

No. 1.

C O R R E S P O N D E N C E

RELATIVE TO

COLONIAL BISHOPRICS.

Presented to both Houses of Parliament by Command of Her Majesty.
17th May 1866.



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1866.

SCHEDULE.

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NEW ZEALAND.

1	Governor Sir George Grey, K.C.B., to the Right Hon. Edward Cardwell, M.P.	10 Aug. 1865 (No. 101.)	Transmits Petition addressed to Her Majesty by the Bishops of the Church of England in New Zealand, and also a Memorandum prepared by the Governor's Responsible Advisers in relation to that Petition. - - -	1
2	The Right Hon. Edward Cardwell, M.P., to His Grace the Archbishop of Canterbury.	28 Oct. 1865	Forwards the above Despatch and Enclosures. States that the Law Officers of the Crown have been requested to inform him whether the prayer of the Petition can be legally granted, and, if so, what legal steps would be necessary to give effect to it; and in the meantime requests his Grace to favour Mr. Cardwell with any observations on the subject of the Petition - - -	3
3	His Grace the Archbishop of Canterbury to the Right Hon. Edward Cardwell, M.P.	8 Nov. 1865	In reply to the above letter - - -	3
4	Rev. W. F. Oldham to the Right Hon. Edward Cardwell, M.P.	15 March 1866	Referring to the Petition of the Bishops of the Church of England in New Zealand, praying for permission to resign their Patents granted by the Crown, submits that that Petition gives no clue to the feelings of the other two orders of Clergy and Laity. States that the feeling of a large majority of both those orders is strongly opposed to any unnecessary severance of the ties which connect the Colonial Church with the Church and Crown of England - - -	4
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11	Governor Sir Hercules Robinson to the Right Hon. Edward Cardwell, M.P.	14 Dec. 1865 (No. 233.)	At the request of the Bishop of Colombo, forwards copy of the Proceedings of the Synod of Colombo, with a Letter from his Lordship, in which he invites special attention to the 6th Resolution of the Synod, requesting that Clergymen appointed from England may be required to sign, on their arrival in the Colony, the Declaration of Principles adopted by that body - - - - -	12
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17	The Right Hon. Edward Cardwell, M.P., to his Grace the Archbishop of Canterbury.	27 May 1865	With reference to his Grace's Letter of 5th April, transmits a Mandate which the Queen had been graciously pleased to issue, authorizing the Consecration of the Rev. R. Machray as Bishop of Rupert's Land	19

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18	Miss Burdett Countts to his Grace the Archbishop of Canterbury.	12 July 1865	Reviewing the Circumstances under which in 1845 she guaranteed an adequate Provision for the Endowment of certain Episcopal Sees to be erected by the Crown; that the declaration of the state of the law in the Report of the Judicial Committee of the Privy Council upon the case of the Bishops of Cape Town and Natal had drawn her attention to the fact that the conditions upon which she undertook to make provision for the endowment of a Bishop's See at Cape Town had not been fulfilled by Her Majesty's Letters Patent; and applies to his Grace for information, with a request that her letter may be communicated to the Committee of Archbishops and Bishops	20
19	Miss Burdett Countts to the Earl Russell, K.G.	28 Dec. 1865	In continuation of the same subject. Presses on his Lordship to consider if Her Majesty's Government cannot adopt measures to give legal effect to the arrangements which were supposed to have been made by Her Majesty's Letters Patent, and, if this cannot be effected, reclaims the Endowments which she undertook to provide on the faith of the validity of those arrangements	21

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20	H. Waddington, Esq., to the Under-Secretary of State for the Colonies.	5 May 1866	Encloses Letter from the Bishop of London, addressed to Sir George Grey, transmitting a Petition to the Queen from Miss Burdett Coutts, in which she sets forth the present danger lest the funds with which she endowed the See of Cape Town, and two other Sees, on the faith of engagements publicly entered into by the Archbishops and Bishops on the one part, and the Government of Her Majesty on the other, be diverted to a purpose different from that for which she had destined them; and prays Her Majesty to direct that, in any measure for amending the law with respect to the Bishops and Clergy in the said Colonies, care may be taken to preserve unimpaired to Her Majesty the exercise of Her Royal Supremacy in the appointment of Bishops and the Chief Government of the Church	23
21	Sir Frederic Rogers, Bart., to H. Waddington, Esq.	16 May 1866	Acknowledges Mr. Waddington's letter of the 5th May. States that a bill has been introduced into Parliament, intended to relieve Colonial Bishops, and the Clergy ordained by them, from the principal legal difficulties resulting from the recent decisions of the Judicial Committee	25
22	The Right Hon. Edward Cardwell, M.P., to the Right Rev. the Lord Bishop of London.	25 May 1866	States that he has laid before the Queen the Petition addressed to Her Majesty by Miss Burdett Coutts, enclosed in his Lordship's letter, and that Her Majesty's Government are fully sensible of the advantages which the Colonial Episcopate derives from its connection with the Established Church, and would readily adopt any legitimate means of strengthening that connection; but that it would be inconsistent with the settled principles of Colonial policy to establish in the Colonies by Imperial legislation a Prerogative in respect to Ecclesiastical matters, which the highest Court of Appeal has declared to have no existence in law. A Bill has been introduced into Parliament which, Her Majesty's Government hopes, will have the effect of placing the Church of England at greater liberty to extend its ministrations throughout the Colonial Empire	25

NEW ZEALAND.

NEW ZEALAND.

No. 1.

No. 1.

COPY of a DESPATCH from GOVERNOR Sir G. GREY, K.C.B., to the Right Hon. EDWARD CARDWELL, M.P.

(No. 101.)

Government House, Wellington, August 10, 1865.
(Received, Oct. 16, 1865.)

SIR,

I HAVE the honour herewith to transmit a petition, addressed to Her Majesty by the Bishops of the Church of England in the Colony of New Zealand, together with a Memorandum which my Responsible Advisers have prepared in relation to the enclosed petition, and which they have requested me to bring under your notice.

I have, &c.
(Signed) G. GREY.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

Enclosure 1. in No. 1.

Enc. 1. in No. 1

PETITION from the Bishops of the Church of England in New Zealand.

To the Queen's Most Excellent Majesty,

The humble Petition of the undersigned Bishops of the Anglican Church in New Zealand, Showeth,

1. That Your Majesty's petitioners were duly consecrated according to the form and manner of making, ordaining, and consecrating of bishops according to the order of the United Church of England and Ireland; and humbly express their conviction that all the powers necessary for the due administration of the office of a bishop in this Colony were conveyed to them by the ordinance of consecration.

2. That Your Majesty's petitioners accepted letters patent from the Crown, the validity of which has now been denied by the Judicial Committee of the Privy Council in the following words:—

“Although in a Crown Colony, properly so called . . . a bishopric may be constituted and ecclesiastical jurisdiction conferred by the sole authority of the Crown, yet the letters patent of the Crown will not have any such effect or operation in a Colony or Settlement which is possessed of an independent legislature.”

On Petition of the Bishop of Natal, March 20, 1865.

That the letters patent granted to Your Majesty's petitioners were issued after the colony of New Zealand had become possessed of an independent legislature.

3. That Your Majesty's petitioners, therefore, humbly crave permission to surrender their letters patent, and to be allowed to rely in future upon the powers inherent in their office for perpetuating the succession of their order within the colony of New Zealand, and securing the due exercise of their episcopal functions, in conformity with the Church constitution herein-after described.

4. That Your Majesty's petitioners, in conjunction with the representatives of the clergy and laity from all the dioceses in New Zealand, and with Bishop Patteson, have agreed upon a constitution for associating together the members of the United Church of England and Ireland in New Zealand, by voluntary compact, for the ordering the affairs, the management of the property, the promotion of the discipline of the members thereof, and for the inculcation and maintenance of sound doctrine and true religion throughout the Colony.

5. That this constitution has been recognized by an Act of the Colonial Legislature empowering the Bishop of New Zealand to convey to trustees appointed by the General Synod, as established under the provisions of the said constitution, numerous properties formerly held by him; and that at the present time the residences of four bishops and of many of the clergy, sites for churches and schools, burial grounds, lands for the endowment of bishoprics, parishes, schools, colleges, and of the Melanesian mission, are vested in trustees appointed under the authority of the said General Synod; and further, that regulations have been framed for the administration of the properties so held in trust for the General Synod, and a tribunal has been established for the decision of any doubts which may arise in the course of such administration; in agreement, as it is believed, with the decision of the Judicial Committee of the Privy Council in the case of Rev. W. Long v. the Bishop of Cape Town.

Bishop of New Zealand's Trusts Act, 1858.

6. That the General Synod, at its last meeting held at Christchurch in May 1865, framed rules for enforcing discipline within their body, and also established a tribunal to determine whether the rules so framed and assented to “have been violated or not, and what shall be the consequences of such violation;” and that all the bishops in New Zealand, together with Bishop Patteson, assented to the rules so framed, and to the establishment of the tribunal aforesaid; and are bound, in common

Judgment of Judicial Committee of Privy Council, Long v. Bishop of Capetown.

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ZEALAND.

with all the clergy and lay officers of the Church in this Colony, by all the rules adopted by the General Synod. And further, that this compact, so entered into by all the bishops in New Zealand before the receipt of the Judgment of the Judicial Committee of the Privy Council on petition of the Bishop of Natal, was afterwards found to be in agreement with the following words of that judgment:—

“The United Church of England and Ireland is not a part of the constitution in any colonial settlement, nor can its authorities, or those who bear office in it, claim to be recognized by the law of the Colony otherwise than as the members of a voluntary association.”

7. That this constitution of the Church in New Zealand was framed after careful consideration of a despatch of the Right Honourable H. Labouchere to Governor-General Sir Edmund Head, Bart., and in accordance with the following suggestion in that despatch:—

“I am aware of the advantages which might belong to a scheme under which the binding force of such regulations should be simply voluntary.”

8. That Your Majesty's petitioners have accepted and acquiesce in the decision of the Judicial Committee of the Privy Council that the Church of England in this Colony “is in the same situation with any other religious body, in no better, but in no worse, position; and the members may adopt, as the members of any other communion may adopt, rules for enforcing discipline within their body, which will be binding on those who expressly or by implication have assented to them.”

And they therefore humbly submit that the judgment of Lord Lyndhurst in the case of Dr. Warren points out the course of procedure in all questions which may arise between any of the members of the Anglican church in New Zealand, whether bishops, clergy, or laity, who have bound themselves by voluntary compact under the authority of the General Synod, viz.:—

- (1.) That the question be tried and decided according to the rules of the Synod, as agreed to by the bishops, clergy, and laity.
- (2.) That on the petition of either party the Supreme Court of the Colony has authority to inquire into “the regularity of the proceedings and the authority of the tribunal, and on those grounds merely” to affirm or annul the decision.
- (3.) That from any such decision of the Supreme Court of the Colony an appeal would lie to the Privy Council upon the same grounds.

And therefore that the Anglican Church in New Zealand is effectually guarded against the danger apprehended by the Lords of the Judicial Committee; viz, that cases might occur in “which there would be a denial of justice, and no remedy for great public inconvenience and mischief,” without having recourse to a direct appeal to the Crown in the case of any controversy such as that which is presented by the petition of the Bishop of Natal.

9. That the above-recited principle of the civil equality of all religious bodies has been affirmed by a resolution passed by the House of Representatives in New Zealand.

10. That your Majesty's petitioners humbly express their conviction that the right of appointment of bishops in New Zealand is not part of the prerogative of the Crown, inasmuch as all the bishoprics were founded by private efforts, and endowed from private resources; and further that the assertion of any such claim may operate as a most serious discouragement to the clergy already in New Zealand, and tend to prevent other clergymen from coming out from England, by cutting them off from all hope of election to the highest offices of the Church in this Colony.

11. That Your Majesty's petitioners, therefore, humbly pray that all doubts may be removed as to their status, both ecclesiastical and temporal:—

- (1.) By the acceptance of the surrender of their Letters Patent now declared to be null and void.
- (2.) By declaring the royal mandate under which Your Majesty's petitioners were consecrated to be merely an authority given by the Crown for the act of consecration, and to have no further effect or legal consequence.
- (3.) By recognizing the inherent right of the bishops in New Zealand to fill up vacancies in their own order by the consecration of persons elected in conformity with the regulations of the General Synod, without Letters Patent and without royal mandate, in the same manner as they have already consecrated a missionary bishop for the islands in the Western Pacific, after communication with Your Majesty's Principal Secretary of State for the Colonies, and with the Attorney General of New Zealand.

