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The Canadian Ecclesiastical Gazette

OR CHURCH REGISTER FOR THE DIOCESES OF QUEBEC, MONTREAL, TORONTO, HURON, AND ONTARIO.

VOLUME IX.

TORONTO, OCTOBER 1, 1862.

No. 19

Ecclesiastical Intelligence.

DIOCESE OF TORONTO.

ORDINATION.

The Lord Bishop of Toronto held a special ordination in the Cathedral Church of St. James, on Monday, the 29th September, feast of St. Michael and All Angels, when the Reverend Charles James Stewart Bethune, B.A., Curate of St. Peter's, Cobourg, was admitted to the holy order of priesthood.

The Candidate was presented by the Rev. H. J. Grasett, B.D., examining chaplain, to the Lord Bishop, and his Lordship was assisted in the laying on of hands by the Ven. the Archdeacon of Toronto, the Rev. H. J. Grasett, and the Rev. S. Givins.

WIDOWS' AND ORPHANS' FUND.

The collection on behalf of the above fund is appointed to be taken up in the month of October. At present there are nine widows and four orphans receiving from the fund. The pensions amount to \$2,180, whereas the proceeds of the annual sermons only amounted last year to \$1,076.15. Great exertions should be made to increase the investments in this fund, as, in the course of nature, many of our clergy, who are about the same age, may be expected to leave widows and orphans within a few years of each other, and unless the proceeds of the collections increase, there is great cause to fear that the allowances to widows and orphans will have to be reduced.

OBITUARY.

We have to record the death of his Grace the Right Rev. John Bird Sumner, D.D., fourteen years Archbishop of Canterbury. He was of a good old age, and died Friday, Sept. 5th. He was the ninetieth occupant of the Archiepiscopal See.

(PUBLISHED BY REQUEST.)

St. Catharines, Sept. 10th, 1862.

REV. AND DEAR SIR,—

In the spring of 1867 I came to Canada from Nova Scotia, in search of a mission.

I visited Merritsville, now Welland, where the people bound themselves to the rural dean to provide me a house and a salary, which, with the additional prospect of glebes in three adjoining townships, induced me to resign my charge in Nova Scotia, and to return to Welland in the following September.

When I reached Welland with my family, my furniture, my horse, &c., the house which had

been promised me was not ready. Another, without kitchen, without cellar, and without an outhouse of any kind, was offered me as a temporary residence, but this being very unsatisfactory, I had serious thoughts of abandoning the mission; when I reflected that the people would be much disappointed, and therefore decided upon purchasing the house first promised, and making the necessary improvements with my own funds. Before doing this, however, I had got a meeting of the parish, in which a vote was passed, giving me £25 a year for house-rent, instead of a house. I purchased the house and lot, (3 acres, near which I since erected a church,) upon which I spent above \$2,600. Property, at that time, was very high, and it was thought cheap. It consists of a house with six rooms, besides two kitchens, a good stone cellar and cistern, a good well, 40 feet deep, an ice-house, a large orchard, a barn, and gate-house, and young trees, planted by me, and is well fenced.

Unfortunately, however, although the work of the church among a very poor people has progressed very encouragingly, and three churches will soon be erected, fever and ague assailed both my family and myself to such a degree that four summers one or two of us were down with it, and we were ordered to quit the place as soon as possible.

Medical men gave me no rest until I sought the benefit of a voyage home. Having spent all my money on the property at Welland, and lost not only the interest of my money, but the rent of the house also, which the people could not pay, I could scarcely afford to go home; but it occurred to me that I had many friends in England, who had long assisted me in missionary buildings, and that I had only to go to them with an account of my case to induce them to help me to make over my property at Welland as a parsonage house for ever, thus reimbursing me, and enabling me to go to another mission.

I had also in view to raise the means to pay the government price for the Wainfleet glebes, if possible; but as these have not yet been obtained, and as the bishop wrote, expressing a hope that I would soon return, lest I should interfere with the general fund of the great societies, I could not take advantage of all the offers of pulpits and meetings which my kind friends sent me, and only raised about £50 sterling, clear of expense. One of the clerks of the Society for the Propagation of the Gospel took care of my fund, whose accounts I have.

My misfortunes having been thus turned to the advantage of my mission, thanks to the kind friends whose hearts God disposed, I now have the great pleasure of sending you the deed of my property at Welland (which is also registered) to the Church Society, in trust, as a parsonage house and lot for that mission for ever.

You will see that I have given the Society power to sell, whenever they may think it advantageous to purchase another house and lot, for the same object.

And although I am quite sure my friends do

not wish me to be a loser, I have only charged \$2,000 for the property, which cost me above \$2,600, besides the loss of interest, and rent, and time, &c.

I do this the more gladly, because I am anxious to help the poor church at Marshville, with the rest of the money in my hands, and I have to thank God for having returned home in better health.

Praying that it may please God to raise up men after his own heart, to occupy the parsonage at Welland for ever hereafter, I remain,

Rev. and Dear Sir,

Yours very faithfully.

JOHN STANNAGE.

To the Rev. T. S. Kennedy, Secretary to Church Society, Toronto.

COLLECTIONS UP TO 29TH SEPTEMBER.

MISSION FUND.

Previously announced.....	\$578.91
Glenallan.....	\$ 1.50
Rothsay.....	1.15
Kells.....	1.20
Aln.....	0.90
Houstonville.....	0.35

Per Rev. Geo. Nesbitt.....	5.10
Georgetown.....	4.75
Norval.....	3.03
Stewardtown.....	1.37

Per Rev. F. O'Meara.....	9.15
Wellington Square and Nelson, per Rev. Dr. Greene.....	2.50

127 collections, amounting to.....\$596.66

SPECIAL MISSION FUND.

Lowville, per Rev. Mr Higginson's salary.....	50.00
For stipend of missionary for Arthur, North Arthur, and Mount Forest.....	78.25

Per F. W. Gates, Esq.....	128.25
St. James', Orillia, on account of Orillia bond, per churchwardens.....	140.00

PAROCHIAL BRANCHES.

Georgetown.....	1.50
Yor'.....	7.50
Caledonia.....	5.00
Cayuga.....	1.50
Rockwood.....	4.00
Rockton.....	18.00
Ontario, and Stoney Creek.....	20.00
Rockton.....	53.75

Per F. W. Gates, Esq.....	111.25
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SUBSCRIPTIONS.

Rev. J. Chance (in August).....	5.00
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PROVINCIAL SYNOD MONTREAL.

(Continued from the Montreal Gazette.)

THIRD DAY.

The lower house of Synod met at ten o'clock yesterday morning in the Synod room, having attended prayers at 9 o'clock in the Cathedral. The meeting was opened with prayer by the Rev. Prolocutor, after which the clerical secretary read the minutes of the preceding day's Synod, which, after being corrected in a few slight particulars, were approved.

DIOCESE OF ONTARIO.

The Prolocutor read a letter from the Lord Bishop of Ontario to the secretary of the Provincial Synod informing him that he had nominated, according to a resolution of His Lordship's Synod, Jas. A. Henderson to the seat in the Provincial Synod, vacant by the non-election of Hon. John Hamilton to a seat in the Synod, for the Diocese of Ontario.

A discussion arose on the question of accepting the above nomination, several members holding that it was not in accordance with the constitution, while others maintained that the Bishop of Ontario not being in the province till within a short period, he had not time to give previous notice, and that there was no valid objection to the acceptance of the nomination.

Rev. Mr. HOLLAND moved, seconded by Dr. BOVELL:

That the first clause of Article 28 of the constitution be suspended, in order that His Lordship the Bishop of Ontario may have an opportunity of giving an amended list of the delegates in his diocese certified under his hand and seal accordingly.

After some members had spoken,

Sheriff Corbett moved that the letter from the Bishop be accepted and placed on the minutes, and that Mr. Henderson be permitted to take his seat.

