



ments, high and holy mysteries, too great to be defiled by the hands of sinful mortals, and too sacred for man to presume to change. And they feel that there is a spirit there, which must vivify every living member of that body. Such is true "High Churchism"—the spirit of Apostolic days, manifested in connection with Apostolic order.

THE CHURCH.

TORONTO, SATURDAY, APRIL 2, 1842.

We received the following Notice last week too late to do anything more than allude to the substance of it in a Postscript:

CIRCULAR TO THE CLERGY OF THE DIOCESE OF QUEBEC. Quebec, 17th March, 1842.

Reverend Sir, I have received, through the Colonial Office, the copy of an Order in Council to the effect that in all those parts of the Empire where prayer is offered for the Royal Family, the following form and order shall be observed; viz.

Adelaide the Queen Dowager, the Prince Albert, Albert Prince of Wales, and all the Royal Family.

It is further directed that the Clergy shall, (for the preventing of mistakes,) with the pen, correct and amend all such Prayers in their Church Books, according to the foregoing direction.

I am charged to enforce this Order within the Diocese of Quebec, and have to desire your compliance with it accordingly.

I am, Reverend Sir, Your affectionate Brother, G. J. MONTREAL.

THE LORD BISHOP OF TORONTO, has appointed Thursday the 28th April, as the day for holding, in this city, a General Meeting to constitute THE CHURCH SOCIETY OF THE DIOCESE OF TORONTO.

The Communications respecting the use of the Surplice, that have recently appeared in our columns,—though regarding a point of external worship, and consequently of secondary importance,—have been read with considerable interest by many of our readers. Nothing, in truth, that has reference to the worship of God can be so lowly for our notice and consideration; and the sneer at the discussion of such subjects, sits but ill and inconsistently upon the face of him who repudiates the simple and primitive forms of our Church, and inherits the opinions of those who violated Christian unity because the Surplice, in their eyes, was nothing but "a rag of Popery;" and a just ground of separation.

It is, therefore, with much satisfaction that we have found room for our various correspondents on this subject. To-day, we have another communication from S., who was the first to moot the question, and with him the discussion may now very profitably end. Our learned and reverend friends are now invited to take up some other point, and, in their spare moments, to offer any plans or suggestions, with which their own experience may furnish them, for the advancement and greater purity of the Reformed Catholic Church.—The literary talent contained within our communion ought not to be allowed to rust, while there are so many calls for its best and holiest exertions.

Before, however, we take leave of the discussion respecting the Use of the Surplice, we are happy to be enabled to present the views of an individual, whose words carry an intrinsic weight and authority, and whose station and character are such as to give more than a common force to the following observations which he has been pleased to favour us:—

"In reading the articles which have appeared lately respecting the use of the Surplice in preaching, it has struck me that some ill-effects may arise from the suggestion, that what is quite a novelty in this country and in the Episcopal Church of the United States, ought now to be adopted by our Clergy. As there is no probability that the practice would be extensively adopted, we should thus see a want of uniformity in the practice of the Clergy; and, in the minds of our congregations, the received associations connected with the exterior of public worship would be disturbed and the feeling, at the same time, impaired, which makes a Churchman equally at home wherever he enters an Episcopal place of worship, from finding that the same forms, rules and usages are every where observed. The partial use of the Surplice in preaching might actually tend, in this way, to lessen that sense of unity in the Church which affords so much comfort to the individual believer and so much strength to the cause. And I think that the observations made by the Archbishop of Canterbury in his last charge to the Clergy,—relative to the introduction of innovations in public worship, among which he points out that the revival of some practices, which have long become wholly obsolete, and which are only reintroduced here and there by individual discretion, is correctly to be classed,—will perfectly apply to the case. I confess, also, that I am myself attached, and have no doubt that I entertain this feeling in common with a very great proportion of our Clergy and people, to the practice of distinguishing the performance of liturgical offices from the act of preaching, by the difference of the clerical vestments. We have by no means too much variety and exterior effect in the forms which we present to the eyes of our people; and there would be a diminution of both, by the adoption of the usage to which I am here objecting. Such questions are, of course, of very small importance compared with the purity and spirituality of worship or the faithfulness of the preacher; but it is far from unimportant, and certainly has been conceived of some importance by the wise and pious framers of our public services, to use the aid of exterior effect, provided it be of a grave and elevated character, in the worship of Almighty God."

