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# The Canadian Ecclesiastical Gazette;

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

VOLUME VIII.

TORONTO, OCTOBER 1, 1861.

No. 19.

## NEW TUNE BOOK.

We are requested to state that the new Tune Book will be ready in a few days. Parties desiring copies who have not yet sent their orders, will please do so without delay.

## Ecclesiastical Intelligence.

### DIOCESE OF TORONTO.

The Lord Bishop of Toronto will hold his next General Ordination in the Cathedral Church of St. James, Toronto, on Sunday, the 13th Oct. Candidates for Holy Orders, whether of Deacon or Priest, are requested to communicate, without delay, to the Venerable the Archdeacon of York, Cobourg, (the Rev. H. J. Grasset being absent from the country,) their intention to offer themselves; and they are required to be present for Examination in the Library of St. James' Parochial School House, Toronto, on Wednesday, October 9th, at nine o'clock, A.M., with the usual Testimonials and *Si Quis* attested in the ordinary manner.

### NIAGARA DISTRICT BRANCH OF THE CHURCH SOCIETY.

The Clergy interested will please take notice that the Annual Parochial Meetings will (D.V.) be held according to the following table:

Oct. 14th, Port Dalhousie.....	at 7 p.m.
" 16th, Thorold .....	at 7 p.m.
" 16th, Stamford.....	at 11 a.m.
" " Drummondville .....	at 7 p.m.
" 17th, Port Robinson.....	at 7 p.m.
" 18th, Dunnville .....	at 7 p.m.
" 21st, Chippawa .....	at 11 a.m.
Nov. 11th, Port Colborne.....	at 7 p.m.
" 12th, Fort Erie.....	at 7 p.m.

Sermons will be substituted for Public Meetings at St. Catharines, Niagara and Welland.

The Clergy of the District are expected to attend as many of these meetings as possible.

CHAS. LYCESTER INGLES,  
Secretary, N. D. B. C. S.

Drummondville, Sept., 1861.

### CHURCH SOCIETY.

#### WIDOWS AND ORPHANS'

The Annual Collection for the Widows and Orphans fund of the Church Society, is appointed to be taken up in October.

### TRINITY COLLEGE.

We are requested to call the attention of our readers, and more especially of the Clergy, to the circumstance that in addition to the Scholarships announced in the advertisement, as open for competition to articulators at Trinity College, in October next, the Cameron Scholarship, lately held by Mr. Givins, now Allan Scholar, will also

be vacant. The value of the Scholarship is £25 per annum, it is tenable for three years, and is restricted to the sons of Clergymen.

There will be a special meeting of the Mission Branch, held at the Church Society Rooms, on Tuesday, the 8th October, at noon, to consider the means of providing for the support of those about to be ordained.

### COLLECTIONS UP TO SEPTEMBER 28, 1861

#### MISSION FUND, FOR 20TH YEAR.

Collections appointed to be taken up in the several churches, chapels, and missionary stations, in the Diocese of Toronto, on behalf of the Mission Fund, for the July collection received between the 12th and 28th inst.

Omitted in Gazette of August 16th.  
Trinity Church, Thornhill..... \$1.83  
St. Stephen's, Vaughan..... 2 45

Per Rev. E. H. Dewar..... \$7.28

Previously announced, and which includes the above ..... 707.01  
St. John's, Berkley, per churchwardens.. 3.20  
Omence and Emily, per Rev. N. Dishrow. 3.35  
Shanty Bay, per Rev. S. B. Ardagh..... 2.44  
Welland, per Rev. J. Stannage ..... 3.67  
St. Paul's, Mount Forest ..... 2.21  
Grace Church, Arthur ..... 1.00  
Trinity Church, North Arthur ..... 1.00

Per Rev. S. Houston ..... 1.21  
Trinity Church, North Gower ..... 2.00  
St. John's, Kars ..... 2.00  
Long Island ..... 1.50

Per Rev G W. G. Grout..... 5.50

151 Collections amounting to ..... \$729 41

### FIRST PROVINCIAL SYNOD OF THE CHURCH OF ENGLAND & IRELAND IN CANADA.

(From the Montreal Gazette.)

Continued from page 144.

Hon. Mr. CAMERON thought it advisable, before even going that far, to adopt the first two clauses of the printed draft constitution laid before them, which he would move, with the exception of the words at the end of the first clause after the word "Laity," as follows.

"1 The Provincial Synod shall consist of the Bishops of the United Church of England and Ireland, having sees within the Province of Canada, and of Delegates from the Clergy and from the Laity, elected at the next previous meetings of the Diocesan Synod.

"2. The Bishops shall deliberate in one house, and the Delegates from the Clergy and Laity in another, and each house shall hold its sittings either in public or in private, at its own discretion."

It was absolutely necessary to determine whether they were to sit and deliberate as one house or as two even before the report of the committee itself could be duly considered.

Rev. E. DEWAR seconded Mr. Cameron's motion, and argued that they must have two houses, separately constituted, before they could discharge their functions satisfactorily.

It was asked by a delegate, whose name the reporter did not hear, if it would be in accordance with the Letters Patent and, the Act which directed the Metropolitan or one of the other Bishops to preside over the deliberations of the Synod, that the Bishops should withdraw and form a separate house.

Hon. Mr. CAMERON thought it would, that presiding over the Upper House would be technically presiding over the Synod.

Rev. Dr. PATTON cited the case of the Archbishop of Canterbury, who *de facto* presided over the Upper House of Convocation only, but technically over the Convocation.

Rev. Dr. HOLLAND consented to postpone his motion till a decision was had upon Mr. Cameron's.

Mr. HUNTINGTON did not rise to oppose Mr. Cameron's motion, but he felt the need of further information on the subject of the necessity for the division into two Houses. He had as yet heard no sufficient reason given for it, no reason why they could not deliberate thereafter as on that day.

Rev. Dr. BEAVER had had something to do with framing the clauses under debate. One reason for the proposed division was that alike in aristocratic England and the democratic United States, it had been found expedient and necessary. In the United States they found it needful that the bishops should be at liberty to consult apart, and they did so there with closed doors. In England the meetings were public, with power to exclude strangers when thought advisable.

The Hon. Mr. CAMERON said another reason was, it was not seemly that the Bishops should be dragged down to mingle in the heat of debate on that floor. None who respected the episcopate would wish them to occupy such a position. Again, many men having heard the opinion of their Bishop expressed, might not wish to call it in question, and so forbear to express their own. Their Lordships' influence was too great there, and he felt they would discuss things more fully and with less constraint, if their Lordships met and consulted in a chamber apart.

Hon. Judge McCORD, though concurring in Mr. Cameron's opinion, thought they were unnecessarily anticipating the action of the committee.

Major CAMPBELL thought it best to settle this great principle there. They could discuss it better there, and send it as an instruction to the committee if necessary. It would form the basis for the committee's action.

After some further discussion in which the Rev. Principal Nicholls, Rev. Mr. Davidson, Rev. Dr. Fuller and Hon. Mr. Allan took part,

Dr. DOVELL forcibly argued the importance of

keeping up the connexion with the mother church, and this could only be done by following the precedents of that church.—If the episcopate here is given a different position from that accorded to it there, a barrier would be set up between the church in the mother country and here.

The METROPOLITAN BISHOP said that as this was a subject which very nearly concerned himself and his right reverend brethren, he might be expected to give expression to his own opinion on the subject. An attempt had been made to compare their position there with that occupied by them in the Diocesan Synods, but he thought the parallel did not hold good. When he presided over his own diocesan synod, he met men with the most of whom he was personally acquainted, with whose opinion he was familiar. But here, where other bishops were present, where many were gathered from various parts of the province, where there were greater diversities of interest and of opinion, the case was very different, and the position of the presiding bishop not at all similar. It was neither fair to the bishops nor to the representatives of the several dioceses, that they should thus be sitting as one body. The example of England and the United States Convention, supported by a long experience there, was one which it might be advisable to follow. What had they on the other side? He thought there was a broad general principle lying on the very surface of their investigations into the best method of organization, which need not be referred to any committee, nor give rise to any long discussion. It was not an interference with the duties of the proposed committee. It was surely competent for the Synod to give any instructions it thought fit to its committees. He thought it would be for the good of the church and tend to promote the harmony and freedom of their deliberations, if they met as separate branches of the Synod.

