

Project Canterbury

THE PRINCIPLES OF GOVERNMENT  
OF THE  
ANGLICAN CHURCH IN HAWAII,  
TRACED TO THEIR SOURCE,  
FOR THE SETTLEMENT OF  
CERTAIN CONTROVERTED QUESTIONS;  
TO WHICH IS ADDED  
A REVIEW  
OF THE  
PRESENT POSITION OF THE ANGLICAN CHURCH  
IN THE KINGDOM OF HAWAII  
BY THE  
RIGHT REVEREND ALFRED WILLIS, D.D.,  
FOR EIGHTEEN YEARS  
BISHOP OF HONOLULU.

PUBLISHED BY REQUEST OF HIS MAJESTY KING  
KALAKUA.

HONOLULU:  
ROBERT GRIEVE, STEAM BOOK AND JOB PRINTER, MERCHANT ST.  
1890.

---

INTRODUCTION.

The following pages have been written in compliance with a request contained in the following letter from His Majesty King Kalakaua, and others holding high positions in His Majesty's Kingdom:

TO THE RIGHT REV. ALFRED WILLIS, D.D.,  
*Bishop of Honolulu:*

MY LORD:--Contrary expressions of opinion existing at present relative to matters of church discipline, order, and government: and certain comments having been made respecting the Bishop's position with reference to the other members of the Board of Trustees of the Anglican Church in Hawaii, We, the undersigned being deeply interested in the welfare of the Anglican Church in this Kingdom, respectfully ask Your Lordship to state, in any convenient manner, your views concerning the matters involved, and especially do we urge Your Lordship to define the principles of church government in the Anglican Communion, and to what extent they are applicable in this realm in view of the fact that the Church Laws obtaining in England are not in force in this Kingdom.

We remain, faithfully yours,

KALAKUA,  
C. N. SPENCER,  
J. S. WALKER,  
C. P. IAUKEA,  
HENRY SMITH.

Honolulu, August 18th, 1890.

---

TO HIS MAJESTY KING KALAKAUA,

MAY IT PLEASE YOUR MAJESTY:

In compliance with Your Majesty's request, in a letter dated August 18, 1890, which bore also the signatures of His Excellency the Hon. Chas. N. Spencer, Your Majesty's Minister of Interior, of the Hon. J. S. Walker, President of the Legislative Assembly, and a member of Your Majesty's Privy Council, of the Hon. Curtis P. Iaukea, also a member of the Privy Council, and of Henry Smith, Esq., Clerk to the Supreme Court of Judicature, I have given careful consideration to the questions submitted.

The troubles, in which the Anglican Church is involved, are of so grave a nature that it was necessary to deal with the subject exhaustively, at the risk of being tedious.

The more I considered the matter, the more convinced I became that an entire misapprehension, in the minds of some of the trustees, of the purpose and essence of the Charter of Incorporation, is the source of the troubles which are disturbing the harmony and peace which should prevail.

If the reply I now submit to Your Majesty clears away that misapprehension for the future, the labor bestowed upon it will not have been in vain.

For the sake of those who, in their ignorance of the Church's Constitution, may consider that, in what is laid down as belonging to the Episcopal office, I have arrogated too much to myself, I may be permitted to state here that as in the State, it is not his own, but the dignity of court that every judge is bound to maintain, so in the Church, [4/5] not himself, but his "office" every bishop is bound to "magnify." [Rom. XI. 13.]

And that none may suppose that I have presented the "views" of one section, or school of thought in the Church of England, allow me to quote the following passage written in 1829, before the first stirrings of the so-called "Tractarian" movement had begun, by one who belonged to the school of Simeon and Venn, styled "Evangelical"--"A separate order of men were consecrated to the great work of laying the foundation, and raising the superstructure of Christ's Church. Twelve only were included in the original commission. The great Mediator delegated the power of His own commission to His faithful labourers. Thus invested with plenary authority, they . . . . . entrusted the power of ordination successively to others, for the continuance of the

function--according to the special promise--*unto the end of the world.*" [Bridges' Christian Ministry; Seeleys, Part 1, Chap. I.]

If the Anglican Church is to be established and maintained in Your Majesty's realm according to the wish and desire of Your Predecessors on the throne, it can only be so established and maintained according to those principles of church government, which lie at the very root of the constitution, that the Anglican Church in Hawaii derives from the Mother Church of England.

It has been my object in the following pages to show that to this branch of the Anglican Church within Your Majesty's Kingdom there is given a guarantee of perfect liberty to [5/6] adhere to those principles, and upon it also there is imposed a stringent obligation not to depart from them, by the Charter of Incorporation.

That Your Majesty may long live to see the branch of the ancient Church of England planted in Your Kingdom at the earnest request of Your Royal Predecessors, but now in danger of withering through the coldness and indifference to spiritual things of those who yet claim and enjoy its privileges, rescued from the dangers that threaten it, again "taking root downward and bearing fruit upward" [Isaiah xxxvii. 31] in the promotion of religion and piety amongst Your people, is the prayer of,

Sire,

Your Majesty's most faithful,

and obedient servant,

ALFRED WILLIS,

Bishop of Honolulu.

Iolani College, August 30, 1890.

---

THE PRINCIPLES OF GOVERNMENT OF  
THE ANGLICAN CHURCH IN HAWAII,  
TRACED TO THEIR SOURCE,  
FOR  
THE SETTLEMENT OF CERTAIN CONTROVERTED QUESTIONS

By a Charter of Incorporation granted to Bishop Staley and his associates on Nov. 6, 1862, and amended Nov. 7, 1872, the corporation so created was empowered to "take and receive, have and hold in fee simple and otherwise .. real and personal estate, WHICH SAID REAL AND PERSONAL ESTATE SHALL BE FAITHFULLY APPLIED TO THE PURPOSE AND USE OF ESTABLISHING AND MAINTAINING THE CHURCH OF THE ANGLICAN COMMUNION WITHIN THE KINGDOM OF THE HAWAIIAN ISLANDS, ACCORDING TO THE DOCTRINES OF THE CHURCH OF ENGLAND, AS THE SAME ARE

EXPLAINED AND CONTAINED IN THE BOOK OF COMMON PRAYER, AND IN THE FORM AND MANNER OF ORDAINING BISHOPS, PRIESTS, AND DEACONS, AND IN THE THIRTY-NINE ARTICLES."

In the above sentence the Charter granted by His Majesty the King, by and with the advice of His Privy Council of State, has secured absolute freedom to the Anglican Church in regard to its Faith and Practice within the Kingdom of Hawaii for all time. [7/8] The State of the Hawaiian Kingdom does not assume any right to determine or define what are the doctrines of the Church of England. At the same time the State holds the Board of Trustees responsible to apply whatever real and personal estate is entrusted to them for the maintenance of the Church of the Anglican Communion *according to those doctrines, and none other*. Whence it is clear that if at any time the Trustees should allow any land or building which they hold in trust to be used for the inculcation of other doctrines than those of the Church of England, as for instance, the doctrines of Unitarians, or Deists, or Anabaptists, or should fail to exercise their Trust in accordance with the principles of the Church of England, they would violate their Trust and the Courts of the Kingdom would have a right to interfere even to the confiscation of property already alienated from the purposes of the Trust.

