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D. J. M.

NOVA SCOTIA  
Church Chronicle.

VOL. II.

HALIFAX, DECEMBER, 1866.

No. 12.

"Ad profectum sacrosanctæ matris ecclesiæ."

THE PASTORAL LETTER.

It is with feelings of no ordinary kind that we commence to make a few remarks upon the Pastoral lately issued by the Bishop. The circumstances which made it necessary are such as must cause a feeling of grief to all who believe it to be a goodly thing that brethren should dwell together in unity.

But the Pastoral itself may well make us thank God that we have a Bishop who fearlessly comes forward to the defence of the truth, and who can wield his weapons right well. We are confident that all except the most prejudiced will agree that the Bishop has given us a masterly production, and utterly refuted the feeble charges of his accuser. The Bishop, calm, dignified, self-restrained, logical forms a strong contrast to the Rector of St. Paul's, the characteristics of whose letters we do not care to enumerate,—they speak for themselves.

The question at issue was certainly of sufficient importance to call for the interference of our chief Pastor. It was asserted in effect that the condition of our Church generally was such as to justify those who are legally and morally bound to pay a promised sum of money towards its endowment, in withholding the payment. How any circumstances can arise which will justify a man in refusing to perform his part of "a bargain,"\* when the other parties have performed theirs, none but Liguori, and those who think with him, can understand. But granting, for the sake of argument, such a position to be an honest one, is the church here generally in such a condition? This was the question raised: how the affirmative was attempted to be maintained, and how the negative was triumphantly proved, we read in the Pastoral.

While the heavy artillery was in operation, there was kept up a continuous fire of small arms, in a daily secular paper.

Of these letters we can only say that, with few exceptions, they were in the worst of taste. They nearly all bore marks of being the production of men who had neither knowledge nor the candour which would allow them to recognize any truth other than what their own narrow system embraced, and their own peculiar phraseology expressed. It is amusing to observe with what assumption of superior knowledge "Candor" assures us that he is well aware that the title "My Lord" is not due to the Bishop; † or to read how "Christian," after most unnecessary confession of his own ignorance, asserts that the term "oblations" does not occur in the Prayer

\*It is worth noting that the Rector of St. Paul's, who was the first clergyman publicly to advocate the removal of the Bishop's veto in the D.C.S, as the terms upon which the Endowment Fund would be raised, afterwards, in that Society, urged the completion of the payment; as the fulfilment of (to use his own words) "a bargain."

†The title "Lord Bishop of Nova Scotia," is given by the Queen under the great Seal of the United Kingdom, as the legal designation.

Book. This last correspondent must surely have gained his knowledge of the Prayer Book from a teacher who was horrified at the expression "Sacrament of Christ's Body and Blood."

One of the last letters is from a former churchwarden of St. Paul's, impugning some statements of the Bishop in his Pastoral. In the matters of detail he may be partly right, such points easily slip from the mind and do not affect the merits of the case. Yet even here he is more at variance with the Rector of St. Paul's than with the Bishop. But it is curious to observe that, just as in the case of the Rector, there seems to be a mental obtuseness, which prevents him from seeing what the question really is. Mr. Hill seems unable to distinguish between requiring the Bread and Wine not to be put on the Lord's Table until the rubrical time, and requiring them to stand on a Credence. The former the Bishop insists upon, the latter he cares nothing about. Previous to the issue of the Pastoral there came out a pamphlet containing the correspondence between the Bishop and the Rev. Canon Cochran, concerning the wearing of the Surplice in the Bishop's Chapel. It would seem to be his Lordship's good fortune to contend with men who are so hopelessly unable to entertain the idea of their being in the wrong, that with almost touching innocence, they give to the world a correspondence, when they have been thoroughly worsted; and while every one is either laughing at or commiserating their defeat, they are pluming themselves on their fancied victory. The cool request of a curate that his rector would kindly provide for the duties which he is disinclined to perform, has probably brought a smile to many faces, while every Rector must have seen that the Bishop was doing what under the same circumstances he would of course have done—required his Curate either to conform to his directions or leave his position. It was not an Episcopal act on the part of the Bishop, but simply the act of any Rector.

While speaking of this subject we cannot help expressing our opinion that now is the time for those of our brethren, who would wish to conform to law and order, to explain to their people the grounds for the discontinuance of the gown, and to cease from using it. Whatever the custom may have been there is no question as to the law; and although a law having fallen into disuse, may fairly be pleaded as an excuse for its neglect when authorities do not require obedience, yet the moment the law is put in force by the proper authority, to obey it becomes our duty, and custom is no valid plea to the contrary.

The Bishop however, knowing our circumstances, says that he has not ordered the discontinuance of the gown, but having informed the clergy and laity what is right, leaves it to their own discretion, good sense and regard for order to guide them aright. Surely then the duty of those who desire to obey their Ordinary in all things lawful and honest is plain. If unfortunately they are so situated that to leave off the gown would certainly offend their congregations, and if further they are powerless to remove this prejudice, then with a clear conscience they may continue doing as they have done, waiting and labouring for a better state of things. But if on the other hand they are ministering to a more intelligent and unprejudiced parish, and have the confidence of their flock, they may without much difficulty effect a change which commends itself to all reasonable men, and comes recommended by authority. The same remarks apply to following the rubric, about the proper time of placing the elements on the Lord's Table.

