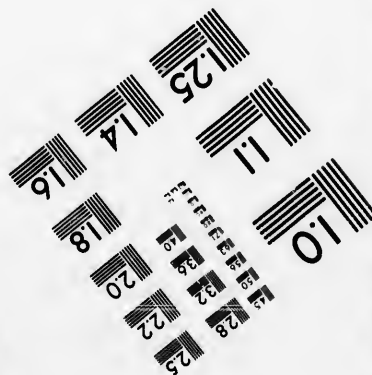
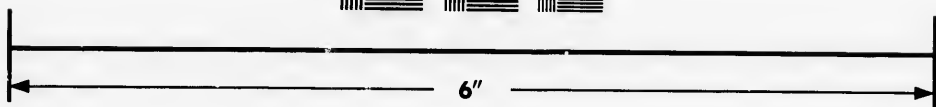
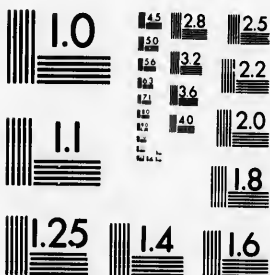


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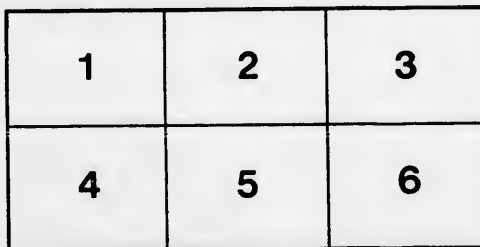
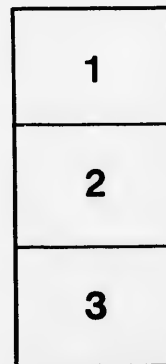
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First Synod met
3^d. July 1868

ADDRESS
OF THE
LORD BISHOP OF FREDERICTON,
AT A MEETING OF CLERGY AND LAY DELEGATES,
CONVENED BY THE UNANIMOUS DESIRE OF THE
CLERGY PRESENT AT THE LATE VISITATION OF
THIS DIOCESE, AND HELD AT ST. JOHN,
JULY 5th, 1866.

At a meeting of Clergy and Lay Delegates from thirty-five parishes in this Diocese, called by the desire of the Clergy to consider the desirability of Synodical action, I was unanimously requested to publish, and allow to be circulated the remarks which I then addressed to the meeting. I have much pleasure in giving what I believe to be the substance of what was said; but as the Address was not written, but delivered from scanty notes, I am unable to recall the exact words.

We have met together to-day to consider whether, under the present circumstances of the Diocese, and with reference to the late decisions of the Judicial Committee of the Privy Council, Synodical action is desirable or not. Some years since, you may remember, the attention of the Diocese was called to a permissive Bill introduced into the Imperial Parliament by Mr. Gladstone, with the full concurrence of the then Archbishop of Canterbury, which would have enabled us to have Synodical action, had we been so minded. All that the Bill provided for was to enable Colonists to do that which in all parts of the world, especially in those parts where there is abundant freedom of speech and action, large numbers, and great intelligence, they have since done. Without further discussion of this Bill, I would simply remark, that no greater mistake was ever made than to suppose, that to prevent the application of the Bill was to defeat any scheme of mine. I was not at that time anxious to have a Synod, and when action under the Bill was refused, I was just as well pleased to let the Synod alone. Since that time, I have never moved in the matter. It is, however, very important to observe that, within the last year, the position of the Colonial Church is wholly changed. In former times, as soon as the Bishop was consecrated, he was furnished by the State with Letters Patent, under her Majesty's sign and seal, which designated him by his title, professed to give him authority over a special See, and to endow him with the power of coercive jurisdiction over the Clergy of the Church of England in his Diocese, authorizing him to establish and hold courts, to try causes, and visit spiritual offences with suspension, or even deprivation after legal trial, and proof of the commission of the offence having been established. Power was also given to appoint various officers, and to do sundry other matters, on which it is not necessary to dwell. The Letters Patent did not, however, appear to legal authorities in this province to be worded with sufficient exactness for the purposes named in them, and I was