As a Church we are permitted to acquire and hold land in this Kingdom; and this right is secured to us *on condition of our fidelity* to the doctrines of the Church of England as explained and contained in certain Books referred to.

Before proceeding further, I may be allowed to remark, that during the quarter of a century and upwards that has elapsed since the first granting of the Charter, the freedom guaranteed by the Charter has been fully enjoyed. On no single occasion has the State attempted to encroach on the liberties thus granted. Nor during the eighteen years of my Episcopate has the Anglican Church had any cause to complain of the attitude towards her of those who through the unhappy divisions of Christendom are separated from her. The troubles by which her progress has been and is retarded have arisen entirely from within, and seem to spring from an inability on the part of many who enjoy the privileges of her communion, to understand and embrace the doctrines subject to which they are permitted by the Charter to have and hold the privileges they enjoy.

[9] The nature and the condition of the Trust created by the Charter having been clearly stated above, the ground is cleared for entering upon the consideration of the questions submitted by His Majesty the King, and persons holding high positions in His Majesty's Kingdom. Of those questions, the first relates to the Bishop's position with reference to the other members of the Board of Trustees; the second asks for a definition "of the principles of Church government in the Anglican Communion, and to what extent they are applicable in this realm in view of the fact that the Church Laws obtaining in England are not in force in this Realm." If at first sight these questions appear independent of one another, they are not really so. And in proceeding to discuss the second, the first will be answered in the course of the discussion, and it will be easy for the reader to determine whether the position of the Bishop in regard to certain matters, which have given rise to "the comments" referred to, is or is not in accordance with the Laws laid down by the Anglican Church in Hawaii for its own government, and with those principles of Church government which, as I shall show, lie at the foundation of the liberty we enjoy under the Charter.

Upon the Trustees there lies a sacred obligation to apply all estate entrusted to them for the purpose of maintaining the Anglican Church according to *the doctrines of the Church of England*. By the "Doctrines" of the Church of England must be understood not only her Articles of Faith, but the entire system under which that Faith is maintained. This is clear by the reference to the Ordinal as well as to the Book of Common Prayer. For whilst, to speak generally, the Faith and Worship of the Church of England are to be learnt from the Book of Common Prayer, the Church's system of government, and the functions of her Threefold Ministry are set forth in the Ordinal.

To the Ordinal then we must turn to ascertain the principles of [9/10] Church government as held in the Anglican Communion. There is no need for a long search. The opening words of the Preface are these: "It is evident unto all men diligently reading the Holy Scriptures, and ancient Authors, that from the Apostles' time there have been these orders of Ministers in Christ's Church, Bishops, Priests, and Deacons." From this it is clear that neither the Church nor State of England created these orders of Ministers, but that the Church of England regards them as belonging to the essential constitution of the Church which was planted in England very early in the history of Christianity, and is "so intimately blended with the State, that if you attempt to separate them you will tear up the very roots of the constitution itself." ["Our Established Church" by Morris Fuller, Chap. 1, p. 26.] Hence it is that every Priest at his ordination is asked whether he will give faithful diligence always so to minister the Doctrine and Sacraments and the Discipline of Christ, as the Lord hath commanded, and as *this Church and Realm hath received the same*."

Thus the Ordinal is witness that the Doctrines of the Church of England do not rest on the authority either of the Church or State of England, but are the Doctrines of the One Holy Catholic Church, which the English people in the early stage of their history, by the authority of their Kings, acting with the consent of their nobles and the council of the nation, *received* as the basis of the National Church, which is known as the Church of England.

It becomes clear then, that, the Doctrines of the Church of England having been received by the Church and State of England, we must look to the sources whence they were received in England in order to arrive at a full understanding of any point at issue in a system which is not the creation either of the Church or State of England, but was received and established in England as a Divine Institution, a "Kingdom" "not of this world;" but organized and governed according to the will of its Founder Who reigns in Heaven above. [Dan. ii, 44. St. John xviii, 86.]

[11] Now the first question referred to me touches the relation of the Bishop to the Board of Trustees of which he is President *ex officio*. It is not perfectly clear whether it is desired to consider this relation generally, or with reference to particular cases which have given rise to "the comments" referred to. But in either case it is clearly necessary to determine first what does and what does not belong *de jure* to the "Office" committed to every Bishop by the Laying on of Hands, in respect of administration.

The following passage from a standard work of the Church of England will give a *general* view of the office of a Bishop in the Church of God in respect of administration--"As in the special subject of discipline, so generally in the affairs of the Diocese, the Bishop had the primary

administration of them, *with the power of veto*, but (as throughout) with the counsel and consent of his presbyters, and of the Diocese at large." [Dict. Christ. Ant. Art. 'Bishop', p. 232.] In this connection I would point out that in order to administer the affairs of this Diocese on the principle here laid down, it became my early endeavour to form a Diocesan Synod on the lines laid down in 1867 by the Lambeth Conference, [See 'Lambeth Conferences' p. 73.] and that it is by a Diocesan Synod so formed that the *functions* of the Board of Trustees have been determined according to a provision made in the amended Charter.

To come to the *particular* case on which an infinite amount of unnecessary trouble has been made, the question at issue between some of the Trustees (not the Board) touches the power of the Board over land which they hold in TRUST for a specified ecclesiastical purpose. The question is this: Is the power claimed by these members of the Board in accordance with the principles of the Church of England? If not, then it is not in accordance with the Charter.

[12] By a Deed, dated April 29, 1863, His Majesty Kamehameha IV conveyed to the "Synod of the Hawaiian Reformed Catholic Church," by which name the corporation was then known, all that piece of land on which the Cathedral is being built.

This conveyance was made in pursuance of a distinct promise made by His Majesty to the Church of England, as is recorded by Mr. Manley Hopkins in "Hawaii"--"On the 5th of December, 1859, Mr. Wylie communicated to His Majesty's representative in London, the desire of the King and Queen to have a Church erected in their capital, towards the support of which the King offered on his own behalf and that of residents who desired the Church's Services a certain income. *His Majesty devoted a piece of land for the Church, and to erect a house.* [Manley Hopkins 'Hawaii,' p. 345.]

In the spring of 1861, the London Committee for promoting the establishment of a Church in Honolulu issued a circular in which a similar statement occurs: "The King offers on his own behalf and that of his subjects and residents who desire the establishment of the English Church, a yearly payment of £200, *and to give the site for a Church, parsonage, etc.* It is also probable that a grant of land may be made for the future support of the mission." [Staley's 'Five Years in Hawaii,' p. 16.]

It thus becomes clear that this piece of land was conveyed to the Trustees, and that they hold it in Trust for the specific purpose of erecting thereon *a Church and a residence for the clergyman.*

I now proceed to show that, according to the Doctrines of the Church of England, the power of the trustees over this piece of land, both as regards their power of sale and of determining the use to which it may be put, was limited from the moment the foundation of the Cathedral was laid, if it had not been already limited by the donation itself

[13] The Ordinal, as has been observed, is one of the sources referred to in the Charter for an explanation of the Doctrines of the Church of England. But the Ordinal again refers to 'the Holy Scriptures,' to 'ancient authors,' and again to 'the ancient canons' for its authority. All these, therefore, must be taken into the field of research in explaining the principles of the Church of England.

