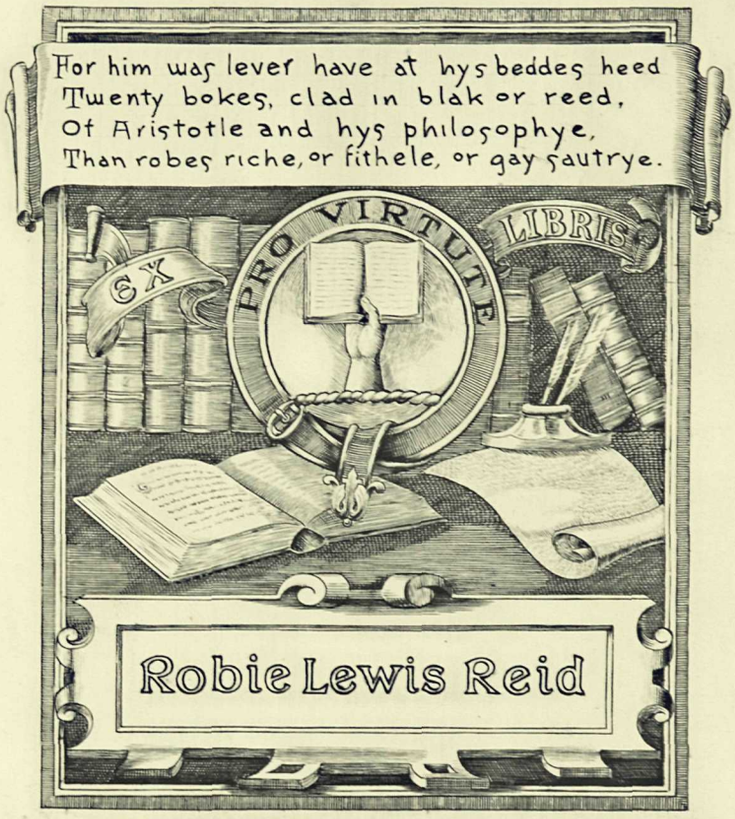
3

RIGHT REV. GEORGE HILLS
First Bishop of Columbia 1859-1892.

An Easter of the Past—the Late Bishop Cridge in His Pulpit

Public School Mag. Vich. B.C. 1921



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TRIAL

—:OF THE:—

VERY REVEREND EDWARD CRIDGE,

RECTOR AND DEAN OF CHRIST CHURCH
CATHEDRAL, VICTORIA.

—o—

DOCUMENTS, EVIDENCE, CORRESPONDENCE AND
JUDGMENTS,

—:AS USED AND GIVEN IN THE:—

BISHOP'S COURT,

—:AND IN THE:—

SUPREME COURT OF THE PROVINCE,

BEFORE THE HON. CHIEF JUSTICE BEGBIE.

1875.
PRINTED AT THE VICTORIA STANDARD OFFICE.

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The judgment of Begbie, C.J. on the application for the interim injunction, and that of Gray, J. making it perpetual will be found in 1 B.C.R. Pt I - p. 5 et seq. R

PREFACE.

The ensuing pages contain the documents, evidence, correspondence, and judgments of the trial of the Rev. Edward Cridge before the Ecclesiastical Tribunal and in the Supreme Court of British Columbia.

The following are some of the breaches of propriety and discipline alluded to in those documents and papers:

Disturbing the Congregation.

Attacking a brother Clergyman before the Congregation.

Public repudiation of the Bishop's censure.

Attack upon Episcopacy.

Refusal to explain.

Refusal of returns to Visitation Articles of Inquiry.

Denial of the Bishop's authority at Visitation.

Refusal to answer questions at the Visitation.

Refusal to produce the Registers.

Declaring the Bishop to have denied the Queen's supremacy.

Declaring the Bishop a seceder from the Church of England.

Denial of the Bishop's right and discretion as to preaching in the Cathedral.

The proofs afforded of so presistent a violation of the rules and discipline of the Church, of vows and promises of obedience, must convince every intelligent and impartial reader that, however painful, it was the imperative duty of the Bishop to initiate proceedings for the purpose of vindicating the law and order of the Church.

It is satisfactory to find the proceedings in the Ecclesiastical Tribunal pronounced in the judgment of the Supreme Court to have been conducted on the principles of justice, and to have resulted in a right conclusion.

The readiness of Mr. Cridge to abandon the Church of England, and to express his agreement with the principles of a hostile sect, is a complete justification of the painful process of law, and affords a clue to his extraordinary conduct under the long forbearance by which he has been treated.

TRIAL

OF THE VERY REVEREND DEAN CRIDGE,

Sept. 10th, 11, 12th, 14th and 17th, 1874.

———o———

COPY OF THE OPENING REMARKS AND JUDGMENT OF THE RIGHT REVEREND THE LORD BISHOP OF BRITISH COLUMBIA, AND THE ASSESSORS' FINDING, ALSO OF THE DOCUMENTS ADDUCED AT THE TRIAL.

———o———

THE BISHOP'S OPENING REMARKS.

In opening the painful proceedings of to-day, it is right to state, for the information of the members of the Church of England, that this Tribunal, under the best legal advice, has been constituted in accordance with the requirements of the "Clergy Discipline Act of England." (3 and 4, Vic., c. 86.)

That Act is not here in force and does not apply in many respects, but it represents the mode of procedure in the Church at home, which we here are bound, where possible, to follow.

That Act not only authorizes the Bishop to initiate proceedings and to preside, but to appoint assessors to sit with him.

In accordance with this I have appointed gentlemen to assist and advise me who have been in no way connected with the questions in dispute.

We have thrown these proceedings open to members of the Church, but as in religious questions there is always considerable feeling, we hope there will be no expression of this one way or the other, in order that a calm and orderly consideration may be given, and that quietness preserved which becomes the gravity of the occasion. On the one hand for consideration, is the conduct, conscientious we are bound to believe, of a Minister of our Church, who by his past services has deservedly secured many friends, and on the other hand are the laws and discipline of the Church. How far these are in harmony—the conduct and the laws—is the question for this Tribunal to decide. Both sides must be patiently heard, and a conclusion arrived at with impartiality, justice, and as in the sight of God.

Let us hope from neither one side nor the other will escape a word of bitterness, but that all things may be done with charity.

We now call upon the Registrar to read the Citation and Articles.

CITATION.

[1]

To the Venerable Edward Cridge, Clerk,
Dean of Christ Church, Victoria,

GREETING:

We, George, by Divine permission, Bishop of British Columbia, by virtue of the authority vested in us as your ordinary, and of Her Majesty's Letters Patent, dated 12th January, 1859, do hereby summon you, the said Edward Cridge, to appear before us at the building known as the Pandora Street Church, on Pandora Street, in the City of Victoria, on the 10th day of September next, at the hour of ten o'clock in the forenoon, to answer the several articles, matters, and things alleged, charged and propounded against you, and which are hereunto annexed; and take notice that in default of your appearing and answering the several articles, matters, and things so alleged against you, we shall proceed to hear and adjudicate upon the same, your absence notwithstanding.

Dated at Victoria, the 27th day of August, 1874.

G. [L. S.] COLUMBIA.

M. W. Tyrwhitt Drake, Registrar,
by Robt. E. Jackson, his Attorney.

ARTICLES.

IN THE NAME OF GOD, AMEN.

We, George, by Divine permission, Bishop of British Columbia, to you the Rev. Edward Cridge, Licensed Minister of the Cathedral Church of Christ Church, Victoria, in the Province and Diocese of British Columbia, and Dean thereof, do hereby article and interrogate you touching and concerning divers matters and things wherein you have offended against the laws Ecclesiastical; have refused to acknowledge our authority; have neglected to comply with our lawful requests, and have obstructed us in the performance of our Episcopal office and functions, as follows:—

1 We article and object to you, the said Edward Cridge, that by the Ecclesiastical Laws, Canons and Constitutions of the Church of England, all Clerks and Ministers in Holy Orders, holding the Bishop's license, are required to obey the said Bishop in all lawful matters and things under pain of deprivation or other Ecclesiastical punishment or censure as the exigency of the case and the law thereupon may require and authorize according to the nature and quality of their offences.

2 And we article and object to you, the said Edward Cridge, that on the 24th day of February, 1859, we were duly consecrated to the See of British Columbia, and that the following, among other clauses, are in the Letters Patent from Her Majesty appointing us:—

"And we do further by these presents ordain that it shall be competent to the Bishop (meaning ourselves) from time to time to select any suitable Church already erected, or which may hereafter be erected, within the limits of the said Bishoprick, or Diocese, to be used as his Cathedral Church.

"And we further ordain and declare that the said Bishop of British Columbia and his successors shall be subject and subordinate to the Archbishop of Canterbury and his successors.

"And we do further will and ordain that every Bishop of British Columbia shall take an oath of obedience to the Archbishop of Canterbury for the time being, as his Metropolitan, which oath shall and may be ministered by the said Archbishop, or by any other person by him only appointed or authorised for that purpose.

"And we do further by these presents expressly declare that the said Bishop of British Columbia, and also his successors, having been respectively by us, our heirs named and appointed, and by the said Archbishop of Canter-

bury, canonically ordained and consecrated according to the form of the United Church of England and Ireland, may perform all the functions peculiar and appropriate to the office of Bishop, within the said Diocese of British Columbia.

"And for a declaration of the spiritual causes and matters in which the aforesaid jurisdiction may be more especially exercised, we do by these presents further declare that the aforesaid Bishop of British Columbia and his successors may exercise and enjoy full power and authority by himself or themselves, or by the Archdeacon or Archdeacons, or the Vicar General, or other officer or officers hereinafter mentioned, to give institution to benefices, to grant licenses to officiate to all Rectors, Curates, Ministers and Chaplains of all the Churches or Chapels, or other places within the said Diocese wherein divine service shall be celebrated according to the rites and liturgy of the Church of England, and to visit all Rectors, Curates, Ministers and Chaplains, and all Priests and Deacons in Holy Orders of the United Church of England and Ireland, resident within the said Diocese, as also to call before him or them, or before the Archdeacon or Archdeacons, or the Vicar General, or other officer or officers hereinafter mentioned, at such competant days, hours, and places, when and so often as to him or them shall seem most meet and convenient, the aforesaid Rectors, Curates, Ministers, Chaplains, Priests, and Deacons, or any of them, and to enquire as well concerning their morals or their behaviour in their said offices and stations respectively, subject nevertheless to such right of review and appeal as are hereinafter given and reserved.

"And for the better accomplishment of the purposes aforesaid we do hereby grant and declare that the said Bishop of British Columbia, and his successors, may found and constitute one or more dignities in his Cathedral Church, and also one or more Archdeaconries within the said Diocese, and may collate fit and proper persons to be dignitaries of the Cathedral Church, and one or more fit and proper persons to be the Archdeacons of the said Archdeaconries respectively.

"Provided always that such dignitaries and Archdeacons shall exercise such jurisdiction only as shall be committed to them by the said Bishop or his successors, and the said Bishop and his successors may also, from time to time, nominate and appoint fit and proper persons to be respectively the officers hereinafter mentioned; that is to say to be Vicar General, Official Principal, Rural Deans and Commissaries, either general or special, and may also appoint one or more fit and proper persons to be Registrars and Actuaries.

"Provided always that the dignitaries and Archdeacons aforesaid shall be subject and subordinate to the said Bishop of British Columbia and his successors, and shall be assisting to him and them in the exercise of his and their jurisdiction and functions.

"And we will and declare that during a vacancy of the said See of British Columbia, by the demise of the Bishop thereof, or otherwise, the dignitaries and Archdeacons, and Vicar General, and other officers, respectively appointed as aforesaid, shall continue to exercise, so far as by law they may or can, the jurisdiction and functions delegated to them, and that the said Registrars and Acturaries shall respectively continue to discharge the duties whereunto they have been appointed, until a new Bishop of the said See of British Columbia shall have been nominated and consecrated, and his arrival within the limits of the said Diocese shall have been notified to the said parties respectively.

"And we further will and do by these presents declare and ordain that it shall be lawful for any party against whom any judgment, decree, or sentence shall be pronounced by any of the said Archdeacons, or by the Vicar General, or other officer or officers of the said Bishop, or his successors, to demand a re-examination and review of such judgment, decree, or sentence, before the Bishop, or his successors, in person, who upon such demands made shall take cognizance thereof and shall have full power and authority to affirm, reverse, or alter the said judgment, sentence, or decree, and if any party shall consider himself aggrieved by any judgment, decree or sentence, pronounced by the said Bishop of British Columbia, or his successors, either in case of such review, or in any cause originally instituted before the said Bishop, or his

successors, it shall be lawful for the said party to appeal to the Archbishop of Canterbury, or his successors, who shall finally decide and determine the said appeal.

"Provided always that in any such case of appeal or review, notice of the intention of the party to make such appeal, or demand such review, shall be given to the Bishop, or subordinate judge, by whom the sentence appealed from, or to be reviewed, shall have been pronounced, within fifteen days from the promulgation thereof.

"And we do further by these presents ordain that in all cases in which an appeal shall be made, or review demanded, as aforesaid, a copy of the judgment, or sentence, in such case promulgated or given, setting forth the causes thereof, together with a copy of the evidence on which the same was founded, shall without delay be rectified and transmitted by such subordinate judge to the said Bishop, or his successors, or by the said Bishop, or his successors, to to the said Archbishop of Canterbury, as the case may require."

3 We article and object to you, the said Edward Cridge, that you were and are a Priest or Minister in Holy Orders of the Church of England, and that on or about the 17th day of September, 1860, you were duly and lawfully licensed by us to perform the offices of clergyman in our Diocese in and for the Church of Christ Church, Victoria, and that you did then and there before us take and subscribe the oath of Canonical obedience to us as your Bishop and Ordinary, the form of which said license and oath is hereunto annexed, and that you have been in possession of the said Church of Christ Church ever since as the Minister thereof.

4 We also article and object that you, the said Edward Cridge, were, on or about the 7th day of December, 1865, collated, constituted, and appointed by us Dean of the Deanery of Christ Church, Victoria, and were appointed unto the chair of the said Deanery of Christ Church, within the Cathedral Church of Christ Church, saving always the Episcopal rights of the said Bishop of British Columbia, and their successors in the said Cathedral, and did then and there before us swear on the Holy Evangelists that you would pay true and Canonical obedience to us and our successors, Bishop of British Columbia, in all things lawful and honest, and did also then and there before us subscribe the several articles and things, copies of which are hereto annexed, and did then and there receive from us a certificate of subscriptions and letters of collation, copies of which are hereto annexed, although no freehold, benefice, property, or emolument is annexed to the said office, or does the Dean hold any such, *i. e.* by virtue of such dignity.

5 Also we article and object to you, the said Edward Cridge, that having received from us on December 14th, 1872, a formal censure for the disturbance of public worship, and for the violation of the 53d Canon, you, on Wednesday, the 25th day of March now last, at a meeting called by you at the Presbyterian Church, in Pandora Street, did publicly and advisedly repudiate such censure and admonition and set the same at naught, and justified the acts which called for the censure and admonition, and you did then and there in effect declare that you would act in the same way under similar circumstances, and that you did publish, or cause to be published, such address on or about the 28th day of March last, wherefore you have been guilty of contempt and contumacy.

6 Also we article and object to you, the said Edward Cridge, that you did on the said 28th day of March last, publish, or cause to be published, the following statement:—

"When any attempt is made to defame my ministry, or intrude upon my office, which I have received in trust for the Church, as well as for myself, I shall not hesitate, if I believe the interests of religion require it, to give it to the light of day.

"I should not have published the Bishop's judgment, had I not previously made my best endeavours to convince him of what I conceived to be its true character.

"I bring this, (the censure), before you as an official act on the Bishop's

part, and not as a personal matter, the said letter having been sent by him to the Churchwardens, and therefore virtually published; what I now say to you therefore is in some sense my defence.

"The best answer I can give to this letter is to repeat in my protest, now before you, all that I did say. 'I stood up, as I believed, for my master and my church, in defence of the ministry which had been entrusted to me.'

"In fact there was no other way of dealing with this offensive discourse.

"It is a well understood principle that when a man's office, or his right, or his trust is in danger, he is at liberty to utter a protest, and even should he, in the sudden unexpected emergency somewhat exceed the accustomed restraints of language or conduct, it is pardoned for the urgency of the occasion. The most despotic Pope would not forbid this liberty, for he might be forbidding a defender.

"If the sermon in question had been an attack on sentiments held by the Bishop, as it was an attack on those held by the Minister and his Congregation, the Bishop himself would hardly have failed to thank his defender, and load him with his best rewards," thus setting at naught our office, and in contravention of our authority as your ordinary, contrary to your ordination vow and oath of canonical obedience.

7 Whereas, our private admonition and censure which we administered to you on the 14th of December, 1872, for the hereinafter named offences, has been of noneffect, and has been treated by you with contempt

We article and object to you, the said Edward Cridge, that you did on the 5th day of December, 1872, in Christ Church Cathedral, interrupt the appointed order of divine service, and instead of proceeding therewith by giving out the Hymn after the sermon, did make an address to the Congregation from the reading desk in irritating, insulting, and chiding language, towards a brother clergyman, who was present, attacking the sermon which had just been preached, your words being to the effect that the principles it advocated were contrary to the law of God in the Scripture, contrary to the law of England, and contrary to the Prayer Book, causing a disturbance in the Congregation, calling forth irreverent noises of stamping of feet and clapping of hands and vehement expressions, unbecoming the House of God, producing distress amongst the properly disposed, under the effect of which several members of the Congregation hastily left the Church.

We article and charge you that such conduct on your part was an interruption of the due order, and an act of disturbance of public worship, and an offence contrary to the Ecclesiastical laws as contained in Canons 14 and 18, and other Canons, and to the general Ecclesiastical Law, as witnessed in 5 and 6, Edward, VI, cap. 4, sec. 1., and other statutes in that behalf.

[CANON 14.]

All Ministers likewise shall observe the orders, rites, and ceremonies prescribed in the Book of Common Prayer, as well in reading the Holy Scriptures and saying of prayers, as in administering of the Sacraments, without either diminishing in regard of preaching, *or in any other respect, or adding anything in the matter or form thereof.*

[CANON 18.]

In the time of Divine Service, and of every part thereof, all due reverence is to be used, for it is according to the Apostle's rule, "Let all things be done decently and according to order," answerable to which decency and order we judge these our directions following, &c., &c.: *None, either man, woman or child*, of what calling soever, shall be otherwise at such times busied in the Church, than *in quiet attendance* to hear, mark, and understand, &c.: Neither shall they *disturb the service* or sermon by walking, or *talking, or any other way, nor depart out of the Church* during the time of service or sermon without some urgent or reasonable cause.

[5 AND 6, EDWARD, VI, CAP. 4, SEC. 1.]

If any person shall, *by words only*, quarrel, *chide*, or brawl in any Church or Churchyard, that then it shall be *lawful unto the Ordinary* of the place where the same offence shall be done and proved by two lawful witnesses, *to*

suspend every person so offending, and if he be a clerk, from the ministration of his office for so long a time as the said Ordinary shall, by his discretion, think meet and convenient according to the fault.

8 Whereas our private admonition and censure, which we administered to you on the 14th of December, 1872, has been of non-effect, and has been treated by you with contempt, we article and object to you, Edward Cridge, that that you, on the 5th day of December, 1872, in Christ Church Cathedral, did nameiy of purpose impugn and confute the doctrine "which had just been delivered in a sermon in the same Church," by the Rev. S. W. Reece, that you did name the preacher by name and did say in effect, or in the words here quoted, that the principles advocated in such sermon were contrary to the law of God in the Scriptures, contrary to the law of England, and contrary to the Prayer Book, causing by such public dissenting, and contradicting much offence and disquietness unto the Bishops, Clergy, and people there assembled, all which your conduct we article and object to, as being in contravention of the 53d Canon, and therefore a grave Ecclesiastical offence, and contrary to the 5 and 6 Edward VI, c. 4. s. 1., and other statutes and Canons in that behalf.

[CANON 53.]

"If any preacher shall, in the pulpit particularly, or *namely of purpose, impugn or confute any doctrine delivered by any other preacher in the same Church*, or in any Church near adjoining, before he hath acquainted the Bishop of the Diocese therewith, and received order from him what to do in that case, because upon such public dissenting and contradicting there may *grow much offence and disquietness unto the people*, the Churchwardens or party grieved, shall forthwith signify the same to the Bishop and not *suffer the same preacher any more to occupy that place* which he hath once abused, *except he faithfully promise* to forbear all such matter of contention in the Church, &c."

9 We also article and object to you, the said Edward Cridge, that you, on or about the 12th day of February, and 23d of March last, having received from us as your Bishop, letters requesting you to explain certain statements made and published by you in the newspapers of this Province, particularly on January 10th, 1874, touching certain Ecclesiastical matters, you have neglected and refused to render such explanations, copies of which letters are hereto annexed, or referred to, by which conduct you have set at naught our Episcopal office in the lawful exercise of enforcing obedience to the laws Ecclesiastical, which laws, for instance, Canons 4, 5, 6, 7, 36, 37, 51 and others, require conformity in teaching with the articles, prayer book and ordinal, as do also the Imperial Statutes 13 ELIZ., c. 12, 1 ELIZ., c. 2, and 14 CAR. ii c. 4, which bear witness to, and confirm the Ecclesiastical laws of the Church of England, and respecting any alleged departure from the aforesaid articles, prayer book and ordinal, it is the duty of the Bishop to enquire and to demand explanation "that he may determine the matter, and take such order therein as he shall think convenient." (Canon 51.)

10 We article and object to you, Edward Cridge, that although you signed the 36th Canon on the 17th September, 1860, and made the declaration thereby required that you, on several occasions have published statements in disparagement of the Episcopal office, and derogatory of the institution of Episcopacy as held in the Church of England, to wit; in a certain letter dated January 9th, 1874, and published in the Victoria *Standard*, of January 10th, 1874, also in a certain letter signed "Expectans," dated January 22nd, 1874, and published in the Victoria *Colonist* of January 25th, 1874, also in a certain letter signed "Eccentric," dated January 27th, 1874, and published in the Victoria *Standard*.

The following passages contain the statements aforesaid, and the remainders of the said letters respectively, tend to verify the said charge as also do other letters referred to in these articles. "There is something fascinating to many minds in the notion of the Church being under one visible head, and invested with divine authority to rule it. It seems to afford the fairest promise of unity and peace. *It has been tried and found wanting. It has proved the fruitful source of either discord or deadness. And its legitimate*

tendency after ages of trial, may be learned from the reformation, and from the last Ecumenical Council. The traditional traces of it, unhappily are not yet blotted out, in our body nor its memory from the minds of those who on account of prelacy, more than any other thing, left us." Letter of January 9th, 1874.

"The sword always hanging over a Pastor's head." *ibid.* "The shadow even of a Bishop strikes one with dread." *ibid.* I no longer wonder when I look back to the cradle of dissent, a ministry carried on under, or by the side of such a power, must become a ministry of horror and aversion, rather than of love. This is not irony but truth. *ibid.*

"The institution of Bishops which, when carried out according to its original, is a blessing in the Church, has on traditionary principles been ever productive of perplexity and strife, and what is far more deplorable, destructive of charity, and tolerance, There is not a country of Christendom which, even while I write is not affording pregnant and numerous examples of this fact,

ECCENTRIC.

' The Synod, however, in order to make the Bishop's claim effective, must give him a footing in congregations as well as a seat on the throne. The Churchwardens must be declared to be the bishop's officers, to be the Bishop's spies, and the minister who was conscious of the eccentricty of moving in another orbit, than round the Bishop, to dread their approach as familiars of the inquisition."

EXPECTANS.

We article and object to you, Edward Cridge, that the statements contained in the foregoing articles are derogatory of the institution of Episcopacy, as set forth in the prayer book and ordinal, the VII Canon, and in contravention of the 36th Canon, which you have subscribed, and of your ordination vow, for instance:

Preface to the ordinal.

"It is evident unto all men diligently reading the Holy Scriptures, and ancient authors that from the Apostles tim s, there have been these orders of Ministres in Christ Church, Bishops, Priests and Deacons, &c, &c. And therefore to the intent that these orders *may be continued and reverently esteemed.*"

Almighty God, the giver of all good gifts, who by thy divine providence *hath appointed divers orders* in thy Church.

Ember Week Prayer.

"So guide the minds of *thy servants the Bishop and Pastors* of thy flock."

ibid.

Article 2 of 36th Canon. "The book of common prayer containeth in it nothing contrary to God's word." etc.

"I Edward Cridge, do willingly and ex animo subscribe to the three articles of the 36th Canon, and to all things that are contained in them."

E. C. 17th Sept., 1860.

11 Also, we article and object to you, the said Edward Cridge, that having received from us, on or about the 10th day of February last, certain visitation articles for you to fill up and return to us, you have refused and neglected to fill up and return the same, although required by us so to do by letter dated the 25th of May, 1874; a copy of such visitation articles, and letters, being hereto annexed.

12 Also, we article and object to you, the said Edward Cridge, that you did at the time of our lawful visitation, on the 3rd of July, 1874, in our Cathedral deny our authority, declaring that you only attended for courtesy and peace sake, and that you held the same views as those contained in a letter addressed to us by the Churchwardens of Christ Church, dated 2nd of July, 1874, in which they state that they consider we have seceded from the Church of England; and you did further state to us that the relation of the Bishop to yourself and of the Bishop to the Churchwardens, had entirely changed during the last few days, thereby implying that in your opinion we

were no longer your lawful Bishop, or entitled to your obedience in things lawful and honest, which letter of the 2nd of July, and also a statement read by you, May 3rd, 1874, to us, are annexed hereto.

13 Also, we article and object to you, the said Edward Cridge, that on or about the 3rd day of July last, when we visited our Cathedral in pursuance of a notice to you and the Churchwardens, you did contumaceously refuse to answer questions put to you by us touching and concerning the property of the said Cathedral, and other matters, and did obstruct and render void and of no effect our said visitation.

14 We also article and object to you, the said Edward Cridge, that on the 3rd day of July last, when we visited our said Cathedral, and required from you the production of the Registers of Baptisms, Marriages, and Burials, and which have always hitherto been in your custody and control, and have always been produced by you on all former visitations, you did neglect and refuse to produce the same.

15 Also, we article and object to you, the said Edward Cridge, that on the 3rd of July, when we attended to visit our said Cathedral, you read a paper or protest to us with vehement emphasis and insulting tones and looks, and when we asked you to be shown the goods of the Church, you said, "The Church is open, see for yourself," and when asked by us for the Communion plate, you said, "Ask those who have the care of it, don't ask me." And on further questions being put to you by us, touching and concerning the goods and property of the Church, you said, "I refer you to the last part of my letter," which is the paper or protest before mentioned, and which is in the following words: "I beg to be excused from answering questions, and that what the Bishop has to say to me, he will put in writing." And that you did there and then use many other improper and insulting expressions, and did neglect to produce any of the articles asked for by us, or to answer any question we put to you, whereby you have contravened the vow you made at your ordination, your oath of canonical obedience, and have repudiated and ignored our authority, and have refused to render us that obedience which is necessary for the proper management and control of the affairs of the Church in our Diocese.

16 All which conduct in respect of our lawful visitation as exhibited above in the foregoing articles, that is to say, in 11, 12, 13, 14, 15, we article and object to you as constituting ecclesiastical offences as well against our office and authority as ordinary, as against Canons 42, 60, 111, 116 119, 121, 137, which assume the lawfulness of Episcopal visitation and against also the Imperial Statutes, 1, ELIZ., c. 2., s, XXIII. And 2 and 3 VICT. c. 55, s, IV, which assert the legality of the same, and represent the common law and custom of the Church of England.

17 And we also article and object to you, the said Edward Cridge, that you, the said Edward Cridge, have from time to time questioned our authority over you, and the Church wherein you minister, and our right to preach and minister in our Cathedral, and have persistently endeavoured to depreciate our office, in support whereof we refer to the several letters written by you to us, which said letters and our replies thereto, we make part of these our articles against you.

18 And we also article and object to you, the said Edward Cridge, that all and singular, the premises were and are true public and notorious, of which proof being made to us and our Court, we will that you, Edward Cridge, be duly and canoncally punished and corrected, according to the exegency of the law.

LICENSE REFERRED TO IN ARTICLE 3.