It is with diffidence that we venture upon any remarks of our own after the foregoing; but perhaps it may not be presumptuous in us to say, that it now seems a well-settled point, that no deviation from the present practice, with respect to the use of the Surplice, would be justifiable, unless sanctioned by the Bishop. "Granting," as the present Bishop of Worcester has recently observed, "that various modes of divine worship may, for various reasons, have become obsolete, which yet may have been the practice of the Primitive Church, and even directed by some of our Rubrics or Canons, who is to decide upon the propriety of their being again revived? Is every individual minister to take this upon himself? or does it not more properly belong to those who are placed in authority? and may it not be inferred, from their silence, that they consider such a revival inexpedient, or at least indifferent?"

That *Sinon* of a paper, the *London Record*, which, nominally devoted to the interests of the Church, is really the jesuitical partisan of Dissent, has ventured to attack the Bishop of London, and the majority of the English prelates, because they will not indiscriminately denounce the Oxford Tracts, and wrap the whole Anglican Church in the flames of a second Bangorian controversy. The Protestantism of the Bishop of London is unquestionable, but because his Lordship maintains the doctrine of the Apostolical Succession, the *Record*, on the 3rd January, thus dares to charge him with acting in opposition to "Scriptural principles":—

"The second main cause of our uneasiness on the Puseyite account, is the complete silence maintained, or great apathy exhibited on the subject by the great majority of our Bishops. It is impossible, as reasonable men, that they should not see how impressively important is the pending controversy; yet the majority of them maintain a death-like silence, as if they were lifeless statues set upon the towers of our Church for its ornament, instead of her chosen champions selected as her watchmen, and bound by the most sacred obligations that can be imposed on men, to give her warning of every impending mischief. The man whose silence in this matter ought naturally to excite the greatest astonishment in the Church, is one for whom, on many accounts, we entertain a high respect; we mean, our own Diocesan, the Bishop of London. We do not know, however, that his Lordship's silence in this matter does

excite much surprise, for it is by many thought to harmonise with his policy in other things. Whatever there may be in this, the fact of his Lordship leaving the Church in its present agitation on matters of primary importance, as sleep without a dream. Certain conceivably motives of such a line of conduct are level to the meanest capacity. A just apology for it, on scriptural principles, we believe beyond the powers of the human mind to produce. We say this much with regret; but considering not only his Lordship's position in the Church, but his high talents and commanding influence, we could, consistently with our duty, say no less."

So far as we can form an opinion, from a perusal of our late English papers, we think that the ultimate effect produced by the Oxford Tract controversy will be beneficial to the Church: the extreme length to which a few rash men have run will soon be shunned as a point of danger, and as leading to Rome; while the happy mid-way between Popish and Protestant Dissent, will be far more steadily adhered to by a great and increasing majority of the English Clergy and Laity. What our estimable and evangelical contemporary, the *Episcopal Recorder*, has said with reference to the United States, is, in our opinion, equally applicable to England:

"The Oxford Tract controversy has drawn the hearts of all true Churchmen more closely together, in having necessarily thrown them back on great first principles. They who stand without, and judge of the working of this controversy from the bold and dogmatical assertions, thrown out, in fiery zeal, by ultraists, and imagine that they see within our borders, the dark forms of division, disunion, spiritual deterioration, and vital error following each other in quick succession, and trampling beneath their unmeasured hoofs, all that was most fair in this part of God's heritage, have sadly mistaken the whole matter, and are quite ignorant of the important, but unquestionable fact, that all this agitation, has brought the leading minds in our church, the minds which constitute the bone and sinew of our communion, into much closer affinity, both in views and feeling, than they ever were before. We do not believe there ever was a time, since the Episcopal Church was established in these United States, when there was more real harmony, more unity of spirit, more thorough agreement in evangelical principles among the great mass of Episcopalians than at this moment."

Even "many of the Evangelical Clergy," are represented by the *London Record*, as leaning to Puseyism, by which we must understand, not that they are falling into the Popish tendencies of Mr. Newman, (for he, and not Dr. Pusey, is the dangerous man)—but that they begin to regard Dissent as unscriptural,—to maintain the divine right and necessity of Episcopacy,—and, in one word, are becoming EVANGELICAL HIGH CHURCHMEN.

