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GRAY

EXCOMMUNICATION OF THE RIGHT REV.

DR. COLENZO

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A STATEMENT

RELATING TO FACTS WHICH HAVE BEEN MISUNDERSTOOD,
AND TO QUESTIONS WHICH HAVE BEEN RAISED,

IN CONNEXION WITH THE

CONSECRATION, TRIAL, AND EXCOMMUNICATION

OF THE RIGHT REV. DR. COLENZO.

Gray, Robert, bys. of Cape Town.

BY THE BISHOP OF CAPETOWN,

METROPOLITAN.

Second Edition, with an Appendix,

**RELATING TO THE ELECTION OF A BISHOP, AND CONTAINING
FURTHER REPLIES TO THE BISHOP OF ST. DAVID'S
AND THE DEAN OF WESTMINSTER.**

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Colenso
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London,
RIVINGTONS, WATERLOO PLACE;
and at Oxford and Cambridge.
1867.

Harvard College Library
Gift of
Mass. Hist. Society
June 24. 1901.

A STATEMENT,

&c.

THE following Statement is put forth by me at this time by advice of friends, in consequence of the many misapprehensions which prevail, and the mis-statements which have been made, as to the course pursued by myself in a matter which has excited deep interest in the Church.

R. CAPETOWN.

The Sees of Natal and Grahamstown were founded in the year 1853. They had previously formed part (with the Orange Free State and St. Helena) of the vast original Diocese of Capetown, whose extreme limits were separated from each other by nearly 3000 miles. It was chiefly to procure a subdivision of the Diocese that I returned to England in 1852. Having succeeded in obtaining the necessary endowments, the Duke of Newcastle, then Colonial Secretary, consented on behalf of the Crown to the issue of Letters Patent. Almost all the arrangements for carrying out the plan fell of necessity upon myself, and cost me much labour and anxiety. Bishop Armstrong was accepted, chiefly on my recommendation, as first Bishop of Grahamstown; Dr. Colenso as first Bishop of Natal. The late revered Archbishop of Canterbury in both cases concurred in the selection, and gave the formal consent and recommendation which was required. The two Bishops were consecrated at

Lambeth on Nov. 30, 1853, I taking part in the consecration as Metropolitan Bishop of Capetown, it having been decided by the Episcopate of the Church, who met by invitation of the Archbishop to consider the question of Metropolitans, that Capetown should be a Metropolitan See, and that I should be Metropolitan. The Letters Patent constituting the See a Metropolitan See were not then issued; but Dr. Colenso, at his consecration, took the oath of canonical obedience to me as Metropolitan; and after the issue of Letters Patent he took it again. The form of the oath was as follows:—

“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 Capetown, and to his successors, and to the Metropolitan Church of St. George, Capetown. So help me GOD, through Jesus Christ.

“ (Signed) J. W. NATAL.”

It is a mistake to suppose that I ever resigned my first Letters Patent. I resigned my See, because, *sede plena*, it was ruled by Sir J. Harding, Queen’s Advocate, and Sir R. Bethell, that a division could not take place. My Letters Patent are still in my possession. The form of my resignation was as follows:—

“In the name of GOD, Amen. Whereas Her Majesty the Queen did, in and by certain letters patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date the 25th day of June, in the year of our Lord 1847, and in the tenth year of her reign, erect, found, make, ordain and constitute the colony or settlement of the Cape of Good Hope and the island of St. Helena into a Bishop’s see or diocese, to be styled the Bishopric of Capetown, and did by the said letters patent, nominate and appoint me, Robert Gray, Doctor in Divinity, to be Bishop of the said see for the term of my natural life, subject, nevertheless, to the right of resignation by me of the said see or bishopric, by an instru-

ment under my hand and seal, to be delivered or sent to the Archbishop of Canterbury for the time being, and to be by him accepted and registered in his Office of Faculties: And whereas I, the said Robert Gray, having been first duly consecrated thereto, took upon myself the office of Bishop of the said see, and am now the true and lawful Bishop and Pastor thereof: And whereas, by reason of the great extent of the said see or diocese, the pastoral duties thereof cannot be adequately performed by one Bishop only, and it is desirable that the same should be divided into three or more distinct and separate sees or dioceses: And whereas the resignation of the office of Bishop of the said see or diocese, as constituted and conferred upon me by the said letters patent, might render such division of the see or diocese more convenient and practicable: Now, therefore, before you, Felix Knyvett, notary public, and credible witnesses here present, I, the said Robert Gray, Bishop of Capetown, for the reasons before-mentioned, and for divers just and lawful causes me hereunto especially moving, do by this instrument under my hand and seal, without compulsion, fraud, or deceit, freely, simply, and absolutely resign, yield up, and surrender, and vacate my said bishopric or see of Capetown, and all and singular the rights, privileges, members and appurtenances thereunto belonging, into the hands of your Grace the Lord Archbishop of Canterbury, such my resignation being computed from and to take effect on the 23rd day of November, in the year of our Lord 1853, and not before. Humbly praying that your Grace will be pleased to accept this my resignation under my hand and seal, and to register or cause the same to be registered in your Office of Faculties: and I do hereby nominate, constitute and appoint Thomas J. Hardy and G. Lipscomb, of Lambeth Palace in the County of Surrey, and each of them, my proctors or substitutes, proctor or substitute, to exhibit and deliver this my resignation to your Grace, and in my name to pray that your Grace will be pleased to accept and register the same.

“ In witness whereof, I, the said Robert Gray, have hereunto set my hand and seal this 23rd day of November, in the year of our Lord 1853.

“(Signed)

R. CAPETOWN.”

The selection of Dr. Colenso was made in the following way. I had been anxious to secure the services of Dr. Hills, Vicar of Great Yarmouth, now Bishop of British Columbia, for the work of the Church in South Africa. He declined the post offered to him, but suggested the name of Dr. Colenso, who lived in his neighbourhood, and was very zealous in behalf of missions. Several other clergymen of much weight of character, and some Laity of known devotion, concurring in Dr. Hills' estimate of Dr. Colenso, I wrote to Bishop Hinds, then Bishop of Norwich, who joined warmly in the recommendation. The testimonials furnished to me were laid before the Archbishop, who expressed his readiness to recommend, the understanding with the Crown having been, from the beginning of the movement for the foundation of Colonial Sees in 1840, that the Archbishop should recommend; the Crown, through the Secretary of State for the Colonies, nominate.

These are the circumstances which led to the appointment of Dr. Colenso as Bishop of Natal. After his appointment, and while he was Bishop designate, we travelled together over portions of Norfolk and Suffolk, attending meetings for the purpose of raising funds for Missions in Africa. At the time, I was in a weak state of health from over-work, and over-excitement, arising out of the condition of my vast Diocese, and I was watched over and cared for very tenderly by him who had undertaken to become my fellow-labourer. From that time, until the period of Dr. Colenso's return to England to publish the first part of his work on the Pentateuch, in 1862, we were as brothers. Our correspondence was unceasing and most confidential. He had many troubles and trials from his first arrival in the Diocese, arising in no small degree from the unsettled state of things in the Church itself, and the way in which Bishops were sent forth by the Mother Church to found and organize Churches in all parts of the Colonial Empire, as best they might, without any code of instructions—without counsel or guidance of any kind—without any Board of Missions, or other recognized authority to which they could appeal for help in the solution of difficulties, or for advice as to the course to be pursued in critical circumstances.

In consequence of my being the founder of the work of the Church in Natal, and my connexion with all that had previously taken place there, and because also of the relation in which I stood as Metropolitan to the new Diocese, I was consulted, by both Bishop and Clergy, about every thing that happened, and gave what help I could in the solution of difficulties, as the large correspondence still to a great extent in my possession would, if needful, abundantly testify. I mention these things, because the course pursued with reference to Dr. Colenso since the publication of his later works, has been most falsely attributed to personal feelings, and the *odium theologicum*; whereas the very reverse is the case. We were intimate friends, coming out in the same ship, corresponding with great freedom and affection up to the time of his last visit to England; and the necessity which arose for taking proceedings against him was a great cause of distress.

On the two following matters only, so far as I can remember, had I, before then, been constrained to differ from him; for on the polygamy question, which caused great excitement, and much opposition in the Diocese, I abstained from expressing any decided opinion, believing that the subject was one for the consideration and determination of a Synod of the Church. The points upon which I did not agree with him had reference to—

I. The formation of his Church Council.

II. The views which he put forward on the subject of the Eucharist.

Upon each of these subjects I was consulted both by the Bishop and Clergy; and the former was brought by the Bishop before the Archbishop of Canterbury.

The body which he had agreed should be formed for laying down rules for the government of the Church in Natal, was to consist of 1st, the Bishop; 2nd, the Clergy and Laity. These latter were to vote together as one body, but the Laity were always to exceed the Clergy in number. About half the Clergy refused to sit in such an assembly. I thought they were right in declining. At first the Archbishop, not perceiving the gravity of the point at issue, which affected the position and powers of the Clergy as a distinct order in the

Church took the Bishop's view. After he was in possession of all the facts he did not concur. The Bishop's teaching on the Eucharist was referred to me, both by the Bishop himself and by the Clergy. I thought that the Bishop's language, however unguarded and unsatisfactory, was capable of being construed consistently with the formularies of the Church, and I said so, while regretting greatly that he had spoken as he had done. My object throughout was to support the Bishop where, and so far as I fairly could; to allay the heats that had arisen; to restore harmony, and maintain order, and secure the obedience which was due. In my efforts to accomplish this, I know that I made the hearts of faithful men sad;—that they who thought that they were contending for great principles which were endangered, felt discouraged, and even aggrieved. It was not till the period arrived for the consecration of Bishop Mackenzie (Dec. 1860), that I became myself really anxious about my brother's state of mind. On his arrival, I perceived a change, a gloom, a reserve, a reluctance to speak fully out what was in his mind, while yet there were many painful half utterances. This was obvious to all. It distressed Bishop Mackenzie as much as myself; and the Bishop of Colombo, then Bishop of St. Helena, had much conversation with him on points upon which he seemed to be troubled. He concurred, however, in most of the proceedings of the Conference of Bishops, and took part in his friend's consecration.

At this time, he has told us (Preface—Pentateuch, Part I., p. xiii) that he had not arrived at the conclusions which he reached when he began to publish on the Old Testament. In June, however, of the following year (1861), six months after our Conference, he had published his new Translation and Exposition of the Epistle to the Romans, which many have regarded as containing evidence of a wider departure from the faith than even his works on the Pentateuch.

It was sent by him to me. After entreating him in vain not to publish but to withdraw it, I felt it my duty (in concurrence with the views of the other Bishops of the Province), to submit the book and the correspondence concerning it, which had passed between Bishop Colenso and myself, to the

Archbishop of Canterbury (Archbishop Sumner), and to invite his counsel, and that of the other Bishops of the Church of England, concerning it, and my duty with reference to it.

The following is a copy of the letter which I addressed to his Grace, dated November 12, 1861 :—

“ MY LORD ARCHBISHOP,

“ It is with very great pain that I forward for your Grace's consideration a copy of a Commentary on the Epistle to the Romans, recently published by the Bishop of Natal, and ask you to counsel me as to my duties and responsibilities with reference to it. The volume appears to me, I confess, amidst much that is excellent, to contain unsound opinions upon many points of deep importance, more especially with reference to the Inspiration of Holy Scripture, the doctrine of the Atonement, and eternal punishment. The questions which I desire to propose to your Grace, and through your Grace to the Bishops of your Province, are—

“ First. Whether the Bishop's teaching is so erroneous as to make it to be a duty which the Church owes to her Lord and to her members to rid herself of the guilt of sharing in it?

“ Second. If so, in what way this should be done? Whether by synodical condemnation, or trial, or in some other way?