George, by Divine permission, Bishop of Columbia, to our beloved in Christ, Edward Cridge, Greeting: We do by these presents give and grant unto you in whose fidelity, morals, learning, sound doctrine and diligence, we do fully confide, our license and authority to perform the office of Minister in Christ Church, Victoria, within our Diocese, and jurisdiction in performing all ecclesiastical duties belonging to the said office, according to the form prescribed in the book of common prayer, and not otherwise, you

having just before me subscribed the articles, taken the oaths, and made and subscribed the declaration, and we do by the presents authorize you to receive and enjoy, all and singular stipend profits and advantages belonging to said office. In witness, etc., etc.

OATH REFERRED TO IN ARTICLE 3.

I, Edward Cridge, do swear that I will pay true and canoncal obedience to George, lord Bishop of British Columbia, in all things lawful and honest.

So help me God.

DECLARATION REFERRED TO IN ARTICLE 4.

7th Dec. 1865.

I, Edward Cridge, now to be instituted to the Deanery of Christ Church, Victoria, in the Diocese of British Columbia, do declare that I will confrom to the liturgy of the Church of England, as it is now by law established, and further I do willingly and ex animo subscribe to the three articles in the 36th Canon, and to all things that are contained in them.

Witness my hand,

This seventh day of December, in the year of Our Lord, 1865.

EDWARD CRIDGE.

LETTERS OF COLLATION REFERRED TO IN ARTICLE 4.

George, by Divine permission, Bishop of British Columbia, to our well beloved in Christ, Edward Cridge, health, grace and benediction.

We do by these presents collate, constitute and appoint you to be Dean of the Deanery of Christ Church, Victoria, within our Diocese of British Columbia, to our donation or collation in full right belonging, and we do hereby confer on you the same, and by these presents do canonically institute you in and to the said dignity and Deanery of Christ Church, Victoria, and do invest you with all and singular, the rights, members, privileges and appurtenances thereunto belonging, you having first before us taken the oaths, and made and subscribed the declaration which are in this case required, and we do by these presents assign and appoint unto you the place, chair and seal, of the said Deanery of Christ Church, Victoria, within our Cathedral Church, saving always to ourselves our Episcopal rights in the said Cathedral,

In testimony whereof, we have caused our Episcopal seal to be hereunto affixed.

Dated the seventh day of December, One thousand eight hundred and sixty five, and of our consecration the seventh.

G. [L. S.] COLUMBIA.

CERTIFICATE OF SUBSCRIPTION AND OATHS REFERRED TO IN 4TH ARTICLE.

To all Christian people to whom these presents shall come or in any wise concern,

George, by Divine permission, Bishop of British Columbia, sendeth greeting:

Be it known unto you that on the day of the date hereof, Edward Cridge, B. A. to be collated and instituted to the dignity and Deanery of Christ Church, Victoria, within our Diocese and jurisdiction of British Columbia, did before his collation thereto personally appear before us and subscribe to the articles in the thirty-sixth of the Ecclesiastical Canons made in the year of Our Lord, One thousand six hundred and three, and to all things that are contained in them, and did at the same time on the Holy Evangelists, swear that he would be faithful and bear true allegiance to her Majesty, Queen Victoria, and that he renounced all foreign jurisdictions, power, superiority pre-eminence ecclesiastical or spiritual, within her

Majesty's realm, pursuant to an Act of Parliament made and published to that effect, and further that he had not directly or indirectly obtained or procured the said dignity or Deanery by any simoniacal payment or contract whatsoever. And that he would pay true and canonical obedience to us and our successors, Bishop of British Columbia, in all things lawful and honest.

In testimony whereof, we have caused our seal to be hereunto affixed.

Dated the seventh day of December, in the year of our Lord, One thousand eight hundred and sixty-five, and of our consecration the seventh.

G. [L. S.] COLUMBIA.

LETTERS REFERRED TO IN ARTICLE 9.

[12th February, 1874, letter from the Bishop to the Dean.]

BISHOP'S CLOSE, March 23rd, 1874.

Dear Mr. Cridge,

It is nearly six weeks since I required from you an explanation respecting certain statements opposed to the principles of the Church of England, published by you in the local papers. In a note dated February 14th, you excused yourself from replying at once, formally, on account of press of work at that time. I must now require an immediate attention to my letter.

I am, faithfully yours,

G. COLUMBIA.

LETTER REFERRED TO IN ARTICLE 11.

BISHOP'S CLOSE, May 25th, 1874.

My dear sir,

I have not received your return to the articles of enquiry for 1873, sent you in February last. I must request your replies without delay.

Faithfully yours,

G. COLUMBIA.

Very Rev. Dean Cridge.

LETTERS REFERRED TO IN ARTICLE 12.

Victoria, B. C., July 2nd. 1874.

My Lord Bishop,

I have conferred with Mr. Williams, the other Churchwarden, and pending the result of a memorial to his Excellency, the Governor-General of Canada, a copy of which we forward to the Archbishop of Canterbury.

We, the Churchwardens, most respectfully decline to receive the visit of your Lordship.

In the address headed "Diocesan Synod," and signed "G. Columbia," the authorship of which you do not deny, but our right to interrogate you upon which, you, through Mr. Drake, question, you appear to us to have seceded from the Church of England. If you have done so, you cease to be a Bishop of the Church of England, to which we, the Churchwardens of Christ Church, belong; if you have not seceded from the Church of England in convening a Court of Convocation and Holy Synod, without the assent of the Queen, you have assumed a greater power than that possessed by the Archbishop of Canterbury, and we think, have encroached upon the prerogative of the Crown, to which is, we believe, a misdemeanour.

I had been Churchwarden of Christ Church, several years before your arrival in Vancouver Island, and after nearly ten years service in that capacity, resigned my office, principally for the following reasons: When you said you would stop up the Roman Catholic approach to the cemetery, I expostulated with you without effect. You persisted, and the consequence was an action at law, in which you were defeated, and the costs of which, some $600 or $800, I believe, you, as trustee of the Church Reserve, charged against Mr. Cridge's income from that source.

When you stated to Mr. Shepperd and myself, as Churchwardens, that it was your intention to remove the Church to the plot of ground fenced off for that purpose, and adjoining your Lordship's palace. (?) I strongly objected, notwithstanding a road running through the edifice, was placed upon the official map of the Church reserve, and I believe it still remains there. I would gladly have continued to avail myself of the cessation from from care and anxiety which I have enjoyed since my resignation of the office of Churchwarden, now some eight or nine years, but recent events in the Church, call every friend of hers to the assistance and support of one of her most devoted and excellent ministers, our much esteemed, our long and greatly respected Pastor, Mr. Cridge.

In conclusion, supposing your visitation to be in the nature of an Ecclesiastical Court, if not under license from the Queen as head of the State to which in your Synodical address you say you owe no allegiance permit us the Churchwardens, to ask under what authority do you hold a Court of Visitation.

I remain, my Lord Bishop,
Your very obedient sevant,
A. F. PEMBERTON.

For the Churchwardens of Christ Church.

LETTER OF 3RD JULY REFERRED TO IN ARTICLE 12.

To the Right Reverend Bishop Hills, D. D.

I, the undersigned, though concurring in opinion with the Churchwardens as to the illegality of your proceedings in sundry matters, affecting the Church under the name of a Bishop of the Church of England, do nevertheless, for peace and courtesy sake, and not through any diversity of opinion with them, open the Church on the present occasion.

At the same time, I hereby make my respectful and solemn protest as against former acts of your administration so against these, viz., first your endeavoring in what I believe to be an illegal manner to draw myself and congregation against our will, away from the protection of the law, under which we at present stand, to come under a law other than that of the Church of England. Thereby introducing discord and division into a hitherto peaceful congregration, and causing grief and great hindrance to myself, both in the discharge of my ministry, and in the enjoyment of my legal rights. And secondly, in this, that notwithstanding my repeated remonstrances, you have persevered in preaching to my congregation in connection with the Synodical movement, doctrines which you know to be offensive to me, as being in the conscientious persuasion of my own mind contrary to the Scripture and the Church, a course tending only that I have felt it my duty to resist the temptation to provoke polemical strife. And I also declare that what I say and do in connection with the present occasion is said or done without prejudice to my own rights or privileges, which by or under the law I possess, as also to those of the Churchwardens as appertaining to them by virtue of their office.

E. CRIDGE,
Victoria, B. C., 3d July, 1874. Incumbent of Christ Church.

I am also constrained to add that in the absence of the Churchwardens, and of any other friend, witness or adviser, not being able, through weariness, to obtain one in time for the present occasion, I beg to be excused from answering questions, and that what the Bishop has to say to me he will put in writing. E. C.

LETTERS REFERRED TO IN ARTICLE 17.

July 28th, 1873.—Letter from the Bishop to the Very Rev. E. Cridge.
" " from the Very Rev. E. Cridge to the Bishop.
July 29th, " " Bishop to the Very Rev. E. Cridge.
Aug. 18th, " " Very Rev. E. Cridge to the Bishop.
" 27th, " " Bishop to the Very Rev. E. Cridge.

Sept. 3d,	"	"	Very Rev. E. Cridge to the Bishop.
" 8th,	"	"	Bishop to the Very Rev. E. Cridge.
" 17th,	"	"	Very Rev. E. Cridge to the Bishop.
" 22d,	"	"	Bishop to the Very Rev. E. Cridge.
Oct. 14th,	"	"	Very Rev. E. Cridge to the Bishop.
" 18th,	"	"	Bishop to the Very Rev. E. Cridge.
" 27th,	"	"	Very Rev. E. Cridge to the Bishop.
Nov. 1st,	"	"	Bishop to the Very Rev. E. Cridge.
" 25th,	"	"	Very Rev. E. Cridge to the Bishop.
Dec. 1st,	"	"	Bishop to the Very Rev. E. Cridge.
" 16th,	"	"	Very Rev. E. Cridge to the Bishop.
" 26th,	"	"	Bishop to the Very Rev. E. Cridge.

And all other letters which have been written and sent by the said Edward Cridge to the Bishop, and in support of all the Articles the following letters will be referred to:

Dec. 7th, 1872.—Letter from the Bishop to the Very Rev. E. Cridge.			
"	"	"	Very Rev. E. Cridge to the Bishop.
" 9th,	"	"	Bishop to the Very Rev. E. Cridge.
" 10th,	"	"	Very Rev. E. Cridge to the Bishop.
" 13th,	"	"	" "
" 14th,	"	"	Bishop to the Very Rev. E. Cridge.
July "	"	"	" "
" 28th, 1873		"	" "
"	"	"	Very Rev. E. Cridge to the Bishop.
" 29th,	"	"	Bishop to the Very Rev. E. Cridge.
Aug. 18th,	"	"	Very Rev. E. Cridge to the Bishop.
" 27th,	"	"	Bishop to the Very Rev. E. Cridge.
Sept. 3d,	"	"	Very Rev. E. Cridge to the Bishop.
" 4th	"	"	" "
" 8th,	"	"	Bishop to the Very Rev. E. Cridge.
" 22d,	"	"	" "
Oct. 14th,	"	"	Very Rev. E. Cridge to the Bishop.
" 18th,	"	"	Bishop to the Very Rev. E. Cridge.
" 27th,	"	"	Very Rev. E. Cridge to the Bishop.
Nov. 1st,	"	"	Bishop to the Very Rev. E. Cridge.
" 25th,	"	"	Very Rev. E. Cridge to the Bishop.
Dec. 1st,	"	"	Bishop to the Very Rev. E. Cridge.
" 16th,	"	"	Very Rev. E. Cridge to the Bishop.
" 26th,	"	"	Bishop to the Very Rev. E. Cridge.
Jan. 9th, 1874		"	Very Rev. E. Cridge to the Bishop.
" 22d,	"	"	"Expectans" to Editor of Colonist.
" 23d,	"	"	"One of the Eccentric" to the Editor of Standard.
" 26th,	"	"	"Ignoramus" to the Ed. of Standard.
" 27th,	"	"	"Eccentric" " "
" 29th,	"	"	"H. K. W.," " "
" 29th,	"	"	"One of the Simple" "
Feb. 12th,	"	"	Bishop to the Very Rev. E. Cridge.
Mar. 23d,	"	"	" "
May 25th,	"	"	" "
July 2d,	"	"	A. F. Pemberton to the Bishop.
" 3d,	"	"	Very Rev. E. Cridge to the Bishop.

[2.]

THE CITATION AND ARTICLES DELIVERED TO THE REV. E. CRIDGE, ON 28TH JULY, 1874.

These Articles are embodied in the Articles delivered to the Rev. E. Cridge, on the 27th August, 1874.

[3.]

The Very Reverend Dean Cridge, Victoria, V. I., Sept. 7th, 1874.
Dear Sir:

I have the honor to inform you that at the hearing on the 10th inst., at Pandora Street Church, of the charges set forth against you in the Articles dated on or about the 27th day of August last, it will be contended that the articles and the proof thereof afford sufficient ground to justify the revocation of your license to preach and officiate as set forth in the said articles and otherwise, and the suspension of you, the said E. Cridge and other, the censures of the Church.

I am, yours faithfully, M. W. T. Drake, Registar,
by Robert E. Jackson, his Attorney,

[4.]

HEADS OF PROTEST.

September 10th, 1874.

The Dean protested that he appeared before the Bishop as Bishop, and so far as he is lawfully Bishop, and as Judge of an Ecclesiastical Court, that is a Court of legal or competent jurisdiction; neither the Letters Patent, nor the consensual compact supposed to exist between the Dean and the Bishop, through the oath of canonical obedience, being effectual of themselves to create such jurisdiction.

The Dean protested further against the jurisdiction of this court, on the ground that it may hereafter be decided that the contract referred to is dissolved by reason of the Bishop having seceded from the Church of England, and referred to published address on Diocesan Synod by the Bishop, dated February 25th, 1874: "Though a voluntary body, etc.;" and last resolution in same; whereby the supremacy of the Queen is virtually impugned.

The Dean protested on the ground that the Bishop was an interested party, having, as it would appear by the trust deed, the next preferment; this being contrary to the Church Discipline Act. That the Dean is not a member of a church disconnected with the State, but of one of which the Queen is Head, both in Church and State; and it may be found that the Bishop, through the above Act, is not the Bishop to whom the Dean promised canonical obedience.

The above are the heads of protests as delivered by me, Sept. 10th, 1874.

E. CRIDGE.

[5.] September 11th, 1874.

My Lord Bishop and Gentlemen Assessors:

I have an application to make to the Court, it is that you will permit me to read a statement by way of protest.

I object to the formation of this Court and deny its competency to sit in judgment upon me, on the following grounds:

1.—The Bishop, who is promoter of this prosecution, in his letter of the 14th July, 1874, accuses me of having committed *one* offence, namely, that which occurred as asserted at his visitation on the 3d July last, and threatened to initiate proceedings against me if I did not acknowledge my fault. Not being conscious of having committed any offence, I made no reply. Hence the proceedings now instituted, amounting to eighteen articles for alleged offences committed during a period of nearly two years. I consider this action on the part of the Bishop oppressive.

2.—There is an anomaly and inconsistency running through the whole of this prosecution, namely, that there is apparently one law for the Bishop and another for the Rector. As an example take the 36th Canon, which has been extracted from the code of laws and made part of the articles against me. The Canon consists of three subdivisions.

1.—The oath of Supremacy of the Queen as Head of the Church in all Her Dominions.

2.—That the Book of Common Prayer and Ordering of Bishops, Priests and Deacons, contains nothing contrary to the word of God.

3.—That the 39 Articles of Religion are agreeable to the word of God.

Both the Bishop and I have taken this oath at Ordination. Yet the Bishop has impugned the Supremacy of the Queen in his published address on the Synod, and in his letter to the Churchwardens, wherein he asserts that it is lawful for him to summon a Synod without the consent of Her Majesty, thus claiming a power superior to that of the Archbishop of Canterbury, to whom he has sworn Canonical obedience.

Here is a double example of *imperium in imperio*, viz.: The Bishop's denial of the Supremacy of the Queen, and setting at naught his oath of obedience to the Archbishop, under whose authority he is supposed to act.

The Bishop in his opening address stated that the proceedings in this Court would be in conformity to the English Church Discipline Act, 3 and 4 Vict. That act requires that one of the Assessors shall be learned in law, and I object to the formation of the Court in this respect. I object to Mr. O'Reilly as a legal Assessor for the following reason:

When Mr. O'Reilly came to this Colony, he applied to Mr. Pemberton for instruction as to his duty as a Magistrate, presenting a letter of introduction from the then Colonial Secretary, Mr. Young, and I am informed and believe that Mr. O'Reilly was engaged in the Excise Department in Ireland before he came to Vancouver Island.

I applied yesterday for time to consider the legal points raised by Mr. McCreight, and was told by the Court that owing to other duties devolving upon the members who compose this Court, as Assessors, it was impossible to grant my request.

I am thus deprived of opportunity to defend myself effectively.

On these grounds, and others which I laid before the Court yesterday, I object and protest against being tried before this Tribunal.

E. CRIDGE.

[6.]

Date, January 12th, 1859.

VICTORIA by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith:

To all to whom these presents shall come, Greeting:

Whereas, the doctrine and discipline of the United Church of England and Ireland are professed and observed by many of our loving subjects, resident within our Colonies or Territories of British Columbia and Vancouver Island, respectively, as each of the same is at present established, and whereas our said subjects are deprived of some of the offices prescribed by the Liturgy and Usage of the Church aforesaid, by reason that there is not a Bishop residing or exercising jurisdiction and canonical functions within the same.

And whereas for remedy of the aforesaid inconveniences we have determined to erect our said Colonies or Territories of British Columbia and Vancouver Island into a Bishop's See or Diocese, to be styled "The Bishopric of British Columbia." Now know ye that in pursuance of such our Royal intention, we, by these, our Letters Patent, under the Great Seal of Our United Kingdom of Greet Britain and Ireland, do erect, found, make, ordain and constitute our said Colony or Territory of British Columbia, as at present established, and our said Colony or Territory of Vancouver Island, as at present established, into a Bishop's See or Diocese, and do declare and ordain that the same shall be styled "The Bishopric of British Columbia," saving nevertheless unto us, our heirs, and successors, the power of altering from time to time, with the consent of the Archbishop of Canterbury, for the time being, if the said See be vacant, or otherwise, of the Bishop of the said See for the time being, the limits of the said Diocese, or of the jurisdiction of the Bishop thereof.

And to the end that this our intention may be carried into due effect, we, having great confidence in the learning morals and probity of our well beloved George Hills, Doctor of Divinity, do name and appoint him to be ordained and consecrated Bishop of the said See of British Columbia.

And we do hereby signify to the Most Reverened Father in God, John Bird, by Divine Providence Lord Archbishop of Canterbury, Primate of all England and Metropolitan, the erection and constitution of the said See and Diocese, and our nomination of the said George Hills, requiring and by the faith and love whereby he is bound unto us, commanding the said Most Reverend Father in God to ordain and consecrate the said George Hills to be Bishop of the said See and Diocese in manner accustomed, and diligently to do and perform all other things appertaining to his office in this behalf with effect.

And we do ordain and declare that the said George Hills, so by us nominated and appointed, after having been ordained and consecrated thereunto as aforesaid, may, by virtue of such appointment and consecration, enter into and possess the said Bishop's See as Bishop thereof, without let or impediment from us, our heirs and successors, for the term of his natural life, subject nevertheless to the right of resignation, hereinafter more particularly expressed.

Moreover, we will and grant by these presents, that the said Bishop of British Columbia, shall be a body corporate, and so ordain, make and constitute him to be a perpetual corporation, and to have perpetual succession and that he and his successors be for ever hereafter called or known by the name or title of the "Lord Bishop of British Columbia." And that he and his successors by the name and title aforesaid, shall be able and capable in the law and have full power to purchase, have, take, hold and enjoy, manors, messuages, lands, rents, tenaments, annuinities, and hereditaments, of what nature or kind soever in fee or inperpetuity, or for a term of life or years, and also all manner of goods, chattels and things personal whatsoever, of what nature or value soever. And that he and his successors, by and under the said name or title, may prosecute, claim, plead, and be impleaded, defend, and be defended, answer, and be answered, in all manner of courts of us, our heirs and successors, and elsewhere in, and upon all, and singular causes, actions, suits, writs and demands, real and personal, and mixed, as well spiritual as temporal, and in all other things, causes and matters whatsoever, and that the said Bishop of British Columbia, and his successors, shall, and may for ever hereafter, have and use a corporate seal, and the said seal from time to time, at his and their will and pleasure, break, change, alter or make anew, as he or they shall deem expedient.

And, we do further by these presents ordain, that it shall be competent to the Bishop from time to time, to select any suitable church already erected or which may hereafter be erected within the limits of the said Bisopric or Diocese to be used as his Cathedral Church.

And we further ordain and declare, that the said Bishop of British Columbia, and his successors, shall be subject and suborinate to the Archbishop of Canterbury and his successors.

And we do further will and ordain, that every Bishop of British Columbia shall take an oath of obedience to the Archbishop of Canterbury, for the time being, as his Metropolitan, which oath shall and may be ministere dby the said Archbishop or by any other person by him duly appointed or authorized for that purpose.

And we do further by these presents, expressly declare that the said Bishop of British Columbia, and also his successors, having been respectively by us, our heirs, named and appointed, and by the said Archbishop of Canterbury, canonically ordained and consecrated, according to the form of the united Church of England and Ireland, may perform all the functions peculiar and appropriate to the office of Bishop, within the said Diocese of British Columbia.

And, for a declaration of the spiritual causes and matters, in which the aforesaid jurisdiction may be more specially exercised, we do by these presents, further declare that the aforesaid Bishop of British Columbia and his successors, may exercise and enjoy full power and authority by himself,

or themselves, or by the Archdeacon, or Archdeacons, or the Vicar-general or other officer, or officers, hereinafter mentioned, to give institution to benefices, to grant licenses to officiate, to all Rectors, Curates, Ministers, and Chaplains, of all the churches or chapels, or other places within the said Diocese wherein Divine Service shall be celebrated according to the rites and liturgy of the Church of England, and to visit all Rectors, Curates, Ministers and Chaplains, and all Priests and Deacons in Holy Orders of the united Church of England and Ireland, resident within said Diocese, as also to call before him or them, or before the Archdeacon or Archdeacons, or the Vicar-general, or other officer or officers hereinafter mentioned, at such competent days, hours and places, when, and so often as to him, or them, shall seem meet and convenient, the aforesaid Rectors, Curates, Ministers, Chaplains, Priests and Deacons, or any of them and to enquire as well concerning their morals as their behaviour in their said offices and stations respectively subject nevertheless to such right of review and appeal as are hereinafter given and reserved.

And for the better accomplishment of the purposes aforesaid, we do hereby grant and declare that the said Bishop of British Columbia and his successors may found and constitute one or more dignities in his Cathedral Church, and also one or more Archdeaconries within the said Diocese, and may collate fit and proper persons to be dignitaries of the Cathedral Church and one or more fit and proper persons to be the Archdeacons of the said Archdeaconries respectively, provided always, that such dignitaries and archdeacons shall exercise such jusisdiction only as shall be committed to them by the said Bishop or his successors. And the said Bishop and his successors, may also from time to time nominate and appoint fit and proper persons, to be respectively the officers hereinafter mentioned, that is to say, to be Vicar-General, Official Principal, Rural Deans, and Commissaries, either general or special, and may also appoint one or more fit and proper persons to be Registrars and Actuaries.

Provided always, that the Dignitaries and Archdeacons aforesaid, shall be subject and subordinate to the said Bishop of British Columbia, and his successors, and shall be assisting to him and them in the exercise of his and their jurisdiction and functions.

And we will and declare, that during a vacancy of the said See of British Columbia, by the demise of the Bishop thereof or otherwise the Dignitaries, and Archdeacons, and Vicar General, and other officers respectively, appointed as aforesaid, shall continue to exercise so far as by law, they may or can, the jurisdiction and functions, delegated to them, and that the said Registrars and Actuaries, shall respectively continue to discharge the duties whereunto they have been appointed, until a new Bishop of the said See of British Columbia shall have been nominated and consecrated, and his arrival within the limits of the said Diocese shall have been notified to the said parties respectively.

And we further will, and do by these presents declare and ordain, that it shall be lawful for any party, against whom any judgement, decree or sentence, shall be pronounced by any of the said Archdeacons, or by the Vicar-General, or other officer or officers, of the said Bishop or his successors to demand a reexamination and review of such judgement, decree or sentence, before the Bishop or his successors in person, who, upon such demand made, shall take cognizance thereof, and shall have full power and authority to affirm, reverse, or alter, the said judgement, sentence, or decree. And if any party shall consider himself aggrieved by any judgment, decree, or sentence, pronounced by the said Bishop of British Columbia or his successors either in case of such review or in any cause originally instituted before the said Bishop or his successors, it shall be lawful for the said party to appeal to the Archbishop of Canterbury or his successors, who shall finally decide and determine the said appeals.

Provided always, that in any such case of appeal or review, notice of the intention of the party to make such appeal or demand, such review shall be given to the Bishop or subordinate judge, by whom the sentence appealed

from, or to be reviewed, shall have been pronounced within fifteen days from the promulgation thereof.

And we do further by these presents ordain that in all cases in which an appeal shall be made, or review demanded as aforesaid, a copy of the judgment or sentence in such case promulgated or given, setting forth the causes thereof, together with a copy of the evidence on which the same was founded, shall, without delay, be rectified and transmitted by such subordinate judge to the said Bishop or his successors, or by the said Bishop or his successors, to the said Archbishop of Canterbury, as the case may require.

Moreover it is our will and pleasure, and we do hereby declare and ordain, that nothing in these presents contained, shall extend or be construed, to extend, to repeal, vary or alter, the provisions of any charter whereby Ecclesiastical jurisdiction has been given to any court of judicature within the limits of the said Diocese.

And for removing doubts with respect to the validity of the resignation of the said office and dignity of Bishop of British Columbia, it is our further will, that if the said Bishop or any of his successors, shall by instrument under his hand and seal, delivered and sent to the Archbishop of Canterbury for the time being, and by him accepted and registered in the office of the Vicar-General of the said Archbishop, resign the office and dignity of Bishop of British Columbia, such Bishop shall from the time of such acceptance and resignation, cease to be Bishop of British Columbia, to all intents and purposes, but without prejudice to any responsibility to which he may be liable in law or equity in respect of his conduct in his said office.

And lastly to the end, that all things aforesaid, may be firmly holden and done, we will and grant to the aforesaid George Hills, that he shall have our letters patent, under our great seal, of our said united kingdom, duly made and sealed.

In witness whereof, we have caused these, our letters, to be made patent.

Witness, ourself, at Westminster, the twelfth day of January, in the twenty-second year of our Reign.

By Warrant, under the Queen's Sign, Manuel,

C. ROMILLY.

[7.]

EXTRACT of a dispatch from the Duke of Newcastle to Governor Sir P. E. Wodehouse, K. C. B., dated 4th February, 1864. No. 736.

In the first place I am advised that (assuming that there is no local law to the contrary) the members of the Church of England in a Colony in which that Church is not established have the same liberty of assembling for any lawful purpose which is possessed by members of any other religious denomination, and that it would be lawful for a Colonial Bishop, or Metropolitan, without the consent of the Crown, and without any express legislative authority to summon meetings of the Clergy and Laity of the Church, under the designation of Provincial or Diocesan Synods, or any other designation, for the purpose of deliberating on matters concerning the wellfare of the Church. The powers of such a meeting may be gathered from the following extract from the judgment of the Judicial Committee.

"The Church of England, in places where there is no church established by law, is in the same situation with any other religious body, in no better, but in no worse position, and the members may adopt, as members of any other communion may adopt, rules for enforcing discipline within their body, which will be binding on those who expressly, or by implication, have assented to them."

It follows that the rules passed for such an assembly as I have described (unless in themselves contrary to law) are binding, not indeed on all professed members of the church over whom the Bishop has been appointed to preside, but on all those who expressly, or by implication, have assented to these rules.

So long, therefore, as the action of the Synod is confined within these limits, I should wish you to recognize it officially—to treat it as being what it

virtually is, the representative of the Anglican Church, and to place at its disposal, without inquiring into its internal relations or disagreements, the funds which may be voted from time to time by the legislature in aid of the Anglican Communion.

For the present, however, I have instructed you not to "take official cognizance" of the Acts of the Assembly "until steps have been taken to clear it from the imputation of illegality, which at present attaches to it."

When I gave you these instructions I supposed that the Bishop could have little real difficulty in ascertaining how far the proceedings of the Synod had violated, or had appeared to violate, the principles laid down by the Court of Appeal, and I hoped, (as indeed I still hope), that the members of the Church of England would be wise enough to cancel all such proceedings, and by so doing to place their institutions on a footing which would enable the Government to countenance them, and to abandon a position which must obstruct their relations with the Civil Power, and expose them to continual collision with the law of the Colony, to disastrous litigation, and perhaps to embarrassing defeat.

