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COLONIAL CHURCH LEGISLATION, &c.

COPIES of any PETITIONS to the QUEEN, and of any Representations to Her Majesty's Principal Secretary of State in the Colonial Department, on COLONIAL CHURCH LEGISLATION, or on any Points affecting the Management of the Affairs of the Church in the Colonies since 1845.

(*Sir Robert Harry Inglis.*)

PART II.

NORTH AMERICAN COLONIES.

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*Ordered, by The House of Commons, to be Printed,  
17 May 1852.*

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355—II.

*Under 8 os.*

COLONIAL CHURCH LEGISLATION, &c.

RETURN to an Address of the Honourable The House of Commons,  
dated 20 February 1852;—for,

“COPIES of any PETITIONS to the QUEEN, and of any Representations  
to Her Majesty’s Principal Secretary of State in the Colonial Department,  
on COLONIAL CHURCH LEGISLATION, or on any Points affecting the  
Management of the Affairs of the Church in the Colonies since 1845.”

Colonial Office, Downing-street, }  
17 May 1852.

DESART.

(*Sir Robert Harry Inglis.*)

PART II.

NORTH AMERICAN COLONIES.

Ordered, by The House of Commons, to be Printed,  
17 May 1852.



SCHEDULE.

North American Colonies.

CANADA.

Number in Series.	From.	Date and Number.	SUBJECT.	Page.
		1849 :		
1	Earl Grey to the Earl of Elgin.	18 June (374)	Forwarding a Correspondence with the Society for the Propagation of the Gospel, relative to the endowment of a second Bishopric in Canada East - - - -	1
2	Earl of Elgin to Earl Grey.	18 Sept. (104)	Reporting on the above Correspondence -	3
		1850 :		
3	Earl Grey to the Earl of Elgin.	8 July (508)	Forwarding copies of a Correspondence with the Archbishop of Canterbury and the Society for the Propagation of the Gospel, on the subject of the appointment of the first Bishop of Montreal to the See of that name - - - - -	3
			Comprising the following Letters :	
		1849 :		
	1. B. Hawes, Esq. M.P. to the Rev. E. Hawkins.	13 Oct. -	Stating the understanding on which Her Majesty's Government are ready to sanction the proposed arrangement respecting a Bishopric for Canada East. - - - -	3
		1850:		
	2. The Archbishop of Canterbury to Earl Grey.	8 Jan. -	Referring to the Provision proposed for the Endowment of the projected See - - -	4
	3. Earl Grey to Archbishop of Canterbury.	19 Jan. -	In reply, stating regret that the proposed Provision from the Clergy Reserve Fund is not available for the proposed Bishopric - - - -	4
	4. The Archbishop of Canterbury to Earl Grey.	8 June -	Pointing out a mode of Endowment from sources independent of the Clergy Reserve Fund, and proposing the Rev. F. Fulford for the appointment of first Bishop - - -	6
	5. Earl Grey to Archbishop of Canterbury.	15 June -	Stating that the Endowment proposed appears sufficient; suggestion respecting legal security thereof; the name of the Rev. F. Fulford will be submitted to Her Majesty - - - - -	6
	6. Earl Grey to Archbishop of Canterbury.	29 June -	Stating that Her Majesty has been pleased to approve of the Appointment of the Rev. F. Fulford - - - - -	6
	7. The Archbishop of Canterbury to Earl Grey.	4 July -	Respecting Arrangements connected with the Formation of the Diocese - - - - -	6
4	Earl Grey to the Archbishop of Canterbury.	23 July -	Stating that Her Majesty had been pleased, by Letters Patent under the Great Seal, to re-constitute the Bishopric of Quebec, and to constitute the Bishopric of Montreal - - -	7
5	Earl Grey to the Earl of Elgin.	18 July (511)	Transmitting the necessary Instruments connected with the Re-constitution of the Bishopric of Quebec, and the Formation of the separate Diocese of Montreal - - -	7

Number in Series.	From.	Date and Number.	SUBJECT.	Page.
6	The Earl of Elgin to Earl Grey.	1851 : 17 June (80)	Transmitting, at the request of the Bishop of Toronto, Copies of an Address to the Queen from the Bishop, Clergy, and Laity of the Diocese of Toronto, in conference assembled, praying that Her Majesty would be graciously pleased to authorise, by Royal licenses, Synods or Convocations in the Diocese; together with Copy of a Letter to the Archbishop of Canterbury relative thereto - - - - -	8

NOVA SCOTIA.

1	Lieutenant-Governor Sir J. Harvey to Earl Grey.	1851 : 16 Jan. (1)	Furnishing, as called for, Information relative to the support of the Clergy in the Province of Nova Scotia - - - - -	11
			Return of Stipends to Missionaries, paid from Parliamentary Fund - - - - -	12
			The Earl of Liverpool's Circular Despatch, 22 June 1811, relative to Provision for Missionaries, &c. - - - - -	13
2	Earl Grey to the Officer administering the Government.	10 Sept. -	On the subject of the Nomination of the Bishop to the Legislative Council of the Province - - - - -	13

CORRESPONDENCE WITH THE BISHOP OF NOVA SCOTIA.

1	Bishop of Nova Scotia.	1851 : 6 May -	On the subject of the Rate of Salary assigned to the Bishop, and the question of applying to Parliament for an increased Vote on this account - - - - -	15
2	B. Hawes, Esq. M.P.	14 May -		

BERMUDA.

1	Governor Reid to the Right Hon. W. E. Gladstone.	1846 : 19 Mar. (12)	With Copy of a Letter from the Lord Bishop of Newfoundland, with reference to the Dockyard Chaplain being subject to his jurisdiction, &c. - - - - -	16
2	Right Hon. W. E. Gladstone to Governor Reid.	30 April (13)	In reply to the above Despatch - - - - -	17
3	Right Hon. W. E. Gladstone to Bishop of Newfoundland.	9 May -	Forwarding a Copy of the above Despatch -	18

Number in Series.	From.	Date and Number.	SUBJECT.	Page.
		1846:		
4	Right Hon. W. E. Gladstone to the Archbishop of Canterbury.	9 May -	Forwarding a Copy of the above Despatch -	18
5	The Archbishop of Canterbury to the Right Hon. W. E. Gladstone.	11 May -	Acknowledging the preceding Communication - - - - -	18
6	The Bishop of Newfoundland to the Right Hon. W. E. Gladstone.	5 June -	In reply to Mr. Gladstone's Letter of 9th May; recurs to the question relative to jurisdiction over Chaplain of the Convict Establishment, and the Dockyard Chaplain - - - - -	19
7	Governor Reid to the Right Hon. W. E. Gladstone.	1 June (25)	Acknowledging Mr. Gladstone's Despatch, No. 13, 30th April 1846, and adverting specially to the question of the Jurisdiction of the Bishop of Newfoundland over the Dockyard Chaplains - - - - -	20
8	Lord Lyttelton to Captain Hamilton, R.N.	4 July -	Forwarding the Correspondence on this question, for the consideration of the Lords of the Admiralty - - - - -	21
9	Earl Grey to Governor Reid.	8 Aug. -	Conveying the decision of the Lords of the Admiralty on this subject - - - - -	21
		1849:		
10	Governor Elliot to Earl Grey.	19 April (41)	Forwarding Copy of a Letter addressed by the Bishop of Newfoundland to the Lords Commissioners of the Admiralty, respecting his Lordship's episcopal Authority over the Chaplain in attendance upon the Convicts in the Dockyard at Bermuda - - -	21
11	H. Merivale, Esq. to Captain Hamilton, R.N.	6 June -	Requesting to be informed of the Answer which the Lords of the Admiralty may think proper to return to the Bishop's representation - - - - -	24
12	Earl Grey to Governor Elliot.	19 July (316)	Forwarding Copy of a Letter from the Lords Commissioners of the Admiralty, conveying their Lordships' reply to the representation of the Bishop of Newfoundland - - -	24
		1848:		
13	Governor Elliot to Earl Grey.	15 Aug. (69)	Encloses a representation from the Rev. Mr. Morrison, Presbyterian Minister at Bermuda, upon the difficulty respecting the performance of Funeral Ceremonies (except those of the Church of England) in the Churchyards attached to the Parish Churches, and in the Burial-ground at Ireland Island - - - - -	25
14	Earl Grey to Governor Elliot.	9 Sept. (219)	In reply to the foregoing Despatch - - -	26
		1850:		
15	Governor Elliot to Earl Grey.	12 July (75)	Concerning the performance of Funeral Rites in the Graveyards belonging to the Crown at St. George's and Ireland Island, by Ministers of various denominations of Christians, with which the deceased Soldiers, or others in the public service were in communion -	27
16	Earl Grey to Governor Elliot.	17 Sept. (431)	Conveying instructions for throwing open the use of the Graveyards at St. George's to all persons dying in the public service, of whatever religious denomination. Corresponding Instructions addressed by the Lords Commissioners of the Admiralty to their officers on the British North American Station -	28

Number in Series.	From.	Date and Number.	SUBJECT.	Page.
17	Governor Elliot to Earl Grey.	1850: 13 Dec. (136)	Forwarding a Letter from the Bishop of Newfoundland, objecting to the late Instructions for the use of the Garrison Graveyard at Ireland Island, by other ministers than those of the Church of England - - - - -	30
18	Earl Grey to Governor Elliot.	1851: 14 Jan. (467)	In answer to the preceding Communication - - - - -	34

## NEW BRUNSWICK.

1	Lieutenant-Governor Sir E. Head.	1848: 2 Dec. (107)	Enclosing Memorandum of the Executive Council, on the appointment of the Bishop of Fredericton as a Member of the Legislative Council - - - - -	35
2	Earl Grey - -	1849: 9 Feb. -	In reply to the foregoing Despatch - -	35

## RUPERT'S LAND.

1	The Archbishop of Canterbury to Earl Grey.	1840: 17 May -	Forwarding an Official Statement of the endowment of the Bishopric of Rupert's Land - - - - -	36
2	B. Hawes, Esq. M.P. to Sir J. Pelly, Bart.	31 May -	Transmitting Copy of Her Majesty's Letters Patent, under the Great Seal, constituting Rupert's Land, in North America, to be a Bishop's See, and appointing the Rev. D. Anderson to be ordained and consecrated Bishop thereof - - - - -	36

COPIES of any PETITIONS to the QUEEN, and of any Representations to Her Majesty's Principal Secretary of State in the Colonial Department, on COLONIAL CHURCH LEGISLATION, or on any points affecting the Management of the Affairs of the Church in the Colonies since 1845.

PART II.  
North American Colonies.

II.  
North American Colonies.

CANADA.

CANADA.

— No. 1. —

(No. 374.)

COPY of a DESPATCH from Earl Grey to the Earl of Elgin & Kincardine.

No. 1.  
Earl Grey to  
the Earl of Elgin.  
18 June 1849.

My Lord,

Downing-street, 18 June 1849.

I TRANSMIT for your Lordship's information the accompanying copies of a correspondence with the Society for the Propagation of the Gospel, relative to the endowment of a second bishopric in Canada East, and before adopting any final decision upon the Society's proposition, Her Majesty's Government are desirous of being in possession of your Lordship's views and opinion on the subject.

I have, &c.  
(signed) Grey.

Soc. Prop. Gosp.  
16 May 1849.  
Colonial Office,  
28 May 1849.  
S. P. G. 11 June  
1849.

Enclosure 1, in No. 1.

Encl. 1, in No. 1.

My Lord,

Society for the Propagation of the Gospel,  
79, Pall-mall, 16 May 1849.

I AM desired by the Society for the Propagation of the Gospel, to request your Lordship's attention to the following points:

1. The society has at this time a fund at its disposal, sufficient for the endowment of a second bishopric in Canada East. And believing that the efficiency of the Church would be greatly promoted by having a resident Bishop at Montreal, the Society is anxious to secure this object by a subdivision of the present diocese of Quebec.

2. According to an arrangement which has been suggested by the present Bishop, his Lordship, in case of the division being approved by Government, would continue to administer the eastern part of the diocese, with the title of Bishop of Quebec; and the new Bishop to be nominated, would derive his title from the city of Montreal, in which he would reside. Before however, proceeding further, the Society is anxious to be furnished with an answer from your Lordship on the following points:

1st. Is the Government prepared to recommend Her Majesty to constitute a second bishopric in Lower Canada, provided a competent fund for the endowment is provided by the Society.

2d. Would the reduced area of the present diocese, and the change of style of the present Bishop henceforth to be designated according to the proposal, Bishop of Quebec, occasion or lead to, any diminution of the salary which is secured to him for life as Bishop of Montreal?

2 CORRESPONDENCE WITH THE COLONIAL DEPARTMENT

II.  
North American  
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3d. Would the salary which the present Bishop receives as Archdeacon of Quebec, be affected by the contraction of the limits of the archdeaconry to the limits of the proposed new diocese of Quebec?

I am further to add, that the Society would be obliged to your Lordship for an early reply to these inquiries.

The Right Honourable Earl Grey,  
&c. &c. &c.

I have, &c.  
(signed) Ernest Hawkins.

Encl. 2, in No. 1.

Enclosure 2, in No. 1.

Sir,

Downing-street, 28 May 1849.

I AM directed by Earl Grey to acknowledge the receipt of your letter of the 16th instant, stating that the Society for the Propagation of the Gospel in Foreign Parts, are prepared to endow a second bishopric in Canada East, and requesting, before proceeding further with this intention, to be supplied with information on certain points specified in your letter.

To the questions so proposed, Lord Grey directs me to return you the following answer.

1st. Her Majesty's Government do not feel prepared to recommend the creation of a new Protestant bishopric in Canada East, without having had some previous communication with the Governor of Canada, and without having ascertained that the measure would meet with the approbation of the inhabitants of this province. The first step to be taken, therefore by the Society, if they wish the proposal to be entertained, is to lay before Lord Grey in writing, a statement of the grounds on which they propose the change, and of the precise nature of the arrangement which is contemplated; and as soon as that statement has been received, Lord Grey will transmit it to Lord Elgin for his report.

In answer to the 2d and 3d questions in your letter, I am to state that Lord Grey considers that the diminution in the size of the diocese and archdeaconry of Quebec, will not occasion any alteration in the amount of the emoluments received by Dr. Mountain, in his character of Bishop of Montreal, and that the only alteration which can take place in that respect, will be when a vacancy occurs in the office, when the Parliamentary grant now received by the present Bishop of Montreal will wholly cease.

The Reverend E. Hawkins.

I am, &c.  
(signed) H. Merivale.

Encl. 3, in No. 1.

Enclosure 3, in No. 1.

Sir,

79, Pall-mall, 11 June 1849.

I am directed by the Society for the Propagation of the Gospel to state to you, for the information of Earl Grey, the grounds on which the Society is desirous to promote the erection of a second bishopric in Canada East. Those grounds are briefly—

1. The vast extent of the present diocese of Quebec, containing an area of 200,000 square miles, an area, therefore, equal to the whole of France.

2. The increasing number of settled clergymen and missionaries, at this time exceeding 80, and the inconvenience and expense to which many of them are exposed by their great distance from their Bishop. His Lordship states that, at his visitation last summer, two clergymen had to travel upwards of 700 miles to attend his summons.

3. It has been uniformly found that the appointment of an additional Bishop has tended almost immediately to increase the number of churches and clergy, and to promote the moral and religious improvement of the people.

4. The present Bishop of Montreal has frequently urged the importance of a division of his see, in order to secure a more efficient supervision of the clergy and their congregations.

