The Church Chronicle

FOR THE DIOCESES OF

SYDNEY, NEWCASTLE AND GOULBURN.

"*SPEAKING THE TRUTH IN LOVE.*"

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To Correspondents.

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The following items of intelligence have been received, but are unavoidably postponed until our next issue, in consequence of our devoting this number entirely to a report of the Conference. Meeting at Rockly; — Address to the Rev. H. T. Stiles of Windsor;—Examination of St. Stephen's Sunday School, Newtown;—Meeting at Dubbo;—Meeting at Ashfield;—Letters on Choral Services, &c.

The Editors are not responsible for the opinions expressed by Correspondents.

We can pay no attention to anonymous communications.

Letters for *the Sydney Editors* may be addressed to the care of JOSEPH COOK and Co., 370, George-street, Sydney.

Correspondence and communications having reference to the Dioceses of Newcastle or Goulburn, should be addressed to the Newcastle or Goulburn Editors, as intimated in the first and second numbers of this publication:—

In the former case to THE DIOCESAN EDITOR of *The Church Chronicle*, MORPETH. In the latter case, to the GOULBURN EDITOR of *The Church Chronicle*, Office of the DIOCESAN DEPOT, GOULBURN.

THE GENERAL CONFERENCE OE THE THREE DIOCESES.

THE Conference of Representatives of the three existing Dioceses in New South Wales has been held, and the result so far is in the highest degree satisfactory. Constitutions have been unanimously agreed upon and a resolution to apply to Parliament for a Bill has been adopted. Our readers are aware that certain differences of opinion existed, and that just before the assembling of the Conference some of those differences had been expressed and dwelt upon in a manner which seemed to threaten the harmony of the Conference.

Besides a few minor points as to the relative numbers of lay and clerical representatives, and the right of all the clergy in a diocese whether licensed to a separate cure of souls or not, to sit in Synod, one principal point of difference was the relation of Diocesan to Provincial Synods. It was proposed in the diocese of Newcastle that the Provincial Synod should be the governing body of the Church, and that all its ordinances and determinations should be binding on the Bishops of the several dioceses and their successors and on all other members of the United Church of England and Ireland.

In the dioceses of Sydney and Goulburn the right of each diocese to manage its own affairs had been unanimously affirmed. The existence of the Provincial Synod had been recognized, and it was the full intention of the bishops and clerical and lay representatives to constitute such Provincial Synod by the joint action of the Diocesan Synods. This was the course taken in Canada. There the Provincial Synod was called into existence by means of the Diocesan Synods which met by representation at Montreal in 1861 for that purpose. In New Zealand, the General or Provincial Synod had been first constituted; and it was their mode of proceeding which obtained the preference in the Diocese of Newcastle.

The desired end has now been reached by a fusion of opinions and preferences. The Constitutions agreed upon in the Dioceses of Sydney and Goulburn have been preserved intact; the slight differences between them and the Diocese of Newcastle are noted, and are to be the rule in that Diocese; and provision is made for the formation of a Provincial Synod by representation of the three Dioceses, but without giving to it any control over the affairs of the Church in the respective Dioceses. It will form a tribunal of appellate jurisdiction—will be the court (so to speak) of appeal in such matters as are referred to it by the several Dioceses, or by the whole of them acting conjointly: in which cases its decisions will be binding upon those who have so appealed.

The settlement of this difficulty was happily conceived, and successfully carried into effect. All parties are gratified, because all feel that the substantial benefit obtained is very great; and if the ideal of Church Government as set forth in New Zealand has not been followed, we believe what has really been obtained is practically better.

Another and perhaps more serious point of difference was the mode by which effect was to be given to a Constitution when agreed upon. The Bishop of Newcastle had recently advocated the plan of voluntary agreement, and, having already petitioned against the Bill of the Sydney Diocese of last session, had, in his recently published letter, predicted the certain failure of any attempt to obtain an Act of the Legislature, giving *sanction* to our Constitution. The majority of

the Conference, as it appeared, was in favour of an application to the Legislature; and as all parties were agreed that, at *some time*, an application in *some form* was to be made to Parliament, it did not appear impossible to harmonise the conflicting views. It was, however, loudly declared that the Sydney Bill did seek some preference over other denominations, and did claim powers which were not granted to other denominations. Both these statements were ably and fully refuted in the speeches of Mr. GORDON and Mr. STUART, and by quotations from the evidence of CANON BOODLE and Sir A. STEPHEN.

On the question of the appointment of a Committee to draw up a Bill, the following resolution, moved by Mr. GORDON, and seconded by the BISHOP of NEWCASTLE, was passed:—

That a Committee consisting of the following members: The Hon. R. Johnson, Esq.; the Hon. J. Docker, Esq.; Alexander Gordon, Esq.; and Charles Campbell, Esq., be appointed to draw up a Bill to be submitted to the Legislature, in order to carry out the third of the resolutions already adopted by this Conference; and that the Committee, in drawing up such Bill, have regard to the Bill which has been already agreed to by the Dioceses of Sydney and Goulburn, and also to the several Acts which have been passed in this colony at the instance of the Wesleyan and Presbyterian denominations respectively; and that the Committee be at liberty to obtain such legal assistance and advice in drawing up the Bill as they may deem necessary.

If a Bill is drawn up, which will unite the management of the property of the Church with the government of the Church, and give such recognition to the Constitution as will enable the Synod to carry out the provisions of it, we shall obtain all we require. It will matter little what may be the precise mode in which the recognition or sanction is given, provided the authority is there. It is proposed that the Conference shall be assembled again in July.

We congratulate the members of the Church of England upon the manner in which the business of the Conference was conducted, and upon the results obtained. The three Bishops and their Dioceses are manifestly agreed. It is evident that what each Diocese desired has substantially been obtained; and if, as in the case of the Diocese of Newcastle, a favourite idea has been abandoned, it is only because, in addition to harmony of action, the real advantage sought for has been secured. Even if nothing had resulted beyond the debates, and the mutual knowledge gained and the information elicited, and the habits formed, we think the Conference would have been rightly regarded as a great success. We believe that it is another step in that direction of self-government and healthy development which will eventually make the Church of England in these colonies (to adopt the language of the President's opening address) "the glory of the land in which we dwell."

Church Intelligence.

MEETING OF CONFERENCE.

THE clerical and lay representatives as appointed in and for the three dioceses of Sydney, Newcastle, and Goulburn, assembled on Wednesday, the 11th of April.

Divine Service, with the administration of the Lord's Supper, was held in St. James' Church, at 11 a.m., at which most of the representatives were present.

Morning prayer was read by the Incumbent, the Rev. Canon Allwood, to the end of the Psalms; the lessons, and the remaining collects, by the Very Rev. the Dean of Sydney. The Litany was read by the Bishop of Goulburn; the office of the Holy Communion, by the Metropolitan Bishop of Sydney, assisted by the Bishop of Newcastle. The collection at the offertory was appropriated to the funds of the Melanesian Mission.

The Conference assembled at Three o'clock in the afternoon, in the Church Society's House, in Phillip Street. Proceedings were commenced with prayer, offered up by the Metropolitan on his taking the chair. We are indebted to the "Sydney Morning Herald" for the report which we now present to our readers consecutively in one number.

MEMBERS.

The Rev. R. L. KING, (at the request of the President), read over the following list of members, and with two or three exceptions the calls were answered.

REPRESENTATIVES.—DIOCESE OF SYDNEY.—Clerical: The Very Rev. the Dean of Sydney, the Rev. Canon Allwood, the Rev. W. B. Clarke, the Rev. William Stack. Lay: Mr. Alexander Gordon, the Hon. Robert Johnson, Mr. James Macarthur, and Mr. Alexander Stuart.

REPRESENTATIVES.—DIOCESE OF NEWCASTLE.—Clerical: The Rev. Canon Child, the Rev. Robert Chapman, the Rev. William E. White, the Rev. John F. R. Whinfield. Lay: The Hon. Joseph Docker, Mr. Edward Close, Captain Bolton, and Mr. H. A. Thomas.

REPRESENTATIVES.—DIOCESE OF GOULBURN.—Clerical: The Rev. William Sowerby, the Rev. Thomas Druitt, the Rev. Marcus Blake Brownrigg, the Rev. Arthur Cecil Lillingston. Lay: Mr Nicholas R. Besnard, Mr. Charles Campbell, Mr. William D. Campbell, and the Hon. James Chisholm.

The PRESIDENT then declared the General Conference constituted.

On a question put from the chair, it was unanimously resolved that the proceedings be open to the public.

The PRESIDENT delivered the following opening address.

Right Reverend and Reverend Brethren, and Brethren of the Laity,—The circumstances under which we meet are such as to call forth earnest prayer to the Great Head of the Church, that He would be pleased to grant us the spirit of love and of wisdom, that all our things may be done with charity, and that we may be guided into all truth. It is my fervent desire that we may be thus influenced and directed; that the Church of GOD may receive no hurt or damage, and that the cause of our Divine Redeemer may be advanced. We meet at a later period than was originally intended. When in September last our Conference agreed to join in the request that had already been made by the Diocese of Newcastle, that I would convene a Conference of the Bishops, clerical and lay representatives of the respective dioceses of this colony, it was my intention to have invited you to meet in January. The Bishop of Newcastle, however, having expressed a wish that the Conference might be held in April after Easter, I summoned the representatives of the diocese of Sydney on the 19th December, and after much discussion they agreed (while deeply regretting the delay) respectfully to recommend the Metropolitan to comply with the Bishop of Newcastle's request.

It is not my intention to occupy your time with a lengthened address. To the representatives of my own diocese my sentiments are well known, and have not undergone any change. The Constitutions appear to me to be as simple, comprehensive, and efficacious as they have ever done, and as they, no doubt, appeared to this diocese, when they were adopted by its representatives without a single dissentient voice. That they are in all respects suitable for other dioceses has never been affirmed; that they are capable of improvement we may safely admit, inasmuch as they are of human composition, and the manner in which this and other constitutions can be brought into a united system of government for the whole Church in the colony, is one of the subjects for our consideration. In the settlement of this point some liberty must be allowed. The dioceses of Newcastle and Goulburn have also drawn up their own constitutions, and thus while each diocese maintains the

inherent right of managing its own affairs, it may in all essential and necessary things, be united with other dioceses. Nor will such a principle of action on the part of the several dioceses in the least interfere with the union of them all in a general or provincial synod. On the contrary, this appears to me to be the best way of securing united action. The attempt to bring the affairs of each diocese under the control of a general body is likely to give rise to jealousy and misconception. Nor can I see any advantage in delegating the powers of a provincial synod to a standing committee for each diocese. It is a more direct and equally safe course to allow each diocese to settle the mode in which its affairs shall be managed. The members of the Church in any particular diocese will probably be as good men of business and as competent to conduct their own affairs as any body of persons appointed by delegation from the provincial synod. The province of New Zealand has recently afforded us an illustration in point. The diocese of Christ Church threatened to withdraw from the authority of the synod: and to prevent this an application was made to the colonial Legislature, and an Act has been obtained (printed in the last number of *The Church Chronicle*), of which the title is, "An Act to remove doubts as to the interpretation of the Religious, Charitable, and Educational Trusts Act, and to enable diocesan Synods of the Branch of the United Church of England and Ireland in New Zealand to manage and regulate Church Property within their respective Dioceses." When the diocesan institutions have been arranged, the formation of the provincial synod will naturally follow. If eight years ago the dioceses of Sydney and Newcastle had agreed upon the course to be pursued, and had obtained their synods, we should now, by the addition of a third diocese, have been in a position to form a provincial synod for New South Wales. The first provincial synod of the United Church of England in Canada, was held in 1861, and was constituted by the joint action of five Canadian dioceses, several of which had held their diocesan synods two or three years before. I see no reason why we should not pursue a similar course. The question of most importance and greatest difficulty, is the nature of the legislative sanction by which effect shall be given to the regulations of the synod acting under the constitutions agreed upon in the conference. The consent of the members of the Church of England in the diocese of Sydney has already been given to certain constitutions, and what was next required was that they should be recognised by the Legislature in such a manner as to make them binding upon the members of the Church. The diocese of Sydney had already agreed upon the method to be adopted for securing this object, but stayed its proceedings in deference to the wishes of those at whose request this general conference has been summoned. Not that it was ever the intention of the diocese of Sydney to isolate itself in the matter of synodical action, and in my address to the representatives in September, 1865, I shewed that all the proceedings of the metropolitan diocese had been carried on under the conviction that they were in conformity with the intentions of the diocese of Newcastle. Combined action, however, being only possible by means of the course we are now taking, we shall, I trust, be enabled to attain the object upon which so much time and labour have been expended. I shall not perplex your minds by discussing nice questions (from which, with Luther, I feel disposed to ask that the Lord would deliver His Church), but will content myself with stating that I shall be satisfied with any measure which secures the legal efficacy of the constitutions agreed upon in this conference. It is of little moment whether this end is secured by a Synod Bill, or by a Trust Act. It is obvious that we must resort to the Legislature, if for no other purpose than to modify or repeal the existing Church Act. But I do not think wise to apply to the Parliament for any alteration in the Church Act, until legal recognition has been obtained for our constitutions, and when I use the term "recognition," I mean that it should be of such a nature as to make the constitutions obligatory upon the members of the Church of England. I hope that much that has been said against the bill of the Sydney Conference, and the conference itself, will be forgotten, or at least will not be unnecessarily referred to in discussion. Some of the accusations are founded in misapprehension which will no doubt be dispelled in the course of debate, and I believe that we all meet with real love to our Church, and to the cause of divine truth which it upholds, and that our single aim is to advance that cause by perfecting our union, and developing our powers through the orderly and effective government of the body. I have requested the Chancellor of the Diocese of Sydney to prepare certain resolutions to be laid before the Conference. I have not done this with any intention of dictating to the Conference the course which they should take, but solely for the purpose of bringing forward the subjects for discussion in an orderly and intelligible form. May the Spirit of GOD keep prayerfully in our minds the great purpose for which we are met here—the strengthening and building up of our beloved Church on secure foundations. May He keep away from us strife and division, and enable us in all lowliness and meekness, with longsuffering and forbearing one another in love, to keep the unity of the spirit in the bond of peace, that so our meeting together may be for the better and not for the worse, and that the whole body being joined together in love may be a faithful witness for GOD in an evil generation, and the glory of the land in which we dwell.

SECRETARY.

It was moved by the BISHOP OF NEWCASTLE, seconded by the BISHOP OF GOULBURN, "That the Rev. R. L. KING be appointed Secretary to the Conference."

Motion put and agreed to.

STANDING ORDERS COMMITTEE.

It was moved by Captain BOLTON, seconded by Mr. C. CAMPBELL, "That the Dean of Sydney, Mr. Alexander Stuart, (nominated by the Bishop of Sydney,) the Rev. Canon Child, the Hon. J. Docker, (nominated by the Bishop of Newcastle,) the Rev. W. Sowerby, and Mr. W. D. Campbell, (nominated by the Bishop of Goulburn,) be appointed a Standing Orders Committee."

The Rev. W. STACK, who regarded it as unadvisable at this early stage of the proceedings to institute distinctions of diocese, moved as an amendment, "That a Standing Orders Committee of six be appointed by ballot."

The amendment was seconded by the Rev. R. CHAPMAN.

The amendment was negatived by 13 to 5, and the original motion agreed to *nemine contradicente*.

FINANCE COMMITTEE.

The undermentioned members were appointed a finance committee:—Mr. A. Stuart, Mr. C. Campbell, Hon. J. Docker and Mr. J. Chisholm.

RESOLUTIONS.

Mr. A. GORDON, in pursuance of an intimation in the President's opening address, gave notice that as soon after the other business that must necessarily take precedence was disposed of, he should submit certain resolutions (which he read) for the adoption of the Conference.

In a conversational discussion that followed this announcement, it appeared to be the almost general opinion that these resolutions were of such importance—dealing, as they did, with the whole scope and object of the Conference—as to require further time for consideration than was proposed to be given. It was eventually agreed to adjourn until 6 o'clock, then to receive the report of the Standing Orders Committee, after which Mr. Gordon was to give notice of these resolutions to be discussed the following day.

The Conference adjourned at 4 o'clock in the afternoon, until 6 in the evening.

On the re-assembling after the adjournment,

The PRESIDENT stated that the Conference had re-assembled in order to receive the report of the Standing Orders Committee, and for the purpose of considering the same.

STANDING ORDERS.

The DEAN OF SYDNEY, as Chairman of the Standing Orders Committee, brought up the report, and read it, *in extenso* to the Conference.

[It appeared that on the question as to whether the votes of the Conference should be taken collectively, or by separate dioceses, no arrangement had been made—the Committee having been unable to arrive at a decision, as their numbers were equally divided.]

The DEAN OF SYDNEY moved the adoption of the Report.

The REV. CANON CHILD seconded the motion.

The Rev. W. STACK moved, as an amendment, that the report of the Standing Orders Committee be received for consideration.

The PRESIDENT pointed out that the reception of a report implied consideration. He thought the amendment unnecessary.

The Rev. W. STACK, from where he was sitting, had heard the proposed orders rather indistinctly, but had certainly heard one that he thought objectionable. Might they not have these proposed standing orders read to them over again?

The PRESIDENT said he would read them to the Conference; they might be taken *seriatim*.

The PRESIDENT then, slowly, and in a distinct voice, read the proposed standing orders.

The Rev. W. STACK objected to two portions of the proposed standing orders. He objected to the proposition to empower any one person to determine that strangers should have to leave the room. It was too much power to confide to one person. He objected, also, to the order by which it was proposed to limit every speaker to twenty minutes. That rule had been tried by the last Conference and had failed. It had been set at nought by almost every speaker. It was also found disadvantageous in this way—that many thought themselves bound to speak for the full time allowed. He thought the rule unnecessary.

Captain BOLTON considered the rule for the limitation of a speaker to twenty minutes to be unnecessary. He objected to the rule by which it would be left in the power of any one member to compel all strangers to quit the room. He thought that that might fairly be left to the judgment of the President.

Mr. C. CAMPBELL thought it undesirable to have this rule for the limitation of speakers to twenty minutes.

The Rev. W. STACK then moved, and Captain BOLTON seconded, a specific amendment on the proposed standing orders, whereby it was proposed that the limitation of twenty minutes be struck out, and the clause about the exclusion of strangers, at the instance of *one* member of the Conference, dispensed with.

The PRESIDENT thought that the twenty minutes' rule would practically be found to be of very little use. It had been disregarded at the last Conference. It was, however, rigidly observed in the Church meetings at home. He remembered this to his cost, for he had once been stopped by the Bishop of Manchester in the midst of a statement. He was obliged to get another speaker to complete his statement for him. He thought that the objection which had been made as to the exclusion of strangers, at the instance of one member of the Conference would be obviated if strangers were only to be directed by the President to withdraw at the instance of three members.

The BISHOP OF NEWCASTLE concurred in the opinion expressed by the President on both of the points at issue.

The DEAN OF SYDNEY reminded the Conference that the rule about the exclusion of strangers was an order adopted from Parliamentary practice.

The BISHOP OF GOULBURN remarked that the practice of the House of Lords, usually followed as a precedent, was that indicated by the proposed order as to the presence of strangers. He thought that, practically, there would be no difficulty in obtaining the opinion of three members of the Conference, signified through one to the President, for directing the withdrawal of non-members, if it should, at any time, be deemed necessary.

The Rev. W. STACK said that the parliamentary rule was based upon the odd principle by which it was assumed that no non-members were present. It was something founded upon ancient parliamentary custom, to which the circumstances of the Conference presented no analogy. He should be perfectly satisfied if the rule suggested by the Metropolitan were adopted.

The amendment of the Rev. W. STACK was then, by leave, withdrawn.

The provisional limitation of speakers to a maximum of twenty minutes was, thereupon, struck out of the orders. Standing order No. 5 was amended, to the effect that, "at the written request of any three members, the President should order any stranger to withdraw." The amendment on rule 5 was made on the motion of the Rev. W. STACK, seconded by Captain BOLTON.

The question was then put, "Shall the proposed standing orders be the Standing Orders this Conference?"

The Rev. F. A. C. LILLINGSTON moved, as an amendment, "That these standing orders be not adopted until some definite arrangement shall have been made in regard to the way in which the members of the Conference are to vote—whether collectively or by dioceses."

The Rev. M. B. BROWNRIGG seconded Mr. Lillingston's amendment.

The form of the amendment being objected to, the Rev. F.A.C. LILLINGSTON (with the consent of the Conference) moved his amendment in the following shape:—"That the following words be added to the standing orders, viz.: 'That the votes shall be taken collectively except whenever anyone of the bishops present may desire that they shall be taken by dioceses.'"

In seconding this amendment, the Rev. M. B. BROWNRIGG said, it seemed to him that on this topic there had been a great difference of opinion. It would be most unwise, on general occasions, to vote "by dioceses" but cases might happen when it might be deemed desirable that they should not vote collectively.