With these feelings and wishes I consider that it would be most convenient for the Bishop and the Church that I should leave them at liberty in the first instance to place their own construction on the judgment, and to submit for my consideration such amendments of their existing rules as, with least detriment to their own position, would enable the Civil Power to give them its cordial co-operation. The Bishop, however, professes his inability to understand me, and, I assume, desires me to explain myself with more fullness. His principal difficulty is, I suppose, to ascertain what measures I hold requisite to remove the imputation of illegality to which I have alluded. The following opinions on this subject embody the advice which has been furnished me on this head.

The Judical Committee, I am fully aware, did not decide that it was unlawful for the Bishop, with such Clergy and Laity of the Church as might concur in any scheme or arrangement for that purpose, to meet in a voluntary Synod, and to pass rules and regulations, by which those who assented to them might be bound; they decided only that some of the particular acts and resolutions of the Synod in question had exceeded those lawful limits, and that Mr. Long, the appellant in the case, who was not a party, and had not assented to those resolutions, could not be compelled to give notice of any meetings of such Synod, or of any proposed elections thereto, or to attend it, or to be bound by its proceedings. Mr. Long, under an express contract with the Bishop, would apparently have been bound to give that notice, if the Synod had been a body recognized by the existing law of the Church of England. There Lordships are of opinion that the Synod was not such a body.

The portion of the judgment which relates to the illegality of some act of the Synod, is in these terms, (p. 16):—"The Synod which actually did meet passed various acts and constitutions purporting, without the consent either of the Crown or of the Colonial Legislature, to bind persons not in any manner subject to its control, and to establish Courts of Justice for some temporal as well as spiritual matters, and in fact the Synod assumed powers which only the legislature could possess."

"There could be no doubt that such acts were illegal."

It is obvious that in this passage referrence is more particularly made to those parts of the "Acts and Constitution" of the first Synod, (the very term "Constitutions," seems to imply the assumption of some binding authority), which are mentioned in the paragraphs beginning, "Various Rules, &c., and "a Consistorial Courts, &c.," at page 8, of the printed judgment.

The surest mode, I conceive, of relieving the Assembly in question from the prejudical effect of these errors in its past proceedings, will be for some future meetings, with the concurrence of the Bishop, to review all the acts of the former Synods for the purpose of removing from them, both in substance and in form, everything which has the appearance of an assumption of any compulsory powers, or of any attempt to create tribunals similar to those which, in countries where there is an established church, exercise a legal and coercive jurisdiction. It would be desirable expressly to declare that the Synod alto-

gether disclaims the power of legislating so as to bind any persons, who do not voluntarily assent, and agree to to be bound by its rules; that the terms, "Constitutions," "Consistorial Courts," and the like, should be disused, and that the rule, "that all Presbyters and Deacons, before institution or induction, or before receiving a license from the Bishop, and as a condition of receiving such institution, induction or license, shall sign a declaration that they will subscribe to all rules and constitutions enacted by the Synod of the Diocese of Cape Town," (Judgment, p. 8), and any other rules, (if there are any), of a like nature should be rescinded.

In place of the resolutions as to the Consistorial Court, deemed objectionable by the Judical Committee, I am advised that it would be competent to the Synod to pass resolutions recommending for the adoption of their Bishop, suitable forms of proceeding, (as in foro domestico), for the investigation, trial, and decision of offences against the laws of the Church, before the Bishop himself, or before persons appointed by him upon principles similar to those which prevail for the necessary preservation of good order and discipline in all voluntary religious bodies, and I apprehend that all persons who had assented to such resolutions would be bound by what the Bishop, from time to time, might reasonably do in accordance with the forms so recommended. Upon this point I again refer to the words of the judgment:—"It may be further laid down that where any religious, or other lawful association, has not only agreed on the terms of its union, but has also constituted a tribunal to determine whether the rules of the association have been violated by any of its members or not, and what shall be the consequence of such violation; then the decision of such tribunal will be binding when it has acted within the scope of its authority, has observed such forms as the rules require, if any forms be prescribed, and if not, has proceeded in a manner consonant with the principles of justice.

"In such cases the tribunals so constituted are not in any sense courts; they derive no authority from the Crown; they have no power of their own to enforce their sentences; they must apply for that purpose to the Courts established by law, and such Courts will give effect to their decisions, as they give effect to the decisions of arbitrators whose jurisdiction rests entirely upon the agreement of the parties."

Having expressed the opinion that the Synod should repeal that resolution of their body, which requires all Presbyters and Deacons before institution or induction, or before receiving a license from the Bishop, to subscribe all their rules and constitutions; it is proper for me to state further to what extent the Executive Government should recognize the right of the Bishop to enforce practically, on his own authority, the resolution, which in its present form, the Synod is called upon to cancel.

I am informed that it would be competent to the Bishop to adopt the course prescribed by that resolution with respect to matters as to which he has by law a free and unfettered discretion.

Thus, he may decline to confer holy orders on persons unwilling to be bound by the resolutions passed at such meetings, without being liable to any interference on the part of any civil court; but with respect to the power of the Bishop to make assent to such resolutions, the conditions of licenses, admissions or institutions, of clerks to spiritual offices, benfices or cures, a distinction must be made according to the nature of the office, benefice or cure.

If there be no previous contract or trust expressed or implied between the Bishop and the patron, or the Bishop and the presenter, and if the office, benefice, or cure, in question, has not been founded, endowed, or established by any positive law or enactment, or by any other mode of legal foundation, inconsistent with the exercise, in that respect, of a free and uncontrolled discretion by the Bishop, in these circumstances, I am advised that it would be competent to the Bishop to make the license, admission, or institution, of a clerk to a spiritual office, benefice, or cure, conditional on his assent to such resolution. But, if the Bishop be bound, with respect to such benefice, or cure, by any antecedent contract or trust, (like the engagement to appoint the nominee of Mr. Hoets), by the terms of any legal foundation, of which assent or obedience to such resolutions forms no part, he cannot, under such circum-

stances, lawfully exact from any clerk entitled to claim from him license, admission, or institution, to such office, benefice or cure, that such clerk should, as a condition of receiving such license, or institution, agree to be bound by such resolutions.

Within the limits thus laid down, the exercise of the Bishop's discretion in this respect should be recognized by the Executive Government as legitimate.

Lastly, the Bishop requires to be informed "whether the document, which has been placed in his hands by the Crown, is in all respects, as it confessedly is in some, an illegal instrument; whether any, and if so, which of its provisions are valid in law; whether it conveys any rights, title or authority to the Bishop of this Diocese, and the Metropolitan of this Province, or not."

The words of the Judicial Committee, to which the Bishop, I presume, refers, (page 13), are as follows:—"Their Lordships state the Supreme Court of the Cape to have been of opinion 'that the letters patent of 1853, being issued after a Constitutional Government had been established in the Cape of Good Hope, were ineffectual to create any jurisdiction, Ecclesiastical or Civil, within the Colony, even if it were the intention of the letters patent to create such jurisdiction,' which they think doubtful."

"In these conclusions," they add, "we agree."

The letters patent then, were ultra vires and invalid, if and so far as they purported to convey to the Bishop any power of coercive jurisdiction, irrespectively of the sanction of the local legislature, and of the consent, express or implied, of those over whom it might be exercised.

I am aware of no reason whatever for supposing them to be invalid, otherwise than as they may assume to grant this coercive jurisdiction. The Bishop's corporate character and any other incidents of his Episcopal position which result from the letters patent remain untouched by the recent judgment.

[8.]

DIOCESAN SYNOD.

TO THE CLERGY AND LAITY OF THE CHURCH OF ENGLAND IN BRITISH COLUMBIA.

Dear Rev. Brethren and Brethren of the Laity:—

A general desire for a Diocesan Synod having been expressed, and some matters seriously needing that organization, I invite your co-operation in the election of Lay Representatives in the second week after Easter, with a view to the assembling of a Convention of Bishop, Clergy, and Laity, early in July.

The office of the Convention will be to consider and agree to a declaration of principles and fundamental provisions as the basis upon which the Synod will be formed.

The first assembly will not therefore be the Synod, but a body authorized by the Parishes to agree upon a Constitution, and then, if there be such agreement, to resolve itself into the Synod.

In framing Laws and Regulations respecting Bishop, Clergy and Laity, property, finance, discipline, spread of the Gospel, and in adopting measures proved successful in other branches of our Communion, it must be our endeavour to adhere closely to the principles of the Church of England, of which we desire to remain an integral part. Though a voluntary body, so far as disconnection with the State is concerned, we claim no liberty to choose for ourselves any other system of ecclesiastical order than that of our Mother Church.

The deep importance of subjects to come under consideration presses upon all Electors the great desirability of choosing Representatives well known and trusted for intelligent attachment to the Church, and whose time and energies will be readily and heartily given.

I adopt and recommend to you the Resolutions passed at an influential meeting of Church Committees last month in Victoria, as the guide for our first proceedings and the understanding upon which we meet in Convention.

I append a copy of those Resolutions, and also some directions kindly drawn up from them by the Registrar of the Diocese. Requesting you to take the necessary steps, should you decide to join the Synod, and earnestly trusting that in this important undertaking we may all be guided with wisdom from above, so that our conclusions may be for the promotion of God's glory and the true edification of His Church.

I am,

Dear Rev. Brethren and Brethren of the Laity,

Your sincere friend and Pastor,

G. COLUMBIA.

BISHOP'S CLOSE, VICTORIA, February 25, 1874.

DIRECTIONS FOR THE ELECTION OF LAY REPRESENTATIVES TO THE FIRST CONVENTION.

1. The Roll of Electors is to be entered in a book, and the following declararation is to be signed in the book by every one who desires to become an Elector:—

"I, A——B——, do solemnly declare that I am a member of the Church of England, and am an accustomed member of the congregation of and do not belong to any other denomination."

2. The Church Committee will appoint a Select Committee to make up the voting roll, and where no Church Committee, the congregation will delegate this duty to three of their body.

3. The Churchwardens or Clergyman will give notice in church or on the church doors, or by both methods, of the intended election 14 days at least before the time appointed, in the following form:—

"NOTICE.—An election of Lay Representatives to the Convention, for the purpose of establishing a Synod in this Diocese, will take place in this Church on the day of at o'clock. All persons who are seatholders or members of this congregation, of the age of 18 years, will be entitled to vote on subscribing the declaration in the Roll of Voters, at any time before the election."

} Committee.

4. The election will take place in the vestry or other appropriate place to be appointed by the Committee, at which meeting the Clergyman shall be the Chairman, and in his absence a Chairman shall be appointed by the Committee, who shall take the votes, and whose duty will be to see that no one votes who has not fulfilled the prescribed formalities.

5. Each church or congregation will be entitled to one or more Lay Representatives in the following proportion, namely: Two Delegates for 20 or under 20 qualified voters of the age of 18 years; four Delegates for 50 or under 50 qualified voters, and six Delegates for more than 50 voters.

6. No person can be elected as a Lay Representative unless he is a communicant, and unless he signs the following declaration, also to be entered in the book of votes:—

"I, A——B——, do solemnly declare that I am a communicant of the Church of England, and belong to no other religious denomination."

7. Every Clergyman, or the Churchwardens, shall keep, or cause to be kept, a roll with the names of all the communicants entered therein.

8. Every Lay Representative, when duly elected, shall receive from the Chairman a certificate to the following effect:—

"I hereby certify that at a meeting of the electors of Church, or District, held on the day of 187 A——B——, who is a communicant of this church, was duly elected a Lay Representative to the Convention for the establishment of a Diocesan Synod."

Chairman.

9. The Chairman shall also forward to the Bishop of the Diocese a certificate of the result of the election in the following form:—

"I hereby certify that at a meeting of the electors of Church, or District, held on the day of 187 the following persons, communicants of the Church, were duly elected as Lay Representatives to the Convention for the establishment of a Diocesan Synod :

PROFESSION.

A. B. of
C. D. of
E. F. of
G. H. of

And I further certify that there are entered on the Roll of Electors persons entitled to vote at this election.

Chairman.

10. In the case of the death or resignation of any Lay Representatives so elected as aforesaid, the Church Committee, or where no Church Committee, the electors shall as soon as practicable select some other duly qualified person to fill the vacancy.

RESOLUTIONS OF THE MEETING OF CHURCH COMMITTEES HELD IN VICTORIA, JANUARY 5TH, 1874.

1. "That it is expedient that a Convention be formed consisting of the Bishop, the Clergy of the Diocese holding the Bishop's license, and Lay Delegates for the purpose of organizing a Diocesan Synod."

2. "That every congregation of the Anglican Church, with twenty or less qualified electors, may elect two Lay Representatives, and every congregation having over twenty qualified electors up to fifty inclusive may elect four Representatives, and having over fifty qualified electors may elect six Representatives."

3. "That the election of Lay Representatives shall be decided by the whole body of seatholders, and of those who are accustomed members of the congregation not being seatholders, of the age of eighteen years and upwards who shall sign a declaration as follows :

I, A——B——, do solemnly declare that I am a member of the Church of England, and am an accustomed member of the congregation of and do not belong to any other denomination."

4. "That no person shall be qualified for election as a Lay Representative, or be permitted to take his seat as a Delegate, unless he be a male communicant of the Church, of the age of twenty-one years, and upwards, and have signed a declaration that he is a communicant of the Church of England, and belongs to no other religious denomination, as follows :— I, A——B——, do solemnly declare that I am a communicant of the Church of England, and belong to no other religious denomination."

5. "That the list of voters shall be made up by a special Church Committee to be selected by the Church Committee of each congregation, and in places where no Church Committee exists, by three persons to be selected by such congregation, as such Committee, and the said list shall be signed by a majority of such Committee; and no one shall be entitled to vote who is not included in such list."

6. "That the election for Delegates shall take place on the second Monday after Easter, 1874.

7. "That a certificate of election shall be given to each Representative by the Chairman of the meeting at which the election took place, who shall also forward to the Bishop immediately after the election a certificate of the due election of a Representative."

8 "That the Convention of Bishop, Clergy and Laity shall meet the second week of July next, at Victoria."

9. "That no act of the Convention shall be valid and binding unless it has received the assent of the Bishop, a majority of the Clergy, and a majority of the Laity voting by orders."

EVIDENCE ON THE TRIAL OF THE REV. DEAN CRIDGE.

1st WITNESS.—*R. E. Jackson*, stated: I know the handwriting of Mr. Cridge and believe the signature to the letter dated December 7th, to be that of the Dean.

2d WITNESS.—*Thomas Holmes Long*, stated: I was assisted by the Dean and Mr. Williams in preparing the address which appeared in the Standard of the 28th March, 1874, the heading of which is "Address of the Dean of Christ Church to the Congregation."

The letter in the Standard of the 10th January, 1874, and headed "to the Right Reverend George Hills, D. D.," was handed to me by the Dean for publication.

I decline to say who is the author of a letter signed "Eccentric," and which appeared in the same paper.

I am one of the Editors and owners of the Standard newspaper.

3rd WITNESS.—*W. C. Ward*, stated: I know the handwriting of Mr. Cridge; the letters produced I believe to be in his handwriting.

It is dated 7th December, 1872.
Also one dated 10th December, 1872.

"	"	13th	"	"
"	"	29th	July	1873.
"	"	28th	"	"
"	"	18th	August	"
"	"	3rd	September	"
"	"	4th	"	"
"	"	17th	"	"
"	"	14th	October	"
"	"	27th	"	"
"	"	25th	November	"
"	"	16th	December	"
"	"	14th	February,	1874.
"	"	28th	March	"

I also know Mr. Pemberton's handwriting; I believe that the letter produced, dated 27th June, 1874, to be in his handwriting, as also one of the 2nd July, 1874, also produced.

The letters dated 2nd and 3rd July, 1874, I believe to be in the handwriting of Mr. Cridge.

I recollect on the day of the consecration of Christ Church at Christ Church, and during the evening service a sermon being preached by the Rev. Archdeacon Reece, at the close of which, Mr. Cridge, instead of giving out the hymn, proceeded to address the Congregation. His address was something to the effect that he had preached for 17 years, and that this was the first occasion on which Ritualism had been openly preached from that pulpit; that, though very painful to him, he felt bound by every sense of duty to protest against it, and that he was prepared to shew that it was contrary to the Book of Common Prayer, contrary to the law of God, and contrary to the law of the land, and could not be proved from the Scriptures. Mr. Cridge appeared much excited and spoke with evident warmth; his address called forth some noise, such as applause, he appealed to them, and asked them to remember that they were in the House of God; that was the substance of what he said.

I was very much pained to see the service disturbed; several persons left the Church. Mr. Cridge spoke in a very earnest way, and said that his remarks were not intended to provoke any controversy; Mr. Reece of course was present. The sermon was referred to by the Dean as that of the Archdeacon. I don't recollect that any name was used.

I was Churchwarden of Christ Church for two years; the Communion Plate was, as far as I know, always kept by the Dean, and under his control; so I always understood. I was the Dean's Churchwarden. The Registers of Baptism and Marriage were always kept by the Dean, I believe at his house; there is a safe in the vestry in which they might be kept, and I believe the

Dean kept the key of it; I don't know that the Plate was kept there; I never had the key under my control, or do I believe that it was under the control of the other Churchwarden.

Examined by Mr. Mason.

The address of the Dean was so sudden that it made a deep impression on me; several persons left the Church; the service was subsequently proceeded with.

4th WITNESS.—*J. E. Curtis*, stated: I am clerk to Messrs. Drake and Jackson; the document produced is a copy of one served by me on the Rev. Mr. Cridge on 8th September last, and is a list of letters that he was required to produce.

I produce a copy of a letter dated September 7th, 1874, the original of which I left at Mr. Cridge's house; I believe the Articles are in Mr. Drake's handwriting; I served the Dean with a copy of the Articles now produced on the 27th August last.

I also served a copy of the Articles produced on the Dean about the end of July, but I cannot say the exact date.

5th WITNESS.—*The Bishop*, stated: I recollect sending a letter dated 7th Dec., 1872, to Mr. Cridge; the subject of it was with reference to the occurrance that took place at the evening service on the day of Consecration of Christ Church.

I also sent Mr. Cridge a letter dated Dec. 9th, 1872; a true copy of which is now produced.

The book now produced contains true copies of the following letters sent by me to Mr. Cridge.

Letter dated Dec. 14th, 1872.
" " July 29th, 1873.
" " August 27th, 1873.
" " September 8th, 1873.
" " " 22d, 1873.
" " October 18th, 1873.
" " November 1st, 1873.
" " December 1st, 1873.
" " " 26th, 1873.
" " February 12th, 1874.
" " March 23d, 1874.
" " May 25th, 1874.

I have Letters Patent appointing me Bishop of British Columbia; Letters Patent produced; I believe the license produced is a true copy of the license to Mr. Cridge to preach; it is dated Sept. 17th, 1860.

The oath produced is a true copy of the Canonical Oath of Obedience taken by Mr. Cridge, Sept. 17th, 1860.

I have the subscription book before me; I saw Mr. Cridge sign it; the date is Dec. 7th, 1865; the Oath of Canonical Obedience was taken before me by Mr. Cridge at the same time, Dec. 7th, 1865; I have no doubt that the Letters of Collation referred to in Article 4 are correct copies; also the Certificate of Subscription and oaths in Article 4 is a correct copy.

I recollect sending, on Feb. 10th, 1874, certain Articles of enquiry to Mr. Cridge; they are the usual Visitation Articles; no answer was returned to me by Mr. Cridge.

On May 25th, 1874, I again applied for an answer to mine of Feb. 10th; copy produced.

I attended visitation, July 3d, 1874, at Christ Church, having first written to Mr. Cridge, under date June 22d, 1874, informing him thereof; I also wrote on the same date to the Churchwardens to the same effect.

I received a letter from Mr. Pemberton, Churchwarden, dated June 23d, 1874, of which that produced is a copy.

On 29th June, I wrote to Mr. Cridge, appointing July 3d, 1874, for my visitation, also to the Churchwardens on the same date and to the same effect.

I received a letter dated July 2d from Mr. Pemberton, Churchwarden, declining to receive my visitation.

I also received, on July 2d, 1874, a letter from Mr. Cridge, declining my visitation, on the ground that a memorial had been sent to the Governor-General.

On the same date I wrote to the Churchwardens, stating my intention to hold the visitation; I also wrote to Mr. Cridge.

I received no other letter before attending visitation; on 3d July, 1874, I went to Christ Church, accompanied by Mr. Drake, the Registrar; Mr. Cridge was in the Vestry, and on our entering he said he requested to read a letter which he produced; he read the letter signed 31 July (a copy of which has already been put in evidence), with strong emphasis and vehement gesture, evidently laboring under great excitement.

On his finishi g the letter and saying that the Churchwardens would not be present, I said: Mr. Cridge I am fulfilling the duties of my office, and I come to visit you as well as the Churchwardens. I request you to produce the registers and inventory in order that I may proceed with my visitation. He said, I refer you to the latter part of my letter. I said, will you produce the register books. He said, I have not got them; I have not the key; the Churchwardens have it. I said, you have always kept it and the Churchwardens could only have obtained it from you and with your consent, in order to frustrate my visitation. He said, I have not the key; why do you expect me to have it? and referred to a book of the Canons, one of which requires a coffer to be kept with three locks, implying that he could not produce the registers without the presence of the Churchwardens. I said, you know Mr. Cridge this is now never the case, and you alone have the care of the registers; do you refuse to produce them? He said, I refuse to produce nothing. I said, I cannot proceed with my visitation unless you produce these things, and other property of the Church. He said, why do you ask me, ask those who have the custody of the goods of the Church? the Church is open, you can go and see for yourself. I again asked him to produce the registers and plate; he made no reply. I said, do you then refuse to produce them? He said, I refuse nothing; the relation which you hold towards me, and which you hold towards the Churchwardens, has entirely changed during the last few days; put your questions down in writing. I said, this is a subterfuge, you have connived with the Churchwardens to defeat my lawful visitation. He expressed himself offended at the words subterfuge and connive. I said, it is too true. I again asked him to produce the registers; he made no answer. I then said, this is contumacy, and came away. On previous occasions, when I visited Christ Church, Mr. Cridge always had the keys and produced them. I have visited Christ Church periodically for the past 15 years, and I have never before had any difficulty whatever in seeing these articles.

The letter dated July 3d, 1874, was the one he read and handed to me.

On the same day, on my return home I received a letter from the Churhwardens, dated July 3d. I asked for the Communion Plate; I think the answer was, ask those who have the charge of the Church; when I asked questions he said, I beg to be excused from answering questions, and what the Bishop has to say to me he will put in writing; he said, see the concluding part of my letter dated 3d July. Mr. Cridge's demeanour was unhappily not that which a clergymam should assume towards his Bishop. Both in tone and gesture I considered it to be insulting.

I selected a Cathedral; I am empowered to do so by my Letters Patent; I selected Christ Church and have used it as such since 1865. The seal produced is mine, and the Articles appended are signed by me.

After Mr. Reece descended from the pulpit on the 5th Dec., at evening service, Mr. Cridge proceeded to address the congregation in a state of considerable excitement; he said something to the effect that the sermon which had just been preached by Archdeacon Reece, mentioning his name, contained doctrines which had never been preached in Christ Church during his time of 17 years, and never should be while he was Pastor of the Church; he said that Ritualism, which had just been advocated, was contrary to the Law of God in the Scripture, the Prayer Book, and the law of the land; I consulted with Bishop Morris as to what should be done under so extraordi-

nary and unhappy an interruption; we considered it best for the sake of the peace of the Church not to stop what was going on, there being evidence of considerable excitement in the congregation; I heard noises which appeared to me like the movement of feet, clapping of hands, and expressions of voice; several persons left the Church.

I received a number of letters from Mr. Cridge, these letters were read yesterday, I received them all.

I have the original book of subscriptions, and I produce it.

The letter signed and dated 17th September, 1860, was signed by Mr. Cridge in my presence.

Mr. Cridge has not any benefice, there is no benefice in this country.

6th WITNESS.—*Charles Good*, stated: I was in Christ Church on the day of Consecration, December 5th, 1872; at the evening service, after the sermon by the Rev. Reece was terminated, at the usual time for giving out the hymn, the Dean, instead of giving out the hymn, faced the congregation and addressed them on the subject of the Archdeacon's sermon; he took exception to the doctrines preached by him in being in favor of Ritualism; he stated that he could not allow his pulpit to be used without warning his congregation against any such doctrine.

Considerable excitement was manifested both during and at the close of his address, by clapping of hands, stamping on the floor, and ejaculations; one person in the choir having said "Bully for Cridge."

To the Very Reverend Dean Cridge:

TAKE NOTICE that you are required to produce to the Court on the hearing of the charges set forth in the Articles dated on or about the 27th day of August last, the following documents:—

Dec. 7th, 1872,	Letter	from	the	Bishop	to yourself.
" 9th, "	"	"	"	"	
" 14th, "	"	"	"	"	
July 28th, 1873	"	"	"	"	
" 29th, "	"	"	"	"	
Aug. 27th, "	"	"	"	"	
Sept. 8th, "	"	"	"	"	
" 22d, "	"	"	"	"	
Oct. 18th, "	"	"	"	"	
Nov. 1st, "	"	"	"	"	
Dec. 1st, "	"	"	"	"	
" 26th, "	"	"	"	"	
Feb'y 12th, 1874,	"	"	"	"	
March 23d, "	"	"	"	"	
May 25th, "	"	"	"	"	

And your certificate of subscriptions, and all other documents, letters, papers, and writings whatsoever in any wise relating to the charges against you.

Yours, etc.,

M. W. T. DRAKE, Registrar.

By ROBT. E. JACKSON, his Attorney.

[11.]

Bishop's Close, Victoria, Dec. 7th, 1872.

My dear Mr. Dean:

It is with very great pain that I write to you in referrence to the unhappy scene which occurred in Christ Church last Thursday.

I am sure you were in ignorance that you were committing a grave offence against the laws Ecclesiastical, and the Statute Law of the Realm, in disturbing the order of public worship, and in using irritating words respecting a brother elergyman, who was present, and who had just performed a duty assigned to him.

As your Bishop the subject is one which I cannot pass over, and I now

write in the earnest hope that I have not misconstrued your character, but that when it has been shewn that a breach of order and propriety has been committed, and one which must inevitably cause offence to many members of the Church, you will be the first to express your regret for the occurrence, and render my duty less painful.

I am, my dear Mr. Dean, very faithfully yours,

G. COLUMBIA.

My dear Lord: [12.]

In reference to your letter of this day's date, I trust, that "when it has been shewn," and I am convinced that I have committed the wrongs imputed to me in that letter, your hope will not be disappointed, and that I shall be the first to express regret for violating what I have ever been foremost to uphold amongst my people, order, charity, and law; but I find it impossible till after Sunday to consider the authorities and reasons on which your statements are grounded, and which I gather from the tenor of your letter, you will deem just to shew me.

Yours faithfully,

7th December, 1872. E. CRIDGE.

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[13] Bishop's Close, Dec. 9th, 1872.

My dear Mr. Dean:

As you desire to be furnished with the authorities on which my reasons for writing to you are founded, I will mention that your action on the 5th was in direct contravention of the 53rd Canon, and comes within the provisions of the Act of 5 and 6, Ed. VI. c. 4.

I shall be most happy to allow you to inspect these authorities, but I was in hopes that my letter would have found you, on a calm reconsideration of the circumstances, to have come to the conclusion that the mode you adopted for the expression of your views on the questions raised by the Archdeacon's sermon was illjudged, out of all order, and calculated to produce distress and offence in the Congregation.

Trusting that my endeavours to avoid a disagreeable and most painful duty will be assisted by your good sense and right feeling,

I am, my dear Mr. Dean, very faithfully yours,

G. COLUMBIA.

My Dear Lord: [14.]

Will you kindly send by the bearer the books you said you would allow me to inspect.

Yours faithfully,

10th Dec., 1872. E. CRIDGE.

My Lord: [15.]

I have carefully looked into the authorities which you have submitted to my inspection, as well as reviewed my own conduct in addressing my flock on Thursday evening, and I conscientiously believe that I have not either in letter or spirit violated any order of the Church or law of the realm.

If the step was unusual, the occasion was almost without precedent. At the same time I beg most respectfully to answer your Lordship that I had no thought or intention of impugning in any way the authority of the Bishop, but only to fulfill my duty as the ordained and licensed minister of the Church and congregation whom I serve. I beg to remain with all respect and duty,

Your Obedient Servant,

Dec. 13, 1872. E. CRIDGE.