In case Her Majesty's consent were obtained to this most desirable measure, funds would be provided for the endowment of a second bishopric, without having recourse to either the Imperial or Colonial Treasury.

It is proposed, subject to future consideration, that the projected new diocese of Montreal should consist of so much of the ancient diocese of Quebec as constitutes the district of Montreal, erected for judicial purposes under Acts of the Provincial Legislature which are now in force.

For the reasons above stated, I am to express a hope that Her Majesty may be advised to consent to the erection of a second bishopric in Canada East.

H. Merivale, Esq.,  
&c. &c. &c.

I have, &c.  
(signed) Ernest Hawkins.

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II.  
North American  
Colonies.

CANADA.

No. 2.  
Earl of Elgin to  
Earl Grey.  
18 Sept. 1849.

— No. 2. —

(No. 104.)

COPY of a DESPATCH from the Earl of *Elgin & Kincardine* to Earl *Grey*.

My Lord,

Niagara Falls, 18 September 1849.

(Received, 8 October 1849.)

WITH reference to your Lordship's despatch No. 374,\* of the 18th June, I have the honour to report that I have had an interview with the Bishop of Montreal and the Rev. Mr. Hawkins, Secretary to the Society for the Propagation of the Gospel, on the subject of the proposed endowment of a second bishopric in Canada East. The existing diocese of Montreal is undoubtedly of inordinate extent, although there are considerable portions of it in which, from one cause or another, the Church of England is never likely to count a large number of members. I do not, however, think that any valid objection can be raised on public grounds to its division, and I think therefore that it may be safely left to the Society for the Propagation of the Gospel to determine whether or not the interests of the Church in the diocese of Montreal will be better promoted by the endowment of a new bishopric than by any other application of the funds at their disposal.

\* Page 1.

I have, &c.  
(signed) *Elgin & Kincardine*.

— No. 3. —

(No. 508.)

COPY of a DESPATCH from Earl *Grey* to the Earl of *Elgin & Kincardine*.

No. 3.  
Earl Grey to the  
Earl of Elgin.  
8 July 1850.

My Lord,

Downing-street, 8 July 1850.

I HAVE the honour to transmit, for your Lordship's information, the accompanying copies of a correspondence between his Grace the Archbishop of Canterbury, the Society for the Propagation of the Gospel, and myself, on the subject of the appointment of the first Bishop of Montreal to the see of that name.

Colonial Office to Soc. Prop. Gospel, 13 Oct. 1849.  
Archbishop of Canterbury, 8 January 1850 and Enclosures.  
Lord Grey's answer, 19 January 1850.  
Archbishop of Canterbury, 8 June 1850.  
Lord Grey, 15 June 1850.  
Lord Grey, 29 June 1850.  
Archbishop of Canterbury, 4 July.

The Rev. Francis Fulford having been selected to fill this important office, I am under the necessity of requesting your Lordship to express to the Rev. Dr. Beavor my regret that it has not been in my power to recommend the Queen to confer the appointment upon him.

I have, &c.  
(signed) *Grey*.

Enclosures in No. 3.

(1.)

Encls. in No. 3.

Sir,

Downing-street, 13 October 1849.

WITH reference to the correspondence that has passed on the subject of the proposed erection of a second bishopric in Canada East, I am directed by Earl Grey to request you will inform the Society for the Propagation of the Gospel in Foreign Parts, that as the Governor-general of British North America has stated that he is not aware of any valid objection on public grounds to a division of the diocese of Montreal, Her Majesty's Government are ready to sanction the proposed arrangement on the understanding contained in your letter of the 11th of June last,† that the funds requisite for the endowment of the second bishopric will be provided without having recourse to either the Imperial or Colonial Treasury.

† Page 2.

The Rev. Ernest Hawkins.

I have, &c.  
(signed) *B. Hawes*.

II.  
North American  
Colonies.

CANADA.

(2.)

My Lord,

Addington, 8 January 1850.

I HAVE the honour of forwarding to your Lordship a communication from the Secretary of the Society for Promoting Christian Knowledge, by which it will appear that your Lordship's requirements are met with regard to a permanent provision for the second chaplain in Canada. Mr. Hawkins' letter, though addressed to me, is so specific on the subject that I conceive that I should better satisfy your Lordship by sending it than by making a statement of my own.

The Right Hon. Earl Grey,  
&c. &c. &c.

I have, &c.  
(signed) J. B. Cantuar.

My Lord Archbishop,

79, Pall-mall, 7 January 1850.

It will be in your Grace's recollection that a copy of a letter from the Colonial Office, dated 13 October 1849,\* was forwarded to you at that time, and by referring to it you will perceive that the society was informed, by desire of Earl Grey, that "Her Majesty's Government are ready to sanction the proposed arrangement (the erection of a see at Montreal), on the understanding contained in your letter of the 11th June last, that the funds requisite for the endowment of the second bishopric will be provided, without having recourse to either the Imperial or Colonial Treasury."

It is true that a merely general assurance had been given to Earl Grey that the Society had at its disposal funds sufficient for the endowment of a second bishopric in Canada East, without specifying the particular sources from which they were to be derived.

I have now the honour to transmit a copy of the resolution of the Society, by which a definite sum, equal to 1,000*l.* sterling a year, is appropriated for the endowment of the projected see of Montreal.

The Lord Archbishop of Canterbury.

I have, &c.  
(signed) Ernest Hawkins.

It may be proper to add, that as soon as a Bishop is appointed, it is the intention of the Society to transfer the accumulated capital sum (now probably amounting to 12,000*l.* currency) arising from the clergy reserves to separate trustees, for the benefit of the bishopric of Montreal, and I may further state, that when I had the honour of mentioning the particulars of the endowment (as contained in the accompanying paper) to the Governor-general of Canada, his Lordship was pleased to express his entire approval of the same.

At a General Meeting of the Society for the Propagation of the Gospel, held Friday,  
20th April 1849.

"AGREED, in compliance with the urgent and frequently repeated recommendations of the Bishop of Montreal, to make provision for a second bishop in Canada East, by the following appropriation of funds.

"1. That the accumulated capital of the Clergy Reserves Fund, now estimated at 10,000*l.* currency, be set apart to yield a yearly interest for the endowment of the see.

"At the present rate of interest in the colony there will thus be provided (currency) 600*l.*

"2. That 1,250*l.* currency, which is the salary of the Chief Justice of Lower Canada, be the salary fixed for the Bishop; that one-half of the sum beyond that which shall accrue from the capital above-named be provided from the annual interest of the Clergy Reserves Fund, and that the other half be charged upon the general funds of the Society until such time as it can be provided from the increased property of the Clergy Reserves, from the Colonial Bishopric's Fund, or some other source."

A true extract.

79, Pall-mall, 7 January 1850.

(3.)

My Lord,

Downing-street, 19 January 1850.

I HAVE had the honour to receive your Grace's letter of the 8th instant, containing an enclosure from Mr. Hawkins, on the subject of the endowment of the second bishopric in Canada East.

I have to apologize to your Grace for not having been enabled sooner to answer this communication, but the delay has arisen from the necessity of referring to the previous correspondence, in consequence of a doubt which had occurred to me whether that part of the funds of which it is proposed to make use for the endowment of a new see, which arises from the Clergy Reserves, is properly available for that purpose.

I have

## II.

North American  
Colonies.

CANADA.

I have now to express to your Grace my great regret that a careful examination of that correspondence has confirmed the doubt I entertained upon the subject, and that I do not find that there is any available provision from that source for the proposed bishopric. The reasons on which I form this opinion are as follows:—

In 1832, a promise was made to Parliament by Her Majesty's then Government, that the estimate for the clergy in British North America should in future be confined to making provision for the clergymen whose salaries were at that time paid from this source, and should be gradually diminished as vacancies should occur, no fresh names being thenceforward introduced into the list of those whose incomes for their lives would be thus provided for. At that period, the Bishop of Quebec (Dr. Stewart), received an allowance from the British Treasury of 3,000*l.* per annum. In consequence of his age and infirmities, the Bishop was for some years prior to his death permitted to have the assistance of a coadjutor in the discharge of his episcopal functions, to whom one-third of his official income was transferred; and in 1835, that coadjutor (Dr. Mountain), was invested with the episcopal authority of Bishop of Montreal, without any additional remuneration from public funds. The Bishop of Quebec died in 1836, and, in conformity with the arrangement I have already mentioned, the whole of his salary of 3,000*l.* per annum ought to have been omitted from succeeding Estimates. It happened, however, that at the time when her Majesty's Government announced their determination to discontinue the North American Clergy Estimate, the financial position of Lower Canada was very different from that in which it was when Dr. Mountain succeeded to the office of sole Protestant Bishop in that province, and Her Majesty's Government were almost without the means of providing for the salaries of the principal officers of the Executive Government. At that time also, her Majesty's Government were disappointed in their expectations of a satisfactory settlement of the Clergy Reserve question, and the sales of those reserves in Lower Canada, under the Act 7 & 8 Geo. 4, c. 62, produced a very limited income, scarcely sufficient to pay the stipends of certain ministers of the Church of England, for whom Earl Bathurst had in 1825 promised to provide. At the moment, therefore, when Dr. Mountain became subject to additional labour and responsibility, he was liable to a considerable loss of income. It was in consideration of these circumstances that the then Secretary of State for the Colonies felt it his duty to recommend to the Lords of the Treasury that, instead of the salary of 3,000*l.* formerly granted to the Bishop of Quebec, a reduced vote of 1,000*l.* per annum should, as was stated, "for the present," be proposed for the Bishop of Montreal. The Lords of the Treasury acquiesced in this proposal, on the understanding that the vote in question was to be considered temporary, and that, so soon as it should become practicable to provide a moderate remuneration for the Bishop from "Provincial Funds," the application to Parliament should be forthwith discontinued. An intimation as to the temporary nature of the Bishop's salary was communicated to your Grace's predecessor in a letter from this office, dated the 23d of June 1838, of which I have the honour to enclose a copy. The Governor of Canada was also made acquainted with the arrangement.

On reviewing the above circumstances, I have been constrained to come to the conclusion, that it is the duty of Her Majesty's Government, in order to redeem the pledge which has been given to Parliament, to require that the available funds from the Clergy Reserves shall be applied to provide for the present Bishop before a new see is created. It was considered in 1838, by the Government of that day, that without departing from the spirit of the engagement, on the faith of which Parliament had consented to allow the charge for the clergy in the North American Colonies to be for a time provided for from the British Treasury, the salary of the present Bishop might be placed on the Estimate, because there was no other source from which a strong pre-existing claim could be met; but this arrangement was only sanctioned on the express understanding that the Parliamentary Estimate should be relieved from the charge as soon as ever from any colonial funds the means could be found of otherwise providing for it. But it is obvious that this understanding would be departed from, and the assurance made to Parliament would be violated, if when a fund derived from the colony has become available for the payment of the salary of a Bishop in Canada, this should be applied, not to relieve the Parliamentary Estimate from the charge of the present Bishop, but to provide an income for an additional Bishop to be appointed to a newly created see.

I must farther observe, that independently of the necessity of adhering strictly to the engagement entered into with Parliament, it appears to me that if the present arrangements were sanctioned, and all that can be procured from the Clergy Reserve Fund annually appropriated to the new Bishop, there would be no fund available for the payment of Dr. Mountain's successor at his death, when the Parliamentary allowance must on any supposition cease.

His Grace the Archbishop  
of Canterbury.

I have, &c.  
(signed Grey.

## 6 CORRESPONDENCE WITH THE COLONIAL DEPARTMENT

II.  
North American  
Colonies.

CANADA.

(4.)

My Lord,

79, Pall-mall, 8 June 1850.

WITH reference to your Lordship's letter of January 19th, in which you pointed out the objections which existed to the endowment of a second bishopric in Canada East, from the Clergy Reserves Fund, I have now the honour to propose a mode of endowment from sources altogether independent of that fund, and which will entail no charge upon either the Imperial or Colonial Treasury. "The Council for Colonial Bishoprics," have raised from voluntary contributions, and have now in hand, a capital sum, amounting to upwards of 10,000 *l.*, which, if invested in one of the banks of Canada, will produce at the legal rate of interest, 600 *l.* sterling a year; this capital, I have the fullest assurance will, ere long, be augmented so far, as to produce a yearly income of 800 *l.*, which is equal to 1,000 *l.* colonial currency, and which the Council consider a competent salary for the new Bishop.

But until the capital shall be sufficient to produce the required annual income, the Council have obtained from the Society for the Propagation of the Gospel, a vote of 250 *l.* a year, to be charged upon the general funds of that Society in aid of the endowment of the proposed bishopric.

Concurring with the Council, that the income proposed for the Bishop is, though not large, yet sufficient, and that a secure permanent provision for the see has now been made; I trust that your Lordship will agree with me in thinking, that the time has arrived for submitting to Her Majesty the expediency of constituting the district of Montreal, in Canada East, a Bishop's see; and in the event of your concurrence in this view, I venture to recommend the Rev. Francis Fulford, M. A., as a fit and proper person to be the first Bishop thereof.

The Right Honourable Earl Grey,  
&c. &c. &c.

I have, &c.  
(signed) J. B. Cantuar.

(5.)

My Lord,

Downing-street, 15 June 1850.

I HAVE the honour to acknowledge the receipt of your Grace's letter of the 8th instant, on the subject of the erection of a second Protestant bishopric in Canada East.

I have much satisfaction in informing your Grace, that the endowment mentioned in your letter, appears to me to be sufficient for the proposed object, and that I will take an early opportunity of submitting to Her Majesty the name of the Reverend Francis Fulford, for the appointment of first Bishop of the see of Montreal. I feel that your Grace will concur with me in thinking, that with a view to security, the endowment should be made in a strictly legal manner, and I would suggest that it would be more satisfactory if the capital which has been raised for the support of the see, were invested in provincial securities, which equally with the banks, yield an income of 6 per cent., instead of placing it in a situation not altogether devoid of risk.

His Grace the Archbishop of Canterbury.

I have, &c.  
(signed) Grey.

(6.)

My Lord,

Downing-street, 29 June 1850.

WITH reference to my letter of the 15th instant, I have the honour to acquaint your Grace, that the Queen has been pleased to approve of the appointment of the Rev. Francis Fulford to be the first Bishop of Montreal, and that as soon as I am informed that the proposed endowment has been secured by the investment of the amount mentioned in your Grace's letter of the 8th instant, in trustees for this purpose, I shall be prepared to give the necessary directions for the preparation of the patent.

His Grace the Archbishop of Canterbury.

I have, &c.  
(signed) Grey.

(7.)

My Lord,

79, Pall-mall, 4 July 1850.

I HAVE the honour to acknowledge the receipt of your Lordship's letter dated June 29,\* informing me the Queen had been pleased to approve of the appointment of the Rev. Francis Fulford as first Bishop of Montreal, and further stating that you would be prepared to give directions for the preparation of the patent as soon as the capital sum of 10,000 *l.* specified in my letter of June 8† had been invested in trustees for the endowment of the new see.

I have

\* *Supra.*

† *Supra.*

I have now the satisfaction of informing you that the sum of 10,000*l.* has been paid into the Bank of England to the account of Sir J. T. Coleridge and others, the treasurers of the Colonial Bishops' Fund, who will take immediate steps for investing the same in Canadian securities.

I would further suggest, in accordance with the best opinion I can obtain from the colony, that the new bishopric to be erected should consist of so much of the ancient diocese of Quebec as constitutes the district of Montreal, which is separated for judicial purposes from the districts of Three Rivers and St. Francis, and bounded by the limits of the same, under Act of the Provincial Parliament now in force.