“ I think it right to forward to your Grace a copy of the correspondence which has already passed on the subject between the Bishop and myself; also, a copy of a correspondence forwarded to me by the Dean of Pietermaritzburg and Archdeacon Fearne.

“ I have also been in correspondence on the same subject with the Bishops of Grahamstown and St. Helena. The Bishop of Grahamstown, who has himself been in correspondence with the Bishop of Natal about his book, takes precisely the same view of our brother's teaching with myself, and feels as strongly as I do that it cannot be left unnoticed; but with me, he is in doubt as to the way in which we should proceed. The Bishop of St. Helena had not seen the work when I last heard from him. The book has excited great uneasiness and

alarm amongst both Clergy and Laity in this Province, and I am appealed to in various ways to take action upon the subject.

“Whatever is to be done, I presume that the responsibility of proceeding rests chiefly with myself. Much as I love and in many respects admire my brother, from whom I feel that I may learn a great deal, I shall not, I trust, allow private feelings to interfere with the discharge of duty, when I can make up my mind as to what my duty is.

“Your Grace will, I am sure, feel that in a matter of so grave a character, and happily so novel in our Church, I may be permitted to seek for counsel from the Fathers of the Church at home.

“Praying that God may guide us all into the truth, I have the honour to be,

“Your Grace’s faithful and obedient servant,
“R. CAPETOWN.”

The teaching of the Bishop in his Commentary was formally examined by the Bishops of the Church of England, who met in May, 1862, under the presidency of the present Archbishop of Canterbury (then Archbishop of York); Archbishop Sumner being at the time too feeble to be present, but taking a very deep interest in the subject.

Before I could receive any reply to my communication, the death of Bishop Mackenzie, and the very critical condition of the Zambesi Mission, made me feel it to be my duty, after consultation with the Clergy around me, to go at once to England, though I had arranged for a visitation of my Diocese.

On my arrival I was informed by several Bishops that it was thought that, as the two Archbishops might very possibly be called upon to decide judicially upon the Bishop’s teaching, they ought not to commit themselves previously, by giving counsel, or expressing any judgment upon the work submitted to them. Most of the Bishops, however, who were present at the meeting in May, wrote to me privately to express their conviction of the unsoundness of the teaching in the Commentary on the Romans; and Archbishop Sumner added (I

refer to it because of the criticism of others), "I am greatly struck by the mildness and conciliatory spirit which you have united with the firmness and decision exhibited in the whole of your distressing correspondence with the Bishop of Natal."

During my voyage to England, a fellow-passenger, formerly a Clergyman in my own Diocese, who had joined the Zambesi Mission, and had touched at Natal on his way home, informed me that Bishop Colenso had privately printed and circulated amongst some friends in Natal, another work attacking the Pentateuch; that he had lent it to him to read; and that being about to visit England, he intended to publish it there.

On the Bishop reaching England, which he did soon after myself, I addressed the following letter to him:—

"August 8, 1862.

"MY DEAR BROTHER,

"You would be surprised to find me in England. I did not make up my mind till three or four days before sailing. The Clergy, however, urged me very strongly in the critical state of the Mission. I am glad that I came. I did so very reluctantly, for I had arranged for a Visitation, upon which I should now have been. I found on arriving that the Bishops had discussed, at a meeting, our correspondence and your Commentary. All, I believe, felt the gravity of the subject; and some expressed themselves very strongly. Since my arrival in England I have conversed with several of them, and had communications with others. The desire on the part of some has been very strong, that two or three of the bishops should meet you, and discuss the subject with you lovingly, as brethren; in the hope that they might be able to satisfy you that you were in error on certain points; and that nothing in the meantime should be done on your part, to compromise yourself or the Church further.

"I need not say, that, at this late period of the season, all have dispersed to their dioceses, and that it would require some little time to get two or three together, at a time which would suit the convenience of all. If you are willing to meet them, I will make the attempt.

"Since leaving the Cape, I have heard that it was known

both there and here, that you have another work, it is said, denying the authenticity and inspiration of the Pentateuch, already in print. I was asked repeatedly if I had seen it, on my arrival here. Amongst others, the Bishop of Labuan seems to have spoken about it. If there be such a book, let me entreat you not to publish it, at least, until after your interview with our brethren at home. I am sure that the true Christian course is that which I have suggested. I came up here to preach: I believe that I must leave town on Monday next. My wife joins in kind regards to Mrs. Colenso. The Archbishop is in a very precarious state: he feels this case very deeply, but is not well enough to act in it himself. He wrote to me about it, and I have conversed with him since I came home.

“ Ever affectionately yours,

“ R. CAPETOWN.”

I give this letter at length, because Dr. Colenso, in a work published in 1864, entitled, “Remarks on the Recent Proceedings and Charge of the Bishop of Capetown,” while professing to “state what occurred” on his arrival in England, “and to support his statement by the necessary documents,” gave me other letters, but suppressed this, upon which he founds a distinct charge (Remarks, p. 40.—Appendix iv. p. 81). In that pamphlet—which contains many untrue statements regarding myself, to which I have never replied, because I have shrunk from bringing down the great cause which was at issue to the level of a personal controversy—he gives a very touching letter addressed to him by the Bishop of Oxford. “To this affectionate appeal,” he says, “I was about to respond at once in the same spirit, accepting heartily the invitation given, when another post on the same day brought me a letter from the Bishop of Capetown, which seemed to change wholly the character of the proposed discussion. It appeared to me, in short, that instead of being invited to a friendly conference, I was about practically to be ‘convened’ by him as Metropolitan, before a bench of Bishops, for my offences.” My letter, as given above,—I leave others to judge whether Dr. Colenso was justified in speaking of it as he did

—is dated August 8. His reply, as given by himself, to the Bishop of Oxford, is dated August 9, in which he “declines his very kind invitation,” without any reference whatever to any thing offensive in mine. I did not write again till August 12th, and then in the same strain; pleading earnestly, and, as I thought, tenderly, with one who had been to me as a brother, and on whose own account, as well as for the sake of the Church, I was most anxious that he should have an interview with some of the Bishops of the Church, far more learned, and more able to convince him of his erroneous views than myself. The Archbishop of York (now Archbishop of Canterbury), the Bishops of Oxford and Lincoln, had all consented to come to London for a brotherly conference and discussion with one whom they thought to be in grievous error. Having failed in my endeavour, I considered that my own responsibilities were for the present at an end; though, as the Commentary on the Romans had been formally presented to me, as Metropolitan, by the Dean of Maritzburg, and by Archdeacon Fearne, I saw that I could not be altogether silent, even if I should receive no official counsel from the English Bishops.

The work on the Pentateuch was shortly afterwards published, and followed rapidly by succeeding parts. The weakness of this attack upon God’s Holy Word was apparent to the theologian, if not to every well-informed reader. The startling sight, however, of a Bishop pulling the Bible to pieces, gave for the time great notoriety to the work, and roused the indignation of many. Reproaches began to be cast upon me for my silence and apparent unconcern.

On November 25th, therefore, I addressed the following letter to his Grace the Archbishop of Canterbury:—

“MY DEAR LORD,

“The communications which I receive respecting this last sad book of the Bishop of Natal, make me feel how necessary it is that I, at least, should decide what my own course, as Metropolitan, should be. Men are getting impatient, even under the present short delay, and I have just received a memorial from the English Church Union, calling upon me

to take action in the matter. I do not like to move without the counsel and advice of the Church at home, or, at least without informing your Grace of the course which I may feel it to be my duty to adopt. Could I see your Grace on Saturday morning at Lambeth? or, if not, on Thursday?

“ Believe me ever faithfully yours,

“ R. CAPETOWN.”

In course of time the scandal occasioned by these publications became so great that men began to move in various directions. Addresses were forwarded from clergy and laity to Bishops, and to Convocation; and the *Society for the Propagation of the Gospel* formally appealed to the Archbishop of Canterbury, as their President, to advise them as to the course which they ought to pursue, the Bishop of Natal being one of their Vice-Presidents, and having the oversight of extensive missions supported by them, in and beyond Natal.

Before replying to the Society's question, and perceiving the growing agitation in the Church, which could only be calmed by the action of the Bishops—the Archbishop, under circumstances so new and so painful, thought it to be his duty to summon all the English Bishops, together with such of the Irish and Colonial Bishops as were then in England, for the consideration of the question, as to the proper mode of dealing with the case of the Bishop of Natal.

The Bishops assembled in considerable numbers on February 4th, 1863, and in reply to the Archbishop's request for counsel, “ Respectfully advised his Grace that the circumstances of the case of the Bishop of Natal were such as, in their judgment, to make it necessary for the Society to withhold its confidence from that Bishop, until he had been cleared from the charges notoriously incurred by him.”

The Archbishop brought then under the notice of the Bishops the subject of the Bishop of Natal's publications; expressed his own convictions that they could not be overlooked; that he, as Primate, could not take, at least in the present stage, legal proceedings; and asked me whether I had considered what my duties as Metropolitan were, and had formed any opinion as to my proper course of action? To

this I replied in substance, that I need scarcely say that the subject had caused me the deepest anxiety: that I had taken counsel with others as to my powers and position with reference to this case, and had been advised that I could take no action in England; nor in Africa until my office was promoted, and the sale of the Bishop's books there was proved. That the Letters Patent which constituted me Metropolitan were at that very moment under discussion before the Judicial Committee (the Long trial was then actually going on), and might materially affect my legal powers. That I trusted that I should do my duty if the Bishop were presented to me. That many months, however, must elapse before proceedings could be taken before me. That this being the case, I trusted, as the Bishop's books were published in England, their Lordships would act in such way as the case seemed to require, and not leave the whole burden and responsibility of dealing with it, to fall upon the weak and infant Church of South Africa. That I believed that the whole Church was looking to the result of this day's proceedings with great anxiety.

A long discussion then took place on the general subject, the substance of which, and, to a great extent, the language of each speaker, I took down at the time, for my own guidance in a matter of such deep moment, and of so great personal and public importance and interest; and my notes are now before me.

On the first day, after anxious deliberation, it was resolved that the Bishop of Natal ought to be inhibited from officiating in the Dioceses of the English Church; and he was, I believe, accordingly inhibited from officiating in most of the Dioceses of England.

The Bishops met again in considerable numbers on the 7th of February, when the discussion respecting the course to be pursued with regard to the Bishop of Natal was resumed. On that occasion the Bishop of London, in very strong and decided language, urged me to take proceedings, and I feel entitled in self-defence to quote his words, which I took down at the time. "He begged to ask the Bishop of Capetown why he had not before this proceeded. . . . The public will ask, we ought to ask, why he does not proceed." "The public

will not be satisfied unless the Bishop of Capetown does take legal proceedings; he begs to ask him whether it is his intention to do so." It is due to myself, seeing the course which the Bishop of London has since pursued with reference to this case, and the language which he has applied to me, to mention the fact that he, above all others, urged me to take action in the matter. To his appeal I replied in substance as before, that I had been advised by eminent lawyers that until the sale of the Bishop's books had been proved in Capetown, I could not act. That then it would be needful that some one should bring distinct charges in Africa. That I could not be both judge and accuser. That should this be done, and as soon as it was done, I trusted that I should not be found wanting in my duty: I should, in such case, cite the Bishop to appear before me to answer to the charges brought against him; that probably he would not appear, but deny my jurisdiction; that that, however, would not hinder the trial from proceeding. Further I could not go, in stating what my duty might be. I had a very difficult and delicate duty to perform. It was a great comfort to think that in the discharge of it I should have the sympathy of so many of the Bishops of the Church.

The meeting on that day was adjourned, a committee having been formed to decide as to the course to be pursued with regard to the Bishop of Natal. The Bishops met again in a few days, when the Archbishop laid before them a letter drawn up by the Committee, calling upon the Bishop of Natal to resign his office. With some slight alterations it was adopted and signed by forty-one Bishops. Considering the relations in which I stood to the person addressed, I did not sign it. It was as follows:—

To the Right Rev. J. W. COLENSO, D.D., Lord Bishop of Natal.