The Archbishop of Armagh's Letter with reference to the Oxford Tracts, is to be found in another column. It is a grave and admirable document, and exhibits the Most Reverend writer as a faithful chief-shepherd, anxious to guard his flock "from the latitudinarianism of Protestant Dissent, as well as from the superstitious of the Church of Rome."

Since the above was written, we have met with the following paragraph, respecting the *Record*, in the *London Church Intelligencer* of Feb. 9th:

"The Editor of the *Record* is not Mr. Robert Secley, as one or two of our correspondents have stated, but, we understand, a Mr. Andrew Hamilton, a Scotchman, and a Presbyterian, residing at Streatham, in Surrey, and at least an occasional attendant at Mr. Blunt's church. We state this on good authority. One of the largest proprietors of the *Record* is Mr. James Niabet, the bookseller in Berners-street, who is also a Presbyterian, and "an office-bearer" of the Berners-square Meeting. We have already mentioned the boasting of the popish Bishop, Dr. Clancy, Vicar Apostolic in British Guiana, that he had had an interview with the Editor of the *Record*. We mention these matters, and leave others to make what comment on them they choose."

No wonder then that the *Record* is so bitter against the Church, and is so often quoted in sectarian journals,—though even they sometimes are ashamed to give its name and call it "London" or "English paper."

In looking over our English papers, we have met with several interesting paragraphs, which we here group together.

The first is an example, which has of late been by no means infrequent, and which we trust will continue to have many followers:—

"CONVERSION FROM WESLEYANISM.—We hear that within the last few days a Wesleyan minister, named Dixon, stationed at Lane End by the Conference, has sent in a formal resignation of his office, as a minister of that body, and is preparing to enter the Church of England, and go out as a missionary, in connection with our venerable Church."—*Sturfordshire Gazette*.

We are happy to find so evangelical and influential a clergyman as Mr. Close, taking a decided stand against Temperance Societies:—

"THE REV. F. GILES, of CHILTERNHAM, ON TEMPERANCE SOCIETIES.—I firmly believe that every person who sets an example of total abstinence will benefit alike himself and his fellow-creatures; there are no doubt exceptions, which medical advice may detect; but this is my general rule; and to promote the observance of it upon individuals, shall be my endeavour in public and private.—But here I must stop: Associations of large bodies of persons for this object encumbering themselves with voluntary pledges un sanctioned by the New Testament, and inconsistent with Gospel liberty,—combinations, too, with persons of all religious persuasions, or of none,—union with anarchists, revolutionists, and men of every political creed, and this for a moral object, but without fixed moral and religious principles: this I hold to be unscriptural, and dangerous in the highest degree."—*Church Intelligencer*.

The third matter which we notice is equally satisfactory with the two former,—provided, as we suppose must be the case, the Bishop of Salisbury withdrew from the Bible Society, because it is not distinctively connected with the Church:

A letter, of which the following is a copy, has been received by the Treasurer of the Weymouth Auxiliary Bible Society:

"Palace, Salisbury, Jan. 10, 1842. "Sir,—As I find that in some cases my name has been printed in handbills announcing meetings of the Bible Society since I withdrew from all connection with that body in August last, may I request you to be so good as to take care that this may not be the case as regards that Association of which you are Treasurer."

"I remain, Sir, your faithful servant, "G. ARDEN, Esq., Weymouth. "E. SARUM."

The present Bishop of Salisbury, Dr. Denison, was promoted to the Episcopal Bench during the Ministry of Lord Melbourne. He is a most active and excellent prelate, and we trust that his example, in this respect, will not be without its effect upon Canadian Churchmen.

The following paragraph, from our correspondent IONA, came too late, last week, to be added to his useful communication on the term "ALTAR." We now, however, insert it in this place, as it is too good to be thrown aside:

"The insertion of the name 'Table' in those offices of the Church which are usually contained in the prayer-book, was not an act of reformation, but rather of innovation; a concession, grounded on an ever-doubtful expediency; a good-natured compliance with the tender consciences of the Independents and Presbyterians, the effect of which was, to increase the unreasonable demands of that party. The only public service of the Church in which the name 'Altar' is now to be found, is the CORONATION SERVICE. The circumstance, of the most primitive Title for "God's holy board," being suffered to stand in this very important office of the Church of England, is plain proof that she does not yield it up, no more than she does that of 'Catholic' to the Papists. Blessed be God, she has CATHOLIC ALTARS, though some may prefer calling them PROTESTANT TABLES. And what sound Churchman,—what good Catholic—will object to the use of the latter? If not intended to deny the correctness of the former?"

