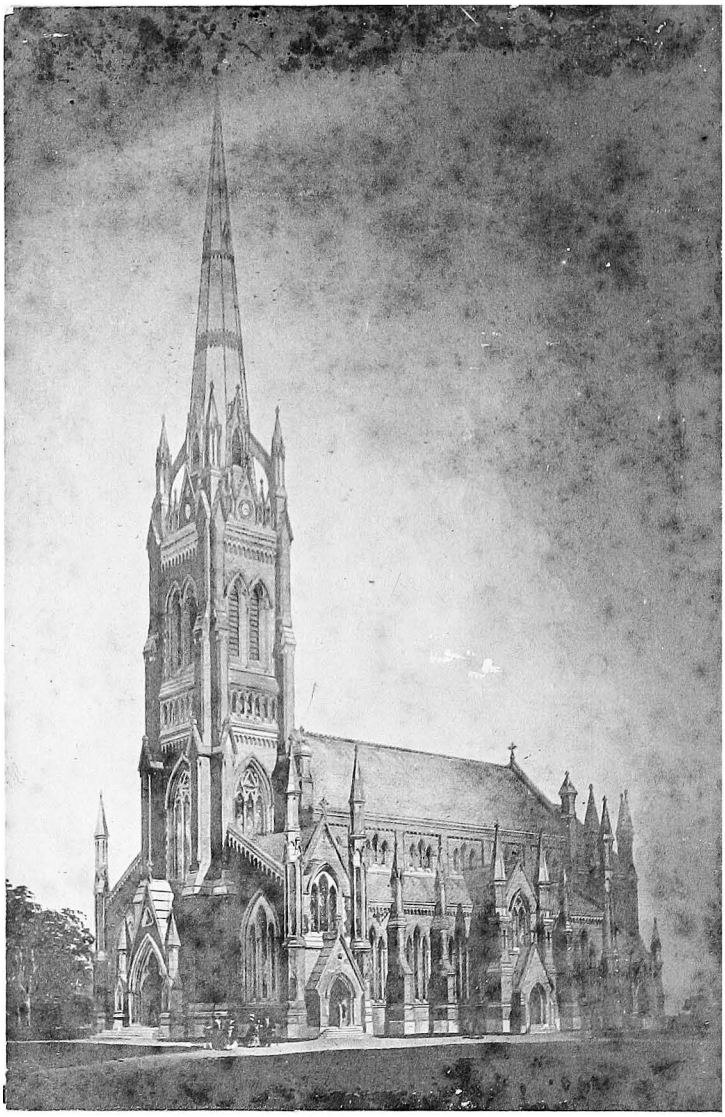

Constitution

and

Canons

of

The Synod

of

The Diocese of Toronto,

with

Explanatory Notes and Comments,

by

James Bovell,

Lay Secretary to the Synod.

Toronto:

Rowsell & Ellis, Printers to the Synod.

1858.

The Church.

O 'twas a joyful sound to hear
  Our tribes devoutly say,
Up Israel, to the Temple haste
  And keep your festal day.
At Salem's courts we must appear
  With our assembled powers,
In strong and beauteous order rang'd,
  Like her united tow'rs!

'Tis thither by Divine command
  The tribes of God repair
Before His Ark to celebrate
  His name with praise and prayer.
Tribunals stand erected there,
  Where equity takes place:
There stand the courts and palaces
  Of Royal David's race.

Our mother the Church hath never a child,
  To honour before the rest,
But she singeth the same for mighty kings,
  And the veriest babe on her breast;
And the bishop goes down to his narrow bed,
  As the ploughman's child is laid,
And alike she blesseth the dark-brow'd serf,
  And the chief in his robe arrayed.

She sprinkles the drops of the bright new-birth,
  The same, on the low and high,
And entombs their bodies with dust to dust,
  When earth with its earth must lie;
Oh the poor man's friend, is the Church of CHRIST
  From birth, to his funeral day;
She makes him the LORD'S, in her surpliced arms,
  And singeth his burial lay.

Introduction.

At the suggestion of some of the brethren deeply interested in the successful working of Synodal Courts, the following copy of the Constitution and Canons of the Diocese of Toronto, with explanatory notes, has been arranged.

The object which the editor has in view is the dissemination of correct ideas as to what Diocesan Synods are calculated to accomplish, and to point out that such assemblies are not mere gatherings of worldly-minded men, for the purpose of obtaining some selfish ends, but a Holy Convocation, brought together for the sole purpose of setting forth the glory, the praise, and honour, of their common God and Saviour. If such be not the sacred intention of such meetings, and if such intentions do not in such meetings become realities, far better would it be that we never come together: and for a like reason Synods should never be held on vain pretexts.

What is it that each one of us desires? What earthly ambition have we to gratify? Whose service are we enlisted in? These questions, seriously considered, will surely force us to acknowledge, that our sole desire ought to be, the salvation of men's souls, by extending and strengthening Christ's Kingdom. That our only ambition ought to be, to contend for the truth alone, and to be *accounted worthy* to suffer for it; and that by God's help we will do as enlisted under the banner of the Cross, as zealous defenders of "The Faith once for all delivered to the saints."

It becomes us then to understand our true position, and to realize the value of that divine organization, which Christ himself instituted and promised to preserve. Like St. Paul, we may boast "that we are citizens of no mean city," we are off-shoots of the true Vine. The Holy Church of England and Ireland flourishing in the mother land ere the Monk Augustine set foot on English soil, or ever the Roman schism vexed the Catholic Church, is the Church into which we were by God's mercy elected at our baptism; and however sorely that Church may have been tried, however dark the stain which our mother may have contracted by an unhappy alliance, nevertheless by repenting of her sins God did bring her back again as he did his people some time from the deep of the sea," set her feet upon the Rock and ordered her going.

That Church is what? "A living temple:" we are lively stones builded together. "Know ye not that ye are the temple of God, and that the Spirit of God dwelleth in you?" "If any man defile the temple of God, him shall God destroy; for the temple of God is holy, which temple ye are. Therefore let no man glory in men: ye are Christ's and Christ is God's."

Those who rightly consider the present aspect of the Church, cannot divest themselves of that feeling of anxiety which important constitutional changes in the relations of Religion to the State, or in the one or the other necessarily inspire; and certainly it is much more difficult to restore ancient customs, than to originate new ones. The sin of schism is now developed in such hideous proportions, that even the sluggish State official trembles before its consuming influence, and feels his difficult and perilous path rendered more and more insecure by the hinderances which "divided interests"

are constantly projecting before him. The Crown legally connected with the Church of England is year by year becoming more largely identified with those religious societies which have renounced communion with her; and there seems to be a growing desire to construe the conditions on which the Protestant Succession to the Crown is maintained so liberally as to permit the Royal Sceptre to be swayed by any Prince who would simply deny the Papal Supremacy.* Indifference, however, will prove but a sorry barrier to the encroachments of evil, and cannot avert the punishment which will most assuredly follow the forsaking of the Truth.

Can any thing be more apalling than the state of public opinion with reference to India? With one voice the whole British people cry out that they are justly punished for their sins; that God is avenging His Truth, which we have allowed the Heathen to trample under foot; but when in the midst of this cry of contrition the hint is dropped by Government that they will increase the number of Bishops and foster religion, immediately a discordant shout is raised against a State-religion, albeit that religion be Protestant. If then the State dares not to disregard this protest and yields the duty of making provision for the evangelization of savage but educated men to private enterprise, how long will a righteous and just God deal tenderly with a nation which permits such things? Strip the Crown of its peculiar religion and declare it to be independent, and then the question of the Royal Succession will, as a punishment, be left to be decided by the stoutest arm or the most subtle head. Nothing has tended so much to weaken the influence

* The tenor of every public Act is to identify the Church with Protestant dissenters.

of the Church of England, as that spirit of lukewarmness and laxity of opinion which has for some time prevailed; those who should be of one mind, are but too likely to fall out by the way, and hearts that should be loyal to their own altars are but often disposed to display a spurious liberality by kneeling at another which has been recklessly set up against that which they call theirs; and what is the result of such conduct? Is the Romanist schism in Britain to-day in the position which it was a quarter of a century ago? Had we England marked out by a foreign Potentate into separate divisions? Was there in the whole length of the land a vassal of any foreign Prince usurping the titles, setting at defiance the authority of the Sovereign, and by the most lawless proceedings bringing contempt on the most sacred character of England's Church? Surely we, the sons of that Anglican Church, whose destinies are cast in a land where the conflict of opinion waxes hot, ought to be heart-sick of that disunion which produces nought but wretchedness, and should daily pray for that peace which can alone preserve us. Let our people combine together with the sincerity which distinguishes in so marked a manner the followers of an impure faith; and who can doubt but that brighter results would follow a union which, as containing the Truth, must lead to its establishment? But it is meanwhile a trial of faith to find ourselves, as the Israelites of old, vexed and sore pressed by enemies who are as relentless as aggressive. We are passing through a fiery furnace; each one will now have even here on earth his work proved, and it will be discovered what spirit we are of. Let contentions, divisions, heart-burnings, and strife cease from amongst us, and let us give ourselves up to work righteousness rather than iniquity; our

mission is, to bind up the broken-hearted, reclaim the poor wretched outcast, to "preach the Gospel to every creature," minister to the infirmities of men, and to train up and FEED THE LAMBS. Let the Synodal action of the Church be confined to works of Piety, Charity, and the maintainance of sound Truth, and let those who are entrusted with the work of Christ's Church be emulous of good works, of which we have enough to do, and bitterness and noisy contention will cease from among us.

An Act

TO ENABLE THE MEMBERS OF THE UNITED CHURCH OF ENGLAND AND IRELAND, IN CANADA, TO MEET IN SYNOD.

Whereas doubts exist whether the members of the United Church of England and Ireland, in this Province, have the power of regulating the affairs of their Church, in matters relating to discipline, and necessary to order and good government, and it is just that such doubts should be removed, in order that they may be permitted to exercise the same rights of self-government that are enjoyed by other religious communities: therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Bishops, Clergy, and Laity, members of the United Church of England and Ireland, in this Province, may meet in their several Dioceses, which are now, or may be hereafter constituted in this Province, and in such manner and by such proceedings as they shall adopt, frame constitutions and make regulations for enforcing discipline in the Church, for the appointment, deposition, deprivation, or removal of any person bearing office therein, of whatever order or degree, any rights of the Crown to the contrary notwithstanding, and for the convenient and orderly management of the property, affairs, and interests of the Church in matters relating to, and affecting only, the said Church, and the officers and members thereof, and not in any manner interfering with the rights, privileges, or interests of other religious communities, or of any person or persons not being a member or

members of the said United Church of England and Ireland: provided always that such constitutions and regulations shall apply only to the Diocese or Dioceses adopting the same.

II. The Bishops, Clergy, and Laity, members of the United Church of England and Ireland, in this Province, may meet in General Assembly within this Province, by such Representatives as shall be determined and declared by them in their several Dioceses; and in such General Assembly frame a Constitution and regulations for the general management and good government of the said Church in this Province: provided always, that nothing in this Act contained shall authorise the imposition of any rate or tax upon any person or persons whomsoever, whether belonging to the said Church or not, or the infliction of any punishment, fine, or penalty upon any person, other than his suspension or removal from any office in the said Church, or exclusion from the meetings or proceedings of the Diocesan or General Synods; and provided also, nothing in the said Constitutions or regulations, or any of them, shall be contrary to any law or statute now or hereafter in force in this Province.

I hereby certify the above to be a true copy of the Bill passed by the Legislative Council and Legislative Assembly of Canada, in the Second Session of the Fifth Provincial Parliament, and reserved for the signification of her Majesty's pleasure thereon by His Excellency the Governor General, on Thursday, the nineteeth day of June, 1856, and subsequently assented to by proclamation in the *Canada Gazette*, bearing date the twenty-eighth day of May, 1857.

J. F. TAYLOR, *Clerk, Legislative Council.*

Declaration.