Any Clergyman and Parish so doing, would feel that they are in the most graceful way expressing their confidence and trust in their Bishop, which at the present time we would all gladly express.

To one other subject we would allude. An attempt has been made, we do not think the language unwarrantable if we call it a dishonest attempt, to injure the prospects of the paper to be issued next year by the Synod, by endeavouring to connect it with this paper. We have before stated that this paper is perfectly independent and for it the Editor is alone responsible. The number objected to was not intended to be, could not have been, a specimen number of the forthcoming periodical. A letter, to the expressions of which we had an objection, was sent to us, we inserted it, as any independent journalist would have done, not at all holding ourselves responsible for it. If there were any who thought this letter injurious, the fair and manly course would have been to have come forward and either in this paper, which would certainly have been open to them, or in any other, discussed the question, showed by learning and argument where the error lay, and so convince mens reasons.

Instead of that, passionate letters, without a shew of argument have been written, and a letter in the columns of a periodical published in October by an independent Editor, is made an excuse for condemning a periodical the management of which will be changed in January next, and which will then be under completely different control. Such an attempt we consider unmanly and dishonest, yet in spite of it, we are sure that the good feelings and common sense of our clergy and people generally, will lead them to give a hearty support to the new paper, whatever they may think about the present one.

## CHURCH INSTITUTION.

### *Fourth Paper.*

GENERAL RULES — *simply suggested — and liable to alteration in Committee, as well as by the Synod.*

#### RULE 1 — *Object, Title, &c.*

The object of this Society is to enable its members to make provision in case of sickness, old age and death. It consists of separate funds for medical attendance, sick pay, and endowments, and has connected with it the means of obtaining an annuity or superannuation allowance, and a sum payable at death.

It shall be denominated "The Church Institution of the Diocese of Nova Scotia." Prince Edward's Island may participate.

#### RULE 2. — *President, Vice-Presidents, and Honorary members.*

The Right Reverend the Lord Bishop shall be *ex-officio* President of the General Society. Every clergyman in whose cure a branch shall be formed shall be a Vice-President, and shall preside over the branch within his pastoral charge. Honorary members may be admitted to aid and assist in the management. All persons contributing a donation of not less than \$20, or an annual subscription of not less than \$2 to the management fund, and all persons not being ordinary members, who shall be appointed to any Committee, hold any office, or perform any duty to which no emolument is attached, shall be styled honorary members, and shall also be entitled to vote at all general meetings.

**RULE 3. — Title to membership.**

That no person shall be entitled to become a member of this Society (whether honorary or ordinary) who has not signed the roll of membership, which shall contain the following declaration.

“I do declare that I am a member of the United Church of England and Ireland; and belong to no other religious denomination.”

**RULE 4. — Appointment of Trustees, Treasurer, Secretary, and Committee of Management.**

Each branch shall have the power of electing a representative,—to the General Committee of Management,—and if the branch consist of more than 20 members it may elect 2 representatives—and an additional representative for every 20 members. At the first meeting of the General Committee of Management, after these rules are certified by the registrar, there shall be elected by a majority of those then present,—Trustees, a Treasurer, a Secretary, and an Executive Committee consisting of—persons. The Trustees shall continue in office, during the pleasure of the Committee of Management, and be removable at a general meeting thereof, and in case of a vacancy, or vacancies, another or others shall be elected by a majority of that Committee present at a meeting called for that purpose. The Treasurer and Executive Committee shall continue in office until the general annual meeting of the Committee of Management, unless previously removed by a resolution of the major part of the members present at any meeting called for that purpose. And at every annual meeting of the Committee of Management a Treasurer and Executive Committee shall be appointed for the ensuing year, or in failure thereof, the officers last appointed shall be considered as again appointed. And in case any officer other than a Trustee shall die or be removed prior to such annual meeting the Executive Committee shall appoint a person to fill up the vacancy.

**RULE 5. — Powers and duties of President, Trustees, Treasurer, Executive Committee and Secretary.**

The President shall be admitted to all meetings of the Executive Committee, and when present shall preside. The Trustees also shall be admitted to all meetings of the Executive Committee, and shall be at liberty to take part in the proceedings thereof, and vote on any question under discussion; and they shall do and execute all the several duties and functions delegated to them, unless otherwise herein provided for.

The Treasurer shall in the month of— in every year, and also when required by the Trustees, or by a majority of the Executive Committee render to the Trustees a true account of all monies received and paid by him on account of the Society; and shall also when required by a majority of the Trustees, pay over all monies remaining in his hands, and assign and deliver all securities and effects, books, papers, and property of or belonging to the society in his hands or custody, to such person or persons as a majority of the Trustees shall appoint.

He shall be responsible for such sums of money as may from time to time be paid into the hands of the Secretary, or by any person on account of this Society; he shall balance his cash account quarterly, and supply the Executive Committee with a duplicate thereof, and shall, if required attend every

meeting of the General Committee of Management. He shall, before taking upon himself the execution of his office, give satisfactory security. He shall pay no money without a written order from the Executive Committee attested by the Secretary and three members of the Committee.

The Executive Committee shall meet at the places and times mentioned in Rule 8. Any — of the Executive Committee duly assembled at any such meeting shall form a quorum. In the absence of the President they shall appoint a chairman from themselves, and shall have full power to superintend and conduct the business of the Society according to the rules provided for the government thereof, and shall in all things act for and in the name of the Society; and all acts and orders under the powers delegated to them shall have the like force and effect as the acts and orders of the Society at any general meeting. Every question at such meeting shall be decided by a majority of votes; and if the votes are equal, the President or chairman shall have a casting vote.

