

COLONIAL BISHOPRICS.

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Enclosure 2. in No. 1.

MEMORANDUM BY MINISTERS.—PETITION of BISHOP SELWYN and others.

NEW
ZEALAND.
Encl. 2. in No. 1.

Ministers are of opinion that the recent Judgment of the Judicial Committee of the Privy Council in Bishop Colenso's case affects the Civil Government of Colonies in which Responsible Government exists in two particulars.

It being established by the Judgment that the Crown has no authority over the colonial branches of the Church of England, it follows that the Crown ought not to incorporate Bishops of that religious denomination within the Colony by Letters Patent, except under the advice of the Colonial Ministers; advice which, of course, will not be given in the case of one religious body in exclusion of others.

The right to advise the Crown (through the Governor), in reference to the creation of corporations within the Colony, is one which Colonial Ministers ought to guard with jealousy.

It being also established by the Judgment that Letters Patent purporting to confer episcopal jurisdiction within the Colony are a nullity, and that Bishops so appointed have no jurisdiction or authority over the members of their religious communities other than that which the governing authorities of all religious bodies possess over the members of their respective denominations, it follows that quasi judicial proceedings by Bishops (like those of other governing authorities of religious bodies) within the Colony can only be regarded as proceedings *in foro domestico*, which ought not to be liable to be reviewed on appeal by the Judicial Committee of the Privy Council.

(Signed) HENRY SEWELL.

August 8, 1865.

No. 2.

No. 2.

COPY of a LETTER from the Right Hon. EDWARD CARDWELL, M.P., to his Grace the ARCHBISHOP OF CANTERBURY.

MY LORD ARCHBISHOP,

Downing Street, October 28, 1865.

I HAVE the honour to enclose copies of a Despatch from the Governor of New Zealand, a Petition from the Anglican Bishops in that Colony, and a Memorandum by the Colonial Ministers.*

* Page 1.

The object of the Petition is that the Bishops may be allowed to surrender their Letters Patent, that the Royal Mandates under which they were consecrated may be declared to have been merely the authority for their consecration, and to have no further effect, and that in future the right to consecrate in the manner described may be recognized in the Bishops of the Anglican Church in New Zealand.

I have requested the Law Officers of the Crown to inform me whether the prayer of the Petition can be legally granted, and, if so, what legal steps would be necessary to give effect to it.

In the meantime I should feel much obliged to your Grace by the favour of any observations on this Petition with which you may think fit to favour me on the subject.

I have, &c.

His Grace
The Archbishop of Canterbury.

(Signed) EDWARD CARDWELL.

No. 3.

No. 3.

COPY of a LETTER from his Grace the ARCHBISHOP OF CANTERBURY to the Right Hon. EDWARD CARDWELL, M.P.

SIR,

Addington Park, November 8, 1865.

I HAVE given my careful attention to the Petition from the Anglican Bishops of New Zealand, which you have done me the honour to forward, accompanied by a Despatch from the Governor of New Zealand, and a Memorandum from the Colonial Ministers.

The substance of that Petition seems to me to be the natural and necessary corollary from the two Judgments of the Judicial Committee of Privy Council referred to by the petitioners.

It is thereby established that the Crown has no authority over the colonial branches of the Church of England; that it cannot, of its own authority, incorporate Bishops of the Church of England within the Colony by Letters Patent; and that henceforth the quasi judicial decisions of the governing powers in the colonial churches can only be regarded as proceedings "*in foro domestico*," which ought not to be liable to be reviewed, on appeal, by the Judicial Committee of the Privy Council.

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