

RETURN, &c.

COPY of a DESPATCH of HER MAJESTY'S SECRETARY of STATE for the COLONIES to the OFFICER ADMINISTERING the GOVERNMENT of NATAL on the SUBJECT of the COLONIAL CHAPLAINCY in that COLONY, dated 12th August 1866.

COPY of a DESPATCH from the Right Honourable the Earl of CARNARVON to the OFFICER ADMINISTERING the GOVERNMENT of NATAL.

SIR,

Downing Street, 12th August 1866.

I HAVE had under my consideration your Despatches, Nos. 25 and 26, of the 22d and 23d of February last, relating to the course pursued by the Colonial Chaplain, Mr. Green, in relation to the Ecclesiastical controversies which now disturb the Colonies of the Cape of Good Hope and Natal.

The case appears to be this:—Dr. Gray in the capacity, or supposed capacity, of Metropolitan of South Africa, has pronounced a sentence of deposition against Dr. Colenso in his capacity, or supposed capacity, of Bishop of Natal, and this sentence of deposition being pronounced invalid at law by the Judicial Committee, and being accordingly resisted by Dr. Colenso, Dr. Gray has resorted to the Ecclesiastical instrument of excommunication to enforce compliance. Upon this, Mr. Green, who previously to the consecration of Dr. Colenso, had been appointed to a Colonial Chaplaincy in Natal, to which a salary had been attached by the Colonial Legislature, refused any longer to recognize Dr. Colenso as his clerical superior, and further proceeded to publish Dr. Gray's sentence of excommunication in the church of Pietermaritzburg. Under these circumstances the question arises whether Mr. Green should be allowed to retain the salary attached by the Legislature to the Colonial Chaplaincy.

It would seem to follow from the Judgment of the Judicial Committee in 1865 that when Letters Patent were issued, purporting to found the Bishopric of Natal, the Crown was really not competent to create a legal See or Bishopric in that Colony, and that Dr. Colenso did not derive from these Letters Patent the legal status of Diocesan Bishop. In this state of things, and having regard to the complicated and embarrassing questions of Church doctrine and discipline now at issue in South Africa, I am not prepared to go beyond the law or to use the power of Government to deprive the Clergy of Natal of any liberty which the law may give them in respect of either acknowledging or not acknowledging in Dr. Colenso a diocesan authority which does not of legal right belong to him. Whatever legal rights, if any, he or Mr. Green may possess, I must leave them to enforce as may be practicable in a Court of Justice; and if any doubt exists whether the public money voted by the Legislature to the Colonial Chaplain should be paid to a clergyman acknowledging the episcopal authority of Dr. Colenso, or to a clergyman repudiating that authority, it will be for the Legislature—not indeed to interfere in the Ecclesiastical controversy, but to define its own intention with regard to the disposal of the public money.

I have, &c.  
(Signed) CARNARVON.