Any — of the Executive Committee may call a special meeting thereof, by giving — clear days notice in writing to the Secretary, but at such special meeting no other business than that specified in the notice shall be taken into consideration. The Executive Committee convene all meetings of the General Committee of Management on such requisitions as are herein mentioned.

The Committee shall see that the several books and accounts are regularly kept, and that all minutes and resolutions are correctly entered and carried into effect; and shall superintend and direct the duties of the Secretary and visitors.

The Secretary shall attend at all meetings of the Society, and shall record correctly the names of all persons present at the meetings of the Trustees or Committees, he shall make minutes of all proceedings, which he shall transcribe into proper books. He shall receive the records of admissions into all the branches, and demands for allowances of every description granted by the rules. He shall keep the documents and papers of the Society in such form and manner as the committee may appoint.

He shall receive all monies which shall be due to the Society from the various branches, and from all other sources, and under the directions of the Committee shall pay all sums which the members and others may be severally entitled to receive. He shall keep a distinct account of the funds, and of all monies paid and received on account thereof, according to the forms presented by the Committee. He shall pay into the hands of the Treasurer as the committee shall direct all monies received over and above what is required to meet the current demands upon the Society. He shall transact such other business of the Society as may be entrusted to him; and shall on all occasions, in the execution of his office, act under the superintendence control, and direction of the Committee and Treasurer.

The Secretary shall receive the sum of \$ — per annum for his services, to be paid from the fund for defraying the necessary expenses of management.

[TO BE CONTINUED.]

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 THE CASE OF BISHOP COLENZO.
 

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THE Master of the Rolls has delivered judgement in the case of Bishop Colenso against the Trustees of the Colonial Bishops' Fund. Lord Romilly having premised that he had not to decide whether Dr. Colenso had misconducted himself as a Bishop, or whether his patents were null and void, held himself to be confined to the narrow question whether the Bishop had contravened the letters patent, or was no longer in a condition to carry out the functions delegated in them to him? His lordship decided in favour of the Bishop, and ordered that the costs should come out of the Fund.

The following extracts from that judgment are important.

"In all the works that I have consulted on this subject the powers and authority of a Bishop are classed under three heads:—1. Ordo; 2. Jurisdictio; 3. Administratio rei familiaris. The letters patent of the Crown profess to give the two first of these powers: they do not profess to give the third.

*The Power of Orders.*

"The first, which is the power of orders, he derives from consecration, which according to the doctrine of the Catholic Church of Christ, of which the Church of England is a branch, is a sacred authority, derived by direct descent from the Apostles. By this power so conferred upon him he may transmit the spiritual power he possesses to others; ordain Deacons and Priests; consecrate and dedicate churches; administer Confirmation. This is the first and most important class of powers which a Bishop possesses. These powers are not confined to this or that spot, but are universal. They extend over the whole world. But this, it is alleged, makes him only a titular Bishop, and not a territorial Bishop, for that by this he has no see or diocese attached to his office. In order to consider the force and value of this remark it is desirable to ascertain the origin of the distinction between a titular and a territorial Bishop; and here I may observe, to avoid misconstruction, that in the letters patent and in the judgements delivered in the Privy Council, the words "see" and "diocese" seem to be employed as equivalent expressions, although probably the word "see" has strictly a more confined meaning than the word "diocese." The primary reason why a diocese, or, in other words, a limited territorial space, was originally assigned to a Bishop was not, as I apprehend, because his functions or duties were confined to that space, but because, as the superintendence of the Bishop was found to be more effectual when exercised principally over a limited extent, a territorial district termed a diocese was assigned to him as the limits within which he should principally exercise his authority. Thus it is that England has been parcelled out into particular special dioceses, not that each Bishop could not exercise his authority universally, but because it was justly considered to be more beneficial to the cause of religion and morality that his superintendence and labours should be principally confined to a separate district, and that he should not actively interfere with those members of the Church who were not within its limits. The Bishops of the English Church have equal and universal powers in this respect, but the ordination of Deacons and Priests; the consecration and dedication of churches, and the confirmation of young persons is (unless in exceptional cases) confined to the Bishop of the diocese within which the exercise of the Episcopal function is locally required.

Thus it is that titular Bishops have become territorial Bishops, not because there was or is really, when unconnected with the State, any distinction between the two, but because it was found conducive to the good of the Catholic Church (using that word as I do throughout in its proper comprehensive classical meaning), that the duties of the Bishop be limited practically to such a space as he could usefully superintend.

*Jurisdiction.*

In addition to the power of orders above mentioned, the letters patent purported to confer on the Bishop of Natal and his successors the Episcopal power *jurisdictionis*—that is, the power and authority over all rectors, curates, ministers, chaplains, Priests and Deacons within the diocese of Natal; and the letters patent direct that if any person should conceive himself aggrieved by any judgement, decree, or sentence pronounced by the Bishop of Natal or his successors, he shall have an appeal to the Bishop of Capetown, who should finally decide and determine the appeal. Beyond this, in the letters patent constituting the see of Capetown, a like right of appeal is professed to be given from the decision of the Bishop of Capetown to the Archbishop of Canterbury, who is finally to decide and determine the appeal. It is on this passage in the letters patent that the question has arisen. The Judicial Committee of the Privy Council have determined in the two cases—viz., “*Long v. Bishop of Capetown*,” and “*In the matter of the Bishop of Natal*,” that although in a Crown colony properly so called, or in cases where the letters patent are made in pursuance of an Act of Parliament, a bishopric may be constituted and ecclesiastical jurisdiction conferred by the sole authority of the Crown, yet that the letters patent of the Crown will not have any such effect or operation in a colony or settlement which is possessed of an independent Legislature.