We, the Bishop, the Clergy, and Representatives of the Laity of the United Church of England and Ireland, within the Diocese of Toronto, assembled in Synod, and intending, under God's blessing and guidance, to consider and determine upon such matters as shall appear necessary for the welfare of the Church in this Diocese, desire, in the first place, for the avoiding of all misunderstanding and scandal, to make a declaration of the principles upon which we purpose to proceed.

We desire that the Church in this colony shall continue, as it has been, an integral portion of the United Church of England and Ireland.

As members of that Church, we recognise the true Canon of Holy Scripture, as received by that Church, to be the rule and standard of faith; we acknowledge the Book of Common Prayer and Sacraments, together with the Thirty-nine Articles of Religion, to be the true and faithful declaration of the doctrines contained in Holy Scripture; we maintain the form of Church government by Bishops, Priests, and Deacons, as Scriptural and Apostolical; and we declare our firm and unanimous resolution, in dependence on Divine aid, to preserve those doctrines and that form of Church government, and to transmit them to our posterity.

In particular, we uphold the ancient doctrine of our Church, that the Queen is rightfully possessed of the chief government or supremacy over all persons within her dominions, in all causes whether ecclesiastical or civil; and we desire that such supremacy should continue unimpaired.

It is our earnest wish and determination to confine our

deliberations and actions to matters of discipline, to the temporalities of the Church, and to such regulations of order as may tend to her efficiency and extension; and we desire no control or authority over any but those who are, or shall be, members of our own Church.

We conceive that the following, and such like subjects, may fitly come under our consideration, and lead to action on our part:

1. To frame a Constitution for the Synod, and to regulate the time and place of its meetings, and the order and manner of its proceedings.

2. To provide for the proper exercise of ecclesiastical discipline, in regard to both Clergy and Laity.

3. To provide for the extension and temporal well-being of the Church, and the support of the Clergy and schoolmasters, for the maintenance of public worship, and the diffusion of a sound religious education.

4. To promote and regulate the building and consecration of Churches, and the erection of Parsonages and schoolhouses.

5. To provide for the division of the Diocese into Parishes, with regulations for future sub-divisions.

6. To provide (with consent of the Crown, where needed) fit regulations for the appointment of Bishops, Priests, and Deacons.

7. To regulate the fees for marriages and other offices of the Church.

8. To provide, with the consent of the Crown, for the division of the Diocese into new Dioceses, either forthwith, or at any future period.

9. To procure from the Colonial Legislature any laws, or modification of laws, which the circumstances of the Church may require.

These are subjects which will supply abundant employment for our Synods, and they are such as the circumstances of

the Church in this Province imperatively require her Clergy and Laity to deal with. In adopting Synodical action upon such a principle, we feel that we shall not be infringing the royal prerogative; and we are the more free to enter upon such action from having learned that a high legal authority in the Mother Church has declared that there is no real impediment to the action of Diocesan Synods, and from knowing that the Imperial Legislature has affirmed the principle that the Colonial Church ought to have the power of assembling for the management of its internal affairs.

Though we could have desired that an Act of the Imperial Legislature (founded on the views of the Archbishops and Bishops, and other well informed persons, both at home and in the colonies) should have laid down the basis of such a constitution as should have been suitable for the action of synodical assemblies, in all the Colonies, in order that the unity of all parts of the Church might be completely preserved; yet the exigency of our affairs does not admit of any further delay. If, at any future period, such constitution should be framed by adequate authority, we shall cheerfully modify what has been done by ourselves, so as to bring it into conformity with the decisions of such authority.

Meanwhile we have reason to trust that the other Dioceses of British North America will adopt a line of conduct similar to our own, and thus enable us to confer with them; so that, by mutual consultation, such a constitution may be adopted as will mark our unity, both of principle and sentiment, and form the basis of combined action for many generations to come. We trust, likewise, that, by the same means, or through the action of the Crown, the whole of these Dioceses may be united into one Ecclesiastical Province under its proper Metropolitan, and with its Provincial Council; which may frame Canons for our joint action, and be a Court of Appeal, if questions should arise in any diocese which cannot be settled by the Synod of the Diocese itself.

In conclusion, we humbly pray that the God of unity and peace may be with us, and so chasten our affections, purify our motives, and guide our judgment, that we may be enabled to contribute to the efficiency, concord, and stability of the Church in this land.

JOHN TORONTO.

Attested by { J. GAMBLE GEDDES, *Clerical Secretary.*
JAMES BOVELL, *Lay Secretary.*

The Canons

AND

Constitution of the Synod.

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1. The Synod shall consist of the Bishop of the Diocese; of the Clergy of the same licensed to the cure of souls, or holding office in any College or School under the jurisdiction of the Bishop, and not under ecclesiastical censure; and of Lay Representatives to be elected as hereinafter provided.

In all ages of the Church, the three estates have been recognised, Bishops, Priests, and People. Without the Bishop nothing valid can be done; without the Priest the People would stray from the fold, for they are God's ministers to them—stewards of the mysteries—and to them is committed the *cure* of souls, and the commission to declare a free pardon to the truly penitent, and absolution from their sins through the Atoning Blood of the only Saviour Christ the God-Man. Without the People no hearty obedience to God's Will could be set forth, His courts would be imperfectly filled, and would suffer dishonor, and his promise to be with His Church broken. The three-fold union must be maintained as God Himself has appointed.

The admission of Laity into the councils of the Church may be proved from Holy Writ, and from the clear testimony of the Fathers from Apostolic times. The precise amount of influence which this part of the Church had and enjoyed has varied at different times; at one time being in loving unison with the other orders, and restricting its interference to subjects more immediately within the sphere of its legitimate power; at another time through spiritual pride, political selfishness, or even worse, laxity of life in society at large, a very unwarrantable intermeddling in holy things has been productive of serious evils. In most instances, however, such scandal has been the result of the usurpation of power by Civil authority and not of the Lay element in its proper place. In the Church of England—the State being identified with it—the members of the Houses of Commons and Lords were the Lay members to aid in passing all Ecclesiastical Canons and Laws which were submitted to them, after having been agreed on by the Clergy in Convocation.

In Canada, as in the United States, the State not being now identified with the Church, the Lay element is transferred from the floor of the

Legislative Assembly to that of the Diocesan or Provincial Synods. All the Acts and Canons passed by the Church thus assembled are binding and valid on the consciences of all those within her pale, and are to be had in respect and obeyed as done to the glory of Him who is the Head over all, Jesus Christ.

The Bishop, Clergy and Laity, are all distinct and important parts of the same body: all must *concur*, or nothing can be done rightly and duly. There can be no doubt whatever that the Laity exercised an influence and expressed their opinions on Church matters; but the most wholesome state of the Church restricted their influence to concurrence in what was done.

The Bishop of Oxford writes: "From the intimations of the Acts of the Apostles, we can hardly doubt that in one way or other, the Laity took part in the discussions of the primitive Church. It is as plain that they made up the body in which dwelt the Holy Ghost as that the power of discipline and rule was vested in the hands of the Apostles. The general history of the Church in the succeeding age suggests, that then also *the believing* people ratified with their express consent the decisions of the earlier Synods. That such was the custom in England is clear from plain historical records. It is proved from the earliest remains of our annals that the Bishops presided over ecclesiastical councils in England, and with a vast attendance of the people, settled all matters of religion against heresies. After the subjugation of the island by the Saxons, their kings with their chiefs and Bishops, held councils, in which they decided all which concerned the safety of the Church and kingdom; and to maintain their place and discipline, enacted laws, with the sanction both of the Laity and Prelates. Further, if at any times Canons were passed in a merely Ecclesiastical Synod, they were not binding on the body of the Clergy until they had received the sanction of the monarch as the *representative* of the Laity; for no decrees of ecclesiastical councils possessed the character of public enactments until thus sanctioned by the king's authority.*

Both in Scotland and England in the ninth, tenth, and eleventh centuries Councils were held for settling both Civil and Ecclesiastical affairs, in which it is plain from their signatures, that kings and great men of the Laity sat with and even out-weighed the Bishops. On this point our ancient records cannot be mistaken. "Let the bishop and the senator,' say the laws of Edgar, (about A. D. 950), "be present at the Provincial Synod, and afterward let them teach divine and human laws. * * King Edmund assembled at London-byrig, a great Synod as well of Ecclesiastical as secular degree, during the Holy Easter-tide. There was Odda Archbishop, and Wolfstan Archbishop and many other bishops, deeply thinking of their souls' condition and of those who were subject to them."

In the reign of the most beautiful Wihtred, King of the Kentish men, there was assembled a convention of the great men in council: there was

* Wilkin's Concilia, vol. vi., p. 8. Wilkin's Leges. Anglo-Saxonica, p.p. 78, 79.

Birewald Archbishop of Britain and the before-named King; and the ecclesiastics of the Province of every degree spoke in union with the subject people. * * * So the laws of King Alfred. After this it happened that many nations received the faith of Christ, of holy Bishops, and also of other exalted Witan;" and even in later times when the Clergy and laity no longer sat together, the decisions of the Synod were ratified by the assent of the assembled Laity.*

2. The Lay Representatives shall be male Communicants of at least one year's standing, of the full age of twenty-one years, and shall be elected annually at the Easter Meetings, held by each Minister having a separate cure of souls; or at any meeting specially called by the Incumbent for that purpose. And all laymen within the cure, of twenty-one years of age or upwards, who shall have declared themselves, in writing, in a book to be provided for such purpose by the parish, to be "Members of the United Church of England and Ireland, and to belong to no other religious denomination," shall have the right of voting at the election.

It is clear that no man who wilfully disobeys God can be His child, nor can he be heir to a salvation, which by disobedience he forfeits. Above all things, they who are to hope for the guidance of the Holy Ghost, and desire to utter His voice, can alone obtain His precious blessing by fulfilling all righteousness, "for except ye eat the flesh of the Son of Man, and drink his blood, ye have no life in you." The Church, therefore, entrusts those only with power to act in the councils who by their outward acts and life, give a reasonable assurance that they are godly men; and formerly the law of England required all civil officers to be communicants, hoping thereby to secure faithful servants. The Church, as the Bride of Christ, the assembly of the faithful, must endeavour to keep herself free, her members holy and clean unto God: so much does she demand of those who are to uphold "The Faith." In giving a voice in the election of delegates to represent the people, to professing members of the Church, the principle acted on seemed to imply, that as all are bound in *foro conscientiæ* by the acts of the Synod, it is but right that all should have a voice in the election of such delegates, and it is more than probable that many feeling themselves so bound in honour and conscience would think more deeply of their position, and by reflection and the aid of grace be won to a better life. The Scriptural character however of the Anglican Branch of the Catholic Church clearly upholds the primitive custom of permitting none to have a voice in her affairs, but those who continue in the Apostles' doctrine and fellowship,

* Anglo-Saxon Laws, p. 92. Ib. p. 7; p. 16, A.D. 695.

in the breaking of the Bread and in the Prayers: our admission, therefore, of non-communicants to vote at all on important matters—as the election of delegates to wit—is a relaxation of the law; but it has been done by the Church in the United States.

3. The Minister himself, if present, shall preside at the election: and in his absence the Curate or Assistant Minister, or a Chairman elected by a majority of those present.

There can be no doubt but that He who has the cure of souls is the best qualified to preside over the flock committed to him; but besides this, the Priest is to the people a messenger from God, His ambassador and steward of the Mysteries. The Church therefore in honouring the Priest honours God, whose servant he is. It is further part of the Priest's duty to see that all things be done rightly and to the glory of God: his proper place therefore is at the head of the people, provoking them to good works. "We beseech you, brethren, to know them among you, *and are over you* in the Lord and admonish you; and to esteem them very highly in love for the work's sake."—Thes. chap. v., v. 12. The Civil Power recognizes this right as in the Temporalities Act and declares:—"XI. And be it further enacted by the authority aforesaid, that in all Vestry Meetings, the Rector or Incumbent of the Church shall preside as Chairman, when present, and in his absence, such person as the majority present at such meeting shall name; and the Vestry Clerk, when there is one, and present, or in case there be no Vestry Clerk, or he be absent, then such person as the Chairman shall name shall be Secretary of such Vestry Meeting; and the proceedings of such Vestry Meeting shall be entered in a book to be kept for that purpose, and preserved in the custody of the Churchwardens."