If new letters patent are required for constituting the diocese of Quebec, as reduced in area by the foregoing arrangements, they will, of course, describe the limits of that jurisdiction as comprising the districts of Quebec, Three Rivers, and Gaspé.

It may be proper, but it can hardly be necessary, for me, in making the present communication, to say that I fully rely on your Lordship's assurance, as conveyed in Mr. Merivale's letter to the Honorary Secretary of the Colonial Bishops' Fund of 28 May 1849,\* that the diminution in the "size of the diocese and archdeaconry of Quebec will not occasion any alteration in the amount of the emoluments received by Dr. Mountain in his character of Bishop of Montreal."

May I venture to express a hope that your Lordship will direct letters patent to be issued without delay, as it is important that the consecration should take place before the end of the present month.

The Right Hon. Earl Grey,  
&c. &c. &c.

I have, &c.  
(signed) J. B. Cantuar.

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— No. 4. —

COPY of a LETTER from Earl Grey to his Grace the Archbishop of  
Canterbury.

My Lord Archbishop,

Downing-street, 23 July 1850.

I HAVE the honour to acknowledge the receipt of your Grace's letter of the 4th instant, and to acquaint your Grace that the Queen has been pleased, by Her Majesty's letters patent under the Great Seal of the United Kingdom, to re-constitute the Bishopric of Quebec, and to constitute the Bishopric of Montreal in the manner suggested by your Grace.

But I beg leave to acquaint your Grace, that I am of opinion that it will be desirable that the endowment which has been provided for the newly erected Bishopric of Montreal should be legally secured; and I trust that your Grace will have the goodness to make arrangements for that purpose.

I take this opportunity to call your Grace's attention to a similar suggestion which I had the honour to offer for your consideration in a letter which I addressed to your Grace on the 9th of January 1849, in regard to the endowment of the Bishopric of Victoria (Hong Kong), but to which I have not as yet been favoured with an answer.

I have, &c.  
(signed) Grey.

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— No. 5. —

(No. 511.)

COPY of a DESPATCH from Earl Grey to the Earl of Elgin & Kincardine.

My Lord,

Downing-street, 18 July 1850.

I TRANSMIT to your Lordship herewith the Queen's letters patent under the Great Seal of the United Kingdom, by which Her Majesty has re-constituted the Bishopric of Quebec in the manner therein described, and appointed the present Bishop of Montreal to the Bishopric of Quebec; and I further transmit to your Lordship herewith, a copy of the letters patent under which Her Majesty has constituted Montreal into a separate diocese.

Your Lordship will have the goodness to cause Her Majesty's original letters patent to be delivered to the Bishop of Quebec.

I am, &c.  
(signed) Grey.

II.  
North American  
Colonies.

— No. 6. —

CANADA.

(No. 80.)

No. 6.  
Earl of Elgin to  
Earl Grey.  
17 June 1851.

COPY of a DESPATCH from the Earl of *Elgin & Kincardine* to Earl Grey.

Government House, Toronto, 17 June 1851.

(Received, 8 July 1851.)

My Lord,

At the request of the Lord Bishop of Toronto, I transmit for your information copies of a petition by his Lordship to the Queen, and of a letter to the Archbishop of Canterbury accompanying the same. I send likewise the copy of his Lordship's letter to the Provincial Secretary on this subject.

I have, &amp;c.

(signed) *Elgin & Kincardine.*

Encl. 1, in No. 6.

Enclosure 1, in No. 6.

Sir,

Toronto, 17 June 1851.

I HAVE the honour to enclose, for his Excellency the Governor-general's information, a copy of an Address to Her Majesty Queen Victoria, from the Bishop, clergy, and laity of the diocese of Toronto, in conference assembled, praying that Her Majesty would be graciously pleased to authorise, by Royal licence, Synods or Convocations in this diocese.

I likewise enclose a copy of my letter to the Archbishop of Canterbury, requesting his Grace (being, we believe, the proper channel of communication between the Church in this diocese and our beloved Queen) to present the same, and recommend the prayer to Her Majesty's favourable consideration.

Permit me further to offer my respectful duty to the Governor-general the Right honourable Earl of Elgin and Kincardine, and to request that his Excellency may be pleased to direct copies of the two documents to be transmitted to the Right honourable Earl Grey, Her Majesty's Principal Secretary of State for the Colonies.

The Hon. James Leslie,  
Secretary of the Province of Canada.

I have, &c.  
(signed) *John Toronto.*

Encl. 2, in No. 6.

Enclosure 2, in No. 6.

My Lord Archbishop,

Toronto, Canada, 7 June 1851.

I HAVE the honour to enclose a dutiful and loyal address to our most gracious and beloved Queen Victoria, from the clergy and laity of this diocese in conference assembled, with an humble request that your Grace will be pleased to present the same, and recommend the prayer to Her Majesty's favourable consideration.

There are many questions of great importance to the well-being and discipline of the Church in this diocese, which cannot be satisfactorily settled without some such constituted authority as we desire; and it is doubtless fitting, because in accordance with the custom of the Church in her purest ages, that the Bishop should meet and consult with his clergy upon rules of practice and ecclesiastical order within the limits of his own diocese, but not to change or alter, or in any way to interfere, directly or indirectly, with the Thirty-nine Articles, or the Book of Common Prayer, or with the authorised version of the Holy Scriptures.

In England the Church has her ecclesiastical law, and has been proceeding for centuries in regular and prescribed order; but such law is said not to extend to this colony, nor is there any power to modify a single rubric, however inapplicable it may be to a new country, or to enforce stricter discipline and greater unity of action. It must also be recollected, that the constitution of the mother Church makes no special provision for her missionary extension in foreign parts; hence many things are unprovided for which, in remote colonies, are daily calling the attention of the Bishop or his clergy, and perplexing them to remedy. It would indeed seem, that at the Reformation, the Church and Government were too much occupied with the necessary changes and the great difficulties and perils with which they were surrounded, to think of contemplating the Church in her missionary character, and of providing for her gradual re-establishment and progress in the colonies and in pagan islands.

It may indeed be true that no great inconvenience has yet been felt; but when the lay members of a diocese in a distant colony are more than 200,000, and the number of the clergy 150, it must needs be that difficulties and offences will arise, and how are they to be dealt with?

At such times the Bishop requires the support and refreshing counsel of his brethren, and their constitutional co-operation, in devising and applying such remedies as may be deemed necessary or expedient to meet such cases as may have occurred.

Moreover, your Grace will perceive that, situated as the Church now is in this diocese, the assistance of our lay brethren becomes indispensable to take order for the temporalities of the Church, and to adopt such measures for her stability and support as may be found most suitable to this new country and the limited means of our people.

Hitherto, as your Grace well knows, the Missionaries of Canada have been in a great measure supported by the two great church societies—the Society for the Propagation of the Gospel in Foreign Parts, and the Society for Promoting Christian Knowledge, but we are growing far beyond their power, however much inclined to afford us adequate help; and the time has arrived when we must look to our local resources and exertions for the maintenance of the clergy and the extension of the Church.

There has indeed been for the last five or six years a local fund, arising from the lands set apart in lieu of tithes, for the maintenance of a Protestant clergy, by the special direction of his late Majesty King George the Third, of blessed memory, and embodied in the 31 Geo. 3, c. 31, conferring a constitutional Government on the Canadas; but owing to the spread of what are erroneously called liberal principles in the colony, and the indifference of the Imperial Government, this resource has been grievously wasted, and the trifling portion which remains has been placed in jeopardy.

Hence both these sources may be considered precarious, and of a temporary character. It is true the two societies are as generous as they have ever been or can be, and will doubtless continue to be so to the extent of their ability. To them we feel under the greatest possible obligation, but they are unable to meet all our increasing wants.

Looking round on all sides, we can perceive no adequate help from without, so that we have not ventured to make this humble and dutiful appeal to our most Gracious Sovereign till compelled by pressing necessity. A Royal licence to meet in synod or convocation to manage our affairs, and to take legal measures for the ministrations, extension, and support of our holy Church in the diocese of Toronto, seems our only promising resource; and devoutly relying on the Divine blessing, we have a strong faith in its progressive efficiency.

We feel indeed a deep conviction that there is no other way of giving stability and permanence to our branch of the true Church in Upper Canada, than that which has been sanctioned by the wisdom and practice of the Church Catholic in all former ages.

Permit me to add, that although we deem your Grace the natural and proper channel of communication between the Church of this diocese and our beloved Queen, nevertheless, to avoid all occasion of offence, we have thought it our duty to request his Excellency the Governor-general Earl Elgin and Kincardine to transmit a copy of our address to the Right honourable Earl Her Majesty's Principal Secretary of State for the Colonies.

I have, &c.

(signed) *John Toronto.*

Enclosure 3, in No. 6.

Encl. 3, in No. 6.

To the QUEEN.

WE, your Majesty's dutiful and loyal subjects, the Bishop and clergy and laity of the diocese of Toronto, in the province of Canada in conference assembled, at a visitation holden by the Lord Bishop of Toronto, in the city of Toronto, on the 1st and 2d days of May 1851, the laity being composed of two delegates chosen by the members of the Church of England, who are communicants from each parish or mission within the said diocese, beg leave most humbly to represent to your Majesty:

That your petitioners are deeply affected with the importance of promoting more effectually than can be done under any existing powers connected with the constitution of the Church in this colony, the exercise of the discipline of the Church, and the more advantageous management of its temporal affairs.

That the lay members of the Church in this diocese now number more than 200,000 souls, and the clergy 150, are scattered over a vast extent of country, and much separated from one another, and that on this account the difficulties of episcopal supervision are much increased, as well as of the carrying out those regulations of discipline with which the best welfare of the Church is so intimately associated.

That the Bishop of the diocese, besides the difficulty thus arising from the remoteness and distance apart of parishes and clergy, has no adequate power by which to try cases of insubordination, offences against morality, or aggravated neglect of duty, where such may unhappily occur amongst his clergy.

That acting in accordance with his episcopal commission and prerogatives, and in reliance upon his individual judgment, with the aid of such council as he may be able to command,

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North American  
Colonies.

CANADA.

his decisions are liable to misconstruction; being subject, if gentle and indulgent, to the charge of irresolution and feebleness, and if manifesting decision and vigour, liable to be denounced as despotic and tyrannical.

That on such occasions it would much conduce to the removal of existing evils, if the Bishop of the diocese possessed the support and aid of a constitutional tribunal composed of certain of the more experienced and judicious of his brethren of the clergy.

That in order to effect so desirable an end, and at the same time more efficiently to promote the secular interests of the Church, by more fully providing and more advantageously managing the means of its support, your petitioners would humbly pray, that your Majesty would be pleased to authorize the establishment of a synod or convocation in this diocese, to be composed of the laity as well as the clergy of the Church therein, in such manner as in the wisdom of your Majesty would best conduce to the advancement of these important objects.

And your Majesty's petitioners, as in duty bound, will ever pray.

(signed) *John Toronto,*  
on behalf of himself and Petitioners.

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## NOVA SCOTIA.

NOVA SCOTIA.

— No. 1. —

(No. 1.)

COPY of a DESPATCH from Lieutenant-Governor Sir *John Harvey* to  
Earl *Grey*.No. 1.  
Sir John Harvey  
to Earl Grey.  
16 January 1851.

My Lord,

Government House, Halifax,  
16 January 1851.  
(Received, 28 January 1851.)

WITH reference to your Lordship's despatch No. 244, dated 15th November last, requiring certain information in relation to the support of the clergy in this province, I have the honour to transmit—

A return of Stipends to Missionaries in Nova Scotia, paid from Parliamentary Funds.

Copy of a letter from the Venerable Archdeacon Willis.

A Pamphlet, published in 1849, intituled "A Sketch of the Rise and Progress of the Church of England in the British North American Provinces, by Thomas Beamish Akins, Esquire."

Referring to the fifth paragraph of your Lordship's despatch, I beg to state, that the Rev. John Scott continues to draw, by bill of exchange on the Paymaster-general of Civil Services, 75 *l.* as the Presbyterian Minister at Halifax.

The documents above-mentioned, embrace all the information which it is in my power to afford on the subject of your Lordship's despatch, and I trust they may sufficiently serve the purpose of the inquiry.

I have, &amp;c.

(signed) *J. Harvey*.

*P. S.*—Your Lordship will understand that I cannot hold myself responsible for any part of the contents of the pamphlet transmitted.

## Enclosure 1, in No. 1.

RETRUN of MISSIONARY STIPENDS paid from Parliamentary Funds in Nova Scotia, in the Years 1832, 1835, and 1850.

NAMES, as per Original List, dated 5 November 1835.	Total Salary and Emoluments Received from Parliamentary Estimate in 1832.	Total Salary and Emoluments Received from Parliamentary Estimate in 1835.	Total Salary and Emoluments Received from Parliamentary Estimate in 1850.	EXPLANATORY NOTES. The Date of the Death or Removal of Original Incumbent to be particularly noted, and the Cause of any Change in Amount received.
Rev. J. Burnyeat - - -	The authority for the payment of the Missionaries by the Commissariat is dated Treasury, 26 September 1834, and the first payment, from 1st April to 30th September 1835, is made in November 1835.	£. s. d. 187 10 -	Exclusive of Income Tax. - - -	- - Deceased; the widow draws a pension of 50 <i>l.</i> a year.
„ J. M. Campbell - - -		150 - -	150 - -	
„ J. S. Clarke - - -		150 - -	- - -	Left the province.
„ J. C. Cochran - - -		175 - -	175 - -	
„ Charles Elliott - - -		187 10 -	187 10 -	
„ Edwin Gilpin - - -		175 - -	175 - -	
„ Alfred Gilpin - - -		150 - -	150 - -	
„ Thos. N. Grantham - - -		150 - -	- - -	Deceased.
„ Archibald Gray - - -		150 - -	150 - -	
„ William C. King - - -		150 - -	100 - -	Pension.
„ William B. King - - -		75 - -	75 - -	
„ John Thomas T. Moody - - -		150 - -	150 - -	
„ George Morris - - -		150 - -	150 - -	
„ Henry L. Owen - - -		150 - -	150 - -	
„ Charles Porter - - -		150 - -	100 - -	Pension.
„ James Robertson - - -		150 - -	150 - -	
„ Thomas B. Rowland - - -		150 - -	150 - -	
„ James Shreve - - -		175 - -	175 - -	
„ John Stephenson - - -		150 - -	- - -	Left the province.
„ Roger Viets - - -		150 - -	- - -	- - Deceased; the widow draws a pension of 50 <i>l.</i> a year.
„ Fitzgerald Uniache - - -	150 - -	150 - -		
„ Charles W. Weeks - - -	150 - -	- - -	- - Deceased. Widow drew a pen- sion of 50 <i>l.</i> a year, now deceased.	
„ Joshua W. Weeks - - -	150 - -	150 - -		
„ Thomas H. White - - -	150 - -	150 - -		
„ Robert Willis - - -	175 - -	175 - -		
„ J. Storrs - - -	- - -	- - -	- - In place of Rev. J. S. Clarke, authorised by Treasury Letter, 28th September 1838.	
TOTAL - - -	£.	3,850 - -	2,962 10 -	

N.B.—The dates of the decease of the several parties are not recorded in this office. The amount due for the last quarter of 1850 will be paid in January 1851.