I have failed to discover any of the functions or powers so enumerated which the Bishop of Natal is unable to exercise. No judgement of the Privy Council has deprived him of one of them. The law as declared by the Privy Council's Judicial Committee leaves all these functions to the Bishop exactly as by the law of the Church of England they belong to that office. He may as Bishop visit; he may as Bishop call before him the ministers within his diocese; and he may inquire respecting their morals and behaviour, and the doctrines that they preach; but the power which the letters patent seem to intimate an intention of conferring upon the Bishop—namely, the power of enforcing obedience to his orders in the performance of these duties, and the power of removing any obstruction which may be interposed to prevent his performing any of the functions of a Bishop—this power is not given to him personally, or to any officers of his or dependent on him. Is he therefore left powerless, and can any one with impunity resist his authority? This is not so; but to enforce obedience to his orders, or to remove obstructions interposed to prevent his performing his functions, he must have recourse to the civil tribunals which administer the law of the colony, before which tribunals the person who resists the acts of the Bishop may contest the validity or legality of the acts intended to be done by the Bishop or of the orders given him.

*Where the Letters Patent are inoperative.*

In other words, the Bishop of Natal can exercise all the duties and functions and perform all the acts which belong to a Bishop within the diocese of



Natal, that he could if he were the Bishop of an English diocese, with this exception, that he cannot enforce the execution of these orders without having recourse to the civil tribunals for that purpose. The letters patent therefore are inoperative in that respect; they are also inoperative in this further matter; that they purport to give an appeal to the Bishop of Capetown, and they also purport to give an appeal from the Bishop of Capetown to the Archbishop of Canterbury, to whom no such appeals by law can lie, so as to enable the Bishop of Capetown or the Archbishop of Canterbury to enforce the coercive jurisdiction in these matters which the Bishop of Natal was unable to exercise. It is not that there is no appeal in such matters, but the appeal, such as it is, the extent of which I shall presently point out, lies to the civil tribunal, and from the civil tribunal in the colony to the Sovereign herself in Council, who, with the assistance of her Councillors, will determine the question between the parties. The more I have considered the question, which I have done very carefully, the more I have found myself at a loss to understand why, the duties and functions of the Bishop remaining in every respect the same, the fact that in order to enforce obedience to his orders and to remove obstructions interposed to impede his action he must have recourse to the secular arm instead of enforcing it by his own power—that is, by officers of his own court—in any degree affects his *status* or position as a Bishop. He is a titular Bishop all the world over, he is territorial Bishop within his see or diocese of Natal, and with the assistance of the secular tribunals he can perform all the acts and duties which belong to the office of a Bishop according to the doctrine of the Church of England. It is clear that this was all that was included in the word Bishop from the earliest institution of that office down to the time when, the Christian religion having become the religion of the State, coercive jurisdiction was conferred on the prelates of the Christian Church.

#### *An Appeal only to Civil Tribunals.*

It is, in my opinion, impossible correctly to assert that this necessity of resorting to the civil tribunal, instead of enforcing obedience by the jurisdiction of the Church itself, can annihilate a see or make it cease to be a legal diocese. On the contrary, I believe that when a careful inquiry is made into what the difference is that lies between them, it will be found that the law, as pronounced by the Judicial Committee, is likely to afford greater stability and unity to the Church of England in her colonial dependencies than if the law had been as contended for by the Bishop of Capetown. In the one case, if the letters effected all that they were originally supposed to effect, the law on the subject would be declared by one prelate of the Church of England with an appeal to another prelate, and possibly finally to the Primate of All England, where the matter would end. In the other case, the law would be declared by a civil tribunal with an appeal to the Sovereign in Council, where also the matter would end. The law, it is important to observe, is and must be the same in both cases, and ought to be similarly administered, and that law is the law of the doctrines and ordinances of the Church of England. The former are fixed and immutable, the latter are equally fixed until altered by statute. This law, whether it be enforced by the ecclesiastical or by the civil tribunals, is the same and should receive the same construction, and when ambiguous the same interpretation; but if it be administered by different tribunals, a variation and discordance will arise which would be much to be deplored.