advised not to come to trial upon them,—advice which I took care to follow. It was not, however, supposed that the chief blow to the Letters Patent would come from the Imperial Courts of law, yet such has now been the case. The late Attorney General of England thus sums up the effects of the late Privy Council Judgments on the Colonial Church. He understood it to be determined, first, “that no legal Dioceses were created by these Letters Patent in the Colonies to which the questions had reference; secondly, that the Letters Patent created no legal identity between the Episcopal Churches presided over by the nominated Bishops, and the United Church of England and Ireland; thirdly, that the Letters Patent did not introduce into those Colonies any part of the Ecclesiastical law of England; and fourthly, they conferred on the Bishops no legal jurisdiction or power whatever, and added nothing to any authority which the Bishops might have by law acquired, or by the voluntary principle, without any Letters Patent or Royal sanction at all. There remained, therefore, nothing which Letters Patent could do, unless to incorporate the Bishops or their successors with the ordinary incidents of a legal corporation. But he saw it stated in the recent judgment, that these Letters Patent were not valid for the purpose of creating Ecclesiastical corporations, whose status, rights, and authority the Colonies should be required to recognize.” Let us endeavour calmly to consider in what position this decision (if the interpretation of one of the first law-officers of the crown be correct, and it is as yet uncontradicted) places the Bishop, the Clergy, and the Laity of the Colonial Church, in all Colonies, which have Representative Institutions. As to the Bishop—the mandate for his consecration is admitted to be valid, and is undisputed. His consecration was performed according to the rites of the English Church, and his power to administer spiritual functions according to the office of a Bishop, was lawfully bestowed on him by the imposition of the hands of the Archbishop and Bishops present. The Episcopal office, which no act of Parliament bestowed, no act of Parliament can take away. But even in respect of his ordination vow, this decision of the Privy Council has made one very important difference. In the questions addressed to the Bishop at his consecration the following words occur:—“Such as be unquiet, disobedient, and criminous within your Diocese, will you correct and punish, according to such authority as you have by God’s word, *and as to you shall be committed by the ordinance of this Realm?*”

Two sources of coercive jurisdiction are here named. The first is, “the authority of God’s word.” This contains the great principles of all Episcopal duty, but no rules for my special direction as a Bishop of the Church of England. The State proposed to furnish me with the second power referred to in the Ordination Service. Could I have supposed it possible that the Queen’s name and seal would have been affixed to a worthless document, now declared to be “null and void in law,” by the highest Court of Judicature, I should have shrunk from encountering the perils of so dubious a position; I should have declined to accept an office which I never sought, which I never authorized any one to ask for me, and which love for my native land would alone have induced me to refuse, could I have seen it to be my duty so to do. I observe, therefore, that there is exacted from the Bishop a promise as sacred as an oath; he is required, and he promises to govern; he is to rule according to law; but the law steps in, and declares that the legal part of the governing power is not, and never was lawfully committed to him; he is a Bishop, he has spiritual functions, he may discharge them somewhere, but the law does not say where; he has a title, the

