

the dioceses must be divided. Before this subdivision was effected, the Bishops of Churches in the Colonies were all regarded as suffragans of the See of Canterbury. When they began to multiply, and the Churches to grow stronger, it was seen that they ought to be gathered into provinces, and possess the complete framework of the Church as it exists at home, and has always existed in the Catholic Church. The subject was fully discussed at a meeting of the English Bishops, and such of the Colonial Bishops as were within reach, summoned by the late Archbishop of Canterbury, in 1853.

At that meeting, at which I was present, it was resolved that Metropolitans should be at once appointed over the Churches of Canada, New Zealand, South Africa, (Australia, and the East Indies being already under Metropolitans); and the concurrence and joint action of the Crown in this matter was sought and obtained.

#### JURISDICTION OF COLONIAL METROPOLITANS.

Bishop Gray observes:—"That if the Church and Crown united in the appointment of a Bishop, they were united also in the appointment of a Metropolitan: that if one office exists, the other exists also: and that each of the eight South African Bishops that have been appointed since the province was formed, solemnly swore before God that he would render canonical obedience to me as Metropolitan, at his consecration.

The following is the oath which was taken by your late Bishop:

I, John William Colenso, Doctor in Divinity, appointed Bishop of the See and Diocese of Natal, do profess and promise all due reverence and obedience to the Metropolitan Bishop of Cape Town, and his successors, and to the Metropolitan Church of St. George's, Cape Town. So help me God, through Jesus Christ."

If Dr. Colenso claims to be Bishop over the clergy and laity of this diocese, he can scarcely question my authority as Metropolitan over him. We derived our respective jurisdictions from precisely the same source.

We may observe that in Canada we are in a similar position. Our Bishops have been consecrated by mandate from the crown, and the more recent ones after election by the clergy and people: our Metropolitan was appointed by the recommendation of the Bishop in England, at the petition of three out of four of the then existing dioceses, and the whole of the dioceses afterwards accepted him, by meeting in Provincial Synod at his summons, and working under his Presidency. In the case of both Bishops and Metropolitan, their territorial jurisdiction has been fixed by the crown: and the Bishops of this Province are equally placed by the same authority under the jurisdiction and controul of the Metropolitan.

#### RELATION OF THE CIVIL COURTS TO THE CHURCH COURTS.

It is often said by lawyers that our Church courts in the colonies have no legal power; and sometimes that their acts are illegal; sometimes again that they are not courts at all. The whole depends on the definition of the words *court* and *illegal*. If the word court means a body having authority directly from the crown to judge causes, then it is true that our Church tribunals are not courts: but if a court means a tribunal having a rightful authority to judge causes, then our Church tribunals are courts.

Again with regard to *legal* and *illegal*, we must observe that *legal* has two meanings, 1st, sanctioned by civil law, 2nd, not contrary to civil law: so the term *illegal* means, 1st, contrary to civil law, 2nd, some persons uses it to signify unsanctioned by civil law. Our diocesan Synods and our Church courts are legal, because they are not contrary to civil law; their acts are legal *so far as* they are not contrary to civil law; they would become illegal by being contrary to civil law, but not by being unsanctioned by that law.

These points will be found to be illustrated and other valuable information communicated by the following passages.

#### RELATION OF CIVIL COURTS TO THE TRIBUNALS OF RELIGIOUS BODIES.

It is, in my view, a matter of no great importance whether the Metropolitan and Bishop sit for the exercise of their judicial functions in a court clothed with the authority of law, or merely "*foro domestico* as a father exercises authority in