*The real position of the Church of England in the Colonies.*

In order satisfactorily to explain my meaning in this matter, it is necessary to point out what I consider to be the real position of the Church of England in these colonies. It is declared in the Judgement of the Judicial Committee that the Church of England in the colonies which have an established Legislature and no Church established by law is to be regarded in the light of a voluntary association, "in the same situation with any other religious body, in no better but in no worse position, and the members may adopt, as the members of any other communion may adopt, rules for enforcing discipline within their body which will be binding on those who expressly or by implication have assented to them." These expressions have created some alarm, which has, it appears to me, arisen from an imperfect apprehension of what is meant by them. They do not mean, as some persons seem to have supposed, that because the members of such a Church constitute a voluntary association they may adopt any doctrines and ordinances they please, and still belong to the Church of England. All that really is meant by these words is, that where there is no State religion established by the Legislature in any colony, and in such a colony is found a number of persons who are members of the Church of England, and who establish a Church there with the doctrines, rites and ordinances of the Church of England, it is a part of the Church of England, and the members of it are, by implied agreement, bound by all its laws. In other words, the association is bound by the doctrines, rites, rules, and ordinances of the Church of England, except so far as any statutes may exist which (though relating to this subject) are confined in their operations to the limits of the United Kingdom of England and Ireland. Accordingly, upon reference to the civil tribunal in the event of any resistance to the order of the Bishop in any such colony, the Court would have to inquire, not what were the peculiar opinions of the persons associated together in the colony as members of the Church of England, but what were the doctrines and discipline of the Church of England itself, obedience to which doctrines and discipline, the Court would have to enforce. This is the more important to be borne in mind, because it is the want of duly considering this that has given rise not only to much misapprehension on this subject, but also, as I conceive to still more serious results. The rule by which the courts are bound is this. If any number of persons, either in England or in any of its dependencies, associate themselves together, professing to follow a particular religion, not being the religion of the State, the Court must, when applied to, inquire into what the doctrines and discipline of that religion are, and must then enforce obedience to them accordingly. Thus, if they be Presbyterians, or Independents, or Wesleyans, or Baptists, or the like, the Court ascertained as a matter of fact, upon proper evidence, what the doctrines, ordinances, and rules are by which the particular sect of a religionists is bound, and enforces obedience to them accordingly. It is needless to cite authorities to establish this proposition. The books abound with decisions on the subject, all of the same character, many of which have been cited and referred to in the case of "Long v. Bishop of Capetown" and in the present case, and are familiar to every one conversant with this subject. Thus to apply that principle to the present case in illustration of the observations I am now making, and explanatory of the passage I have read from the judgment in "Long v. Bishop of Capetown," if a class of persons in one of the dependencies of the English Crown

having an established Legislature should found a Church calling themselves members of the Church of England, they would be members of the Church of England, they would be bound by its doctrines, its ordinances, its rules, and its discipline, and obedience to them would be enforced by the civil tribunals of the colony over such persons; but if a class of persons should in any colony similarly circumstanced call themselves by any other name, such as, for instance, the Church of South Africa, then the Court would have to enquire, as a matter of fact upon proper evidence, what the doctrines, ordinances, and discipline of that Church were, and when these were made plain, obedience to them would be enforced against all the members of that Church. But the fact of calling themselves in communion with the Church of England would not make such a Church a part of that Church of England, nor would it make the members of that Church members of the Church of England. If they adopted its creed and doctrines, but repudiated a part of its rules and ordinances, they would be bound by those which they had adopted, and not by those which belonged to the Church of England but which they had rejected. It would, however, be incumbent upon them fully and plainly to set forth what their rules and ordinances were, and who accepted them, in order that this might prevent doubt when the courts of law were called upon to enforce obedience to these rules and ordinances. The whole of what I am now stating is made very distinct and clear by the whole of the decision of the Judicial Committee of the Privy Council in the case of "*Long v. Bishop of Capetown.*" In that case the Judicial Committee held that Mr. Long had bound himself to the doctrines and discipline of the Church of England, and if the obedience required of him by the Bishop of Capetown had been obedience to the rules and ordinances required by the Church of England, that obedience would have been enforced by the Judicial Committee.

Accordingly they enquired into that subject, and, having done so, held that the obedience required by the Bishop of Capetown was not in accordance with the rules and ordinances of the Church of England, and that Mr. Long was justified in resisting the summons of the Bishop. This was, in fact, the real issue between the Bishop of Capetown and Mr. Long, and the point is put distinctly and, as I apprehend, quite correctly by Mr. Long, who says in his letters of the 29th of November and 3d of December, 1860, that a declaration by persons that "they are members of the Church of the diocese of Capetown, in union and in full communion with the United Church of England and Ireland, and belonging to no other body, is, in his opinion, a declaration of virtual secession from the Church of England." And in another place Mr. Long states that he is a member of the Church of England, and not a member of a Church in union and full communion with the Church of England, which are, in his opinion, two separate and distinct things. The distinction is plain and obvious. Any Church established by voluntary association may call itself in union and in full communion with any other Church. A Lutheran Church established in South Africa might call itself in union and full communion with the Church of England, but the truth of the assertion is a distinct matter. But if certain persons constitute themselves a voluntary association in any colony as members of the Church of England, then, as I apprehend, they are strictly brethren and members of that Church, though severed by a great distance from their native country and their native Church. They are bound by the same doctrines, the same rules, ordinances, and discipline. If any recourse should

needs be had to the civil tribunals, the questions at issue must be tried by the same rules of law which would prevail if the question were tried in England;— with this exception only, that the tribunal would be different, and that as the statutes which constitute certain ecclesiastical tribunals in England do not extend to the colonies, the question would have to be determined by the ordinary civil courts which administer justice to the colonies.