Commissariat, Nova Scotia, }  
Halifax, 17 December 1850. }

F. W. Major, D. C. G.

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II.  
North American  
Colonies.

Enclosure 2, in No. 1.

NOVA SCOTIA.  
Encl. 2, in No. 1.

Sir,

Halifax, 15 January 1851.

I HAVE to reply to your letter of 18th ultimo, requiring me to furnish any information I may have, to enable his Excellency the Lieutenant-governor to reply to Earl Grey's despatch of November 15th, 1850.

I have examined the Clergy List of 1834, in the Commissariat Office, and the list as it stands now, 31st December 1850.

The clergymen whose names are now on this latter list, are entitled to the salaries opposite their names respectively, according to the arrangement made by Government with the Society for the Propagation of the Gospel in the year 1834.

Rev. Dr. Porter draws his pension of 400*l.* per annum, as retired President of King's College, Nova Scotia, and a pension also of 100*l.* as a retired Missionary of the Society for Propagating the Gospel.

The Rev. Wm. C. King draws a pension of 100*l.* per annum, as retired Missionary of the same Society.

There are two widows of missionaries, viz., Mrs. Viets, and Mrs. Burnyeat, receiving pensions of 50*l.* each.

I herewith send, for his Excellency's perusal, a copy of the Government circular of June 22d 1811, signed by Lord Liverpool, which his Excellency perhaps may have not seen.

I have, &c.

(signed) *Robert Willis*, Archdeacon.

To Deputy Provisional Secretary,  
&c. &c. &c.

*N. B.* As Dr. Porter's pension of 400*l.*, as retired President of King's College, Nova Scotia is not paid by the Commisariat, nor from provincial funds, I suppose it must be paid in England.

(signed) *R. Willis*, Archdeacon.

Enclosure 3, in No. 1.

Encl. 3, in No. 1.

(Circular.)

Sir,

Downing-street, 22 June 1811.

It has been represented by the Society for the Propagation of the Gospel in Foreign Parts, that it would tend to remove the difficulty experienced in procuring proper persons to act as missionaries, and serve as an encouragement to their zeal and perseverance in the discharge of this important trust, if the prospect of a future provision for life were held out to such as might be desirous of returning to this country after a certain period.

His Royal Highness the Prince Regent, has in consequence, commanded me to inform you, that a grant of 100*l.* per annum will be proposed in the annual Estimates, for every future missionary sent from this country, who, upon removing from the colony under your government, shall produce to the Society for the Propagation of the Gospel, a certificate from the Governor for the time being, of his having resided within the colony, and faithfully discharged the duties of his station during the term of ten years.

I have &c.

(signed) *Liverpool*.

The Lieutenant-General  
Sir George Prevost, Bart., &c. &c. &c.  
Nova Scotia.

— No. 2. —

COPY of a DESPATCH from Earl Grey to the Officer administering the Government of Nova Scotia.

No. 2.  
Earl Grey to the  
Officer administering  
the Govern-  
ment:  
10 Sept. 1851.

Sir,

Downing-street, 10 September 1851.

I HAVE received from the Bishop of Nova Scotia a letter, of which I transmit to you herewith a copy, in which he suggests that he should be summoned, under Her Majesty's Royal Instructions, to the Legislative Council of the province.

I consider, however, that the Bishop is not entitled to sit in the Legislative Council by virtue of her Majesty's Instructions. It is evident that those instructions applied, or were intended to apply, to the late Bishop only, and not to the Bishop for the time being. It is true, as stated by the Bishop, that the Letters Patent appointing him to the bishopric, confer upon him all the rights and privileges possessed by his predecessor; but these words can only be understood as meaning rights and privileges peculiar to the office of Bishop, and not as extending to a seat in the Legislative Council, which, under the constitution of that body is held expressly at her Majesty's pleasure.

7 August 1851.

## II.

North American  
Colonies.

NOVA SCOTIA.

I have to add, that I am not prepared to advise the Queen to appoint the Bishop of Nova Scotia to a seat in the Legislative Council of that province. I consider that, in the actual state of society and public opinion in the province, it would not be of advantage to the true interests of the Church of England that the Bishop should be invested with the political functions of a member of the Legislature.

You will communicate the substance of this despatch to the Bishop of Nova Scotia, as my reply to the letter which he has addressed to me.

I have, &c.  
(signed) *Grey.*

Encl. in No. 2.

Enclosure in No. 2.

My Lord,

Halifax, Nova Scotia, 7 August 1851.

THE supposition that the Provincial Parliament is likely to assemble for business soon after the conclusion of the elections, induces me to apply to your Lordship without delay with respect to my seat in the Legislative Council. The terms of the "Instructions" of 1839 are ambiguous; but the legal gentlemen whose opinion I have asked, seem to think that they imply that the Bishop is to be summoned by virtue of his office, the words being "The Bishop of Nova Scotia;" whereas had the one Bishop only been intended, they would have been, "John, Bishop of Nova Scotia." As, however, some question may arise, I shall be glad if your Lordship will instruct the Governor that I am to be summoned according to those instructions, if this is your Lordship's interpretation of them.

In any case, I trust that the seat enjoyed by my predecessors will be secured to me, as the most influential and respectable churchmen here are decidedly desirous that the Bishop should continue to sit in the Council, and the objections which might be urged in the case of a new bishopric can have no weight here, where the custom has so long prevailed. The position of the Bishop has not been altered so as to affect this question, for the letters patent recognize the succession, and confer all the privileges enjoyed by my predecessors. The presence of the Bishop in the Council is particularly important just now, when so many attacks are made upon the Church and its property in the colony, and might possibly have some effect in impeding the passage of such Bills as that which we have lately petitioned Her Majesty to disallow.

The Right Honourable the Earl Grey.  
&c. &c. &c.

I have, &c.  
(signed) *H. Nova Scotia.*

## Correspondence with Bishop of Nova Scotia.

## — No. 1. —

COPY of a LETTER from the Rev. Dr. *Binney* to *B. Hawes*, Esq., M.P.49, Cambridge-terrace, Hyde Park,  
6 May 1851.No. 1.  
Rev. Dr. Binney to  
B. Hawes, Esq.  
6 May 1851.

Dear Sir,

I CALLED yesterday at the Colonial Office, but was unfortunately a minute too late, you having just left for the Commons.

My object was to urge upon your attention the subject which Sir R. H. Inglis had previously mentioned to you, and which he thought you were not indisposed to favourably entertain; viz., the absurdity of expecting a Bishop to duly maintain the dignity of his office and the interests of the Church, in a colony proverbial for hospitality and expensive entertainments, upon 440*l.*, or less than one-fifth of what had been enjoyed by his predecessor. I have since seen several Members of the House, who are the most strenuous advocates for retrenchment, all of whom have expressed themselves ready, not only to assent to, but promote my proposition for granting to the present Bishop 1,000*l.*, or one-half at least of the former grant. I have so fully explained to Earl Grey, about three weeks ago, the peculiar circumstances of the diocese, and the necessity of a Parliamentary grant, however diminished for the present, that I need not repeat them. As the estimates I understand are now in preparation, I will merely remind you that 300*l.* is still retained for the Archdeacon of Newfoundland, though, in reality, it has been enjoyed by the Bishop ever since Archdeacon Spencer was consecrated. If all such grants were to cease with the then incumbencies, I know not how it was continued to the present Bishop, Dr. Field.

I am, &c.  
(signed) *H. Binney.*

## — No. 2. —

COPY of a LETTER from *B. Hawes*, Esq., M.P., to the Rev. Dr. *Binney*.

Dear Sir,

Downing-street, 14 May 1851.

No. 2.  
B. Hawes, Esq. to  
Rev. Dr. Binney.  
14 May 1851.

I HAVE laid before Earl Grey your letter of the 6th instant, and his Lordship desires me in answer to convey to you his regret, that it is impossible for Her Majesty's Government to recommend to Parliament a grant in augmentation of the salary of the Bishop of Nova Scotia. This is prohibited by the terms of the Vote for the North American Clergy; and whether or not any irregularities such as you allude to, may inadvertently have been admitted in former years, the Government is quite precluded from proposing any repetition of them, and is strictly bound to adhere to the conditions of the Vote.

I remain, &c.  
(signed) *B. Hawes.*

II.  
North American  
Colonies.  
BERMUDA.

BERMUDA.

— No. 1. —

(No. 12).

No. 1.  
Governor Reid to  
Mr. Secretary  
Gladstone.  
19 March 1846.

COPY of a DESPATCH from Governor *Reid* to Mr. Secretary *Gladstone*.

Bermuda, 19 March 1846.  
(Received, 11 April 1846.)

Sir,

I HAVE the honour to forward a letter from the Lord Bishop of Newfoundland, on the subject of the Dockyard Chaplain being subject to his jurisdiction, and requiring to be licensed here.

I annex a copy of observations made by me last year on the same subject, when forwarding a communication from the Bishop to Lord Stanley.

I have, &c.  
(signed) *Wm. Reid*,  
Governor.

Enclosure in No. 1.

Enc No. 1.

Sir,

Bermuda, 20 March 1846.

I HAVE the honour to request your attention to the accompanying letter, addressed by me to the Rev. J. Campbell, lately arrived here to reside and officiate as chaplain to the dockyard, the occasion of which I will explain as briefly as possible.

It appeared to me that both the canons of the Church, and Her Majesty's letters patent granted to me as Bishop of Newfoundland, require that all chaplains coming to reside and officiate in the diocese, should receive a license from the Bishop, and be otherwise subject to the jurisdiction of the ordinary. I therefore addressed a letter to that effect to Mr. Campbell, soon after his arrival, of which the accompanying document is a copy.

Mr. Campbell objects at present to receive a license from me, and wishes to refer to the Admiralty before submitting himself to the Bishop's authority, to which I have personally no objection whatever, and only hope I have not done wrong as Bishop in consenting to such a step.

I would observe, that I believe the patents of the Colonial Bishops have been in some respects altered and enlarged, to meet the case of resident chaplains; and that the words "all chaplains of other places within the said diocese wherein Divine service shall be celebrated," were inserted for that purpose.

It may be necessary to add, that the chaplain has a fixed residence on shore, and expects shortly to have a church built. There is already a consecrated grave-yard attached to his district, and at my last confirmation forty young persons were brought from thence as candidates, under the care of the chaplain's *locum tenens*.

It will be my duty to send copies of these letters to his Grace the Archbishop of Canterbury.

I have, &c.  
(signed) *Eduard Newfoundland*.

The Right Hon. W. E. Gladstone.  
&c. &c. &c.

Rev. and Dear Sir,

Hamilton, 11 March 1846.

If you recognize me as your diocesan, it will be necessary that you should subscribe the articles in my presence, and receive a licence from me, as (you are no doubt aware) is done in England, in taking either a curacy or a living in a fresh diocese.

I ought not, perhaps, to make any "if," or question, of your readiness to conform in this respect to the common usage at home, nor should I do so, only I am aware that your position in the diocese is in some respects peculiar, and may be supposed, if you wish it, to exempt you from episcopal jurisdiction.

It may be well to inform you, that the patents of the Colonial Bishops now mention, as subject to the Bishop's jurisdiction, not only rectors, curates, &c., but "all chaplains of other places within the said diocese wherein Divine service shall be celebrated."

I trust you will believe that I have, can have, no personal interest (I might add no personal feeling) in the matter. My only desire is to fulfil the duties committed to me, and not to escape negligently, or lessen my charge and responsibility.

Believe me, &c.  
(signed) *E. Newfoundland*.

Rev. J. Campbell.

Dear Sir,  
MAY I request you to forward the accompanying letter to the Colonial Office.  
They would have been submitted to your Excellency before this time, but I have waited for letter (promised to me) from Mr. Campbell, a copy of which was by agreement to have been enclosed, and sent with the others. I do not think it right to wait any longer for it.

Hamilton, 19 March 1846.

I am, &c.  
(signed) *Edward Newfoundland.*

His Excellency Lieut.-Col. Reid,  
&c. &c. &c.

## — No. 2. —

(No. 13.)

COPY of a DESPATCH from Mr. Secretary *Gladstone* to Governor *Reid*.

Sir,  
I HAVE received your despatch of the 19th March (No. 12),\* with its enclosure, from the Bishop of Newfoundland, on the subject of his Lordship's episcopal authority over the chaplain in attendance on the convicts in the dockyard at Bermuda.

I can perceive no ground to doubt that every minister in holy orders of the Church of England, publicly officiating in that capacity, within the Bishop's diocese, is bound to obtain from him a licence for that purpose. The refusal of such a licence would be a conclusive obstacle to the admission by Her Majesty's Government of any such clergyman to officiate there. The legal revocation of such a licence (whatever may be the manner in which it could be legally revoked), would render it impossible for the Government to continue to avail themselves of the services of such a clergyman. Further, I apprehend, that for whatever acts he might do in such his clerical capacity, the chaplain officiating in the dockyard would be responsible to his ecclesiastical superior, in the same manner as any other licensed clergyman in his diocese is legally responsible to his diocesan.

On the other hand, it belongs to the secular Government to regulate on their own authority and responsibility whatever relates to the management and discipline of the convicts, even in their relation to their spiritual teacher, to determine, for example, or effectually control the times and the places at which instructions shall be conveyed to them, to prohibit the use of any modes of instruction which may appear to the local Government to endanger the peace, order, and subordination of the convicts, and at their discretion to suspend immediately from the execution of his office any chaplain whose suspension may appear to them to be required, with a view to the interests of peace, order, and subordination.

The respective provinces of the spiritual and the secular powers on this subject are thus separated from each other by a line sufficiently clear to render inconsiderable the risk of any direct collision of authority; and if, at any point of that line it should be found indistinct, then the spirit of mutual respect and confidence subsisting between the Bishop and yourself will, I trust, find a ready solution for the difficulty. I am the more encouraged to believe that no practical, or at least that no intractable difficulty will occur, because I find that in all the gaols and penitentiaries of this country, the problem of the reconciliation of the divided authority to which their chaplains are subject, receives a ready solution as often as it arises, or rather that in practice, those powers are reconciled so easily, as scarcely ever to raise any question for debate. I enclose for your information a copy of the latest Act for the regulation of gaols in England, from which Act you will collect what are the rules which Parliament has thought it necessary to establish on this subject.

I have, &c.  
(signed) *W. E. Gladstone.*

No. 2.  
Mr. Secretary  
Gladstone to  
Governor Reid.  
30 April 1846.  
\* Page 16.

2 &amp; 3 Vict. c. 56.

II.  
North American  
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— No. 3. —

BERMUDA.

No. 3.  
Mr. Secretary  
Gladstone to the  
Bishop of New-  
foundland.  
9 May 1846.  
Page 16.

COPY of LETTER from Mr. Secretary *Gladstone* to the Bishop of  
*Newfoundland*.

My Lord,

Downing-street, 9 May 1846.

HAVING had under my consideration the letter which you addressed to me on the 20th of March,\* on the subject of the exercise of your Lordship's episcopal authority over the chaplain in attendance on the convicts in the Dockyard at Bermuda, I have deemed it convenient to address a despatch to the Governor of those islands, in which I have stated at length, the views which I entertain upon the subject brought to my notice. I conclude, if your Lordship shall not have quitted Bermuda when my despatch arrived there, that Governor Reid will have placed you in possession of its contents. But as your departure may have taken place at an earlier period than I expected, I think it desirable to send to your Lordship at Newfoundland the accompanying copy of the despatch which I have written to the Governor of Bermuda on this subject. Unnecessary delay in the receipt by your Lordship of my answer to your letter will by this means be avoided.