The word "Altar" is also used by the American Church in its authorized formulae. "An office of Institution of Ministers into Parishes or Churches."

During the past week we have received the following sums:

From Kingston, through Mr. William Rowsell, 2l. 10s. for Tracts from P.

For Chippawa Church 1l., and for the Sunday School at Newmarket 1l.;—both donations came from an unknown individual, and have been transmitted to their respective destinations.

"An Easter Offering" of 1l. has been received and forwarded, with pleasure, to the desired quarter.

Mr. Rowsell has also received from T. the sum of 1l. 5s. for *The Toronto Church of England Tract Society*.

Our anonymous and generous contributor P. seems to wish to know in what manner a donation of land may be made. We have no doubt that THE DIOCESAN SOCIETY will, among their first acts, prepare a form of Deed, for this purpose, with suitable directions, so as to prevent all legal expenses. We will not lose sight of this matter.

It is intended, next week, to commence applying for Subscriptions and Donations to *The Toronto Church of England Tract Society*.

This useful Association would willingly find itself in a position to make free grants of Tracts to the Clergy; but to enable it to do this to any extent, a much greater degree of public support, than it has hitherto received, must be extended to it. We therefore trust that the collectors will meet with a generous reception, and that every one will give something. We shall be happy to be the medium of handing any sums, on account of the Society, to Mr. Mosely, its Treasurer, at the Bank of Upper Canada,—and Mr. Henry Rowsell, will also be ready to receive subscriptions or donations on its behalf.

We wish to call attention to the contents of the fourth page.

*The Reign of Terror in Carlow*, exposes the atrocious conduct of the Maynooth priesthood, but shows that the Roman Catholics are beginning to kick against the tyranny of their blind and unprincipled spiritual guides.

The account of the Harwell Lunatic Asylum causes us to inquire how it is that the proper organization of our own Provincial Asylum is so long delayed.

THE LORD BISHOP OF TORONTO will hold his next General Ordination at the Cathedral, Toronto, on Sunday, the 8th of May. Candidates for Holy Orders, whether of Deacon or Priest, are required to obtain previously the Bishop's permission to offer themselves, and they will be expected to be furnished with the usual Letters Testimonial, and the *Si Quis*, attested in the ordinary manner.

The Examination will commence on Wednesday, the 4th May, at 9 o'clock, A. M.

THE PROFESSOR OF THEOLOGY begs to announce that his Second Course of Lectures will commence at Cobourg, on Wednesday the 30th March instant, and be closed on Friday the 13th May next. The subjects of the Lectures will be, The Divine Inspiration of the Pentateuch, the Ecclesiastical History of the first two Centuries, and the Liturgy of the Church; accompanied with Exercises in the Gospels in Greek, the Book of Genesis and Grotius de Veritate.

Communications.

[We deem it necessary to follow the example of the London Church periodicals, and to apologise our readers that we are not responsible for the opinions of our Correspondents.—Eds. GUILDFORD.]

SURPLICE—RUBRICS.