*The Case, therefore, stands thus.*

To sum up the conclusions shortly, in my opinion the case stands thus:—

The members of the Church in South Africa may create an ecclesiastical tribunal to try ecclesiastical matters between themselves, and may agree that the decisions of such a tribunal shall be final, whatever may be their nature or effect. Upon this being proved the civil tribunal would enforce such decisions against all the persons who had agreed to be members of such an association—that is, against all the persons who had agreed to be bound by these decisions, and it would do so without inquiring into the propriety of such decisions. But such an association would be distinct from, and form no part of, the Church of England, whether it did or did not call itself in union and full communion with the Church of England. It would strictly and properly be an Episcopal Church, not *of* but *in* South Africa, as is the Episcopal Church in Scotland but not of Scotland. But if the Episcopal Church in South Africa chose to remain part of the United Church of England and Ireland, then no such irresponsible tribunals could exist, and when recourse is had to the civil tribunal to enforce obedience to these decisions, they must be subject to revision to the extent I have already pointed out as laid down by the Judgment in the case of “*Long v. Bishop of Capetown.*”

In one case it is one Church in all the colonies, each association being part of the parent Church of the United Kingdom of England and Ireland; in the other case they are separate and distinct Episcopal Churches, each existing separate in each colony and distinct from every other Church, bound by their own canons only, and no more bound by the canons of any other Church than they would be by the canons of the Episcopal Church in Scotland, according to their final settlement by the last Synod held in Edinburgh in 1860 for that purpose, and all of them rejecting, as the Church in Scotland is compelled to do, the Thirty-seventh of the Articles of the English Church, which puts the Sovereign at the head of the Church. I have gone so fully into this subject because the full comprehension of what is the actual position of the Church founded and endowed in these colonies by members of the Church of England is of the highest importance, for the purpose both of determining what the *status* of the plaintiff is, and also of disposing of the remaining point, I have to consider, which was strongly urged upon me—viz., how far the objects and intention of the persons who contributed the funds for founding the bishopric of Natal have been fulfilled. It was urged that to continue the payment of the stipend to the plaintiff, having regard to his actual legal *status*, would be in the nature of a breach of trust. Except in the case of one contributor, I have not before me any distinct evidence of what were the objects of the persons generally who advanced the funds, further than this, that they desired to found a bishopric in the colony of Natal.

*Appeal only to the Privy Council.*

The Bishop of Capetown, the Bishop of Natal, the Bishops of all colonies

similarly circumstanced—*i.e.*, having an established Legislature but having no established Church, can, as regards the ministers and congregations of the Church of England, within their diocese, exercise all the powers of a Bishop; they can ordain, confirm, and consecrate; they can do more—they can visit, investigate, reprove, suspend, and deprive; and if, in so doing, they keep within the due scope of their authority as established by the discipline of the Church of England as by law established, and proceed in the exercise of that authority in a manner consonant with the principles of justice, their acts are valid, and will be enforced by the legal tribunals. It is only when their acts fail in these respects, when they exceed their authority as regulated by the law of the Church of England, or when they proceed in a manner not consonant with the principles of justice, that the Bishops cease to be able to enforce their decisions.

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### CORRESPONDENCE.

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MR. EDITOR—

All consistent lovers of Christ's truth and the order of His Church have good reason to be thankful for the two letters of the Rev. George Hill to his Bishop, although both truth and order have been most grievously assailed by him. The "*tone and temper*" with which he has addressed his Chief Pastor, to whom he has sworn fealty and obedience, and who has given him no provocation, may pass for what it is worth; but surely it will not raise him in the estimation of his brethren, nor improve his position in the Church, while the "*pupils and the followers*" of the Bishop may well rejoice in the stout resistance which has been given to dangerous errors—errors by which the blessed Sacraments are depraved, and the distinctive character of the Church has been undervalued or denied.

The Rector of St. Paul's may be alarmed at the growing reverence for sacred things, but I am free to confess that, to me at least, it is a real omen of good, and I gladly accept it as the most encouraging set off against the sentiments enunciated, which we are resolved to resist, and which have tending more and more to Dissent, Zuinglianism and Rationalism.

To use Mr. Hill's own expression, his two letters are "*a saddening and painful summary*"; the setting forth of strange doctrines—the vindication of a spurious morality—the exhibition of bad temper—and the indulgence of excessive vanity.

All honor to the Bishop, who has calmly rebuked all these things, and bravely sustained the true teaching of the Church, and the integrity of her services.

CHRISTIAN OBSERVER.

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Dear Sir:—I will leave to others the task of reviewing (if thought worthy of review) the unprovoked attack upon his Diocesan by the Rector of St. Paul's, and the unfounded charges brought against his brethren, whom, with unparalleled impertinence he is pleased to style "*the pupils and followers of the Bishop.*" My present business is with a much graver part of the subject, the immortality with which his two very badly written letters are stained; and by which he would lay a flattering unction to the soul of his wealthy parishioners, and justify the violation of the most solemn compact into which it is possible for a man to enter.

The Bishop has called it, with awful meaning, "*a Bond to God;*" but, besides this, it is a mutual agreement with others, and in which others, who are parties to it, may be overreached and damaged.

By this agreement it was promised that the sum of one thousand pounds should be paid into the Church Endowment Fund when the fall amount of ten thousand should be subscribed and paid. In faith of this promise the subscriptions pro-

ceeded. But now, although a much larger sum had been realized, he refuses to fulfil the engagement under the insufficient plea that some things are, or may be done, or taught or contemplated in the Church or Church Society, or by some members of one or the other, which *he* does not approve! This default is justified by arguments of Mr. Hill which would put men to the blush in the ordinary course of life, and attach suspicion to the cause in which they were used.

