should pass or put in force the canon: whereas it was for the Crown to approve of the existing canon, thereby limiting the power of the clergy, and for the clergy to put in force the canon so approved of, and not to transfer the passing of the canon to any other body. This being the case, the law on one way and precedent on the other, the question of passing a canon contains a good deal of difficulty; and the prayer of this petition is that we should appoint a committee of the two Houses of Convocation, which should be empowered by us to look carefully into the matter, and report what are really the statutable requirements. It is important for this reason—that as there are statutable penalties for making a canon in the wrong way, if the clergy of the province proceeded to make a canon in the wrong way, even under royal licence, they would violate the statute, and might thus be put to trouble afterwards, if the royal licence is not strictly according to Act of Parliament. It is important, therefore, that the matter should be thoroughly examined into and reported upon. We having proceeded a certain distance in making a new canon, it seems still more important that we should do so at this moment. These are the reasons, which you will fully appreciate, why I think it desirable that we should halt upon our present position, which means nothing more than that we have settled the wording in which the two Houses of Convocation think it expedient to pass the canon. I think it important also that the Northern Province should distinctly understand that we have no wish either to dictate to them the form in which the canon is to be passed by them, or to pass a canon for ourselves separate from them; but that what we do desire is the most brotherly, free, and open intercourse between the two provinces, so that we might agree upon a canon that would be for the benefit of the Convocation of both the provinces to pass it freely; and that then the Crown should take the steps which are necessary to make it a fixed canon of the United Church. That being the case, I shall be prepared to propose now an address to your Grace, separate from this petition, praying you to communicate to that effect with the President of the Northern Convocation, in order that there may be no misunderstanding between us, and that the matter may be set right. That, however, will come afterwards; I merely mention it now by the bye. I you are disposed to take that position, it is still the more important that we should have a committee appointed, and have the results of its labours before us,

before we go on. We may then hope, by God's blessing upon our efforts, to be able to sift the good corn out of the chaff, and to see what is the statutable mode in which we should proceed to take steps for making and passing a canon on the subject of baptism. We have never yet proposed to do it, because at the time both Houses of Convocation subscribed that form, they did it under the general impression that it was to be sent back to the Crown, and made by letters patent a canon of the Church. If that is not the way which the statute of Henry VIII. describes, and there is any other course pointed out, it should be adopted. I beg, therefore, to lay the petition upon the table, and to move—

“That the prayer of this petition be granted; and that a committee of the two Houses of Convocation of this province be appointed to inquire into the true statutable method of enacting canons in an English Provincial Synod, and to report on the same to Convocation; that the following members of this house be appointed on the said committee, and that his Grace the President direct the Prolocutor to appoint six members of the Lower House to serve on the same:—The Bishop of London, the Bishop of Exeter, the Bishop of St. David's, the Bishop of Oxford, the Bishop of Llandaff, and the Bishop of Salisbury.”

The BISHOP OF CHESTER—I have great pleasure in seconding the motion proposed by my right rev. friend. It is most desirable that we should ascertain what are the proper steps to be taken on a question so vitally important as that of the passing a new canon.

The BISHOP OF LONDON—I have to express regret that, owing to my leaving town for a few days, I had not an opportunity of receiving this petition in time to undertake its presentation to your lordships' house; but I would seize the present occasion for the purpose of acknowledging the value of the services which have been performed by the gentleman whose name is the last appended to that petition. His exertions have been indefatigable, and I am sure that any thing which emanates from him will not fail to receive the most serious attention of this house. I shall be glad to have that petition laid upon the table, and its prayer acceded to by your lordships.

The BISHOP OF LLANDAFF—I think it important that we should not act hastily in this matter, and that if there be any doubt as to the meaning of the Statute of Submission of the Clergy, it is desirable that we should be informed in order to consider the question maturely and accurately. I understand my right rev. brother to state that the terms of the Act of Parliament include two distinct processes; first, the Act of Submission points out that we are to have a licence from the Crown to consider the form of the canon, which is afterwards to be submitted to the Crown; and in the second place that we are to have from the Crown permission to enact that canon. It would not appear to me, in reading the forms of the Act of Submission—

The BISHOP OF OXFORD—What was the first point my right rev. brother of Llandaff mentioned?

The BISHOP OF LLANDAFF—That the Act of Submission points out that we are to have a licence from the Crown to consider the form of the canon.

The BISHOP OF OXFORD—Oh! no.

The BISHOP OF ST. DAVID'S—The canon is to be prepared, and then submitted to the Crown.

The BISHOP OF LLANDAFF—Well, if there be a doubt, it is necessary that we should see our way clearly, and not take any hasty or inconsiderate steps. I think it desirable, therefore, that we should have this committee.

The BISHOP OF OXFORD—I entirely agree with