The LORD BISHOP OF TORONTO said he had given the matter long and careful consideration, and he heartily concurred in all that had fallen from his Lordship the Metropolitan Bishop.

After some remarks from the Rev. Mr. Roe, the motion was put and carried.

In rising to leave the chair the Metropolitan Bishop said he could not separate from the delegates without an expression of thanks to Almighty God for bringing them so far on in the business about which they were met, in so harmonious and satisfactory a manner, nor without saying to those present how grateful he felt for the courtesy and kindness towards himself, which they had evinced while presiding over their deliberations. He had looked forward to that meeting with some anxiety. He could rejoice now that the beginning of their work had been made in such good temper, and so excellent a spirit. They had an important work to do. He could hardly express his satisfaction at the manner in which they had set about it. He hoped it would be carried forward in the same harmonious spirit, with the same good feelings for the good of the church, and the extension of Christ's kingdom here on earth. It only remained for him to announce that the bishops would meet on Wednesday morning after prayers in the Cathedral, in the room above, and that the lower house would re-assemble at the same hour in the room where they were then sitting. Their first business would be to elect a prolocutor. Till that were done, he would name the Very Rev. the Dean of Montreal as temporary chairman.

His Lordship then pronounced the apostolic benediction, after which the Bishops left the hall, the members of Synod standing.

The Very Rev. the Dean of Montreal having taken the chair, and called the meeting to order, The Rev. Dr. FULLER said that at the instance of a number of his brethren he arose to name for the office of prolocutor one who, next to the Dean of Montreal, was best entitled to it, and the Dean, being in the diocese, where the Metropolitan resided would, perhaps, be willing to waive his claims. He, therefore, would propose to that house, the name of a clergyman, a neighbour of his own, a learned Canonist, a gentleman possessing great patience, great courtesy and firmness of purpose. I therefore propose the name of the Rev. Dr. Beaven, of the Diocese of Toronto.

The motion being seconded, was carried, and Dr. Beaven proceeded to take the chair. He said—Gentlemen of the clergy and laity, it is with feelings of no ordinary gratification, as well as with feelings of great difficulty, that I find myself placed in the position you have accorded to me. I look upon it as the greatest honour you could have conferred upon a clergyman of this Province. I will simply content myself with saying that I hope, by the blessing of God, to make some approach to carrying out the character which Dr Fuller had said he considered necessary for the person that would fill this chair. I hope I may have the assistance of all my friends in this meeting in attaining this object;—It may be a difficult one, but with this assistance I hope all difficulties may be smoothed down; and I pray God that he may bring all things unto peace and harmony, and cause us to proceed with the same harmony and unanimity of purpose with which we have hitherto proceeded.

The Prolocutor announced that His Lordship the Metropolitan Bishop had appointed the following Committees to form rules and orders:—

Archdeacon Helmuth and Col. Rhodes of the Diocese of Quebec. Rev. Mr. Kennedy and Dr. Bovell of the Diocese of Toronto. Rev. Canon Bancroft and Hon. George Moffatt of the Diocese of Montreal. Ven. Archdeacon Brough and Watson, Esq., of the Diocese of Huron. Rev. Mr. Forest and Hon. J. Hamilton of the Diocese of Ontario.

A committee was then named to accompany the Prolocutor to the House of Bishops and announce the choice of the Lower House to have fallen upon him; after a discussion about the use of the term Prolocutor, which Rev. Mr. Marsh, Rev. Mr. Canfield, and some others, said they did not like, the Synod then adjourned.

#### LOWER HOUSE.

SECOND DAY.

The Synod met at 10 o'clock on Wednesday morning, the Prolocutor, Dr. BEAVEN, in the Chair.

The proceedings were opened by prayer offered up by the Prolocutor, after which the names of the delegates were called by Rev. Canon Bancroft, Clerical Secretary to the Synod.

The minutes of the previous day were then read by the Secretary. A short discussion arose as to what was considered, by a few members, informalities in the minutes, but the Clerical Secretary having given an explanation, the matter dropped.

The Prolocutor here left the room for the purpose of being presented to the Upper House, sitting up stairs, and proceedings were temporarily interrupted. On his return, the Prolocutor said that the first business was to receive—

#### THE REPORTS OF COMMITTEES.

The committee of twenty submitted a report under a Draft Constitution.

The Committee of ten submitted a Report of Rules and Orders of Proceedings, which being read,

Hon. GEORGE MOFFATT moved, seconded by the DEAN OF MONTREAL, that the several clauses of the report be taken up *seriatim*—Carried.

The preamble and sections 1, 2, & 3 were read and carried. Sect. 4 was then read.

It was moved by Hon. Mr. CAMERON, seconded by Rev. Mr. BRASSELL, that sect. 4 be amended to read, "That the election of clerical and lay delegates shall be received under the hand and seal of the bishop of the diocese which they represent, or in the absence of the bishop, by the chairman of the Synod, and such certificate shall be final and conclusive."

Col. O'BRIEN moved, seconded by Rev. Mr. Davidson, that the words, "That on the election by Diocesan Synod of members for the Provincial Synod, a list of the same by the secretary of each Diocesan Synod, shall be forwarded to the secretaries of the Provincial Synod, certified by the bishop of each such diocese, which certified lists shall be taken as authority for such members to take their places," be substituted for Mr. Cameron's amendment.

Much discussion took place as to whether the Provincial Synod, under the statute, had the right to interfere with the action of the Diocesan Synods in the election of delegates to the Provincial Synod, Col. O'Brien contending that the statute gave that right. Hon. Mr. Cameron and others taking a contrary view.

Rev. Mr. BOND did not think they should come to too hasty a conclusion on so important a subject; there should be free discussion. This house should not divest itself by its own act of the privilege it had of enquiring into the right to be there of those who came as delegates to meet us. There were some there who would not dare to have that question thoroughly sifted, and he would not agree to the house giving up its right to make such enquiry.

Mr. L. S. FARRELL wished to know who the rev. gentleman meant by "us." They were all there elected by the several diocesan synods under a certificate of their respective bishops. And the gentlemen representing the Diocese of Montreal were, he presumed, elected exactly in the same way. Therefore they were all "us;" and he considered it a direct affront to the bishops to have the matter of election of delegates taken out of their hands by this house.

Mr. DENISON wished to know if the rule would take effect immediately, or not until the next synod, in the latter case he would vote against the amendment, but he considered it his duty to prevent any appearance of fraud in the election of delegates.

A clerical delegate said that it had been emphatically asked by Mr. Bond if they should divest themselves of the privilege in question. He was not at all sure if they had ever been invested with it, and they could not act contrary to Act of Parliament, and if they did have the power, he was very much in favor of their surrendering it. It would be a direct insult to the bishops to question any act of the Diocesan Synod unless the chairman of this house were himself a bishop, which could never take place.

The amendment was then put and lost.

Hon. GEORGE MOFFATT then moved, seconded by Rev. Mr. BOND, that the words in Mr. Cameron's amendment, "and such certificate shall be final and conclusive," be struck out.

Hon. Mr. CAMERON was opposed to this amendment, as he thought the certificate of the Bishop should be final and conclusive.

Col. O'BRIEN, while acknowledging that there would be some inconvenience in the investigation by the Provincial Synod of any case which might come up, and that without doubt ill feeling would be engendered, still remained of opinion

that this house should not give up any of its privileges, and mere inconvenience should not for a moment be placed against a matter of right. Another delegate said there was no way of remedying the evil in case there should happen to be any irregularity in the election of delegates to the Synod, as scrutineers were appointed by the presiding Bishop; they declared the result of the ballot, and then destroyed the papers on which the names were written—thus there would be no evidence to be brought before the Provincial Synod.

Judge McCORD was in favour of free discussion of this question, and did not think this House should resign the power they held of instituting enquiries into the legality of elections of members to this body.

A message asking the concurrence of the House in an address to the Crown was brought down from the Upper House.

