

The BEREAN.

THEY RECEIVED THE WORD WITH ALL READINESS OF MIND, AND SEARCHED THE SCRIPTURES DAILY, WHETHER THOSE THINGS WERE SO.—ACTS XVII. 11.

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"LOOK BEYOND."

When thy bosom swells with joy,
Pleasures all thy hours employ,
When thy heart is free from sorrow,
Careless of each coming morrow,
When bright flowers are round thee strown,
Hope's fair mantle o'er thee thrown,
"Look beyond" these scenes so gay,
Fleeting, soon they pass away.

When thy brow with care is clouded,
Youth's fond dreams in darkness shrouded,
When the light is faded—gone—
That around thy path-way shone,
When thine eye is dimmed with tears,
Sad thy spirit, filled with fears,
"Look beyond" this world of wo,
Peace and joy can God bestow.

When the loved that now are thine,
Leave thee for a brighter clime,
When the grave—the bier—the pall
From thy gaze hath taken all,
When thy lonely heart doth mourn,
Hours that never can return,
"Look beyond" the silent tomb,
Christ hath scattered far its gloom.

When thy days are finished here,
Death's dark valley drawing near,
When thy feeble frame decays,
Faintly fall life's flickering rays,
When bright angels o'er thee bend,
Home thy spirit to attend,
"Look beyond" the parting hour,
Trust thy Saviour's grace and power.

Ep. Recorder.

THE PROTESTANT EPISCOPAL CHURCH IN SCOTLAND.

Letter from the Right Reverend the Lord Bishop of Cashel to the Right Rev. David Low, LL. D., Bishop of Moray.

I think, Right Rev. Sir, that I have sufficiently replied to the letter which you addressed to me, and which you have lately published, but I will take this opportunity of noticing a letter addressed to me by the Right Rev. the Bishop of Edinburgh. He seems to say that a person not residing in Scotland cannot have a sufficient knowledge of the actual state of things in Scotland, such as would justify him in charging the members of the Scotch Episcopal Church with an affinity with Tractarianism. I would beg to remind Bishop Terrot, that published statements are as open to non-residents as to residents, and it is from these I form my judgements. The altered formularies of the Scotch Episcopal Church, though not drawn up at "the present moment," do at "the present moment" give great encouragement to the Tractarian movement in England. All the changes from the English services are in the same direction towards Romish doctrine as the movements now being made by the Tractarians. Their present formularies make them allies to those who are fond of representing the Reformation as one of the greatest evils that ever took place in England. And I think I am authorized in charging the Scotch Episcopal Church, as a corporate body, with giving encouragement "at the present moment" to the Tractarian movement, when the edition of 1838 of the Communion Office has the very objectionable words, and may become the Holy, &c., which are not to be found in a former edition of 1801; and in the canons of 1838, the Episcopal Church of Scotland has made a move in perfect unison with the Tractarians, by expunging the word "Protestant," which occurs seventeen times in the canons of 1838, and does not occur once in those of 1839. This surely is throwing the weight of her countenance into the scale of the Tractarians.

But I can also bring forward the language of official publications which express the sympathy of those in authority in the Scotch Episcopal Church with the great originators and leaders of that movement towards Rome. I would refer, in the first place, to a Charge delivered to the Episcopal clergy of the city and district of Glasgow, May 4, 1812, by the Right Rev. M. Russell.

He refers with approbation to Dr. Pusey's letter to the Archbishop of Canterbury, but states that the Scotch Episcopalians did not need the introduction of those principles which Dr. Pusey advocated, because they were already sufficiently imbued with them, and he proceeds thus to express himself:—

"In Scotland, belief in the Holy Catholic Church has not only been professed, together with the other articles of the Creed, but the institution has been venerated as that ordinance of God, by which and through which the means of grace are conveyed to the faithful, and perpetuated from age to age, for the ultimate welfare of the whole human race.

"Such being the circumstances of our ecclesiastical body, we are not open to the influence of any temporary movement from without. The waves of that sea which has been put in motion elsewhere do not reach us; and therefore, all insinuations that we have adopted views, or admitted impressions from learned persons in another section of the Church, are totally without foundation. Such teaching was not needed here: our native clergy required not the light which it meant to convey; and our people, generally speaking, had not so far forgotten the instruction received in their youth as to render a revival necessary from any other quarter, however respectable.