Mr. N. R. BESNARD, as a point of order, would remark that the motion was an "addition" to the standing orders, and not an "amendment."

The PRESIDENT explained how it was always the rule to treat such a motion as an "amendment."

The BISHOP OF NEWCASTLE expressed his dissent from the proposal embodied in the amendment of Mr. Lillingston. He thought it very undesirable that the Bishops should be expected individually to decide when it was expedient that the Conference should vote by Dioceses. It would be much better to have the question settled at once.

Captain BOLTON opposed the amendment. He considered it less an "amendment" than a distinct, substantive resolution. He was disposed to think that the question involved was one which ought to be settled immediately. On what grounds was such a proposition as that now submitted made at all? It was only at Provincial Synods that voting by Dioceses was adopted. There, it was necessary: otherwise, the large Diocese would overwhelm the small. They were there as a general Conference, with four clerical and four lay members from each Diocese. Clearly, the object of the three Dioceses being thus equally represented in that Conference was to take the general sense of all, as tested by the majority of the whole. A numerical minority might otherwise actually override a general majority. If the eight delegates for the Sydney Diocese chose to vote for a motion, and five from each of the other two Dioceses against it, the result might be that it would be in the power of ten votes to sway fourteen. Would such a result as that be a proper one in any deliberative meeting? He, for one, would vote against the amendment.

The Hon. J. DOCKER objected to the form of the proposition submitted by Mr. Lillingston. It put the question in a worse position than ever.

The Rev. F. A. C. LILLINGSTON was about to speak in reply, when he was informed by the President that he had no reply on the amendment he had moved. The resolution was thereupon, after some discussion, withdrawn as an amendment, and moved in nearly the same words by the Rev. Mr. Lillingston's substantive motion.

The Rev. F. A. C. LILLINGSTON defended his motion, and combated the various objections which had been raised against his proposition in the course of the debate.

The Rev. M. B. BROWNRIGG seconded the motion. The voting by Dioceses was an analogous arrangement to that of voting by orders in the different diocesan meetings. It was quite possible that Sydney and Newcastle might, but for the arrangement contemplated in the motion, swamp the Goulburn Diocese.

The BISHOP OF NEWCASTLE thought it would be the fairest plan to take the votes of the Conference collectively.

Mr. CHARLES CAMPBELL was in favour of collective voting. Taking the votes of the three different Dioceses separately would not promote fusion, but discord.

The Hon. Mr. DOCKER thought the motion of Mr. Lillingston involved an inconsistency. He moved that all the words after the word "collectively" be omitted.

The Rev. T. DRUITT seconded the amendment.

Mr. JAMES MACARTHUR could see no difficulty that could arise from the Conference voting collectively.

The PRESIDENT regarded the motion of the Rev. Mr. Lillingston as a middle course—one which would work well. Circumstanced as they were, the Sydney Diocese would suffer if they voted collectively. They had one of their clerical representatives (the Rev. W. B. Clarke) ill; and one of their lay members (the Hon. Robert Johnson) was also absent.

The Rev. W. STACK supported the amendment of Mr. Docker.

Mr. A. STUART, at some length, supported the motion of Mr. Lillingston.

Mr. A. THOMAS was in favour of the amendment of Mr. Docker.

The Rev. F. A. C. LILLINGSTON replied.

As the question was about to be put from the chair, a discussion incidentally arose as to how the Bishops were to vote.

The BISHOP OF GOULBURN read a sentence from the constitutions prepared by the Diocese of Newcastle, which declared that "the voting shall be by Dioceses." He was opposed to collective voting in this General Conference; but seeing that others held a different opinion, he would accept as a compromise the proposition of Mr. Lillingston. He had abstained from voting hitherto; but if the collective mode of voting should be adopted for the clerical and lay representatives, he would urge that the Bishops should vote as a separate house.

Mr. H. A. THOMAS was in favour of the Conference voting collectively, but did not see why the Bishops might not vote separately.

After some further remarks from the BISHOP OF NEWCASTLE, to the effect that he had no objections to voting collectively if the Bishop should vote separately,

Mr. DOCKER's amendment was put, and carried by a majority of 12 to 9.

The DEAN OF SYDNEY said he would not have accepted the position which he held as a member of that Conference, if he had known that the Conference would have decided upon voting collectively. He regretted it very much. He now moved, as an amendment, that after the words "collectively" the following words be added—"that every vote at the General Conference shall be determined by a majority of each of the three orders present at such meeting."

The Rev. T. DRUITT seconded the amendment, which was carried by 15 to 1.

The report of the Standing Orders Committee was then adopted, and, on the motion of the DEAN of SYDNEY, was ordered to be printed.

NOTICE OF MOTION.

Mr. A. GORDON gave notice of his intention on to-morrow (Thursday) to move the following resolutions:—

1. That the object of the present Conference is to determine—first, what form of constitution it is desirable to adopt for the good government of the Church in the colony; and secondly, what legislative sanction or recognition it is necessary or desirable to obtain of that constitution.

2. That any determination at which this Conference may arrive in reference to such form of constitution, must be based on a recognition of the inherent right of each diocese to manage its own affairs, and must also give practical effect to the constitutions already passed for that purpose by any of the dioceses now meeting in Conference.

3. That it is desirable to apply to the Legislature for such sanction or recognition of the constitution so to be determined upon as will secure its practical working, and in particular will make subject to it all property devoted to the support of the Church in this colony, and which is not affected by any express trust.

4. That this Conference do resolve itself into a committee for the purpose of drawing up a form of constitution for the good government of the Church in this colony, in conformity with the foregoing resolutions.

Contingent on a Form of Constitution being determined upon:—

5. That the Bill agreed to by the Diocese of Sydney and Goulburn respectively be referred to a committee of members, who shall be authorised to make such alterations therein, if any, as may be necessary to carry out the third of the foregoing resolutions, with liberty to obtain such legal assistance and advice as they may deem requisite for that purpose.

6. That this Conference, as representing the three Dioceses of Sydney, Newcastle, and Goulburn, pledges their several Dioceses to use their best exertions to obtain the passing of such Bill as shall be sanctioned by the committee.

7. That be appointed a committee to carry out the last resolution.

The Conference adjourned at twenty-five minutes to 9 o'clock until Thursday, at 3 p.m.

SECOND DAY.—THURSDAY, 12TH APRIL.

The Conference met pursuant to adjournment.

The PRESIDENT took the chair at a quarter-past 3.

After prayer, the minutes of the previous meeting were read by the SECRETARY, and, after a correction at the instance of the Rev. W. STACK, they were signed by the PRESIDENT.

The first business was the consideration of the following resolutions standing in the name of Mr. GORDON:—

I. That the object of the present Conference is to determine—first, what form of constitution it is desirable to adopt for the good government of the Church in the colony; and secondly, what legislative sanction or recognition it is necessary or desirable to obtain of that constitution.

2. That any determination at which this Conference may arrive, in reference to such form of constitution, must be based on a recognition of the inherent right of each Diocese to manage its own affairs, and must also give practical effect to the constitutions already passed for that purpose by any of the Dioceses now meeting in Conference.

3. That it is desirable to apply to the Legislature for such sanction or recognition of the constitution so to be determined upon as will secure its practical working, and in particular will make subject to it all property devoted to the support of the Church in this colony, and which is not affected by any express trust.

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6. That this Conference, as representing the three Dioceses of Sydney, Newcastle, and Goulburn, pledges these several Dioceses to use their best exertions to obtain the passing of such Bill as shall be sanctioned by the committee.

7. That be appointed a committee to carry out the last resolution.

MR. GORDON said it now became his duty to submit to the Conference the resolutions of which he had given notice. He intended to propose them successively, and would conclude his present address by moving the adoption of the first. Having said a few words in reference to his own personal position in regard to the resolutions, he proceeded to explain their object to the Conference. The first was to lay distinctly before the conference the business they were met to transact, embracing two particular specified objects. (1.) To determine the form of constitution which it was desirable to adopt for the good government of the Church of England in this colony; and (2) to determine what legislative sanction or recognition it was necessary to obtain in order to give practical effect to that constitution. The second resolution was intended to lay down the principle which was to guide them with regard to the first; and the third was intended to guide them with regard to the second of those objects. Having laid down these two principles of action with regard to the subjects they had to discuss, the fourth resolution was intended to move them as a body into committee for the purpose of giving effect to those principles they had laid down in reference to those two subjects with which they had to deal; and if the results of the deliberation of the committee should end in presenting to the conference as a whole a conclusive result on those two points, the fifth resolution was to lay down a mode by which a portion of that result must be carried into effect. Having thus arrived at the completion of their labours, the sixth resolution was intended to pledge them all to use their best endeavours to give practical effect to the result of their labours, and the object of the seventh was to point out the means by which that practical effect was to be given to their exertions. In discussing these resolutions he should endeavour, as far as possible, to exclude from consideration all that had been said and written outside upon the subject they had now to discuss, for he was convinced that much had been said which would have been better not said, and much had been written which it would have been better had it never been placed on record; and that all that was really pertinent to the subject would be re-produced in this Conference in the course of the debate, by those who took part in the discussion. He would now apply himself to the first resolution. The general object of their meeting was, that by united consideration the members of the different dioceses might arrive at a satisfactory conclusion upon matters which they had been more or less separately discussing for a great length of time. In 1858, when the question of Synodical action was first actively brought forward for discussion, the diocese of Sydney taking the initiative (but communicating freely with the diocese of Newcastle as represented by its Bishop) ventured to draw up a bill, which was intended to carry out with regard to the whole Church very much the same objects that were embraced in this resolution. But the Conference which met in November of that year, resulted in a bill having reference entirely to the diocese of Sydney. A provision however, was made by a vote taken at the Conference, that such communication should take place with the diocese of Newcastle as might enable the bill to be restored to its original form. Such communication did take place and the bill was restored to its original form. He referred to this to show that the united action of the two dioceses was considered desirable in reference to such a bill. It became necessary in 1865 again to enter upon the consideration of this subject, and again the Sydney diocese had no intention to isolate itself for the purpose of single diocesan action. It was anxious that a line of conduct similar to that proposed in 1858 might be possible in 1865, but that was found not able to be carried out. One of the last propositions made by those who had charge of the bill of 1865 was that a committee of the diocese of Newcastle should meet and confer with the committee of the Sydney Conference, and in like manner a committee of the diocese of Goulburn, but that apparently could not be done. It seemed better to the neighbouring dioceses to ask the Metropolitan to call a general Conference, and they were now here representing the three dioceses for the purpose of taking united counsel and action in reference to this matter. The only good which could result from such a meeting was that which might be accomplished by united action. They would do no good if they split themselves into parties. To do good they must endeavour to merge all unimportant distinctions, and unite together in such a way as would convince the world outside that they were in earnest in the endeavour to carry out the two objects they had in view. He concluded by moving the resolution.

The Very Rev. the DEAN OF SYDNEY seconded the motion.

MR. C. CAMPBELL said he was almost ashamed to trouble the Conference with a little hypercriticism, but he would much rather see such words as the "management of the affairs of the Church," than the "good government of the Church." They were not like the Wesleyans, or any other body of dissenters, about to establish a new church; they were a portion of that ancient branch of the Catholic Church which had been known for nearly two thousand years, and he should not like it to go forth to the world that they were in search of "good government."

MR. THOMAS moved, by way of amendment, that the word "recognition" be omitted, and the words, "if any," be inserted in its place. To retain the word "recognition," would be to anticipate the third resolution.

MR. DOCKER desired to move an amendment in a preceding portion of the resolution. This was simply a declaratory resolution, and ought not to contain anything which would lead to debate. Hence the retention of the words "legislative sanction" was objectionable. He would move the omission of "sanction or." Perhaps the most important subject on which the Conference was likely to differ, would be that in reference to an application for legislative sanction for their proceedings. The allusion of the learned gentleman who moved the resolution to the course taken in regard to the bill of 1858 was hardly applicable to their present position, because the decision of the Privy Council had not then been given. If they were really members of the Church of England and Ireland, the objection to proceeding without the sanction of the head of the Church was a perfectly valid one.

MR. C. CAMPBELL: Who is the head of the Church.

MR. DOCKER: The Sovereign.

MR. C. CAMPBELL: Not by law.

The PRESIDENT: Order! order!

MR. DOCKER concluded by moving the omission of the words "sanction or."

Captain BOLTON thought the mover of the resolution commenced his address by something analogous to a lecture. Had those remarks come from his Lordship he would have received them as he ought, with thankfulness; but he did not so receive them from the gentleman who moved the resolution, and more particularly as that gentleman violated the rule he himself laid down. He desired to

avail himself of that which had been said and written, and profit by that which was good. He did not desire legislative sanction to anything connected with their doctrine, discipline, or worship. At first he thought legislative sanction would be necessary, but he had changed his opinion, Therefore he desired to be cautious lest he might support a resolution implying something like the necessity for legislative sanction, otherwise than in regard to the temporalities of the Church.

The BISHOP OF NEWCASTLE asked the mover of the amendment last proposed, whether it would not be better to retain the words, and insert after "recognition," the words "if any?"

After some further conversation, the words proposed by Mr. Thomas were added, and the resolution as amended was agreed to unanimously.

Mr. A. GORDON said, that after some conversation with the Bishop of Newcastle, who had suggested a form of words in the second resolution whereby unnecessary discussion might be avoided, and which form of words appeared sufficient for all purposes intended by the resolution, he begged to submit it in the following altered shape:—"That any determination at which this Conference may arrive in reference to such form of constitution must be based on a recognition of the right of each diocese to manage its own affairs, so far as laid down by the constitutions already passed for that purpose by any of the dioceses now meeting in Conference, and must also give full effect to those constitutions." Here the reference to the right of each diocese to manage its own affairs was but the repetition of what must be regarded as an almost self evident truth, and the resolution therefore scarcely admitted of difference of opinion. But it also affirmed that whatever the Conference did should give full effect to the Diocesan Constitutions; and here again the same reason existed, and it would be very strange if while affirming this we endeavoured to override anything done, and which must be assumed to have been properly done in our several dioceses. There seemed no doubt as to the exercise of the right of dioceses to manage their affairs having preceded in an early period of the Church the authority of provincial or general synods. Some of our dioceses then having formed constitutions for themselves, could not be presumed to have transgressed, and we could not fail to recognise them on the present occasion. In a quotation from the work of Mr. Stephens (cited before the select committee on the Synods Bill), it was stated that provincial synods were bound to carry out their constitutions with a regard to the constitutions of diocesan synods; and the author showed the complete right diocesan synods had to manage their own affairs. It could not, therefore, be supposed, that our three dioceses had gone beyond their powers when they framed constitutions for themselves, and we ought to recognise that right as a principle in our present action, and also to recognise the duty of giving effect to those constitutions.

The Rev. CANON ALLWOOD seconded the resolution.

Mr. DOCKER did not rise to oppose the resolution as amended, but desired to elicit some explanation from the learned mover with regard to its bearing upon the fourth resolution, if it were carried. It appeared that the effect if the present resolution would be to recognise the various constitutions adopted by the respective dioceses, whereas by the fourth resolution it was proposed that this Conference should draw up a form of constitution for "the good government of the Church in this colony." Was this to harmonise the three diocesan constitutions, or to frame a constitution which should override them all? Again, he could not understand why the two bills—that of the Sydney diocese, and that of the Goulburn diocese—were to be taken into consideration, and not the bill of the Newcastle diocese.

Mr. GORDON explained that the resolution was to protect those constitutions that had already been adopted, against their being overridden by any action of the committee which it was proposed to appoint to draw up a constitution. The second resolution would guide the conference in committee in dealing with the matter. It would be their bounden duty whatever form they might give to their constitution, not to impinge upon or effect the constitutions of the different dioceses. They might agree upon amalgamating them, or, if not, putting them in a more extended form. The only thing was to take care that the work already done by the dioceses be not overridden by the action of this Conference in drawing up the constitution proposed. With regard to the fifth resolution, and the omission of any reference to other than the bills of the Sydney and Goulburn dioceses, he might explain that there was no bill of the diocese of Newcastle.

The BISHOP OF NEWCASTLE said there was one verbal alteration he desired to propose. He moved that the words "must be based on a recognition of the inherent right of each diocese" be omitted, and these words inserted, "shall secure to each diocese the right," He did not believe each diocese had the right to manage its own affairs. With regard to every society in which different members unite in one body, it was by far the wisest course that the one body should lay down principles of control rather than that separate members of the body should exercise a right to draw up their own constitutions, and then endeavour to meet in some perhaps impracticable bond of union. It might be possible to comprise in some bill what had been adopted in the constitutions of the several dioceses, but it was necessary to be careful not to lay down a principle in attempting to carry out which they might be called upon when forming a constitution for the whole Church to deal with conflicting views by different dioceses. He was anxious that what had been done by the respective dioceses should be secured in one general constitution, which he trusted would shortly be drawn up with the sanction of this Conference. By the simple alteration he proposed, they would secure the right it was intended by the original motion to protect. The resolution amended as he proposed would read thus: "That any determination at which this Conference may arrive in reference to such form of constitution shall secure to each diocese the right to manage its own affairs, so far as laid down in the constitutions already passed for that purpose by any of the dioceses now meeting in Conference, and also give full effect to those constitutions." That would secure to the different dioceses the embodying of their several constitutions in the one which was to unite the whole Church together without pledging themselves to a principle in which he certainly did not agree.

The Rev. J. F. R. WHINFIELD seconded the proposed amendment.

The Rev. W. STACK suggested that the latter part of the resolution was awkwardly worded, making it doubtful what was to "give full effect to those constitutions." The only nominative was "any determination" at which the Conference might arrive.

The Rev. F. A. C. LILLINGSTON was very sorry that the grand principle for which many contended was withdrawn by the amendment proposed by the Bishop of Newcastle. It was a matter of importance that we should not ignore that principle, which, however, in the amendment was so far put out of the way, that we obtained only as a matter of grace that which we were entitled to as a matter of principle. He did not think it would be wise, in the view of the present, or for the good of future, generations, now to give up this principle calmly and quietly. Cases might hereafter arise for a change or alteration of Diocesan Constitutions; and if the principle was ignored, or only imperfectly declared, the Provincial Synod might come down upon the Diocesan Synod and stifle its action. As a sensible precaution, the principle should be asserted, and the proposed amendment be rejected.

Mr. C. CAMPBELL regretted that he should be compelled to oppose the amendment of the Right Rev. Prelate. If we were to give up the recognition of the right of each Diocese to manage its own affairs, we might imperceptibly be led to a recognition of the right of the Provincial Synod to dictate in matters of faith as well as in temporal matters.

The BISHOP of GOULBURN said that he rose with some reluctance to express an opinion adverse to the amendment proposed by his right reverend brother; but he was unwilling to admit the introduction of a new principle with regard to the relative powers of Provincial and of Diocesan Synods. His conviction was strong, founded upon the history of Synods in past times, that every Diocesan Synod had a right to manage its own affairs, and that it did not derive this right from any Provincial Synod. If any authority on this point, acknowledged and recognised by the Church at home could be adduced, he should accept it as confirming his recollection of Synods in past times. Such an authority was provided in the Preface to the last editions of Dr. Burn's work on Ecclesiastical LAW, where this passage would be found: "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.*" His right reverend brother had objected to this principle, but had given no reason why we should depart from it. It appeared thus that history and authority were opposed to the new theory. For these reasons, therefore, he must oppose the amendment, and he trusted that the resolution would be accepted as previously submitted.

Mr. W. D. CAMPBELL questioned the right of this Conference to withhold from Diocesan Synods the right of managing their own affairs, and pointed out that it was proposed to confer a power which some might say was not otherwise possessed by a separate Diocese. All that we required was that the right we claimed to possess should be recognised to the fullest extent in constitutions for future guidance. It was proposed now to restrict the principle, and only recognise the constitutions so far as they were laid down by the Dioceses, thus withholding the recognition of the right to future action. He therefore objected to both the proposed amendments.

Mr. GORDON explaned that he, in order to

secure unanimity, had proposed an amendment of the resolution on the suggestion of the Bishop of Newcastle, he was therefore very much surprised that his right rev. friend should afterwards move another amendment.

The Bishop of NEWCASTLE had understood that the learned Chancellor of the diocese of Sydney was not prepared to agree to the amendment he (the Bishop of Newcastle) had proposed, and he therefore considered that the proposal of this amendment was left perfectly at his option.

The PRESIDENT could see no objection to the proposal of such an amendment as that offered by the Bishop of Newcastle, his (the President's) wish being that the fullest possible discussion of the subject should take place; and he thought they had clearly derived some advantage from the proposition. He himself had learned from the Bishop of Goulburn one of the strongest testimonies he had heard of the inherent right of each diocese to manage its own affairs.