Hon. Mr. CAMERON thought that the minutes of the above diocese ought to be produced to shew that the proceeding was regular, and afterwards the by-law authorizing such action in the assembly of the Synod of Ontario should be produced. There should be no irregularity whatever in affairs of this nature.

Mr. HUNTINGTON, M.P.P., moved in amendment, seconded by the Rev. Mr. SLACK—

That the letter and certificate of His Lordship the Bishop of Ontario, just read from the chair, be accepted, and that Mr. Henderson be at once admitted to a seat in this House.

The mover thought that any opposite action would only be a splitting of straws, for if the certificate of the Bishop respecting the election of the whole of the delegates from the Synod were accepted without hesitation, there could be no reason in refusing that certificate when it only related to the election of one delegate to fill up a vacancy.

Mr. E. CARTER did not think the refusal to accept the nomination at this stage was a splitting of straws at all. They should not do any thing that looked like sanctioning an irregular or illegal proceeding. The nomination should be duly certified under the Bishop's seal, and the nomination announced with all that necessary form and ceremony prescribed by the constitution.

The document sent by the Bishop was a letter simply, without any seal certifying a nomination by him, whereas the constitution required a certificate of an election by the diocese.

After some further discussion,

Mr. HARMAN entered the house, bearing a certificate, duly signed and just obtained from the

Bishop of Ontario to the effect that James A. Henderson had been nominated by him to fill the vacancy caused by the resignation of the Hon. Mr. Hamilton, and that the resolution annexed was that under which the appointment had been made.

The resolution of the Synod of the Diocese of Ontario, giving the authority above referred to, namely to fill up any vacancies that might occur, was now read.

The Prolocutor now said the production of those papers altered the whole case. The question was now, whether the house would receive those documents at this stage of the proceedings, instead of the letter which came from his Lordship, and had been read first? He (the Prolocutor) would think it desirable for the house to receive the documents just handed in, in substitution of the letter previously submitted.

Rev. Mr. Holland now withdrew his motion, and Sheriff Corbett withdrew his amendment, Mr. Huntington also withdrawing his amendment to the latter.

Mr. HARMAN moved, seconded by the Rev. Mr. ARMSTRONG, "That the certificate furnished by His Lordship the Bishop of Ontario be received, and that Mr. Henderson be permitted to take his seat thereunder.

After a few remarks from some other delegates, the motion was carried on a division.

Rev. Mr. BOND suggested that the names be recorded, as he thought there was a violation of the constitution.

The names of the delegates were then called by orders, with the following result: ayes 60; nays 30. Clerical vote—ayes 35; nays 17; lay vote—ayes 25; nays 18.

MESSAGE FROM THE UPPER HOUSE.

The Rev. PROLOCUTOR then read the following message sent down from the House of Bishops:—

"UPPER HOUSE, Sept. 11, 1862.

"The Upper House readily agree to the appointment of a joint committee, to revise the prayers at present in use for the Governor General and Provincial Legislature; and will be prepared to receive the members of the Lower House when notified of their appointment.

(Signed,) "F. MONTREAL."

The PROLOCUTOR of Trinity College, Toronto, moved, seconded by Dr. BOVELL:

That the committee consist of the following Delegates:—The Dean of Montreal, the Archdeacon of Toronto, Archdeacon of London and Dr. Nicolls.

The Rev. PROLOCUTOR notified the Upper House of the appointment of this committee.

COMMITTEE ON CANONS.

Hon J. H. CAMERON moved, seconded by Mr. SIMPSON:

That the Committee on Canons do consist of the Rev. Dr. Beaven, Mr. Harman, Rev. Mr. Muloch, Mr. Steele, Rev. Cannon Bancroft, Mr. E. Carter, Rev. Mr. Roe, Mr. Irvine, Rev. Dr. Boomer, and Mr. Lawrason.

The motion was carried.

NOTICES OF MOTION

The following notices of motion were given: Rev. Mr. BLEASDELL gave notice that he would move, seconded by the Rev. Dr. ROOME,

That this Provincial Synod taking into consideration the position which the United Church of England and Ireland maintains in reference to the aggressions of the Church of Rome within the British Nation, whether in public matters or in private life, feel bound to confess their entire approbation of the firm and consistent course adopted by a member of this Synod, the Rev. J. Geddes, when in the exercise of his duty on a recent occasion he presented so firm

and uncompromising a front to the aggressions of the emissaries of Papal Rome."

From Rev. H. HOLLAND—"That in order to bring the 28th act of the constitution into agreement with the Synod act, it be amended with the introduction of the words—or appointment—after the word election, at the beginning of the said article.

Also from Rev. H. HOLLAND—That a committee of five, one from each Diocese, be appointed to revise the minutes, with a view to decide what portion of them it may be necessary to include with the printed report.

It being one o'clock the House rose.

AFTERNOON SITTING.

THE DIACONATE.

The committee on the subject reported in favour of the establishment of a diaconate as a permanent order in the church, instead of a mere stepping stone to the ministry, and in order to carry out the recommendation subjoined to their report the following draft of projected canon.

1. Candidates for the office of deacon shall undergo such examination as may satisfy the bishop of the diocese that they are well versed in the Holy Scriptures, in the vulgar tongue, the liturgy, offices, and articles of the church, and an outline of church history, regard being had especially to the period of reformation, and the history of the Church of England.

2. No deacon shall be admitted to the priesthood until he shall have served as deacon at least three years, and have passed a satisfactory examination in Latin, Greek, and Hebrew, and have further complied with such conditions as the bishop of each diocese may require. Nevertheless a bishop may, if he think fit, advance a deacon to the priesthood after twenty years' service in the diaconate, without such additional qualifications.

3. No deacon shall have any independent spiritual charge, and no deacon shall officiate in any parish or congregation without the express consent of the incumbent; nor, in any case, without the assent of the bishop, and when so officiating he shall be entirely subject to the direction of the incumbent in all his ministrations.

Rev. Mr. DEWAN moved the adoption of the report of committee on the diaconate. This was a motion for which a few years ago it would have been difficult to find a mover and seconder, but which would nevertheless ultimately prevail, because it was founded in truth and wisdom.—The report was founded on two facts. 1st. That the deacon's order is part of that religious system which the great head of the church had instituted, but which now did not exist within the bosom of the church. 2nd. That there are members of the church who are without the ministrations of the gospel, but are hungering and thirsting for them, to whom at present those ministrations could not be supplied. In order that the cause of the church should triumph it was necessary to adopt some means of filling this void; and he asked whether it was possible to adopt any method better than that devised by the great head of the church himself. In an address of the Methodist body lately presented to the Governor General, it was stated that there were in Canada 500 Ministers and 2000 churches of that body. Why had the Church of England not as many? Why did the Church of England make, during the last year, according to the census, less progress than the Methodist Church? He thought it was because in some shape the Methodists had an effective diaconate in the shape of local preachers, which was wanting to the Church of England. The motion was seconded by Mr. H. TAYLOR.

