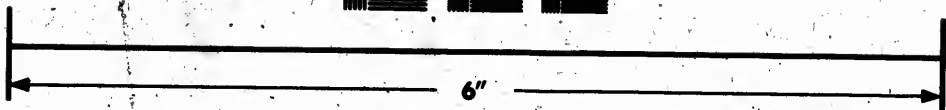


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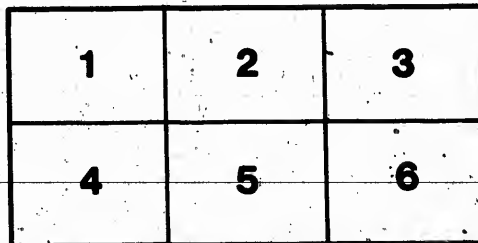
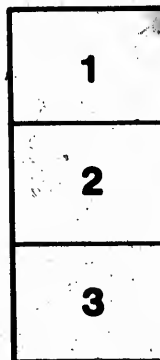
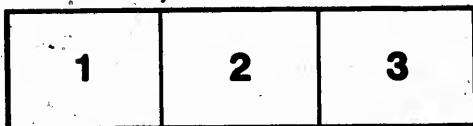
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REMARKS

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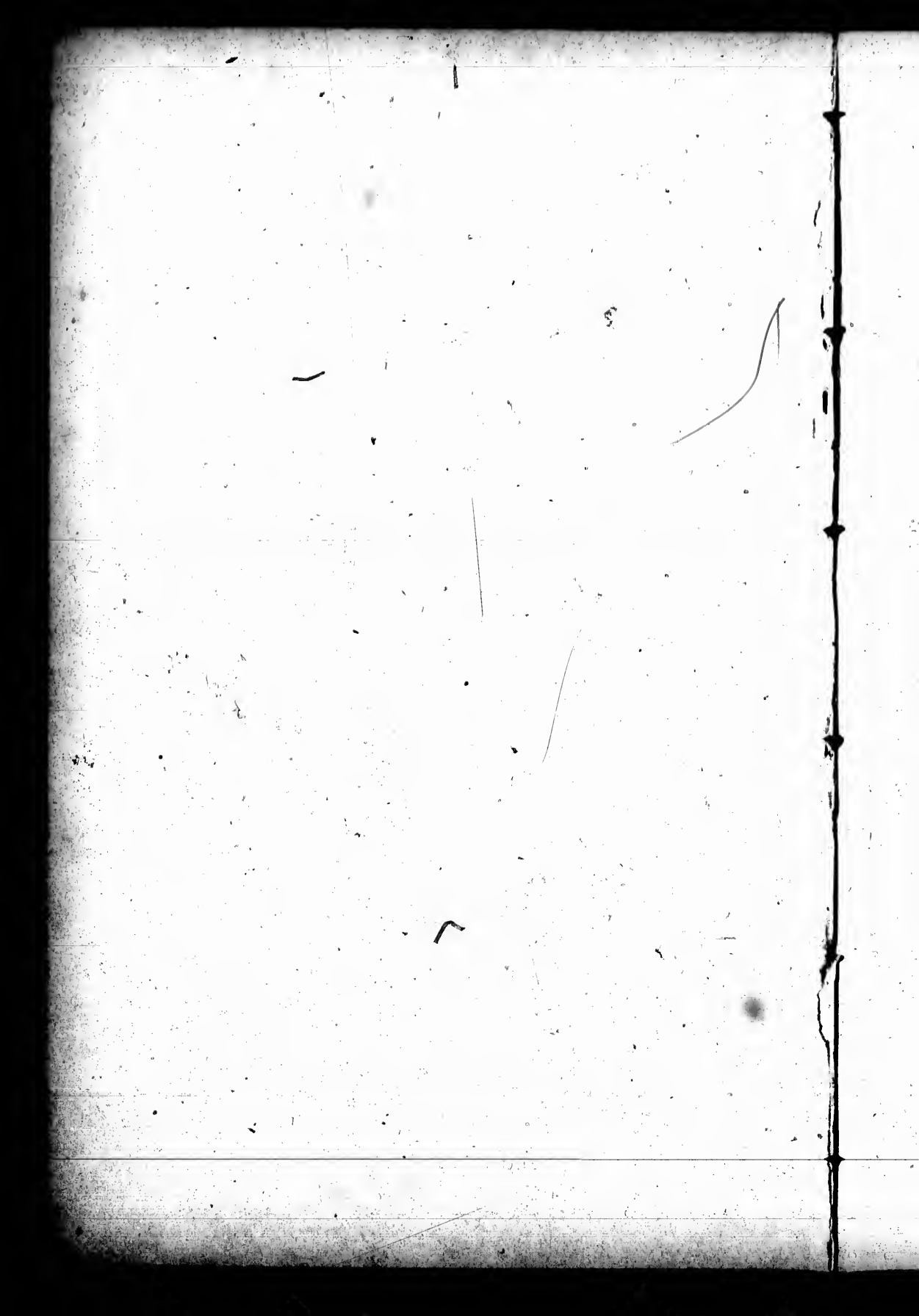
CHURCH CONSTITUTION.