Anxious for the general welfare, the Church offers no impediment to the carrying out of her principles; it is therefore enacted, that in case there should not be a Minister of God present, a chairman shall be elected, who shall be clothed with authority to conduct the election.

4. The number of representatives to be elected within any cure shall be one or more, not exceeding three in number.

The Church in early times has left us no precise direction on this subject, and the exact number and manner of voting by the Laity has varied. The principle which guided the Synod of Toronto appears to be, to obtain a full expression of opinion from godly, sober, and discreet men on matters touching the Church, and of course, in that is included, the spread of the Gospel of Jesus and its saving truths, the reclamation of the vicious and correction or cure of wickedness; to the which things the Laity by their voice and counsel may contribute much. It has however been thought that three Delegates from the Laity of each Mission are too numerous, as giving

a preponderance to that element; the Synod, however, principally by the influence of the Clerical body, refuses to amend the Canon, and it remains in force. It is to be remarked, that although a Mission has three Delegates, they can only vote as one, and a dissension or disagreement between them silences the vote.

5. Each representative shall receive from the Minister or chairman of the meeting a certificate of his election, signed by the person presiding at the election; and shall continue in office until his successor is appointed.

This is done to prevent a disqualified person from sitting in the House, and to assure our successors that all due care was taken to defend the cause of truth and religion from the evils which follow on irregularity and carelessness, and also as a certificate of the religious standing of the Delegate, proving under the hand of his Pastor that he was to all appearance a God-fearing as well as God-loving person.

6. That whereas it is desirable that all due care and caution shall be taken to insure the due election of the Lay Delegates, by properly constituted Parishes or Congregations,

Be it enacted,—That all Lay Delegates shall, each one before taking his seat in Synod, produce to and deposit with the Lay Secretary, or such other officer of the Synod, appointed to receive the same, a certificate of his election in the following

FORM,

To be signed by the Chairman of the Meeting.

THIS IS TO CERTIFY, that at a meeting held this day for the purpose of electing Delegates to represent this Cure or Parish in Synod, being the Parish of _____

_____

Communicant of above one year's standing, and of the full age of twenty-one years, was elected by the Laymen within this Cure, who have the right to vote at such election, by virtue of their having in accordance with the 2nd clause of the Articles of the Constitution of this Diocese declared themselves, in writing, in the book kept for that purpose, "to

be members of the United Church of England and Ireland, and to belong to no other denomination." (Signed.)

And such certificate shall be considered, and taken as sufficient proof of the election—but without such certificate, the Delegate presenting himself shall be required before taking his seat, to afford sufficient proof that the requirements of the Synod have been fully complied with in his election.

7. If a vacancy should occur in the number of representatives, the Minister shall proceed to hold a new election with as little delay as possible, after due notice.

Another instance of care and foresight. The place of a retiring or departed Delegate is to be filled as soon as may be, that all parts of the Assembly be complete. None are to be taken by surprise, every thing is to be in order. A vacancy occurring from any cause is, with as little delay as possible, to be filled up. And as Sides men or Synods men they have besides parochial duties, aiding the Parish Priest as much as Christian men may do in parochial duty—such as relieving the sick, aged, and distressed; by distribution of alms,* &c. The Parish therefore ought not to be unrepresented, even for the sake of the poor.

* Note.—It may be a gratification to the Brethren to know that this custom is not so obsolete as some suppose. In St. James' Cathedral regular distribution is made of alms by the Rector, Curate, and Churchwardens: a regular set of alms-books are kept, and the distribution carefully and systematically noted. The plan has answered all the purposes for which it was intended.

8. Clergymen who have been members of the Synod, but have become superannuated in consequence of age or infirmity, may continue to attend the meetings of the Synod, and vote thereat.

The aged servant of God, he who has laboured in the field of hard missionary enterprise, broken down in body by fatigue, disappointment and care, or else by infirmity, cannot be excluded from serving his God in this field: his experience, his cool judgment, sobered by the stern realities of life, render his opinions especially valuable, and especially calculated to cast a wholesome influence over more excitable temperaments. This is also an ancient custom of the Church, and one from which the Church ought not to depart. No Priest who is in sound health, body and mind, and who is not in charge of souls, can sit in the Synod.

9. The Bishop shall appoint the time and place of meeting, and adjourn, prorogue, or dissolve the Synod, as may appear most for the welfare of the Diocese.

To the Bishop is committed the care of all the Churches. He is not an officer of State, and in respect of office is independent of the State. The ultimate source from which Bishops, Priests or Deacons derive orders, mission, jurisdiction, and every other gift which they possess for the good of the Church, is "Almighty God, Giver of all good things," Who by His Holy Spirit has appointed divers orders of Ministers in His Church," and in which they are to serve, and Who in His Holy Gospel has given power to His Church to enact laws for the distribution of ecclesiastical authority. The *Divine Office* must be distinguished from the *human office.* The grace of Holy Orders transmitted is the grace not of men but of Christ, and of the Holy Spirit. It is Christ and Christ alone who gives commission to preach and to send preachers, and Who prescribes what is to be preached, viz., His own Gospel. If the Episcopal office be not of Divine appointment; if the promise of our Lord to be with His Church always, even to the end, be not a fiction, and the Book of Common Prayer lies not, then it is evident Bishops have ever been in the Church: so that they who deny the Apostolic Succession, and yet profess to be sons of the Church, are foolish. If the office of Bishop be not of Divine appointment it is a mere human institution, and withal very expensive. Why support a Bishop when you may have ten Priests in his stead? The sturdy Puritan is at least honest. The authority of an English Bishop consists of four parts, three of which he has in common with all other Bishops; he derives the fourth from the connexion which subsists between the Church and the State. Those with which we are concerned are the first three: and, first, His authority as a Minister of the Word and Sacraments. 2nd. The powers peculiar to a consecrated Bishop, of consecrating churches, confirming, ordaining, suspending and degrading Ministers. 3rd. Jurisdiction, as contra-distinguished from mission, *that is, the right to administer the* discipline and government of the Church.

The right of a Bishop to preside in the Councils of his Diocese is a fundamental law of the Church, and would exist without any law to that effect. It would be an anomaly, it would not be a Council or Synod of the Church in which a Bishop was not recognised as entitled to preside and vote without positive enactment. Bishop Kennett says, "Diocesan Synods have a better title to antiquity than Provincial Councils. The Bishop of each Diocese had an original right to convene his own Clergy, and, with their advice and consent, to ordain such rules and orders as were proper to declare the doctrine and regulate the discipline of their own body. The law would appear to be, that under peculiar circumstances the Bishop may hold a Synod, composed only of the Priesthood, for the purpose of consul-

tation and discipline, and for other matters purely having reference to the Clergy. It will be seen hereafter that provision is made for such courts by the Church of England. In 139 Canon the Crown alone claims to assemble a National Synod, as distinguished from a Provincial Synod, viz., "Whoever shall hereafter affirm that the Sacred Synod of this Nation, in the name of Christ and by the King's authority assembled, is not the true Church of England by representation let him be excommunicated," &c.

The law officers of the Crown have declared the right of Bishops to convoke Diocesan Synods. In the language of the Prayer Book, it may be truly said, "It is evident unto all men reading Holy Scripture and ancient authors, that from the Apostles' time there have been three Orders of Ministers in Christ's Church, Bishops, Priests and Deacons." It follows therefore of necessity that the Bishop is the Chief Order, and is responsible to God, to the Provincial Council of the Church, as well as to a National Council under the Sovereign power. The Bishop is the only authority to determine when the Church entrusted to his over-sight requires the support, guidance and advice of all its members assembled, humbly depending on God the Holy Spirit for guidance. The Act of Submission, A.D., 1532, is the act by which the State unduly circumscribed the power of the Church, and is confined in its action to the mother country. The Crown by that act thus virtually closed the mouth of the Church, so that she could never reform abuses herself or develope her natural powers. The Church has been permitted to do nothing in perfecting her reformation, while the State has exhibited a jealousy for its authority and power condusive, as is now seen, to the good of neither. It is certainly a wonderful event to behold the offshoots of the great Mother Church taking root and developing an almost precocious youth, while that Mother who is so precious to us still weeps in trial and sorrow. It is reserved for Colonial Synods to show that she can hold fast the faith and set forth the glory of God and the salvation of men, doing all things decently and in order; not given to novelties, but seeking for the old paths and walking therein. Many who have foolishly committed schism would not have done so had our Mother Church been free to act as emergencies arose. It is then the duty of the various orders to act in unity, and to preserve the bond of peace, bearing each other's burthens, and fulfiling all righteousness.

10. When the Bishop is not present, he shall appoint his Deputy, being a Dignitary or senior Clergyman of the Diocese, to preside in his place; and upon a vacancy in the See, the senior Archdeacon, or in his absence the Archdeacon next in order of seniority, or in the absence of an Archdeacon, the senior Rural Dean, shall within one week from the occurrence of such vacancy summon a meeting of the Clergy

and Lay Representatives, to be held at the expiration of twenty days from the date at which such meeting shall be summoned, to elect a successor to the See, in cases where provision for the sustentation of the Bishop has been made and accepted by the Governor-General of the Province, or person administering the government thereof; and when no such provision has been made, then so soon after such provision shall have been made and accepted.

The first part of this Canon is in strict accordance with primitive custom and law. A Bishop, besides his peculiar powers, enjoys those powers of government which although properly belonging to the Bishop as the chief ecclesiastical authority of the Diocese, may be performed by persons not of the Episcopal order, either by delegation from a Bishop or in a vacant Diocese. The Bishop having an inherent right to exercise his judgment and his reason in all matters, may therefore safely appoint a Dignitary or Senior Clergyman to occupy his throne during unavoidable absence from Synodal Assembly, as all matters must nevertheless be submitted to him for his sanction and concurrence. But this Canon goes further, and points out the order to be observed—in the event of the death of a Bishop—of calling together the Church to supply his place. The law, as we have it now, is taken from that in force in the Church in the United States.

It is however supposed by a large number that the most primitive, as well as the safest custom, is that which devolves the care of the vacant Diocese on the Senior or Arch-Bishop or neighbouring Bishop, who shall act as Bishop, convening the Church, and presiding over the election. The mode of election does not concern us here. In the Churches of England and Rome, jurisdiction is exercised during the interval between the occurrence of a vacancy and the confirmation of the Bishop elect by the guardian of the Spiritualities. In the Church of England this is in some cases the Arch-Bishop of the Province, in others, the Dean and Chapter of the Diocese, or that of the Archiepiscopal See, if that See should not be vacant. In the interval between confirmation and consecration it is exercised in the Churches both of England and Rome by the Bishop elect, confirmed but not yet consecrated. This Canon further admits a power in the Crown to determine one of the conditions which are to be observed before a Bishop can be chosen under the Canon admitting the Regal Supremacy. This question will be set forth; meantime it may be observed, that the Church in the United States enacts as the condition for creating a Diocese the following: "No new Diocese shall be formed which shall contain less than 8000 square miles in one body, thirty presbyters, canonically resident within the bounds of such new Diocese." Neither in Scotland nor America is a pecuniary restriction interposed.

11. A quorum of the Synod shall consist of not less than one-fourth of the whole number of both Clergy and Lay Representatives respectively.

A variety of causes may deter delegates from making their appearance or from taking their seats in Synod. It is necessary, therefore, to make provisions for such a contingency. It is then enacted that no business shall be transacted unless at least one-fourth of the whole number, *both* Clergy and Laity, be present.

It is absolutely necessary to determine the minimum of representation, a practice adopted in every deliberative assembly; otherwise very serious evils might result. In the one case if it was absolutely essential that all should be present, it would almost be impossible to conduct the business, since it would rarely happen that all could be brought together; on the other hand, it would be equally vicious to have too few.

