

lished by the colony herself under the authority of her new Sovereign and with his express or tacit sanction. Such is also the doctrine of the English public law. It is now a well established principle, although for a long time contested and denied, that the royal supremacy in spiritual matters and the establishment of the national church do not extend to the colonies; that on the contrary all colonial churches are on the same footing and all intirely independent of the civil courts in spiritual matters, unless the contrary be specially enacted or declared by the colonial legislature.

In the case of the *Reverend Mr. Long v. The Lord Bishop of Capetown*,\* the Privy Council held that "the Church of England in places where there is no church established by law is in the same situation with any other religious body, in no better but in no worse position."

In the case of *Dr. Colenso, Lord Bishop of Natal*,† decided by the Privy Council on the 20th March, 1865, the Lord Chancellor speaking for the Judicial Committee, said: "The United Church of England and Ireland is not a part of the Constitution in any colonial settlement, nor can its authority, nor those who bear office in it, claim to be recognized by the law of the colony, otherwise than as members of a voluntary association." Farther on, he adds: "It cannot be said that any ecclesiastical tribunal or jurisdiction is required in any colony or settlement where there is no established Church, and in the case of a settled colony the Ecclesiastical Law of England cannot, for the same reason, be treated as part of the law which the settlers carried with them from the Mother Country."

In the case of *The Lord Bishop of Natal v. Gladstone*,‡ Sir John Romilly, Master of the Rolls, summed up as follows: "The members of the Church of South Africa may create an ecclesiastical tribunal to try ecclesiastical matters between themselves, and may agree that the decisions of such a tribunal shall be final, whatever may be their nature or effect. Upon this being proved the civil tribunal would enforce such decisions against all the persons who had agreed to be members of such an association, that is against all the persons who had agreed to be bound by these decisions, and it would do so *without inquiring into the propriety of such decisions*."

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\* 1 Moore, P.C., (N.S.) 411.

† 3 Ibid, 115.

‡ L. R. 3 Eq. 1.