TORONTO:

PRINTED BY MACLEAR & CO.,
KING STREET.

1857.



REMARKS

UPON A

CHURCH CONSTITUTION.

IN offering to the consideration of his brother Churchmen in Canada these few observations upon the organisation which he conceives best suited to supply their wants, the writer begs that it may be distinctly understood, that he has not the slightest intention of reflecting in any way upon the proceedings which have been already taken, in the hope of more effectually uniting together the members of their communion; that he does not feel at all competent to decide whether any other arrangement than the one actually adopted, could have been made, either with respect to the last general assembly of their body, or to the one which, he presumes, will shortly be summoned; that it would be, in his opinion, exceedingly unfair to subject the conduct of men in such a very peculiar and anomalous position as that in which the bishops and clergy of this province have been and indeed are, placed, to anything like severe or captious criticism; and that he only pretends to speak of these subjects with strict reference to the present and probable future state of Upper Canada, viewing the clergy and laity of the church residing in this province, simply in the light of a body of Christian men, who are desirous of devising some plan, according to which they may form themselves into a church, able, to some extent at least, to control and assist the various scattered congregations of whom they are composed, and which, without some settled organisation and discipline, threaten soon to be reduced to a state of absolute isolation, remaining each one unknown to and uncared for by the other, and doing whatever may seem good in their own eyes; a condition which will, no doubt, be pronounced a most deplorable one by all who are capable of appreciating the vast advantages they may derive from a sincere and cordial

union, but one towards which they are fast verging, and into which, unless some speedy and effectual measures for their relief can be taken, they are all but certain to fall. What he designs, therefore, is—to point out, as briefly and clearly as he can, and without giving any opinion as to their absolute merit, *per se*, or venturing to assert that they are feasible or even desirable elsewhere, the means which appear to him, taking into consideration the manners and modes of thought of their people, to be best adapted for enabling those Canadians who are anxious to assemble themselves together into a church to be formed, as nearly as possible, after the model of the Church of England, to carry out their intention.

He holds it to be an indisputable fact, whether or not it is one to be regretted, that, in this age and country, no tribunal will ever exercise a real, lasting, healthy influence, which is not composed of the representatives of the majority of those over whom it claims jurisdiction, and he will not attempt to disguise that in his proposed church constitution, the authority which is to enforce compliance with its regulations, without which the best constitution that ever was drawn up is but so much waste paper, must be derived directly or indirectly from the decision of the majority of the members of the church, not merely of its ministers. What is involved in the practical application of this principle, he will now proceed to show in the following outlines of the [proposed] constitutions and functions of the congregations and synods, glancing also at the probable position and duties of the bishops under the new system.