"We, the undersigned Archbishops and Bishops of the United Church of England and Ireland, address you with deep brotherly anxiety, as one who shares with us the grave responsibilities of the Episcopal office.

“It is impossible for us to enter here into argument with you as to your method of handling that Bible, which we believe to be the Word of God, and on the truth of which rest all our hopes for eternity. Nor do we here raise the question, whether you are legally entitled to retain your present office and position in the Church, complicated moreover as that question is, by the fact of your being a Bishop of the Church in South Africa, now at a distance from your diocese and province.

“But we feel bound to put before you another view of the case. We understand you to say (Part II. p. xxiii of your ‘Pentateuch and Book of Joshua Critically Examined’), that you do not now believe that which you voluntarily professed to believe, as the indispensable condition of your being entrusted with your present office. We understand you also to say that you have entertained and have not abandoned, the conviction that you could not use the Ordination Service, inasmuch as in it you ‘must require from others a solemn declaration that they unfeignedly believe all the Canonical Scriptures of the Old and New Testament;’ which, with the evidence now before you, ‘it is impossible wholly to believe in.’ (Part I. p. xii.)

“And we understand you further to intimate that those who think with you are precluded from using the Baptismal Service, and consequently (as we must infer), other offices of the Prayer Book, unless they omit all such passages as assume the truth of the Mosaic history. (Part II. p. xxii.)

“Now it cannot have escaped you that the inconsistency between the office you hold and the opinions you avow, is causing great pain and grievous scandal to the Church. And we solemnly ask you to consider once more with the most serious attention, whether you can, without harm to your own conscience, retain your position, when you can no longer discharge its duties, or use the formularies to which you have subscribed. We will not abandon the hope, that, through earnest prayer and deeper study of God’s Word, you may, under the guidance of the Holy Spirit, be restored to a state of belief in which you may be able with a clear conscience again to discharge the duties of our sacred office: a result

which, from regard to your highest interests, we should welcome with the most unfeigned satisfaction.

“ We are your faithful brethren in Christ.”

The Bishop declining to resign, the subject of his writings was next brought before both Houses of the Convocation of Canterbury. The Lower House addressed the Upper, asking for the appointment of a Committee to examine them. The Upper House in reply directed the Lower House to appoint a Committee “ to examine a book lately published in London, within the province of Canterbury, entitled ‘ The Pentateuch and Book of Joshua Critically Examined, by the Right Rev. J. W. Colenso, D.D., Bishop of Natal ;’ and to report whether any, and if any, what opinions heretical or erroneous in doctrine, are contained in the said book.” The Committee delivered their report in May, 1863. Their report contained a short analysis of the book, and condemned its teaching on several important points, declaring that it contained “ errors of the gravest and most dangerous character, subversive of faith in the Bible as the Word of God ;” and that “ the spirit of the book is not that of sympathy with the faith and the hopes of the Church of Christ, but that of antagonism to the general belief of Christian people.”

The Report was considered by the Lower House, and forwarded to the Upper House for their consideration.

The Upper House, after taking it into consideration, adopted the following resolutions :—

“ We, the Archbishop and Bishops of the Province of Canterbury, in Convocation assembled, have considered the report of a Committee of the Lower House, appointed on an address of the Lower House, to examine a book entitled ‘ The Pentateuch and Book of Joshua Critically Examined, by the Right Rev. J. W. Colenso, D.D., Bishop of Natal. Parts I. and II.,’ and now transmitted to this House by the Lower House,—and resolve :
 I. That the said book does, in our judgment, involve errors of the most dangerous character, subversive of faith in the Bible as the Word of God. II. That this House, having reason to believe that the book in question will shortly be submitted to

the judgment of an Ecclesiastical Court, declines to take further action in this matter at this time, but that we affectionately warn those who may not be able to read the published and convincing answers to the work which have already appeared, of its dangerous character. III. That these resolutions be communicated to the Lower House."

The resolutions were communicated to the Lower House, which replied as follows :—

"The Lower House having received the message of the Upper House in the matter of the book entitled 'The Pentateuch and Book of Joshua Critically Examined, by the Right Rev. J. W. Colenso, D.D., Bishop of Natal. Parts I. and II.,' do hereby accept and concur in the judgment of the Upper House, 'That the said book involves error of the gravest and most dangerous character, subversive of faith in the Bible as the Word of God,' and that the Lower House do further concur in the affectionate warning of the Upper House against the dangerous character of the book. That this resolution be respectfully communicated to the Upper House."

I had, before this, returned to the Cape, leaving England in March. Upon my arrival, I received addresses from the clergy of Natal, and from the clergy of my own Diocese: the former "most humbly solicited my earnest attention to the afflicted condition of the Church in their Diocese,"—representing that "much hurt had been done to many souls by the teaching of their Bishop. Some had been shaken in the faith; others, wearied or perplexed, had grown cold in love, and turned aside to serve this present world;" prayed me to "take care for their wasted Diocese;" referred to their "former complaints," which, they implied, had not been formally considered or replied to, and to which they again drew my attention. The latter intimated to me their intention of bringing charges against the Bishop of Natal. By desire of many of the clergy of this Diocese, and that of Grahamstown, the Dean of Capetown, Archdeacon of Grahamstown, and Archdeacon of George, undertook to draw up articles, and to support them in person before the Metropolitan. In course

of time—it was early in May—the charges were formally transmitted to me. At that time the Privy Council judgment in the Long Case had not reached the Cape. It was delivered only on June 25, 1863. The course to be pursued by me was manifestly one of great difficulty, the case being an entirely new one. The state of the law being unknown, I thought it right before deciding upon my actual course, to take an “opinion” as to the extent of my jurisdiction under the Letters Patent; or, if they were worthless, apart from them by consent or contract, or the common law of the Church. I was advised that “If the Bishop of Capetown can bring together all the Bishops of his province to hear and determine with himself the charges against the Bishop of Natal, and their decision is unanimous, an objection as to the sufficiency of the tribunal will not be allowed to prevail; and with respect to the mode of proceeding, if the Bishop of Natal is duly cited to appear, and the citation appoints a proper time and place, and states the person before whom, as Metropolitan, he is convened, and the charges which he will be called upon to answer, and allows him ample time for preparation, and for reaching the appointed place; and the citation is also shown to have issued from the proper quarter, and with full authority, it seems to me that this will suffice, and that the courts, whether of England or of the Cape of Good Hope, if the proceedings are brought before them, will not sanction any mere technical objections, when they are satisfied that the rules of justice have been substantially and fully observed. I think that the proceedings must be taken at Capetown, or within the province of the Metropolitan, not in England or in any English court, nor before any temporal court in the colony; and as to the charges or articles which Bishop Colenso is to be called upon to answer, if they are clear, distinct, and pertinent, showing the passages of his works which are alleged to be unsound, and the canons, articles, and formularies of the English Church which they are respectively declared to contravene, so as fully to satisfy all the real merits and justice of the case, they will, in all probability, be upheld by any court before which they may hereafter be impugned, notwithstanding some defects of form,

or minor irregularities which they may exhibit. But the most complete regard to every thing which can be deemed matter of substance and importance must be shown, and the most ample means must be afforded to the Bishop of Natal for meeting the charges, and for making his defence."

Before this "opinion" was given, judgment in the "Long Case" had been delivered, and was not thought to be any hindrance to proceedings in this case, but rather to smooth the way for them. The Letters Patent were clearly "defective;" and "if the case depended entirely upon them," the Metropolitan would not "have any means of vindicating his authority, or any right to proceed against the Bishop of Natal." But "I am of opinion that, notwithstanding their defects, the Bishop of Capetown may lawfully exercise a control, as Metropolitan, over the Bishop of Natal, and that the Bishop of Natal is amenable to him: this right of the Bishop of Capetown being grounded not upon any independent and absolute jurisdiction, but upon the actual consent of the Bishop of Natal, and his recognition of Bishop Gray's Metropolitan authority."

And this "opinion" is grounded expressly upon the decision of the Judicial Committee of Privy Council in the Long Case.

That I could proceed, and therefore ought to proceed to hear this case, was now seemingly clear. But how? First, as to the court,—How was it to be composed? Was the Metropolitan to sit alone, as the Letters Patent implied, or to have assessors? Were the assessors to consist of all the Bishops who had taken the oath of obedience to him as Metropolitan,—or only of those within the Queen's dominions? Were the assessors to deliver judgments, or opinions? Ought the case to be tried before the Metropolitan in his court, or before the synod of the Bishops of the province? Some canons required that twelve Bishops should hear a case affecting a brother Bishop. Others were content with less. The 'Reformatio Legum' (page 79) decided that three were sufficient. In the Bishop of St. David's case, four, according to the record of proceedings at Doctors' Commons—or, as Burnet says, six—were present. In the Bishop of Clogher's case,

four, in addition to the Archbishop of Armagh. In our case, four at most could be assembled.

When met, how were the proceedings to be conducted? All English law—including, of course, ecclesiastical law—had been expressly excluded from this colony by treaty: how far ought it to govern our proceedings? If English law were to be followed, as has been ruled, so far as “suitable to our circumstances,”—how far was it suited? and who was to be the judge of this? In the absence of any ecclesiastical law suited to this case, how far ought we to govern ourselves by the canon law? What was the existing canon law of the Church of England? How far had the canon law which she had received been abrogated, or overlaid, by subsequent statute law? What residuum of law of any kind might be fairly regarded as our inheritance as an unestablished daughter Church of the established Church of England? Would civil courts before whom this case might come, recognize us as a corporation at all,—as a body having any laws? or merely as individuals who had contracted with each other? If so, what was our contract worth? what did it involve? Had I any greater legal powers in Natal than in this colony, the constitution of the former being of a later date? Was there any appeal from a decision of the Bishops of this province in a case like this, and if so, to whom?—to the Archbishop in person,—or to him in the Court of Arches,—or to the Crown? All these were preliminary questions which pressed for a solution, so far at least as my own mind was concerned, before this trial could properly be entered upon, for I should have to act upon certain definite principles, to take a decided line with regard to each point I have named. And yet how delicate are these questions,—how unspeakably important to the Church of the future! To how great an extent, after all these grave discussions and trials, do many of them remain involved!

It would not have been greatly to be wondered at, if a few clergymen in a distant land, without any great amount of learning or ability, and without the opportunity of consulting any whose opinion ought to guide them on some of the points which they were called to decide, should have made mistakes with regard to questions which have troubled and perplexed

the wisest, and the most learned : though I am not aware that we have made any of moment. It may be said, perhaps, that foreseeing what was coming, I should have fortified myself, on such questions as I should have to consider, by counsel with the fathers of the Church, and of eminent men learned in the law. But this was precisely what I endeavoured to do, though without any great results. Men shrunk, amidst the uncertainties of the case, and the absence of precedents, from giving any clear definite advice, and I left England, after every effort to obtain authoritative and decided counsel, with the conviction that I must act upon my own responsibility ; that I must decide the questions, which I at least could not evade, as best I might, and carve out a course for myself. To the Queen's Advocate indeed ¹, ever ready to lend an attentive ear in any case in which the faith and well-being of the Church are concerned, I was indebted for some information, especially respecting the trial of Bishop Watson ; and I studied that case so far as the imperfect records admitted of my doing, both in the annals of the time, and in the documents preserved at Lambeth.

I had hoped, indeed, that this grave cause, affecting as it did the whole Church, might have been taken up by the Bishop of London, who was so much better able to deal with it than myself, and that I might have been spared the labour, anxiety, and responsibility connected with it. I had trusted that I might have been so, because it was publicly stated that the works which had given so great offence, having all been published within his lordship's jurisdiction, he might bring charges founded upon them before the Court of the Archbishops, and thereby obtain a verdict. I know not whether this could have been done, or whether any legal consequences would or could have resulted as regards the Natal Letters Patent ; but, however this may be, the Bishop showed no disposition, at our conference, or at any other time, to take active measures ; and was most vehement in urging upon me my responsibility in this matter.