And Your Majesty's humble and loyal petitioners, as in duty bound, will ever pray

(Signed)

G. A. NEW ZEALAND,
June 13, 1865.

H. J. C. CHRISTCHURCH,
July 6, 1865.

EDMUND NELSON,
June 21, 1865.

C. J. WELLINGTON,
June 23, 1865.

WILLIAM WAIAPU,
June 13, 1865.

Downing
Street, Feb-
ruary 15,
1856.

Judgment of
Judicial Com-
mittee of the
Privy Council,
Long v. Bishop
of Capetown.

Ibid.

Judgment of
Lord Lynd-
hurst in the
case of
Dr. Warren.

Judgment on
Petition of the
Bishop of
Natal.

August 28,
1855.

25 Edw. III.
Stat. 6.

COLONIAL BISHOPRICS.

3 441

Enclosure 2. in No. 1.

MEMORANDUM BY MINISTERS.—PETITION of BISHOP SELWYN and others.

NEW ZEALAND.
Encl. 2. in No. 1.

Ministers are of opinion that the recent Judgment of the Judicial Committee of the Privy Council in Bishop Colenso's case affects the Civil Government of Colonies in which Responsible Government exists in two particulars.

It being established by the Judgment that the Crown has no authority over the colonial branches of the Church of England, it follows that the Crown ought not to incorporate Bishops of that religious denomination within the Colony by Letters Patent, except under the advice of the Colonial Ministers; advice which, of course, will not be given in the case of one religious body in exclusion of others.

The right to advise the Crown (through the Governor), in reference to the creation of corporations within the Colony, is one which Colonial Ministers ought to guard with jealousy.

It being also established by the Judgment that Letters Patent purporting to confer episcopal jurisdiction within the Colony are a nullity, and that Bishops so appointed have no jurisdiction or authority over the members of their religious communities other than that which the governing authorities of all religious bodies possess over the members of their respective denominations, it follows that quasi judicial proceedings by Bishops (like those of other governing authorities of religious bodies) within the Colony can only be regarded as proceedings *in foro domestico*, which ought not to be liable to be reviewed on appeal by the Judicial Committee of the Privy Council.

(Signed) HENRY SEWELL.

August 8, 1865.

No. 2.

No. 2.

COPY of a LETTER from the Right Hon. EDWARD CARDWELL, M.P., to his Grace the ARCHBISHOP OF CANTERBURY.

MY LORD ARCHBISHOP,

Downing Street, October 28, 1865.

I HAVE the honour to enclose copies of a Despatch from the Governor of New Zealand, a Petition from the Anglican Bishops in that Colony, and a Memorandum by the Colonial Ministers.*

* Page 1.

The object of the Petition is that the Bishops may be allowed to surrender their Letters Patent, that the Royal Mandates under which they were consecrated may be declared to have been merely the authority for their consecration, and to have no further effect, and that in future the right to consecrate in the manner described may be recognized in the Bishops of the Anglican Church in New Zealand.

I have requested the Law Officers of the Crown to inform me whether the prayer of the Petition can be legally granted, and, if so, what legal steps would be necessary to give effect to it.

In the meantime I should feel much obliged to your Grace by the favour of any observations on this Petition with which you may think fit to favour me on the subject.

I have, &c.

His Grace
The Archbishop of Canterbury.

(Signed) EDWARD CARDWELL.

No. 3.

No. 3.

COPY of a LETTER from his Grace the ARCHBISHOP OF CANTERBURY to the Right Hon. EDWARD CARDWELL, M.P.

SIR, Addington Park, November 8, 1865.

I HAVE given my careful attention to the Petition from the Anglican Bishops of New Zealand, which you have done me the honour to forward, accompanied by a Despatch from the Governor of New Zealand, and a Memorandum from the Colonial Ministers.

The substance of that Petition seems to me to be the natural and necessary corollary from the two Judgments of the Judicial Committee of Privy Council referred to by the petitioners.

It is thereby established that the Crown has no authority over the colonial branches of the Church of England; that it cannot, of its own authority, incorporate Bishops of the Church of England within the Colony by Letters Patent; and that henceforth the quasi judicial decisions of the governing powers in the colonial churches can only be regarded as proceedings "*in foro domestico*," which ought not to be liable to be reviewed, on appeal, by the Judicial Committee of the Privy Council.

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ZEALAND.

The existing Letters Patent then having been declared invalid, I can see no reason why the petitioning Bishops should not be allowed to surrender them; and as the Anglican Church in the Colonies is declared to be on the same footing exactly, *quoad* its relation to the State, as the several Nonconformist bodies there, it appears to follow that the Bishops of those Churches should be allowed to exercise all the Episcopal functions in the Colony, according to the constitution on the basis of voluntary compact which has been agreed upon and promulgated. This constitution has been recognized by the Colonial Legislature, and is in accordance with a despatch from a former Colonial Secretary, the Right Honourable Henry Labouchere.

This much as to the future. But as regards the past, I must be allowed to express an earnest hope that Her Majesty's Government will see fit to introduce into Parliament early in the ensuing session a Bill for all the Colonies in which the Church is not by law established, enacting that all acts already done, which would have been legal under the Letters Patent, now declared invalid, shall be as good and effectual in law as if the Letters had been valid.

The problem still remains to be settled, what will be the exact relation between the Anglican Church in the Colonies and the Church of England at home. It will require time and thought to solve the question, but I already find an anxious wish on the part of clergymen selected here for Colonial Bishoprics to be consecrated by the Archbishop of Canterbury. I hope, therefore, that in the Bill for which I ask it may be declared lawful for the Archbishops and Bishops of the Church of England to consecrate Bishops for such Colonies without any licence or Letters Patent from the Crown.

I should imagine it would now be right to repeal those Acts of Parliament which relate to the Church in these Colonies, as having no longer any force.

The Right Hon.
Edward Cardwell, M.P.

(Signed) I have, &c.
C. T. CANTUAR.

No. 4.

No. 4.

COPY of a LETTER from the Rev. W. F. OLDHAM to the Right Honourable
EDWARD CARDWELL, M.P.

Riverton, New Zealand, March 15, 1866.

(Received May 19, 1866.)

(Answered May 25, 1866, *infra.*)

SIR,

I HAVE the honour to address you in reference to the petition of the Bishops of the Church of England in New Zealand, praying for permission to resign their patents granted by the Crown. I beg respectfully to submit that the said petition, though expressing the unanimous opinion of the Episcopal bench in this Colony, gives no clue to the feeling of the other two orders, of clergy and laity; they not having expressed their opinion in General Synod.

The feeling of a large number, possibly of a large majority, of both those orders, is strongly opposed to any unnecessary severance of the ties which connect the Colonial Church with the Church and Crown of England.

To the Right Hon. Edward Cardwell,
Secretary of State for the Colonies.

(Signed) I have, &c.
W. F. OLDHAM,
Incumbent of Riverton.

No. 5.

No. 5.

COPY of a LETTER from W. E. FORSTER, Esq., M.P., to the Rev. W. F. OLDHAM.

SIR,

Downing Street, May 25, 1866.

I AM directed by Mr. Secretary Cardwell to acknowledge the receipt of the letter which you addressed to him on the 15th March last, with reference to the petition of the Bishops of New Zealand, praying for permission to resign their patents granted by the Crown.

The Rev. W. F. Oldham.

(Signed) I have, &c.
W. E. FORSTER.

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BRITISH COLUMBIA AND VANCOUVER ISLAND.

BRITISH COLUMBIA AND VANCOUVER ISLAND.

No. 6.

No. 6.

COPY of a DESPATCH from Right Hon. EDWARD CARDWELL, M.P., to the GOVERNORS OF BRITISH COLUMBIA (No. 38) and VANCOUVER ISLAND (No. 49.)

SIR, Downing Street, October 26, 1864.

Oct. 6, 1864.

I HAVE the honour to transmit to you the enclosed copy of a proposal from the Bishop of British Columbia for the division of the Diocese of British Columbia into two, and the endowment of a new Bishopric. I have received this proposal from the Archbishop of Canterbury, who has intimated to me his approval of it.

I enclose a copy of the answer which I have returned to his Grace, and I have to request that you will take an early opportunity of acquainting me with your views on the subject.

Oct. 25, 1864.

The Governors of British Columbia and Vancouver Island.

(Signed) I have, &c. EDWARD CARDWELL.

Enclosure 1 in No. 6.

Encl. 1 in No. 6.

7, Upper Berkeley Street, Portman Square, October 6, 1864.

MY LORD ARCHBISHOP,

IT may be in the recollection of your Grace that a resolution was passed at a meeting of the Colonial Bishoprics Council in July last, declaring the importance of dividing the Diocese of Columbia as soon as the funds could be found for the endowment of the new See.

Resolution of Colonial Bishopric Council. Necessity for division.

The necessity for this division arises from the vast extent of the present Diocese, equal in area to England and France, and the physical impossibility of giving that attention to all parts of the Diocese which is most important in the early stage of planting and fostering the institutions of Christianity. The political circumstances also of the two colonies of Columbia and Vancouver, which have occasioned the appointment of two Governors, give direction to religious matters, and make it very desirable to go along with the public sentiment by an extension also of the Episcopate. A very strong feeling in favour of a resident Bishop in New Westminster has often been publicly expressed. Any measure tending as this would to strengthen British feeling is especially valuable in that part of the Empire at the present time.

It is proposed the title of the See to be created shall be that of New Westminster, after the chief town of the colony of British Columbia, the southern and north-eastern portions of which will form the new Diocese; while the north-west portion of Columbia, with Queen Charlotte Islands and the Colony of Vancouver will constitute the other Diocese, over which I shall continue to preside with Victoria as my place of residence.

Title of the new See to be New Westminster.

With respect to endowment I am happy to be able to report to your Grace that 5,500*l.* is secured; viz.—

Endowment.

£	
2,500	already invested in land, chiefly in and about New Westminster.
2,000	in hand here, ready to be paid over if the See be constituted.
1,000	voted by the Society for Promoting Christian Knowledge.
<u>5,500</u>	

Besides this the Colonial Bishoprics Council will probably make a grant similar to their last to Grafton of 1,500*l.*, making a total so far of 7,000*l.*, which at colonial interest represents 700*l.* a year.

Under these circumstances, and seeing the minimum endowment (5,000*l.*) required by the Crown is secured, I venture to ask your Grace, if the proposed arrangements have your approval, to take the requisite steps for obtaining the assent of the Government, and I presume your Grace will at the same time recommend to the Crown a fitting person to become the first Bishop of the new See.

Sanction of Government.

I have appended a map, also the boundaries of the proposed division, and am ready to furnish your Grace or the Government with any further explanation or details that may be required.

I have, &c. G. COLUMBIA.

His Grace the Archbishop of Canterbury.

BOUNDARIES of the proposed Diocese of New Westminster.

From Point Roberts, on the 49th parallel of latitude, up the Gulf of Georgia, to the north end of Hardwick Island; thence along a ridge between Port Nevile and Loughborough Canal to the height of land dividing the waters flowing into the Fraser and Peace rivers on the East from the waters flowing into the Pacific on the West; along this height to a point on the 60th parallel of latitude; thence easterly along the said parallel to the 120 longitude W., down the whole Eastern and along the Southern boundaries of the Colony of British Columbia to Point Roberts.

BOUNDARIES of the Diocese of Columbia and Vancouver.

The boundaries of the Colony of Vancouver, with so much of the Colony of British Columbia as is comprised within the following limits; that is to say, beginning at a point northward of Hardwick Island on the mainland opposite, along a ridge between Port Nevile and Loughborough Canal, to the height of land dividing the waters flowing into the Fraser and Peace rivers on the East from the waters flowing into the Pacific on the West; along this height to a point on the 60th parallel of latitude; thence westerly to along the same to the Russian boundary, along which to the mouth of Portland Canal, including Queen Charlotte's Islands, to the point on the mainland opposite the north end of Hardwick Island.

BRITISH
COLUMBIA
AND VAN-
COUVER
ISLAND.

Boundaries,
Diocese of
New West-
minster.

