



# CORRESPONDENCE

ON THE SUBJECT OF

## COLONIAL CHURCH AFFAIRS

IN THE DIOCESES OF THE

## COLONIES OF CANADA AND VICTORIA.

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*(In continuation of House of Commons Paper, No. 131, Session 1856.)*

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**Presented to both Houses of Parliament by Command of Her Majesty,  
July 1857.**

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LONDON:

PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,  
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY,  
FOR HER MAJESTY'S STATIONERY OFFICE.

1857.

# SCHEDULE.

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# CORRESPONDENCE, &c.

## CANADA.

No. 1.

CANADA.

No. 1.

COPY of a DESPATCH from Governor Sir EDMUND HEAD to the  
Right Hon. H. LABOUCHERE.

Government House, Toronto, Canada West,  
June 20, 1856.

(No. 91.)

(Received July 7, 1856.)

SIR,

(Answered, No. 146, Sept. 16, 1856, page 5.)

I HAVE the honour to enclose a certified copy of an Act passed, I believe, without a division by both Houses of the Canadian Legislature, in pursuance of the views expressed in your Despatch of February 15th, No. 39,\* relating to the Church of England in this colony.

You will see, Sir, that the Bill consists of only two clauses. Indeed its brevity is such as may hereafter lead to doubts on its proper construction.

It is for Her Majesty's advisers in England to say whether a short Imperial Act is necessary to give full effect to its provisions, especially if it carries with it, or is supposed to confer on the Synods, the nomination of the bishops—a point not altogether clear.

Looking to the nature of the Act, and the manner in which it indirectly touches the rights of the Crown, I have thought it my duty to reserve it for the Queen's assent.

On the whole, however, as it has been introduced by the persons understood to be the friends of the Church of England, and has been adopted by the Legislative Council and Assembly, I recommend that it should receive the allowance of Her most Gracious Majesty.

I have, &c.

(Signed) EDMUND HEAD

The Right Hon. H. Labouchere,  
&c. &c. &c.

Enclosure in No. 1.

Encl. in No. 1.

AN ACT to enable the Members of the United Church of England and Ireland  
in Canada to meet in Synod.

WHEREAS doubts exist whether the members of the United Church of England and Ireland in this Province have the power of regulating the affairs of their Church in matters relating to discipline, and necessary to order and good government, and it is just that such doubts should be removed, in order that they may be permitted to exercise the same rights of self-government that are enjoyed by other religious communities: therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. The bishops, clergy, and laity, members of the United Church of England and Ireland in this province, may meet in their several dioceses, which are now or may be hereafter constituted in this province, and in such manner and by such proceedings as they shall adopt frame constitutions and make regulations for enforcing discipline in the Church, for the appointment, deposition, deprivation, or removal of any person bearing office therein, of whatever order or degree, any rights of the Crown to the contrary notwithstanding, and for the convenient and orderly management of the property, affairs, and interests of the Church in matters relating to and affecting only the said Church, and the officers and members thereof, and not in any manner interfering with the rights, privileges, or interests of other religious communities, or of any person or persons not being a member or members of the said United Church of England and Ireland: Provided always, that such constitutions and regulations shall apply only to the diocese or dioceses adopting the same.

\* Parliamentary Paper, House of Commons, No. 1411 of 1856, page 7.

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CANADA.

II. The bishops, clergy, and laity, members of the United Church of England and Ireland in this province, may meet in General Assembly within this province, by such representatives as shall be determined and declared by them in their several dioceses; and in such General Assembly frame a constitution and regulations for the general management and good government of the said Church in this province: Provided always, that nothing in this Act contained shall authorize the imposition of any rate or tax upon any person or persons whomsoever, whether belonging to the said Church or not, or the infliction of any punishment, fine, or penalty upon any person, other than his suspension or removal from an office in the said Church, or exclusion from the meetings or proceedings of the Diocesan or General Synods: And provided also, nothing in the said constitutions or regulations, or any of them, shall be contrary to any law or statute now or hereafter in force in this Province.

I hereby certify the above to be a true copy of the Bill passed by the Legislative Council and Legislative Assembly of Canada in the second session of the fifth Provincial Parliament, and reserved for the signification of Her Majesty's pleasure thereon by his Excellency the Governor General, on Thursday the 19th day of June 1856.

J. F. TAYLOR, Clerk, Legislative Council.

No. 2.

No. 2.

COPY of a LETTER from J. H. CAMERON, Esq., to the  
Right Hon. H. LABOUCHERE.

SIR, 10, Charles Street, St. James's, July 9, 1856.

THE Canadian Church Bill having been reserved for Her Majesty's assent, after having passed both Houses of the Provincial Legislature by an unanimous vote, at the request of the Bishop of Toronto, and on behalf of the church people of the Province, I beg leave respectfully but earnestly to call your attention thereto.

