

Ecclesiastical.

MR. LABOUCHÈRE'S DESPATCH.

Downing Street, 15th Feb., 1856.

Sir.—With reference to Sir William Molesworth's despatch of the 24th of September last, transmitting to you a copy of a letter from the law advisers of the Crown, explaining the obstacles which exist to compliance with the prayer of the Address of the Legislative Council and Assembly of Canada, that a measure may be introduced into the Imperial Parliament to remove all obstructions that may exist, or be supposed to exist, under any statute now in force in Great Britain, to prevent the meeting of the Bishops, Clergy, and Laity of the United Church of England and Ireland in Canada, in Synod, for the purpose therein specified, and I wish now to report to you, the result of the further deliberations of Her Majesty's Government on this important and difficult subject.

1. It is undoubtedly plain from the opinion already communicated to you that it would be impossible to effect in a liberal manner the whole of what is prayed for by the Address, without the assistance of Parliament. Nevertheless, Her Majesty's Government have a strong feeling that the difficulties raised by that opinion against adopting the entire recommendation of the Canadian Legislature, ought not to be permitted to interfere with the meeting of the Clergy and Laity by representative bodies, for the purpose of making rules for the management of Church affairs, not having legal force or in the nature of Canons, nor contravening any known law of the Church, but binding on those who make them, in the same manner as similar rules generally speaking in communities of Christians not established by law. And they are by no means satisfied that for purposes so simple any statutory aid is necessary.

2. But there are strong reasons for thinking that, if Parliamentary legislation is not strictly necessary, it is highly inexpedient. On the one hand, all parties, as it appears, are anxious to preserve the unity of the Church of England.—Even those who most desire the removal of the restrictions under which they conceive themselves to labour, seem to entertain no thought of separation as the final result. And yet, it would not be easy to frame a measure, and perhaps still more difficult to obtain the assent of Parliament to such a measure unaltered, which should satisfy the wishes of the Canadian Legislature, and realize the objects contemplated by that body, without affecting at least a partial separation of the Colonial and Mother Church, and encroaching on that supremacy of the Crown, which is at present the substantial bond of union. Unless I have altogether mistaken the spirit by which the members of the Anglican Church in Canada are animated, I greatly doubt whether they would not regret even the accomplishment of their own immediate wishes, if attended with such a permanent result.

3. On the other hand, it would be perhaps hardly less difficult to frame such a measure, of the merest enabling character, without in some degree compromising the principle which regards legislation on the internal affairs of Canada as belonging to its own Legislature, and not that of the empire at large. However guarded the expressions might be, there would be danger of constituting within the Province a kind of corporate body, independent in some respects of the Provincial Legislature itself.

4. Legislation in the Parliament of Canada would be open to neither of the objections. It could not impair the connection between the Anglican Church of the Province and the mother country, because any of its provisions which might involve some seeming and accidental derogation from the supremacy of the Crown, could not be considered as legally operative against those principles of general law, binding throughout the British dominions, on which that supremacy is founded. On the other hand, the Canadian Legislature could, at its discretion, give legal effect to the ordinary proceedings of the proposed Synod, so far as necessary; which it would be very difficult for Parliament to do, without infringing on the rights of that Legislature, by dealing with a strictly local subject. This seems the more essential, inasmuch as, although the Canadian Legislature has passed an act declaring, or rather reciting, the separation of Church and State in the Colony, (as I am reminded by that address,) yet those former Canadian acts, which make provision for the management of the Church's temporalities, are, I believe, still in force. With these, the Synod, ought no doubt, to be enabled to deal; they could not be so, except either by Parliamentary or colonial enactment, and the subject is one which clearly appertains to the latter.

5. It is therefore, the wish of Her Majesty's Government, that you should recommend the Canadian Legislature to enable the Members of the Church of England, in the Province, to enjoy the freedom sought for so far as the powers of the Legislature, according to the most reasonable supposition extend, that is to say, by empowering them to meet in the manner specified in the Address, and to form representative bodies, and giving to the rules which may be framed by such bodies for the control of the church temporalities and for the enforcement of discipline, so much of the legal force as may be absolutely requisite. I am aware of the advantages which might belong to a scheme under which the binding force of such regulations should be simply voluntary; but the existence of prior legislation on the subjects referred to renders this impossible.

6. If such an act were passed in the Province, and either the operation of the act itself, or the proceedings of the meetings constituted under it, met with any well

defined obstacles from existing Imperial law, then a difficulty would be clearly raised for removal by the interposition of Parliament here, which cannot be said to be the case, so long as the supposed objections are not easy to be understood, much less removed, from their very general nature, qualified as they are only on vague opinions.