It was with the greatest reluctance, and moved only by a solemn sense of duty to the Church, and to its Head, that I

¹ Now Dean of the Court of Arches.

accepted the responsibility which was on all sides proclaimed to be mine; and in a case so entirely without precedent, adopted the measures which seemed to me to be proper under the circumstances. What these were I proceed to relate.

The Articles of Accusation, drawn up by the Dean of Capetown, and the Archdeacons of Grahamstown and George, were forwarded at once to England, and, together with a formal citation, served upon the Bishop of Natal by a Proctor in Doctors' Commons. It is impossible to print these Articles here, on account of their great length. They consisted of extracts from the Bishop's writings, and passages from the Articles, and other formularies of the Church which they were said to contravene, and were drawn out with great precision and fulness, and may be seen at length in the Report of the Trial published in a small volume, which has been ever since on sale at G. Street's, 30, Cornhill, London, publisher.

The letter of the presenting Clergy, and the citation of the Bishop, I give at full length.

LETTER OF THE DEAN AND ARCHDEACONS.

To the Most Reverend ROBERT GRAY, D.D., *Lord Bishop of Capetown and Metropolitan.*

“MY LORD,

“We, the undersigned, being Clerks in holy orders of the United Church of England and Ireland, and having cure of souls within the Province of Capetown, under your Lordship's Metropolitan jurisdiction, constrained by a sense of duty to the Church within which we hold office, desire to lay before your Lordship a charge of false teaching on the part of the Right Rev. John William Colenso, D.D., Lord Bishop of Natal, and a Suffragan Bishop of this Province. The charge which we bring is founded upon certain extracts from writings published and put forth by the Bishop, entitled, ‘St. Paul's Epistle to the Romans, Newly Translated and Explained from a Missionary Point of View;’ and Parts I. and II. of ‘The Pentateuch and Book of Joshua Critically Examined;’ and sold and published in the City of Capetown, within the last two years.

“These extracts are contained in nine schedules, and a copy of them is hereto annexed, numbered from I. to IX. inclusive.

“I. With respect to the eight, all and each of them which stand first,—we charge the Bishop of Natal with holding and promulgating opinions which contravene and subvert the Catholic Faith, as defined and expressed in the Thirty-nine Articles of Religion, and the Formularies of the Book of Common Prayer of the United Church of England and Ireland. And accordingly, under each schedule of extracts, we have specified the particular Article or Articles, and other portions of the Church’s symbols and formularies which we are persuaded those extracts contravene, and which we crave may be considered as if herein inserted, and word for word repeated.

“II. With respect to the extracts contained in the ninth schedule, we charge the Bishop of Natal with depraving, and impugning, and bringing otherwise into disrepute, the Book of Common Prayer; particularly portions of the Ordinal and Baptismal Services; and in so doing, with violating the law of the United Church of England and Ireland, as contained in the 36th of the Constitutions and Canons Ecclesiastical. We are deeply conscious of the gravity of these charges, as brought against one who holds the office of a Bishop, and of the responsibility which we incur in making them; but the scandal which these publications have caused, and the feelings which are entertained regarding them by the Clergy of the Province generally, seemed imperatively to require that we should lay them before your Lordship, and ask for your judgment upon the doctrines which are therein maintained.

“It only remains for us to inform your Lordship that we are prepared, if required, to prove the charges which we bring, and further to request that an opportunity may be afforded us of proving them at such time and in such manner as your Lordship may see fit to appoint.

“Dated at Capetown the 6th, and at Grahamstown the 12th day of May, in the year of our Lord 1863.

“We are, my Lord,

“Your Lordship’s faithful servants,

“H. A. DOUGLAS, *Dean of Capetown.*

“N. J. MERRIMAN, *Archdeacon of Grahamstown.*

“H. BADNALL, *Archdeacon of George, and Rector of S. Mark’s, Georgetown.*”

THE CITATION.

To the Right Reverend JOHN WILLIAM COLENZO, D.D., Lord Bishop of Natal, and a Suffragan Bishop of the Province of Capetown.

“MY LORD,

“By direction of the Lord Bishop of Capetown, I hereby cite you to appear before the Most Reverend ROBERT, Lord Bishop of Capetown, and Metropolitan, on Tuesday, the seventeenth day of November, one thousand eight hundred and sixty-three, at eleven o'clock in the forenoon, in the vestry of the Cathedral Church of Saint George, Capetown, then and there to answer to certain charges of false, strange, and erroneous doctrine and teaching, preferred against you by the Very Reverend the Dean of Capetown, the Venerable the Archdeacon of Grahamstown, and the Venerable the Archdeacon of George, to wit, that in and by the writing, printing and publishing, and the sale within this Province of a certain book or work, entitled, ‘St. Paul’s Epistle to the Romans, Newly Translated and Explained from a Missionary Point of View, by the Right Reverend J. W. Colenso, D.D., Bishop of Natal. Printed at Ekukanyeni, Natal, 1861 ;’—

“And in and by the writing, printing and publishing, and thereafter the sale within this Province of a certain other book or work, entitled, ‘The Pentateuch and Book of Joshua Critically Examined, by the Right Reverend John William Colenso, D.D., Bishop of Natal: London, Longman, Green, Longman, Roberts, and Green, 1862,’ being Part I. of said work; and in and by the writing, printing and publishing, and thereafter the sale within this Province of Part II. of said book or work last mentioned, entitled, ‘The Pentateuch and Book of Joshua Critically Examined, by the Right Reverend John William Colenso, D.D., Bishop of Natal. Part II. London, Longman, Green, Longman, Roberts, and Green, 1863 ;’ Your Lordship did, in and by such writings and publications, in whole or in part, hold, maintain, set forth, teach, inculcate, and express, belief, doctrines, views, and opinions in opposition to and at variance with the doctrine and teaching

of the United Church of England and Ireland, as set forth, expressed, and maintained in the Book of Common Prayer, the Sacraments and other rites of the said Church, the Thirty-nine Articles of Religion, and the Canons Ecclesiastical; the several portions or extracts of the said writings and publications containing the erroneous and strange doctrine, contrary to God's Word, so complained of as aforesaid, and the charges thereon being hereto annexed, marked with the letters A, B, C, D, E, F, G, H, I, and K, including the schedules marked from No. I. to IX. inclusive.

"Should your Lordship fail to appear, either in person or by proctor, or otherwise make default herein, the Bishop of Capetown, as Metropolitan, with the advice and assistance of such of the Suffragan Bishops of the Province as can conveniently be called together, will, after proof of the due service of this citation, hear and investigate, at the time and place aforesaid, the charges so preferred against your Lordship, and proceed to the final adjudication thereon.

"Dated at Capetown, this 18th day of May, A.D. 1863.

"I remain your Lordship's obedient servant,

"DAVID TENNANT,

"Registrar of the Diocese of Capetown."

All the Bishops of the Province were summoned to the hearing of the case. Ample time was given. The Bishop did not, as is well known, appear in person in answer to his citation. Instead of this, he instructed an agent to hand in a formal protest against my "assumption of jurisdiction over him," and to "repudiate my assumed right to take cognizance of the charge of false teaching preferred against him." Also to read a letter addressed by the Bishop to myself, in which he stated amongst other things, what were the instructions he had given to his agent, viz.—"1st, to protest against your Lordship's jurisdiction. 2nd, to read this letter (of which I have sent him a duplicate) as my defence, if your Lordship should assume jurisdiction. 3rd, if you should assume jurisdiction, and deliver judgment adverse to me, to give you notice of my intention to appeal from such judgment."

In this letter the Bishop referred to a previous letter, dated

May, 1861, addressed by him to me, on the subject of his Commentary on the Romans, which he requested, if I "had any jurisdiction in the matter," might be regarded as his "explanation of" his "meaning in some of the passages objected to from" his "Commentary on the Epistle to the Romans;" and "with reference to some passages objected to from his work on the Pentateuch," he "desired to request attention to the Preface to Part III., a copy of which he forwarded." The letter was read aloud, and is printed with the other documents connected with the trial.

It was, of course, impossible to admit his protest; and the trial proceeded. It was conducted in the Cathedral Church, in the space before the altar, in the presence of a considerable number of people, the doors being thrown open to the public. I need scarce say that it was conducted with dignity and decorum—so much so, as to have attracted strong expressions of approbation from the press and from the public.

The trial occupied four days. The arguments of the presenting Clergy were remarkable for their learning, ability, eloquence, and the extent of their theological knowledge, and were concluded on the 21st November. On December 14 the Bishops who were the Assessors of the Metropolitan in the trial, delivered their opinions separately in the Cathedral Church. On December 16 the Metropolitan delivered his judgment in the same place.

Upon the trial itself I do not feel called to offer any observations. The proceedings, will I believe, bear comparison with those ecclesiastical causes conducted before the highest judicial court in England. The only objections that Dr. Colenso has, I think, himself raised, have related to the presence of the Bishop of the Orange Free State, and to the evidence allowed to be used with reference to the question of Metropolitan jurisdiction. As to the Bishops present, especially the Bishop of the Free State, he has said, in his "Letter to the Laity of Natal," (page 3), "The Bishop of Capetown selected as assistants, two Bishops—one a recent nominee of his own, and nominated, doubtless, as generally agreeing in sentiments with himself; the other, known also beforehand as holding the same opinions as himself, very

strongly, on the most important matters likely to be discussed." And this unfair and injurious statement has been repeatedly made.

The facts are, that all the Bishops of the Province were summoned; that the Bishops of Grahamstown and of the Free State only could attend; that the Bishop of St. Helena, to whom all the documents connected with the trial were forwarded, wrote to me to express his concurrence with the sentence. That there was no "selection" must, I think, have been known to Dr. Colenso. He had read my judgment. In it (page 5) I had distinctly stated that "I had summoned the other Bishops of the Province to assist me in the hearing of the charges" brought against him; and again (page 74) "all of them have been summoned as my Assessors on the occasion." But one, he objects, was "a recent nominee of my own," "nominated, doubtless, for his general agreement in sentiments with myself."

Bishop Twells was a clergyman holding a cure in the Diocese of London. He had been ordained by the Archbishop. It had been agreed that the Archbishop, the Bishops of London and Oxford, with myself, should appoint. Dr. Twells' name was submitted to all, and assented to by all. But by what law, asks Dr. Colenso—and the Bishop of London has re-echoed the question (Speech, House of Lords, June 18, 1866; Speech in Convocation, June 29)—had a Bishop with a Diocese beyond the Queen's dominion a right to sit as Assessor in a trial upon a Bishop within the Queen's dominions, holding Letters Patent? Since the late Judgments of the Privy Council, I should have thought the question would not have been asked. The Long Judgment declared that Colonial Churches were in law only voluntary bodies. The Natal Judgment declared that there is no diocese, no jurisdiction, no territorial limits—nothing but a title and a lay corporation. But apart from this, the Bishop of the Free State was appointed precisely in the same manner as the Bishop of Natal, or any other colonial Bishop, with this only difference, that the one appointment was by Letters Missive, or Mandatory, the other by Letters Patent. In each case, the Archbishop recommended, the Crown nominated and com-

manded consecration. Even the precise limits of the Diocese of the Free State were named in the document appointing him. I remonstrated, and for a time declined to furnish these, regarding the act as an aggression upon the rights of an independent republic. I was told that an Act of Parliament required it. In law, one Bishop's position is as good as another's. Neither has legal rights to sit in judgment upon the other. By the law of the Church,—by canon law, accepted by the Church of England, Dr. Twells was as much a Bishop of this Province as Dr. Colenso. The objections against the other Bishop are equally futile. "He was known beforehand as holding the same opinions as" myself, "very strongly on the most important matters likely to be discussed." I had thought otherwise. The Bishop of Grahamstown had been declared often to be a very pronounced Evangelical—I, an equally decided High Churchman. The "most important matters to be discussed" were the doctrines of Justification,—the Atonement,—the Sacraments,—the nature of our Lord,—the Inspiration of the written Word,—the authority of the Church,—questions upon which our supposed different schools of opinion might be expected not altogether to agree. That upon such points as the Metropolitan authority we might be expected to differ rather than agree, Dr. Colenso has himself shown by the references which he has subsequently made in published documents, to the Bishop of Grahamstown's private letters to himself on the subject.