In the matter of church building, it is a fundamental principle of the Universal Church that "no Church regularly could be builded without the licence or consent of the bishop in whose diocese it was erected." [Bingham's Ant. of Christ. Ch. Bk. viii, Sect. 4.] This was expressly provided for by the fourth canon of the Council of Chalcedon one of the undisputed Oecumenical Councils, which "subjects both monasteries and churches so to the bishops care, that neither of them might be founded without his consent and approbation."

The principle thus laid down at the Council of Chalcedon in October, 451, that the bishop was to be consulted before the work of building a church was begun, was declared to be a principle of English Canon Law at a National Synod held in St. Peter's, Westminster, under Anselm, Archbishop of Canterbury, in 1102, at which it was enacted--"that new chapels should not be built with out the Bishop's consent." [Collier 'Eccles. Hist. of Gr. Brit,' Vol. i, p. 287.] (Can. XII). This principle enunciated at Chalcedon in 451, affirmed at Westminster in 1102, and also in 1138 is an abiding one. [A Canon passed at Westminster in 1138 forbids "any man to build a church or oratory upon his own estate without the bishop's licence." *Johnson's Eccl. Laws.*] In The Book of Church Law of the Church of England' revised by Sir Walter G. F. Phillimore, D.C.L. it is laid down as "*a principle of the Canon Law that no Church can be erected without the permission of the bishop of the Diocese in which it is to be situated.*" [Book of Church Law, 1882. Bk. V. Chap. 1, p. 304.] The writer then goes on to show the [13/14] great importance of this principle from the following considerations:--

That "the law takes no notice of a Church until it is consecrated."

That "there is no means by which a bishop can be compelled to accept a building for sacred use and consecrate it."

That "he can only so accept it for consecration on certain conditions to which he is bound by law and custom," and

That "the law forbids the clergyman to officiate publicly in any building which is not either consecrated or licensed for Divine Service by the bishop." [Ibid. p. 305.]

The relation of the Trustees as well to the particular site on which the Cathedral is being built, as to all sites of Churches in the Diocese, will now be apparent. In the first instance, the land was conveyed to the Trustees for the purpose of erecting on it a church and a house either for the Bishop or the principal clergyman. On one portion leave was granted to Miss Sellon to erect buildings for an Educational Institution known as St. Andrew's Priory, to be conducted by the Sisterhood of which she was Mother Superior. The rest remained as a site for the Cathedral and a house.

With the consent of the Bishop the foundation of the Chancel of the cathedral was laid at the eastern side of the lot, and on the western side a temporary house was erected for the clergy. Plans were drawn and accepted for the Cathedral, and a design for the Bishop's residence to be built in the future was also made. From that time the relation of the Trustees to the site was analogous to that held by the Ecclesiastical Commissioners in England to Church sites. Such sites are conveyed to the Ecclesiastical Commissioners not that they may deal with such sites as

the owners, but in order that the purpose for which they are given may be secured forever, and the incumbent enjoy undisputed possession of the [14/15] freehold. I maintain that the site was then *virtually* set apart for God's service as it will be *actually* when the Cathedral is consecrated, and that the duty of the Trustees towards it, the purpose for which they are incorporated, is to hold the land in TRUST for the purpose for which it was given.

There can be no room for controversy here, when it is understood in what consecration of a Church consists, and what it involves. The following passage from the "Book of Church Law," with regard to consecration, deserves very careful attention:

"The Consecration of a Church consists of three acts; *first*, the Oblation of the land and buildings by the founder or founders; *secondly*, the Benediction of them by the Bishop with the service appointed; *thirdly*, the solemn Sentence of Dedication and Consecration.

1. "*The Oblation by the founder or founders* is made before the service begins. After assenting to the petition made to him, that he will consecrate the Church, the Bishop walks in procession to the altar, the 24th Psalm being sung. As soon as he has seated himself in his chair before the altar, the instruments of conveyance, donation, or endowment are presented to him by the founder, or his substitute. These deeds are then laid upon the altar by the Bishop, as the representatives of the material land and fabric; a similar ceremony having been used from the very first ages of the Church in the Oblation of gifts which could not themselves be laid there.

2. "*The Benediction of the land and buildings* so offered to God then takes place, the service consisting partly of special prayers relating to the occasion, and partly of the ordinary service of Morning Prayer and Holy Communion.

3. "*The Sentence of Consecration* is pronounced after the Offertory, including the offering represented by the deeds upon the altar, has been made . . . . When it has been read, the Bishop signs the instrument before the notary public, and orders it to be [15/16] enrolled by his registrar and preserved amongst the muniments in his registry." [Book of Church Law, Bk. V. Chap. 1, p. 314.]

Now, it is indisputable that when the Cathedral is consecrated, and the Deed of Conveyance originally executed by Kamehameha IV has been offered upon the altar, all power of the Trustees over it whether at alienation or of exchange, or of altering the purpose for which it has been set apart ceases entirely. "When a Church has been consecrated, it ceases absolutely and entirely to be the property of the donor, and he has no longer any legal interest in it whatever. That which would have been his property, has now become the House of God, belonging neither to him nor to the parishioners for whose use it is intended, *but to God*. That which is so transferred to God cannot be alienated from Him without sacrilege." [Book of Church Law, Bk. V. Chap. i, p. 318.]

The effect then of the consecration of the Cathedral will be that the land on which it stands will be set apart forever to furnish a residence either for the Bishop or one or more of the clergy, and to provide a suitable surrounding for the House of God.

The position I maintain and believe to be unassailable according to the principles of the Church of England is that, from the moment the foundation of the Cathedral was laid with the consent of the Bishop, the relation of the Trustees to the land had become *virtually* and by *intention* the same as it will become *actually* when the Church is consecrated. For consent was given to erect the Church on the understanding that the site as given by the King was given for the Church and House Such was the full belief, among the promoters and supporters of the Mission in England. When the present incumbent of the Episcopal office was asked to take the oversight of this Missionary Diocese, he was told that a house already stood on the Cathedral site for his use. Knowing that the land had been conveyed to Trustees, he was fully [16/17] persuaded that the land and buildings thereon were as secure as Church sites and Parsonages are in England. My contention is that they are so by virtue of the *trust* created by the Charter, and that on the several occasions on which the Trustees have dealt or attempted to deal with Church Property as if they were *owners*, and not *Trustees*, they have acted in disregard of the principles which lie at the foundation of the Charter.