Sir,—Of course the Bishops of the Church in our mother country are not ignorant of the fact, that almost every parochial Priest and Deacon throughout the land preach or say a solemn habit which may either be the presence or absence of a degree, and not it the Surplice. Now, if they are not ignorant of the fact, why do they not enquire the delinquents, if delinquents they are? And why do they not issue a firm injunction for the universal use of the prayer for the Church Militant after the sermon? Is it not because they would have mercy and not it the Surplice? Is it not because they have found by experience that since the three services have been so strangely huddled together, as Wheatley says, into one, the constant addition of that prayer would not only be a needless prolongation of the service which was never intended by the Reformer—bishops to occupy even the time which it requires without that prayer?—Have they not found by experience that, under present circumstances, the change of vestments and position, and even the temporary absence of the Priest from the Church, are all advantageous to the sustaining of the attention of the congregation; and that the last-mentioned practice, the temporary absence in the vestry, is actually necessary in many instances as a momentary rest and breathing-time for the Priest; and that the very change of vestments is a refreshment, not to say a convenience, for the purpose of appropriate action in delivery? I never was aware that any but Dissenters objected to the change of dress, or to the departure of the Priest from the presence of the people during the service. It is, I believe, their constant practice to pray and preach and deliver notifications from one place, and in one dress, in their places of worship. With some exceptions however, for the following complaint is to be found in *The Preacher's Manual*, Note, p. xix. London, 1820:—"There is another assumption, against which I beg leave to enter my protest. I mean that of Dissenters, and even laymen, assuming the clerical habiliments to read prayers; those passing themselves on the ignorant part of their congregations for Clergymen of the Church of England. The Establishment, led to have a Liturgy, and to adopt that which is to mimic and impose them enjoy their liberty; I object only to mimicry and imposition. If a gown as white one?"

I have already said, in a former communication, that it is desirable that there should be some distinction between Catholic truth and individual judgment,—between the performance of solemn sacerdotal functions and the act of preaching,—which distinction, in my opinion, is promoted by wearing in the pulpit the scholastic gown; also, that deference to the profoundly-learned Cathedral-clergy of the mother-country would induce practice to pay time to that when Clergy who are not in England, is evident from this, that when Clergy who are not in the Cathedral Church, have the honour of preaching there, e.g., at a visitation or sermon, they do not wear the Surplice; and in College Chapels, at "the time of preaching," i.e., when there is a sermon, though all the rest wear Surplices, the preacher does not. Let me now call into my aid, in corroboration of what I have already advanced, the opinion of the learned Archbishop Sharp, who shall also answer the argument resting upon a Bishop's never changing his vestment during the service. "It is manifest," he says, "there is nothing in our Rubrics that doth directly authorize this usage. [The wearing of the Surplice in the pulpit], or in our Canons that doth countenance it; nay, there is something in both which would discourage, if not forbid, such a practice. The Canons limit the use of the Surplice to the 'public prayers' and 'ministering the Sacraments and other rites of the Church,' so that our Rubric concerning habits, if it be strictly interpreted of King Edward's order in the second year of his reign; for there the Surplice is only to be used 'at Mattins, and in baptizing and burying in Parish Churches.' And then there immediately follows this permission, that, 'in all other places,' every minister shall be at liberty to use any such habit as he shall see good; and a recommendation to such as are graduates, or have their several degrees; 'Here then is done to this day at the universities, but no appearance of authority for the use of Surplices in the pulpit. If it be said that a custom has prevailed over the kingdom, for Bishops to wear their habits of ministration whenever they preach, whether they officiate in other respects or not, and that the inferior clergy cannot follow a better example; it may be answered, that what the Bishops do in this respect is founded on ancient constitutions. By the Canon-law they were obliged to wear their robes, as their distinguishing habit, whenever they appeared in public. And it is the more proper they should continue the use of their public habit, whenever they preach, for the better distinction of their characters on that occasion from those of the inferior pastors;

seeing there is no sufficient distinction preserved in their ordinary habits." *Sharp on the Rubric and Canons*, p. 206.—Oxford, 1834.

Let me not be supposed to have any prejudice against the Surplice. I have never been exiled to Geneva or Zurich, and consequently shall willingly assume it in preaching from the pulpit, whenever enjoined to do so by the Ordinary. In the mean time, I am no advocate for innovations. And with innovation justly would one be chargeable who, in the present day, *privato aucto*, should observe every direction, actual and implied, of the Rubrics. At the opening of the daily service, we should have no psalmody; we should have the Morning Prayer really at the "beginning of the day," and the Evening Prayer at a time when the expression "this night" could with propriety be used in it; we should have the Anthem or Singing after the Collect for Grace, at Mattins, and after the prayer for Aid against all Perils, at Evensong; before the Sermon we should have no prayer but the Lord's Prayer, preceded by the bidding of prayers; we should have canticles upon the Altar; we should have the Altar and Chancel always on the east side of the Church; on Communion-days we should see the Table with its fair linen cloth without the elements set upon it, and we should have, after the departure of the catechumens, the Priest himself offering the sacred emblems; and on the preceding day, the parishioners flocking to the parsonage-house to give in their names as justifying communicants.—These would be all laudable and justifiable usages; but until they are again called into life by those who have authority so to do, I could not, as an individual, venture to practice or enforce them." In like manner, preaching in the Surplice would be such a decided novelty, I would not, except there were a necessity, recommend its general adoption. And with regard to all the dormant directions of the Prayer Book, it is best, for the present, to be guided by the general practice of the Church at large; the cultivation, in these days, of a spirit of contentment, conformity, and humility, is the safest course. It is only recently that the Archbishop of Canterbury addressed the following judicious advice to his Clergy:—"In the celebration of solemn services, the introduction of novelties is much to be deprecated, and even the revival of usages which, having grown obsolete, have the appearance of novelties to the ignorant, may occasion dissension, and controversy. In cases of this nature, it may be better to resign even the advantages of change, and wait of the Diocesan or authority, than to open sources for misapprehension or strife by singularity."—Advice coming from such a quarter is a command. With these words, therefore, I conclude, and beg, with all respect, to subscribe myself,