Rev. Mr. PALMER moved, in amendment, and did so fully aware of the gravity of the question before the Synod, and anxious for it to be carefully considered free from any party spirit.—He did not think it desirable, however, at present to adopt the views of Mr. Dewar. First, for reasons stated in one part of the report—that it was impossible at present to find men fit for the office of deacon as it was proposed to be established. Every clergyman knew the difficulty of finding lay agencies for the Sunday schools and spiritual work of the church. How, then, find men for these diaconates? Second, if the men could be found, where could the money be found? It was said the men might continue in their usual businesses; but would any priest like to go to his barber, his shoemaker, or his butcher, and regard him as his deacon? And as to men in other business, they were constantly occupied all day long. But if there should be sufficient funds raised, then why not put the men at once into priesthood? If the funds were not found, it would be necessary to fall back on men in inferior ranks and of inferior ability. Now suppose a priest, with the aid of some of these men, occupied a territory of a few miles square, these deacons would be the representatives of the church which would be judged of by them. They might give very unsound information, which would yet be accepted as the teachings of the church. There was, too, an equality of ranks here not known in England, and these inferior men would soon claim an equality with the priest who directed them. They would, moreover, be backed up by the people; and the more laborious the more dangerous they would be. He could understand such a man so ingratiating himself with the people that they would claim him for their permanent incumbent. If such a change should be adopted it ought to originate in the mother country, where they had plenty of men, and a recognized distinction of ranks. He lamented the great wants of the church in this country; but thought the right remedy was the increase of lay agency. Why should a priest not obtain the assistance of any pious layman to read prayers where he could not go himself? Again, he thought that very young men were at present too early admitted into Priest's orders. He thought they should be employed first in such a manner as to give them experience and steadiness of character before they were sent out with what might be called the plenary power of the priesthood. He thought that considering how difficult it was to find funds to pay clergymen in numbers sufficient for the work before them, it would be desirable to find men of sufficient devotion to go forth for some few years upon small salaries, accepting perhaps in some cases the office of parish schoolmaster till they could be better provided for. He moved for these reasons—That it is not expedient to adopt the report of the Committee on the diaconate until the proposed change shall be commenced by the adoption of it by the church in England, and till its working shall be sufficiently tested in the mother country.

After some farther discussion,

Dr. BOVILL said that the present deacons in the Church of England certainly did not fulfil the functions for which the deacon's office was at first appointed. At present a deacon fulfilled all the duties of a priest, except the administration of the Sacrament of the Lord's Supper. He thought there was no fear of inferior men becoming deacons. The men contemplated by the resolution would be selected for their piety by the Bishops; and they would be properly trained for their duties. It was not necessary that, like the priesthood, they should

have a learned education—that they should all be taught to read Latin and Greek. Look at the first institution of deacons. The men chosen were men filled with the Holy Ghost, and he believed that the movement throughout the church for the purpose of obtaining more help was not a mere motion of the human intellect, but arose from the actual out-pouring of the Holy Ghost on the church. Missionaries were, in this country, sent to occupy an immense territory, in which the duties were so great that they could not fulfill them. They ought to watch over the education of the young; but could any clergyman say he had the physical strength for this purpose and for that of his other duties. It was said try lay agency; but lay agency had been tried and failed. Besides the Holy Spirit had itself appointed the proper description of assistance which was to lend to support the priesthood, and that was appointed for all time—it was the diaconate. God forbid that he a layman, should say that laymen had nothing to do with the spiritual welfare of the church; but there were many laymen who felt that by acting as clergymen they placed themselves in an improper position. In hospitals and other places of this kind, some agency like that of the diaconate was absolutely necessary, for laymen consulted by persons on their death bed, or other trying occasions, might sometimes inculcate most erroneous and unfortunate notions. He was willing to take barbers, tinkers, merchants, or any other persons if they were pious and God-fearing men; but he would put them under training and instruction, and keep them under constant supervision. One of the crying wants of Canada was that of men to undertake the office of the priest of the Lord—men to devote themselves to poverty, to the risk of being cut off from the social intercourse to which they have been accustomed, and so forth. Now, it would be possible to find men, who would not feel these privations so keenly as the class from whom clergymen were chosen, and who would accept the office of deacon.

METROPOLITAN SUCCESSION.

On motion of Mr. Justice McCORD, the report of the committee on the Metropolitan succession was read. The committee reported a canon to the effect that the election to the Metropolitan See, whenever it shall be vacant, shall be vested in the House of Bishops. The canon also contained some regulations for carrying out this rule, which, as we understood, will leave each diocese to elect its own Bishop; the House of Bishops choosing the Metropolitan.

DEBATE RESUMED.

Rev. S. DARLING thought the present deacon did not hold the position which the constitution of the church of England intended him to occupy. There was very little recognition of the difference between the two orders of priest and deacon. He had been a country clergyman: he was now in a densely populated city. He did not know whether the country or city clergymen most required the aid of deacons; but at present he felt that he could not do his duty as a clergyman on account of the demands upon him to fulfil the services which properly belonged to the deacon's office. As to men, he knew he could have got them in the country, and he now knew a most admirable man, who would desire nothing better than such an appointment to go forth and do his Master's work; and getting him, he would get some one else who would be still better—that was his wife. There were many young men ready to go; but they would not go unless they were properly commissioned; and he could obtain two of these, with whom he was acquainted, for the same very

inadequate remuneration that must be paid for assistance from a single gentleman in orders. He thought that there was no danger of the deacons bringing contempt on the priesthood, because they were to be, according to the plan proposed, thoroughly subordinate to the priesthood—a distinction which would be readily understood. He believed that instead of the church in Canada looking to England, the church in England was anxious to see us begin this course, which she did not like to venture upon herself. As to the deacons aspiring to become priests, there would be no more emulation between the incumbent and his deacons, than between the incumbent and his curate—emulation which would sometimes exist so long as men continued to be what they are. He did not think it would be true that the better the deacon, the more dangerous he would be; for if the deacon were so excellent, he would probably have some christian humility of spirit, and he could not be made the incumbent of a parish, without the consent of the Bishop. Of course, at the beginning of this movement there would be difficulty. Many handicraftsmen would make excellent deacons; but he did not suppose that making them deacons would overturn all recognized distinctions of society.

It was said that parish schoolmasters would answer the purpose of deacons; but there were no parish schools; and if there were, this very scheme provided for employing the deacons so far as possible in the schools. It might be said that after school hours, the schoolmaster could not be fit for anything else; but, in practice, it was found that schoolmasters after school hours did a great deal of other work; and he thought it would be well for the Church of England to take example from other bodies, who in so respects thought differently from them, and who availed themselves with excellent effect of this kind of agency—of men who after their day's work, cleaned themselves, as they said, and proceeded to preach, hold prayer meetings, or teach singing to a choir.

Rev. PROVOST WHITAKER spoke for some time in support of the employment of lay agency in preference to the establishment of a diaconate. After doing so in a general way, he came to some special reasons, against the proposal contained in the report. He thought it most desirable that any person who held a clerical office should be highly educated; and that this was more required here than in England, because here the people in the rural districts were better taught than in England; and, therefore, more able to appreciate the information possessed by their clergy. As to social standing, he believed it would be a most painful thing if it should ever be the case that he who administered in the pulpit on the Sunday should not be deemed suitable for social intercourse during the week. It was very lamentable on the continent of Europe to see that the clergy among some Protestants were not regarded as gentlemen. On the money question, he thought that a deacon could not have less than £100 a year, and there was little difference in cost between this sum and that which was now found sufficient to secure the services of a curate. Nor did he think the office of deacon should be permanent. There was no reason to think that it was so in early times. It was only fair that the deacon, if he showed himself capable, should be promoted to the priesthood, and so long as human nature remained there would be jealousies between two permanent orders, such as the priesthood and the proposed diaconate. It was said, in the excellent sermon at the opening of the Synod, that the deacon would be the missing link between the priest and the people; but there ought to be nothing nearer to the people than the

priest himself. With all respect to others, he would not desire to have in the Church of England such agents as some of the local preachers of the Methodists or the Friars of the Catholic Church. It might be said that by rejecting this report many good men would be thrown out from the opportunity of labouring in the church. He would not shut them out; but he would make such cases exceptional. Bishops could act and did act in such cases. In respect to lay agency, he thought that previously serving with some minister in duties like those intended to be assigned to the deacons, might be made a condition of admission to the deacon's orders.