The first of these occasions occurred in 1882, when the Bishop was in England raising funds for the erection of the Cathedral, and supervising the printing of the new edition of the Hawaiian Prayer Book. Seven years before, in the full belief that the building above referred to, known as the Clergy House, was held by the Trustees for the use of the Bishop and clergy, he had spent no less than \$820 of a fund raised in England for the purposes of the Church in Hawaii, towards repairing, adding to, and greatly improving the said house, so as to make it suitable for the residence of the Rev. T. Blackburn, M.A. During his absence Mr. Blackburn left the diocese. The house being vacant, the Trustees suddenly met, and condemning the building as only fit for firewood, sold it to a bakery for \$100, without even waiting to communicate with him. Such was their haste to consign it to the oven that, though he sent a telegram as soon as the first intimation reached him of the intention, the sale was complete, and the building removed before the telegram arrived. Thus, by the hands of those to whom the property of the Church is committed for *safe keeping*, was the Church in Hawaii deprived of a house of residence, which was largely the donation of the Mother Church of England, humble no doubt according to the extravagant notions entertained in this luxurious city, but fully sufficient for the messengers of Him, Who, when on earth, had not where to lay His Head. So far from the whole building being in a state of decay as was pretended, the sound portion was removed in sections, rebuilt and has ever since brought in to the purchaser a rental of \$144 per annum.

[18] His absence from the Diocese in 1888, in obedience to the call of the Archbishop of Canterbury to the Lambeth Conference, was again made the occasion of an arbitrary setting aside of Church principles with regard to the Cathedral site. In the previous year, the Trustees had leased for ten years an adjoining piece of land connecting the Cathedral site with Beretania Street. In disregard of this lease and under colour of danger of the right of way to Beretania Street being lost, an instrument was drawn up, purporting to be a Memorandum of Agreement between the Trustees and the owner of the lot to give a certain part of it to the Trustees in exchange for a certain piece of the Cathedral site, that approaches at its eastern termination to the position that will be occupied by the West Front of the Cathedral when finished. Whilst some who signed their names to this instrument did so on the distinct understanding that they did not finally bind themselves to enter into any such agreement, the owner of the said lot believed that a valid agreement of exchange had been entered into, which would be completed as soon as the

Bishop returned to sign the necessary Deed. He was naturally much annoyed to find that he had been deceived. That the aforesaid instrument was wholly invalid, and not worth the paper it was written on, is clear from the Charter itself, which provides that Deeds in order to be valid require no signatures but those of the President, Treasurer, and Secretary. When the question of exchange finally came before the Board, it was negatived, "the concurrence of two-thirds of the Trustees" as required by the Charter for sales of real estate not being obtained, and so the original gift of Kamehameha IV to the Church remains intact.

The question was then settled under the clause of the Charter which permits the sale of Real Estate "with the concurrence of two-thirds of the Trustees at a meeting specially called for the purpose of deliberating upon the advisability" of such sale. It is now clear to me, and I hope to make it clear to the whole Church [18/19] in Hawaii, that the power thus granted to the Trustees is granted them with reference to lands which have not been set apart for specified ecclesiastical purposes. For where they have been so set apart the power is limited by the principles of the Church of England subject to which the Charter is given. It has been shown that after consecration all power of sale and alienation ceases. The Trustees hold such land in TRUST for the purpose for which it has been set apart. They are *Trustees*, not *owners*. With regard to the Cathedral site, although the Cathedral has not yet been consecrated, a portion has been built on the understanding that the land on which it stands belongs to it. According to the principle already laid down, the consent of the Bishop to the erection of the Church upon it with a certain understanding makes it incumbent on the Trustees that that understanding should not be departed from, and that neither alienation nor exchange of one foot of land should be made without his consent, even after two-thirds of the Trustees have concurred in the proposal. For if, after the consent of the Bishop has been given for the erection of a Church on any particular site, it should still remain in the power of the Trustees to deal with that piece of land, as they might with estates held in Trust for the endowment and support of the Church, *no security for Church property in this country remains*. If, without the Bishop's consent, it was in the power of the Trustees to sell *a single foot* of the Cathedral site, after it had been set apart for God's service, it was and is in their power to sell *the whole*. If it was in their power to exchange a piece on the south-west, it is equally in their power to sell a section on the north-west, and so to go on selling and exchanging, until the land is sold up to the very doors and walls of the, building itself. It will be said there is no fear of this being done. Perhaps not by this generation. But if what was proposed in 1888 was *within* the power of the Trustees, such proceeding is also within their power, and may be taken in hand by a future Board. I maintain that it is not within their power. As after the consecration of a Church, the alienation of any portion of the site [19/20] by the Trustees is *ultra vires*, and cannot be made even with the Bishop's consent, so, when a site has once been set apart for the erection of a Church, no alienation is within their power unless it be with the Bishop's consent. And this only in exceptional cases. As a rule, I believe it to be entirely contrary to Church principles to alienate any land once donated to the Church of God. The following weighty words of Richard Hooker cannot be lightly set aside: "Of service to God the best works are they which continue longest: and for permanency what like Donation, whereby things are unto Him for ever dedicated? That the ancient lands and livings of the Church were all in such sort given into the Hands of God by the just lords and owners of them, that unto Him they passed over their whole interest and right therein, the form of sundry the said donations as yet extant most plainly sheweth. And where time hath left no such evidence as now remaining to be seen, yet the same

intention is presumed in all donors, unless the contrary be apparent." [Hooker Eccles. Pol. Bk. VII, Chap. XXII, 6.]

I now come to the case which is the immediate cause of the request to which this paper is the reply. The position which the Bishop has taken is that of defence of the authority of the Diocesan Synod, and of the principles already laid down. Briefly, the Chinese Congregation of St. Andrew's Cathedral, who enjoy the privilege of worshipping in a part of the Pro-Cathedral building, and of conducting a school therein, being badly advised, placed in the hands of one of the trustees for presentation to the Board a request signed by the assistant curate of the Cathedral, who is also Missionary to the Chinese, asking that the cottage, standing on the lot given by Her Majesty Queen Emma, might be moved back, and a school room built between it and the Church now being erected for the Chinese. Now, the said land and buildings being placed by the authority of the Diocesan Synod under the control of the [20/21] Cathedral authorities it was not in accordance with the Statute by which the trustees are governed that they should receive the said request, and take the initiative in the matter. A requisition however, was got up and signed by several of the trustees calling upon me as President to call a meeting for the consideration of the said request, to which I replied that the matter had not reached a stage in which it could be considered agreeably with the Statute. Not satisfied with this, five of the trustees again called upon me in writing to summon a meeting in accordance with the clause of the Charter which states that "it shall be the duty of the said President to call a meeting on receiving a written request so to do from one-third of the whole body." To this the substance of my reply was that it is clear from the preceding clause that the purpose for which any meeting is called must fall within the "functions" of the trustees as determined by the Diocesan Synod. Granting that the words "said President" mean the Bishop or his commissary, which is open to argument, I understand those members of the Board who signed the second requisition to maintain that the sentence beginning, "it shall be the duty &c.," is to be taken absolutely, and that the Charter leaves the President no discretion in the matter. If this is the interpretation of the clause in question, it is well that the Hawaiian Government should clearly recognise the power which this Charter puts into the hands of any four of the trustees. According to the contention of the gentlemen who have signed the requisition, if the President should at any time receive a request from a third of the Trustees to call a meeting to consider a proposal from some person or persons engaged in a conspiracy against the Government, it would be the duty of the President to call it. But if there is no room to question that the duty of the President would be to decline to call a meeting for any such purpose, it is admitted that the sentence is not to be taken absolutely. And it being admitted that the intention of the clause is that the subject matter for which the meeting is called must fall within the proper sphere within which the [21/22] Trustees exercise their power under the Charter it follows by parity of reasoning that the subject matter for which any meeting is called must fall within the "functions" of the Trustees as determined by the Diocesan Synod. In my reply to the second requisition of the Trustees, [See Appendix] I confined myself to showing that it was not within the functions of the Trustees to consider a request touching the disposition of land or buildings set apart for definite ecclesiastical purposes unless it came from those to whom the control and management of the said buildings had been by statute committed.

