

# GOULBURN CONFERENCE NUMBER.

# The Church Chronicle

FOR THE DIOCESES OF  
SYDNEY, NEWCASTLE AND GOULBURN.

"SPEAKING THE TRUTH IN LOVE."

VOL. I. No. 1.

SYDNEY, JANUARY 8, 1866.

SUPPLEMENT.

## Diocese of Goulburn.

### CHURCH CONFERENCE.

A CONFERENCE of the Bishop, Clergy, and Lay representatives of the Diocese of Goulburn, was held in Goulburn on the 13th December last. The proceedings commenced with a special morning service in St. Saviour's Cathedral, at 11 a.m., when the Sacrament of the Lord's Supper was administered to 70 communicants; and at 4 p.m., the members met in the Hall of the School of Arts, under the Presidency of the Lord Bishop of the Diocese.

The under-named twenty-four clergymen were summoned; they are enumerated in their ecclesiastical order:—

Rev. W. Sowerby, Goulburn  
Rev. James Allan, Braidwood  
Rev. Thomas Druiett, Cooma  
Rev. Edmund B. Procter, Bungonia  
Rev. Samuel Fox, Wagga Wagga  
Rev. Pierce Galliard Smith, B.A., Canberra  
Rev. Daniel Paul Meek Hulbert, M.A.  
Rev. Alberto Dias Soares, Queanbeyan  
Rev. John Steele, Bombala  
Rev. Marcus B. Brownrigg, Albury  
Rev. Richard Leigh, Goulburn North  
Rev. Henry H. Britten, Moruya  
Rev. Charles James Byng, Tumut  
Rev. F. A. Cecil Lillingston, B.A., Yass  
Rev. John Maitland Ware, Corowa  
Rev. Pascal Lamb, M.A., Tarago and Collector  
Rev. John Lister Knight, M.A., Bega  
Rev. William Henry Pownall, Young  
Rev. Adam Likely, B.A., Araluen  
Rev. Samuel Sheridan Harpur, B.A., Deniliquin  
Rev. Thomas Hill Goodwin, Wentworth  
Rev. Hugh Sanderson Seaborn, Gundagai  
Rev. Henry Ross,  
Rev. J. Knight Newton.

All answered to their names, except the Revs. Messrs. Smith, Steele, Byng, Likely, Goodwin, and Newton; whose absence was caused by various circumstances, and these were explained by the President.

The annexed is the list of thirty-eight Lay representatives, chosen by the several parishes mentioned below:—

The Hon. James Chisholm, Esq. } Goulburn  
F. R. L. Rossi, Esq. }  
Robert Maddrell, Esq. } Braidwood  
Francis Henry Wilson, Esq. }  
Wm. Conolly, Esq. } Cooma.  
O. Welby, Esq. }  
William Broadhead, Esq., Bungonia  
Edward Payten, Esq., Marulan  
W. P. Faithfull, Esq. } Wagga Wagga  
G. H. Thorn, Esq. }  
None—Canberra  
J. M. Hassall, Esq. }  
C. S. J. Lowe, Esq., M.D. } Gunning  
J. Medway, Esq., Jerrawa.  
A. Chisholm, Esq. } Queanbeyan.  
F. Horn, Esq. }

None—Bombala  
W. M. N. Edmonson, Esq. } Albury  
J. Knight Barnett, Esq., M.D. }  
A. D. Faunce, Esq. } Goulburn North.  
Zach. Hawkins, Esq. }  
W. A. Chisholm, Esq., Kippilaw  
T. S. Mort, Esq. } Moruya  
D. E. Jones, Esq. }

None—Tumut  
A. Campbell, Esq., M.D. } Yass  
N. R. Besnard, Esq. }  
S. H. Belcher, Esq. } Corowa  
Joseph Bull, Esq. }  
John W. Chisholm, Esq., Collector  
John Cropper, Esq., M.D. Tarago  
A. F. Gibson, Esq., Turrana  
None—Bega

James Manning, Esq., Twofold Bay District  
Captain Zouch, Young  
C. S. Alexander, Esq., Marengo  
W. D. Campbell, Esq., Burrowa  
T. J. Roberts,  
J. Longfield, Esq. } Araluen  
W. E. Twynam, Esq. } Deniliquin  
H. Turner, Esq. }  
None—Wentworth  
C. S. Alexander, Esq. } Gundagai  
J. Bray, Esq. }

together with the Chancellor and the Registrar of the Diocese.

Of these Lay representatives, all attended except the following, who did not take their seats in the Conference:—Messrs. Broadhead, Payten, Faithfull, Edmonson, Barnett, Mort, J. W. Chisholm, Alexander, Roberts, and Bray, and the Registrar.

The special objects of the Conference will be understood from the subjoined Circular, which the Bishop had previously issued to each of the licensed Clergy of the Diocese:—  
Goulburn, 18th October, 1865.

Reverend and dear Sir,  
In accordance with the intention which I expressed at a recent meeting in Sydney, I now invite you to a Conference of the clergy and laity of the diocese of Goulburn which by Divine permission will be held in the Church Society's rooms, Goulburn, on Wednesday, 13th December, 1865, at 4 p.m.

The object of the Conference will be to afford to the Diocese of Goulburn an opportunity of uniting with the Dioceses of Sydney and Newcastle for the general benefit of the church in the Colony;—and more particularly—  
1. To agree to a Church Constitution (of which a draft will be submitted for consideration), for the management and regulation of the affairs of the United Church of England and Ireland within the Diocese of Goulburn.

2. To appoint a standing committee to act in behalf of the Conference; and such other committees as may be deemed necessary.

3. To elect clerical and lay representatives, who, with the Bishop of the diocese, shall be authorized to confer with the Bishops and clerical and lay representatives of the Diocese of Sydney and Newcastle on the following subjects:—

a. The propriety of making united application to the Legislature for legal sanction to the church Constitutions of the several Dioceses:

b. And, under the power of such legal sanction, of establishing a Provincial Synod for the church in the colony—and Diocesan Synods for the church in the several Dioceses.

The provisions agreed upon by the Diocese of Sydney for the election of lay representatives are appended. It seems desirable to follow these directions in choosing representatives for the present Conference.

I have also addressed invitations to all the clergy licensed in the diocese.

There will be Divine Service, and the administration of the Lord's Supper in St. Saviour's Cathedral, at 11 a.m. of the day on which the Conference is held.

May the Holy Spirit guide all our deliberations, and lead us to adopt such measures as may be for the glory of our God and Saviour, and for the good of His church.

I remain, Rev. and dear Sir,  
Your faithful Friend and Brother,  
M. GOULBURN.

The proceedings were opened with prayer by the President; after which the Clergy answered to their names, and the Lay representatives signed the declaration that they were communicants of the United Church of England and Ireland. It was then moved by the Rev. W. SOWERBY, seconded by the Hon. J. CHISHOLM, Esq., M.L.C., and carried unanimously,—"That the Chancellor of the Diocese and the Registrar be admitted as members of the Conference, with the same powers and privileges as the representative members."

The Chancellor took his seat accordingly. The Rev. F. A. LILLINGSTON moved, and F. R.



L. Rossi, Esq., seconded the next resolution, which was likewise carried unanimously, "That the Revs. P. Lamb, and W. H. Pownall, and S. H. Belcher, Esq., be appointed Secretaries of the Conference." These gentlemen accepted the office, and advanced to the places provided for them at the table.

THE RIGHT REVEREND THE PRESIDENT then delivered the following address:—

My reverend brethren the Clergy, my brethren the Laity—I have summoned you to this our first Conference, not to gratify any impulse of my own heart, nor from any immediate expectation of benefit to ourselves, in this early period of our existence as a Diocese; but from a growing conviction that this is a duty demanded by the general interests of the United Church of England and Ireland in New South Wales.

We are solemnly assembled in the name of our Lord and Saviour Jesus Christ, and we have invoked the Holy Ghost to preside over our deliberations. May our Conference be conducted in the spirit of love and of power, and of a sound mind: and may the results, in due time, conduce to the true welfare of the Church of Christ in the Diocese; and secure the cordial co-operation of the whole church in the Colony for the common benefit of all its members.

It is well known that for several years thoughtful minds in the various branches of the Colonial church, have been directed to the necessity of devising the best means of attaining the end proposed for our consideration to-day. In Canada, New Zealand, South Africa, Tasmania, South Australia, Victoria, and New South Wales, the subject has occupied a large place in public attention; and Acts of Parliament have been obtained in Canada, Victoria, Tasmania, and New Zealand, under which legal Synods are in full and satisfactory operation.

Several Conferences on the subject of synodical action have been held in the Diocese of Newcastle. In that of Sydney, the first Conference assembled in November and December, 1858; the second in February last, when Fundamental Constitutions for the Diocese were agreed upon, and a Bill drawn up to legalize the same. This Bill was introduced into the Legislative Assembly by the Honorable the Premier; but after having been examined by a Select Committee, and not unfavourably received by the House, was wisely withdrawn, not so much on account of opposition within the Legislature, as because the Diocese of Newcastle strongly objected, by petition and otherwise, to the mode in which the proceedings of the Metropolitan Diocese had been conducted in connection with it.

The Diocese of Sydney, under these circumstances, was obliged to take counsel as to its future course of action in reference to the Bill. Its position was also further complicated by important resolutions of the Conference of

the Diocese of Newcastle, which determined, on the 18th August, 1865:—

1. That this Synod is of the opinion that it is expedient and highly desirable that a Conference or general synod of the bishops, clergy, and lay representatives of the church in the three dioceses in the colony of New South Wales should be held in Sydney for the purpose of considering and determining what form of constitution should be adopted for the good government of the church in the colony, and also on what points it would be desirable or necessary to apply for legislative sanction.
2. That the Lord Bishop of Sydney be respectfully requested as Metropolitan to convene, at as early a period as shall to him appear convenient, a conference or general synod of the Bishops, clerical and lay representatives of the respective dioceses.
3. That a committee of four clerical and four lay representatives of the present Synod be elected by ballot to act in conjunction with the Lord Bishop at such Conference or General Synod.
4. That the Rev. Canon Greaves, the Rev. Cotes Child, the Rev. R. Chapman, the Rev. W. E. White, the Hon. J. Docker, C. Bolton, Esq., E. Close, junr., Esq., and H. A. Thomas, Esq., be the clerical and lay representatives of the Synod of Newcastle at the proposed Conference or General Synod.
5. That a copy of these resolutions be transmitted to his Lordship the Metropolitan Bishop.

Whereupon the Conference of the Diocese of Sydney assembled for the third time in the following month, and immediately proceeded to the discussion of this new proposition. After careful deliberation they adopted these resolutions on the 27th September:—

1. That this Conference, desiring to maintain as a fundamental principle of church policy the inherent right of each Diocese to manage its own affairs, and also recognising the importance of united action on the part of the members of the Church of England in this Colony, in the establishment of a sound system of synodical government, respectfully joins in the request which has been already made on the part of the Diocese of Newcastle to the Lord Bishop of Sydney, as Metropolitan, to convene at as early a period as shall to him appear convenient, a Conference of the Bishops, clerical and lay representatives of the respective Dioceses of this Colony.
2. That this Conference proceed to elect four clergymen and four laymen, who, jointly with the Bishop, shall at the General Conference represent the Diocese in reference to all matters not already determined by the Fundamental Constitutions passed by the Conference in February last.
3. That the following gentlemen be the clerical and lay members, together with the Lord Bishop of this Diocese, at such general conference:—The Very Rev. the Dean of Sydney, the Rev. Canon Allwood, the Rev. Wm. Stack, the Rev. W. B. Clarke, Mr. James MacArthur, Mr. Alexander Gordon, Mr. Alexander Stuart, and the Hon. Robert Johnson.

In this manner the two Dioceses conspired to throw upon us the onus of obstructing the progress of the synodical movement, which appears to be so much in favor in the Colony. On this account I have ventured to assume the responsibility of submitting this grave question to your free discussion and impartial decision. The object of the Conference will be to afford to the diocese of Goulburn an opportunity of uniting with the Dioceses of Sydney and Newcastle for the general benefit of the church in the Colony: and more particularly—

1. To agree to a Church Constitution (of which a draft will be submitted for consideration), for the management and regulation of the affairs of the United Church of England and Ireland within the Diocese of Goulburn.
2. To appoint a standing committee to act in behalf of the Conference: and such other committees as may be deemed necessary.
3. To elect clerical and lay representatives, who, with the Bishop of the diocese, shall be authorised to confer with the Bishops and clerical and lay representatives of the Diocese

of Sydney and Newcastle on the following subjects:—(a) The propriety of making united application to the Legislature for Legal sanction to the Church Constitutions of the several Dioceses; (b) and, under the power of such legal sanction, of establishing Diocesan Synods for the church in the several Dioceses, and a Provincial Synod for the church in the Colony.

On an occasion like the present, you will naturally expect some exposition of my views, as well upon the general subject of synodical action in the church, as upon the principles of the proposed Church Constitutions and Synod Bill, and upon some of the questions of detail, which will necessarily arise in the course of our proceedings.

#### I.—SYNODS IN THE PRIMITIVE CHURCH.

The origin and constitution of Synods are explained by our Ecclesiastical Historians in this manner: When congregations of christian converts began to multiply, "all the christian churches were formed into one large Ecclesiastical body, in which commissioners from the several churches consulted together, and enacted laws which were called 'Canons.' The Greeks called this assembly a 'Synod' and the Latins a 'Council.'" (Mosheim I. 131). In the time of Tertullian "Synods were held in Greece, composed of deputies from all the churches; who might be considered as representing the whole body of christians dispersed throughout Greece. These meetings were always preceded by solemn fasts, and opened with prayer. In them all the more important questions which arose from time to time were discussed, and thus the unity of doctrine and discipline was preserved." (Bishop Kaye's Tertullian, p. 245.)