Mr. Editor, always yours, S.

Toronto, March, 1842.

LOTTERIES.

Sir,—In the present state of the question relative to the American Lotteries advertised in the papers of Canada West, the following judgment of the late learned Chief Justice Sewell may prove useful.

I am, Sir, your ob'd't serv't, A.

Quebec, March 22nd, 1842.

IMPORTANT CASE.

Quebec, 29th July, 1838.

Dominus Rex vs. Isaac Rouse. Upon Habeas Corpus.

The opinion of the Chief Justice in this matter was to the following effect:—"If I had any doubt upon the point which has been raised by the return of the writ of Habeas Corpus, I should take time for further consideration; but after the arguments I have heard I have no doubt, and it is better, therefore, for all parties, that the opinion which I hold should now be declared."

"The point submitted is distinct and single. If the Statute Geo. I. c. 19, and 6 Geo. II. c. 35, form a part of the Criminal Law of this Province, there has been no assumption of jurisdiction on the part of the Magistrates by whom the prisoner has been convicted of selling tickets 'in and belonging to a Foreign Lottery,' and consequently the prisoner must be remanded.—For the question whether the conviction was regular as to the course of the proceedings had, in obtaining it, must be settled by *Coriorari*."

"The Statute Geo. III. c. 83, the Criminal Law of England is declared to be the Law of this Province 'as well in the description and quality of the offence, as in the mode of prosecution and trial.' A great portion of that Law is of universal application, and that portion is in force in this Province; but other portions are merely municipal, and of local importance only, and these are not in force. The line between them, in the absence of positive enactments, must be drawn by the legal discretion of the Judges, as cases arise and call for decision, and the enquiry says Sir W. Grant in the case of the *Attorney General vs. Stewart* at the Rolls 'will depend upon this consideration, whether it be a law of local policy adapted solely to the country in which it was made, or a general regulation, equally applicable in any country in which the Law of England obtains.'"

"Now gaming, from its tendency to corrupt the morals of the people, is considered by the Law of England to be an offence. 'Taken in any light,' says Sir W. Blackstone, 'it is an offence of the most alarming nature; and all lotteries as a species of gaming are declared by the 10th and 11th William III. c. 17, to be public nuisances. The Statutes, therefore, which have been passed, prohibiting the establishment of offices for the sale of tickets and chances, I cannot but consider as general regulations in furtherance of the laws against gaming, and as applicable in this Province to the state and condition of the inhabitants of this Province.'"

"The Statute 6 Geo. II. c. 35, after stating that the Statute 9 Geo. I. c. 19, has been found inadequate, enacts 'That if any person shall sell any ticket in any foreign Lottery, or shall be convicted of the said offence shall for every such offence forfeit the sum of £200, and be committed to the County Gaol, there to remain without bail or mainprize for the space of one whole year, and from thence until the said sum of £200 so forfeited as aforesaid, shall be fully paid and satisfied, and the return to this habeas corpus is a commitment of the prisoner upon conviction before two Justices of the offence above stated.'"