Rev. Mr. DEWAR wished to protest against language such as that used by the Rev. Mr. BOND respecting the right of certain delegates to be there, and which was pointed to the Toronto delegation by, he was sorry to say, another delegate from his own Diocese.

If they knew of any reason why these delegates should not be there, it was their duty to name the individuals, and have the matter properly investigated.

Hon. Mr. MOFFATT's amendment was then put and lost.

The original amendment was next put and carried.

Motions 5 and 6 were then read and carried.

No. 1, of the second section of the Report was read, some verbal alterations suggested, and made and carried, as were also Nos. 2, 3.

It was moved and seconded that No. 4 be amended by striking out the words "and every member present when a question is put shall be required to vote on the same, except when excused by the house."

This amendment was, after a good deal of discussion, opposed and the rule adopted.

Archdeacon HELLMUTH, seconded by Mr. WURTELE, moved—as clause 5—that the voting on all questions, when required by any two delegates of a diocese, shall be by dioceses. A majority of votes of each order, clerical and lay, shall constitute the vote of that order. The concurrence of both orders shall be necessary to constitute a vote of this House.

Rev. Mr. SLACK thought this would be at variance with the very constitution of the body representing the Church of the whole Province as one body. He would, however, move that voting should, when required by any two delegates, be by orders.

Rev. Mr. ROE said he trusted the motion would not be rashly rejected. It was very difficult for distant dioceses to send up a full representation, while Montreal would always be fully represented. In the United States they vote by dioceses, and had always done so. In 1789, the constitution was adopted, and it was revised in 1818, and the same rule preserved.

Mr. FORSYTH said he objected decidedly to the motion. They would have five separate houses at that rate.

Mr. SIMSON said that if they did not meet as one body, they were nothing at all. They had more delegates absent from the central diocese than any other, and they did not complain.

Rev. Mr. WOOLBRIGHT, as a delegate from the diocese of Quebec, objected to the motion also. If it were carried, they would miss the point so earnestly urged on them by the Metropolitan Bishop yesterday—the unity of the whole body of the Church, which they ought to labour to promote.

Rev. Mr. HOUSEMAN saw no necessity for voting by dioceses if each diocese was equally represented. It could only be useful to guard against unequal representation.

Archdeacon HELLMUTH said if it was the general wish, he did not object to withdraw his motion, (cries of no, no,) he had thought it expedient because he knew that from the position of the scattered church population in Quebec, without railways it was difficult to secure a full representation in the Synod, and Gaspe, for instance, was separated from the rest of the world for a portion of the year.

Rev. Mr. BLEASDELL said the reason of the adoption of this rule in the States, arose apparently out of the small representation, only four delegates from each diocese being sent.

Hon. Mr. CAMERON, seconded by Hon. Mr. BOULON, moved in amendment that on any question before the house, a division may be called for on the motion of any two members, and the concurrence of a majority of both orders in the house may be required on the same motion.

The Synod adjourned for an hour

#### AFTERNOON SESSION.

Mr. CAMERON withdrew his resolution and seconded one moved by the Rev. Mr. SLACK. (See No. 5 of orders below.)

Archdeacon HELLMUTH withdrew his motion, and Rev. Mr. SLACK's was taken up as a substantive motion, and passed.

The sixth clause was then read and passed.

Hon. Mr. CAMERON moved, seconded by Major CAMPBELL—as clause 7—that when the question is finally put by the Prolocutor either on an original motion or amendment, no further debate shall be allowed, the Prolocutor first declaring that the question is finally put. Carried.

The several clauses from 8 to 18 inclusive as below were then adopted.

Mr. CAMERON moved as the 19th rule that no member should be allowed to speak for more than fifteen minutes at one time.

The Rev. Messrs. DARLING and DEWAR and Col. O'BRIEN objected, and the house dividing upon it, it was lost.

After some further discussion Nos. 19 and 20 were also adopted, the casting vote being given by the Prolocutor, in clause 4, on motion of Rev. Dr. PATTON, seconded by Hon. Mr. MOFFATT.

Upon the motion for the final adoption being put,

The Rev. Mr. KENNEDY objected to the provision introduced to enable the different orders to vote separately, and would move to strike it out. They should act unitedly as one body, and there never should be any appearance of pitting clergy against laity or laity against clergy. There should be no suspicion entertained that one order would desire to domineer over the other.

Col. O'BRIEN seconded the motion and spoke in support of it.

Rev. Messrs. MARSH and SLACK opposed the proposal to strike out this clause of the Rules. There were occasions in which, with no disposition to domineer one over the other, it would be expedient to vote separately.

Rev. Mr. DEWAR agreed with the spirit of the mover's remark, but thought often dissension and hard feeling would be prevented, and unity promoted by the orders voting separately.

Rev. Mr. DARLING and Dr. BOVELL supported the same view, and the motion being put was lost.

The Rev. Mr. MOURSTAIN then moved, seconded by Mr. SCOTT, to add that when the vote was taken by orders, a majority of each order should

be necessary for an affirmative vote, which was resolved accordingly.

The report was then adopted as a whole, and ordered to be printed as follows:—

The committee appointed by the Synod at its session of yesterday, to enquire into and to submit "rules of order" for the consideration and guidance of this the Provincial Synod of the United Church of England and Ireland, in the Province of Canada, beg respectfully to report that they have taken as the basis of their work, and carefully examined the rules of order already in force in the several dioceses of the Province, and that from these rules—with but slight modifications and additions—they have made the following selection:—

#### I.—ORDER OF PROCEEDINGS.

1. Each meeting of the Synod shall be preceded, or commenced by morning prayer and a sermon, if so ordered by the Metropolitan, and on the first day of such meeting the Holy Communion shall be administered.

2. The business of each day shall be commenced by prayer for the Divine guidance and blessing, according to a form authorised by the House of Bishops.

3. After prayer, the Clerical and Lay Secretaries shall call the roll of their respective orders.

4. The election of the Clerical and Lay Delegates shall be certified under the hand and seal of the Bishop of the Diocese which they represent, and such certificate shall be final and conclusive.

5. The election of the new Secretaries shall be made by the Clergy and Laity respectively. A Treasurer and two Auditors shall also be appointed, all of whom shall hold their offices until their successors shall be appointed.

6. After this the order of business shall be as follows:—

1. Reading, correcting and approving the minutes of previous meeting.

2. Appointing Committees.

3. Presenting, reading and referring memorials and petitions.

4. Presenting reports of Committees, of Treasurer or Auditors.

5. Giving notice of motions.

6. Taking up unfinished business.

7. Consideration of motions.

8. Orders of the day.

#### II.—THE PRESERVATION OF ORDER.

1. The Lower House shall meet on the day and at the hour and place appointed by the Metropolitan or President, and on each succeeding day at 10 o'clock, unless otherwise ordered by the house. The clergy to appear in gowns and bands. When the Prolocutor has taken the chair, every member shall sit uncovered.

2. When any member wishes to speak he shall rise and address the chair. The Prolocutor shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the house to be decided without debate; and when called upon to explain a point of order he shall state the rule applicable to the case without argument or comment.

3. When two or more members rise at the same time, the Prolocutor shall name the party first to speak.

4. When the Prolocutor is putting a question, no member shall rise from his seat, and every member present when a question is put shall be required to vote on the same unless excused by the house. In voting, those who vote in the affirmative shall first rise, and then those who vote in the negative. In case of an equality of votes upon any question, it shall be decided by the vote of the Prolocutor.

5. That when required by two clerical and two lay delegates, the vote of the house upon any question may be taken by orders, voting separately, and in that case, a majority of both orders shall be necessary to an affirmative vote.

6. No member, save the mover of a resolution—who, as mover, is entitled to reply—shall speak more than once, except by permission of the House.

7. When a question is finally put by the Prolocutor, either on an original motion or amendment, no further debate shall be allowed, the Prolocutor first declaring that the question is finally put.

8. A member may (if not interrupting a speaker, require any motion under discussion to be read for his information, at any time during the debate.

9. A member called to order while speaking shall sit down, unless permitted to explain.

10. When a question is under debate, no motion shall be received by the chair unless to amend it, or postpone it, or to lay it on the table, or for adjournment, and no more than one amendment to a proposed amendment of a motion shall be in order.