First in order and in importance the writer deems the problem of obtaining a good congregational organisation, and of defining clearly the relation which is to subsist between a congregation and its minister, and he thinks that, if this can be satisfactorily solved, any error elsewhere will be, comparatively speaking, of little importance. And here at the outset, a somewhat knotty question arises, viz.: what particular part or class of a congregation shall be considered as representing the whole, either with regard to other congregations or as respects the right of deciding on its own domestic concerns. It is clear that a sharp line must be drawn somewhere, as it is obviously impossible to permit all who choose to call them-

selves members of a congregation, to possess the right of voting on its affairs—at least if any useful discipline is to be maintained; and it further appears to the author that there are but three classes who can advance any reasonable pretensions to this privilege of representing the whole body to which they belong. These are—1st, the adults in constant attendance; 2nd, the communicants; and 3rd, the pew or seat-holders.

As the claims of the first-named class have been, on one or two occasions, strongly urged, and as they may appear to some persons, at first sight, to be reasonable, it has been thought proper to insert it here, though the number of those who compose it, and the extreme difficulty which would be found in dividing them from more casual attendants, seem to afford sufficient grounds for excluding it from any further consideration. With respect to the communicants, equal obstacles present themselves, and, setting aside several serious moral considerations which might be advanced against their being selected as the chosen class, the small proportion which they usually bear to the whole congregation, alone constitutes in the mind of the writer a fatal objection to them. He therefore inclines to fall back upon the sole remaining class, and would propose that the pew or seat holders should be considered, according to the old established English custom, the proper representatives of the congregation; that these alone should be entitled to vote, and that an *absolute majority* of the *whole number* of votes should be made an indispensable requisite to the validity of their proceedings.

On this point, that an absolute majority of the whole number should be required, he lays very great stress, feeling assured that unless this rule be laid down and rigidly adhered to, as one of fundamental importance, no thoroughly effective organisation can be created, and that the meetings themselves will degenerate into mere hole and corner cabals, destitute of the moral weight on which their influence entirely depends. He believes, moreover, that, however unreasonable it may be in members of a congregation to plead their own negligence, in not attending the meetings for the various elections, as an excuse for considering themselves unfettered by the acts of men whom they had no part in selecting, yet that they will

not fail to do so, and, what is still more to the purpose, will be certain, no matter how clearly the futility and unfairness of such a pretext may be exposed, to remain, though silenced, unconvinced, or at best will render a slow, unwilling assistance, very inferior, both in quality and quantity, to that which might be obtained from the very same men, could they be once induced in any way to take an active share in congregational business, inasmuch as they would then feel in honour bound to join cordially in carrying into effect the measures recommended by the very agents whom they had themselves appointed.

As regards the distribution of the votes, a matter of very considerable moment, the author would suggest that each holder of a sitting should be entitled to one vote, of half a pew to two, and of a whole pew, to four votes, and none allowed to vote for more than one pew; and he thinks that the reason for thus limiting the number of votes which any one individual can possess, will appear so obvious to every one who will consider the nature of such an assembly as a congregation, and the necessity of jealously guarding against any undue influence on the part of a few wealthy members, that he need not enlarge further upon the point, but may proceed to describe the next steps to be taken by the congregation, it being thus settled who are to represent it in the first instance, and how. It will be observed that the case is supposed all along, of a congregation possessed of a church, or at least of a building divided into sittings, who are desirous either of securing to themselves, for the first time, a permanent minister, or who, having had one, and having been deprived of his services by death or some other cause, wish to fill his place; and it may be as well to take this opportunity for hinting that, should the system here proposed be fortunate enough to meet with general approbation, it would probably be desirable, seeing that most of the clergy of their churches are annuitants, for congregations to make some special arrangement with them, either by purchasing their annuities, for such, it is presumed, they may virtually be considered, or else to defer the full carrying out of the plans here suggested till the death or removal of the party so circumstanced.