Boundaries,
Diocese of
Columbia and
Vancouver.

Encl. 2 in No. 6.

Enclosure 2 in No. 6.

MY LORD ARCHBISHOP,

Downing Street, October 25, 1864.

I HAVE the honour to acknowledge the receipt of your Grace's letter of the 7th instant, forwarding an application from the Lord Bishop of British Columbia for a division of his Diocese, and recommending the Rev. John Postlethwaite for appointment to the proposed new See.

Although I do not anticipate any objection to the plan suggested by the Lord Bishop of British Columbia, I am desirous, before any definite action is taken in the matter, to consult the Governor of the Colony, who may possibly wish to make some suggestions with reference to the territorial division of the See, or other details of the arrangement.

On the receipt of the Governor's reply to the reference, which I propose to make to him by the mail of the 1st of November, I will lose no time in communicating further with your Grace on the subject.

His Grace the Archbishop of Canterbury.

I have, &c.
(Signed) EDWARD CARDWELL.

No. 7.

No. 7.

COPY of a DESPATCH from Governor KENNEDY, C.B., to the Right Honourable
EDWARD CARDWELL, M.P.

(No. 3.)

Victoria, January 2, 1865.

(Received, Feb. 28, 1865.)

SIR,

I HAVE the honour to acknowledge the receipt of your Despatch No. 49,* 26th October 1864, enclosing the copy of a proposal from the Bishop of British Columbia for the division of that Diocese into two, and the endowment of a new Bishopric.

Having submitted the proposal with the accompanying documents to my Executive Council, I am of opinion that a compliance with it would be in every way beneficial to this Colony.

The Rt. Hon. Edward Cardwell, M.P.,
&c. &c. &c.

I have, &c.
(Signed) A. E. KENNEDY,
Governor.

No. 8.

No. 8.

COPY of a DESPATCH from Governor SEYMOUR to the Right Honourable
EDWARD CARDWELL, M.P.

(No. 38.)

New Westminster, May 2, 1865.

(Received, July 8, 1865.)

SIR,

I HAVE had the honour to receive your Despatch, No. 38,* of the 26th October 1864, on the subject of a proposal made for the division of the Diocese of British Columbia.

2. I should long ago have furnished you with my opinion upon the project, but that I knew the Bishop would soon return to the Colony. When I saw his Lordship I promised him, as we did not quite agree, that I would consider the matter further, for at least a fortnight, before finally communicating my views to you.

* Page 5.

* Page 5.

3. Previous, however, to the Bishop's return, I had devoted an anxious consideration to the whole question. I called for the assistance of such members of the Executive Council as are now in the Colony. Their opinions I have the honour to forward. I am so reluctant to oppose arrangements already approved of by the Church in England, that I particularly call your attention to the unanimous condemnation by my constituted advisers of the proposal made by the Bishop of British Columbia. Their opinion, if promulgated, would have the concurrence, I believe, of every inhabitant of the Colony.

4. Acknowledging at once the advantage which would accrue from a division of this Diocese, and the appointment of an additional Bishop, I regret to say that I think more harm than good would be done by carrying out the division in the manner proposed.

5. You are but too well aware of the jealousy existing between the two Colonies on this side of the Rocky Mountains. The merchants and owners of town lots in Victoria, in the comparatively unimportant Colony of Vancouver, have drawn nearly all the share of the profits of the gold discoveries in this Colony, which have not been absorbed in California. British Columbia, the source of wealth, has remained poor, and imagines itself neglected in every way. Its name was used as an attraction for capital, which was invested beyond its limits; its gold created a demand for a bank whose head quarters are in another Colony, for a Diocese whose See is in the rival Island. Its treasure poured forth without leaving a deposit here, and a territory of the greatest mineral wealth ran the risk of utter abandonment.

6. The feeling of injustice suffered is diminished here, since the separation of the two Colonies; yet Victoria still irritates the local jealousy by affecting, though contributing nothing to the revenue, to be the capital of British Columbia. The project of Bishop Hills, by which it is proposed that the seat of the Episcopate of British Columbia should be on Vancouver Island, with just enough of this territory annexed to justify the retention of the title, would, I feel convinced, create an amount of hostility in this Colony that would greatly impede the progress of the Church.

7. Bishop Hills himself appears to have recently held the opinion I now express. I enclose an extract from the Columbia Mission Report for 1864. His Lordship acknowledges the "rivalry" of the two Colonies, and says, "in whichever of the two is fixed the Episcopal seat, an alienation of feeling in the other will be the consequence. The best interests of religion, as well as good policy, will be served by yielding to the colonial feeling, and by gathering up all sympathies in a division of the diocese." But I enclose a portion of the Bishop's minute.

8. Until Vancouver Island is politically incorporated with British Columbia no division of the Diocese can be satisfactorily made which does not recognise and adhere to the existing territorial limits of the two Colonies.

9. I will not allow myself to follow up the subjects mooted by some of the Executive Councillors. Unquestionably, as stated, the religious destitution of the Colony is considerable, and the spirit of rivalry already alluded to leads people to count the respective numbers of the clergy on the mainland and on the outlying Island. I must, in all justice, however, with the Colonial Secretary, bear testimony to the noble results of the labours carried on, in a spirit of humility and self-denial, by the Roman Catholic missionaries among the Indians. The Reverend Fathers, however, devote their lives to the civilization and salvation of the Native races, and do not come across the miner's path.

10. New Westminster, though it may possibly feel that the Episcopal seat of the Diocese of British Columbia should not be in another and not over-friendly Colony, has little to complain of as regards the attention bestowed on it by the Church of England. The clergy and laity have worked energetically together, and as high a sense of honour and morality, as sound a tone, exists in this young town as in any with which I am acquainted.

11. But in Cariboo, the source of wealth, the centre of life of the two Colonies,—the real British Columbia,—this winter has seen a great festival. The three towns on Williams Creek were dressed in flags, and the population turned out into the streets, for it was announced that several sleighs loaded with squaws were on the road.

I have, &c.

The Right Hon. Edward Cardwell, M.P. (Signed) FREDERICK SEYMOUR.
&c. &c. &c.

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* Page 5.

Enclosure 1. in No. 8.

THE COLONIAL SECRETARY'S OPINION.

I HAVE read the correspondence accompanying the Secretary of State's Despatch No. 38,* of the 26th October, which his Excellency has been pleased to forward for the opinions of the Members of the Executive Council.

I am strongly averse to the division of the See of British Columbia, as proposed by Bishop Hill. If it is the intention of the present Bishop of this Diocese to continue to reside in Vancouver Island, I think it will be of advantage to this Colony that the See should be divided, but simply under the same limits as are contained in the commissions of the respective Governors.

I gather from the Bishop's letter that his Lordship would propose to continue, as it were, Metropolitan Bishop, and that the new Bishopric should be merely designated "New Westminster," but that the new Diocese should comprise the entire mining districts of the Colony, which will probably contain during the season of 1865 a population of from 15,000 to 20,000 white men. While Bishop Hill would desire to continue his jurisdiction over what no doubt is a very large area of the Colony, but an area which we are well aware is at present uninhabited by white men;—

The Indian tribes on the northern coast are, with the exception of Mr. Duncan's admirable mission at Methlakathla, almost entirely converts to Christianity through the praiseworthy perseverance of the Roman Catholic Church; and I should be very sorry to see any attempt made to shake their faith in their present religion by trying to convert them to a Protestant's belief.

It would therefore be little more than in the designation alone that Bishop Hill would continue to hold a portion of this Colony in connection with the Diocese of Vancouver Island; a measure which would be extremely unpopular to the colonists in general, and be the means of further increasing the ill-feeling which already exists between the two Colonies.

From the correspondence it would appear that the sum which is actually required by the Crown before a new Bishopric can be formed is the only money forthcoming for the See of New Westminster. It will surely be asked by the inhabitants of this Colony, what has become of the large and munificent gifts of Miss Burdett Coutts and others; which amounted, if I remember rightly, to from 16,000*l.*, to 20,000*l.*, and which was subscribed, I believe, solely to foster our Church in the mining districts of this Colony.

The Church of England is at present represented in British Columbia by an archdeacon and two clergymen. The former and one clergyman reside in New Westminster, the latter at Lillooet, a distance of 300 miles from the capital, leaving Yale, Quesnelmouth, and the many other smaller towns of the interior, as well as the mining districts of Cariboo and Kootenay, with a winter population of from 400 to 500 men in each, entirely unprovided with the means of religious instruction. It cannot therefore be said that British Columbia is at present deriving the advantage that might be expected from the large subscriptions of 1859.

I do not know what might have been done with the Indian population in the earlier history of the Colony, but I am convinced that it is too late now for the Church of England to attempt the work which has been so well carried out by the Roman Catholic Church. No better example of the work done by the two Churches could be given than on the occasion of the Governor's invitation to the river Indians on the 24th of last May, when over 4,000 came under the care and superintendence of one Catholic priest, Father Fouquet, while our own Church was represented by five individuals.

I think the experience of the last year tells us that it is the policy of this Government, for the present at least, to keep as much as possible under its own immediate control the trade and intercourse with the Northern Tribes, which even the ecclesiastical separation proposed would tend to weaken.

(Signed) ARTHUR N. BIRCH.

Colonial Secretary's Office.

January 5, 1865.

THE ATTORNEY GENERAL'S OPINION.

I have perused the despatch of the Secretary of State for the Colonies of 26th October 1864, No. 38, to Governor Seymour;

That of 25th October 1864, from same to the Archbishop of Canterbury;

And that of 6th October 1864, from the Bishop of Columbia to the Archbishop of Canterbury, and (I am fain to confess) with much surprise.

1. A proposal to divide the present See into the two separate Dioceses of British Columbia and Vancouver Island, conterminous with the two countries, and under separate Bishops, deriving their titles from their respective Sees, would meet with universal favour and acceptance.

2. The division, however, in the papers before me, is one which would be particularly obnoxious to all the adherents of the Church of England in this country.

3. The Lord Bishop of the Diocese is well aware of the exceedingly strong feeling of rivalry and antagonism that has sprung up within the last five years between this and the neighbouring Colony, taking its rise from unsatisfactory political relations, and thence extending to matters which should have been entirely free from such influence.

4. A division of the Diocese, consequently, which would seek to couple any part of British Columbia, or its dependencies, with Vancouver Island, will be received with the utmost disfavour throughout the whole land, and seriously injure and retard the sacred cause it proposes to serve.

5. During an intimate acquaintance with the progress of the Church of England in the Colony, since the first Gold rush in 1858, I have observed with pain the extension of the feeling of antagonism from secular matters to ecclesiastical affairs.

6. His lordship himself clearly indicates the kind of influences which have produced this result when he so forcibly alludes to the frequent remonstrances that have "so often been publicly expressed," and the "very strong feeling" which has been generated in favour of his Lordship's residence at New Westminster or some other locality in the country which gives the title to his Diocese.

7. It is difficult for those on the spot to see what principle has been followed in the proposed geographical division of the Diocese, or what advantage, in the interest of Christian Institutions, it is likely to produce, to counterbalance in some degree the extreme unpopularity of the proposed measure.

8. Comparative distance can scarcely be the guide, for New Westminster is considerably nearer than Victoria to the Indian Missions of the North-west coast.

9. It does not appear, moreover, how far the trust funds specially subscribed by charitable persons for the benefit of British Columbia as well as Vancouver Island can with propriety be restricted to the purposes of the proposed arrangement,—at all events, without full consideration of the spiritual destitution of British Columbia, and a corresponding redistribution of the fund.

10. If this redistribution can be equitably effected, or a corresponding equivalent secured, no more beneficial arrangement could be proposed than two separate Bishoprics conterminous with the two several Colonies, just as nothing could be devised more detrimental to the progress of so conservative and British an element as the Church of England in the Colony, than the very unsatisfactory division now proposed by the present Bishop of British Columbia.

Attorney General's Office,
3rd January 1865.

(Signed) HENRY P. PELLEW CREASE.

THE TREASURER'S OPINION.