The Rev. T. DRUITT asked if the amendment did not restrict the right of the diocese to alter their constitutions.

The BISHOP OF GOULBURN read a passage from the Newcastle Constitution which declared that the "Diocesan 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 regulating of its affairs within the diocese." This was evidently the principle adopted by the Diocese of Newcastle. He was therefore at a loss to understand upon what grounds the representatives from the North now advocate an arrangement of an opposite character.

Captain BOLTON was led to the conclusion that each diocese had an undoubted right to manage its own affairs, but in the event of a general synod being established in the country, it would have a higher power of control, as it would be a collective body. Therefore he had some difficulty in giving his support to the first proposed amendment as it was to give full effect to the constitutions of the several dioceses. He could not see how it could carry out discordant elements in the different constitutions. It was most desirable that we should be one united Church in forms of worship and discipline in every part of the colony. Holding these views he did not clearly see that the result of the resolution as proposed to be amended would be satisfactory. Unless further light was thrown upon the matter, he could not vote for one amendment or the other.

The Rev. W. STACK said it occurred to him that the Bishop of Newcastle desired to avoid the unnecessary assertion in this resolution of a principle to which some members could not agree. With regard to the quotation read by the Bishop of Goulburn, it appeared very strange that an eminent writer like Burns. who was an authority on ecclesiastical law, should deem it necessary to state what was admitted as undoubted—the power of a Bishop to govern in his own diocese executively.

Mr. DOCKER said that the amendment of the Bishop of Newcastle did not affect the question as to the supposed inherent right of each diocese to manage its own affairs. If that right existed the expression of any opinion on the part of the conference would not affect that right, and if the right did not exist the conference certainly had no power to confer such a right.

The amendment of the Bishop of Newcastle was then put and negatived, the votes of the clergy being five for, and six against it.

Mr. DOCKER, as a matter of order, said he believed that the votes of the laity also ought to be taken.

The PRESIDENT thought that according to the standing orders the amendment of the Bishop of Newcastle would be found to be lost, inasmuch as the vote of one of the "orders" was against it.

It still appearing, however, to be the opinion of several members that the votes of the laity ought also to be taken, the votes of the laity were then called for. They were three for the Bishop of Newcastle's amendment, and eight against it.

Captain BOLTON called for the votes of the third order—that of the Bishops.

The Bishop of Newcastle voted for his amendment, and the Bishop of Goulburn against it. The Bishop of Sydney also voted against the amendment, which was thus finally disposed of.

The Rev. W. E. WHITE objected to the latitude of the words in the amended resolution—as proposed for adoption by the Conference that each diocese should "manage its own affairs." The form of the expression was too vague, and might be taken as a sanction for a departure from some essential forms and doctrines of the Church. What guarantee was there that any one of the Dioceses in this colony should not alter the standards of faith? He did not see how the Church here was to be a permanently united body if such an undesirable system of diocesan separation as appeared to be contemplated were to be allowed. He should feel himself bound to vote against the resolution.

The BISHOP OF GOULBURN regretted that the rev. gentlemen who had just addressed the Conference should have imagined the possibility of such a case. In the draft constitution of the diocese of Newcastle, the expression "regulation of its affairs" was also found. The definition of the word "affairs" might have been sought at the late Conference at Morpeth and not on the present occasion, when we claim no right of altering the constitutions of the several dioceses. And with regard to the other grave topic, it ought to be known that in the diocesan constitutions of Sydney and Goulburn it was distinctly declared that nothing was to be done or agreed upon at variance with the doctrine, discipline, and formularies of the Church of England. The draft constitution for the *Diocesan* Synod of Newcastle did not contain such a special provision. The possibility of such a departure from the standard of faith cannot therefore refer to the Dioceses of Sydney and Goulburn.

Captain BOLTON could not think that the Bishop of Goulburn had done strict justice to the reverend delegate from the Diocese of Newcastle, to whom he had referred. That gentlemen had not spoken until he had in vain attempted to obtain from the Chancellor of the Sydney Diocese a statement as to what was the meaning of the word "affairs"—as here used. He could not but notice that the Chancellor of the Sydney Diocese had completely evaded giving a direct answer. The fact of that having been done would make him rather careful in committing himself to the resolution.

The Rev. THOMAS DRUITT defended the use of the word "affairs." What did "affairs" mean? Why — business. It simply meant that every diocese should mind its own business; that it should concern itself in the providing of salaries for clergy, and so forth, and that in doing this, it should not interfere with the business of any other diocese.

Mr. CHARLES CAMPBELL followed on the same side, pointing out that the word "affairs" had a strict reference to the temporal affairs of the Church. The discussion of any matter of faith or discipline was, by the constitutions of the Sydney and Goulburn Dioceses, expressly excluded. He thought that they would be unwise if they turned their attention to any idea of having to found a new Church in this colony. They were all there as members of the Church of England—not as members of the Church of New South Wales. He did not concur in the views of Bishop Selwyn on this subject, although he highly appreciated and honoured the missionary labours of that noble prelate, and those who were associated with him.

Mr. DOCKER could not allow the discussion to close without a few remarks in reference to some of the observations which had been made by the Bishop of Goulburn, That prelate had been mistaken in supposing that the diocese of Newcastle had not specially provided by its constitutions that there should be no variance from the standards and formularies of the Church of England. The 25th clause of the draft constitution which had been there prepared for the *provincial* synod proved this. [Mr. Docker read the clause he referred to *in extenso* in proof of what he stated, and added that the diocese of Newcastle had in his opinion provided more fully against the possibility of any change of the kind deprecated than any other diocese.]

The BISHOP OF GOULBURN said that the Diocese of Newcastle had no power to frame a constitution for the Provincial Synod, and there was no such express clause in the constitution agreed upon for the *diocesan* synod. His remarks, however, were intended solely as a reply to Mr. White's apprehensions.

The BISHOP OF NEWCASTLE pointed out that in the draft constitution for the provincial synod, as proposed by the Conference at Newcastle, provision against any such alteration was specially provided for.

The PRESIDENT did not share in the apprehensions and doubts which had arisen in the mind of the Rev. Mr. White. In the Province of Canada no such danger as now feared had arisen. The Church there was in a flourishing condition.

Mr. H. A. THOMAS thought that the members of the Synod of Newcastle had not been clearly understood. The members had been most anxious at that meeting of the clergy and laity that nothing should be said or done which could give offence to Churchmen in other dioceses.

The second resolution was then put to the Conference in the following form:—"That any determination at which this Conference may arrive in reference to such form of constitution must be based on a recognition of the right of each diocese to manage its own affairs, so far as laid down by the constitutions already passed for that purpose by any of the dioceses now meeting in Conference, and must also give full effect to those constitutions."

The resolution was carried by the following votes:—Clerical: Seven for, and two against. Lay: Nine for, and two against.

The Bishops did not vote.

The Conference then adjourned at a quarter-past 6 until half-past 7.

Mr. Gordon proposed the next resolution. (3.) "That it is desirable to apply to the Legislature for such sanction or recognition of the constitution so to be determined upon as will secure its practical working, and, in particular, will make subject to it all property devoted to the support of the Church in this colony, and which is not affected by any express trust." From the previous discussion, he knew that this resolution was regarded as one of great consequence, and it would be, therefore, necessary for him to trespass at some length on the time of the Conference. The resolution embraced three propositions. The first was that legislative sanction of some kind was necessary. In regard to that his argument would be based on these fundamental propositions—namely, that the Church of England in this colony must be regarded as a voluntary association; that all the difficulties and necessities which would surround a voluntary association for any other purpose with regard to managing its own affairs, or the disposal of its property, or the binding of its members, equally obtained with regard to it; and that it had a full right to meet and lay down rules by which it might desire its members to be bound. Now, did they want legislative sanction or recognition? In answer to this he could only refer to other dioceses which had got legislative sanction or recognition. It was so in the case of the dioceses of Melbourne, Adelaide, Tasmania, New Zealand, Canada, and Nova Scotia. *Prima facie* then, there did seem to be some connection between diocesan action and Legislation. There was one diocese (Natal) which had not got from the Legislature what these others had received, and the action of that diocese was not the most inviting for them to follow. The argument derived from this state of things was strengthened when they recollected that some of these dioceses had held different opinions on the subject. He here quoted an extract from the speech of the Bishop of Adelaide, delivered during the third session of his synod, and another from the abstract of a speech of the Bishop of Tasmania. He maintained that the opinions contained in those quotations bore out the facts of the case which appeared before them—that legislative sanction of some kind or other was requisite to give practical efficiency to constitutions which they all agreed they had the inherent power to make. It had been said that they were in a different position now to that which they occupied before, in consequence of the recent decision of the Privy Council. He maintained, however, that the decision of the Privy Council in the case of Long and the Bishop of Cape Town, if it did anything at all, shewed how much more necessary it was to have some recognition in the same way that these dioceses had of the acts of a voluntary body. He believed that at this time the Bishop and clergy of the Church of England in a colony could not meet in synod in the strict sense of the term, without the assent of the Crown, and therefore that it was necessary to obtain legislative recognition. They might treat the Church of England in a colony as a voluntary body capable of a certain line of action, and thus the affairs of the Church might be dwelt with so long as they did not expose themselves to any legal difficulty; but for anything beyond this they must appeal to the Legislature. He had inserted in the resolution the words "sanction or recognition" from a feeling that probably there were persons who felt that there was a distinction between them for the practical purpose with which they now had to deal, but he confessed he could not see any such distinction. Much was spoken during the discussion in 1858 about a consensual compact. It was now said that we should not go to the Legislature to make the constitution practically efficient, but that they should get Legislative sanction or recognition to the consensual compact—but that it appeared to him would be a clumsy proceeding. He would ask, however, why they should not get the necessary recognition or sanction more directly. It had been observed that an excellent example to the Church of England in this colony had been set by certain other bodies—that the Wesleyans had worked by means of consensual compact with Legislative sanction; that the Presbyterians did the same, and that the Church of England in New Zealand did the same—*ergo* the Church of England in New South Wales should do likewise. Now let us see the worth of these several propositions. It was a complete misnomer to talk of consensual compact with regard to the Wesleyans, John Wesley framed the constitution and arrangement as he liked. He was forming a new body and by an instrument under his own hand and seal he made what was in fact the constitution of the Wesleyan body, and every outsider who wanted to become a Wesleyan or to form a Wesleyan chapel adhered to Wesley's "model deed." Our only right to legislate was by the adoption of some constitution, something binding, so that we could say we represented all and every of the members of the Church of England not present. That was where the consensual compact was admitted to be weak. Legislative sanction came in to the aid of the Wesleyan body under a recognition of their constitution in the shape of a model deed; and if it was preferred to give our constitution the same shape, it might be converted into it in half-an-hour, so as to have the same practical effect as if sanctioned in the plain form we proposed to give it; but the position of the Wesleyans and Presbyterians had little to do with the work we had to carry out, except as showing us that, having formed constitutions for ourselves, we were entitled to exercise the right we possessed, like them, of asking the Legislature for certain powers to give effect to those constitutions. The course of Church legislation in New Zealand had only gone to deal with the trusteeship of lands, and the Synod there had no further power or control than the Bishop of New Zealand had when he retained the trusteeship of the property. Thus the constitution of the Church in New Zealand had been called consensual compact with legislative recognition—that recognition being nothing more than that certain persons appointed by a body which the Legislature so far recognised as to call the Synod of the Church of England in New Zealand, might hold property under religious, educational, and charitable trusts, which just enabled them to pass the property on to a succession of trustees, who in the management of the property were fettered with all the provisions of the original trust. It was a perfect mockery to tell us that there was anything in the New Zealand Constitution for us to follow. He had endeavoured thus far to lay before the Conference the basis of a fair, free, and open discussion with regard to these propositions. There was everything to induce us to ask for some Legislative sanction and recognition to the constitution itself, and we should discard the worn-out idea of consensual compact, which had failed, and ever would fail—whereever it had been tried. Consensuality could be nothing more than an agreement, but the words were spun together over and over again to general confusion. The constitutions themselves were the agreement with regard to those who drew them up, and to those who, by representation, might be fitly and legally held to be bound by them. Practical working was the great requisite. On the grounds he had put forth, he ventured to propose the resolution. It was perfectly impossible to anticipate all grounds of argument that might be adopted on the other side of the question, but it was possible he might have an opportunity of replying.

Mr. A. Stuart seconded the motion.

On the motion of the Rev. Mr. Druitt, seconded by the Rev. Mr. Sowerby, the debate was adjourned until the next day, and the Conference, at a quarter-past 9, adjourned until 3 p.m. on Friday.

Third Day.—Friday, April 13.

The Conference met pursuant to adjournment, the President taking the chair at five minutes past three.

After prayer, the minutes of the previous day's proceedings were read and confirmed.

LEGISLATIVE SANCTION OR RECOGNITION OF CONSTITUTION.

The debate was resumed upon the following resolution, moved by Mr. Gordon,—"3. That it is desirable to apply to the Legislature for such sanction or recognition of the constitution so to be determined upon as will secure its practical working, and in particular will make subject to it all property devoted to the support of the Church in this colony, and which is not affected by any express trust." Mr. Gordon made an explanation (in reply to an inquiry by the Rev. T. Druitt), in support of the statement that the position of the Church in seeking Legislative sanction for its constitution in some respects resembled that of a public company applying for incorporation.

The Rev. W. Stack said he had never felt greater difficulty than now in preserving the tone of feeling he would always wish to animate him. His own firm impression was that the real question at issue was now—whether they were to have a Synod or not? He listened attentively to the speech of the Chancellor of this Diocese yesterday evening, It was a notable fact, as stated by that learned gentleman, that whereas there were synods in all the surrounding colonies, in this colony there was none. He did not distinctly hear the learned Chancellor's speech, but the impression conveyed to his mind from the portions which did reach him was confirmed by the report of the proceedings which he had read in one of the daily papers. The learned Chancellor seemed to have a great contempt for a consensual compact. If he used the term once he must have uttered it in varying tones of contempt five hundred times—Well, he was told two hundred—and a voice: "Not one hundred"). The object of the learned Chancellor, at any rate, evidently was to make them understand that consensual compact was not worth anything, and that although they might begin with consensual compact, they must go to law for the true strength of the Synod, just as he had heard homœpathic practitioners say—when a cure had been accomplished by allopathic doctors—it was because a little homœpathic medicine had been concealed somewhere in the dose. (Laughter.) There was a strange inconsistency between that argument and the argument afterwards urged by the learned Chancellor, when speaking of the state of synodical law in New Zealand.

It evidently was his purpose to convince the Conference that the whole series of Acts connected with the Church of England in New Zealand were not worth the paper on which they were written. He (Mr. Stack) knew very little about the Church of England in New Zealand, and who framed those Acts, but knowing the almost world-wide respect entertained for the Bishop of that diocese, and understanding that there had been associated with him men of the greatest eminence in the law, he must say that such a statement coming from the Chancellor of this Diocese somewhat surprised him. Assuming, however, that the learned Chancellor had proved his point, it only amounted to this, that the Church of England in New Zealand had nothing but consensual compact to rely on. He would now ask had they heard of any difficulty arising in New Zealand in consequence of this state of things? There had been, it is true, some little complication between the Synod of Christchurch and the central synod, but that was not in any way connected with the consensual compact. The learned Chancellor gave them an abundance of opinions, but he did not condescend to give them one single fact. It occurred to him that a homely proverb would answer every thing the learned Chancellor had said—"the proof of the pudding is in the eating." A great many years ago the learned Chancellor was appointed chief cook of this diocese, but they had not had their pudding yet, whereas othor diocoses had had their pudding, and seemed to have relished it very much. As to the case of Long and the Bishop of Cape Town, he thought that if the Bishop had acted with common moderation he would not have encountered the serious difficulties in which he became involved. A difficulty which occurred in the diocese of Adelaide had been also referred to in relation to one who it was alleged had signed a consensual compact, and afterwards set at defiance the Synod and all persons connected with it. But it turned out that this gentleman had not signed the compact, and, therefore, that case did not apply. He now turned from the state of things in other dioceses to the consideration of their own condition. The learned Chancellor referred to the year 1858 as the commencement of the Synodical movement in this diocese. That was, no doubt, the commencement so far as the learned gentleman was connected with it; but it was a very strange coincidence that in this very month and almost on this very day of the month in the year 1852 or 1853, the late Bishop of Sydney was actually presiding over a Conference of the clergy of his Church which took this synodical question into consideration. Since then two other Conferences had been called, and from both there had issued Synod bills, which as long as they remained in the room and were viewed only by persons under the influence of the eloquence of the learned Chancellor and other members of the Conference, seemed valuable papers, but which as soon as they got outside and came into the clear air and were subject to the shifting winds of opinion, proved to be mere bubbles. The learned Chancellor said something yesterday about becoming wise by experience. He (Mr. Stack) thought it was high time, now that they had been blowing bubbles for fourteen years, to see if they could not devise some other means of accomplishing their object. While so little had been done by them towards giving something like shape and form to the organisation of their Church the world around them had not been quite standing still. Events had occurred which made synodical action more requisite than when this matter was first considered. Not very long ago a bill was passed to abolish State-aid to the Church. It was passed, he thought, by a majority of one in each House. Now if there had been any proper organisation for the Church—if they had possessed the power of bringing the general resources and influence of the Church to bear on public opinion, the chances were that that bill would never have passed. (Hear, hear.) The passing of that measure entirely altered their whole Church system, and immediately after it became law he well remembered a gentlemen of high standing in this diocese urged upon the Church the absolute necessity of engaging at once in some plan for the organisation of parishes. Other events were occurring at the same time, and he would refer to one in which the clergy took a deep interest. In the last year, as he ascertained from the Report of the Registrar-General, in this city the Presbyterian clergymen celebrated four marriages to their (Church of England) one. That arose in some degree, if not wholly from, a misarrangement on their part, which ought to be corrected without loss of time. It was his earnest hope that the members of this Conference representing the three dioceses would not separate until they had taken such measures as would provide a salary for Mr. James, the Bishop's secretary, so as to enable them to put an end to the licensing system in regard to marriages. Things had happened in connection with the trust deeds which shewed the necessity of looking into the trusts. It was high time, too, that thay revised the Church Temporalities Act. At present there was no kind of disability resting upon the Church, and he did not see any reason why they should not meet together in a Church assembly of some kind. It would, no doubt, be said in reply, that there was nothing to prevent their meeting, but that after they had met and deliberated they could not render their determinations effective without an application to the Legislature. He deeply regretted that in previous discussions on this subject he had been unable to bring the matter to some statement of principles, but the gentlemen who debated with them knew the importance of vague arguments. He was anxious, however, to bring the question to what he conceived to be the proper ground of debate, and he would, therefore, state the following analysis of his opinions on the subject. First, he believed that there were some matters, they must strive to settle, and for the settlement of which they need no coercive powers at all; indeed, in reference to some of which if would be utter madness to think of coercion. Second, he believed that there were some matters, such as questions connected with Church discipline, for which they might find all the coercive power they needed, and in a very manageable form in the consensual compact system. Third, in regard to cases connected with the property of the Church and with its temporalities, they would have that legal force which they needed in its best form by having it through Parliament direct, and not through the Synod. In illustration of his first proposition he referred to parochial organisation. What power had they to compel parochial organisation? They might bind the officers, but as to binding a parish or forcing an organisation upon it, they could never accomplish it, and the attempt to obtain legislation for such a purpose would do infinite mischief. He had always thought that in the organisation of a parish there should be some arrangement with regard to patronage. He had presumed that the intention would be to give up a portion of patronage to those who joined in the organisation, and that it would be perfectly optional whether they joined or not. In reference to the second of his propositions, the rev. gentleman referred first to some observations made yesterday by the learned Chancellor of this diocese, who, in speaking of the decision of the Judicial Committee of the Privy Council in the case of the Bishop of Cape Town, gave them to understand that it was a mistake to suppose that any great light had been thrown on the subject of synodical action by that decision. He (Mr. Stack), however, found in that decision things which gave him a great deal of light he never possessed before, and if it was possessed by the learned Chancellor years ago, he thought that gentleman not a little to blame that he did not let the members of the Church know it. It was a remarkable circumstance that the Rev. Canon Allwood, eight years before, in a lecture delivered in this city, gave expression to those particular principles with regard to the colonial Church that had excited such wonder and almost consternation, since the publication of this opinion of the Judicial Committee of the Privy Council in the case of Bishop Colenso. He could not help thinking that there was a great deal of importance in that passage of the decision in the case of the Bishop of Cape Town and Long, which related to the consensual compact system arming the Church with such coercive powers as she needed for the purpose of discipline. [Quotation read.] It was a remarkable fact that a case occurred in Tasmania, not very long ago, where the parties concerned were members of the Presbyterian body, and in the Court this very passage was referred to. It appeared that they had power to form, not Courts, but such tribunals as they required, and to bring persons who were in any way offenders before those tribunals for trial; that they had power to sentence them, and have such sentences supported by the civil power of the country. He thought a decision of that kind went very far indeed. The parties bound would be those who signed the consensual compact, and he now begged leave to ask again a question he proposed at a previous Conference. If a lawyer has a case in court for the recovery of a debt, would he wish to have his evidence with regard to that debt in a more satisfactory form than in the written engagement of the party as proved by his signature attached? Would not that settle the matter immediately? Well, their consensual compact would place them under similar obligations. It had been alleged that there were persons in the Diocese who would not sign this compact. If that were the case he would simply leave them were they were, under the mild government of his Lordship. It was assumed by the Chancellor of the Sydney Diocese, and by others, that those who were opposed to the application to the Legislature for sanction to our constitutions were disposed to have no law at all; he (Mr. Stack) was not one of those, and it was difficult to see how any clergyman could make such a mistake on the subject. There was a necessity for altering the Church Temporalities Act and it might be for some extension of its provisions. The right rev. the President, on the opening of the last Conference, said "they who hold the purse, and say who shall share its contents have a power which leaves nothing to desire," and when the present Conference was opened he further said "It is of little moment whether this end (the making of a Synod effective) is secured by a Synod Bill or a Trust Act." The real strain was in connexion with the property. Attempting to imagine the future power of the Church in

this colony, it appeared to him very plain that if the Bishop, in their behalf, had the entire control over property, we should have all the power we could possibly possess for dealing with offending clergymen. If a clergyman chose to go away from the compact, and his parishioners still chose to afford him voluntary support, let him go—we could not interfere, nor could we stop payments he might receive from a sustentation or similar fund, but if you expelled him from the Church, you did all. Then he was utterly unable to see what law was wanted except with regard to the temporalities of the Church. It was a noticeable fact that the Synod Bills framed lately would not have done that without which legislation would have been useless—it would not have given the power to touch the property of the Church. By a perusal of the evidence taken before the select committee it would be seen that Mr. Barker was of opinion that the Bill would not effect the temporalities of the Church except as giving power to call parties to account. In point of fact, it was only the property not held under the Church Temporalities Act that would come under the control of the Synod.