12. There shall be two Secretaries, one from the Clergy, the other from the Laity, who shall keep regular minutes of all proceedings of the Synod, shall record them in a book provided for that purpose, shall preserve all papers, memorials, and other documents, shall attest the public acts of the Synod, and shall deliver all records and documents to their successors; the same to have power to appoint an assistant Secretary.

This Canon is evidently enacted to testify to the completeness of the union among the elements of the Church, giving to either element the same position. It is also *convenient*, and in this instance decent, to have the Secretaries from both sides, since there are occasions when it may be more seemly for a Layman to act than for a Priest: and as there is no law of the Church against it, the Clerical and a Lay Secretary have always been in this, as in some other Dioceses, appointed. In all the proceedings hitherto had the Secretaries have attested the acts of Synod, and the Lord Bishop has sealed and confirmed them by his sign manual. The Secretaries are also bound to see that due notice be given of all meetings of Committees of Synod, and to receive and transmit all communications from members to the Committee, or *vice versa*, as well as to the Bishop, &c. The Secretaries must be members or delegates duly elected, and are not disqualified from acting in their capacities as members of the Synod. The Secretaries have been further by a late Canon made Registrars of the Diocese, for by the Canon for Erection and Division of Parishes "they are to keep a book for registering the boundaries and limits of Parishes."

13. There shall be a Treasurer of the Synod, who shall receive and disburse all moneys collected and paid under its authority; and two Auditors, who shall annually inspect and report on the condition of the accounts.

The Church has not determined positively whether this officer shall be a Layman or a Clergyman. Hitherto a Layman has always been entrusted by the Synod of the Diocese of Toronto with the office. It would appear, however, to be more in accordance with Scripture to have a sub-Treasurer for the collection of the dues of the Synod, who shall be associated with the Archdeacon as the officer appointed by the Church to the office of Almoner, and whose duty it is to have oversight of the fabric, the maintainance and repair of churches, &c.

14. The expenses of the Synod shall be provided for by assessment upon the different parishes, by a Committee appointed for the purpose.

The Crown by special enactment declares that a Diocesan Synod shall not impose any rate or fine. It may at first sight appear that this Canon is contrary to the statute law of the land; such, however, is not the case: it is simply a demand for a contribution agreed on by the delegates of the Church to defray the expenses incident to the duties which they perform on behalf of the whole body of Churchmen, and for no other purpose; and it only excludes from sitting amongst themselves those who forfeit the pledges, and the Act does give the power to *exclude* such from the meetings. If mankind were living in obedience to God's law, and paid a tenth of their incomes to His service, there would be no need whatever to lay a rate for any one purpose, either of sustentation of Clergy, provision of the poor, maintainance of Church fabric, care of the sick, or else. Meantime the best rules under the circumstances have to be adopted.

15. No act or resolution of the Synod shall be valid without the concurrence of the Bishop, and of the majority both of the Clergy and of the Laity present and voting at the meeting; but when such act or resolution shall be objected to by either of the three estates, a vote shall be taken thereon by separate chambers; and if difference still subsists when such vote is so taken, then the subject under consideration shall stand over for further consideration to the ensuing Synod.

The Bishop of a Diocese is a corporation sole. He is a separate estate, a Divinely constituted head and chief pastor over the flock of Christ. He does not derive his office from man, certainly not from the Crown, and as clearly from uninterrupted succession from the Apostles. The Church of England and the Church of Ireland, the latter especially, is as old, if not *older*, than the See of Rome; and both England and Ireland are lawful branches from the root of Jesse, and cast the protecting shade of their own True Vine over Britain, ere Rome planted herself on the soil. The Church

of England is therefore what she calls herself in the Creeds and Articles of Belief, a "Holy Catholic Church," through the mercy of God planted in Britain as soon at all events as the Branch which was planted in Rome: holding fast to the ancient customs and determinedly opposed to the admission of aught that would or could corrupt *the faith once for all* delivered to the saints. The weakness and corruption of her sons induced for a time an unholy alliance between England and Rome, that alliance was broken off at the time when the Church of England, weary of corruption, reformed herself *of error*, through the legitimate channel of her Synods, and thus returned again to the good old paths which she had unhappily forsaken. Her holy Bishops, Priests, and Deacons and children shed their blood, and won the glorious crown which has enrolled them in the noble army of Martyrs. It was this righteous adherence to principle, this noble sacrifice to truth that enables us confidently to predict that as we adhere to Catholic truth, which means God's truth, and reverently walk in God's ways as our fathers have done, so shall we continue to receive the comfort of the Divine Presence. The Synod, in accordance with primitive custom, has already duly acknowledged the authority of the Bishop as "an order in the Church of Christ:" it now again enunciates the same fact, thus adopting the ancient language—*Ecclesia in Episcopo*, and also, *Ubi Ecclesia ibi Episcopus.* There was in the first ages no idea of such a thing as a Church without a Bishop. The Bishop therefore is first in order; as to him is committed the oversight of the Church, nothing can be valid without his concurrence.

The Bishop of Vermont, anticipating the difficulties under which the Colonial Church might labour on this point, writes as follows:

"In the first place, then, I shall show that the phrase, 'Episcopal Veto,' is grossly improper, and gives a false view of the whole question. Every man of common sense and information must know that the *veto* (according to the very meaning of the word) signifies the power by which some functionary, as a King, or a President, or the Mayor of a city, *forbids* an act previously adopted by a Parliament, or a Congress, or a Corporation of Aldermen. The king does not sit with either house of Parliament, nor the President with either house of Congress, nor the Mayor with the City Corporation. And the action of the Parliament, or the Congress, or the Corporation, must be perfect and complete in itself, before the King, or the President, or the Mayor, can be asked for his consent, or can announce his final disapprobation. Such is, properly, the *veto power*.

"Now the system of our Convention has no affinity with this, but rests on the divine law of CHURCH UNITY. According to our established theory, the Church, in her true organization, consists of the Bishop, the Clergy, and the Laity, of whom the Bishop, ecclesiastically, is, under Christ, the chief. True, he is one of the Clergy, just as the Governor of a State or the President is one of the public functionaries; but he is as distinct from the Clergy, in his proper office, as the Governor or the President is distinct from

the other agents in our political system. Hence the Church depends on the Bishop for the Apostolic work of ordination, discipline, and government, in which she is plainly justified by St. Paul's Epistle to Timothy, the first Bishop of Ephesus, and Titus, the first Bishop of Crete. Hence, too, the Church requires the solemn vow of obedience to the godly judgment of the Bishop from every Clergyman at the time of his ordination. And hence, by reason of the high importance which is justly attached to the Episcopal element, we have our distinctive title from it as the Protestant EPISCOPAL Church in these United States.

"When the Diocese of Vermont, therefore, assembles in Convention, the Bishop presides, not as chairman, nor as moderator, but as the chief and indispensable head of the assembly, by virtue of his Apostolic functions. Along with him are the Clergy and the Laity, elected by the several parishes. All the proper constituents of the Church are present, under Christ, the Supreme Bishop of souls. And when they proceed to act they must act in unity, because the Bishop, the Clergy, and the Laity, are all *distinct and important parts of the same body*, and therefore must CONCUR or nothing can be done. *But the Bishop has no more power over the Clergy than they have over him.* And the *laity* have the very same power against Bishop and Clergy together. For if the fact that the Bishop's concurrence is necessary makes him absolute, it is evident that the Clergy and the Laity must each be equally absolute for the very same reason. So that here we should have *three absolute powers* in the same government. No one ever laid down such a theory of absolutism.

"The truth is, that no Diocesan Constitution can be more just and equal to its three co-ordinate elements than ours. There is no more *veto* power in the Bishop than in the Clergy and the Laity, and hence the manifest result that there is really *no veto power at all.* The whole resolves itself into the simple principle of CHURCH UNITY. We are *one body in Christ*, and therefore, when we act, we must act together.

"Suppose it otherwise—as, I am sorry to say, it might be, according to the Constitution of the older Dioceses—that the Clergy and the Laity could enact a canon against the consent of the Bishop, I ask any man of common sense whether this could properly be called *Episcopal* legislation? For where is the Episcopal character of the act when you have turned the Bishop adrift and consummated your work without him? Such legislation would plainly be not Episcopal, but Presbyterian; consistent, indeed with the notions of those who abjure Episcopacy as a limb of anti-Christ, but totally absurd in a Church which venerates the Episcopate as an essential element of the Apostolic system, and believes that Christ has promised to be present with it 'even to the end of the world.'

"To this principle of Episcopal concurrence, however, there is an obvious class of exceptions, as when there is no Bishop, or when he is himself the subject of Conventional action. Both of these arise out of the necessity of the case, and may not be extended beyond that necessity. And for both,

our Constitution has made ample provision, by requiring the Bishop's consent to *acts of legislation only.*"

The same authority adds: "They make a mistake who say that when our clergy and laity vote in a way that does not please the Bishop, he exercises the power of *veto*, thereby 'depriving them of their *constitutional right to legislate.*' But such a course would indeed be an absurdity. The fact, however, is, that the working of our system is quite otherwise. If the proposition under debate be so obnoxious to the Bishop's judgment that he cannot accede to it, he says so, and there is no vote taken at all. The ground we stand on is, that we cannot *act*, unless we *act together*. It is very true that in such a case the Convention does not legislate. But what is the Convention? The clergy and laity *without* their Bishop? Nay, verily; but the clergy and the laity *with* their Bishop. And therefore, as the Bishop is a distinct constitutional element of the body, just as the clergy and laity are, it results, of necessity, that the *Convention*, being the Church assembled in its integrity, cannot perform any act of a legislative character unless these three elements concur in the decision."

16. Any proposition for an alteration of the constitution, regulations, rules of order, or canons, shall be introduced in writing, and considered at the meeting at which it is introduced; and if approved by a majority, shall lie over to the next meeting of the Synod, and if again approved by a majority, consisting of two-thirds of both Clergy and Laity, it shall be adopted.

The Church does nothing in a hurry: her object is to discover truth, and to keep in a righteous course. An Act therefore having been consummated and passed by the deliberate wisdom and piety of those who have gone before us, ought not to be hastily changed: every possible care is taken to guard against hasty and unwise changes, for every effort is made to ensure to every measure the fullest consideration before it is confirmed. This clause, although it does not specially mention the Bishop, yet it is quite clear that it does not contemplate any interference with his authority: the rule applies only to "propositions to alter the constitution, regulations," &c., to all of which the Bishop had already assented; and by rule 14 it is enacted that nothing is valid without the Bishop's concurrence.

ORDER OF PROCEEDINGS.

1. The first meeting of the Synod in each Session shall be preceded by public morning prayer and the Holy Com-

munion, accompanied by a sermon; and the collection at the offertory shall be devoted to missionary or other purposes, at the direction of the Synod. Public morning and evening prayer shall likewise be held on every day of the Synod.