The Lord Bishop of Columbia.

[16] Bishop's Close, Victoria, Dec. 14th, 1872.

Reverend Sir:

Having offered you, with no good result, several opportunities of expressing regret at your conduct on the 5th of Dec., a regret which should be expressed to your Bishop, who was unhappily present, an eye and ear witness of the sad scene, to your brother minister, whom you openly insulted in the House of God, and to the congregation whom you disturbed and distressed, it now remains for me to discharge a most painful duty, the more painful considering your position as Dean of the Cathedral, and as senior clergyman of Diocese, from whom might be expected at least an example of self control, propriety and order.

On the 5th of December at the Evening Service of the Day of Consecration of Christ Church, immediately after the sermon by the Archdeacon of Vancouver, instead of proceeding with the service, you stood up and in irritating and chiding language you denounced your brother clergyman by name, and amongst other words declared that he had violated the law of the Church, the law of the land, and the law of God in the Scriptures. Being evidently under excitement your manner and language caused unseemly disturbance in the congregation. There were vehement expressions, such as are only heard in secular buildings and in drinking saloons, stamping of feet, clapping of hands, and other unseemly noises.

Much distress was created amongst all the properly disposed and regular members of the congregation, in the midst of which several persons hastily left the Church.

The deepest pain was caused to the Bishop of Oregon, myself, the Clergy and the congregation generally.

To the enemy of religion and to the careless and profane an occasion has been given to blaspheme and to ridicule the sacred cause of God, and a stumbling block has been placed in the way of the weak.

You have committed the grave offence which is described both in the Ecclesiastical Law and in the Statute Law of the Empire by the term of *brawling*, an act of disturbance of divine worship, punishable in a layman by fine or imprisonment, in a clergyman by suspension.

Moreover you violated the 53rd Canon of the Church of England, which *forbids public opposition* between clergymen, and requires the clergyman offending to be inhibited "because upon such public dissenting and contradicting there may grow much offence and disquietness unto the people."

No provocation is allowed to justify a violation of these laws. If the Archdeacon's sermon had contained error, there are means to be adopted by which he could be called to account.

If, as was the case, you disapproved of the view he took of a particular subject you have abundant opportunities of teaching your congregation what you consider to be right, your attack upon him in the House of God was the more unjustifiable, since he had occupied the pulpit by your own suggestion, and he is a member of the Cathedral body.

Considering all these circumstances, considering the public scandal you have caused, the outrages upon order and propriety in divine worship, and violations of the laws expressly framed to prevent such unhappy exhibitions, I should probably be justified in taking a course much more severe; considering however, also, your long and faithful service in the Church, that you were probably unaware of the laws which prohibit such actions, and that this is the first grave offence of any kind in the Diocese which I have been called upon to notice, I take the most lenient course I can adopt, and inflict upon you only a grave censure.

As your Bishop, then, I censure you for your conduct on Thursday, the 5th day of December, 1872, and I admonish you to be more careful in the future.

Witness my hand this 14th day of December, 1872,

G. COLUMBIA.

The Very Rev. E. Cridge,
Rector of Christ Church Victoria,
And Dean of the Cathedral.

My dear Bishop of Columbia: [17.]

Before I received notification of your intention to visit Christ Church to-day, I had formed an engagement which will hinder me from being present, but which I did not take to mind when Mr. Ward spoke to me.

This being so, I beg most respectfully to reaffirm my purpose, sincerely and conscientiously, to follow the laws of our Church, so far as they are in force and applicable here. As I do not see that the visitation as held by you on certain former occasions, and attended by me out of courtesy, is requisite or necessary by any law or custom of our Church.

I do not regret the circumstance which spares the necessity of a personal statement of this view.

While I acknowledge myself ready to be corrected, if I am in error, you will not be surprised if I feel that my course must be guided rather by pure duty and obligation, than courtesy. At the same time I should be sorry that you should suppose that in anything that relates to your episcopal office, I shall be contented to act from cold constraint. I shall hope ever to perform my duty with the earnestness and respect which are due to the same. Pressure of duties has hindered me from writing before with the consideration which I felt necessary.

I beg to acknowledge the receipt of your intention to hold a confirmation at Christ Church on October 12th, and shall do all in my power to make every preparation which the solemnity of the occasion requires, and to carry into effect any wishes you may have in reference to the same.

I beg to remain, yours, faithfully,

E. CRIDGE.

July 28th, 1873.

[18.] Bishop's Close, July 29th, 1873.

My dear Sir:

I am sorry you have again placed yourself in opposition to the laws and customs of the Church. "Visitation" of all Clergy, Churches and Parishes, is a primary duty of the office of Bishop.

The attendance of the Clergy at such visitations is not optional but a duty to which each one has bound himself by his oath of Canonical Obedience, and reception of the Bishop's license.

In the present case I gave you ample notice of my visitation and if there had been any sufficient objection to the day and hour appointed, you were made aware that I was ready to fix another time. Under these circumstances you have exposed yourself to the charge of a grave ecclesiastical offence.

On my arrival at the Cathedral yesterday, at the time named, the doors were locked, and after waiting some time I was compelled to depart without being able to carry out my Episcopal duties. This, to say the very least, is a very culpable neglect.

I am unwilling to believe it was intentional, but I must investigate the circumstances, and have fixed half-past two o'clock to-day for my visitation, at which I require your attendance.

I am, dear sir, faithfully yours,

Very Rev. E. Cridge. G. COLUMBIA.

[19.]

I have nothing to alter in my letter of 28 July, 1873, to the Bishop.

I believe the Bishop to be as much bound by the laws and custom of the Church as others.

With all respect and duty, with much pain, and only in behalf of the past liberty and scriptural purity of the Church, I beg to express my conscientious belief that the Bishop has arbitrarily and unjustly violated both in connection with Christ Church during the past year.

Victoria, 29 July, 1872. E. CRIDGE,

(Turn over.) Dean and Rector.

I duly gave orders for the Church to be open for the reception of the Bishop at 4 o'clock, p. m., on Monday, July 28th, 1873.

[20.] Victoria, August 18, 1873.

My dear Bishop of Columbia:

In fulfilling my undertaking, made at the vestry on the first occasion of my meeting you this year in the presence of the Churchwardens of Christ Church, to state the grounds on which I believed the Bishop to have acted unjustly in the discharge of his office. I may use the more freedom in that it is the right of all who believe themselves to have been wronged, whether in their own person or in their lawful calling and office, temperately to declare it.

In order to make my meaning more plain I will confine myself in this letter to the Bishop's censure of my conduct in my protest against the ritualistic teaching of the Archdeacon, delivered to my congregation on the occasion of the opening of the Church. In the document conveying that censure, you accused me of offences which, if true, would prove me unfit for the ministry, and unworthy of the esteem of my congregation, and inflicted on me, as you said, under your hand as Bishop, a grave censure. You did this, although I had pleaded, "not guilty" to your accusations, without hearing the grounds of my plea, or giving me opportunity of stating them; without confronting me with my accusers, or with the witnesses who testified against me, and whose names, except your own, (and I deem it impossible that you grounded your sentence *solely* on your own testimony), I do not know to this day, you condemned me, and inflicted this punishment (whatever it was) upon me.

This proceeding I believe to be arbitrary, unjust, and a great wrong. To render impossible such wrongs law is framed. To prevent injustice being done through haste, passion, inadvertence, or private ends, it is provided by the laws of even heathen nations that no one shall be tried, condemned or punished "before that he which is accused have the accuser face to face, and have license to answer for himself concerning the crimes laid against him." By no law except over infants or slaves can any one combine in his own person, as the Bishop appears to have done in this case, the functions of accuser, witness, governor, and judge. The laws of the Church do not overlook this fundamental principle of justice. I will refer to only one authority at present. The "Church Discipline Act" in England has been careful not to give the Bishops, (although Lords in a National Church), any pretext for the exercise of arbitrary powers, but has tied them up to the forms of justice and to lay control. Though in this land the Bishop, being a simple minister of religion, has no power under this Act to hold or order a legal investigation, the *principles* of justice might have been satisfied in another way.

The sentence in question was not one of those admonitions which, with no pretence of judicial authority, are always respected by the well disposed on account of the presumed good intention and allowed legitimate office of those who administered them. The Bishop gave to this censure, illegal as it was, official form and effect, so far as he could, by sending it to the Churchwardens of my congregation, as well as to myself. I need not say that such a censure, so given, if it be anything at all, is in its purpose and character as much a punishment or penalty as suspension or deprivation.

It is moreover a principle of justice that the person who judges must be an uninterested person. In this case if, by the promulgation of the sentence and its effects, I had been harassed into resigning my incumbency, the next presentation, if the trust deed is valid to this effect, devolved on you. You could have put into my room one of your own clergy, that is one of those who derive their status here solely from your own choice and appointment, and did not as myself possess it before the recognition, or even the existence of your Episcopate. Nor perhaps is this the only respect in which the Bishop is not an indifferent person. I should be sorry that you should take this remark in an offensive sense, it is not so meant; it belongs to my argument and is made to shew the reason of the care with which the law fences the rights of man against the encroachments of arbitrary power and the operation of interested motives.

The evil consequences also, which are apt to result from unjust judgments, prove the necessity of all alike being under the dominion of the law and its forms.

Permit me to point out a few of the mischiefs which might and have resulted, or may even be resulting, from the judgment in question.

I might, for instance, have been irritated by what I believed to be a libel of a highly criminious and, whoever may have been the Bishop's informants or counsellors, untrue character, into going to law with the Bishop, and have only been restrained by a sense of what might be my duty as a Christian in the matter.

The Churchwardens, confiding in the Bishop's wisdom, or awed by his office, might, by promulgating it, have rendered themselves similarly obnoxious to the law, or they might have changed in their conduct towards their minister, contemned his rule, discouraged him in his ministry, or thrown up their office. Or to preserve friendly relations between the Bishop and the congregation they might, although not unconscious of the injustice of the document in question, have allowed it to stand against their minister without remonstrance or protest. Or by taking official notice of it they might have divided the congregation into parties, marred the integrity of the ministry, and alienated from the order and administration of the Church some of its devout members. Or the minister himself, believing the cause of truth to have been wronged in his own person, might have maintained a constant, though for quietness sake private, protest, so long as there remained against his ministry imputations ready at any time to be revived, as in fact they have been revived up to a recent period by the Bishop himself.

These are not imaginary things, but evils either actual or imminent, in great part as it appears to me in connection with the judgment in question. To avoid such evils surely it is that law forbids arbitrary judgments as being unusually impotent for anything but mischief, productive often of dissention and strife, bitterness and disquietude, there being no arbiter of the question thus generated, but not decided, but the truth, the mercy of God, and the good sense and discernment of the people.

In stating the grounds on which I conscientiously believe the Bishop to have acted arbitrarily and unjustly in the discharge of his office. I have studied to use the words of truth and soberness.

After waiting several months without perceiving any indications of consciousness on the Bishop's part of having committed a wrong, (but the contrary), I embraced with pain and reluctance the opportunity above referred to of pointing it out, well believing it a duty which I owe to my ministry, to the Church, and to the interests of justice and religion to do so.

I remain, my dear Bishop Hills,
Yours, faithfully,
E. CRIDGE.

[21.] Bishop's Close, August 27, 1873.

Dear Mr. Cridge:

The authority of the Bishop may be exercised by private censure as well as by public trial. The former course was adopted out of kindness to you, and to avoid wider exposure of scandal to our Church.

The offence having been committed in the presence of the Bishop, and in a public manner, formal evidence was unnecessary; there could be no question of fact.

Justice to those whom you aggrieved, the Clergy and the Church at large, demanded there should be recorded proof that the offence had not been passed over by the Bishop, and hence the formal character of the censure, and the communication of it to the Churchwardens.

Had the offence not been dealt with privately, opportunity having been given for explanation and expression of regret, a public trial would have been demanded by others, and then as serious consequences were involved, the forms of justice usual in such cases would have been strictly observed.

So long as you hold it lawful for a clergyman (1) to stop the appointed order of divine service at his pleasure, give vent to excited feelings, and disturb the peace of a congregation, and (2) to attack and denounce a brother

clergyman before the congregation as he descends from the pulpit for a difference of opinion, you are in conflict with the laws of the Church of England, which you have solemnly engaged to obey, and by which, in the name of order, sobriety, and charity, these acts are marked as grave offences, and, if having committed them, you show no regret for the scandal they have caused, you must not wonder if the imputations upon your character as a clergyman should remain.

Such evil consequences as those you allude to should be traced back, not to the exercise of authority for an offence clearly established, but to the wrong doing in the first instance by yourself.

I am, faithfully yours,
G. COLUMBIA.

[22.] Victoria, Sept. 3, 1873.

My dear Bishop of Columbia:

In answer to my complaint that you have as Bishop wronged me in my person and office, your argument, if I understand it aright, is as follows:—

That as the Bishop and the public were witnesses of my conduct on the occasion referred to, there was no need of evidence to prove that the Bishop's account of the same was true. Truly, though a thousand persons witness a proceeding, it does not follow that a certain one who testifies to it, testifies truly. Many heard our Lord speak when he said, (or seemed to say), that he would destroy the Temple, yet this did not make the testimony which two of them bore as to what he did say true. Notoriety is good to prove that something happened, though not what. Though I believe that notoriety in this case, (v. the public papers), is adverse to the truth of the Bishop's censure, *what* took place is still unsettled. There can, therefore, be "question of fact," seeing that I, the accused, say that what I am accused of is not true and by no means was done.

Your reasoning that though a "formal" censure was "just," for the satisfaction of "the Church at large," "formal" evidence was not necessary for the sake of the accused, seems to me to confound equity. You say that if you had not dealt with the case privately, though without the forms of of justice, others would have demanded that it should be dealt with publicly, with the forms of justice. How the justice, which would have been done in the supposed method, can excuse the absence of justice in the actual, is not clear to my understanding. But the forms of justice, the Bishop says, would have been observed in the supposed case, because the consequences would have been serious. The loss of character, which the Bishop readily admits to be a natural consequence of the method actually pursued by him, is indelibly affixing, if not wiped out by confession. The "imputation" of wrong doing upon me is not, it would seem, a consequence sufficiently serious in the Bishop's estimation to render any form of justice necessary in that method.

Still, the consequences in the supposed method of trial would have been so serious that the Bishop determined, out of kindness to me, to save me from them by publishing me through a private censure to the "Church at large" as an evil doer of a bad type. While I tell the Bishop, that all things considered, I do not recognize this feature in his proceedings, I must also say, for the cause sake, that I am not troubled about my character, as I might have been, had I done the evils, instead of being accused of them.

The Bishop appears to refer to his authority in justification of his proceedings. To this I answer, that no authority can justify a wrong, which I have proved this to be, which the Bishop has not denied, still less disproved, least of all redressed.

Although, therefore, the question of authority does not affect my argument, and although this is not the moment to go into that question, though important, still, as you have given me the opening, I will briefly point out what appears to me to be a double fallacy in your definition of the scope of the "authority of a Bishop," namely: that it is "exercised by private cen-

sure as well as by public trial," which to my apprehension contains, first: a distinction in sound and not in sense, a private or any censure being a penalty and not a trial, and coming after a trial, whether public or private; secondly: an assumption concealed under the double meaning of the term "authority," as if the Bishop's authority were by law, which it is not, and not by consent, which it is, with its scope and effect yet undefined. In a neighbouring church, if I remember rightly, the Bishop has authority to administer a *censure*, whether public or private but not to take part in the *trial* by which it is awarded. In another neighboring church no authority to administer censure is allowed at all, apparently because the authority might, as I submit is the case of your censure against me, come into collision with the law of the land. I think it not irrevelant also to remark that there is a certain offence against the State, implied in the enforcement of Ecclesiastical law, when not authorized by the law of the land. It may be presumptive in me to instruct the Bishop, but it is not unlawful to defend myself. The Bishop ought not to be ignorant that when a person assumes, without the authority of the State, the office of judge, such a document as that which the Bishop has proceeded to publish against me, is not a judgment, but a libel, and an offence against the law, for which the alleged Ecclesiastical authority of the Bishop affords no shelter, while, on the other hand, such a judgment proceeding from a person *with* authority to judge, would constitute a wrong under another name, but equally open to redress by the law.

One error into which I submit the Bishop has fallen is a failure to perceive the distinction between *evidence* and *law*. The first thing in every cause is to show what has been done, this is the function of *evidence*. The next is to determine what *law* if any has been broken, and to award the penalty, this is the office of the *Judge*, the last thing is to administer the correction or pardon the offence. This is the prerogative of the *Governor*. The *principles* which dictate these forms must be observed in private or conventional proceedings to make them just. I submit that the Bishop has confounded all these functions together in one abitrary assumption.

To say that I denounced, and attacked, and brawled, and caused scandal, and grieved the Church, and upon the mere strength of these denunciations, (I appeal to the document itself for the accuracy of the words), to inflict and publish a penalty, is, I submit, the language of abuse and slander, and an act of lawless authority; the crimes thus imputed having been manifested by no evidence, proved by no law. The Bishop affirms them, I deny them. The Bishop has judged the cause, I judge it not. I appeal, God will judge.

I have now only to ask the Bishop one question. In your last letter, (27 Aug.,) you repeat your accusation of attacking and denouncing a brother clergyman. In your censure you say:—

"You denounced your brother clergyman by name, and amongst other words, declared that he had violated the law of the church, the law of the land, and the law of God in the Scriptures."

I ask, did you say this of yourself, or did others tell it you of me? I request also that the Bishop will give me the words, or reasonably near the words, which I am said to have uttered, and to give them, not obliquely or constructively, as in the censure, but directly and as spoken.

I ask also for the names of the other witnesses, if any. The Bishop will, I presume, also deem it right to give me the minutes of any Council which he, as Bishop, may have held in this matter, as also any record he may have made, or caused to be made, in reference to it in the Archives of the Diocese.

Yours faithfully,

E. CRIDGE.

To the Right Reverend G. Hills, D. D.,

Bishop of British Columbia.

[23.]

New Westminister, Sept. 8th, 1873.

Dear Mr. Cridge:

Much of your complaint is founded upon the assumption that the Bishop in this Province has no legal authority. In this you are mistaken. The authority of the Bishop can be legally exercised first, *under the Letters Pattent*, which, having been granted by Her Majesty before constitutional powers of Government had been conferred upon the Colony, are of force and validity, and secondly, *under the contract* into which every clergyman has entered by acceptance of the Bishops License, and the oath of canonical obedience, to be governed by the laws of the Church of England. All acts of eclesiastical dicipline done under these sanctions are legal, and must be respected by the civil courts, [See Long v. Bishop of Cape Town]. Bishop of Natal v. Gladstone. You next complain that this authority has been exercised in an arbitrary manner, and that you have been treated unjustly. In the exercise of dicipline it is true that the Episcipal office has the heavy responsibility of combining in itself several functions. The Bishop may have to initiate proceedings and be as it were, both prosecutor and judge; of this, however, you cannot reasonably complain, seeing that, as a minister of the Church of England, you have accepted this form of government over you, nor is there injustice in my having acted on the evidence of my own eyes and ears. What is the use of evidence, but to bring to the mind of the Judge a clear preception of the facts as they actually occurred? It is not necessarily an injustice to pass sentence in spite of a plea of not guilty, and denial of the charge; is not this done every day?

With regard to the mode of procedure, the private method is the most usual. A Bishop is not bound to proceed in any particular manner. His *forum domesticum* is under little restraint from the forms observed in contentious suits in courts of justice," [report of the Comissioners on Ecclesiastical Courts, 1832 p. 54].

In England, notwithstanding the Clergy Diocipline Act, he can proceed personally, and without process in court, to enquire into and adjudicate upon the alleged offence, "Cripps," 32. He can in some cases deprive a clergyman of his license and cure, refusing his demand for a public trial and to have his accusers face to face, (see Poole and Bishop of London). In this land, where Statutes of English Law affecting the Church are not in force, the Bishop's discretion is still more unfettered, and must remain so until a Synod shall establish a Tribunal of Discipline. The principles of substantial justice essential to every proceeding, are stated by Dr. Lushington, in. Poole v. Bishop of London, to be these, viz!—

1. That the accused should know when an accusation is brought against him.

2. That he should know what is alleged against him.

3. That the matter alleged must be stated with sufficient precision.

In my letters to you of Dec. 7 and 9; in my forwarding at your request the Ecclesiastical law books, marked in the places where the offences charged are described, and in giving you opportunity to explain your conduct, or to offer any plea in extenuation before the censure, these principles of justice were satisfied, and having endeavored, under a painful necessity to execute my office in a way usual in such cases, not without legal advice, I do not see that you can justly complain of any wrong having been done; having also carefully considered all you have advanced, I see no good reason to re-open further this matter, which was decided in December last.

If you still feel aggrieved you can appeal from my decision to the Archbishop of Canterbury.

I am, Dear Mr. Cridge, faithfully yours.

G. COLUMBIA.

[24.]

Victoria, B. C., Sept. 4, 1873.

My dear Bishop of Columbia:

Some members of the Congregation having expressed regret at your not having preached at the Cathedral of late, and wishing to know why, I have referred them to you for information.

On this subject I have but two things to say with regard to myself personally.

First, as long as you consider "ritualism" to be a mere "difference of opinion" between clergyman, and do not consider its advocacy in the Cathedral pulpit to be a matter of which any formal notice can be taken, I can have no assurance but you may one day advocate the same yourself, or at least favour its doctrine in your own teaching. I do not judge the accuracy of your view, as if my judgment could decide the question, but I must judge for for my own ministry, which is inviolate and independent, as long as I do not therein depart from the doctrine of God's word and of the Church.

Your view of the import of this subject is essentially opposed to the whole basis and substance of my ministry, I hold, (and my doctrines have always been notorious to all my brethren), that ritualism and more especially the doctrines of which it is the informal expression and which doctrines may be and often are fostered and taught apart from ritualism are irreconcilable with the doctrines of our church, our rending that church to pieces in England, and are a deadly attack upon the cause of the reformation, whose battle is being fought over again.

You are not bound to be of this opinion because I hold it as manifestly you are not, but my conscience binds me to say that I cannot welcome or invite to any participation in my personal ministry any clergyman, however high his order may be, who holds the views on this vital question which you have expressed in connection with the same.

But to say that I will oppose your access to the pulpit as Bishop is another thing, and when any request is made to me on the subject it will I hope receive from me the attention and respect which the office of Bishop demands from every clergyman of the church.

Sept. 17. I beg to append to the above written last Thursday week my acknowledgment of your letter of the inst. in which you declined to answer my question as to the evidence on which you grounded the censure which has been the subject of this correspondence.

It is not to continue a correspondence of which, for the sake of my pastoral work I am glad to be relieved, that I write this, but to make still more apparent to you the justice (from my view) of my determination not to impugn the authority of the Bishop but to preserve, as far as in me lies, my own ministry, pure and violate. I will, however, state that I was prepared unless you had silenced me to prove further that you have wronged me by *partiality* against me in your oversight as Bishop; by *insincerity* towards me in your statement as to other modes of redress open to me under the outrage I protested against, by *misquotation* of authorities and to sum up all that in a manner contrary to equity, and justice, truth, fidelity, and law you used your office as Bishop to intimidate me in the honest faithful and lawful discharge of my ministry. These things I submit in *foro conscientice*, and leave them.

I am glad to be reminded that it was a "contract" and not a bond of servitude under which we entered into the relation of Bishop and Presbyter, and must be permitted tc observe that there are always two sides to a contract, and that it was never heard of that one party to a contract should be both "prosecutor and judge" of the others violation of it except in ecclesiastical matters, in which it would appear from your arguments that a Bishop is not bound by the same kind of justice which governs other men.

It is because I believe you have violated the implied contract between yourself and the church at large no less than that which you have referred to as exsiting between ourselves by your claiming for ritualism a right to be recognized or at least to have a footing as a part of the allowable teaching of our church that I as a Prespyter of the church having a right to a voice equal with your own, have written the above.

I hold your reference to the Archbishop of Cantenbury for redress to be only a confirmation of your resolution to maintain this view.

A more just and satisfactory way would be to refer it to the church in this country in which the Supreme authority resides not the Church as constituted in synod on the principles published under the sanction of your name, but exercising a free voice.

Before the whole body of the church then, I am willing if God help me. to undertake to maintain, whether with voice or pen, against any one that you as Bishop may appoint, the affirmation against, ritualism and your action in connection with it which I have made above.

Meanwhile I can only pray that the merciful Lord will bring deliverance and quiet to our unhappy body in his own way, but above all that in this land and within our church the notion of liberty to discuss doctrines under the name of opinions a notion which I believe to tend only to make the church the hold of every foul spirit and a cage of every unclean bird, may be disallowed and come to naught.

I will only add in conclusion that if I have said one word in this correspondence but what is reasonable just and true as pertaining to the rights of the meanest man, to say nothing of those of a minister of the church I shall be glad that it be pointed out and I will readily retract it.

With sincere prayers for the unity of the church in the Protestant faith, sealed with the blood of Bishops and martys.

I am sincerely and faithfully yours,

E. CRIDGE.

The Right Reverend Geo. Hill. D. D.
Bishop of British Columbia.

Pressure of pastoral duties compels a little untidiness which I hope will be overlooked. E. C.

[25.]

[The Bishop to Rev. E. Cridge.]

Sapperton, Sep. 22, 1873.

Dear Mr. Cridge.

Upon some things contained in your letters of the 4th and 17th, I wish to observe as follows :—

1. The statement in the sermon attributed the ritualistie movement to certain causes upon which there is, and may fairly be a difference of opinion; no particular practices were advocated and while the movement was favorably regarded, the approval was limited by the expression of a hope that the extravagances would in time subside and the good remain. Though I did not agree with all that was said I heard nothing that was not permissible within the limits allowed in the church of England, to this extent, therefore, was the statement a matter of opinion. But even if serious error h d been taught, that would have been no justification for a disturbance of the order of service, or for an attack upon a brother minister before the congretion. Three modes of redress were legitimately open :—

1. To present the alleged error to the ordinary who would be compelled to deal with the charge according to the laws of the church.

2. To give an expos tion from the pulpit on the earliest occasion of the truth according to your view upon the subject. 3. To publish your views and protestation.

2. In opposing any system in which we believe there is error, it is hardly christian, certainly not wise, to refuse to acknowledge whatever in it there may be of good. I observe you speak of ritualism as entirely evil, not so others who are living in the midst of it. At a meeting of the Rural Deans and Principal Clergy of the Diocese of Winchester about two months ago under the presidency of the late lamented Bishop, the subject was discussed in this form. "How can the earnestness and energies of those called Ritualists be directed to the best purpose, and the evil rooted up without

destroying the good?" Let us recognize use, and hold fast whatever is good; while we as zealously and as faithfully abhor and eschew that which is evil-but do not let us call good evil any more than call evil good.

3. With regard to the independence of a clergyman of the Church of England in his ministry, he is of course, not independent of the laws of the church; he must not teach contrary to the doctrines of the church as laid down in the Prayer Book and Articles. Holding a license to officiate from the Bishop, he is removeable for just cause. But having been appointed to a Cure no one can officiate in it without his consent, with the exception of the Bishop, or whoever exercises the office of ordinary. The Bishop is the chief Pastor of the Diocese, of clergy and people of the church, and can visit and exercise his ministry in every church wherever he pleases; usually he does this at confirmations and at his visitations; and in practice at other times preaches only when requested. In a Cathedral, however, the case is different. In it is the Cathedra, or seat of the Bishop, and there he is to be most frequently present, the law being, see Burnes' ecclesiastical laws (by Phillmore) vol. 1. p. 21. "Bishops shall abide at their Cathedral churches and officiate on the Chief Festivals and on the Lord's Days and in Lent and Advent." Not only does the Bishop by right more frequently preach in his cathedral than in any other church, it is customary for him to appoint on certain occasions other preachers, as for instance at his ordinations and general visitations. Christ church was constituted the Bishop's Cathedral, the Deanery created and the Dean appointed under the powers contained in the Letters Patent; by which also the Bishop is authorized to appoint other clergy to have places and consequently a right to officiate in the Cathedral. Subject to these conditions which only follow the custom of the church, the Dean if he is also a Parochial minister can otherwise independently carry out his ministry. Under this view which I believe to be correct, you will perceive that the Bishop officiates by right and not through consent of any other person when he ministers in his Cathedral, and that the congregation there assembled are as much his flock as Chief Pastor as they can be to any one who holds his license.

I am, dear Mr. Cridge, very faithfully yours,

G. COLUMBIA.

[26.]

14th, Oct., 1873.

My dear Bishop of Columbia.