*Aguntur preterea per Græcias illa certis in locis concilia ex universis ecclesiis per quæ et altiora quæque in commune tractantur, et ipsa representatio totius nominis Christiani magna veneratione celebratur. Conventus autem illi, stationibus prius et jejuniis operati, dolore cum dolentibus, et ita demum committere gaudentibus norunt.—De Jeuniis, c. 13.*

One of the canons of our church declares that "the sacred Synod of this nation (England) assembled in the name of Christ, and by the King's authority is the true Church of England by representation." (Canon 139.) National and Provincial Synods were originally convened by the authority of the Metropolitan, Diocesan Synods by the Bishop of the Diocese, in virtue of their spiritual jurisdiction; nor was the Royal sanction considered necessary until 1534, when the Act of Submission (25 Henry VIII. c. 19. § 1.) decreed that "the clergy shall not enact any constitutions or ordinances without the King's assent." Diocesan Synods were held twice a year, in summer and in winter; and continued for three days each.

At these all the clergy of the Diocese were expected to attend on pain of suspension from the celebration of the Eucharist for a whole year. The Bible used to be placed in the



middle of ancient councils. (Hart's Ecclesiastical Record, p. 6.)

That the Bishop of every Diocese had in England, as in all Christian Churches, power to convene the clergy of his Diocese, and in a common Synod or Council with them to transact such affairs as specially related to the order and government of the churches under his jurisdiction is not to be questioned. In the primitive church the laity were present at all synods. But the canons of a Council did not [in England] bind the laity without an Act of Parliament. (Burn's Ecclesiastical Law, ed. 1842, p. 17.)

A Council is a meeting of persons who consult with each other, but in Church History it always implies *representation*: a meeting, where delegates are sent from different churches in a Diocese. (Hey's Lectures on Divinity, ed. 1841, II. 391.)

Provincial Synods, held triennially, and Diocesan Synods every year, contributed to brace up the decaying discipline of the church and to generate afresh the feeling of mutual confidence. (Archdeacon Hardwick's Church History, p. 351.)

It may be important to remind our Colonial Legislative Assemblies, and to conciliate their good-will towards us in this movement, that *they are themselves indebted to the church for the very idea of a Representative Government*, and consequently for the very existence of the Assembly to which we desire to commit the Synod Bill for their legislative sanction. Chief Justice Creasy assures us (in his Rise and Progress of the Constitution, p. 189) that "the church did much to diffuse the idea of representative action, by councils, synods, and other assemblies;" and Hallam (in his Middle Ages, p. 11), adds "all of these were formed on the principle of a virtual or express representation, and had a tendency to render its application to national assemblies more familiar." And this is confirmed by Dean Stanley who (in his lecture on the Eastern Church, p. 67,) says of the Council of Nicea, that it was "a large assembly professing to represent the voice and the conscience of the whole Christian community;" and that such councils "are the first precedents of the principle of Representative Government."

There were various kinds of Councils or Synods in the early church:—

*Diocesan Councils*, consisting of Bishops and clergy, assembled together to confer upon matters relating to the Diocese, were frequently held in England until 1534.

*Provincial Councils*, were composed of the Metropolitan and the Bishops of his Province.

*National Councils*, composed of the Bishops and clergy of one entire nation—the first in England was held in A.D. 673, and the last in 1555.

*General Councils*, also called Ecumenical and Plenary, consisting of the Prelates and

clergy from all parts of the earth, and representing the universal church. "The canonists define a Council (or Synod) to be an assembly of Prelates and doctors, to settle matters concerning religion and the discipline of the church." (Dr. Phillimore on Burn's Eccles. Law, I. 30 a.)

## II.—THE STATUS AND ECCLESIASTICAL RELATIONS OF THE CHURCH OF ENGLAND IN THE COLONIES.

The fundamental principle of Colonial church legislation should be the *conservation of the integrity of the Church of England and of the pervading influence of her well-balanced institutions*. A firm friend of the Colonial church, one of the Prebendaries of St. Paul's Cathedral, in a letter on Colonial church legislation, recommends that "the Bishops, clergy, and laity should meet to prepare such measures as may seem necessary for adapting the laws of the church to local necessities, and for perfecting their church constitution. Let the measures, so prepared, be proposed for adoption to the Colonial Legislature, and ultimately for the sanction of the authorities at home."

"This would claim for the United Church of England and Ireland no exclusive legislative advantages but might be followed by other religious communities. Colonial Legislatures will thus maintain their principle of treating the Churches of England and Scotland and other Christian societies upon terms of civil equality." Thus wrote in 1856 the Rev. Prebendary Venn, the able and devoted Secretary of the Church Missionary Society of London.

*The special disadvantages which result from the absence of legislation, are peculiar to the Church of England in this colony*. And the denial of the sanction of law to her proceedings and constitutions in Synod assembled, would be an injustice, of which I cannot believe that any legislature will be guilty. Every other religious body has obtained all the sanction of law which they can possibly desire for the management and regulation of their affairs. Shall we suppose that the legislature will deny to us that which they have granted to all others?

"The disadvantageous position of the church in a colony (writes Mr. Venn) may be traced to the fact, that the constitutions of other bodies are easily adapted to the circumstances of colonists, especially in respect of the maintenance of discipline. The Church of England in a colony has no Ecclesiastical Courts; these are in England. Whereas, in the Presbyterian Church and among the Wesleyans, their means of enforcing discipline lie in synods, presbyteries, and conferences, which can be held wherever a few ministers and laymen of their persuasion meet together. They and other bodies have secured their discipline by vesting their property in trust deeds which insert their doctrines and regulations of discipline in declarations of trust. Thus, with local acts, they are able by an appeal to local courts to eject a minister if he violates their established rules. The property of Wesleyans is vested

by trusteeship, in all parts of the world, under the provisions of a Poll Deed, executed by Wesley, 28th February, 1784, and enrolled in the High Court of Chancery, *reciting the distinctive principles and discipline of Wesleyanism*."

This is rendered applicable to their system in New South Wales by the Colonial statute 5 Victoria No 13; wherein trust property is brought under the principle of the Model Deed in London and under the sanction of the law of the Colony. *And no power is contemplated by the Synod Bill, prepared by the diocese of Sydney, which has not been already given in this manner to the Wesleyans, the Independents and the Baptists*. The same is true in reference to the Presbyterian Church in the colony, which has obtained Acts, more than once amended by the Legislature, where-by they are enabled to connect the tenure of property in their body with the maintenance of their doctrine. And specially is this the case in the Act 28 Vict., passed on the 12th May, 1865, which states that the various Presbyterian bodies in the Colony are united, and the select committee upon the Bill recites certain "articles of basis of union"—thus giving legal sanction for the regulation by which they provide for the discipline of their members and the maintenance of their doctrine. *The Synod Bill of Sydney Diocese would assume no greater power than that thus possessed by the Church of Scotland in the Synod of the Presbyterian Church*.

It is true that the principle of government in the Church of England differs from that of the bodies referred to. Until a bill is obtained, a kind of Episcopal autocracy apparently prevails. What is needed is to substitute a constitutional government in the church as has been done in Victoria, Tasmania, New Zealand, and Canada, without any departure from the standards of faith and worship, as set forth in the articles and formularies, and without putting any authoritative interpretation upon the declared doctrines of the church.

The members of the church might, no doubt, without the sanction of law, adopt rules for enforcing discipline. But these would be binding only on those who expressly or by implication had assented unto them. Where any religious association has agreed upon terms of union and constituted a tribunal to determine whether the rules have been violated, and what shall be the consequence, the decision of the tribunal will be binding only on those who have accepted, and are willing to submit to the rules of such tribunal. But such tribunals are not courts; and the courts established by law can only give effect to their decision upon those who have bound themselves to the association. These are important conclusions deducible from a recent judgment of the Judicial Committee of the Privy Council. Hence the great importance of urging upon the legislature the duty of placing the Church



of England in the Colony under the same principle of self-government as other denominations.

### III.—LETTERS PATENT OF COLONIAL BISHOPS.

The judgment of Her Majesty's Privy Council in the case of Bishop of Natal *v* Bishop of Capetown appears to have surprised the majority of the members of our Church at home and abroad. Nevertheless the main principles of the decision were well known to persons conversant with questions of Ecclesiastical Law, and with the varying circumstances of the several churches in the different Colonies. With respect to the subject of jurisdiction, the Law Officers of the Crown had given their opinion as long ago as 1850, that "her Majesty had no authority by Letters Patent to create Ecclesiastical jurisdiction in a Colony" beyond that allowed by the laws in force in that Colony.

Colonial Bishops are created Bishops by the Queen, as Sovereign of the realm and Head of the Church; they are consecrated under a mandate from the Queen; they receive their titles from the Queen as the fountain of honor; and they hold their Dioceses under a grant from the Crown. But in the case of a clergyman selected to be a Bishop in England, though the Crown has a right to command his consecration, the Crown has no power without an Act of Parliament, to assign a Diocese to him "*within the United Kingdom*," the whole of which has already been occupied according to special laws.

The Crown has a right to constitute a Bishopric and also to confer jurisdiction [for jurisdiction was annexed to the imperial crown by 1 Eliz. c. 1. § 16, 17] (1) in a Crown Colony, and (2) where it may be done pursuant to an Act of Parliament. But no such effect or operation follows in a Colony possessing an independent Legislature. Since therefore there is no power of jurisdiction conferred by the Letters Patent in this Colony, and no power in the Crown to create a new tribunal. ["The erection of a new Court with new jurisdiction cannot be without an Act of Parliament."—Coke] it is evident that the power of discipline must be otherwise obtained; for the pastoral and spiritual authority which is incidental to the office of a Bishop is insufficient for the maintenance of discipline, and the proper regulation of the affairs of the church. We must therefore recur to the primitive methods employed for the governance of the church, and seek to vest the required authority in the church, represented by the Bishop, clergy, and laity, in legal Synod assembled.

### IV.—THE BUSINESS OF THE CONFERENCE.

Our first duty will be to consider the proposition adopted by the Dioceses of Sydney and Newcastle, that we should unite with them; the terms of the Church Constitution to be adopted by the Conference for the purpose of such union; the Bill which we should recommend to the adoption of the three Dioceses and

the Legislature; and the election of the committees and representatives required to give effect to the whole design.

#### A.—THE CHURCH CONSTITUTIONS.

1. It has been evident, I think, in the course of these remarks, that my judgment is clearly in favour of the desired co-operation. I therefore trust that resolutions to that effect will be agreed to, and that the next application to Parliament will be made under the sanction of the United Church in this Colony. 2. With reference to the Church Constitution, I am of opinion that we can justify the preamble which states that—"It is *expedient* that further and better provisions should be made for the management and regulation of the affairs of the United Church of England and Ireland within the Diocese of Sydney. And whereas for the purpose of making such provision, and also with a view to promote the united action of the members of the said church, it is *desirable* that the members thereof meet in Synod and make such rules and ordinances as for the purpose hereinbefore mentioned they may deem requisite:"—because (a) it is the only mode in which a Bishop can in this Colony summon the clergy and laity to meet in Synod; (b) similar Acts of Parliament are working beneficially in neighbouring Colonies; (c) the majority, I presume, of the clergy and laity in the Colony desire it; (d) the church is at present without any defined code of laws; (e) legislation would secure united action, which would otherwise be impossible; (f) the Church of Scotland for similar purposes obtained the aid of the Legislature.

Nay more, I am inclined to believe that legislation is a matter of *necessity* also; because (a) the Colonial Church suffers from great disabilities, from which others are free, connected with the constitution and canons of the Church of England and with other associations; (b) a voluntary association, or a synod formed on the principle of "*consensual compact*" would be *inoperative* and could not bind the successors of the Bishop, clergy, and laity; (c) there is no other mode of gaining the co-operation of parishes which neglected or declined to join; (d) there can be no power over the property of the church, to secure the trusts for their rightful purposes, unless given by the Legislature. There is a large amount of property involved which does not in any way come under the operation of the Church Temporalities Act.

3. It is not intended to confer upon Diocesan Synods power to deal with spiritual matters. (a) They are, in the words of a Canonist of authority, "*assemblies to enforce, and put in execution, canons made by Provincial Synods, and to consult and agree upon rules of discipline for themselves*."—(Johnson's Clergyman's Vademecum.) (b) The action of a Diocesan Synod is restricted to the management of the

temporal affairs of the church, and to the exercise of discipline over the clergy. It can claim no powers of legislation. (c) It is not expedient for Diocesan Synods to have power to interfere in spiritual matters. (d) There is absolute need of the institution of some standing Ecclesiastical machinery or tribunal for the correction or removal of clergymen offending against law or neglecting their duty. (e) Provincial Synods alone—composed of the Metropolitan and Bishops of the Province, within the Colony, with clerical and lay representatives from each Diocese—would be authorised to deal with matters spiritual.

4. It seems requisite, in a country wherein constant changes are occurring in regard to the residence of the population, that opportunities should be afforded for filling up the vacancies and renewing the vigor of the Synod. A new election therefore should be required periodically. Once in three years seems to be a reasonable limit. Nevertheless power to amend the regulation is reserved to the Synod. If this regulation be considered wise, that for the annual session of the Synod will be its natural corollary.