"It has been argued that the conviction is not a criminal matter, but I cannot agree in this. By the Mutiny Act it is enacted 'That a Soldier shall not be liable to be taken out of His Majesty's service by any process or execution whatsoever other than for some criminal matter.' In the case of the *King vs. Bowen*, a defendant on a charge of Bastardy, was committed to prison, and refused to enter into a recognizance to indemnify the Parish, and the question before the Court of King's Bench was, whether this was a commitment for a criminal matter, and the Court held that it was, because incontinence is a crime, though cognizable only in the Ecclesiastical Courts. The present appears to me to be a stronger case than Bowen's, for here to sell tickets in a foreign lottery is by Statute declared to be an offence punishable by fine and imprisonment, and cognizable before a criminal jurisdiction of two Justices of the peace, from whose judgment an appeal lies to the Court of Quarter Sessions. I hope I do not err in the opinion which I entertain in this case; but I have the satisfaction of knowing that the defendant can yet bring his case before the Court of King's Bench, and if I do err, that my error may be there corrected.—Let the prisoner be remanded."

THE CHURCH AND THE DISSENTERS.

Sir,—In my communication which appeared, under this heading, in *The Church* of the 19th inst. I used, in reference to the insulting Hand-Bill, these words: "The *Colony* appears to have been the only paper, except your own, that noticed it." At that time I had not read the *Guardian*, nor was it till to-day that I learned it had taken some [condemnation, Ed. Cu.] notice of the subject. Our course is too holy to need, in any shape, the aid of falsehood. Your insertion of the above will oblige

Toronto, March 31, 1842.

Canadian Ecclesiastical Intelligencer.

TORONTO.—The first Vestry of the congregation of St. James' Cathedral Church, under the new Church Temporalities Act, was held on Monday last, being Easter Monday. His Lordship the Bishop of the Diocese was in the chair, and Mr. Wakefield acted as Secretary. The meeting comprised nearly all the influential members of the church.

The Act having been read, His Lordship nominated T. D. Harris, Esq., as one of the Churchwardens, and the Vestry unanimously elected Clarke Gamble, Esq., as the Clerk.—*Wakefield Herald*.

THORNHILL.—A gentleman has presented to the Sunday Schools of Trinity Church, Thornhill, and St. Stephen's Church, Vaughan, the sum of 4l. each, being an amount of 8l. received by him for six years attendance as a Communicant.

Such acting upon individual discovery of supposed authority, met with a good rebuke not long since from the Bishop of London, when the eccentric Mr. Wackarshart, who recently apostatized from the pure and reformed Church of England, endeavoured to justify his officiating with a crucifix upon his surplice, by quoting the example of St. Basil. "What you say, may be true," said his lordship, "but St. Basil was Bishop of Constantinople."—*Merivale's Reports*, vol. II. p. 154. 4 Commentaries, p. 171. 5 Term Reports 156. See also *The King vs. Archer*, 3 Term Reports, 370.

missioner of the Court of Requests. This handsome donation is exceedingly useful in two ways: it sets an example to other gentlemen who have acted as Commissioners or Magistrates, to appropriate their fees to objects connected with our Catholic and Apostolic Church; and it enables the two schools in question to meet the growing expenses which the increasing number of their scholars entails upon them.

Que.—The Church at Shanty bay, in this Township, was though in an unfinished state, opened for Divine Service on Sunday the 27th of February, by the Rev. G. Hallen, from Penetanguishene. This Church is beautifully situated on the north shore of Kempenfelt Bay, Lake Simcoe, about six miles from Barrie; is built of clay in the Norman-Saxon style of architecture, and will accommodate 200 persons. The sittings are nearly all free. A piece of land on the Lake Shore containing 30 acres was given for a glebe by Mr. O'Brien on his first settling in Oro, and about five years ago Mr. Walker, a gentleman residing near Shanty bay, on paying a visit to England, set on foot a subscription for the purpose of building a church. The subscriptions rapidly amounting to above £400, it was resolved to lay by this money for the purpose of securing some income for a Clergyman, and to build the church with such assistance as could be procured in this country. The subscriptions in England at length amounted to above £900 sterling, and the trustees have been enabled to invest in Upper Canada Bank Stock a sum yielding £83 per annum. In addition to the glebe above mentioned, Mr. Walker has given 2½ acres, Mrs. Sharpe ten, and Mr. O'Brien a house and six acres; in all, near 49 acres. On this property, in the middle of which the Church is situated, there are twelve acres cleared. Capt. J. Simcoe Maceaulay, R. E., has also just added to this endowment 100 acres of land well situated in the township of Mara.