But such sophistry, although it may obtain credit with narrow-minded partizans, cannot hoodwink public opinion nor poison the stream of public justice. It so happens that in this Province we have a specific statute to meet this very case.\* To this statute it is in the power of the Church Endowment Committee to appeal. I ask them, why has not this been done? I ask, why is it, that, while sedulously gathering up the pounds and the pence of the poor members of the Church, this gentleman is permitted to continue this equivocal course with impunity?

The subscribers to that fund, who have fulfilled their engagements, have a right to expect that this ill-advised Parishioner should preserve his integrity—to expect that the Committee should use the proper means to compel him to it.

#### A SUBSCRIBER TO THE FUND.

\* *Revised Statutes of Nova Scotia, Chap. 61, page 22.* Whenever any subscription shall be opened and made in aid of the erection of any road, bridge, place of worship, school house or for any other undertaking of public utility or which way be designated in the subscription list as or appears to be a public undertaking and such undertaking shall be commenced, every person who may have engaged by written subscription to contribute money, labor, or other aid towards the undertaking shall be held legally liable and bound to perform his engagements, notwithstanding any apparent want of consideration in the agreement for the same.

#### CLERICAL MEETINGS OF THE COUNTY OF LUNENBURG.

A clerical meeting was held at Lower Dublin, on Wednesday, Nov. 7th, A.D., 1866. Morning Prayer was said in the Church\* by Revs. H. M. Spike, and W. H. Bullock. The sermon was preached by Rev. W. H. Snyder. The congregation was a full one:—the number of those who partook of the Holy Eucharist was 25. Evening Prayer was said at Petite Riviere—when the service was joined in by Rev. H. L. Owen, rural dean, and the Rev. E. E. B. Nicholls of the Shelburne deanery. The sermon was preached by the Rev. W. H. Bullock, M.A.

On Thursday, Morning Service was held at Broad Cove—Messrs. Snyder, Spike and Bullock took part in the Prayers, &c., Mr. Nicholls preached.

Many circumstances—e. g., the Militia drill—bad state of the roads &c combined to make the attendance smaller than it would otherwise have been; but to those who were present there was both pleasure and profit in the re-union.

THE SECRETARY.

#### MISCELLANEOUS.

At a meeting of the "Congregational Union of England and Wales," Mr. Newman Hall asked his hearers:—

"Must worship be dull in order to be spiritual? To render it acceptable to God must it be destitute of every element that might render it attractive to man? Is the divinely bestowed faculty of a good ear, a correct eye, a taste for beauty, in godly people, to be ignored in religion, because others who are not godly might thus be induced to join in an outward worship with the inner meaning of which they have as yet no sympathy?"

"Which it would be well to associate the people more in the outward utterances of worship, and thus render it more thoroughly Congregational? Might we with advantage have some services entirely for praise, thus cultivating the musical talent

of the congregation, and consecrating it to the highest purpose? Might not the people be encouraged to take a greater audible share in prayer also? With this view might some forms of prayer be expedient? Is it not possible to be as spiritual in the use of a form of prayer as in that of a form of praise? As the Liturgical service of the Church of England is, on the whole, very scriptural and beautiful, and as a large portion of our countrymen cling to it with all the tenacity of early and hallowed associations, might we not in some cases use our liberty by introducing at least some portions of it into our service? Are there not many who admire our principles, and enjoy our ministry, but who cannot altogether give up the Liturgical service they have long loved? Would it be better to prepare a new Liturgy ourselves, or to adopt in whole or in part that grand old ritual, which is rather the inheritance of the universal Church than of any one section of it, and which many reverence as Englishmen rather than as Churchmen?"

Reviewing the discussion the *Patriot* says:

"All religious communities are influenced by the ritualistic movement in the Establishment, and, instead of Nonconformists taking up their parable against the ceremonial by which a number of the clergy are leading their flocks Romeward, by themselves returning to a still more Puritanic style of worship, they are actually talking about adopting some of the forms which were to their ancestors a reason for separation from the Anglican Church, because they were so Popish! Liturgies, gowns, responses, "Churches," repetitions of the Lord's Prayer, and loud Amens—all this is very alarming to some among us, and they ask, with dismay, where dissenters are going to. Are we, too, forsaking the simplicity of Protestantism, and making shipwreck of our faith? But it is to our thinking one of the best signs of sound health that we are not driven by the extremes of our contemporaries to opposite extremes, that would perhaps be just as mischievous. Ritualism is but the exaggeration and abuse of a truth, the undue neglect of which is probably the very reason why ritualism finds so many admirers."

S. P. G.

The Bishop of Ely speaking for the Society for the Propagation of the Gospel, says:—

"It has done a most wonderful work. If we look only to the American Church, see what it has done there. What a blessed thing is it that through all the recent trouble and turmoils in America, the Church there has kept itself up, and daily is gaining more ground and influence in that vast country, which promises to be the greatest and most powerful in the world. The Anglican Church there has, I believe, forty Bishops, and its clergy have the firmest hold upon the intelligence and education of that country. The establishment of that Church is really due to the Society for the Propagation of the Gospel. If that was all that could be said for the society it would deserve support; but in all our colonies the Church has been planted—colonies which at some time may drift from us, as America has done, and become new and great countries. Let us have confidence that He who sent His Church unto the world, and ordained that it should be planted in all lands, will support and bless it."