As to the other matter connected with the trial to which Dr. Colenso has objected, viz. the evidence allowed to be used with reference to his previous admissions on the question of Metropolitan jurisdiction, I have to observe that the point was not one which had any bearing on the charges upon which he was tried, and I hardly think it worth while to repeat what I have elsewhere said, viz. that the letters produced were hardly private letters. They were documents preserved in my Registry, and related either to previous presentations of Dr. Colenso to me as Metropolitan, or to the exercise of that office by myself, or to the apparent slighting of it by Dr. Colenso. The subject-matter of them was public; the decisions I gave in connexion with them were public;

they were laid up with other letters as public. The nature of these communications were well known here, through communication with the Natal Clergy. They had no bearing upon Dr. Colenso's teaching, but related simply to the preliminary matter of my jurisdiction over him, now called in question in his protest.

Upon the Judgment itself, and the course subsequently pursued, comments have been made by Dr. Colenso and others, and these, perhaps, I ought to notice.

Let me first observe that the Judgment (published by Bell and Daldy, 186, Fleet Street) fills eighty octavo pages, and expresses decided opinions upon very many of the greatest writers of the Christian faith; and that I am far from affirming that blemishes may not be found in a document of such length. Though submitted before delivery to the Bishops of this Province in Synod assembled, I should be still prepared to refer its language for revision, to the Episcopate of the Church of England collectively, or to the Archbishop of Canterbury, with the aid of his com-provincials: but not one of the eminent theologians of the Church of England to whom I forwarded it, expressed any disagreement with the conclusions at which I have arrived.

But Dr. Colenso has complained that on one, at least, of the most important questions he has raised, the Judgment is erroneous, and opposed to the views of some distinguished fathers and English theologians; and he has published extracts from certain writers in support of his statement, furnished by the Rev. W. Houghton.

Now, what Dr. Colenso asserted with regard to our Lord was that He was both ignorant, and taught erroneously, on some points. The authorities which he has quoted do not in any way affirm that our Lord was capable of error. What they do teach is that the human mind, which the Lord—along with a human body—took into His Godhead, was, being human, limited of necessity as to its capacity, and therefore not omniscient. They do not teach that Christ, God and man in one person, was either ignorant or in error, which is what Dr. Colenso teaches. I do not feel it necessary to enter here further into the depths of this mysterious subject, or to defend

the terms of my Judgment, which is founded on the decisions of Œcumenical Councils. But I feel it right to observe that Dr. Colenso's language about our Lord has led already in his case to its true and logical, though perhaps not to its ultimate consequences. In No. 1 of the second series of published Sermons, preached since his return to Natal, he denies the existence of the Devil, or of evil spirits, and affirms that our Lord was mistaken in believing in their existence, and of course in His own power to cast them out, (page 7): "In truth, as the French writer complains, in this day of ours, no one, in practice at least, believes in the Devil. Why should we?" "If we indeed believe in the ever-blessed God, it is impossible to suppose that He will suffer an evil spirit,—nay, thousands and millions of evil spirits, whose power might be annihilated by a breath of His Divine displeasure,—to haunt every corner of this habitable globe, watching for every occasion to ruin and destroy the souls of wretched men, to sink them in irremediable woes, in everlasting torments." "Our Lord in the text does not merely recognize the existence of demons,—of demoniacal possession,—of the possibility of seven evil spirits entering into one man,—but He also adopts, and by adopting sanctions,—the current ideas of the people of His time, as to the habits of these unclean spirits, when not in possession of the spirit of man," (page 10). "It is far better to say at once that, as He grew, we are told, in wisdom and in stature, so He grew up, as a son of man, amidst the learning of the time, amidst the doctrines and modes of thought of the age, and so He spoke of these matters—of 'Beelzebub the prince of the devils,'—of 'casting out devils,' of the 'unclean spirit going out of a man,' 'walking through dry places,' 'seeking rest and finding none,' 'taking with him seven other spirits more wicked than himself,' and entering into his old home again,—just exactly as the most pious persons of that age would have done, in all sincerity and singleness of heart, because He acquiesced in them. It seems to me impossible that He would have used such expressions, which could only have had the effect of mystifying and misleading His hearers, if He did not entertain the views which the most devout held in those days,

while adopting the current language of the times. When therefore, as here, our Lord appears to speak of casting out demons, as equivalent to what we should now consider to be merely the cure of bodily or mental diseases, I cannot doubt that He spoke as a son of man, in the language and according to the modes of thought of the age in which He lived, and according to that system of Jewish theology in which He had been trained."

And this is He whom he still calls "Our Lord,"—whom he professes to believe to be God Incarnate,—who took man's nature into the Godhead,—a deceiver and being deceived when He taught that there were evil spirits, and when He professed by the finger of God to cast them out!

In a later Sermon, No. 9 of the second series, he boldly argues against and denounces the worship of Christ as unapostolical and unscriptural (page 16): "We have had abundant evidence before us to show that 'in the beginning it was not so,'—that Christ Himself and His Apostles would not have sanctioned this practice—that they would have us always say, when we pray, 'Our Father.' But gradually this practice increased more and more, of worshipping Jesus, instead of the Father, by singing hymns of prayer and praise to Him." "I need hardly say that the Church of Rome has gone far beyond the worship of Jesus, to pay worship to the Virgin mother and the saints. But in 'Hymns Ancient and Modern' you will find many expressions, which I believe would have been utterly condemned by our Lord and His Apostles—expressions in which not only is adoration paid to Jesus, instead of 'Our Father and His Father,' 'Our God and His God;' but," &c.

"Indeed the whole book overflows with words of prayer and praise directly addressed to Jesus, such as find no example or warrant in the lessons of our Lord Himself, nor in the language of the Apostles. It is quite another thing to offer our prayers to God *in the Name of Jesus*. For this we have Scriptural direction and apostolic example abundantly, and we have also the authority of the Liturgy of our own Church" (page 17). "I repeat, therefore, that the whole spirit of our Prayer Book,—as well as the teaching of our Lord, and the practice of His Apostles,—is opposed to the practice which is

rapidly growing in our day, and abounds in so many hymns both 'Ancient' and 'Modern,' of offering direct worship to the Lord Jesus Christ."

The Bishop of London (Speech, House of Lords, June 18, *Guardian*) makes his comments on the Judgment, and assigns, if correctly reported, reasons which he thinks might tend to "invalidate the whole proceedings." Amongst the faults which he finds is that of "referring to some unknown code of law, instead of to the Thirty-nine Articles and Prayer Book, and to the interpretation of them which has been sanctioned by our courts at home." Probably the Report of the Bishop's speech is incorrect, for it represents him as making statements upon a very grave subject which are wholly untrue, and would prove that he could not have read the documents of which he was giving an account to the House, and to the public. The fact is, that every charge brought by the presenting Clergy against the Bishop, was carefully compared with one or other of the Articles and Formularies of the Church; and the same course was pursued in the Judgment. Almost at its commencement I say (page 6), "In forming a decision as to the soundness or unsoundness of the Bishop's views, I shall be guided entirely by the language of the Articles and Formularies, including, of course, the whole Book of Common Prayer." To the supposed "unknown code of law," I shall presently refer.

It will be time enough to defend my language with regard to the authority of Dr. Lushington's opinions, when it is shown that the Court of Arches has any jurisdiction over this Church, which question I shall discuss hereafter.

I do not think it needful to enter further upon the comments which have been made generally upon my Judgment, or upon its decisions as to doctrine.

Upon other points I venture to offer the following observations. First, as to *jurisdiction*. I did not rest, as some have supposed, my claim to try Dr. Colenso simply upon the powers supposed to be conveyed by the Queen's Letters Patent. I rested my sentence largely, as I still feel I ought, upon the authority which they professed to convey; but I hold that without them, there was the right, and consequently

the duty, to try my Suffragan. I said (Judgment, page 4), "If there were reason to think that jurisdiction in a legal sense was not conveyed by the formal instruments which profess to give it,—which is at least uncertain, inasmuch as no constitutional government had been established in Natal at the period of their issue,—there can be no doubt that the Church, after long and careful deliberation, resolved upon the appointment of Metropolitans over Colonial Churches, and sent me out in that capacity ; or that the Crown co-operated with the Church in such proceeding, and gave its full sanction—of whatever value that sanction may be—both to the establishment of the office, and to the appointment of the individual who holds it ; or that the Bishop recognized both the office and the jurisdiction, and elected the Metropolitan as his judge, in accepting his Letters Patent ; or that he bound himself by a solemn oath to render due obedience to the See of Capetown, and the Bishop thereof ; or that he has repeatedly, throughout his episcopate, as has been proved by the documents put in at the commencement of this trial—even on a charge of supposed heresy preferred against him some time ago, by two of his own Clergy—submitted to the judgment of his Metropolitan ; or that, in the letter which he has requested may be considered as his defence, he has acknowledged that he stands in the relation of a Suffragan Bishop to the Metropolitan of this Province, of which he admits me to be the Metropolitan, with the powers and authority of that office."

Next as to the *Sentence*. I should not myself have drawn up the sentence in the form in which it appears. I employed legal advisers to do so, in consequence of the language of the Judicial Committee in the Long Case, which attributed blame to me for not doing so, though I could never understand by what right the Judges in that case claimed to dictate to an association, which they ruled to be purely voluntary, what should be the constitution of its tribunal. The eminent counsel whom I consulted drew up the Sentence, with which some have found fault ; but I think it right to say that neither they nor I ever thought of cancelling the Letters Patent of Natal ; but simply assumed to remove the Bishop of Natal from a spiritual office. The words of the Sentence are, " We

do hereby sentence, adjudge, and decree, the said Bishop of Natal to be deposed from the said office as such Bishop, and to be further prohibited from the exercise of any Divine office within any part of the Metropolitan Province of Capetown."

All the Bishops of the Province who came to the trial, and to the Synod, were consulted before the sentence was decided upon. It was referred to them in Synod; we discussed it there, and agreed upon it there, before I delivered it in Court; because I was perfectly well aware, that if we condemned in Synod only, as the more canonical method, I should have been told that I ought to have done so, not in Synod, but in Court; and if I had delivered judgment in Court, and not referred the matter to the Synod,—that the Synod, and not the Metropolitan, was the proper authority in such a case. The whole question as to procedure was fully discussed in the Bishop of St. David's case, and eminent men were ranged on either side. Hody took in turn both sides, as may be seen in his learned manuscript in the Lambeth Library. I believe that I acted rightly and wisely in referring the evidence and my judgment to the Synod, and obtaining its concurrence before delivering judgment in Court.