Rev. Mr. BLEASDELL spoke in favour of the system. Much had been said about maintaining the church in all its integrity. We talk of our bishops, our priests, and our deacons; but this order of deacons does not exist now in the original signification of the term. The proposed scheme would supply the link that is missing, and why should gentlemen look with such horror upon it. They should strive resolutely to supply the need which is felt. He had seen something of lay agency. He knew one lay agent whose conduct was any thing but in accordance with ecclesiastical order. He thought there ought to be some restraint upon such men, and that they should not be allowed to act as they pleased. Deacons could also be had for much less than priests, and he had known men who would be glad to labour for the church as deacons, if the diaconate were a permanent order. He would conjure his friends who had opposed the scheme, to lay aside some of those preconceived notions they have had on the subject. Those ideas were not adapted to the progressive character of the age. The scheme was one which had much to recommend it, and should be well considered. He knew that the bishops felt some hesitation in adopting the proposition; but if it went from the Lower House there was no doubt their lordships would in some measure act upon it. The church was losing ground, and always would lose ground until the system was adopted.

Rev. Mr. WOOLKYCHE said the report was to provide for a permanent diaconate, an order which the Church of England did not recognise. It was all very well for gentlemen to endeavour to separate the report from the canon; but he desired to warn his brethren that if they adopted the report they at the same time adopted the canon which was annexed to it. He also wished to state that it appeared to him to be a most mischievous report. He was not much acquainted with Upper Canada, but he was acquainted with Lower Canada, and he found that there was one subject which was always coming up, and that was the want of men for the ministry. But if we had means we could have men. If the report was adopted, we would be provided with a class of men which the laity of the Church of England had never asked for. The laity are opposed to the ministrations of any ill-educated men. A man might be a very good man, but still not be a man they would like to have minister to them week after week. What might work well enough in England, in the crowded districts, would not answer here. He hoped the meeting would unanimously reject the report.

Rev. Mr. SLACK had listened with a great deal of satisfaction to all that had been said on the subject; but he rose for the purpose of making an amendment to the Rev. Mr. Palmer's amendment, which he thought would have the effect of making the report consistent with itself, and do away with the objectionable parts. He moved, seconded by the Vex. ARCHDEACON BROUGH, that the report on the diaconate be

referred back to the committee, with a view to its revision and amendment.

Rev. Mr. DWAR suggested that it be referred to a new committee.

Rev. Mr. SLACK consented to "a committee" being inserted instead of "the committee."

A lay delegate thought that it would be useless to refer it to a committee unless they pointed out what amendments they wished to have made.

A clerical delegate suggested that it might be advisable to take the sense of the House, in order to ascertain if they would sanction the principle.

Mr. SPRAGG thought that the system would be the means of creating a number of poor curates, like those who had to live on £40 a year. We wanted men who were competent to answer such propositions as might be made to them by those who differed from them in opinion. He thought that what the Provost of Trinity College had said deserved the strictest attention. The laity felt they were honoured by having a clergyman under their roof; but if this new system were adopted, they would feel inclined to look down upon their ministers.

Hon. Mr. CAMERON advocated the referring back of this matter to the committee, as it was a matter of great importance. He hoped the resolution proposed by Mr. Slack would be carried, as something should be done in the matter. If any thing can be done which would have the effect of introducing greater efficiency among the laity, it would be satisfactory to all the dioceses. He believed the laity did not desire to have laymen reading the prayers and then preaching sermons. But they wished to have the clergy assisted in every way in which they could be helped, and to have them, as the Provost of Trinity College had said, brought nearer and dearer to the hearts of their people. (Applause.)

The Rev. Mr. KENNEDY said that he differed in toto from those speakers who admitted that the extension of the diaconate might be required in cities and towns, but that for country missions it would be far better to employ scripture readers. Those gentlemen could have no knowledge of missionary work in the rural districts. He therefore felt called upon to state briefly his views with regard to this question. He had expressed them years ago, and his experience convinced him that if the step proposed by the committee had been taken then, the church in this country would be in a very different position to what it is. He was formerly a catechist, or lay reader. In towns there ought to be no difficulty in obtaining lay assistance; persons can be found who gladly undertake the duties of district visitors, and Sunday school teachers, and a clergyman can readily be found to go and baptize a dying child; but not so in the country. For thirteen years he had the sole charge of a very extensive country mission. During the whole of that period he had only been able to give regular Sunday services at three stations. He had, however, thirteen stations which he attended periodically on week days, and had, at 2 p.m., generally good congregations, and the people assured him that if a clergyman could be sent to them on Sunday, they would all gladly attend his ministrations, but they felt bound to take their children where there was public worship on a Sunday. At two or three of these stations, he recommended persons whose position and education well fitted them to carry out his views, to assemble the members of the church on the Sunday at their houses, that service and a sermon, which he would furnish them with, should be read by them, and the children taught their catechism. In two places the attempt was made, but was

given up, as the parties stated that their neighbours would not attend, whenever they had an opportunity of attending *preaching* by some one styled a Rev. at the nearest school house. Moreover, he could name flourishing villages where gentlemen of education and high social position had, Sunday after Sunday, read the church service, and a printed sermon in churches previous to the appointment of a clergyman, and what was the result? that the few families who attended were all of the higher and better educated classes, the humbler classes preferred going to some place of worship presided over by one claiming to be an ordained minister. This proved that the proposition to substitute lay agents or scripture readers for ordained deacons, whose orders would be quite as readily acknowledged as those of dissenting ministers, was a fallacy. Some of the previous speakers expressed themselves as though it would be impossible to find such men as the committee recommended for the diaconate, out of the lower and more ignorant classes of the members of our church; but this was an error. He had met with men in several places, possessed of a good English education, and who could soon have prepared themselves to pass such an examination as the report contemplates, who would, from love to the church, if duly authorised, in many instances at their own cost, and in others, for such remuneration as would suffice to pay their expenses, had held services at one or two stations on Sundays, visited the sick, baptized infants, and performed their work under the guidance of the priest, who had obtained the bishop's license for them to act as his assistants or curates. If they were deacons, they might occasionally minister in the principal churches, whilst the priest visited the out-stations, and administered the Holy Communion. He considered that the church was incurring a fearful responsibility in allowing so many thousands of souls to perish, or to stray from her communion, because she insisted that her dignity required that the message of salvation should only be delivered by men who had received a collegiate or classical education. If a sufficient number of these men were to be found, and could be supported, he would then say there was no need for this extension of the diaconate. He, for one, denied that the report contemplated the lowering of the standard of education required before a man be admitted to the office of priest. In his opinion, it would be unfair to those who had gone to the expense and labour of acquiring that superior education, only to be obtained by passing through a collegiate course, if the deacons proposed by the report to be ordained, were to be allowed the same privileges and the same hopes held out to them of promotion. There was no reason to fear that with present prospects there would be many candidates offering themselves. The remuneration, if any, would be comparatively trifling. They would be subjected to an examination, and only ordained by the bishop when he was satisfied as to their fitness for the work. He hoped the Synod would urge this question at once on the consideration of the House of Bishops, as, in his opinion, without some such action, the church, instead of opening new missions, will, as clergymen grow old and feebler, lose thousands who had attended their ministrations.

Rev. Dr. SNOAR agreed with Rev. Mr. Kennedy that this was a country question. They must either give up their people to the hands of other denominations for want of some increased agency, and they were losing their people because they were too proud to recognise a lower standard of education for assistants. It was a common saying that they attended only to the gentry and neglected the lower classes, and that in great

towns all the Church of England people were the gentry, and that the body of the people belonged to other creeds. Let the principle, however, be adopted, and leave the matter to the bishops and for the consideration of the next Synod, in order to provide a remedy for the great need now existing in this respect.

Rev. Dr. NICHOL.—Was not opposed to lay agency in its proper place at all, and would sanction such in a case where it was impossible to employ any other. He bowed to the authority of the church which prescribed the orders of "bishops, priests and deacons." Now, when they had employed all those orders and wanted further assistance, let lay agency be called in, but let them not appoint any other human agency till every means prescribed by the church had failed. He was in favour of lowering the attainments of candidates for the diaconate and admitting them at 21 years of age. He believed that the church should also exact from her ministers a knowledge of Hebrew. He believed no man could rightly dispense the Word of God without a knowledge of this language. Let their young deacons come forward, if desirous to, qualify themselves for the office of Priest, and let the church give every facility for doing so. If the diaconate is of Divine institution the church cannot and will not be without the order. (Hear, hear.) He advocated the rendering of the diaconate qualifications, &c., as efficient as possible, and the promotion of deacons in a proper manner.