It has been pointed out already with what care the Church guards herself from the admission of evil-doers into her councils. She here invites those who are about to assemble to deliberate, not on mere human affairs, but on things pertaining to God, "to come boldly to the Throne of Grace," in order that their souls may be strengthened and refreshed, and their sins absolved, by the partaking of the Body and Blood of Christ; for it must be remembered that the Church solemnly assembled is our Lord's temple, His body. He is with us if so be we be holy; and how can we be holy except He cleanse us? By no other means can sinful man be rendered fit to enter on duties immediately bringing him into his Maker's presence; by no other way can a man wash his sins and be placed in a position to enable him in some sort worthily to do his Master's work than that way which has been pointed out for him, and which leads to Eternal Life. The Church interpreting the Word of God aright declares that no one can sit in the Spiritual Kingdom of Christ even here on earth *as a lively member*, unless he be holy. Through her Ministers and Stewards, she gives invitation to the heavenly banquet, and they having assurance that the guests are worthy, repel none; certified that the life and conversation of those who go to that feast is satisfactory they admit them to be meet partakers. Let those who are to engage in the responsible and solemn duties required of delegates to the Church's Synod, go first to the foot of the Cross, and acknowledging their unworthiness, then obtain remission of their sins by partaking of that Holy Sacrament, receiving Grace to fit them for employment in God's House. We have sinned! we cry aloud for mercy! Christ has desired his specially-appointed ministers to claim such for him, saying to them, "loose him and let him go." "Whose so ever sins ye retain they are retained, and whose so ever sins ye remit they are remitted:" they, His own servants, believing and trusting that we are truly penitent obey the command and receive us at the Holy Table. The Church of England thus administers absolution to her penitent children in the only way pointed out by Jesus for us: by the ministry of God's Word and our confession, we are absolved, and she declares absolution is nothing but the remission of sins of the individual penitent absolved; that is, the application to his case of the merits of our blessed Saviour by God's Steward of the mysteries admitting him to the Holy Communion, which the Church calls "the most comfortable Sacrament of the Body and Blood of Christ," in which she declares that the bread broken is a partaking of the Body of Christ, and the wine given is the drinking of His Blood, and is the appointed means of conveying to individuals, "who truly repent them, remission of sins, and all other

benefits of Christ's passion." It is then but meet and right so to do; for who dare venture into the presence of his God to do a work meet for offering, unless God forgive him. Having partaken of the Sacrament of Reconciliation united to God through Christ, united to each other as brethren, having one faith, one baptism, one Lord, who is in all, through and above all, we may now venture to aid in that work which he has given us to do, the building and establishing of Christ's Kingdom. Another object of this clause is so self-evident that very little need be said to shew its propriety. But if ever men require to be fed with bread from heaven, surely it is they who are about to assemble to deliberate on matters pertaining to God and His Church—that is, the body of true and faithful believers—and we, in the solemn service and duty which we have to perform, are to shew forth not only our faith, but are called on to prove it by works, by giving of our substance, on such an occasion, as God has given us the ability; and going a little further, the law instructs us that the most appropriate work which we can engage in, is the sending of labourers into The Lord's vineyard. Rightly considered, this is one of the most holy and beautiful injunctions which is laid upon us, and no man who seriously considers the state of fallen degenerate human nature can fail to promote its intentions, and at every meeting of the Church in Synod remember that the zealous care of Christ for sinners induced him to command, "Pray ye the Lord of the vineyard that he would send labourers into the harvest." "The harvest truly is plenteous, but the labourers are few." And ought we not to recollect the bitter, terrible rebuke conveyed in those words of reproach to a niggard, selfish world, who would despise the messengers of God, and lightly esteem them. "The shall lay their hands on you, delivering you up to the synagogues and into prisons, being brought before kings for My Name's sake." "I come not to send peace but a sword." "As ye go preach, saying, "The kingdom of heaven is at hand, provide neither gold, nor silver, nor brass in your purses, for the workman is worthy of his meat." "And whosoever shall not receive you, nor hear your words, when ye depart out of that house or city shake off the dust off your feet. It shall be more tolerable for the land of Sodom and Gomorha in the day of judgment than for that city." Is it not then a wise determination to require of us, called together for a holy purpose, that we should perform, to the extent of our ability, the good work of ministering to the household of faith, by sending labourers into the fields, which are already white unto the harvest. If at each annual election of Delegates the congregations were to be reminded that their Delegates were to make an offering to God for the spread of His Gospel, who can doubt but they would send a gift too. The Clergy may well have a discourse on so glorious a subject.

2. The business of every day shall be preceded by special prayer for the divine guidance and blessing, according to a form authorised by the Bishop.

This is supposed to allude to the introduction of some special form of prayer to be offered up in the ordinary morning devotions ordered by the Church to be said daily throughout the year, did not the following clause ordain otherwise.

3. After this prayer, the Clerical Secretary shall call over the roll of the Clergy, to be furnished by the Bishop, and mark the names of those in attendance; and the Lay Secretary shall call over the names of the several parishes; when the certificates of the representatives, having been presented, shall be examined by the Secretary and a committee of two to be appointed for that purpose; and, where found satisfactory, the names shall be recorded and read by the Secretary.

The prayer referred to in clanse 2 is to be used immediately on opening the Synod, and it was evidently meant by the Synod at which the Canon was passed to be an invocation for the guidance of the Holy Spirit.

4. The election of new Secretaries shall then be made by the Clergy and Laity respectively, and a Treasurer and two Auditors shall be appointed; all of which officers shall hold their respective offices until their successors shall be appointed.

The Synod now being assembled, is called upon to exercise its judgment and right in appointing its officers: a custom necessary for the despatch of business, and the appointment is in the hands of the Synod by open vote.

5. After this, on the first day, and on all other days after prayers, the order of business shall be as follows:

(1.) Reading, correcting, and approving the Minutes of the previous meeting.

(2.) Appointing Committees.

(3.) Presenting, reading, and referring Memorials and Petitions.

(4.) Presenting Reports of Committees, and of the Treasurer and the Auditors.

(5.) Giving notice of motions.

(6.) Taking up unfinished business.

(7.) Consideration of motions.

6. An address from the Bishop shall be in order at any time.

RULES FOR THE PRESERVATION OF ORDER.

1. When the Bishop or other person presiding has taken the chair, no member shall continue standing.

2. When any member is about to speak, for the information of the Synod, he shall rise and address himself to the Chair.

3. No motion or amendment shall be considered as before the Synod (excepting such as may be proposed by the Bishop or Committees) unless seconded, and (when required) reduced to writing. To prevent surprise, no motion, except in course, shall be considered till the succeeding day of meeting.

4. No member shall speak more than twice on the same question, without asking and receiving permission from the Chair.

5. When a question is under consideration, no other motion shall be received; unless to adjourn, to lay it on the table, to postpone it to a certain time, to postpone it indefinitely, to commit it, to amend it, or to divide on it; and motions for any of these purposes shall have precedence in the order here named.

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

7. When a motion has been read to the Synod by the Secretary, it cannot be withdrawn by the mover without the consent of the Chair.

8. Each member shall have the right to require, at any period of the debate, that a question in discussion be read for his information.

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

10. All questions of order shall be decided by the Chair.

11. All amendments to a motion shall be considered in the order in which they are moved.

12. When a proposed amendment is under consideration, a motion to amend the same may be made; but no after amendment to such second amendment shall be in order; yet a substitute to the whole matter may be proposed and received, provided it deals directly with the subject in hand.

13. All amendments to any question or amendment shall be decided on before the question or motion on which they arise is proposed for decision.

14. Whilst any question is being put from the Chair, the members shall continue in their seats, and shall not hold any private discourse; and when a motion is so put, no member shall retire until such motion is disposed of.

15. When a division takes place, the votes of the Clergy and Laity shall be taken separately, if required by the Bishop or four members of each of the respective orders; and the Lay Representatives shall in all such cases vote by parishes.

16. In voting, those who vote in the affirmative shall first rise, and then those who vote in the negative.

17. A question being once determined, shall not again be drawn into discussion in the same session, without the special sanction of the Bishop.

18. No protest or dissent shall be entered on the minutes of the proceedings; but, when required by any one member, the number of affirmative and negative votes shall be recorded.

19. When the Synod is about to rise, every member shall keep his seat until the Bishop, or other person presiding, has left the Chair.

RULES REGARDING COMMITTEES.

1. All Committees shall be named by the Chair, unless otherwise ordered.

This is especially enacted to prevent confusion or waste of time. It is supposed that the Bishop, who is frequently moving amongst his people, has a better general knowledge of individuals than mere ordinary members of a Synod selected from places distant from each other; but any one may, if he pleases, move for a Select Committee for any special or general purpose: an instance of this may be noticed in two very important Committees, viz., the Sustentation Fund Committee, and the Delegates to the Provincial Synod, both of which are appointed in Synod.

2. The reports of Committees shall be in writing, signed by the Chairman, and shall be received in course, unless a motion be made for their recommittal.

This is in accordance with universal custom, ensures accuracy, and prevents any unseemly disputes arising as to the true meaning of the intentions or opinions of the Committee. The rule has never been objected to.

3. The Chairman of the Committee, or some member deputed by him, shall explain to the Synod the bearing of any portion of the report, if requested by any member of the Synod.

The place of courtesy is assigned here to the Chairman; and as the Committee is appointed to gather the best information on the subject placed before it, the Synod expects from them a lucid and full account of the whole matter which has been submitted for their consideration. It has been found from experience that a great deal of time is saved by this arrangement, and other very satisfactory results have been consequent on the adoption of this law.

4. All reports of Committees recommending any action or expression of opinion, shall be accompanied by a resolution for the action of the Synod thereon.

5. That inasmuch as it would facilitate the despatch of business, and ensure a more effectual consideration of all matters to be discussed at the meeting of Synod, there shall be an Executive Committee, to be nominated and presided over by the Right Rev. the Bishop, and to consist of twenty-six members, thirteen chosen from among the Clergy, and thirteen from among the Lay Representatives of the Synod; the election to be, as in the case of other Committees, for a period extending from one Synod to the opening of the next.

This Committee is analagous to "the Standing Committee of the United States Convention." It has been found with us to be indispensably necessary to have an Executive body, who should prepare matters of grave importance, put them into proper shape, and consider them before their submission to the Synod. Another duty of no less importance is to receive from Delegates and Rectors of Parishes, and others, such matter as it may be desirable to lay before the Synod. The Bishop, as presiding officer over all Committees, is thus made thoroughly conversant of all things that it may be thought necessary should be done for the good of the Church.

6. That it shall be the duty of the Executive Committee to prepare in due form all such matters as the Bishop, or any members of the Synod, clerical or lay, may desire to have brought before the Synod, and to issue a circular under

the Bishop's direction, stating the nature of the business for the ensuing Synod, and the order in which such business will be discussed.

In carrying out this rule the committee issues each Synodal year a notice paper, on which is placed in rotation the various subjects which it is determined shall be brought before the House. If, however, the motion is prepared by a delegate not a member of the Executive Committee, it has been the custom to call on the introducer of the motion to take charge of it, and to conduct it through its course. The Executive Committee take charge of such matters as are prepared by themselves or sent down to the House for consideration by his Lordship the Bishop.

7. That the business to be submitted to the Synod be sent to the Executive Committee two months before the meeting of Synod; and a circular, containing a statement of the business to be submitted be forwarded to each Clergyman and parish, one month before the meeting of Synod. And that the business introduced and prepared by the Executive Committee be a notice for the first day of the Synod.

This clause is inserted evidently for mutual protection, and to prevent surprise from any quarter; and it has been found to be an admirable rule, particularly in enabling members to consider well each question that is to be brought before them, and gives them time to consult the best authorities on the subject on which they are called upon to deliberate.

8. That in order to expedite the business of the Synod, it is required for the future that the Clerks of the several Vestries in this Diocose send to the Lay Secretary of the Synod, within six days after their election, the names of the Lay Delegates elected at the Vestry Meetings during Easter week; and that the Lay Secretary of this Synod do attend, at the place where the Synod is to meet, at nine o'clock of the first day of meeting, to record the names of said Lay Delegates.

If the several Vestry Clerks throughout the Diocese would rigidly adhere to this Canon, the list of Lay Delegates could be very easily made before the opening of the Synod, and a very great deal of trouble and disappointment saved. The rule is an admirable one, and only requires to be obeyed to render the system of registration effective. The certificates of the Lay Delegates have simply to be mailed to the Church Society's Office, Toronto; and on the Secretary receiving them, they would be immediately entered in a book: this book would be checked by the Committee appointep for that purpose without any delay.

ERECTION AND DIVISION OF PARISHES, AND SETTLEMENT OF THEIR BOUNDARIES.

Whereas it is expedient that defined local bounds be assigned to each settled cure, duly organized within this Diocese, and also that provision be made for the division and sub-division of existing Parishes,

Be it therefore enacted, by the authority of the Right Rev. the Lord Bishop, the Clergy, and the Lay Delegates, in solemn Synod assembled:

1. That the Clergymen and Churchwardens of each settled Cure, now established, do within six months after the adjournment of this Synod, from time to time, hold a conference or conferences with the Clergymen and Churchwardens of the adjacent Parishes or Cures, and by mutual agreement arrange and define the boundaries of their adjacent parishes, and to report the same to the Lord Bishop for his consideration, and should his Lordship approve of the same, then the boundaries so arranged, approved, and declared, shall be the boundaries of the Parishes or Cures aforesaid.