I have, &c.  
(signed) *W. E. Gladstone.*

— No. 4. —

No. 4.  
Mr. Secretary  
Gladstone to the  
Archbishop of  
Canterbury.  
9 May 1846.

COPY of a LETTER from Mr. Secretary *Gladstone* to his Grace the Archbishop  
of *Canterbury*.

My Lord,

Downing-street, 9 May 1846.

HAVING had occasion to address a despatch to the Governor of Bermuda, on the subject of the episcopal authority of the Bishop of Newfoundland over the Chaplain in attendance on the convicts in the dockyard at Bermuda; I do myself the honour of transmitting to your Grace a copy of that despatch, with the contents of which it has occurred to me, that your Grace would desire to be acquainted.

I have taken measures to provide, that the Bishop of Newfoundland shall be made acquainted with this despatch, whether he shall or shall not have quitted the colony of Bermuda before its arrival.

I have, &c.  
(signed) *W. E. Gladstone.*

— No. 5. —

No. 5.  
Archbishop of  
Canterbury to  
Mr. Secretary  
Gladstone.  
11 May 1846.

COPY of a NOTE from the Archbishop of *Canterbury* to Mr. Secretary *Gladstone*.

Lambeth Palace, 11 May 1846.

THE Archbishop of Canterbury has to acknowledge a letter bearing date the ninth of this month; from Mr. Gladstone, accompanied by a copy of a despatch addressed to the Governor of Bermuda, on the subject of the episcopal authority of the Bishop of Newfoundland over the Chaplain in attendance on the convicts in the dockyard at Bermuda; and the Archbishop sees reason to approve the instructions conveyed to the Governor in this despatch, which he trusts will have the effect of preventing any further debate on this question.

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— No. 6. —

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North American  
Colonies.

BERMUDA.

No. 6.

Bishop of New-  
foundland to  
Mr. Secretary  
Gladstone.  
5 June 1846.COPY of a LETTER from the Bishop of *Newfoundland* to Mr. Secretary  
*Gladstone*.

Sir,

St. John's, Newfoundland, 5 June 1846.

I HAVE had the honour to receive your letter dated May 9th, in reply to one which I addressed to you from Bermuda, on the subject of the Bishop's authority over the Chaplain of the dockyard in that colony; and together with that letter a copy of a despatch on the same subject to Governor Reid.

I must beg leave in the first place, to make my respectful acknowledgements for the consideration which directed the communication to be sent to Newfoundland, in expectation of its finding me here, much time has been thereby saved.

I hope I shall not do wrong, if I declare, in the next place, how very thankful I feel for the tone of your despatch, and for the satisfactory position in which I am placed thereby, with respect to the Chaplains of the *convict establishment*. Up to this time, I have never positively known whether I could, or could not exercise authority as Bishop, over them. Considerable difficulty occurred in consequence, at my first visitation, in the year 1845; and I wrote home for instructions but received no answer. The difficulty, however, was not in any respect between the Governor, or any of the civil authorities and myself, but between myself and one of the two resident Chaplains. The Governor was not at that time acting as superintendent of the convict establishment, and therefore I had only to request his Excellency to transmit my communication to the Colonial Office, which was immediately done. During my late stay, I had no particular occasion to visit the chaplains; and was anxious to avoid doing so unnecessarily, that on the one hand I might give no offence, and on the other hand might not risk the bringing a sacred but ill-recognized authority into contempt.

The above remarks refer to the chaplains of the *convict establishment*.

I have underlined these words because my letter, with which I troubled you from Bermuda had reference, not to the chaplains of the convict establishment, but to the chaplains of Her Majesty's *dockyard* or *naval yard*; a distinct situation and service. This chaplain, respecting whom I wrote (the Reverend Mr. Campbell) is in no way connected with the convict establishment. He arrived in Bermuda during my late visit, and declined, as I said in my letter, to receive a licence from me. "My doing so," he said "would be a plain and undeniable recognition of your Lordship's episcopal jurisdiction over me, as chaplain of Her Majesty's naval-yard; and this, my Lord, I am not prepared at present to admit."

I enclose herewith a copy of Mr. Campbell's letter to me. I would only beg to repeat what I said in my former letter (to which, if necessary I respectfully request reference may be made) that Her Majesty's letters patent, not less than the canons of the Church seem to me to require that there should be a recognition of the episcopal jurisdiction by all chaplains resident and officiating in the diocese; and I am truly thankful that the general principle is so plainly recognized in your despatch to his Excellency, though not applied to the party now in question. I would also observe, that there has been no difficulty or question between his Excellency and myself in this case, any more than in the case of the convict establishment last year. I shall transmit a copy of this letter to his Excellency.

I have, &c.  
(signed) *Edward Newfoundland.*

Enclosure in No. 6.

Encl. in No. 6.

My Lord,

Ireland Isle, 18 March 1846.

I HAVE the honour to acknowledge the receipt of your letter of the 11th instant, to which I should have returned an earlier reply, but for my reasons I mentioned to you in my interview of yesterday.

As an ordained minister of the Established Church, I beg your Lordship to believe that I am most desirous "reverently to obey my ordinary and other chief ministers, unto whom

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Colonies.

BERMUDA.

is committed the charge and government over me;" but, with every respect for your Lordship's office, I much doubt whether I should be justified in my present position, as chaplain of the dockyard in these islands (a position acknowledged by your Lordship to be, in "some respects peculiar, and such as may be supposed, should I wish it, to exempt me from episcopal jurisdiction"), whether, I say, I should be justified in receiving a license from your Lordship; my doing so would be a plain and undeniable recognition of your Lordship's episcopal jurisdiction over me as chaplain of Her Majesty's Naval Yard, and this, my Lord, I am not prepared at the present to admit. The matter depends not on my wishes, but on the decision of the Lords Commissioners of the Admiralty, from whom immediately I hold my appointment. To their judgment I must refer the question, sincerely trusting that their decision may be satisfactory to your Lordship, and such as may best conduce to the spiritual well-being of this portion of the diocese.

I have, &c.  
(signed) *J. Campbell.*

## — No. 7. —

No. 7.  
Governor Reid  
to Mr. Secretary  
Gladstone.  
1 June 1846.

(No. 25.)

COPY of a DESPATCH from Governor *Reid* to Mr. Secretary *Gladstone*.

Bermuda, 1 June 1846.  
(Received, 6 July 1846.)

Sir,

\* Page 17.  
† Page 16.

I HAVE had the honour to receive your despatch, No. 13,\* dated 30 April 1846, in answer to mine of the 19th March 1846, No. 12,† on the subject of the chaplain at the dockyard being licensed by the Bishop of the diocese. I perceive that it has not been understood that the dockyard chaplain and the chaplain to the convicts are different officers, and under two distinct departments of Government. Your answer refers only to "the chaplain in attendance on the convicts in the dockyard at Bermuda," but who is not the dockyard chaplain. It becomes, therefore, necessary for me to explain to you, that the subject of my despatch with which I enclosed the letter of the Bishop of Newfoundland had reference particularly to the dockyard chaplain, who is under the Board of Admiralty. The subject has been laid before the Lords Commissioners of the Admiralty. An answer is looked for by the Naval Department, and as I failed clearly to explain to you that the question had reference to an officer under the Admiralty Department, I think it possible we may receive here conflicting decisions. I am told, that neither in the English dockyards, nor in dockyards of any colony included within a diocese, are any dockyard chaplains required to have a license from the Bishop of the diocese.

It will be seen, by reference to my despatch, 8th February 1845, No. 14, that so far from desiring that the Bishop should not have spiritual jurisdiction over the chaplain to the convicts, that I had wished that he should have full power of visitation and inspection. I now add, that I never entertained a doubt but that Bishop Field, by his commission, had spiritual jurisdiction over all the chaplains of the Church of England, as well as over the parochial clergy. But I believe that this spiritual jurisdiction over the Government chaplains is a new power given to the Bishops that has never been exercised even in England. To prevent collision, it seems to me required that the heads of all departments should be made acquainted that the chaplains are bound to obtain licenses from the Bishops, and to be subject to their spiritual jurisdiction, without interfering with that which belongs to the secular Government to regulate on their own authority and responsibility, as distinctly explained in your despatch to me.

From my own personal observation in England, as well as here, I am convinced of the importance of the Bishops practically exercising spiritual jurisdiction as regards dockyard chaplains everywhere. But, in order to avoid the risk of conflicting instructions being promulgated, I have thought it the best course for the present to confine myself to showing your despatch, No. 13, to the Vice-Admiral, and to await further communication, after you shall have had time to consider this question in all its bearings, and, as regards the naval and military chaplains, as well as the chaplains to the convicts.

I have, &c.  
(signed) *Wm. Reid*, Governor.

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II.  
North American  
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— No. 8. —

COPY of a LETTER from Lord *Lyttelton* to Captain *Hamilton*.

Sir,

Downing-street, 4 July 1846.

I AM directed by Mr. Secretary Gladstone to transmit to you the accompanying copies of a correspondence, noted in the margin, arising out of a question mooted by the Bishop of Newfoundland, on the subject of the Episcopal authority of the Bishop over the Chaplain in attendance on the convicts in the dockyard at Bermuda.

It would appear from the letter of the Bishop, dated the 5th June, that although the views explained by Mr. Gladstone to the Governor of Bermuda, in his despatch of the 30th April, has relieved the Bishop from the unsatisfactory position in which he was placed in respect to his authority over the Chaplains of the convict establishment at Bermuda, it still remains to be decided whether the Chaplains of Her Majesty's dockyard, or naval yard, at that place are bound to recognize the Episcopal jurisdiction of the Bishop of Newfoundland over them.

Mr. Gladstone directs me to request that you would move the Lords Commissioners of the Admiralty to signify to him their opinion whether there is any objection to the exercise by the Bishop of the same degree of control and authority over the Naval Chaplain at Bermuda as has been admitted with regard to the Chaplains there having the spiritual charge of the convicts.

I have, &c.  
(signed) *Lyttelton*.

No. 8.  
Lord Lyttelton to  
Captain Hamilton.  
4 July 1846.

Despatches and Enclosures from Governor Reid, 19 March 1846.  
Despatch to Governor Reid, 30 April 1846.  
Letter to Bishop, 9 May.  
Letter from Bishop, 5 June.

— No. 9. —

(No. 8.)

COPY of a DESPATCH from Earl *Grey* to Governor *Reid*.

Sir,

Downing-street, 8 August 1846.

IN reference to your despatch, No. 25,\* of the 1st June, on the subject of the authority of the Bishop of Newfoundland over the Chaplain of the dockyard at Bermuda, I have to inform you, that, having brought under the consideration of the Lords Commissioners of the Admiralty the proposal that the Chaplain should receive a license from the Bishop of Newfoundland, their Lordships have stated, "that it has always been the practice of the Naval Departments to consider the Chaplains of the dockyards under their own control, and that their Lordships see no reason in the present instance in departing from that rule."

You will be pleased to communicate a copy of this decision to the Bishop for his information.

I have, &c.  
(signed) *Grey*.

No. 9.  
Earl Grey to  
Governor Reid.  
8 August 1846.

\* Page 20.

— No. 10. —

(No. 41.)

COPY of a DESPATCH from Governor *Elliot* to Earl *Grey*.

My Lord,

Bermuda, 19 April 1849.  
(Received, 22 May 1849.)

I HAVE the honour to forward a letter which I have recently received from the Bishop of Newfoundland, requesting that the enclosed communications shall be transmitted to your Lordship.

I have, &c.  
(signed) *Charles Elliot*.

No. 10.  
Governor Elliot to  
Earl Grey.  
19 April 1849.

## II.

North American  
Colonies.

Enclosure 1, in No. 10.

Sir,

Bermuda, 18 April 1849.

BERMUDA.  
Encl. 1, in No. 10.

I HAVE the honour of submitting to your Excellency a copy of a letter, which I desire, with your Excellency's consent, to forward to Her Majesty's Secretary of State for the Colonies.

It may be right to mention that I have submitted my letter to Vice-Admiral the Earl Dundonald, with a request that it may be forwarded to the Lords Commissioners of the Admiralty.

It will be further my duty to submit a copy of my letter to his Grace the Archbishop of Canterbury.

His Excellency the Governor  
of Bermuda.

I have, &c.  
(signed) *Edward Newfoundland*

Enclosure 2, in No. 10.

My Lord,

Bermuda, 18 April 1849.

Encl. 2, in No. 10.

I HAVE the honour of submitting to your Lordship a copy of a letter I have addressed to the Lords Commissioners of the Admiralty on the subject of a despatch addressed by your Lordship to the late Governor of Bermuda, dated 8th August 1846.

I earnestly request your Lordship's kind attention to the letter, with a hope that your Lordship's influence will be used to forward an object, which, if I know anything of myself, I pursue with no selfish purpose, but out of a sincere wish to fulfil the trust reposed in me, for the good of the Church, and the glory of God. It will be manifest, I think, that the position of the Chaplain of the dockyard is very anomalous, and I trust it will be further manifest that the Bishop ought to have authority over him, as directed and granted by Her Majesty's Letters Patent.

I shall be very thankful to know that my views are approved and seconded by your Lordship.

The Earl Grey,  
&c. &c. &c.

I have, &c.  
(signed) *Edward Newfoundland*

Enclosure 3, in No. 10.

My Lords,

Bermuda, 16 April 1849.

Encl. 3, in No. 10.

I HAVE the honour of receiving from his Excellency, the late Governor of Bermuda (so long ago as 30 October 1846) a copy of the subjoined despatch, addressed to his Excellency by Earl Grey, in August of that year.

" Sir,

Downing-street, 8 August 1846.

" In reference to your despatch, No. 25, of the first of June, on the subject of the authority of the Bishop of Newfoundland over the Chaplain of the dockyard at Bermuda, I have to inform you that, having brought under the consideration of the Lords Commissioners of the Admiralty the proposal that the Chaplain should receive a license from the Bishop of Newfoundland, their Lordships have stated, that it has always been the practice of the Naval Department to consider the Chaplains of the dockyards under their own control, and that their Lordships see no reason in the present instance for departing from that rule.

" You will be pleased to communicate a copy of this decision to the Bishop for his information.

" Governor Reid,  
&c. &c. &c."

" I have, &c.  
(signed) " Grey."

I did not think it right to trouble your Lordships with any remarks upon this despatch until I should return to Bermuda; and I would gladly have been altogether spared the necessity of doing so; but I cannot, consistently with my sense of duty, be silent in reference to a decision which affects so intimately no inconsiderable portion (equivalent in all respects to a parish) of my spiritual charge in these islands.

It is, I trust, unnecessary, and certainly would be useless, to disclaim all personal feeling in the matter. They who could not give me credit for higher motives without an assurance to that effect would hardly give credit to my assurance.

My endeavour shall be to supply and submit to your Lordships some reasons why the Chaplain of the dockyard at Ireland Island should receive the Bishop's license, and be subject to his jurisdiction. And to these reasons I respectfully, but earnestly, invite your Lordship's kind and patient consideration.

1. By Her Majesty's letters patent the Bishop has "full power and authority to grant licenses to officiate to all rectors, curates, ministers, and chaplains of all the churches or chapels, or other places within the said diocese, wherein Divine service shall be celebrated according to the rites and Liturgy of the Church of England, and to visit all rectors, curates,

curates, ministers, and chaplains, and all priests in holy orders of the United Church of England and Ireland, resident within the said diocese, with all and all manner of jurisdiction, power, and coercion ecclesiastical that may be requisite in the premises; as also to call before him at such competent days, hours, and places, when and so often as to him shall seem meet and convenient, the aforesaid rectors, curates, ministers and chaplains, priests and deacons, or any of them," &c.