The Rev. F. A. C. LILLINGSTON said it was no very great discovery that a Synods Bill would not touch any Church property that was affected by the Temporalities Act. The rev. gentleman who last spoke would find in that statute a clause providing that it was not to affect express trusts. No doubt we required a Synod, and all would be pleased to get one; but he would ask who was it had kept them from having one: was it not the opposition of those who were now crying out for the importance of a Synod, which had prevented our having a real Synod by this time. The question was, what should be its character, whether formed only upon consensual compact or recognised by legislation? It was said, somewhat complainingly, why had we not obtained a Synod before? And the answer must have some force, for it was, because those who opposed it now were the gentlemen who opposed it from the beginning. A consensual compact would be very good if all were perfect, free from human passions and party prejudices and feelings. It would then be sufficient. But that Utopia had not arrived. At present we required some means by which those nominally belonging to our Church, members of its communion, should, if they took offices in that Church, be coerced, to carry them out with fidelity to their trusts. It was said, let those go free who would not join the Synod. [Mr. Stack explained that he meant, let them remain as before.] We should then emphatically and really establish two Churches, one under the Bishop, the other under the Synod. Instead of this, we should seek for union, and he desired to see a Synod in which all should be truly and practically united. It must be with pain that every well-wisher of the Church perceived the inefficiency of power to enforce discipline. He would carry that discipline not only to clerical but to lay officers, and compel all those holding trusts to subscribe to the Articles of the Church of England. They should continue to hold property which they held by virtue of obedience to the canons of the Church only so long as that obedience was given. What we now required was that the Parliament should assist us to carry out the resolutions we agreed to as affecting ourselves.

Mr. C. CAMPBELL, adverting to remarks by Mr. Stack, with regard to marriages, said the matter of complaint must not be laid to the charge of the heads of the Church. It was attributable to the imprudence and folly with which the statutes of our legislature had been distinguished. Had they adopted the Marriage Act of England, this difficulty could not have existed, for while it afforded the most scrupulous consciences all that could be required, it prevented the sacred rite from being performed at unseasonable hours and under circumstances that appeared frequently of a clandestine character.

Rev. W. STACK explained that he had refrained from entering at any length into this subject, and he would not have adverted to it except from a consciousness that whilst as members of the Church of England they were bound to regard the sanctity of the rite, many of those belonging to the communion, whom there would be no hesitation in uniting, went elsewhere to receive the marriage tie.

Mr. CAMPBELL continuing, said he would leave the matter to be dealt with by the mover of the resolution in his reply. There seemed to be, he said, an idea that there was some hidden treasure which, through a union by consensual compact, or by statute or synod would be got at. Those who thought so must be under some delusion. The great object of the Chancellor of the Sydney diocese was to state the objections that might be urged to the necessity of an Act of the Legislature, based on the assumption that the Church of England was in a British colony a voluntary association. His (Mr. Campbell's) belief was that the Church of England, in a British colony, was not simply a voluntary association in the ordinary sense of the word. The Church Temporalities Act had relieved them from the absolute necessity for legislation, and he believed that under that Act the Bishop might work the diocese satisfactorily. But he did not think the large majority of English colonists at the present day would be thus satisfied. Self-government had, by its frequent repetition, become so much in demand, that a large proportion of the people had an ardent desire to see it introduced into the Church, and the impression was, that by calling a synod into existence, they could have a share in the government. But in the event of the death of our Bishop, his successor might refrain from calling together a synod, as there would be no obligation upon him so to do, and then there would be a great outcry against autocracy itself. The Chancellor of the Sydney Diocese in his address on moving the resolution blew the whole question of consensual compact into the air. He (Mr. Campbell) could not conceive it possible to compel Bishops one after another to govern with the aid and advice of this Synod, council, or assembly, until its action was legalised by statute. So long as we had the Church Temporalities Act the Bishop might do so by himself, but the great majority of the members of the Church would not be satisfied with the result. With regard to the appeals of the Privy Council, the results must have been foreseen, and one great advantage the colonial Church derived from connexion with the parent Church was that it possessed the right of appeal to the Supreme Council of England. Thus we were able to appeal, it might be from local prejudice or oppression, to the highest Court of appeal in Great Britian. This was one great reason why we should be most anxious so remain members of the same Church, and not erect ourselves into a separate Church. It might be said we were verging on Erastianism, but he hesitated not to say that had Erastus lived in England his doctrines would never have been put forth, nor would he have raised a resistance to the mild rule of the Bishops. His was a rebellion against the spirit of tyranny in the Churches abroad. It was true that a portion of the Press in England had taken great umbrage at what had been done by the judicial committee of the Privy Council: and were exceedingly enraptured with what had been done by the Bishops in the New Zealand Church: but those gentlemen were evidently very anxious to have a separate Church in the colony which should not be a portion of the Church of England. If the Church of England were pronounced to be a voluntary association in every British colony, they must alter the coronation the coronation service, unless they wished to see it treated as a sham. Whether they thought with the Chancellor for this diocese, that the Church of England in every British colony was a mere voluntary association, or whether they thought with him that it was a portion of the Established Church of England, he contended that they must arrive at the conclusion that an Act of the Legislature was necessary.

In reply to a question put by Mr. DOCKER.

Mr. GORDON said the body called the United Church of England and Ireland in this colony had a right like any other association of persons, call them Wesleyans, Independents, Baptists, or any other name, to meet together as the members of this Conference were meeting to-day,—to frame rules and constitutions for their own government.

The Conference re-assembled shortly after seven o'clock.

The Rev. M. B. BROWNRIGG resumed the debate. It appeared to him most desirable that they should not separate until they came to some definite conclusion in regard to the matter for which they had met. He had been very much pleased with some of the statements made by the Chancellor of the diocese of Sydney, and also with some of the observations made by the Rev. W. Stack in reply to the Chancellor's speech. Mr. Stack, in his able reply, stated that no instances had been given in support of some of the statements made by the Chancellor of the diocese; and that to some extent was true, inasmuch as there had not been any real strain to test such synodical action. In reference to the suggestion of a consensual compact, he thought there was but little use in meeting and passing rules if those might be set aside or disobeyed by any refractory clergyman. For himself he thought that unless they had the power given to them to enforce their rules there was but little use in passing them. They did not expect that every member of the Church in every parish would come to see exactly as they saw, and become bound by the Synod. They could only bind the clergy. It had been said by the Chancellor of the diocese that they might begin with a consensual compact, but that in all probability they would have to end with law. He could see no objection to an application being made to Parliament to grant the Church some such power as they required. It would be impossible to ask every member of the Church of England if he would be bound by a consensual compact; and with regard to the objection that Legislative enactment would infringe on the liberty of the subject he did not see the force of it. The Rev. W. Stack contended at the previous Conference that every honest-minded member of the Church of England would agree to a consensual compact, but he (Mr. Brownrigg) could conceive of an honest-minded man being convinced that synodical action would be useless unless it had the force

of law, and therefore he might refuse to sign the compact. What would be the result? He would probably be considered a wrong-headed man; or if he signed the compact, it would be in consequence of the pressure brought to bear upon him; and there would be therefore a greater abridgment of liberty by a consensual compact than by a legislative enactment. He should warmly support the resolution as it stood.

The Rev. W. E. WHITE said he would endeavour to answer some of the arguments brought forward by the Chancellor of the Diocese of Sydney, for although he listened to that learned gentleman with great attention he did not hear anything to cause him to alter his opinion—and they were all aware that he entirely differed from the learned gentlemen. That learned gentleman held that the Church was a voluntary body, but the Chancellor of the Diocese of Goulburn held the converse—that the Church was an established body, and not a voluntary body at all. It seemed to him that the Right Rev. Bishop of Goulburn also held the same views as his learned Chancellor in this respect.

The CHANCELLOR of the Diocese of Goulburn explained that his opinions were not so much opposed to those of the learned Chancellor of the Diocese of Sydney. He proceeded to state that every member of the Church of England, in a British colony, was in a different position to the members of any voluntary Church. The act of joining any Church was a voluntary act, and in sense the Church was a voluntary body; but in a wider sense the Church was an established body.

The Rev. W. E. WHITE resumed: He agreed with many of his brethren that some Legislative recognition was necessary, and especially in regard to the temporalities of the Church, for in that case an offending clergyman might be deprived of its temporalities. [The rev. gentleman proceeded to quote from the speech of Mr. Gordon, delivered at the previous Conference, and he expressed a belief that the whole of the gentlemen now present agreed with that learned Gentleman in his opinion as to the necessity of having some legislation in regard to their Church temporalities. In support of the same opinion the rev. gentleman quoted from the evidence given before the commitee of the Legislative Council as to the necessity of some legislative enactment.] He did not believe that the Bill approved by the Diocese of Goulburn would effect the desired end. Some discussion had taken place in reference to the words "legal sanction" and "legal recognition," and he could not quite understand how the Chancellor could put the two in juxta-position. It seemed to him that there was no object in it. He maintained that there was a great difference between the words "sanction" and "recognition." In the one case the law would merely recognise, or acknowledge the existence of a certain body, and in the other case it would give its "sanction" to all the rules of that Church. To give a legal "sanction" to their rules would, in his opinion, make them binding while the "recognition" of the Church would be merely to point out a certain body, having certain rules. It seemed to him that the Chancellor had an object putting these words in the position in which they stood. It seemed as though they were intended in some degree to mystify the matter. He hoped, however, the Conference would be guided rather by common sense then by legal technicalities. At the same time he thanked the learned Chancellor for coming down from the clouds of legal lore to put his resolution into the language of common sense. He did not think that the legal mind was the best to draw up laws for them. The rev. gentleman proceeded to discuss the peculiarities of the Presbyterian Acts, and he maintained that the whole of them were in effect but one Act. He further argued, in opposition to the opinions advanced by Mr. Gordon, that the Presbyterians were governed by consensual compact, and that the recent bill agreed to by the Church of England Conference asked for more than was conceded in the Presbyterian Acts. In these Acts a certain body was recognised, and the power over their temporalities was given to them, and he maintained that was very different to going to the Legislature and asking them to give their "sanction" to the constitutions drawn up by the late Conference. The rev. gentleman proceeded to read from the Wesleyan Act, and contended that this was altogether different to the terms of the Sydney Synod Bill. In conclusion, he argued that the course taken by the dioceses of Sydney and Goulburn was entirely different from that taken by any other body, and that if the diocese of Newcastle had ever gone with the other two he did not think the Legislature would have granted what they asked, as it would have been in a certain sense establishing the Church of England in this colony; and he thought, moreover, that if a consensual compact would inflict a moral injustice, and would be an infringement of the liberty of the subject. He should, for these reasons, oppose the resolution.

Mr. W. D. CAMPBELL expressed his approval of the resolution, but stated that he was at one time as strong an advocate for consensual compact as Mr. Stack had expressed himself to be. We asked no sanction to meet in Synod, out for a recognition that after we were so assembled we should have the power to make laws which the Legislature would enable us to carry out. We now came as a Synod, and desired the Legislature to acknowledge us as such, and give legal effect to our Acts in the same way as had been done in other Acts relating to other denominations. We were at present bound by the standards in existence, and we could not alter them without competent authority. We are prepared with our constitutions, and we asked that they might be recorded in the registration office, and power given us to carry into effect regulations made in Synod. If it was desirable to apply for Legislative sanction, and seeing that Mr. Stack did not deny the necessity for some legislation, and seeing also that there were serious doubts whether the affairs of the various dioceses could be carried into effect till we obtained that sanction, it was better to have the sanction before difficulties arose rather than afterwards. If a doubt existed, and as this sanction would do no injury, it was a strong reason why it was desirable to apply to have the doubt removed.

Mr. H. A. THOMAS maintained that they had sanction by right under the law, and that they did not require recognition, as it would be preferential and distinctive. There was no such sanction or recognition in the Presbyterion Act. In reply to remarks, that Mr. Stack and others who agreed with him had stood in the way of the establishment of a Synod, he said it so happened that most of those in the Newcastle Diocese agreed with Mr. Stack, yet they had already established a Diocesan Synod. If the Bishop could refuse to call the Synod together, he would still have that power, if Legislative sanction were obtained, to give effect to the Acts of the Synod. If we examined the Wesleyan Trust Act there would be found no such distinction or preferential recognition as that we sought for. It must be the case that if we get what they had not asked for, there would be distinction and preference. If we sought only for what a commercial or public company obtained, there would be no difficulty about the matter, as in this there would be nothing distinctive or preferential. The State would no doubt recognise the governing body of the Church of England if we could show that we were the properly constituted representative body, and it would also recognise them as trustees of all property vested for the benefit of the Church of England. His objection to this sanction, or recognition, was, that it was a preference and distinction of the Church of England over other sects, and an infringement upon their liberties. So he believed it would be considered to be in Parliament. In the second place, all subjects of the Crown had an inalienable right to meet together in associations in furtherance of the objects they had at heart, if these were not in contravention of the law of the land. How could this right be strengthened by an Act of Parliament which, if pessed one day, was liable to be repealed the next? Besides, if this right were comprised within a statute, they must recollect that no statute ever passed had been so clear and complete in its provisions as not to leave those affected by very much at the mercy of lawyers, who might differ as to its interpretation. It would be derogatory and disgraceful to the Church of England to think of going to every petty Legislature of every little colony in the Southern hemisphere, and it was a great mistake for members of the Church to fall back upon the old and cherished associations with regard to the connection of Church and State. Let it commend itself to the people by a display of energy, zeal, independence, and self-reliance, standing its ground as a forest tree, and not creeping round the trunk like a parasite. The Church then, with its purity of doctrine, its apostolic form of government, and the divine simplicity of its form of worship, might enjoy all these magnificent advantages to the fullest extent without stooping from the position it occupied, or incurring the odium of seeking legislation which he hoped would be avoided by this Conference.

Mr. BESNARD did not seek any preference for the Church of England over any other denomination, and would not support any Synods Bill which would give predominance to the Church of England. But he thought it would be quite open to the Conference to frame a Bill in conformity with his views upon the resolution now under discussion.

Mr. A. STUART said a great deal of mystification had grown over this subject from the use of these words—"consensual compact," An earnest of their opinion, however, had been given in the fundamental constitutions adopted by the diocese of Sydney, and which were agreed to by the diocese of Goulburn. Newcastle had provided in its constitution some rules to guide them all, and in them, other rules to guide themselves. They were all, therefore, adherents to the fact that it was necessary to agree to something or other. He thought it would be of great advantage in the settlement of the differences of opinion which at present existed if they had more amicable discussion such as that which was now taking place. They had been taunted that they had asked for such rights and exclusive privileges as would place the Church of England in a position as an established Church in distinction

to all other denominations. He left it as a matter to be determined between the two learned Chancellors whether the Church of England was established or not. If it was established, there were four or five other Churches in the same position, although they might differ in a small degree. They had asked for that to which they had a right, which the Legislature had never denied, and which they would have obtained had they asked for it as a united body. They asked for what was actually necessary. While they could carry out many things without appealing to the Legislature, there were many important things they could not carry out without legislative sanction. He maintained that the Wesleyans had obtained, though not in the same way, the same recognition which the Church of England in this colony now desired. They asked now for a legal sanction which they did not ask for in 1858. They asked then for legal sanction of their meeting, and that was a request which they did not now think it necessary to make. All they asked now was that the Legislature should give effect to the carrying out of the laws they might make. The Act they proposed was a Temporalities Act, similar to that obtained by the Wesleyans and still more like that obtained by the Presbyterians, so far as regarded legislative sanction or recognition.

The Conference adjourned at twenty-five minutes past 9 to 3 o'clock on Monday.

FOURTH DAY, MONDAY, 16TH APRIL.

THE Conference met pursuant to adjournment.

The PRESIDENT took the chair at ten minutes past 3 o'clock.

After prayer, the minutes of the previous meeting were read and signed by the President.

LEGISLATIVE SANCTION, OR RECOGNITION OF CONSTITUTION.

The debate was resumed upon the following resolution :—"That it be desirable to apply to the Legislature for such sanction or recognition of the constitution so to be determined upon as will secure its practical working, and in particular will make subject to it all property devoted to the support of the Church in this colony, and which is not affected by any express trust."

The BISHOP OF NEWCASTLE asked the indulgence of the Conference, and explained the principle for which his diocese had been contending. While they had opposed as far as they could synodical action, initiated in a mode injurious to their church, they were all agreed that a church constitution was required, and that it should be drawn up by the Church itself, at a general conference of the three dioceses, and that when so drawn up it should not be materially altered by the Parliament—at all events without being referred back to the Church for approval. He then came to the point immediately before the Conference. He thought it very important, in order that they might have a clear view of this subject, to separate the idea of a church having property from that of a church having no property. He believed that if they would consider first of all the Church without property and then the Church with property, it would be of great use in clearing their ideas upon this subject. He asked their attention first to the subject of the Church without property, and referred them to an extract which he had had printed from Southey's Life of Wesley [extract quoted]. It was evident from this that the only thing requiring the aid of the law in order that the Wesleyan body might continue its work for the good of the souls of others was the property of that society or body—their chapels and preachers' houses. He maintained that the discipline of the Church of England could be carried out far more effectively with a constitution based on voluntary compact than with a constitution based on coercive legal force. It was well that they should understand the difference between the two terms. This would be clearly shewn by simply quoting from the constitution of New Zealand and the late Sydney Synods' Bill stated—"The said constitutions and all rules and ordinances made in conformity therewith shall be binding on the members of the Church." His Lordship read the remainder of the clause, which he said made not the slightest difference in regard to the point he was now considering—namely, the bond of union. In the Sydney Bill the bond was really coercive legal power. In New Zealand every officer, clergyman, trustee, or schoolmaster who received or accepted any office in the church had to declare his adhesion to the Church Constitution and general synod. Now, let them consider that question as to discipline? The members of their Church might be divided into clergy and laity. All the clergy were clerical officers, and the laity might be divided into office-bearers and those who were not. He would ask the President what possible discipline does your bill provide over those laymen who arenot office-bearers?

The PRESIDENT : It does not provide any because it was never contemplated, and I imagine that this is its strongest recommendation. The laity of the Church will, I think, be very jealous indeed in regard to subjecting themselves to the discipline of the synod, whether established on voluntary or consensual compact or by bill.

The BISHOP OF NEWCASTLE: I am almost sorry to hear such an explanation from our metropolitan.

The PRESIDENT : You asked for it.

The BISHOP OF NEWCASTLE : I am sorry to hear the chief governor of our Church almost express his approbation that the laity should be under no discipline whatever.

The PRESIDENT : I beg pardon, there is discipline—such discipline as is recognised by the Book of Common Prayer.