5. Standing Orders for the regulation of the affairs of the Synod, and the guidance of a Standing Committee will be of great value, to prevent irregularities in the transaction of business.

6. That the members of the Synod should be attached members of the church, in full communion with her, will, I hope, be admitted as a wise and necessary regulation.

7. The Bishop's co-ordinate power with the clergy and laity has existed from the earliest times; and it appears to be an inherent principle of an Episcopal church, and a fundamental one in the Church of England. In financial matters, however, the Bishop would not be likely to interfere with the clergy and laity. At the same time, the proviso in clause 6 of the Constitutions, secures perhaps all that is required to prevent hasty legislation: "Provided also that any such rule or ordinance to which the Bishop shall not assent may be the subject of reference to and determination by any Provincial Synod which may hereafter be holden."

8. The clause relating to the license of a clergyman, and the power of withdrawing or revoking it, is one of a protective kind. It is designed to protect alike the Bishop and the clergyman. In the Church Temporalities Act (which needs amendment, and will require early attention after the passing of the Synod Bill), the power of "withdrawing, cancelling, and revoking the license of a clergyman," is left absolutely in the Bishop's hand, "upon cause shown." Under such a clause the Bishop may be prosecutor, jury, and judge—a most undesirable position for any man, and more particularly for a Bishop, whose relations with his clergy ought to be of a very different character.



## B.—THE CHURCH OF ENGLAND SYNOD BILL FOR THE DIOCESE.

The provisions of the Bill are of the simplest character, the three main principles being—(1) That it shall be lawful, when we are assembled in Synod, to act upon the Constitutions; (2) That the rules of the Constitutions shall be binding upon the Bishop of Goulburn and his successors, and all other members of the United Church of England and Ireland within the said Diocese, &c.; (3) That no rule of any Synod shall be made in contravention of any law in force in the Colony, together with the requirement that a copy of the said Constitutions shall be recorded in the Supreme Court within three months of the passing of the Bill.

It would be difficult to devise a measure more satisfactory, more transparent, more innocuous in reference to members of other Christian communions, and more successful in avoiding all interference with them, while placing the government of the Church of England in the Colony, and the regulation of her affairs, upon a basis completely parallel with that assigned to other denominations.

I thank you, my Reverend Brethren, for the great self-denial and zeal which have characterised your ministrations in the Diocese, and for your attendance here to-day. May the Holy Ghost abundantly endow you with grace to glorify our Lord and Saviour Jesus Christ, to win souls unto Him, and to build up His church. And may you, my Brethren of the Laity, who are equally entitled to my gratitude and to the gratitude of the church at large, be endowed with wisdom from on High for the discharge of the important duties for which you have been convened. May you ever be found supporting the clergy by your religious and material influence. And on this occasion may you be united, clergy and laity, for the common benefit of the church which we love—the church which has been made of God the blessed instrument of conveying the knowledge of salvation to myriads of our countrymen and of men of other colors and tongues. May she continue a praise in the earth, and in this land a great means of moral and spiritual influence—bringing many souls to glory!

On the conclusion of the Bishop's address, which was listened to with sustained attention by the Conference, W. E. TWYNAM, Esq., moved, and the Rev. T. DRUITT seconded, this resolution:—"That the following be a Committee to frame Standing Rules and Orders for the general conduct of the business of the Conference: The Revs. S. S. HARPUR, F. A. C. LILLINGTON, J. M. WARE, A. D. SOARES, the Hon. J. CHISHOLM, C. CAMPBELL, Esq., and A. CAMPBELL, Esq., together with the mover."

The Conference then adjourned at six o'clock for one hour, on the motion of the Rev. F. A. C. LILLINGTON, to enable the Committee to frame the Standing Orders.

## EVENING SESSION, 13TH DECEMBER.

On the re-assembling of the members at seven o'clock, C. CAMPBELL, Esq., Chairman

of the Standing Orders Committee, brought up the Report and the following Rules, which, on the motion of W. E. TWYNAM, Esq., seconded by the Rev. W. SOWERBY, was unanimously adopted:—

## STANDING RULES OF THE CONFERENCE.

- 1.—The members of the Conference shall meet for the discussion of business in one chamber.
- 2.—That the Conference shall meet daily, and if at the expiration of half an hour, after the hour appointed there is not a Quorum of fifteen members the President shall adjourn the meeting to the same hour of meeting next day.
- 3.—The meeting of the Conference shall be open to the public, but at the request of any member the President shall at any time order strangers to withdraw.
- 4.—In case of the absence of the President the Conference shall appoint one of its members to act temporarily in that capacity.
- 5.—The proceedings shall be conducted in the following order:—
  - (a) After the reading of prayers by the President the minutes of the previous meeting shall be read and confirmed.
  - (b) The reports of the Committee shall be presented, read, and received on motion without notice.
  - (c) Suspended debates shall be resumed.
  - (d) Notices of motion which may have lapsed by press of business on the previous day, shall be proceeded with.
  - (e) Motion of which previous notice shall have been given shall be taken into consideration.
  - (f) Business ordered by the Conference at the previous meeting to be taken into consideration shall be proceeded with.
  - (g) Notice of motion may be given at any convenient opportunity in the course of the day.
  - (h) Every member shall address the President when speaking.
  - (i) All questions of orders shall be decided by the President.
- 6.—It shall be the duty of the President to confine each speaker to the subject matter of debate, but it shall not be in order for any member to interrupt a speaker except through the medium of the President.
- 7.—Except when in committee of the whole Conference the President shall call to order any member proceeding to speak more than once, except in explanation Provided that the mover be allowed the liberty of reply.
- 8.—No subject which shall have been under the consideration of the Conference and disposed of shall be again brought forward during this Conference.
- 9.—In the event of an equality of votes the President shall give his casting vote.
- 10.—Except when in Committee of the whole Conference no notice shall be taken of any motion or amendment unless it shall have been seconded.
- 11.—No amendment (except of a verbal nature) shall be put from the chair until a copy thereof shall have been handed to the President.
- 12.—If an amendment entirely superceding the original motion be moved it shall be proceeded with as follows:—
  - (a) That all the words after the word "That" of the original motion, be omitted with the view to the insertion of the following words in lieu thereof, (the words shall then be read by the mover.)
  - (b) The question before the Conference shall then be "That the words proposed to be omitted stand part of the question."
  - (c) If such words be retained, no further amendment save of addition shall be put—If such words be expunged and certain other words substituted the question shall be "That the words proposed to be inserted shall be so inserted"—If this question be negatived other words may be moved until the Conference agree.
  - (d) The same form shall be used when the amendment is to omit certain words but not all the words of the original motion.
  - (e) The amended motion shall formally be submitted in its entirety to the vote of Conference.
- 13.—The standing orders of the Conference may at any time be suspended on motion with notice,—such standing orders may also be suspended on motion without notice with the consent of all the members present at any duly constituted meeting.
- 14.—If in committee of the whole Conference two members rise at the same time the member who has not already spoken to the question shall have the precedence.
- 15.—No select committee shall consist of more than nine or less than three members. Three members to form a quorum.

The Rev. S. S. HARPUR then proceeded to submit the Constitutions to the Conference for their consideration; and moved the following resolution:—

"That the Fundamental Constitutions for the management of the affairs of the United Church of England and Ireland in the Diocese

of Sydney, be taken as the basis of Constitutions for similar purposes in the Diocese of Goulburn, and that this Conference do now resolve itself into a Committee of the whole house to consider and report upon the same." He remarked that, upon this subject, but little explanation was needed on his part, after the lucid and able address of the Right Rev. President. The Conference had heard under what disadvantages the Church of England compared with other denominations was laboring in the Colony. And, as unanimity was absolutely necessary for success in this movement, he suggested that the Conference should adopt the Constitutions of the Diocese of Sydney as the basis of their own. Other Denominations had already obtained from the Legislature the power, which we were now seeking. Our own Church required no precedence, no superior privileges, no higher powers; but insisted upon enjoying the same rights as other citizens—upon being placed at least on a level with other communions. The speaker then referred to the Wesleyan body in Ireland, and to the fact of their having had recourse to the Lord Chancellor for a settlement of their legal and religious disputes, under the terms of their Poll Deed. Without Legislation the Church of England could exercise no control over their own property; and any Clergyman who held Church property could, under existing circumstances, cause infinite trouble, in the absence of definite powers. It would be most unfortunate if the Dioceses of Sydney and Goulburn were divided in their decision, and also if both differed from that of Newcastle; for our enemies would take advantage of our position and say, "*divide et impera*"—and our rights would be taken away! Besides, the Legislature would plead that they could not give a separate Act to each Diocese. We shall eventually obtain one Act for the whole, or none at all. There ought not therefore to be any differences amongst us, which should lead to the denial of justice in the Parliament and to the consequent loss of our rights.

W. D. CAMPBELL, Esq., briefly seconded the resolution, which was carried unanimously.

The Conference then resolved itself into a Committee of the whole house, and the President left the Chair.

On the motion of W. E. TWYNAM, Esq., seconded by the Rev. F. A. C. LILLINGTON, C. Campbell, Esq. was appointed Chairman of Committee.

The Rev. T. DRUITT inquired whether it would be in order to appeal to the Right Rev. the President for information, during the progress of the discussion in Committee. He thought it would be right for the President to state his opinion upon various subjects which would arise; and that his Lordship ought not to be deterred from giving his experience. If the Committee were to be deprived of his Lordship's presence, they would lose the advantage of his superior knowledge. It was ruled that the President, as a member of the Committee, would have a right to take part in its proceedings.

The CHAIRMAN would offer a few remarks. It was sometimes thought and said that the Bishops were autocrats; but this was not the case—the so-called slavery of Clergymen had no foundation in truth.

The Sovereign of Great Britain possessed a power of hearing appeals, such power being delegated to the Privy Council. Appeals to the Privy Council would be decided according to the Canon Law of England. The Canons of 1603 were never sanctioned by Parliament, are not binding therefore on the laity; and it



is sometimes doubted whether they are on the clergy. He would also take occasion to observe that the decision in the case of the Bishop of Natal was, in his opinion, not applicable to this colony. The Cape was a conquered country—this, in lawyers' phrase, a "plantation" Colony. Many colonies, besides New South Wales, are not affected by that decision. The Indian Bishoprics were created after Acts of the Imperial Parliament, and those of the West Indies likewise; and these were consequently removed from the influence of the above judgment, and so were the Dioceses of this Colony which had been recognised by the local legislature. Any alteration in the Church Act would require great consideration, calm thought, and grave deliberation. The status of clergymen, in this country, was not inferior to that of clergymen at home.

The Rev. S. S. HARPER remarked that such an Act as they required in connection with their present movement would not of necessity interfere with existing Acts, and alluded to the Church in Victoria as affording an instance in proof of this statement.

It was decided that the consideration of the Title of the Constitutions should be postponed until the Constitutions themselves had first been adopted or amended.

The Rev. S. S. HARPER moved, and the Rev. F. A. C. LILLINGSTON seconded, the adoption of the Preamble of the Constitutions.

The Rev. T. DRUITT, during the discussion upon the Preamble, spoke of the necessity of Synodical action. The laity in the Diocese of Sydney had originated the movement, not the clergy—they had complained and urged the Bishop of Sydney to take steps in the matter. He had hoped that some lay member would have spoken on the question. He did not agree with the Chairman of Committee that the present Act was sufficient. The Chairman appeared to think that the clergy were reposing on a bed of roses by virtue of that Act. The normal law of the church was that Bishops should draw together their Synods when necessary. A Diocesan Synod could now be called together but a Provincial one could not. In England several Bishops had acted upon this, and the laity were being consulted in affairs of the church. The object of a Synod was to bring before the church its duties and responsibilities. At present they had no bond of union. The laity as well as clergy should look after church and church property, and act in concert. They had a great duty to perform, and he called upon them to do it. At present too large an amount of responsibility was thrown upon the Bishop, but every member should bear his own burden.

W. D. CAMPBELL, Esq., moved the insertion of the word "temporal" before "affairs" in the preamble; but considered that its insertion would render necessary alterations in subsequent clauses, which undoubtedly authorised the making of rules for more than temporal affairs.

A. CAMPBELL, Esq., M.D., seconded the amendment, as he thought that it was a question, which required the fullest ventilation.

The Rev. F. A. C. LILLINGSTON pointed out that in the Presbyterian Act, the word "temporal" was inserted in the preamble, while clauses were recognised by which the Presbyterian doctrine was fixed so that ministers who dissented from it, could be removed. If by inserting the word "temporal" they made their proceedings more palatable to the Legislature, he thought they might safely adopt the amendment.

THE RIGHT REVEREND PRESIDENT desired, in reference to some desponding remarks of the Rev. T. Druitt, to assure him and the Conference that the Church in this Diocese was making progress, though not such rapid progress as he ardently desired. The Clergy had been doubled already, the Communicants have greatly increased, the members of the Church in visible communions had also been nearly doubled, several schools have been opened, and some twenty churches completed or in process of erection. He heartily thanked God for past advancement, and would take courage for the future;—and he hoped that Mr. Druitt would no longer lament that the Church was not making progress. With regard to the addition of the word "temporal" to the preamble of the Constitution, the Church is hampered in the management of its property, not in spiritual affairs. The Bishop wished to draw attention to the fact, that in the Bill, this had been done by the select Committee of the Legislative Assembly; and that, not the Constitutions, but the Bill alone would be the subject for the discussion of Parliament.