Your Lordships will perceive that the Bishop's authority by these letters patent is the same with respect to all chaplains resident within the said diocese, as to rectors, curates, &c.; and authority so given cannot, I conceive, be relinquished without a dereliction of duty.

2. I will now show your Lordships how the peculiar circumstances of Ireland Island render the office and functions of the dockyard Chaplain there very different from the office and functions of the dockyard chaplains in England, and demand episcopal cognizance and control.

There is a resident population of about 650 souls in Ireland Island (exclusive of the soldiers), and a school of about 80 children, all under the spiritual charge of the chaplain; in all respects (except that, unhappily, there is no church in the island), as in a parish at home. There is a consecrated cemetery, a parsonage house, and a resident (or supposed resident) clergyman, who should (it is presumed) preach, administer the sacraments, visit the sick, and bury the dead, according to the rules and services of the English Church. By removing the clergyman from episcopal superintendence and control, his flock, of course, is removed also. I think these circumstances can hardly be known generally to your Lordships: they constitute, I imagine, a broad and important distinction and difference between the dockyards in England and Bermuda.

3. The difference has been brought out in a rather embarrassing way during my present visitation. I have, of course, held confirmation, and there were not less than 48 candidates for confirmation (besides ten soldiers) in Ireland Island. If the Chaplain had not been here to prepare these candidates, I should have had no right to inquire into his mode of preparing them, &c. He might have told me that he had received no license from me, and that he was "under the control of the Naval Department." It has not happened both in this and my former visitation that the Chaplain was not in residence, and his substitute, who prepared and presented the candidates, was a clergyman holding my license, and of course subject to my control as his diocesan.

Had the Chaplain been himself here, as I could not have required him to present any candidates if he had not been so disposed, I should not have felt at liberty to receive them on his presentation had he been so disposed. I beg to refer your Lordships to a letter (a copy of which is subjoined), which I addressed to the officiating clergyman, who in Mr. Campbell's absence prepared and presented the candidates. I did not, of course, confirm on Ireland Island, but received the candidates at the churches in Bermuda—I am afraid at considerable inconvenience to them.

4. This is the third time I had visited Bermuda, and my stay each time has averaged four months; and on neither of these occasions has the Chaplain been here, except on my second visitation for about a month, just long enough to assert his independence of ecclesiastical authority. Mr. Campbell has now been absent (I believe the third time since his appointment in 1846) upwards of 11 months. Fortunately his place has been filled, and well filled, on this occasion, but I believe it is the first time that any substitute has been provided. The Chaplain's public services have been in some sort performed for the Chaplain to the convicts, who has just enough duty of his own. It may be right to add, that he (the Chaplain to the convicts) would not be permitted again to take that additional duty.

5. It is quite within the range of possibility (if I should not rather say of probability), that some chaplain or clergyman officiating in the dockyard, may be accused of preaching, or otherwise inculcating, unsound doctrine. The consideration that he is not likely to do so, (I mean not likely to preach, or inculcate, unsound doctrine) does not make it any more unlikely that he may be accused or suspected of doing so. In that case is it intended to impose on the Admiral the duty of determining the orthodoxy or otherwise of his sermon? or on whom will that duty devolve?

6. A very short time ago, an American clergyman visited Bermuda, and though I took care to inform him that I could give him no leave or license to officiate in Ireland Island, he nevertheless did officiate there. Your Lordships may perhaps be aware that this proceeding is contrary to the law, and I need hardly say is of dangerous precedent; but I did not feel myself further at liberty to interfere.

7. The late Governor, Lieutenant-colonel Reid, distinctly saw and acknowledged the propriety and expediency of placing the Chaplain under the Bishop's control, and strongly recommended it in a despatch to the Colonial Office. Her Majesty's then Secretary of State entirely concurred in his Excellency's view. It would, I am sure, be an offence to your Lordships to suppose that, because the Chaplain is paid by or through your Lordships, therefore he must be kept under naval supremacy and control. No patrons in England would choose, I think, (even if the law allowed it) to withdraw a clergyman and his flock from Episcopal direction and protection on such a plea.

May I respectfully ask your Lordships on what grounds it is desired that the Chaplain should be removed from the Bishop's jurisdiction and control? I will honestly confess,

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that if Mr. Campbell had been under my control, he would not have been permitted to absent himself from his important charge as he has done. But if your Lordships' wish and intention be, that the Chaplain should perform his duty to his charge and your Lordships, I humbly conceive the ancient and tried plan of placing him under the direction and control of his superior officer in the church, would be more in accordance with the usage in other departments, and, with God's blessing, more effectual for the desired end.

Will your Lordships allow me to express my most earnest desire that, whether or not I may be permitted to officiate therein, a church may now at length be erected on Ireland Island? Will the Naval Department consent, that while thousands and ten thousands are expended, and I doubt not well expended, for defence and convenience, the worship of Almighty God should still be conducted in a wretched store?

Praying your Lordships to interpret my purpose charitably and kindly,

The Right Hon. the Lords Commissioners  
of the Admiralty.

I have, &c.  
(signed) *Edward Newfoundland.*

Copy of a LETTER addressed to the Officiating Clergyman at the Dockyard, Ireland Island, and referred to in the foregoing.

Reverend and dear Sir,

Bermuda, 6 March 1849.

In consenting to receive the candidates for confirmation from Ireland Island, I think it right to state that I could not have done so if you had not received a license from my commissary, and thereby subjected yourself to my control as your diocesan.

Had Mr. Campbell himself been in residence, I could not have received the candidates on his recommendation, but must have required them to be presented and prepared by some one of my clergy, whose proceedings in the premises I should have been at liberty to investigate.

Rev. H. B. Tristram.

I am, &c.  
(signed) *Edward Newfoundland.*

— No. 11. —

No. 11.  
H. Merivale, Esq.,  
to Capt. Hamilton,  
R.N., 5 June 1849.

COPY of a LETTER from *H. Merivale*, Esq. to Captain *Hamilton*, R.N.

Sir,

Downing-street, 6 June 1849.

THE Bishop of Newfoundland having forwarded to this department the copy of a letter which he has recently addressed to the Lords Commissioners of the Admiralty, respecting his episcopal authority over the Chaplain in attendance on the convicts in the dockyard at Bermuda, I am directed to state, that Lord Grey would be glad to be informed of the answer which their Lordships may think proper to return to the Bishop upon this subject.

I have, &c.  
(signed) *H. Merivale.*

— No. 12. —

(No. 316.)

COPY of a DESPATCH from Earl *Grey* to Governor *Elliot*.

Sir,

Downing-street, 19 July 1849.

I HAVE to acknowledge the receipt of your despatch, No. 41,\* of the 19th of April, enclosing, at the request of the Bishop of Newfoundland, the copy of a letter which he has addressed to the Lords Commissioners of the Admiralty, respecting his Lordship's episcopal authority over the Chaplain in attendance upon the convicts in the dockyard at Bermuda.

Having referred this letter for the consideration of the Lords of the Admiralty, I transmit herewith, for the purpose of being communicated to the Bishop, a copy of their Lordships' reply.

I have, &c.  
(signed) *Grey.*

No. 12.  
Earl Grey to  
Governor Elliot.  
19 July 1849.  
\* Page 21.

12 July 1849.

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## Enclosure in No. 12.

Sir,

Admiralty, 12 July 1849.

With reference to your letter of the 28th ultimo, enclosing a copy of the letter which the Bishop of Newfoundland states that he has addressed to my Lords Commissioners of the Admiralty, claiming authority over the Chaplain of the dockyard at Bermuda, I am commanded by their Lordships to acquaint you, for the information of Earl Grey, that no trace of the letter from the Bishop can be found in this department, consequently no answer has been returned to his Lordship. My Lords, however, do not consider that there are any peculiar circumstances belonging to the Chaplaincy at Bermuda of such a nature as to require them to place those appointed to that situation on a different footing from the other Chaplains of Her Majesty's dockyards; but their Lordships will be ready to receive and give every proper consideration at all times to such representations as to the manner in which the duties are performed, as the Bishop of Newfoundland may, in the exercise of his episcopal functions, think proper to make.

B. Hawes, Esq., &amp;c. &amp;c. &amp;c.

I have, &c.  
(signed) *J. Parker.*BERMUDA.  
Encl. in No. 21.

## — No. 13. —

(No. 69.)

Copy of a DESPATCH from Governor *Elliot* to Earl *Grey*.

Bermuda, 15 August 1848.

(Received, 5 Sept. 1848.)

No. 13.  
Governor *Elliot*  
to Earl *Grey*.  
15 August 1848.

My Lord,

I HAVE the honour to transmit the copy of a letter which I have received from the Rev. Mr. Morrison, a Presbyterian Minister resident here, upon the difficulty respecting the performance of funeral ceremonies (except those of the Church of England) in the churchyards attached to the parish churches of this colony, and in the burial ground at Ireland Island.

I also forward a copy of my reply to Mr. Morrison, and of a letter which I have addressed to the Rev. Dr. Tucker, the Ecclesiastical Commissary, upon this subject.

As respects the burial ground at Ireland belonging to the Admiralty, and quite remote from the room used for a chapel, I have a persuasion that the Vice-Admiral commanding-in-chief will readily support Mr. Morrison's request. And when their Lordships consider that the Garrison there consists chiefly of detachments of a gallant Scotch regiment, I am sure it will be judged that there is an immediate practical necessity for this attention to their feelings.

I am unable to say whether it is competent to the Bishop to extend the same indulgence in the case of the churchyards attached to the parish churches in this colony, but I sincerely hope that it may be in his Lordship's power to do so.

I have, &c.  
(signed) *Charles Elliot.*

## Enclosure 1, in No. 13.

Encl. 1, in No. 13.

Sir,

Warwick, 9 August 1848.

As the subject of a new burial ground, or liberty to bury in the old, according to the forms and rites of our own Church, is still under consideration, I, with the view of being able to bring about this desirable object, take the freedom to lay before your Excellency what I have just now read in the Witness or Guardian newspaper, of date 27 May 1848, in reference to a similar case in Leghorn.

In Leghorn, the Reverend Mr. Stewart still continues to labour single handed in the ministry; but he never flags or wearies, and the congregation continues to prosper, while the rights and privileges of Presbyterians can no where be in more judicious hands than in those of our friends in Leghorn. An instance of this the Committee take this opportunity of mentioning.

"The Bishop of Gibraltar having consecrated the burial ground in Leghorn, objection was made by the Episcopalian authorities to the use of the ground by Presbyterians, without conforming to the burial rites and ceremonies of the Church of England. As the burial ground is private property, held under British authority, this was resisted, and complained of, and after much correspondence, in which great judgment and discretion was manifested by our friends in Leghorn, the claims of the Presbyterians were at length acknowledged, and the gratifying intelligence communicated in a letter from Lord Palmerston to this effect, 'that there is to be no hindrance to the members of the Free Church using such British burial ground with such rites as they may choose.'"

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I have no wish whatever to lay our case before either the Right honourable Fox Maule, Secretary of War, or yet before Lord Palmerston, especially without first consulting your Excellency; but certainly if we are excluded the privilege of burying our dead, and especially the soldiers, both at St. George's and Ireland Island, unless we submit to the forms and rites of a church to which we do not belong, it is but right that the case should be represented to the authorities at home.

His Excellency Governor Elliot,  
&c. &c. &c.

I have, &c.  
(signed) *James Morrison.*

Encl. 2, in No. 13.

Enclosure 2, in No. 13.

Sir,

Mount Langton, 11 August 1848

I HAVE had the honour to receive your letter of the 9th instant, and trust it must be unnecessary to assure you of my full concurrence in the reasonableness of your appeal, and my hearty efforts towards its accomplishment.

In the instance to which you advert, the burial ground is probably attached to the Consulate at Leghorn, and therefore under the direct control of the Secretary of State for Foreign Affairs. It can, of course, be no matter of surprise to me, that any branch of Her Majesty's Government should readily grant to the remains of our countrymen deceased abroad the mournful hospitality of a resting place, and to their kindred the consoling reflection that the last offices of religion had been performed according to the rites of that persuasion in which their departed friends had gone to their peace.

As respects the interment at Ireland, of soldiers or other persons deceased in Her Majesty's service (not belonging to the Church of England), your proper course would be to apply to the Vice-Admiral commanding-in-chief, with a request that his Lordship will be pleased to submit the matter to the consideration of the Admiralty, and I can be hazarding very little in expressing my own opinion that such an appeal will be favourably entertained.

In the case of burial grounds attached to the churches in this colony, the request for the relief you seek must be addressed to other quarters, and I shall not fail to do so without loss of time.

The Reverend James Morrison.

I have, &c.  
(signed) *Charles Elliot, Governor.*

Encl. 3, in No. 13.

Enclosure 3, in No. 13.

Sir,

Mount Langton, 15 August 1848.

I HAVE the honour to forward to you the accompanying copy of a letter, which I have received from the Reverend Mr. Morrison, and of my reply: may I request you to transmit this correspondence to the Bishop.

In the cemeteries in the United Kingdom the ministers of all persuasions perform the funeral ceremonies according to their own forms, though I am aware that a different practice obtains in the churchyards.

A forward place in all example of charity and peace, and in all sacrifice of prejudice, has ever yet been steadfastly maintained by the Church of England. If, therefore, it should be lawfully competent to his Lordship to extend the system of the cemeteries in England to our churchyards, I am assured it will give him cordial personal satisfaction to afford such a proof of his consideration for the feelings of all classes of this community.

It has been suggested to me, that other denominations of Christians do not extend this privilege to ministers in dissent from them; but I answered that the Church of England, for the happiness of mankind, had always exercised the noble freedom of meeting the spirit and works of toleration, which are her purest grace and her strong foundations, by her own standard of wisdom and charity.

The Reverend Dr. Tucker,  
Ecclesiastical Commissary.

I have, &c.  
(signed) *Charles Elliot, Governor.*

— No. 14. —

No. 14.  
Earl Grey to  
Governor Elliot.  
9 Sept. 1848.  
\* Page 25.

(No. 219.)

COPY of a DESPATCH from Earl Grey to Governor Elliot.

Sir,

Downing-street, 9 September 1848.

I HAVE received your despatch, No. 69, of the 15th\* ultimo, with enclosures, reporting a difficulty which has arisen in Bermuda to the burial of Presbyterians according to the rites of their Church, in the parish burying grounds of the Church of England in that colony. As the measures you have taken may possibly meet the present difficulty, and prevent the recurrence of similar complaints,

plaints, I think it would be premature on my part to take any active steps in the matter. I shall therefore await the result of the application you have recommended Mr. Morrison to make to the Vice-Admiral on the station, and your own reference to the Ecclesiastical Commissary.

I have only at present to add, that if the steps you have taken should prove insufficient to remedy the grievance complained of, it will be necessary to resort to some other means of doing so.

I have, &c.  
(signed) Grey.

— No. 15. —

(No. 75.)

COPY of a DESPATCH from Governor Elliot to Earl Grey.

Bermuda, 12 July 1850.  
(Received, 5 August 1850.)

No. 15.  
Governor Elliot  
to Earl Grey,  
12 July 1850.  
\* Page 26.