Pastoral duties disable me at present, (but it is only I fear a duty deferred) from entering into assumptions contained in your letters; assumptions which to me are subversive of all faith, sanctity and *peace* in the church and tend only to one thing, the erection of an image of Papal domination in our midst; the darling object of the sacerdotal body in our church and of none more than the late Bishop of Winchester whom you quote, but who to me is the last and least of all authorities.

I cannot however allow the season of confirmation to pass without drawing your attention to points on which I believe you have violated or departed from the order and doctrine of the church.

1. The service of confirmation is not the Bishop's service (as you term it, and evidently regard it; "my confirmation"), but it is a rite of the church to be ministered according to a prescribed order from which the Bishop has no authority to depart. It is as competent for the Pastor of a congregation to stop the appointed order of morning Prayer (for instance) before the recital of the Creed by the congregation, and to direct a pause for Silent Prayer for the increased solemnity of that act and to deliver addresses with that view as it is for the Bishop to do so and as you have done in the "order of confirmation."

2. You attribute Grace to the laying on of hands in confirmation a grace restrained in time to that act. This I believe to be entirely without warrant either from Scriptures or the church.

3. You attribute to Bishops descent from the Apostles in respect to their being a distinct order in the church and in other respects. This also I believe to be devoid of authority as above. I believe I can give reasonably near your words if you require.

May I hope if you see fit to instruct my ignorance in this matter that you will for the sake of precious time, refer, not to vague and disputable, but conclusive authorities.

Yours faithfully,
E. CRIDGE.

The Right Rev. Geo. Hills, D. D. Bishop of British Columbia.

[27.]

[The Bishop to Rev. E. Cridge.]

New Westminister, 18th October 1873.

Dear Mr. Cridge.

From the tone of your letter of the 14th, and some expressions in it there would seem little likelihood of any profit from a correspondence upon the points you have raised. Let me refer you to the present Bishop of Winchester's work upon the 39 articles, and Hooker's Ecclesiastical Polity for information to enable you to judge how far your opinions agree with the conclusion of the most learned and most moderate Divines of the Church of England.

Faithfully yours,
G. COLUMBIA.

[28.]

Victoria, 27th, Oct. 1873.

My dear Bishop of Columbia:

If you will point out any expression in my letter of the 14th, which taken in its full and proper reference, goes beyond the just liberty of a minister in repelling, according to his convictions, erroneous doctrine from his flock, or in defending his office, the authority of which is not of man, but of the Holy Ghost, from what he believes to be illegal and unscriptural domination or in guarding the due order of the church a duty as much binding on one as another ; I will gladly withdraw it.

If in the support of the doctrines and acts complained of you refer to authors, it is obvious that I can do the same; and must be permitted to speak of them as *I* esteem them, and not as you esteem them, while on the other hand if wishing to settle the matter, you refer to lawfully constituted authorities, I must either bend to your reference or show reason why not.

Hooker's Ecclesiastical Polity is not an authority in this sense. Besides which his argument is in part applicable only to the affairs of a national church ; is in part a matter of expediency, and in part is disputed by many both within and without the church. I referred to that work before writing to you on confirmation and orders, and could meet you on this ground, but surely it would be waste of time and to no purpose, settling nothing.

I, as I think a faithful and accountable minister of the church, am engaged in defending my flock from erroneous doctrines and my ministry from threats and irritation. The prayer Book and the Homilies, with final reference, in case of question to the Scriptures are authorities which all must respect, and one clear sentence from these (E. G. from the 39 articles themselves instead of from any Bishop's work on the same), would settle more than volumes from authors, however eminent.

The rule and principle of my ministry are plainly different from those which you would have me follow. I do not find in either of the above authorities any reference to "moderate divinity". Truth is one and simple, and admits of no degrees ; ministers as it appears to me are not bidden whether by the word of God or by the order of the church to follow "moderate divines", but to speak as the oracles of God.

Yours faithfully,
E. CRIDGE.

[29.]

[The Bishop to the Rev. E. Cridge.]

New Westminister, Nov. 1st, 1873.

Dear Mr. Cridge:

The tone and expressions of your letter of the 14th, to which I alluded were in part the soreness and irritation under which you seem to write. To this I attribute the discourteous language in your last paragraph, your absurd and morbid statement of an attempt to erect "an image of Papal domination in our midst", and your unreasonable attack upon the ordinary mode of conducting a confirmation. I much regret to learn that you deny confirmation to be a means of Grace, for I do not see how any clergyman of the Church of England can consistently hold so extreme an opinion. The two authorities were not given on account of any estimate of mine respecting them, but because they are acknowleged Text books of the Church of England, universally required to be studied by all candidates for the ministry as most fair and very learned expositions of the doctrines and principles of our church. With these you found your views upon confirmation and orders do not agree and accordingly you are prepared to depreciate them. It does not occur to you that they may possibly be right and you wrong: at least that they may hold some truth which you have overlooked, but you assume, as a matter of course, that your own opinions must be right and those who differ from you all wrong.

So very confident a tone may lead to mistakes, and when driving away, what, from your extreme point of view, you deem to be erroneous doctrine, you may be misleading your people, and fighting against the truth of God.

Faithfully yours.

G. COLUMBIA.

[30.]

Victoria, Nov. 25th, 1873.

My Dear Bishop of Columbia:

Permit me in reference to your letter of Nov. 1. without preface to observe, that;

1. I no not think the words "image of Papal domination" bear on the face of them anything that is "morbid" or "absurd". They are part of a sober proposition which wherever I see occasion or you shall require, I am prepared to maintain: viz. that the rule which you aspire to exercise over your brethren is a close resemblance in its nature, ground and origin to that system which under pretence of a paterual domestic authority, has, proceeding from small beginnings, for so many ages, lorded it over Gods Heritage.

2. It was a sincere and lawful request which I made in the last paragraph of my letter and one which I again respectfully and earnestly draw your attention as that which if complied with would *settle* more than volumes of writing.

3. I made no "attack" on the usual way of conducting a confirmation, (which I am persuaded yours was not), but in words of simplicity, and I believe of truth, pointed out your unauthorized doctrines and your violation of the "order" of the church, a view which, in the absence of all disproof, I must still hold.

4. The strictures of your letter, so far as I can see, are absolutely against nothing else but my refusal to violate my ordination vows, and to sacrifice my *own persuations* as to the true Doctrines of God's word to human opinions.

5. It gives me pain to advert to another point in connection with this part of the correspondence.

In my complaint against your teaching on the day of confirmation, I did not, according to one of the laws you laid down, make a public protestation, but wrote privately to yourself. No soul knew of that letter from me; yet I find it has been communicated to members of my congregation.

Now, Sir, if I sought personal justification I could wish nothing better

than that it and all my letters should be published; but I cannot think it quite the act of a Bishop, especially of one who claims judicial powers, to resort to private influence against a presbyter among the flock of the latter.

As for myself I can use only, and when the time shall come, the open method. As a Christian, a gentleman, and a man, I cannot resort to whispering or detraction, even in defence of a just cause.

But the doctrines and practices which I believe to be subversive of the pure Gospel and of all sanctity and peace in the church, I must ever, both openly and privately, in season and out of season, endeavour to put down.

I must again express my regret if I have used any word in this correspondence contrary to charity and respect; I cannot give the time required for complimentary language, and only hope my words will be construed with charity in their literal signification.

Yours faithfully,
E. CRIDGE.

[31.]

[The Bishop to the Rev. E. Cridge.]

New Westminister, Dec. 1st, 1873.

Dear Mr. Cridge:

It is not necessary to think so badly of your Bishop as that he can "resort to private influence" whispering or detraction "against any Presbyter" of his Diocese.

It is simply his duty to confer with the faithful laity on matters respecting their clergy and it is for the interest of the Presbyters that he should do so.

Your extraordinary letter of October 14th was not marked private, and I cannot see that you have any just ground for objecting to the communication of its contents to any person to whom I might think right to show it.

Faithfully yours,
G. COLUMBIA.

[32.]

December, 10th, 1873.

Dear Bishop of Columbia:

In reference to your note of Dec. 1st, permit me to ask, does the Bishop think it his "duty," by private conference with the "faithful laity," to excite their animosity, and to instigate them to use inflammatory language against their Pastor? Yet such has been the *effect*, (not the only one,) of his communications in the present instance, and while I ask the Bishop to shew how such methods can be for "my interest," I would remind him that it is not the simple perusal of a letter, but the manner and purpose with which it is communicated, that produce certain effects.

Permit me also to say that my letter of the 14th Oct., was only so far extraordinary "as the proceedings which called it forth were so." The Bishop is well aware that I, in common with a vast number of Protestants, both in and out of our church, hold the doctrines in question to be of an essentially Romish tendency and that to instil them under the curcumstances could not but cause dissatisfaction and protest.

I might, in reference to this and other matters between us, have agitated the church by persuing certain methods indicated by yourself, but I have sought the peace of the church, beyond all other things, next to its soundness in the faith. What less, with my convictions could I do, than write plainly to yourself? Is it wrong for the Pastor of a church to endeavour as he can to banish and drive away strange and erronous doctrines from his flock? What Pope even ever dared to say so? I have acted only on the defensive throughout and in defence of my flock, in defence of my ministry; actuated still by the same motives, I must with pain express the convictions which has been formed in my mind, (and for which I am prepared to give reasons), that you favor the sacredotal doctrines, and their bud, "ritualism." It is surely better, that such

being my conviction, I should state it. And having said this much I hope I may also, without presumption, ask whether the last clergyman you have brought here, Mr. Mason, favours or holds the same, or whether you have taken steps to ascertain? I shall deem it only a duty to state my reasons for asking this question, should any more be needed, than the interest which every member has in the welfare of the body.

I am sorry that you are offended with my confident tone, yet looking at our vows and standards, what but confidence in our belief, if we be ready always to give a reason for it, otherwise confidence may be only a folly and arrogance, becomes us as ministers of Christ and clergy of the church? I could wish all the latter no harm, but to forsake the dark and restless sea of views and opinions and to *preach*, *defend* and *uphold* the word. Dissensions and disputations would then have but little place among us.

Meanwhile I must ask one question, if you can answer it; how can two walk together except they be agreed?

Yours, sincerely,
E. CRIDGE.

[33.]

[The Bishop to the Rev. E. Cridge.]

Bishop's Close, Dec. 26th, 1873.

Dear Mr. Cridge:

Your letter of the 15th I found on my arrival from Cowichan, and I have been much occupied since.

I regret to learn that members of your congregation have shown "animosity" and used towards you "inflammatory language," but I am not surprised, for complaints have reached me of provoking expressions in your sermons; and misgivings are entertained as to your loyalty to the Church of England.

So long as you set up your own opinions, which you appear to me to do, as an infallible standard, and fraternize with those who are conscientiously opposed to the doctrines and order of the Anglican Church, it is not strange that you first misunderstand, and then designate as erroneous in tendency, teaching which is perfectly consistent with the doctrines of our church, or that you should be led into uncharitable suspicions.

I must now beg to close this unprofitable sort of controversy.

Faithfully yours,
G. COLUMBIA.

[34.]

[To the Right Rev. George Hills, D. D.]

Dear Bishop Hills:

I should not have chosen this public mode of stating my sentiments with regard to the movement just commenced under your direction, for organizing a Diocesan Synod, had time been allowed me to be prepared for the meeting on Monday last. I did not receive your letter till Friday—and had it even reached me on its date—the Tuesday preceding,—I could not have been ready, the time chosen for this important movement being, as you are very well aware, the busiest time of the year for most clergymen. At the same time, knowing that you have no objection to this mode of delivering a protestation, I am glad to adopt it as a means of making known to yourself, my brethren, and my people, both the reasons of my absence from the meeting in question, and, to some extent, my sentiments on its object.

And first, I feel that the proper mode of proceeding in a movement where not mere ideas, but interests and consciences were concerned, was to have made known to the clergy and their congregations the matters of which it was proposed that the Synod should take cognizance, as well as the constitution of the Synod itself, in order that they might freely and deliberately

consider how far it might be safe to consent to be bound by its decisions. not to seek such assurance before throwing myself into the movement, would have been, I feel, on my part at least, not only unwise, but a culpable disregard of the most sacred interests and obligations.

Besides which, there are matters on which I for one, could not consent to be bound by a body constituted as you prescribe; as for instance in the erection of a tribunal of discipline. I have been struck in reading the history of synodical movements in a sister Province, at the suppressed but resolute eagerness of the Bishops, to get hold of the whip over their brethren.

There are other matters on this head which I will not now advert to; but I trust I shall not be deemed personal if I state that my radical objection to a synod, constitued as proposed, is the nature of the authority of the Episcopate. As the Bishop must needs be, not a President, but an estate in that body, it is imperative that I state my views with plainness.

On this subject I entirely dissent from the views of Archdeacon Gilson, published with your approval; and I presume, under your direction; sentiments by so much the more dangerous as the character of that divine amongst us was held in such high esteem; who, in ascribing to the Bishop a divine commission with a divinely conferred right of ruling the church, leaves vast number of our fellow Protestants without a ministry, and without a church. With these sentiments your own statements I maintain, fully harmonize; the authority of the Bishop over the clergy, in your view, being such that it is independent of the ordinary rules of justice; that he can without evidence, trial, or law, even deprive them of their cure,—that is, their office and their living; from which it would appear that neither a clergyman's character, nor his subsistence, can be deemed secure, except through the Bishop's clemency or discretion. These assumptions, moreover, rest in great part on old laws, customs, traditions, and such like, so that no one who does not possess a library of this complexion, with leisure to consult it, can be in the least aware how he stands; and so far as any certainty of knowing what the law is, is concerned, it is a standard which can be compared to nothing so properly as the Roman Catholic rule of faith.

It is the dread that I should give even an implied assent to so tremendous an authority, that has made me hesitate to join the movement for a synod. When one knows whether by words or deeds, of the sword which —according to this view—is always hanging over a pastor's head, the shadow, even of a Bishop, strikes one with dread. I no longer wonder, when I look back to the cradle of dissent. A ministry carried on under or by the side of such a power, must become a ministry of horror and aversion, rather than of love. This is not irony, but truth; and I declare it as the strongest evidence of my sincerity in shrinking from the proposed synod. A good conscience (I trust) and a higher name, and the word of truth containing no such thing restore my confidence, and disperse my fears. And I may, I trust, innocently express the hope that even a synod, with such blood as we have amongst us, may do more than Archdeason Gilson allows it to be competent to do; and that it will not only limit, but correct this authority.

Permit me on the other hand to state what I believe to be truths of scripture and the church; and the principles on which alone I could be one of a Synod.

I believe that every congregation, with its accepted pastor, is a complete church (the word and sacraments being duly administered therein); that a Diocese is no necessary part of a church; but that so far as it does not belong to a national church, a Diocese is a voluntary confederation of churches, presided over by a Bishop, chosen or accepted as their federal head, for certain common purposes; the words "Church of England," and such like expressions, being used in the sense of law or accepted doctrines, and do not designate the present actual church or congregation of faithful men.

The scriptures alone are binding on the consciences of churchmen, and are therefore the virtual law; the prayer book, as containing the accepted interpretation of the scriptures, is the actual or express law. Law, then, is the

bond of unity which bishops and all must obey; and, as in the State, so in the Church, law is the guarantee of liberty.

The only accountable and lawful expounder and interpreter of this law, whether of the doctrine, ritual, or order, is the pastor of the congregation (*persona ecclesiæ*, the actual church), to whom not even the Bishop can dictate; into whose church he cannot come to share his ministry, or to oppose his order. If a pastor and a bishop, whether under the name of a cathedral or otherwise, should, for convenience, honour, or gain, enter into a compact whereby the former compromises his accountability, so as to wink at or give place to erroneous doctrine, or unauthorized ritual, or violation of order, for a single moment, both he and the Bishop are guilty—sowards God of simony, towards the church (the actual congregation) of treachery.

But the Bishop may use his eyes; his office is his *see;* and he should neither be blind to things which others see, nor be too seeing where he might better be blind. If the pastor offends against the law in any of the above respects, then it is the office of the Bishop—if appointed thereto or accepted by the church, and being moved by the people—to take steps to bring him to account; but he cannot judge; he is a party interested; either he may have a friend or client to put into the living (if the congregation delegate to him this power); or he may be actuated by personal animosity; or by interested motives. The Synod of a sister Province—by what influence moved can easily be seen—has overruled this just principle of English and all law; another risk of synodical action which I would by no means consent to incur.

On the other hand, the principles of the American Conventions, which Archdeacon Gilson objects to, as curtailing the divine rights of Bishops, are that the Bishop (in the confederation of churches) is bound by the majority without the power of a veto.

The Bishop in this Province, on account of the invalidity of the Queen's letters patent—which in any case are entirely inconsistent with the rights of the church—through the incompatibility of those letters with pre-existing constitutional rights of the Legislature, cannot bring an offender to justice except through the law courts and under particular trusts. And I confess that under present circumstances, I would prefer being tried by christian lay gentlemen, who are accustomed to weigh evidence, and to hold the scales of justice evenly, than by a tribunal constituted in the way in which I have little doubt a Synod would be taught to constitute it.

There is something fascinating to many minds in the notion of the churuh being under one visible head, invested with divine authority to rule it. It seems to afford the fairest promise of unity and peace. It has been tried and found wanting. It has proved the fruitful source of either of discord or deadness, and its legitimate tendency, after ages of trial, may be learned from the Reformation, and from the last Ecumenical Council. The traditional traces of it, unhappily are not yet blotted out in our own body; nor its memory from the minds of those who, on account of prelacy, more than any other thing, left us.

When I first came to this country, a parent (still a respected resident in our vicinity) hesitated to allow me to baptize his child, until he received an assurance that it would not belong to the Bishop, not good Bishop Demers, but some supposed lord of mine elsewhere. The Pope's recent letter to the Emperor of Germany, with that potentates's noble reply, may illustrate how the principles of divine authority in the episcopate, may be only papal domination in a more limited field.

The truth is, my dear Bishop, the divine authority is in the body of the church itself, the actual congregation, and not in any man or order of men. I doubt not that you, as Bishop, with (as you suppose apostolical succession, are most sincere in your convictions, that if all the clergy would consent to be, not what they are, the churches' curates, but the bishop's, it would be for the good of the church. The church would be a happy family; the pastor would be spared the pain of driving away strange doctrines through the Bishop's being recognized as the supreme and only arbiter.

But it cannot be. Our vows before God and man will not permit.

In conclusion let me express my solemn conviction that this is a time for all protestant bodies (to say no more) to be united in the common faith, and in christian works; not a time for jealousies and envyings and making proselytes, but a time in which the christian army, each soldier steadfast to his own standard, should, under one head, to whose authority all bow, march against the common foe; defend the citadel of christianity itself, rather than too zealously seek their own things; defend, I say, our common faith against attacks which, but for the rock on which it stands, could hardly fail to overthrow it.

With every feeling of good-will towards yourself personally, and with earnest prayers that the peace of the present season, descending, may unite in love and truth the members of the Holy Catholic Church, which is the blessed company of all christian people dispersed throughout the whole world:

I remain, yours very sincerely,

Victoria, B. C., Jan. 9th, 1874. E. CRIDGE.

[35.]

[The Bishop to the Rev. E. Cridge.]

Bishop's Close, Feb. 10th, 1874.

Dear Mr. Cridge:

I herewith forward to you the usual Articles of Inquiry.

I am, faithlully yours,

G. COLUMBIA.

[36.]

[Bishop of Columbia to Rev. E. Cridge.]

Bishop's Close, Feb. 12th, 1874.

Dear Mr. Cridge:

My attention has been directed to certain letters recently published by you in the local papers, one with your own name at attached, dated January 9th, and four with anonymous signatures, in which you enunciate principles in variance with those of the Church of England.

You have been made aware, by a resolution of your Church Committee, how much faith is felt in the Congregation at the substance and tone of this correspondence.

A feeling widely prevails that you are using the position of a trusted Minister of the Church in a manner not consistent with good faith, and it is my painful duty to call upon you for an explanation. Out of many misleading statements, I will select three particulars in which you appear to impugn the plain teaching of the church, and to violate your vows.

1st. As to the *necessity* of the *Episcopal Office* and *Diocesan* organization in the Church of England, your words are: "Every congregation, with its accepted pastor, is a complete church." "A Diocese is no necessary part of a church." "Our church does not make the regimen of the church by Dioceses necessary to a church." "The reproduction of that mode in a voluntary church depends of right in the free choice of that church." This is opposed to the clear teaching of all the Formularies of the Church, the Prayer Book, the Ordinal, the Articles and the Canons, which assume throughout, the necessity of the Episcopal office for the supply of full ministrations and oversight to every congregation. How can there be a pastor at all in the Church of England without Episcopal ordination? How can confirmation be supplied? The Bishop, by the rules of the church, has a Pastorl interest in every congregation, and it is a direction of the Prayer Book that "concerning the manner how to understand, do, and execute the things contained in this book, the parties that doubt or diversely take any thing shall always resort to the Bishop of the Diocese, who by his discretion shall take order for the quieting and appeasing of the same."

The Canons, by which the discipline of the church is everywhere regulat-

ed, abound in similar recognition of the authority of the "Bishop of the Diocese" in connection with every congregation.

2d. As to the *governing authority* your words are: "The truth is that divine authority is in the body of the church itself, the actual congregation, and not in any man or order of men." "The governing authority of Bishops in the Church of England is not inherent in the office." "The governing authority in the days of the Apostles was in the body of the church itself." These statements contradict the principles of the Church of England which declare that Bishops are admitted to "*government* in the Church of Christ," and each Bishop is thus charged "to correct and punish according to such authority as you have by God's word such as be unquiet, disobedient and criminous within your Diocese." (See consecration of Bishops.) You have yourself been solemnly asked at your ordination, "will you reverently obey your ordinary and other chief ministers unto whom is committed the charge and *government over you?*" And you have answered, "I will do so, the Lord being my helper."

You have also more than once taken the oath of canonical *obedience* to the Bishop of the Diocese. How can you now declare that the *governing authority* is not in the Episcopal office in any man or order of men, when you yourself solemnly and publicly recognized it?

3.—*The obligation of Rites and Ceremonies.* You say, our church makes *Rites* and *Ceremonies* not of Divine Institution to be not binding on the conscience. You have subscribed a declaration "that the book of Common Prayer and of Ordering Bishops, Priests and Deacons, contain in it nothing contrary to the word of God, and that you will use the form prescribed in the said book, and none other."

Do you mean to say after this that it is not binding on your conscience to use, uphold and defend the rites and ceremonies in that book, which are not of Divine Institution, that you may if you please omit the use of them, or disparage them? So far from admitting this right, the church, in Article XXXIV, which you have also subscribed, declares:—

"Whosoever, through his private judgment willingly and purposely doth openly break the traditions and ceremonies of the church which be not repugnant to the word of God and be ordered and approved by common authority, ought to be rebuked openly, that others may fear to do the like as he that offendeth against the common order of the church."

To claim the liberty not to observe what you have so solemnly engaged to do is immoral. Many of your expressions are designed evidently to bring into contempt the Episcopal office; such as "its sword always hanging over a Pastor's head;" "the shadow of a Bishop strikes one with dread;" the unworthy motives you attribute to the "Bishops of a sister Province in their suppressed but resolute eagerness to get hold of the whip over their brethren;" your story about the ignorant settler who wished for baptism but objected to a Bishop; that about the "crozier" your ungenerous attack upon your Churchwardens to whom you have been so much indebted "as spies of the Bishop;" and other remarks in a similar spirit. All this would not be surprising in a bitter congregationalist, or an open enemy, but is indefensible on any principle of christian charity or common honesty, in one who is acting as a minister, and eating the bread of the Church of England.

Regretting to be constrained under a sense of duty thus to write,

I am, dear Mr. Cridge,

Faithfully yours,

G. COLUMBIA.

[37.]

Dear Bishop Hills:

My thoughts are so much occupied at present with arrangements for Lent that I cannot now formally answer your letters, especially that received yesterday in reference to my protestation against your assumption in the matter of Synods.

I am extremely glad of the prospect of the opportunity, (and I trust I shall have grace to embrace it with humility and truthfulness), of further vindicating the principles of charity and sound doctrine, as taught by our church according to the Scriptures, as well as the fidelity of my own ministry.

Meanwhile I must protest (with all respect to your office) against your making my pulpit (as last month) the arena for designedly teaching doctrines contrary to those which I teach, against which, privately and publicly, I have to yourself protested as entirely unauthorized by Scripture or by our church.

Your letter of Dec. 30th, signifying your "purpose" to preach at stated times, I have as yet, for peace sake, forborne to answer, and not because I admit the assumption which it appears to advance.

I will only in conclusion again repeat my unaltered determination to abide by the doctrine and order of our church "in all things lawful and honest," and again entreat you to do the same, in the spirit of Apostles and of Our Lord himself.

Yours, faithfully,

Feb. 14th, 1874. E. CRIDGE.

[38.]

[The Bishop to the Rev. E. Cridge.]

Bishop's Close, March 23d, 1874.

Dear Mr. Cridge:

It is nearly six weeks since I required from you an explanation respecting certain statements opposed to the principles of the Church of England, published by you in the local papers. In a note, dated Feb. 14th, you excused yourself from replying at once formally on account of press of work at that time.

I must now require an immediate attention to my letter.

I am, faithfully yours,
G. COLUMBIA.

[39.]

DIOCESAN SYNOD.—ADDRESS OF THE DEAN OF CHRIST CHURCH TO THE CONGREGATION.

Editor Standard, Sir:

At the request of several members of the congregation, I avail myself of your columns to publish the following address to the congregation of Christ Church.

The obvious tendency of the Synod, on the principles proposed, is to establish a system of centralization, highly prejudicial, in my opinion, to life in the church, and one which, I think, every church person throughout the Province should seriously consider before consenting to it in any way.

The whole course of events, from the ritualistic teaching of the Archdeacon at the consecration of the church, down to the covering of the church doors with electioneering placards, without my knowledge or consent, is so illustrative of the danger in which we stand, that I feel it my duty to raise the voice of warning.

For myself, personally, I feel little concern what may be said of me. I may be mad, or false, or anything else. But when any attempt is made to defame my ministry, or intrude upon my office, which I have received in trust for the church, as well as for myself, I shall not hesitate, if I believe the interests of religion require it, to give it to the light of day. I only hope the congregation will bear this disquietude in hope of a greater peace in a brighter day. I have supplied two or three points accidentally omitted in the delivery.

I may observe that I should not have published the Bishop's "judgment" had I not previously used my best endeavors to convince him of what I conceived to be its true character.

Yours faithfully,

March 26th, 1874. E. CRIDGE.

Dear Brethren,

In addressing you on the subject of the proposed synod I wish to be plain, inasmuch as it is a public question, affecting church people throughout the Province; and the public acts of all concerned are open to discussion.

But I wish also to address you in the spirit of candour and charity, as one who would in all things seek the edification of the church, and the advancement of true religion. And inasmuch as this is purely a pastoral address I do not propose that there should be on the present occasion any discussion or resolutions. And I am sure, as this is, in a sense, a religious meeting, you will also concur in the desire that there should be no demonstration, whether of applause, or otherwise; for although personal questions must unavoidably be touched, it will not, I hope, be in a personal manner.

And here I may offer a word of explanation as to the course I have pursued in reference to the movement so far, and my reasons for not joining in it. My reason is simply this, that neither the congregation nor myself have had a free voice in the matter. We have been expected to move in a channel marked out for us; that channel, unhappily, being one which my own conscience could not approve.

It was right that the Bishop should have set forth his views before the congregations. But, that being done, he should, in my humble judgment, have retired, and left the congregations and ministry free to deliberate on his proposals.

On this ground I protested three several times against the evident unfairness of expecting myself and congregation to be bound by a movement of the nature and ends of which the majority, I am persuaded, are still profoundly ignorant. And I must also observe that this movement, so far as authority is concerned, is only the act of individuals, however highly esteemed, and not of the congregation.

Now I believe that the true business and end of a synod is that of a voluntary union of congregations, who have agreed on their common faith, to combine their strength in spreading abroad the gospel and in common christian works. And had these been purely the ends of the present movement, I for one would not have opposed it. So far from this being the case, it has at the outset been grounded on principles utterly repudiated by a large body in the Church of England.

I must put this matter plainly before you, because I declare to you my conviction that the purity of the reformed faith is in danger from those principles.

Had it not been for the occurrences which took place at the consecration of the church, when, before you all, I protested against ritualism; and had it not been for what has ensued from that protest; I, too, might have been led into the unconscious acceptance of principles, the nature of which I might have discovered when too late.