Colonists may recognize it, if they please, but they are not required by the law to give the recognition. What a position is this to place the Bishop in! To exact from him the most binding promises, and deprive him of the means of fulfilling them; to land him on a foreign shore, with an empty title, yet without a See; to promise him aid, and deny it altogether; to impose upon him all the burdens and cares of office, all the responsibility and difficulty of admonishing, restraining and punishing evil-doers, and to expose him to the charge of connivance or neglect; to weaken his hands by affirming that whereas evil-doers are protected by law in the possession of their rights, the Bishop alone is unprotected, he has no legal rights, and cannot exercise the jurisdiction which every Bishop is sworn to exercise and defend; this is the protection which the State offers to her dutiful and loyal sons. We have then, a sufficient answer to those who say, "the Bishop has power enough already, and we do not want to give him more. He can deprive a man of his living now, for a cause for which a man could be deprived of it in England." The Bishop can do nothing of the kind. In England every Bishop has an Ecclesiastical court, recognized by law. On any written accusation of an Ecclesiastical offence committed by one of his Clergy, the Bishop may issue a Commission to five persons, according to the provisions of the Clergy Discipline Act, to receive evidence, and report to him if there be a *prima facie* case for further proceedings; he may try the case, or remit the case to the Court of Arches, and from the Court of Arches, there is an Appeal to the Judicial Committee of the Privy Council; ample provision is made for justice, though it is justice ruinously expensive. But here the absence of all legal recognition of the Bishop amounts to a denial of justice. If a Clergyman be guilty of any grievous crime, the secular arm can deal with him, but it cannot (I apprehend) deprive him. He may be committed to prison; but then a double wrong is done; he may still be the legal rector of a parish, without performing any of its duties. The only Colonial Act which bears on the case, is one which has never yet been put in force. But there are many offences beside flagrant crimes, for which the law would not touch a Clergyman. He may be drunken,—he may be grossly negligent of his duty—he may violate all the rules of his Church,—he may write and preach against the truth of Scripture, the Divinity of Christ, or even the Being of a God—he may set up an image of the Virgin Mary, and kneel down before it, and offer up public prayers to it,—and who is to bring him to book? "I do not care for your admonitions," he says to the Bishop; "the law protects me; you have no legal authority. I shall pray and preach as I please; I am the sole judge in my own case; I defy you." All these things are within the bounds of possibility. The deposed Bishop of Natal has been guilty of one of these breaches of faith; and had there been a Synod there with legal power to deal with such questions, he might have been now effectually dealt with in his own Diocese.

I know the answer to this. "Give us," say the multitude, "the power of the purse, and the power of presentation, and all such evils would cease. We should drive away all erroneous and strange doctrines; and drive them away speedily—no Clergyman could stay where he was not paid." Yet even this does not meet the evil, as they suppose. The mischief might occur in well endowed parishes, such as exist already. If the people present, the Clergyman once inducted might set them at defiance. We see in the United States an active flourishing Episcopal Church. We know that democracy is jealous and exacting enough not to make autocrats of Bishops. But they have not found the power of

the purse sufficient without the power of the keys, without well ordered assemblies, and convened according to law, ordered by definite rules, Diocesan and Provincial, to which Bishops, Clergy, and Laymen are amenable. Ask any intelligent Clergyman or Layman, in Maine, or Massachusetts, New York, or New Jersey, whether Conventions (another term for Synods) are useless, whether they are instruments of Episcopal oppression, whether they regret their establishment, and he will smile at your ignorance. We need not, indeed, go across the border for information. In every Canadian Diocese Synods are established, and are a part of the settled form of Church government. Besides, in reference to Ecclesiastical offenders, it is generally found that the offender is able to form a party in his behalf. A man of popular talent may always surround himself with followers, and deliver appeals to the sympathy of multitudes whose loose lives incline them to support him because he supports them in believing little themselves. Deprive the Bishop of all power to deal with offences committed against faith, or morals, and the Episcopal office is in commission; it is shorn of one part of the duty the Lord committed to it, and the Laity are not so secure as they suppose themselves to be. Suppose a Bishop to be a mere hireling, to be indifferent to the good or bad conduct of his Clergy, to be insensible to his responsibility, and if he can secure his income, the present state of things might suit him very well. He sits like the gods of Epicurus in "blessed and everlasting ease," while every man does that which is right in his own eyes. A few men undertake, of their own motion, to govern the diocese in his stead, and drag Sosthenes before their judgment seat. But it is all one to him. Gallio cares for none of these things. This is certainly not the state of Church matters contemplated by the Church of England in her ordination office, or in the preface to her Prayer-book; nor is it supported by her general traditions, by experience, or the voice of her divines, and it would deprive the Church of all weight, influence, and general respect.