The amendment was then withdrawn, and the motion, that the first part of the preamble should be adopted as printed, was carried unanimously.

The second part of the preamble was reserved till the close of the discussion.

The Rev. S. S. HARPER then moved the adoption of clause 1 of the Constitutions, and F. R. L. ROSSI, Esq. seconded the motion, which was carried.

When clause 2 was submitted, W. CONOLLY, Esq. thought that an annual meeting would be too frequent; and the Rev. J. M. WARE moved an amendment to the effect, that the Synod should not be held two years consecutively in the same place. Neither amendment was seconded, and after some discussion they were withdrawn, and clause 2 was carried.

The Rev. S. S. HARPER moved that clause 3 be adopted as printed. F. R. L. ROSSI, Esq. moved, and the Rev. D. P. M. HULBERT seconded, an amendment, that the words "and for the election or appointment of Churchwardens and Trustees of churches, burial-grounds, church lands and parsonages," be omitted.

The Rev. W. H. POWNALL pointed out that the Synod would only have power in cases wherein the Church Act was inoperative.

The CHAIRMAN said that if clergymen would consult a lawyer, a course to which they seemed to have a great objection, they would find that the clause adverted to in the Church Act, had reference only to churches to which the Government had granted aid. In other cases, there was nothing to prevent the appointment of trustees.

The Rev. S. S. HARPER alluded to the difficulties of obtaining trustees under the Act. For example, on the diggings, it was generally impossible to procure them.

Clause 3, as proposed, was then carried.

Clause 4 was moved by Rev. S. S. HARPER, and seconded by N. R. BERNARD, Esq., and carried unanimously.

The CHAIRMAN of COMMITTEE then reported progress, and the PRESIDENT asked leave to sit again.

Notices of motion were put in by W. E. TWYNAM, Esq., and W. D. CAMPBELL, Esq.

At twenty minutes before ten o'clock, N. R. BERNARD, Esq. moved, and W. E. TWYNAM, Esq. seconded, that the Conference adjourn to Thursday morning, at 10 a.m.; and the House adjourned accordingly, when the benediction had been pronounced by the President.

THURSDAY MORNING, 14TH DECEMBER, 1865.

The Right Reverend the PRESIDENT took the Chair at ten o'clock, and opened the proceedings with prayer. In addition to the members in attendance on the previous day, the Rev. H. H. Britten, and Messrs. Thorn, and Cropper, were present.

The minutes of the previous meetings were read by the Secretary, Rev. W. H. POWNALL, and confirmed on the motion of W. E. TWYNAM, Esq., seconded by the Rev. S. Fox.

Notices of motion were submitted by S. H. BELCHER, Esq., and the Revs. J. M. WARE, and T. DRUITT.

The Conference was then, on the motion of Dr. CAMPBELL, and the Rev. S. Fox, resolved into a Committee of the whole, and C. Campbell, Esq., resumed the Chair, for the consideration of the remaining clauses of the Constitutions.

The CHAIRMAN, in answer to a question put to him yesterday, said that he would be happy in his Chambers in Sydney to receive inquiries from the Clergy of the Diocese, and to give them the best reply in his power on legal matters relating to their several duties. He also wished, before proceeding with the business, to remind them of the beautiful prayer for Unity which was found in our Liturgy.

Clause 5 was unanimously adopted on the motion of the Rev. S. S. HARPER and N. R. BERNARD, Esq., after some remarks by the Rev. T. DRUITT, who called attention to the regulations in the Diocese of Newcastle, where two laymen only were allowed to each Clergyman in the Conference. For his part, he thought that in a district like his own, where congregations were twenty miles apart, each congregation should have a voice.

The Rev. S. S. HARPER moved the adoption of clause 6, as follows:—"Every rule and ordinance of the Synod shall be made by a majority of the clergy and representative members collectively, or if five members shall on any question so desire, the votes shall be by orders, the presence of not less than one-fourth of the members of each order shall be necessary to constitute a quorum. Provided that no such rule or ordinance shall take effect or have any validity unless within one month after the passing of the same the Bishop shall signify to the Synod his assent thereto. Provided also that any such rule or ordinance to which the Bishop shall not assent may be the subject of reference to and determination by any Provincial Synod which may hereafter be held." He would commence by calling attention to the fact that there were three distinct bodies in the government of the church, as in the Legislature. Episcopalianism is the foundation of the government of the Church of England. As there were kings, lords, and commons in the English Legislature, so there were Bishops, clergy and laity in the government of the church. There was no Englishman who loved his country, saw the prosperity thereof, and enjoyed freedom of speech and liberty of action, though at the same time these were restricted from going too far, who could not admire the constitution; and he was of opinion that it would be very unwise to say that there should be orders without maintaining the right of each order to carry measures by distinct majorities of each. He should consider it unfair to deny the clergy a right to vote separately on questions affecting themselves, and unless this right were reserved for them, they might at any time be overpowered by the superior numbers of the laity.



W. E. TWYNAM, Esq., suggested the postponement of the consideration of this clause.

F. HORN, Esq., seconded the motion of the Rev. S. S. HARPUR, and hoped that the clauses would be taken *seriatim* and dealt with at once.

The Rev. D. P. M. HULBERT moved, as an amendment, that the word "Diocesan" be substituted for "Provincial" in the last line of the resolution. This amendment was not seconded.

The CHAIRMAN OF COMMITTEE urged them to pause before they thought of making the Bishop the mere president of a presbytery. He regarded the Bishop as constitutional sovereign in his own Diocese, with similar powers of assent and veto, and expressed his own opinion that collective voting in all cases could not be mischievous, because the Bishop could always use his prerogative.

The Rev. JAMES ALLAN thought that it was a most important matter to discuss. There were three orders in the church, Bishops, presbyters, and laymen; and if one of the orders neglected its duty, an appeal would lie to the other two. But the Bishop cannot be a separate order unless he possesses the power set forth in the 19th clause. With regard to the right of voting, it should be, as in Victoria, exclusively by orders. If not, it was easy to see that the clergy might be overpowered by the laity, which was a most serious matter. He maintained that the Bishop should have full power equally with the other two, or he would not have the power that belongs to his office. He therefore moved, as an amendment, that the form of taking the votes in the church assembly of Victoria be adopted instead of the proposed method, *i.e.*, by orders only.

The amendment was not seconded.

The Rev. M. B. BROWNIGG thought that the prerogative of the veto should be exercised by the bishop. There were three orders in the Church, and the third should have the same power as the other two. The Bishop had already conceded some power, in calling a conference consisting of laity as well as clergy, and we ought not to be too greedy. A case might frequently occur when the Bishop might be in possession of information not available to others, which would make the use of the veto desirable.

The Rev. S. FOX spoke in support of clause 6 as it stood. He wished the clergy and laity to vote collectively in general, but, when matters are brought forward affecting one class, say the clergy, there should be no power in the laity to overpower them. The words of the clause appear to aim first at union—in accordance with the beautiful prayer for unity which had been repeated by the Chairman. The clergy and laity should work together. He had always found the laity working hand and heart with him in his district; and he took this opportunity of thanking the laity for their help. As the first aim was union, the second was justice. The laity, being more numerous, should not be placed in a position to overpower the clergy. There should be justice to laity and clergy alike. The third aim was the maintaining the principles of the Church of England. The question was, shall we have a Bishop at our head, or merely a President as chairman?

W. E. TWYNAM, Esq. would call attention to the 22nd clause: The whole of the argument rested here. There was no difficulty as regards the Clergy and Laity: the whole question was as to the voting of the Bishop, under our principle of the Church of England. There could be no question, were it not for the 22nd clause in its present form, which declared that the

Commissary would enjoy all the rights and powers vested in the Bishop; and that was at once antagonistic to the question of Orders. He thought the subject ought to be well considered previous to discussion, and for this purpose he had been anxious for an adjournment, that they might arrive at a satisfactory conclusion.

The Rev. F. A. C. LILLINGSTON moved, as an amendment, that the words after "collectively," down to "quorum" inclusive, be struck out of the clause. It might have been expedient that a layman should have introduced such an amendment: but he thought it would perhaps be better if a clergyman did so. It was not to justice he looked, so much as to union. There was no fear that the interest of the church or clergy would be injured. One argument which might be advanced against the amendment, was some bug-bear of its being opposed to Church principles. He implored them not to be frightened by this bug-bear. What Church principles would be injured by their acting in concert? The laity were the Church. He would not give up his Church principles; on the contrary, he considered them very precious. While he would not give up one iota of his privilege in his pulpit and in his Church—yet out of them he would only take his stand as a member of the Church of England. He therefore urged them to support his amendment.

The Rev. M. B. BROWNIGG seconded the amendment.

The Rev. S. S. HARPUR decidedly opposed it, as it touched the very principle of our Church Constitution. There had always been three orders. The amendment was opposed to the Bible, and was based upon the broad principle of Republicanism. Republicanism had been the ruin of Greece and Rome and of every country wherein it had prevailed. The Government and Constitution of England had saved her. How often had the House of Lords successfully opposed the introduction of such principles into England. The laymen would be in proportion of three, or at least of two, to one Clergyman. In such a case justice required separate voting. In Victoria the votes in the Church Assembly were taken by orders; and in no Colony did clergy and laity fraternize more freely. Each order was there kept distinct. He would oppose Republicanism in every form, and support the Constitution of Great Britain.

The Rev. S. FOX rose to defend himself against some remarks made by a previous speaker, and said that he had every confidence in the laity: but he regarded the law of justice, and this would be a law of thorough justice. The clergy should have equal rights with the laity.

W. E. TWYNAM, Esq. remarked that it must be admitted by everyone present, that the Bishop should constitute one of the Orders. But how shall we get over the question of this Commissary referred to in clause 22. He was willing to concede the power, if they could always be sure of having the presence of the Bishop with them. But as this could not be the case, he should support the amendment.

W. D. CAMPBELL, Esq. then observed that the Rev. S. S. HARPUR appeared to apprehend great danger to the church by allowing members to vote collectively. He wondered he had not said by allowing the laity to vote at all. It was with reference to the temporal and not the spiritual affairs of the church, that the laity would have a voice; and he had never heard that the clergy were the fittest men for such matters. Generally, they were not considered the best business men, and if it was

thought not proper to admit laymen to take part in the secular affairs of the church, they would not take that deep personal interest in the Church which they would otherwise do. The laity had the same end in view as the clergy to promote the interests of the Church. The laity would meet the clergy in a proper spirit, and were not likely to overpower the clergy; for the Bishop could summon all the clergy, whom nothing but serious obstacles would detain. And Synods might be held at times not suited to the convenience of all the lay representatives, so the lay element is not likely to preponderate. The laity have not hitherto felt that they have had a personal interest in the Church—the proposed Bill will create this. The laity are as much a part of the Church as the clergy, except that the clergy have a life interest therein. Let the clergy do their duty and then they need not fear the consequences. The orders should not be divided. The laity have shown no disposition to overpower the clergy; and if they did, there is still a safeguard.

The Rev. T. DRUITT said that the Church of England was built upon Catholic principles. It was our duty to follow primitive custom, and every Synod had regarded the clergy as a distinct order. Still, in ninety cases out of a hundred the votes would be taken collectively. On one occasion only, at the Sydney Conference of 1858, was the vote taken by orders. He was opposed to the amendment.

The CHAIRMAN explained that primitive Synods assembled to discuss points of doctrine. This would merely discuss pecuniary matters, and there was no doubt that the laity ought to have a voice in that respect; but there would also be questions of order where the clergy would desire a voice. Therefore, as this clause gives opportunity to vote collectively, and it was only seldom that five persons would petition to vote by order, he would wish the clause to stand as it is, believing it to be a wise safety-valve for each order.

The RIGHT REVEREND the PRESIDENT thought that we should not depart from the Constitution of England, which was founded upon the principles of Magna Charta. Therein we should find that a Constitutional Government consisted of an hereditary Sovereign, ruling with limited powers, hereditary Lords, and representatives of the Commons. The Constitution which we were proposing for the Synod would be completely parallel to this; and such an arrangement would be equally conducive to the well-being of the members of the Church, clergy, and laity.

The CHAIRMAN expressed his opinion that the three estates of the realm of England, as understood in legal technical phraseology, were the Lords, spiritual and temporal, and the Commons.

W. CONOLLY, Esq., was of opinion that the amendment would not cause disunion.

Rev. J. M. WARE would support the amendment, which would tend to peace. He considered that their object was union, and that they should meet in one chamber, consulting their mutual interests; and that union would thus constantly be increasing. The interests of the clergy and laity were identical, and therefore antagonism was impossible.

The Rev. Mr. BROWNIGG said that the mover and seconder of the amendment were thorough Tories, and therefore were not likely to be supporters of a republican principle.

F. H. WILSON, Esq., moved that the Chairman report progress, and Rev. T. DRUITT seconded the motion. After some discussion, in which Dr. CAMPBELL and N. R. BESNARD took part with the view of proceeding to divide



upon the amendment, the motion of Mr. Wilson was carried, and the Chairman accordingly reported progress to the President, and asked leave to sit again.

The Conference then adjourned at one o'clock until three o'clock.

#### AFTERNOON SESSION—14TH DECEMBER.

THE RIGHT REVEREND THE PRESIDENT took the Chair at 3 p.m.

