needs be had to the civil tribunals, the questions at issue must be tried by the same rules of law which would prevail if the question were tried in England;—with this exception only, that the tribunal would be different, and that as the statutes which constitute certain ecclesiastical tribunals in England do not extend to the colonies, the question would have to be determined by the ordinary civil courts which administer justice to the colonies.

The Case, therefore, stands thus.

To sum up the conclusions shortly, in my opinion the case stands thus:—

The members of the Church in 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 dicisions, and it would do so without inquiring into the propriety of such decisions. But such an association would be distinct from, and form no part of, the Church of England, whether it did or did not call itself in union and full communion with the Church of England. It would strictly and properly be an Episcopal Church, not *of* but *in* South Africa, as is the Episcopal Church in Scotland but not of Scotland. But if the Episcopal Church in South Africa chose to remain part of the United Church of England and Ireland, then no such irresponsible tribunals could exist, and when recourse is had to the civil tribunal to enforce obedience to these decisions, they must be subject to revision to the extent I have already pointed out as laid down by the Judgment in the case of "Long *v.* Bishop of Capetown."

In one case it is one Church in all the colonies, each association being part of the parent Church of the United Kingdom of England and Ireland; in the other case they are separate and distinct Episcopal Churches, each existing separate in each colony and distinct from every other Church, bound by their own canons only, and no more bound by the canons of any other Church than they would be by the canons of the Episcopal Church in Scotland, according to their final settlement by the last Synod held in Edinburgh in 1860 for that purpose, and all of them rejecting, as the Church in Scotland is compelled to do, the Thirty-seventh of the Articles of the English Church, which puts the Sovereign at the head of the Church. I have gone so fully into this subject because the full comprehension of what is the actual position of the Church founded and endowed in these colonies by members of the Church of England is of the highest importance, for the purpose both of determining what the *status* of the plaintiff is, and also of disposing of the remaining point, I have to consider, which was strongly urged upon me—viz., how far the objects and intention of the persons who contributed the funds for founding the bishopric of Natal have been fulfilled. It was urged that to continue the payment of the stipend to the plaintiff, having regard to his actual legal *status*, would be in the nature of a breach of trust. Except in the case of one contributor, I have not before me any distinct evidence of what were the objects of the persons generally who advanced the funds, further than this, that they desired to found a bishopric in the colony of Natal.

Appeal only to the Privy Council.

The Bishop of Capetown, the Bishop of Natal, the Bishops of all colonies