11. No motion or amendment shall be considered as before the House unless seconded and reduced to writing.

12. Motions to adjourn or to lay on the table shall be decided without debate.

13. When a motion has been read to the House by the Prolocutor, it cannot be withdrawn by the mover without the consent of the House.

14. A question being once determined shall not again be drawn into discussion in the same session without the unanimous consent of the House.

15. A motion to adjourn will always be in order.

16. No motion shall be received without notice, except with the permission of the House.

17. On a division, the names of those who voted for or against a question shall be recorded in the minutes, if required by three members.

18. The reports of committees shall be in writing, signed by the chairman, and to be received in course, unless a motion be made for re-committal.

19. No rule of order shall be suspended except upon a two-thirds vote of the members present.

20. That it shall be the duty of the Secretaries to arrange a list of all unfinished business and all motions of members sent to them to be brought before the Provincial Synod according to the order in which they are received, and, under the direction of the Metropolitan, to cause a printed copy of the same to be sent to every member of the Synod 21 days before the meeting of the Synod, which business and motions shall stand first on orders of the day.

#### THE TREASURER

On motion of the Rev. Dr. PATTON, the Hon. George Moffatt was unanimously elected Treasurer of the Synod.

#### ADDRESS TO HER MAJESTY.

The Hon. Mr. CAMERON then moved that the message from the House of Bishops be read, and referred to a select committee of five, to be appointed by the Prolocutor to report forthwith to this House.

Mr. FARRELL moved in amendment, seconded by the Rev. Mr. MARSH, that such committee should consist of one lay and one clerical delegate in the resolution as named from each diocese.

A LAY DELEGATE expressed a hope that the address would be adopted without discussion or division. Addresses to Her Majesty ought to be so adopted.

Mr. SIMPSON said they needed no reference to a committee, and proposed that the House should at once concur in the address sent down from the House of Bishops.

Hon. Mr. CAMERON had no objection. He merely proposed the reference to a committee as following the Parliamentary custom.

Hon. Mr. BOULTON thought there was no need of a committee, that it was not the established usage in Parliament.

Mr. IRVINE felt as many others there did, that the adoption of that address, thanking Her Majesty for the appointment of a Metropolitan, was adopting or approving of the patent as it stood, and the extraordinary powers conferred on the Metropolitan Bishop, which they objected to. He thought it would be the wisest course to take up the address and consider it at the same time as the report of the committee appointed to consider the Patent. He would move a resolution to that effect, seconded by the Rev. Mr. ROZ.

The Rev. PROLOCUTOR said they had already had two amendments before them. Mr. IRVINE's would not be in order till one of them is disposed of.

Mr. IRVINE had not understood Mr. SIMPSON to have moved a resolution.

The PROLOCUTOR said they were only waiting for him to write it—a courtesy always extended to a member wishing to move. He might add at the same time that the custom in England was always to amend an address sent down from the Upper to the Lower House, if only in some trivial point, to assert their right to do so.

Rev. Mr. CAULFIELD thought it strange any one should be disposed to force the matter through that house with such haste. It looked as if some special object were to be gained by it.

Hon. Mr. ALLAN said he was very sorry to hear such language made use of. He did not think there were any members there to whom the terms employed by the last speaker could be properly applied. He thought it was the general desire to expedite the business before them and not to promote any special or concealed object, that prompted members to urge this on.

Hon. Judge MCCORD thought that if any body took the pains to examine the address, to mark the care with which it was drawn up, they would see that it in no wise committed that House to any approval of what was contained in the Patent. It simply thanked Her Majesty for having been graciously pleased to accede to the wishes of three of the Dioceses in this Province. Its adoption could not possibly compromise any body.

Archdeacon BROUEN said the address clearly defined that they only thanked the Queen for appointing a Metropolitan to preside over the Synod, not for any other purpose. No one surely could object to that.

Mr. SCOTT said that if the Queen had been asked to give them one thing, and she had given them very much more, and a very different thing from that they desired, they surely ought not to express their thanks simply, without some explanation.

Dr. BOVELL, Colonel O'BRIEN, and Mr. ARMSTRONG spoke in favour of immediate concurrence, holding that nobody was bound to support any objectionable features in the Patent by the adoption of the address.

Archdeacon HELLMUTH, on the other side, argued that as so many felt doubts about the matter, and were very anxious not to commit themselves prematurely in so grave a case, it were better to defer the adoption of the address till they had the report of the committee appointed to consider of the powers to be granted under the Patent before them.

Rev. Mr. MANSU said that they would perceive from the terms of the address itself that one diocese had declined to join in the demand for the appointment of a Metropolitan, and he and others from that diocese might be pardoned for expressing a feeling of dissatisfaction with an appointment which they had never desired, if they declined to acquiesce in an address of thanks for that which they did not wish. They held, and had stated so in a representation to high authority (when asked for their reasons of non-concurrence in the petitions of the other dioceses,) that the Synod act of the Provincial Legislature conferred on the members of the church here all the powers necessary to organize a Provincial Synod.

Mr. GAMBLE said that the gentlemen from that diocese should come into court with clean hands. Who was it, he asked who, after the Provincial Act had so effectually severed the connexion between Church and State, declined to rest content with the action of their own Synod and the Canadian ecclesiastical authorities, but sent over their Bishop elect for a patent from the Crown and consecration in the mother country?

Rev. Mr. MANSU—They had elected their Bishop, and had nothing more to do with it. The next they knew Dr. Cronyn had been in England and came back to them a Bishop.

Archdeacon HELLMUTH urged again that as so many held the Patent incompatible with the act and desired to adhere to the act, they should be allowed to have the opinion of the committee on their compatibility before committing themselves, even so far as this address would commit them.

The Very Rev. DEAN OF MONTREAL said he very much feared the committee could not report on Thursday. They required, before deciding upon the matter, to have the patents of the other Bishops before them, and they could not as yet procure them. Indeed it was uncertain if they could procure them in time to report at all this session.

Mr. CARTER thought the least they could do was to thank Her Majesty for recording their request by granting the necessary powers to call together this general assembly of the Church. If Her Majesty had accorded more than they asked, so much the greater reason for gratitude. (Laughter.) If the diocese of Huron had got what they had not even asked for, why they were under the deeper obligation. (Laughter.)

The Rev. Mr. BLSADWELL thought there had been a great deal of useless discussion on this subject, and a great deal of needless distrust evinced. If they would turn to the address of his Lordship, the Metropolitan, delivered on the previous day, as published in the paper they had in their hands—the Gazette—they would see there how distinctly His Lordship had assured them that he had reserved the Patent for their consideration and advice. (The rev. gentleman here read the passage in His Lordship's address.) That surely ought to divest any gentleman's mind of any apprehension that it was attempted by this address to commit them to an approval of the Patent as it stands.

Rev. Mr. ROZ said that he felt that it was a great pity to divide the House upon the vote of an address to Her Majesty, and that could only be avoided by giving members some time. Many there felt—they could not rid themselves of the feeling—that the adoption of this address would commit them to an approval of the Patent issued, that if they adopted the address they precluded themselves from afterwards representing to Her Majesty how objectionable portions of it were. They had just heard from the chairman of the committee that it was likely it would not report

this session. If so they would have no opportunity of expressing their opinion of the terms of the Patent, while this address of thanks, if concurred in, would go home without explanation. He would not say that there was any reason not to consider the Patent this session, and to push this address of at least partial approval through without any explanations, but the position was unfortunate for those who desired to oppose the extravagant powers conferred by the Patent,—subversive as they were of the interests and rules of the Holy Catholic Church, and calculated to destroy the proper authority and influence of the bishops of the other dioceses. He hoped the concurrence would not be pressed now.