The BISHOP OF NEWCASTLE : Then I would ask, what discipline will there be in our Church to exclude an unworthy member from the holy communion? It is well that we should understand these things.

The PRESIDENT : The rubric of the Book of Common Prayer provides for it. Am I to explain to the Bishop of the Diocese of Newcastle what the rubric is?

The BISHOP OF NEWCASTLE : I know what the rubric is, but should be anxious to know how it provides for such a case.

The PRESIDENT : Every communicant must give notice of his intention, and if the clergyman thinks he is unworthy he has power to refuse him admission.

The BISHOP OF NEWCASTLE : I beg leave to say that that is not the law of our Church.

The PRESIDENT : That is my interpretation of the law.

The BISHOP OF NEWCASTLE : In England it has been stated by the highest authority that those who are excluded are only open and notorious sinners, and the clear legal opinion in England is that an open and notorious sinner is one that has been condemned in a Court of law as a perpetrator of that sin. Persons at home had been persuaded to leave the Church because they had seen, in some cases, careless and irregular clergymen officiating, and many persons admitted to communion who they knew to be unfit. They had also seen many persons buried, and the beautiful words of the burial service read over them, in reference to whom those words were not appropriate. These were points which they would find it very difficult to provide for in any church where synodical action was based on coercive legal force; but they would be easily provided for where the constitution and union of the Church were based on voluntary compact. He thought, therefore, that basing their constitution and their synod upon a voluntary compact, would give them far more power to cleanse and purify their church from the unworthy, and yet not expose the laity to any undue discipline. He did not know whether it was wise as it were to appeal to the feelings of the laity against discipline. They had no idea now of introducing such discipline as was exercised centuries ago in the Church. They could not expect any one now to stand at the church door in a white sheet. All they desired was that unworthy persons should be excluded from the holy communion, and that the beautiful words of the burial service should be said only over those whose lives made them appropriate. With regard to any other discipline he would wish the Conference to understand exactly the point where coercive legal force came in. A clergyman, for instance, was supposed to have committed an offence. He was tried by the tribunal of the Church—whatever it might be—and sentenced to have his license taken from him. Up to that point there was no difference whatever in the two systems as regarded the sentenced clergyman—but if he refused to leave his parsonage then legal force was required to compel him to relinquish the church property. He thought it clear that they required no legislation for their constitution, but only for their property. It would be well for the members of the Conference to bear in mind that there was a real distinction between a Church with no property and a Church with property. He differed entirely from the Bishop of Goulburn in regard to the position of the Church of England in this colony. He maintained that it was not in any respect in so disadvantageous a position in comparison with other religious denominations as to require the interference of the Legislature in the slightest degree more than it was required by them. His right rev. brother the Bishop of Goulburn upon this point had quoted the opinions of the Rev. Henry Venn, prebendary of St. Paul's, but he had really misquoted.

The BISHOP OF GOULBURN defended his quotation, by a reference to the pamphlet.

After some further observations from the Bishop of GOULBURN and the Bishop of NEWCASTLE upon the subject of the accuracy of the quotation,

The PRESIDENT said it would be exceedingly desirable that these appeals should not be made by one to another. He hoped the Right Rev. Prelate would continue his speech; and, that he might not be interrupted, he would beg of him not to make any further appeals.

The BISHOP OF NEWCASTLE : In the course of his address it might be necessary, in order to convey correct information to the Conference, to take the opinion of the learned Chancellor

on a point of law, and he did not think there would be any impropriety in asking the President if he would desire the learned Chancellor to give his opinion.

The PRESIDENT: I shall be quite willing to ask the Chancellor for any explanation, provided the Conference allow me.

The BISHOP OF NEWCASTLE: He now came to another point which it was important they should all clearly understand—that legislation was for the future, and not for the past. What they desired to obtain by legislation was a more wise and effective government, and a more wise and effective management of the affairs of their Church than they had obtained in past times; but they did not, if they were wise, desire *ex post facto* legislation. He would now refer to the statement of the learned Chancellor in regard to the Church of England in New Zealand. [He here quoted from the report in this journal of the speech of Mr. Gordon.] The whole meaning of that passage was that the Bishop of New Zealand's trust deed was of no value, because it did not change the nature of the trusts, but had only provided that those trusts should be placed in the hands of other persons. What was proposed to be done by a bill to be drawn up in accordance with this resolution was exactly what had been done in England, and by every Legislature where there was any enactment, with regard to trusts. Old trusts could not be altered. The succession of trustees might be altered, but the trust must be kept inviolate. The main features of the speech of the learned Chancellor were the going through the different constitutions of the Church in many colonial dioceses, referring to a number of reports and statements he had ready at hand, and then laying down the general rule that in all those cases there had been reference made to the Legislature for some aid or other. The chief of the remaining part of his statement was a consideration of the three cases of the Wesleyans, the Presbyterians, and the Church in New Zealand—those being cases which had been mentioned with approval as relating to bodies who had founded their constitutions upon voluntary compact, and who had applied to the Legislature only for a recognition of their constitutions in whatsoever form those constitutions might be drawn up. But before he dealt with that there was another point he desired to refer to. In 1858 and 1859 there was no possible agreement stated between "legal sanction" and "legal recognition." The two systems were "social compact," or "legal sanction," and it was on account of the very loose way in which the term "legal sanction" had been used—as if it were nothing more than legal recognition—that he would endeavour to explain more plainly what was the meaning given to it in 1858 and 1859—which was "legal coercive power." [Various passages were here quoted from the reports of the *Sydney Morning Herald* in proof of this.] Again they had been told in the voluntary compact system there was great confusion, and that the system requiring legal coercive power was altogether free from this bungling. It was inence of the learned Chancellor stated that not often, however, that persons of the emwhich was exactly contrary to the fact. The learned Chancellor spoke of a "Synod in the proper sense of the word." What was a Synod in the proper sense of the word? If they turned to the address of his right rev. brother the Bishop of Goulburn, they would find that he quoted from a book of very high authority—Johnson's *Vade Mecum*, and there they were told that a diocesan Synod was a body whose duties were not to legislate but to carry out the enactments of a provincial Synod, and to exercise discipline over the clergy. Now, if that was a Synod in its proper sense, he could only say they had nothing to do with it. They were more in advance. They were not establishing a Synod of bishops and clergy. They had a far nobler work in hand, and sought to bring their laity into the Synod. He did not wish for an English Synod; we had something far better here. From a number of details brought forward by the Chancellor of Sydney, the conclusion was drawn that all the colonial Churches had applied for legislation. All this was granted; no one disputed it. The Diocese of Newcastle, and that of New Zealand, however anxious to have a Synod based upon voluntary compact, were, however, decided in the opinions that they must go to the Legislature for something. There was a clear difference between the principle of the Sydney Bill and the other legislation required.

Mr. W. D. CAMPBELL submitted that the Right Rev. Prelate was not in order in speaking of the Sydney Bill. We had no such document before the Conference, and the reference was anticipating another resolution.

The PRESIDENT considered the Right Rev. Prelate to be perfectly in order.

The BISHOP OF NEWCASTLE resumed: He thought the Sydney bill was sufficiently known, although it was not before the Conference, it had been before Parliament. Take the three cases which the Chancellor referred to in which legislation had been obtained—the case of the Wesleyans, Presbyterians, and the Church in New Zealand. The Chancellor was reported to have said in his address that it was a complete misnomer to talk of consensual compact with regard to the Wesleyans; but those who read a letter on the subject in Saturday's *Herald* could not doubt for a moment that the Wesleyans had a real voluntary compact. The model deed of the Wesleyans was certainly based on such a compact. With regard to the Presbyterians, the Chancellor was reported to have said that the General Assembly recommended the formation of a Synod here, and that the consensual compact was a joke in this case; adding that the example of the Wesleyans and Presbyterians had little to do with the work before this Conference. He (the Bishop of Newcastle,) thought it would be impossible to prove that the Wesleyans were not united together by their own free will and voluntary compact. They had no Act to give legal coercive force to what bound them together. It was supposed that the Presbyterian bill was something like the late proposed Sydney bill, as there was a reference in it to the doctrines of their Church. It was a very old fallacy to suppose that two things were the same in all points because there was similarity in one. Theirs was a Temporalities Act, and when they spoke of their temporalities, there was a very noble proof of their love of the Church of their country. They would not accept of the temporalities unless they remained really and truly of the same faith as the Church in Scotland. He should be happy to introduce such a clause in any Temporalities Act we might have. But such a proviso did not make their Temporalities Act like the Synod bill lately before Parliament. With regard to both Wesleyans and Presbyterians, nothing had been stated by the Chancellor showing that in any respect as to constitution and legislation there was any parallel with what had been sought for by the Sydney bill. They really by their voluntary compact established their own constitutions, although in different forms, and appealed to the Legislature only to recognise their constitutions in their Temporalities Bill. In the case of New Zealand, the Chancellor was reported to have said with regard to the Diocese of Christchurch, that "the Diocese desired to have the Synod, and patched up the matter by a Diocesan Act. It was a complete rope of sand. It did not enable the Diocesan Synod to regulate the property at all; it merely enabled that Synod to hold property on the same trusts as it was held on before." Now it must be known that for one or two years the Diocesan Synod of Christchurch had expressed dissatisfaction of two points—first, with respect to their having been drawn into giving too much control to the general Synod, and the alteration they required that the diocesan property should be under diocesan control. The second matter for dissatisfaction was the stringent declaration requiring those who took office to resign the emoluments of office when required by the General Synod. This they sought to have relaxed. In the Provincial Synod these matters were discussed when the discontent as to the declaration subsided, and the motion on the subject was withdrawn; but the other request was freely and willingly granted. Property was supposed to be held under the control of a Provincial Synod on account of this Act of the Colonial Legislature, which stated that in all cases respecting religious, charitable and educational trusts, the governing body of the Society should have the control of those trusts. It was found desirable that the diocese should ve more control over diocesan trusts, and as there was exhibited a doubt whether they could have that power in connexion with this Act, an amendment was at once proposed to the effect that not only the General Synod might be in connection with it but every Diocesan Synod. Instead of there being anything patched up, and the discontent being against voluntary compact, the proceeding must be felt to be an argument in favour of that system. There was only one more point to bring before the Conference, and that was with regard to what the late Sydney bill did really require or seek to obtain. All the colonial Churches, it was admitted, might properly seek legislative interference. But there was a clear difference in the systems. Take the case of a Church uniting itself together by voluntary compact, and then applying to the Legislature, as did the Church of New Zealand for an Act respecting property—a mere Trusts Act—and having the constitution recognised in the preamble, not in the enacting clauses. This was what had been called in the petition of the Bishop of New Zealand "a recognition in an Act of the Legislature." There was a second course, where, as in the Sydney Bill, certain constitutions were drawn up, and which by enacting clauses were made binding upon certain officers. This was approved of by Mr. Venn. There was a third class seen in the case of the Victorian Bill, by which they not only sought for and obtained legal and coercive force for a number of constitutions, but legislative power was given, so that whatever constitution the body might pass should have the force of law. Mr. Venn distinctly objected to this third class, to which the late Sydney Bill belonged. To bring to a test one of the points, he would request the President to ask the Chancellor to cite, if he could, any words in the Acts of the Wesleyans, Presbyterians, or other religious body, that were parallel with the words which in the Sydney Bill providing that the rules and ordinances of the body should have the force of

law. In the Sydney Bill were these words:—"And the said constitutions, and all rules and ordinances made in conformity therewith, shall be binding upon the said Bishop of Sydney, and all members of the Church." Where was the parallel to this in the Acts of other religious bodies? It was desirable that this simple test should be applied. He could not find that, either with regard to giving legal coercive power to these constitutions or to any future constitutions the Synod might agree to, there were any provisions in the Wesleyan or Presbyterian Act parallel to them.

Mr. GORDON had not the slightest objection to accept the challenge thrown out by the right rev. prelate, but, as he had not the documents at hand, he would, if allowed, avail himself of the opportunity of explaining after the evening adjournment.

The BISHOP OF NEWCASTLE continued: He would now conclude with the proposal of an amendment. He believed, and he had spent no little time and thought on the subject, that no other religious body in this colony had obtained any power from the Legislature to give a legal coercive force with respect to its constitutions, over any officers, the sole power given by the Legislature being a control over their property. He was quite willing to allow the necessity for going to the Legislature for a Temporalities or Trusts Act, and that was all we required. If anything further were granted to us by the Legislature it would be a violation of religious equality in this colony. This was his clear opinion, and he wished to have it put on this simple test—could the words he had quoted be found in the Acts of the Wesleyans and Presbyterians. The amendment he now proposed was to omit the words "secure its practical working, and in particular will," before the words "make subject." The resolution would then read thus: "3. That it is desirable to apply to the Legislature for such sanction or recognition of the constitution so to be determined upon as will make subject to it all property devoted to the support of the Church in this colony, and which is not affected by any express trust." Should the resolution so amended be agreed to, the most important work could be done before they separated. Having frequently gone over their constitutions in the diocesan Synods, it would take very little time to unite them in one. He would suggest that the drawing up of a bill should be left to a Committee, and that it would be wise to allow about twelve months for deliberation on the measure. There were some matters not requiring law that would demand lengthy consideration, and he thought if they met again this time next year there would be very little difference of opinion as to what should be asked of the Legislature.

The Rev. B. CHAPMAN seconded the proposed amendment.

Mr. MACARTHUR, without intending at a later hour to go into the whole subjects so liberally and fully brought before the Conference by the right rev. prelate who last spoke, moved the adjournment of the debate till 7 o'clock, as no one seemed prepared to continue the discussion.

The Conference adjourned at twenty minutes before 6 till 7 in the evening.

The Conference re-assembled shortly after 7 o'clock.

Mr. GORDON said that the question he had been requested to answer was, whether the Acts of the Wesleyan and Presbyterian Churches contained the same provisions as those which were to be found in the Sydney bill of 1865. Referring to the Wesleyan Act, he found words which he considered to confer precisely the same legislative sanction to the Wesleyan body as was proposed to be conferred upon the Church of England in this colony by the "Sydney bill." [Mr. Gordon proceeded to read several clauses from the Wesleyan Act to show that in that Act there was legislation of a precisely similar character to that introduced into the "Sydney bill" of 1865.] From this he argued that by the words in the Wesleyan Act all the churches and chapels of the Wesleyan denomination were as much tied down to the rules and ordinances of the Wesleyan body, as the property of the Church of England was secured for those who professed the doctrine and accepted the ordinances and formularies of that communion. The same thing was also true as regarded the state of the legislation in this colony in respect of the Presbyterian Church of Scotland. The Wesleyan Act was framed according to the rules of that Church. Mr. Gordon quoted the Presbyterian Acts in support of his view, and resumed his seat.

Mr. JAMES MACARTHUR said he hoped that they would not go to the Legislature otherwise than as one body—that all the dioceses would concur—believing, if they did not so concur, that they would not be likely to obtain what they required. He would venture to express his hope that the two dioceses of Sydney and of Newcastle would endeavour to forget foregone conclusions, and not suffer themselves to be actuated by any irritability of feeling that might have arisen. He believed there might have been some feeling of irritability, but he did not think that it had ever amounted to actual anger. He did not think that the amendment of the Bishop of Newcastle was of that practical importance which his lordship appeared to suppose; no doubt his lordship thought different. To him (Mr. Macarthur) the proposed amendment did not appear to be likely to carry out what was called by some the consensual compact."

The BISHOP OF GOULBURN said that he had had no intention of addressing the Conference upon this resolution but for the speech and the amendment of the Bishop of Newcastle. The meeting appeared in some measure to have been drifting away from the real point at issue, which was this:—"Is consensual or voluntary compact alone sufficient without law?" Or, "is legislative sanction required for the practical working of the constitutions?" The former he would answer by a direct negative—the latter with a decided affirmative. And first, what is this consensual compact which renders law so needless? No one seems able to trace the phrase to its origin or to define it with satisfactory exactness. He certainly did not expect the "lonely unblessedness" of some of our friends in the northern diocese, to be familiar with such a subject! He might, however, suggest that there was a compact from which it may be inferred that law must precede, in order to define and limit in a precise manner its rights and privileges that mere recognition was inadequate, and that Legislative sanction was a previous necessity.

The Lord Bishop of Newcastle had quoted a private letter wherein he (the Bishop of Goulburn) had stated he "could not understand the ground of the opposition" raised against the principles advocated in the Dioceses of Sydney and Goulburn. He had now with great attention listened to the lengthened address of his Right Reverend brother; and he was still utterly unable to comprehend the vehemence of the opposition—or to see any the least semblance of logic in the reasoning. It is alleged for instance that in this Colony each person who is a member of the Church is so, merely by his own voluntary consent. But he (the Bishop of Goulburn) would reply by asking, is not this precisely the position of every member of the Church in England, as well as here. There is no difference in this respect; and yet the voluntariness of the membership in England, where every detail of duty and of privilege is minutely defined by law, is not in the least interrupted or curtailed thereby! Why, therefore, parade the fact that the Church in the colony is a voluntary society, as though it did not stand in need of law? whereas it is evident that every voluntary society, whether in New South Wales or elsewhere, must have rules for its guidance, which will bind together all its members in one holy bond of brotherhood and of discipline. If they were true to their mutual interests, they would agree to govern their own body by prescribed law.

There had been much discussion on the question of the distinction between "recognition" and "sanction;" and it had been said that recognition was sufficient, without sanction. He would throw the subject into the form of an equation, and argue that "Recognition with effect is equal to sanction;" but that "Recognition without effect is equal to nothing!!" Legislative recognition which will secure the practical working of the Constitutions, and give full effect to them, is the only legislation for which they should strive, if they were to have a Synod which would distribute between the Bishop, the clergy, and the laity, the governing power now vested solely in the Bishop. If, however, their friends on the other side did not desire a Synod which should exercise a real legal effect upon the Church; if they desired merely to please themselves with the *name* of Synod, while leaving all essential power still in the hands of the Bishop, let them say so plainly—and those, whose principles he advocated, would know what to understand and how to proceed. For his own part however he and his friends meant a real Synod—they meant a Synod in name, and a Synod in effect; a Synod which would without mistake enable the Bishop to share the government of the Church in his Diocese with the clergy and the laity thereof. The consensual compact, on the other hand, had on a former occasion been proved to demonstration by the Bishop of Newcastle to be nothing but "a rope of sand." For instance it could not bind successors; it could not of necessity secure the co-operation of all the parishes in a Diocese, nor of all the Dioceses in a Province; it could have no power to retain either parish or diocese—if the clergyman or the Bishop, though he once may have agreed to the Compact, should afterwards change his mind; for clergymen and Bishops do frequently change their minds as has been too evident in the experience of the Conference. Will this "rope of sand" secure the practical working of the Constitutions, and have strength enough to keep together the materials of a Synod? Certainly not. The former demonstration of the Bishop of Newcastle has never been disproved. In this respect he (the Bishop of Goulburn) was reminded of an incident in the life of a young barrister, John Scott, (afterwards Lord Chancellor Eldon) who early in his career, argued in London with great clearness some difficult point of law. When soon after on the Northern Circuit the same young barrister held a brief on the opposite side of the question and endeavoured to disprove his

own grand argument, the presiding judge interrupted the Advocate, who was unknown to him, with the remark, "no, no, young man, you will never disprove the unanswerable argument of Mr. Scott, you cannot disturb it." He (the Bishop of Goulburn) thought he might apply the lesson to the case before them and say to the Right Reverend Prelate "no, no, young man, the Bishop of Newcastle has proved to a demonstration that consensual compact is a "rope of sand"—and you will never be able to disturb his unanswerable argument."

The so-called Synod of New Zealand had been often adduced as providing a guide for their imitation. His own opinion after much consideration was that the case of New Zealand did not encourage them to follow its example. The Constitutions in that colony were not linked with the Trust Act by legislative sanction—though recognised in the preamble. Consequently the Synod did not include all the members of the Church of England in that colony. Upon some, therefore, they had no practical effect. The supremacy of the Crown had not been guarded and retained, and there were licensed clergymen who had never joined and who could not be brought into the Synod. There were, besides, many specialties in that case, so that it did not present any parallel to our own. It could not, therefore, with propriety be urged as a model for our imitation.

In the second place, he would proceed to discuss the question of Legislative sanction. The Rev. Prebendery Venn had been quoted as asserting that "such powers (as those sought from *the Legislature of the Colony* by the Diocese of Sydney) "had not been given to any other religious communities." In order to understand the reasoning of Mr. Venn, it should be borne in mind that attempts had been made to obtain from *the Imperial Parliament* power for the Bishops, clergy, and laity of any colony to meet togegether, and to make whatever regulations they might deem necessary. The chief objection to this was that the Regulations made by such an Assembly would have the force in the colonies of *Imperial* law in virtue of the proposed Act. "Such a course would be at variance with all past legislation, and would *override the Colonial Legislatures*. SUCH powers had not been given to any other religious communities." Mr. Venn was, therefore, urging the *Imperial* Parliament to abstain from interfering with *Colonial* Legislatures; and to avoid doing for the Church of England, by such an Act, what it had never done for other communities. Mr. Venn's advice to the Church in the colonies was rather "to obtain a legal sanction for ecclesiastical arrangements *through the Colonial Legislatures*," and not through the Imperial Parliament.