The Rev. PROLOCUTOR here stated that he had received the following message from the

UPPER HOUSE.

"The Upper House have considered the resolution of the Lower House respecting 'discrepancies in the manner of performing divine service in the province,' and in order that the bishops may be better informed, and as to what are the discrepancies to which the resolution more particularly refers, as now existing, and to most effectually, as far as may be possible, endeavour to provide a remedy, the Upper House desire to have a conference with members of the Lower House, as the Lower House may think proper to select for that purpose.

(Signed) "F. MONTREAL."

Moved by Rev. Dr. FULLER, seconded by Dr. BOVELL,—That the committee of conference with the Upper House of this Provincial Synod on "Discrepancies in the manner of performing Divine Service" do consist of the Very Rev. the Dean of Montreal, Archdeacon Brough, Rev. M. Mulock, and the mover. Carried.

DEBATE RESUMED.

Rev. Mr. FLOOD said it appeared to him there was a great deal of difficulty in selecting deacons in accordance with apostolic usages—men full of the Holy Ghost, and recommended by their brethren. It was never designed, he believed, to keep deacons always in the same position. If they were qualified for a higher office, let them be advanced to the priesthood. He extolled the employment of competent lay agency, when such was procurable. This agency could be made very useful in publishing God's message to the people. Lay agency had done much already, and might strengthen very much the hands of the church. The qualifications of deacons should be such as to render them efficient labourers for the church.

Archdeacon BETHUNE moved the adjournment of the debate, as the subject was of such importance as not to be disposed of by a hasty decision, and that the consideration of the Report on the Diaconate be placed first on the orders. Lost on a division.

The PROLOCUTOR decided, however, that the debate must be adjourned in order to allow the mover the right to reply.

The proceedings were terminated by the Prolocutor pronouncing the benediction.

FOURTH DAY.

The Lower House of Synod met at ten o'clock this morning. The meeting having been opened with prayer by the Rev. the Prolocutor, Rev. Canon Bancroft, Clerical Secretary, read the minutes of the previous day's Synod, which, on receiving a few slight corrections, were approved.

SUCCESSION TO THE METROPOLITAN SEE.

Hon. Justice McCORD read the following report:—

The committee to whom was referred the subject of the succession to the Metropolitan see, beg to report the following canon, which they have adopted, to the Synod.

Canon for the election of a Metropolitan.

1st. The election to the office of Metropolitan, whenever the Metropolitan see shall be vacant, shall be vested in the House of bishops.

2nd. The see of the bishop, so elected Metropolitan, shall be the Metropolitan see, until the office of Metropolitan shall become vacant.

3rd. On any vacancy occurring in the office of Metropolitan, the diocesan see, so vacant, being fresh filled, the senior bishops in Canada shall within thirty days after such Diocesan see is filled, give notice to the other bishops of the Province that they shall proceed to the election of a Metropolitan, and each election shall take place at the seat of the Diocese, in which the vacancy of the office of Metropolitan has just occurred, and shall be determined by the votes of the majority of the bishops present at such an election.

4th. Such election of Metropolitan shall not be had, unless a majority of all the bishops of the dioceses in Canada concur in the election.

All which is respectfully submitted.

J. McCORD,
Chairman.

Committee room, 12th Sept, 1862.

Hon. Justice McCORD then moved, seconded by Rev. Mr. SLACK, "that the rules be suspended, and that the consideration of the report on the succession to the Metropolitan be taken up immediately after the discussion on the report on the diaconate."—Carried.

The report of the auditors on the treasurer's report was handed in, in which the auditors stated they had examined the latter report and found it correct.—Adopted.

NOTICES OF MOTION

A number of notices of motion were then submitted.

THE DIACONATE.

Rev. Mr. SLACK desired permission to alter the amendment, moved by him the previous day, to make it read as follows: "Resolved that this meeting approving the general principle embodied in this report, desires to refer it back to the committee, enlarged by the addition of ten members, with the view to its revision and amendment."

Rev. Mr. PALMER thought the amendment would commit the House to the principle.

The PROLOCUTOR did not consider it would have that effect. That would be decided by the vote of the House after the amended amendment had been introduced.

Several members requested Rev. Mr. SLACK to

withdraw his amended amendment, and allow the former to stand before the House.

Rev. Mr. SLACK withdrew his latter amendment, and the debate proceeded upon the other and the motion to adopt the report.

Archdeacon BETHUNE considered the House very much indebted to the gentlemen who had drawn up the report. It had been said that in carrying out the intentions of the framers of the report, they should experience extreme difficulty in procuring the men to fill up the diaconate as it was proposed. He did not believe they should be driven to the necessity of appointing unqualified persons to the office. Were there not men in the community like St. Paul, of qualifications, who, earning their bread with their hands, would devote themselves to the service of the church. Were there not doctors and other members of the learned professions in their ranks, men of attainments and piety, who would labour for the promotion of the cause of Christ? The value of lay agency had been freely admitted. He honoured those who had drawn the distinction between the services of lay and clerical agencies, both of which were distinct in themselves, but almost equally valuable and necessary in their place. It was the peculiar and intimate relations of the pastor with his people—his ministrations by their bedside, and other services of a like nature which endeared him to the affections of his people. But could pastors minister personally to the wants of several hundred people. To supply this want lay agency was needed. This agency would create a bond of sympathy and affection between the clergy and the laity, and give an increased influence to both orders, and render the church more strong and useful. He hoped such action would be taken in this matter as would satisfy the yearnings of the church, add to her influence, and be an honour to both clergy and people. (Hear, hear.)

Rev. Mr. PALMER thought the laity of Canada would not be content with lay ministrations. He only hoped that such would be used in cases of necessity. The speaker referred to the able exertions of a lay agent, who had in 18 months gathered a congregation, to which the bishop had sent a clergyman. He was in favour of using the influence of the laity to the utmost extent in the work of the church.

Dr. BOVELL urged the necessity of establishing a diaconate which would be a valuable aid to the clergy in carrying on the work of the church. They could imagine the deplorable circumstances of the congregation referred to by the last speaker, living without the services of religion for the long period of eighteen months—without the sacrament to either the living or the dying. This alone was an argument in favour of the diaconate, which could not be got over. They would be bound in self-defence to maintain their position before the world, to defend the truth against the assaults of her enemies, to have a ministry of higher qualifications, and a higher qualified order of deacons.

Rev. Mr. FULLER said this was a subject in which he had always felt a great interest. He had had opportunities of judging of the wants of the church, in the city and also in the country, and no clergyman in the country, fifty miles from any other minister, could perform the duties of a deacon. When he went out to one of those districts he did the best he could to supply the want of a deacon; and he frequently sat his dinner on horseback. But still the people went over to other churches that could supply their wants. He felt that it was their duty as a church, when they could not send every where a highly educated priest, to give the people one who could break to them the bread of life. It had been said that it

was only in the towns and cities that deacons were wanted; but they could be quite as useful in the country. There the clergyman had so many services to perform that it was impossible for him to give sufficient attention to the people by visiting them, and so forth. This, after all, was only a permissive measure. They only pointed out the way by which the bishops might take action. He felt much pleasure in supporting the report.

Rev. Mr. BOND said that it was not intended that there should be a permanent order of deacons. Let there be deacons for a certain length of time and then advance them to the priesthood. All that was asked for was that there should be a revival of the diaconate, as it existed in primitive times. There was no doubt that laymen were useful. Some gentlemen said that laymen will not go forth to minister unless they went with authority; but they seem to forget that bishops are constantly in the habit of licensing laymen. And surely, with regard to the diaconate, it is enough to leave it in the hands of the bishops. If we asked them for a permanent diaconate, they would say No, because it has already been tried by a bishop in a diocese in British North America, and has signally failed.

