

VICTORIA.

of a power, which can no longer be retained without prejudice to the community which it was designed to protect and support.

Your memorialist therefore begs to observe,—

1st. That the existing constitution of the branch of the United Church of England and Ireland situate within the colony of Victoria, is extremely defective and objectionable.

2d. That such constitution cannot be placed on a sound basis except by such means as those provided by the present Bill.

3d. That the Bill does not in fact interfere with any right of the Crown which is in actual exercise, but only with a dormant prerogative, the maintenance of which, though it disable others from acting, does not place the Crown in a position to act itself.

On the first of these three points it is to be noticed, that by the existing local Act regulating the temporal affairs of the Church within the colony, all appointments of ministers therein are subject to the absolute approval and license of the bishop of the diocese, or archbishop of the province; and that the license of any clergyman may be withdrawn or revoked, and his house, glebe, and living taken from him, by such bishop at his pleasure, subject, indeed, to the condition that cause be shown, but without any regular (if any) means of testing its sufficiency or accuracy.

That the constitutional status and rights possessed by the inferior clergy, and by the laity in the mother country, have no existence in the colony, and that the sole, unaided, as well as unfettered, authority vested in the bishop is open to the opposite dangers of leading to oppression or anarchy, accordingly as it may be vested in the hands of an arbitrary, or of an indulgent or timid prelate.

That, to proceed to the second point, the Church of England having no legally recognised position within the colony, the system of ecclesiastical law existing in the mother country, and by which the mutual relations of the several orders of clergy and of the laity are regulated, does not admit of being applied to the members of the Church there.

That it is certain that neither the Imperial Legislature nor the Legislative Council of the colony will undertake to supply the members of the Church of England there with a code of regulations for the management of their affairs.

That consequently such regulations can only be framed by the members of the Church themselves.

That, nevertheless, to make them generally binding upon such members, or upon future bishops, the regulations must be drawn up under an authority given either by the local or the Imperial Legislature.

That, further, it is essential to the efficient accomplishment of the task, and to the general acceptability of the result, that the regulations be drawn up upon the joint deliberation and with the joint concurrence of the clergy and laity, the latter acting (as only they can) by representation, and that, for this purpose, some such elective assembly as that proposed by the Bill, must necessarily be established.

That it is also essential that there should be provisions for convoking, adjourning, and dissolving such assembly from time to time.

That (with regard to the third point), assuming the power of convoking, adjourning, and dissolving assemblies of this description in all parts of Her Majesty's dominions to be an inherent portion of the Royal Prerogative, it is clear that this power could not, in the case of so distant a colony, be exercised by Her Majesty personally, or by the Home Government on her behalf.

That your memorialist submits that it is also clear that the exercise of such prerogative could not, with propriety or safety, be permanently deputed to the Lieutenant-governor of the colony, or to any other local authority, there being no security, nor any reasonable ground to expect that such Governor or other authority will, in all cases, be a member of, or friendly to, the Church of England.

That, consequently, to insist upon the retention of such prerogative, would, in effect, be to prevent such assemblies from being held at all, and in that way to prevent any regulations being made for the better carrying on the affairs of the Church, and to keep the same permanently in its present imperfect and unsatisfactory condition.

Your memorialist would further remark, that, on the other hand, the Bill reserves to the Crown the right to nominate the bishop of the diocese; the only portion of the Royal prerogative, it may be observed, in actual exercise; that it withholds from the proposed assembly the power "to alter or do anything at variance with the authorised standards of faith and doctrine, or to alter the oaths, declarations, or subscriptions," (these including, it will be recollected, the recognition of the supremacy of the Crown, as well as the pledge of allegiance,) "now by law or canon required to be taken, made, or subscribed by persons to be consecrated, ordained, instituted, or licensed within the church;" that, as regards the proposed commission for the trial of ecclesiastical offences, such commission cannot be brought into operation until the rules for its conduct and management, and the mode of proceeding under the same, have been submitted to, and approved by Her Majesty in Council; that any alterations of such rules must, in like manner, have Her Majesty's sanction; that no right of appeal to Her Majesty in Council can be interfered with; and, lastly, that not only the rules for the proposed commission, but, generally, all the regulations which may be passed at the first assembly, and by which necessarily its ordinary course of procedure will be governed, are made to require, in order to their validity, Her Majesty's approbation.