

JOURNAL OF THE PROCEEDINGS  
OF THE  
PROVINCIAL SYNOD

OF THE  
*United Church of England and Ireland*

IN CANADA.

SIXTH SESSION.

HELD IN THE CITY OF MONTREAL, FROM DECEMBER 11TH TO  
DECEMBER 14TH INCLUSIVE, IN THE YEAR OF OUR LORD  
MDCCLXXII.

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QUEBEC:

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1873.

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SIXTH SESSION OF T

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SERVICE IN

THE PROVINCIAL SYNOD OF AND IRELAND in Canada, given by the METROPOLITAN 1872, in the Synod House, Cathedral Church for Service was said by the VENERABLE CANON ELWOOD. The Lesson ARCHDEACON PATTON and the Litany was said by the BISHOP preached by Rev. I. BROCK, The METROPOLITAN consecrating the Elements by the TORONTO and HURON.

LOWE

At 2.30 p.m., the Synod re The METROPOLITAN took t

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# JOURNAL

OF THE

## SIXTH SESSION OF THE PROVINCIAL SYNOD.

### FIRST DAY

#### SERVICE IN THE CATHEDRAL.

THE PROVINCIAL SYNOD OF THE UNITED CHURCH OF ENGLAND AND IRELAND in Canada, met in accordance with the Notice given by the METROPOLITAN, on Wednesday, 11th December, 1872, in the Synod House, Montreal, and proceeded to the Cathedral Church for Service, at 10.30 a. m. Morning Prayer was said by the VENERABLE ARCHDEACON PALMER and Rev. CANON ELWOOD. The Lessons were read by the VENERABLE ARCHDEACON PATTON and the Rev. CHARLES HAMILTON. The Litany was said by the BISHOP OF HURON. The Sermon was preached by Rev. I. BROCK, of the Diocese of Huron.

The METROPOLITAN consecrated and was assisted in distributing the Elements by the BISHOPS of ONTARIO, QUEBEC, TORONTO and HURON.

#### LOWER HOUSE.

At 2.30 p.m., the Synod re-assembled for business. The METROPOLITAN took the chair.

After prayers the METROPOLITAN read his Address:

"RIGHT REVEREND AND REVEREND BRETHREN, AND BRETHREN OF THE LAITY:

"My opening address to you on the present occasion will be short. I have called you together at the request of the Bishops of this Province for a special purpose, viz., to frame a Canon which shall enable us without any unnecessary delay to proceed to the election of a Missionary Bishop for the territory of Algoma, which has up to this time been nominally but not legally, included in the Diocese of Toronto, and has therefore, in fact, for all practical purposes, been beyond the ecclesiastical jurisdiction and superintendence of any Bishop.

"I feel that you have assembled here at much personal inconvenience; but this could not have been avoided, unless we had stretched our privilege to the utmost limits, which we were unwilling to do; or had deferred for two long years the erection of the contemplated Diocese.

"You will remember that at our last session I was requested to hold myself in readiness to summon an adjourned meeting of the Synod at any time before its regular session in 1874. The hope which dictated this has not yet been fulfilled, and I may or may not still have occasion to exercise my privilege to call this adjourned meeting.

"Meanwhile an unlooked for emergency has arisen, and to meet it you are summoned here to-day. Our Secretaries, in the circular which they issued, adopted the accustomed formula, detailing the unfinished business of the last session. They did this simply as a matter of prescribed form, feeling that they had no option in the matter, by reason of the 30th Rule of Order.

"I regard, however, the present meeting in the light of a special meeting of the Synod for a distinct and special object. And though I conceive that it may be competent to any member to bring forward other matters than that for which

Session.]

we are called, I would at being confined to that would be hardly fair to the break ground in any other  
 "There exists at present election of a Missionary House in 1868, and was its consideration. Time take place. It is, therefore House; and I feel sure that ment may be proposed by Church's welfare, will Reverend Brethren our be accordance with a resolut session, arrangements have Meeting in connection with Mechanics' Hall, this evening if this meeting, and our act upon one another of that missionary life Church in this land. I trust importance of the matter that that thoughtful spirit the Apostles, when they made the election of a successor to happier circumstances, be pray that our deliberations may and brotherly forbearance; which we have offered up, Spirit to guide and direct our matter into His most gracious that our acts at this time may the advancement of His glorious dear Son, and also in furtherment of the Church in this I

his Address:  
BROTHERS AND BRETHREN OF

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we are called, I would at the same time advise your attention being confined to that object, and that alone. Indeed it would be hardly fair to the absent members of the Synod to break ground in any other direction.

"There exists at present a Canon with reference to the election of a Missionary Bishop, which passed the Upper House in 1868, and was sent down to the Lower House for its consideration. Time did not allow that consideration to take place. It is, therefore, now in possession of the Lower House; and I feel sure that whatever modification or amendment may be proposed by that House, as conducive to the Church's welfare, will receive from myself and my Right Reverend Brethren our best and most careful attention. In accordance with a resolution passed informally at the last session, arrangements have been made for a public Missionary Meeting in connection with the Synod, to be held in the Mechanics' Hall, this evening. It will indeed be well if this meeting, and our Synodical gathering, should so act upon one another as to evoke a larger measure of that missionary life which should characterize our Church in this land. I trust that we all feel the solemn importance of the matter now coming before us; and that that thoughtful spirit which pervaded the minds of the Apostles, when they met together to take measures for the election of a successor to the apostate Judas, may, under happier circumstances, be also granted to us. I earnestly pray that our deliberations may be marked by wisdom, gravity, and brotherly forbearance; and that, in answer to the prayers which we have offered up, God may be pleased by His Holy Spirit to guide and direct our counsels. I commend the whole matter into His most gracious hands, remembering as I do that our acts at this time may have an important influence in the advancement of His glory, and of the Kingdom of His dear Son, and also in furthering the welfare and good government of the Church in this Province."

After naming the Very Reverend Dean BOND as Chairman *ad interim*, the Metropolitan and Bishops withdrew.

The Very Reverend Dean BOND accordingly took the Chair and directed the Secretaries to call over the roll.

The CLERICAL SECRETARY then called over the roll of the Clergy as follows:—

## DIOCESE OF QUEBEC.

|   |                                      |
|---|--------------------------------------|
| Rev. C. HAMILTON, M. A., Quebec.*                       | Rev. H. ROE, B.A., Melbourne.*       |
| " J. H. NICOLLS, D.D., Bishop's College, Lennoxville. † | " H. J. PETRY, B.A., Dauville.*      |
| " JOHN FOSTER, Three-Rivers. †                          | " C. P. REID, M.A., Sherbrooke.*     |
| " A. J. WOOLRYCHE, Stanstead. †                         | " A. A. VON IFFLAND, M. A. Quebec. † |
| " A. C. SCARTE, Lennoxville. †                          | " J. H. JENKINS, Frampton. †         |
| " M. M. FOTHERGILL, Quebec.*                            | " J. DINEZY, Compton. †              |

## DIOCESE OF TORONTO.

|  |   |
|--|---|
| Very Rev. DEAN GRASSETT, Toronto.*         | Rev. Rural DEAN LETT, LL. D., Collingwood.* |
| VEN. ARTHUR PALMER, A.M., Guelph.*         | " C. J. S. BETHUNE, Port Hope.*             |
| Rev. PROVOST OF TRINITY COLLEGE, Toronto.* | " W. S. DARLING, Toronto.*                  |
| " CANON BRAVER, D.D., Whitby.*             | " H. HOLLAND, B.A., St. Catharines.*        |
| " Rural DEAN GEDDES, Hamilton.*            | " Rural DEAN GIBBS.*                        |
| " Rural DEAN McMURRAY, Niagara. †          | " J. D. CATLEY, Whitby.*                    |

## DIOCESE OF MONTREAL.

|  |                                  |
|--|----------------------------------|
| VEN. ARCHDEACON LONSDALE, M. A., St. Andrews.* | Rev. CANON ELLEGOOD, Montreal.*  |
| Very Rev. DEAN BOND, M. A., Montreal.*         | " " ANDERSON, Sorel. †           |
| Rev. D. LINDSAY, Waterloo.*                    | " R. W. NORMAN, M.A., Montreal.* |
| VEN. ARCHDEACON LEACH, Montreal. †             | " CANON BANCROFT, Montreal.*     |
| Rev. H. F. DARNELL, St. John.*                 | " G. SLACK, Bedford.*            |
|  | " R. LINDSAY, Knowlton. †        |
|  | " J. EMPSON, Montreal.*          |

## DIOCESE OF HURON.

|  |                                   |
|--|-----------------------------------|
| Rev. J. WALKER MARSH, M. A., London.*      | Rev. F. D. FAUQUIER, South Norw.* |
| Very Rev. M. BOOMER, London. †             | " J. P. HINCKE, Ingersoll.*       |
| Rev. CANON E. L. ELWOOD, A. M., Goderich.* | " CANON INNES, London.*           |
| " CANON NELLES, Brantford.*                | " A. JAMIESON, Walpole Island.*   |
| " St. G. CAULFIELD, LL. D., St. Thomas.*   | " J. SMYTHE, M. A., London.*      |
|  | " W. H. HALPIN, London.*          |
|  | " I. BROCK, M.A., Galt.*          |

\* Answered to their names. † Arrived after session had commenced. † Not present during the session.

## Session.]

## LIST

DIOCESE OF  
Ven. H. PATTON, D.C.L., Belleville  
Rev. J. S. LAUDER, M.A., Ottawa  
" J. A. PRESTON, M.A., Cornwall  
" F. R. TANE, Brockville.\*  
" J. J. BOBERT, M.A., Napanee  
" T. A. PARNELL, Kingston.\*  
" J. W. BURKE, B. A., Prescott

The LAY SECRETARY called as follows:—

DIOCESE OF  
Mr. R. HAMILTON, Quebec. †  
Mr. W. G. WURTELE, Quebec.\*  
Mr. GEORGE HALL, Quebec.\*  
Mr. H. S. SCOTT, Quebec.\*  
Mr. R. W. HENEKER, Sherbrooke.\*  
Mr. E. J. HEMMING, Drummondville

DIOCESE OF  
Hon. Chief-Justice DRAPER, Toronto  
Prof. WILSON, Toronto.\*  
Mr. S. H. BLAKE, Toronto. †  
Mr. C. GZOWSKI, Toronto.\*  
Mr. CLARKE GAMBLE, Q.C., Toronto  
Mr. Sheriff JARVIS, Toronto.\*

## DIOCESE

Mr. C. J. BRYDGES, Montreal.\*  
Mr. STRACHAN BETHUNE, Q.C., Montreal.\*  
Mr. EDWARD CARTER, Q. C., Montreal  
Dr. SMALLWOOD, Montreal.\*  
Hon. L. S. HUNTINGTON, Montreal.\*  
Mr. GEORGE MUFFAT, Montreal.\*

## DIOCESE

Mr. PETER ROE, St. Thomas.\*  
Judge WILSON, Simcoe. †  
Mr. JOHN BEARD, Woodstock.\*  
Mr. W. GARY, Woodstock.\*  
Mr. A. LEVROY, Paisley. †  
Mr. W. J. IMLACH, Brantford. †

\* Answered to their names. † Not present during the Session.



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ps withdrew.

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r the roll.

ed over the roll of the

ROB, B.A., Melbourne.\*  
J. PETRY, B.A., Danville.\*  
P. REID, M.A., Sherbrooke.\*  
A. VON ISLAND, M. A. Que-  
bec. †

I. JENKINS, Frampton. †  
DINEY, Compton. †

ral DEAN LETT, LL. D.,  
Collingwood.\*

F. S. BETHUNE, Port Hope,\*  
S. DARLING, Toronto.\*

HOLLAND, B.A., St. Catha-  
rines.\*

al DEAN GYINS,\*  
D. CAYLEY, Whitby.\*

on ELLEGOOD, Montreal.\*  
ANDERSON, Sorel. †

W. NORMAN, M.A., Montreal,\*  
on BANCROFT, Montreal.\*

SLACK, Bedford.\*  
LINDSAY, Knowlton. †

MPSON, Montreal.\*

D. FAUQUIER, South Norm.\*  
HYNCKS, Ingersoll.\*

on INNES, London.\*

JAMISON, Walpole Island.\*

MYTIE, M. A., London.\*

H. HALPIN, London.\*

BROCK M.A., Galt.\*

er session had commenced.

Session.]

## LIST OF DELEGATES.

5

## DIOCESE OF ONTARIO.

|                                      |  |
|--------------------------------------|--|
| VEN. H. PATTON, D.C.L., Belleville.* | Rev. G. A. ANDERSON, M.A., Iro-<br>quois.* |
| Rev. J. S. LAUDER, M.A., Ottawa.*    | " E. H. M. BAKER, Carrying<br>Place.*      |
| " J. A. PRESTON, M.A., Cornwall.*    | " W. BLEASDELL, M.A., Trenton.*            |
| " F. R. TANE, Brockville.*           | " F. W. KIRKPATRICK, Kingston.*            |
| " J. J. BOBERT, M.A., Napanee.*      | " RICHARD LEWIS, Maitland. †               |
| " T. A. PARNELL, Kingston.*          |  |
| " J. W. BURKE, B. A., Prescott.*     |  |

The LAY SECRETARY called over the roll of the Lay Delegates  
as follows:—

## DIOCESE OF QUEBEC.

|                                    |                                   |
|------------------------------------|-----------------------------------|
| Mr. R. HAMILTON, Quebec. †         | Mr. R. H. SMITH, Quebec.*         |
| Mr. W. G. WURTLE, Quebec.*         | Mr. THOS WOOD, Hanfax, Megantic † |
| Mr. GEORGE HALL, Quebec.*          | Captain ASHE, R.N., Quebec.*      |
| Mr. H. S. SCOTT, Quebec.*          | Mr. W. H. WEBB, Melbourne. †      |
| Mr. R. W. HENNER, Sherbrooke.*     | Mr. B. T. MORRIS, Lennoxville †   |
| Mr. E. J. HEMMING, Drummondville † | Mr. JAS. BOUTELLE, Danville. †    |

## DIOCESE OF TORONTO.

|                                      |                                    |
|--------------------------------------|------------------------------------|
| Hon. Chief-Justice DRAPER, Toronto.* | Mr. A. H. CAMPBELL, Peterborough.* |
| Prof. WILSON, Toronto.*              | Mr. G. H. GRIERSON, Oshawa.*       |
| Mr. S. H. BLAKE, Toronto. †          | Mr. T. M. BENSON, Port Hope. †     |
| Mr. C. GZOWSKI, Toronto.*            | Mr. J. GEORGE HODGINS, Toronto.*   |
| Mr. CLARKE GAMBLE, Q.C., Toronto. †  | Mr. Wm. MAGRATH, Credit.*          |
| Mr. Sheriff JARVIS, Toronto.*        | Mr. F. A. BALL, Hamilton.*         |

## DIOCESE OF MONTREAL.

|   |                                       |
|---|---------------------------------------|
| Mr. C. J. BRYDGES, Montreal.*               | Mr. G. B. BAKER, M.A., Cowansville. † |
| Mr. STRACHAN BETHUNE, Q.C., Mont-<br>real.* | Mr. A. F. GAULT, Montreal.*           |
| Mr. EDWARD CARTER, Q.C., Montreal.*         | Mr. J. HUTTON, Sweetsburgh.*          |
| Dr. SMALLWOOD, Montreal.*                   | Mr. H. S. FOSTER, Knowlton. †         |
| Hon. L. S. HUNTINGTON, Montreal.*           | Mr. D. B. McCORD, Montreal.*          |
| Mr. GEORGE MUFFAT, Montreal.*               | Mr. F. MACKENZIE, Montreal.*          |

## DIOCESE OF HURON.

|                                |                                 |
|--------------------------------|---------------------------------|
| Mr. PETER ROE, St. Thomas.*    | Mr. H. CROTTY, Ingersoll.*      |
| Judge WILSON, Simcoe. †        | Dr COVERTON, Simcoe.*           |
| Mr. JOHN BEARD, Woodstock.*    | Mr. G. F. RYLAND, Birt. †       |
| Mr. W. GREY, Woodstock.*       | Mr. W. R. DAVIS, Mitchell.*     |
| Mr. A. LEFROY, Paisley. †      | Mr. L. BURWELL, Burwell. †      |
| Mr. W. J. IMLACH, Brantford. † | Mr. J. T. GLEKISON, Brantford.* |

\* Answered to their names. † Arrived after session had commenced.  
† Not present during the Session.

## DIOCESE OF ONTARIO.

Mr. J. A. HENDERSON, D.C.L., Kingst-  
ton.\*  
Mr. W. B. SIMPSON, Kingston. †  
Judge JARVIS, Cornwall. †  
Mr. F. McANNANY, Belleville.\*  
Mr. A. CODE, Innesville, Lanark.\*  
Mr. GEORGE MAY, Ottawa.\*

Mr. SAMUEL KEEFER, Brockville. †  
Mr. G. A. KIRKPATRICK, Kingston. †  
Mr. H. S. McDONALD, Kingston. †  
Mr. JAS. SHANNON, Kingston. †  
Mr. JAS. JACKSON, Lanark. †  
Mr. W. ELLIS, Prescott.\*

The CHAIRMAN announced that there was a quorum of both orders present, when it was

Moved by Reverend J. G. GEDDES, seconded by Reverend G. SLACK,

That Venerable Archdeacon PATTON be re-elected Prolocutor.—*Carried unanimously.*

Archdeacon PATTON having acknowledged the confidence and good feeling towards himself which the House manifested by re-electing him their Prolocutor, was conducted by the Chairman, Reverend J. G. GEDDES, and Reverend G. SLACK and other members, to the UPPER HOUSE, where his election was announced to the President by Very Reverend Dean BOND.

On his return the PROLOCUTOR nominated Very Reverend Dean BOND as his Deputy.

## ELECTION OF SECRETARIES, TREASURER, &amp;c.

Moved by Reverend J. A. PRESTON, seconded by Reverend J. S. LAUDER,

That the Reverend Charles HAMILTON be re-elected Clerical Secretary of this Provincial Synod.—*Carried unanimously.*

Moved by Mr. G. MAY, seconded by Mr. McANNANY,

That Mr. F. MACKENZIE be re-elected Lay Secretary.—*Carried unanimously.*

Moved by Mr. James HUTTON, seconded by Dr. SMALLWOOD,

That Mr. C. J. BRYDGES be appointed Treasurer.—*Carried unanimously.*

\* Answered to their names. † Arrived after session had commenced.  
† Not present during the Session.