When the Conference re-assembled, and before the commencement of business, the Bishop called the attention of the clergy and gentlemen of the Conference to a circular, which was distributed, announcing that an improved form of the Sydney Church Chronicle was about to be published, under the title of *The Church Chronicle for the Dioceses of Sydney, Newcastle, and Goulburn*, which would be occupied with Ecclesiastical intelligence from each Diocese, as well as from England. He commended the proposed new publication, which would appear early in January, 1866, to the attention of the clergy, and hoped that each would endeavour to procure at least ten subscribers. His Lordship commended in a similar manner to the attention of the clergy and laity of the Diocese, the *Goulburn Herald*, and hoped that that paper would receive more encouraging support from the members of the Church of England in the Diocese.

W. E. TWYNAM, Esq. gave notice of motion. The Conference then resolved itself into a Committee on clause 6, upon the motion of the Rev. T. DRUITT, and R. MADDELL, Esq.

The Rev. D. P. M. HULBERT supported the clause as it stood. The clause in the Constitutions of the Diocese of Newcastle was nearly the same as our own; so that if possible we should allow it to pass as it stands. For if we were very discordant with the other Dioceses, we should be raising difficulties against the passing of the Bill through the Legislature. It would also cause inconvenience to the Committee about to be proposed for the Provincial Conference in Sydney.

The Rev. F. A. C. LILLINGSTON said that this terrible fright was needless, for that Committee would be independent.

N. R. BERNARD, Esq. observed that they were convened to discuss and adopt Constitutions for the Diocese of Goulburn, and he thought that there was enough true spirit and intelligence amongst them to differ if necessary from their friends in the other Dioceses. He supported the amendment.

The Rev. R. LEIGH said that the gentlemen advocating the amendment assumed that the clergy and laity must necessarily come into collision. Surely this was a great mistake. He upheld the original clause, and said that the voting by Orders ensured the protection of the best interests of all. He contended that they were not there to frame new regulations for the church or to reform the old. The bishop, clergy, and laity have each a voice, and ought to have. By the Constitutions the bishop was deprived of the opportunity of voting; then if the clergy should be in opposition to the laity, they would not have the slightest chance of carrying any measure on account of the preponderating lay numbers. Provision was made in the clause for the purpose of facilitating ordinary business and also for just voting. But it would not be just if three fourths were on one side and one fourth on the other. Provision was likewise made for a right balancing, which would not be the case if it were altered according to the amendment. We should always remember that we were one,

and it would be a shame to attempt to bring up numbers to overpower either one side or the other.

THE RIGHT REVEREND THE PRESIDENT begged to interpose. He believed that there never had been a Conference or Synod in which such a proposition as that of the Rev. A. C. LILLINGSTON had prevailed. They should endeavour to be one in a matter of this kind, and in questions which involve personal feelings, we ought if possible to avoid coming to a division, and take time thoroughly to consider the subject. If even one clergyman should say that he was likely to suffer injustice by the arrangements which the Bishop had sanctioned for the election of representatives, he should, in justice to that clergyman, feel himself obliged to re-organize the Conference; for he thought that the clergy would have a right to complain that the Bishop had invited two, and in some instances three laymen to one clergyman, and had thus brought preponderating numbers into the other side. Rather than be a party to arrangements which could produce even the appearance of injustice, he would not hesitate to re-arrange the Conference, that they might meet on equal terms. Nevertheless he considered that the present regulation was on the whole the best, and he had not the slightest desire to disturb the Conference, for he hoped that good feeling would prevail and that justice would be done to all. He hoped the laity would, in their generosity, come to the rescue, and prevent a result which some of the clergy would regard as an act of gross injustice.

After a few remarks from W. E. Twynam, Esq.

The Rev. E. B. PROCTER did not believe that the clergy mistrusted the laity—or that the laity suspected the clergy—but that both wished to come to an amicable arrangement. He was in favour of the original motion.

The Rev. S. FOX thought that the whole question had arisen simply through misapprehension. The difference was not antagonistic but distinctive.

The Rev. J. M. WARE said that we ought to try and mend other Synods, not blindly to follow them. He thought that the amendment could do no harm.

The Rev. A. D. SOARES urged the withdrawal of the amendment, on the ground of a strong feeling that a principle was involved. He considered that the amendment was dangerous.

The Rev. W. SOWERBY said that in the Sydney Conference in 1858, there was no division or debate upon this question; and he was surprised to find any difference of opinion in this Conference.

The Rev. T. DRUITT proposed a slight addition in the amendment, to the effect that a clear majority of clergy, as well as laity, should be necessary to carry a vote.

This was not seconded.

W. CONOLLY, Esq. suggested that the Committee should agree that this clause should be decided by a majority of at least two-thirds.

The Rev. S. S. HARPER now claimed the right to reply—and on the motion of R. MADDELL and F. R. L. ROSSI, Esqs. it was agreed that Mr. Harper should exercise this right. He accordingly addressed himself to the duty. He said that the only argument brought forward by the other side, was that of conciliation and no other. A graphic picture of possible consequences, if the amendment were not passed, had been drawn by the mover. This was the only ground upon which they could rely; but this assumption was contradicted by well attested facts. Several years' experience, elsewhere, had shown the good

working of voting by orders. Nothing more was required than what obtained in all other Colonies. In South Africa the vote by orders might be demanded by one member, and in Victoria it was imperative to vote by orders. He had not over-stated his argument that this amendment was touching the fundamental principles of the Church of England, and he would resist it to the utmost. The Constitution of England consists of King, Lords and Commons. In Jerusalem when St. Peter consulted the Apostles and Elders, or Presbyters, he consulted none but ministers—he would refer to Bingham's works to show the duties of Presbyters. So in modern times the convocation in England had no lay element. At a Wesleyan Conference laymen were not admitted; nor do Presbyterians admit laymen—for their elders are, in a sense, an order. If therefore St. James in the Council at Jerusalem, and Council after Council down to the very latest, and the Convocation in England, exclude the laity we could not have been liable to blame if we had done the same. What position then do some of our friends in Goulburn aim at, when they seek what has not been granted to any other Synod? He believed that they were aiming at the abolition of this part of the clause with a view of obtaining a leverage for ulterior purposes. But he was for making the assent of the Bishop essential to the passing of any Act. He would not on any account forfeit the privileges of a subject of the Queen, and a member of the Church of England! He would rather stand alone without even having a Synod, and leave matters, as at present, in the hands of the Bishop! It should be borne in mind that, while the licensed clergy would be permanent members of the Synod, and thus be analogous to the House of Lords, the representative members were liable to change at each election, and thus they resembled the House of Commons. In his opinion, if the amendment were carried, there would be an end to principle, and an end to all constitutional action.

The Rev. F. A. C. LILLINGSTON proposed that the question should now be put to the vote, and hoped that all would be settled amicably and peaceably.

After a few remarks from several other members, the amendment was put from the Chair and negatived by a considerable majority.

THE CHAIRMAN, at 6 p.m., reported progress, and asked leave to sit again. The Conference accordingly adjourned to 7 p.m.

#### EVENING SESSION—14TH DECEMBER.

The Conference having resumed at 7 p.m., at once resolved itself, on the motion of the Revs. F. A. C. LILLINGSTON and M. B. BROWNIGG, into a Committee of the whole.

The Rev. S. S. HARPER moved, and the Rev. F. A. C. LILLINGSTON seconded that clause 6 stand as printed.

W. E. TWYNAM, Esq., proposed, as an amendment, the addition, after the word "quorum," of the words—"and that the majority of each order respectively shall be in proportion to the numbers present."

The Rev. T. DRUITT having seconded the proposal, it was put to the vote and negatived.

The Rev. D. P. M. HULBERT inquired of what the Provincial Synod would consist.

THE CHAIRMAN replied, that it would comprise the various Dioceses of New South Wales by representation from each.

W. D. CAMPBELL, Esq., the Rev. D. P. M. HULBERT, and others then held a desultory



discussion upon the propriety of defining the Provincial Synod more clearly—whereupon

The Rev. S. S. HARPER moved, and the Rev. F. A. C. LILLINGSTON seconded, that the words "for the Church in the Colony of New South Wales," be added in the last line after the words "Provincial Synod." This addition was unanimously adopted.

W. D. CAMPBELL, Esq., moved a further amendment in reference to the Veto. He did so from the feeling, that all Bishops were not like their present Bishop, and that there might be other Colensos, besides him of Natal. He would therefore limit the right of Veto to a certain extent; and would move the addition of the following words at the end of clause 6. "Provided also that should a majority of at least two thirds of the same Synod, assembled in three consecutive sessions, or of two consecutive Synods be in favor of any proposition, not assented to by the Bishop, the said Veto shall as regards such proposition cease."

F. H. WILSON, Esq., seconded the amendment.

The Rev. D. P. M. HULBERT thought that the Bishop was already giving up too much power, and urged that the clause should stand as previously altered.

The Rev. M. B. BROWNIGG had not considered what the ultimate result of Mr. Lillingston's amendment, if carried, might have been, or he would not on any account have seconded it—he would have the veto unqualified. The ultimate appeal was sufficient protection. We had no right to expect that the Bishop would surrender all his power. He thought that the Bishop should not be allowed merely to occupy an ordinary position, for he would then be simply the Moderator of an Assembly, and we should fall into the position of Presbyterians. Besides, the Bishop might be in possession of certain knowledge which would oblige him to veto a measure adopted by an Assembly which might not possess that knowledge, and there would still be an appeal if the Bishop were wrong.

The Rev. F. A. C. LILLINGSTON desired, just now, to occupy an equivocal position. If he limited the veto of any order, he would do so in the case of both the clergy and laity rather than in that of the Bishop. He noticed that Mr. Brownrigg had observed that the power of veto was given to the laity and to the clergy absolutely, and should therefore be given to the Bishop; but he did not himself see why they should not limit the veto of each. If they limited one they had equal right to limit the other powers.

After some explanations by the Bishop in reply to inquiries by E. F. H. Wilson, Esq., W. D. Campbell, Esq., with permission, withdrew his amendment.

The PRESIDENT then came forward and said that the Chief Justice, Sir A. Stephen, although at one time opposed to the veto had resolved to carry out the wish of the Sydney Conference and vote for it. Chancellor Gordon, of Sydney, likewise maintained the Bishop's right. He did so on the ground that the contrary would involve a violation of the principles of the constitution of the church; for he undoubtedly considered the bishop to be a separate estate from the clergy. Archbishop Wake likewise in his work on the "State of the Church and Clergy of England," discovers no trace of anything being done at a Diocesan Synod without the consent of the Bishop. The Metropolitan of Sydney does not consider that he has the power, even if he had the will, to surrender the veto, and is of opinion that such

a position would be inconsistent with the position of a bishop in the Church of England, for it would deprive the bishop of his office. The aged Bishop of Toronto, when this question was being discussed in the Diocese of Toronto, advanced to the front of the Assembly and said that he would sooner lay down his Episcopate, than consent to a proposal which should oblige him to comply with regulations in which he did not concur. All Diocesan Synods in Australia are constituted upon the principle maintained in the clause.

The Right Reverend PRESIDENT proceeded to say that he would not desire an absolute veto—and the fact of an appeal lying to the Provincial Synod, would render the Bishop extremely cautious. The other orders had the absolute power of throwing out any measure, and therefore it seemed right that the Bishop should not be deprived of his modified veto.

W. CONOLLY, Esq., disavowed all intention of endeavouring to reduce the Bishop to the position of a mere moderator, or Speaker of the House; but wished to have matters settled in a true band of union. They had all listened to his lordship's statement with sincere pleasure.

Clause 6 was then put with the additional words already adopted by the Committee, and, no others, and carried unanimously.

The PRESIDENT said that in desiring to express his gratification at the results hitherto attained, he did not claim to himself any character of exclusive liberality; and then quoted a letter from the late venerable and beloved Archbishop of Canterbury, in which similar expressions were found respecting the modification of the veto. He had full confidence in the clergy and laity, and rejoiced that they had not differed from the other Dioceses. He hoped that an occasion would never occur for the exercise of the veto, so long as he continued with them.

Clauses 7 to 15 were then adopted, on the motion of Rev. S. S. HARPER, with the addition of the words "and upwards" after the word "year" in the 6th line of clause 9;—of the words "in such manner" after "Bishop" in the 8th line of the same clause;—of the words "and upwards" after "years" in the 2nd line of clause 11;—the omission of the words "licensed to a separate cure of souls" after the word "clergymen" in the 3rd line of the same clause;—and the addition of the word "so" after "person" in the 6th line of clause 13.

W. D. CAMPBELL, Esq. inquired how far clause 8 would interfere with the Temporalities Act.

The CHAIRMAN replied that so long as the Act was in force every contrariant regulation of the Synod would be simply inoperative.

Clause 16 was omitted as being irrelevant. Clauses 17 and 18 were then adopted.

In clause 19, the Rev. S. S. HARPER called upon the Chairman to ask the Right Reverend the President for a definition of the word "sentence."