Hon. Mr. CAMERON said he could not understand how all this needless suspicion had been aroused. The House of Bishops had sent down this Address for their concurrence. The very dignitaries (or a majority of them) of whose rights the last speaker professed himself a champion, must have concurred in it. Surely they were as competent guardians of their own honour and interests as any member of that House. The rights or dignity of their office surely was as dear to them as to the reverend gentlemen. Why should they of the lower house then become suspicious of designs against the authority of the bishops lurking in a document of which they had deliberately approved? When gentlemen from one section of the Province or one or two Dioceses arrogated to themselves the title of the only protectors of the Constitutional rights of the suffragan bishops and Synods they did what they had no right to do. There were men in the Diocese from which he came who felt as strongly as any of those others on the subject who were as fully determined not to see the law of the land over-ridden, or the rights of their diocesan infringed upon as any. And it was neither just nor proper that any one should insinuate, as the Reverend gentlemen had done, that any member of that house entertained, or winked at any design to prevent the necessary steps being taken by that body for that purpose (hear, hear.) No such designs were entertained he believed by any one. As for the delay which was inevitable in the action of the committee, it was due to no lack of zeal or diligence. They had sat up the greater part of the previous night preparing the draft of a constitution submitted this morning. But if it were desired that in so important a matter as harmonizing the proposed new Patent with the Canadian law, they were to proceed carelessly or hastily, he for one could not consent to serve upon it. He would resign at once. He was quite willing to give his time and the little ability and legal learning he possessed to the task, but he felt that he could not do the work satisfactorily without examining the Patents of the other bishops, and the extent of the powers conferred by them. He would not be willing to hear it said by and bye that in a matter of such very grave importance they had proceeded hastily or carelessly to adopt some injudicious resolution. He again deprecated the display of suspicion and distrust which had been made. He thought it altogether uncalled for and undeserved, and believed that the members of that body were striving, with God's assistance, to promote a harmony of action between the different portions of the church. To that end they needed a head, and he did not hesitate to give it, as his legal opinion, that without the issue of a Patent they could not have appointed a Metropolitan Bishop at all. He thought the gentlemen raising these objections too suspicious; and they seemed to think that all desire for the power and honour of the church, as a body,

centred in a few persons. He thought they might take it for granted that in a matter in which they were more deeply and directly interested than any body else, their Lordships had not sent down an address which would compromise any body. (Applause.)

After some further discussion a division being called for, and the voting by orders demanded by Mr. Cameron and others, the Secretaries took down the names as follow:—

YEAS.—*Clerical*—Dean of Montreal, Reverends Dr. Scott, Canon Leach, Canon Bancroft, E. Duvernet, W. Anderson, G. Slack, G. De C. O'Grady, J. Flaanagan, J. C. Davidson, Dr. Nicholls, C. Hamilton, Dr. Beaven, Dr. Fuller. S. Givens, E. Denroche, W. S. Darling, Mr. Dowar, H. Holland, G. J. Geddes, T. S. Kennedy, Mr. Boomer, Mr. Woods, R. J. Floyd, W. Bett-ridge, Mr. Nellis, Mr. Mulock, Dr. Lauder, Mr. Bartlet, W. Bleasdel, R. L. Stephenson, J. G. Armstrong, Mr. Forest, Mr. Tanc.—31.

*Lay Delegates*.—Hon. Mr. Moffatt, E. Carter, Hon. Judge McCord, Wm. Barrett, Major Campbell, H. Foster, B. H. Morris, Hon. J. H. Cameron, Hon. G. W. Allan, Dr. P. vell, T. C. Street, R. B. Denison, J. W. Gamble, Hon. G. Boulton, E. G. O'Brien, T. Cottle, G. Kains, W. Allan, H. Ingles, Dr. Dewson, T. Kirkpatrick, G. P. Baker, Hon. G. Crawford, W. G. Simpson, E. J. Sisson, F. Jones.—26.

NAYS.—*Clerical Delegates*—Reverends D. Lindsay, W. Bond, Dr. Fallon, G. V. Houseman, A. W. Mountain, C. P. Reid, Dr. Hellmuth, H. Roe, H. A. Woolriche, E. W. Sowell, C. C. Brough, E. L. Ellwood, T. Smythe, Dr. Sandys, J. W. Marsh, Dr. Caulfield, Mr. Usher.—17.

*Lay Delegates*.—Mr. Huntington, Col. Rhodes, Lord Aylmer, W. G. Wurtele, W. R. Doak, Geo. Irvine, H. S. Scott, Dr. Gilbert, C. N. Montizambert, T. Lawrason, A. Shade, W. Watson, Mr. Farrell.—13.

Total,—Yeas, Clerical .....	34
“ “ Lay .....	26
<hr/>	
Total,—Nays, Clerical .....	17
“ “ Lay .....	13
<hr/>	
Majority of Clerical order .....	17
“ “ Lay .....	13
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Total majority .....	30

The address was, therefore, concurred in as follows:—

ADDRESS.

We the Bishops, Clergy, and Lay delegates of the United Church of England and Ireland in Canada, now assembled in Provincial Synod, humbly beg leave to address your Majesty with sincere feelings of loyalty and affection, and gratefully to acknowledge your Majesty's compliance with the memorials presented to you from the Synods of the diocese of Quebec, Toronto and Montreal, praying your Majesty to appoint a Metropolitan who might hold and preside over the general assemblies of the church in this Province. We are deeply impressed with a sense of the blessings we enjoy as subjects of your Majesty's government, and as members of the United Church of England and Ireland, privileges which it is our earnest prayer and desire we may never be deprived of, or forfeit. And we feel assured that under God's merciful guidance—which we sincerely pray may be ever vouchsafed to us, the power now possessed by the Church in Canada in consequence of the establishment of our Diocesan and Provincial Synods, will greatly conduce to its efficiency

and good government, and render it a fitter instrument for training up those who are under its teaching, as faithful christians and loyal subjects of your most gracious Majesty.

On motion of the Hon. J. H. Cameron, the House then adjourned.

The names of the following delegates present on Tuesday, were omitted in the list, viz.—Messrs. W. Allen, and H. Ingles.

LOWER HOUSE.

THURSDAY, Sept. 12, 1861.

The Synod met this morning at ten o'clock. After prayers the roll was called.

The minutes were read. Before they were confirmed, Dr. BOVELL wished to put a motion for their amendment. He desired to add words to the resolution of concurrence in the address to Her Majesty, saving any exceptions that might be hereafter taken to any powers conferred by the patent. He believed that with such addition the vote might be made unanimous, which was most desirable.

After some discussion about the possibility of putting such a motion then, the motion was withdrawn and the minutes confirmed.

It was then put as a substantive motion to reconsider that vote.

Mr. HUNTINGTON took that occasion to state that he had voted against the motion to concur in the address immediately, in order to reach Mr. Cameron's motion for a reference, which he thought the better method of proceeding. He had had yesterday put in his hands a motion similar to that now proposed, which, if opportunity had offered, he would have proposed, and he believed it would have reconciled many of those opposed to the unconditional vote of concurrence, and so have saved a division which they regretted. Those who had voted as he did, had been very unfairly spoken of as rebellious, &c. He hoped this motion would bring them all into harmony.

Rev. D. LINDSAY made a similar explanation. He had prepared such a motion, but believed himself debarred from putting it as he had spoken before. With such a reserve, all might have voted for the address.

Archdeacon BROUGH heartily concurred in the views of those who supported the motion.

Rev. Mr. BOND said the reason he had voted against immediate concurrence was with a hope to secure the delay which some sought, and which he thought only reasonable, and not from any objection to the address itself. Again he thought it ought to have been referred to a Committee named by the whole house.

Objection being taken that this was a question of reconsideration,

The Rev. Dr. FULLER moved to suspend the rule, and allow the matter to be reconsidered.

Rev. Mr. SLACK refused his consent, and the rule requiring it to be unanimously given, the matter dropped.

The Rev. Dr. PATTON from the Committee on the Constitution of the Synod and Letters Patent appointing the Metropolitan, brought up the second part.

It stated that they had considered the Letters Patent, and compared them with the Provincial Act authorising the Synods, and found that there was no legal impediment to the issue of such Letters Patent.

They had also come to the conclusion that certain alterations were necessary to harmonize the powers conferred with those created under the Synod Act, which they would submit in a future report.



## NOTICES OF MOTIONS.

Several motions were given: among others the following:—

Rev Mr BLEASDELL gave notice of a motion, to be seconded by the Rev. Mr. MOUNTAIN, proposing an address to the House of Bishops, that an authorized version of Psalms and Hymns be compiled and sanctioned with their Lordships' sanction.