Again, as to *Appeals*. The course pursued by me with regard to an appeal from my sentence, has been called in question by Dr. Colenso and others. Dr. Colenso has repeatedly complained of it: "I am to be deposed by the simple 'sentence' of the Bishop of Capetown, acting with irresponsible power, such as has never been claimed by the Archbishop of Canterbury himself, whether before or since the Reformation, though still exercised, as of old, by the Papal authority in the Roman Catholic Church." (Letter to Laity, page 2.) This complaint has been frequently repeated. The Bishop of Ely seems to have been influenced by it, as appears from his fair-minded speech in Convocation, on the 28th June, 1866. Really, it is without foundation. For, first, the judgment and sentence are not mine only, but also are the acts of the other Bishops of this Province. Next, an appeal was allowed. I did, at the time of delivering my Judgment, all that I could do, as to an appeal, under the circumstances. I said, "I have only to add, that if it be desired, as has been intimated, to

make a formal appeal to his Grace the Archbishop of Canterbury, I shall consent to forward my Judgment to his Grace for revision, waiving in this particular case, which is of itself novel, and of great importance to the whole Church, any real or supposed rights of this Church, and feeling that it will be a very great relief to submit my decision to the Chief Pastor of the Church at home, and to share my responsibilities with him, and, if he should see fit, with the other Bishops of the National Church." Notice of appeal was then given by the Bishop's agent, in a way which seemed to imply that it would not be made to the Archbishop: upon which I said, "I cannot recognize any appeal, except to his Grace the Archbishop of Canterbury, and I must require that appeal to be made within fifteen days from the present time."

Now, under these circumstances, how ought I to have acted? The provisions of our Letters Patent as regards appeals from Bishops, are as follows: There is an appeal from the decisions of the Suffragan Bishops to the Metropolitan; there is no appeal beyond him. Any appeal in such cases, either to Canterbury or to the Crown, is expressly excluded. To the Metropolitan is given "full power and authority finally to decree and determine the same." There is an appeal from decisions in causes originally instituted before the Bishop of Capetown, as a Diocesan Bishop, to the Archbishop of Canterbury, who shall "finally decide and determine the said appeal." Here the Crown is excluded. In cases such as Dr. Colenso's, where the Metropolitan acts as Metropolitan, with the aid of Suffragans as Assessors, no right of appeal, as it appears to me, is given. There is, however, a general and vague sentence, which might be construed as implying it:—"We do further will and ordain, that the said Right Reverend Father in GOD, Robert Gray . . . shall be deemed and taken to be the Metropolitan Bishop, . . . subject, nevertheless, to the general superintendence and revision of the Archbishop of Canterbury, for the time being, and subordinate to the Archiepiscopal See of the Province of Canterbury."

Neither here, nor in any other document connected with the foundation of this See, is there the slightest allusion to

appeals to the Crown, or even to the Court of Arches, in spite of the assertions of Dr. Colenso, and the assumptions of the Bishop of London (Letter to Sir G. Grey, May 3, 1866; Speech, House of Lords, June 18, 1866).

When the Letters Patent speak of appeals, their language is not vague, like that above, but distinct and definite. Still it is very possible that the expressions here used might be construed as covering appeals from the sentence of the Metropolitan, though this is to my mind very doubtful.

It is perhaps needless to observe that there is not any law in force here which could be construed as giving an appeal elsewhere.

What was the course, I repeat, which under these circumstances I ought to have followed? I venture to think, that course which I did follow.

Had I admitted that there was by law an appeal to Canterbury, I might have admitted more than the truth; I might have compromised the rights of this Church. I should certainly have provoked the criticism, and drawn down upon me the condemnation, of many learned men and canonists, who affirm that there ought not to be any appeal from the Metropolitan to the Patriarch—who believe that to establish this would be effectually to create an "*alterius orbis Papam.*" Till the question should be settled, it was my duty to treat it as an open one—to grant the appeal, but not, in so doing, to compromise any real or supposed right of my office, or of the Synod of the Province. It could really matter but little to an appellant whether the appeal were granted as a right, or as a favour, provided it were granted. In form, I suppose, all appeals are regarded as a favour. Leave to do so, in our civil courts, is asked and granted. The appeal allowed to the Archbishop was not accepted; but instead thereof, the Crown was petitioned to hear the cause, and was asked to declare "That the Letters Patent granted to the Bishop of Capetown, in so far as they purport to create a Court of Criminal Justice within the Colony, and to give to the Archbishop of Canterbury appellate jurisdiction, . . . and in so far as they affect the appellant's right, . . . have been unduly obtained from Her Majesty, Her Majesty being deceived

therein, and that the same are of no force or avail in the matters complained of, and that the said pretended trial, and proceedings, and sentence, are null and void, and of no effect." The Petition further prayed Her Majesty to "be pleased to refer his petition of complaint and appeal to the Judicial Committee of Her Majesty's Most Honourable Privy Council, or to such other wise, judicious, and learned persons, as her Majesty may be pleased to commission to hear the same;" and that the "Petition may be served on the Bishop of Capetown, and that he be directed to transmit forthwith to the Privy Council Office a transcript of the proceedings and evidence in the cause on which the said sentence, or pretended sentence, was pronounced, that all proceedings under the said sentence, or pretended sentence, may be stayed and suspended, until Her Majesty's further pleasure be signified; and that the said Bishop of Capetown may (until Her Majesty's final pleasure and decision be signified on the premises) be inhibited and enjoined from offering any let or impediment to the petitioner, in the exercise of his said office, or in the possession of his said See, or of any rights, possessions, or emoluments thereof, or thereto belonging."

The petition was, as is well known, referred to the Judicial Committee of Privy Council for their consideration. And the same Judge who, as Attorney-General, had under his consideration the Letters Patent, and was responsible for their issue, in delivering judgment said—"Their Lordships will humbly report to Her Majesty their judgment and opinion that the proceedings taken by the Bishop of Capetown, and the judgment or sentence pronounced by him against the Bishop of Natal, are null and void in law." The other requests of the petitioner were not complied with. The Bishop of Capetown was not directed to transmit forthwith to the Privy Council Office any transcript of his proceedings, or sentence, or evidence on which it was based. Nor was he enjoined to "stay and suspend further proceedings," *i. e.* the sentence of excommunication, "until Her Majesty's pleasure should be signified." Nor was he "inhibited or enjoined from offering any let or impediment to Dr. Colenso in the exercise of the office of Bishop, or in the possession of the

said See, or of any rights, possessions, or emoluments thereof, or thereto belonging." To have complied with this part of the petition would have been to claim jurisdiction over the Metropolitan of Capetown, and this the Court expressly declined to do.

I do not here feel it needful to discuss any of the great questions which have been raised by this Judgment, beyond what is necessary for my present purpose. It decides that the Queen had no authority to clothe the Court of the Metropolitan with legal or coercive jurisdiction. That his Court being one not known to the law, could not deprive one holding a Patent office, of that office. It does not touch any spiritual authority of the Metropolitan, nor does it interfere with him in the discharge of his spiritual duties. The spiritual sentence is untouched by the Judgment of the Judicial Committee, whatever becomes of the Letters Patent and the holder of them. The Judgment is one against the Crown, rather than against myself. It takes from it that which had been held to be its prerogative, and which in spite of this judgment, is still held by some to be its prerogative². The decision of the Court made no alteration in the attitude of the Clergy of Natal, or of the other Bishops of this Province towards Dr. Colenso. The Clergy, with one exception, felt that they could never again receive him as their spiritual father and ruler. The Bishops were unable to recognize him as a brother. The faithful laity would hold no communion with him. The Provincial Synod had resolved that,—“Should the Bishop of Natal presume to exercise episcopal functions in the Diocese of Natal after the sentence of the Metropolitan shall have been notified to him, without an appeal to Canterbury, and without being restored to his office by the Metropolitan, he will be, *ipso facto*, excommunicate; and that it will be the duty of the Metropolitan, after the admonition, to pronounce the formal sentence of excommunication.”

He did return, and with the avowed intention of giving free utterance to all the Heresies for which he had been condemned, in the pulpits of the Diocese. He took exclusive

² See Mr. Barnes' learned argument.

possession, twice every Sunday, of the pulpit of the Cathedral Church, which was also the parish church, in defiance of the rights of the Dean and Rector, who had built the church; in defiance, I may add, of the laws and customs of the Church as they prevail in England; and of myself, possibly, in whom the Church was vested; and he was supported in these wrongful doings by the Supreme Court of the Colony. Sunday after Sunday, he not only proclaimed anew his former heresies, but added continually to them, till at length they have, since his separation, culminated in an open denial of the lawfulness, if Scripture is to be our guide, of all worship of our Incarnate God. He published the sermons containing these heresies for sale throughout the land. I cannot think that any other course was open to me than that of issuing the sentence of excommunication which the Provincial Synod had declared that it would be my duty to issue, cutting off our offending brother from the communion of the faithful. Some, who profess to have no doubt as to Dr. Colenso's grievous heresies, apparently think that I should have disregarded the decision of the Synod, and have done nothing. They say,—“It is very doubtful whether you ought to have done any thing, seeing that the Privy Council had then declared that you had no legal or coercive jurisdiction.”

Now let me for a moment pause, and examine what this kind of language involves. It raises what I believe to be one of the most important questions of this day,—the right of a Church to rid itself of unfaithful teachers by decisions of tribunals of its own appointment. The right to do this may, indeed, be more or less surrendered by Established Churches, as is the case at this time in England, where religious teachers, whose writings and doctrines her Synod has condemned, still hold cure of souls by the decisions of civil judges, and stand up to instruct the people in the chief churches of the metropolis. But we are not an Established Church. We are declared by law to be a voluntary religious association, in the same position, in no better, but in no worse, than other voluntary religious associations. Therefore, if we cannot through our own tribunals separate false teachers from our communion, no religious body can.

“But this question, as to the tribunal, is just the point at issue,” it is replied. “Was the Metropolitan the proper judge in this case? Has not the highest court in the land declared that he had no jurisdiction in the matter?” Surely there is a confusion of thought here. What has been declared is not that he is not the proper judge, for if not, there is none, but that he has not got that “coercive jurisdiction,” *foro exteriori*, with which the Crown endeavoured, but failed, to clothe him, and which was necessary to enable him to eject a Suffragan Bishop holding office by Letters Patent. There has been no attempt to touch the spiritual authority and jurisdiction with which the Church was the instrument of clothing him—on the contrary, there is a recognition of it; but if there had been, it ought not to have been acquiesced in, because such a question is beyond the sphere of a civil court. If I am a Metropolitan at all; if the right to separate a Bishop of the Province—or if that word is found fault with, of any portion of the Church—from the communion of the Church, exists; if the right and the duty to do this on certain occasions, and for certain causes, belongs to the Provincial Synod, or to the Metropolitan, or to both combined; and if the act of separation was in this instance in accordance with the rules which the Church has laid down for herself in such cases; if the cause were a sufficient one, and was shown before her tribunal to be so; then there can be no ground to question either the reality or the justice of the proceeding. It cannot then be, as one has ventured to say, against law, or reason, or justice. To these points, which I have no right to assume, I will for a brief while address myself.

First, as to the Excommunication itself. No one doubts that there was sufficient ground for it. I should have thought that every one would have felt that it had become a necessity, especially now that we have before us the later development of the teaching of which mention has been made, and for which I have been long prepared. As the question however, has been raised, and language used regarding it which has greatly surprised and distressed me, I would venture very earnestly to ask, Whether the Church can, without the very deepest sin, recognize as one of her ministers, in communion

with herself, one who has taught, and continues to teach, in spite of all her remonstrances, many fearful heresies, and amongst them this, that our Incarnate GOD ought not to be adored? Whether not to separate him from her communion would not be an act of unfaithfulness to that Lord? Whether Churches or individuals that hold communion with him, do not go far to cut themselves off from communion with Christ? Communion is the instrument by means of which we are knit together in one, in Christ. It is an act of Christian fellowship—of spiritual oneness. It identifies those who join in it with each other. It establishes the closest and most intimate union. It is cruel to those who are in danger of being led into communion with false teachers, it is not charity to them, not to warn them of their danger. It is not safe for ourselves to make light of so grave a question. But has the separation actually taken place, and taken place in accordance with the rules of the Church? This will depend, first, upon the fact of my being Metropolitan. What is the evidence of this? The Judgment of the Privy Council does not question the fact. It recognizes the office, while stripping it of outward jurisdiction. If, indeed, I am not a lawful Metropolitan, I am not a lawful Bishop,—and there is, in most of our Colonies, no lawful Bishop. For both offices are created in the same way, by the joint action of the Church and State. Nay, the Metropolitans of Canada, New Zealand, South Africa, have a greater weight of authority for their ecclesiastical position, than any other Bishops in the Colonies; for they were fixed upon for their respective offices by a large body of Bishops, summoned by the Archbishop of Canterbury, at the request of the Duke of Newcastle, the Queen's Minister for the Colonies, to consider the question, and they were approved of by the Crown; whereas Suffragan Bishops have been appointed, and Dioceses have been founded, often without any consultation with the Church at home, or in the Colonies, upon the sole recommendation of the Archbishop of Canterbury for the time being, as was the case with the See of Natal, and they have sometimes been appointed without even that recommendation. Dr. Colenso does indeed question the right of the Bishops of the Church of England to decide whether there should be

Metropolitans of our Colonial Churches. He says ("Remarks," page 20), "A resolution of certain Bishops is spoken of as a decision of the Church, to which the Crown gave what force of law it was in its power to do. Convocation had no voice in the matter; the laity were not consulted; only a private conclave of Bishops, English and some Colonial, resolved that Metropolitans should be at once appointed, and then the concurrence and joint action of the Crown in this matter was sought and obtained. And this is called the action of the Church."