"As to the doctrines which have been revived or recommended in the South, it becomes me not to give any opinion. Considered simply as principles of the doctrines of Christ, I find not that they have been condemned by any who, by learning and research, have qualified themselves to pronounce a judgment. Some strange opinions have, no doubt, been

associated with the elucidation of orthodox views; and unwise practices, there is reason to fear, have been founded upon them by young men, whose zeal in a new path has greatly exceeded their discretion. A wise and learned head has remarked, that upon the great mass of the people the revival of obsolete usages has the same disadvantageous effect as the introduction of positive novelties; a truth to which the ardent and inexperienced cannot pay too much attention. But still I am satisfied that, under the overruling providence of God, real and substantial good will result from this apparent evil. The rapidity with which the notions alluded to have spread, and the eagerness with which they have been received in many quarters, where no motives but good ones can be supposed to have operated, show, at least, a consciousness of some defect; and though, in several instances, dangerous speculations may have been countenanced, and foolish ceremonies introduced, there is no doubt that important conclusions have at the same time been established, which will ultimately lead to clearer views, both as to the constitution, and proper authority of the Church. Already I perceive that the chaff begins to be separated from the wheat; that the dross is cast aside and the precious metal retained; and, in due time, we may piously trust the evil will altogether disappear, and an important benefit remain behind. But neither with the good nor the evil have we, in these parts, any direct concern."

We have here a bishop of the Scotch Episcopal Church not only declaring his belief, that real and substantial good will result from the Tractarian movement, but asserting that the Scotch Episcopal Church will not be affected by the Tractarian movement in England, because that independent of, and antecedent to, their teaching, they had made rapid strides in that direction.

But I can produce another publication, *A Sermon Preached before the Bishop and Clergy of the Diocese of Aberdeen, in Synod Assembled, on the 7th Day of August, 1811*, by the Rev. P. Cheyne, Minister of St. John's, Aberdeen. I have before me the second edition, and not a voice has been raised in the diocese, or in any part of the Church, against the sentiments put forward, either in the sermon as originally delivered, or in the notes afterwards appended. The bishop and clergy, the author informs us, unanimously requested the publication of the sermon, and they have allowed it to go forth, both text and notes, as expressing their sentiments. We may, therefore, look into this publication as indicating the existing principles of the Scotch Episcopal Church; and, if I mistake not, it affords evidence by which a person not residing in Scotland may yet come to the conclusion, that she is throwing the weight of her influence into the scale of the unsound members of the Church of England. In the sermon we find the following passage:—

"Though in one grand point of Catholic doctrine she has kept and witnessed the truth, in other respects she has been contented with the discordant utterances of a mixed theology, and perhaps boasted of the comprehensive laxity which tolerated the extremes of Catholic truth on the one hand, and Protestant heresy on the other."

Here we have the Tractarian cant of Catholic truth and Protestant heresy. A note appended explains more fully the author's meaning, an extract from which I subjoin:—

"The doctrine which our Church has witnessed is the most sacred one of the Eucharist. She attained it with difficulty, and at the risk, as it seemed in human judgment, of annihilation, and after a severe struggle brought up her Liturgy to the primitive and Catholic standard. That office henceforth became the test of the faithfulness of her witness, and she has not been so steadfast in maintaining it as could have been wished. There has been a too great facility exhibited on several occasions, in giving up to prejudice, or to hasten the attainment of objects of unquestionable importance, perhaps, but which it might have been better to wait for in faith, than to accelerate at the risk of weakening the Church's testimony for primitive truth. Whether this was not done to a considerable extent at the time when the so-called English chapels were united to the Church, it would perhaps be invidious to enquire. There does seem to have been fully as much of human expediency as ecclesiastical principle, in the terms on which that union was accomplished, and the consequence has been, that the authorities of the Church stand in a false position towards many of the congregations which are nominally subject to them. But even the reservation then made in favour of the "primary authority" of the Scotch Office, has materially weakened since. One might ask, what has become of it in many of our churches in which it was used within the last twenty years? By what canonical act of legitimate authority has it been laid aside? Why, again, has it not followed the extension of the Church? Many new congregations have been established of late years; in how many of them is the 'Communion Office' of the Church used according to the 'Twenty-first Canon'? That canon secures the use of the English office to all congregations 'where it had been previously in use'—previously, i. e. to the union referred to. But that permission extended to no congregations formed subsequently; they are subject to the general rule, and ought to have the Eucharist administered by the 'authorized service.' No new congregation has a right to choose which service shall be adopted; the contrary has indeed been asserted and acted upon, but it is quite inconsistent with the terms of the canon.

