

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, 1866.*]

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 hereinafter described.

4. That your Majesty's petitioners, in conjunction with 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 [*Bishop of New Zealand Trust Act, 1858*] 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 Capetown*.

6. That the General Synod, at a meeting held at Christchurch in May, 1866, 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" [*Judg. J. C. of P. C., Long v. Bishop of Capetown*], 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 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 Honorable 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. [*Downing Street, 15th Feb., 1856.*]

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 rules for enforcing discipline within their body which will be binding on those who, expressly or by implication, have assented to them." [*Judg. J. C. of P. C., Long v. Bishop of Capetown.*] 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 mem-