

The principles laid down in these leading cases have been reaffirmed in 1869 in the cause of *The Lord Bishop of Capetown v. Bishop of Natal*,\* wherein Lord Justice Giffard said, in the name of the Judicial Committee, that "the conclusions arrived at in any of these cases, have scarcely been disputed and cannot be successfully controverted."

In an opinion given by the Solicitor-General, Sir John Coleridge, Sir Roundell Palmer and Dr. Deane, in April, 1869, these high authorities say: "We cannot see that any tribunal, civil, criminal, or ecclesiastical, exists in Natal which can determine whether the doctrinal opinions of Dr. Colenso are erroneous or not, and can enforce its decisions. . . ."

"It has been suggested that the Crown as visitor, or as supreme in causes ecclesiastical, or by virtue and in exercise of some other supposed power, may be able either by Commissioners specially appointed, or by means of the Privy Council, to hear and determine the points raised against Dr. Colenso.

"We are unable to find the slightest ground on which this suggestion can be supported.

"The Crown is supreme over all causes ecclesiastical in the same and in no other sense, and to no greater extent, than the Crown is supreme over causes temporal,—that is, by law, and by means of the various established Courts of law.

"The Submission of the Clergy Act (25 Hen. 8, c. 19) gave no such power to the Crown. Section 4 of that Act made it lawful for the parties grieved by any decision of an ecclesiastical judge *in England* to appeal to the King in chancery, for which Court of Appeal the Judicial Committee of the Privy Council is now substituted. . . ."

"No argument in favour of the power of the Crown can be derived from 3 and 4 Will. 4, c. 41, s. 4, by which it is enacted that it shall be lawful for His Majesty to refer to the Judicial Committee for hearing or considering any such matters as His Majesty may think fit; and such committee shall thereupon hear or consider the same, and shall advise his Majesty thereon in manner aforesaid. •

"To make this section applicable to the judicial determination of an ecclesiastical matter would be in effect to restore the High Commission Court. The section is to be taken as referring to

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\* 3 L.R.P.C., p. 1.