Rev. Mr. LINDSAY proceeded to give his experience in the matter, and said that he was quite sure that they were in constant need of additional help. He also alluded to the particular case of a young man in his diocese who would have willingly entered the church if he could have done so as a deacon. The laymen would listen to one who went to them with authority; but on others they would look with somewhat of disgust. It was really the amount of unfulfilled work that weighed most heavily on a clergyman, and not the work he did. They wanted an order of deacons of whom the church could always make use. He was fully persuaded that lay agency would never supply the want. Let us then have the deacons, whom it did not follow were to be deacons all their lives. (Applause.)

Mr. SCOTT said that there was no doubt the debate on this point could be continued for a fortnight, but he thought there was no necessity for its going on much longer. He objected to the referring of the report to a committee, because when the matter came up again it would give rise to two days' more debate. After all it was a question of money. They could get men to enter the church if they could offer them a suitable remuneration; and he believed that the church would be enabled to do a great deal more than she now can, if the laity would exert themselves more in providing endowment funds and so forth. As to the priests and the permanent deacons, the poor people would never know the difference between them.

Rev. Mr. DEWAR, as mover of the original motion, rose to close the debate. He congratulated the House on the discussion which had taken place. His object in bringing the subject up was to put it before the House and the country, and he congratulated the House on the spirit in which the debate had been conducted. The country would see that the members of this Synod did not assemble there from all parts of the country to talk of their own privileges, but that they had at heart the wants of the church. He thought the whole debate, as far as the Rev. Mr. Palmer's amendment was concerned, had been demolished by that gentleman himself. He was amazed to hear the Rev. Provost Whitaker put forth "the fatal gentleman theory" in the church. The church had need of such men as the Provost, but she had also need of the warm hearts of those who could make their way to the middle and lower classes, who,

after all, constitute the great charge committed to the ministers of the church. The provost referred to the state of the protestant bodies on the continent of Europe, where the clergymen were not gentlemen. But he (the speaker) claimed to know more about those countries than the Provost could know. More than half his life had been spent in Protestant Germany, and he could say, with regard to the position and influence of clergymen, that although they might not be found in gilded palaces, they had a place in the hearts of the people, and were looked upon with respect and reverence which many of those present would relinquish their social position to possess. He would again say that he heartily concurred in the amendment, and was fully satisfied that the subject should be referred and re-considered, as the committee appointed last year had not sufficient time to examine into it. He only hoped that the committee now to be appointed would give it that constant and careful attention which it deserved, and he would remind them of the words made use of by the Archdeacon of Toronto in that glorious discourse which he delivered in the Cathedral—"The heart of the country is yearning for it."

Rev. Mr. SLACK's amendment, to refer the report to a committee with a view to its revision and amendment, was then put and carried by a large majority.

Moved by the Rev. E. H. DEWAR, and seconded by Archdeacon LAUDER:

That the committee on the diaconate do consist of the members of the committee on the same subject appointed last year, with the omission of the Rev. Mr. Dewar and the Rev. Mr. Darling, and the addition of the following:—Rev. A. J. Woolryche, J. F. Morris, Esq., Rev. Dr. Shortt, Dr. Bovell, Rev. Mr. Lindsay, Hon. Judge McCord, Rev. C. Forrest, W. B. Simpson, Esq., Ven. Archdeacon Brough, Rev. St. G. Caulfield, Provost of Trinity College, and the Ven. Archdeacon of Toronto, with power to add to their number.—Carried.

PROPOSED COURT OF APPEAL.

Hon. Mr. CAMERON moved, seconded by Mr. HARMAN:

That the canon on the Metropolitan Court of Appeals be considered clause by clause. (This canon was published by us a few days ago.) The mover, who was one of the committee appointed to confer with their Lordships on the above subject, said the Synod was well aware that by the terms of the Metropolitan's patent powers were given him which were not set forth in the journal of the proceedings of last year. In the second, third, fourth, fifth and sixth clauses of the letters patent—but particularly in the fourth and fifth were specified the powers vested in the Metropolitan of trying the various matters which might be brought before him, either in visitation or otherwise, as well as the authority finally to decide and determine on any appeals from decisions which might be made in any of the various dioceses. The powers conferred by this patent were conferred with the sanction of this Synod, and the fullest power and authority with regard to every thing mentioned in the patent had been conferred. There was no difficulty with respect to the act which the Crown had done, namely, appointing a Metropolitan before the Provincial Synod had acted at all. The Crown had the right to exercise that power, and did so with full authority. But the moment the Provincial Synod came into existence the power of the Crown to exercise any authority over the people of the Church of England in this Province, which

might either clash with the power of the Synod or which the Synod might afterwards choose to interfere with, was found to be inconvenient, and it was seen that the Synod had the most perfect right to deal with matters concerning the church in this Province. The law officers of the Crown had published their own knowledge of this, by having advised Her Majesty to confer certain powers, but to be subject to our sanction and control. They had the great satisfaction of knowing that whatever prerogative Her Majesty possessed had been freely surrendered to them under the great seal, and that whatever power the legislature had to deal with the matter, it had abstained from exercising, giving the Provincial Synod all that power to exercise "necessary for the good government of the church in the colony." They stood, therefore, in a position superior to that of any of the Colonial churches under any form of statute. It was left for themselves to determine the manner in which they should exercise the functions of a judicial character invested in them by the act of the Provincial Parliament. The questions which had arisen on this subject were those which had been submitted to the consideration of the committee of conference, and resolved themselves into five points. First—Had the Synod, under the second clause of the act, the power to erect a court of appeal. Second—Has the synod the power to delegate its own powers to any other body. Third—Has the synod, by anything it can do at its courts, the power to enforce the attendance of witnesses. Fourth—Has the synod any means to enforce any sentence or decree of the court of appeal, assuming the diocesan court to refuse to enforce it. And fifth—Will the judgment of the court of appeal be final? The first point went to the root of the whole, and if it could be sustained their right to deal with all these questions was granted. (Mr. Cameron now referred to the first clause of the act of the Provincial Legislature, enabling members of the Church of England and Ireland in Canada to meet in Synod, to frame constitutions, &c., and legislate generally for the interests of the church, to show that it had the fullest authority to erect a court of appeal.) He continued—The next section of the act provided that they "may 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 government of the said church in the province." The proviso, to this clause, overrode the whole act. It would be seen that the first clause conferred the right upon diocesan Synods of enforcing the discipline of the church and of removing any person, for cause, holding office therein. The question then arose were the words "general management and good government of the said church" sufficient to authorize them to erect a Court of Appeal. There was no doubt they had a judicial function. The Provincial Synod had the judicial power of the church vested in it, and so far as the Diocesan Synods were concerned, there must be a means of bringing any person offending to judgment. A diocese, therefore, might either, as a body, bring offenders to the bar, or, touching the second point, delegate that power to a committee or court, in order that they might exercise that power which the body itself might find it inconvenient to exercise as a whole. The same power, then, which gave that right, gave also authority to the general convention or body of the church of all the dioceses, for the general management and good government of the church. The legislature of a diocese was supreme within