2. That in cases where the boundaries cannot be arranged by such mutual agreement, then that the Bishop be requested to issue a commission to two Clergymen, and to one Lay Representative, none of whom shall be locally connected with said parish or cure, directing and authorising them to investigate the merits of the case, and to decide thereon and report their decision to the Lord Bishop for his consideration, and should his Lordship approve of the same, then the boundaries so arranged, approved and declared, shall be the boundaries of the Parishes or Cures aforesaid.

That the boundaries of a Parish or Cure being once defined, approved and declared, may not be disturbed within the space of five years, except in the case of new Parishes, and that every Cure whose boundaries have been so defined, approved and declared, shall be and is to be a "Parish,"

and that the Incumbent thereof be entitled the "Rector of said Parish."

4. When any of the Parishioners residing in any Parish or any adjoining Parishes, shall desire to have a new and distinct Parish erected, the said Parishioners shall present a memorial to the Lord Bishop, stating fully the reasons moving them thereto, also the proposed boundaries of the contemplated new Parish, and whether the Rector or Rectors of the Parish or Parishes aforesaid be a consenting party, and when the Bishop of the Diocese shall be satisfied that the Provisions of XVII. section of the Church Temporalities Act have been complied with, or that the means for the worship of God have been provided, that then his Lordship shall declare said portion of the Parish to be a new Parish. In cases where the Rector of the existing Parish or Parishes withholds his or their consent from the preliminary memorial, that he be required to state his reasons in writing, within one month, to the Lord Bishop, who is to decide on their validity.

5. That the boundaries of every Parish erected under the authority of this Canon, be entered and registered in a book to be kept by the Secretaries of the Synod for that purpose, and that a copy thereof be furnished to any person applying, on payment of a fee of one shilling.

From the Act 1 & 2 Victoria, ch. 26, the leading provisions are taken, and are as follow: When a Bishop shall consider that a place or district might be advantageously separated from any parish or mother church, and be instituted as a separate benefice, or united with any other parish, or that an extra parochial place may be usefully annexed to an existing parish, or be constituted a separate parish, he shall draw up a scheme in writing of the proposed alteration, and shewing how it may be made with justice to all interested, as to the ecclesiastical jurisdiction, glebes, tithes, and other rights and dues. This is to be presented to the Archbishop, with the consent in writing of the patron. If the Archbishop approve, he is to certify it to the Queen in Council, who is to make an order to carry it into effect. It shall be binding upon all, including the incumbent, provided such incumbent has given his consent in writing to the same; but if no such consent is given, the order shall not go into operation until the next avoidance of the benefice by such incumbent. The learned Hoffman says, "The erection of new churches within a parish is a branch of the same power as that of

erecting new or dividing old parishes. Indeed if a new church is erected, and occupied for services in a parish, it implies to a certain extent a division of that parish. To such an erection the Canon Law, both foreign and English, imperatively requires the sanction of the Bishop. The Canonists lay down the rules with great unanimity, that the Bishop ought not to consent to the erection of a new parish within the limits of another without some reasonable cause therefor. Among such legitimate reasons is this, that the parishioners cannot, without great inconvenience, come to the parish church to receive the Sacraments and attend the offices. But what the distance from the church or the size of the parish should be, as it has not been declared by law, must be left to the discretion of the judge.

In some instances population has been the basis for division of cures, coupled with a reasonable distance from the parish church, rendering the oversight and care of souls much more efficient than it can be in large as well as over-populous parishes. In Canada, particularly in the cities and towns, the ability to define specifically parish bounds will conduce a good deal to the welfare and management of the poor, and will be particularly useful in carrying out the parochial system generally and Church Schools. Hitherto experience has shewn that the people are best served by taking the Church to them.

As the construction of new parishes may injure the rights of the Rector or patron, the Bishop must not give his consent without citing and hearing the Rector or others interested. If the Rector, being thus cited and heard, refuses his consent, and the erection is still deemed necessary by the Bishop, it may be done in opposition to his remonstrance.

As no Bishop or power can legally restrain or hinder the spread of God's Word, the admistration of the Sacraments, and the saving of souls, any individual interests or supposed interests must yield. In no case can a Rector's rights, however, be set aside till the Church or building has been consecrated. Lord Coke says that the law takes no notice of churches or chapels until they are consecrated by the Bishop. A question, therefore, of church or no church is to be settled by him. It also well settled that the license of the Bishop is necessary to authorize any minister to officiate in an unconsecrated place; and by the law of England the consent of the incumbent is equally essential. This is both lawful and right, for, says that able writer, H. D. Evans, "Strictly speaking, a Priest, or Deacon, cannot officiate in any Diocese but that to which he belongs, without the permission of the Bishop of such Diocese. Each Diocesan Bishop is charged with the care of souls in his Diocese. It follows that no other person ought without his permission to exercise ministerial functions there. [Else false teaching may creep in, or unworthy or ungodly men fill the high places of the sanctuary.] Moreover, the Bishop has the right to choose as his own assistants, in the performance of his work; men in whom he has confidence. In Scotland, where the Church is even less bound to the State than it is in Canada, it is enacted by the Canon of the Scottish Church [39 of 1838]

"should any number of Episcopalians living in any town or village in which there is an Episcopal Chapel already in existence, entertain a desire to be formed into a congregation in communion with the Church, they are to convene a meeting to be held on public advertisement, and resolutions expressive of the wish, and the reasons for it, are to be assigned by the applicants and transmitted to the Bishop of the Diocese. The Bishop is to consult the Presbyters. If he follow the advice of the majority of such presbyters, his decision shall be final; but if he decide against that advice, an appeal may be made to the College of Bishops. Should the Bishop sanction the application, the congregation may then proceed to elect a minister and present him to the Bishop according to Canon 10." The Synod of the Diocese of Toronto has very wisely, because in accordance with primitive usage, thrown the whole responsibility of approval or refusal on the Bishop. With reference to the rural divisions, we must look to the United States for light. There, by the provisions of a general Canon, it is ordained "that where no boundaries are defined by law or otherwise, the city, borough, village or town, or township limits shall be recognized for the purposes contemplated." This is exactly the case in Canada.

SUBDIVISION OF A DIOCESE.

1. In the event of the subdivision of any Diocese, the portion intended to form the new Diocese shall be bound in all their public proceedings by the Constitution of the Diocese of which they formed a part, until the said new Diocese shall be fully organized by the election and consecration of the Bishop.

Clause 1.—This Canon is a transcript of the law of the Church in the United States, and is certainly founded on correct principles. To set off a territory as a new Diocese, and to deprive it of the advantages of a code of rules, when by a wholesome expedient such deprivation might be prevented, is but wise and just, and is well calculated to encourage that unity of action which is so much to be desired. It is argued by some who are capable of expressing opinions on such points, that it would be most desirable to place the vacant Diocese during the vacancy—*i. e.*, prior to confirmation of the Bishop—under the care of the Metropolitan, or Senior Bishop, or some Bishop deputed by him or the Executive Committee of the Diocese; so that at no time would a Diocese be left without Episcopal supervision. In the case of the division of the Diocese of Huron, the Lord Bishop of Toronto presided, and retained supervision of the new Diocese, until the confirmation of the elected Bishop. Such therefore must be taken to be the practice of the

Church in Canada. No valid objection has been brought against this plan, which certainly is well calculated to preserve order and decency.

Clause 2.—This clause is enacted to prevent the sin of Simony, and to diminish the probability of a wealthy parish Priest being elected, solely because he was wealthy. Such a very dishonouring privilege ought not to be permitted, since it is but natural that pride and arrogance would creep in, to the injury of the moral character of the Clerical body; and instead of the Laity feeling a deep interest in the Episcopate, and considering themselves bound by positive duty to make provision for their Bishop, they would easily be seduced to compound with the richest Rector, and save their own pockets, so that in time it would be wealth that would determine the choice. It is but just to the members of the Church that in the choice of its Chief Pastor the widest possible field should be thrown open from which the selections may be made. The Church may however re-adjust its patrimony, and cause its property to be re-distributed; and this has been done over and over again. If from necessity the Church should decide to make a particular parish the Bishop's Cathedral church, there can be no objection to her obtaining a law to make such particular parish church "the Cathedral;" and, in the event of *its being vacant*, constituting it such, setting apart its revenues to the sustentation of the Bishop, who, as in the United States, is not necessarily forced to free himself from parochial duties. If such a course could be adopted in Canada, a very heavy outlay would be saved in this new country to the Missionary uses of the Church.

If the rectories of London, Toronto, and Kingston, to wit, as they became vacant, were to be selected as Cathedral Churches, and the emoluments assigned to the sustentation of Bishops,—on the condition that the Dioceses contributed an amount equal to the interest derived from the rectory, computed at a fixed rate, to be given to missionary extension,—surely much of the burden which now presses so heavily on our Church in this respect would be lightened. It is a very different thing to compound with a Rector in possession of a parish, and to constitute a vacant parish a cathedral or Bishop's church. In the United States the Bishop is very frequently also in charge of a parish.

It may be interesting to note that the patron of a wealthy living in Cornwall, worth £2,000 a year, is now making arrangements with the Ecclesiastical Commissioners for the surrender of his title and rights, in order to make them over for the sustentation of a Bishop for the county.

The power to divide a Diocese rests with the Crown, who alone has power to determine the jurisdiction of a Bishop, and to assign him a certain area in which he is to exercise his apostolic office to which he has been elected and consecrated by the Church alone. Mr. H. Evans, in his masterly arguments against the theories of the Romish Archbishop Kenrick, observes, "That the independent action of the Church of England is miserably trammelled by her connexion with the State we are not disposed to deny." But

her *independent* existence is another thing. It is clear, however, that the Crown can have no power to give mission to a Bishop or any way add to or take from the office, its power is restricted to giving effect to the consecration: for, as Mr. Evans says, a Bishop is regularly consecrated for a particular See: it may be that of Ostea in Rome. No one would doubt that he had the power of order, mission and jurisdiction. Now we will suppose that this Bishop of Ostea with the consent of the Pope, who is also his metropolitan, resigns his See. He would heenceforth have no jurisdiction—none in the Diocese of Ostea, because he had relinquished it, none any where else, because he never had it. But he would still retain the power of order, his ministrations would be valid, he would retain a right to exercise that power too, his ministrations would be effectual, unless they were prevented from being so, by some impediment other than his resignation." This has occurred several times lately, as in the cases of the late Bishop Coleridge, who after retiring from the See of Barbados exercised the Episcopal function on behalf of the Bishop of London, as did Bishop Spencer; and now the Bishops of Norwich and the late Bishop of Hereford, are Bishops, but without jurisdiction. The Crown cannot confer a benefice upon any one has not been ordained a Priest. The Crown can confer a Bishopric upon one who is not a consecrated Bishop: but he cannot enter upon his duties, until he is consecrated by those who are Bishops already. "It is," says Canon Wordsworth, "notorious that Princes in the West, as in Germany, France and England, did in-invest Bishops in the time of Gregory VII. It is certain also that the Popes of Rome who now claim a right to ordain and place Bishops throughout the world, were themselves appointed by the Emperor till the ninth century, and the Church of England treads in the steps of the ancient Church, when she acknowledges the English Crown to have the right of placing persons, *whose spiritual qualifications* have been ascertained and approved by the spiritual authorities, in the Sees *which the Crown iiself* has founded, and in allowing them to exercise episcopal jurisdiction over its subjects duly assigned to them. The Crown, therefore, can by its mere motion create a Diocese where none exists, or by the consent of a Bishop, or in case of its being necessary of the neighboring Bishop, divide and set apart a new Diocese: or the Crown may be moved thereto by the entreaties of those situated within a new territory, or by the conjoint action of the Diocese desiring to be set apart into two Dioceses. If the Government of a country ignores the Church, then the power of planting the Church in all its fulness returns to itself, and Bishops may consecrate others for the work of evangelization, as was done in our Church, and more markedly in planting the Church in the United States. As we are to "honour the King," the Church in all ages has accorded to Christian Princes all the supremacy which was not inconsistent with the law of God." The Canadian Dioceses are, thanks be to God, still constituted and set apart by royal authority. It is evident that the royal power is not absolute but conditional: so long as it is exercised for the good of the Church at home, and the spread of religion abroad, it

may be lawfully obeyed as ordained by God himself; but may not be exercised to the suppression of truth. In Scotland the lawfully, because Divinely, constituted Church was perpetuated, notwithstanding that the sovereign power withdrew its support: this was an arbitrary surrender of authority, for as Wordsworth observes, "our most gracious sovereign has supreme power according to the *laws* and for the laws (not civil only, but Ecclesiastical) but *against them* none: for instance, the Church in Scotland is not guilty of sin in not abjuring Episcopacy. The Crown declines in this case to exercise its right to give jurisdiction. The Church must then give missions, praying God to move the Crown to do its duty. Jurisdiction is an inalienable prerogative of the English Crown, and as Lord Chancellor Clarendon says, "The King of England has no power to release a single grain of the allegiance which is due to him." The authority of Governors is exercised for Christ, "the powers that be are ordained of God," sometimes to His immediate glory, sometimes to punish His people, but always to His glory. Christ's Kingdom as supreme cannot be broken, it must go on: if therefore the earthly Sovereign refuses to act, and not till then, the inherent power of the Church awakes.