Moved by Dr. SMALLWOOD  
That Mr. A. F. GAULT  
Auditors.—*Carried unanimo*

## APPOINT

The PROLOCUTOR named t  
Reverend Messrs. H. ROE, J  
Lonsdell, Canon Nelles,  
Scott, Dr. Smallwood, Joh  
G. Hodgins, Chairman.

The PROLOCUTOR also  
Committees appointed last

I. On Relations of the  
Mother CH

Reverend Canon Bancroft  
Diocese of Montreal; His H  
James Patton, Diocese of O

## II. On F

Mr. F. McAnnany vice M  
Ontario.

## III. On Ec

Venerable Archdeacon Le  
Diocese of Montreal.

## IV. On Ma

Reverend T. A. Parnell v  
of Ontario; Mr. G. A. Kirkp  
Diocese of Ontario.

## V. On L

Mr. A. F. Gault vice Mr  
Montreal.



Moved by Dr. SMALLWOOD, seconded by Mr. J. HUTTON,  
That Mr. A. F. GAULT and Mr. D. R. McCORD be named  
Auditors.—*Carried unanimously.*

APPOINTING COMMITTEES.

The PROLOCUTOR named the Standing Committee as follows:  
Reverend Messrs. H. Roe, J. G. Geddes, Venerable Archdeacon  
Lonsdell, Canon Nelles, T. A. Parnell, and Messrs. H. S.  
Scott, Dr. Smallwood, John Beard and George May; and J.  
G. Hodgins, Chairman.

The PROLOCUTOR also filled up the vacancies in the  
Committees appointed last session as follows:—

*I. On Relations of the Church in the Colonies to the  
Mother Church in England.*

Reverend Canon Bancroft *vice* Reverend J. C. Davidson,  
Diocese of Montreal; His Honor Judge Jarvis *vice* Honorable  
James Patton, Diocese of Ontario.

*II. On Indian Missions.*

Mr. F. McAnnany *vice* Mr. Fennings Taylor, Diocese of  
Ontario.

*III. On Ecclesiastical Law.*

Venerable Archdeacon Leach *vice* Reverend J. Constantine,  
Diocese of Montreal.

*IV. On Marriage Licenses.*

Reverend T. A. Parnell *vice* Reverend Dr. Jones, Diocese  
of Ontario; Mr. G. A. Kirkpatrick *vice* Mr. Fennings Taylor,  
Diocese of Ontario.

*V. On Lay Readers.*

Mr. A. F. Gault *vice* Mr. Thomas Simpson, Diocese of  
Montreal.

vi. *On appointment of Missionary Bishops and Missionary Board.*

Reverend Dr. McMurray *vice* Rural Dean Allen, Diocese of Toronto; Dr. Covernton *vice* Mr. J. M. Burns, Diocese of Huron.

Moved by Dr. HODGINS seconded by Mr. BEARD, that the Prolocutor be authorized and requested to appoint a Committee to confer with the HOUSE OF BISHOPS as to what business, if any, may be considered desirable to bring before this Synod during the present Session.

MESSAGE FROM THE HOUSE OF BISHOPS.

The PROLOCUTOR read the following Message—

The Metropolitan begs to inform the Prolocutor that the Upper House desires that the Lower House shall proceed to treat and decide upon the Canon on the Election of a Missionary Bishop, now in their possession, in preference to any other business.

A. MONTREAL.

A discussion arose as to whether Dr. HODGINS' motion could be disposed of before the Message from the HOUSE OF BISHOPS was taken up.

The PROLOCUTOR ruled that the Message from the HOUSE OF BISHOPS must be taken up first, and his ruling was sustained by the HOUSE.

The PROLOCUTOR then read by request the Canon on Missionary Bishops, which was sent down by the HOUSE OF BISHOPS in the Fourth Session, as follows:—

CANON ON MISSIONARY BISHOPS.

1. The House of Bishops may elect a suitable Priest to be a Missionary Bishop to the Indians and others not residing within any organized Diocese, and when the House of Bishops shall be satisfied that adequate provision has been made for the support of a Missionary Bishop, the Metropolitan or pre-

siding Bishop may con-  
election, and after electio  
evidence of the election  
and seal of the Metro  
House of Bishops or a m

2. In case it is thought  
to appoint a Missionary  
part or parts of one or m  
tion of such Missionary  
whose Diocese is affecte  
be presented in writing  
Bishop.

3. The Bishop elected  
copal functions in such  
with the Constitution an  
they can be made applic  
and under such regulatio  
Bishops shall prescribe.

4. Whenever a Dioc  
Missionary District, if th  
Bishop of such Diocese,  
vacating his missionary  
discharge the duties of  
of his original jurisdic  
tion.

5. Every such Bishop  
House of Bishops, and  
meeting of the Provincial  
condition of the Church i

Moved by Canon BA  
PALMER,

That in the absence of  
Committee on Canons, th  
by the House of Bishops,  
creating a Canon on Missio  
by the Upper House, be  
by clause by this House

Moved in amendment  
Chief-Justice DRAPER,

That a Committee to  
appointed to take this Ca  
to-morrow morning at 10

ps and Missionary

Dean Allen, Diocese  
L. Burns, Diocese of

Mr. BEARD, that he  
to appoint a Com-  
BISHOPS as to what  
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BISHOPS.

Message—

Prolocutor that the  
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A. MONTREAL.

ODGINS' motion could  
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ruling was sustained

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BISHOPS.

uitable Priest to be a  
others not residing  
the House of Bishops  
on has been made for  
Metropolitan or pre-

siding Bishop may convene the House of Bishops for such election, and after election proceed to his Consecration, and the evidence of the election shall be a certificate under the hand and seal of the Metropolitan or presiding Bishop, and of the House of Bishops or a majority thereof.

2. In case it is thought expedient by the House of Bishops to appoint a Missionary Bishop over a District composed of a part or parts of one or more Dioceses; then, before the election of such Missionary Bishop, the consent of each Bishop whose Diocese is affected by the proposed arrangement shall be presented in writing to the Metropolitan or presiding Bishop.

3. The Bishop elected as aforesaid shall exercise his Episcopal functions in such Missionary District in conformity with the Constitution and Canons of this Province, so far as they can be made applicable to the condition of his District and under such regulations and instructions as the House of Bishops shall prescribe.

4. Whenever a Diocese shall be organized out of such Missionary District, if the Missionary Bishop shall be chosen Bishop of such Diocese, he may accept the office without vacating his missionary appointment, provided he continue to discharge the duties of Missionary Bishop within the residue of his original jurisdiction, if there be such residue.

5. Every such Bishop shall be entitled to a seat in the House of Bishops, and shall report to the House at every meeting of the Provincial Synod concerning the state and condition of the Church in his Diocese or Missionary District.

Moved by Canon BANCROFT, seconded by ARCHDEACON PALMER,

That in the absence of any Report on the subject from the Committee on Canons, the Message sent down to this House by the House of Bishops, in the Session of 1868, communicating a Canon on Missionary Bishops which had been passed by the Upper House, be now taken into consideration clause by clause by this House.

Moved in amendment by Professor WILSON, seconded by Chief-Justice DRAPER,

That a Committee to be named by the PROLOCUTOR, be appointed to take this Canon into consideration and report to-morrow morning at 10 o'clock.

Moved in amendment to the amendment by Rev. W. S. DARLING, seconded by Rev. E. H. M. BAKER,

That the Committee on Canons be requested to report to-morrow morning on the subject of the Canon referred to in the Message of the Bishops.—*Lost.*

Professor Wilson's amendment was then put and *Carried.*

The main motion was accordingly *Lost.*

The PROLOCUTOR accordingly named the following Committee:

Very Rev. Dean Grasset, Provost Whitaker,—Toronto.

Rev. C. P. Reid, Rev. H. Roe,—Quebec.

The Very Rev. Dean Bond, Rev. D. Lindsay, Rev. R. W. Norman,—Montreal.

Rev. J. W. Marsh, Rev. F. D. Fauquier,—Huron.

Rev. J. A. Preston, Rev. T. A. Parnell,—Ontario.

Messrs. H. S. Scott, R. W. Heneker,—Quebec.

Hon. Chief-Justice Draper, Dr. Hodgins,—Toronto.

Messrs. C. J. Brydges, G. B. Baker,—Montreal.

Messrs. Peter Roe, John Beard,—Huron.

Dr. Henderson, Mr. Geo. May,—Ontario.

He also appointed Rev. Provost Whitaker Chairman.

Dr. Hodgins's motion for a Committee to confer with the Bishops as to the business to be taken up during the Session was then put and *Carried.*

The House then adjourned to meet at 9 o'clock for morning prayer, and at 10 o'clock for business.

## SECOND DAY.

MONTREAL, Thursday, 12th December, 1872.

After Morning Prayer in the Cathedral, the LOWER HOUSE met for business at 10 o'clock, and was opened with prayer by the PROLOCUTOR.

Session.] READING, AP

READING

The minutes of the Session were read and approved.

The Rev. Dr. Nicolls, Archdeacon Hemming and Thos. W. Shannon, of the Diocese of Montreal, and Rev. J. B. Davidson, of the Diocese of the West, were seated.

APPOINTMENT

The PROLOCUTOR announced that the Committee appointed to confer with the Bishops was to be taken up, as follows:

Venerable Archdeacon Darling, Reverend D. Lindsay, Reverend J. S. Lauder, Reverend Wilson, Mr. Gzowski, Mr. Huntington, Mr. Ellis, Mr.

PRESENTING, READING

The CLERICAL SECRETARY, Archdeacon Fuller and Reverend E. C. Parkin and Reverend J. B. Davidson, were unable to attend this Session.

MESSAGE TO

The PROLOCUTOR sent a message to the Bishops conveying the resolution of the Committee, and asking for their views on the business before the present Synod.

REPORTS

Chief-Justice DRAPER sent a message to the Bishops whom was referred to the

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the following Com-  
taker,—Toronto.

Lindsay, Rev. R. W.  
—Huron.  
—Ontario.  
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—Toronto.  
Montreal.

er Chairman.  
to confer with the  
during the Session  
o'clock for morning

December, 1872.  
the LOWER HOUSE  
opened with prayer

READING, &C., OF MINUTES.

The minutes of the previous day were then read and approved.

The Rev. Dr. Nicolls, and Revd. J. Dinzey, and Messrs. E. J. Hemming and Thos. Wood, of the Diocese of Quebec, and Mr. Shannon, of the Diocese of Ontario, and Rev. R. Lindsay, of the Diocese of Montreal, and Mr. W. B. Simpson, of Ontario, and Rev. J. B. Davidson, of Montreal, appeared and took their seats.

APPOINTING COMMITTEES.

The PROLOCUTOR announced that he had named the Committee to confer with the HOUSE OF BISHOPS as to the business to be taken up, as follows:

Venerable Archdeacon Palmer, Chairman; Reverend W. S. Darling, Reverend D. Lindsay, Reverend Canon Innes, Reverend J. S. Lauder, Reverend E. H. M. Baker, Professor Wilson, Mr. Gzowski, Mr. S. Bethune, Honorable L. S. Huntington, Mr. Ellis, Mr. W. G. Wurtele.

PRESENTING, READING AND REFERRING MEMORIALS, &C.

The CLERICAL SECRETARY read letters from Venerable Archdeacon Fuller and Mr. G. O'Kill Stuart, and Reverend E. C. Parkin and Reverend A. J. Woolryche, regretting their inability to attend this session of the Provincial Synod.

MESSAGE TO THE HOUSE OF BISHOPS.

The PROLOCUTOR sent a message to the METROPOLITAN conveying the resolution of the LOWER HOUSE appointing a committee, and asking for a conference with the HOUSE OF BISHOPS as to the business which it may be desirable to bring before the present Synod.

REPORTS OF COMMITTEES.

Chief Justice DRAPER stated on behalf of the Committee to whom was referred the Canon on Missionary Bishops, that

they could not be prepared with a report before 2.30 p.m., and asked that the report might be received then.

Moved by Reverend J. W. BURKE, seconded by Mr. W. GRAY, That the request of the Committee be granted.—*Carried.*

#### NOTICES OF MOTION.

Four notices of motion were then read and handed to the Secretaries.

By unanimous consent of the House, the rules of order were suspended in order to permit a resolution to be put requesting the Prolocutor to name a Committee to draft an Address to His Excellency the Governor General.

After the resolution was put and carried, the PROLOCUTOR named the following members to form the Committee:

Rev. Dr. Nicolls, Canon Beaven, Canon Bancroft, G. Slack, Canon Innes, and J. W. Burke, and Mr. H. S. Scott; Commander Ashe, Mr. Grierson and Mr. Shannon; with Mr. Magrath as Chairman.

Report of Committee on business which it may be desirable to take up during this session.

Venerable Archdeacon PALMER read the following report:

The Committee appointed to confer with the House of Bishops as to the business (if any) of the present session, other than the consideration of the proposed Canon on Missionary Bishops, beg to report that they have held a lengthened conference with the Upper House, and that it is the opinion of their Lordships in which the Committee concurs; that considering the near approach of Christmas and of the 20th of December, (the day appointed for invoking the blessing of God on the missionary work of the Church,) it is advisable that the Synod should confine itself to the one subject for which it has been specially convened.

While giving this opinion their Lordships did not dispute the right of the Synod to enter on other business if it should see fit.

ARTHUR PALMER,  
Chairman.

The House then adjourned to meet again at 2.30 p.m.

The LOWER HOUSE  
Mr. L. Burwell and  
appeared and took their

By unanimous consent  
were suspended to enable  
following

The Committee of the  
September 1871 to report  
of England in Canada and  
the following report.

The question of the leg  
of Great Britain was c  
Natal's case [3 Moo. P.  
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Prior to the year 1850  
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Bishop. Under a power  
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Under letters patent the  
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After this by letters pa  
district of Natal was erec  
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patent dated 8th Decemb  
Capetown was appointed,  
an oath of obedience bef  
proceedings were institu  
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doctrine, and on 16th Dec  
judgment and sentenced



before 2.30 p.m.,  
and then.  
by Mr. W. GRAY,  
anted.—*Carried.*

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Committee :

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HUR PALMER,  
Chairman.  
at 2.30 p.m.

AFTERNOON SESSION.

The LOWER HOUSE re-assembled at 2.30 p.m.  
Mr. L. Burwell and Mr. S. Keefer, and Rev. R. Lewis,  
appeared and took their seats.

By unanimous consent of the House, the Rules of Order  
were suspended to enable Chief-Justice Draper to present the  
following

REPORT :

The Committee of the Provincial Synod appointed in  
September 1871 to report upon the legal Status of the Church  
of England in Canada and of its Clergy, beg leave to submit  
the following report.

The question of the legal status of the Church in the Colonies  
of Great Britain was considered at large in the Bishop of  
Natal's case [3 Moo. P.C.N.S. 115] before the Privy Council  
in 1864, and if the position of the Church in South Africa had  
been identical with that of the Church in Canada, as a matter  
of law the question as to our legal rights and powers would  
have been answered by that decision. A comparison of the  
two cases will, however, shew a broad distinction.

Prior to the year 1850 there was no representative govern-  
ment in the Colony of the Cape of Good Hope, of which  
Colony the district of Natal then formed part. In 1847 by  
letters patent a Bishop's See was erected and named the  
Bishopric of Capetown, to which the Crown appointed a  
Bishop. Under a power specially reserved to him, that  
Prelate, before the 23rd November, 1853, resigned his office.  
Under letters patent the then Legislature of the Cape of Good  
Hope was empowered to pass ordinances and to establish  
a representative Government for that Colony, and ordinances  
were passed and were confirmed by the Crown establishing a  
Parliament therein.

After this by letters patent dated 23rd November, 1853, the  
district of Natal was erected into a separate diocese, a Bishop  
was appointed by the Crown and was consecrated. By letters  
patent dated 8th December, 1853, a Metropolitan Bishop of  
Capetown was appointed, to whom the Bishop of Natal took  
an oath of obedience before entering into his See. In 1863  
proceedings were instituted against the Bishop of Natal  
before the Metropolitan on charges of false and erroneous  
doctrine, and on 16th December, 1863, the Metropolitan gave  
judgment and sentenced the Bishop to be deposed. An

appeal against this judgment was heard before the Judicial Committee of the Privy Council, who reported their opinion that the judgment of the Metropolitan was null and void in law.

In delivering this opinion the Lord Chancellor (Lord Westbury) said that after the establishment of an independent Legislature in the settlement "in the Cape of Good Hope and Natal there was no power in the Crown by virtue of its prerogative (for these letters patent were not granted under the provisions of any statute) to establish a Metropolitan See or Province, or to create an ecclesiastical Corporation whose status, rights and authority the Colony could be called upon to recognize." (1) That after a Colony has received legislative institutions, the Crown (subject to the provisions of any act of Parliament) stands in the same relation to that Colony or settlement as it does to the United Kingdom. (2) The United Church of England and Ireland is not a part of the constitution in any Colonial settlement, nor can its authorities or those who bear office in it claim to be recognized by the law of the Colony otherwise than as the members of a voluntary association.

The distinction which is taken in this case between the Prerogative of the Crown over a Colony acquired by conquest and a Colonial settlement is of no importance to the present enquiry, for the Acts of the British Parliament 14th and 31st, George 3rd, contain provisions distinct and ample enough to supply that which was wanting in the Bishop of Natal's case, and to make that decision inapplicable to the legal status of the Anglican Church here. A reference to the provisions of those statutes is indispensable, although the power of the Crown to create Bishops in a conquered colony may be beyond dispute. In the year 1836 the King's Advocate (Sir J. Dodson) the Attorney General (afterwards Lord Campbell) and the Solicitor General (afterwards Lord Cranworth) united in an opinion that there was no objection in point of law to an instrument for the appointment of a suffragan Bishop of Montreal. Our present Sovereign by letters patent severally dated 2nd October, 1857, and 18th February, 1862, exercised her Royal authority by dividing the diocese of

(1) Previous to the letters patent of 1853 the district of Natal had been erected into a distinct and separate government.