itself, provided it did not interfere with the proviso put in for its guidance. But this might involve a wrong sometimes, and therefore it was that the "general management and good government" referred to was vested in another body—the representative body of all the dioceses. The words in this Provincial Act were taken from the Imperial Act, empowering Colonial legislatures to deal with questions affecting the Colonies. Of course, those words were slightly altered to suit their peculiar circumstances. The Provincial Synod now stood, however, with regard to the legislature of Canada in the same position as the legislature of Canada formerly stood to England. The legislature of Canada existed only in its legislative capacity by virtue of an Act of Imperial Parliament, which gave authority to the legislature of Canada to make laws for the general management and good government of the province. If it did not say a single word about Courts of Appeal, or the erection of courts, or continuance of courts; nevertheless under the power conferred by that Act the Legislature of Canada could erect a Court of Appeal, and no one either here or in England had ever called in question the legality of a course that had altered and amended the Courts of Appeal. They had, consequently, every right to erect a Court of Appeal. Could any one imagine that a clergyman in Canada against whom a judgment had been rendered should be driven across the Atlantic to obtain redress, when there was within this province a law of the state which declared that the Provincial Synod had the right to legislate for the general management and good government of the church. The second question was—could they who were only delegates to the Synod themselves, take the power out of a general body and invest it in a particular body. On this question there was no difference of opinion in the committee, who all felt that a committee, appointed by a general body, was invested with the whole power of that body itself, and that there could be no difficulty whatever under their constitution with regard to this matter. They would find it would be a difficulty to have to deal with every case before a large assembly like this, and the committee were of opinion that it would be no exclusive or absolute delegation of the powers of the Synod; but just the same as if a committee of Synod were invested temporarily with its powers; and the consequence was a committee would have the right to act in that way. With regard to another point, the committee were of opinion that no power had been given to enforce attendance of witnesses at the Court of Appeal; and therefore it was that he (Mr. Cameron) had given notice of his intention to move in Parliament for that power. But of course if they had not such power, they were deprived of one of the strongest means of enabling the truth of any cause to be properly elicited. With regard to a Court of Appeal, attendance of witnesses was not necessary, because here no witnesses could be examined. With regard to the power of enforcing the decrees of the Court, they were unanimously of opinion that there was such power. Whenever the law gave anybody any authority to act, the law also provided a remedy; because it was a well-known maxim in law that there was no wrong without a remedy, and another was to the effect that the law gave to nobody the power to act without also enforcing what they might do, just as in the case of joint stock companies with respect to the transfer of stock, which would be enforced by the process of the courts. The diocesan court would be obliged to abide by the decision of the Provincial Synod, and if the former suspended a clergyman he would have the right to appeal to this court. There was no difficulty,

in his judgment, in furnishing the means of satisfactorily carrying out the decisions of the Court of Appeals in the court below, and punishing that court if it did not carry out those decisions. The last point was—whether decisions of this court would be final. The Metropolitan, by his patent, had jurisdiction, and it was stated that that jurisdiction should be final. The object of this, no doubt, was to give the same opportunity of doing justice to a party appealing from a charge here, as would be afforded by an appeal to the Archbishop of Canterbury himself. But there was no power to say the decision of the Metropolitan should be final. Nothing they could do would over-ride the provisions of the imperial statute, and no decision here would be final to prevent an appeal to the Judicial Committee of the Privy Council. He thought everything that linked us close to the great Empire to which we belong should meet with approbation; and he believed it was a great privilege to be able to feel that if we had been wronged by any judgment here, we could invoke the aid of the best minds to be found in that council to have that judgment reversed. He would be unwilling to do a single thing which would have the effect of removing from us that avenue of redress. The majority of the committee were agreed upon all the points to which he had referred. Only one member had disagreed with the others on the second point, and a member had doubts as to the power of the Synod to establish a Court of Appeal, while a second was not prepared to give his opinion. The assessors were proposed simply for the purpose of giving their Lordships such information on points of law as they might not themselves be possessed of. The court would avail itself of their information, but would at the same time decide upon its own judgment. The Hon. Mr. Cameron sat down amid loud applause.

Mr. Justice McCORD said the subject matter of the discussion was a question which was perfectly new to them. It had never been brought up except in the Diocese of Toronto. He had no doubt the matter had been minutely examined by those gentlemen who brought it up; but there was one question on which he was not prepared to give any opinion—was there power conferred by the 2nd clause to establish a Court of Appeal? He had strong doubts on the question, and would like more time to investigate it.

Rev. Mr. PALMER inquired if a charge were brought against a clergyman, might not the object of the Court of Appeal be defeated by the bishop giving judgment against him, and withdrawing his license.

Hon. J. H. CAMERON replied that there could be no appeal when the bishop withdraws his license.

ADJOURNMENT.

It being one o'clock, the meeting was here adjourned for an hour and a half.

AFTERNOON SESSION.

COURT OF APPEAL.

Judge McCORD said he doubted the power of the Synod to make a Court of Appeal.

Mr. PENTON would move an amendment to refer this canon to a committee. When grave doubts were entertained, even by a judge of the land, as to the capacity of the Synod to create a court, it was not desirable that the Synod should proceed rashly. Besides, he confessed that he shared in these doubts. There had been a Court of Appeals, created (as we understand) by imperial act, and yet it was now said that the Synod had received authority to alter that by the acts of the Provincial Legislature. But he believed it was a

maxim in law that no prerogative of the Crown could be abolished unless by express words. He found no such express words for that purpose in the synodical acts. Comparison had been made with imperial laws, repealed by provincial act, but these acts were passed by the Queen herself, who could, of course, modify or repeal the laws which she had made. But the Synod was a mere corporation, which could do nothing except what it was authorised to do. He doubted very much whether the Synod possessed those great powers which Mr. Cameron had asserted for it, who appeared to believe that the Synod could do any thing that it pleased—could even abolish the Metropolitan dignity which the Queen had created. He did not mean to express an authoritative opinion; but he repeated that he thought the synod should do nothing that was doubtful, and which might give rise to great inconvenience hereafter.

Rev. Mr. BOON said that it would be a grand mistake to appoint a Court of Appeal, and find out afterwards that the Synod had no power. Now there certainly were grave doubts on the subject, and if they looked into the matter it would be found that there was certainly no power to compel witnesses to appear in the inferior court. Upon what ground, then, could the Court of Appeals proceed, if there was no means of obtaining evidence on the matters which they had to decide. Again, suppose that an appeal being made, the bishop should say, I do not care for your judgment in appeal adverse to my judgment. In that case the Synod was told, you must go to the secular courts to compel the bishop to follow the judgment of the Court of Appeals. Was that what they wanted? He would shrink from such a step.

Hon. J. H. CAMERON said that unless they tried to establish a Court of Appeals, they could never tell whether they had the power or not. A committee of lawyers would only differ.

Rev. Mr. DANFORD said if there were no diocesan courts, no courts of appeal would be required; but there was a Diocesan Court in Toronto, which was very active, and if wrong was done there, no means of redress existed.

Mr. H. TAYLOR thought the liberties of the people of this country were involved to a great extent in this motion; and that time for deliberation ought to be given. He never knew of a case of a court of appeal being established except by a sovereign legislature, or in virtue of direct authority from such legislature, and as to injustice arising from want of an appeal from the diocesan courts, it was quite as possible that wrong would be done by a court of appeal as by a court of first instance.

Rev. Mr. BALFOUR said he did not think they stood there as members of a state church, desiring the interference of the secular courts. But the diocesan jurisdiction being, in its nature, ecclesiastical, so must be the jurisdiction of the court of appeals. In the early times of the church there was a court of appeal; but the sentences of that court, as of all church courts then, were not carried out by secular interference; but being of an ecclesiastical nature, were carried out only by ecclesiastical authority. He thought without the court of appeal the lower tribunals would be useless, as great injustice might be done in them to individuals.

Rev. Mr. PALMER thought if an offender were brought before a court of appeal and sentenced to a penalty, and if it subsequently appeared that the proceedings were altogether nugatory, it would bring great contempt upon the church. He therefore thought an application should be made to the legislature for authority to create a court of appeal, not subject to any of the doubts which now existed.

Hon. J. H. CAMERON said it was a pity to lose the work done, and suggested that the motion should be so made as to ask for the confirmation by the legislature of the canon.