You are aware that, by the Bill which converted the clergy reserve lands in Canada to secular purposes, the Legislature of the province declared their desire that there should be an entire separation between Church and State in the colony, and that soon afterwards the churchmen of the province obtained from both Houses, from the Upper House unanimously, and from the Lower by a majority of two to one, an address to Her Majesty, praying for the passage of an Act by the Imperial Parliament, to enable the members of the Church to meet in Synod, and to elect their future bishops, as vacancies might occur. To that address you sent an answer during the spring of this year, and soon after your Despatch was received the Bill was brought into the Assembly, which the Governor General has reserved for the signification of Her Majesty's pleasure.

That Bill is concurred in by all the Canadian bishops, and has received the unanimous approval of the Diocesan Assembly of Toronto, composed of nearly all the clergy, and of representatives from every church in the diocese, except three, and its passage through the Legislature was so favoured that it passed through its second and third readings in the Assembly in the same day.

The churchmen of the diocese of Toronto have been long expecting the division of that diocese into three, and the necessary endowments for the new sees are so nearly provided, that it is hoped they may be erected this summer under this Bill, and, therefore, it is the earnest desire of the people of the Church that Her Majesty's assent may be given to the measure at an early day.

I have given you this short statement of the facts connected with the Bill, as I thought you might desire to have them before you, and I can state them with authority, as I brought the subject, in the address to Her Majesty, before the Canadian Legislature last session, submitted and carried the draft of the Bill unanimously through the Diocesan Assembly, and introduced it into the Lower House.

The churchmen of Canada have no desire to separate from the Church of England, no wish to erect an independent church, but they require some better system for the management of their temporalities, and the regulation of the preferment and discipline of the Church than they now have; they have demanded no power over matters of doctrine nor forms of prayer; they ask simply that as in all questions of political rights the wishes of the Canadian people, as expressed through their representatives, are allowed to prevail, so in

matters of religion they shall be allowed that freedom of action which they believe to be essential to the vitality and well-being of their Church, and which they believe Her Majesty's Government will not refuse to them, now that their colonial endowments have been withdrawn, and the character of the Church is purely voluntary.

I have, &c.

(Signed) J. HILLYARD CAMERON.

The Right Hon. H. Labouchere,  
&c. &c. &c.

No. 3.

No. 3.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to  
Governor Sir EDMUND HEAD.

(No. 146.)

SIR,

Downing Street, September 16, 1856.

I HAVE to acknowledge your Despatch, No. 91,\* of the 20th June, transmitting a Bill which had passed the Council and Assembly, "to enable the Members of the United Church of England and Ireland in Canada to meet in Synod," and which you rightly reserved for the signification of Her Majesty's pleasure thereon.

\* Page 3.

Her Majesty's Government have not failed to give to this enactment the consideration which its importance demanded. It appears that it passed unanimously through both branches of the Canadian Legislature, and I have every reason to believe that it met with the very general concurrence of the bishops, clergy, and laity of the Church of England in Canada.

Under these circumstances Her Majesty's Government would have had no doubt that it was their duty to advise Her Majesty to give her assent to this Bill. It would be altogether contrary to the principles on which the Government of Canada has been for some time conducted if they were to interpose any obstacle to that course which the Legislature and people of the province deem to be expedient with regard to the regulation of ecclesiastical affairs.

But upon reference to the law officers of the Crown, serious doubts have been expressed whether this Act does not go so far beyond the provisions of the Act passed by the Legislature of the Colony of Victoria, to which I referred in my former Despatch, as to render it unlawful for Her Majesty to give her assent to it without the assistance of the Imperial Parliament. Under these circumstances I can only at present say, that the whole subject shall be maturely considered with the object of adopting such a course upon it as I trust will be satisfactory to the Legislature and people of Canada and beneficial to the members of the Church of England within the province.

I have, &c.

Governor Sir E. Head,  
&c. &c. &c.

(Signed) H. LABOUCHERE.

No. 4.

No. 4.

COPY of a LETTER from the Right Hon. H. LABOUCHERE to the  
LORD PRESIDENT OF THE COUNCIL.

MY LORD,

Downing Street, December 5, 1856.

I HAVE the honour to transmit to your Lordship herewith a Bill passed by the Legislative Council and Assembly of Canada in the month of June 1856, entitled "An Act to enable the Members of the United Church of England and Ireland in Canada to meet in Synod," and reserved for the signification of Her Majesty's pleasure thereon.

Page 3.

I have to suggest to your Lordship the expediency of advising Her Majesty to cause this Bill to be referred to the Judicial Committee of the Privy Council, in order to obtain the opinion of the Lords of the Committee upon the questions whether Her Majesty may lawfully assent thereto.