My argument as to the position of the Bishop is greatly strengthened by a Bill lately introduced by Mr. Cardwell into the Imperial Parliament. The Bill, indeed, is not law, and we know not whether it will ever become law; but as it is a government measure, and is based on the advice of the law officers of the Crown, and the Judgment of the Privy Council, we may reasonably believe that some such provisions would be found in any Imperial measure which may be introduced. The substance of the Bill is, that it accepts all the decisions of the Privy Council: reenacts none of the Letters Patent; disestablishes the Church in all Colonies having representative institutions, confers no status, or jurisdiction on the Bishops, and places the members of every Church on the footing of a voluntary society of Christians, calling themselves members of the Church of England, but not *legally identical with the Established Church in England*. Can it be said that such an anomalous state is desirable, without rules, government, or any body legally competent to act?

But let us consider the position of the clergy generally. Their ordination having been made, agreeably to the rules of our Prayer-book, and by a duly consecrated Bishop, must be considered valid. Mr. Cardwell's Bill, however, undertakes to remove doubts upon this important subject, and it is unpleasant even to hear of doubts. One kind of doubt arises out of the course followed by the Church and State at home during the last year, and I am unable to solve it. It proves practically, what the Judgment of the Privy Council determines theoretically, that we are no longer in the eye of the law, identified with the Church in

England. It was agreed in both Houses of Convocation, and determined by Act of Parliament, that the terms of subscription for ministers before Ordination should be altered, and the alteration has been made. A change has also been made, and has been ratified by the same authority, in a Rubric in the Ordination service. No intimation of this important alteration has been made to me by any recognized authority, though of the fact there is no doubt. This Act does not apply to the Colonies, and is not in force here, and I confess I am at a loss how to act. If I conform to the new regulations, I have no legal or other authority for doing so. If I abide by the old, the rules I follow are not the rules of the existing Church of England. What can more distinctly show that we must, as a Church, act for ourselves? If the Bishop, move at all in the matter without a Synod, he acts autocratically, which he has no desire to do; yet he must act one way or the other, or he must cease to ordain. Should there be other changes made by the Mother Church, similar difficulties will occur. I presume that every Clergyman would desire that no doubt should exist, but I know of no body but a legally constituted Synod competent to resolve such doubts; the Colonial Legislature is not an assembly fitted to discuss such questions, nor indeed desirous to entertain them.

I have stated the grave difficulties arising from the entire absence of coercive jurisdiction. The Clergy are as much interested in these questions as I am. No religious and pious clergyman would wish to see evil doers unpunished, and sin triumphant. He must feel himself degraded by belonging to a body of Christians which has no discipline: above all, the weakness of his Bishop is a weakness to him; and he is injured, when the finger of scorn can point to scandals notorious, yet unredressed. He looks up to the Bishop as his governor and pastor, but he may look in vain; and it is no comfort or strength to him that irresponsible persons, of their own mere notion, assume Episcopal powers, and profess to govern the Diocese, and redress all evils. "Oh that I were made judge in the land," was once a popular sentiment, but it proceeded from no very wise mouth. If the governor sent by the Church be not allowed to rule, mankind will not the less be governed, but they will be misgoverned; and they will find there are heavier hands laid on them than the hands of the Bishop. There were those who fled even from the Star Chamber, who found themselves in no better, but rather a worse, condition, when they reached New England—"Mutatis mutandis, de te fabula narratur." But let us turn to the laity. They are every way interested in the formation of a Synod. They would form, by their representatives, an important part of it: Church questions would, of necessity, be discussed before them, and by them; they would both gain and impart information; and acquire a greater interest, and a more settled view of the Church of which they are members. At present, our meetings are merely called to collect money, and to dispose of money. A Synod has brought before it the more spiritual part of the Church's work; and part of its duty is to preserve with prudent care, and hand down unimpaired to our children the precious heritage we have received from our ancestors. The English Church tells us, the British Parliament proclaims to us, that it is no longer their intention to guard our privileges for us; we must do our own work with our own heads, and our own hands. The Queen's supremacy cannot help us, for the supremacy of the Queen is simply the supremacy of English Law; and English Law by the mouth of the highest Court has assured us, that when there are Representative Institutions in a Colony, the power formerly supposed to reside in the Queen alone, cannot be exercised here. Even if

there be an appeal to the Queen in Council, this will not materially help us. Appeals are safeguards against injustice, or misconstruction of law, or denial of rights, but they do not provide rights, they do not frame rules when there are none, they cannot do the work of the Church, you cannot appeal from that which is not, to that which is.