(2) *i. e.* (as is assumed) as to making Laws or creating new Courts *et alia hujusmodi*, as one branch of the Legislature. Such as is the power of the Crown as a branch of the Parliament of Canada,—whatever may be the case as to the legislatures of the different provinces composing the Dominion.

Toronto; the Legislature in their Statute second in their Statute Assuming then that the Church of England the Colony in which the Crown, it is to be remembered was acquired by the British 1763 by a treaty ceding France therein. In 1777 declaring that Her Majesty that Province might on the Church of Rome as declared by the Statute the said Church might hold the said rights with respect to the said religion, provision for the maintenance of the Clergy within the province the Royal Supremacy in Robison, then Advocate of appointment of a Roman direct authority of the (then Attorney General) Paris and the Act 14th, to make regulations respecting Catholic Bishops in Canada properly asked for might of the Roman Catholic diocese may be here also noted to the Governor of probably the same instrument predecessors) contained the Roman Catholic subject as to Ecclesiastical matters "a toleration of the free only to which they are privileges of it as an Es" "ference which belongs "gland" (1)

(1) See Capitulation of Quebec 5 *id.* 223. Capitulation of Montreal 6 *id.* 208.



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Toronto; the Legislature of Canada recognized the first  
 division in their Statute 22nd Vict., ch. 65 (1858) and the  
 second in their Statute 25 Vict., ch. 86.

Assuming then that the Sovereign has, as Supreme Head of  
 the Church of England, the right to appoint Bishops in a  
 Colony in which the Legislative authority is vested in the  
 Crown, it is to be remembered that the province of Canada  
 was acquired by the British Crown by conquest followed in  
 1763 by a treaty ceding the previous right of the Crown of  
 France therein. In 1774 the Act 14th, George 3rd, was passed  
 declaring that Her Majesty's Roman Catholic subjects in  
 that Province might enjoy the free exercise of the religion of  
 the Church of Rome subject to the King's supremacy as  
 declared by the Statute 1st Elizabeth, and that the Clergy of  
 the said Church might hold, receive and enjoy their accustomed  
 dues and rights with respect to such persons *only* as profes-  
 sed the said religion, and that His Majesty might make  
 provision for the maintenance and support of a Protestant  
 Clergy within the province. This Legislative assertion of  
 the Royal Supremacy has never been repealed, and it gave  
 occasion in 1826 for taking the opinion of Sir Christopher  
 Robinson, then Advocate General, respecting the form  
 of appointment of a Roman Catholic Bishop in Canada by the  
 direct authority of the Sovereign. In 1842 Sir F. Pollock  
 (then Attorney General) and Sir W. W. Follett (then Soli-  
 citor General) gave their opinion that under the Treaty of  
 Paris and the Act 14th, George 3rd, the Queen had authority  
 to make regulations respecting the appointment of Roman  
 Catholic Bishops in Canada, and the consent of the Crown  
 properly asked for might lawfully be given to the division  
 of the Roman Catholic diocese of Kingston into two Sees. It  
 may be here also noted that in the year 1820, the instruc-  
 tions to the Governor of Upper and Lower Canada (and  
 probably the same instructions had been given to all his  
 predecessors) contained the following passage in reference to  
 the Roman Catholic subjects of the Crown in those Provinces  
 as to Ecclesiastical matters "always remembering that it is  
 "a toleration of the free exercise of the religion of Rome  
 "only to which they are entitled, but not to the powers and  
 "privileges of it as an Established Church, that being a pre-  
 "ference which belongs to the Protestant Church of En-  
 "gland." (1)

(1) See Capitulation of Quebec, 2 Annual Register 207. Treaty of Paris.  
 5 *id.* 283. Capitulation of Montreal, 3 *id.* 222. Proclamation as to Gov-  
 ernment of Quebec, 6. *id.* 208.

The statute 31 Geo. 3, ch. 31, divided the Province of Quebec into the two provinces of Upper and Lower Canada, establishing in each a Legislature consisting of the Sovereign, a Legislative Council and an Assembly. By Section 36 provision was made for the allotment and appropriation of a proportion of the Crown Lands in each Province, the rents whereof were to be applied exclusively for the support of a Protestant clergy, and by section 38 power was given to erect in every township or parish parsonages or rectories according to the establishment of the Church of England and to endow the same with a part of the lands so to be allotted, and [section 39, 40] to present to every such parsonage or rectory a clergyman of the Church of England duly ordained according to its rites who should hold and enjoy his rectory and all rights, profits and emoluments thereto belonging as fully and amply, in the same manner and on the same terms as an incumbent of a rectory in England. Every such incumbent was declared to be subject to all rights of institution and other spiritual and ecclesiastical jurisdiction and authority as had then been lawfully granted by letters patent to the Bishop of Nova Scotia or as might thereafter by Royal authority be lawfully granted to be administered and exercised within the said Provinces by the said Bishop or by any other person according to the laws and Canons of the Church of England which are lawfully made and received in England.

The foregoing enactments present a state of things altogether differing from what existed in the Bishop of Natal's case. There the grant of a representative government preceded the exercise of the Royal authority in issuing letters patent which professed to confer Metropolitan Jurisdiction on the Bishop of Capetown, whereas in the Provinces of Upper and Lower Canada, a representative form of government was erected by a statute, which, while recognizing the present existence of a Protestant Clergy, made in unequivocal terms provision for the support and maintenance of the Clergy of that Protestant Church known as the Church of England; and this moreover in pursuance of an intention distinctly announced by a previous statute; and further an ecclesiastical establishment, by the creation and endowment of rectories subject to the jurisdiction of Bishops to be appointed according to the laws and canons of the same Church. The Crown did exercise those powers by erecting Episcopal sees within the Provinces and by erecting and endowing rectories and presenting clergymen of the Church of England thereto. The

legality of these latter and was judicially upheld.

Under the capitulation of Paris in 1763, and the Catholic Church was received in the Province of Canada and in the enjoyment of all the rights, liberties, and immunities, which it had enjoyed in the Province of Quebec, who professed to be members of the same, were to this guarantee in the orders and communities for a Protestant clergy previously mentioned as less than Roman Catholics. confirming the royal institution that the tithes for lands of the said Province should be collected and be reserved in part for the support of a Protestant Clergy in the Province of Upper Canada there were created before 1763, in which the Committee have been informed that payment in lieu thereof of some of these parishes had been made to the Clergy of the Church of England by an act of the Legislature. The Royal assent was received that, notwithstanding the fact that Protestant Clergy of one denomination had been suggested that might still be demanded for any parish, it was enacted that no tithes should be received by any 'ecclesiastical' of the Protestant Church or usage to the contrary. The statute would by implication have provided for the tithes for the support of the Protestant Clergy of the Province of Upper Canada. The 31st Geo. 3rd. may be questioned as to whether it has ascertained that any such provision was made in support of the Protestant Clergy and other members of the Church that Church was established in the Province of Upper Canada the Roman Catholic Church and such persons as

ed the Province of  
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legality of these latter proceedings was brought in question and was judicially upheld in Upper Canada.

Under the capitulation of Montreal in 1760, the treaty of Paris in 1763, and the two statutes above cited, the Roman Catholic Church was recognized and guaranteed within the ceded Province of Canada in the free exercise of its religion, and in the enjoyment by the clergy thereof of their accustomed dues and rights, but this was limited to those persons who professed to be members thereof. The only exception to this guarantee in the 14th Geo. 3rd, related to the religious orders and communities. This act also authorized provision for a Protestant clergy out of such of the accustomed dues previously mentioned as might be payable by other persons than Roman Catholics. The 31st Geo. 3rd went further, confirming the royal instructions of 1775 which had directed that the tithes for lands and possessions occupied by Protestants should be collected under the authority of Government and be reserved in the hands of the Receiver-General for the support of a Protestant clergy, *and not otherwise*. In Upper Canada there were some Roman Catholic parishes created before 1763, in which tithes were collected, and your Committee have been informed that tithes, or a commuted payment in lieu thereof, are still received or claimed in some of these parishes by the Roman Catholic Clergy. As to the Clergy of the Church of England in Upper Canada, by an act of the Legislature of that Province, which received the Royal assent in February 1823, after reciting that, notwithstanding the reservation for the support of a Protestant Clergy of one seventh of all lands therein, doubts had been suggested that tithe of the produce of the land might still be demanded by the incumbent or rector of any parish, it was enacted that no tithe should be claimed or received by any 'ecclesiastical parson, rector or vicar of the Protestant Church in this Province,' any law custom or usage to the contrary notwithstanding. Whether this statute would by implication repeal the reservation respecting tithes for the support of a Protestant Clergy made by the 31st Geo. 3rd. may be questionable; your committee have not ascertained that any such fund was ever collected, but they refer to the provision in support of their opinion that as regards the Clergy and other members of the Church of England that Church was established at least in the same sense that the Roman Catholic Church was established in regard to its Clergy and such persons as professed its faith. Our basis as

regards the Church of Canada is of a public character, partially resting on these two British statutes, though, it neither has, nor claims, authority over those who are not of their own free will within its pale, nor does it pretend to any greater advantage in respect to the state than the state either has, or may see fit to confer, on any other body of Christians. In brief phrase its legal status is not that of a *state* Church as that term is commonly understood.

The Bishop of Natal's case and the case of Long vs the Bishop of Capetown [1 Moo. P. C. N. S. 411] were carefully considered by Lord Romilly in the case of the Bishop of Natal vs Gladstone [L. R. 3. Eq. 1.] He remarks, "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 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." Now the case of our Church is stronger, it was not founded by a class of persons in the Colony, but was expressly provided for by two Acts of Parliament, the latter act being the constitution of Upper and Lower Canada, and being thus introduced, its maintenance was in part secured under the powers conferred on the Crown thereby. In another part of his judgment Lord Romilly still remarking upon one of the preceding decisions says that in it "no suggestion is made that the Church established at Capetown \* \* \* is not a part of the Church of England, nor does any doubt seem to have been entertained by the Court on that point, on the contrary the whole judgment proceeds upon the foundation that the Church so established," (at Capetown) "is not a part of the Church of England." Your Committee treating this as a sound comment, consider it as proving *a fortiori* that the Church in Canada is an established church, that it in fact is that which the first Provincial Synod in Canada expressed a desire it might continue, as it has been, an integral portion of the Church at home.

Nor does this conclusion rest exclusively on British statutes. In the case *ex parte Jenkins* [L. R. 2 P. C., 258] Lord Chelmsford furnishes an additional and cogent reason which is applicable to and supports it. His Lordship points out some particulars in that case which resemble the former state of things among ourselves, viz.: the power of the Crown to collate to vacant benefices exercised by delegation to the

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Governors usually describes, and who to a limited Judicial Officer, "but Ordinary, was appointed Church \* \* \* the to leave to the Governor Clark, but recognized Bishop, the power of just as the 31st Geo. 3rd. rights of institution, &c., that Act. After referring, Lord Chelmsford were clearly of opinion Bishop of Newfoundland at rest conclusively by the and functions by the submit that this test of Colonial, as well as in Imperial

The first statute of Upper England as the rule of property and civil rights, should vary or interfere respecting ecclesiastical rights asserted that this provision well as to a Roman Catholic

By 33rd. Geo. 3, ch. 2, as in any township or parish for the performance of duties of the Church of England appointed thereto, the choose one person and the persons should jointly serve such Churchwardens and corporation to represent township or parish.

The 37th. Geo. 3, ch. 1. clerical error in using the in certain grants of Crown a reservation of a portion sec. of 31st Geo. 3, enacting valid as to the grantee and rights of the Protestant Church

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Governors usually described in their Commissions as ordi-  
naries, and who to a limited extent exercised the powers of  
that Judicial Officer, "but where a Bishop or Ecclesiastical  
"Ordinary, was appointed with spiritual oversight of the  
"Church \* \* \* \* the Crown as patron thought proper  
"to leave to the Governor, the power of nominating the  
"Clerk, but recognized by letters-patent, granted to the  
"Bishop, the power of institution belonging to his office,"  
just as the 31st Geo. 3rd. s. 40, conferred on the Bishop all  
rights of institution, &c., to the rectories to be erected under  
that Act. After referring to two of the judgments above  
cited, Lord Chelmsford added that the Judicial committee  
were clearly of opinion that the question, "whether the  
"Bishop of Newfoundland has any lawful status has been set  
"at rest conclusively by the repeated recognition of his status  
"and functions by the Colonial Legislature." Your Committee  
submit that this test of recognition exists undeniably in our  
Colonial, as well as in Imperial Statutes.

The first statute of Upper Canada, introduced the law of  
England as the rule of decision in controversies, respecting  
property and civil rights, provided that nothing in that act  
should vary or interfere with any subsisting provision  
respecting ecclesiastical rights or dues. It will hardly be  
asserted that this proviso does not relate to a Protestant as  
well as to a Roman Catholic Clergy.

By 33rd. Geo. 3, ch. 2, (U.C.) it was enacted that as soon  
as in any township or parish there should be a church built  
for the performance of divine service, according to the usage  
of the Church of England, with a parson or minister duly  
appointed thereto, the inhabitant householders should  
choose one person and the parson or minister another; which  
persons should jointly serve the office of Churchwarden, and  
such Churchwardens and their successors were to be as a  
corporation to represent the *whole inhabitants* of the town-  
ship or parish.

The 37th. Geo. 3, ch. 14 (U. C.) was passed to rectify a  
clerical error in using the word Clergymen instead of Clergy  
in certain grants of Crown Lands, which purported to make  
a reservation of a portion of lands as required by the 36th  
sec. of 31st Geo. 3, enacting that every such grant should be  
valid as to the grantee and to secure to the said Clergy "the  
"rights of the Protestant Clergy of this Province."

The tithe repeal Act of 1823 has been already referred to.  
The doubts which it was passed to remove apparently arose

from an opinion that the Church of England was a legally established institution of that Province, and that its Clergy were meant by the words 'Protestant Clergy' as used in the British statutes of 1774 and 1791. The Act is in terms limited to the Clergy of the Protestant Church and is grounded upon the fact that 'His Majesty has been graciously pleased to reserve for the support of a Protestant Clergy' (in Upper Canada,) one 'seventh of all the lands granted therein.' This statement, though contained in the preamble, is not perfectly accurate, as the reservation authorized by the 31st. Geo. 3, was of a quantity of ungranted lands, equal to one-seventh of all lands that were granted.

The repeal of the 38th, 39th, and 40th. sections of 31st. Geo. 3, had no retrospective operation. The rectories with their respective endowments continue though the Crown has no longer the same powers to found and endow others. Large reservations of land were made according to the provisions of sec. 38: the disposition of such lands, and the uses to which they were applied, are matters of Colonial history.

The Imperial statute, 6, Geo. 4, ch. 50, empowered and required the 'Bishop of Quebec, for the time being in behalf of the said protestant Clergy, to execute deeds and conveyances under certain circumstances of lands 'appropriated and set apart for the support and maintenance of a Protestant Clergy.'

The Imperial statute, 7 and 8, Geo. 4, chap. 62 authorized the sale of a part of the clergy reserves, providing for the investment of the proceeds and the application of such proceeds to the purposes for which the lands were reserved.

These earlier statutes are referred to in connection with the old maxim *contemporanea expositio est optima et fortissima in lege*, for it appears to your Committee that with the exception of the act of 1823 it cannot be denied that their framers recognized as beyond question that the Church of England was (*sub modo*) established in Upper Canada. Further evidence of this conclusion is found in the Act 3, William 4, chap. 13, sect. 4, (U. C.) which enacts that for the purpose of qualifying any person to hold office in that Province, or for any other temporal purpose, it shall not be necessary for the future for any one to take or receive the Sacrament of the Lord's Supper according to the rites or usage of the Church of England \* \* \* and no person shall thereafter within that Province be subject to any penalty, or forfeiture, incapacity, or disability for neglect, or omission to take the said sacrament.

The Imperial Statute enacts among other things parliament which should the establishment or d England and Ireland and said Province, shall be before receiving the Roy

The Imperial statute the sale of the whole of appropriation out of the in Canada.

The 4 and 5 Vict., chap. 32, (C.) the respective C and Lower Canada emp successors, and any par his successors to take any of endowment, notwithsta any person or body polit license of the respective and endow them, acquirin to such church as an adv to the rules and canons of and Ireland.

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The 14 and 15 Vict., chap. 10, by Royal letters-patent, d Quebec had been divided i Montreal, enacted that t Vict., ch. 32, by the name should determine, and a another corporation by th the diocese of Montreal, as Corporations and with the as had been granted to the the two new Corporatio consist of 'the Lord Bish time being and of 'those



England was a legally and that its Clergy as used in the Act is in terms and is grounded in a graciously pleased Clergy' (in Upper wanted therein.' This able, is not perfectly by the 31st. Geo. 3, equal to one-seventh

sections of 31st. Geo. rectories with their the Crown has no dowd others. Large to the provisions, and the uses to Colonial history.

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chap. 62 authorised s, providing for the application of such lands were reserved. in connection with *optima et fortissima* mittee that with the be denied that their that the Church of per Canada. Further the Act 3, William 4, that for the purpose in that Province, not be necessary for the Sacrament of the usage of the Church all thereafter within or forfeiture, incapa- tion to take the said

The Imperial Statute 3 and 4 Vict., chap. 35, sect. 42, enacts among other things that any bill of the Canadian parliament which should in any manner relate to or affect the establishment or discipline of the United Church of England and Ireland among the members thereof within the said Province, shall be laid before the Imperial parliament before receiving the Royal assent.

The Imperial statute 3 and 4 Vict., chap. 78, authorises the sale of the whole of the clergy reserves, and directs an appropriation out of the proceeds for the Church of England in Canada.

The 4 and 5 Vict., chap. 74, (U. C.) and the 6 Vict., chap. 32, (C.) the respective Church Temporalities Acts for Upper and Lower Canada empower the several bishops and their successors, and any parson, rector or other incumbent and his successors to take any deed or conveyance of land by way of endowment, notwithstanding the statutes of mortmain, and any person or body politic or corporate may, subject to the license of the respective Bishops, erect and found churches and endow them, acquiring thereby the right of presentation to such church as an advowson in fee presentative according to the rules and canons of the said United Church of England and Ireland.

The 7th. Vict. ch. 68, (C.) incorporates the Church Societies in the dioceses of Quebec and Toronto, for obtaining aid towards the erection, endowment and maintenance of Churches, according to the establishment of the Church in the dioceses, the creation and maintenance of parsonage houses, the setting apart of burial grounds and churchyards according to the said establishment and the management of all matters relating to such endowments.