Now, this is not a true statement of the case, for first, the whole of the Bishops of the Church of England, and all Colonial Bishops then in England, were summoned to that conclave; and next, they met by invitation of the Crown, through its Minister, and Dr. Colenso has often during these controversies attributed great weight to the authority of the Crown, as representing officially the Laity, the embodiment of the lay mind and will; and lastly, their act has been recognized by the Church in this land, and by the Church of England herself in her Convocations.

They who question the existence of a Metropolitan of South Africa, in consequence of defect in the mode of appointment, must question the existence of the office altogether in primitive times, for there is as full sanction for that office in Africa in this day, as ever there was in the Church of the three first centuries, or even at the Council of Nice. That it existed during those centuries cannot be questioned. It may, or may not, have originated with the Apostles. St. John may, or may not, have been Metropolitan of Asia, but there is no doubt that the Apostolical Canons speak (can. xxxiv.) of the office as in full vigour at the time of their enactment, and Bingham's sixteenth chapter of his Second Book will furnish sufficient authorities for those who have not the works of canonists like Van Espen, Durand, De Maillane, or Thomassin to refer to.

The famous sixth Canon of the Council of Nice speaks of the office as having long been in existence; it does not create it—"Let the ancient customs be maintained." It gave its sanction to what it found, and what previous Councils had

approved, and stamped it with a new authority. It rests with those who question the position of the Metropolitan of South Africa, to show that he holds his office under a lower sanction than the Metropolitans of the Church of the first three centuries; or that any other authority than that of Bishops was needed to give them their status and jurisdiction. The consent of the State, still less its appointment, could not have been needed, or given, before the Council of Nice, for the State was, up to that time, heathen, and persecuted the Church.

The office, then, clearly exists. What are its functions? Have they been exceeded in this case? How are we to judge in such a matter? The canons of the Church are the proper authorities to appeal to on such a subject. "But what canons?" says Dr. Colenso (Letter to Members of the Church of England, January 11, 1866, page 2). "You speak of the canons of the Church from the earliest ages. I desire to say for myself, and I believe I may say for the great majority of the laity, that we recognize no laws or canons of any Church in this matter, except those of our own Church. We have, therefore, nothing to do with the canons of the Universal Church," such as the Canons of Antioch, confirmed by the General Council of Chalcedon, to which the Bishop refers, "as forming part of the canon law of the English Church." He uses much the same language in his "Remarks," page 20, and again page 8, where he sneers at me as "issuing sentences of deposition and bulls of excommunication as a Bishop of the Church of South Africa, justified by the Canons of Antioch, confirmed by the General Council of Chalcedon." Now what I have affirmed, almost if not altogether in the words of a learned canonist, and shall continue to affirm till I am shown to be in error, is this, that "The collection of the Canons of Antioch, confirmed by the General Council of Chalcedon, which embodied the fundamental principles of Church law, and governed its practice, was adopted by Justinian into the civil law, and thus passed into the law of most Christian States. That in the seventh and eighth century, it was received in England by the ecclesiastical and temporal powers, and thus became the law of the land. That it is the basis of the general law of the Church,

and, as received in England, of the common law, as relates to matters ecclesiastical. That this code is the inheritance of the Church in the Colonies, and the badge of its union with the Church of all ages—the surest guide to maintaining its unity for the future.” (Charge, 1865, p. 21).

In many matters these canons have been affected, as we all know, by subsequent canons, and subsequent legislation; but they are the basis upon which is founded the metropolitanical jurisdiction of the Archbishops of Canterbury and York; and they are the rules which define the powers of these Metropolitans, except in so far as these have been affected by Acts of Parliament. They must be the rules by which Metropolitans of Churches in communion with the Church of England should guide their proceedings, and by which their powers should be regulated. It is to these “ancient canons,” indeed, (especially the second Canon of the Council of Nice, and the eightieth of the Apostolic Canons,) that the Archbishops of the Church of England refer when they consecrate Bishops; to which the Archbishop of Canterbury referred, as authorities by whose decisions he ought to abide, when consecrating Bishop Colenso; and the words which he uses on such occasions have the full sanction of the State (which I suppose will have great weight with those who think that all spiritual authority is derived from the State), every portion of the Prayer Book being stamped with the authority of an Act of Parliament. What then is the authority with which these canons clothe the Metropolitan’s office?

They give him power to call provincial synods (Antioch. Can. xx.) and to preside in them (Antioch. Can. ix.). He is to have the care of the whole Province, to visit Dioceses, and correct abuses (Van Espen, pars i. tit. xix. cap. iii. sec. 3). He is to refer causes affecting the Bishops of the Province to the Provincial Synod. If a Bishop is accused, he is to be convened before the Provincial Synod (Apost. Can. lxxiv., Council Carthage iii., Can. vii.). By Justinian’s Law he had power to hear causes upon appeal himself without a synod. Yet whether he could proceed so far as to depose a Bishop by his sole authority is questioned (Bingham, book ii. chap. xvi. sec. 16). If he did depose alone, there lay, by the same law, an

appeal from his decision to the Provincial Synod. It is his duty to take care of vacant sees within his Province; and to supply the vacant see with a new Bishop. Van Espen says (pars i. tit. xix. chap. iii. sec. 4), “*Hinc uno consensu tradunt canonistæ, de jure communi Metropolitanum esse judicem ordinarium suorum Suffraganeorum, et contra illos per solam querelam, etiam sine appellatione, posse coram Metropolitano induci accusationes; ipsosque Metropolitanos posse quibusque censuris in Suffraganeos ex justâ causâ agere, apertissime concedunt.*”

I think that I have now shown that the See of Capetown is a Metropolitan See, if the sees named in the sixth Canon of Nice, or the other Metropolitan Sees of the early Church, were really such. That it has, what they had not, the sanction of the State as well as of the Church. That it wants no sanction which, say for instance, the Metropolitans of Alexandria, Alexander and Peter and Dionysius, had, long before the Council of Nice. I think also I have shown that, in the course pursued with regard to the Bishop of Natal, the Metropolitan proceeded both in the way that the canons of the Church, recognized and received by the Church of England, required, and as the only precedents in that Church seemed to require him to proceed. That there was just and sufficient ground for his procedure; nay, that it became a necessity to proceed, and that to have shrunk from doing so, on account of the difficulties in the way, or the expense, or the pain and anxiety occasioned thereby, would have been an act of unfaithfulness to Christ, and to His body the Church,—would have been to betray the Lord.

Upon what ground, I ask, can men cast their imputations, as the Bishop of London has done, upon us, and upon our acts? Upon what ground can any Bishops of the Church of England in Synod assembled hesitate to say that they, and the Church which they represent, are not in communion with him whom we have, God knows most unwillingly, been constrained to cast out? What law of man forbade our separating from our communion one who has been proved to have taught many heresies, and now at length repudiates the worship of our adorable Lord? What law forbids the Church of

England doing this? If human law does affect to constrain the Church to hold communion with unbelievers, or teachers of fearful heresies, I ask with all seriousness, and with the deepest convictions of the gravity of the question, Is the law to be obeyed? Will not obedience to such a law compromise the standing of the body that yields it in the kingdom of our Lord?

The sentence of Excommunication was not issued without much and anxious consideration. It was not determined on in Synod without long deliberation, and invocation of the Holy Ghost to guide us. The decision was unanimous. I had no right, even if I differed, or afterwards doubted, which I did not, to set aside the verdict of the Synod. I might, however, suspend it so long as there was hope of recovery. I ought to do this; and I did so.

Before issuing it delay was purposely afforded,—admonitions and remonstrances, and at last tender entreaties, were addressed. They were all in vain. At length the sentence was pronounced; but not before another proposal had been made. I offered to submit both the judgment and the sentence which I had pronounced, and which had been agreed to by the other Bishops of the Province, for final adjudication, either—

1. To his Grace the Archbishop of Canterbury, to be heard by him with the assistance of such other Bishops of his Province as he may see fit to summon.—I put this prominently forward because it seems to have been the course decided upon by the Crown and the Church at the foundation of the See, and marked out in the Letters Patent.

2. To a synod or other gathering of the Bishops of England, or of the United Church.

3. To a synod or other gathering of such of the Bishops of our communion throughout the Empire as can be assembled in London, for the hearing of the case, upon the invitation of his Grace the Archbishop of Canterbury. And I offered to use earnest endeavours to obtain a hearing of the case at the earliest possible period, by whichever tribunal he might prefer; giving my reasons at the same time for declining to submit the cause to tribunals not recognized either by the Letters Patent, or by any law binding upon me.

My offers were not accepted. Instead of them, counter-propositions were made. Dr. Colenso said in reply, "I appeal to you, as I have lately appealed to his Grace the Archbishop of Canterbury, to address an humble petition to Her Majesty, praying that a Commission may be appointed to examine and report upon my books, if you think they deserve to be condemned" (Letter published by Dr. Colenso, page 14). And again, "I am quite ready to submit my writings, in accordance with the provisions in your own Letters Patent, to the Archbishop of Canterbury, not, of course, to the Archbishop in person, but sitting in his Ecclesiastical Court," *i. e.* to Dr. Lushington. "I reserve my right of finally appealing to Her Majesty" (Letter, January, 1866).

Now I have no right to assume that Dr. Colenso was only trifling with the question, or that he was making proposals which he knew could not be accepted; for others appear to think with him. The Bishop of London thinks that I should bring Dr. Colenso's teaching before some court or other: (Speech in Convocation, June 28, 1866): "I think it would be the right course for the Bishop of Capetown, instead of adhering with extraordinary tenacity to the step which has been declared null and void, to reconsider the matter, and endeavour to institute such proceedings as may be sustained by law; and I do not believe that any difficulty stands in the way of his pursuing such a course." I feel it, therefore, due to myself to say why it would have been impossible for me to have complied with Dr. Colenso's invitation, and why I could not now comply with the Bishop of London's indefinite proposal.

There are only three courses which have been suggested,—the bringing the case, either by appeal or *de novo*, before the Court of Arches, or before the Judicial Committee of Privy Council; or by petition to the Queen to appoint a Commission. I will offer a few words on each of these.

I. As to the Court of Arches. It is obvious to remark that if the case could have been brought before that court by appeal, it would have been the duty of Dr. Colenso to do so. He did not decide upon this. I do not see how he could have been heard, if he had. It would, however, be simply ridi-

culous for me to appeal against my own judgment to any court. It is clear, I think, from all that has transpired, that the Letters Patent have not clothed the Court of Arches with any appellate jurisdiction over this Church. Whatever might be the power of the Crown, as regards the creation of courts, or clothing them with jurisdiction in this country; it is, I suppose, clear, as a constitutional question, that it cannot do this in England. It can neither create a court there by its sole fiat, or add to the jurisdiction of an existing court.