To return, however, to the more immediate subject, i. e.,

the subsequent proceedings of the pew holders. It is proposed that a general meeting should be called, at which a certain number of officers should be chosen, say six, who might be divided, for old custom's sake, into two churchwardens and four vestrymen, and styled in their collective capacity, the vestry; who are to fix the amount of the clergyman's stipend for the ensuing year, and whose chief business, of course, will be to provide the funds requisite for that purpose, and for keeping the church and parsonage, if there is one, in repair, and who will rely, for effecting these objects, upon the pews, rents, collections, and annual subscriptions of the congregation: Church books should be regularly kept, and the sum voted as the minister's salary should be regularly entered upon them as a debt due to him, and whenever not fully paid up should be transferred, always as so much due to him in his private capacity, to the next year's accounts; and the writer would further advise, that in settling the three chief, if not sole, charges upon the funds over which the vestry are to have control, viz.: of salary, repairs of parsonage, and repairs and necessary expenses of the church, the first claim should be *fully* satisfied before either of the others are attended to, and the second before the third.

This course is deliberately recommended, not from any feeling of indifference to the state of the last, but for this simple reason—that, since the dilapidated condition of their clergyman's finances or of his abode, unlike that of their place of worship, are not necessarily brought under the notice of his flock at frequent and stated intervals, they are far less likely to leave the latter unattended to than the former—at least, if there be any truth in the wise old proverb, which declares that what the eye doth not see, the heart doth not grieve for; and if they know that their deficiency in Christian liberality is to be eked out, not by the privations of their minister, which they do not see, and may not hear of, but by the mean and disgraceful appearance of their church, which will exhibit to them every week of their lives, the results of their niggardliness staring them in the face.

In the case of a vacancy occurring, the vestry are to communicate with the synod of the diocese, whose course, in the event of receiving such an application, will be hereafter de-

scribed, and upon obtaining their reply, are, if it be favourable, to call a meeting of the pew and seat holders, who may confer a discretionary power upon them, or act for themselves, as they may think fit—an absolute majority being requisite in this, as in all other meetings, to ratify any resolution. As the general meetings will be very few and important, rarely requiring to be called more than twice a year, it would be highly desirable that a regular church book should be kept, in which the names of the then occupants of pews or seats should be recorded, and that at the close of each meeting a copy of the resolution or resolutions passed should be inserted in it, each signed by the voters forming the majority. It may be added, that it is intended to have the pew and seat rents made payable in advance, and that the time of the annual payments should be shortly after the election of the vestry, whose duty it would be to strike the name of any pew or seat holder, who was more than three months in arrear, off the list of voters; and that, when it is said an absolute majority is required, an absolute majority of the pew or seat holders who have paid up their rents is meant, unoccupied sittings and defaulting pew holders being in no way taken into account. It appears to the writer that any two clergymen and their congregations should be at full liberty to effect an exchange if they choose; but the consent of the congregations can only be considered as granted, when, at a general meeting, a resolution, sanctioning the proposed exchange, has been duly entered upon the church books and signed, as above-mentioned. If, under any circumstances, the congregation should desire to dispense with the services of their minister, a general meeting must be called, and a resolution to that effect entered and signed with the usual formalities, after which a written notice must be given him, that in six months from the date of the resolution he must cease to act as their pastor; and a notice of dismissal can only be cancelled by a similar proceeding to reverse it, at a subsequent meeting. In like manner, whenever a clergyman may wish to resign his charge, he should, if possible, give six months' notice of his intention. Finally, it is proposed that the vestry, any five pew, or twenty seat holders, should be entitled, upon signing a written notice to that effect, and posting it upon the church door for two Sundays previously, to summon a general meeting at any time they may think proper.