The 14 and 15 Vict., ch. 171 (Canada,) after reciting that by Royal letters-patent, dated 18th July, 1851, the diocese of Quebec had been divided into the two dioceses of Quebec and Montreal, enacted that the corporation created by the 6th Vict., ch. 32, by the name of the Church Society of Quebec, should determine, and a corporation by the same name and another corporation by the name of the Church Society of the diocese of Montreal, as then constituted, should be several Corporations and with the like rights, powers and privileges as had been granted to the Corporation so determined. And the two new Corporations were respectively declared to consist of 'the Lord Bishop of the diocese of Quebec for the time being and of 'those members' of the original Corpora-

tion who at the passing of the Act, were residents of that diocese and of the Lord Bishop of the diocese of Montreal for the time being and of 'those members' of the said original corporation, who at the time of the passing of the Act were resident within that diocese, and of such other persons as should be elected members of either of the new corporations. And (s. 9) each of the said Lord Bishops and his successors was created a corporation sole and was to be deemed such when the letters aforesaid took effect, with powers to take and hold real property in the province and any personal property.

The 14 and 15 Vict., ch. 175 (C.) repealed the 38th, 39th and 40th sections of 31st Geo. 3, provided that such repeal should not in anywise affect proceedings theretofore had whereby certain parsonages or rectories, were erected or endowed, or supposed to be under the 31st Geo. 3rd, or whereby certain incumbents or ministers were presented or supposed to be to such parsonages, or rectories, or any of them, but the legality of such proceeding was left open for adjudication as if this Act had not been passed.

The 14th and 15th Vict., ch. 176, (C.) conferred upon the Bishop of Montreal in his diocese the same powers as were given to the Bishop of Quebec by the Act of Lower Canada, 6th Geo. 4, ch. 59, with all other powers given to the Bishop of Quebec by any other Act or Authority whatsoever.

The 19th and 20th Vict. ch. 141 (C.) authorized the Bishops, Clergy and Laity, members of the United Church of England and Ireland in this Province, to meet in their several dioceses (present or future) and to frame constitutions and to make regulations for enforcing discipline in the Church, for the appointment, deprivation or removal of any person bearing office therein, of whatever order or degree, any rights of the Crown to the contrary notwithstanding; and for the convenient and orderly management of the property, affairs and interests of the Church in matters relating thereto, and affecting only the said Church and the officers and members thereof, with a proviso that such constitutions and regulations shall apply only to the dioceses severally adopting the same; Sec. 2 authorizes the Bishops, Clergy and Laity, members of the United Church of England and Ireland, to meet in general assembly within 'this' Province by such representatives as shall be determined and declared by them in their several dioceses and in such general assembly frame a constitution and regulations for the general management and good

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The 22nd Vict. ch. 6 patent dated 2nd Octobe divide the diocese of T called the diocese of T Huron, and it incorporat by the name of 'the Chur with the like corporate any Act or Acts of the E on any Church Society inc declares that the Corpora of the diocese and the Toronto who shall be resid

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government of the said Church in 'this' Province, provided that nothing in the Act contained shall authorize the imposition of any rate or tax upon any person or persons whomsoever, whether belonging to the said Church or not, or the infliction of any punishment, fine or penalty upon any person other than his suspension or removal from an office in the said Church, or exclusion from the meetings or proceedings of the meetings of the diocesan or general synods,—and provided nothing in the said constitutions shall be contrary to any law or statute now or hereafter in force in the Province. This Act was amended by 22nd Vict., ch. 139 (C.) as to the laity meeting by representation and as to the quorum required for the transaction of business by a diocesan synod.

The 22nd Vict. ch. 65 (1858 C.) recites that by letters patent dated 2nd October 1857, Her Majesty was pleased to divide the diocese of Toronto into two dioceses, one to be called the diocese of Toronto and the other the diocese of Huron, and it incorporates a society within the latter diocese by the name of 'the Church Society of the diocese of Huron' with the like corporate powers, rights and privileges as by any Act or Acts of the Parliament of Canada are conferred on any Church Society incorporated in the said Province, and declares that the Corporation shall consist of the Lord Bishop of the diocese and the members of the Church Society of Toronto who shall be resident in the diocese of Huron, etc., etc.

The 25th. Vict. ch. 86 (C.) recites another division by Royal letters patent dated 18th February 1861, of the diocese of Toronto and the erection of the diocese of Ontario, and incorporates the Synod of the latter diocese, to be composed of the Lord Bishop of the diocese, the priests and deacons of the same licensed by the Lord Bishop and of Lay representatives to be elected, etc., etc.

By the 31st. Vict. ch. 28 (Quebec) the Church Society of the diocese of Montreal was merged in the Synod of that diocese and all the property, powers and privileges of the former merged in the latter. And the Synod was incorporated with absolute powers as to acquiring and holding lands and other property under every description of title and of alienating the same.

The Legislature of Nova Scotia passed a permissive Act relative to the Church, (33rd. Vict. ch. 57) and an Act of a similar character (34 Vict. ch. 58) was passed by the Legislature of New Brunswick.

The 32nd. Vict. ch. 51 (Ont.) incorporated the Synod of

the diocese of Toronto by the name of 'the incorporated Synod of the diocese of Toronto,' and united and incorporated the Church Society with the Synod of the said diocese by the same name, giving to the said Synod all the powers, rights, privileges and franchises conferred upon the said Synod by the Act last above referred to. (1)

The Legislature of Quebec recently passed an Act authorizing the Synod of the Diocese of Montreal to divide parishes erected by letters patent, and afterwards to subdivide the same and to vest in such division or subdivision all the powers conveyed in the letters patent, and such additional powers as may be necessary for the welfare and good government of the Church, and not inconsistent with the laws of that Province.

The statutes which have been passed from time to time in Upper Canada in regard to marriage as well as those of Canada on the same subject have an important bearing on the enquiry entrusted to your Committee.

In consequence of the small number of our Clergy in Upper Canada at its first settlement it was deemed expedient to authorize, under certain conditions, the celebration of matrimony by Justices of the Peace. Afterwards other Acts were passed in that Province enabling the Clergy and Ministers of certain denominations of Christians to perform that ceremony. It does not fall within the duty of your Committee to enter into a detailed examination of those Statutes beyond remarking that directly and indirectly they support the conclusion at which they have arrived as to the status of our Church and our Clergy in Canada.

In the first place the validity of marriage licenses issued under the Royal Authority is recognized and the effect of such licenses as a dispensation of or substitute for the publication of banns, or notice is extended to all those ministers or clergymen who derive their authority to marry from some one of these Acts. The prerogative right of granting these licenses does not rest on any provincial law, it is exercised by the Sovereign as Supreme Head in causes ecclesiastical, and the power to act as Ordinary, has been for a very long series of years conferred either by commission or by instructions on the Governors of Colonies. In 1725, the Attorney and Solicitor General gave an opinion that the Authority of the Bishop of London was insufficient (by which Bishops of

(1) Sec. 6 which though it must refer to the Act of Canada, 19 and 20 Viet., ch. 141, does not in terms say so.

London had exercised tations) and that the did belong neither to Bishop in England but *Supremacy*, and that the person the exercise of under the broad Seal. I to the Bishop of London to him certain expres exercised by him and h grant of either marriag of administration of the minister oaths was in opinion was given in 1 Crown (1) that the app way altered the power marriage licenses, and continue to be issued b however that the grant form than was formerl included the authority t administration as well a a later date are said to as Her Majesty may b granting licenses for m been issued in Upper Ca from the Crown. The clergymen and minister England to celebrate, o solemnize marriage betv license which they may whether our clergy, or a are called upon to officiat licenses is not conferred b to exist and is exercised temporal Head of the esta might be well asked if association and not an int whence comes the power functions in this ecclesiast which belong to the eccles these enabling statutes ref

(1) Sir Christopher Robin Wetherall.

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London had exercised ecclesiastical Jurisdiction in the plan-  
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did belong neither to the Bishop of London, nor to any  
Bishop in England but was solely in the Crown in virtue of the  
Supremacy, and that the most proper way of granting to any  
person the exercise of any such Jurisdiction was by patent  
under the broad Seal. In April 1727 a Commission was issued  
to the Bishop of London (but not to his successors) granting  
to him certain expressed Ecclesiastical Jurisdiction to be  
exercised by him and his commissaries, but not including the  
grant of either marriage licenses, probate of Wills, or letters  
of administration of the estates of intestates; a power to ad-  
minister oaths was included in this commission. An  
opinion was given in 1825 by the then Law officers of the  
Crown (1) that the appointment of a Bishop of Quebec in no  
way altered the power given to the Governor to grant  
marriage licenses, and up to the present time such licenses  
continue to be issued by the Governor. It is understood  
however that the grant of this power is in a more qualified  
form than was formerly in use. The older commissions  
included the authority to grant probate of wills and letters of  
administration as well as marriage licenses. Commissions of  
a later date are said to express the grant, as of such powers  
as Her Majesty may be entitled to exercise in respect of  
granting licenses for marriage. No licenses to marry have  
been issued in Upper Canada, except under authority derived  
from the Crown. The statutes of Upper Canada enable  
clergymen and ministers not belonging to the Church of  
England to celebrate, or as some of them express it, to  
solemnize marriage between parties named in the marriage  
license which they may obtain, and the same license is issued  
whether our clergy, or any of those named in these statutes,  
are called upon to officiate. The authority to grant marriage  
licenses is not conferred by any of those statutes; it is assumed  
to exist and is exercised by the sovereign *jure corona* as the  
temporal Head of the established Church of England. And it  
might be well asked if our Church is a merely voluntary  
association and not an integral part of the Church of England,  
whence comes the power to appoint an ordinary to execute  
functions in this ecclesiastical Province or in the Dominion  
which belong to the ecclesiastical Courts in England. None of  
these enabling statutes referred to, name or profess to include

(1) Sir Christopher Robinson, Sir J. S. Copley and Sir Charles  
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the Clergy of our Church, though in the words of the statute of Canada, 20 Vict., ch., 66 'the ministers and clergymen of every religious denomination in Upper Canada duly ordained or appointed and resident in Upper Canada' are large enough to cover our own and the Roman Catholic Clergy; indeed it is not in terms confined to Christian denominations, though the preceding enabling statutes (excepting 33rd Geo. 3, ch., 5, s. 3.) either in express terms or by unavoidable implication, apply only to denominations or bodies professing Christianity. Indeed this Act (20th Vict.) carefully considered will be found to contain an admission that the Clergy of our church have the inherent right given by their orders to celebrate the marriage ceremony and to place the 'clergymen and ministers of every religious denomination' on the same footing the act gives them the power 'by virtue of their ordination and appointment.' Previous acts had imposed conditions precedent on certain clergymen and ministers; this act was intended to remove those conditions. The rights of the Roman Catholic clergy are protected by Imperial statute, and there was no other church in Upper Canada except our's which possessed and had exercised the right of celebrating marriage as incident to their *status* and orders. The 32 Geo. 3rd included the Church of Scotland, though as they have been held by the highest authority to be a Protestant Clergy within the 14th and 31st Geo. 3rd, it does not readily appear why they were included in the act, unless to compel them to give notice where no license was produced to them before performing the ceremony. The law of our Church required the publication of banns, or a proper license.

The rite of marriage has a civil as well as a religious aspect, and the state deals with the former. The legal consequences which affect a married woman in regard to her own rights and liabilities as well as the rights of children depend on the fact that the marriage contract has been entered into in a form which the law recognizes as valid and binding. Our law recognizes the sanction of a religious ceremony to validate the civil contract, and the celebrant must possess a lawful authority. If the authority has always existed in our Church in Canada as well before as since 1791, it arises from a more ancient source than Provincial legislation. That it has so existed has, it is submitted, been proved. Its source is in the Orders of the Church of England as established by the law of England. It is coeval with the Provincial Legislature in the foundation of its Colonial existence (indeed that may be dated

from the Conquest of the Church is an integral part of the British Empire. It is submitted by the foregoing investigation of the British Parliament with regard to the Church of England and Scotland, that the Church of England is not to be excluded from the Church of England as regarded the Roman Catholic Clergy. This intention in the act of the transplanted Church into England, possessing independent powers over the members, such as the right to exclude the restrictions imposed on the members were recognized by the act, that sense the Church of the Church of the State in connection with the State in the Dominion, although seems to have assumed the powers of that Church as a political advantage attached to the character of a member of your Committee of the Church of England to the exercise and enjoyment of the Statutes not merely of the State, but also powers inherent in the Church and recognized by the authorities of the Civil Government, of the rights of worship, of rights of members, in enforcing its laws, which have been duly made and recognized by the authorities, owing to some sort analogous to the Crown. It may be found in the civil tribunals upon the right to its enjoyment of faith or doctrine.

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from the Conquest of Canada,) it precedes it in so far as our Church is an *integral* part of the Church of England.

It is submitted by your Committee as the result of the foregoing investigation that the manifest intention of the British Parliament was to place the Protestant Churches of England and Scotland on a footing not inferior to that conceded to the Church of Rome. They are fortified in this conclusion by a recollection of the disabilities existing in 1791, as regarded Roman Catholics in the Mother Country on the one hand and of the Test and Corporation Acts on the other. This intention in the opinion of your committee extended to the transplanting into Canada of a branch of the Church of England, possessing in that character defined rights and powers over the members of its communion and some powers, such as the right to celebrate Matrimony, which, subject to the restrictions imposed by the laws and canons of the Church, were recognized by the Legislature of Upper Canada. In that sense the Church was established in Canada, but not as the Church of the State, having no other public or legal connection with the State than any other Church or denomination in the Dominion, although one statute of Upper Canada seems to have assumed the necessity of being professed members of that Church as a qualification for civil office, an assumption which was apparently at variance with the statute of 1774. Clearly however that interpretation of the word 'established' has no legal foundation. There is no civil or political advantage attached to or arising from the assumption of the character of a member of our Church. But it is, in the opinion of your Committee, established in the sense of being part of the Church of England, of being entitled as a Church to the exercise and enjoyment under British and Colonial Statutes not merely of powers thus expressly conferred, but also powers inherent in her own ecclesiastical constitution and recognized by the Statute,—of rights to the protection of the Civil Government in the free exercise of religious worship, of rights of self government as regards its own members, in enforcing its Canons and regulations which have been duly made and established by its own competent authorities, owing an allegiance to the mother Church in some sort analagous to that which the Colony owes to the Crown. It may be found necessary on occasion to resort to the civil tribunals upon questions affecting Church property or the right to its enjoyment—but not to determine questions of faith or doctrine.

But this status of the Church resting on law and on its identity with the Church of England and on the power of the Crown (as well in right of temporal supremacy as under the Act of 1791) in the nomination of Bishops, it must follow that those of our Bishops whose Sees were erected by Royal authority and who were appointed by the Crown acquired a right to exercise all the functions and perform all the duties and Acts which belong to a Bishop, that they could if they were Bishops of an English diocese with this exception, that they cannot enforce the execution of their orders or decisions without recourse to the Civil tribunals, but as Lord Romilly says in the Bishop of Natal and Gladstone 'with the assistance of the Secular tribunals he can perform all the Acts and duties belonging to the office of a Bishop according to the doctrine of the Church of England.' That assistance would seem only to be necessary where some temporal right is involved which Ecclesiastical authority cannot touch.

There are also some cases which have been brought before the Courts of Upper Canada, in which the Status of the Church or its Bishops or clergy has been more or less in question. Such is the case of *Sansom vs. Mitchell*, [6 Grant 572.] in which the Court held that the 16th. sec. of the Church temporalities Act (U. C.) was not confined to Parish Churches, but embraces all churches (in that province) in communion with the United Church of England and Ireland, and it appears plainly to involve the assertion that where lands are conveyed to a parson, rector or other incumbent, and his successors for the endowment of his parsonage, rectory or living or for other uses or purposes appurtenant thereto, such parson, rector or other incumbent becomes at least as to those lands a Corporation sole. So the Lord Bishop of Toronto some years ago brought an action as a Corporation sole [12, U.C.C.P. 607.] a character with which the letters patent from the Crown appointing him Bishop of that diocese invested him. Again in the well known case of the Attorney General vs Grassett, which was affirmed on appeal [5, Grant 402.] the erection of rectories and presentation and induction thereto under 31st Geo. 3rd. was upheld. The rector or parson under that statute held in the same manner as the incumbent of a parsonage in England, and held therefore as a Corporation sole, and in Upper Canada his property and civil rights were to be judged by the law of England.

The statutes of Canada, 19-20 Vict., ch. 141, and 29-30 Vict., ch. 15, are of the utmost importance in endeavoring to

ascertain the status of the province of Canada. The same has been set forth in sub-  
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ascertain the status of the Church in the ecclesiastical Province of Canada. The former of these two Acts has already been set forth in substance. It was amended by the 22nd Vict., ch. 139, (1858) which provided that the laity should meet by representation, and regulated the election of the delegates until it should be otherwise provided for by the Synod of each diocese.

The 29-30 Vict. ch. 15, went further and, after citing the Church Temporalities Act of Upper Canada, and a similar act for the diocese of Montreal, enacted that the Bishops, Clergy and Laity of our Church in Canada assembled in Provincial Synod or General Assembly under 19.20 Vict. ch. 141, may by by-law or Canon make such repeal, change, alteration and amendment in all or any of the clauses of the cited acts as they shall deem advisable and necessary for the better and more uniform regulation and management of the temporalities of the United Church of England and Ireland in this Province. Provided that the proviso to sec. 16, 3rd Vict., ch. 74, the proviso to sec. 18, 14 and 15 Vict. ch. 76, and sec. 18 of 3rd Vict. ch. 74, and the 6th Vict. ch. 32, and sec. 22 of 14 and 15 Vict., ch. 176, shall not be in any manner altered, varied or repealed by any such canon or by-law, and provided that such canon or by-law shall be approved by the Governor in Council, and before such approval, shall be published for three months in the Official Gazette.

It may be remarked that in this act, and also in those to which it refers, our Church is mentioned as the United Church of England and Ireland in this Province, or in Canada, in which respect they are all in affirmation of the declaration of our Bishops and clerical and lay delegates assembled in the first Provincial Synod, as one of the principles on which they propose to proceed. 'We desire the church in this Province to continue, as it has been, an integral portion of the United Church of England and Ireland.' The recognition of the supremacy of the Crown is equally clear, and the oath of supremacy has been usually administered at consecrations and ordinations.