Also, of a motion concerning the Essays and Reviews, declaring them subversive of the truths of Revelation, of the great verities of Christian doctrine, and consequently highly dangerous in character and pernicious to the cause of truth in general.

The Rev. Mr. HOLLAND gave notice of a motion concerning the desirability of a union in one Province of the Dioceses of New Brunswick, Nova Scotia and Newfoundland, with those of Canada.

Also, of an address promotive of friendly relations with the Church in the United States.

Rev. Dr. FULLER gave notice that he would, on any motion for sending up the address to the Queen to the Upper House, move an amendment similar to Dr. Bovell's motion.

Mr. WUTTELL gave notice of an enquiry concerning the legality of the representation of the proposed diocese of Ontario, in the Synod.

The first report of the Committee on the Constitution, &c., was then taken up and considered clause by clause.

The clauses adopted on the first day of the session stood as Nos. 1 and 2. No. 3 was adopted.

No. 4 being read as below.

Judge McCORD said that he desired to limit the power of calling special sessions of the Synod. They had a precedent in the United States which he thought it would be advisable to follow, and that was to require a requisition from a majority of the Bishops in the Province. The rule worked satisfactorily in the United States.

Hon. Mr. CAMERON could not concur with the amendment. He thought that two Bishops might have matter of importance to bring forward. He thought no mischief could arise from the rule as it stood, and much might arise from the change.

Rev. Mr. SLACK thought they should proceed by principle not by expediency, and would support Judge McCord's motion.

Mr. CARTER thought that as no action could be taken without the majority of the Bishops, it would not be well to call the Synod together unless a majority of the Bishops agreed as to its necessity.

Archdeacon HELLMUTH thought the rule better as it stood.

Mr. HUNTINGTON thought emergencies might arise in one diocese which would render it advisable that a meeting should be called without waiting to persuade a majority of the Bishops of its propriety. After some further discussion the amendment was rejected and the clause adopted.

Clauses 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 were then read and adopted as below.

The Synod adjourned.

## AFTERNOON SESSION.

The Synod met again at three o'clock.

The several remaining clauses of the Constitution were read and adopted as below.

On the motion for concurrence being put,

Mr. LAWRASON moved to reintroduce the former 26th clause struck out by the Committee as follows:

No proposition shall be binding on any Dio-

cese, until it has been either accepted by its Synod, or after a second discussion in the Provincial Synod, has been confirmed by it.

He thought it not fair that the diocese should be heard before laws were finally passed which might interfere with their franchises.

The Rev. PROLOCUTOR said he desired to state that having been consulted in the drawing up of those clauses, he had inserted this one because he found it laid down by certain canonists that this rule prevailed in the ancient church. So decidedly was this the case that within the last 20 years, there were dioceses in France which had not accepted some of the canons passed by the Council of Trent, and were not governed by them. In England a different rule had obtained. There the canons were forthwith binding in all the dioceses of the Ecclesiastical Province. He was not sure that it was expedient to adopt the rule, but it was worth consideration, and he was therefore glad that it had come before the Committee, and that the whole house were now united to consider it.

The Rev. Dr. FULLER saw no propriety to this reference of their legislation back to the dioceses. Men came there representing the various dioceses, elected to speak for them there, and they should be held competent to legislate for the whole Province. It should no more be competent for any separate diocese to hinder the effect of their legislation than for a county or a district represented in Parliament to repudiate any of its acts. Such was not the practice in England; and if he read the law of the church in the United States aright, such was not the case there. They should strive to promote union and unanimity, and each diocese should have confidence in a body in which it was duly represented, that no legislation would be sanctioned to oppress it.

Dr. BOVELL pointed out that the rule only operated as a postponement of any act going into operation. If it were confirmed at a second session by the Provincial Synod the objections of the diocese would be overruled.

Mr. GAMBLE thought the effect would be to prevent uniformity of discipline. Why were they met to legislate for a whole Province if each diocese in it could nullify their acts? All the dioceses were represented, and spoke there, and all should acquiesce in their decisions.

Rev. Dr. PATTON pointed out that the terms of the proposed rule were so broad that they could not pass any motion; they could not adopt a constitution of rules of order, without first waiting for the sanction of the several dioceses.

Rev. Mr. BLEASDELL concurred with Mr. Gamble. Such a rule would be a mischievous one.

Archdeacon HELLMUTH and Rev. Mr. O'GRADY thought the rights of the dioceses sufficiently protected by the Synod Act.

Mr. HUNTINGTON thought the re-introduction of this rule would be an absurdity. When it was proposed on a previous day of the session to vote by dioceses, the opinion of that house was very clearly manifested in favour of uniformity and against the spirit of sectionalism. They would stultify themselves if they now by this rule recognized the sectional principle and voted against uniformity. They were there as a Synod of a united church, and it was their great object to promote union and uniformity.

Rev. Mr. DEWAR said the rule, he conceived, was less to protect the sectional interests of dioceses than to prevent constant tinkering. In the United States before any Canon or Order could be enforced it had to lie over from one session to another and be communicated to the Diocesan Conventions.

A DELEGATE pointed out that here too a Canon would have to lie over, and the Diocesan Synods would surely be informed of what transpired there.

Rev. Mr. MARSH thought such a rule utterly unnecessary.

COL. O'BRIEN thought it a great mistake not to maintain to the uttermost the independence of each bishop and each diocese. That was the true English spirit of individual liberty and decentralization of authority. They might see where an opposite doctrine brought the Church of Rome. Possibly dangers might arise from centering too much power in the metropolitan body here too.

The motion being put, was rejected.

Hon. Mr. CAMERON then moved that clauses 1, 2, & 3, of the Rules and Orders, be added as clauses of the Constitution, and that the rule be suspended for that purpose. This was necessary, as those clauses required the concurrence of the Upper House. Carried.

The whole report as amended was then adopted as follows:—

## CONSTITUTION.

1. The Provincial Synod shall consist of the Bishops of the United Church of England and Ireland, having Sees within the Province of Canada, and of Delegates chosen from the Clergy and from the Laity.

2. The Bishops shall deliberate in one House, and the delegates from the Clergy and Laity in another, and each House shall hold its sittings either in public or private, at its own discretion.

3. The Clerical and Lay Delegates shall consist of twelve of each Order from each Diocese.

4. The Synod shall meet once in three years, or oftener at the discretion of the Metropolitan, or on the requisition of any two Bishops, or of the Bishop and half the Delegates of any Diocese.

5. In a vacancy of the Metropolitan See, a meeting may be called at the appointed period, or on either of the above requisitions, by the senior Bishop of the Church in Canada.

6. A quorum of the Synod shall consist of not less than a majority of the Bishops, and not less than one-fourth of the members of each Order of the Lower House.

7. The President of the Upper House shall be the Metropolitan, or some Bishop appointed by him; and, in the vacancy of the See, the President shall be chosen by the House of Bishops.

8. The Lower House shall be presided over by their Prolocutor, to be chosen *vice voce* on motion of any member of that House.

9. Each House shall appoint a Secretary or Secretaries, who shall keep regular accounts of all proceedings in their own House, shall record them in books provided for the purpose, shall preserve memorials and other documents under the direction of the President and Prolocutor, shall attest all public acts of the Synod, and deliver over all records and documents to their successors.

10. The expenses of the Synod shall be provided for, and its financial concerns managed by a Committee of the Lower House, after a manner to be approved by both Houses.

11. Each House shall establish its own order of proceedings and rules of order, and may publish such of its proceedings as may appear advisable.

12. The Upper House shall propose to the Lower any business they may desire to have treated of or decided; and it shall be incumbent on the Lower House to take up and dispose of such business in preference to any other.

13. The Upper House may direct the Lower to

appoint a Committee to report to the Upper on any subject, on which they may desire the judgment of the Lower, or to appoint their portion of a Joint Committee, or may summon the Lower to a conference.

14. Messages from the Upper House shall be delivered by an Officer of the Upper to the Secretary of the Lower, by whom they shall be communicated to the Prolocutor, who shall communicate them to the House.