7. It would, however, be desirable, if the act when framed was found to contain provisions appearing to you and your advisers, to involve substantial difficulty, that you should reserve it for the assent of the Crown.

8. Her Majesty's Government have been the more induced to suggest this course by the fact that in the colony of Victoria, where similar inconveniences are felt by the Members of the Church of England, the Legislature of that province has come to their relief by passing a law of the very nature here indicated. It is entitled "An Act to enable the Bishops, Clergy, and Laity of the United Church of England and Ireland in Victoria to provide for the regulation of the affairs of the said Church," which it does by empowering the Bishop to convene an Assembly of the Licensed Clergy and Laity, and making the acts of such Assembly binding on members of the Church, as regards their membership, and no further. The Assembly is further to establish a commission for the trial of ecclesiastical offences, but not to impose any penalty, except suspension or removal from a benefice, reserving existing rights of appeal to the ecclesiastical authorities at home. This bill has received the sanction of Her Majesty's assent, after much deliberation, the necessity for which was incurred by the defective character of part of its provisions.

9. With regard to the question raised in the Address of the election of Bishops, the opinion of the law advisers already referred to, states very distinctly the objections which exist in effecting this purpose by Parliamentary enactment. Her Majesty's advisers do not the less recognise in the case of a community like that of Canada, the propriety of consulting the wishes of members of the Church of England on this head. And they believe that the practical purpose which it sought to attain, may be secured without the obvious inconvenience attendant on direct legislation for it, they adopt the course of recommending to Her Majesty to be guided as a general rule in filling up any vacancy which may occur, by such representation as she may receive from the clergy and laity of the diocese duly assembled. I cannot too distinctly disclaim, on the part of Her Majesty's Government, any intention or desire of placing the Church of England in a privileged or exclusive position in Canada. But they are most anxious to meet the wishes expressed by the Provincial Legislature, as well as by the Church of England, and to free its members from all unnecessary impediments to their own voluntary internal organization, and thus to put them on an equal footing with other denominations of Christians.

10. I am aware that an answer is still to be expected from you to that portion of Sir William Molesworth's despatch which relates to the division of the diocese of Toronto. But on the whole I have thought it advisable not to delay my present communication on that account.

11. You will make known the contents of this despatch to the several Bishops of the United Church of England and Ireland in Canada.

I have, &c.,
(Signed) H. LABOUCHÈRE.

News Department.

From Papers by Steamer America, April 26.

THE TREATY OF PEACE.

AUTHENTIC COPY OF THE TEXT.

The following is an authentic copy of the Treaty of Peace concluded at Paris:—

The Plenipotentiaries, after having exchanged their plenary powers, found to be in good and due form, have agreed upon the following articles:—

ARTICLE I.—From the day of the exchange of ratifications of the present treaty, there shall be peace and friendship between his Majesty the Emperor of the French, her Majesty the Queen of the United Kingdom of Great Britain and Ireland, his Majesty the King of Sardinia, his Majesty the Sultan, of the one part, and his Majesty the Emperor of all the Russias and successors, their respective states, and subjects in perpetuity.

ARTICLE II.—Peace being happily established between their aforesaid Majesties, the territories conquered or occupied by their armies during the war shall be reciprocally evacuated. Special arrangements shall regulate the mode of evacuation, which shall be effected as soon as possible (*aussi prompte que faire se pourra*).

ARTICLE III.—H. M. the Emperor of all the Russias, engages to restore to H. M. the Sultan the town and Citadel of Kars, as well as all the other parts of the Ottoman territory of which the Russian troops are in possession.

ARTICLE IV.—Their Majesties the Emperor of the French, the Queen of the United Kingdom of Great Britain and Ireland, the King of Sardinia, and the Sultan, engage to restore to H. M. the Emperor of all the Russias the towns and ports of Sebastopol, Balaklava, Kamiesch, Eupatoria, and Kerch.

[Articles 5, 6, 7, and 8 have not been made public.]
ARTICLE IX.—H. M. the Sultan, in his constant anxiety for the well-being of his subjects, having granted (*octroyé*) a firman, which, in ameliorating their lot without distinction of religion or race, proves

his generous intentions towards the Christian populations of his empire, and desiring to give a further proof of his sentiments in this regard, has resolved to communicate to the contracting Powers the said firman, spontaneously emanating from his sovereign will. The contracting Powers acknowledge (*constatent*) the great value of this communication. It is quite understood that the fact of this communication cannot in any case give to the said Powers a right to interfere, either collectively or separately, in the relations of his Majesty the Sultan with his subjects, or in the internal administration of his empire.