IN preference to the arrangement proposed, which does not seem to me to go along with the public sentiment as regards territory, I would rather have in principle a Metropolitan See (the Metropolitan retaining the title of Bishop of Columbia), with one or more Suffragan Bishops, the limits of whose Sees should be conterminous with those of the two Colonies. At the present time, for the want of the requisite funds for endowment, this may be practically impossible; but it is, in my judgment, a mistake to throw a portion of British Columbia into the See of Vancouver. And even if this were necessary for a time, I think that the portion lying nearest to Vancouver Island should be the portion attached; while, by the proposed distribution, it appears that, alleging as he does with perfect reason that the distances are too great for any one person to travel over, the Bishop has chosen the most opposite points for union in his own Diocese.

I should be very unwilling to see any part of British Columbia united with the Island of Vancouver in one See, so long as the Colonies are separate. Something of the kind I suggest has, I believe, been tried and found to work well in New Zealand, where there is a Bishop of New Zealand, and Bishops of Christ Church, Nelson, &c. his suffragans.

(Signed) CHARLES W. FRANKS.

Treasury, 3rd January 1865.

THE COLLECTOR OF CUSTOMS OPINION.

It is quite true, as the Bishop has stated, that there has been a wish on the part of the people of New Westminster for the Bishop to reside among them. But that feeling was never extended in any way to the contemplation of the separation of the Diocese and the erection of a new See. The people were disappointed; and they expressed their disappointment in plain terms to the Bishop at a public meeting shortly after his arrival, at finding that his palace was to be set up at Victoria, and that the large sums provided by Miss Coutts were to be invested there. We understood that the Bishop was appointed, by his title and in reality, to this Colony, and that the money for establishing the Bishopric was to have been laid out mainly in the purchase of property here. The investments at Victoria have, no doubt, been much more profitable. The Church property there, in town lots and in land in the neighbourhood of the town, is well known to be every valuable.

It appears now that a new Bishop is to be appointed, and fresh funds devoted to the support of his office. I doubt if any necessity would have arisen, or if there would have been any pretence for such a step, if the Bishop at first had made New Westminster his residence. Victoria could have been reached, on an average throughout the year, twice every week, in trips of eight hours each; and, except Victoria, there are few places, if any, in Vancouver Island, requiring any special attention. The extent of territory in British Columbia is undoubtedly very large, and may, as his Lordship has stated, be equal to both England and France; but the permanent white population is very small, probably scarcely 5,000 in each colony; a small number, surely, to require two bishops, two archdeacons, and a body of clergymen.

If, however, the contemplated change is to be carried out, and if the feelings of the people of this Colony are to be taken into account in the matter, I am satisfied that they would with one voice protest (the intelligent part of them) against the union of the north-west portion of the country with Vancouver Island. In what possible way would "British feeling be strengthened" by such an arrangement. Colonial acuteness would be much more apt to suggest that it was intended to enable

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the Bishop to retain his present title, and to give him still a right to control and dispose of the funds placed in his charge as Bishop of British Columbia.

For myself, I can only say that I hope, if there is a division of the Diocese,—a measure which appears to be decided on,—that the Sees will be kept as distinct as the Colonies, and that some settlement will be arrived at respecting the endowment money bestowed by Miss Coutts. If it was granted for British Columbia, it ought scarcely in justice to be allowed to form part of the permanent wealth of another Colony.

(Signed) W. HAMLEY.

Custom House, 3rd January 1865.

DIVISION OF THE DIOCESE.—GOVERNOR SEYMOUR'S OPINION.

THE Bishop hoped on his return to England to have furthered the division of the Diocese, but he has not seen his way to press the subject. Nothing has proved so effectual to cause increase of clergy and means in any colonial district as the establishment of the Episcopate. A permanency is imparted to the work, which gives confidence to all concerned. A leader of experience is secured, who brings helpers with him. More local aid is called forth. The young Church is fostered in its early stages with more constant care and oversight. Not having to be away for many months on long journeys over a vast and widespread diocese, the Bishop can bestow more attention upon central religious objects in the chief town where he resides.

A subdivision of British Columbia and Vancouver is required on account both of their extent and rivalry. They are as large as France and England. They have never drawn willingly together. The Imperial Government have recently yielded to this feeling, and sent out two Governors in place of one, with entirely separate administration. The difficulty of uniting the two Colonies in one diocesan action will be greater than before. In whichever of the two is fixed the Episcopal seat, an alienation of feeling in the other will be the consequence. The best interests of religion, as well as good policy, will be served by yielding to the colonial feeling, and by gathering up all sympathies in a division of the Diocese.

Governor Seymour, in his address to the Legislative Council of British Columbia on the 8th of April 1864, thus speaks of the importance of separate administration of the two Colonies:—

“And now I must notice your resolution of yesterday's date. Protesting against any union with the Colony of Vancouver, I shall forward that resolution to his Grace the Secretary of State, and strongly express my opinion that British Columbia has grown too large for a return to the old system to be possible. Whether union under other conditions might hereafter be acceptable, I am at present unable to say. I would, however, observe, that from my short experience I am inclined to think that an efficient administration of the affairs of British Columbia alone would be enough to require the whole attention of a Governor”

Vancouver and Columbia, being distinct Colonies with two Governors, should now have also their two Bishops. The fostering and organization of the Church, and the religious welfare of the people, are at least as important as the secular interests of the State. No time should be lost. The following step has been taken. At a meeting of the Colonial Bishops Council, July 15, 1864, the Archbishop of Canterbury in the chair, it was resolved—

“That the Council record their conviction of the importance of separating Vancouver Island from the diocese of Columbia, and erecting it into a separate Bishopric as soon as the necessary fund for its endowment can be provided.”

Is there no one, who reads this, to whom God has given the power, willing to respond to the call, and by a noble offering fix deep for all time the roots of the Church of God in that rising British province?

No. 9.

No. 9.

COPY of a LETTER from the Right Hon. EDWARD CARDWELL, M.P., to His Grace the ARCHBISHOP OF CANTERBURY.

MY LORD ARCHBISHOP,

Downing Street, July 22, 1865.

WITH reference to my letter of the 25th of October last, stating that I was desirous of consulting the Governor of British Columbia respecting the application of the Lord Bishop of that Colony for a division of his Diocese, I have the honour to inform your Grace that Governor Seymour has reported to me that objections are entertained by his Government to the mode in which it is proposed to divide the Bishopric.

As I have reason to believe that the Governor is about immediately to visit England, I think that it will be desirable to await his arrival before forming any definite opinion on the subject.

His Grace the Archbishop
of Canterbury.

I have, &c.
(Signed) EDWARD CARDWELL.

No. 10.

COPY of a DESPATCH from the OFFICER ADMINISTERING the GOVERNMENT to the Right Honourable EDWARD CARDWELL, M.P.

BRITISH COLUMBIA AND VANCOUVER ISLAND.

(No. 13.)

New Westminster, March 1, 1866.

(Received May 14, 1866.)

No. 10.

SIR,

At the request of the Bishop of Columbia, I have the honour to forward a letter addressed to you by his lordship on the subject of the division of the Diocese.

2. I refrain from commenting upon the views entertained by Bishop Hills, as I am opposed to the division recommended by his Lordship, while I should much regret to throw any obstacle in the way of a division of the Diocese, which, however arranged, must prove of advantage to the Church in this Colony.

The Bishop of Columbia to his Honour A. N. Birch, with enclosure and maps.

I have, &c.

The Right Hon.
Edward Cardwell, M.P.
&c. &c.

(Signed) ARTHUR N. BIRCH.

Enclosure in No. 10.

Encl. in No. 10.

The BISHOP of COLUMBIA to the OFFICER ADMINISTERING the GOVERNMENT of BRITISH COLUMBIA.

SIR,

Victoria, Vancouver, February 5, 1866.

MAY I ask you to forward the enclosed letter (with two maps) to the Secretary of State for the Colonies. I shall be thankful if you can feel it consistent with your duty to support the views I have submitted.

I have, &c.

(Signed) G. COLUMBIA.

SIR,

Victoria, Vancouver, February 5, 1866.

IN case further explanation may be necessary respecting the proposed boundary of the Diocese of New Westminster, I have the honour to forward two maps, one (A.) representing the division which has met the approval of the Archbishop and the Colonial Bishoprics Council, and the other (B.) showing the division suggested by Mr. Seymour.

By the former (A.) the present Diocese of British Columbia (comprising the two Colonies) is divided into eastern and western portions by the natural watershed between the Fraser and the Pacific, and by the Gulf of Georgia, the western consisting of North-west Columbia, together with the Islands of Vancouver and Queen Charlotte.

This division (A.) gives a fair distribution of area and work, leaves the chief centres of Indian population with the coal mines and seafaring population and interests for the Western, while the gold fields and agricultural districts are the principal area of population in the Eastern or New Westminster division. North-west Columbia is geographically and commercially in connexion with Vancouver and Victoria, not with New Westminster. The Hudson Bay Company ships, the navy and trading vessels by which we communicate with it, belong exclusively to Vancouver, and sail from Victoria and Esquimalt. To connect these portions ecclesiastically, therefore, is the most practical arrangement. The only argument advanced in favour of the plan (B.) is, I believe, that the two Dioceses would be conterminous with the two Colonies; but this will cease to apply as soon as the now universally desired union is effected. It ought not, however, I would respectfully submit, to prevail in any case against the serious disadvantage it would entail upon the spiritual work.

One disadvantage is the great disparity of area, one Bishop having a Diocese 800 miles by 400 or 500, together with an island 150 in length, while the other Bishop would have only an island 290 by 60. Another disadvantage would be the inconvenient and oppressive distribution of work. Besides having to take journeys to the interior, north, south, and east, 500 miles in each direction, the Bishop of New Westminster, in order to visit the north-west coast and islands, would have to travel out of his Diocese—

To Victoria	- - - - -	70 miles.
Then along Vancouver	- - - - -	290 "
Thence to Queen Charlotte Island, Metlacatla, and Stickeen	- - - - -	500 "
		<hr/>
		860 "
And back	- - - - -	860 "
		<hr/>
Total	- - - - -	1720 "

Occupying at the least two months each year, and, as the missions extend, requiring even a second visitation, which could be taken readily by the Bishop residing in Victoria, whose Diocese would run nearly 380 miles in the same direction. Since then the Diocese suggested in map (B.) is unequal in area, and imposes a needless burden of labour, expense, and time upon the Bishop of New Westminster, I venture to hope you may be able to recommend to Her Majesty the ecclesiastical organization already submitted to take effect, and which I have not proposed without careful and mature consideration, and a personal knowledge of the whole country.

I have, &c.

The Right Hon. Edward Cardwell,
Secretary of State for the Colonies,
&c. &c. &c.

(Signed) G. COLUMBIA.

COLOMBO.

COLOMBO.

No. 11.

No. 11.

COPY of a DESPATCH from GOVERNOR SIR HERCULES ROBINSON to the Right Hon. EDWARD CARDWELL, M.P.

(No. 233.)

Queen's House, Colombo, Dec. 14, 1865.

(Received, January 19, 1866.)

(Answered, No. 126, May 8, 1866, page 16.)

SIR,

At the request of the Bishop of Colombo, I have the honour to forward copy of the proceedings of the Synod of Colombo, together with a copy of a letter from his Lordship which accompanied the same.

2. The Bishop has invited special attention to the 6th Resolution of the Synod, in which I am asked to communicate to the Secretary of State their request that clergymen appointed from England may be required to sign, on their arrival here, the Declaration of principles adopted by the Synod.

I have, &c.

The Right Hon.
Edward Cardwell, M.P.

(Signed) HERCULES G. R. ROBINSON.

Encl. 1 in No. 11.

Enclosure 1 in No. 11.

"Acts and Resolutions of the First Synod of the Diocese of Colombo," held in St. Thomas' College on the 20th September 1865 and two following Days.

(Extract.)

IV.—STATUS OF SYNOD.

1.—Moved by W. W. Cairns, Esq.,
Seconded by the Rev. G. Schrader,

That this Synod, lawfully summoned by the Bishop of the Diocese, claims to be by representation the Church of the Diocese of Colombo in union and full communion with the United Church of England and Ireland, and identical with the said Church in faith and doctrine, and acknowledges the supremacy of the Sovereign, and the authority of any Synod of this Province lawfully summoned in which this Synod shall have been duly represented.

2.—Moved by the Rev. Canon Bailey,
Seconded by F. W. Willisford, Esq., M.D.,

That nothing in the acts of this Synod, or in the terms therein used, shall be held to assume the powers or functions of legislating with any coercive jurisdiction; but merely as purporting to lay down rules, which will bind those who expressly or by implication assent thereto.

