

twenty-five years before the Act to which he refers, and a few years later in those constituting the See of Quebec.

This decision has determined the law of the land, and it is now held that the Letters Patent, when unrecognised by a Local Legislature, are only effective so far as they authorise the consecration of a Bishop, conferring a title, and constituting him a corporation.* But there is reason to suppose, that there is a distinction to be made between those Colonies, in which there has been no legislation respecting the Church, and those in which such legislation has been carried into effect. Now in this Province, when the Diocese was created, the Church of England was the *Established Church*; and the Bishop has been recognised in several Acts, especially in the chapter of the Revised Statutes wherein Clergymen of the Church of England are prohibited from officiating in the Province, without his license. It may be, therefore, that we are here in a better condition than our brethren in some of the other Colonies, but still there can be no doubt that our position is not what it was commonly supposed to be.

A Bill has now been introduced into the Imperial Parliament, by the Colonial Secretary, and Attorney General, based upon the Privy Council Judgment, of which the intention is briefly, to place the Clergy of the Colonial Dioceses upon the same footing as those of the Church in Scotland and in America, with respect to officiating or holding preferment in England, and to place all Colonial Bishops in the same position as if they had been chosen by the voluntary consent of the Clergy and Congregations in their respective Dioceses, whether they surrender or retain their Letters Patent. Moreover, it is provided that all questions of law, respecting the rights and duties of every Bishop, and of the Clergy and Congregations in relation to the Bishop, shall be tried and

* In a Circular to the Governors of Colonies, issued after the Judgment in Mr. Long's case, the late Duke of Newcastle, having consulted the Crown Lawyers, said:

"The Letters Patent then were *ultra vires* and invalid if, and so far as, they purported to convey to the Bishop any power of coercive jurisdiction, irrespective of the sanction of the Local Legislature, and of the consent, express or implied, of those over whom it might be exercised."

"I am aware of no reason whatever for supposing them to be invalid, otherwise than as they may assume to grant this coercive jurisdiction. The Bishop's corporate character, and any other incidents of his Episcopal position, which result from the Letters Patent, remain untouched by the recent Judgment."