ARTICLE X.—The Convention of July 13, 1841, which maintain the old regulation of the Ottoman Empire relative to the closing of the Straits of the Bosphorus and Dardanelles, has been revised by common accord. The act concluded with this view, and conformably to that principle between the high contracting parties is, and remains annexed to the present treaty, and shall have the same force and value as if it had formed an integral part of it.

ARTICLE XI.—The Black Sea is neutralised. Open to the mercantile marine of all nations, its waters and ports are formally and in perpetuity interdicted to flags of war, whether belonging to the bordering Powers (*puissances riveraines*) or to any other Power, save and except the exceptions mentioned in Articles 14 and 15 of the present treaty.

ARTICLE XII.—Freely from all impediments (*entraves*), trade in the ports and waters of the Black Sea shall only be subjected to regulations of health, customs, and police, conceived in a spirit favourable to the development of commercial transactions. In order to give every desirable security to the commercial and maritime interests of all nations, Russia and the Sublime Porte will admit consuls in ports situated on the coast (*littoral*) of the Black Sea, conformably to the principles of international law.

ARTICLE XIII.—The Black Sea being neutralised according to the terms of Article 11, the maintenance or establishment on its coasts of military-maritime arsenals (*arsenaux militaires-maritimes*) becomes as unnecessary as without object (*devient sans nécessité comme sans objet*). In consequence H. M. the Emperor of all the Russias and H. M. the Sultan engage neither to construct nor to preserve any military-maritime arsenal upon that coast.

ARTICLE XIV.—Their Majesties the Emperor of all the Russias and the Sultan having concluded a convention for the purpose of determining the force and number of light vessels necessary for the service of their coasts, which they reserve to themselves the right of keeping up in the Black Sea, this convention is annexed to the present treaty, and shall have the same force and value as if it had formed an integral part of it. This convention can neither be annulled nor modified without the assent of the Powers parties to the present treaty.

ARTICLE XV.—The act of the Congress of Vienna having established the principles destined to regulate the navigation of the rivers which separate or traverse several states, the contracting Powers stipulate between themselves that for the future these principles shall be also applicable to the Danube and its embouchures. They declare that this disposition constitutes henceforth a part of the public law of Europe, and they take it (the disposition) under their guarantee. The navigation of the Danube cannot be subjected to any hindrance (*entrave*) or dues (*redevance*) which shall not be expressly provided for by the stipulations contained in the following articles. In consequence no toll (*piège*) shall be taken that may be based solely upon the fact of the navigation of the river, nor any duty (*droit*) upon merchandise which may be on board vessels. The police and quarantine regulations to be established for the security of the states separated or traversed by this river, shall be conceived in such a manner as to favor the circulation of vessels as much as possible (*autant que faire se pourra*). Save these regulations, no obstacle whatever shall be placed in the way of the free navigation.

ARTICLE XVI.—With the object of realizing the dispositions of the preceding article, a commission, in which France, Austria, Great Britain, Prussia, Russia, Sardinia, and Turkey, shall each be represented by a delegate, shall be charged to design and cause to be executed the necessary works from Isatcha downwards (*depuis Isatcha*), in order to clear the mouths of the Danube as well as the neighbouring parts of the sea from the sand and other obstacles which obstruct them, so as to put that part of the river, and the said parts of the sea, in the best possible state of navigability. To cover the expenses of these works, as well as of the establishments having for their object to secure and facilitate the navigation of the mouths of the Danube, fixed duties, at a proper (*convenable*) rate, to be settled by the commission by a majority of votes, may be levied, on the express condition that in this respect, as in all others, the flags of all nations shall be treated on a footing of perfect equality.

ARTICLE XVII.—A commission shall be appointed, composed of delegates of Austria, Bavaria, the Sublime Porte, and Wurtemberg (one for each of these Powers), to which commission, the commission of the three Danubian Principalities, whose location shall have been approved of by the Porte, shall be joined. The commission, which shall be permanent, will first draw up the regulations of navigation and of fiscal, police, secondly, remove the obstacles (*entraves*), of whatever nature they may be, which as yet prevent the application of the dispositions of the treaty of Vienna to the Danube; thirdly, give orders for and cause to be executed the necessary works throughout