3.—Moved by W. E. T. Sharpe, Esq.,
Seconded by the Rev. W. F. Kelly,

That this Synod disclaims any attempt to pass rules contrary to law, or to create tribunals similar to those which, in countries where there is an Established Church, exercise a legal and coercive jurisdiction.

V.—DECLARATION OF PRINCIPLES.

Proposed by the Venerable the Archdeacon,
Seconded by James Moir, Esq.,

That this Synod do adopt the following Declaration of principles:—
We, the bishop, clergy, and laity of the Diocese of Colombo, in Synod assembled, in union and full communion with the United Church of England and Ireland, do declare that we receive the Holy Scriptures as the revealed Word of God, and the authorized version of the same as of like authority in this Diocese as it is in England; and we do maintain the doctrines and sacraments of Christ as the Lord hath commanded, and as the said United Church of England and Ireland receives the same; and do receive the Book of Common Prayer, and administration of the sacraments, and other rites and ceremonies of the Church, according to the use of the United Church of England and Ireland, together with the Psalter or Psalms of David, pointed as they are to be sung or said in churches, and the form and manner of ordaining and consecrating bishops, priests, and deacons; and further we do disclaim the right to alter the standards of faith and doctrine now in use in the Church, the three creeds, the thirty-nine articles, the Church catechism, and the other formularies

of the Church; and we do acknowledge the authority of the canons and constitutions of the Church, in so far as they are of force in England, and as the existing circumstances of the Church in this Diocese permit, until they shall have been altered by the Synod of this Province lawfully convened, in which this Diocese shall have been duly represented.

VI.—APPOINTMENTS BY THE SECRETARY OF STATE.

Moved by the Rev. W. F. Kelly,
Seconded by Capt. Byrde,

That the Lord Bishop of the Diocese be respectfully requested to forward the above Declaration to His Excellency the Governor, for transmission to the Right Hon. the Secretary of State for the Colonies, and to beg that his Excellency will be pleased to communicate to the Secretary of State the earnest and humble request of this Synod that every appointment to any ecclesiastical office in this Diocese be made in future upon the undertaking of the person so appointed to sign the Declaration in Ceylon.

VII.—APPOINTMENT OF FUTURE BISHOPS.

Moved by the Rev. W. Ellis,
Second by J. H. Tennekoon, Esq.,

That the Lord Bishop be respectfully requested to transmit a copy of the Declaration to the Most Reverend the Lord Archbishop of Canterbury, and to the Right Rev. the Metropolitan of India, with a view to secure that any ecclesiastic hereafter nominated to this See be appointed on the distinct undertaking that he will sign the Declaration in Ceylon before his enthronement.

VIII.—ORDINATION OR EMPLOYMENT OF CLERGY.

Moved by the Rev. Warden Bennett,
Seconded by Dr. Willisford,

That the Lord Bishop of the Diocese be respectfully requested to require all candidates for Holy Orders, and all applicants for employment in this Diocese, prior to their being ordained or licensed, their acceptance of; and signature to, the above Declaration, as an act of agreement and contract between the said applicants and the Bishop for and on behalf of the Church of this Diocese.

Provided, however, that the enforcement of this resolution in the case of licences of certain clerks in Holy Orders be contingent on the approval by the Secretary of State of Resolution VI.

Enclosure 2 in No. 11.

Encl. 2 in No. 11.

HON. SIR,

Newera Ellia, December 5, 1865.

I FORWARD two copies of proceedings of the Synod to your Excellency. One for your own perusal, and the other to be forwarded to the Secretary of State.

First, the points I would draw your Excellency's attention to are, first,—the three resolutions under one heading, "Status of Synod," which I feel sure will vindicate the Synod from any charge of setting itself above the law, whilst its claims are, to the letter, in accordance with the late Duke of Newcastle's despatch.

Secondly, the resolution No. 6; asking your Excellency to communicate to the Secretary of State our request that he will require any clergy appointed directly from home to chaplaincies to sign the Declaration on their arrival in Ceylon.

This requires some explanation. The Declaration does not pledge such clergy to anything not already required from them; but we are advised that if a clergyman departing from his ordination vows were to be proceeded against in the Ceylon courts, they would take cognizance only of engagements made in that Colony.

It is only on this understanding that the resolution passed the Synod, and this also applies to Resolution 8, which they wished to be ruled by the same principle, though the case of Colonial Chaplains is not there contemplated, but that of other clergy, such as missionaries, coming for employment into this Diocese.

Third, Your Excellency will observe that the Synod does not affect to create a separate Church of Ceylon, but simply acknowledges a Diocese of the Church of England, in the Province, indeed, not of Canterbury, but of Calcutta, the Metropolitan See.

I should, as President, have repressed any attempt on the part of the Synod (had such been made) to constitute a separate and independent Church.

I need only further assure your Excellency of the entire loyalty of all our proceedings to the principle of the Queen's supremacy; and I can answer for my clerical and lay brethren, that if, in ignorance, we should in any particular have exceeded our powers, we should be perfectly willing, on proper advice, in such particular to amend our proceedings.

I have, &c.

His Excellency the Governor.

(Signed) PIERS COLOMBO.

COLOMBO:

No. 12.

No. 12.

COPY of a DESPATCH from GOVERNOR SIR HERCULES ROBINSON to the
Right Hon. EDWARD CARDWELL, M.P.

(No. 240.)

Queen's House, Colombo, December 30, 1865.

(Received, Feb. 3, 1866.)

(Answered, No. 126 May 8, 1866, page 16.)

SIR,

WITH reference to my Despatch No. 233,* of the 14th instant, forwarding copy of the proceedings of the Synod at Colombo, I have the honour to transmit to you copy of a letter from Messrs Morgan, Vane, and Skinner, enclosing a document signed by certain members of the United Church of England and Ireland, recording their desire not to be identified with or be held to be represented by the Synod, or bound by any of its acts, declarations, or resolutions.

This document bears the signatures of gentlemen holding respectable and influential positions in the Colony.

The Right Hon.
Edward Cardwell, M.P.

(Signed)

I have, &c.
HERCULES G. R. ROBINSON.

Encl. in No. 12.

Enclosure in No. 12.

SIR,

Colombo, December 28, 1865.

WE have the honour to forward the enclosed, and beg that you will lay the same before the Governor, and request his Excellency to forward it to the Secretary of State.

The paper is still in circulation, and the additional signatures will be made known to you without delay.

The Hon. the Colonial Secretary.

We have, &c.

(Signed)

RICHARD F. MORGAN.
G. VANE.
T. SKINNER.

With reference to the following resolution, moved and adopted at a late meeting of the Lord Bishop of Colombo, and certain of the clergy and laity, held in St. Thomas' College, Colombo, on the 20th, 21st, and 22nd days of September, 1865,—

“That this Synod, lawfully summoned by the Bishop of this Diocese, claims to be by representation the Church of the Diocese of Colombo, in union and full communion with the United Church of England and Ireland, and identical with the said Church in faith and doctrine, and acknowledges the supremacy of the Sovereign, and the authority of any Synod of this Province, lawfully summoned, in which this Synod shall have been duly represented.”—

We, the undersigned, members of the United Church of England and Ireland, desire to record that we have not joined in this alleged Synod, nor taken any part therein, that we do not acknowledge it to be by representation the Church of the Diocese of Colombo, and that we are not and do not hold ourselves bound by any of its acts, declarations, or resolutions.

Conceding freely to others the privilege of judging and acting for themselves in this as in other matters, we claim that we may in no way be identified with or be held to be represented by this alleged Synod, or bound by any of its acts, declarations, or resolutions.

Signed by WILLIAM CHAS. GIBSON, Colonial Secretary,
and 41 others.

No. 15.

No. 13.

COPY of a DESPATCH from GOVERNOR SIR HERCULES ROBINSON to the Right Hon.
EDWARD CARDWELL, M.P.

(No. 55.)

Newera Ellia, Ceylon, March 25, 1866.

(Received May 3, 1866.)

(Answered, No. 126, May 8, 1866, page 16.)

SIR,

AT the request of the Bishop of Colombo, I have the honour to forward a letter addressed to you by his Lordship, correcting some of the statements contained in a letter received by you from the Secretary of the Church Missionary Society, upon the subject of the Synod lately held in Colombo, a copy of which was, it appears, transmitted for the Bishop's information by that body.

The Right Hon.
Edward Cardwell, M.P.

(Signed)

I have, &c.

HERCULES G. R. ROBINSON.

March 7, 1866.

Enclosure in No. 13.

SIR,

Columbo, Ceylon, 7th March, 1866.

THE Secretary of the "Church Missionary Society" has forwarded to me a copy of the letter from that body to yourself on the subject of the Synod lately held in my Diocese. As there appears from this document to be some misapprehension of the object of the "Declaration" (of which I perceive no copy is given in the above letter,) I venture to address a few words in explanation, in the hope that such misapprehension may be removed before you reply to the application of the Synod with reference to the signature of Clergy to the Declaration.

First.—I must lay great stress on the fact that nothing was further from the intention of the Synod than to impose a *new* Declaration on Clergy now, or hereafter to be employed in the Diocese, i. e. new in the sense of one more stringent, or binding to any new obligation. They desired only that the Clergy should enter into their contract with the Church in Ceylon as well as (or instead of) doing it in England.

All that the letter of the Society expresses as to their wish to maintain closely and simply the constitution of the United Church of England and Ireland, the Synod of the Diocese would echo to the letter. Nothing is further from their intention than to separate even in outward form from that Church of which they thankfully consider themselves a part. But they are told that as a Church they have not legally such identity, and this was one great reason why they met in Synod, to claim that identity for themselves. The decision of English Judges is quoted to prove that no "United Church of England and Ireland" can exist in the Colonies. Accordingly they made a Declaration of the very closest conformity compatible with their existence, as a Diocese in another Province to the principles and formularies of the Church of England. If they err, they do so by following the advice, and striving to carry out the recorded judgments of the English Courts. But I cannot conceal from myself that these decisions are the cause of this widespread apprehension of Churchmen in the Colonies, equally when as now some make honest endeavours to right themselves, and when others object to those endeavours, and find in them the very dangers which they are intended to avert. For myself, I sympathize almost with every expression that occurs on this point in the letter now before me. I wish, and I believe all the members of the Synod with me wish, to retain identity with our Mother Church. We acknowledge, readily and heartily, that degree of connexion with the State which, though not established, we still profess in the lawful supremacy of the Sovereign. We look upon ourselves as representing the National Church in these distant settlements, and, with all due respect for the expressions of lawyers in their pleadings and judgments, we will not take the position of a Sectarian body, but claim brotherhood with the Church of the Nation to which it is our happiness to belong.

One word, Sir, as to the late decisions of the Privy Council. It is not fair, I humbly submit, that the Crown should one day sanction our existence in most solemn wise, and the next disavow it and cast us off. When, in addition to my consecration as a Bishop, I accepted the offer of Her Majesty's Secretary of State for the Colonies, to take charge of a Diocese in the appointment of the Crown, I accepted a certain status and position in which I saw the assurance of sufficient power to carry out the duties of the office I had assumed. It is not justice in effect, (I am far from imputing wilful wrong) that I should find that assurance withdrawn in an entire change of the position without any warning given. I submit, then, that you must look on the Colonial Diocese as portions of the National Church, deprived not by fair legislation, but by arbitrary legal judgments of what the Crown had bestowed upon them viz.,—an acknowledgment, short of actual establishment, as complete as that of the Mother Church, a position, which though other bodies disclaim it, is valued by Churchmen, not on the false Erastian principle which would subject Christian faith and doctrine to the Civil power, but the happy conviction, that our Nation, as such, is Christian—values that which we value, and holds that which we hold—the Catholic Faith, the Communion of Saints, the fellowship of the Universal Church.

All that I am now saying derives some additional force from the position of this Diocese. Whilst, on the one hand, as a Crown colony, we are not touched by the late decision in the case of "Bishop of Natal versus Bishop of Cape Town," on the other hand, we are not, like Calcutta, directly under the action of Parliament. There is at present no pressing difficulty, the more reason that we should use the present juncture to prepare ourselves to meet any emergency of legal complications that may arise. And, with the example of the South African Dioceses before us, it cannot be said that we are too easily alarmed. Indeed, instances have already occurred in this Diocese (though not during my own episcopate), where it would have been, to say the least, of great service to have had some definite rule of action laid down in which the Bishop and his Clergy, and (I may add) the laity, had agreed. I am most happy to state that in my own person I have received support in the exercise of my office, not only from Her Majesty's Government, but from the two great Missionary bodies of the Church of England, which exercise a most beneficial influence in the colony.