15. The Lower house may present to the Upper any matter which they conceive to be a grievance or to require amendment, even when they have no proposition to make on the same; and the Upper House shall thereupon place it in order for consideration, with the view of providing a remedy; and shall, before the conclusion of the session, declare to the Lower House the result.

16. The Prolocutor shall have the right of admission personally or by Committee to the Upper House, to communicate the desire or decisions of his House; and in such case, he shall ascertain by message when he or the Committee can conveniently be received in the Upper House, and act accordingly.

17. It shall be competent to the Lower House to request a joint committee or conference on any special object, beyond those submitted to it by the Upper House, or to propose for discussion any specific measure; to which request an answer shall be given; but it shall be at the option of the Upper House to accede to their request or not.

18. When either house shall desire a conference with the other, or a joint committee, the reason for either shall be agreed to by the house desiring it, and communicated in writing to the other; the Prolocutor personally or by committee in either case proceeding to the Upper House, either to deliver or to receive such reasons.

19. When either House shall have come to a decision upon any subject in which the other House is concerned, it shall communicate its decision to the other.

20. If the Lower House should not concur in a decision of the Upper, they shall, in stating their non-concurrence, state their reason, and may either propose an amendment, or request the Upper House to suggest an amendment to meet their reason, or request a conference.

21. If the Upper should not concur in a resolution or decision of the Lower, they may, in stating their non-concurrence, either state their reasons or not; and may either propose an amendment, or request the Lower House to prepare an amendment, or appoint a conference, to which the Lower House shall always give attention.

22. The conference may be either by deputation from both Houses, or by deputation from the Lower House, or by open conference, as the Upper House may think fit, and the place shall be appointed by the President.

23. No proposition shall be considered as sanctioned by the Provincial Synod, until it has received the separate sanction of both Houses, which shall be declared by the President in writing.

24. Committees, whether of either House, or of the two Houses, may hold their meetings either during recesses in the session, or during the prorogation of the Synod.

25. No alteration of the Constitution or Canons shall come into operation, until it has been confirmed at a second session of the Provincial Synod.

Each meeting of the Synod shall be preceded, or commenced by morning prayer and a sermon, if so ordered by the Metropolitan, and on the first day of such meeting the Holy Communion shall be administered.

The business of each day shall be commenced

by prayer for the Divine guidance and blessing, according to a form authorized by the House of Bishops.

The election of the Clerical and Lay Delegates shall be certified under the hand and seal of the Bishop of the Diocese which they represent, and such certificate shall be final and conclusive.

He then moved that the Prolocutor do name a committee to carry the Constitution just adopted to the Upper House and pray their Lordship's concurrence. Carried.

The Committee having been named,

REPORT OF THE COMMITTEE ON PATENT OF METROPOLITAN.

Hon. Mr. CAMERON brought up the third report of the committee appointed to consider the Letters Patent appointing the Metropolitan. This report consisted of an extract from the Letters Patent already published, with certain short alterations, which lodged the appointment of the successors of the present Metropolitan in the Provincial Synod, and made the exercise of the powers conferred, to be subject to the Synod Act, and the canons and rules to be enacted by that Synod.

The Very Rev. DEAN OF MONTREAL moved that the second report of the committee on the Constitution and Letters Patent brought up in the morning session, be now read and considered.

Mr. IRVINE moved in amendment, seconded by Major CAMPBELL, that the second and third reports be considered together, and that the rule requiring notice be suspended for that purpose.

Rev. Mr. SLACK moved an amendment, seconded by Rev. W. ANDERSON, that the consideration of the third report be postponed until to-morrow morning, and that in the meantime it should be printed for the use of the members.

Rev. Mr. ROE thought the amendments of the Patent were very few, simple, and easily understood, and members did not require to wait for them to be printed.

ARCHDEACON BROWN thought the matter of so much importance, that they should go on with it at once, in order to enable those members who must leave that evening or next day, an opportunity of expressing their opinion, and if possible, of voting.

Mr. SLACK's amendment was put and lost.

Mr. IRVINE's was then put, and carried.

The Hon. Mr. CAMERON then said, that as a member of the committee which had prepared these reports, he desired to make some explanation of the reasons by which they had been guided, and the decisions at which they had arrived. The only point which it was necessary to refer to in the second report, was its affirmation of the legality of the Letters Patent. In the third, they had made certain amendments to the terms of the proposed Letters Patent, endeavouring to make them accord with the Canadian Statute. The first amendment went to the root of the whole question of legality. In passing the Synod Act, it was necessary to obtain the sanction of Her Majesty, and that was obtained in consequence of a declaration that whatever should be done by the Synods, should not derogate from the prerogative of the Crown. At the same time it was necessary to remark that these acts were permissive, and not compulsory. No diocese was thereby bound to create a Synod, and adopt its provisions. It remained open for them to organize a Synod, and to elect their Diocesan under the act, or to remain under the old law, and have their Diocesan appointed by the Crown, as formerly. They might occupy a different position after having organized a Synod under the Act, and thus adopted its provisions. But it was left entirely with the Clergy and Laity to take the first step and by accepting the Act to place them-

selves under its authority. If they had all declined to do so, the Act would have been left a dead letter, obligatory on no one. The Queen had assented to the Act granting authority for the organization of the Provincial Synod, and he was of opinion that that Synod, if organized, might have elected a Metropolitan. But they had not organized such a Synod, nor accepted or used the powers conferred by that Statute. The law remained then as before. The power in reference to this matter remained with the Queen, precisely as before. Now, no one could doubt that the Queen had had the power to create a Metropolitan Bishop here as in England or in any other part of her dominions. She had done so in Australia, as well as in England. He repeated she had not had that right taken out of her by any action of the church here. These same reasons had been seen and concurred in by all the members of the Committee, at least by all the legal gentlemen upon that Committee. There was then, he was confident in asserting, no legal impediment to the issue of Her Majesty's Letters Patent, creating a Metropolitan Bishop. He had heard indeed that a letter had been received from the Queen's Advocate, either addressed to the Governor General or to the Duke of Newcastle, when in Canada, which threw doubt upon the legality of these Letters Patent. But he could not conceive that that could be the case, and that Sir J. Harding had thus raised doubts about what he had previously advised Her Majesty to do. Nay further, he had sent out a second draft asking suggestions with respect to amendments. Lest such a letter might be in existence however, he had telegraphed to the Attorney General at Quebec for information on the subject. He was absent, but his secretary had replied, that so far as he could learn, no such letter existed. But even if it had existed, he thought that Provincial lawyers, though not having always at hand the means of reference possessed by the Queen's advisers in Britain, could yet see all the force and reason of a legal proposition—and law was said to be the result of the highest reason—such as that were only a permissive act had been passed, and that not acted upon, it could not possibly involve any limitation whatever of the Queen's prerogative. They had next to consider of the powers which should be granted to the Metropolitan by the new Letters Patent, and here he might remark that while some had said that the Queen had attempted to override the law in this appointment, it seemed to him that quite the contrary disposition had been manifested, and a very unusual courtesy displayed. When asked to correct errors in the first Patent, she not only corrects them but specially calls the attention of the Metropolitan to the question whether any other changes would be desirable in order to make the Patent agree with the Colonial Act: taking these unusual pains to put the Patent in such a shape as would be most advisable and acceptable. The Patent confers on the Bishop of Montreal, and his successors Bishops of Montreal, the dignity and powers of Metropolitan Bishops. On that point, the Committee first took issue with the framers of the original Patent. And they proposed that the successors of the present Metropolitan should be appointed in such manner as the Provincial Synod should see fit to ordain. The Committee had not presumed to offer any suggestion to Her Majesty or that house with respect to the particular manner in which future Metropolitans should be appointed. That was a separate, and a large subject, which did not strictly come within the jurisdiction of the Committee. The next point in which they thought an amendment necessary was that although at the time of the issue of the Patent, the Diocese of Huron had