What has subsequently happened I feel I must now briefly put before you. It is a duty which I owe to my ministry and the cause of truth; to my family, and to you, my beloved brethren. To you, the congregation, because ever since that protest there has been a something, you scarcely have known what, disturbing your quiet if not obstructing your edification; to my ministry, that I may not be supposed to have exercised it unlawfully; to my children, that my name may not be a reproach to them when my lips are silent.

I must therefore put a certain letter before you; a letter which, whatever others may have done, I have never communicated, nor spoken of, except to some very few members of the congregation, who have sought of me an explanation; and you will bear me witness, my friends, that whatever

wrong may have been done to me, I have not gone whispering among you to foment dissensions. What I say, therefore, I say openly.

The letter to which I allude is a judgment passed upon me by the Bishop for the protest which I uttered on the occasion referred to; and I produce it now in order, first, that this element of disquiet,—so far at least as it is a hidden one,—may be be removed from amongst you; and also, because it forcibly illustrates what I wish to say as to the dangerous nature of the principle on which the projected synod is virtually based; the doctrine, I mean, of the apostolical succession; the controversy of ages and of all the churches.

And here I wish you to bear in mind, that I bring this before you as an official act on the Bishop's part, and not as a personal matter; the said letter having been sent by him to the Churchwardens (who did not send it back) and therefore virtually published. What I therefore now say to you is in some sense my defence, as well as pertinent to my general argument.

This is the letter :—

Bishop's Close, Victoria, December 14, 1872.

Rev. Sir :—

Having offered you, with no good result, several opportunities of expressing regret at your conduct on the 5th of December, a regret which should be expressed to your Bishop, who was unhappily present an eye and ear witness of the sad scene; to your brother minister, whom you openly insulted in the House of God, and to the congregation whom you disturbed and distressed, it now remains for me to discharge a most painful duty, the more painful considering your position as Dean of the Cathedral, and as senior clergyman of the diocese, from whom might be expected at least an example of self-control, propriety and order.

On the 5th of December, at the evening service of the day of Consecration of Christ Church, immediately after the sermon by the Archdeacon of Vancouver, instead of proceeding with the service, you stood up, and in irritating and chiding language you denounced your brother clergyman by name, and amongst other words declared that he had violated the law of the church, the law of the land, and the law of God in the Scriptures.

Being evidently under excitement, your manner and language caused unseemly disturbance in the congregation. There were vehement expressions such as are only heard in secular buildings and in drinking saloons, stamping of feet, clapping of hands, and other unseemly noises. Much distress was created amongst all the properly disposed and regular members of the congregation, in the midst of which several persons hastily left the church. The deepest pain was caused to the Bishop of Oregon, myself, the clergy, and the congregation generally.

To the enemy of religion and to the careless and profane, an occasion has been given to blaspheme and ridicule the sacred cause of God, and a stumbling block has been placed in the way of the weak.

You have committed the grave offence, which is described both in the ecclesiastical law, and the statute law of the empire by the term of *brawling*, an act of disturbance of divine worship punishable in a layman by fine or imprisonment, in a clergyman by suspension.

Moreover you violated the 53rd Canon of the Church of England, which *forbids public opposition* between clergymen, and requires the clergymen offending to be inhibited, "because upon such public dissenting and contradicting there may give much offence and disquietness unto the people."

No provocation is allowed to justify a violation of these laws. If the Archdeacon's sermon had contained error there are means to be adopted by which he could be called to account. If, as was the case, you differed from the view he took of a similar subject, you have abundant opportunities of teaching your congregation what you consider to be right. Your attack upon him in the House of God was the more unjustifiable since he occupied the pulpit at your own * suggestion, and he is a member of the Cathedral body.

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* Made to prevent his preaching on Sunday evening.—E. C.

Considering all these circumstances, considering the public scandal you have caused, the outrage upon order and propriety in divine worship, and violation of the laws expressly framed to prevent such an unhappy exhibition, I should probably be justified in taking a course much more severe; considering, however, also your long and faithful service in the church, that you were probably unaware of the laws which prohibit such actions, and that this is the first grave offence of any kind in the Diocese which I have been called upon to notice, I take the most lenient course I can adopt, and I inflict upon you only a grave censure.

As your Bishop then I censure you for your conduct on Thursday, the 5th day of December, 1872, and I admonish you to be more careful in future.

Witness my hand this 14th day of December, 1872,

G. COLUMBIA.

To the Very Reverend Edward Cridge,
Rector of Christ Church. Vtctoria,
And Dean of the Cathedral.

Now, my brethren, the best answer I can give to this letter, is to repeat, in my protest now before you, all that I dtd say, as word for word I may aver I wrote it down, after delivery, having spoken with deliberation. Its tenor is confirmed by others who also wrote for me their recollections; I am confident you will find in it nothing that will contradict your own.

After a pause, and the preacher had left the pulpit, and before giving out the hymn, I turned myself to the congregation, and said:—

My very dear brethren and friends, it is with feelings of sorrow and humiliation that I feel myself compelled to take an unusual course. Something has been said in your ears this evening, upon which I feel myself impelled by my conscience as your pastor to have the last word. (Subdued applause.) I do entreat you to remember that this is the house of God. (Perfect quietness to the end.) I have ministered among you on this spot for nineteen years, and this is the first time,—and I humbly pray to God it may be the last,—that I have heard ritualism advocated here. I know I am weak, but I trust I can say in dependence on God's help, that ritualism shall not be introduced among you, as long as I have a voice to raise against it. I have three reasons for this, which I give to you in no controversial spirit,—first, that it is contrary to the Scriptures. The temple is referred to in support of ritualism, but it, with all its ceremonies, was according to a pattern from heaven, and is therefore no authority to us. Secondly—it has been declared to be contrary to the law in England. And thirdly, it is not found in this book—the Prayer Book,—which is my only guide for ministering among you. For these are the reasons, which I trust with God's help not to give my consent to its introduction in this church.

Now, my friends, it is a well understood principle that when a man's office, or his rights, or his trust, is in danger, he is at liberty to utter a protest. And even should he in the sudden unexpected emergency, somewhat exceed the accustomed restraints of language or conduct, it is pardoned for the urgency of the occasion. The most despotic pope would not forbid this liberty; for he might be forbidding a defender. If the sermon in question had been an attack on sentiments held by the Bishop, as it was an attack on those held by the minister and his congregation,—the Bishop himself would hardly have failed to thank his defender, and to load him with his best rewards. How much more, when I stood up, as I believed, for my master, and for my church, in defense of the ministry which had been entrusted to me with the most solemn adjurations. Still, had I acted in the manner described, I should have been unworthy of the ministry.

I have the consolation of believing, from numerous testimonies, that the step was approved by the congregation generally,—some of whom even on their dying beds, have referred to it with tears.

But in fact there was no other way open to me of dealing with this offensive discourse. There was no tribunal in the country which could have dealt with the erroneous doctrine which I believed it to contain. I had no hope that the Bishop would rebuke the preacher. He has indeed since intimated that there was nothing in the sermon which went beyond the li r y of opin-

ions allowed in the Church of England, and of which any formal notice could be taken. I may observe, my brethren, in passing, that the preacher on that occasion, was guilty of a great breach of trust in using my pulpit to teach doctrines which he knew were notoriously adverse to my own. The pulpit is under the exclusive control of the minister who, as he must have known, is accountable for the doctrine taught, so far as in him lies.

I say, then, that in this case,—in the case of the letter I have read to you, condemning me for my protest,—the Bishop, relying doubtless, on the irresponsible authority which I am sure he sincerely believes he possesses, combined in his own person the functions of prosecutor, witness and judge; functions which, I venture to say, except in the ecclesiastical law, (if this be law) or in your Government over infants or slaves, are never allowed to meet in one person.

I must also observe, that on applying to the Bishop to know what others witnessed against me, at what council, if any, this sentence was decided on; and what record, if any, was made in the archives of the diocese; this information was refused, and I was referred, for redress, to the Archbishop of Canterbury, which means, I believe, a costly lawsuit. I am quite sure if Archdeacon Gilson knew these things, he would write somewhat differently from that which I read from his pen in the "Standard" of to-day's date.

Now brethren, I put this case in connection with the synod from a christian point of view.

It has, I believe, been impressed upon you that the synod is to heal this and every other wound of the church.

Now it is not a synod in itself that I object to, but the principles on which the proposed synod is grounded. And seeing in this case the working of these principles, and feeling certain from the very nature of the assumption on which they are based, that they will still work, though in another form, the question arises, is it safe to go into such a synod ?

Who will suggest a tribunal by which such a case as this could be tried ? For I find in the proposed synod no provision made for trying the Bishop himself, whoever may be the incumbent of the office; I wish to speak with all respect. This is a public question. We are constituting, or professing to constitute, the church for our children. And surely we cannot omit from our consideration the chief part of that constitution,—the head. Now, as in the proposed constitution, the Bishop can say "no" to every proposal of the rest of the body, it is plain that no tribunal can try the Bishop, except a revolutionary one,—*i. e.*, one which will destroy the prerogative.

It may be supposed that the convention will alter this. The Bishop does not suppose so. He has adopted the resolutions which include,—though they do not express,—the veto, as the "understanding" on which the convention meets. See the circular to the "Clergy and Laity." And in looking over the programme set forth, I must express my own feelings that there is apparently little that savors of religion in the movement, but much that resembles an approaching political contest. At least I must say that when elections are directed to be held in any church,—for the registrar of the diocese, it would seem, has kindly arranged that this proceeding shall take place in the sacred edifice itself;—(subject, I believe, to the approval of a committee)—and when the communicants and congregation are called to what may be a party strife, where no sound of discord should be heard, it does a little grate on my ideas of the sanctity and devotion which one would like to see preserved amongst us.

But to revert to the question from the Christ Church point of view. How is the synod to heal the wound which was opened at the consecration, and has been increasing ever since, rendering my ministry a continual protest ?

Will it forbid me from protesting against false doctrines, or compel me to admit those which are subversive of my own ministry ? The synod might, I am well aware, —if one consented to be bound by it,—be taught to put a rod in any bishop's hand, by means of an ecclesiastical tribunal, under his immediate guidance, to keep ministers who taught contrary to his will, in a kind of subordination ? But what sort of unity is that which would be achieved in this manner ?

It is said, indeed, that a Synod will not be called upon to give judgme n

upon doctrines. There is a fallacy here; for one of the objects of a synod is to frame laws of discipline. Whatever tribunal, therefore, the synod erects, will judge doctrines,—whether they are, or are not those of the Church of England. The meaning, of course, is that the synod will concede to the Bishop, probably with such assessors as he may call to him, the power to deal with doctrines.

In this way the organizing meeting,—and but for the circumstance above mentioned, I probably should have been one, and have done as my brethren did, without knowing what I was doing,—have virtually decided, by adoption, doctrine, viz.; the doctrine of apostolical succession,—on which alone the veto rests. Now, in reference to this doctrine, which we have so quietly accepted, or at least allowed, let me quote a reply of the present Bishop of Exeter,—Dr. Temple—to some of the Tractarian body who wished him to declare that this was the doctrine of the Church of England. He declined, saying rather felicitously, that while the church had provided that her "ministers should have that succession," *i. e.*, ordination by Bishops in the traditional sense,—"as a matter of fact she had omitted from her articles all mention of that succession as a matter of doctrine."

I must not pass over the evident intention that the synod shall declare the churchwardens to be the Bishop's officers. I hope our own churchwardens —and I say it with the most sincere appreciation of their valuable and assiduous services—will be able to explain at the approaching annual meeting the grounds on which they have, as it appears to me, acted for some time past rather as the Bishop's agents than of those who appointed them. Such a canon, if passed, must produce the most disastrous effects upon the harmony of congregations.

It has been suggested, and I think it not improper to advert to usage, that there is danger, if I give my consent to a synod, of the Christ Church Trust being affected. I only glance at this, as the land being part of the support of your minister, you are as much interested as myself. And the question has been raised how it may be consistent with the Bishop's office, as trustee, to pursue a course which may tend to draw the *cestin que truste*, which is myself, into a proceeding which might endanger his vested rights.

I want you to see how this matter stands in another point of view. I exercise my ministry, and hold what may be called my living, under a trust deed which renders me safe from all molestation as long as I conform to the laws of the Church of England. That trust deed confirmed and conveyed for my benefit, first the land which was promised to me by express covenant before I left England, and which I entered on some five years before the Bishop came to this country. If I offend against these doctrines I must be tried for breach of trust by ordinary course of just law. But if I were not to be bound by a synod which shall have authority to decide in any case upon the infringment of these doctrines, I come under a different law; and might one day find that in the estimation of a certain close tribunal, I am judged to have violated these doctrines.

A looking at the synod in its constitution of voting by orders, what hope might I have in a body where a majority of one's brethren, as I believe is now the case, are dependent on the Bishop for removal on any qnestion in which I might have the misfortune of differing from the Bishop. I say it with all respect to such of my brethren and to the Bishop himself. For though I put it as a personal question, I doubt not that some of my reverend brethren, whose positions, like my own, is settled by law, might find themselves in both the above respects in essentially the same altered circumstances as those which I have described.

It may be expected that I should shew my own views with regard to what might be a desirable constitution for a synod.

I must first repeat my sense of the insuperable differences which, to my mind, exist in so reconciling religious differences as to render possible an arrangement for dealing with doctrines which shall be satisfactory to all, when you call to mind (and I speak this without judging who is right and who is wrong,) that fundamental differences exist between the Bishop and some of the clergy, and between some of the clergy and others. You can see

the difficulty; there are but two ways of getting over it both of which are opposed to all religion and faith; the first is submitting questions of doctrine to the will of a majority among the opponents, or compelling all to teach as the Bishop believes; which with the most sincere conviction on the Bishop's side that it is the only means of purity, is, I apprehend, one main object of the movement.

How much better for congregations, being lawfully constituted under Cburrh of England principles, rather to pray and trust to a Gracious God to maintain amongst them its pure faith.

But with this reserve and without knowing until the time comes what course I might myself feel it right to adopt, I think that the whole body should deliberate together under the presidency of the Bishop; every question being decided by a majority of clergy and laity with equal votes, the Bishop having when necessary the casting vote. By this method I think all questions,—those of doctrine being as above excepted, might most satisfactorily be dealt with.

I should deem it just also that questions affecting the internal affairs of congregations should be communicated to all the congregations beforehand with a view to their being determined at a subsequent session, and only congregations to be bound by such decision as consent to it.

For I see no necessity for the iron band of unformity being so stringently placed on congregations as to destroy their independence and freedom of action on their own internal affairs. And I hope to see our own congregation waking up to a more lively interest in its own affairs.

At the same time I consider that the Prayer Book must as it now is be adopted in its integrity, subject only to such exceptions as are demanded by our own situation outside the national church and for the reasons I have above stated, any cases of violation of it should be dealt with simply on the grounds of a breach of trust by the ordinary tribunals.

I would make one remark in reference to a wild statement I have been told has been made, that I have asserted that Bishops are not necessary in the Church of England. Why my brethren, I am by birth and education an Episcopalian, and by choice, an Episcopal minister. I believe the Episcopal office when exercised according to the principles of our church, to be most reverend and beneficial, and is just authority to be most readily and gladly submitted to by all who are under it. But I ask is the Episcopal office, that is as in the Church of England, necessary in the Presbyterian, or other churches? You know that this has been one of my objections to the doctrine of the apostolic succession; which however its consequences may be deprecated by charitable kind hearted men like Archdeacon Gilson does, as we hear it taught, and I fear, see it practiced, involve as its logical sequence the conclusion that such bodies are not proper churches at all.

I thank you very much for your kind forbearance in listening to me this evening, I have no doubt omitted points of interest and perhaps of importance; but I hope you will give me credit for a sincere desire and endeavour, however I may come short in the performance, and however I may differ from some whom I respect and have to form all my conduct and sentiments as near as I can according to the will of God.

I would only, in conclusion, ask you to make these matters the subject of your earnest prayers. I will not disguise from you that I view the future with some anxiety, but not without hope, God is light and will guide us if we look to Him. One of our greatest evils is interference. If we can but have peace—a blessing indeed most to be desired by a christian people—it seems sometimes to matter little what, on a point more or less, is our faith. The chief danger I should apprehend to the congregations should a synod as proposed be carried into effect, is the settling down into a dead level of uniformity, with peace purchased by no little sacrifice of truth. May God avert the danger.

[40.]

Dear Bishop Hills:

I find it impossible to deal with the allegations in your letter till after Easter.

Meanwhile I feel it a christian duty not only to affirm that its accusations are groundless, but also that the letter itself abounds with inaccuracies both of statement and reference. I mention this in order that, should you see fit to review it, you may have the opportunity of doing so.

Yours, faithfully,

March 28th, 1874. E. CRIDGE.

[41.]

[The Bishop to the Rev. E. Cridge.]

Bishop's Close, May 25th, 1874.

My dear Sir:

I have not received your return to the Articles of Enquiry for 1873, sent you in February last. I must request your replies without delay.

Faithfully yours,

Very Rev. Dean Cridge, G. COLUMBIA.

[42.]

[Bishop of Columbia to the Churchwardens.]

Bishop's Close, June 22d, 1874.

Gentlemen:

It is my intention to hold my annual visitation of the Cathedral on Thursday next, at 2 o'clock. Should that day and hour be inconvenient to yourselves or the Dean, I shall be glad to be notified, that I may fix another day.

Faithfully yours,

To the Churchwardens of the Cathedral. G. COLUMBIA.

[43.]

[Bishop of Columbia to Rev. E. Cridge.]

Bishop's Close, June 22d, 1874.

Dear Mr. Cridge:

It is my intention to hold my annual visitation of the Cathedral on Thursday next, at 2 o'clock. Should that day and hour be inconvenient to yourself, or the Churchwardens, I shall be glad to be notified, that I may fix another day.

Faithfully yours,

G. COLUMBIA.

[44.]

Victoria, B. C., 23d June 1874.

My Lord Bishop:

In reply to your letter of yesterday, I beg leave to say that it will not be convenient to receive your Lordship's visit at Christ Church Cathedral on Thursday next.

I will confer with the Dean, and my fellow Churchwarden, and will write to your Lordship again upon the subject.

My Lord Bishop, your very obedient servant,

A. F. PEMBERTON, Churchwarden.

The Very Rev. the Lord Bishop of Columbia.

[45.]

[The Bishop of Columbia to Rev. E. Cridge.]

Bishop's Close, June 29th, 1874.

Dear Mr. Cridge.

Mr. Pemberton having informed me that the day I named was inconvenient, I now appoint Friday next, July 3d, at 4 o'clock, for my visitation of the Cathedral.

Faithfully yours,
G. COLUMBIA.

[46.]

Victoria, B. C., 2d July, 1874.

My Lord Bishop:

I have conferred with Mr. Williams, the other Churchwarden, and pending the result of a memorial to His Excellency the Governor-General of Canada, a copy of which we forward to the Archbishop of Canterbury, we, the Churchwardens, most respectfully decline to receive the visit of your Lordship.

In the address headed "Diocesan Synod," and signed "G. Columbia," the authorship of which you do not deny, but our right to interrogate you upon which, you, through Mr. Drake, question, you appear to us to have seceded from the Church of England. If you have done so, you cease to be a Bishop of the Church of England, to which we, the Churchwardens of Christ Church, belong; if you have not seceded from the Church of England in convening a Court of Convocation and Holy Synod, without the assent of the Queen, you have assumed a greater power than that possessed by the Archbishop of Canterbury, and we think, have encroached upon the prerogative of the Crown, to do which is, we believe, a misdemeanour.

1. I had been Churchwarden of Christ Church, several years before your arrival in Vancouver Island, and after nearly ten years service in that capacity, resigned my office, principally for the following reasons: When you said you would stop up the Roman Catholic approach to the cemetery, I expostulated with you without effect. You persisted, and the consequence was an action at law, in which you were defeated, and the costs of which, some $600 or $800, I believe, you, as trustee of the Church Reserve, charged against Mr. Cridge's income from that source.

2. When you stated to Mr. Shepperd and myself, as Churchwardens, that it was your intention to remove the Church to the plot of ground fenced off for that purpose, and adjoining your Lordship's palace. I strongly objected, notwithstanding a road running through the edifice, was placed upon the official map of the Church reserve, and I believe it still remains there. I would gladly have continued to avail myself of the cessation from care and anxiety which I have enjoyed since my resignation of the office of Churchwarden, now some eight or nine years, but recent events in the Church, call every friend of hers to the assistance and support of one of her most devoted and excellent ministers, our much esteemed, our long and greatly respected Pastor, Mr. Cridge.

In conclusion, supposing your visitation to be in the nature of an *Ecclesiastical Court*, if not under license from the Queen as *head of the State* to which in your Synodical address *you say you owe no allegiance*, permit us, the Churchwardens, to ask under what authority do you hold a *Court of Visitation*.

I remain, my Lord Bishop,
Your very obedient servant,
A. F. PEMBERTON.
For the Churchwardens of Christ Church.

[47.]

Dear Bishop Hills,

I have received a communication from the Churchwardens, stating that they have informed you that they respectfully decline to receive your visitation pending the result of a memorial to the Governor-General of Canada, and notifying me that it will be therefore useless for me to attend.

Yours faithfully,

Victoria, B. C., 2d July, 1874. E. CRIDGE.

[48.]

[Bishop of Columbia to the Churchwardens.]

Bishop's Close, July 2d, 1874.

Gentlemen:

There is nothing in your letter signed by Mr. Pemberton which I have just received, to justify your refusal to attend my lawful visitation of Christ Church. I therefore inform you again of my intention to hold my visitation to-morrow, at four o'clock, and shall require the doors to be opened, the books, registers and other goods of the Church to be ready for my inspection.

I am, Gentlemen, Faithfully yours,

Messrs. Pemberton and Williams, G. COLUMBIA.
Churchwardens of the Cathedral.

[49.]

[The Bishop of Columbia to Rev. E. Cridge.]

Bishop's Close, July 2d, 1874.

Dear Mr. Cridge.

I am sorry to have again to inform you that it is my intention to hold my annual visitation at Christ Church to-morrow, at four o'clock. The Churchwardens to whom I have replied, are leading you into a serious position if they induce you to refuse to attend

I am, Dear Mr. Cridge, faithfully yours.

G. COLUMBIA.

[50.]

Victoria, B. C., July 3d, 1874.

My Lord Bishop.

By courtesy, we address you as formerly.

In reply to your letter of last evening, we beg to say that as you have failed to inform us according to our request under what authority and by what law, you hold a Court of Visitation, and without any legal summons or citation, require our attendance thereat, we must still respectfully decline.

As soon as you shall make us aware in this or any other of your episcopal acts, that we are bound by law, we as law-abiding, will most cheerfully conform.

We remain, your very obedient servants,

A. F. PEMBERTON }
ROBERT WILLIAMS } Churchwardens of Christ Church.

The Right Rev. the Lord Bishop of Columbia.

[51.]

[To the Right Reverend Bishop Hills, D. D.]

I, the undersigned, though concurring in opinion with the Churchwardens as to the illegality of your proceedings in sundry matters affecting th

Church, under the name of a Bishop of the Church of England, do nevertheless, for peace and courtesy's sake, and not through any diversity of opinion with them, open the Church on the present occasion.

At the same time, I hereby make my respectful and solemn protest as against former acts of your administration, so against these, viz: First your endeavoring, in what I belive to be an illegal manner, to draw myself and congregation against our will away from the protection of the law under which we at present stand, to come under a law other than that of the Church of England. Thereby introducing discord and division into a hitherto peaceful congregation, and causing grief and great hindrance to myself, both in the discharge of my ministry and in the enjoyment of my legal rights. And secondly in this: That notwithstanding my repeated remonstrances, you have persevered in preaching to my congregation in connection with the synodical movement, doctrines which you know to be offensive to me, as being in the conscientious pursuasion of my own mind, contrary to the Scripture and the Church, a course tending only that I have felt it my duty to resist the temptation to provoke a polemical strife.

And I also declare that what I say or do in connection with the present occasion, is said or done without prejudice to any of my own rights or privileges which by or under the law I possess, as also to those of the Churchwardens as appertaining to them by virtue of their office.

E. CRIDGE,
Incumbent of Christ Church.

Victoria, B. C., July 3d, 1874.

I am also constrained to add that, in the absence of the Churchwardens and of any other friend, witness or adviser, not being able through weariness to obtain one in time for the present occasion, I beg to be excused from answering questions, and that what the Bishop has to say to me he will put in writing. E. C.

[52.]

Bishop's Close, July 14th, 1874.

My dear Sir,

Ten days having elapsed without any intimation of regret or apology for your conduct in reference to and on the occasion of my visitation at the Cathedral on the 3d inst., I am forced to the painful necessity of initiating proceedings for your defiance of the Episcopal authority, and of the laws of the Church, contrary to your ordination vow, and your oath of canonical obedience.

Deeply pained to be compelled to take this course, I now offer you before formal steps are begun, the opportunity of acknowledging your fault, expressing regret, and submitting yourself in future to lawful authority.

I am, faithfully yours,
G. COLUMBIA.

Very Rev. Dean Cridge.

[53.]

JUDGMENT IN THE CASE OF THE VERY REV. E. CRIDGE.

The painful office now devolves upon us of declaring the judgment of this tribunal upon the Very Reverend Edward Cridge, in respect of certain charges preferred against him before us, and our assessors, on the 10th, 11th, 12th and 14th days of the present month of September, 1874.

After careful and lengthened consideration of the evidence adduced, in support of the said charges, the assessors, viz:, Mr. P. O'Reilly, County Court Judge; the Venerable Archdeacon Woods, and the Rev. G. Mason, have reported to us their unanimous conclusions.

Of the eighteen articles of charge, they declare sixteen proved.

Of theee sixteen, five are of a mere formal character, viz:, 1, 2, 3, 4, and 18.

Article 1 recites that all clerks and ministers in holy orders, are required by the ecclesiastical laws, canons, and constitution of the Church of England, holding the Bishop's license, to obey the said Bishop in all lawful matters and things.

Article 2 recites the Royal Letters Patent of January 12th, 1859, constituting the Bishopric of British Columbia, and conferring jurisdiction upon George, Bishop of British Columbia, and his successors.

Article 3 recites that Rev. Edward Cridge was duly and lawfully licensed to the Cure of Christ Church, Victoria, on or about the 17th day of September, 1860, and did then take the oath to us, and our successors, of canonical obedience.

Article 4 recites that the said Edward Cridge did, on the 7th day of September, 1865, again take the oath of canonical obedience, and was by us collated to the dignity of Dean of Christ Church, Victoria.

Articles 5 and 6 contain the charge that the said Edward Cridge having received from us, on December 14th, 1872, a formal censure for disturbance of public worship, and for violation of the 53rd canon, did, on Wednesday, the 25th day of March, now last, publicly and advisedly repudiate such censure and admonition and did set the same at nought, and did justify the acts which call for the censure and admonition, and did then and there in effect declare that he would act in the same way under similar circumstances, contrary to his ordination vow, and oath of canonical obedience. These articles having been reported to us, by our said assessors, as proved, we declare our judgment in respect of the same to be revocation of the license granted by us to the said Edward Cridge, on the 17th of September, 1860.

Article 7 charges the said Rev. E. Cridge with causing, at Christ Church Cathedral, December 5th, 1872, a disturbance in the congregation, calling forth irreverent noises of stamping of feet, and clapping of hands, and vehement expressions unbecoming the House of God, producing distress amongst the properly disposed, under the effect of which several members of the congregation hastily left the church; and that such conduct on his, the said Reverend E. Cridge's part, was an interruption of the due order, an act of disturbance of public worship, and an offence contrary to the ecclesiastical laws.

Our said assessors having reported to us this article proved, we decree our judgment to be, in respect of the same, the revocation of our license which we granted to the said Edward Cridge, on the 17th of September, 1860.

Article 8 charges the said Rev. Edward Cridge that he did, on the 5th day of December, 1872, in Christ Church Cathedral, viz.: of purpose impugn and confute the doctrine which had just been delivered, in a sermon in the same Church, did name the preacher by name, and did cause thereby much offence and disquietness; such conduct being in contravention of the 53d Canon, and therefore a grave ecclesiastical offence.

Our said assessors have reported to us this article as proved, we decree our judgment, in respect of the same, to be revocation of the license which we granted the said Edward Cridge, on the 17th day of September, 1860.

Articles 9 and 10 our assessors have reported to us as not proved.