It is law, not anarchy, which is guarded by appeal. All appellate jurisdictions are founded in the existence of rights below their jurisdiction, and what security have the laity, against an immoral or heretical Bishop, without a Synod? There is no body legally empowered to try him, or if he be innocent, there is no body legally empowered to hear him, or should the See be vacant, there is neither the means provided to elect, nominate, or recommend a successor. Should the Crown appoint, there is no body authorized to make known the wishes of Churchmen touching so important a matter. The Laity, it appears to me, are helpless, except so far as irresponsible editors of newspapers and magazines undertake to make known and protect their interests. But even if this were a Scriptural, Apostolical, and fitting method of action in such grave matters, which it is not, many Laymen either do not read, or are not represented by what is said. The whole Diocese is no party to the transaction. The thing is not done "decently, and in order," as the Apostle advises.

There are two good old rules by which every well-ordered Church should be governed. The first rule is that of St. Ignatius:—"Do nothing without the Bishop." In matters affecting the welfare of the Church, as he is your acknowledged chief pastor, take him into council; ask his advice; set up no factions against him; make him, if possible, a party to your work, and you strengthen your own hands, as much as you strengthen his. The second is that of St. Cyprian:—"Do nothing without the advice of the Clergy and Laity." No Bishop who looks to Scripture and Primitive Christianity as his models, wishes to stand alone. Autocracy is distasteful to him. He desires to act in concert with the other orders. He distrusts his own solitary judgment, and deems himself strongest when he can say, "the Bishop, Elders and Brethren, to the Church, greeting." But how is this joint action, this united counsel to be obtained? Clearly by our being "gathered together," at the summons of our chief pastor, in an orderly way, such as the Church may agree upon, and by what other way, than by a Synod, or Convention, I cannot tell. The point really is whether you desire that there should be no united action or counsel, which is Anarchy; or that each congregation should have its own rules, which is Independency; or that a few irresponsible persons should choose to represent you whether you will or no, which is Tyranny; or that all should choose to join with the Bishop in common consultation, and deliberate action, which is Primitive, Limited, Scriptural Episcopacy. Surely, the Laity cannot suppose that they will be called together to oppress themselves; surely, they are not so weak as to imagine, that they will fall to pieces by union.

I have endeavoured to show you that Synodical action has become a necessity in consequence of the changes made in our relation to the State, and to the Mother Church,—changes which we did not desire, but which it is useless to ignore. But it may be asked, will not the Church Society supply the want? Have we not there a body of Clergy and Lay-delegates legally incorporated, who meet every year for the transaction of the business of the Church? Why is another body required? Because the Church Society is a committee within the Church, called together to promote its interests by the distribution of funds raised for certain limited objects, and for no others.

The Church Society is not authorized to deal with the relations of the Churchmen of New Brunswick to one another, and to the Mother Church. It cannot entertain questions of discipline. It cannot speak with the authority of a Synod. Most useful in its sphere, it is limited to that sphere, and beyond its written legal constitution it cannot go. In all the Canadian or Australian Dioceses, they have never found that any thing less than a Synod can do the work of the Church, and do it successfully and effectually. Nor does any difference in theological schools prevent our brethren in those Dioceses from uniting together in Synod. Huron is as active in Synodical action as Ontario, Melbourne as Auckland and Tasmania. A Synod is as comprehensive as the Church itself, and allows as much freedom and scope as the formularies of the Church. There is no stifling of thought, no pressure to prevent its expression, but the very fact of men being brought together to discuss important subjects leads them to be less suspicious of each other, and to learn in what points they can all unite. Why should Churchmen in Synod be less able to discuss subjects temperately and freely than in the Church Society, when the organization is the same, and the men are the same? Clergymen and Laymen are associated in the one, Clergymen and Laymen would be associated in the other.