Rev. Mr. SLACK seconded the amendment, and thought no canon should be passed until it could be done on sure grounds.

A CLERGYMAN asked to what tribunal the appeal would lie at present, if the canon were not passed.

Hon. J. H. CAMERON.—To the Queen in council. The Metropolitan was constituted a court by the patent; but there was no machinery created by which the court could be made efficient.

Mr. CARTER thought the synodical acts intended, in the first place, to create a tribunal of discipline in the various dioceses. This was a judicial power, which could not be exercised by large bodies like the Synod, and all that was intended was to give them power to create courts of a proper kind. Then coming to the act creating the Provincial Synod or general assembly, it would be found that such assembly might frame rules and regulations for the good government of the church throughout the province. This, then, contemplated a higher power than was exercised by the local bodies. What was the nature of that power. It was limited by the clause which excepted from the powers of the Synod the imposition of any taxes or contribution, or of inflicting any punishment other than suspension or deprivation of office within the church. It appeared to him plainly, therefore, that the words "good government" here used included judicial powers to the extent of suspension or deprivation. At the same time he would not be sorry if the amendment should carry; for nothing was more important than that this court and its powers should be free from any possible doubts, and it was plain that such doubts did exist.

Hon. G. BOULTON thought if the Synod had power to erect this court, it should go on and do it at once. In his diocese a clergyman had been deposed—rightly or wrongly—but this gentleman, if he wished for an appeal, ought to have one. He had no doubt that the Synod had the right to proceed, and if they were to pause whenever a gentleman or two had doubts, they would never be able to do any thing. He objected to going frequently to the legislature to ask for new powers. The legislature, when it passed the laws under which they now acted, was most desirous that it should be the last legislation which should take place.

Rev. Mr. SMITH thought there was no doubt that the Synod could create a court of appeals; but did not believe that such a court could give decisions which would have the force of law. All the authority which such courts could have would be derived from Christian feeling, and he objected to go to the legislature for means to keep the clergy in order.

After some further conversation,

The Rev. the PROLOCUTOR remarked that the legislation, in regard to the church, referred to a body not of yesterday, nor created by secular power. That body, therefore, stood towards the state in the relation of any other body extraneous to the state. Its human rules were made by itself, and the only question was whether its rules should be recognised by secular authority. It was only when church courts imposed civil penalties that the civil courts could have any occasion to interfere. In the Cape of Good Hope and in Australia the civil power had enforced the sentences of the ecclesiastical courts pronounced upon the clergy. The patents from the Crown recognized bishops and Metropolitans, and in doing so recognized their inherent power to hold Synods and erect them-

selves into courts: and here, as at the Cape and in Australia, and also in the United States, the courts would, he believed, recognise the rules and regulations of all religious bodies, and took notice of such regulations in dealing with any quarrels among the members of those bodies. It was said the Queen, by her patent, has reserved to herself the right of creating ecclesiastical courts; but it appeared to him that the courts spoken of in that connection were courts having the right to enforce civil penalties for ecclesiastical causes. Such courts existed in England, but these were not courts of the kind contemplated now. The Church of Scotland had created its church courts; but he appealed to any lawyer whether these so-called courts were courts in the true sense of the word like the ecclesiastical courts in England. There was no probability of the Queen creating in Canada an ecclesiastical court, properly so called, and therefore courts of another kind were required. Moreover, the Queen had given the power to the Metropolitan to act as a court in virtue of his patent.

Hon. J. H. CAMERON.—But the Queen cannot appoint a court. Our act of parliament says no ecclesiastical courts shall be appointed except in accordance with the law.

The Rev. PROLOCUTOR.—That may be so. He went on to say that in his judgment the church and its officers had inherent powers to make regulations for their own government. All that the legislature had done was to remove any legal difficulties existing or supposed to exist in the way of the exercise of those powers. He thought, therefore, the Synod should fall back on the original powers of the church, and he, with this opinion, objected to the amendment, and preferred the original motion.

Eventually all objections were removed upon the understanding that as Mr. Cameron was about to introduce a motion resolving to ask power from the legislature to compel the attendance of witnesses before church courts, and the application should be accompanied by another asking a legislative confirmation of the canon now proposed.

Rev. Mr. PALMER's motion for postponement was therefore lost and the original motion carried. The Canon was then taken into consideration clause by clause.

The six first clauses were carried without any important amendment. On the seventh clause, Rev. F. W. MANSIE moved an amendment, to add to the number of cases on which appeals shall lie the following words "including the case where a license shall have been withdrawn from a clergyman without trial, with the understanding that a clergyman whose license has been withdrawn shall be suspended from all clerical duty till the judgment of this court shall be given." He said that he thought the present power of the bishops excessive, as, besides the loss of character involved in the withdrawal of a license, such a step might deprive a clergyman of his bread. It cut him off from the stipend received from the Church Society, and it prevented him from going to another diocese. Surely a cause which would seem to a bishop sufficient to induce him to withdraw his license would seem also sufficient to justify him in withholding letters dimissory.

Hon. J. H. CAMERON explained that the license was a matter of discretion, not of judgment, and its withdrawal would not therefore be subject of appeal. But any clergyman could claim letters of dismission as a right, and if refused without cause he had his action against the bishop. So with the stipend from the Church Society. The clergyman could sue on his indenture, and if the society replied that his license had been withdrawn

the clergyman could reply that it was without cause. The court could then look into the case, and if it turned out that it was without cause would order payment.

Mr. CAMERON thought that such a regulation might be very proper if the clergy desired it; but he thought also it would be desirable that it should come in another shape—by a representation to the bishops asking them to provide an appeal in cases of the withdrawal of license without trial.

After some conversation the motion in amendment was withdrawn.

Rev. Dr. SHORR moved, seconded by Rev. Mr. FLOOD, that the clause be amended so that it read—"An appeal shall lie to the Court of Appeal from the judgment or decision of the bishop of any diocese, or when a bishop shall withdraw the license of a clergyman without any cause."

Mr. Justice MCCOY suggested that it was highly probable that this amendment would cause the total loss of the canon when it went back to the Upper House.

Rev. Dr. SHORR then withdrew his amendment by permission of the House.

The clause was passed as it originally stood, namely, "An appeal shall lie to the Court of Appeal from the judgment or decision of the bishop of any diocese"

(To be Continued.)

PROTESTANTS IN THE CHALONS CAMP.—A chapel built at the camp of Chalons for the troops belonging to the protestant faith has been inaugurated. The soldiers of that religion at the camp are about 500 in number, and the building will contain 600. It is built of brick, the roof being slated. The end of the building, which fronts the Imperial head-quarters, is surmounted by a cross, and over the entrance are the words "Eglise Protestante." Seven ministers of the Protestant faith were present at the consecration of the building, and expressed their gratitude to the Emperor for this mark of solicitude. M. Villette, of Paris, also attended, and in the name of the commission charged to furnish Protestant chaplains to the army when on a campaign, thanked the military authorities for the constant support which they have always given to such chaplains in the Crimea, Italy, and Mexico.—Divine service will be held in the chapel every Sunday afternoon.—*English Record.*

SANDWICH ISLANDS.—The *Polynesian Gazette*, published in Honolulu, bearing the date April 19th, states that a numerous and respectable meeting of residents in Honolulu had just taken place, for the purpose of making preliminary arrangements towards the building of the church, procuring funds for the clergy, &c. His Majesty was present in person. Correspondence with influential men in England was read, resolutions adopted, and committees formed. We may add that a suitable building has been obtained in the city to serve, when properly arranged and fitted up, as a temporary church. In a private letter just received from the Islands it is stated that the Queen has been going round herself soliciting contributions to the Mission, and with great success.

SUBSCRIPTIONS RECEIVED TO END OF VOL. 9.

Sheriff R., Whitby; J. R. W., Bondhead; R. H., Niagara; J. C. W., Drummondville; F. W. G., Hamilton; Dr. T., Credit.