The law of England has, however, been altered. The British statute, 21, 22, Vict., ch. 40, s. 1, instead of the oath of allegiance, supremacy and abjuration, has substituted the following; 'I.....do swear that I will be faithful and bear true allegiance to H. M. Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatsoever which may be made against her person,

' crown and dignity, and I will do my utmost endeavour to disclose and make known to H. M., her heirs and successors all treasons and traitorous conspiracies which may be formed against her or them, and I do faithfully promise to support and defend to the utmost of my power the succession of the Crown, which succession by an act intituled, an act for the further limitation of the Crown and better securing the rights and liberties of the subject is and stands limited to the Princess Sophia Electress of Hanover and the heirs of her body being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance to any other person claiming or pretending a right to the Crown of this realm, and I do declare that no foreign prince, person, state or potentate hath or ought to have any jurisdiction, power, superiority or preeminence or authority ecclesiastical or spiritual within this realm, and I make this declaration upon the true faith of a Christian.' By sec. 3 it is enacted that this substituted oath is to be taken and subscribed by and before the same persons, at the same times and places as the oaths of allegiance, supremacy and abjuration were required to be taken and subscribed, and shall have the like effect as the taking the former oaths would have had, and the neglect or omission shall be attended with the like disabilities, &c., and all provisions now in force shall be construed and take effect accordingly.

Then by a later statute 28-29 Vict., ch. 122, (5th July 1865,) the British Parliament enacted that every person about to be ordained priest or deacon shall before ordination in the presence of the Archbishop or Bishop by whom he is about to be ordained, at such time as he may appoint, make and subscribe the declaration of Assent, and take and subscribe the oath of allegiance and supremacy, according to the form set forth in the Act just above referred to. The declaration of assent is contained in sec. 1 of 28-29 Vict., ch. 122, (Imperial) as follows:—I \* \* \* do solemnly make the following declaration: ' I assent to the thirty-nine articles of religion and to the Book of Common Prayer and of the Ordering of Bishops, Priests and Deacons. I believe the Doctrine of the United Church of England and Ireland, as therein set forth, to be agreeable to the word of God, and in public prayer and administration of the sacraments, I will use the forms in the said Book prescribed, and none other except so far as shall be ordered by lawful authority.'

Since the passing of that statute, the Imperial Act, 32-

33 Vict., disestablishing Your Committee refer to of England and Ireland and other documents and United Church being no inquired whether the p any way affected by th observe that the two stat have so frequently refer operation before the Un Ireland was made, and t the legal existence (as a voluntary association) o Church of England is ex 2d. The disestablishing enactments, deeds and o made of the United Ch enactments and provision distributively in respect Church of Ireland, but a subject to the provisions plainly to the inference intended to change any rel were not made the subj statute. It may be safe Church in Canada was ne the purview of the Britis passed.

The resolution appointing reporting on the status of ecclesiastical province of overstep this limitation. together the different stat and of the Provinces, whic to notice some of the impor it, and they have abstained other than such as appear on the premises advanced. It and determine whether any adopted in view of the state

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33 Vict., disestablishing the Church of Ireland, was passed. Your Committee refer to it: 1st, because the United Church of England and Ireland is mentioned in several of the statutes and other documents and papers cited in this report, and that United Church being no longer in legal existence it might be inquired whether the position of the Church in Canada is in any way affected by the change. Your Committee beg to observe that the two statutes of 1774 and 1791, to which they have so frequently referred, were passed and brought into operation before the Union of the Churches of England and Ireland was made, and those statutes are the foundation of the legal existence (as distinguished from being a merely voluntary association) of the Church in Canada, and the Church of England is expressly named in the Act of 1791. 2nd. The disestablishing Act, sec. 69, provides that in all enactments, deeds and other documents in which mention is made of the United Church of England and Ireland, the enactments and provisions relating thereto shall be read distributively in respect of the Church of England and the Church of Ireland, but as to the last mentioned Church, subject to the provisions of that Act. This enactment leads plainly to the inference that it was not contemplated or intended to change any relations or affect any interests which were not made the subject of expressed provisions in the statute. It may be safely affirmed that the status of the Church in Canada was neither directly or indirectly within the purview of the British Parliament when this Act was passed.

The resolution appointing your Committee limits them to reporting on the status of the Church and its Clergy in the ecclesiastical province of Canada. They had no desire to overstep this limitation. They have endeavored to bring together the different statutes, both of the Mother Country and of the Provinces, which bear upon the subject, as well as to notice some of the important recent decisions which affect it, and they have abstained from suggesting any conclusions other than such as appeared to them the inevitable results of the premises advanced. It will be for the Synod to consider and determine whether any and what proceedings should be adopted in view of the state of things thus put forward.

All which is respectfully submitted.

WM. H. DRAFER,

Chairman.

By unanimous consent of the House, Mr. MAGRATH presented the following Report:—

The Committee beg to report the following Address to His EXCELLENCY.

To His Excellency, the Right Honorable the Earl of Dufferin, K. P., K. C. B.

MAY IT PLEASE YOUR EXCELLENCY.—

We the clerical and lay delegates of the United Church of England in this Ecclesiastical Province of Canada in Provincial Synod assembled, beg to welcome Your Excellency with the profound respect that is due to you, alike in your representative and personal capacity, and to offer our united and warm congratulations upon the well merited mark of confidence and esteem conferred upon Your Excellency by Her Most Gracious Majesty in entrusting to you the Government of this Dominion.

The enthusiastic reception given to Your Excellency by all classes, fully justifies the wisdom of your appointment.

The Synod embraces this opportunity for giving strong and heartfelt expression to its feelings of devoted loyalty and attachment to the Crown and person of Her Most Gracious Majesty.

From Your Excellency's distinguished position and avowed attachment to our Church, we feel the fullest assurance of receiving your sympathy and support in our efforts to extend the Gospel of Christ.

We invoke the blessing of Almighty God upon yourself, Lady Dufferin and your family, and we pray that you may receive such measure of divine aid as will enable you to discharge the duties of your high office with honour to yourself and a lasting benefit to the Dominion.

(Signed),

WM. MAGRATH,  
Chairman.

Moved by Mr. MAGRATH, seconded by Canon BANCROFT,

That the Report of the Committee on the address to His Excellency be received and submitted to the House of Bishops for their concurrence.—Carried.

Session.]

MESSAGE TO

The PROLOCUTOR acc to the President, asking the By unanimous cons notice had been given in to the HOUSE.

Moved by Rev. Canon That the House of B concur in the appointm Houses, whose duty it submitted for approval if approved to be rec Province.—Carried.

MESSAGE FRO

The PROLOCUTOR read The Metropolitan beg Lower House that the to His Excellency the submitted to them.

REPORT OF COMMITTEE

The Rev. Provost WHI The Committee to v Bishops" was referred, b Canon:—

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1. That the Provincial be a Missionary Bishop to within any organized Dio shall be satisfied that ade the support of a Missiona siding Bishop may conv purpose of electing such action of the Upper and I be conducted in the follo the Lower House shall ha

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#### MESSAGE TO THE HOUSE OF BISHOPS.

The PROLOCUTOR accordingly transmitted the address to the President, asking the concurrence of the HOUSE OF BISHOPS.

By unanimous consent the following motion, of which notice had been given in the Morning Session, was submitted to the HOUSE.

Moved by Rev. Canon BANCROFT, seconded by Mr. BALL,

That the House of Bishops be respectfully requested to concur in the appointment of a Joint Committee of both Houses, whose duty it shall be to prepare a Hymnal to be submitted for approval at the next session of the Synod, and if approved to be recommended for use throughout the Province.—*Carried.*

#### MESSAGE FROM THE HOUSE OF BISHOPS.

The PROLOCUTOR read the following message:—

The Metropolitan begs to inform the Prolocutor of the Lower House that the Upper House concurs in the Address to His Excellency the Governor General, which has been submitted to them.

#### A. MONTREAL.

##### REPORT OF COMMITTEE ON CANON OF MISSIONARY BISHOPS.

The Rev. Provost WHITAKER read the following report:—

The Committee to whom the "Canon of Missionary Bishops" was referred, beg to report the following draft of a Canon:—

##### *Canon of the Appointment of Missionary Bishops.*

1. That the Provincial Synod may elect a suitable Priest to be a Missionary Bishop to the Indians and others not residing within any organized Diocese, and when the House of Bishops shall be satisfied that adequate provision has been made for the support of a Missionary Bishop, the Metropolitan or presiding Bishop may convene the Provincial Synod for the purpose of electing such Missionary Bishop, by the joint action of the Upper and Lower Houses, which election shall be conducted in the following manner:—Every member of the Lower House shall have the right of voting, by ballot, for

three names, and when three names shall have received a majority of votes, both Clerical and Lay, these names shall be presented to the House of Bishops. On the request of the House of Bishops, the Lower House shall proceed to further nominations, of one name only at each time, it being understood that the names already presented are still before the House of Bishops for election.

2. In case it is thought expedient to appoint a Missionary Bishop over a District which includes, with the new territory, a part or parts of one or more existing Dioceses, the Missionary Bishop shall exercise no jurisdiction over any such part or parts of such other Diocese or Dioceses, until the Synod or Synods of the Diocese or Dioceses affected shall have consented to his so doing, and it shall be the duty of such Synod or Synods to consider without delay any such proposal.

3. The Bishop elected, as aforesaid, shall exercise his Episcopal functions in such Missionary Districts in conformity with the Constitution and Canons of this Province, so far as they can be made applicable to the condition of his District.

4. Every Missionary Bishop shall be entitled to a seat in the House of Bishops, and shall report to the Metropolitan, for the information of the Provincial Synod, at every meeting of the Synod, concerning the state and condition of the Church in his Missionary District.

5. That, in the event of a vacancy occurring in any Missionary Diocese, the Provincial Synod shall be summoned, within six months, to elect another Missionary Bishop; and in the meantime the duties of the late Bishop shall devolve, so far as they can be discharged by him, on a Commissary, whom it shall be the duty of every Missionary Bishop to appoint on his consecration, and from time to time, as the office shall become vacant.

6. That nothing contained in the first clause of this Canon shall prevent the election of a Missionary Bishop at this Session of the Synod, or at any adjourned session of the same.

All which is respectfully submitted,

(Signed,) GEORGE WHITAKER,  
Chairman.

Moved by Rev. Provost WHITAKER, seconded by Rev. R. W. NORMAN,

Session ]

That the Canon now by clause.—*Carried.*

The first clause being Rev. Provost WHITAKER

That the first clause communicated by the substituted for the first by the Committee.—*Lo*

Clerical yeas, 36; nays,

Lay yeas, 4; nays, 37

Yeas: Rev. Messrs. Potry, Reid, Dinzey, E. Beaven, Geddes, Lett, Davidson, Slack, Nelles, Halpin, Brock, Patton, L. Burke, Anderson, Baker

Nays: Rev. Messrs. Bancroft, R. Lindsay, Innes.—11.

Yeas: Messrs. Hemmi

Nays: Messrs. Wurt Ashe, Wood, Draper, Wils Grierson, Hodgins, Magr wood, Moffatt, Gault, F. Roe, Beard, Gray, Cro Gilkison, McAnanny, May

The hour of 6 o'clock adjourned.

MONTR

After Morning Prayer in met for business at 10 o'clock by the PROLOCUTOR.



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THE WHITAKER,

Chairman.

seconded by Rev.

That the Canon now read be received and considered clause by clause.—*Carried.*

The first clause being before the House, it was moved by Rev. Provost WHITAKER, seconded by Mr. HEMMING,

That the first clause of the Canon of Missionary Bishops, communicated by the House of Bishops to this House, be substituted for the first clause of the draft of a Canon reported by the Committee.—Lost on the following division:—

Clerical yeas, 36; nays, 11.

Lay yeas, 4; nays, 37.

*Yeas:* Rev. Messrs. Hamilton, Nicolls, Eothergill, Pooty, Petry, Reid, Dinzey, Palmer, Provost of Trinity College, Beaven, Geddes, Lett, Bethune, Darling, Holland, Cayley, Davidson, Slack, Nelles, Fauquier, Hipcks, Jamieson, Smythe, Halpin, Brock, Patton, Lauder, Preston, Tane, Bogert, Parnell, Burke, Anderson, Baker, Bleasdel, Kirkpatrick.—36.

*Nays:* Rev. Messrs. Grasset, Givins, Bond, D. Lindsay, Bancroft, R. Lindsay, Empson, Marsh, Elwood, Caulfield, Innes.—11.

*Yeas:* Messrs. Hemming, Henderson, Simpson, Ellis.—4.

*Nays:* Messrs. Wurtele, Hall, Scott, Heneker, Smith, Ashe, Wood, Draper, Wilson, Gzowski, Sheriff Jarvis, Campbell, Grierson, Hodgins, Magrath, Bell, Brydges, Bethune, Smallwood, Moffatt, Gault, Foster, McCord, Mackenzie, Hutton, Roe, Beard, Grey, Crotty, Covernton, Davis, Burwell, Gilkison, McAnnany, May, Keefer, Shannon.—37.

The hour of 6 o'clock having arrived, the House then adjourned.

THIRD DAY.

MONTREAL, Friday, 13th December, 1872.

After Morning Prayer in the Cathedral, the LOWER HOUSE met for business at 10 o'clock, and was opened with prayer by the PROLOCUTOR.

## READING, &amp;c., OF MINUTES.

The minutes of the previous day were then read and approved.

Mr. G. A. Kirkpatrick, of Ontario, appeared and took his seat.

## APPOINTING COMMITTEES.

Moved by Rev. Canon BANCROFT, seconded by Mr. BALL,

That the Prolocutor be requested to name a Committee to represent this House on the Joint Committee on the Hymnal, and to submit the same to the Upper House.—*Carried.*

## REPORTS OF COMMITTEES.

Moved by Chief-Justice DRAPER, seconded by Professor WILSON,

That the report of the Committee on the legal status of our Church and its Clergy be taken as read, and be printed in the Journal.—*Carried.*

## TREASURER'S REPORT.

Mr. C. J. BRYDGES read the Treasurer's Report as follows:

Session.]

Cr.

*Dr. The Provincial Synod of Canada in Account with C. J. Brydges, Treasurer.*

| 1871.  | \$ cts. | 1871.                                    | \$ cts. |
|--|---------|--|---------|
| Sept. 30.—To cash paid F. Mackenzie, Secretary, for sundries .....             | 23 20   | Sept.—By cash from Diocese of Huron..... | 100 00  |
| Oct. 27.—To cash paid John Lovell, printing....                                | 26 14   | " " " Toronto.....                       | 100 00  |
| Nov. 27.—To cash paid discount on cheque.....                                  | 25      | " " " Quebec.....                        | 100 00  |
| Dec. 15.—To cash paid G. T. Cary, (Quebec,) for printing Journal of Synod, &c. | 220 00  | " " " Ontario.....                       | 100 00  |

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TREASURER'S REPORT.

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| 1871. |    |      | Sept. 30.—To cash paid F. Mackenzie, Secretary, for sundries.....                  | 23    | 20   |
|       |    |      | Oct. 27.—To cash paid John Lovell, printing....                                    | 26    | 14   |
|       |    |      | Nov. 27.—To cash paid discount on cheque.....                                      |       | 75   |
|       |    |      | Dec. 15.—To cash paid G. T. Cary, (Quebec,) for printing Journal of Synod, &c..... | 230   | 59   |
| 1872. |    |      | Nov. 24.—To cash paid Dawson Bros. for Minute Book.....                            | 12    | 00   |
|       |    |      | To Balance cash in hand.....   | 208   | 82   |
|       |    |      |  | \$500 | 00   |
|       |    |      | Sept.—By cash from Diocese of Huron.....   | 100   | 00   |
|       |    |      | " " " " Toronto.....   | 100   | 00   |
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C. J. BRYDGES,  
*Treasurer.*

11th December, 1872.

Moved by Mr. BRYDGES, seconded by Mr. DAVIS,  
That the Treasurer's Report be received and adopted.—  
*Carried.*

## NOTICES OF MOTION.

Three notices of motion were read and handed to the Secretaries.

## UNFINISHED BUSINESS.

The Report of the Committee on Missionary Bishops being taken up, it was

Moved by Rev. Provost WHITAKER, seconded by Chief-Justice DRAPER,

That the Upper House be respectfully requested to admit the Committee to whom was referred the Canon on Missionary Bishops, as representatives of the Lower House, to a conference with their Lordships on the subject of that Canon.—*Carried.*

## MESSAGE TO THE HOUSE OF BISHOPS.

The PROLOCUTOR accordingly sent a message to the President, asking that the Committee might be admitted to a conference with the HOUSE OF BISHOPS.

The Report of the Committee as to the business (if any) to be brought before this Synod being taken up, it was

Moved by Venerable Archdeacon PALMER, seconded by Rev. W. S. DARLING,

That the Report be adopted.

## MESSAGE FROM THE HOUSE OF BISHOPS.

The Metropolitan begs to inform the Prolocutor that this House is ready at once, to receive to a conference the Committee named by the Lower House for that purpose.

## A. MONTREAL.

The Committee accordingly withdrew to confer with the HOUSE OF BISHOPS.

In the absence of t  
by consent submitted

Moved by Mr. S. B

That a Committee suggest such verbal Synod under the Syn to the whole Dominio next session of this P

Moved by Rev. Dr.

That their Lordship appoint a Committee this House on the qu the several Acts of l or any of them, may unshackled action of t  
*Carried.*

Report of Committee Canon on Mission

The Rev. Provost following report,—

The Committee beg electing a Missionary assent of the Upper majority of the Comm

The House of Bish one or more names f shall be accepted by th be presented by the U it has no other names

All names presented the House for election made.

All which is respect

Moved by Rev. Prov NORMAN,

That the report just

Mr. DAVIS,  
 ived and adopted.—

and handed to the

ionary Bishops being

ended by Chief-Justice

ly requested to admit  
 the Canon on Mission-  
 to Lower House, to a  
 subject of that Canon.

BISHOPS.

message to the Presi-  
 ht be admitted to a

the business (if any)  
 aken up, it was

PALMER, seconded by

OF BISHOPS.