The PRESIDENT said that that clause had reference to temporal affairs. The Bishop had many responsible duties in virtue of his spiritual authority. This clause was not intended to deprive the Bishop of any of these. He possessed the power (1) *Ordinis*, which he had by consecration, whereby he might confer orders, consecrate churches, &c. (2) *Jurisdictionis* which is not universal but limited to a place and confined to his see. (3) *Administrationis*, which refers to the government of the revenues of his see. The Bishop acts either by his Episcopal order, or by his Episcopal jurisdiction. By the latter he acts as

Ecclesiastical judge in matters spiritual, by his power either ordinary or delegated. As Ordinary (1) he has ordinary jurisdiction in causes ecclesiastical. (2) He is visitor of all his churches within the Diocese. (3) He has to see that the churches are provided with able curates (4) He has to execute the laws of the Church by ecclesiastical censures. By *delegation* the Chancellor holds courts for the Bishop, and assists him in matters of ecclesiastical law. Now, in the clause under consideration, he believed that the sentence or judgment to be passed would be expressed or defined by the tribunal, and would be pronounced by the Bishop in virtue of his office, but on the authority of the tribunal. Unless there be an Act of Parliament in a Colony the Bishop does not possess coercive jurisdiction in his Diocese. As regards censure, what is called a "Brutum Fulmen" does not affect the status, rights, and endowments of a clergyman. Hence the clause must refer to the pecuniary position of a clergyman, and is confined to his temporal affairs. It however dealt with matters of so delicate a nature, and was beset with such peculiar difficulties, that he advised them to leave it for the future Synod. The Legislature has no objection to pass an Act to enable us to deal with temporalities, but they might object to give us power to deal with clerical offenders. It was this clause which made an Act of Parliament necessary. He therefore urged them to leave the clause as it stands.

The CHAIRMAN at 10.20 p.m., reported progress, and asked leave to sit again.

The Conference hereupon adjourned to 10 a.m. on Friday, and the Bishop pronounced the benediction.

#### FRIDAY MORNING—16TH DECEMBER.

The RIGHT REV. the PRESIDENT took the Chair at 10 a.m.

After the customary prayer by the President, the Minutes of Thursday's proceedings were read by the Rev. W. H. POWNALL, and confirmed and signed.

On the motion of W. E. TWYNAM, Esq. and H. TURNER, Esq. the Conference again resolved itself into Committee, and C. CAMPBELL, Esq. resumed his Chair.

The Rev. S. S. HARPER was anxious before the commencement of business, to be allowed to make one or two observations in reference to some passages, which had occurred in the debates of the previous day. If, in the course of the warm discussions to which he had adverted, he had made use of any expressions, in the heat of the moment, which could be regarded as being hurtful to the feelings of any gentleman of the laity, or of any of his brethren the clergy, he availed himself of that opportunity of saying that such a course was very far indeed from his intentions—and he begged to offer the most ample apology to each and to all, and to remind them that while "to err was human," "to forgive was divine."

The Conference received these remarks with evident signs of hearty approbation, and the Chairman, as well as the President, congratulated Mr. Harper upon his Christian manliness in giving utterance to such laudable sentiments. In explanation it was stated that Mr. Harper had been a Barrister; and that he would have been better understood yesterday, if he had occasionally used the phrase "Gentlemen of the Jury" in the course of his speech.

The Rev. S. S. HARPER then moved that clause 19 be adopted as printed.

The Rev. H. S. SEABORN moved an amendment, to the effect that the clause be omitted



altogether. But after sundry explanations from the Chair, he withdrew it.

The Rev. F. A. C. LILLINGSTON moved, as another amendment, the substitution of a clause from the Victorian Act, with a view to render the clause in the Constitutions more clear, though it might add little to its value.

The term "commission" would thus replace that of "tribunal."

The Rev. S. S. HARPUR, although he had moved the clause, would now second the amendment, because he preferred the terms of the Victorian Act, and because our own were in some respects unintelligible to him. If the Constitutions should be brought before the Legislature in a cloudy manner, the members of the Assembly might decline to pass the Bill.

The CHAIRMAN stated that the clause had been carefully considered by the Sydney Conference; and that if it had been deemed objectionable to the Sydney clergy, who jealously watched what concerned themselves, they would have opposed the clause. But this was not the case. Further, he was of opinion, that no Parliament in New South Wales would pass an Act of the same character as that of Victoria, which had been referred to.

The Right Reverend PRESIDENT explained that, according to 8 William IV., No. 5, s. 20, the tribunal was now the Bishop himself. The appointment of commissions for the trial of ecclesiastical offences would leave the tribunal still in the hand of the Bishop; but it was very desirable that another form of tribunal should be established. This might consist of the Bishop, clergy, and laity; or of clergy alone; or of laity alone. The Synod could pronounce no other than an ecclesiastical sentence, such as the Bishop can now pronounce. The tribunal must be guided by the law of the church and that of the Colony. With regard to the "sentence," there would remain an appeal to the Provincial Synod, and every clergyman and layman ought to have the satisfaction of knowing that even from that tribunal there would be a right of appeal to Her Majesty's Privy Council. No lawyer would entertain any doubt of the supremacy of the Queen in the Colony. And there is an appeal to the Queen in Council from every Colonial Court, however constituted and by whatever authority constituted. The tribunal would have no power to pass any sentence other than that which may now be passed by a Bishop in England, who is specially restrained by laws. The power to create a tribunal would of course carry with it all necessary subsidiary powers. The sentence of the tribunal could not in any way interfere with the power possessed by the bishop of pronouncing ecclesiastical censures. The rules by which the tribunal would act, must, he would repeat, be the laws in force in the colony or may hereafter be in force, or any which the Synod may pass, at least such as did not contravene the law of the colony. He would in conclusion remind the Conference that the ablest legal minds in the Conference of Sydney had been brought to bear upon these Constitutions.

The Rev. F. A. C. LILLINGSTON then withdrew the amendment.

The Rev. D. P. M. HULBERT proposed to substitute a corresponding clause from the Newcastle Constitution, and to add, after the words "Clergymen Licensed by the Bishop," the words "or other Office Bearers."

This was seconded by the Rev. F. A. C. LILLINGSTON.

The CHAIRMAN warned the Committee not to increase the difficulties tenfold by such additions. If the legislature were supposed

to be jealous of a tribunal, even with regard to the clergy, was it probable that they would pass a Bill if the laity were added?

The amendment was then withdrawn.

The Rev. S. S. HARPUR moved that after the words "there shall be," the words "an appeal to any Provincial Tribunal for the Church in the Colony of New South Wales which shall hereafter be held as well as," be added to the original clause.

The Rev. M. B. BROWNRIGG seconded the amendment.

The Revs. J. M. WARE and R. LEIGH opposed it.

The amendment was negatived, and clause 19 was adopted as printed.

The Rev. S. S. HARPUR moved and W. CONOLLY, Esq., seconded the adoption of clause 20.

A discussion ensued as to the difficulty and expense of carrying an appeal to the Privy Council. It was remarked, however, that in any case of real hardship, if such could possibly arise, the friends of a clergyman would undoubtedly provide funds for the prosecution of the appeal.

Clause 20 was then adopted.

The Rev. S. S. HARPUR moved, and F. R. L. ROSSI, Esq. seconded, the adoption of clause 21.

The Rev. T. DRUITT moved, and W. E. TWYNAM, Esq. seconded, the addition of the words "to the Metropolitan and" after the words "by the Bishop," in the 2nd line of the clause.

Clause 21, as thus amended, was carried unanimously.

The Rev. S. S. HARPUR moved the adoption of clause 22.

The Rev. A. D. SOARES said that he could find no provision in the Constitutions for the session of the Synod in the absence of the Bishop.

F. H. WILSON, Esq. moved, as an amendment, that after the words "vested in him," in the 2nd line, the following words be inserted, "save and except such powers as are conferred by clause 6, of refusing assent to any rule or ordinance passed by the Synod." In case the See became vacant, there was no provision made. The power of refusing assent would descend to the senior clergyman in the Diocese. However well disposed he (Mr. Wilson) might be to allow the veto to the Bishop, he was by no means inclined to grant the same power to any clergyman.

W. E. TWYNAM, Esq. seconded the amendment. He had grave doubts whether ecclesiastical privileges and rights could be delegated.

The CHAIRMAN thought that the question involved difficulties; but that it would be better to leave the clause as it stood.

The Rev. S. S. HARPUR said the question was this—who should exercise the power of the veto in the absence of the Bishop? He supposed the Commissary would be in a position analogous to that of the Acting-Governor of a Colony, who would, in certain cases, reserve a bill for the assent or otherwise of the Queen.

The Rev. M. B. BROWNRIGG moved, as an amendment, the addition, at the end of the Clause, of the words "provided that all cases, agreed to by the Synod in the absence of the Bishop, may be open to the exercise of the powers of dissent upon the said Bishop's return aforesaid to the Colony, or by the assumption of office by his successor aforesaid."

The Rev. F. A. C. LILLINGSTON seconded the amendment. F. H. WILSON, Esq. and W. E. TWYNAM, Esq., at 1 p.m., moved, seconded, and carried a resolution that the Chairman do report progress and ask leave to sit again.

The Chairman reported accordingly and the President declared the Conference adjourned until 3 p.m.

#### AFTERNOON SESSION—16TH DECEMBER.

The PRESIDENT took the chair at 3 p.m. The Conference was again resolved into Committee.

W. D. CAMPBELL Esq., rose to propose an amendment which was seconded by Rev. W. SOWERBY. It proposed an addition at the end of Clause 22, which he thought would meet the difficulty.—The words were these:—

"Provided that all rules and ordinances which shall be made by the Synod in the absence of the Bishop shall acquire no validity by the assent of a Commissary or President of such Synod but that all such rules and ordinances shall have full force and effect if the assent thereto of the Bishop shall be signified within one month after his return to the Diocese, or in the event of a vacancy in the See within three months after his arrival in his Diocese, any provision in the 6th clause of the Constitutions to the contrary notwithstanding."

This amendment was put and carried by a considerable majority.

The Original Clause, together with this addition, was then carried unanimously.

The Rev. S. S. HARPUR submitted the last Clause, which was unanimously adopted without discussion.

The Rev. S. S. HARPUR moved that, in lieu of clause 16, what had been expunged as being irrelevant to this Diocese, the substitution of the following Clause:—

"Where a clergyman has several districts, having separate churches under his parochial charge, the Bishop shall require such clergyman to summon a meeting in connection with each such church in accordance with the provisions of clause 9, to elect one representative for each such district provided that no parochial district shall elect more than three representatives in the aggregate."

The Rev. J. M. WARE seconded the motion.

The Rev. T. DRUITT inquired how many representatives were to be elected, in case a clergyman had five congregations?

It was suggested, in reply, that there must be churches and not congregations merely; and also that two or three congregations might be induced to elect the same representative.

The clause was then put and carried.

W. E. TWYNAM, Esq., moved, and W. D. CAMPBELL, Esq., seconded, that the definition of the word "Synod" be appended to the Constitutions, and that it should be taken to signify a convocation of Bishops, Clergy, and laity, but after some discussion the motion lapsed.

The Rev. S. S. HARPUR moved, and Rev. J. M. WARE seconded, that the title be adopted as printed, with the substitution of "Goulburn" for "Sydney."

The Rev. T. DRUITT moved, and F. R. L. ROSSI, Esq., seconded, that the word "Fundamental" be omitted.

This amendment having been negatived, the original motion was put to the vote and carried.

The Rev. S. S. HARPUR moved, and W. E. TWYNAM, Esq., seconded, that the latter part of the preamble be adopted as printed, with the necessary substitutions of names and dates to make it applicable to the present Conference, that is to say, "Goulburn" for "Sydney," "Messic" for "Frederic," and "December" for "February"; and with the omission of the words "and Metropolitan."



The Preamble, as amended, was then adopted.

F. R. L. ROSSI, Esq. moved, and R. MADDELL, Esq. seconded, that the Chairman report progress.

The Conference having resumed, and the President having returned to his Chair,

The CHAIRMAN presented this report to the President, and in doing so congratulated the laity on the good feeling which they had evinced throughout. He thought that there was not on record an instance where, during such warm discussions, the laity had manifested so much kindly feeling; nor had he ever known a minority endure a defeat with such good humour. And no person had ever made more ample concessions or a more gentlemanly apology to those whose feelings appeared to have been wounded than that offered by the reverend gentleman who so ably took charge of the Fundamental Constitutions. He had great pleasure in presenting the Report, and had no doubt that the Right Reverend the President would be as much pleased to accept it. He then brought up and read the "Fundamental Constitutions" as amended and adopted by the Committee of the Whole House:—

*Draft as prepared by Committee of Conference.*

#### FUNDAMENTAL CONSTITUTIONS

For the Management and Regulation of the affairs of the United Church of England and Ireland within the Diocese of Goulburn.

WHEREAS it is expedient that further and better provision should be made for the management and regulation of the affairs of the United Church of England and Ireland within the Diocese of Goulburn And whereas for the purpose of making such provision and also with a view to promote the united action of the Members of the said Church it is desirable that the Members thereof meet in Synod and make such Rules and Ordinances as for the purpose hereinafter mentioned they may deem requisite.

Now we the Members of the United Church of England and Ireland within the diocese of Goulburn present at a Conference of the Clergy and Representatives of the Laity of the said Church convened and presided over by the Right Reverend Messrs Lord Bishop of Goulburn and held in the City of Goulburn in the month of December, A. D. 1865, do agree to and accept the under-written Articles and Provisions as Fundamental Constitutions for the Management and Regulation of the affairs of the said Church.

#### *Synod to be held.*

1. The Members of the said United Church of England and Ireland within the Diocese of Goulburn shall meet in Synod as herein provided.

#### *President and time of holding.*

2. The First Synod and all subsequent Synods shall be convened in the manner herein provided save in so far as the same may be altered by the Synod acting under the provisions hereinafter contained. And the Synod shall be convened and holden once in every year by summons of the Bishop stating the time and place of meeting And the Bishop or in his absence a commissary appointed by him in writing shall be President of the Synod and may adjourn prorogue and dissolve the same with the concurrence of the Synod Provided always that a new Synod shall be elected and convened at least once in every three years And it shall not be lawful for the President to vote on any question or matter arising in the Synod.