2. Any Clergyman elected a Bishop, and holding at the time of such election any preferment or benefice, shall resign such preferment or benefice prior to his consecration.

The law of England declares, that "all the dignities and benefices which a Bishop was possessed of before his election become void so soon as he has been consecrated; and when he is translated, his former See becomes void upon his confirmation. According to our present arrangement, each new Diocese must make provision to the extent of ten thousand pounds before the Royal license to elect can issue, or even before the Crown will set apart a Diocese. By the operation of this rule a really Missionary Episcopate is almost impossible. It is our manifest duty, however, earnestly to carry out the law, and to do all that in us lies to fulfil its provisions. In time God's providence will over-rule all imperfections, and the labours and wisdom of the Clergy Trust Committee and Sustentation Committee will convince our people of the propriety of putting all the funds of the Church in commission, for equal or just distribution; so that all may receive their dues from one common fund, Bishops as well as Priests.

ELECTION OF BISHOP.

That in the election of a Bishop to a vacant See, or to a new See, the Clergy and Laity shall vote separately by ballot; the Clergy by individuals, and the Laity by parishes. A majority of votes in each order shall determine the choice,

provided that two-thirds of the Clergy entitled to vote be present, and two-thirds of all the parishes entitled to vote be represented; otherwise two-thirds of the votes of each order shall be necessary to determine the choice.

The question of the election of Bishops by the Church is the immemorial custom, and is not a novelty or an infringement of the Royal Prerogative; but the precise mode of election has varied at different times. The Canon adopted by the Synod of the Diocese of Toronto was passed to meet an emergency; the Church being suddenly called upon to exercise a function which for some centuries had been in abeyance. It may be necessary therefore to explain the practice of the Church on this head shortly, under the hope that where improvement may be introduced our Synod may not be slow to amend. In considering the question it must not be forgotten that we are part—and an intimate part—of the Anglican Church, and in actual submission to the Archiepiscopal See of Canterbury: our Bishops owe to that Arch-Prelate canonical obedience, and through our Bishops we owe a like allegiance. It is clear therefore that our acts should be in conformity with and based on those principles, which apply to Anglican rather than to foreign rule. In our holy Mother Church the *law* is, that a commission issue from the Crown (which has cognizance of, and oversight of, the affairs of the people) to the Dean and Chapter of the Cathedral of the vacant Diocese, who therefore are bound to assemble, and after prayer to the Almighty and invocation of the Holy Spirit to guide to a right decision, proceed to the election of a godly man—being a priest—to be Bishop of souls in that Diocese. The Archbishop, if he approve, confirms the choice, and in the presence of three Bishops—they also joining in the laying on of hands—transmits to the Bishop elect the power of orders, commissioning him to the Apostolic Office as Christ has ordained. The Synod of the Diocese of Toronto has modified this law; and although sanction may be found for the modification, yet many pious and good men of various shades of opinion desire to adhere much more closely to English rule, and would prefer that the election should either be by the whole House of Provincial Bishops; 2ndly, by the Provincial Synod, rather than by the separate Dioceses; or, 3rdly, by the Archbishop and Bishops of England. The second plan is the one which appears to be most acceptable to this Province, and is certainly much more to be desired than the one in force; for,

1. It is much more calculated to attain the end desired, viz., the choice of a fit and proper person.

2. It is much more calculated to prevent unseemly discussion and unseemly action in the Diocese immediately interested.

3. It carries the election to a field in which the chances of partisanship and private motives, influencing the minds of those most deeply interested, are very considerably diminished.

4. It gives to the whole Province represented by election, a deep interest

in the affairs of the whole Church, and is calculated to preserve that unity which is the will of God.

The aspirations and prayers of all should be that each may be kept in his proper place. The Household of Faith solemnly convened is no place for selfish passions to swell the heart, and however much we may desire to attain to perfection in all things, we are not to go out of the right way hoping to find the truth by a new one of our own making. We should ever remember the sad trials of patience which the Christian must endure: if we sorrow that "we are sometimes let and hindered in running our race," we ought not to forget that but too often the sin is at our own door. Do Laymen zealously perform the duties assigned by the Church to them? If they did, much of that over anxiety to be active participators in some duties not properly theirs would not be so urgently pursued. As Mr. Blunt observes, "The people do possess a control, however they may suffer it to lie in abeyance, which is their own fault, for they have an appeal made to them, repeatedly by the candidate for the Ministry, for *their* testimony to his character; so that the Queen herself can recommend no man, even for a mitre, who has not previously been over and over again approved by the people, both by negative and positive consent;" so that, as in the case of a late election to an English See, the charge of "unsoundness in the faith" might have been effectually lodged before the nominee of the Crown was sent down for election.

All must have remarked how common a thing it is, even in these days, though less so than some time ago, for the people to consider the *Clergy* as *The Church*—to confine their idea of a Church to mere Ecclesiastics—to talk, *e. g.*, of a person about to enter Holy Orders as one about to go into the Church, and of a measure being offensive or the contrary to the Church, where the Clergy only are intimated

If you can lead them to a habit of thinking that the Church of England (however the *people* may have overlooked it) does, in fact, adopt the language of the Acts of the Apostles, and considers that those who have been baptized, fully meaning *to continue steadfastly* "in the Apostles' doctrine and fellowship, and in breaking of bread and in prayer," are added to the Church, be they who they may—that it does adopt the language of St. Paul, who greets "Priscella and Aquila," and "the *Church*, which is in their house;" who bids "Grace and peace to the Church of God which is at Corinth, to them that are sanctified in Christ Jesus, called to be saints and the like." The Church of England adopts this langnage, and will not be wasting time to impress it on people that they have more to do with the religious interests of the country than simply not to hinder the priesthood; and that if those interests stand in need of a revival they are not to look to the Clergy for it exclusively, and to suppose that they have no part nor lot in the matter themselves.

In the first place, our Church supposes *the people* to have some voice in the original selection of the Minister, herein following in the steps of the

primitive Church, where, though it was the Bishop's business to "see that he laid hands suddenly on no man," and with whom therefore the final option of the candidate rested (for otherwise it is manifest he could not exercise this discretion in the act of Ordination); yet were *the people* invited to bear a part in the choice of the candidate. Accordingly the Church of England requires, that before any youth offer himself to the Bishop for Holy Orders he *give notice* of such intention publicly, *in the face of the congregation* in the church *of the parish* where *he dwells;* thus challenging his neighbours who have been acquainted with him, probably from childhood, to a scrutiny of his character, openly appealing to them for a *negative* testimonial, at least of their approval of his purpose: of their belief that no stain attaches to him to disqualify him for so sacred a function; and proclaiming aloud, in this "*Si quis*" (as it is called) that if any person knows any just cause or impediment for which he ought not be admitted to Holy Orders, he would now declare the same, or signify the same forthwith to the Bishop to whom he means to present himself for Ordination. That moreover she requires a certificate of this challenge having been openly made, and no adverse response returned to it, under the hand of the churchwarden, as the representative of the people; thus converting the instrument into a deliberate attestation of the merits of the individual.

Such a check has the Church deposited in the hands *of the people* against the introduction of persons of character or qualities unsuitable to their profession into Holy Orders; and so long as the people have this remedy in their power, it is not for them to content themselves with casting blame on the Clergy who grant testimonials to improper persons (supposing this to be the case); on the Bishop who accepts them, culpable, doubtless, to the last degree, as such a proceeding would be in both of them; but to attend to their own responsibilities, and take their own share in purging the Ministry, if purging it wants. So bent is the Church on involving the people in the responsibility which attaches to the selection of Ministers, that the positive testimonial of their beneficed Clergymen to the learning and good behaviour of the candidate for three years, or such period as may have elapsed since he left college, and up to which period his college testimonials reach, ought, in strictness, to have the subscription "of other credible persons"—*i. e.*, respectable Laymen.

Although this latter part of the injunction may have fallen into disuetude from the practice of the Bishops and the supineness of the people, the clause itself stands fast as a monument of the interest the Church gives to the people in the most important article of religious provision for the country. Mr. Blunt further points to other most important duties which the Laity may perform, but those to which allusion has already been made are sufficient to convince the people that they have a very decided will in the choice of Pastors of the flock, and that to a very considerable extent the purity of the character of the Priesthood is positively entrusted to them. If the Laity did such duties as the interests of religion demand of them, they would

feel and know that the choice of one meet to be a Bishop may be much more safely entrusted to those who are much more capable of judging of the fitness of character, &c., than they can be, who have but little opportunity of discovering the real character of few others than the one who has perhaps ministered in their own parish. If it be a good qualification for a Priest to "rule well his own household," it is certainly a by no means bad qualification for a Bishop to have been a labouring parish Priest, and known well to conduct well his own parish. It becomes therefore a question of consequence to determine whether the interests of Christ's Church, and of ourselves, does not require of us to discharge our own positive duty in the selection of Parish Priests, leaving to the highest court of the Church, the Provincial Synod, the power to elect our Bishops from those Priests.

Fulke, in his commentary on the Rhemish translation of the New Testament, says :

"TITUS i, 5.—*Rhem.* 2. (Ordeine Priests). Though Priests or Bishops may be nominated and elected by the Princes, people, or patrons of places, according to the uses of the time and diversitie of countries and fashions, yet they cannot be ordered and consecrated but by a Bishop himself rightly ordered and consecrated before, as this Titus was by St. Paul. And here it seemeth that he did not only consecrate them whom the people had elected before, but him also made choice of the persons, no mention being here made of any other election popular. Which, though it were long used in the Primitive Church, yet for divers causes, and specially for continual tumultes, partialitees and disorders, which St. Augustine much complaineth of in his time, was justly taken away, and other better meanes of their designment appointed."—See Conc. Laodec. caps. 12, 13. S. Augustine de Adult. Coning. cap. 3.

But as an argument in favour of committing the confirmation, if not the election, of our Bishops to the Provincial Synod, we may cite the Canons of Nice and Ephesus, which *prohibit the introduction* of Bishops into Sees, without the consent of the Bishops of the Province, or a majority of them. Consequently when in any province in which there are Bishops a Bishop is introduced, though for a vacant Diocese, or consecrated without their assent, the law of the Church is violated ; the new Bishop is an intruder, and has no Mission, for want of a right to fill the vacancy in those who have undertaken to do so.

The sixth Canon of Nice declares :

"Let the ancient customs be maintained which are in Egypt and Lybya and Pentapolis, according to which the Bishop of Alexandria has authority over all those places. For this is also customary to the Bishop of Rome. In like manner in Antioch, and in the other Provinces, the privileges are to be preserved to the Churches. But this is clearly to be understood, that if any one be made a Bishop without the consent of the Metropolitan, the great Synod declares he shall not be a Bishop. If however two or three Bishops shall from private contention oppose the common choice of all the

others, it being a reasonable one, and made according to the Ecclesiastical Canons, let the choice of the majority hold good."