We understand that the Standing Committee of the Society for the Propagation of the Gospel in Foreign Parts, has been in communication with the Secretary of State for India, as to the subdivision of the diocese of Calcutta; but that Lord Cranbourne, with every personal desire to see an increase of the Episcopate in India, fears that there is little hope in the present temper of the House of Commons of effecting it in any measure requiring the passing of a bill.

A correspondent of an English Paper, calls attention to the order issued from the Horse Guards respecting services in military chapels. It is a striking fact that even the military authorities have abolished the black gown, adopted "Hymns Ancient and Modern," ordered celebrations on all festivals "at least," and expressed a wish that where favourable a trained choir should support the officiating priest.

### SUMMARY OF CHURCH NEWS.

ENGLISH. — Dr. Butcher was consecrated Bishop of Meath on Tuesday Oct. 14th, in Trinity College Chapel, Dublin.

The Bishopric of Tuan is to be filled by the Hon. and Rev. Chas. Broderick Barnard, M. A.

Bishop Tozer of the Central African Mission is compelled to return home by a severe attack of fever.

The S. P. G. has undertaken to repay the Bishop of Capetown for any expenses incurred in carrying out the Visitation of the Diocese of Natal.

Lately a Jewish lady was baptized — and a Roman pervert of 6 years standing was received back into the Communion of the Church of England at all Saints' Kensington Park, London.

It is proposed to create a second Missionary Bishopric in China — at Ningpo, 400 miles to the North of the see of Victoria, the Bishop of which is to be Metropolitan.

£10,000 is being raised for a Cathedral Church in Tasmania.

UNITED STATES. — We notice that the Rev. Henry A. Neely, D. D. an assistant Minister of Trinity Church, New York, has been elected Bishop of Maine.

The Rt. Rev. Bishop Eastburn ordained on Nov. 2nd, Mr. J. B. G. Heath, formerly a preacher among the Universalists.

October 30th was the Centennial Day of Saint Paul's Chapel, New York. Dr. Higbee read the same sermon which was preached just one hundred years before in that very pulpit, by the Rev. Samuel Auchmuty, D. D., Rector of the Parish.

November 15th, at Christ's Church, Louisville, the Rev. George David Cummins, D. D., was consecrated assistant Bishop of Kentucky. The consecration of the Rev. J. P. B. Wilmer, D. D., as Bishop of Louisiana took place at Christ Church, New Orleans, on Wednesday, November 7.

Bishop Rutledge of Florida, has died of "cancer in the cheek and mouth."

Mr. Geo. Peabody has made the Diocese of Ohio a partaker of his bounty by devoting \$25,000 to found a professorship in Kenyon College.

CANADA. — The Bishop of Ontario has delivered a charge, in which, speaking of Ritualism he says; "Indeed it may well startle us when we find that there are multitudes who, if we may judge from the warmth of their speeches, the tone of their writings, and the violence of their acts, are much more tolerant to a Bishop or a Priest who denies the inspiration of God's word, or the eternity of future punishment, than they are to one who practices a Ritual of doubtful legality. The mass of unthinking men are ever more sensitive to a change in a ceremony than to a variation in a doctrine."



## NOTICES.

~~The Bishop~~ purposes holding confirmations next year in Halifax and in all places in which they were held in 1864.

The Bishop will D. V. hold an ordination in St. Luke's Cathedral on the Sunday before Christmas.

D. C. S.

At the last meeting of the Executive Committee, a resolution was passed expressing the grateful thanks of the Society to N. Clarke Esq. for his long and truly valuable services on several of the Standing Sub-Committees.

The usual missionary grants were passed, with slight change, for the year 1867.

NOTICE of motion was given for aid in supporting assistant missionaries at Lunenburg and Granville. Also for an outfit for two deacons. Also for aid towards the new parsonage at Three Fathom Harbour, Dartmouth.

The sum of \$30 was granted towards enlarging the Parish Church, Granville.

A VOTE of \$50 was passed, under certain conditions towards paying off the debt on the parsonage at Kentville.

A STATEMENT was made showing that the back interest on the Tennessee State Bonds had been paid in a new Bond, and that the whole interest is now to be paid annually.

A RESOLUTION was adopted to embrace every favorable opportunity for transferring the investments of the Society from mortgages to public securities.

THE CHURCH CHRONICLE.—Arrangements have been made for the transfer of this periodical to the Synod. It will be issued under the general supervision of the Executive Committee of that body, while the editor, the Rev. J. Ambrose, appointed by them, will be responsible for the individual numbers. It will be published as heretofore on the second Wednesday of each month, commencing with January next. The paper is to be more popular in style and better adapted to the general wants of the diocese than it has hitherto been. Its columns will contain subjects connected with the interests of the Church, and not advert generally to the secular news of the day. The price of the paper has been reduced to fifty cents per annum. The subscribers already promised will pay for the issue at its present size, and there is every prospect of being able to increase the number of its pages.

THE present editor of the CHURCH CHRONICLE wishes to express his hearty desire for the future success of the periodical under its improved auspices: and, at the same time, to thank his subscribers for their support during the past year. These friends have not indeed been many, but he believes them to be kind and considerate, and not among the number of those "that make a man an offender for a word." Wishing them all the blessings and joys of the Holy season of the Christian year which we are approaching, he respectfully bids them farewell.

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