But in the very letter on which I am making comment, it will be found that one of these venerable bodies has a very inadequate sense on some points of the critical position of Church interests in the Colonies. I will instance their suggestion that an entire colonial Diocese might be governed under a trust deed, or placed under colonial legislation; the effect of the one course being simply to tie it hand and foot, and, depriving it of all independent action, to rob it of that liberty which is the scriptural heritage of every Christian community; the other to expose it to the risk of interference from without with its vital and essential principles, and to give a colonial legislative body a power which is only exercised to a limited extent by the Imperial Parliament itself. I may likewise point out their acceptance as sufficient of a definition of the oath of canonical obedience, which would render the Bishop a mere machine. But I will beg you, Sir, not to suppose that we wish to claim

COLOMBO. any dangerous liberty for ourselves. We have, I think, fairly shown in our first meeting that we disclaim any such kind or degree of power as would either place us in collision with the temporal power, or separate us, in any important matters, from the great Anglican Church of which we are a part. Most carefully have we avoided making any claim above or inconsistent with the lawful diocesan rights which we maintain.

We kept to the letter of the late Duke of Newcastle's Despatch, which, in distinct contradiction to expressions in the letter of the Society, admits the legality of such an Assembly. And, as I have already assured his Excellency the Governor, if, ignorantly, we have in any matter exceeded our powers, we are ready and willing to reconsider and amend our action in such particulars.

The Right Hon. E. Cardwell,
Secretary of State for the Colonies, &c. &c.

I have, &c.
PIERS COLOMBO.

No. 14.

No. 14.

COPY of a DESPATCH from the Right Honorable EDWARD CARDWELL, M.P.,
to Governor Sir HERCULES ROBINSON.

(No. 126.)

SIR,

Downing Street, 8th May 1866.

I HAVE to acknowledge your Despatches No. 233*, of the 14th of December, and No. 240†, of the 30th of December, the first enclosing, with other documents, the copy of a paper entitled the Acts and Resolutions of the First Synod of the Diocese of Colombo, the second enclosing a letter from certain members of the Church of England, recording their desire not to be identified with the Synod.

I have also received a letter from the Secretary of the Church Missionary Society, of which I enclose a copy, and your further Despatch, No. 55‡, of the 25th of March, enclosing a second letter addressed to me by the Bishop of Colombo.

I can only at present receive the Resolutions enclosed in your Despatch of the 14th of December as embodying the opinion of those who either have already, or may hereafter, express their concurrence in the views which they convey. It is necessary to be careful in the present unsettled state of the law that such an Assembly does not assume to exercise powers which may prove to have been inconsistent with the law. I have, therefore, referred your Despatch to the Law Officers of the Crown, a copy of whose opinion I enclose to you, confidentially, for your guidance.

You will observe that in one particular the Law Officers are of opinion that the Assembly has assumed to exercise powers which do not belong to them.

The Law Officers are of opinion that, as Ceylon is a Crown Colony, the Letters Patent constituting the Bishopric of Colombo are valid in law, and it is not legally competent to the Bishop of Colombo, even with the consent of a Synod of clergy and laity, to make or act upon any regulation which is either directly or virtually in conflict with the Ecclesiastical Law of the Church of England, and that on this ground the imposition of any new form of test for the Colonial Clergy is inadmissible.

You will call the Bishop's attention to this circumstance; and I request you will inform his Lordship that I cannot comply with the request conveyed in the 6th Resolution.

I have, &c.,

Governor
Sir Hercules Robinson,
&c. &c. &c.

(Signed) EDWARD CARDWELL.

Encl. in No. 14.

Enclosure in No. 14.

To the Right Honourable EDWARD CARDWELL, M.P., Her Majesty's Secretary of State for the Colonies, &c., &c., &c.

Church Missionary House,
January 18, 1866.

SIR,

1. THE Church Missionary Society have received from the Bishop of Colombo an account of a Diocesan Synod held in Ceylon, September 20; and his Lordship informs them that it is his intention to apply to Her Majesty's Government, as well as to the Archbishop of Canterbury, to give effect to certain recommendations of the Synod.

2. The Committee beg leave, therefore, to lay before you the following statement respecting the effect which the recommendations of the Synod will have upon the Clergy of the United Church of England and Ireland employed in the operations of the Society in Ceylon.

3. The Church Missionary Society is conducted in all respects in conformity with the principles and discipline of the United Church of England and Ireland. One of its standing regulations is, that "Every congregation gathered from the Heathen is to be settled and governed according to the constitution and discipline of the Church of England."

4. Upon the faith of this avowed and fundamental principle, the large income of 130,000*l.* to 150,000*l.* a year is contributed and is expended in supporting Christian teachers among the heathen and Mohammedan population in Her Majesty's colonial possessions, and in other territories.

5. The Committee find that the constitution and formularies of the Church of England, with such reasonable modifications as local circumstances necessarily require, afford ample scope and guidance for Missionary operations. This is especially seen in India, where more than half the Society's Missionaries are employed, where the work of evangelization has been most successful, and where the Society enjoys the full benefit of the ecclesiastical jurisdiction and co-operation of the Metropolitan of India and his suffragans.

6. The Committee are aware that the settlement of a Colonial Church involves greater difficulties, connected with the holding of property, and the enforcement of discipline, than are involved in Missionary operations. These peculiar difficulties in the settlement of the Colonial Church may be met by Colonial legislation or by trust deeds. The Committee have themselves proposed a trust deed for the settlement of the Native Church in Sierra Leone, which received the approval of the late Archbishop of Canterbury and the late Bishop of London. But the Committee conceive that all such legislation or trust obligations should be kept within the constitution of the Mother Church, and should be safeguards and securities for the maintenance of the Episcopal Church in any colony, as a part of the United Church of England and Ireland.

7. The Committee fear, however, that the action of the Synod in Ceylon has already overstepped the constitutional limits of the English Church, for it has adopted a new form of clerical Declaration and Subscription, which is to bind the bishop and clergy and their successors; and Her Majesty's Secretary for the Colonies is to be "moved to make any future appointment to any ecclesiastical office contingent upon the acceptance of the said Declaration, and upon an undertaking to sign it in Ceylon; and the Bishop of Colombo was requested "to require of all candidates for Holy Orders, and all applicants for ecclesiastical employment in the diocese, prior to their being ordained or licensed, the acceptance of and signature to the above Declaration, as an act of agreement or contract between the said applicants and the bishop for and on behalf of the Church of this diocese."

8. The Committee cannot but call attention to the fact, that this attempt on the part of the Diocesan Synod in Ceylon to impose a new Declaration and Subscription upon the clergy in that diocese is made at a time when the course of legislation in the Church at home is precisely in the opposite direction. Here a number of divers Declarations have been abolished and superseded by one simple uniform Declaration for the United Church of England and Ireland.

9. The Committee submit, that should the action of this Synod, and the adoption of this Declaration, be enjoined by Her Majesty's sanction upon all persons under the jurisdiction of the Bishop of Colombo, it would amount to a virtual separation of the Episcopal Church in Ceylon from the United Church of England and Ireland.

10. The Committee beg to refer to the recent decision of the Privy Council in the case of Long v. Bishop of Cape Town as describing the present position of all Clergymen of the United Church of England and Ireland, who do not voluntarily place themselves under other obligations, in the diocese of Cape Town, and, by parity of reason, in the Diocese of Ceylon; in which the Privy Council decided that a Synod summoned by the Bishop of Cape Town had no legal authority, and that one who had not voluntarily submitted to it was to be judged "with reference to the position in which he stood as a Clergyman of the Church of England towards a lawfully appointed Bishop of that Church, and to the authority known to belong to that office in England."

11. The Society desires to retain for its Missionaries and other agents the liberty of the position thus accorded by the Privy Council to all members of the Church of England in the Colonies; and they trust that Her Majesty's Government will not deprive them of this liberty in any future legislation which may be adopted.

12. The Committee therefore respectfully but earnestly request, that if any Imperial legislation for the Colonial Church, or Her Majesty's licence in Crown colonies, shall permit the adoption of new declarations, canons, or regulations, in any colonial diocese, such declarations, canons, or regulations may be binding only upon those who consent to the same; and that the liberty declared by the Privy Council now to exist, may be preserved, namely, that clergymen of the Church of England may exercise their ministry according to the principles and practice of the United Church of England and Ireland, without forfeiting episcopal jurisdiction, so that the Missionaries of the Society and the candidates for Holy Orders, presented by them, may not be required to enter into any subscriptions or obligations other than those of the United Church of England and Ireland.

We have, &c.,

CHICHESTER, President.
HENRY VENN, Hon. Cler. Secy.

APPENDIX.

Extracts from the Judgment of the Privy Council in the case of "Long v. The Bishop of Capetown."
[The quotations are from "Judgments of the Judicial Committee of the Privy Council in Ecclesiastical Cases."—London, 1865.]

"We think that the acts of Mr. Long must be construed with reference to the position in which he stood as a clergyman of the Church of England towards a lawfully appointed bishop of that Church, and to the authority known to belong to that office in England." (p. 311.)

"The Letters Patent may be laid out of the case, for if the Bishop's whole contention in respect of these be conceded, they conferred on him no power of convening a meeting of the clergy and laity to

. COLOMBO.

be elected in a certain manner prescribed by him for the purpose of making laws binding upon churchmen."

"A very elaborate argument was entered into at our bar, in order to show that diocesan synods may be lawfully held in England without the licence of the Crown, and that the statute with respect to provincial synods does not extend to the colonies."

"It is not necessary to enter into the learning on this subject. It is admitted that diocesan synods, whether lawful or not, unless within the licence of the Crown, have not been in use in England for above two centuries; and Mr. Long, in recognizing the authority of the bishop, cannot be held to have acknowledged a right on his part to convene one, and to require his clergy to attend it. But it is a mistake to treat the Assembly convened by the bishop as a synod at all." (p. 312.)

"The Synod, which actually did meet, passed various acts and constitutions, purporting, without the consent either of the Crown or of the Colonial Legislature, to bind persons not in any manner subject to its control, and to establish courts of justice for some temporal as well as spiritual matters; and, in fact, the Synod assumed powers which only the Legislature could possess. There can be no doubt that such acts were illegal." (p. 312.)

"The oath of canonical obedience does not mean that the clergyman will obey all the commands of the bishop against which there is no law, but that he will obey all such commands as the bishop by law is authorized to impose." (p. 313.)

No. 15.

No. 15.

COPY of a LETTER from W. E. FORSTER, Esq., M.P., to REV. H. VENN.

SIR,

Downing Street, May 8, 1866.

* Page 16.
No. 126, May 8,
1866, page 16.

I AM directed by Mr. Secretary Cardwell to inform you that he has had under his careful consideration your letter of the 18th of January* respecting certain Resolutions passed by the Diocesan Synod of Colombo.

I am to state that the Resolutions of that Synod were communicated to Mr. Cardwell by the Governor of Ceylon, and I enclose a copy of the answer which Mr. Cardwell has addressed to the Governor.

Rev. H. Venn.

I have, &c.
(Signed) W. E. FORSTER.

RUPERT'S LAND.

RUPERT'S
LAND.

No. 16.

COPY of a LETTER from his Grace the ARCHBISHOP of CANTERBURY to the Right
HON. EDWARD CARDWELL, M.P.

No. 16.

SIR, Lambeth Palace, April 5, 1865.
In consequence of the resignation by Bishop Anderson of the See of Rupert's Land, it becomes necessary to consider what course should be taken with respect to the future episcopal superintendence of the clergy and laity of the communion of the Church of England in that Settlement.

In the event of Her Majesty not being advised to appoint a successor to Bishop Anderson under his Letters Patent, I trust it will be the view of Her Majesty's Government that Her Majesty's permission should still be accorded for the consecration of a proper person to exercise the office of Bishop within the same territory over which Bishop Anderson exercised episcopal authority, though without the legal powers (if any) which were conferred upon Bishop Anderson by those Letters Patent.