But the consideration of the said request is further barred by the principle I have already laid down. For were the request for the consideration of which the meeting is desired ranted it would be necessary for the cottage now standing on the lot given by Queen Emma to be moved on to

the Cathedral site given by Kamehameha IV, and now for over 20 years reserved for a House for the Bishop or one of the Clergy, in order that a school room may be built between it and the Church for the Chinese. And so the original intention with which that land was given and for which the Board hold it in *Trust*, would be departed from, and the provision made by Kamehameha IV to meet the spiritual needs of his own people, and the English speaking residents, would be handed over for the support of a mission to a new race of immigrants, a mission which it is the duty of the church to carry on with all earnestness but not at the expense of inflicting a lasting injury on the Cathedral Church, which must first be maintained according to the intention of its founder, as the centre from which all religious effort, and all missions to the heathen around must flow.

I have thus, I trust, made it clear that in every case where the Bishop has been unable to agree with some of the Trustees, the Trustees have been at no pains or trouble to acquaint themselves [22/23] with the principles of the Church of England, according to which they are solemnly bound to discharge the Trust committed to them. It now remains to show that whatever powers and responsibilities are inherent in the office of a bishop, they are as much his when he presides over the Board of Trustees, as when he presides in the Diocesan Synod. Some have hitherto supposed that on the Board of Trustees the bishop is merely the President of a Trust created by Hawaiian Law, and that for the time being the Episcopal office is in abeyance. It is impossible that this should be the case. For the charter provides that the Trustees should be presided over by the Bishop or his Commissary. A commissary is one to whom certain powers and functions are committed. It is not necessary for the commissary to be one of the Trustees. Nevertheless in the bishop's absence he presides. Why? Because of the functions committed to him by the bishop. The office of a bishop is entirely unknown to Hawaiian Law. It has been shown that it was created neither by the Church, nor State of England, but was received by England as part of the Ministry of the Church which Christ left on earth, and was handed on to the Hawaiian Kingdom; and, wherever the office is referred to in the Charter, it can only be referred to as possessing those rights, powers, and responsibilities, with which the office has been invested from the beginning.

Do any seriously suppose that a Charter granted in the 19th century, by a Kingdom not a century old, can in any way alter or modify the functions of an office which England throughout her history has maintained according to its original institution? "A thousand five hundred years and upward" writes Richard Hooker, who died in 1600, two centuries before these Islands were discovered, "the Church of Christ hath continued under the sacred regiment of bishops. Neither for so long hath Christianity been ever planted in any kingdom throughout the world but with this kind of government alone; which to have been ordained of God, I [23/24] am for my part even so resolutely persuaded as that any kind of government in the world whatsoever is of God. In this realm of England, before Normans, yea before Saxons, there being Christians, the chief pastors of their souls were bishops. At the arrival of Augustine the monk, whom Gregory sent hither to reclaim the Saxons from Gentility about six hundred years after Christ, the Britons he found observers still of the selfsame government by bishops over the rest of the clergy; under this form Christianity took root again, where it had been exiled. Under the selfsame form it remained till the days of the Norman conqueror. By him and his successors thereunto sworn, it hath from that time till now by the space of five hundred years more been upheld." [Hooker's Bodes. Pol. Bk. vii, Chap. I, Sect. 4.]

But here it may be said that no one disputes either the antiquity or the Divine origin of the Episcopal office, but that the office, being a spiritual one, has no inherent right or responsibility touching the lands, revenue, or temporal affairs of the Church. Now if this be so, how is it to be explained that in the beginning of the Gospel, when many who were "possessors of lands or houses sold them" for the benefit of the Church, they should have "brought the prices of the things that were sold, and laid them down at the *Apostles'* feet." [Acts IV. 34, 35.] If it is not according to Church principles that the bishop should have the *primary charge* in the administration of Diocesan affairs, how comes it that among the canons which are entitled 'Apostolical' we should find the following, "We appoint that the bishop have care of those things which belong to the Church." [Can. 40.] With regard to the bishop's care in the disposition of the goods of the Church, the following passage from an ancient writer will show that a responsibility rested on the bishop of which he could not divest himself. "It was necessary for one to be troubled herewith to the end that the rest under him might be freer to attend quietly their spiritual businesses," and lest any man should imagine that [24/25] bishops by this means were hindered themselves from attending the service of God, "even herein," he says, "they do God service; for if those things which are bestowed on the Church be God's, he doth the work of God, who not of a covetous mind, but with purpose of most faithful administration, taketh care of the things consecrated unto God." [Prosper de Vita Contempl. 1. ii. c. 16, quoted in Eccles. Pol. Bk. vii, Chap. xxiii. 9.]

There are then attached to the office of a bishop inherent responsibilities touching the administration of the temporal affairs of the Diocese, as well as its spiritual government of which he cannot divest himself and which remain the same in every part of the world, and under every form of civil government.

"All Christian Churches" says the learned Barrow, "are one by a specific unity of discipline, resembling one another in ecclesiastical administration, which are regulated by the indispensable sanctions and institutions of their Sovereign.

"They must uphold that sort of order, government and ministry in all its substantial parts, which God did *appoint* in the Church, or *give thereto*, as St. Paul expresseth it; it being a temerarious and dangerous thing to innovate in those matters which our Lord had a special care to order and settle.

"In lesser matters of ceremony or discipline (instituted by human prudence) churches may differ, and it is expedient they should do so, in regard to the various circumstance of things, and qualities of persons to which discipline should be accommodated; but *no power ought to abrogate, destroy, or infringe, or violate the main form of discipline constituted by Divine appointment.*" [Barrow 'Unity of the Church,' vii. Vol. iii, p. 212.]

That which this learned writer here states ought not to be done, it ought to be unnecessary to show that there was no desire on the part of the Government of the Hawaiian Kingdom to do. That the King with the advice of His Ministers should have invited the Church of England to send out a branch of the Anglican [25/26] Communion to his realm, and when in response to that invitation a Bishop was consecrated to be the chief pastor of the Church in the Hawaiian Kingdom, the church of which he is the head was only permitted to hold lands under a Charter

which infringed and limited the administrative functions, which have been inherent in all ages in the office of a bishop, is a supposition, the untenableness of which becomes apparent on the mere mention of it. The Church of England having sent a bishop and clergy of her communion to found in this realm a branch of the Anglican Communion, the Government granted a charter enabling the said Church to acquire and hold lands for the maintenance of the Church of the said Communion, according to the Doctrines of the Church of England, and in providing that the Bishop should be the President of the Board of Trustees, no other interpretation of the Charter is possible, but that the Bishop, sitting as President of the Board, sits with all the administrative functions inherent in the office of a bishop as received by the Church of England, and handed on to the Kingdom of Hawaii.