Prolocutor that this  
 a conference the Com-  
 that purpose.

A. MONTREAL.

ew to confer with the

In the absence of the Committee the following motion was  
 by consent submitted to the HOUSE.

Moved by Mr. S. BETHUNE, seconded by Dr. SMALLWOOD,

That a Committee be appointed by the Prolocutor to  
 suggest such verbal alterations in the Constitution of this  
 Synod under the Synod Acts as will make them applicable  
 to the whole Dominion, and to report on the subject at the  
 next session of this Provincial Synod.—*Carried.*

Moved by Rev. Dr. LETT, seconded by Mr. Wm. MAGRATH,

That their Lordships of the Upper House be requested to  
 appoint a Committee to confer and act with a Committee of  
 this House on the question what alteration in, or repeal of,  
 the several Acts of Parliament known as the Synod Acts,  
 or any of them, may be necessary to the better and more  
 unshackled action of the Church in the Dominion of Canada.—  
*Carried.*

Report of Committee of conference with the Bishops on  
 Canon on Missionary Bishops.

The Rev. Provost WHITAKER presented and read the  
 following report,—

The Committee beg to report that the following mode of  
 electing a Missionary Bishop has received the unanimous  
 assent of the Upper House, and has been agreed to by a  
 majority of the Committee.

The House of Bishops shall present to the Lower House  
 one or more names for election, and if none of the names  
 shall be accepted by the Lower House, further names shall  
 be presented by the Upper House, until it shall signify that  
 it has no other names to present.

All names presented to the Lower House shall be before  
 the House for election until an election shall have been  
 made.

All which is respectfully submitted,

GEORGE WHITAKER,  
 Chairman.

Moved by Rev. Provost WHITAKER, seconded by Rev. R. W.  
 NORMAN,

That the report just presented be received.—*Carried.*

Moved by Mr. S. BETHUNE, seconded by Rev. F. D. FAUQUIER,

That the report of the Committee of Conference with the House of Bishops on the subject of a Canon for the appointment of Missionary Bishops be adopted, and that the following be substituted for all the words after the words "in the following manner," in the proposed Canon now before this House, so as to make the same conform to such report:—

The House of Bishops shall present to the Lower House one or more names for election; and if none of these names shall be accepted by the Lower House, further names shall be presented by the Upper House, until it shall signify that it has no other name to present. All names presented to the Lower House shall be before it for election until an election shall have been made. A majority of votes, Clerical and Lay, shall be necessary to an election.

Moved in amendment by Mr. A. H. CAMPBELL, seconded by Mr. BALL,

That the report be not amended, but that all the words from the word "ballot" and down to "shall" on the ninth line be struck out, and the following inserted: "and the name which." That the words "these names" on the tenth line be struck out, and the word "may" be inserted in the twelfth line in lieu of "shall."—*Lost*.

The PROLOCUTOR named the following Committee to confer with the Bishops on a Hymnal:—

Rev. Dr. Nicolls, Rev. G. V. Housman, Rev. Dr. Beaven, Ven. Archdeacon Palmer, Ven. Archdeacon Leach, Rev. T. A. Parnell, Rev. H. J. Petry, Canon Baneroft, Rev. Canon Elwood, The Very Rev. The Dean of Montreal. Messrs. S. Bethune, W. B. Simpson, C. J. Brydges, Dr. Hodgins, H. S. Scott, Judge Hughes.

#### MESSAGE TO THE HOUSE OF BISHOPS.

The PROLOCUTOR sent a Message to the PRESIDENT announcing that the LOWER HOUSE had appointed a Committee on a Hymnal, and requesting the HOUSE OF BISHOPS to appoint a Committee to confer with them on the subject.

The hour of 1 o'clock having arrived, the HOUSE adjourned.

AFTER

The LOWER HOUSE  
The debate on the re-  
of Missionary Bishops  
Chancellor Bethune's  
following division:

Clerical yeas, 45; nays,

Lay yeas, 21; nays,

Yeas: Rev. Messrs.

Dinzey, Palmer, Provost  
Lett, Bethune, Darling,  
Ellogood, Norman, Ba-  
Davidson, Marsh, Nollo-  
Jamieson, Smythe, Hal-  
Tane, Bogert, Parnell,  
Kirkpatrick, Lewis.—45

Nays: Rev. Messrs. G

Yeas: Messrs. Wurtel  
Wood, Sheriff Jarvis, Br-  
Mackenzie, Crotty, Hen-  
Keefe, Kirkpatrick, Sha-

Nays: Messrs. Hall,  
Grierson, Hodgins, Magr-  
Grey, Covernton, Davis,

The first clause of the  
carried.

The second, third, four-  
and carried.

Moved by Mr. S. BETH

That the words "by  
"election" in the first cl-

Moved by the PROVOST

DR. BEAVEN,

That the Canon on the  
as amended, be now adopt-

Moved by Rev. S. GIVIN

That when the House ad-  
to meet for an Evening Se-



Rev. F. D. FAUQUIER,  
 Conference with the  
 on for the appoint-  
 and that the follow-  
 the words "in the  
 on now before this  
 such report:—  
 the Lower House  
 none of these names  
 further names shall  
 t shall signify that  
 es presented to the  
 on until an election  
 votes, Clerical and

CAMPBELL, seconded

that all the words  
 hall" on the ninth  
 inserted: "and the  
 names" on the tenth  
 be inserted in the

Committee to confer

, Rev. Dr. Beaven,  
 n Leach, Rev. T. A.  
 croft, Rev. Canon  
 ontreal. Messrs. S.  
 Dr. Hodgins, H. S.

BISHOPS.

the PRESIDENT an-  
 nointed a Committee  
 BISHOPS to appoint  
 subject.

the House adjourned.

### AFTERNOON SESSION.

The LOWER HOUSE re-assembled at 2.30 p.m.

The debate on the report of the Committee on the Canon of Missionary Bishops was resumed.

Chancellor Bethune's motion was put and carried on the following division:

Clerical yeas, 45; nays, 3.

Lay yeas, 21; nays, 18.

Yeas: Rev. Messrs. Hamilton, Nicolls, Fothergill, Roe, Dinzey, Palmer, Provost of Trinity College, Beaven, Geddes, Lett, Bethune, Darling, Holland, Givins, Cayley, D. Lindsay, Ellegood, Norman, Bancroft, Slack, R. Lindsay, Empeon, Davidson, Marsh, Nelles, Caulfeild, Fauquier, Hincks, Innes, Jamieson, Smythe, Halpin, Brock, Patton, Lauder, Preston, Tane, Bogert, Parnell, Burk, Anderson, Baker, Bleasdel, Kirkpatrick, Lewis.—45.

Nays: Rev. Messrs. Grassett, Bond, Elwood.—3.

Yeas: Messrs. Wurtele, Scott, Heneker, Hemming, Ashe, Wood, Sheriff Jarvis, Brydges, Bethune, Smallwood, McCord, Mackenzie, Crotty, Henderson, Simpson, McAnnany, May, Keefer, Kirkpatrick, Shannon, Ellis.—21.

Nays: Messrs. Hall, Draper, Wilson, Gzowski, Campbell, Grierson, Hodgins, Magrath, Ball, Moffatt, Gault, Roe, Beard, Grey, Covernton, Davis, Barwell, Gilkison.—18.

The first clause of the Canon as amended was then put and carried.

The second, third, fourth, fifth and sixth clauses were put and carried.

Moved by Mr. S. BETHUNE, seconded by Dr. HENDERSON, That the words "by ballot" be inserted after the word "election" in the first clause of the Canon.—Carried.

Moved by the PROVOST of TRINITY COLLEGE, seconded by Dr. BEAVEN,

That the Canon on the appointment of Missionary Bishops, as amended, be now adopted.—Carried.

Moved by Rev. S. GIVINS, seconded by Rev. E. H. M. BAKER, That when the House adjourns at 6 p.m., it stand adjourned to meet for an Evening Session at 8 o'clock.

MESSAGE TO THE HOUSE OF BISHOPS CONVEYING THE CANON  
AS AMENDED.

The PROLOCUTOR transmitted to the PRESIDENT the Canon of Missionary Bishops as adopted by the LOWER HOUSE.

UNFINISHED BUSINESS.

The report of the Committee on the business to be brought before this Session was then taken up. (For Report See page 12.)

Moved by Ven. Archdeacon PALMER, seconded by Rev. W. S. DARLING,

That the report be adopted.

Moved in amendment by Mr. J. BEARD, seconded by Rev. W. BLEASDELL,

That this Synod continue in Session, if the business is not all disposed of, until Tuesday evening next at six o'clock.—*Lost.*

The main motion was then put and carried.

MESSAGE FROM THE HOUSE OF BISHOPS.

The Metropolitan begs to inform the Prolocutor that this House is willing to appoint a Joint Committee to unite in preparing a Hymnal, and names the following:—

The Metropolitan, the Bishop of Ontario, the Bishop of Quebec, the Bishop of Toronto, the Bishop of Huron.

A. MONTREAL.

MESSAGE FROM THE HOUSE OF BISHOPS.

The Metropolitan begs to inform the Prolocutor that this House requests the Lower House to appoint a Committee to confer with this House on the legal aspect of the Canon of Missionary Bishops.

A. MONTREAL.

By request of the HOUSE, the PROLOCUTOR named the following Committee to confer with the HOUSE OF BISHOPS:—

Chief Justice Drap  
Diocese of Montreal  
Ontario; Rev. Dr. Le

MESSAGE I

The Metropolitan in  
willing to accede to th  
to appoint a committe  
question of alteration  
the following:—  
Bishop of Montreal,  
Bishop of Toronto, Bis

The hour of 6 o'clock  
to meet at 8 p.m.

EV

The Lower House n

MESSAGE FROM THE HO  
OF MISSI

The PROLOCUTOR read  
amended by the Bishop

*Canon of the app*

1. The Provincial S  
be a Missionary Bish  
organized Diocese, or  
the new territory, a p  
Dioceses; and when th  
that adequate provision  
Missionary Bishop, the  
convene the Provincial  
Missionary Bishop by th  
Houses, which election  
manner:

The House of Bishop  
one or more names for e

CONVEYING THE CANON

PRESIDENT the Canon  
LOWER HOUSE.

business to be brought  
p. (For Report See

seconded by Rev. W.

and, seconded by Rev.

if the business is not  
text at six o'clock.—

carried.

F BISHOPS.

Prolocutor that this  
committee to unite in  
following:—  
Ontario, the Bishop of  
op of Huron.

A. MONTREAL.

F BISHOPS.

Prolocutor that this  
point a Committee to  
aspect of the Canon of

A. MONTREAL.

PROLOCUTOR named the  
HOUSE OF BISHOPS:—

Chief Justice Draper, Chairman; the Chancellor of the  
Diocese of Montreal; the Chancellor of the Diocese of  
Ontario; Rev. Dr. Lett; Rev. Canon Innes.

MESSAGE FROM THE HOUSE OF BISHOPS.

The Metropolitan informs the Prolocutor that this House is  
willing to accede to the wish expressed by the Lower House,  
to appoint a committee to act with the Lower House on the  
question of alteration or repeal of the Synod Acts, and names  
the following:—

Bishop of Montreal, Bishop of Ontario, Bishop of Quebec,  
Bishop of Toronto, Bishop of Huron.

A MONTREAL.

The hour of 6 o'clock having arrived, the House adjourned,  
to meet at 8 p.m.

—  
EVENING SESSION.

The LOWER HOUSE met at 8 o'clock.

MESSAGE FROM THE HOUSE OF BISHOPS RETURNING THE CANON  
OF MISSIONARY BISHOPS AMENDED.

The PROLOCUTOR read the Canon of Missionary Bishops as  
amended by the Bishops.

*Canon of the appointment of Missionary Bishops.*

1. The Provincial Synod may elect a suitable Priest to  
be a Missionary Bishop over a district, not within any  
organized Diocese, or over a district which includes within  
the new territory, a part or parts of one or more existing  
Dioceses; and when the House of Bishops shall be satisfied  
that adequate provision has been made for the support of a  
Missionary Bishop, the Metropolitan or presiding Bishop may  
convene the Provincial Synod for the purpose of electing such  
Missionary Bishop by the joint action of the Upper and Lower  
Houses, which election shall be conducted in the following  
manner:

The House of Bishops shall present to the Lower House  
one or more names for election by ballot, and if none of these

names shall be accepted by the Lower House, further names shall be presented by the Upper House, until it shall signify that it has no other name to present; all names presented to the Lower House shall be before it for election until an election shall have been made. A majority of votes clerical and lay shall be necessary to an election.

2. In case a Missionary Bishop shall be appointed in the manner hereinbefore mentioned over a district which includes or consists of a part or parts of one or more existing Dioceses, the Missionary Bishop shall exercise no jurisdiction over any such part or parts of such other Diocese or Dioceses, until the Synod or Synods of the Diocese or Dioceses affected shall have consented to his so doing, and it shall be the duty of such Synod or Synods to consider without delay any such proposal.

3. The Bishop elected, as aforesaid, shall exercise his Episcopal functions in such Missionary District in conformity with the Constitution and Canons of this Province, so far as they can be made applicable to the condition of his District.

4. Every Missionary Bishop shall be entitled to a seat in the House of Bishops, and shall report to the Metropolitan, for the information of the Provincial Synod, at every meeting of the Synod, concerning the state and condition of the Church in his Missionary District.

5. In the event of a vacancy occurring in any Missionary Diocese, the Provincial Synod shall be summoned, within six months, to elect another Missionary Bishop, provided the regular meeting of the Provincial Synod shall not take place within twelve months after such vacancy, in which case the election shall be postponed until such regular meeting, and in the meantime the duties of the late Bishop shall devolve so far as they can be discharged by him, on a Commissary, whom it shall be the duty of every Missionary Bishop to appoint on his consecration, and from time to time, as the office shall become vacant.

6. Nothing contained in the first clause of this Canon shall prevent the election of a Missionary Bishop at this Session of the Synod, or at any adjourned session of the same.

7. To entitle such Missionary District to organization as a regular Diocese, there must be at least twelve clergymen in Priests orders residing within it in settled Parishes during the year previous to such organization.

A. MONTREAL.

Session ]

REP

REPO

The Committee appointed Bishops, at their request any document which Diocese of Toronto, no any proposed missionar the circumstances, recon

The first six sections Bishops, were adopted.

Moved by Mr. S. BETHU That the proposed am by the addition of clause thereof would better form Carried:

MESSAGE TO

The PROLOCUTOR sent ing that the LOWER HOUSE of the canon as amended they considered that t substantive canon.

By unanimous consent were suspended to permi put:—

Moved by Rev. Dr. NIC That this House do hu that it is desirable to pr Missionary Bishop for the to be carried into effect supposed legal difficulty.

MESSAGE FROM

The METROPOLITAN infor House has resolved on the 8) to the canon already an concurrence of the LOWER 8. That any Diocese of

se, further names until it shall signify names presented to election until an of votes clerical

be appointed in the district which includes existing Dioceses, jurisdiction over any or Dioceses, until Dioceses affected shall be the duty of such any such proposal.

shall exercise his district in conformity Province, so far as tion of his District.

entitled to a seat in the Metropolitan, ed, at every meeting addition of the Church

g in any Missionary immoned, within six Bishop, provided the shall not take place y, in which case the ular meeting, and in op shall devolve so on a Commissary, issionary Bishop to me to time, as the

of this Canon shall op at this Session of the same.

to organization as a twelve clergymen tled Parishes during

A. MONTREAL.

## REPORT OF COMMITTEE.

The Committee appointed to confer with the House of Bishops, at their request, beg to report that in the absence of any document which established the boundaries of the Diocese of Toronto, no conclusion could be arrived at as to any proposed missionary district, and their Lordships, under the circumstances, recommend an adjournment of the Synod.

The first six sections of the Canon, as amended by the Bishops, were adopted.

Moved by Mr. S. BETHUNE, seconded by Rev. Mr. T. W. MARSH,

That the proposed amendment by the House of Bishops, by the addition of clause 7, be not concurred in, as the subject thereof would better form matter of a substantive Canon.—  
*Carried.*

## MESSAGE TO THE HOUSE OF BISHOPS.

The PROLOCUTOR sent a message to the President announcing that the LOWER HOUSE had adopted the first six sections of the canon as amended by the HOUSE OF BISHOPS, but that they considered that the 7th section ought to form a substantive canon.

By unanimous consent of the HOUSE, the rules of order were suspended to permit of the following resolution being put:—

Moved by Rev. Dr. NICOLLS, seconded by Mr. GRAY,

That this House do humbly suggest to the Upper House that it is desirable to proceed at once to the election of a Missionary Bishop for the District of Algoma, the said election to be carried into effect whenever the way is cleared of supposed legal difficulty.

## MESSAGE FROM THE HOUSE OF BISHOPS.

The METROPOLITAN informs the PROLOCUTOR that the UPPER HOUSE has resolved on the addition of another clause (clause 8) to the canon already amended by this House, and asks the concurrence of the LOWER HOUSE.

8. That any Diocese of the Province may, if it desires so

to do, separate and set apart any portion of its territory as a District suitable for the establishment therein of a missionary bishopric, and such territory so set apart may become a missionary diocese, and a bishop be appointed thereto in accordance with the foregoing canon.

A. MONTREAL,

Motion by Mr. S. BETHUNE, seconded by the Very Reverend the DEAN OF MONTREAL,

That this House do not concur in the proposed amendment by the addition of clause 8, as it operates as an amendment of the 9th Canon of this Provincial Synod, and would therefore require confirmation (if passed) at a subsequent session of the Synod, and consequently that the object proposed to be attained by the amendment (namely, the immediate election of a Missionary Bishop for the District of Algoma) cannot be secured.

Moved in amendment by Reverend Charles HAMILTON, seconded by Mr. W. B. SIMPSON,

That this House do concur in the 8th section, now become the 7th, which the Bishops have sent down as an addition to the Canon on Missionary Bishops.—*Carried.*

The main motion was accordingly lost.

Moved by Revd. Canon BANCROFT, seconded by Revd. M. M. FOTHERGILL,

That the Canon, as amended, be adopted and sent to the House of Bishops for their concurrence.—*Carried.*

Revd. Dr. NICOLLS's motion was then put and carried.