In that event, I beg to recommend the Reverend R. Machray, of Sidney College, Cambridge, as a fit and proper person to be consecrated for that purpose, and to request that Her Majesty may be pleased to issue the necessary Mandate, authorizing me to proceed to his consecration.

I am, &c.
(Signed) C. T. CANTUAR.

The Right Hon. Edward Cardwell,
&c. &c. &c.

No. 17.

COPY of a LETTER from the Right Hon. EDWARD CARDWELL, M.P., to his Grace
the ARCHBISHOP OF CANTERBURY.

No. 17.

MY LORD ARCHBISHOP, Downing Street, May 27, 1865.

WITH reference to your Grace's letter of the 5th ultimo, I have the honour to transmit to your Grace a Mandate which the Queen has been graciously pleased to issue, authorizing you to proceed to the consecration of the Rev. R. Machray as Bishop of Rupert's Land.

I have, &c.
(Signed) EDWARD CARDWELL.

His Grace
The Archbishop of Canterbury.

Enclosure in No. 17.

Encl. in No. 17.

MANDATE for Consecration of Bishop of Rupert's Land.—Victoria R.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to the Most Reverend Father in God, Charles Thomas by Divine Providence Lord Archbishop of Canterbury, Primate of all England, and Metropolitan, greeting.

Whereas the Episcopal See of Rupert's Land being lately vacant by the resignation of the Right Reverend Father in God, David Anderson, late Bishop thereof, you the said Archbishop have recommended to Us Our trusty and well-beloved Robert Machray, clerk, Master of Arts, to be nominated and consecrated Bishop and Pastor of Rupert's Land aforesaid, in the place and stead of the said David Anderson: We, approving of such recommendation, have given Our Royal assent thereto, and this We signify unto you by these presents, requiring and strictly commanding you, by the faith and allegiance by which you stand bound to Us, to consecrate the said Robert Machray, so as aforesaid recommended to Us, to be Bishop of the said See, and to do, perform, and execute with diligence, favour and effect all and singular other things which belong to your pastoral office, according to the laws, statutes, and canons in this behalf made and provided.

Given at Our Court at Windsor, this 19th day of May 1865, in the 28th year of Our reign.

By Her Majesty's command.

(Signed) EDWARD CARDWELL.

Superscribed: To the Most Reverend Father in God, Charles Thomas Lord Archbishop of Canterbury, Primate of all England and Metropolitan, and to all other Bishops herein concerned.

COLONIES
GENERAL

COLONIES GENERAL.

No. 18.

No. 18.

COPY of a LETTER from Miss BURDETT COUTTS to his Grace the ARCHBISHOP OF
CANTERBURY.

MY LORD,

London, July 12, 1865.

I AM constrained by circumstances of recent occurrence to address your Grace as the official representative of the meeting of Archbishops and Bishops held at Lambeth Palace, on Whit Tuesday, 1841. I had always felt a warm interest in the object of the declaration then agreed to, and about the year 1845 I resolved to offer to the Crown, through the then Archbishop of Canterbury, Dr. Howley, my individual aid towards providing without further delay, for the members of our Church established in two of its Colonies, the benefits of Episcopal Government. With this object in view, I had several interviews with the Archbishop; and in order that there might be no pecuniary difficulty in the way of the Archbishop arranging at once matters with Her Majesty's Government, I undertook to guarantee an adequate provision for the endowment of two Episcopal Sees to be erected by the Crown. Her Majesty was pleased thereon to issue Her Letters Patent erecting the Episcopal See of Adelaide in South Australia, and that of Cape Town in the Settlement in the Cape of Good Hope, and to nominate Bishops thereto. And I fulfilled my guarantee by paying, under the advice of the Archbishop of Canterbury, into the Bank of England, to the account of the treasurers of the Archbishops and Bishops, a specific sum of money for the endowment of the See of Cape Town, and a like sum for the endowment of the See of Adelaide. When I provided a fund for the endowment of the See of British Columbia and Vancouver Island with Archdeaconries attached thereto in 1859, I, with the concurrence of Archbishop Sumner, your Grace's immediate predecessor, pursued the same course which I had before adopted under the advice of Archbishop Howley.

It will be within your Grace's recollection that the declaration of Archbishops and Bishops, to which I have referred, and which was agreed to at Lambeth Palace in 1841 by all present, and in which your Grace, although not present, desired to express your concurrence as Bishop of Ripon, set forth that the Archbishops and Bishops of the United Church of England and Ireland, "contemplating with deep concern the insufficient provision hitherto made for the Spiritual wants of the members of our National Church in the British Colonies, were prepared, &c. &c. &c.," were prepared to undertake the charge of a fund for the endowment of additional Bishoprics in the Colonies, and to become responsible for its application; and that a Standing Committee had been appointed with full powers to confer with the Ministers of the Crown, and to arrange measures in concert with them for the erection of Episcopal Sees in certain specified dependencies of the Crown, amongst which the Cape of Good Hope was enumerated. I had always supposed that in undertaking to provide funds for the endowment of Colonial Sees, I was co-operating with the Archbishops and Bishops of the United Church of England and Ireland in laying the foundation of a system of efficient Church Government for the members of our National Church resident in the respective Colonies; and that the Crown, by its Letters Patent, had power to give legal effect to an order of things calculated to secure that the doctrine and discipline of the Church of England by law established should be maintained in their completeness amongst the congregations of our own communion in those Colonies. Without this security, I should not have guaranteed the endowment funds; and upon the faith of this having been accomplished by the issuing of Her Majesty's Letters Patent, I fulfilled in each case my guarantee. In the numerous conversations which I had with Dr. Howley, he uniformly expressed himself thankful that the Church of England had been so firmly planted in the Colonies during his primacy, and considered that its constitution had been secured in every colonial dependency of the Crown in which an Episcopal See had been founded. The late Bishop of London, Dr. Blomfield, with whom I was in constant communication, always represented to me that he also considered that the planting of the Church of

England in the Colonies in the completeness of its order and discipline to be one of the distinctions and privileges of his Episcopate.

The declaration, however, of the state of the law which is to be found in the report of the Judicial Committee of Her Majesty's Privy Council upon the case of the Bishops of Cape Town and Natal, has drawn my attention more particularly to the fact, that the conditions upon which I undertook to make provisions for the endowment of a Bishop's See at Cape Town have not been [fulfilled by Her Majesty's Letters Patent, as I find, with the most painful surprise, that the Bishop nominated to the See of Cape Town is declared in that report not to have any effective Ecclesiastical jurisdiction; and my anxiety is increased by the advice which I have received from eminent counsel that the Letters Patent of the Crown, purporting to erect the Sees of Adelaide, of British Columbia, and Vancouver Island, with jurisdiction over the clergy in those Colonies, may prove to be equally ineffectual with the Letters Patent of Cape Town.

I had considered it probable that I should receive some communication from your Grace on the part of the Committee of Archbishops and Bishops respecting the course they might deem it expedient to pursue, in order to secure that due effect should be given to our common intentions, and I have hitherto abstained from troubling your Grace with any inquiry upon a subject involving many interests, and necessarily requiring very careful consideration. But as the Session is now closed, and as life is uncertain, I think it advisable not to delay any longer applying to your Grace for information upon this subject, and more particularly to inquire whether your Grace and the Committee have received any communication from the Ministers of the Crown. I am informed that if no further measures are adopted to give legal effect to the arrangements which Her Majesty's Letters Patent were intended to sanction, and were supposed to have sanctioned effectively, the funds provided by me for the endowment of these Colonial Sees may possibly revert to me as founder, or to my representatives. It will, therefore, be my duty to provide for such an eventuality; and as my position has so unexpectedly become one of responsibility, anxiety, and suspense, may I request your Grace to communicate this letter at your earliest convenience to the Committee of Archbishops and Bishops, and to place it upon their records.

I am, &c.,

(Signed) ANGELA GEORGINA BURDETT COUTTS.

His Grace

The Archbishop of Canterbury.

No. 19.

No. 19.

COPY of a LETTER from MISS BURDETT COUTTS to the Right Honourable
EARL RUSSELL, K.G.

MY DEAR LORD,

Ehrenburg Hall, Torquay, December 28, 1865.

THE recent interpretation of the state of the law given by the Judicial Committee of Her Majesty's Privy Council in the case of the Bishops of Cape Town and Natal has, no doubt, already attracted your Lordship's attention, both from the gravity of the general principles involved in it, and its reactive consequences, as regards the ancient jurisdiction of the Crown in this kingdom over the State Ecclesiastical throughout its dominions. But its more immediate effects upon the position of the founders of certain colonial bishoprics purporting to have been erected by Letters Patent of the Crown may not hitherto have been prominently brought under your notice. I beg, therefore, to enclose to your Lordship the copy of a letter which, as founder of the Bishoprics of Adelaide, Cape Town, and British Columbia, I addressed, in the month of July last*, to the Archbishop of Canterbury; as Official President of the Council of Archbishops and Bishops which, with the sanction of the Crown, arranged the measures which led to the erection of those Bishoprics. I am still awaiting information as to the measures which that Council may propose to adopt, in concert with the Ministers of the Crown, in order to fulfil the intentions of those persons whose monies they hold in trust for the specific objects which the Letters Patent of the Crown were supposed to have effected. Meanwhile the progress of circumstances has not tended to diminish my anxiety as to the situation in which I have found myself unexpectedly placed. A letter has recently been made public, on the part of the Bishop of Cape Town, in which the Bishop assumes to be irresponsible as regards the Crown, and seems prepared (if funds should be forthcoming) to appoint a new Bishop of Natal. The five Bishops of New Zealand have also combined to surrender their Letters Patent, and have constituted themselves, with the concurrence

* Page 20.

of a portion of the clergy and laity of their dioceses, a body which they are pleased to designate as the Church of New Zealand, although in what sense a body of clergy who have severed their connection from the Crown of this kingdom can claim to be the Territorial Church of a dependency of that Crown, I am at a loss to understand. It appears to be the present intention of the Bishops of South Africa and New Zealand to maintain full communion with the Church of England, and, in the case of the Bishops of New Zealand, at least, to adopt the Archbishop of Canterbury as patriarch. But, if I interpret rightly the position which the Archbishop of Canterbury holds, no Spiritual or ecclesiastical superiority appertains to him in regard to those Bishops, except under the Letters Patent of the Crown; for the act of consecration in which he may have taken part under the Royal Mandate did not confer upon him any such superiority. If, therefore, the Letters Patent are ineffectual to give him appellate jurisdiction, and the supremacy of the Crown in matters ecclesiastical does not take effect in those colonial dependencies, there will be no safeguard against the respective Churches declaring themselves to be in communion with the Church of any Foreign Country, and recognizing, by a vote of the ruling majority, the supremacy of a Foreign Bishop or Archbishop. And as there are many to whom the principle of uniformity commends itself more strongly than the duty of protest against error, it may come to pass at no distant time that the wish and aim of such a majority will be to bring about a fusion of widely differing Churches, and to recognize a common supremacy in the Pope of Rome, or in the Patriarch of Constantinople. Indications are not wanting of the existence of this spirit in the present day, as there are those working amongst us who, whilst as yet repudiating what is denominated the "practical quasi-authoritative system of the Church of Rome," would not scruple to acknowledge the primacy of the Bishop of that Church, and to assert that there is "not any supremacy in itself to which the Church of England should object." On the other hand, the Church of Rome is neither an inactive nor unintelligent spectator of these indications; and whilst it contemplates the division of the realm of England into two ecclesiastical provinces under the supreme jurisdiction of the Pope, an Archbishop of that Church has declared in his inaugural address, lately delivered almost within hearing of Westminster Hall, that "Protestantism has nearly run out its appointed course of heresy," and that "in a generation or two the Anglican Religion will be a page of history." I for one cannot (scarcely) blame the members of the Church of Rome for seeking to carry out a system which they believe to be right; neither can I wish that the spirit of toleration, the result of the civil and religious liberty we enjoy, should abate, even whilst it thus permits, or possibly fosters, these very hopes and endeavours. But amidst these varied signs of the times, and in the face of coming difficulties, I value more and more, as priceless, the constitutional recognition of the Crown of this kingdom as "in all causes, both ecclesiastical and civil, within its dominions supreme." That the Bishops of South Africa and New Zealand, instead of striving to uphold this, their indefeasible position, should seek to cast themselves off from their firm anchorage ground, and risk to let their respective Churches drift away from the Church of England, in the vague condition of voluntary associations, regulated from time to time by the vote of the ruling majority, seems to me to imply a departure from the principles which they maintained when they accepted their respective appointments, and to be quite irreconcilable with the common understanding under which the funds for the endowment of additional Bishoprics in the Colonies have been provided. Having supplied specific portions of those funds I cannot witness these occurrences without great misgivings as to the future course of the movement in which I took part; and I am desirous to record my most emphatic protest against my endowments being appropriated to any kind of Bishopric other than such as Her Majesty's Letters Patent were originally intended and believed to have created, and under which Letters Patent the respective Bishops received their consecration. If, indeed, the most formal acts of the Crown and of the Church of England should have failed to secure that which they outwardly professed to accomplish I would earnestly press upon your Lordship to consider if Her Majesty's Government cannot adopt measures to make good the failure, and to give legal effect to those arrangements which Her Majesty's Letters Patent purported to carry into effective execution; and I would solicit your attention more particularly to the legislative measures adopted in the case of the West Indian Bishoprics. On the other hand, if no legal means can be devised for making good the failure, which I cannot, even now, believe to have really occurred, then I must claim, for myself and my heirs, the endowments which I undertook to provide on the faith of the validity of the public acts of the Crown and the Church of England.

