

295

VICTORIA.

would at all affect the relation of the Church in Victoria to the Church in England; and I would take this opportunity of stating, that so far are the members of the Church in my diocese from desiring to become independent of the Church at home, that at the recent conference of 1854, as well as at that of 1851, the feeling both of the clergy and laity was most strongly expressed upon the importance of maintaining the union between them in the most perfect integrity. We should unanimously deprecate any measure which would make a clergyman in Victoria feel that he was not as fully a clergyman of the United Church of England and Ireland there, as he was before he left his native land. We most earnestly wish that Her Majesty may continue to retain her two great prerogatives as Head of the Church, viz.; the appointment of bishops, and the final adjudication upon appeal of all ecclesiastical causes. In these particulars there is not in Victoria, nor, I believe, in Australia, any sympathy with the sentiments expressed by the Legislature of Canada. I cannot but suspect that the feeling of the clergy and laity of the Church in Canada is to be attributed altogether to recent circumstances, and will prove transient only. Upon this, however, I have no business to express any opinion; of the feeling in Victoria I can speak with the most perfect confidence.

As I am shortly about to return to my diocese, you will greatly oblige me if you can inform me at an early period of the views of the Government.

I have, &c.
(signed) C. Melbourne.

Enclosure in No. 2.

To the Right Honourable *Henry Labouchere*, Her Majesty's Principal Secretary of State for Colonial Affairs. Encl. in No. 2.

The Memorial of the Right Reverend Charles Lord Bishop of Melbourne.

Showeth,

THAT your memorialist desires to call the attention of Her Majesty's Government to the subject of a Bill passed in the year 1854 by the Legislative Council of the colony of Victoria, intituled, "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 Bill has been reserved by his Excellency the Lieutenant-governor, Sir Charles Hotham, for Her Majesty's approval, and is now under the consideration of Her Majesty's Government.

That the Bill was, in the month of May last, referred by the Government to the law officers of the Crown, who gave their opinion thereon on the 17th August following.

That it appears from such opinion, which was kindly communicated to your memorialist by the late Sir William Molesworth, then Her Majesty's Principal Secretary of State for Colonial Affairs, that the law officers considered that the Bill, in "proposing to constitute an elective general assembly of clerical and lay deputies or representatives invested with general authority over all the affairs of the church, which assembly was to provide for the calling of future assemblies, and to establish an Ecclesiastical Commission Court for the trial of ecclesiastical offences," materially interferes with the ecclesiastical supremacy of the Crown within the colony; but they leave it as "a question of policy for the consideration of Her Majesty's Government," to determine upon the propriety of the measure itself.

That the law officers further express their opinion, that, although, "as regards the meeting of the Legislative assembly of the clergy exclusively, such a meeting might be rendered legal by Royal license, the objections to empowering the laity to elect representatives to sit with the clergy, and to legislate with them upon the affairs of the church (although such objections are rather of a constitutional than of a strictly legal character), could not be removed by the Royal license, and would require legislative enactment on the part of the Imperial Parliament."

The question then is, whether the Government will advise Her Majesty to relinquish her prerogative in ecclesiastical affairs within the colony to the extent involved in her giving her assent to the present Bill, and whether, in the event of its being decided that such assent will not be effectual to the validity of the Bill without the concurrence of the Imperial Parliament, the Government will apply to such Parliament for that concurrence.

To ask Her Majesty's Government to take these steps may seem presumptuous; it is certainly not a thing to be lightly done; but, in case your memorialist should succeed in convincing the Government that the passing of the present Bill (or one to the like effect) is essential to the welfare of the church within the colony, and that the maintenance of the ecclesiastical prerogatives of the Crown, as defined by the law officers, in their complete integrity, will most materially cripple the efficiency, if it do not actually endanger the existence of that branch of the Church, your memorialist ventures to think that neither the Government will be unwilling to advise—nor Her Majesty to consent to—the relinquishment