By the creation of a Diocesan Synod provided for in the Charter, the Government of the Anglican Church in Hawaii is conducted on the basis laid down at the Lambeth Conference in 1867, and adopted throughout the rest of the Anglican Communion in Australia, New Zealand, Canada, South Africa, and elsewhere. On this basis there is no room for arbitrary action on the part either of the Bishop or of the Laity. The concurrent consent of Bishop, Clergy, and Laity is obtained to all legislative action. By such concurrent consent have the "functions" of the Trustees been determined, and it is by the Synod that any question, that may arise respecting those functions, must be settled. In the matter that has caused all this agitation in the smallest branch of the Anglican Communion, the Bishop has been guided entirely by the plain regulations formulated with the concurrent consent of the Bishop, Clergy and Laity in Diocesan Synod.

[27] And, if in the United States it has been decided with regard to the Anglican Church, that the courts "have no right and therefore will not exercise the power to decide ecclesiastical law. The Church should enact and construct its own laws;" [*Chase v Cheney*. Sup. Court of Ill., Eccles. Courts Com., Vol. ii, p. 639.] surely in the Kingdom of Hawaii, the Diocesan Synod of the Anglican Church will be permitted to interpret its own enactments made for the government of the Church.

In other matters, in which the Diocesan Synod has as yet passed no statutes, nor could prudently proceed to legislate for the Anglican Church in Hawaii, this Church, as a branch of the Church of England, is bound by the laws and canons of the mother Church of England. If it be not so, the Church cannot be established and maintained according to the "Doctrines" of that Church as required by the charter. In this kingdom the Anglican Church is a voluntary association, and every member of that association, as long as he is a member, (I quote the words of the judgment above referred to,) "and having a full share in all benefits resulting therefrom, should adhere to its discipline, conform to its doctrines and mode of worship, *and obey its laws and canons*. If reason and conscience will not permit, the connexion should be severed. 'The only remedy which the member of a voluntary association has when he is dissatisfied with the proceedings of the body with which he is connected is to withdraw from it. (*Foster v Eden*.)'" [Judgment of Sup. Court of Ill. *Chase v Cheney*.]

---

PART II.  
A REVIEW  
OF

## THE PRESENT POSITION OF THE ANGLICAN CHURCH IN THE KINGDOM OF HAWAII.

It will be to little purpose to have thus made clear the position of the Bishop in regard to questions which have arisen respecting the tenure of land set apart for definite ecclesiastical purposes, unless a full and impartial consideration of the present position of the Anglican Church in Hawaii is given by those in authority, who are to-day the representatives of those by whom the Anglican Church was invited to the Islands.

This branch of the Anglican Church established in the Hawaiian Islands occupies a unique position among the Churches of the Anglican Communion which is now represented by duly organized dioceses in every part of the globe. For, whereas all other sees had their origin either in the solicitude of the Mother Church England to provide for the spiritual wants of her own children in the colonies and dependencies of Great Britain, or in the sending out of a Mission for the evangelisation of heathen nations, the [28/29] Anglican Church in Hawaii was planted in this Kingdom at the earnest request and solicitation of the reigning Sovereign. No Mission of the Church of England in modern times has been sent out with such high expectations as that to which Bishop Staley was consecrated on Dec. 15, 1861, by Archbishop Sumner, assisted by the Bishops of London and Oxford. The mind of English Churchmen was carried back to the Mission of Augustine to the Saxon Kingdom of Ethelbert in 596. It was not unreasonably argued, if the Mission sent by Gregory, uninvited, to the King of the Saxons, was well received and immediately supported, what may not be looked for when at the earnest request of an independent Sovereign, the Church of England sends forth a Bishop and Clergy to establish her Faith and Worship within his realm. History records that from the moment that Augustine and his companions landed in the Isle of Thanet, they were furnished with all conveniences, and after their first audience with the King at Canterbury, he "furnished them with houses in Canterbury, the capital of his Kingdom, and supplied them with other conveniences." [Collier 'Eccles. Hist. of Gt. Britain,' Bk. II. Vol.1, p. 64.] There is no reference in history to their being henceforth dependent for food and raiment on funds supplied by the Church in Italy. As the messengers of the Kingdom of Heaven, the Kingdom to which they were sent maintained them, and finally by a Deed, which is still extant, King Ethelwulf granted [Id. p. 760.] the tithes of the West Saxon Kingdom to the Church. In referring to this interesting page of English history, it is right to state clearly that it was perfectly understood in England that on the part of the Government of Hawaii no discrimination could be made in favor of the support of the English Church. The Church of England has no claim on the revenues of the State of Hawaii. But, if the earnest solicitation, in response to which the Church of England sent a Bishop and Clergy to establish the Faith and Worship of the Anglican Communion, for the benefit alike of foreigners and [29/30] natives, within the realm of the King of Hawaii, constitutes no claim for the continued fulfilment of the promises with which that solicitation was accompanied it would seem that different ideas as to the nature of a covenant must be held in the Sandwich Islands, to that which has prevailed among the rest of mankind, among heathen and Christian nations alike.

The promise with which Kamehameha IV accompanied his request to the Archbishop of Canterbury has already been stated. That the Mission received liberal assistance outside of the amount stipulated by the King is well-known, though no record of his gifts remains. His brother, Kamehameha V, on succeeding to the Throne, continued to fulfil the obligations entered into by

his predecessor, and in addition expended another \$1,000 per annum on the educational institutions established by the Mission. [Five Years in Hawaii, p. 56.] In 1871, after Bishop Staley had found himself obliged to retire from the oversight of the Mission, the King wrote an autograph letter to the Archbishop of Canterbury (Tait), asking that another Bishop might be sent out, and pledging an annual contribution of \$2,000. The influential Committee of which the Archbishop of Canterbury was President, that then had the management of the affairs of the Mission in England, appropriated this contribution of the King towards the stipend of the Bishop by a resolution passed at Winchester House on Jan. 10, 1872. It was with this promise of support the present incumbent of the Episcopal office was called to and undertook the oversight of the Mission. With six months of his arrival, the King died, and with his death, the Bishop was deprived of two-thirds of the income of the See. It was not till two years afterwards, that the Society for the Propagation of the Gospel, by increasing their grant to this Diocese, raised the stipend of the Bishop to £450 per annum, i.e. \$187.50 per month, at which it has remained ever since.

[31] The question to be considered by all who are interested in the maintenance of the Anglican Church in this Kingdom is whether the Kingdom was released from all obligation for the maintenance of the Bishop and the Church by the death of the King, by whom, not acting without the consent of his Ministers, the obligation had been undertaken. It was not undertaken on his own personal account. It was for the sake of his Kingdom, and in recognition of the value of services rendered to his people by the Anglican Church that Kamehameha V. renewed the application to the Church of England, accompanying it with the above mentioned assurance of support. [See the King's letter to the House of Bishops of the Church of the United States, August, 1866, published in "Five Years in Hawaii," p. 72.] Is it to be supposed that he made it, or that the Heads of the Church received it, as dependent on the thread of a single life, "that appeareth for a little time, and then vanisheth away?" [S. James iv, 14.]