Some objections to Synods may also be considered. It is supposed that Synodical action may tend to separate us from the Mother Church, and unloose those holy bonds of communion in which we have been hitherto bound. As far as the legal aspect of the question is concerned, the Judicial Committee has decided that our position is not identical with that of the Church at home. But as regards the moral and spiritual aspect, there is no point on which Colonial Churchmen are everywhere more unanimous, than in the wish to preserve our connection with the Mother Church inviolate. We should not meet in Synod to form new creeds, and compile a new Prayer-book; we should not desire new formularies, nor seek any other basis than that of the existing Church. But as the State has cast us adrift from some of our ancient moorings, we wish to drift away no further. We know that without rules, without a settled government, without a status and position, we cannot stand as a Church. We are left helpless on the stream, and may be carried we know not whither. A Synod, we may hope, will tend to preserve whatever is valuable untouched, as well as add whatever is lacking. The heart of our people is sound, and has no desire for separation from the Mother Church, nor need we entertain the fear.

It has been said again, that a Synod will increase the Bishop's power, and therefore should be avoided. A weaker objection could hardly be imagined. The Bishop's power has been called autocratic. What autocrat would think to increase his power by calling a parliament? Who are to register the decrees of the Bishop? Are not the Laity free men, whose general bearing is ample security for their independence? Their number is double that of the Clergy. They would vote by orders, whenever they desired so to do, and both Clergy and Laity have a veto on each other and on the Bishop. I believe that the Bishop's power would be both increased and diminished by a Synod. It would be diminished as far as it is irregular, unlimited and useless; it would gain just where every right-minded person would wish it to be augmented, in the moral force of a united judgment. It would be corrected and amended by discussion, and would be more freely acquiesced in, when it became the judgment not of the Bishop individually, but of the Church. With regard to the veto, which is made so much of by some, every Bishop in the world has it practically, whether you give it to him or no. The Canadian and

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Australian Bishops all have it formally; the Bishop in the United States all have it *practically*. The Bishop has it before a Synod is formed, and he will have no more, if it be formed. The Synod without the veto could do nothing without him, and with the veto, he can carry no measure which the Synod disapproves. It amounts simply to a conservative check upon hasty legislation, which in practice would never be exercised but to prevent what all parties would probably be thankful for an opportunity of reconsidering. To suppose a Synod frequently originating useful measures, which a Bishop would as frequently veto, is to suppose Churchmen more destitute of reason and common sense than all other men.

There may be other reasons against a Synod of which I know nothing, because some of our friends declined even to listen to discussion, and we are therefore denied the pleasure of listening to their arguments; but if there be any other, I am inclined to think, that if strong, they are not irrefragable; and that the weight of reason lies with those who were willing to hear the subject argued, and who did not desire to shut their ears to the arguments of their opposers.

My reasons are all based on the decisions of the highest court of judicature in England, and on the growing conviction, that a Church which is no longer legally identified with the Parent Church, which has no settled rules, and whose Bishop is in an undetermined, anomalous position, can have no weight in the community; and is in a very unsafe state, and that as the Imperial Parliament refuses to help us, we must help ourselves, especially as our brethren around us on every side have concluded that the only effectual method of help is synodical action. Some of the Colonial Dioceses which have no Synods are incapacitated by the smallness of their numbers, or the distances which make it impossible to meet in Council, or they are in Colonies where the Church is established by Imperial or Colonial Acts. Generally speaking, in proportion to the importance and intelligence of the Diocese, has been the desire for united orderly action of this kind. If you are convinced by such arguments, you will, I trust, fearlessly assert your convictions, and will endeavour to win to your side those who have declined to be present at this discussion.

JOHN FREDERICTON.

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