The PROLOCUTOR sent a message to the HOUSE OF BISHOPS announcing that the LOWER HOUSE had adopted the Canon of Missionary Bishops as a whole, with the section added by the HOUSE OF BISHOPS as No. 8, and conveying Dr. Nicolls's resolution just adopted.

The Venerable Archdeacon Palmer and Revd. Dr. Nicolls and Mr. May, were appointed to convey the message to the House of Bishops.

On their return Venerable Archdeacon PALMER announced that the HOUSE OF BISHOPS had cheerfully accepted the

Session.]

solution of the difficulty that they would, if possible

MESSAGE FROM

The Metropolitan informs that he concurs in the adoption of as amended by the two H

Moved by Revd. J. J. E. That the Prolocutor be for the Clerical vote, and *Carried.*

The PROLOCUTOR named J. J. Bogert, and Dr. scrutineers.

MESSAGE FROM

The PROLOCUTOR announces from the METROPOLITAN co-man for the Missionary Bi

By the unanimous desire said some of the collects and a brief space was given

The PROLOCUTOR then METROPOLITAN as follows:—

The House of Bishops notified to the Lower House, for el

By unanimous desire the was deferred until the Mor

The House then, at 11 p. a.m., for morning prayer an



of its territory as a  
 ein of a missionary  
 art may become a  
 pointed thereto in

A. MONTREAL,  
 the Very Reverend

proposed amendment  
 as an amendment  
 l, and would there-  
 subsequent session  
 object proposed to be  
 immediate election  
 (Algoma) cannot be

Charles HAMILTON,

ection, now become  
 wn as an addition to

ded by Revd. M. M.

ed and sent to the  
 -Carried.

ut and carried.

the HOUSE OF BISHOPS  
 adopted the Canon  
 the section added by  
 veiving Dr. Nicoll's

and Revd. Dr. Nicolls  
 the message to the

PALMER announced  
 fully accepted the

solution of the difficulty proposed by the LOWER HOUSE, and  
 that they would, if possible, send down a name to-night.

MESSAGE FROM THE HOUSE OF BISHOPS.

The Metropolitan informs the Prolocutor that this House  
 concurs in the adoption of the Canon of Missionary Bishops  
 as amended by the two Houses.

A. MONTREAL.

Moved by Revd. J. J. BOGERT, seconded by Mr. McANNANY,  
 That the Prolocutor be requested to appoint two scrutineers  
 for the Clerical vote, and two scrutineers for the lay vote.—  
*Carried.*

The PROLOCUTOR named Revd. J. Walker Marsh, and Revd.  
 J. J. Bogert, and Dr. Hodgins and Mr. H. S. Scott, as  
 scrutineers.

MESSAGE FROM THE HOUSE OF BISHOPS.

The PROLOCUTOR announced that he had received a message  
 from the METROPOLITAN conveying the nomination of a clergy-  
 man for the Missionary Bishopric of Algoma.

By the unanimous desire of the HOUSE, the PROLOCUTOR  
 said some of the collects in the Prayer Book, all kneeling,  
 and a brief space was given to secret prayer.

The PROLOCUTOR then read the message of the METRO-  
 POLITAN as follows:—

The House of Bishops nominates the Revd. F. D. Fauquier  
 to the Lower House, for election to the Bishopric of Algoma.

A. MONTREAL.

By unanimous desire the election by the LOWER HOUSE  
 was deferred until the Morning Session.

The HOUSE then, at 11 p. m., adjourned to meet again at 9  
 a.m., for morning prayer and for business at 10 a m.

## FOURTH DAY.

MONTREAL, *Saturday, 14th Dec., 1872.*

## MORNING SESSION.

After morning prayer in the CATHEDRAL, the LOWER HOUSE met for business at 10 o'clock, and was opened with prayer by the PROLOCUTOR.

## READING, &amp;c., OF MINUTES.

The minutes of the previous day were then read and approved.

## APPOINTING COMMITTEES.

In accordance with resolutions of the HOUSE, the PROLOCUTOR named the committee to suggest verbal alterations in the constitution and acts of Parliament, so as to make them applicable to the whole Dominion, as follows:—

Mr. Chancellor Bethune, (Chairman), Dr. Smallwood, Professor Wilson, Mr. H. Crotty, Mr. W. G. Wurtele, Mr. Magrath, Rev. Dr. Lett, Canon Innes, Rev. H. Darnell, Rev. Wm. Bleasdel, Rev. H. Roe.

And the committee of conference with the HOUSE OF BISHOPS on alterations in or repeal of Synod Acts as follows:—

Ven. Archdeacon Palmer, Rev. Canon Beaven, Rev. C. P. Reid, Rev. J. W. Marsh, Rev. J. S. Lauder, Mr. G. A. Kirkpatrick, Mr. John Beard, Mr. A. H. Campbell, Mr. Geo. Hall.

## NOTICE OF MOTION.

One notice was read and handed to the Secretary.

## ELECTION OF MISSIONARY BISHOP.

The HOUSE then proceeded to ballot upon the name of Rev. F. D. Fauquier, sent down by the HOUSE OF BISHOPS on the previous evening.

Session.]

REPO

REPO

The Scrutineers report follows:—

Clerical votes.—Total election, 25.—Yeas, 31.

Lay votes.—Total number, 18.—Yeas, 8. Nays, 26.

The result was a failure.

## MESSAGE TO

The PROLOCUTOR sent down the result of the Ballot.

## MESSAGE FROM

The Metropolitan informs that he makes a further nomination for the Bishopric of Algona, DuMoulin, Rev. G. M. I.

The HOUSE then proceeded to

REPOR

The Scrutineers report follows:—  
Clerical votes.—Total choice 24.

Rev. F. D. Fauquier

“ H. Roe.....

“ G. M. Innes.

“ J. P. DuMoulin

“ J. W. Burke.

“ D. Lindsay ..

## REPORT OF SCRUTINEERS.

## 1st Ballot.

The Scrutineers reported the result of the ballot as follows:—

Clerical votes.—Total number cast, 48.—Necessary to election, 25.—Yeas, 31. Nays, 17.

Lay votes.—Total number cast, 34. Necessary to election, 18.—Yeas, 8. Nays, 26.

The result was a failure to elect.

## MESSAGE TO THE HOUSE OF BISHOPS.

The PROLOCUTOR sent a message to the President announcing the result of the Ballot.

## MESSAGE FROM THE HOUSE OF BISHOPS.

The Metropolitan informs the Prolocutor that this House makes a further nomination of the five following Priests for the Bishopric of Algoma:—Rev. J. W. Burke, Rev. J. P. DuMoulin, Rev. G. M. Innes, Rev. D. Lindsay, Rev. H. Roe.

## A. MONTREAL.

The House then proceeded to ballot on these names.

## REPORT OF SCRUTINEERS.

## 2nd Ballot.

The Scrutineers reported the result as follows:

Clerical votes.—Total number cast 47.—Necessary to a choice 24.

|                          |    |
|--------------------------|----|
| Rev. F. D. Fauquier..... | 16 |
| “ H. Roe.....            | 11 |
| “ G. M. Innes.....       | 8  |
| “ J. P. DuMoulin.....    | 7  |
| “ J. W. Burke.....       | 3  |
| “ D. Lindsay.....        | 2  |

Lay votes.—Total number cast 35.—Necessary to a choice 18.

|                       |    |
|-----------------------|----|
| Rev. G. M. Innes..... | 25 |
| “ H. Roe.....         | 6  |
| “ F. D. Fauquier..... | 3  |
| “ D. Lindsay.....     | 1  |

The result being no election, the House proceeded to ballot again upon the same names.

REPORT OF SCRUTINEERS.

3rd Ballot.

The Scrutineers reported the result as follows :—

Clerical votes cast 48.—Necessary to a choice 25.

|                          |    |
|--------------------------|----|
| Rev. F. D. Fauquier..... | 18 |
| “ Canon Innes.....       | 12 |
| “ H. Roe.....            | 11 |
| “ J. P. DuMoulin.....    | 6  |
| “ J. W. Burke.....       | 1  |

Lay votes cast 34.—Necessary to a choice 18.

|                       |    |
|-----------------------|----|
| Rev. G. M. Innes..... | 27 |
| “ H. Roe.....         | 4  |
| “ F. D. Fauquier..... | 3  |

The result being no election, the House proceeded to ballot a fourth time.

4th Ballot.

The Scrutineers reported the result as follows :—

Clerical votes cast 48. Necessary to a choice 25.

|                          |    |
|--------------------------|----|
| Rev. F. D. Fauquier..... | 25 |
| “ Canon Innes.....       | 13 |
| “ H. Roe.....            | 7  |
| “ J. P. DuMoulin.....    | 2  |
| “ D. Lindsay.....        | 1  |

Lay votes cast 35.—Necessary to a choice 18.

|                       |    |
|-----------------------|----|
| Rev. G. M. Innes..... | 26 |
| “ F. D. Fauquier..... | 5  |
| “ H. Roe.....         | 3  |
| “ D. Lindsay.....     | 1  |

Session.]

REPO

The result being no ballot a fifth time.

The Scrutineers reported Clerical votes cast 48.

|                          |    |
|--------------------------|----|
| Rev. F. D. Fauquier..... | 18 |
| “ Canon Innes.....       | 12 |
| “ H. Roe.....            | 11 |
| “ D. Lindsay.....        | 6  |
| “ J. P. DuMoulin.....    | 1  |
| Blank.....               |    |

Lay votes cast 35.—N

|                       |    |
|-----------------------|----|
| Rev. Canon Innes..... | 27 |
| “ F. D. Fauquier..... | 5  |
| “ H. Roe.....         | 3  |

The result being no ballot a sixth time.

The Scrutineers reported Clerical votes cast 48.—

|                          |    |
|--------------------------|----|
| Rev. F. D. Fauquier..... | 18 |
| “ Canon Innes.....       | 12 |
| “ J. P. DuMoulin.....    | 6  |
| “ H. Roe.....            | 1  |

Lay votes cast 36.—N

|                       |    |
|-----------------------|----|
| Rev. Canon Innes..... | 27 |
| “ F. D. Fauquier..... | 5  |
| “ H. Roe.....         | 3  |
| “ D. Lindsay.....     | 1  |

The result being no election requested to name a purpose of conferring up 2.30 p.m.

The PROLOCUTOR named Rev. Messrs. J. H. Nicoll

cessary to a choice

|       |    |
|-------|----|
| ..... | 25 |
| ..... | 6  |
| ..... | 3  |
| ..... | 1  |

HOUSE proceeded to

llows :—

|            |    |
|------------|----|
| choice 25. | 18 |
| .....      | 12 |
| .....      | 11 |
| .....      | 6  |
| .....      | 1  |

ce 18.

|       |    |
|-------|----|
| ..... | 27 |
| ..... | 4  |
| ..... | 3  |

HOUSE proceeded to

llows :—

|            |    |
|------------|----|
| choice 25. | 25 |
| .....      | 13 |
| .....      | 7  |
| .....      | 2  |
| .....      | 1  |

ce 18.

|       |    |
|-------|----|
| ..... | 26 |
| ..... | 5  |
| ..... | 3  |
| ..... | 1  |

Session.]

REPORT OF SCRUTINEERS.

The result being no election, the HOUSE proceeded to ballot a fifth time.

5th Ballot.

The Scrutineers reported the result as follows :—

Clerical votes cast 48.—Necessary to a choice 25.

|                          |    |
|--------------------------|----|
| Rev. F. D. Fauquier..... | 30 |
| “ Canon Innes.....       | 11 |
| “ H. Roe.....            | 4  |
| “ D. Lindsay.....        | 1  |
| “ J. P. DuMoulin.....    | 1  |
| “ Blank.....             | 1  |

Lay votes cast 35.—Necessary to a choice 18.

|                       |    |
|-----------------------|----|
| Rev. Canon Innes..... | 27 |
| “ F. D. Fauquier..... | 7  |
| “ H. Roe.....         | 1  |

The result being no election, the HOUSE proceeded to ballot a sixth time.

6th Ballot.

The Scrutineers reported the result as follows :—

Clerical votes cast 48.—Necessary to a choice 25.

|                          |    |
|--------------------------|----|
| Rev. F. D. Fauquier..... | 32 |
| “ Canon Innes.....       | 11 |
| “ J. P. Dumoulin.....    | 3  |
| “ H. Roe.....            | 2  |

Lay votes cast 36.—Necessary to a choice 19.

|                       |    |
|-----------------------|----|
| Rev. Canon Innes..... | 27 |
| “ F. D. Fauquier..... | 7  |
| “ H. Roe.....         | 1  |
| “ D. Lindsay.....     | 1  |

The result being no election, the PROLOCUTOR was unanimously requested to name a committee of the HOUSE for the purpose of conferring upon the election, and reporting at 2.30 p.m.

The PROLOCUTOR named the committee as follows :—

Rev. Messrs. J. H. Nicolls, M. M. Fothergill, J. G. Geddes,

H. Holland, F. R. Tane, J. J. Bogert, Canon Baneroff, R. W. Norman, Canon Nelles, St. George Caulfield, Messrs. Chief Justice Draper, C. Gzowski, Dr. Henderson, S. Keefer, C. J. Brydges, S. Bethune, H. Gray, and J. Beard.

The hour of 1 o'clock having arrived, the House adjourned to meet at 2.30 p.m.

#### AFTERNOON SESSION.

The LOWER HOUSE re-assembled at 2.30 p.m.

#### REPORT OF COMMITTEE.

Mr. Brydges, as Chairman, reported that the Committee had been unable to arrive at any distinct recommendation which they could offer to the House, and that they had ascertained that the House of BISHOPS were prepared to send down further names.

Moved by Mr. C. J. BRYDGES, seconded by Mr. S. BETHUNE,

That the House of Bishops be respectfully requested to send down further names for this House to ballot for the election of a Bishop of Algoma.—*Carried.*

#### MESSAGE TO THE HOUSE OF BISHOPS.

The PROLOCUTOR sent a Message to the HOUSE OF BISHOPS requesting them to send down further names.

#### MESSAGE FROM THE HOUSE OF BISHOPS.

The House of Bishops beg to submit the following names to the Lower House: Ven. Archdeacon Patton, Rev. Chas. Hamilton, Rev. J. Brock.

#### A. MONTREAL.

The House then proceeded to ballot for the 7th time.

#### 7th Ballot.

The Scrutineers reported the result as follows:—

Clerical votes cast 43.—Necessary to a choice 22.

|                             |    |
|-----------------------------|----|
| Rev. C. Hamilton .....      | 19 |
| Ven. Archdeacon Patton..... | 14 |
| Rev. Canon Innes.....       | 7  |
| “ J. Brock .....            | 2  |
| “ J. P. DuMoulin .....      | 1  |

Session.]

REP

Lay votes cast 36.—

Rev. Canon Innes

Ven. Archdeacon

Rev. Henry Roe

The result being no  
for the eighth time.

MESSAGE F

The Metropolitan in  
desire of this House th  
not later than 6 o'clock

The Scrutineers repo

Clerical votes cast 43

Ven. Archdeacon

Rev. C. Hamilton

“ Canon Innes

“ J. P. DuMoulin

Blanks....

Lay votes cast 36.—1

Rev. Canon Innes

Ven. Archdeacon

Rev. Henry Roe

By desire of the Ho  
held a conference before  
to hold another consult

REPORT OF T

Mr. Brydges on beha  
large majority of their  
recommend the name o  
was instructed to expres  
could agree in his elec  
choice being made durin

By general desire a  
prayer before proceedin



non Bancroft, R. W.  
field, Messrs. Chief  
on, S. Keefer, C. J.  
ard.  
the House adjourned

N.

p.m.

hat the Committee  
act recommendation  
and that they had  
ere prepared to send

by Mr. S. BETHUNE,  
ctfully requested to  
se to ballot for the

BISHOPS.

the HOUSE OF BISHOPS  
mes.

BISHOPS.

the following names  
Patton, Rev. Chas.

A. MONTREAL.

for the 7th time.

follows:—

a choice 22.

|       |    |
|-------|----|
| ..... | 19 |
| ..... | 14 |
| ..... | 7  |
| ..... | 2  |
| ..... | 1  |

Session.]

## REPORT OF SCRUTINEERS.

53

Lay votes cast 36.—Necessary to a choice 19.

|                             |    |
|-----------------------------|----|
| Rev. Canon Innes.....       | 28 |
| Ven. Archdeacon Patton..... | 6  |
| Rev. Henry Roe.....         | 2  |

The result being no election, the House proceeded to ballot  
for the eighth time.

## MESSAGE FROM THE HOUSE OF BISHOPS.

The Metropolitan informs the Prolocutor that it is the  
desire of this House that the Synod be prorogued at an hour  
not later than 6 o'clock.

A. MONTREAL.

## 8th Ballot.

The Scrutineers reported the result as follows:—

Clerical votes cast 43.—Necessary to a choice 22.

|                             |    |
|-----------------------------|----|
| Ven. Archdeacon Patton..... | 22 |
| Rev. C. Hamilton.....       | 9  |
| “ Canon Innes.....          | 6  |
| “ J. P. DuMoulin.....       | 4  |
| Blanks.....                 | 2  |

Lay votes cast 36.—Necessary to a choice 19.

|                             |    |
|-----------------------------|----|
| Rev. Canon Innes.....       | 29 |
| Ven. Archdeacon Patton..... | 5  |
| Rev. Henry Roe.....         | 2  |

By desire of the House the same committee which had  
held a conference before the mid-day adjournment withdrew  
to hold another consultation and to report to the House.

## REPORT OF THE CONFERENCE COMMITTEE.

Mr. Brydges on behalf of the Committee reported that a  
large majority of their members, 17 out of 20, had agreed to  
recommend the name of Rev. J. P. DuMoulin, and that he  
was instructed to express the opinion that unless the House  
could agree in his election, there was no prospect of any  
choice being made during the present Session.

By general desire a short space was devoted to secret  
prayer before proceeding to ballot for the ninth time.

## 9th Ballot.

The Scrutineers reported the result as follows :—

Clerical votes 44.—Necessary to a choice 23.

|                             |    |
|-----------------------------|----|
| Rev. J. P. DuMoulin.....    | 27 |
| Ven. Archdeacon Patton..... | 11 |
| Rev. Canon Innes.....       | 2  |
| “ J. Brock.....             | 1  |
| “ C. Hamilton.....          | 1  |
| “ D. Lindsay.....           | 1  |
| Blank.....                  | 1  |

Lay votes 36.—Necessary to a choice 19.

|                             |    |
|-----------------------------|----|
| Rev. J. P. DuMoulin.....    | 33 |
| “ Canon Innes.....          | 2  |
| Ven. Archdeacon Patton..... | 1  |

The PROLOCUTOR accordingly announced that an election had been made, and that Rev. J. P. DuMoulin had been duly chosen by the LOWER HOUSE.