Mr. Venn is in this matter a wise adviser. A Synod without such legislative sanction would be powerless, and in many respects useless; whereas a Synod with such sanction will be something real. It is, in fact, the only mode by which any Colonial Bishop can effectually summon all his clergy to a true and legitimate Synod; the only mode by which united action can be practically gained, and power over property obtained to secure the trusts to their rightful purposes. Will any lawyer venture to say that these things can be secured by a so-called Synod acting under consensual compact? Such a meeting would not be a Synod at all! And it is a gratuitous assertion to say that the united action of a whole Diocese—the co-operation of the clergy and laity, can be gained by such a method. It is objected that Legislative sanction would be "coercive"—would have a "coercive force;" while a *voluntary* compact would secure the united action of a whole Diocese. But, we ask, by what method? By *compelling* a Bishop, before he accepted a Diocese, and before he really understood his position, to sign a document professing his acceptance of the Synod and its Constitution; by *compelling* a clergyman, before his appointment to a cure of souls, to *bind* himself in "submission to the authority of the Synod;" by *compelling* each Church officer, before entering upon the duties of his office, to sign away his liberties, without the guidance and protection of the law! This would be the revival of an irresponsible power, at all times alien to the feelings of an English Churchman.

For himself he had an Englishman's repugnance to the revival in any form of the Star Chamber: he had a Churchman's repugnance to the coercive force of a private inquisition, compelling either a clergyman or a layman, a bishop or a presbyter, *to sign a document of this nature, which had not the sanction of law:* he had a Christian's repugnance to speak of freedom to the ear, when fetters and bonds were being forged for the conscience in the secret chamber of consensual compact! He would rather yield "in meek submission" to the benign voice of protective law, under the gentle restraints of which all would be placed in the same position, than to the *illegal* coercive force of a voluntary compact!

By placing the Constitutions under the sanction of law they would remove their proceedings from the secrecy of this modern Star Chamber and place the members of the Church under the public protection of Her Majesty the Queen, and under the shield of the Government under which they lived. He would repeat that a Synod constituted without effective legislative recognition was not a Synod. The decision of the Judicial Committee of Her Majesty's Privy Council in the case of Long v. the Bishop of Capetown was decisive upon that point. Let them bear in mind that that decision was drawn up by such eminent men as Lord Kingsdown, Sir Stephen Lushington and Sir J. T. Coleridge, names which rank among the highest for legal acumen. And what is their judgment? That "*it is a mistake to treat such an assembly*" (convened on the principle of voluntary compact,) *as a Synod at all.*" Being therefore persuaded that if he is to call in others to share his responsibilities, and to aid him in managing the affairs of the Church in his Diocese, he will do so only in a "lawful assembly," and he will abstain from summoning his clergy to a Synod, until he can do so in a lawful manner: and meanwhile he would avoid misleading them by the use of a "false brand;" he would not call that a voluntary, consensual association, which in practice would evidently become a tyrannical, but unreal Synod. It was his wish that the power at present vested in the Bishop, and which, if consensual compact alone prevailed, would still remain in the hands of the Bishop, should be shared by the Bishop, the clergy, and the laity. For these various reasons he must withhold his assent from the amendment of the Bishop of Newcastle and record his vote in favor of the resolution of the learned Chancellor of the Diocese of Sydney.

Mr. DOCKER said that he had not heard one word of dissent against applying to the Legislature for something or other, the only difference being as to the subject with respect to which it was necessary to go to the Legislature. We had been informed by the learned Chancellors of the Sydney and Goulburn dioceses that the Church had the right to meet in public assembly. The resolution set forth that we should apply for sanction or recognition. He thought we required a consensual compact as well as legislative recognition or sanction of our right to frame rules and ordinances. There was a difference of opinion in the Conference as to the time when we were to make this application to the Legislature, and he was afraid that there was an idea lingering in the minds of the Bishops of Sydney and Goulburn that if would be necessary to obtain legislative recognition prior to our meeting in Synod. No person could know what these rules would be, and we should be asking the Legislature to give legal force to regulations which were yet in the womb of time. He did not think that the Conference going to the Legislature with such a proposition would obtain what they desired. All the Legislative enactment we needed was in regard to the temporalities of the Church, and a mutual agreement would still be necessary to make the rules effective. Our great object was to frame a constitution that should be applicable to every diocese in the colony; and he was quite sure that we should come to some harmonious decision; but at that stage our real difficulties would begin. No member of the Church of England would willingly be dissevered from that Church; but we could not introduce the polity of the Church of England and Ireland iuto this colony. We had here no Ecclesiastical Courts in this colony. He was afraid that the principle of the supremacy of the Crown, to which we were all so warmly attached, would be the great stumbling block in the way of our obtaining legislative sanction. The Queen, as the head of the Church, could not confer spiritual jurisdiction upon Bishops who were appointed in any of the British colonies. This being the case, it was clear that the ecclesiastical system which prevailed in England could not be brought in force in the same manner here. They were, therefore, as a communion thrown back, as it appeared to him, to the position of the primitive Church. As, therefore, there was this necessary difference in their position they were bound to face that difference. The supremacy of the Sovereign in England was, by the constitution of England, the supremacy of the lay element, and this distinctive character of their Church might be here best maintained by having recourse to the Legislature for that sanction which was necessary. Mr. Docker concluded by emphatically condemning the "puerility of voting by orders," and by expressing his earnest hope that they would all unite for the object they had in view.

Mr. CHARLES CAMPBELL thought the Bishop of Newcastle's amendment was of but very little importance, and suggested that some other alteration was desirable at the end of the clause. He should not vote either for or against the amendment then before the Conference.

The Rev. M. B. BROWNRIGG should vote against the amendment. It was either unnecessary or injurious. Did the amendment alter the sense and purport of the clause? To him it appeared unduly to restrict the action proposed to be taken.

Mr. H. A. THOMAS supported the amendment, and stated that, in his opinion, the members of the Conference who were opposed to it were not agreed amongst themselves. He maintained that the consensual compact would give all that was required for the Church under the sanction of the law. If they were to go

to the Legislature to obtain Legislative sanction they had better go in the form of the ancient Greek phalanax. If they were to determine upon such a course of action, he would suggest that the learned Chancellor for Sydney should be placed in front. They did all agree that a consensual compact was necessary; and if it was, why should they not adopt that principle and go to the Legislature for the necessary legislation afterwards.

The Rev. F. A. C. LILLINGSTON desired heartily to oppose the amendment, and in doing so he wished to point the conference to the object of the amendment, which would be easily discovered by a system of consideration suggested by the Lord Bishop of NEWCASTLE. The conference would remember that his lordship had told us that the right way to consider every proposition was to lay aside all unnecessary matter and confine our attention alone to the words which convey the chief ideas in the proposition. Now when we apply this rule to the amendment before us, we find that its object is to excise from the proposition the words "secure its practical working," and consequently applying the Bishop's rule to this amendment, we can arrive at no other conclusion but that the object of this amendment is to prevent our securing the practical working of our constitutions, or in fact of a Synod at all. His lordship does not object to our having a Synod, so long as we do not secure its practical working. But now following the Socratic method of disputation we would like to ask a few questions as regards this amendment, and the views of the gentlemen opposed to this principle in general. And first of all, "what security have we that a future Bishop may not ignore a Synod altogether, if we have no will in the matter? The successor of any of the present Bishops might wish to be an autocrat, and on his appointment he might entirely ignore the very existence of a Synod, unless such Synod had been both recognised and sanctioned by some Legislative action. There had been instances of Bishops unwilling to part with autocratic power, and therefore it would be wise to consider such a case, remembering that we were now legislating not only for the present but for the future. Another question he would ask, was—Where was the unanimity in the Church concerning the importance of which we had heard so much from certain gentlemen.

When they were opening the door by this voluntary compact, for a division of the Church into parts. What means could be so effectual to destroy all uniformity, as an arrangement whereby half the parishes in a diocese might submit to Synodical rules, and the other half against them? One more question he would ask, what was the difference between a Synod bound together only by voluntary compact, and a clerical meeting with a slight admixture of the laity? We might have such meetings or synods, if you like to call them so; we might have nice little conversations and discussions, and each one then would leave the meeting with his own opinions, and there would be no power to carry out the resolutions which had been agreed to by the majority. Such meetings he contended would be a waste of time, and almost puerile. For these and many other reasons he wished to heartily oppose the amendment, and hoped that all would agree to such a bill as would make our future Synods not a sham, or a toy by which the people were to be amused, while they who now have it still kept the power, but would secure the practical working of each Synod in each Diocese in this colony.

The Rev. W. STACK said that a clergyman of the Church of England would be bound by an Act of the Imperial Parliament, but not by an Act of the Colonial Legislature. This question had been very clearly and ably stated in a letter which had been written by the Bishop of Newcastle—a letter which had been disparaged in the Conference, but one which members would have done better to read, rather than to condemn. We were by the resolution before us, to appoint a committee to prepare a bill; but it was obvious that that measure would be substantially the same in principle as the bill which had preceded it. He was entirely dissatisfied with the explanation which the Chancellor of the Diocese of Sydney had given in regard to certain words contained in the bill referred to. Were we likely to get such a bill as that which had been already submitted to Parliament? He contended that we did not require legal authority to meet in Synod, for to do so was perfectly legal already. Every clergyman was now bound to 'canonical' obedience; but what that was was not very clearly understood, and it was one reason why we wanted a Synod. This being so, he had been very much surprised at the remarks of the Bishop of Goulburn respecting the dark ages and so forth. How gentlemen could speak about Synods as bodies which were able to exercise coercive power, he was utterly unable to understand; for no Synod of the Church of England had ever exercised such power. He had listened with a great deal of pleasure to the remarks of Mr. Alexander Stuart, who has given us some valuable principles in reference to the subject before the Conference. He (Mr. Stack) and those with whom he acted were not opposed to all legislation, as had been represented. There was very good reason for supposing that the bill would be utterly ineffectual in regulating Church property. The disposal of Church property was a most difficult subject, and one which required the most careful and mature consideration. The rapid accumulation of property was in itself a strong argument for the holding of a Synod as early as possible; and the Church was now suffering from the want of such an organisation. If they really wanted to form a Synod, let them take the proper course. One road was closed against them, but the other was perfectly open. It was useless to apply to the Legislature; and the real question before us was Synod or no Synod. If they desired synodical action, let them adopt the course proposed by the Bishop of Newcastle.

At half-past 10 o'clock the Conference adjourned until to-day at 3 o'clock p.m.

FIFTH DAY.—TUESDAY, 17TH APRIL.

THE Conference met pursuant to adjournment.

The PRESIDENT took the chair at ten minutes past 3 o'clock.

After prayer, the minutes of the previous meeting were read, and signed by the President.

LEGISLATIVE SANCTION OR RECOGNITION OF CONSTITUTION.

The debate was resumed upon the following resolution:—"That it is desirable to apply to the Legislature for such sanction or recognition of the constitution so to be determined upon, as will secure its practical working, and in particular will make subject to it all property devoted to the support of the Church in this colony, and which is not affected by any express trust."

Upon which an amendment had been proposed to omit the words "secure its practical working, and in particular will," before the words "make subject," so that the resolution would then read thus:—"3. That it is desirable to apply to the Legislature for such sanction or recognition of the constitution so to be determined upon as will make subject to it all property devoted to the support of the Church in this colony, and which is not affected by any express trust."

CAPTAIN BOLTON started with the assumption that the Church of England was in precisely the same position as other Churches, with an inherent right to frame bye-laws for their own government, and, when the time came, to give their aid in the formation of a general Synod. He disapproved of the resolutions, considering them vague to such a degree as to excite suspicion. He would much rather that the point of disagreement between the dioceses should have been clearly stated. This would have been much better than beating about the bush as they had done from the commencement, avoiding the real difficulty. The Bishop of Sydney in directing his Chancellor to prepare these resolutions no doubt did that which was quite correct, but he (Mr. Bolton) could not help thinking that the learned Chancellor performed the duty imposed upon him more with the feelings of an advocate than those of a true member of the Church. In forming that opinion he was fortified by the remarkable mistake the learned Chancellor made in regard to the Wesleyan body. These five or six resolutions had been prepared and numbered consecutively, and the members of the Conference could only accept or reject them. They were all to be proposed by the learned Chancellor, and this put a tremendous power into his hand, because he had the right of reply. If it were the reply of a clergyman he would think nothing of it—(Laughter)—but it was the reply of a learned advocate. (Laughter.) The whole of the debates had related to the two points whether they required such a bill as the Sydney Synods Bill, or whether they wanted only a Trust Deed, and yet those points were not mentioned in the resolutions. And then because these, which were the real points, had been obscured, it was said that they were coming "nigh to each other!" It was true, but they were coming to "close quarters." (Laughter.) He here caused some merriment by quoting a letter from Pope Gregory to St. Augustine, to indicate the spirit in which he should refer to other Churches, his object being to show not only that Churches could be governed by their own laws but that they *were* governed by their own laws. He quoted the case of Dr. Warren in Manchester, and then the case of Palmer v. Deshur, in America, to show that the Americans went even further than England in non-interference. In this latter case the American court, in delivering judgment, said, "He stands convicted of the offences alleged against him by the sentence of a spiritual body, of which he was a voluntary member, and whose proceedings he had bound himself to abide by." It belongs not to the civil power to enter into or review the proceedings of a spiritual court. The structure of our Government has, for the preservation of civil liberty, wrested the temporalities from religious interference. On the other hand, it has secured religious liberty from the invasion of civil authority. The judgments, therefore,

of religious associations bearing on their own members are not examined here.

Mr. MACARTHUR: Would Captain Bolton be good enough to read Lord Lyndhurst's decision?

Captain BOLTON read the decision given by Lord Lyndhust in the case of Dr. Warren, the first part of which was as follows:—"It is said that the publication was really not an offence entitling this body to exercise jurisdiction, and that it did not support the charges which were preferred against him. Whether it did support those charges or not was a question for the district committee (the Wesleyan tribunal), I have no jurisdiction respecting it." &c. He also quoted the betting case of Dind v. Wolf, where, if his memory served him aright, the Chief Justice said he could not interfere with the decision of the Jockey Club. He thought therefore, that under a system of voluntary compact they could well carry out the institutions of the Church. He desired to confine the operation of law to Church property, and not extend it to the rules for discipline. Taking the hypothesis of a Church without property, it was clear that we could not approach the Legislature under such circumstances. According to the original resolution we asked for State-aid in its most obnoxious form—State-aid to carry on the discipline of our Church. Yet it was said we were only asking for privileges that other colonial Churches enjoyed. It was not so, for these other Churches were governed by voluntary compact, and in that were supported by the law of the land. But it was said, how were you to punish refractory or contumacious clergymen under a voluntary system, or trust deed. Under such a system the process would be the mildest and freest in form. It would be confined to condemnation, suspension, and the extreme penalty of deprivation. The laity were all anxious for synodical action, and few would hesitate to join in it if based on the voluntary principle. The only difference in the position of those who refused to join would be that they would deny themselves the privilege of sharing in the government of the Church; and the clergymen who refused to join, although retaining in some respects his former position in his parish, would throw himself and his parishioners out of diocesan action, and lose the honourable position of taking part and having a voice in the administration of the general affairs of the Church to which he belongs. Those who took offices in the Church would, under the voluntary compact, be restrained by their obligations as much as if they acted under the coercive control of statute law. Anything like coercion by law to compel men to join was calculated to do an immense amount of mischief We might as as well attempt to defend the harbour against the attacks of foreign foes by Acts of Parliament as to establish religious principles by law. One would be no less a failure than the other. If no Synod could be established without law, we should never have a Synod in this country during this generation. If we required synodical action, the wisest course was to give up the idea of a Synod Bill or anything of the kind. Let the articles of our constitution be drawn up and confirmed, and the canons of the Church established in conformity with them, so that our position being plainly seen by the people at large, they might, if they desired, join freely the Church Union. He could not see that we required the interference of the Legislature to prevent dissension; indeed, a Bill with such an object would be rejected in such a way as to bring a blush to the face of everyone. The control of the Bishop over the clergy with regard to synodical meetings would be far greater under a voluntary compact than it could possibly be under the law of the colony. To endeavour to get a Synod Bill through the Legislature would be only to court disappointment and delay; the Assembly would never consent to make our Church a State Church. If we were earnest in the desire for a Synod, and he felt certain that the desire was almost universal among the members of the Church, it could only be realised upon the basis of voluntary compact.

The Rev. B. CHAPMAN did not concur in all the remarks of the last speaker in support of the amendment moved by the Bishop of Newcastle, and, in particular, he dissented from observations which had been made relative to the course of proceeding adopted by the Chancellor of the Sydney Diocese. He (Mr. Chapman) believed that that learned gentleman, like every other member of the Conference, was actuated by the highest motives, and that he was most anxious to forward what he considered to be for the best interests of their common Church. He (Mr. Chapman) sincerely hoped that the result of their deliberations would prove advantageous to that Church, and that, with this one object before them, they would calmly enter upon the due consideration of what they had to do. He thought it was time for the rev. the Metropolitan to throw oil upon the troubled waters, and make such suggestions as all might agree to. In his lordship's opening address he had been pleased to use these words—"I shall be satisfied with any measure which secures the legal efficacy of the constitutions agreed upon in this Conference. It is of little moment whether this end is secured by a Synod Bill or by a Trust Act." These he believed to have been his lordship's words, and if so, they were such as showed that his lordship was committed to neither side. He could therefore mediate between them. He (Mr. Chapman) could not support the proposed Synod Bill, because he conscientiously dissented from it, but for the sake of the peace of the Church he felt that he might refrain from opposing it.

Mr. STUART said it was impossible, in speaking to these resolutions, altogether to disregard the late bill. He believed amendments might be introduced into that bill of such a character as would make it acceptable to all, and hoped that such would be the case. What was the meaning of the amendment which had been moved by the Bishop of Newcastle? It either, as had well said, meant nothing at all, or else it contained a position to which it might be necessary to object. The question was not as to whether "sanction" or "recognition" meant the same thing; what they had to deal with specially was the question as to temporalities, and indirectly—so far as it might bear upon the use or enjoyment of those temporalities upon the question of Church discipline. It was impossible in this material world of ours to conceive that any Church could exist by which property was not held. It was inconceivable that such a body as the Church should not hold property, and if so, it must become evident that laws and regulations would have to be made in that behalf. By the express invitation of the "Synod" of the diocese of Newcastle they as members of the General Conference were in that room assembled to consider on what points "legislative sanction" was necessary. And if the diocese of Newcastle had first used this term "sanction," how could they afterwards consider themselves at liberty to object to it? It appeared to him very strange that such a course as he now referred to should have been followed by their fellow Churchmen from that diocese. He could not understand going to the Legislature for "recognition" as something apart from "sanction." If legislation of some kind was necessary,—and regarding that there appeared to be but one opinion,—in what other terms could they apply to the Legislature than such it was now proposed to use? The Newcastle Synod had agreed upon a bill to be called the "Church Temporalities Act," and there were clauses in that Act which, he maintained, were quite as binding as anything in the Sydney Bill. He could not but think that a great deal of the remarks which had been made about "binding and fettering the Church," might have been spared. They were asking for not a whit more than was asked for by the Newcastle Bill. There was a large portion of Church property which all felt satisfied to be of such a character as to require to be legislated for. The terms of the Newcastle Bill clearly assumed this. If that bill had been passed the effect would have been that as trusts dropped in the Synod would be there to receive them. There would be no doubt about that. [Mr. Stuart here read an extract from an address of the Bishop of Newcastle, with a view to show that that prelate had clearly admitted that some legislation was necessary.] That Bishop had said that all they required was to have their Church trusts and Church discipline vested in their Synods, and for this legislation was clearly indispensable. He could see nothing that had been asked for by the Sydney Bill which had not been quite as explicitly asked for by the Newcastle Diocese. All that they wanted was legal authority for the carrying out of their voluntary compact. Both sides were so far agreed. They had asked for leave to tie down their officers to those rules which they themselves had made. The Legislature would not refuse this. In the Episcopal Church in Scotland there had been a case which shewed the force of this line of argument. In that Church a clergyman had felt himself aggrieved about the repeal of a canon of that Church—a Church which had no legal sanction; rather the reverse. The canon that was repealed had reference to the use of the Communion Office of the Scottish Service Book, but the subject of the canon was immaterial to the argument. A Rev. Mr. Forbes—had brought his action against the bishops and clergy of the Scottish Episcopal Church, and the express defence of the defendants was, that they were not a body which had any legal sanction whatever. This case against the Scottish bishops was dismissed, but not, however, solely on those grounds set forth in the defence. Now if the Episcopal Church in Scotland had had power to enforce its own rules and regulations, such an action as he had described could not possibly have been brought. The Scottish Episcopal Church had no legal sanction—no legal status.