The Church of England, on her part, has done all and more than was originally undertaken. During the eighteen years of the present Episcopate, the amount contributed by the Church of England towards the maintenance of the Anglican Church in these Islands has never been less than \$5,000 per annum, rising in some years to \$6,000. This does not include large sums given for building purposes, the English contribution towards the Cathedral being upwards of \$20,000, Miss Sellon having spent \$7,000 in establishing St. Andrew's Priory, and the Society for Promoting Christian Knowledge having, besides its gift of \$2,500 to the Cathedral, given at various times grants, which exceed \$2,000, to assist the building of Churches, or Church work at Lahaina, South Kona, Kohala, Makapala, and lastly, the Church for the Chinese in Honolulu.

And now what is the return made to-day for the benefits thus [31/32] showered upon the Kingdom by the Church of England. On the Bishop, to whom the charge of the mission is entrusted, there rests a personal responsibility to every clergyman that he has invited to take part in the Mission. No clergyman who has come here during the last 18 years has received his whole stipend from the Society for the Propagation of the Gospel. The whole sum placed in the Bishop's hands annually by the Society for the support of the clergy in the Diocese is \$1,250. This has to be dispensed according to the following wise regulation: "The allowance from the society to each missionary with a Christian congregation will in no case exceed £100, nor exceed twice the amount of the contributions of parishioners, nor exceed one half of his whole

professional income." It will be clear that no clergyman would ever come to these Islands, unless he has a guarantee of something more than the Society's grant. In nearly every case the Bishop has given a guarantee to those whom he has invited, relying on the subscriptions and offerings of the parishes or congregations to which they are appointed to enable him to fulfil his guarantees. Passages have been paid and deficits supplied out of a special fund raised in England, the subscribers to which are many of them poorer than the majority of people in these Islands. Under such circumstances what other expectation could be formed than that the parishes and congregations would make every effort to render themselves self supporting, and to relieve their chief pastor of the burden undertaken on their behalf? It is difficult to conceive a deeper state of religious indifference than one in which professing Christians give next to nothing for the ministrations of religion, and are wholly careless as to the source from which they are supplied. But the state is worse, when knowing this, they enter into a combination not to support the ministrations provided for them, absent themselves from the House of God, and withhold offerings from His service, to the ruin of their own church, and the involving in financial embarrassment, their chief pastor whose personal ministrations have never cost them one cent, and who has [32/33] entered into a personal guarantee on their behalf. And, as if this was not enough, the reproach of stagnation of church work is raised by the very persons who have done their best to cause it. Stagnation! how can there be anything else? In the days of Nehemiah the rebuilding of the walls of Jerusalem went on slowly, because the builders had only one hand free for their work, having to keep the other on their weapon of defence. They were surrounded by adversaries who were bent on causing the work to cease. In their case their adversaries were from without. Alas! that I should have to write it, the hindrance to the work of the Anglican Church comes from within. Instead of my hands being free for the work to which I have been sent, the pen that should be employed in the promotion of true religion, and arresting the ungodliness that overspreads the land like a flood, has been constantly engaged in warding off the petty attacks of those who seem to take delight in hindering the work of the church, to which they profess to belong.

And what is the immediate cause of the present antagonism? It has arisen from the recent appointment made by the Bishop to the Cathedral Church of a Priest of blameless life, of theological attainments, and ministerial qualifications, as high as possessed by any who have been sent to this country in connection with the Society for the Propagation of the Gospel, one whose services would be highly appreciated in any diocese in England or the colonies. The appointment injured no one, while it placed the Cathedral on a better footing, than it has ever before reached. But the busy tongue of detraction and misrepresentation poured its venom into listening ears, and stirred up a belief in the existence of wrongs, which had no existence except in imagination, redress for which was sought in a memorial composed by one who never took the pains to ascertain the truth of statements to which signatures were solicited, a great number of those that were obtained being of persons who, whilst nominally members of the Anglican Church, are living in almost total neglect of religion.

[34] Now this wave of antagonism, directed at one against whom no allegation affecting his ministerial character has been or can be made, unites with a wave previously set in motion, in sweeping over the Bishop, and does not stay its onset until it dashes itself against the Society for the Propagation of the Gospel, and the Mother Church of England, through whose tender care it

is that a Bishop and Clergy have been sent here, and the ministrations of religion have so long been maintained without interruption.

[NOTE.--On the first of April, 1859, a Committee of twelve was appointed to draw up an indictment against the Bishop. This was done in a document occupying nine sheets of foolscap, the authors of which state that they represent the views of "*the intelligence, the devotion, the means and the material in general upon which the carrying on of Church work in the diocese has largely depended, and must continue to depend.*" The indictment is summed up in the following words:

["We cannot but feel that the difficulties we have alluded to proceed from the Bishop's unwillingness to encourage the voluntary efforts in temporal matters upon which the Anglican Church in Hawaii is compelled to rely unless such efforts are exactly in the form which recommends itself to his unaided judgment, unless in fact they are practically in obedience to his dictation."

[Which means, that the Bishop being in the final resort responsible for what is done in the diocese, he has declined to be swayed by the opinions of persons whose experience and study has not lain in directions which enabled them to aid his judgment in matters ecclesiastical and diocesan.

[This document, though dated April 4, was not mailed till about Sept. 19, and is now lodged at Lambeth Palace to be a perpetual witness to the intelligence and devotion of its authors, one copy being sent to 19 Delahay Street, the office of the S. P. G., and another to Northumberland Avenue, the office of the S. P. C. K., two Societies which extend their operations through the whole Anglican Church, and which, during a period of eighteen years, have never turned a deaf ear to any application for the benefit of the Islands presented by the Head of the Mission for the assistance of voluntary efforts which the authors of the indictment charge him with discouraging.]

What is the end to be? Is the Anglican Church, after laboring for upwards of a quarter of a century to promote true religion and piety in the Kingdom to be permitted to wither and die under the eyes of those who, while they claim the ministrations it offers, and expect a Clergyman to be here to bury them when they die, withhold the means for his support. and rob the House of God of its proper maintenance.

To-day, the members of the Anglican Church in this city, though [34/35] they may know it not, are being weighed in the balance, and who can tell that the sentence will not go forth, "Behold, your house is left unto you desolate."

Does any hope remain? I call back the promises of the Kamehamehas. Are they to be forever forgotten? Is the covenant made with the Church of England to be regarded as annulled?