#### *Power of Synod generally.*

3. The Synod may make Ordinances upon and in respect of all matters and things concerning the order and good government of the United Church of England and Ireland and the regulation of its affairs within the Diocese including the management and disposal of all Church property moneys and revenues (not diverting any specifically appropriated or the subject of any specific trust nor interfering with any vested rights) and for the election or appointment of Church-wardens and Trustees of Churches Burial Grounds Church Lands and Parsonages And all Ordinances of the Synod shall be binding upon the Bishop and his Successors and all other members of the Church within the Diocese but only so far as the same may concern their respective rights duties and liabilities as holding any office in the said Church within the Diocese.

#### *Rules for conduct of business.*

4. The Synod may make Rules for the conduct of all

business coming before it and for trying the validity of the election of any Representative and for supplying any vacancy in the Synod which may be occasioned by death resignation or any other cause.

#### *Rules for future Synods.*

5. The Synod may make Rules for altering the periods within which and the manner in which subsequent Synods shall be convened and the mode of electing Representative Members and for restricting the number of the Clergy and Representative Members to be respectively summoned to any future Synod and as to the manner in which such restriction shall be effected and as to the number necessary to constitute a quorum Provided that the number of Representative Members to be summoned to any such future Synod shall not be more than three nor less than twice the number of Clergy to be summoned And provided that the declarations hereby imposed and no other shall be required either from Members of the Church voting at the election of Representatives or from such Representatives when elected.

#### *Mode of voting and quorum.*

6. Every Rule and Ordinance of the Synod shall be made by a majority of the Clergy and Representative Members collectively or if five Members shall on any question so desire the votes shall be by Orders the presence of not less than one-fourth of the Members of each Order shall be necessary to constitute a quorum Provided that no such Rule or Ordinance shall take effect or have any validity unless within one month after the passing of the same the Bishop shall signify to the Synod his assent thereto Provided also that any such Rule or Ordinance to which the Bishop shall not assent may be the subject of reference to and determination by any Provincial Synod for the Church in the Colony of New South Wales which may hereafter be holden.

#### *Conformity to Liturgy, &c.*

7. The Synod shall not make any alteration in the Articles Liturgy or Formularies of the Church except in conformity with any alteration which may be made therein by competent authority of the United Church of England and Ireland in the United Kingdom.

#### *Synod may call for accounts.*

8. The Synod may call upon any person holding property belonging to the Church in the Diocese or in any Parish thereof or in which the Church or any such Parish is in any manner interested to render a full account of all such property and of the manner in which the same and every part thereof is applied and disposed of.

#### *Mode of convening Synod.*

9. Whenever the Bishop shall convene the first Synod he shall summon thereto each Clergyman Licensed to a separate cure of souls within the Diocese and Representative as hereinafter provided. And for electing such Representatives the Bishop shall require each Clergyman licensed as aforesaid to summon a Meeting of the Members of the Church of the age of twenty-one years and upwards being males and occupiers of seats in his Church or residents within his Parish or District at such time within limits which may be prescribed by the Bishop in such manner and at such place within the Parish or District as to such Clergyman may seem convenient and every Member so summoned shall be entitled to vote at such election but the Clergyman summoning the Meeting shall not be entitled to vote at such election save to give a casting vote.

#### *Conduct of Meeting.*

10. The Clergyman if present shall act as Chairman of the said Meeting and so soon as six persons are assembled the Meeting may proceed to business and the Chairman shall cause a list to be made of those so present and shall thereunto the names of any who subsequently attend before the proceedings are closed and the Chairman shall cause minutes to be taken of the proceedings And every Member of the Church shall before taking part in or voting at such Meeting subscribe the following Declaration.

"I the undersigned A B do declare that I am a Member of the United Church of England and Ireland.

#### *Representatives to be elected.*

11. Every such Meeting shall choose as Representatives two male persons of the age of twenty-one years and upwards each such person being a Communicant of the Church and not being a Clergyman and if more than fifty persons shall attend and vote it shall be lawful for such Meeting to elect one such additional Representative but no Parish or District shall elect more than three Representatives.

#### *Mode of election.*

12. In case at any such Meeting the persons proposed for election exceed the number which the Meeting is authorised to elect the Chairman shall take in writing the votes of the qualified persons present each of whom may give one vote for such persons proposed as he may think fit not exceeding the number to be elected and where the votes for two or more are equal the Chairman shall give a casting vote in favour of either one or more of such persons as the case may require And the Chairman shall declare to the Meeting the names of the persons elected.

#### *Certificate of election.*

13. The Chairman shall cause to be delivered to each person elected a Certificate of his election and shall sign the minutes of the Meeting in token of their correctness and shall forward them to the Bishop together with all subscription and lists which have been laid before the said meeting and a Certificate of the names callings and addresses of the persons so elected to be laid before the Synod at its opening.

#### *Vacancy in Cure or absence of Clergyman.*

14. If the Cure be vacant or the Clergyman be absent or unable from any other cause to act the Bishop shall appoint a person to perform all the duties revolving on such Clergyman under any of the law preceding sections of these Constitutions.

#### *Summoning of Chancellor and Registrar.*

15. The Bishop may summon to the Synod as Members thereof the Chancellor and the Registrar of the Diocese who shall have the same rights powers and privileges as Representative Members.

#### *Where several Churches in one Parish.*

16. When a Clergyman has several Districts having separate Churches under his parochial charge the Bishop shall require such Clergyman to summon a meeting in connection with each of such Churches in accordance with the provisions of clause 9 to elect one representative for each such District provided that no parochial district shall elect more than three representatives in the aggregate.

#### *Defects and Errors not to vitiate proceedings.*

17. No Rule or Ordinance of the Synod nor anything done under these Constitutions shall be vitiated by reason of the non-election of any Representative or of the non-summation of any person entitled to be summoned thereto or of any informality in or respecting any such election or summoning.

#### *Declaration to be made.*

18. Each Representative shall before taking part in or voting at the Synod sign and deliver to the President the following Declaration:—

"I the undersigned A B do declare that I am a Communicant of the United Church of England and Ireland."

#### *Synod may establish Tribunal.*

19. The Synod may establish a Tribunal for the trial of offences by Clergymen licensed by the Bishop within the Diocese as well those involving breaches of discipline as questions of doctrine and the ritual of the Church and may frame Rules and Ordinances for the institution and conduct of trials before and the mode of proceeding under such Tribunal and no sentence shall be pronounced other than that of suspension or deprivation of license or office and of the rights and emoluments thereto appertaining and there shall be the same right of appeal as now exists from the decision of the Bishop.

#### *Clergyman's license when to be withdrawn.*

20. The license of a Clergyman shall not be withdrawn cancelled or revoked unless at his own request or as the consequence of a sentence pronounced under the provisions of these Constitutions or by some Court of competent jurisdiction. Provided that any Tribunal shall have been established as herebefore mentioned nothing herein shall affect any of the powers now vested in the Bishop.

#### *Ordinances to be transmitted to the Metropolitan and Archbishop.*

21. A Copy of all Ordinances passed by the Synod shall be sent by the Bishop to the Metropolitan and to the Archbishop of Canterbury.

#### *Absence, &c., of Bishop.*

22. In case of absence from the Colony of the Bishop the powers by these Constitutions vested in him shall be exercised by a Commissary appointed by him and in case no such Commissary shall have been appointed or the See be vacant such powers shall be exercised by the person who shall then be the next in Ecclesiastical rank or degree in the Diocese and resident therein until the return of the Bishop or the assumption of office by his successor. Provided that all Rules and Ordinances which shall be made by the Synod in the absence of the Bishop shall acquire no validity by the assent of the Commissary or President of such Synod but that all such Rules and Ordinances shall have full force and effect if the assent thereto of the Bishop shall be signified within one month after his return to the Diocese, or on the event of a Vacancy in the See within three months after the arrival of the new Bishop in the Diocese any provision in clause VI of these Constitutions to the contrary notwithstanding.

#### *Nothing in Contravention of law.*

23. Provided always that no Rule or Ordinance of the Synod shall be made in contravention of any Law or Statute in force for the time being in the colony.

After the reading of the Fundamental Constitutions, which the Chairman laid on the table, the Right Rev. the PRESIDENT congratulated



ulated the Chairman, and the members on the successful termination of this portion of their labours; and said—my cordial thanks are due and are hereby offered to the Right Worshipful the learned Chancellor of this Diocese, who has most kindly come to the Conference at great personal inconvenience. We are greatly indebted to him for the large amount of Ecclesiastical and historical information, which he has so kindly communicated to us.

My Brethren of the Laity will, I trust, allow me to express to them, in a special manner, my deep gratitude for their attendance, and for the great ability and practical wisdom which they have brought to bear upon our deliberations. The powers of discussion and debate exhibited by our lay friends would do credit to any diocese in the world.

My reverend Brethren the Clergy will also understand, that they are not a whit behind our lay brethren in the deliberative ability, of which I desire so emphatically to pronounce my admiration. The principal mover in the matter of the Constitutions deserves particular mention and commendation—for undertaking without previous notice, the task thus assigned to him by some of the laity, and accomplishing it in so able a manner, as to elicit the encomiums of all.

My hope is that we shall always consider ourselves at liberty freely and fully to discuss all topics, which may be submitted for consideration. Great advantages have arisen, on this occasion, from the mutual conference of clergy, and laity. As the wise man has said "Iron sharpeneth iron." So our mental activities have been improved by our debates, by the comparison of our opinions, and by the conflict of mind with mind. Union, co-operation, and confidence will, I am persuaded, be the result of our present deliberations, no less than permanent benefit to the Church of Christ in the Diocese.

In an assembly so young, it was doubtless difficult to keep within the ordinary bounds—but I am glad to observe the complete amity and even affection which has characterized the conclusion of the debate. I take this opportunity of stating that a Diocesan Library of Theological Books has recently been established in Goulburn for the special benefit of the clergy—so that before the Legal Synod is called into being they will have an opportunity of previously studying such subjects as may at that time be brought under their consideration.

The Rev. S. S. HARPUR, after gracefully referring to the remarks of the President, moved that the report be adopted, and that the amendments proposed and carried in Committee, do stand part of the Constitutions.

F. HORN, Esq., seconded the proposition.

F. R. L. ROSSI, Esq., moved, according to notice, that clause 3 be recommitted with a view to the omission of the words "and for the election or appointment of churchwardens, and trustees of churches, burial grounds, church lands, and parsonages."

The Rev. T. DRUITT seconded the motion. The Revs. W. H. POWNALL and A. D. SOARES opposed the motion.

The Rev. S. S. HARPUR supported the motion. He thought that these two lines ought to be expunged, for the words could not be retained so long as the Act 5 Wm. IV, No. 5 was in force.

The Rev. J. M. WARE thought that it would be unwise to re-commit this or any other clause. He should heartily oppose the amendment.

The Rev. D. P. M. HULBERT wished to know whether the Church Act applied where no money had been furnished by the Government.

The Rev. J. L. KNIGHT considered the amendment quite unnecessary.

The Rev S. FOX was thoroughly opposed to the amendment.

C. CAMPBELL, Esq. rose with great reluctance, after so much time had already been spent in committee upon this clause, to express his opinion, which was this: The Assembly would be far more disposed to give us a hearing if we did not ask too much from the Legislature. With regard to the question, does the act refer to any church not built with State-aid? He would read the title of the Act, "An Act to Regulate the Temporal Affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales." There was not a word in the Act confining it to churches built with State-aid. The Government is not compelled to contribute one shilling towards the erection of churches, unless persons have contributed not less than £300. So far the Act is in operation. It was absurd to say that because Government would not give any money, we were to throw the Act aside, for it is the law of the colony until repealed. It is true that the Synod which is to be formed, may appoint a Committee to prepare another Act, and may ask the Legislature to repeal this Act and to pass an amended one. This, however, might be grasping at a shadow and losing a substance.

W. D. CAMPBELL, Esq., opposed the amendment. As he read the Church Act he differed from the Chancellor's opinion, which in his judgment was altogether wrong.

F. R. L. ROSSI, Esq., then replied to the several objections.

The Right Reverend PRESIDENT observed that the words quoted by his friend Mr. Rossi from clause 3, did not in the slightest degree and could not, affect the Church Act, which must continue law until repealed by the Legislature. The Act is in force now, the Constitutions are altogether prospective.

Mr. ROSSI then withdrew his motion.

The PRESIDENT proceeded to put the original motion, that the Fundamental Constitution, as read by the Chairman of Committee, be adopted as the Constitutions of the future Church Synod of this Diocese. This was carried unanimously.

The Conference then, at six o'clock, adjourned for one hour.

#### EVENING SESSION—16TH DECEMBER.

The PRESIDENT took the Chair at seven o'clock.

N. R. BESNARD, Esq., rose to propose that the Bill prepared by the Sydney Conference be adopted by this Conference.

The following Bill was then read:—

#### "A BILL."

"To enable the Members of the United Church of England and Ireland within the Diocese of Sydney assembled in Synod to regulate the Temporal affairs thereof.