Being thus desirous to put my protest and my claim upon record, I have thought it right, pending the information which I am expecting from the Archbishop of Canterbury,

that a copy of the letter which I addressed to his Grace should be forwarded to Her Majesty's Secretary for the Colonies, and also to the Bishops of Adelaide, Cape Town, and British Columbia; and I now beg, with great respect, to place a copy of it in the hands of Your Lordship, as first Minister of the Crown.

I have, &c.

(Signed) ANGELA G. BURDETT COUTTS.

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

No. 20.

No. 20.

COPY of a LETTER from H. WADDINGTON, Esq., to the UNDER SECRETARY OF STATE FOR THE COLONIES.

Whitehall, May 5, 1866.

(Answered May 16, 1866, page 25.)

SIR,

I AM directed by Secretary Sir George Grey to transmit to you the enclosed copies of a letter from the Bishop of London, and of the petition of Miss Burdett Coutts which accompanied it, relative to Colonial Bishoprics; and to request that you will submit the same to Mr. Secretary Cardwell for his consideration.

May 3.

I am, &c.

The Under Secretary of State,
&c. &c. &c.
Colonial Office.

(Signed) H. WADDINGTON.

Enclosure 1 in No. 20.

MY DEAR SIR GEORGE,

Fairlight Lodge, near Hastings, May 3, 1866.

Encl. 1. in
No. 20.

I HAVE been requested by Miss Burdett Coutts to convey to you as Secretary of State the enclosed petition to Her Majesty the Queen.

The petition, as I understand it, sets forth Miss Coutts' anxiety, arising from what she conceives to be the present danger lest the funds with which she endowed the See of Capetown, and two other Sees, on the faith of engagements publicly entered into by the Archbishops and Bishops of the United Church of England and Ireland on the one part, and the Government of Her Majesty on the other, be diverted to a purpose very different from that for which she had destined them. I understand Miss Coutts to say that she gave her endowment to the United Church as existing in these Colonies, maintaining the same doctrine and discipline as the Church at home, and subject, while they are still colonies and not independent states, to the same Royal Supremacy; but that some events which have already occurred, and others which have been announced as imminent, threaten to divert these funds to independent Episcopal Churches, not bound by or submitting to the laws of the Church at home, and openly repudiating that Royal Supremacy, the exercise of which she conceives to be one main safeguard whereby the various provinces and dioceses of the National Church are outwardly knit together in one law and discipline.

Miss Coutts has requested me to transmit to you her petition, I presume not only because I am the Bishop of the Diocese in which she resides, but also because she knows that I sympathise in the apprehensions she entertains, and because from my position as Bishop of London I am peculiarly connected with the Church in Her Majesty's Foreign or Colonial Possessions. To the Archbishops of Canterbury and York and to the Bishop of London was long since committed by law the duty of ordaining clergymen for the Colonies, and on myself and my predecessors in the See of London has chiefly devolved the performance of this duty. I am continually called, in discharge of this legal requirement, to provide clergy for those dependencies of the Crown in which no Bishop of the United Church of England and Ireland holds jurisdiction. I am naturally, therefore, very apprehensive of anything which shall substitute independent Bishops of free Churches for those whose jurisdiction we have hitherto recognised, as conceiving them bound by the same allegiance to administer the same laws with ourselves, and adhere to the same doctrine.

You may be aware, that had it not been for a recent attack of illness, from the effects of which I have not yet completely recovered, I should before now, according to notice, have called the attention of the House of Lords to the present very unsatisfactory condition of affairs in reference to the Church in certain Colonies, and to the necessity for Government endeavouring to deal with the difficulties (which have arisen) in a manner consistent with the ancient constitution of the Church and the prerogative of the Crown, and consistent also with the wishes of those members of our Church in the Colonies who earnestly deprecate anything which shall separate them from the Church at home.

The same cause which has prevented me from bringing this matter before the House of Lords deprives me of the privilege of taking my place this day in Convocation, and earnestly begging that body to dissuade the Bishop of Cape Town from the rash act, which, in his zeal for the maintenance of pure doctrine, he is commonly reported to contemplate, of consecrating a new Bishop for Natal, before the cause respecting that See, now before the courts, is decided, and before any legislative enactment has been passed to avert the confusion now threatened.

Earnestly trusting that Her Majesty's Government, on the one hand careful to maintain Her Majesty's prerogative, and on the other taking counsel with the Bishops how best to secure the

COLONIES
GENERAL.

Church's peace and unity of doctrine in the Colonies, may devise and speedily introduce some wise measure of conciliation, and that meanwhile they may use privately whatever influence they possess to urge that no rash steps ought to be taken in the Colonies, I beg to place in your hands the enclosed petition.

The Right Hon. Sir George Grey, Bart.
&c. &c. &c.

I am, &c.
(Signed) A. C. LONDON.

P.S.—I presume it is Miss Coutts' intention that her petition shall be published, and my letter is written with the same intention.

Encl. 2 in
No. 20.

Enclosure 2 in No. 20.

The humble PETITION of ANGELA GEORGINA BURDETT COUTTS, of 1, Stratton Street, in the city of Westminster, and of 59, Strand.

May it please Your Majesty,

Your Petitioner humbly approaches Your Majesty, and prays leave to submit to Your Majesty's gracious consideration—

1. That upon the representation of the Archbishops and Bishops of the United Church of England and Ireland that many of Your Majesty's subjects, professing the doctrine and discipline of that Church, resident within Your Majesty's Colonies of South Australia, the Cape of Good Hope, Vancouver Island, and British Columbia respectively, were deprived of some of the offices prescribed by the liturgy and usage of the Church aforesaid, by reason that there was not a Bishop residing or exercising jurisdiction and canonical functions within the same, Your Petitioner was induced to provide means for the endowment of Episcopal Sees within Your Majesty's said Colonies, and thereupon Your Majesty was graciously pleased to issue Your Royal Letters Patent creating the Episcopal Sees of Adelaide in South Australia, of Cape Town in the Settlement of the Cape of Good Hope, and of British Columbia in the Colonies of British Columbia and Vancouver Island, and subsequently by your Royal Letters to raise the Episcopal See of Cape Town to the dignity of a Metropolitan See.

2. That the Lords of the Judicial Committee of Your Majesty's Privy Council, in their Reports to Your Majesty upon the appeal of the Rev. Wm. Long against the Lord Bishop of Cape Town, and upon the petition of the Lord Bishop of Natal, referred to them by Your Majesty's Order in Council of 10th June 1864, respectively have declared that Your Majesty's Royal Letters have been insufficient to confer any ecclesiastical jurisdiction upon the Bishop of Cape Town.

3. That your Petitioner has been advised by counsel learned in the law that Your Majesty's Royal Letters Patent may be held to have been in like manner insufficient to confer any ecclesiastical jurisdiction upon the Bishop of Adelaide within the Colony of South Australia, or upon the Bishop of British Columbia within that portion of his Diocese which is within the limits of the Colony of Vancouver Island.

4. That your Petitioner, in furnishing means for the endowments of the said Sees, had strictly in view to provide for the members of the United Church of England and Ireland resident within Your Majesty's said dominions the benefits of Episcopal ministrations and government according to the order of the said Church, under the chief government of Your Majesty; and Your Petitioner fully believed, in providing the said endowments for the said Sees, that the Bishops thereof would be subject to that ancient jurisdiction over the State Ecclesiastical which rightfully appertains to the Crown of Your Majesty as being within all your dominions supreme.

5. That your Petitioner has been advised that unless the defect of Your Majesty's Royal Letters be supplied by some act of legislation, the members of the United Church of England and Ireland resident within the said Colonies will be without that security for the maintenance of the doctrine and discipline of the said Church which the exercise of Your Majesty's prerogative by the appointment of Bishops exercising jurisdiction under Your Majesty's Royal Letters was intended to establish.

6. That the said failure will be a source of great grief to your Petitioner, and also to many of Your Majesty's loyal subjects residing in the said Colonies, from whom personally, as well as from the legislatures of the said Colonies, your Petitioner, shortly after Your Majesty's said Royal Letters were issued, received public assurance of their satisfaction and thankfulness for Your Majesty's gracious act.

7. That by the said failure the object which your Petitioner had in view in providing endowments for the said Sees will be frustrated.

Your Petitioner, therefore, humbly prays Your Majesty to direct that in any measure for amending the law with respect to the Bishops and Clergy in the said Colonies, care may be taken to preserve unimpaired to Your Majesty and your Successors the exercise of your Royal Supremacy in the appointment of Bishops and the Chief Government of the Church.

(Signed) ANGELA GEORGINA BURDETT COUTTS.

May 2, 1866!

No. 21.

COPY of a LETTER from Sir FREDERIC ROGERS, Bart., to H. WADDINGTON, Esq.

SIR,

Downing Street, May 16, 1866.

I HAVE laid before Mr. Secretary Cardwell your letter of the 5th instant,* enclosing copies of a letter from the Bishop of London, and of a petition from Miss Burdett Coutts addressed to the Queen, relative to Colonial Bishoprics; and I am to request that you will inform Secretary Sir George Grey that a Bill has been introduced into Parliament intended to relieve Colonial Bishops and the Clergy ordained by them from the principal legal difficulties resulting from the recent decisions of the Judicial Committee.

I have, &c.

(Signed) FREDERIC ROGERS.

H. Waddington, Esq.
&c. &c.

* Page 23.

No. 22.

No. 22.

COPY of a LETTER from the Right Honourable EDWARD CARDWELL, M.P., to the Right Reverend the LORD BISHOP OF LONDON.

MY LORD,

Downing Street, May 25, 1866.

I HAVE received from Secretary Sir George Grey your Lordship's letter of the 3rd instant.* I have also received and laid before the Queen the petition enclosed in that letter which has been addressed to Her Majesty by Miss Burdett Coutts, the munificent founder of more than one of the existing Bishoprics in Her Majesty's Colonial Possessions, respecting the intricate questions which have arisen out of the recent judgments of the Lords of the Judicial Committee of Privy Council in the case of Long v. the Bishop of Cape Town, and in the case of the Bishop of Natal.

The effect of those judgments on the status of Colonial Bishops and the position of the Colonial Church has engaged the anxious consideration of Her Majesty's Government. They are fully sensible of the advantage which the Colonial Episcopate derives, and as they hope will long continue to derive, from its connexion with the Established Church of this country, and would readily adopt any legitimate means of strengthening that connexion. But it would, in their opinion, be inconsistent with the settled principles of Colonial policy to establish in the Colonies by Imperial Legislation a prerogative in respect to ecclesiastical matters which the highest Court of Appeal has declared to have no existence in law. They have, however, caused a Bill to be framed, and to be introduced into Parliament, which, without interfering in matters which fall within the sphere of local legislation, will, as they hope, have the effect of placing the Church of England at greater liberty to extend and perpetuate its ministrations, throughout the Colonial Empire.

I have, &c.

(Signed) EDWARD CARDWELL.

The Right Reverend the Lord
Bishop of London.

* Page 23.