The only imaginable exception are congregations of native English or Irish, who according to the practice of the Church, may be permitted the use of their own rites. The Church has been involved in inextricable embarrassments by the vacillating course adopted in this matter. Not the least of these embarrassments is the admission of inconsistent doctrines upon this, the most awful of all subjects. Yet is it not so? Are not inconsistent doctrines taught and tolerated among us? No doctrines can be conceived more inconsistent than that which inculcates belief in the real presence of Christ in the Eucharist, and that which rejects it as Popery, and teaches us that he is no more present there than he is anywhere else, where two or three are gathered together for prayer. Or again, what can be more inconsistent than the doctrine of the sacrifice and the direct denial of it? or the belief of its propitiatory nature, and the unqualified condemnation of it? Yet these 'discordant utterances' are heard on every side; and though one set of these doctrines is plainly and confessedly anti-Catholic, it takes refuge under the indefinite and halting testimony of the English Liturgy, and there finds it; and is not this to speak with 'stammering lips'?"

"And can the Church which has not vigour to suppress doctrines inconsistent with her own holiest service, be a sufficient guide to the truth? Is it not too plain that she succumbs to that fundamental position of all heresy—that every one has a right to judge for himself according to what he thinks to be in Scripture? There is not, perhaps, any form of discordant teaching prevalent in the Church of England which does not find a place among us, though, perhaps, we have hardly yet attained the same intensity of Lutheranism, which reigns triumphant in one numerous section of that Church. We do not the less thankfully acknowledge our deep indebtedness to that Church, though we may trace many of the evils under which we labour to her influence. We derive from her immense and incalculable good—the riches of the apostolic gift, and the evil came along with it; and unhappily, we have shown ourselves far more ready to fall in with the laxity of her practice and the indefiniteness of her teaching, than to imitate the vigour and earnestness with which many of her noblest sons have laboured for the restoration of Catholic truth, in token, we humbly trust, that their holy mother will soon arise and shake herself from the dust."

Again, upon confession—
"Most persons admit that confidential communication with a clergyman is sometimes necessary. So far they witness to the need of confession; but on very low grounds. It is not merely confidence that is implied. Confession, to answer its end, must be made not simply to one who is trustworthy or skilful, but to the priest as God's minister, intrusted with the dispensation of heavenly grace, the power to remit and to retain sins; speaking and acting in Christ's name ministerially, certainly, yet effectually, where there is no barrier; not externally only, but inwardly in the soul, and in the world unseen. Confession, in its use and efficacy, is founded in the belief of the sacramental character of the Church—that she is the depository, viz., of Divine gifts—the temple through which he approaches each of us individually, dispensing his invisible grace through his ordinances and through his ministers. Till this be recognized, there is no common ground on which the question can be argued."

Here, then, we have a clergyman of the Episcopal Church, approved by his bishop and clergy, declaring his holding the very essence of Tractarian doctrine, and we have the diocese of Aberdeen, in assenting to him, throwing the weight of their countenance into the scale of the Tractarians. For one statement, in which I fully agree, I thank the Rev. author, that the doctrines of our two Churches are quite inconsistent; and he blames his Church for not having vigour to suppress doctrines inconsistent with her own "holiest service." I believe with him that the doctrine of the Scotch Communion Office is quite inconsistent with that of our service; no intelligent, thinking man can honestly join in both. I say then again, what I said in my first letter, that if providential circumstances took me to Scotland, I should go to the chapel of the Church of England minister, where I could receive the sacrament of the Supper of the Lord, according to the form of the Church of England, and not to the chapel of the Scotch Episcopal Church, where I should find a service which puts forward doctrines which are, according to the opinion of Mr. Cheyne, as well as myself, inconsistent with the doctrines of my Church. I find then in Mr. Cheyne an unobjectionable witness of the Tractarian principles of himself and of his Church. I can, however, give another short extract from his publication. In page xiii. of the preface, I find the following in the notes:—

"I cannot admit that the Thirty-nine Articles are an ultimate document of appeal on the Eucharist, or any other doctrine. Our appeal is from them, if need be, to the catholic Liturgy, which is anterior to them in point of time, and superior in point of authority; and with respect to us in Scotland, the 'Communion Office' is our rule of doctrine on the Eucharist, supreme in authority over all other formularies. These are all, however, perfectly consistent with each other in catholic sense."

"If to acknowledge obligations to the teaching of such men as Dr. Pusey and Mr. Newman indicate a tendency to Romanism, I most gladly admit it. In common with thou-

sands who owe unto them 'their own selves besides,' I have derived the greatest possible benefit from their writings, and therefore feel the deepest sympathy in their trials. It would be unthankfulness in the highest degree not to express it particularly, now that they are so relentlessly persecuted."

