English communion there whatever of jealousy, ignorance, and anti-British feeling the Dutch population has happened to include. It was just this combination that overpowered Sir Harry Smith, and all law, loyalty, and order on the spot, and Her Majesty's Government at home, at the time of the memorable anti-convict struggle. And allowing for many honourable exceptions, no doubt, from among all classes, it is the same union of forces, emboldened by the indeterminateness of our terms of Church membership, and the preponderance in particular parishes, under cover of nominal membership, of the Independent and Presbyterian elements, and strengthened now, moreover, by the possession of representative institutions from which the gentler and more conservative class of citizens stand far too much aloof, that has never ceased to harass the English Church at the Cape, though not always with equal effect, since its first indomitable and devoted Bishop began, nine years ago, to rouse its members to their duty. In order to the exact truthfulness of this account, we believe that it is only necessary to add the remark that the eastern provinces, speaking generally, are at once more English and less democratical than the western; and that the Wesleyan Methodists, who are by far the most powerful of the dissenting communions on the frontier, have never, as a body, shared in the unfair spirit which has so severely tried the patience of our episcopal brethren in the west.

Any one who will make fair allowance for these facts has the real clue to the opposition which the Bishop of Capetown has just experienced in his endeavour to convene a diocesan Synod, including a representation of the laity, and may form a just opinion of the measure of his success. The following particulars appeared worth recording for their own sake. A summary of the proceedings of the Synod itself we hope to give in some future number.

The Synod was summoned in November last by a Pastoral letter from the Bishop, setting forth his reasons—many and urgent ones—for convening it, and proposing that the main principles of the Archbishop's Bill, since embodied in the Victoria Church Legislation Act, which received the Royal Assent a year ago, should regulate at once the form of the convention and the subjects of deliberation. In a word, it was made clear that the laity were to elect their own delegates, subject to the limitation that only communicants were eligible as delegates; that all persons claiming to vote should, if not communicants, first make a declaration that they were members of the Church, and not members of any other religious body; and that the lay delegates, so chosen, were to be entitled to an equal voice with the Clergy on all matters to be submitted to the Synod. It was also made clear that the intention of the Synod was not to disturb, or even to discuss, the existing relations of the Diocese to the mother-Church; still less to meddle with the Book of Common Prayer, or any of the great acknowledged formularies of doctrine—purposes for which, as being only a diocesan Synod, as well as for other still weightier reasons, it was declared to be wholly incompetent; but simply to take counsel together with a view to some joint conclusion on points of urgent practical moment, upon which the Bishop had hitherto been forced to be his own irresponsible adviser. Among these, the questions of the appointment, support, and discipline of the Clergy, the tenure and management of Church property, and the desirableness, or otherwise, of seeking the assistance of the Colonial Legislature for carrying out the objects of the Synod, hold a conspicuous place. One can scarcely conceive a more reasonable proposal thrown into a more unexceptionable shape.—Opposition, however, on the part of three parishes, and of portions of two others, inaugurated in all five cases, apparently, with the significant omission of any declaration of Church membership, and stimulated unceasingly by the ultra-democratical and dissenting press, resulted in the refusal of five parishes out of nineteen to send lay delegates, and of three out of from twenty to thirty clergymen to take part in the proceedings, and consequently in their being permitted to absent themselves. One parish, half a Missionary station, appears to have been too feeble to produce a competent delegate. The rest of the Diocese, in short almost as many, probably, as dared to commit themselves to a distinct avowal of Church-membership, seem to have been unanimous and hearty in support of their Bishop, and in favour of the Synod. And of the issue, moral and practical, we have no misgivings.

Upon one feature, however, of this opposition we would fain add a word or two, which may be useful to other colonies besides the Cape. The chief run of adverse argument in the parochial meetings was against the *legality* of Synods, and on their incompatibility with the supremacy of the Crown. The opposite side was admirably and learnedly sustained by the Bishop;* but one of the most useful results of this part of the discussions was, that they elicited an elaborate opinion on the law of the case from the Attorney General of the colony, evidently an able man, and, being avowedly, no Churchman, an impartial one, we may suppose, into the bargain. We regret that we have not space to give this opinion *in extenso*, but the following may be relied upon as a faithful abstract of it.

It is the opinion of the Attorney General, -

"1. That, in the absence of any disqualifying law, the members of the Church of England at the Cape, lay or clerical, are entitled to the same liberty of meeting for political, social, or religious purposes, as the rest of Her Majesty's subjects; and that no such disqualifying law exists.

2. That, if the Act 25 Hen. VIII. c. 19, does not extend to the Australian colonies, which were acquired *by settlement*, and which, therefore, carry with them so much of the statute and common law of England 'as is applicable to their situation'—and it is the opinion of high legal authorities at home that it does not extend to them—*à fortiori*, it does not extend to the Cape, which was acquired *by cession*, and which, therefore, preserves, according to English law, its former laws; unless abrogated by the Crown or Parliament.

3. That the constitution, laws, and usages of the Church of England are not matters of law at the Cape, to be judicially taken notice of by the courts of the colony, but matters of fact, like the constitution, laws, and usages of the Wesleyans or Congregationalists, to be inquired into as often as any question of a civil nature shall be pending with which they shall be mixed up. Whence it would follow, that the colonial laws of the Cape, know nothing of the Synod of the Church of England.

4. That the colonial law of the Cape can impose no restriction upon any Synod in regard to the subjects which it might discuss or profess to regard.

5. That no rule or regulation of a Synod at the Cape could affect the civil rights of any person who had not agreed to the rule or regulation in question, or undertaken to be bound by it, whether he agreed to quit it or not; that, therefore, probably, no Synod would be effectual without assistance of the legislature.