#### "Preamble."

WHEREAS the Members of the United Church of England and Ireland within the Diocese of Sydney present at a Conference of the Clergy and Representatives of the Laity of the said Church convened and presided over by the Right Reverend the Bishop of Sydney and held in the City of Sydney in the month of February in the year of our Lord one thousand eight hundred and sixty-five unanimously agreed to and accepted certain Fundamental Constitutions for the management and regulation of the Temporal affairs of the said Church within the said Diocese. And whereas such Constitutions cannot be fully carried into effect without the aid of the Legislature. Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

"The Members of the United Church of England and Ireland in the Diocese of Sydney assembled in Synod may regulate the affairs thereof."

1. "It shall be lawful for the Members of the said United Church of England and Ireland" within the Diocese of Sydney being assembled in Synod in the manner provided in the said Constitutions to act upon and carry the same into effect. And the said Constitutions and all Rules and Ordinances made in conformity therewith shall be binding upon the said Bishop of Sydney and his Successors and all other Members of the said Church within the said Diocese but so far only as the same may concern their respective rights duties and liabilities as holding any office in the said Church within the said Diocese."

#### "No Rules to be made contrary to Law."

2. "Provided always that no Rule or Ordinance of any such Synod shall be made in contravention of any Law or Statute in force for the time being in this colony."

"Fundamental Constitutions to be recorded in the Supreme Court."

3. "Provided also that within three months after the passing hereof a Copy of the said Constitutions so agreed to and accepted, as heretofore duly certified under the hand and Episcopal Seal of the said Bishop of Sydney shall be recorded in the Supreme Court and the same or a duly certified copy thereof shall be Evidence of the said Constitutions."

He (Mr. Besnard) for one sought no predominance in the State, and would say that if the effect of the Bill were to give this predominance he would not be there to propose it. They had met there to agree upon Constitutions, and this they had done. If the three Dioceses were united, one Bill would suffice for all. He had, therefore, much pleasure in proposing that that Bill be adopted as a Bill to be introduced into the Assembly—without a Bill they would not succeed. He had thought, when he left home, that a "Consensual Compact" would be sufficient; but having had opportunities of conversing with other members, and having heard the President's lucid explanations, he had changed his mind and now he felt that a Consensual agreement would not at all carry out their object.

The Rev. M. B. BROWNIEG in seconding the motion, said that the Church of England laboured under certain disabilities with reference to the temporalities; therefore there was a necessity for action. The object of the Bill was to place us in a position, in no way inferior to other denominations. They had agreed upon Constitutions simply to regulate the temporal affairs of the Church; and now asked for a Bill upon which we all agreed. With reference to the fact that we did not seek a predominant power, Sir Alfred Stephen had already refuted the idea, that any offensive result was likely to arise if the Bill were passed by the Legislature. It had been thought that we were on a bed of roses; but we had some thorns. We were deficient in machinery. The motion now before the Conference was to ex-



tract those thorns, but in no way to interfere with others.

The Rev. S. S. HARPUR moved the omission of the word "temporal" in the Title and the Preamble.

The Right Rev. the PRESIDENT remarked that the word had been advisably inserted by a Select committee of the Legislative Assembly.

N. R. BESNAED, Esq., explained that if a Clergyman were deprived of his license from whatever cause he would lose his income, and surely that was a temporal matter.

The Rev. F. A. C. LILLINGSTON said that many of the members had come to the Conference with doubts as to the meaning of the word "temporal." But in the able address of the President the explanation was so clear, that the doubts disappeared. This tribunal had simply and solely to do with temporal affairs; and he sincerely hoped that the Bill would pass unanimously.

W. E. TWYNAM, Esq., moved, as an amendment, that the Constitutions should be annexed to the Bill as Schedule A, and not merely registered in the Supreme Court.

The Rev. D. P. M. HULBERT seconded the motion.

W. CONOLLY, Esq., opposed the amendment. It would be a great pity if they were not able to record an unanimous vote regarding this Bill. Unanimity had not heretofore existed among the laity as to the necessity for a Bill. When the Bill of 1858 was under consideration it was thrown out by the Parliament on account of differences of opinion on the part of its promoters. His object in rising was to say that there was now perfect unanimity amongst the laity.

The Rev. M. B. BROWNRIFF rose to explain. He expressed his conviction that if they went to the Parliament with united front, they would be more likely than in 1858 to gain the sanction of the Legislature. He urged the adoption of the Bill. The Bill of 1858 was not thrown out, but withdrawn by the promoters themselves.

C. CAMPBELL, Esq., hoped Mr. Twynam would withdraw his amendment, which would in fact be another obstacle to progress.

Mr. TWYNAM at once with permission withdrew the amendment.

The motion of Mr. Besnaed was then put and carried unanimously.

In reply to an inquiry, the PRESIDENT stated that the Bishop of Newcastle had agreed, in the presence of the Metropolitan and himself, to bow to the decision of the General Conference, and thus to secure the unanimity of the united church in the Colony.

The Rev. J. M. WARE moved the following resolution:—

"That the Conference being fully impressed with the importance of union and co-operation on the part of members of the church in the Dioceses of Sydney, Newcastle, and Goulburn, in reference to the establishment of legal Synods for the regulation of the affairs of the United Churches of England and Ireland in the Colony, respectfully requests the Lord Bishop of Sydney, as Metropolitan, to convene a general Conference of the Bishops, clergy, and lay representatives of the three Dioceses as soon as to him shall appear convenient."

JAMES MANNING, Esq., in seconding the resolution, said he rejoiced at having come to attend the Conference, and alluded in terms of cordial satisfaction to the great progress which had characterised Goulburn since he first knew

the city; and he congratulated the Right Reverend President upon having such an able body of zealous men in the ministry of the church in the Diocese. And he expressed his hope and his confidence that, by the Divine blessing, prosperity would mark the career of the church under the guidance of their revered Bishop, and the ministrations of the devoted men whom he saw around him.

The resolution was carried unanimously.

The Rev. H. S. SEABORN moved—"That this Conference do now elect four clergymen and four laymen, who, jointly with the Bishop, shall represent the Diocese at such general Conference, in reference to all matters not already determined by the Fundamental Constitutions previously passed by the Conference." He said that he could not allow this opportunity to pass without congratulating the Conference, and the whole of the Diocese, upon the results already obtained. He thanked God for the past, and took courage for the future. The spiritual prospects of the church were of the highest character. The fields already appeared white unto the harvest, and we had only to go in and reap.

R. MADDBRELL, Esq., seconded the resolution, which was carried unanimously.

F. R. L. ROSSI, Esq., rose to propose that the election be by ballot, but as no previous notice had been given of the motion,

The Rev. J. M. WARE moved that the Standing Orders be suspended to enable Mr. Rossi to submit a motion without notice.

The Rev. M. B. BROWNRIFF seconded it, and it was carried.

Mr. ROSSI then proceeded to recommend that the representatives be elected by ballot, and spoke at some length on the subject.

F. H. WILSON, Esq., seconded the motion.

The Rev. S. S. HARPUR opposed the ballot, in his opinion it was a vicious system and ought not to be introduced into such an assembly as this.

W. CONOLLY, Esq., did not agree with the Rev. S. S. Harpur as to the mischief of voting by ballot generally. Nevertheless he did agree with him, as to the impropriety of introducing it here.

The Rev. W. H. POWNALL was opposed to secret voting.

The Rev. F. A. C. LILLINGSTON thought that open voting was the most manly and straightforward.

C. CAMPBELL, Esq., said that in the election of members for a club, voting by ballot was very proper, but not so in such an assembly and for such a purpose as this.

F. R. L. ROSSI, Esq., in the course of his reply, explained in reference to the ballot which he had previously moved, that his proposition was this: Let each member put down on paper the names which he thought most suitable to act as representatives to the General Conference in Sydney, and place them before the President, and let those who have the majority of votes be elected. He did not want the ballot in general use, but thought that by no other means would they obtain the right men in the right place on the present occasion. He begged to move the following resolution—"That any gentleman of the Conference desiring to nominate delegates for Provincial Conference at Sydney, do place on a slip of paper the names of not more than four clergymen and four laymen, to be handed to the President after endorsement of proposer's name."

The motion was put and negatived.

C. CAMPBELL, Esq., then moved—"That the following gentlemen be the clerical and lay members to attend the general Conference to be held in Sydney in conjunction with the Bishop:—The Revs. W. Sowerby, T. Druitt, M. B. Brownrigg, F. A. C. Lillingston, and the Hon. James Chisholm and W. P. Faithfull, W. D. Campbell, and Charles Campbell, Esqs."

The Rev. J. L. KNIGHT seconded the resolution.

After an explanation from the Rev. S. Fox, that Mr. Faithfull had not accepted the office of representative which had been proposed to him by the Church in Wagga Wagga; the name of W. P. Faithfull, Esq., was withdrawn and that of N. R. Besnaed, Esq., substituted, on the motion of F. HORN, Esq., JAMES MANNING, Esq.

The resolution with this amendment was carried unanimously.

S. H. BELCHER, Esq., moved—"That this meeting is of opinion that a fund should be raised for the purpose of defraying the travelling expenses of all clergymen summoned to attend any future Synods."

F. HORN, Esq., seconded the motion.

The Rev. J. M. WARE moved, as an amendment, or rather as an extension of Mr. Belcher's motion, "That the Standing Committee, when appointed, be requested to take action in the matter of providing for the travelling expenses of clerical members of this and future meetings."

JAMES MANNING, Esq., seconded the amendment, which was carried unanimously.

The Rev. T. DRUITT moved, according to previous notice—"That it is expedient that the Metropolitan Bishop summon a Convocation or Synod of the Bishops, clergy, and laity of the Dioceses within the Colony of N. S. Wales, at least once in every three years, the clergy and representatives of each Diocese being in proportion to the number of parishes or districts within each Diocese."

R. MADDBRELL, Esq., seconded the motion.

C. CAMPBELL, Esq., deprecated any action on our part in this matter.

The Rev. T. DRUITT with permission withdrew the motion.

W. E. TWYNAM, Esq., then moved "That the following gentlemen be appointed a Standing Committee, with a Treasurer, to act with other Committees in the conduct of routine business, such as the preparation and printing of papers and defraying the expenses thereof:—His Lordship the Bishop, the Revs. W. Sowerby, R. Leigh, and P. Lamb, the Hon. J. Chisholm, F. R. L. Rossi, S. H. Belcher, A. Chisholm, and F. Horn, Esqs., the Committee to report at the commencement of each Session, and the Rev. P. Lamb to be Treasurer."

The Rev. D. P. M. HULBERT seconded the motion, which was carried unanimously.

The Rev. W. SOWERBY then moved "That this Conference adjourn *sine die*, with power to the Bishop of Goulburn to again summon it whenever he shall deem it expedient to do so." He said that it had been a source of much gratification to him to be present at the Conference. He was delighted at the conclusions arrived at, and he would be glad when the Synod was called together.

W. CONOLLY, Esq., seconded the resolution, which was put and carried unanimously.

The PRESIDENT then rose and said that the proper business of the Conference was now at an end.



The Rev. T. DRUITT proposed a vote of thanks to his Lordship the President for his kind and able conduct in the Chair. It would ill become him, in his Lordship's presence, to speak in too complimentary a strain. He had been present at many a gathering, but never at one lasting so long as the present, and in which so many questions of an exciting character had been discussed, when the kind, courteous, and benignant conduct of the President had exerted greater influence in preserving harmony and unanimity. He sincerely hoped that his Lordship's life might long be spared to conduct the affairs of this Diocese for the advancement of the interests of the Church and the honor of God.

N. R. BESNARD, Esq. on behalf of the laity most sincerely coincided in every word spoken by the Rev. gentlemen, and begged most cordially to second the motion, which was carried by acclamation; all standing until the end of the President's reply.

The Right Rev. the PRESIDENT most gratefully acknowledged the high compliment which had been paid to him, and expressed his deep thankfulness that the proceedings had terminated so amicably and satisfactorily. Before the opening of that Conference he had determined, as far as possible, to confine the debates

to actual business, and to exclude all irrelevant topics from his own address. While thus heartily thanking them for the honor he had received at their hands he took the opportunity of stating that he did not think it would be necessary to call the Conference together again for the next twelve months. He also wished to learn, from the members present, which month would be most convenient for the Meetings of Conference or of Synod. (Several answered the end of March.) The month of January had been proposed by the Right Reverend the Metropolitan Bishop for holding the general Conference in Sydney. But he (the President) had received a very recent communication intimating that the month of April had been appointed at the request of the Lord Bishop of Newcastle. In conclusion, he desired to repeat his own thanks, and to convey those of the Conference to their worthy Chancellor. They had all been much indebted to him for his presence, which had been greatly appreciated by the Conference, on account of his extensive knowledge of Ecclesiastical law. He trusted that they would be

spared to meet on many future occasions, and that that they might be found working together, having one end in view, labouring and praying for the salvation of immortal souls.

The Conference here manifested their hearty concurrence by their universal applause.

The CHANCELLOR expressed his cordial thanks for the honor which had been done to him, but feared that his Lordship had too highly rated his humble services.

The Rev. F. A. C. LILLINGSTON proposed a vote of thanks to the Secretaries of the Conference, and to those gentlemen who had so kindly undertaken, in the absence of the expected professional reporter, to take notes of the proceedings.

W. D. CAMPBELL, Esq. seconded the proposition, which was very cordially re-echoed by the meeting.

The Rev. W. H. POWNALL briefly, but appropriately acknowledged the vote of thanks, in the name of himself and co-workers.

His LORDSHIP then pronounced the benediction, and the Conference adjourned *sine die*.