By the authorities which I have adduced, I have fully justified my charge that the Scotch Episcopal Church has thrown the weight of her countenance into the scale of the unsound members of the Church of England, or in other words, in the present controversy, appears on the side of the Tractarians; and I have disproved Bishop Terrot's assertion, that he doubts whether a single clerical member of their Church would throw the weight of his countenance into their scale.

There is one point more in Bishop Terrot's letter which demands remark. He thinks it a very strong argument in favour of the Scotch Episcopal Church, that I stand alone against the testimony of so many bishops of the Church of England and Ireland. I beg to say, that whilst the question at issue must stand upon its own merits, independent of the number or rank of the persons who may adopt one side or the other, the exalted prelates, whose letters are quoted in favour of the Scotch Episcopal Church, appear to have had their attention directed to but one side of the question,—that of discipline and Episcopal authority; the important point of doctrine appears not to have been before them, and they have not given their opinion on a mixed question of Episcopal authority on the one hand, and false doctrine on the other; and having weighed both, they have not declared which side of the scale they inclined; nor has any one bishop given his opinion, or acted as if it was his opinion, that the minister excommunicated by the Scotch bishop is cut off from the Church of Christ, or even separated from the Church of England. When an English or Irish bishop shall prohibit an English Presbyterian, excommunicated by a Scotch bishop, from officiating in his diocese, then he will have expressed an opinion favourable to the pretensions of the Scotch Episcopal Church, upon an investigation of the whole question.

It is true that in a certain aspect of the question I stand alone, because I alone have been appealed to (I am sure I cannot say why) by one of the Scotch Bishops. But I know I do not stand alone in holding as well as in expressing the opinion I have put forward. I know there are others, who, if appealed to, could not in conscience give any other opinion, but such as I have given, and who do think that the doctrinal error of the Scotch Communion Office, is a sufficient reason for not holding communion with that Church, even though separation from her should involve the undesirable absence of Episcopal superintendence and control; and whenever the case of the Scotch Episcopal Church, not satisfied with our Prayer-book, but thirsting after what she calls "Catholic doctrines," but which Church of England men well call "Romish doctrines," shall fairly come before the English Church—when the two inconsistent Liturgies shall be produced—when the condemnation of ours shall be marked by the introduction of theirs, I have no doubt what verdict will be given by all members of the Church of England, except those who have been trained in the school of Mr. Newman, are moving after him towards Rome, and would find in the un-Anglican doctrines of the Scotch Communion Office a convenient stage in that direction.

I find, I think, in our Church two things, for which I love her, SCRIPTURAL TRUTH, and SCRIPTURAL ORDER. I love her for both; but when I shall find these two separated, and I shall be obliged to choose whether I will hold to the truth and give up the order, or hold to the order and give up the truth, I shall feel myself bound to hold to the truth.

If my own Episcopal Church should turn away from the truth—should declare the doctrine of her Communion Service to be un-catholic, and should introduce a service that speaks more like Transubstantiation than ever was spoken by any Church but the Church of Rome, I should feel myself bound to protest against her heresy, and to separate from her communion, though that separation should involve the undesirable absence of Episcopal superintendence and control. How much more must I sympathize with Church of England men in Scotland, who upon the same ground separate themselves from a Church which has no hereditary claim to their submission—which is not the Church of their fathers, and had not been the cradle of their youth. If asked my opinion, I must say, "Come out from her and be separate."

But I cannot close without a word that may tend to peace, and to a happy union with the Church of England.

I would call on you, Right Rev. Sir, and the other bishops, with their clergy, to meet together, and casting off their unfortunate deviations from our common standard, conform to the Liturgy of the Church of England—speak her language. Let us walk by the same rule, let us mind the same thing.

And may the great Head of the Church pour down upon us all, abundance of the one and the same Spirit, to lead us into all truth, and make us abound in every good work.—I have the honour to be, Right Rev. Sir, your obedient humble servant,

ROBERT CASHEL, &c.
Right Rev. David Low,
Bishop of Moray, &c.

Jesus is the Way by his example, the Truth by his word, and the Life by his grace. Out of this Way there is nothing but wandering; without this Truth nothing but error; and without this Life nothing but death.—Queensel.

THE LAW UPON LOTTERIES.

From "Report of Cases Argued and Determined in the Court [&c.] of Lower Canada, by GEORGE OKILL STEUART, Esquire."

ISAAC ROUSSE, *Epartie*.