Mr. CHARLES CAMPBELL desired to correct the hon. member. The Church in Scotland was disestablished, but its legal existence had been specially recognised by several distinct pieces of legislation since its disabilities were removed.

The PRESIDENT thought that the Chancellor of the Goulburn Diocese was out of order in his interruption.

Mr. STUART continued: He had merely wished to show that if they, as a Church in the colony, had not such legal sanction as he desired to see secured to them, they might

be constantly dragged into the Supreme Court whenever the discipline mutually agreed upon should be exercised. The Presbyterian Church Act here in this colony clearly did much more than the Blil which had been so strongly objected to. The Presbyterians were practically acquainted with the details of synodical action, and it would be found that in their Acts they had always avoided attempting to define where "temporalities" began and "spiritualities" ceased. It would be wise, therefore, for them to take a large Bill; not one that merely effected property alone. They should not only be enabled to know from their Act what ought to be the course of the trust, but also what were the ecclesiastical functions of those who were to benefit by those trusts. Before he resumed his seat he desired to correct a statement which had fallen from him in a previous speech as to pre-existing property. Perhaps in what he had then said he might have gone too far. He re-echoed much that been said in reply to his remarks by his rev. friend as to this pre-existing property of the Church. Let them so make their arrangements that they might have that property which the Church already possessed, but let them have their Church property so handed over to them, that it might not be possible to take it away from the Church.

Mr. DOCKER said that the clergy and laity of Newcastle had met in Synod because they desired it to be made manifest that they considered they had, as members of the Church, a perfect right to consider and to transact their own business. Mr. Docker proceeded at some length, to explain the reasons which had actuated the Newcastle Synod (and himself as a member of that Synod) in the drawing up the Newcastle Temporalities Bill, and in the wording of the acts of the Synod to which reference had been made.

The Rev. CANON CHILD concurred in the explanation of Mr. Docker, relative to the fate of the Newcastle Temporalities Bill, brought forward in the Newcastle Synod, and relative to the resolutions, &c., referred to by the previous speaker.

Mr. R. JOHNSON desired to say a few words. He ventured to say that there was no party in that Conference that did not intend that there should be a *coercive force* in the law, by which the officers of the Church were to be bound. Whether this coercive power of the law was to be effected by law or by compact, it mattered little. It appeared to him, however, to be a wise course to go to the Legislature—not to alter any of the laws or doctrines of the Church of England, but to get the Legislature to put the seal of law upon the compact arrived at. The compact must be made binding—there could be no doubt about that—the question was how that obligation of the compact was to be most effectually brought about. They were bound to suppose that the Parliament would not object to give to the Church what was demanded for her. They had no reason to apprehend that any such difficulty would arise. It was not the fault of the Legislature that the Church had not been enabled to enjoy synodical action. If the Legislature had only seen that those who were interested in the matter proposed to be legislated upon were of one mind, the legislation looked for would certainly have taken place. It was only the opposition of some parties—members of the Church—which had prevented legislation. He thought it the worst thing that the Bishop of Newcastle had ever done to have contributed—as he believed he had—to delay this legislation. [Mr. THOMAS: The best thing he ever did!] He Mr. Johnson thought very differently. Topics had been introduced, and observations made as if the proposal to legislate in this direction had been to give the Church of England a predominance over the religious bodies. They disclaimed any such intention altogether, and it was much to be regretted that such an idea had ever been countenanced by members of the Church. He could not forbear to say that he disapproved of the late letter written by the Bishop of Newcastle in the *Maitland Mercury*. Such an attack should not have come from such a quarter. To him it appeared that the effect of the publication of such a letter was to give an unfair advantage to the enemies of the Church. It made it feasible for it to be urged that such was an object that some Churchmen did really contemplate, and he did not hesitate to say that the letter in question would be more detrimental to the chances of the passing of the Bill than any thing that could have been said or written by persons who were not members of the Church. It must be clear that a change in the state of the law was required as regarded the relations existing between the clergy and their diocesan, this was a thing that had an appearance of being a "spiritual" matter, but it was very desirable to have it clearly and definitely settled. Then the qualifications of churchwardens in the Church appeared to be such as required to be more clearly pointed out. Being firmly convinced that the Church, as a body, only desired to be bound together by a compact that could never be broken, and that legislation for that purpose was absolutely necessary, they would, he conceived, be committing an act of folly if they did not ask the Legislature to come to their assistance. The Conference and the Church at large were under great obligations to the learned Chancellor of the Diocese of Sydney. He could see no objection to having recourse to the Legislature for an Act. If the Legislature refused them such an Act, they would then have to bow to the decision; but they ought not to desist until they had at least been once refused. He should oppose the amendment.

The Rev. W. STACK rose to complain of some terms used by the Hon. Robert Johnson, but he was ruled out of order by the President on the ground that he had already spoken.

Mr. GORDON spoke to the amendment, and desired as far as possible at the same time to speak also in reply to the debate on the original motion. If synodical action was only a means to an end, there was nothing to make them regret, so far as their Church was concerned, that they had been deliberating so long in reference to this matter; and they ought not therefore to be hurried into premature action by supposing that synodical action was the only way in which the Church's work could be performed. He thought those who complained of delay might be consoled by finding that they might have done what had been done generally in New Zealand—enter upon a system for which they were unprepared, and which would rather hinder than promote their Church's actual work. It was a fallacy to say that any popular breath dispelled the results of the work of the Conference in 1858, or that of 1865. Their work of 1858 stood the test of the most searching investigation before a select committee of the Legislative Council, the report of which affirmed the fundamental correctness of all that was done by the Conference. This was apparent from the words of the 12th clause of that report. The bill of 1865 was submitted to a committee of the Legislative Assembly, and received a similar affirmation. He had been charged personally with either not having known, or with having concealed an important decision determined the other day in the Privy Council. In answer to that, he simply said, that the members of the Conference had had before them statements which, if they had chosen to read them, could have placed them in the position of knowing that which had been recently laid down by the Privy Council. In 1847 or 1848 the law officers of the Crown in England determined precisely the same point. In dealing with this question it was said that he had described the Church as a voluntary association. It was astonishing to him that the rev. gentleman who made that assertion should really have been guilty of such a curious perversion. He (Mr. Gordon) merely said "he was willing to admit, for the sake of argument," that the Church of England was a voluntary association. See how this applied to the New Zealand Bill. Had the learned individuals who suggested that plan of action in that diocese really before them the difficulties we were grappling with, even after the advice of such eminent men as Sir William Burton, Sir Alfred Stephen, and the late Mr. Justice Wise? He was perfectly persuaded, as a lawyer, that you could not make anything more of the enactment than that it just enabled any religious body to keep up their system of trustees holding property upon trusts upon which the religious bodies held it. It recognised or sanctioned the existence of the trustees appointed by the general Synod as trustees of a religious body. The property vested in them was just in the same position as if there were no constitutions whatever. The bill passed on behalf of the diocese of Christ-Church only relieved it from the difficulty that the diocese could not be said to be a religious body meeting for charitable, religious, and educational purposes. These acts in no way tied the property of the Church to the rules and regulations laid down by the Synod of New Zealand and, it was dangerous to establish such a system. With regard to our position in relation to the Wesleyan body (keeping in view the letter that appeared in Saturday's *Herald*), he might explain that what he had said was, that Wesley on his own mere motion formed this system of the Conference, and long after his death, when it was thought desirable to bring Wesleyan trusts under the control of the Conference Wesley's deed poll forming the Conference was treated as the basis of their model deed, which was no more consensual compact than the deed poll, as the only persons it bound were those who signed it. What had the consent of a Conference to do with Wesley doing precisely as he liked with that deed poll. The Baptists and Independents might also have established such constitutions, and have them enrolled in the Supreme Court by proving them to be on the same principle. The difficulty with regard to the Church of England would have been that its rules and ordinances, not being fixed by habits and usage, you could not prove that any deed put before the Legislature did comprise the constitution. We desired it to be considered by the Legislature that the Conference which met here did so represent the Church of England, that the constitutions which it laid before the Legislature might be considered as the model deed or constitution of the Church in the same sense as that of the Wesleyans: and when the Legislature was satisfied of that, it was desired that it would place us precisely in the same position as the Wesleyans, Baptists, and Independents might be placed in, if they choose. However, members might be attached to the

idea that we were dealing with property only, let them consider how it was possible that they could deal with Church preperty without the necessity of proving that those rules by which it was to be dealt with and distributed would not embrace matters of doctrine, discipline, and practice. The reason he objected to the amendment was that the omission of the words was just nullifying the whole of the object we had in view. That you could secure the property without securing the practical working of the institution was an absurdity. The interference of the Legislature was merely asked to take the decisions of the representatives of the body as the voice of the whole body of the members of the Church of England just as if their separate signatures were obtained. As we arranged for dealing with the general property we should no doubt be laying the foundation for the special interference of the Legislature to enable us in the course of time to get the express property under control. [He then went on to quote authorities, and the grounds they set forth for the course proposed to be taken in the resolution, and then went on to rebut the assertion that they were seeking to obtain more than other religious bodies had obtained, and to upset religious equality.] It was stated in the decision of a Judge of the Supreme Court that the Presbyterian Synod was the very creature of the statute, and this would also apply to the discipline it established. The resolution did not go one iota further than the bill of 1858, and therefore those members of the Newcastle diocese who knew the value of Canon Boodle's testimony on the point could, on reading his evidence before the select committee, come to no other conclusion than that the charge of seeking pre-eminence was utterly without foundation. In conclusion, he expressed an earnest hope that this sort of discussion would not be continued from year to year, but that they would now come to a clear and final conclusion. If the amendment be not withdrawn and not be carried, he sincerely trusted that all would cordially unite in carrying out a constitution for the Church.

The PRESIDENT proceeded to take the votes on the Amendment, the division being as follows:—

For	*Against.*
Bishop of Newcastle	Bishop of Sydney
Rev. Canon Child	,, Goulburn
,, R. Chapman	Dean of Sydney
,, W. E. White	Rev. R. Allwood
,, J. Whinfield	,, R. L. King
,, W. Stack	,, W. Sowerby
Mr. Close	,, Thos. Druitt
,, Thomas	,, M. B. Brownrigg
Capt. Bolton.	,, F. A. C. Lillingston
	Mr. Gordon
	,, Johnson
	,, McArthur
	,, Stuart
	,, Besnard
	,, W. D. Campbell
	,, Chisholm

Messrs. Charles Campbell and Docker did not vote.

The amendment was therefore negatived.

On the resolution, the division was as follows:—

For.	*Against.*
Bishop of Sydney	Rev. Canon Child
,, Goulburn	,, W. E. White
Dean of Sydney	,, J. F. R. Whinfield
Rev. R. Allwood	Capt. Bolton
,, R. L. King	Mr. Close
,, W. Sowerby	,, Thomas.
,, T. Druitt	
,, M. B. Brownrigg	
,, F. A. C. Lillingston	
Mr. Gordon	
,, Johnson	
,, McArthur	
,, Stuart	
,, Docker	
,, Besnard	
,, C. Campbell	
,, W. D. Campbell	
,, Chisholm,	

The Bishop of Newcastle, the Rev. W. Stack, and the Rev. R. Chapman did not vote.

By the Bishops it was agreed to *nemine contradicente*.

The resolution was therefore agreed to.

CONSTITUTION COMMITTEE.

Mr. GORDON then moved the fourth resolution as follows:—"That this Conference do resolve itself into a committee for the purpose of drawing up a form of constitution for the good government of the Church in this colony, in conformity with the foregoing resolution."

The BISHOP OF NEWCASTLE seconded the motion.

After some discussion, the resolution was withdrawn, and a select committee, consisting of the following members—the Bishop of Newcastle, Bishop of Goulburn, Hon. J. Docker, Mr. Gordon, Dean of Sydney, Canon Child, and Mr. W. D. Campbell—was appointed for the purpose of drawing up a form of constitution for the good government of the Church in this colony, in conformity with the foregoing resolution, and to submit the same when drawn up to the Conference.

The Conference, at half-past 10, adjourned until 7 o'clock to-morrow (Wednesday) evening.

SIXTH DAY.—WEDNESDAY, APRIL 18TH.

Pursuant to adjournment, the Conference met in the evening, at 7 o'clock.

After the usual prayers, the minutes of the last meeting were read and confirmed.

CONSTITUTION COMMITTEE.

The Hon. J. DOCKER, Chairman of the Select Committee appointed to draw up a Constitution, stated that although considerable progress had been made, they had not as yet been able to complete their work. He stated (at the request of the Conference through the President, that they had agreed upon the draft of the Constitution so far as it related to the conduct and regulation of Diocesan Synods; but as some of the clauses relating to the conduct of the business provided for an appeal to some body not yet in existence, the remaining object of the committee was to devise a mode by which some body might be established as a court of appeal. It was to that object they proposed to devote their further consideration. As they were likely to conclude their labours in another day, he moved that the Conference do adjourn till next day.

The BISHOP OF NEWCASTLE seconded the motion, which was put and agreed to.

The Conference then adjourned till 3 o'clock on Thursday afternoon.

SEVENTH DAY—THURSDAY, APRIL 19TH.

THE President took the chair at a few minutes past 3 o'clock.

After prayers, the minutes of the last meeting were read and confirmed.

Mr. DOCKER brought up the report of the committee appointed to draw up a form of Constitution. The Report and Constitutions had been agreed to unanimously by the committee.

Mr. GORDON read the Constitutions.

Mr. DOCKER moved "That the Constitutions be printed and circulated among the members, and that the adoption of the report stand an order of the day for to-morrow."

Mr. GORDON seconded the motion.

Mr. CAMPBELL wished to ask this question, having reference to the Court of Appeal proposed to be established under the name of the Colonial Synod: "Would members of the Church be precluded from appealing to the Privy Council or to her Majesty?

The PRESIDENT replied: Certainly not.

Mr. GORDON said that he intended to alter the form of the fifth resolution which he had read to the Conference some days since, and which he had proposed to move contingent upon the adoption of the Constitutions. What he now proposed was, on the adoption of the Constitutions which had just been read, to move for the appointment of a select committee to draw up the bill—that to that committee should be referred the Wesleyan Acts, Presbyterian Acts, and Trusts Deeds which had been referred to; that it should be an instruction to the committee in drawing up the bill to take all those documents into consideration; and that the bill so drawn up should be sent to the three Bishops.

The BISHOP OF SYDNEY (the President) expressed his approval of the constitutions, and his willingness to adopt them.

Mr. GORDON said that time would be required to draw up the necessary bill.

The Rev. W. STACK should decline to give any support to a committee in settling the bill. That was a matter which ought, he thought, to be done by the whole Conference.

After some short discussion as to the hour at which they should adjourn, the Conference adjourned at about 4 o'clock until to-morrow (Friday) at 3 p.m.

EIGHTH DAY, FRIDAY, 20TH APRIL.

THE President took the chair shortly after three o'clock.

After prayers, the minutes of the last meeting were read, and signed by the President.

Mr. DOCKER rose to move that the Constitutions, as framed by the select committee, be adopted by the Conference. There was no matter in the Constitutions which had not already been previously adopted by one or other of the three dioceses. The members of the Conference must, therefore, be acquainted with them, and he thought that it would be desirable and convenient to adopt them as a whole. He did not see any objection to amendments that did not affect the principle of the Constitutions.

Mr. GORDON seconded the resolution.

Mr. CAMPBELL regretted that he could not assent to the resolution. The portions of the constitutions which he was obliged to propose should be omitted would be found from 21st to 26th. He could not but perceive that if we adopted the portion of the constitutions to which he was objecting, we should in fact, be giving our aid for the establishment of a number of little Church republics in these colonies, instead of one great Anglican Church. It was to guard against the same error which the Bishop of Cape Town fell into with regard to the heresiarch Colenso, that he considered we had no right to form here a colonial synod. It was our interest to keep up our connection with the Church of England through Her Majesty's ecclesiastical character, regarding her as she was regarded in the coronation oath. He submitted that it was imprudent to ask the Legislature to authorise any kind of Synod to step as a court of appeal between any member of a Diocese who felt himself

aggrieved and the Provincial authorised by Her Majesty. This appeared to be ignored by the constitutions to which he was objecting. He proceeded to explain the great advantage which we possessed in having such a Synod as the Letters Patent contemplated, instead of the contracted Synod which these constitutions prescribed. He concluded by moving that clauses from 21 to 26, inclusive, be omitted.

The PRESIDENT explained that the more comprehensive Synod, including all the Dioceses mentioned in the Letters Patent, would be impracticable; and, until we saw our way by the action of a Provincial Synod belonging to the colony of New South Wales, it would be not only a difficulty but an impossibility to summon a Provincial Synod in the sense which it was understood by the Chancellor for Goulburn. The same difficulty had been felt in the Diocese of Canada; and there, although there was every disposition to unite, legislative difficulty was in the way, as it would be here. He recommended that the term used be "Provincial Synod," instead of "Colonial Synod."

The amendment moved by Mr. C. Campbell not being seconded, lapsed.

Captain BOLTON suggested that the shortest way of getting over the difficulty in which they were placed, would be to consider the constitutions seriatim.

Mr. STUART said that they had been very fully considered by the select committee, and the constitutions of the three separate dioceses carefully amalgamated. and he therefore supported the motion of Mr. Docker.

The Rev. W. STACK moved that the constitutions be considered seriatim.

The motion was seconded by Mr. H. D. THOMAS.

The Hon. J. DOCKER opposed the motion and showed the impraticability of discussing the constitutions in detail, without the loss of a great deal of time and some confusion.

Captain BOLTON pointed out that printed copies of the constitutions had only been distributed to-day, and members had not had sufficient time to consider them as fully as their great importance demanded.

The PRESIDENT suggested that instead of going into committee on the clauses, each should be read, and that any alteration agreed to should be made as they proceeded.

Mr. DOCKER withdrew his amendment.

The PRESIDENT then read the clauses *seriatim*.

The title was agreed to. In the preamble, the word "provincial" was inserted instead of "colonial" (Synod), the same alterations being followed throughout; clause 1. "Diocesan Synod to be held;" 2. "President and time of holding;" 3. "Powers of Synod generally;" 4. "Rules for conduct of business;" 5. "Rules for future Synods;" 6. "Mode of voting and quorum;" 7. "Synod may call for accounts;" 8. "Mode of convening Synod;" 9. "Conduct of meeting;" 10. Representatives to be elected;" 11. "Mode of election;" 12. "Certificate of election;" 13. "Vacancy of cure or absence of clergyman;" 14. "Summoning of Chancellor and Registrar;" 15. "Representation of St. Paul's College;" 16. "Several Churches in one parish; 17. "Declaration to be made;" 18. "Synod may establish tribunal:" 19. "Clergyman's license when to be withdrawn;" 20. "Provision as to new dioceses;" were agreed to with a few verbal alterations.

Clause 21, "Provincial Synod may be held," was amended by the addition of the words—"And the title of such Synod shall be 'The Provincial Synod of the United Church of England and Ireland within the Colony of New South Wales.'"

Clause 22. "Time of holding Provincial Synod."

CAPTAIN BOLTON proposed that this clauae be amended by altering the words "And such Provincial Synod shall be convened and holden *once in every three years*," to "once in every third year."

The BISHOP OF GOULBURN suggested that the word "once" might be omitted in this amendment.

After some short discussion, in which the Rev. J. F. R. WHINFIELD, the PRESIDENT, and Mr. THOMAS took part, the amendment was negatived, and the clause put and passed.

Clause 23. "Power to make rules," was then agreed to.

Clause 24. "Power of Provincial Synod generally."

The Rev. W. STACK thought that the clause was a rather complicated one. There might at some time or other be difference or difficulty arising between two dioceses, and he did not see any provision for dealing with such difference or difficulty.

Mr. DOCKER supported the clause, being quite unable to see how it could be amended.

The BISHOP OF NEWCASTLE begged to inquire of the Rev. W. Stack whether he thought that any such difference as he appeared to contemplate between two diocesan Synods could possibly arise?

The Rev. W. STACK thought such a contingency possible, much as he might regret such a circumstance.

Mr. GORDON should oppose any alteration of the clause. Each Diocesan Synod would have to manage its own business, and in so doing the Diocesan Synod of an adjacent diocese could not be immediately concerned.

The DEAN OF SYDNEY concurred with the Chancellor of the Sydney diocese.

The PRESIDENT said that the Provincial Synod would have nothing to do with the special business of a Diocese, unless it should be referred to it.