I have, &c.

The Lord President of the Council,  
&c. &c. &c.

(Signed) H. LABOUCHERE.

\* No. 39, 15th Feb, 1856. Vide House of Commons Paper, No. 131 of 1856, page 7.

6 CORRESPONDENCE ON COLONIAL CHURCH AFFAIRS

CANADA.

No. 5.

No. 5.

COPY of a LETTER from H. REEVE, Esq., to H. MERIVALE, Esq.  
Council Office, Whitehall,  
March 25, 1857.

SIR,

I AM directed by the Lord President of the Council to acquaint you, for the information of Mr. Secretary Labouchere, that in compliance with his letter of the 5th December last, and in obedience to Her Majesty's Order in Council of the 29th December last, the Lords of the Judicial Committee of the Privy Council have taken into consideration a Bill passed by the Legislative Council and Assembly of Canada in the month of June 1856, entitled "An Act to enable the Members of the United Church of England and Ireland in Canada to meet in Synod," reserved for the signification of Her Majesty's pleasure thereon; and that their Lordships, having heard counsel on the matter, have agreed humbly to report to the Queen as their opinion that Her Majesty may lawfully assent to this Bill, which report will be submitted to Her Majesty for approval at the next Council.

I have, &c.

(Signed) H. REEVE,  
Regr. P. C.

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

No. 6.

No. 6.

COPY of a LETTER from H. REEVE, Esq. to H. MERIVALE, Esq.  
CANADA CHURCH SYNOD BILL.

Council Office, Whitehall,  
3d April, 1857.

(Referred to the Judicial Committee of the Privy Council, 29th December 1856).

SIR,

I HAVE the honour herewith to transmit to you Her Majesty's Order in Council approving the Report of the Judicial Committee of the Privy Council on the above Bill.

I have, &c.

(Signed) H. REEVE,  
Regr. P. C.

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

Encl. in No. 6.

Enclosure in No. 6.

At the Court at Buckingham Palace the 2nd day of April 1857.

PRESENT:

The Queen's most Excellent Majesty.  
His Royal Highness Prince Albert.

Lord Chancellor.	Lord Panmure.
Lord President.	Lord Stanley of Alderley.
Lord Chamberlain.	Mr. Labouchere.
Marquis of Lansdowne.	Sir George Grey, Bart.
Marquis of Abercorn.	Mr. Vernon Smith.
Lord Steward.	Sir Charles Wood, Bart.
Viscount Palmerston.	Mr. Baines.

Whereas there was this day read at the Board a Report from the Judicial Committee of the Privy Council, dated the 23rd of March last past, in the words following, viz. :—

"Your Majesty having been pleased, by your Order in Council of the 29th December last past, to refer unto this Committee a Bill passed by the Legislative Council and Assembly of Canada in the month of June 1856, entitled 'An Act to enable the Members of the United Church of England and Ireland in Canada to meet in Synod,' and to direct this Committee to report to Your Majesty their opinion upon the question whether Your Majesty may lawfully assent thereto, the Lords of the Committee in obedience to Your Majesty's Order of Reference, have taken the said Bill into consideration, and having deliberated thereon and heard counsel on the matter, their Lordships do this day agree humbly to report to Your Majesty as their opinion that Your Majesty may lawfully give your Royal Assent to the said Bill."

Her Majesty having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof.

C. GREVILLE,

No. 7.

CANADA.  
No. 7.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to  
Governor Sir EDMUND HEAD.

(No. 40.)

SIR,

Downing Street, April 3, 1857.

I HAVE to inform you, that Her Majesty has been advised by the Lords of the Judicial Committee of the Privy Council, to whom she had caused the question to be referred, that Her Majesty may lawfully assent to the Bill of the Legislature of Canada, entitled "An Act to enable the Members of the United Church of England and Ireland in Canada to meet in Synod."

The necessary Order in Council conveying Her Majesty's assent will be passed as soon as practicable.

Governor Sir E. Head,  
&c. &c. &c.

I have, &c.  
(Signed) H. LABOUCHERE.

No. 8.

No. 8.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE to  
Governor Sir EDMUND HEAD.

(No. 65.)

SIR,

Downing Street, May 8, 1857.

I HAVE received and have had under my consideration the Bill passed by the Legislature of Canada in the month of June last, and transmitted to me in your Despatch noted in the margin.

I have reported to Her Majesty in Council my opinion that the said Bill should be specially confirmed; and I have the honour to transmit to you here-with an Order of Her Majesty in Council, dated the 6th May, approving that Report.

No. 91.  
June 20, 1856.

Governor Sir E. Head,  
&c. &c. &c.

I have, &c.  
(Signed) H. LABOUCHERE.