I cannot think that it will be so considered by those at whose request this paper has been written. The history of the chosen race will furnish an illustration of the position. In the year 536 B. C., when Cyrus issued a proclamation for the return of the children of Judah to their own land, he

also made a decree for the rebuilding of the Temple at Jerusalem, "the expenses to be given out of the King's house." [Ezra vi, 4.] "But the people of the land weakened the hands of the people of Judah, and troubled them in building, and *hired counsellors against them*, to frustrate their purpose," [iv, 4, 5.] and so a reversal was obtained of the decree of Cyrus." "Then ceased the work of the house of God which is at Jerusalem." [iv, 24.] It was stopped for some sixteen years, until in the second year of Darius the prophets Zechariah and Haggai stirred up the heart of the people to resume the work, [v, 1, 2.] and a letter [v, 6-17.] was sent to the Emperor Darius praying that search might be made in the King's treasure house for the original decree of Cyrus. The decree was found, and enforced in true Persian style by a fresh decree of Darius. [vi, 8-13.]

Following this example, I make request that search may be made among the records of the Kingdom for Mr. Wyllie's letters to the Archbishop of Canterbury, to Earl Russell, and to the Hawaiian Consul in London, also for a copy of the autograph letter of Kamehameha IV to Queen Victoria, all of which had reference to the first sending out of a Bishop and clergy of the Anglican Church to [35/36] this Kingdom, and also a copy of the letter of Kamehameha V to the Archbishop of Canterbury in 1871. And, if the promises therein contained be found to be as I have stated, I further request that some method be adopted by which the modest sum of \$2,000 per annum may be assured towards the maintenance of St. Andrew's Cathedral, as the See of one of the Bishops of the Anglican Church. This will give a degree of permanence to its maintenance until it is endowed. It is due to the Mother Church of England which, for upwards of a quarter of century, has furnished half the support of the clergy who have ministered in the Islands, that the maintenance of the Cathedral should be placed on a sure foundation. For it is important to bear in mind that it was not for the sake merely of the residents in Honolulu that such liberal contributions have been given in England towards its erection, but in order to found in the Hawaiian Islands a Cathedral Church of the Anglican Communion.

---

APPENDIX.  
REQUEST OF FIVE OF THE TRUSTEES FOR A MEETING OF THE BOARD,  
WITH THE BISHOP'S REPLY.

HONOLULU: July 29th, 1890.

MY LORD:--We beg to acknowledge the receipt of your Lordship's letter of July 9th, replying to our respectful request of July 2nd, that you would call a meeting of the Trustees of the Anglican Church in Hawaii.

We have now the honor to request that you will forthwith call a meeting of the said Trustees, in accordance with the terms of the Charter of the Anglican Church in Hawaii, for the consideration of the matter mentioned in our previous letter, and of any other necessary business; and, should your Lordship not comply with this request, we shall feel it to be our duty to take immediate steps for ascertaining what is our legal position as Trustees under the Charter of Incorporation.

We remain, my Lord,

Your obedient servants,

T. MAY,  
THOS. R. WALKER,  
MARK P. ROBINSON,  
GEO. S. HARRIS,  
H. W. MIST.

*Trustees of the Anglican Church in Hawaii.*

---

[38] [REPLY]

HONOLULU, July 31, 1890.

To T. MAY, ESQ., AND OTHERS,

*Trustees of the Anglican Church in Hawaii.*

GENTLEMEN:--I have the honour to acknowledge your communication of July 29, requesting me to call a meeting of the Trustees "for the consideration of the matter mentioned in our previous letter, and of any other necessary business."

Permit me to observe that in my reply to the said "previous letter" I pointed out to you that I was debarred from complying with your request by the circumstance that the matter, for the consideration of which you desired the meeting to be called, could not "be considered by the Board agreeably with the Statute by which the Trustees are governed," in other words, that the matter for which you requested me to call a meeting lay outside the "functions" of the Trustees as determined by the Diocesan Synod, in a Statute entitled "a Statute for Regulating the appointment and functions of the Trustees."

The letter I have now received from you takes no notice of the weighty objection raised in my reply to compliance with your request, but briefly demands that I proceed to fulfil *your* behest regardless of the laws which the Church has made for her own government in this Kingdom. It accordingly becomes necessary for me to point out somewhat more at length that the matter is one which cannot be so easily disposed of.

By the constitution of the Anglican Church in this Kingdom, the Diocesan Synod is its legislative body. By it the Trustees of its property are elected, and by it the functions and duties of the Trustees are determined. The Charter creating the corporation to, hold in trust the property of the Anglican Communion for the purposes of that Communion recognizes the Diocesan Synod as possessing these powers.

It is a principle accepted by the Anglican Communion throughout the world that the members of that Communion in countries [38/39] where the Church is not established by law are bound *in foro conscientiae* by the rules of the Diocesan Synod. This principle is enunciated in the following words:

"By the Diocesan Synod the cooperation of all members of the body is obtained in Church action, and that acceptance of Church rules is secured which in the absence of other law, usage, or enactment gives to those rules the force of laws "binding on those who expressly or by implication have consented to them." (Lambeth Conferences Report under Res. V., 1867.)

This is your position as members of the Anglican Church. But it is not only in *foro conscientiae* that the Rules of the Diocesan Synod are binding upon you as Trustees, by virtue of your membership in the Church. As Trustees incorporated by the State for the purpose of holding property in trust for the purposes of the Anglican Communion we are responsible to the State for discharging our Trust in accordance with the functions committed to us by the Diocesan Synod, and not otherwise, nor in any other manner.

By no fair and reasonable interpretation of the Charter can it be maintained that by the clause in the Charter beginning, "the Trustees etc.," it becomes the duty of the President to call a meeting for a purpose which not only does not fall within the functions of the Trustees, but the consideration of which by them would set aside clearly defined rights and privileges granted and secured by the Diocesan Synod.

I have further to point out to you that the communication now before me not only repeats a request to me to call a meeting in disregard of the Statute regulating our functions, but adds a further request compliance with which would violate the By-Laws made by the Trustees themselves and ratified by the Synod.

If, as you state, you feel it be your duty to ascertain whether the Laws of the Kingdom will sanction your requiring your President to summon a meeting for the consideration of a matter which must pass through other stages before it comes within the functions of the Board as determined by the Legislative body of our communion, [39/40] and further, whether in summoning such a meeting you may call upon him, and compel him to obey your call, to set aside the By-Laws of the Trustees themselves, this duty should be discharged. For my part, I also have a duty to fulfil. Eighteen years ago, in July, 1872, I promised before God and the assembled congregation in the Pro-Cathedral to "maintain and defend the rights, privileges, and liberties of the Church" in this Kingdom. With that promise registered in Heaven it is my plain duty to decline to summon a meeting according to the terms of your letter, seeing that I cannot call it except in arbitrary violation.

*First*, of the Constitution of the Anglican Church in this country;

*Secondly*, of the Statute of the Diocesan Synod regulating the functions of the Trustees;

*Thirdly*, of the Charter of Incorporation; and

*Fourthly*, of the By-Laws of the Trustees.

The request of members of the Board for the meeting cannot release me from the responsibility of such violation.

In conclusion, I have only to ask that in taking the steps referred to in your letter for discharging what you feel to be your duty, you will file this letter with any application you may make to the Court, as an outline of your President's position.

I remain, Gentlemen,

Yours very faithfully,

ALFRED HONOLULU.

---

Project Canterbury