

having an established Legislature should found a Church calling themselves members of the Church of England, they would be members of the Church of England, they would be bound by its doctrines, its ordinances, its rules, and its discipline, and obedience to them would be enforced by the civil tribunals of the colony over such persons; but if a class of persons should in any colony similarly circumstanced call themselves by any other name, such as, for instance, the Church of South Africa, then the Court would have to enquire, as a matter of fact upon proper evidence, what the doctrines, ordinances, and discipline of that Church were, and when these were made plain, obedience to them would be enforced against all the members of that Church. But the fact of calling themselves in communion with the Church of England would not make such a Church a part of that Church of England, nor would it make the members of that Church members of the Church of England. If they adopted its creed and doctrines, but repudiated a part of its rules and ordinances, they would be bound by those which they had adopted, and not by those which belonged to the Church of England but which they had rejected. It would, however, be incumbent upon them fully and plainly to set forth what their rules and ordinances were, and who accepted them, in order that this might prevent doubt when the courts of law were called upon to enforce obedience to these rules and ordinances. The whole of what I am now stating is made very distinct and clear by the whole of the decision of the Judicial Committee of the Privy Council in the case of "*Long v. Bishop of Capetown*." In that case the Judicial Committee held that Mr. Long had bound himself to the doctrines and discipline of the Church of England, and if the obedience required of him by the Bishop of Capetown had been obedience to the rules and ordinances required by the Church of England, that obedience would have been enforced by the Judicial Committee.

Accordingly they enquired into that subject, and, having done so, held that the obedience required by the Bishop of Capetown was not in accordance with the rules and ordinances of the Church of England, and that Mr. Long was justified in resisting the summons of the Bishop. This was, in fact, the real issue between the Bishop of Capetown and Mr. Long, and the point is put distinctly and, as I apprehend, quite correctly by Mr. Long, who says in his letters of the 29th of November and 3d of December, 1860, that a declaration by persons that "they are members of the Church of the diocese of Capetown, in union and in full communion with the United Church of England and Ireland, and belonging to no other body, is, in his opinion, a declaration of virtual secession from the Church of England." And in another place Mr. Long states that he is a member of the Church of England, and not a member of a Church in union and full communion with the Church of England, which are, in his opinion, two separate and distinct things. The distinction is plain and obvious. Any Church established by voluntary association may call itself in union and in full communion with any other Church. A Lutheran Church established in South Africa might call itself in union and full communion with the Church of England, but the truth of the assertion is a distinct matter. But if certain persons constitute themselves a voluntary association in any colony as members of the Church of England, then, as I apprehend, they are strictly brethren and members of that Church, though severed by a great distance from their native country and their native Church. They are bound by the same doctrines, the same rules, ordinances, and discipline. If any recourse should