Having thus set forth his idea of a suitable congregational organisation, it becomes the task of the writer to endeavour to devise one for the synod. This, he thinks, should consist of the bishop, *ex officio* chairman, all the clergy in the diocese in priests' orders and in actual employment, and of one or more delegates from each congregation, to be chosen as follows:—

For every congregation numbering more than five hundred souls, and containing three hundred occupied and paid for sittings, two delegates are to be sent, to be elected at a general meeting of the voters, and their election recorded as usual; for every congregation or collection of congregations, supporting a minister, but containing less than the above number of sittings, one delegate; while every congregation employing more than one clergyman is to be entitled to send delegates in proportion to its numbers, *e. g.*, a congregation containing sixteen hundred persons, with one thousand sittings occupied and paid for, and which maintains three ministers, may send six delegates to the synod. The clergy, in consideration of their deeper interest, should be allowed, wherever their flocks send two delegates along with them, a double vote, so that, though fewer in number, their collective vote may equal that of the laity. It appears to the author to be but fair that this privilege should be conceded, and he would incidentally remind them that there is more in it than meets the eye; for, as all who have ever witnessed a debate in which such a privilege was granted to either side well know, one hundred double votes, though theoretically only equal to two hundred single ones, are, practically speaking, very much superior in value, as the chances of desertion, or at least division in the camp, increase greatly with any augmentation of number. And here the writer must enter his protest against any such project being attempted in future as that of sending two delegates for each congregation, one of whom is to be nominated by the clergyman himself. With whatever motive this proposal may have been made—and he is quite willing to grant that whoever advised it did so under the belief that he was thereby providing for the welfare of the church—he must say that it seems to him a perfect mockery to invite the laity to take part in the deliberations of an assembly, in which they know one half of their nominal representatives are in reality the mere puppets of the clergy, and that care has been taken, in the event of any serious difference arising between

the lay and clerical elements, that every second lay vote should be ready to neutralize the other. This system ought to be put a stop to without further delay; no intelligent man can be deceived by such a juggle; if the clergy do really desire to secure lay co-operation, they must give the laity a *bona fide* vote, and any injudicious friends of the church, who are anxious by this device to secure her from inexperienced meddlers, may rest assured that, if they succeed, they will only infuse disgust and suspicion into the minds of many of their staunchest allies, and ultimately, in all likelihood, end by depriving themselves of even those privileges which would now be cheerfully assigned to them. When the synod assembled, it would receive reports from the various congregations of the state of their affairs, for the purpose of ensuring regularity in which it would probably be necessary to send round circulars to the different vestries, a short time before the annual meeting of the synod—a copy of one of which supposed circulars is here inserted for the better illustration of the writer's meaning, and also as giving some idea of this important part of the synod's functions.

PROPOSED FORM OF CIRCULAR.

1. What is the total number of sittings in your church?
2. How many are occupied and paid for up to date of circular, and of your election?
3. By what number of voters were you jointly or severally, as the case may be, elected?
4. Have you taken care that the proceedings of each general meeting, held during the period you have been in office, were duly recorded and signed by an absolute majority of the pew and seat holders?
5. What salary did you vote your minister?
6. Is it paid up to date of circular?
7. If not, how far is it in arrear?
8. Please state from what sources it is made up, and how much you obtain from each?
9. Are the church and parsonage (if any) in good repair?

These, or documents of a similar nature, would, if properly filled up, enable the synod to inform itself of the material condition of the various congregations almost at a glance, and