My Lord,

REQUESTING to refer to your Lordship's despatch, No. 219\* (9th September 1848), I have now the honour to express the opinion that it is much to be desired Her Majesty's Government should issue immediate orders for the free use of the garrison grave-yard at St. George's, belonging to the Crown, by the ministers of all denominations of Christians with which the deceased, being in the public service, were in communion. At present funeral rites can only be performed by a minister of the Church of England, upon the reasoning, as I understand, that the grave-yard was consecrated by a Bishop of that Church, and thence it is inferred that the property has passed from Her Majesty's Government. A similar prohibition has hitherto obtained at Ireland Island, but I am convinced that evil consequences will ensue unless it is speedily relaxed. I ought to mention here, that both these grave-yards are remote from any church, and that the one in question, at St. George's, has no connexion with the parish churchyard, which is contiguous to the church.

2. In your Lordship's despatch, No. 219, reference is made to the late Mr. Morrison's complaint concerning the refusal to permit the burial of Presbyterians in the churchyard of this colony, except according to the rites of the Church of England. But it should be explained that Mr. Morrison's chief and probably only remediable complaint, by official interposition, was against the refusal to suffer him to minister in the grave-yard at Ireland totally unconnected with any church belonging to the colony, and belonging to and appropriated by the Crown for the use of a community belonging to the public service, and necessarily composed of all denominations of Christians.

3. As regards interment in the parish churchyards of the colony according to any other rites than those of the Church of England, I believe I am correct in saying that it cannot be performed except by permission of the clergy and people of those churches, and it is, I think, certain that there is no disposition as yet at Bermuda to concede such a point.

4. I have consulted the Attorney-general respecting this alleged alienation of the property by the ceremonial consecration, as well as concerning the performance of funeral rites by other ministers than those of the Church of England in the garrison grave-yard at St. George's, and in the grave-yard at Ireland Island, and he concurs with me that there is no question respecting the full rights of the Crown over both these grave-yards; that the performance of funeral rites by other ministers than those of the Church of England is altogether matter for the disposal of Her Majesty's Government, and that there is no ground to believe that permission would be refused to the ministers of any Christian denomination with which persons deceased in the public service were in communion.

5. I forward the copy of a letter which I have addressed to the Vice-Admiral commanding-in-chief on this subject.

I have, &c.  
(signed) Charles Elliot.

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Enclosure in No. 15.

BERMUDA.  
Encl. in No. 15.

My Lord,

Bermuda, 11 July 1850.

A CIRCUMSTANCE has lately occurred concerning the rites of sepulture by other ministers than those of the Church of England in the garrison grave-yard at St. George's, belonging to the Crown, which might have been attended with agitating and unseemly consequences; and it therefore becomes my duty to appeal to your Lordship to give directions that there should be no obstruction to the performance of funeral rites in the grave-yard at Ireland Island by the Roman-catholic, Presbyterian, or ministers of any other denomination of Christians with which the deceased was in communion.

2. It seems to have been erroneously supposed that the act of consecration by a Bishop of the Church of England had vested the property of these two grave-yards at St. George's and Ireland Island in the Church, or the representative of the Church for the time being. But the act of consecration has no such effect: it dedicates the ground, indeed, to the service of God; but it seems not repugnant to that service, but, on the contrary, very consonant with our duty to God that the bodies of the dead should be laid side by side in peace and charity, according to the form of faith in which men lived.

3. The late Presbyterian minister, Mr. Morrison, made a representation to me on this subject, as respects the grave-yard at Ireland Island, and I referred him to your Lordship, informing him that I was well assured that his reasonable demand would have your Lordship's best support with the Board of Admiralty. I also communicated with the Secretary of State upon the same topic, and, as may be readily supposed, his Lordship signified his entire concurrence in my opinions, and expressed his readiness to afford them his support if necessary.

4. I should inform your Lordship, too, that I have consulted the Attorney-general of this colony upon this subject, and he has expressed an opinion in the strongest terms to the same effect as my own. The case of the churchyards is subject to entirely different construction. Churchyards form part of the freeholds of the Rectors; and howsoever much it may be wished that no prejudice of this kind should exist as respects the performance of funeral rites in them by other ministers than those of the Church of England, those places fall strictly under the legal character of private property, and cannot be entered for such purposes except by permission.

5. But the garrison grave-yards of St. George's, and the grave-yard at Ireland belong to the Crown, and have been appropriated by the Crown as places of general interment for persons deceased in the public service. It is not to be supposed for a moment that Her Majesty's Government would refuse to the kindred of deceased soldiers or sailors the consolation of the rites of sepulture according to the faith of their fathers; and I need not press upon your Lordship's attention the ill consequences which could not fail to arise if this subject were to grow into heated discussion amongst a body of soldiers, and their ministers following different forms of Christianity.

6. It was remarked to me in some discussions which took place on this subject two years since, that other denominations did not extend these privileges in places within their control to the Clergy of the Church of England: I observed that I was sorry to hear it, but at all events it was plain that Her Majesty's Government would never take those rules for the measure of their conduct concerning the free use of grave-yards established in communities, dependent upon them, composed of all denominations of Christians. Serving the Crown with equal fidelity during their lifetime, it will never be questioned that the feelings of their relations and their own remains are entitled to equal consideration when they pass to that account where there is no respect of persons.

I have, &c.  
(signed) Charles Elliot.

Vice-Admiral the Earl of Dundonald, G.C.B.  
&c. &c. &c.

— No. 16. —

(No. 431.)

COPY of a DESPATCH from Earl Grey to Governor Elliot.

No. 16.  
Earl Grey to  
Governor Elliot.  
17 Sept. 1850.  
\* Page 27.

Sir,

Downing-street, 17 September 1850.

I HAVE received your despatch, No. 75,\* of the 12th July, in which you recommend that immediate orders should be issued for the free use of the garrison grave-yards at St. George's and at Ireland Island for the burial of persons who have died in the public service, according to the rites of their respective churches.

Her Majesty's Government having taken this subject into their consideration, are of opinion that there should be no obstruction to the performance of burial rites in grave-yards belonging to the Crown on account of the religious faith of the

the deceased. You will therefore give such instructions, or take such steps, as may be necessary for throwing open the use of the grave-yard at St. George's to all persons dying in the public service, of whatever religious denomination they may have been. The Lords Commissioners of the Admiralty have, as you will perceive from the accompanying copies of their communication to me, given corresponding orders on this subject to the Vice-Admiral commanding on the British North American station.

I have, &c.  
(signed) Grey.

Enclosure 1 in No. 16.

Sir,

Downing-street, 21 August 1850.

I AM directed by Earl Grey to transmit to you the enclosed copy of a despatch from the Governor of Bermuda, urging the propriety of conceding the free use of the grave-yards belonging to the Crown at St. George's and at Ireland for the burial of persons who had been in the public service according to the rites of their respective Churches.

Encl. 1, in No. 16.

I am desired to request that you will state to the Lords Commissioners of the Admiralty that Lord Grey thinks that the propriety of assenting to this recommendation is beyond doubt, and he hopes, therefore, that their Lordships will have no objection to grant immediately the necessary authority for opening, as is proposed, the use of the grave-yards at Ireland Island, which is understood to belong to their Lordships' department; Lord Grey will then issue similar directions respecting the grave-yard at St. George's.

I am to request that you will acquaint me with such steps as may be adopted on this subject, in order that the Governor may be informed.

Captain Hamilton, R.N.  
&c. &c. &c.

I am, &c.  
(signed) T. F. Elliot.

Enclosure 2, in No. 16.

Sir,

Admiralty, 9 September 1850.

WITH reference to your letter of the 21st ultimo, transmitting copy of a despatch from the Governor of Bermuda, urging the propriety of conceding the free use of the grave-yards belonging to the Crown, for the burial of persons according to the rites of their respective churches, and conveying the request of Earl Grey that directions may be given for opening, as is proposed, the use of the grave-yard at Ireland Island; I am commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of Lord Grey, the copy of a letter to Vice-Admiral the Earl of Dundonald, desiring him to direct the Chaplain to give permission to any recognized minister of a dissenting christian Congregation to perform the funeral rites over the bodies of any persons allowed to be buried in the grave-yard at Ireland Island.

Encl. 2, in No. 16.

T. F. Elliot, Esq., &c. &c. &c.  
Colonial Office.

I am, &c.  
(signed) W. A. B. Hamilton.

Sub-enclosure to Enclosure 2, in No. 16.

My Lord,

Admiralty, 9 September 1850.

THE Principal Secretary of State for the Colonies, having informed my Lords Commissioners of the Admiralty that a complaint has been made, that persons, dying in the communion of some dissenting body, are not allowed to be buried in the grave-yard at Ireland Island, according to the rites of the body to which they belong; I am commanded by their Lordships to signify their direction to your Lordship, provided no legal impediment exists, to acquaint the Chaplain, that it is the wish of my Lords that he shall give permission to any recognized minister of a Presbyterian, Romish, or other dissenting congregation to perform the funeral rites over the bodies of any persons allowed to be buried in the grave-yard at Ireland Island, who have, at the close of their lives, been members of the religious community to which such minister belongs.

I am, &c.  
(signed) W. A. B. Hamilton.

Vice-Admiral the Earl of Dundonald, G. C. B.,  
&c. &c. &c.

## II.

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— No. 17. —

(No. 136.)

No. 17.  
Governor Elliot to  
Earl Grey.  
13 Dec. 1850.COPY of a DESPATCH from Governor *Elliot* to Earl *Grey*.

My Lord,

Bermuda, 13 December 1850.

By the desire of the Bishop of Newfoundland, who is now here, I have the honour to transmit a letter objecting to the late instructions for the use of the garrison grave-yard at St. George's, and the grave-yard at Ireland Island, by other ministers than those of the Church of England.

2. If there had been any special appropriation of these grave-yards by Her Majesty's Government for the sole use of Chaplains in communion with the Church of England, no doubt could have arisen as to the perfectness of the right claimed by the Bishop; but that was not the case, and therefore when the claim was put forward by other ministers to bury the remains of persons deceased in the Queen's service, to whom it had been their duty to officiate, being alive, I could not suppose that Her Majesty's Government would reject such a natural and reasonable request, because this exclusive privilege had been assumed and exercised since the consecration of the ground by a Bishop of the Church of England 25 years past.

3. Sensible that this state of circumstances was producing pernicious consequences on the minds of persons of other persuasions belonging to the Queen's service, I deemed it my duty to draw the subject under your Lordship's notice; and when it is considered that questions of the same nature in other parts of the world had been similarly disposed of by Her Majesty's Government, I certainly did hope that the matter would be left at rest. Nobody, however, can be better aware than myself, or more ready to admit the high sense of duty which always influences the Bishop of Newfoundland, and it has been painful to me to record any difference of opinion on this or any other topic with a person for whom I entertain so much regard.

I beg leave to transmit a copy of my reply to his Lordship's letter.

I have, &c.  
(signed) *Charles Elliot*.

Encl. 1, in No. 17.

Enclosure 1, in No. 17.

Sir,

Bermuda, 2 December 1850.

I HAVE been recently made acquainted with a general order, dated Bermuda, October 22d, directing that, "Agreeably to a despatch received by his Excellency the Governor from the Secretary to the Colonies, the remains of all officers and soldiers deceased at St. George's, of whatever religious denomination they may have been, may in future be buried in the garrison grave-yard there, according to the rites of their respective churches."

2. As this grave-yard was consecrated by the Bishop of Nova Scotia (so long ago as 1826) as and for a place of burial according to the rites and ceremonies of the Church of England, and has ever since been so held and used (of which fact Her Majesty's Secretary for the Colonies may not be fully aware), I would respectfully beg leave to offer a few considerations on the subject, with a request that they may be forwarded to the Colonial Office.

(1.) With regard to the justice and propriety of directing "That the remains of all officers and soldiers, of whatever religious denomination they may have been, may in future be buried according to the rites of their respective churches," I trust it is unnecessary for me to say that the order has my entire and cordial approval, and I would gladly do all in my power to give it full effect. It seems to me as expedient and reasonable that persons of different religious denominations should be buried according to the rites of their respective churches as that the members of the Established Church should be buried according to their rites. I desire no preference or distinction at all. But,

(2.) With regard to the justice and propriety of directing that the remains of all officers and soldiers deceased at St. George's be buried in the garrison grave-yard there according to the rites of their respective churches, I entertain a different opinion, and I feel it my duty to remonstrate against the general order on the following grounds:—

1st. It is contrary to the rules of the Established Church to admit to the buildings and grounds set apart for their services the rites of other churches under that large title "of whatever religious denomination." It is almost superfluous to say, that while the Church, by such exclusiveness, designs to promote the interests of true religion, and the edification

of

of her own household of faith, she does not intend to prevent the exercise and exhibition of any rites or services in the places frequented by the parties who approve them. But the Church of England regards the rites of some churches as superstitious, and of others as defective, and therefore to our power we prevent, or protest against, their celebration, or observance, in the same buildings and grounds with ours, and among our own people.

2d. It has happened, and may happen again, that the bodies of several soldiers have been brought for interment to this grave-yard at the same time. Now, if these parties, "of whatever religious denomination," are to be buried in this small grave-yard (for it is a very small one), at the same time, according to the rites of their respective churches, it is easy to foresee that great confusion may arise, where hitherto all has been done decently and in order.

3d. That this grave-yard has been duly consecrated as and for a place of burial according to the rites and ceremonies of the united Church of England and Ireland as by law established. The consecration was celebrated by the late Bishop of Nova Scotia in the beginning of the year of 1826, not by the permission only, but at the request of the military and other authorities; and further, the right and duty of burying in this grave-yard have been considered to appertain ever since to the Military Chaplain, according to the rites and ceremonies of the Established Church. After so many years, a demand has been set up by ministers of other denominations not to bury their dead according to the rites of their respective churches (which none of us would oppose or object to), but to enter this grave-yard, and to perform their rites (superstitious or otherwise) on the same footing, and it may be at the same time, with the Military Chaplain and the services of the Church. Those who are anxious to gain or to grant this admixture of the ministers and rites of whatever religious denomination may contend that the ground was never legally conveyed to the Church of England, and therefore that we cannot make good a claim to its exclusive use. We do not contend for a legal title (which in the nature of the case was not to be expected); but we believe that it is neither just nor wise that ground consecrated at the request of the proper authorities, a quarter of a century ago, and used and occupied all these years by the Military Chaplains, and now nearly full, should be thrown open to the ministers and rites of "whatever religious denomination." We do not understand how justice or charity can neglect such a prescriptive and moral title, any ground of a defect (if it be so) in the legal one. How many of our churches and churchyards have none other to show? But,

3. There would be more reason for this great and sudden change if we had not the means of otherwise accommodating those persons who demand it. There is, sir, abundance of ground available for burying in the immediate vicinity of the present graveyard. It is plain also that additional space will soon be required, and we are given to understand that the next regiment stationed here will contain a large proportion of Roman-Catholics. I would therefore venture to suggest and request that a new grave-yard be provided for those who desire the rites and ministers of their respective churches, and one in every respect equal, or, if need be, superior to that consecrated for the members of the Church of England. Such a measure would

(1.) Prevent the admixture of religious rites and services, which the Church objects to, and which tends to confusion.

(2.) Prevent the setting aside of the Act of Consecration, and the order grounded upon it, (which has been maintained without interruption so many years), which it is presumed nothing but necessity would justify.

(3.) Meet the wants and wishes of the parties desiring to be buried with the rites of their respective churches.

(4.) Provide additional accommodation, which will soon be needed, for all parties; the Military Chaplain retaining the use of the consecrated ground, and the new claimants of other denominations frequenting the new one.