Enclosure in No. 8.

Enclosure in No. 8.

At the Court at Buckingham Palace, the 6th day of May 1857.

PRESENT:

The Queen's most Excellent Majesty in Council.

WHEREAS the Legislative Council and Assembly of Her Majesty's Province of Canada did, in the month of June 1856, pass a Bill, which has been reserved by the Governor General of the said Province for the signification of Her Majesty's pleasure, and has been transmitted, entitled as follows, viz.:—

"No. 1,618: An Act to enable the Members of the United Churches of England and Ireland in Canada to meet in Synod."

And whereas the said Bill has been laid before Her Majesty in Council, together with a Letter from the Right Hon. Henry Labouchere, one of Her Majesty's Principal Secretaries of State, to the Lord President of the Council, recommending that the said Act should receive Her Majesty's special confirmation. Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to declare Her special confirmation of the said Act, and the same is hereby specially confirmed, ratified, and finally enacted accordingly. Whereof the Governor, Lieutenant Governor, or Commander-in-Chief for the time being of Her Majesty's Province of Canada, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

(Signed) WM. L. BATHURST.



VICTORIA.

VICTORIA.

No. 1.

No. 1.

COPY of a LETTER from the BISHOP of MELBOURNE to the  
Right Hon. H. LABOUCHERE, M.P.

SIR,

Bishop's Court, December 29, 1856.

I HAVE the honour to transmit to you the accompanying address from the clergy and laity of the United Church of England and Ireland, sitting in Assembly in Melbourne, in the colony of Victoria, under the authority of the Act of Council, 18 Victoria, No. 45, which address was unanimously agreed to by the members of such Assembly at its first session; and to request that you will have the goodness on my behalf and that of the Church in the Diocese of Melbourne, to present it to Her Majesty.

Her Majesty will I am sure be glad to learn that the Assembly constituted by the Act to which She was graciously pleased to give Her Royal Assent has exhibited throughout its first meeting such a patient attention to the subjects brought before it, and such moderation and calmness in their discussion, as fully to confirm the confidence which I previously felt in the beneficial result of their deliberation.

That Her Majesty may long continue to reign over us, and may always retain Her present place in the hearts of Her subjects in every part of Her widely extended empire, is the prayer of Her faithful servant.

I have, &amp;c.

(Signed) C. MELBOURNE.

Right Hon. H. Labouchere, M.P.

&amp;c. &amp;c. &amp;c.

Encl. in No. 1.

Enclosure in No. 1.

To Her most Gracious Majesty Queen Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

MAY IT PLEASE YOUR MAJESTY,

We, Your Majesty's loyal and dutiful subjects, the clergy and laity of the United Church of England and Ireland in Victoria, in constituted Assembly, desire to express to Your Majesty our affection and loyalty, and to offer our humble and heartfelt thanks for Your Majesty's gracious permission under which we have met to take counsel for the good of the church in this colony.

We beg to assure Your Majesty that our attachment to the time-honoured institutions of that great country from which most of us have emigrated is in no manner weakened by distance, and that we feel that in such instances as the one in which Your Majesty has graciously exercised the Royal prerogative, by enabling us to build up in this land a branch of the church of our forefathers, the ties which bind us to the whole empire are strengthened and rendered, as we trust, indissoluble.

We pray that, under the Divine blessing, Your Majesty may long be spared to receive the grateful tribute of your subjects' affections, and that the use which we may make of the privileges conferred upon us may give Your Majesty cause for permanent congratulation, and tend to the advancement of our holy religion in this land.

C. MELBOURNE, President.

No. 2.

No. 2.

COPY of a DESPATCH from the Right Hon. H. LABOUCHERE  
to Governor Sir H. BARKLY.

(No. 31.)

SIR,

Downing Street, May 1, 1857.

I HAVE received from the Bishop of Melbourne a letter, dated Bishop's Court, the 29th of December 1856, enclosing an address to the Queen, signed by himself on behalf of the clergy and laity of the United Church of England and Ireland sitting in Assembly at Melbourne, under the authority of the Local

Act, 18 Vict. No. 45, expressing the affection and loyalty which they entertain towards Her Majesty's person and Government, and their gratitude for Her Majesty's approval of the Act under which they had met.

VICTORIA.

I request that you will inform his Lordship that I have laid this address before the Queen, who was pleased to receive it very graciously; and I am further to instruct you to convey to the Bishop Her Majesty's sense of the feelings of attachment and loyalty which that address evinces.

I am, &c.

(Signed) H. LABOUCHERE.

Governor Sir H. Barkly,  
&c. &c. &c.

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LONDON :  
Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOOD.  
Printers to the Queen's most Excellent Majesty,  
For Her Majesty's Stationary Office.