to prepare their general report for the whole diocese accordingly. And here it may be observed that, although not a matter of such vital importance in a synod as in a congregation, it is nevertheless highly desirable to establish the principle of an absolute majority being required to give effect to any resolution, or, if that cannot be, at least to all the most important ones—such as the adoption of the report, and the appointment of committees. To resume, however; the synod, after receiving their reports, would proceed to consider any applications for clergymen which might be made to it; or, rather, as these would be made at all seasons, and the synod would seldom sit more than a few days each year, would appoint a standing committee, headed by the bishop, to decide upon them, who would require the congregation applying to show that they had reasonable grounds for expecting to be always able to pay at least a certain fixed yearly sum to their minister, this minimum amount to be, say £100 or £150 a year; and also, that one half the salary they proposed to offer for the first year was already collected in advance. On being satisfied upon these points, it would be the duty of the committee to forward to them a list of all the clergymen who had sent in their names to the committee, or an officer appointed by them or by the synod for that purpose, as desirous of employment; and the congregation, or rather its voters, having thereupon met, as above mentioned, should either empower their vestry to choose for them, or select some one themselves to whom the post was to be offered. If the clergyman thus invited to accept it, should decline to do so, they would have to make a second selection, and so on till they had exhausted the list, or obtained a minister. Should no clergyman happen to be disengaged at the time, the locality of the congregation, and the amount of salary offered, could be in like manner set down for the inspection of the clergy, and the committee should from time to time acquaint them if any clergymen were upon their list or not. Either this committee, or a similar one, also under the supervision of the bishop, should be empowered to investigate all charges of improper conduct or teaching, brought against any of the clergy, and should report upon the same to the synod, at its annual meeting, who, after hearing the report, could, by a vote of not less than two-thirds of their whole number, order the offending party to be struck off the roll of the clergy of that diocese;

though he might, if he pleased, still appeal to the grand synod, which will be presently described. It would be most desirable that each synod should be an incorporated body, and that the title deeds of all churches and parsonages throughout the diocese, as also the control of the bishopric endowment, should be in its hands; nor, though a measure undoubtedly requiring very careful preparation, does the writer think much difficulty would be found in obtaining parliamentary sanction; while on the other hand, it would supply a much needed material check, in the event of a minister or congregation defying the authority of the synod, as he or they could then, if the matter was pushed to extremities, be not only expelled from the communion of the church, but deprived of their place of worship and parsonage. The justice of such a proceeding would be undeniable; and few, moreover, either of those who have already erected such edifices or may do so hereafter, would hesitate to entrust them to an assembly constituted as the one proposed, who would never have recourse to compulsory measures, except when a minister, after having been solemnly adjudged an unfit person for his office, should refuse to quit his parsonage, or to cease officiating in his church, and should be abetted by his congregation in such refusal. It might be prudent, too, to insist on every clergyman's signing a declaration before he is allowed to enter his name on the synod's list, that he will obey the rules laid down in the constitution of the church.

Such would be the form and functions of the diocesan synods, while, as for the grand synod above alluded to, it is proposed to compose this of all the bishops in Upper Canada, the bishop of Toronto, as head of the oldest diocese, presiding, and of delegates from the various synods, elected by the clergy and lay representatives, in the proportion of one for every ten, each separate ten, of course, sending one, and every clergyman possessing a double vote counting for two. Its business would be simply to issue a general report of the condition, material and otherwise, of the church in Upper Canada, the necessary statistics being furnished by the minor synods; to decide finally in all appeals made by clergymen, who had been struck off their list by one of these; and, if it saw fit, to order, but only by virtue of an absolute two-thirds vote, that the appellant should also be struck off the list of

any other synod, supposing he had entered his name thereon, and off the list of the clergy of Upper Canada, kept by order of the grand synod, on which the names of the clergymen seeking employment in the various dioceses are set down, lists being duly forwarded from the different synods for that purpose, from which any congregation is, if it pleases, to have the right of making its selection, on forwarding to the proper officer or committee of the grand synod, a properly attested certificate, proving that they had satisfied their own diocesan synod, of their capability of supporting a minister. It must be provided, however, that, if any clergyman should be struck off the list of one synod, and admitted upon that of another, his name, although not therefore to be struck off the list of the grand synod, is not to be sent to a congregation making such an application, since, though one diocese cannot pretend to dictate to another, no single congregation ought to be allowed to set itself in opposition to the decree of a synod.