The Rev. W. STACK proposed to amend the clause by inserting the words "or any of" after the word "all," in the fifth line of the clause; and to insert the word "referring" after the word "several', in the seventh line; and to omit in the seventh line the words—"and all other members of the Church within the colony."

The BISHOP OF GOULBURN thought that the clause was much better as it stood.

The BISHOP OF NEWCASTLE said that the clause had been drawn up with great care, and was believed to have provided exactly for what was intended.

Mr. DOCKER supported the clause.

The Rev. W. STACK was willing to withdraw his amendments in deference to the opinion of the Bishop of Goulburn.

After some discussion, the amendments were withdrawn absolutely, in order to allow.

The Rev. F. A. C. LILLINGSTON to move an amendment of a similar character. The amendment was put and negatived. The clause was then passed without amendment.

Clause 25. "Mode of voting and quorum."

The Rev. W. STACK moved, as an amendment, that this clause be so amended as to direct that the votes should be taken not by dioceses but by orders. He considered it very undesirable that there should be any undue encouragement of the diocesan feeling. The effect of such an arrangement as was contemplated would be to give a separate veto to every order in each of the several dioceses. The system of voting would be extremely complicated.

The Rev. W. E. WHITE was opposed to the amendment of Mr. Stack.

The PRESIDENT pointed out that the arrangement by which the representation in the Provincial Synod of the different dioceses had been equalised was adopted, in order to prevent the undue preponderance of any large diocese over any diocese where the clergy and laity were not so numerous.

The amendment of Mr. Stack, not being seconded, fell to the ground, and the clause as printed was put and passed.

Clause 26.—"Power of Provincial Synod to alter constitution"—was then put and agreed to.

Clause 27.—"Prohibition in respect to alterations of Church Doctrines or Liturgy."

The Rev. CANON ALLWOOD inquired whether by the wording of this clause the Church in this colony would be bound to follow any alteration that the Church might hereafter make in England?

The PRESIDENT said: Decidedly not. In the case of the Church in Canada, the colonial Church had declined to take such a course.

The clause was then agreed to.

Clause 28.—"Defects and errors as to elections, &c., not to vitiate proceedings."

This clause was also passed without amendment.

In clause 29—"Absence, &c., of Bishop"—a verbal amendment was moved by Mr. W. D. CAMPBELL, and seconded by the BISHOP OF NEWCASLE, and agreed to.

In clause 30—"Nothing in contravention to law"—a verbal amendment was made, and the clause put and passed.

Clause 31—"Ordinances to be transmitted to the Archbishop of Canterbury."

This—the last—clause was also agreed to.

On the motion of Mr. DOCKER, the constitutions, as amended, were adopted.

Mr. GORDON moved the suspension of the standing orders, in order that he might move the next resolution.

The BISHOP OF GOULBURN seconded the motion, which was put and carried.

Mr. GORDON moved the following resolution—"That a committee consisting of the following members: The Hon. R. Johnson, Esq.; the Hon. J. Docker, Esq.; Alexander Gordon, Esq.; and Charles Campbell, Esq.; be appointed to draw up a bill to be submitted to the Legislature, in order to carry out the third of the resolutions already adopted by this Conference; and that the committee, in drawing up such bill, have regard to the bill which has been already agreed to by the dioceses of Sydney and Goulburn, and also to the several Acts which have been passed in this colony at the instance of the Wesleyans and Presbyterians denominations respectively; and that the committee be at liberty to obtain such legal assistance and advice in drawing up the bill as they may deem necessary."

The BISHOP OF NEWCASTLE had much pleasure in seconding the resolution, and was

sincerely glad that they had been enabled to bring their deliberations to a satisfactory conclusion.

Mr. THOMAS expressed his conviction that the bill so drawn up would never be passed by the Legislature, if legislative sanction for the government of the Church were asked for.

The resolution was carried *nemine contradicente* in the house of the clergy, the laity, and the bishops.

General applause followed the announcement from the Chair.

Mr. GORDON moved the following resolution:—"That the bill when drawn up be submitted to this Conference, to be summoned at a time to be hereafter named, for the consideration of such bill."

The Rev. THOMAS DRUITT seconded the resolution, and hoped that no time would be lost.

The Rev. W. STACK thought it very desirable that the Conference should fully approve of the bill about to be drawn. Coming from that Conference, the bill might then be fairly taken as coming from the body which represented the Church of England in the colony.

The Rev. F. A. C. LILLINGSTON wished to know whether it might not be expedient to allow members of the Conference to send their votes by proxy in respect of the proposed bill, if they lived at a distance.

The BISHOP of GOULBURN was inclined to be favourable to that course.

Mr. DOCKER opposed such a course, as unprecedented.

The Rev. W. SOWERBY said it was not unprecedented. He had voted himself in a former Conference by proxy.

After some few observations from Captain BOLTON, the resolution moved by Mr. Gordon was put and carried.

The PRESIDENT said he would summon the Conference by circular in July next.

Mr. STUART brought up the Report of the Finance Committee, stating that the probable expenses would be £200. It was recommended that the half of this should be paid by the Diocese of Sydney, and the remainder to be contributed by the Dioceses of Newcastle and Goulburn.

The Report was adopted.

Mr. GORDON then moved—"That, previous to the meeting of the Conference, the Bill so prepared be referred to the Bishops of the Dioceses represented in this Conference, and that they be requested to obtain the opinions of the clerical and lay representatives on the Bill, and transmit the same to the Metropolitan to be laid before the Conference at its meeting."

The motion, seconded by the DEAN of SYDNEY, was agreed to.

It was then moved by the BISHOP of GOULBURN, and seconded by the Rev. W. SOWERBY, —"That the thanks of the Conference be given to the Chancellor of the Diocese of Sydney, for the very able, zealous, and conciliatory manner in which he had discharged the duties he had so kindly undertaken in this Conference."

The resolution was carried unanimously.

A vote of thanks was also awarded to the Committee which drew up the Constitutions. And, upon the motion of the BISHOP of NEWCASTLE, to the President, for the impartial, able, and dignified way in which he had presided over their proceedings.

The motion was carried by acclamation.

The Conference closed by the members joining in the *Te Deum Laudamus*. After which the PRESIDENT pronounced the Benediction.

CONSTITUTIONS.

For the Management and good Government of the United Church of England and Ireland within the Colony of New South Wales as agreed to by the late Conference.

WHEREAS it is expedient that further and better provision should be made for the management and good government of the United Church of England and Ireland within the Colony of New South Wales. 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 should meet in Diocesan and Provincial Synods and make such rules and ordinances as for the purpose hereinbefore mentioned they may deem requisite.

Now we the members of the United Church of England and Ireland within the said colony present at a General Conference of the Bishops and Clerical and Lay representatives of the existing Dioceses of the said Church convened and presided over by the Right Reverend Frederic Lord Bishop of Sydney and Metropolitan and held in the City of Sydney in the month of April A.D. 1866 do agree to and accept the underwritten Articles and Provisions as Constitutions for the management and good government of the said Church.

Diocesan Synod to be held.

1. The Members of the said United Church of England and Ireland in any diocese now existing or at any time hereafter to be constituted within the colony shall meet in Synod as hereinafter provided.

President and time of holding.

2. The first Synod and all subsequent Synods in each existing diocese shall be convened in the manner herein provided save in so far as the same may be altered in such Synod acting under the provisions hereinafter contained. And such Synod shall be convened and holden once in every year by summons of the Bishop of the diocese stating the time and place of meeting. And the Bishop of the diocese 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 And 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. And the word provisions hereinbefore contained shall be applicable to any diocese which may be hereafter constituted within the colony. Provided always that nothing hereinbefore contained shall be binding on such diocese within a less period than three years after it has been constituted.

Power of Synod generally.

3. The Synod of each diocese 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 churchwardens 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 of each diocese 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 of each diocese 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 with regard to the dioceses of Sydney and Goulburn the number of representative members to be summoned to any such future Synod shall not be more than thrice the number of clergy to be summoned. And with regard to the diocese of Newcastle the number of representative members to be so summoned shall not be more than twice the number of clergy to be summoned Provided also that the declarations hereinafter 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. At the first meeting of a Synod in any diocese the presence of not less than one-fourth of the members of each order shall be necessary to constitute a quorum And every rule or ordinance of a Synod shall be made by a majority of the clergy and representative members voting collectively Provided that if any Synod of the dioceses of Sydney and Goulburn if any five members shall so desire and in any Synod of the diocese of Newcastle if the Bishop or if five members shall so desire the votes shall be taken by Orders 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 composed of the representatives of the Diocesan Synods of the colony of New South Wales in manner hereinafter provided.

Synod may call for Accounts.

7. The Synod of each diocese 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.

8. Whenever the Bishops of Sydney and Goulburn shall convene the first Synod of their respective dioceses they shall summon thereto each clergyman licensed to a separate cure of souls within their respective dioceses, and representatives as hereinafter provided. And whenever the Bishop of the Diocese of Newcastle shall convene the first Synod of his diocese he shall summon thereto the licensed clergy within his diocese and representatives as hereinafter provided And for electing such representatives the Bishop of the diocese shall require each clergyman licensed to a separate cure of souls to summon a meeting of the members of the Church of the age of twenty-one years being males and occupiers of seats in his church or residents within his parish or district at such times 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.

9. The clergyman if present shall act as chairman of the said meeting and as soon as six persons are assembled the meeting may proceed to business and the chairman shall cause a list to be made of those who are present and add thereto 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.

10. In the Dioceses of Sydney and Goulburn every such meeting shall choose as Representatives two male persons of the age of twenty-one years each such person being a Communicant of the Church and in the case of the Diocese of Goulburn not being a clergyman and in the case of the Diocese of Sydney not being a clergyman licensed to a separate cure of souls 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. In the Diocese of Newcastle such meeting shall choose as a Representative one male person of the age of twenty-one years being a Layman and a Communicant of the Church And if more than thirty persons shall attend and vote it shall be lawful for such meeting to elect one such additional Lay Representative but no parish or district shall elect more than two Lay Representatives.

Mode of Election.

11. 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 but 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.

12. 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 of the Diocese together with all subscriptions and lists which have been laid before the said meeting and a certificate

of the names callings and addresses of the persons elected to be laid before the Synod at its opening.

Vacancy in Cure, or Absence of Clergyman.

13. If the cure be vacant or the clergyman be absent or unable from any other cause to act the Bishop of the Diocese shall appoint a person to perform all the functions devolving on such clergyman under any of the five preceding sections of these constitutions.

Summoning of Chancellor and Registrar.

14. 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.

Representation of St. Paul's College.

15. The Warden of St. Paul's College within the University of Sydney shall always be summoned to the Synod of that Diocese as a Clerical Member thereof and two Lay Members of the Church to be elected by the Council of the said College from amongst themselves shall likewise always be summoned to such Synod as Representative Members thereof and the said Warden shall cause to be delivered to each Member of the said Council so elected and shall also forward to the Bishop a certificate of such election.

Several Churches in one Parish.

16. In the case of the Diocese of Goulburn 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 eight to elect one representative for each such district Provided that no parochial district shall elect more than three representatives in the aggregate.

Declaration to be made.

17. Each Representative shall before taking part in or voting at any Diocesan 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.

18. In the Dioceses of Sydney and Goulburn respectively 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 in the Diocese of Newcastle for the trial also of offences by other office bearers And the Synod of each diocese may frame rules and ordinances for the initiation 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 decisions of the Bishop.

Clergyman's License when to be withdrawn.

19. 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 other Court of competent jurisdiction Provided that until a tribunal shall have been established as herinbefore mentioned nothing herein shall effect any of the powers now vested in the Bishop.

Provision as to new Dioceses.

20. The provisions of these constitutions shall save as herinbefore specially provided be extended to and held to be binding upon any new diocese which shall be hereafter constituted in the colony. Provided that in those cases in which diversity of proceedings is allowed in existing dioceses it shall be left to the decision of the new Diocese as to which course it shall adopt.

Provincial Synod may be held.

21. The representatives of the Diocesan Synods of the United Church of England and Ireland in New South Wales shall meet in Provincial Synod as herein-after provided and the title of such Synod shall be the Provincial Synod of the United Church of England and Ireland within the colony of New South Wales.

Time of holding Colonial Synod.—House of Bishops—House of Representatives of Diocesan Synods—President of House of Bishops.—President of House of Representatives of Diocesan Synods.

22. The first Colonial Synod shall be convened and holden within twelve months after any three dioceses of the United Church of England and Ireland in New South Wales shall have met in Diocesan Synod under the provisions hereinbefore contained. And such first Colonial Synod and all subsequent Colonial Synods shall be convened in the manner hereinafter provided save in so far as the same may be altered by any Colonial Synod acting under the powers hereinafter in that behalf given. And such Colonial Synod shall be convened and holden once in every three years. And for the purpose of holding such Colonial Synod the Bishop of Sydney as the Metropolitan Bishop shall by writing under his hand and seal summon the Bishop of each Diocese within the colony having a Diocesan Synod under the provisions hereof and require each such Bishop to convene the members of the Synod of his Diocese or their representatives at such time and place as the said Bishop of Sydney may deem fit and the Metropolitan and other Bishops attending such Synod shall sit and vote as one House. And the members of the said Diocesans Synods or their representatives shall sit and vote as another House and the Bishop of Sydney as such Metropolitan as aforesaid or in his absence such one of the other Bishops within the colony as he may appoint his commissary under his hand and seal for that purpose shall be President of the said House of Bishops and the members of the House representing the Diocesan Synods shall before otherwise proceeding to business elect one of themselves to be President thereof. And the President of the said House of Bishops may with the concurrence of both Houses of the said Colonial Synod prorogue and dissolve the same. And the President of each House may vote on any question or matter arising therein and each such President shall in case of an equality of votes have also a casting vote.

Power to make Rules.

23. Each House of the Colonial Synod shall have power to make rules for the conduct of all business coming before it And the House of Diocesan Representatives shall also have power to make rules for trying the validity of the election or appointment of any person claiming to be a member thereof and for supplying any vacany therein which may be occasioned by death, resignation, or any other cause.

Power of Colonial Synod generally.

24. The Colonial Synod may make ordinances and determinations upon and in respect of all such matters and things concerning the order and good government of the United Church of England and Ireland in the colony and the regulation of its affairs as may be the subject of joint reference to such Colonial Synod by all the Diocesan Synods then existing in the colony And all such ordinances and determinations shall be binding on the Bishops of the several dioceses and their successors and all other members of the Church within the colony And the Colonial Synod may also make ordinances and determinations upon and in respect to all such matters and things as may be the subject of reference to such Colonial Synod from any Diocesan Synod under the provision hereinbefore in that behalf contained the ordinances or determinations of the Colonial Synod upon the matter so referred to be binding only upon the diocese referring the same.

Mode of voting and quorum.

25. Every ordinance or other determination of the Colonial Synod shall be made by a majority of both Houses thereof and in every division of the House representing the Diocesan Synods the voting shall be by dioceses and no vote shall be taken as the vote of any diocese unless assented to by a majority both of the clerical and lay members representing such diocese and the presence of three members of the House of Bishops shall be necessary to form a quorum therein and the presence of the members or representatives of three Diocesan Synods shall be necessary to form a quorum in the House representing the Diocesan Synods Provided that each Diocesan Synod shall be deemed present or duly represented if three clerical and three lay representatives of such Diocesan Synod be present.

Power of Colonial Synod to alter Constitution.

26. The Colonial Synod may make rules for altering the manner in which subsequent Colonial Synods shall be convened and the mode of electing or otherwise appointing members of the House representing the Diocesan Synods and for restricting the number of clerical and lay representatives to be respectively summoned to any future Colonial Synod as members of the House representing Diocesan Synods therein and the manner in which such restriction shall be effected Provided that the number of lay representatives of any Diocesan Synod shall never be more than thrice the number of clerical representatives thereof.

Prohibition in respect to Alterations of Church Doctrines and Liturgy.

27. No rule ordinance or determination of any Diocesan or Colonial Synod shall make any alteration in the Articles Liturgy or formularies of the Church except in conformity with any alteration which may be made therein by any competent authority of the United Church of England and Ireland in the United Kingdom.

Defects and errors as to elections &c., not to vitiate proceedings.

28. No rule ordinance or determination of any Diocesan Synod nor of any Colonial Synod or of either House thereof shall be vitiated by reason of the non-election or non-appointment or non-summoning of any person necessary to be elected or appointed or summoned thereto respectively or of any informality in or respecting any such election appointment on summoning.

Absence, &c.. of Bishop.

29. In case of the absence from the colony of the Bishop of any diocese the powers by these Constitutions vested in him shall be exercised by a Commisary appointed by him and in case no such Commisary 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 in the case of the diocese of Newcastle and Goulburn respectively all rules or 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 under his hand and seal at any time after the passing of those rules and ordinances and within one month after his return to the diocese or in 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 Six of these Constitutions to the contrary notwithstanding.

Nothing in contravention of Law.

30. Provided always that no rule or ordinance or determination of any Diocesan or Colonial Synod shall be made in contravention of any law or statute n force for the time being in the colony.

Ordinances to be transmitted to the Archbishop of Canterbury.

31. A copy of all ordinances passed by the Synod of each diocese shall be sent by the Bishop thereof to the Metropolitan who shall send the same together with all ordinances passed by the Synod of his own diocese and the ordinances passed by any Colonial Synod to the Archbishop of Canterbury.

ST. MARK'S COLLEGIATE SCHOOL.

PRINCIPAL:

Rev. GEO. FAIRFOWL MACARTHUR.

The entire management and discipline of the school is under the immediate personal direction of the Principal, who is assisted in every branch by an ample staff of resident and non-resident masters.

SUBJECTS OF INSTRUCTION:

INCLUDED IN THE FEES.

1. Classics—Latin and Greek
2. Mathematics
3. English Language
4. French Language
5. German Language
6. Biblical Literature and Divinity
7. History, Ancient and Modern
8. Geography, Ancient and Modern
9. Drill
10. Choral Singing.

COMMERCIAL DEPARTMENT.

The Commercial Classes provide for the instruction of those boys who are destined for commercial pursuits. The hours appointed for the study of Greek, in the curriculum of the Collegiate School, may be applied to the special work of this department, without causing any interruption to the Collegiate School course, except that which is involved in the omission of Greek.

ADMISSION.

A certificate of moral character will, in all cases, be required. The Principal, being satisfied on this point, will admit upon the payment of the admission fee, viz., £4.

SCALE OF FEES.

All Fees must be paid Quarterly in Advance. (The quarter days are January 1st, April 1st, July 1st, and October 1st.)

For one pupil ... ... £70 per annum.
For two pupils (brothers) each 65 „
For three or more pupils (brothers) each ... ... 60 „

Medical Advice or Medicines, Books and Stationery, will be charged for. No charge for Washing.

EXTRA SUBJECTS (OPTIONAL) INVOLVING EXTRA FEES.

1. Music—Pianoforte (per quarter)	£4	4	0
2. Drawing ... ... „	2	2	0
3. Dancing ... ... „	1	0	0

In reference to the above extra subjects, the fees are not charged in advance.

REQUIREMENTS.

Each pupil must bring with him two white counterpanes, three pairs of sheets, three pillow cases, two pairs of blankets, one pillow, six towels, together with an ample supply of such clothing as will enable him, at all times, to maintain his appearance as a young gentleman.

Each article of clothing and bedding must be clearly marked with the pupil's name in full.

VACATIONS.

Midsummer	Seven weeks
Easter	One week.
Midwinter	One week.
Michaelmas	One week.

The vacations afford every reasonable opportunity for family re-unions, and any interruptions beyond these prove prejudicial. As a rule, therefore, no pupil will be allowed to leave school during the usual terms.

PREPARATORY SCHOOL.

The Preparatory School is worked quite distinctly from the Collegiate, or Upper School. It is placed under the immediate care of a trained master of great experience, and is designed to promote the efficiency of the Collegiate School, by making its forms accessible to those boys alone, who—having been thoroughly grounded in the elementary English subjects—have made some progress in elementary Latin. The importance of the Preparatory School cannot be over-estimated, and, therefore, the Principal earnestly advises those parents who intend to avail themselves of the Collegiate School, to send their sons to the Training Department, when, being not less than nine years of age, they can read an easy English subject with fluency, and can write the same from dictation.

NOTICE OF REMOVAL.

In the event of a new quarter being allowed to commence without a written notice of removal having been addressed to the Principal at least one week before the close of the quarter last past, the parents, or guardians, shall, in every such case, pay two-thirds of a quarter's fees.

GEORGE F. MACARTHUR, Principal.

Macquarie Fields, January 1, 1866.

ARNOLD HOUSE COLLEGIATE SCHOOL, Woollahra, Waverley.

Principal—The Rev. E. SYMONDS, A.K.C.
Assistant—The Rev. A. L. HEYDE.

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Prospectuses on application to the Principal, Waverley.

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