4. If we wait for a new grave-yard till the present is completely full (as I could not consecrate the new one for persons of "whatever religious denominations,") the members of our church must be buried in unconsecrated ground, which is offensive to our religious feelings, (and will not our religious feelings be as much respected as those of other churches and denominations?) while our consecrated ground will have been used up by those who do not value our episcopal consecration, but the reverse. If a portion may be consecrated for the members of the Church of England, it seems hard indeed that we should not be allowed to keep the portion already consecrated for that purpose.

5. Respectfully requesting that these considerations, and the petition grounded upon them, may be submitted to Her Majesty's Secretary for the Colonies,

I have, &c.  
(signed) Edward Newfoundland.

His Excellency the Governor of Bermuda,  
&c. &c. &c.

## II.

North American  
Colonies.

Enclosure 2, in No. 17.

BERMUDA.

Encl. 2, in No. 17

My Lord,

Mount Langton, 6 December 1850.

I HAVE had the honour to receive your Lordship's letter of the 2d instant, and agreeably to your Lordship's desire I shall transmit it to the Right honourable the Secretary of State; at the same time it will be just to myself to notice that I could not have invoked the interposition of her Majesty's Government in this or any other matter on an imperfect exhibition of facts, so far as these facts were within my knowledge; and I must further be permitted to observe, that your Lordship has added nothing to the information already before the Queen's Government in these respects.

2. The circumstances of the case, as detailed either by your Lordship, or by myself, may be summed up in the succinct statement that these graveyards were consecrated by a Bishop of the Church of England about 25 years since, and that thenceforwards no other ministers, except those of our own church, had been permitted to officiate there. From this condition of things followed the conclusion, that the kindred and friends of a considerable portion of persons deceased in the public service, whose remains are interred there, have been deprived of the Christian and the civil right, as I understand it, and of the consolation, as it is to be hoped and believed most men would feel it to be, that they should be laid by the side of their comrades, according to the various forms of faith in which they had passed to their peace.

3. Your Lordship, I am happy to see, cordially approves of the instructions of her Majesty's Government that the remains of all officers and soldiers, of whatever religious denomination they may have been, may in future be buried according to the rites of their respective churches; and therefore the remonstrance now to be transmitted is directed only against the celebration of funeral rites or ceremonies in these consecrated graveyards belonging to the Crown, by any other person than a minister of our own Church. I observe, too, that this remonstrance is founded mainly, if not altogether, on the ground that the Church of England regard the rites of some churches as superstitious, and of others as defective. But it is to be considered that the rites of the Church of England are also upon various accounts held by other churches or denominations of Christians to be superstitious or defective. Indeed, we might well remind ourselves in refusing to our Christian brethren the fellowship of the grave, and to their kindred the consolations of a last prayer according to their rights of conscience, that there have been serious differences of opinion, and some divergence of practice amongst the most illustrious members of the Church of England, both ecclesiastical and lay, concerning portions of our liturgy, and concerning the manner of its celebration. If, then, ministers professing other forms of faith are ready and desirous to inter their dead in a graveyard consecrated according to the forms of the Church of England, I think that they either assent to the sanctity or the decorum of that ceremonial, or at least manifest a touching, and in my mind an instructive proof of their willingness to avoid contentions or hesitations (into which it is difficult for the wisest or most calm amongst us to detect how much of human passion or mistaken motive may have entered), before the solemn teaching of the grave that the fashion of this world passeth away. If we may not lay the dead together in charity, it is certain that the quick will live in distrust or estrangement; or worse, in malice and hatred.

4. Your Lordship reminds me that it has happened, and it may happen again, that the bodies of several soldiers have been brought for interment at this graveyard at the same time, and it is pressed that if these parties, of whatever religious denomination, be buried in this small graveyard at the same time, according to the rites of their respective churches, great confusion may arise, where hitherto all has been done decently and in order. I wish it may satisfy your Lordship's scruples in this particular to reflect, that there is nothing in the terms of the order to disturb the establishment of the simple rule by the authority of the Commanding Officer, that only one interment should take place at the same time, and that the precedence should be given in the order of priority of application. If, however, the graveyards were large enough to admit of the interment of several bodies at the same time, I do not perceive that there would be anything more distressful to the feelings of members of the Church of England, in the simultaneous celebration of different forms of interment, than may probably happen every day of the year in the large cemeteries in the neighbourhood of the great towns in England; on the contrary, I share in an opinion held by large numbers of persons in communion with the Church of England, that the interment of all classes of Christians in the same burial-ground, according to the ritual of their respective churches, is a material step towards that better brotherly kindness amongst men, and worship of God in the unity of the spirit, unspeakably transcending the advantages of mere uniformity of exterior ceremonial, taken in its best signification of rather meagre helpfulness for any good purpose, and exaggeratingly enjoined or ill understood too likely to lapse into perilous superstition.

5. Your Lordship contends, that it is neither just nor wise that ground consecrated at the request of the proper authorities a quarter of a century ago, and used and occupied all that time by the Military Chaplain, and now nearly full, should be thrown open to the ministers and rites of whatever religious denomination. But dismissing with your Lordship's usual frankness, the position of which I heard something two years since, that the act of consecration involved a legal title, your Lordship still urges the difficulty of understanding how such a prescriptive and moral title can be neglected in justice or charity, or any ground of a defect

(if

(if it be so), in a legal title. If there has been any failure of justice or charity herein, I am chargeable with recommending it. I shall therefore speak to this point with the plainness with which your Lordship has declared your own views, and which it becomes me to employ in vindication of my own representations to the Queen's Government.

6. The act of consecration dedicates the ground to the service of God; and your Lordship, whose just praise it is always to speak and act fearlessly according to your conscience, must give me leave to observe, that according to the dictates of my conscience, it seemed, and still seems, to be more consonant with the service of God, and with the obligations of justice and charity, that the Ministers of all forms of Christian faith should be allowed to bury the remains of officers, soldiers, or other persons deceased in the Queen's Service, according to the forms of belief in which they lived, in a graveyard the property of their common Sovereign, than that this graveyard should be held exclusively for the use of a Chaplain in communion with the Church of England. And when the mere flux of time since this privilege has been exercised is advanced in demand for its-illimitable continuance. I cannot but remark, that a like plea has ever been urged in defence of things unsustainable; and for the happiness of mankind, and above all, for that of the people in communion with the Reformed Churches, has ever been temperately but firmly over-ruled on satisfaction of its insufficiency, calmly reached.

7. Your Lordship observes, that if we wait for a new graveyard till the present is completely full, the members of our church deceased in the Queen's service, must be buried in unconsecrated ground, because you could not consecrate a new one for persons of whatever religious denomination. It would therefore follow, that the members of our Church deceased in the Queen's service, must be buried under circumstances painful to the religious feelings of their friends or kindred; and your Lordship then asks, whether our religious feelings will not be as much respected as those of other denominations. I can only heartily hope they may; neither can I suppose that such a result as your Lordship has conjectured would necessarily ensue, looking to the fact, that this is by no means a singular instance of the performance of funeral rites by the ministers of various religious denominations in consecrated graveyards, belonging partially or wholly to the public. Speaking however with reference to public institutions, concerning which it may never be my duty to submit any opinions for the consideration of Her Majesty's Government in such respects as these, I should certainly think it more right and wise to encounter the consequences your Lordship has suggested, painful as they would be, than to recommend a course pregnant with the seeds of bitter religious aversion amongst the less enlightened classes of men, and sorrowful and pernicious alienation of feeling amongst the thoughtful and the generous. History is too full of the teaching, that no higher duty can devolve upon authorities, in any degree responsible for the peace or improvement of society, and particularly for that of a mixed body of people, compelled to live in constant and close communication, than to prevent the introduction of these contagious and malignant influences.

8. If it should most unhappily occur that there should be obstructions in the way of the consecration of a graveyard, common to the entrance of the ministers of other religious denominations than our own, with which officers or soldiers deceased in the Queen's service might be in communion, or prisoners or captives, for whom the pity of God is specially invoked, I should rest in the humble hope that the blessing of the All Wise and Most Merciful could not be wanting on honest efforts for the sake of cherishing peace and good will amongst the worshippers of the same Lord and Saviour.

9. On serious consideration of your Lordship's letter of the 2d instant, I have felt incumbent upon myself to say what I could in justification of the course I had deemed it my duty to recommend to Her Majesty's Government, in the matters forming the subject of that communication, I should have been equally ready to acknowledge my error, if your Lordship's reasons had convinced me that I had fallen into error, for mistakes in such affairs, arising either from shortness of information, or failure of depth or breadth of view, or from a combination of all these deficiencies, would be more pardonable on the part of a person in my position than a bigoted adherence to opinions only because they had been once expressed, without show of reason for them, and above all, without the weight of respected concurrent authority to sustain me, both ecclesiastical and secular.

The Honourable and Right Reverend the  
Lord Bishop of Newfoundland,  
&c. &c. &c.

I have, &c.  
(signed) Charles Elliot.

II.  
North American  
Colonies.

— No. 18. —

BERMUDA.

(No. 467.)

No. 18.

COPY of a DESPATCH from Earl *Grey* to Governor *Elliot*.

Earl Grey to  
Governor Elliot.  
14 January 1851.  
\* Page 30.

Sir,

Downing-street, 14 January 1851.

I HAVE the honour to acknowledge the receipt of your despatch No. 136,\* of the 13th ultimo, enclosing copies of a correspondence with the Bishop of Newfoundland respecting the use of the Garrison graveyard at St. George's by other Ministers than those of the Church of England.

I have to request that you will acquaint the Bishop that, while I regret that his Lordship should consider the instructions which have been given in this case open to objection, it is out of my power to alter the view of the subject I have already taken, and which I communicated to you in my despatch No. 431,† of the 26th of September last.

† Page 28.

I have, &c.  
(signed) *Grey*.

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## NEW BRUNSWICK.

— No. 1. —

(No. 107.)

COPY of a DESPATCH from Lieutenant-Governor Sir *Edmund Head*, Bart.,  
to Earl *Grey*.Government House, Fredericton,  
2 December 1848.

My Lord,

WITH reference to the names of the members of the Legislative Council of this province, as set forth in Her Majesty's late instructions, I have received from the seven members of my Executive Council now in the province the memorandum, of which a copy is annexed to this despatch.

There seems to be an impression on the minds of the Executive Council that the Bishop of Fredericton had not been appointed by any formal instrument previous to these last instructions; but in this view I think they must be mistaken.

The Bishop's letters patent, of 16th of April 1845, do not appear to touch the point, but I conceive there are in existence instructions under the sign manual conferring this privilege on the Bishop. I cannot indeed find a copy of the instructions in this house, nor among the papers filed with the Provincial Secretary.

The instructions issued under the sign manual to the Earl of Elgin, on the 1st of October 1846, do not contain the names of the legislative councillors, nor are they set forth in the instructions of the 16th of March 1846, addressed to Lord Cathcart.

I apprehend that the members of my Executive Council do not mean to object personally to the Bishop of Fredericton, but their representation has reference to his position in connexion with the Church here; indeed the Bishop has never yet taken his seat in the Council.

Your Lordship will distinctly understand that I do no more in this despatch than transmit the memorandum, as conveying the opinion of the members of the Council.

I have, &c.  
(signed) *E. Head*.

Enclosure in No. 1.

1 December 1848.

Encl. in No. 1.

THE Executive Council, having observed that the Bishop of Fredericton is named in the last Royal Instructions as a member of the Legislative Council for this province, deem it their duty to express, for the consideration of the Lieutenant-Governor and Her Majesty's Government, their opinion that this appointment is highly objectionable and inexpedient.

— No. 2. —

COPY of a DESPATCH from Earl *Grey* to Lieutenant-Governor Sir *Edmund Head*, Bart.

Sir,

Downing-street, 9 February 1849.

IN answer to your despatch, No. 107, of the 2d December last, I have to inform you that I have not been able to ascertain under what authority or instrument the Bishop of Fredericton was originally appointed to a seat in the Legislative Council of New Brunswick. It appears, however, to have been the wish of a former Lieutenant-Governor of the Province that he should fill it. And, inasmuch as he was regularly constituted a Legislative Councillor by the Instructions to which you refer, I feel that I should not be justified in taking any steps for his removal from that office without his own consent. It appears, however, that in point of fact he has never performed its duties; and whenever the opportunity shall arrive for issuing new Instructions, the propriety of his re-insertion in the List of Legislative Councillors, after the objection taken by the members of your Executive Council, shall be fully considered.

I have, &c.  
(signed) *Grey*.

No. 2.

Earl Grey to  
Lieut.-Governor  
Sir E. Head, Bart.  
9 February 1849.

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North American  
Colonies.  
NEW  
BRUNSWICK.

No. 1.  
Lieut.-Governor  
Sir E. Head to  
Earl Grey.  
2 December 1848.

II.  
North American  
Colonies.

RUPERT'S LAND.

RUPERT'S LAND.

— No. 1. —

No. 1.  
Archbishop of  
Canterbury to  
Earl Grey.  
17 May 1849.

COPY of a LETTER from his Grace the Archbishop of *Canterbury* to Earl *Grey*.

My dear Lord,

Lambeth, 17 May 1849.

I HAVE the honour of sending to your Lordship an official statement of the endowment for the Bishopric of Rupert's Land; and I beg to thank your Lordship, at the same time, for the promptitude which you have kindly used in forwarding the measure.

I remain, &c.  
(signed) *J. B. Cantuar.*

Encl. in No. 1.

Enclosure in No. 1.

3, Holborn-court, Threadneedle-street,  
16 May 1849.

Sir,

In reply to your request of a statement as to the Endowment of the Bishopric of Rupert's Land, we beg to state, that a scheme for the endowment of such Bishopric having been laid before the Master in Chancery, to whom this cause is referred, by the trustees of the late Mr. James Leith's charitable bequest, the same has been approved by the Master, and confirmed by his Lordship the Master of the Rolls, by order made on the 11th of May instant.

The scheme provides for the application of the funds of the charity, amounting to 13,343 *l.* Bank 3 per cent. annuities and 326 *l.* 16 *s.* 4 *d.* cash (subject to the payment of the costs) to the endowment of the Bishopric, and such funds to remain in court in the name of the Accountant-general.

The scheme also provides that the Hudson's Bay Company should secure to the Bishop the sum of 300 *l.* per annum, and provide a suitable residence and a sufficient quantity of land for his occupation.

The Hudson's Bay Company appeared before the Master of the Rolls, on the hearing of the cause on the 11th instant by their consent, and consented to this arrangement.

We have, &c.  
(signed) *F. & G. Crosse,*  
Solicitors for Sir J. H. Pelly and  
Andrew Colville, Esqrs., two of the  
Trustees of the Charity.

The Rev. Ernest Hawkins, Secretary.

— No. 2. —

No. 2.  
B. Hawes, Esq. to  
Sir John Pelly.  
31 May 1849.

COPY of a LETTER from *B. Hawes*, Esq., M. P., to Sir *John Pelly*, Bart.

Sir,

Downing-street, 31 May 1849.

I TRANSMIT herewith, for your information, a copy of letters patent which the Queen has been pleased to issue under the Great Seal of the United Kingdom, constituting Rupert's Land in North America to be a Bishop's see and diocese, to be called the Bishopric of Rupert's Land; and appointing the Rev. David Anderson, D.D., to be ordained and consecrated Bishop thereof.

I am, &c.  
(signed) *B. Hawes.*

