In 1850 it was enacted that taking the Sacrament of the Lord's Supper should not be necessary to qualify for obtaining any temporal privilege or advantage. In 1851 an Act was passed, which received Her Majesty's assent in 1852, recognizing a legal equality among all religious denominations as an admitted principle of Colonial legislation; and it repealed the clauses of the Act of 1791 which authorized the erection of Parsonages or Rectories and their endowment. By an Act of the Imperial Parliament of 1853 the Canadian Legislature was authorized to alter the appropiation of the Clergy Reserves as they might see fit. In 1854 the Canadian Legislature secularized these Reserves, making provision for vested rights.

The effect of these enactments places all religious bodies on a footing of equality before the law, and that no test shall be required to qualify for any office or trust, and thus renders impossible any such close relations between civil governments and Church Polity and discipline as exist in England,—and greatly restrict, if they do not forbid, interference by the law, not merely with individual faith, but with the external and internal affairs of Church organization, including Church discipline. All religious bodies here are considered as voluntary associations; and unless civil rights are in question, the Law does not interfere with their organization.

The English Courts do not recognize the right of the Church Judicatories to determine matters in which civil rights are concerned to so large an extent as the American Courts. These latter, for the most part, holding that in cases where the right of property in the civil courts is dependent on the question of doctrine, discipline, ecclesiastical law, rule or custom, or Church government, and that has been decided by the highest tribunal within the organization to which it has been carried, the civil court will accept that decision as conclusive and be governed by it in its application to the case before it. While the English Courts in such cases will examine into doctrines as a matter of fact, for the purpose of determining which party maintains the original principles of the Society. Lord Deas, in the Cardross case, cited in Innes Creeds of Scotland, vigorously maintains the right and duty of the civil courts to investigate the proceedings of Ecclesiastical bodies, but only when civil rights are concerned. "It is upon the same ordinary principle" that the Court deals only with civil interests, "that if no civil interests are involved, we refuse to interfere at all." If an association make a compact with certain of its members, that, on condition of the latter going through a long course of study and preparation and devoting themselves exclusively to the labour of the ministry they shall be held qualified to be inducted, and accordingly do induct them into the charge of particular congregations, with right to certain emoluments, and on the footing that the qualification thus conferred shall not be taken away except for one or more of certain causes to be ascertained by certain tribunals, acting in a specified order, then the association or its members, if they break this compact, may become liable for the consequences, precisely as if the emoluments had been attached to a purely secular qualification and employment.

Of late years the status of the Church of England in the Colonies and in Scotland, has been the subject of much consideration. In Long *vs.* The Bishop of Cape Town, Lord Kingsdown says, "the Church of England in places where there is no Church established by Law, is in the same situation with any other religious body—in no better, but in no worse position; and the members may adopt as the members of any other communion may adopt, rules for enforcing discipline in their body, which will be binding on those who expressly or by implication have assented to them."

In the case of Murray *v.* Burgess it was shown that the regulation of the ecclesiastical affairs of the body to which the parties belonged depended upon contract, expressed or implied, and the decision was given accordingly.

In the case of the Bishop of Natals the status of the Church of England in the Colonies is discussed at length, and it was decided that when there is an independant Legislative Assembly in the Colony, there is no power in the Crown, without the Imperial Parliament, to create an ecclesiastical see or corporation, whose status, rights, and authority the colony could be required to recognize.

In the Bishop of Natal *v.* Gladstone, the Master of the Rolls decided that the appointment of a Bishop by the Crown is not nugatory, but that he has the status of a Bishop all the world over, and may exercise his functions territorially in his Diocese—but that he has no coercive jurisdiction, and must resort to the civil tribunals for that purpose.

The cases of the Bishop of Cape Town *v.* the Bishop of Natal, the Attorney General *v.* Pearson were also adduced to show that in these cases the right of property in some shape was involved—either the salary of the clergyman, the salary of the Bishop, or money to which he was entitled in that capacity, or the title to property asserted on behalf of the Church or association; and in such cases, it seems to be the rule of the English Law that to adjudicate upon the right, the Court can and will investigate the proceedings of the Church Courts, and decide upon matters of faith, as facts, upon which the right to the property may depend.

Several cases were then brought forward in order to illustrate the method of procedure in the United States; and showing that the practice there recognizes the principle that "it is of the essence of religious unions, and of their right to establish tribunals for the decision of questions arising among themselves, that these decisions should be binding in all cases of ecclesiastical cognizance, subject only to such appeals as the organization itself provides for."

"But," said the Vice Chancellor, "I apprehend when no civil right or interest is brought in question, the English Courts will not interfere with the decisions of the ecclesiastical tribunals of voluntary associations, to determine the status of a member of the body or investigate the legality or regularity of the proceedings by which he is affected." And in support of this position several cases were adduced.

In concluding his judgment, the Vice Chancellor stated,—"In all this, I do not find the defendant charged with the invasion of any civil right of the plaintiff. There is not said to be any emolument attached to the position of Lay representation,—the *status* is not a civil but an ecclesiastical one. The position of member of the Church and the right to participate in the ordinances of the Church is also purely ecclesiastical, and though there may be a remedy in England, as in Jenkins *vs.* Cook, when the Church is established and ecclesiastical Courts appointed to administer it, there is no such jurisdiction here. If there is any civil remedy for reading the libellous paper, it could only be on the ground of damage to character or standing, and none such is alleged to have been sustained and no relief is asked for in regard to it.

The Vice Chancellor quoted the Acts in reference to Synodical action in order to show that he was "unable to find that any civil rights, as distinguished from ecclesiastical rights, are conferred upon the members of Synod."

In reference to costs, his Lordship's stated that "the general rule is that the losing party pays the costs, but this is not so inflexible as not to yield to the direction of the Court." And considering the nature of the case and that it is the first of its class, the Court decided that the defendant should pay his own costs. In excuse for this part of the decision the Court went into the merits of the case itself; but as our object is only to establish the main question, we shall not enter into that part of the judgment—*more especially as no evidence was gone into, and the Vice-Chancellor refused to allow the defendant to call witnesses! and, therefore, the Council for the defendant was driven to confine himself to the question of jurisdiction.*

THE CHURCH AND THE CIVIL COURTS.

THE case of Dunnett *v.* Forneri is one which must necessarily excite a great deal of attention among churchmen; not so much with regard to the merits of the case itself, as with reference to the principle involved in the suit. A long time has elapsed since the trial took place, and the judgment, which was sufficiently elaborate, was delivered by Vice Chancellor Proudfoot last week.

The State has thought fit to rob us of nearly all the property we possessed, which was just as much ours as the lands belonging to the Canada Company are theirs; it professes to recognize no religion whatever as having any thing to do with its political organization or procedure; in fact, like the United States Constitution, it recognizes no