## MESSAGE TO THE HOUSE OF BISHOPS.

The PROLOCUTOR sent a Message to the President announcing the election.

Moved by Rev. Rural Dean LETT, seconded by Rev. F. D. FAUQUIER,

That the thanks of the Synod are gratefully tendered to the authorities of the Grand Trunk Railway for the boon of free return tickets to the members of this Synod travelling over the line.—*Carried.*

Moved by Rev. Dr. LETT, seconded by Sheriff JARVIS,

That the acknowledgments of this Synod are due and hereby tendered to those families in Montreal who have extended hospitality to its members during the Session.—*Carried.*

The thanks of the HOUSE were offered to the Ven. Archdeacon Patton for his able discharge of the important duties of PROLOCUTOR during the present Session.

Moved by Rev. Dr. LETT, seconded by \_\_\_\_\_,

That a Committee be appointed to prepare and introduce a Canon at the next Session of this Synod “On the organization of a Diocese from a Missionary District.”—*Carried.*

Session.]

Moved by Dr. Ho  
That the cordial t  
ed to the Rev. t  
Secretary, for the v  
have discharged the  
Session.

MESSAGE

The METROPOLITAN  
desires to declare t  
business has received  
1. An Address to  
2. A Canon for the  
3. The election of Al  
ary Bishopric of Alg

The Minutes of the  
The House then p  
House, when the P  
business done durin  
adjourned.

CHARLES HAMILTON  
Clerical

F. MACKENZIE,  
Lay Sec

s follows :—

voice 23.

..... 27

..... 11

..... 2

..... 1

..... 1

..... 1

..... 1

..... 1

19.

..... 33

..... 2

..... 1

nced that an election  
Moulin had been duly

BISHOPS.

the President announc-

seconded by Rev. F. D.

gratefully tendered to  
railway for the boon of  
this Synod travelling

by Sheriff JARVIS,  
s Synod are due and  
ntreal who have extend-  
he Session.—Carried.

red to the Ven. Arch-  
of the important duties  
sion.

by ————,  
prepare and introduce a  
od "On the organiza-  
istrict."—Carried.

Moved by Dr. HODGINS, seconded by Sheriff JARVIS,  
That the cordial thanks of this House be gratefully tender-  
ed to the Rev. the Clerical Secretary, and to the Lay  
Secretary, for the very satisfactory manner in which they  
have discharged the duties of their office during the present  
Session.

MESSAGE FROM THE HOUSE OF BISHOPS.

The METROPOLITAN, before proroguing the present Session,  
desires to declare to the LOWER HOUSE that the following  
business has received the sanction of the two HOUSES:—

1. An Address to His Excellency the Governor-General.
2. A Canon for the Election of Missionary Bishops.
3. The election of the Rev. J. P. DuMoulin to the Mission-  
ary Bishopric of Algoma.

A. MONTREAL.

The Minutes of the day were then read and approved.

The House then proceeded to the Chamber of the UPPER  
HOUSE, when the President promulgated the schedule of  
business done during the Session, and declared the Synod  
adjourned.

H. PATTON,  
Prolocutor.

CHARLES HAMILTON, M.A.,  
Clerical Secretary ;  
F. MACKENZIE,  
Lay Secretary.

The proceedings of public, but the results the MESSAGES transmit closing address of the P  
*Reverend Brethren,*

*And Brethren of the*

At the close of the pr  
it is my duty to state  
received the sanction of

1. An address to His
2. A Canon for the EL
3. The election of th

Bishop of Algoma.

Although many serious  
this Canon, I am thank  
Synod on its successful a

In conformity with the  
ed at once to the electi  
District of Algoma. An  
Spirit, which we believe  
our prayer, our choice h  
prove fitted for the very  
been called.

We heartily desire to th  
temper and holy concord  
ceedings of the present S  
I have now to declare t

## UPPER HOUSE.

MONTREAL, Dec. 11th, 1872.

The proceedings of the UPPER HOUSE are not open to the public, but the results as on previous occasions will appear in the MESSAGES transmitted to the LOWER HOUSE, and in the closing address of the PRESIDENT, which was as follows:—

*Reverend Brethren,*

*And Brethren of the Laity :*

At the close of the present session of the Provincial Synod, it is my duty to state to you that the business which has received the sanction of both Houses is :

1. An address to His Excellency the Governor General.
2. A Canon for the Election of Missionary Bishops.
3. The election of the Rev. J. P. Dumoulin as Missionary Bishop of Algoma.

Although many serious difficulties seemed to cluster around this Canon, I am thankful to be able to congratulate the Synod on its successful and happy adoption.

In conformity with the Canon as now passed, we have proceeded at once to the election of a Missionary Bishop for the District of Algoma. And under the guidance of God's Holy Spirit, which we believe has been granted to us in answer to our prayer, our choice has fallen upon one who will, I trust, prove fitted for the very high and holy office to which he has been called.

We heartily desire to thank God for the measure of Christian temper and holy concord which has characterized the proceedings of the present Synod.

I have now to declare that this Synod is prorogued.

A. MONTREAL.

OF THE

**President**

THE MOST REV. T

**Secretary**

THE REV.

**Prolocutor**

THE VEN. A

**Clerical Secretary**

THE REV. CH

**Lay Secretary**

MR. FRED

**Treasurer**

MR.

(Who will receive  
Diocesan Synods towards  
Synod.)

MR.

MR.

OF

**Pres**

THE MOST REV. T

**Secr**

THE REV.

**Prolo**

THE VEN. A

**Clerical S**

THE REV. CH

**Lay Sec**

MR. FRED

**Treasurer**

MR.

(Who will receive  
Diocesan Synods towards  
Synod.)

MR.

MR.



## OFFICE-BEARERS.

## President of Upper House.

THE MOST REV. THE METROPOLITAN OF CANADA,  
*Residence, Montreal.*

## Secretary of Upper House,

THE REV. J. ELLEGOOD, M. A.,  
*Residence, Montreal.*

## Prolocutor of Lower House.

THE VEN. ARCHDEACON PATTON,  
*Residence, Belleville.*

## Clerical Secretary of Lower House.

THE REV. CHARLES HAMILTON, M. A.,  
*Residence, Quebec.*

## Lay Secretary of Lower House.

MR. FREDERICK MACKENZIE,  
*Residence, Montreal.*

## Treasurer of Provincial Synod.

MR. C. J. BRYDGES,  
*Residence, Montreal.*

(Who will receive the sums provided to be paid by the  
Diocesan Synods towards the expenses of the Provincial  
Synod.)

## Auditors.

MR. A. F. GAULT.  
MR. D. McCORD.

## COMMITTEES.

## FINANCE.

Mr. C. J. BRYDGES, *Treasurer*.

Rev. C. HAMILTON, Mr. F. MACKENZIE.

## ON CANONS.

Rev. Dr. BOSWELL,  
Mr. CLARKE GAMBLE, Q.C.,  
Ven. ARCHDEACON PATTON,  
J. A. HENDERSON, D.C.L.,  
Rev. CANON LONSDALE, M.A.,  
Mr. E. CARTER,  
Rev. H. ROE,  
Hon. GEORGE IRVINE,

Rev. Dr. BOOMER,  
Mr. PETER ROE,  
Ven. ARCHDEACON FULLER,  
Ven. ARCHDEACON PALMER,  
Rev. R. W. NORMAN,  
Rev. J. W. MARSH,  
Rev. PROVOST WHITAKER.

## TO PREPARE PETITION TO GOVERNOR GENERAL TO ORDER ANNUALLY A DAY OF GENERAL THANKSGIVING.

Mr. J. A. HENDERSON, D.C.L.,  
Rev. Dr. NICOLLS,Rev. PROVOST WHITAKER,  
Rev. Dr. SANDYS.

## ON RELATIONS OF THE CHURCH IN THE COLONIES TO THE MOTHER CHURCH IN ENGLAND.

Rev. Dr. NICOLLS,  
Rev. H. ROE,  
Rev. J. G. GEDDES,  
Rev. PROVOST OF TRINITY COLLEGE,  
Rev. CANON BANCROFT,  
Rev. D. LINDSAY,  
Rev. J. W. MARSH,  
Rev. Dr. BOOMER,  
Ven. ARCHDEACON OF ONTARIO,  
Rev. Dr. BOSWELL,

Dr. E. J. HEMMING,  
Hon. GEORGE IRVINE,  
Chief-Justice DRAPER,  
Professor WILSON,  
Mr. E. CARTER,  
Mr. S. BETHUNE,  
Mr. J. BEARD,  
Mr. H. CROTTY,  
Mr. J. A. HENDERSON, D.C.L.,  
Judge JARVIS.

## ON INDIAN MISSIONS.

Rev. G. V. HOUSMAN,  
Rev. H. ROE,  
Rev. CANON ANDERSON,  
Rev. A. JAMIESON,  
Rev. C. J. S. BETHUNE,

Rev. G. ANDERSON,  
Mr. G. MOFFATT,  
Professor WILSON,  
Mr. BEARD,  
Mr. F. MCANNANY.

## ON ECCLESIASTICAL LAW.

Rev. A. C. SCARTH,  
Rev. W. S. DARLING,  
Ven. ARCHDEACON LEACH,  
Rev. M. BOOMER,  
Rev. J. S. LAUDER,

Dr. HEMMING,  
Dr. HENDERSON,  
Mr. S. BLAKE,  
Mr. E. CARTER,  
Mr. J. LEPROY.

Session.]

ON ALTERATIONS IN  
LIAMENT NECESSARY  
TO I

Mr. CH

Dr. SMALLWOOD,  
Professor WILSON,  
Mr. H. CROTTY,  
Mr. MAGRATH,  
Mr. W. G. WURTELE,

ON ALTERATION

THE

THE BISHOP OF QUEBEC,  
THE BISHOP OF TORONTO,  
Ven. ARCHDEACON PALMER,  
Rev. CANON BEAVEN,  
Rev. C. P. REID,  
Rev. J. S. LAUDER,  
Rev. J. W. MARSH,

ON I

Rev. Dr. NICOLLS,  
Rev. PROVOST WHITAKER,  
Rev. JAS. PRESTON,  
Rev. T. A. PARNELL,  
Rev. CANON ELWOOD,

Ven. ARCHDEACON FULLER,  
Rev. C. P. REID,  
Rev. H. DARNELL,

ON

Rev. Dr. NICOLLS,  
Rev. J. A. PRESTON,  
Rev. W. S. DARLING,  
Rev. J. SMYTH,

ON REVISION OF THE

Rev. RURAL DEAN GEDDES,  
Rev. CHAS. J. S. BETHUNE,  
Rev. A. C. SCARTH,  
Rev. J. BROCK,

APPOINTMENT OF MISS

Rev. Dr. CAULFIELD,  
Rev. Rural Dean McMURRAY,  
Rev. A. A. VON IFFLAND,  
Rev. T. A. PARNELL,

ON ALTERATIONS IN CONSTITUTION AND ACTS OF PARLIAMENT NECESSARY TO MAKE THEM APPLICABLE TO DOMINION OF CANADA.

Mr. CHANCELLOR BETHUNE, *Chairman.*

Dr. SMALLWOOD,  
Professor WILSON,  
Mr. H. CROTTY,  
Mr. MAGRATH,  
Mr. W. G. WURTELE,

Rev. Dr. LETT,  
Rev. CANON INNES,  
Rev. H. F. DARNELL,  
Rev. H. ROE,  
Rev. W. BLEASDELL.

ON ALTERATIONS IN OR REPEAL OF SYNOD ACTS.

THE METROPOLITAN, *Chairman.*

The BISHOP OF QUEBEC,  
The BISHOP OF TORONTO,  
Ven. ARCHDEACON PALMER,  
Rev. CANON BEAVEN,  
Rev. C. P. REID,  
Rev. J. S. LAUDER,  
Rev. J. W. MARSH,

The BISHOP OF ONTARIO,  
The BISHOP OF HURON,  
Mr. J. BEARD,  
Mr. G. HALL,  
Mr. G. A. KIRKPATRICK,  
Mr. A. H. CAMPBELL.

ON MARRIAGE LICENCES.

Rev. Dr. NICOLLS,  
Rev. PROVOST WHITAKER,  
Rev. JAS. PRESTON,  
Rev. T. A. PARNELL,  
Rev. CANON ELWOOD,

Mr. G. A. KIRKPATRICK  
Mr. T. M. BENSON,  
Mr. R. W. HENKEL,  
Mr. S. BETHUNE,  
Mr. G. F. RYLAND.

ON LAY READERS.

Ven. ARCHDEACON FULLER,  
Rev. C. P. REID,  
Rev. H. DARNELL,

Mr. PETER ROE,  
Mr. GRIERSON,  
Mr. A. F. GAULT.

ON THE DIACONATE.

Rev. Dr. NICOLLS,  
Rev. J. A. PRESTON,  
Rev. W. S. DARLING,  
Rev. J. SMYTH,

Mr. W. B. SIMPSON,  
Mr. H. S. SCOTT,  
Mr. A. H. CAMPBELL,  
Judge WILSON.

ON REVISION OF THE ENGLISH VERSION OF SCRIPTURES.

Rev. RURAL DEAN GEDDES,  
Rev. CHAS. J. S. BETHUNE,  
Rev. A. C. SCARTH,  
Rev. J. BROCK,

Mr. R. W. HENKEL,  
Professor WILSON,  
Mr. SAMUEL KEEFER,  
Dr. HODGINS.

APPOINTMENT OF MISSIONARY BISHOPS AND MISSIONARY BOARD.

Rev. Dr. CAULFIELD,  
Rev. Rural Dean McMURRAY.  
Rev. A. A. VON IFFLAND,  
Rev. T. A. PARNELL,

Mr. ROBT. HAMILTON,  
Captain J. THOMPSON,  
DR. COVERNTON,  
Mr. JAS. SHANNON.

## ON LEGAL STATUS OF THE CHURCH AND CLERGY.

Chief-Justice DRAPER,  
Mr. CHANCELLOR HENDERSON,  
Judge WILSON,

Mr. CHANCELLOR BETHUNE,  
Mr. G. OKILL STUART.

## ON HYMNAL,

THE METROPOLITAN, *Chairman.*

The BISHOP OF ONTARIO,  
The BISHOP OF TORONTO,  
Rev. Dr. NICOLLS,  
Rev. G. V. HOUSMAN,  
Rev. Dr. BEAVEN,  
Ven. ARCHDEACON PALMER,  
Ven. ARCHDEACON LEACH,  
Rev. T. A. PARNELL,  
Rev. H. J. PETRY,  
Rev. CANON BANCROFT,

The BISHOP OF QUEBEC,  
The BISHOP OF HURON,  
Rev. CANON ELWOOD,  
The DEAN OF MONTREAL,  
Mr. W. B. SIMPSON,  
Mr. C. J. BRYDGES,  
Dr. HODGINS,  
Mr. H. S. SCOTT,  
Judge HUGHES.

## UNFINISHED BUSINESS

REV. CANON BEAVEN,

1. That instead of the words "Canada," in the 32nd Rule of the Convention of the Church of the Dominion of Canada

REV. C. HAMILTON,

2. That article 9 of the Constitution be amended by striking out the words "shall read" and adding the words "shall be amended" for the purpose, and adding the following article: "The printed copies of the signatures of the members of the Lower House, to a copy of the minutes of the proceedings declaring the number of words contained in each article shall be held to be the true and correct copies of the proceedings of each Session."

MR. J. BEARD,

*To add to the*

3. That a list of the names of the members shall accompany the same.

DR. HODGINS,

4. That Section 30 of the Proceedings, Fourth Session, be amended as follows:—

It shall be the duty of the Secretary of Synod, to prepare and print, in detail, a statement in detail of the Notices of Motion sent before the Provincial Synod, when they are received, &c., and to cause a printed copy of the same to be sent to every member of the Synod at the next meeting; which business shall be done in the order of the day. (1)

MR. A. CAMPBELL,

5. To insert at the commencement of the following words:—

That a Committee be appointed to exist in existence until the next Session, to be composed of the Secretaries, &c.

(1) The proposed alterations

SYNOD. [Sixth  
AND CLERGY.

R BETHUNE,  
QUART.

QUEBEC,  
HURON,  
WOOD,  
MONTREAL,  
SON,  
GES,

### UNFINISHED BUSINESS FROM 6TH SESSION.

REV. CANON BEAVEN,

1. That instead of the words "the House of Assembly in Canada," in the 32nd Rule of Order, be inserted "the General Convention of the Church in the United States, or the Synod of the Dominion of Canada."

REV. C. HAMILTON,

2. That article 9 of the Constitution be amended by striking out the words "shall record them in books provided for the purpose," and adding the following clause at the end of the article: "The printed Journal of each Session certified by the signatures of the Prolocutor and the two Secretaries of the Lower House, to a statement attached to one or more copies declaring the number of pages in the said Journal and the number of words corrected with the words so corrected, shall be held to be the true and authentic Record of the proceedings of each Session."

MR. J. BEARD,

*To add to 30th Rule of order.*

3. That a list of the Delegates from each Diocese shall accompany the same.

DR. HODGINS,

4. That Section 30 of the Rules of Order (page 116 of Proceedings, Fourth Session,) be amended so as to read as follows:—

*It shall be the duty of the Secretaries one month before the meeting of Synod, to prepare for the approval of the Metropolitan, a statement in detail of all unfinished business, and of all the Notices of Motion sent to them by members, to be brought before the Provincial Synod, according to the order in which they are received, &c., and under the direction of the Metropolitan, to cause a printed copy of the same to be sent to every member of the Synod, twenty-one days before its meeting; which business and notices shall stand first on the order of the day. (1)*

MR. A. CAMPBELL,

5. To insert at the commencement of Dr. Hodgins's motion, the following words:—

*That a Committee be appointed by the Prolocutor to remain in existence until the next meeting of Synod, in conjunction with the Secretaries, &c.*

(1) The proposed alterations are printed in italics.