Articles 11, 12, 13, 14, 15, 16, charge various culpable acts and omissions against the said Edward Cridge, in connection with our lawful visitation of Christ Church Cathedral, July 3d, 1874, namely, that he refused to make returns to the visitation articles of enquiry; that he denied our authority over him at the time of our said visitation, and imputed that we had seceded from the Church of England; that he refused to answer questions it was our duty to put; that he refused to produce the Registers of Baptisms and Marriages, which are necessary for our proper visitation; doing other disobedient and contumacious acts, all of which are ecclesiastical offences, as well against our office and authority as ordinary, as against sundry canons which assume the lawfulness of episcopal visitations, and also against certain Imperial Statutes, which assert the legality of the same and represent the common law and custom of the Church of England. These charges our assessors have reported to us as proved, and we decree our judgment, in respect of the same, to be

revocation of the license granted by us on the 17th day of September, 1860, to the said Rev. E. Cridge.

Article 17 charges the said Rev. E. Cridge with having, from time to time, questioned our authority over him, and our right to preaeh and minister in our Cathedral, and with persistently endeavoring to depreciate our office; in support of which charge various letters are referred to. All which charges our said assessors have reported to us as proved, and we decree our judgment for the same to be a formal admonition to the said Rev. E. Cridge to abstain from such conduct in future.

Considering that through a lengthened correspondence between us and the said Rev. Edward Cridge for more than a year and a half, touching the matters now before referred to, and throughout the present painful proceedings there has been no expression of regret on his part for acts proved to be contrary to the laws of the Church, nor any sign of submission in the future, we are compelled to mark still further such a deliberate and long continued resistance to lawful authority, as is proved in the various articles heretofore referred to, and to decree our judgment to be that the said Edward Cridge be suspended from the office and dignity of Dean of the said Cathedral Church, until he submit himself to our lawful authority.

Our judgment on the present proceedings, therefore, is that the license granted by us on the 17th September, 1860, to the said Rev. E. Cridge, be revoked; that he be suspended from the aforesaid office and dignity of Dean, until he submit himself to lawful authority, and that he be admonished so to submit himself in the future.

Witness our hand, this seventeenth day of September, in the year of Our Lord, one thousand eight hundred and seventy-four.

G. COLUMBIA.

Victoria, B. C.

In presenting their report my assessors have unanimously expressed the hope that in administering this necessary discipline the past faithful labors of Mr. Cridge may be recognized to mitigate, where possible, the force of any judgment passed in this case.

I can truly say I sincerely enter into this feeling. There is no intention or wish on my part to remove Mr. Cridge permanently from Christ Church. It will rest with himself, not with me, whether he be removed from the parish or not.

A license may be revoked the and clergyman holding it cease to be able, legally to minister in the Diocese, but if the cause of the revocation be removed, the revocation can be annulled and another license may be granted, and the clergyman, on due submission to the laws of the Church, may be reinstated.

That such may be the case in the present instance is my earnest hope. After Monday, when the formal revocation of the license will be issued, the Cure of Christ Church will be vacant, and it will be my duty to provide in the best way I can for the services.

An arrangement will be sanctioned in consultation with Mr. Cridge's friends whereby, for a period during the vacancy, a portion of the income of Christ Church may be allowed to him and his family.

[54.]

The Right Reverend,
The Lord Bishop of Columbia,
IN RE
The Very Reverend Edward Cridge,
Dean of Christ Church, Victoria, V. I.

We, the Assessors in the above cause, find as follows:—
Articles 1, 2, 3, 4, 5, 6, 7 and 8 *are proved.*
Articles 9 and 10 *are not proved.*
Articles 11, 12, 13, 14, 15, 16 and 17 *are proved.*
Article 18 is proved, excepting as to Articles 9 and 10.
Witness our hands this 16th day of September, 1874.

CHARLES T. WOODS, Archdeacon of Columbia.
GEORGE MASON.
P. O'REILLY.

[55.]

Victoria, Sept. 14th, 1874.

I appear this morning to state that I decline to plead before this Court.

First—Because it is not a court of legal or competent jurisdiction.

Secondly—That I have been refused time to consider and reply to the arguments of the counsel on the question of the jurisdiction before proceeding with the evidence.

Thirdly—That the constitution of the court is not just, there being on it no one of legal standing, learning and experience, qualified to try the case, and the ecclesiastical members belonging to one of the two great bodies into which the church is divided, and myself to the other, and that although the published correspondence articled against me referred to the subject of a synod, to which I was adverse, one of the assessors is, I believe a delegate to the synodical convention.

Fourthly—That the Bishop is interested in this case in an unusual degree, not only by having the preferment, (as is supposed), but in other important respects.

Fifthly—That whereas the Bishop stated that the rules of the Church Discipline Act had been followed as nearly as circumstances would permit, it has been needlessly departed from in more than one important respect.

Sixthly—That the articles, which I have been afforded no opportunity, (notwithstanding my protests), of having amended, are by their defects, their excesses, and their errors, illegal and unjust.

Seventhly—That the Bishop has combined, in his own person, functions which are irreconcilable with justice and law; and

Eighthly—That I believe the Bishop to be personally disqualified by any authority of Her Majesty to try this case by reason of his having denied the Queen's supremacy, and thus virtually seceded from the Church of England.

And any other reasons which I may have laid before the court in other protests.

E. CRIDGE.

[56.]

The following sentence, or judgment, in consequence of the said decision, was likewise served upon the defendant, on the 22d day of September, A. D., 1874, and his license to officiate thereby revoked.

George, by Divine permission, Bishop of British Columbia, to the Very Rev. Edward Cridge, Clerk, B. A.

Whereas, we did on or about the 17th day of September, in the year of Our Lord, one thousand eight hundred and sixty, by a license under our Hand and Episcopal Seal, grant unto you our license to perform the office of minister in Christ Church, Victoria, Vancouver Island, within our Diocese and jurisdiction: Now, we, by virtue of the power and authority given to us in this behalf, by certain Royal Letters Patent, dated January 12th, 1859, and of all and every other power and authority vested in us, Ordinary or Episcopal, in anywise enabling us in that behalf for sufficient causes us, hereunto moving, do by these presents revoke, annul, and make void the said license. And further, we do hereby dismiss and remove you, the said Edward Cridge, from the Cure of Christ Church, as aforesaid, from the day of the date of these presents.

Given at Victoria, the twenty-first day of September, in the year of Our Lord, one thousand eight hundred and seventy-four, and in the sixteenth year of Our Consecration. As witness Our Hand and Episcopal Seal,

G. [L.S.] COLUMBIA.

[57.]

George, by Divine permission, Bishop of British Columbia, to the Very Rev. Edward Cridge, Clerk, B. A.

Whereas, we did, on or about the 7th day of December, 1865, appoint and collate you to be Dean of the Deanery of Christ Church, in Victoria, our

Cathedral, we now for sufficient causes us, hereunto moving, do suspend you, the said Edward Cridge, from the said office and dignity of Dean of the Deanery aforesaid. And further, we do suspend you from all and singular the rights, members, and appurtenances thereunto belonging, if any, from the day of the date of these presents until you have submitted yourself to our lawful authority.

Given at Victoria, the twenty-first day of September, in the year of Our Lord, one thousand eight hundred and seventy-four, and in the sixteenth year of Our Consecration. As witness Our Hand and Episcopal Seal.

G. [L.S.] COLUMBIA.

[58.]

Bishop's Close, Sept. 25th, 1874.

Gentlemen:

It is my intention to perform the services myself assisted by my Chaplain at the Cathedral, on Sunday next, morning and evening.

I am, faithfully yours,

G. COLUMBIA.

A. F. Pemberton, Esq., } Churchwardens.
R. Williams, Esq., }

[59.]

To the Right Reverend Bishop Hills, D. D.

Sir:—In reference to the sentence of suspension that you have passed and served upon me, and which in your notices to myself and the Churchwardens you are apparently endeavouring to carry out, as if effectual and binding in law, I beg most respectfully to quote the following passage from the judgment of the Privy Council in the similar case (so far as legal jurisdiction is concerned) of the sentence of deprivation passed upon the Bishop of Natal by his Metropolitan, the Bishop of Cape Town.

"Suspension or deprivation is a matter of coercive legal jurisdiction, and not of mere spiritual authority."

I have already protested against the proceedings which in my estimation render your sentence on other grounds illegal and unjust, but with the above judgment in view, guarding as it evidently does, beneficial interests and civil rights against sudden and arbitrary encroachments, I must at present regard the sentence in question as of none effect in law, and continue to pursue the duties of my cure as heretofore.

In this course I am sustained by the authorities of the congregation and have no intention, as I have never had any, of resisting the lawful authority of the Bishop.

I beg to remain, Right Reverend Sir,

Most respectfully yours,

The Parsonage,
Victoria, Sept. 26th, 1874.

E. CRIDGE.

[60.]

Victoria, Sept., 26th, 1874.

Victoria, 26th Sept., 1874.

My Lord Bishop:

In reply to your letter of yesterday we beg to inform you that before receiving it, arrangements had been made for conducting the services to-morrow, as heretofore, by our Rector, Mr. Cridge.

We remain, your obedient servants,

A. F. PEMBERTON,
ROB'T WILLIAMS,
Churchwardens of Christ Church.

Lord Bishop of Columbia.

[61.]

September 28th, 1874.

The Reverend E. Cridge, Victoria:

Dear Sir:—In reply to your letter of the 26th inst., I am requested by the Bishop to express his regret to find you have ignored the revocation of your license; but as you state you have had no intention of resisting the lawful authority of the Bishop, and as his Lordship has not, and never had, any desire to enforce more than his lawful authority, as his duty prescribes, the main question appears to be, what is "lawful authority?"

It has been represented to his Lordship that the question may be decided by the Supreme Court, on a case to be stated as agreed upon by counsel on both sides, and he is willing for his part to adopt this course, as by so doing the great evil of further hostile proceedings might be avoided.

Yours, faithfully,
M. W. T. DRAKE,
Registrar.

By Rob't E. Jackson, his Attorney.

[62.]

My Lord Bishop:

In deference to the suggestion of the Chief Justice, who has stated from the Bench that the protest which I delivered on the occasion of the sermon of Archdeacon Reece was, as to the time and place of its delivery, a violation of the 53d Canon of the Church, which I had promised to obey, I consider it my duty as a christian minister to express my regret for this involuntary breach of the law. And this I do in full consistency with the statement which I made to you in my letter of 19th Sept., and which I now repeat, that "I have not, and never had, any intention of resisting your 'lawful' authority as Bishop."

I am, yours faithfully,
E. CRIDGE.

23d October, 1874.

JUDGMENT.

BISHOP OF COLUMBIA *versus* REV. MR. CRIDGE.

Judgment rendered on Saturday, October 24th, 1874, at 11:20 o'clock, A. M.

This is a case of an application for an injunction on a bill filed by the Lord Bishop of the Diocese of British Columbia against Rev. Edward Cridge, clerk, praying that the defendant may be restrained from preaching or officiating in the cure of Christ Church and from acting elsewhere in the diocese as a clergyman of the established church, and for a declaration that the defendant's license has been duly revoked and that the defendant has failed to conform to the discipline and doctrine of the Church of England, and is liable to be removed, and is no longer entitled to the benefits of the trust of the Indenture of 6th May, 1864. The present application is for an injunction to restrain the defendant from "preaching or officiating in the said church of Christ Church or otherwise acting in the cure of the said church according to his former license or elsewhere in the diocese as a minister of the Church of England."

The Bill sets out the Letters Patent and consecration of the plaintiff to be Bishop of British Columbia, his arrival here and license granted to the defendant to "preach and officiate," his selection of Christ Church to be his Cathedral, his collation thereafter of the defendant to be the Dean of the said Cathedral Church.

Certain Articles, eighteen in number, are then set forth in the Bill, impeaching the conduct of the defendant in his ministry, appended to which are many letters and documents, some of great interest to the parties to the correspondence, but not very important to the determination of the precise question before me. Whether the allegations of the articles thus stated are to be taken as allegations made in the Bill itself may or may not be an important question at the hearing. The question whether they are well pleaded by this bill has not been raised on the arguments now before me, which, in justice to the defendant it must be said have been directed more to the matters really lying at the root of the unfortunate differences between the plaintiff and defendant than to the technicalities or forms of pleading, or even to the facts really necessary to be considered for the determination of this interlocutory application.

The question whether the Attorney General should or not be a party, was in like manner banished from the argument probably through similar considerations; and the parties did not conceal that their chief desire now was to obtain from me an expression of my views upon the two very interesting questions, viz.: the visitorial powers of the Bishop and the legality or legal consequences of holding synods, the latter of which, however, could not, except in a very indirect way, come into consideration at all.

As the result of the inquiry upon the articles referred to the Bishop's assessors found all the charges of infraction of clerical duty to be proved, except two numbered 9 and 10. Sixteen articles therefore were reported as proved. The Bishop thereupon delivered judgement on each of the proved charges separately, on the 17th of September, 1874. The investigation had been open. There were four assessors, two clergymen and two laymen, County Court judges, one of whom was compelled to retire on public business after the first day. The investigation continued *de die in diem* for four days, viz.: on the 10th, 11th, 12th and 14th of September, the defendant having had ample notice, and being in fact present, and with every opportunity apparently to examine or cross-examine witnesses. He seems, however, to have remained as a spectator, merely, after handling in a protest against the proceedings. The form of the address in which the sentences of the Bishop in respect of the several charges proved, is not perhaps, free from being excepted to. But neither, usually is the address in which an ordinary court of justice conveys its reasons for a decision. The separate sentence on fourteen of the proved charges is revocation of the license on one, viz.: that on Article 17, a formal admonition and then, without noticing 18, the Bishop says, he must still add further punishment and decrees suspension from the Deanery, and then gives as his judgment, on the whole proceedings, to be revocation of the license to preach and officiate, suspension from the office or dignity of Dean until submission and a formal admonition. This is the sentence, in fact, the logical results of which the plaintiff now seeks to have enforced by the decree of this Court.

In considering whether this Court will grant its auxilliary aid, the only questions to consider are those which arose in Dr. Warren's case, and in Long vs. The Bishop of Cape Town. The Bishop having no coercive jurisdiction, had he, however, jurisdiction to summon the defendant to enquire into his conduct, to pass this judgment spiritually as it may be said. Unless he had such a right this Court will not interfere or assist him in any way. Neither will this Court assist him if it appears that the proceedings were conducted in an oppressive way, or in any manner contrary to the principles on which questions are examined and determined here. Neither will it assist him if the sentences appear to be disproportionate to the alleged offence, or contrary to public policy, to be allowed *e g.* If the defendant had been sentenbed to do penance in a sheet with a taper, I do not think this Court would have anything to say to such a sentence as that, or if he were sentenced to deprivation or suspension for once omitting a genuflexion. The best test to apply is this: Fortunately we are a branch of the Church of England not "in union and full communion" only, but a branch of that very church. If we had here establishd synods and canons and regulations of our own, the investigation now wouldbe more intricate and difficult, according to the observations of the Master of the Rolls in Natal vs Gladstone, p. 37, here all we have to enquire is whether the offences alleged would, if committed by a clerk in England, be triable before the Bishop of the diocese, and punishable as this is punished, and I apprehend that there is no doubt but that these questions must subject to some observations about the Church Discipline Act, and the different relation of the Bishop here *qua* patronage, be answered in the affirmative.

In my opinion the Church Discipline Act—3 and 4 Vict., c. 86—it is impossible to comply with here, at least in its entirety, and therefore at least, in its entirety is not law. In particular, it would be impossible to have a tribunal of the five assessors therein referred to. The assessors chosen here were, however, a better tribunal than I should have expected to have found here. The defendant objects first that none of them belonged to the section of the church to which he says he belongs, and the argument addressed to me seemed really to have been that he was entitled to have one or two partisans among the assessors, perhaps on the principle of a jury de medietate, which is now abolished, in civil cases as from January 1st, 1875. But of course there was no shadow of reason in such an objection. The next objection was that inasmuch—it is not very easy to state it—inasmuch as these assessors might more closely have approximated to the assessors described in the Church Discipline Act, though I can scarcely see how, therefore these proceedings were a nullity. But, 1st. It was not shown that better assessors could have been procured. 2nd. It is not pretended that even in England the assessors *must* be of the character in the Act mentioned, but only that such assessors will be considered satisfactory. 3rd. It is not pretended that the Act is applicable here, or is law here at all. To impugn a judgment (if otherwise reasonable) because the proceedings on which it is based, do not tally closely enough (as alleged but not proved) with certain proceedings mentioned, not required in England by a statute which is non-existent here is surely rather far.

Then Mr. Robertson urged that the Bishop here as a matter of fact appoints and licenses all the different ministers in the diocese to their different cures; that by revoking defendant's license, by suspending him, by perhaps ultimately depriving him of this cure altogether, he will acquire a right of presentation to this cure, (which I observed counsel on both sides carefully abstained from calling "a living") and that this right of presentation is an interest in the Bishop, which disqualifies him from being a judge, even in the preliminary matter of censure; for it was urged, the neglect even of a censure may lead to further ecclesiastical proceedings, and so up to the most hardened contumacy, and incurable obstinacy, only fit to be cut off. And the presence of an interest in a judge utterly disqualifies him and annuls his judgment. Now I am not sure that interest must not mean some interest which might be turned into cash. Apart from the simoniacal odor of such an idea, it is not shown to me that this right of presentation is of the smallest money value. But in the next place the argument is not pushed, nearly far enough, but is ingeniously placed just far enough to embrace the defendant's case and no other. If it be unlawful for the Bishop to censure because the neglect of that may lead to suspension and so on, neither is it lawful for him to direct, because the neglect of his direction may lead to a censure and the neglect of censure to suspension, and so on. On the other hand the Bishop here qua Bishop appoints not only to this cure, but to every cure in the diocese. So that the argument fairly carried out is this: That because a man is the Bishop of the diocese, *therefore* for that reason alone, *virtute officii*, he is debarred from either directing or suspending any of the inferior clergy whom he may once have appointed to a cure, notwithstanding any solemn vows and promises they swore to God, and to him when he placed them there. In fact that on the sole ground of his being a Bishop, he is disabled from being a Bishop. For I wish again to impress upon the defendant the consideration which I threw out in argument, that the very first and highest trust and duty, more than a right or privilege of a Bishop—his *ratio existendi*—the reason for calling him what he is called is that he is to visit his clergy. "Bishop," "Visitor" "Overseer," the three words are almost identical; and the chief difference between them is that they are derived from the Greek, Latin and Teutonic roots respectively. In at least one place of the new testiment the authorized version translates, "EPISKOPOS" (Episcopos) by the word 'Overseer" Mr. Robertson's argument came to this: That because the duties of an overseer are on here somewhat incomparable therefore he could not oversee; at least that though he might lawfully perform such duties as the defendant liked he was not to perform such duties as the defendant objected to; for it is to be observed that this is just as much an objection to the power of appointing, as to the power of censuring. The two powers it is said, are incompatable, therefore I claim, says the defendent, not that both powers are void, but that I may treat the one as valid, the other as invalid The Bishop may lawfuliy appoint me, but cannot lawfully censure me. But in fact contradictory powers are often in case of necessity placed in one hand. In this very Colony there is almost a case in point. Nothing surely can be more important than to keep quite distinct the judicial and executive functions. No maxim of our criminal court is better known than, that in the absence of counsel, the judge is to be counsel for a prisoner. Yet the legislature has thought it expedient by repeated acts which have always obtained Her Majesty's sanction to leave it to the judge to nominate a sheriff *pro re nata*, and in criminal trials up the country it has occasionally happened in the absence of any caunsel for the prosecution that the judge has been compelled to indicate to the Registrar or to a constable, what statute appeared suitable for the occasion and in what book the form of the indictment was shown. In fact all these regulations are means to an end—that end is the administration of justice and the repression of disorder—and to adhere to forms and principles in such a way as to suffer crime to go at large unpunished, and disorder to be unrestrained, would be "to neglect the oyster for the sake of the shell."

Ecclesiastical Tribunals have always been negligent of the forms which English Lay Tribunals have deemed useful, and all but Essential. I say English Lay Tribunals, for in many other countries, other principles than ours are considered to be most conformable with the administration of justice. And the most prejudiced mind must admit that sentences may be just though not arrived at by the machinery of a jury. The judgments of Solomon have been considered as not without merit, though every one of them outrages the whole spirit of Magna Charta. In considering the charges, and sentences of September last, I think however, that as to the scene in the Cathedral, of the 5th December, 1872, it was not competent to the Bishop to renew any charge or inflict any further punishment for that offence. *Habemus Confitentem reum* nobody disputes—not Mr. Robertson himself, that there was a clear breach by the defendant not only of the Canons of the Church and of the laws of Christian Charity and decorum, which are not always present to our minds, but of social etiquette and propriety—restoaints to which we are more habitually accustomed, every one of which forbad the defendant from thrusting himself forward in the presence of two Bishops, one a stranger to condemn a brother Prestyter, in terms which the defendant himself seems to be aware "exceeded the accustomed restraints of language and conduct." (Vide defendant's address of March 28th, 1874.) Really I cannot conceive any other course to be taken by the defendant himself than to say, as soon as the irregularity was pointed out, or as soon as he had sufficiently recovered his "accustomed restraint of language and conduct." "I see I have clearly broken the canon which I swore to observe, and I have contravened the statute by which all men are bound, and I have clearly exposed myself to suspension, I am very sorry and beg you will remit the punishment." It is needless to say that he never says anything of the sort. However, I consider that the Bishop has dealt with that offence by his censure of the 14th December, 1872. And *nemo bis debet vexari* is a maxim which our law has borrowed from the Romans and which I think is of natural justice." I think therefore, the Bishop had no right to renew that charge In Pandora street. Of course the defiance with which the defendant met the censnre was a new act of disobedience, and it is not easy to see the real grounds for it. That might well justify a new punishment. Up to the 28th day of March last, the defendant seems to have supposed that he was resisting "an attempt to defame his ministry and to intrude on his office which he had received in trust for the church as well as himself," "that his office or his trust was in danger." That, I suppose, must refer wholly to the sermon of Archdeacon Reece, as to which it is difficult to perceive how it would affect the defendant at all or any right or privilege of his. But afterwards in the letter of the 3rd of July, he takes, I think, other grounds; at least he expresses what perhaps may have been only intended before; and after referring to some opinions of the Churchwardens (not necessarely, though possibly, those contained in their letter of the 2nd of July,) and taking more intelligible ground (as might be expected) than they do, he points out that the proposed Synodical movement might result in placing himself and his congregation under a different law than that of the Church of England. This I have already stated my firm conviction to be a very real apprehension. It may be a danger to be avoided, it may be a benefit to be desired, but so sure as this Synodical movement does proceed, so surely as the church here assumes power to make laws and constitutions for this diocese, and to constitute the Bishop an Ecclesiastical Tribunal with power to enforce obedience and no appeal except to the Archbishop of Canterbury for the time being, as a *forum domesticum*, so surely will the church here (I fear) one day differ widely from the Mother Church in forms and ordinances and matters of Church Government, and probably also by degrees, even in some particulars of doctrine. I was about to refer to Lord Romilly's judgment in "The Bishop af Natal vs. Gladstone," but I find I have nearly repeated his words which have imprinted themselves on my memory.

The position advanced at the bar, however, and which was probably necessary for the rebutting the whole case

of the plaintiff went far beyond this. Had the defendant confined himfelf to the reasonable view which it might be contended was all he meant in that letter of the 3rd of July, what may in fact be a fair construction to put upon it, prefaced with an acknowledgment of his error. If he had said "my breach of the canon and of the statute and of good manners, I am heartily sorry for, and I fully intend to offend so no more, and I thank you for your lenity in only censuring me for my offence, I know that every man in the diocese whose opinion is worth caring for, my own counsel and all, are heartily sorry that I acted so. Your visitation I will dutifully receive. Everything shall be at your service. The pulpit of the cathedral I have no thought of closing to you, but as to the synodical movement which your lordship is so earnest in pressing on my congregation and elsewhere in your sermons and discourses, I would with like earnestness entreat you to consider and well weigh Lord Romilly's words. I know it is not for us to judge of your doctrine, but for you to judge of ours. But this is a point of practice and expediency not of doctrine and we wish to remain under the laws of the Church of England which we know, and not to be liable to future laws and law makers of which we know nothing, and under which old decisions will not aid us to understand our rights and duties. We wish to adhere to the supremacy of the Crown, and the decisions of Crown Courts, and not to have any *forum domesticum* with which we are unacquainted, and which may imperceptibly as Lord Romilly points out constitute the church here to be a separate church, the Church of British Columbia, and not a branch any longer of our old Church of England." If I say the defendant had spoken thus, who could have been offended? I for my part not now speaking as a judge at all, but as a member of the church out here really feel disposed to say that I have myself felt inclined to make such an appeal And it will abundantly appear in the course of these observations that the fact of the plaintiff's having hitherto failed to carry out his apparent intentions is not unimportant for the success of the present application

For it is to be noticed that up to the present time there is not the least indication—there is no evidence and no argument—that the church here is not a branch of the Church of England, to be governed and guided by all her practices and discipline by which all her members are bound, and defective only in this respect. that when such practice and discipline requires to be legally enforced by the strong arm, that strong arm must be put in motion by the judgment of this court following (if it thinks fit to follow) the sentence of the Bishop, and it may not be put in motion by virtue of the sentence of the ecclesiastical *forum* alone as in England. That is all the difference. I am bound to examine to a certain extent the sentence of the Bishop; if I find it in conformity with the practice in the Established Church of England I am bound to order it to be enforced; then the force if necessary is applied under my order not purely as in England on the episcopal authority; and the disobedience then becomes and is punishable as disobedience of my order and not as disobedience only of the Bishop's order. The circumstance that the plaintiff has hitherto failed to carry out his apparent or presumed intentions as to a synod is also to myself personally a matter on which I most sincerely congratulate myself, and for this reason, I mean not now to express my personal predilections at all, but sitting here as a judge I feel how immensely my responsibility is lessened and my ability for comprehending the position increased in comparison with the occasion when somewhat similar questions were brought for the first time on somewhat similar disputes before the Supreme Court in South Africa. Since that time a flood of light has been poured upon the constitutional questions, and the relations of ecclesiastical and civil jurisdiction in the colonies by the labors of the great judges and civilians in the Privy Council and elsewhere, and the whole matter has been discussed repeatedly in various courts on various rights, by various minds of the most learned lawyers and most sincere and earnest churchmen and statesmen in England, and has been placed if I may without presumption say so upon a clear and satisfactory foundation. Of all that light and of all those discussions I can now avail myself.

But if a voluntary association out here had been formed of persons holding the doctrines of the Church of England but rejecting or altering wholly or in part the discipline and government of the Church of England —that would be a course perfectly open to any number of persons to pursue I apprehend, and the present Bishop might be among them—but that association would not be an actual branch of the Church of England, though it might insist that it was in full union and communion with it, and held all its doctrines. If dissensions arose in such an association, its members would have recourse to the civil tribunals and any questions would have to be tried by their own rules and ordinances, which would have to be proved by evidence in the usual manner, and have to be construed by the Court just like the regulations of a new joint stock company. I need not point out the additional difficulty and responsibility which would thereby be imposed on the judges, and the additional uncertainty and insecurity felt in any construction to be placed on such ordinances: the decisions of English courts would not be binding and might not be apposite, not being *in pari materia.*

Fortunately no such case exists here. The jurisdiction here episcopal, judicial, and consensual, appears to be exactly the same—founded on instruments verbally identical—with the case of the See of Natal (Bishop of Natal vs. Gladstone). What that is may be given in the words of Lord Romilly. After stating at very considerable length all the circumstances and the different cases in which the unfortunate differences between Bishops, Deans and Ministers in South Africa had been discussed, he says, "The result shows that the District or Colony of Natal is a district presided over by a Bishop of the Church of England which is properly termed a see or diocese; that the ministers, deacons and priests officiating within that diocese and also all laymen professing to be members of the Church of England, constitute not a church in Natal in union and full communion with the Church of England, but a part of the Church of England itself; and that all the ministers, priests and deacons there officiating and all persons composing the several flocks are members and brethren of the Church of England in the strict sense of the term. The consequence is, that they have in all matters ecclesiastical, voluntarily submitted themselves to the control of the Bishop of Natal, so long as it is exercised within the scope of his authority, according to the principles prescribed by the Church of England. If, however, any sentence of the Bishop of Natal should be contested, recourse must be had to the courts established by law which will enforce that sentence if pronounced within the scope of the legal authority of the Bishop, and if he has in arriving at the sentence proceeded in a manner consonant with the principles of justice, and in so doing the Court established by law will proceed upon the laws of the Church of England. So far as they are applicable in Natal," *i. e.*, the spirit though not the letter of the Church Discipline Act, is to be adhered to. It is not law here but it is to be taken as a guide. Now I apprehend every word of that quotation is not only very good law, but very good sense, and not only good sense and law, but a most convenient law for the protection of rights. Not only for obtaining judicial decisions upon them, but for knowing beforehand and without litigation, the limits of rights and duties of all members of the Church laymen and clerical. It only requires that the name should be changed; for "Natal" read "British Columbia," and on this particular point it exactly states the position here.