The subscription for building has not been so successful as that for the endowment, being not more than £215—of which, £65 have been given by the Societies in England through the Bishop. The Church has already cost £530, and it will still take £70 more to finish it. The building is of the most substantial description, and with its mass walls, buttresses, and "old country" appearance, brings to remembrance the old Parish Church of our forefathers, alike the ornament and the blessing of the "Happy homes of England."

English Ecclesiastical Intelligencer.

THE LORD PRIMATE OF IRELAND AND THE OXFORD TRACTS.—Some of the inhabitants of Dunganongh lately presented an Address to His Grace the Archbishop of Armagh in opposition to *The Tracts for the Times*, a deputation consisting of two Clergymen and two Laymen presenting the address. His Grace afterwards gave the following reply:—

Armagh, February 1, 1842.

GENTLEMEN,—I beg to acknowledge the receipt of the address which you have presented to me, by the hands of a highly respectable deputation of your fellow-townsmen. The subject upon which you have thought it right to lay before me an expression of your sentiments, is of the gravest character. It is deeply to be lamented that a body of learned and exemplary divines in the sister country, in the year 1830, in their united efforts to promote a stricter adherence to ecclesiastical order, and to excite feelings of deeper reverence in the performance of the offices of religion, have propounded opinions which are calculated, not only to disturb the peace of the Church, but to lead men into error respecting its doctrines. It was because I viewed the tendency of their writings in this light that I felt it my duty to animadvert upon them at my triennial visitation of this province. In some of the publications an inclination was manifested to revive, and to lay an undue emphasis upon, the observance of obsolete and unimportant customs, and to attribute to the Lord Primate of all England put forth a useful and reasonable caution to the Clergy and to the Church, in a charge which he delivered in the year 1840. The treatise, to which I directed the attention of the Clergy, was the 90th number of *The Tracts for the Times*, which has been so much discussed. The observations which I made with reference to it were the following:—

"The error of this tract, as I conceive, consists in attributing to our Articles an ambiguity of meaning, or a want of precision, which would tolerate opinions which, if only correct, would have revolted intelligent Romanists to support. Now, in my judgment, ambiguity of expression, so as to include opposite opinions, is truly attributable to the decrees of the Council of Trent, and not to the Thirty-nine Articles, which have hitherto thought, by all who subscribed them, plain and explicit on the points in controversy between us and the Church of Rome. Those decrees, I should say, have been framed with many words, cautious and reserve and not openly and in so many ways, to sanction and approve the abuses which, if openly avowed, would have revolted intelligent Romanists, but yet with so little ingenuousness as not in direct terms to discover and condemn them. The abuses have, in consequence, been clung to in all Romish authoritative teaching and practice, and they still form the characteristic feature of the ordinary Romish creed."

"It is against these abuses that our Articles were mainly directed. Unlike the Tridentine decrees, their language is perspicuous and without reserve, and they have ever, till of late, been accepted in their plain and grammatical sense, as an honest and unsophisticated protest on our part against the Anglo-Catholic Church. On the other side, the Council of Trent interposed the shield of its decrees in defence of the current opinions of their church, not daring in so many words to adopt them, but yet establishing abstract principles, and using general terms, under cover of which these abuses have been perpetuated to this day."

"What, then, I think to be complained of as objectionable and of dangerous tendency, in the last number of the Tracts is this,—that, out of a spurious charity and ill-directed zeal to widen the terms of our communion, an attempt has been made in it to reconcile the plain and specific objects of our Articles with the general and ambiguous principles laid down in the decrees of the Council of Trent, from which the corruptions in faith and practice in the Romish church have arisen, and under colour of which they still prevail.—I, therefore, feel obliged to join in the censure formally expressed by the heads of the Oxford Colleges, and by the Bishop of the Diocese, that the view taken in Tract No. 90, and the mode of interpretation suggested, are evasive rather than explanatory, and tend to reconcile subscription with the adoption of errors, which the Articles were obviously designed to counteract."

"The attempt to accommodate our Articles and formularies to those decrees, to which they have hitherto been considered most adverse, and into accordance with which they cannot be brought, without an extreme ing