A writ of Habeas Corpus was issued directed to the keeper of the common goal of this district to produce the body of Isaac Rousse, and by the return it appeared that this individual was imprisoned under a commitment upon a conviction before two justices for selling tickets in and belonging to a foreign lottery.

The prisoner having been heard by his counsel, the following opinion was given by SEWELL, Ch. J. The point submitted is distinct and single. If the statutes 9th, Geo. I. c. 19, and 6th Geo. II. c. 35, form a part of the criminal law of this province, there has been no assumption of jurisdiction on the part of the magistrates by whom the prisoner has been convicted of selling tickets "in and belonging to a foreign lottery," and consequently the prisoner must be remanded; for the question whether the conviction was regular, as to the course of proceedings had in obtaining it, must be settled by certiorari.

By the 11th, Geo. III. c. 85, the criminal law of England is declared to be the law of this province, "as well in the description and quality of the offence as in the mode of prosecution and trial." A great portion of that law is of universal application and that portion is in force in this province; but other portions are merely municipal and of local importance only, and these are not in force. The line between them, in the absence of positive enactments, must be drawn by the legal discretion of the judges as cases arise and call for decision, and "the inquiry," says Sir WILLIAM GRANT in the case of the *Attorney-General v. Stewart* at the rolls, will depend upon this consideration, whether it be a law of local policy, adapted solely to the country in which it was made, or a general regulation, equally applicable in any country in which the law of England obtains. (a) Now gaming, from its tendency to corrupt the morals of the people, is considered by the law of England to be an offence. "Taken in any light," says Sir WILLIAM BLACKSTONE, "it is an offence of the most alarming nature," (b) and all lotteries, as a species of gaming, are declared by the 10th and 11th Will. III. c. 17, to be public nuisances. The statutes, therefore, which have been passed, prohibiting the establishment of offices for the sale of tickets and chances in foreign lotteries, and the sale of such tickets and chances, I cannot but consider as general regulations in furtherance of the laws against gaming, and as applicable in this province to the state and condition of the inhabitants as in England. The statute 6th, Geo. II. c. 35, after stating that the statute 9th, Geo. I. c. 19, has been found inadequate, enacts, "That if any person shall sell any ticket in any foreign lottery, and shall be convicted of the said offence before two or more justices of the peace, the person so convicted shall, for every such offence, forfeit the sum of £200, and be committed to the county goal, there to remain without bail or mainprize for the space of one whole year, and from thence until the said sum of £200, so forfeited as aforesaid, shall be fully paid and satisfied." And the return to this habeas corpus is a commitment of the prisoner upon conviction, before two justices, of the offence above stated.

It has been argued that the conviction is not a criminal matter, but I cannot agree in this. By the mutiny act it is enacted, "that a soldier shall not be liable to be taken out of His Majesty's service by any process or execution whatsoever other than for some criminal matter." In the case of *The King v. Bowen*, the defendant on a charge of bastardy, was committed for refusing to enter into a recognizance to indemnify the parish, and the question before the court of King's Bench was whether this was a commitment for a criminal matter, and the court held that it was, because incontinence is a crime, though cognizable only in the ecclesiastical courts. (c) The present appears to me to be a stronger case than *Bowen's*, for here, to sell tickets in a foreign lottery is, by statute, declared to be an offence punishable by fine and imprisonment and cognizable before a criminal jurisdiction of two justices of the peace from whose judgment an appeal lies to the Court of Quarter Session. If I err in the opinion I entertain on this case, I have the satisfaction of knowing that it may be brought before the court of King's Bench where my error may be corrected.

Let the prisoner be remanded.

Extract from Act for the prevention of gaming, 12 Geo. II. c. 28. Evans' Collection of Statutes.

If any person or persons shall after the twenty-fourth day of June one thousand seven hundred and thirty-nine erect, set up, continue, or keep any office or place under the denomination of a sale or sales of houses, land, advowsons, presentations to livings, plate, jewels, ships, goods, or other things by way of lottery, or by lots, tickets, numbers, or figures, cards, or dice; or shall make, print, advertise, or publish, or cause to be printed, advertised or published, proposals or schemes for advancing small sums of money by several persons amounting in the whole to large sums; to be divided among them by chances of the prizes in some public lottery or lotteries established or allowed by Act of Parliament, or shall deliver out, or cause, or procure to be delivered out tickets to the persons advancing such sums, to entitle them to a share of the money so

(a) 2 Merivale's R. 151. (b) 4 Comm. 171. (c) 5 Term. R. 156. lb. vol. 2. p. 211. The King v. Archer.