The eighth Canon of Ephesus says: "The most beloved of God, and our fellow Bishop, Pheginus, and Zeus, and Euagrius, the most religious bishops of the Province of Cyprus, who were with him, have declared unto us an innovation, which has been introduced contrary to the laws of the Church and the Canons of the Holy Fathers, and which affects the liberty of all. Wherefore since evils which affect the community require more attention, inasmuch as they cause greater hurt; and as especially as the Bishop of Antioch has not so much as followed an ancient custom, in performing ordinations in Cyprus, as those most religious persons who have come to the holy Synod have informed us, by writing and by word of mouth, we declare that they who preside over the Holy Churches which are in Cyprus shall preserve without gainsaying or opposition their right of performing by themselves the ordination of the most religious Bishops, according to the Canons of the Holy Fathers and the ancient custom. The same rule shall be observed in all the other Dioceses, and in the Province every where, so that none of the most religious Bishops shall invade any other Province which has not heretofore from the beginning been under the hand of himself or his predecessors.

"But if any one has so invaded a Province, and brought it by force under himself, he shall restore it, that the Canons of the Fathers may not be transgressed, *nor the pride of secular dominion be privily introduced* under the appearance of a sacred office, *nor we lose by little and little the freedom which* our Lord JESUS CHRIST, the Deliverer of all men, has given us by His own Blood.

"The Holy and Œcumenical Synod has therefore decreed that the rights which have *heretofore* and *from the* beginning belonged to each PROVINCE shall be preserved to it pure and without restraint, according to the custom which has prevailed of old. Each Metropolitan having permission to take a copy of the things now transacted for his own security. But if any one shall introduce any regulation contrary to what has been now defined, the whole holy and Œcumenical Synod has decreed that it shall be of no effect."

Our English system, if righteously carried out, is most to be had in respect; and if the election by the Dean and Chapter was not a mockery, but a reality, it would, many think, be wisdom on our part to adopt it; or, failing this, that the election should be, in many cases, vested in the Provincial Synod. The Canon passed, and just now in force, is very much a copy of the law of the Church in the United States, except that with them the General Convention confirms the election.

OF THE QUEEN'S SUPREMACY.

All foreign *ecclesiastical* power (forasmuch as the same

hath no establishment or ground by the law of God) is for most just causes taken away and abolished: and therefore no manner of obedience or subjection, within Her Majesty's realms and dominions, is due unto any such foreign power; but the Queen's power, within her realms of England, Scotland, and Ireland, and all other her dominions or countries, is the highest power under God; to whom all men, as well inhabitants as born within the same, do by God's laws owe most loyalty and obedience, afore and above all other powers and potentates in earth.

There is perhaps no subject about which a greater variety of opinion prevails than the true interpretation to be put on this Canon; and yet when examined nothing seems to be more clear. The reasons which induce the Christian to subscribe heartily to the doctrine are—1st. It is found in the Word of God. 2nd. It confirms the Christian in his Scriptural belief that by the Will of God "kings rule." 3rd. It defines accurately the supremacy which may lawfully be accorded to the Crown. With reference to the question in its civil relations we are not concerned, it is in its relation to "the Church" that we are now to view it. "The supremacy of our sovereigns" says Canon Wordsworth, "in ecclesiastical matters, and over spiritual persons as well as civil is founded not on any *human* basis, but on the Word of God. "Let *every* soul be subject to the higher powers," says the Apostle St. Paul. So also St. Peter: "Submit yourselves to every ordinance of man for the Lord's sake, whether it be to the King as *supreme*," &c. The *exercise* of this power may be greatly embarrassed by reckless and revolutionary legislation, or may fall into decay by the neglect of those to whom it was committed. In England the Crown is the fountain of honor, and none may assume titles without the Royal License, still less may they presume to claim jurisdiction without consent.—Hammon 11, p. 133. The King cannot alienate his regality: "thus he *could not* give titles even if *he desired* from English cities to English Romanist Bishops on the ground of their consecration by the Pope; for this would be an alienation of the regale and "act against the known laws and liberties of the Kingdom." The sovereign therefore acts as guardian of a constitution, not as the maker of one. Further, it is from "the Church" as God's assembly on earth that the Sovereign, through consecration by Archbishops and Bishops, is made God's annointed to bear rule in this realm, and in the most sacred place of the Sanctuary takes before Amighty God the Oath administered by the *Archbishop of Canterbury*, who says:

Is your Majesty willing to take the Oath?

The Queen. I am willing.

Will you solemnly promise and swear to govern the People of this United

Kingdom of *Great Britain* and *Ireland*, and the Dominions thereto belonging, according ta the Statutes in Parliament agreed on, and the respective Laws and customs of the same ?

I solemly promise so to do.

Will you to your power cause Law and Justice in Mercy, to be executed in all your Judgments ?

I will.

Will you to the utmost of your power maintain the Laws of God, the true profession of the Gospel, and the Protestant Reformed Religion established by Law? And will you maintain and preserve inviolably the settlement of the United Church of *England* and *Ireland*, and the Doctrine, Worship, Discipline, and Government thereof, as by Law established within *England* and *Ireland*, and the territories thereunto belonging? And will you preserve unto the Bishops and Clergy of *England* aad *Ireland*, and to the Churches there committed to their charge, all such rights and privileges, as by Law do, or shall appertain to them, or any of them?

All this I promise to do.

The things which I have here before promised, I will perform, and keep.
So help me God.

This is enough to shew that the Crown is bound to act in accordance with the Constitution of the Church, to foster her missionary efforts, and offer every facility to the spread of the truth in the territories, which is not incompatible with that spirit of toleration which forbids the persecution of any. Sever the Crown from the Church, and how long would that Anglican Church continue what is termed "The Protestant Succession," for weakened as the connexion has become through the error of our rulers, nevertheless so long as the Crown is placed on the Sovereign's head and the regal brow annointed by England's Church, so long will the religious character of the Royal House continue to be what God through His martyred servants made it—the supreme power over all persons ecclesiastical and civil, and thus the supreme head, of the Church Reformed, Holy, Catholic and Apostolic, "built on the foundation of the Apostles and Prophets; Christ being the Chief Corner Stone." In acknowledging, therefore, the Royal Supremacy, we acknowledge no power in the sovereign to exercise any spiritual office or ministry, but only such power as may be lawfully given by warranty of Scripture to God's chosen servant.

All the General Councils of Antiquity were *summoned by* Sovereign Princes; and there is not a single instance of any one council claiming to be general, convoked by the Pope of Rome for *one thousand* years after Christ; and the laws made by Bishops in Councils depended for their ratification and publication on the sovereign power. General Councils may not be gathered together without the commandment and will of the Prince. The convoking of Diocesan Synods is another thing, that is in the power of the Bishop of the Diocese. In the early ages of the English Church each

Bishop had and in fact still has (Burn's Eccl. Law, vol. ii., p. 17) the right to assemble the Clergy of his Diocese in Synod or Council to transact ecclesiastical affairs.

THE CONSTITUTION OF VESTRIES FOR FREE CHURCHES.

Whereas there are many churches in the country, in which, by reason of there being no pews or sittings held by the members of the congregation thereof, no vestry can be legally formed for the direction of said churches, the management of their property, or other necessary mattters; and whereas by the act of Victoria, entitled, "An Act to enable the members of the United Church of England and Ireland, in Canada, to meet in Synod," authority is given to the Bishops, Clergy and Laity, members of the said United Church of England and Ireland, meeting in Synod, to "frame constitutions and make regulations * * * for the convenient and orderly management of the property, affairs and interests of the Church: Be it enacted that in all such churches in this Diocese where by reason of the seats being free no vestry can be formed, the members of the congregation of each said church shall have power and authority to constitute and form a vestry. And such vestry shall consist of such members, being of the full age of twenty-one years, as shall declare themselves in writing, in a book to be procured for that purpose by the congregation, to be members of the United Church of England and Ireland and habitually attending worship in such Church. And being so formed and constituted, such vestry shall have the same power and authority, and do and perform such matters and things as are possessed and done by vestries formed of holders of pews or sittings in other churches.

Provided always, that such vestry shall have no power or authority to interfere with, alter or change any right, rule or custom existing in such church by virtue of any gift, endow-

ment or regulation of the Bishop of the Diocese, or right or interest unreserved by him. Such right, rule, custom or reserved right or interest being set forth and recorded, either in a deed of gift or endowment, or by order of the Bishop in the book hereinbefore directed to be provided for the enrolment of the members of the vestry. And which record shall be duly authenticated by the then incumbent of such church, and by the first (not less than three) members of the congregation then enrolling their names.*

This Canon is of the greatest importance, and is intended to place Free Churches in the same favourable position as those in which the sittings are appropriated. The Church of England inculcates the duty set forth by the Holy Apostle, of having all to come within the sanctuary: the poor man, clad in humble attire, as well as the rich, clothed in their fine linen; and there cannot be a more dishonouring act to Almighty God than to shut out the poor from His kingdom. It was the glad tidings of Christ to John that "the poor have the Gospel preached to them;" and unless we provide free sittings, how are God's poor servants to hear and to do his will. In every instance, therefore, in which we encourage free and open sittings in God's House we do His will.

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*XVII. And be it further enacted by the authority aforesaid, That in the event of any person or persons, bodies politic or corporate, desiring to erect and found a Church or Churches, and to endow the same with a sufficiency for the maintenance of such Church and of Divine Service therein, according to the rites of the said Church of England and Ireland, it shall and may be lawful for him, or them, to do so, upon procuring the license of the Bishop, under his hand and seal, for that purpose; and thereupon, after the erection of a suitable Church, and the appropriation by the founder thereof, of such Church so erected, and of lands and hereditaments, or other property, adequate to the maintenance thereof, and of an Incumbent, and adequate to the usual and ordinary charges attendant upon such Church, such provision being made to the satisfaction of the Bishop, such Founder, his Heir and Assigns, being members of the said Church of England, or such body politic or corporate, as the case may be, shall have the right of presentation to such Church, as an advowson in fee presentative, according to the Rules and Canons of the said United Church of England and Ireland.

ROWSELL & ELLIS, PRINTERS, KING STREET EAST, TORONTO.

BILL.

[*As passed by the Legislative Council.*]

An Act to explain and amend the Act intituled, "An Act to enable the Members of the United Church of England and Ireland in Canada, to meet in Synod."

WHEREAS doubts exist whether in the Act passed in the nineteenth and twentieth years of Her Majesty's Reign, intituled, "An Act to enable the Members of the United Church of England and Ireland in Canada, to meet in Synod," sufficient provision is made for the representation of the Laity of the United Church of England and Ireland, in the Synods by the said Act authorised to be held, and it is expedient that such doubts should be removed: Therefore, Her Majesty by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. For all the purposes of the aforesaid Act, the Laity shall meet by representation; and until it shall be otherwise determined by the Synod in each Diocese, one or more delegates (not exceeding three in any case) may be elected at the annual Easter meetings in each parish, mission, or cure within the Diocese, or in cases where there may be more than one congregation in any parish, mission or cure, then in each such congregation, or at meetings to be specially called for the purpose by each Clergyman having a separate cure of souls; and all laymen within such parish, mission or cure, or belonging to such congregation of the full age of twenty-one years, who shall declare themselves in writing, at such meetings, to be members of the United Church of England and Ireland, and to belong to no other Religious denomination, shall have the right of voting at such election. Each delegate shall receive from the Chairman of the meeting a certificate of his election, which he shall produce when called upon so to do, at the Synod; and the first meeting of such Synod shall be called by the Bishop of the Diocese at such time and place as he shall think fit; Provided always, that no business shall be transacted by the Synod of any Diocese unless at least one-fourth of the Clergy of such Diocese shall be present, and at least one-fourth of the Congregations within the same be represented by at least one delegate.

2. All proceedings heretofore had in any Diocese under the aforesaid Act, which have been conformable to the provisions of this Act, shall be held to be valid, as if the same had taken place after the passing of this Act.