6. That the statutes of supremacy have not the force of law at the Cape, and that to set them up, in any way would be contrary to law, and subversive of the political equality of all Churches and denominations in the colony; and that the Queen, as head of the Church, is related to the members of the Church at the Cape only as the Pope is related to the Roman Catholics in the colony, or the Wesleyan Conference to the Wesleyans."

So that it appears highly probable that the South African Bishops have really no legal hold on any of their Clergy, nor the statute or common law of England any hold on Bishops or Clergy, other than they may have on a colonial Methodist or Quaker. Where does the remedy lie if not in Synodical action? No colonial Bishop, we conceive, has seen the difficulty more clearly, or met it more decisively, than the Bishop of Melbourne. And yet the need of a colony situated like the Cape is manifestly greater than that of any colony acquired by settlement.

* Chiefly in a long correspondence with Mr. Surtees. We have carefully perused this correspondence, and we think that the Bishop could scarcely have declined it in the first instance, and that he bore himself throughout it, under great provocation, with the utmost fairness, courtesy and patience.

News Department.

Extracts from latest English Papers.

HOUSE OF LORDS—THE SCOTCH EPISCOPAL CHURCH.

On Lord Redesdale moving on Thursday the second reading of a private bill to allow the Rev. Mr. Shepherd, a clergyman ordained in the Scottish Episcopal Church, to hold a benefice in England, the Earl of Shaftesbury objected on the ground that he would not have subscribed the three articles of the thirty-sixth canon, one of which set forth the royal supremacy.—The Bishop of Bangor said before a clergyman could be admitted to a benefice he must subscribe all the oaths prescribed by the canon. The Earl of Shaftesbury opposed the second reading, because all clergymen holding benefices in England should subscribe to the same articles. Lord Campbell said that if it were right at all to admit American or Scottish Episcopal ordained clergymen, there ought to be a general act After some further conversation, the bill was read a second time, Lord Shaftesbury giving notice that he should move it be referred to a select committee with the view of introducing a general measure.

MINISTERS' MONEY, (IRELAND) BILL.

This bill passed through committee late on Friday night, after an unavailing protest from Lord J. Manners. Mr. Horsman explained that the income of the Ecclesiastical Commissioners for Ireland was £99,000, whilst their expenditure, including the £12,000 for Ministers' Money, was only £97,000, still leaving a balance of £2000. Mr. Hamilton insisted that nevertheless it was spoliation of the Church, as it prevented the Commissioners applying the money to several important trusts yet unfulfilled. Mr. Butt, as a Protestant, was glad to get rid of the impost. Sir A. H. Elton regretted that Government had not brought some wise and comprehensive plan before the house for settling all these Irish grants, and not be continually giving Protestants a victory over Catholics or the reverse—the Orangemen having their innings one night and the Catholics another.

On Thursday Lord Palmerston announced that the Neufchatel treaty has been actually signed a few days previously, and that the dispute between Prussia and Switzerland might now be considered satisfactorily settled.

Sir John Pakington has given notice of the following motion for Thursday week:—

"That the present system of popular education in England is precarious, unequal, and insufficient; and it is therefore desirable to empower local bodies to raise and administer rates in aid of funds for education which may in such localities be derived from Parliamentary grants, private subscriptions, or payments from children, due provision being made for securing the rights of conscience of all religious denominations.

GENERAL ASSEMBLY—EPISCOPAL MINISTERS IN SCOTLAND.

The next business was the following overture from the Synod of Lothian and Tweeddale;—"Whereas, it appears from a paper entitled 'Bishops (Scotland),' ordered by the house of Commons to be printed, 17th February, 1857, that there is reason to apprehend the introduction of a Bill into Parliament, to remove 'the restrictions which at present attach to Episcopal ministers in Scotland,' and that the said Bill would injuriously affect the interests of Protestantism, and the constitutional rights and privileges of the Church of Scotland, it is humbly overtured by the Synod of Lothian and Tweeddale, to the General Assembly indicted to meet at Edinburgh on the 21st inst., to appoint a Committee to watch over any such measure."

Mr. Phin, Galashiels, spoke at considerable length in support of the overture, and moved the appointment of a Committee in terms of the same.

Mr. Cunningham, Crieff, seconded the motion.

Sheriff Tait could by no means consent to entertaining an overture which referred to a bill, the contents of which they did not know. He moved, therefore, that the overture be dismissed *simpliciter*.

Dr. M'Pherson, Aberdeen, for a similar reason, seconded the motion.

Mr. A. S. Cook, Procurator, in tracing the history of the restrictions imposed upon the Episcopal Church in Scotland, said that it was charged with being an intolerant Church, which charge he thought was informal. He believed that the Church of England was thoroughly Protestant, and if this Bill was passed, the Episcopal Church in Scotland would become much less Romish than it was. He could not see that it would in any way interfere with the rights of the Church of Scotland.

Professor Swinton said that the Scotch Episcopalians laboured under disabilities to which no other religious bodies were subjected; and were an outcry now to be raised, when no real harm was to be feared at a future time, when imminent danger was to be apprehended, the cry of alarm might be unheeded. He also spoke in opposition to any motion for having a committee appointed to watch over any Bill brought into Parliament which might interfere with rights and liberties of the Church of Scotland.

Dr. Grant moved—"That the General Assembly, while feelingly alive to anything that may injuriously affect the interests of Protestantism, and resolved to defend the constitutional rights and liberties of this Church when publicly assailed, do not feel called upon at the present time to take the step recommended by the overture, and accordingly dismiss the motion."

The motion was seconded by Mr. Cook.

Mr. Phin, of Galashiels, made a reply, after which the motions were put, when, that of Dr. Grant was carried.

BELGIUM.

The debate in the Chambers on the bill authorizing the tenure of real property by religious and charitable institutions, has been continued until the excitement