

COLONIAL BISHOPS.

DIARY FOR MAY.

1. Mon ...	<i>St. Philip and St. James.</i>
7. SUN ...	<i>3rd Sunday after Easter.</i>
14. SUN ...	<i>4th Sunday after Easter.</i>
15. Mon ...	EASTER TERM begins.
17. Wed ...	Last day for service for County Court.
19. Frid ...	Paper Day Q. B. New Trial Day C. P.
20. Sat ...	Paper Day C. P. New Trial Day Q. B.
21. SUN ...	<i>Rogation.</i>
2. Mon ...	Paper Day Q. B. New Trial Day C. P.
23. Tues ...	Paper Day C. P. New Trial Day Q. B.
24. Wed ...	Paper Day Q. B. New Trial Day C. P. Queen's
25. Thurs.	Paper Day C. P. Ascension. [Birthday.
26. Frid ...	New Trial Day Q. B.
27. Sat ...	Easter Term ends. Declares for County Court.
28. SUN ...	<i>1st Sunday after Ascension.</i>
31. Wed ...	Last day for Court of It- [and for County Court to revise Tp. Roll.

NOTICE.

Owing to the very large demand for the Law Journal and Local Courts' Gazette, su subscribers not desiring to take both publications are particularly requested at once to return the back numbers of that one for which they do not wish to subscribe.

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COLONIAL BISHOPS.

We had occasion in a former volume* to discuss the position of the United Church of England and Ireland in Canada, and this more particularly with reference to Provincial Synods and the appointment of Metropolitan or Diocesan Bishops. We published also the case of *Long v. The Bishop of Capetown*† which has an important bearing on, and was the origin of, the discussion on this subject.

The recent decision of the Judicial Committee of the Privy Council, *In re the Bishop of Natal*, has brought up kindred and even more important questions, and has caused no small stir among the members of the Church of England in the colonies; and not, indeed, without much reason.

The case of *Long v. The Bishop of Cape Town*, as presented for judicial investigation and determination, related to certain temporalities: the case of *The Bishop of Natal* to the right of a so-called Metropolitan to depose one of his suffragan bishops. But both cases discuss questions of great moment, as to the position, jurisdiction and authority of colonial bishops.

Our limited space prevents our giving a report of this latter case, but we take from one of the leading English law periodicals a synopsis of the facts of the case.

By letters patent under the great seal, and dated in 1853, Dr. Gray was appointed Bishop of Cape Town, and Metropolitan of the Cape of Good Hope, &c., with metropolitan jurisdiction over the Bishops of Grahamstown and Natal. And it was by the same letters patent ordained that if any proceeding should be instituted against either of these two Bishops, such proceeding should originate and be carried on before the Bishop of Capetown. An appeal was given to the Archbishop of Cape Town from any decision of the Metropolitan. Fifteen days previously the appellant, Dr. Colenso, the Bishop of Natal, had been appointed to his see by letters patent declaring that he should be subject and subordinate to the see of Cape Town. And it was further ordered that the appellant should within six months take an oath of due obedience to the Bishop of Cape Town as Metropolitan. Under these letters patent the appellant took an oath professing obedience. The letters patent were not granted in pursuance of any order of Her Majesty in Council, or by virtue of any statute, although at the time they were issued the district of Natal had been erected into a distinct and separate government, with a legislative council empowered to make laws. There was also within the Cape of Good Hope a parliament with authority to make laws. In 1863 Dr. Gray, claiming to exercise jurisdiction as Metropolitan, deposed Dr. Colenso from his office as Bishop, upon certain charges of heresy and false doctrine; whereupon the latter appealed to the Queen in Council.

After elaborate arguments on both sides, the following points were established by the learned members of the Judicial Committee—

First, that the letters appointing Dr. Gray Metropolitan, and purporting to create a Metropolitan see, were invalid, inasmuch as they were issued after the establishment of an independent Legislature in the colonies referred to; or in the words of the judgment, "That after the establishment of an independent Legislature, &c., there was no power in the Crown by virtue of its prerogative to establish a Metropolitan see or province, or to create ecclesiastical corporations whose status

* 9 U. C. L. J., 253.

† *Ib.* Page 267.