As respects the bishops, their special duties would be, to overlook the training of candidates for the ministry, to ordain and confirm, besides inspecting the general condition of the diocese, presiding over and attending the synods, and acting as chairmen of the committees. They would stand in much the same relation to the synods as the clergy in general to their congregations, would be selected by them in like manner by an absolute majority of the voters, might exchange or be dismissed by them; only, in this case, a clear year's notice should be given, in order that the next-synod might, if disposed, have the opportunity of reconsidering the matter. But they could not be degraded, save by an absolute two-thirds vote of the grand synod, before whom complaints against them must be decided. To this sketch of the position and functions of the bishops under the proposed constitution, it only remains to add, that, should such a one ever be adopted, and acts of incorporation, based upon its provisions, granted to the different synods, a clause should be introduced, giving permission from time to time to make such changes in it as might be thought proper; but requiring that before any such change could be effected, a resolution containing the proposed alteration, must be passed for two successive years by an absolute two-thirds majority in each of the diocesan synods, and in the third year by an absolute majority of the grand synod.

With this last proviso concludes the author's plan for the establishment and organisation of an Episcopalian Church in Canada; and though, before laying down his pen, he could have wished to have made a few remarks upon one or two matters of general interest,—such as the expediency of somewhat lengthening the period of the deaconate, the appointment of travelling missionaries, &c., yet as this would be foreign to his subject, which is simply the setting forth of a sketch of a church constitution, and as these questions will fall within the peculiar jurisdiction of the synods, he will not tax the patience of his readers with anything beyond a brief recapitulation of the leading features of his scheme, which may be condensed into these four postulates:

1st, That the Laity must have a controlling voice, directly or indirectly, in the government of the Church which they form.

2d, That, all things considered, the will of each congregation is best expressed by the vote of an absolute majority of its seat-holders.

3d, That every congregation is entitled to choose its own minister, provided they select him from among those whom the General Assemblies of their Church have certified to be all suitable persons for such a post; and that they are also entitled, by parity of reasoning, to dismiss him or allow him to exchange.

4th, That, in order to enable a Synod to exercise an effectual control over its own clergy and laity, it should, besides its moral influence, possess some material check upon them, such as or similar to that which has been suggested.

Except it recognises the principles implied in the above, no form of Church government, the writer believes, can ever be securely established in Canada; whether an organisation based upon them be theoretically perfect or not, wiser heads must decide; for himself he will only say that had he not considered the measures which he has proposed, just and feasible, he would never have advocated them, and that, as the more he reflects upon the apparently mysterious conduct of the Saviour and His Apostles, in leaving behind them neither a settled com-

pendium of religious instruction nor a fixed form of Church government, the more he is convinced that these remarkable omissions on their part, contrasting, too, so strongly with what might have been expected from Jews, resulted from the dictates of a more than human wisdom, and that by abandoning these matters so unreservedly to the discretion of their successors, they plainly intended that it should be understood that each Church, in each separate country, is fully justified in adopting that outward form of government which may best accord with the customs and institutions of the people among whom it is placed—he feels persuaded that it is the interest, if not the duty, of the Churchmen of Canada, in framing rules and regulations for their conduct in this important matter, to remember that they live in the midst of a nation accustomed to self-government through the medium of their own representatives, and one which will not tolerate even the semblance of arbitrary punishment inflicted for the holding of an erroneous religious belief; and that moreover as good citizens, which, as Christian men, they are doubly bound to prove themselves, they ought to be very careful when they set about erecting such an “imperium in imperio,” as every well organised Church in truth is, how they wound even the prejudices of their countrymen, or, more especially, how they cause their National Legislature to regard them with an evil eye, which it can hardly help doing, if it perceives a large body of its subjects habitually acting at variance with those upon which its own power is based.

Trusting that, even if he have failed in convincing his readers of the propriety and practicability of his views, he may perhaps be fortunate enough to supply them with one or two useful hints; or, if nothing else, to stimulate some one among them to undertake the task which he has endeavoured in vain to accomplish, and which all must admit it is most desirable should in some way or other be performed, the author will now bid them adieu, with but one parting request to each,

“Si quid novisti fictius istis,
Candidus imperti, si non, his utere mecum.”