These considerations make it clear as I have said before, that it was necessary for the defendant's case to go far beyond any reasonable or indeed possible construction of the defendant's letter of the 3rd of July, even if that letter embodied or referred to the churchwardens letter of the 2nd of July, which it is by no means clear that it did. The defendant cannot maintain his present position of preaching and officiating in Christ Church or in any Church of England in the

diocese or at all as a clergyman of the Church of England, by maintaing his right to do what he did on the day of the consecration of the new Cathedral, which was the position he took on the 28th March. It is not enough for him now to allege as in his letter of the 3rd of July, vague charges of the "illegality of the Bishop's proceedings in sundry matters affecting the church," or the Bishop's 'endeavoring to draw defendant and his congregation" away under another law than the Church of England's or preaching doctrioes offensive to the defendant, though the question "synod or no synod" is surely no question of doctrine at all, but anly of expediency or utility. It is not even enough to allege as in the churchwardens letter of the 2nd of July (but I again observe that I do not think it proved that the defendant has assumed the responsibility of this letter) but it would not be enough to allege as is there alleged in the alternative "that the Bishop appears to have seceded fram the Church of England, or if he have not seceded that he is at least guilty of a misdemeanour." All these allegations might be made and might be capable of proof, and yet until proved and followed by the sentence of deprivation of his see, pronounced by a court of competent jurisdiction, the Bishop would still be bishop and his acts would he episcopal acts and claim obedience from all his clergy until declared null by a competent court. For the proper defence of the position taken by Mr. Cridge, his able counsel perceived that nothing of that kind would suffice; that nothing would do but to contend that his client was not and is not an unlicensed clergymen of the Church of England, for that he once had a license and that the license had never been revoked by a Bishop of the Diocese. He therefore boldly, but by the necessity of his argument, advanced the proposi*tion that the Bishop is in very fact not a bishop at all,* but an excommunicated person to whom no member of the Church of England owes any obedience and is indeed to be avoided, according to the 33d article of Religion. And to support that position he read from the 12th Canon, A. D 1603, as follows: "Maintainers of constitutions made in conventicles censured," "Whosoever shall hereafter affirm that it is lawful for any sort of ministers and lay persons or either of them to join together and make rules, orders, or constitutions in causes ecclesiastical without the King's authority and shall submit themselves to be ruled and governed by them, let them be excommunicated *ipso facto*, and not be restored until they repent and publicly revoke those wicked and anabaptistical errors" Now the first observation that arises on that is, that if there were anything in the objection, Mr. Long and the Bishop of Cape Town, and the Bishop of Natal and Mr Gladstone and Lord Hatherly, the Coleridges, Roundell Palmers, Baddeleys and other learned civilians the Lord Chancellor and members of the judicial committee, who have been engaged for so many years in sifting the South African cases, had all been beating the wind, and expending all their learning and acuteness and distilling principles out of the Alembic of Ecclesiastical suits, Privy Council appeals and Chancery suits to very little purpose Indeed all that has been said in all these complicated reports is quite unnecessary and may be treated as *obiter dicta*, if this contention is maintainable. For nothing I suppose is clearer than that Bishop Gray had actually carried into practice in long detail and personal application everything and more than everything that the present plaintiff is even supposed not ever to have done, but to have wished to have done. But in that case Mr. Robertson's argument would be very short. Bishop Gray from the moment he asserted the legality of a synod, ceased to be a Bishop at all of any legal diocese (I do not know that it is necessary for the argument that he *ipso facto* ceased to be what may be termed a Bishop unattached), consequently from that moment had not nor could have any jurisdiction *qua* bishop over any member of the Church of England. It is odd that nobody ever thought of that before, that is it would be odd, if there were any show of reason in the argument. But in fact the errors denounced by this canon are as it expressly says, "*an abaptistical* errors." In the previous century, scarce a generation before the canons, certain fanatics, with a large support of the ignorant masses set themselves up as inspired by an inner light, and authorized by it to announce a new order of things. Their code of morals was that to the truly righteous all things were lawful. The priesthood they announced to be a general dignity to which all men might aspire. As to temporal things their argument was very short. It consisted of three plain and very intelligable sentences: "The earth is the Lord's and the fullness thereof." "The Lord hath given the earth to be an inheritance for his Saints." "*We* are the Saints" The conclusion was obvious. The name of the "Anabaptists" was given to them, not without some injustice to the original proprietors of that designation; but it remained with this new sect, if they they can be called a sect. It is not quite clear that their principles are wholly extinct. However these men carried their principles into forcible operation throughout some of the principal provinces of Europe. They contrived to combine in a great measure the excesses of the Paris Commune with the excesses of Brigham Young. They were not put down without fire and sword; many towns and cities were devastated either by them or by their opponents in quelling them The fate of one of their leaders known as "The Prophet" has inspired one of the greatest of modern composers in the production of a great work of art, and I should have thought that modern popular melody might have conveyed a ray of history which in its turn might have thrown a light on theology sufficient to raise some doubt at least as to the construction of this canon. It is expressly aimed at disowning on the part of the Church of England the ecclesiastical part of the usurpations of these Anabaptists whose very name inspired horror as that of the *communa* does to-day. Their views on temporal matters it was probably supposed might be safely left to the secular legislature. The canon confines itself to their spiritual excesses. But what can equal the imprudence of the defendant's advisers in suggesting these reflections? Is it the plaintiff who affirms that it is lawful for "any sort of ministers", *i. e.*, unlicensed preachers or others, to join with "lay persons" whether churchwardens or not and make rules and regulations or adopt resolutions without any authority or color of authority whatever from the Crown, either by direct commission or by any Act of Parliament or through the ordinary Courts of Justice? Is it the plaintiff who alleges that such an unlicensed preacher with his lay partisans may, by the simple expression of their opinion, annul the Queen's Letters Patent, fulminate sentences of excommunication and deprivation, come to a resolution that their leader is entitled to the full enjoyment of valuable lands, decide on the interpretation of a deed of trust and determine that the same leader is entitled to the benefit of that? and absolve whom they please from the observance of solemn vows? Is it the plaintiff ho advances these preposterous pretentions? Do these terms convey an exaggerated expression of the defendant's case?

It is hardly worth while to go on breaking this butterfly on this wheel. Yet these further observations may be useful which by themselves dispose of the whole argument on this head, even if my view of the meaning of the Canon drawn from history be wholly wrong. It is quite true, as Mr Long observes in his letter, (cited and approved by Lord Romilly, p. 48) that a man even a Bishop, may by his own act secede from a church. Even secession, however, would probably still leave him a Bishop until he be deposed or deprived, by the sentence *of a competent court consequent on his secession.* But still if a Bishop had openly announced his secession that would greatly excuse the disobedience of his clergy even before any formal sentence of deprivation. What Mr. Robertson failed to establish is the first step, that a man can commit excommunication upon himself or declare himself excommunicated. All he can himself do in this way, is to excommunicate all the rest of the world, as I believe one or two fanatics have been found mad enough to do by declaring all mankind eternally lost except themselves. A man may undoubtedly commit an offence which exposes him *ipso facto* to excommunication; that is when brought up before a proper court, the accuser has but to examine this one point: if proved,

sentence of excommunication may be pronouced at once, without more. It is probable also that in such a case the consequences of the sentence, when pronounced, would have reference back to the heretical, or other act, on which the sentence is based; much in the same manner as an adjudication of bankruptcy relates back to the act of bankruptcy, and does not count for all purposes, from the date of the adjudication only. Here there is no definite act of bankruptcy even alleged. But sentence of excommuncation be pronounced. It must be pronounced by acompe court, and after a trial at least conformable with natural justice, upon proof, and after summoning the accused. And sentence of excommunication may be followed no doubt in the case of a Bishop by sentence of suspension or deprivation, or such other sentence as a court of competent jurisdiction may think fit to pronouce, if any. But that too must be by a court of competent jurisdiction, after a trial consistent with natural justice and so on. It would be a poor jest to ask if any such investigation or sentence has taken place. But what is, perhaps, not uninteresting to remark, is the extraordinary incapacity of even the most conscientious man to act towards others on the golden rule of doing as he would be done by. Here is a man who, for offences really open, glaring, not denied, but gloried in, offences against canon law, against statue law, against common sense and ordinary good manners, after the utmost lenity and forbearance shown towards him, is at last cited, before a self-organized tribunal, not a court of course in any legal seuse, or with any legal powers, but as good a tribunal as could be formed in the diocese—clearly as respectable a tribunal as any Chamber of Commerce or Board of Surveyors—and after weeks of notice, and days of trial in his presence, is at last found, by that so-called "Court or Board of Inquiry" to have committed acts which, as I have said, be never denied, and openly glories in; and yet for weeks the whole city has heen disturbed by the vociferous clamours of his partisans—I will not say of himself, for I believe he is but the instrument of others—against the illegality, the injustice, the monstrous nature of the tribunal, and the finding and the sentence: and at least if the defendant does not openly join in these clamours, he utters no word to brand them as unfounded and slanderous. Nay, his counsel here argues most temperately and discreetly I admit, but still vigorously, on the same side, namely, that the sentence against the defendant was inconsistent with natural justice. And yet this same man thinks it consistent with natural justice, and that he is dispensing to others the same measure of justice, wherewith he seeks to be judged himself, that the Bishop should be held to have lost his whole position without any trial, by the sentence of no court or any tribunal resembling a court, without notice, without summons, without being even put on his defence, by a mere oral suggestion of counsel. Surely the old proverb of straining at a gnat and swallowing a camel never received so exaggerated an illustration!

The position and status of the plaintiff here seems to be much misunderstood The fact is that the Lord Bishop of British Columbia holds his jurisdiction, his powers, and his authority so far as it can be derived from any temporal authority, from the same Royal and Supreme Source of all authority in the British Dominions, by an instrument as solemn as I hold my own Commission and derived directly from the Crown under Her Majesty's Sign Manual. It is true the powers so given require to be supplemented, some of them by the authority of an Imperial or local Act of Parliament. My own commission is sanctioned by both, and that being the method by which Her Majesty can constitutionally give coercive jurisdiction, coercive jurisdiction is placed in the hands of myself and the different judges in the various Supreme Courts throughout the British Dominions. Now the plaintiff's Letters Patent assume to give him full jurisdiction, and they would probably have at once given him such jurisdiction if his diocese had been in a Crown Colony,—though I rather doubt this—but the terms are certainly ample to give him full jurisdiction, and would do so if the Letters were based on, or confirmed by, an Act of Parliament. Possibly if a local Act were passed here, recognizing or confirming the Letters Patent, the Bishop would have full coercive jurisdiction as from that time. I am far from saying that this is probable or even desirable. I think that such jurisdiction is much more safely and beneficially for all parties, placed in the hands of this Court. Not that I have the smallest opinion that my judgment is superior to that of the plaintiff, on the contrary, I wish to be understood as placing very little confidence in my own judgment. But I have the greatest confidence in the Judicial Committee of the Privy Council, and so long as the plaintiff's sentences have to come to this court to be enforced, he and all the church here, and in fact all denominations and religions have the advantage of the appeal to the Privy Council, which otherwise would not lie, but there would be only an appeal from the plaintiff to the Archbishop of Canterbury for the time being. Now placing as I do, great confidence in the wisdom and learning of that great prelate and of those who may succeed him, I must say that I nevertheless feel very much more confidence in the wisdom, in the learning, and above all in the cohereney and consistency of the Judicial Committee, than in the decisions of a series of Archbishops of whatever see. Then besides the secular jurisdiction thus imperfectly bestowed, the plaintiff has his spiritual authority derived from the imposition of hands, which though vague, and I conceive, left by our church, purposely indefinite, can never be treated by any churchman as less solemn on that account, but rather as all the more impressive He is sent out here by all the authority of the Crown and of our church not to be taught, but to teach orthodoxy, not to be reviled, but to reprove error, and to receive all due obedience from the members of the Church of England here.

The Bishop till he be duly deposed or deprived will be considered as a Bishop exactly in the same way as a licensed clergyman until his license is duly revoked, is to be considered a licensed clergyman still, whatever his offence. I should wish Mr. Robertson to try and find out how loudly his client would have protested if the Bishop had said nothing for the last two years; no Pandora street trial had taken place but,—Mr. McCreight had suggested yesterday for the first time, "Oh! the defendant appears to us to have committed an offence on the 5th of December, 1872, for which the statute says the Bishop should suspend him. It is true we have never mentioned the matter since then, but we now submit that he must be considered as having been suspended as from that date." Yet this is really less than the measure wherewith he seeks to mete out justice to his antagonist.

An obvious comparison may serve to explain the matter to the non-ecclesiastical mind. Suppose a trader, as many traders do, to have committed an act of bankruptcy upon which no steps were taken and after a lapse of time a customer were to say, "I shall not pay you for those goods I have received from you, you are an uncertificated bankrupt," I apprehend the reply would be in a tone of indignant surprise. "It is true some time ago I committed or suffered such an act, which would have empowered a Court of competent jurisdiction, if they had thought fit after summoning me and hearing the whole case, to have adjudicated me a bankrupt. But who are you? and what right have you to take upon yourself to say what decision the court might have come to? Now I shall make you pay even to the uttermost farthing." This I say would probably be the language between men of business. And how much stronger would the case be, if the trader could conscientiously deny that he ever had committed an act of bankruptcy at all, and that the act of bankruptcy existed only in the imagination of the man who was on this pretense endeavoring to eseape from a very clear obligation; whatever reputation for conscientiousness the customer may have claimed for himself, I am afraid the trader and the world generally would place it at a very low standard.

This contention, however, by the defendant's counsel, that the plaintiff is not in fact a Bishop of the Church of England at all makes it impossible for me to take any longer the favorable construction which I felt disposed to place yesterday on his statement in the letter of the

26th September, to the effect (implied) that he only intended to resist the unlawful, not the lawful, exercise of the Bishop's authority. For it now appears that the defendant must thereby have meant that he only intended to resist the lawfulness of the Bishop's authority altogether, and not the exercise of it, if it were held ultimately to be lawful. That of course is holding out no olive branch at all.

Having then examined these Pandora street proceedings much more minutely than perhaps I have any right to examine them (looking to Dr. Warren's case) I have come to the conclusion that the plaintiff is a Bishop of the Church of England, and the defendant is a clergyman of the same church; that the proceedings in Pandora street though not according to the precise form suggested (not required) by the Church Discipline Act in England, were yet in a reasonable analogy with it, the assessorial part being differently constructed from that in Long vs. the Bishop of Cape Town; that the proceedings were conducted in a way consonant with the principles of justice as understood in a Court of Equity; that the findings were true, and that the sentences and whole judgment reasonable and appropriate enough to the offence. It is therefore just that it should be carried out, and if no other ground existed, the inability of the Bishop to execute justice for himself is one of the heads of equity which will maintain a bill. I consider it a necessary inference from the cases in and from South Africa that the local civil courts are bound to interfere on the application of either party, in these spiritual disputes on a proper case being shown. But more than that; the Bishop has a trust to execute, and he has a right to come here as trustee to prevent a misapplication of the funds and lands and buildings just as I apprehend the treasurer or other proper officer of an insurance company would have a right to come here and demand the assistance of the court to get rid of a suspended manager who refused to give up the books or the key of the office. Moreover the plaintiff has probably a right to come here in his character of general overseer of the Church of England to prevent his subordinates from infringing statutes. And by the 14 Charles II, no unlicensed Minister may preach under the penalty of three months imprisonment. It is true the Bishop might probably proceed by indictment under this statute, but there is no reason why he should be driven to a more tedious remedy and wait for the Assizes here which may not be held for some time. Besides the defendant surely does not wish to be prosecuted as a criminal. I should be shocked if anybody were to attribute to him the sordid ambition of wishing to appear a martyr. And if the Bishop were to await for the Assizes, the illegal preaching would be going on in the meantime. Finally in order to carry out the object and spirit of this same statute, the Bishop's manifest duty which he is compelled to discharge is to take steps for excluding him from the pulpit; can I possibly say the Bishop has no right to interfere when it is one of the duties of his high office which he is bound to discharge; or that he has a less right to have a wrong redressed because it is also a statutory misdemeanor? Then again as to the question of marriages. It is impossible to decide anything just now as to the validity of a marriage by an unlicensed clergyman of the Church of England. The statute says that the clergyman in each denomination may celebrate marriages according to the rites and ceremonies of their respective churches and all other marriages are to be void. Whether any clergyman who has been unlicensed can, consistently with the rites and ceremonies of the Church of England celebrate a marriage or indeed officiate in any way as a clergyman of that church is the question to be argued and on which the validity of these marriages depends. It is a grave point, but it cannot be decided now. If I were now to express myself, or if all the three judges were here and expressed themselves ever so decidedly in favor of the validity of the marriages that could decide nothing. The question may be raised over and over again as touching the status of every wife and husband, as touching the legitimacy of every child, of every marriage celebrated by the defendant, and the decision in one case will not be of any binding force in any other case. Even if every one of these marriages shall be severally decided to be valid, there is in the meantime a cloud and a disgrace necessarily hanging over every wife and every child of such a marriage; the mere doubt is almost as bad as the certainty of the invalidity. It is a fresh instance of the extreme danger of listening to what we suppose to be the voice of conscience; here is a man generally reputed to be of the utmost humanity and the utmost conscientiousness, who disobeys the clearest words of a solemn and reiterated vow, with the necessary and deliberate result of inflicting the most cruel injury upon poor women whom perhaps he never saw before, and generations, perhaps of unborn children, and this in obedience, as he supposes to the dictates of his conscience. It is simply an abuse of terms. There is no conscience in the matter at all, in the sense in which that word is understood by the Court or by any person of understanding. It was long ago pointed out by Lord Coke that a good man will obey the laws, and he quotes the heathen poet, (who may give many lessons to us Christians), answering the question "*Vir bonus est quis?*" with the ready and obvious reply, "*Qui consulta patrum qui leges juraque servat*" It is true the heathen moralist immediately goes on to insist upon the necessity of much more than a mere observance of the letter of the law before he will concede to any man the epithet of "good;" a man may, he shows, comply with the letter and yet depart from the spirit of a law. But how can he who fearlessly transgresses both, lay claim to the epithet? or plead conscientiousness.

The letter of the defendant which was this day read at the request of his counsel in open Court, throws a singular light on the whole of the defendant's conduct, in reference to the scene of the 5th December, 1872. Here is a rule restraining heated controversies, and contradictions likely to lead to heat expressed in four lines of the plainest English, and with the most judicious good sense. The 53rd canon says: "If any preacher shall in the pulpit, particularly or namely, of purpose impugn or *confute* any doctrine delivered by any other preacher in the same church or in any church near adjoining before he hath acquainted the Bishop of the diocese therewith and received order from him what to do in that case, because upon such public dissenting and contradicting, there may grow much offence and disquietness unto the people." "the Churchwardens and Bishop are to prevent the offender from again preaching until satisfaction be given by him." No preacher is even allowed to "*confute;*" the offence is quite irrespective of the truth or falsehood of the doctrine impugned. Now any child can see that the defendant's conduct on the 5th December, 1872, was a breach of this canon, except some question be raised on the word "pulpit," but the spirit of it was most clearly broken, and he *says* he exceeded the "customary restraints of language and of conduct." What is required from him is first an acknowledgment of his transgression and then an expression of regret at having transgressed. It is not an apology that is wanted by the Bishop, but repentance. The Bishop does not ask for the defendant's humiliation, but he wants the defendant himself. He is ready always to pardon the man, but how can he restore the presbyter without an acknowledgment by defendant that he has erred. To this hour the defendant refuses to make any such acknowledgment. It is true his letter to-day says that in deference to my opinion he is ready to admit that he has misread the canon. But to this hour he refuses to acknowledge that he has committed a fault; his letter merely amounts to this, "There are two ways of reading the canon, the Court says it is to be taken as meaning one thing, and I bow to the decision of the Court; but I do not admit that construction to be right." In other words he still adheres to his error. What is required from him is, not an acknowledgment that my opinion must prevail over his, but that he feels himself to be wrong. Now, of two things, one! Either his advisers must be aware that he is wrong, but will not admit it—and then what becomes of conscience?—or else they are in reality mentally incapable of understanding four lines of pure plain English and good sense, in which case with what counten-

ance can he or they claim to form even a conjectural opinion upon matters really obscure? If a man cannot understand the 53rd canon how can he claim to direct us in the mazes of ecclesiastical law? "A mighty maze though not without a plan." But how can the defendant be imagined to have a clew to it? or claim a right to direct others in it? or even to walk in it by himself? If any man ever wanted an overseer, surely this man does.

The granting and revocation of a license are very much in the episcopal discretion (Poole's case) at least as to curates who enjoy only a stipend. The case may or may not be different, where the revocation deprives a clergyman of his right to a freehold benefice. All that need be said on that argument is, that it does not arise here. On the materials now before me I must take it at all events, that there is no freehold benefice held by the license. It was very strongly urged, however, at the bar, that where a license is so coupled with pecuniary emolument that the money cannot be pocketed unless the license be continued, such license cannot be arbitrarily revoked, either in an ecclesiastical or any other case. There is much force in ths argument so far as the word "arbitrarily" enters into it. Dr. Povah's case is an authority for that. In fact Poole's case, though it declares that the Bishop or Archbishop has a discretion, insists also that that discretion shall be discreetly exercised, *i. e.*, not wantonly nor without due consideration, nor without notice to the curate; but when so exercised this discretion will not be interfered with There must be some authority somewhere. I have little doubt but that it exists in this Court, to examine on *mandamus*, or prohibition, or bill for injunction, or in some way, into the exercise of this discretion by the Bishop. *i. e*, as in Povah's ease, into the manner in which the discretion has been exercised. But if the Bishop has examined duly and disapproves, Lord Ellenborough intimates that the Court will not say "approve though you do not approve, take our conscience instead of your own." This is especially true perhaps if the license is accompanied by any interest or dignity. In fact I have been examining into that discretion in this very case; I am not sure that I was authorized to do so, but it seemed to be the desire of both parties and the defendant at least loudly demanded it. I do not say that my conduct in this respect is to form a precedent. In Dr. Warren's case the Court being once satisfied that the Wesleyan Conference was authorized to act, refused to examine into or to at all to consider the propriety of the particular line the Conference had thought fit to adopt. The fatal error in the defendant is, that he has taken no steps to rectify or annul the erroneous revocation, if it were erroneous. He has not even attempted to restrain the plaintiff's conduct. But until set aside the revocation is of course in existence and in force Take an example from this very Court.

The order which I am about to make, may in the opinion of the defendant's advisers be wrong. But really until it is set aside, I must warn them that they must obey it. It will not do for them to say that I have made a mistake, and therefore it appears to them that I have renounced my allegiance and torn up my Commission, and I am *ipso facto* not a Judge of the Supreme Court, The other two judges will soon be here, and this order may by them be reviewed, I am happy to say perhaps, reversed. But until it is reversed, those two judges will enforce its observance in all its strictness and in what they, not the defendant's advisers, deem a conscientious manner, and they would probably be inclined to treat any such line of action as that which I have suggested very seriously; and this, although they should both have formed the opinion that my order on re-examination could not be allowed to stand, it must stand until it is dissolved And so with the defendant's license, until he gets a license from the Bishop either compulsorily or by the order of some comptent court, or voluntarily by making a proper acknowledment of his errors, and praying forgiveness and promising amendment he is an unlicensed clergyman. The Act of Uniformity, says he shall not be allowed to preach or officiate, not at least as a clergyman of the Church of England, nor in a building consecrated to the service of the Church of England Nor has the Bishop any choice whether he will or not take these proceedings or some proceedings for preventing him from so doing. The Bishop, to use the words of Sir Herbert Jenner Fust, in Burder *vs.* Langley, "would not have properly discharged the duties of his high office," if he had permitted an unlicensed person so to preach or officiate. There is of course unlimited freedom of conscience here as in England. Everybody, whether he has ever been ordained in the Church or not, is at liberty so far as the lay courts are concerned, to preach what he likes and where he likes, (within certain limits of public decency.) Only the law says, "You shall not do this in the character of a clergyman of the Church of England, nor in any English Church, without the licease of the Bishop. You may not run with the hare and hunt with the hounds." The defendant's counsel urged that this rule does not apply to the defendant, because to apply the rule would be to deprive him of $200 *per annum*. Really I think that is a case of oppression of conscience, this is a very curious line of argument. You are oppressing a man's conscience if you refuse to allow him to continue receiving $200 per annum when he breaks every stipulation upon which it was to be paid to him Now the law lays down the same rule for all religious denominations and indeed for all voluntary associations here religious or secular. Leave the association and you may do as you like. But you shall not be allowed to occupy the Church of your denomination or the offices of your Joint Stock Company (I make the comparison with some apology, but really the principle is exactly the same) and at the same time set at defiance the rules of the voluntary association to which you say you belong. Nay, more; you shall not be allowed to act here or hold yourself out as the agent of the association, trading or otherwise, against and in defiance of their rules. Everybody will see the monstrous injustice of allowing the Secretary of an Insurance Co., after he has been suspended by the manager, to continue in occupation of the Company's offices, or allowing him to set up next door, or anywhere within the sphere of the Company's business, and hold himself out to the world as secretary to the Company still. And surely the injustice to the Company would not be less if the court by refusing to interfere enabled this *soi disant* secretary to draw salary out of the company's funds. That really is the whole of the case. The manager may be wrong but while the secretary is suspended, he really may not stay there.

I have endeavored to make clear to the defendant in the course of the argument, the result to which everything pointed, and I have given every opportunity in my power, and used every ergument which suggested itself, to endeavor to heal an anticipated breach in our little community. I feel sure that if the defendant would but listen to the words of his counsel, instead of yielding to the fatal influence of heated and ignorant partisans, matters might even now be healed. As to this being a question of conscience or conscientiousness, it is a mere delusion to suppose that conscience has anything to do with the present dispute. Mr. Reece's doctrine has never been approved. The defendant's doctrine has never been blamed. Both gentlemen are probably within the true limits of doctrine deemed by our Church to be necessary. No right of conscience is or ever has been sought to be invaded here, except the right that every man may do just that which is good in his own eyes. If that be what is meant by "rights of conscience" there is no more to be said, but that all cases and instances of society, in Church and in State, in trade and in the family, the most savage and the most polite alike, are constructed and can alone cohere on the exactly opposite principle: viz., that if society is to subsist at all, men can *not* be permitted to do everything that is right in their own eyes. And all laws and regulations of society, are at bottom nothing more than a statement of what a man may do, and what a man may not do, of those things which appear to him right, or desirable. The plaintiff in this case appears to me to have acted with excessive forbearance and long suffering. He now comes here in performance of a statutory duty, the contained neglect of which would subject him to very painful personal consequences, and

it even appears to me that the Churchwardens of Christ Church, or perhaps any three or more members of the congregation might probably have succeesfully applied for a *mandamus* very many months ago to compel the Bishop to interfere much more vigorously than he has done. I am very far from saying the court could interfere without the Bishop, or in any way except simply to supply coercive power to a lawful order. His reluctance to exert his power may however, obviously be imputed to motives of the most christian forbearance; it is the proverbial propensity of bishops which gives rise continually to complaints. It certainly does not lie in the defendants mouth to raise any objections on the score of laches, and to do him justice, he did not raise any such objection. But if the defendant had been at once in December, 1872, excluded from the pulpit of Christ Church, until due submission I should not now have had the most painful duty of attending to this distressing case, and probably much correspondence of a most disagreeable nature would have been avoided.

There must be an injunction, as the defendant will not make proper submission, which even now I should strongly suggest to the plaintiff's counsel to accept if offered. There is no offer, so there must be an injunction as prayed. It will be until further orders. I hope if the defendant will submit that this order may by consent be presently dissolved and the whole bill dismissed. I make no other order except for the injunction which will be distinctly understood to extend most especially to celebrating marriages,

MATTHEW B. BEGBIE, C. J.

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7th October /32

R. L. Reid K.C.
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Dear Sir/ re Trial of Reed & Bishop Bridge
I am directed by my daughter, Miss Hilda Harris, to acknowledge the receipt of your letter of 4th inst. enclosing a cheque for $15.00 in re the above and to convey to you her thanks for same

Yours faithfully
D.H. Harris

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