been erected and the Bishop consecrated, yet no provision was made in the Patent for more than the three petitioning dioceses. They had prepared amendments to allow not only the Dioceses of Huron and Ontario to come in—but all other now Dioceses to be created in the Province. The next point was with respect to the visitatorial powers conferred upon the Metropolitan. He thought no one would wish to interfere with them: he thought that there was no question that the Metropolitan should have power of this sort. But upon the next point, he believed there was a wide difference of opinion. He referred to the powers of inhibition and suspension. In the old times of the Church, so far as he could learn from the books, this power could only be exercised when the suffragan Bishop, being properly summoned, refused to attend a Synod convoked by the Metropolitan. But on the other hand, there was no question that the powers conferred on the Archbishop of Canterbury, and other Metropolitan Bishops of the Church, were the same as those contained in this Patent. Perhaps it had been found necessary that a more arbitrary power should exist than in the old time, since power of inhibition and suspension of Bishops must be lodged some where. It was for the wisdom of the Synod to determine where. The Committee had not proposed any change here: the reason he should explain presently. Neither had they made any alteration in the clause which made the Metropolitan the final judge in appeal. This they believed to be simply illegal, and could not be enforced, and could do no harm. There was no power in the Crown to make the decision of the Metropolitan in appeal final, because by Imperial statute a further right of appeal was secured to Her Majesty in Council. This limit of appeal could neither be made by Her Majesty, nor by the Synod. There remained only to be considered the merely formal final clause, which however they proposed to amend by declaring that all the powers conferred by the Patent should be held and exercised in subordination to such canons and rules as that Synod might from time to time enact. With that clause inserted, he thought the objectionable portions of the Patent which he had referred to were completely overruled and rendered harmless. The reason they had not proposed to strike them out was, that it was doubtful whether they could get the amendments accepted. No one who knew the difficulty of getting any changes made, of inducing any departure from settled precedents in the Patent Office in England would be willing to ask for one unnecessary alteration. There could be no danger of taking the Patent in the terms proposed. If they did not, they would find precedents of Patents for other Colonies and other Metropolitans urged against them, and perhaps be met with refusal to take out anything sanctioned by those precedents, though they might admit additions suited to our peculiar circumstances. The majority of the Committee had felt that if the proposed amendments could be secured, the Synod would have power in its own hands to remedy any evils that might arise under any clauses contained in the draft. Any member could move a canon with regard to the succession. He himself had given notice of one with respect to appeals. Any one might bring forward a canon with respect to inhibitions and suspensions. It was urged indeed that if it should happen in the course of God's providence that the present Metropolitan Bishop should be taken away, his successor in the See of Montreal would become Metropolitan of the province before they had taken any action. True that would be so, but he would hold his seat not as the present Metropolitan, with the power to plead vested rights, but knowing that these rights were to be subject

to the vote of the Synod. He had already said that he believed they had themselves had the power to elect a Metropolitan. It was quite true that a strong legal argument had been urged on the other side, that where an act specifies certain officers to be appointed under it, you cannot go with your power of appointment higher than the highest named in the statute. If you go higher, you go *ultra vires*, and your act ceases to have the sanction of the law. But although in the first clause of the statute only Bishops, Clergy and Laity were named, yet he thought the terms of the second section, giving them authority to provide rules, and do all necessary acts for the good government of the church were broad enough to enable them to create and appoint a Metropolitan, if that were found necessary for the proper organization of the church. But although they might possess a right to name a Metropolitan to preside over the church, yet they had no power to confer other necessary authority upon him. Some said they ought not to go to the Crown for Letters Patent for their Metropolitan, but putting out of question for the moment the link of connection which the Crown appointment formed between them and the Mother Church, which no one there, he was sure, would wish to dissolve, (applause,) this further question was not generally well considered, that the Synod could not confer upon him those temporal powers which were so necessary to the proper fulfilment of his office. They could not create him a corporation sole, or enable him to hold moneys or property, or invest him with the precedence and dignities which he ought to enjoy. It was true that the Queen had not alone the power to do this, the Legislature was also invested with it, but it was more convenient for other reasons as well as for the preservation of our connection with the mother Church, that the powers of the Metropolitan Bishop, so long as they desired him to retain them, should be derived directly from the Crown. For these reasons the committee had come to the conclusion that the last draft Patent should be approved of, with the amendments suggested in their report.

The hon. gentleman sat down amid prolonged applause.

The first section was then read and its adoption moved by the Very Rev. DEAN.

Archdeacon HELLMUTH did not wish to raise any objection to the report, only he thought it would be well if further legal advice were had. He had certainly been informed that Sir John Harding had written a letter declaring the patent illegal in consequence of the Synod Act, and had understood that he had after this still been pre-emptorily ordered by the Duke of Newcastle to draw out the Patent.

Mr. IVINE said that he could not conceive any doubt to exist about the legality of the Patent. He could not conceive how any man representing a body who had asked for this Patent could now call its legality in question. It surely came with very bad grace from them. Nor could he see how any one could raise the question, who had taken his seat in that Synod, since they were summoned by virtue of the power conferred by that Patent. He would add before he sat down, that if gentlemen near him had understood what were the feelings and opinions of the hon. and learned gentleman who had just spoken and his friends with respect to the powers conferred by the Patent, they would probably not have divided yesterday on the address.

Mr. CAMERON said the amendment embodied in the committee on the draft of the Patent, were given by him to the Metropolitan three months ago at his request.

Dr. BOVELL contended that the Canadian act could not take away the Queen's prerogative,

since she could not divest herself of it without the consent of the Imperial Parliament.

Mr. CAMERON argued ably at some length the clear existence of the prerogative in the Crown. It was a little extraordinary that so many as five legal men should have been members of it, and all of them concurred in this opinion.

Rev. Dr. PATTON thought that if, hereafter, Canadians made application to the Crown for any concession, she might well ask as a preliminary to granting it, if we really wanted what we said we did, if we were earnest and sincere in our request; if we would accept it if granted; and if we would not afterwards turn round and abuse the gift or dispute its legality. Once on the seat of government question, and now on this, Canadians were showing the need of such preliminary interrogatories. If they called the patent in question, they cut their own throats. If it were illegal, then they were not legally assembled. They had heard a good deal about a letter of Sir John Harding. If it existed, why was it not produced? He had heard it mentioned, coupled with the name of the Bishop of Huron and with that of the Metropolitan. He had the authority of the Metropolitan to say he knew of no such letter, and had no reason to believe it existed, but on the contrary, Mr. Pennecot's letter would induce him to think it could not. He proceeded to argue eloquently in favour of upholding the connection with the Mother Church, and the recognition of the Queen, as under Christ, the temporal head of it, and with the mother country, and sat down amid vehement applause.

Rev. Dr. FULLER argued that there ought to be no doubt or dissension on this point. When a patron of a living failed to present to it, the Crown stepped in and filled it up. Here they had failed to present to the Metropolitan See, and the Crown had exercised its undoubted right.

Mr. KIRKPATRICK felt no doubt as a legal man of the validity of the Patent. He should like to see Sir J. Harding's opinion, and on what statement it was based, and he felt no doubt it would not differ from that of the legal men on the committee. It was not likely he had raised doubts about the legality of an act to which he had himself been a party. He might have held it unnecessary but not illegal.

Judge McCORD said when they saw a report concurred in by five lawyers, it was so unusual a thing they might take it for granted that there was no ground for reasonable doubt. It had been hinted with respect to Mr. Cameron's opinion that he was not infallible. That was true. No man was. But an opinion coming from him would go very far with most men in any part of the province, for if any man had a reputation through its length and breadth, both as an able lawyer and sound canonist, it was that honourable and learned gentleman (hear.) His opinion would carry more weight he believed on such a question than that of any other man in Canada.

Rev. Mr. MANSIE said the gentlemen who had voted against the address had not been fairly treated. There was a wide difference between this report limiting and controlling the powers of the Metropolitan, and the note of Sir J. Harding asking whether further powers were necessary, submitted by his Lordship. Had the former been before them they might have voted otherwise. They were as loyal to the Crown, and as desirous to maintain the connection with the mother country and mother church as any gentlemen opposite, however vehemently they spoke on the subject.

The clause was then adopted *mem. con.*, and the Synod adjourned, the Rev. Prolocutor dismissing them with the benediction.

To be Continued.