But if this be so, as regards appeals, it is equally so as regards original jurisdiction. There is absolutely no ground whatever for supposing that the Archbishop of Canterbury, or his delegate, the judge of the Court of Arches, has any original jurisdiction over the Bishops of this Church.

The case could not get, and ought not if it could, by any act of mine, into the Court of Arches, unless I were to prosecute Dr. Colenso for offences committed by the publication of his works in London; and then I should be intruding upon the functions and office and jurisdiction, of a Bishop of another Diocese. I hold, further, that it never was the *intention* of the Letters Patent to give jurisdiction to the Court of Arches over the Metropolitan of this Province. It would have been uncanonical to give to the court of one Metropolitan a jurisdiction over other Metropolitans; and the provisions of the Letters Patent are founded on the canon law, of which they are strictly observant. The appeal was evidently intended to be to the Archbishop in person, in his capacity as the *de facto* Patriarch of our Churches; to give him patriarchal power over Colonial Churches, such as he once had over Ireland. Dr. Lushington could not then, even if it had been intended that he should, hear an appeal from that which is no court in the eye of the law. Neither could he hear the case as an original one. He has absolutely no jurisdiction as regards South Africa, or the Church in this land. The jurisdiction of his court is limited by law to the Province of Canterbury. It does not even extend to York; still less does it extend to the Colonies. The question could not have been brought before him at all, except in a private capacity, as an arbitrator. With every respect for the venerable judge, I do not think

that it would be a becoming act in the Bishops of a Province to select him to decide for them whether they had given a right decision on matters affecting the faith ;—to select him in preference to the Archbishop, whose delegate he is,—instead of the whole body of the Bishops of England and Ireland—instead of a National Synod.

The question of my submitting my judgment, or the whole case *de novo*, to Dr. Lushington, and recognizing him as my ecclesiastical superior, is really one which no one who had thought upon the subject could, one would have supposed, have entertained. It would have been to create, by consent, a jurisdiction over this Church which would have been most burdensome and costly, and would prove fatal to its liberties.

II. But why not bring the case before the Judicial Committee of the Privy Council? Has not the Bishop of London said that he sees no difficulty in the matter? He has openly declared, “I do not see any thing to prevent the case coming before the court, and to prevent your Grace, the Archbishop of York, and myself, from being summoned as assessors at the Privy Council” (Speech, June 28). But how is this? The Judicial Committee of Privy Council, in which these high ecclesiastics sit as assessors, is a Court of Appeal, and in ecclesiastical matters a Court of Appeal solely for England. From what court is the appeal to it to lie? It can only lie, so far as I can discover, from the Metropolitan Courts of York or Canterbury. But how is the cause to get into those courts? They have no jurisdiction over us, or over offences committed in South Africa. The Judicial Committee of the Privy Council could not, with the aid of the Archbishops and Bishop of London as assessors, hear the cause as an original cause. It is without any jurisdiction to do so. There is no court in England which could hear this case in the ordinary process of the law; and I should not feel at liberty to confer upon any court, by consent, a jurisdiction over this Church, which no law, human or divine, has given to it. To do so would be, I repeat, to compromise the liberties of this Church, which I have no right to surrender; for it would be an admission that it has no inherent powers in itself to rid itself of unfaithful ministers. And it would be to lay an intolerable

burden upon this Church. Henceforth, all discipline would be destroyed, for it would be impossible to exercise it except through the costly process of an action before the Privy Council. We should have to take all our causes, and our witness too, if required, 6000 miles, at an expense which would be ruinous to Churches which are miserably poor. A wealthy prelate may make light of this, but to us it is a matter of life or death. There would be no discipline, and the Church would perish. The cost alone, were there no higher grounds, would compel us to refuse to carry our causes, or our appeals, before the Privy Council. It has been said indeed, without much thought, if the Colonies bear the cost of appeals to the Privy Council in temporal causes, why-should they not in spiritual? The answer is, that *de facto* the appeal is not made except in cases where grave legal or constitutional questions are at stake, or where large pecuniary interests are involved, or where it is worth while to incur the cost in the hope of a favourable decision.

III. Then, why should not the Crown, all other plans having failed, be invited, as Dr. Colenso suggests, to appoint a Commission to examine and report upon his works?

Surely no thoughtful person, conversant with history or with constitutional questions, could for a moment think such a course admissible: for the law has given no such right to the Crown, even in the case of the Establishment, and still less in the case of the un-established voluntary associations, which the Churches in the Colonies are. Nay, more, the power which once was lodged in the Crown to do this was taken away by the Legislature, as having been abused. To consent to such a course, would be, as I have often remarked, and as I am glad to see Sir R. Palmer has affirmed (Speech before Master of the Rolls), to re-establish, with our concurrence, the Court of High Commission for the government of the free Churches in our Colonies. That Court and the Star Chamber were destroyed in England as inconsistent with the liberties of the people. Such a court would not be tolerated for a single day in matters of a civil character. God forbid that we should tolerate it in the more vital questions of the faith. It would place in the hands of the Minister of the

day the right and the power to select any judges that he might please, to define for our Churches throughout the empire, what their faith should be. So suicidal a proposition could not have been accepted, as I believe, without betraying the cause of Christ, without an utter abandonment of the rights and liberties of the Church and of the people.

Thus, then, matters stand at present. Dr. Colenso is deprived of his spiritual office and functions by the recognized tribunals of a branch of the Church of Christ. He is separated by those tribunals, in accordance with the Canons of the Church, from the communion of the faithful. He has still possession of his Letters Patent. He holds a titular office. He has no diocese,—no jurisdiction,—no spiritual authority. The clergy of the country repudiate him,—the faithful laity hold no communion with him. He has followers, but they are not the faithful laity of the Church.

The sentence of Excommunication was officially communicated by me to the Archbishops of the Churches of England and Ireland; to the Metropolitans of our Colonial Churches, for the information of the Bishops of their respective Provinces; to the Senior Bishop of the Church in America, and to the Primus of the Church in Scotland.

The Archbishop of Canterbury was also requested by me, in the name of this Church, to ask the Synod of the Province of Canterbury whether the Church of England was in communion with Dr. Colenso, and the heretical Church which he was seeking to found, or with the Bishops of the Province, who had separated him from their communion. The motive for this question could hardly, one would have thought, have been misinterpreted. Dr. Colenso had declared that he was the one true representative Bishop of the Church of England;—that in separating him from our communion we should separate ourselves from the communion of the Church of England, and set up a schismatical Church of South Africa. Souls were distressed, perplexed, misled by his assertions, and some had thereby been induced to hold communion with him, as we believe, to their own great loss. How our question should be construed into a “menace” it is hard to understand, more especially as the reasons for proposing it were

fully stated in the letter which conveyed it, and which was read, I am informed, to the Synod. We had a right to believe that a Synod of the Church of England would be glad to disclaim communion with one who had departed so widely from the faith, and yet claimed communion with it, and to strengthen the hands of those who were defending the faith, by giving the answers which none but itself could give; and which charity to the souls for whom we are all, in our measure, responsible seemed to require.

Upon the receipt of the replies to the questions put by myself, and by the Conference of the Clergy and Laity who met at Pietermaritzburg on the 29th of June, 1865, the Church of Natal, recognized as being in communion with the Church of England, and justified by the counsel and encouragement given on the subject of the choice of a Bishop for themselves, met in Conference by invitation of the Vicar-General, on October 25th at Pietermaritzburg, to consider what its duty might be. All the clergy, and all male communicants of the age of twenty-one years, were invited to attend. I have not yet heard what was the result of their meeting.

Dr. Colenso himself, condemned by every portion of the Church which has as yet spoken,—conscious, one would think, at length, that in no sense can his teaching, especially as to the worship due to our Incarnate Lord, be reconciled with the doctrines of the Church of which he still proclaims himself to be a Bishop,—still holds tenaciously to the title which is by law his, and to the status which it secures to him.

Can nothing be done, men have asked, without the abandonment of any principle, or of the Church's liberties, to deprive him of this show of authority, which he refuses to surrender? I can do nothing,—nothing, at least, without ignoring my own office,—without a condemnation of my own acts, which I still hold to be right and lawful acts;—without slighting the Canons of the Church, without compromising, as I believe, the freedom of the Church.

But is it so clear that others can do nothing? I do not myself feel sure that the Bishop of London can do any thing, though others have thought so, and I am not aware that he has ever taken a legal opinion on the subject.

But I believe all Dr. Colenso's writings have now been published in London ; for one volume, at least, of his sermons, preached since his return to Natal, is at this time being re-published there.

Feeling so strongly, as the Bishop says he does, that Dr. Colenso is wholly unfit to fill the post of a Bishop of the Church, and disapproving, as he does, of the course pursued by myself, I venture to invite him to submit Dr. Colenso's writings, if he can lawfully do so, to the examination of an Ecclesiastical Court, and to obtain its decision upon those writings. If the verdict of such a court should be that they are not in accordance with the teaching of the Church of England, I should suppose that the Crown could, and would upon petition, cancel Dr. Colenso's Letters Patent ; he having repeatedly expressed his conviction that it has the power to do this, and his readiness to submit to the decision of the Crown. (Remarks, page 22.)

The honour of the Church of England, I might also add its very safety, seems to me to demand that matters should not rest where they are ; for it is apparently in consequence of the possible legal rights which Dr. Colenso might have with regard to the Church of England that the Bishops of the Province of Canterbury hesitated distinctly to say that the Church of England held no communion with him. Knowing what communion means,—that it implies spiritual oneness,—union of the closest kind,—and that the holding of the Queen's Letters Patent by Dr. Colenso prevents the Church from saying that such union does not exist with one who denies that our Incarnate GOD ought to be adored, there is surely a call for the only Bishop of the Church who can apparently move in the matter, if he can do so, to submit the writings which have caused so great a scandal, and are bringing such heavy reproach upon the Church, to a court of law. The question is one which no longer affects this portion of the Church. Dr. Colenso is not in communion with it. No human power will be permitted to force him back upon us, unless by God's grace he should be brought to repentance, and to the truth.

But it is not so, as some of her Bishops say, with the Church

of England. Has it not then become absolutely necessary that it should be ascertained whether the law compels her to hold communion with heretics; and if it should prove that it does, that she should demand an alteration of the law? There are many who will wait with deep anxiety till some decision is arrived at as to the course to be pursued, under the avowals that have been made; many who have loved to think that God was training, through His chastening discipline, the Church of England to be a mighty blessing to this earth,—to become the centre round which all who love Christ and His truth might gather, under the shadow of the true and primitive constitution of the Church; but which she never can become unless she holds and maintains the faith of Christ above all earthly trappings and treasures; and requires all who teach with her authority, or claim to be in communion with her, to proclaim it in all its purity and integrity.

P.S. It was not till I had written nearly the whole of this statement that I saw the speech of Dean Stanley in Convocation on the subject of the trial of the Bishop of Natal on 29th June; and the debates in the Upper House on the questions proposed by the Conference of clergy and laity in Natal.

The speeches delivered on these occasions call for a few observations.

I shall not discuss Dean Stanley's views as to the doctrines of the Church. Others have more to do with these than myself. It is with his statements as to facts that I propose alone to deal. These are enunciated in an elaborately-prepared speech, the accuracy of the report of which in the *Guardian* does not appear to have been challenged. Of the tone of that speech I will only say that it is unworthy of the Dean of Westminster. I, too, could use scornful and cutting words, as well as he. I have been tempted to do so, but have forbore, believing them to be unchristian, and believing also that Dr. Stanley will regret the language into which he has been betrayed, and will yet learn to deal fairly, if not generously, with those to whom he is opposed.

On the subject of the trial of Bishop Colenso, Dr. Stanley,

in illustration of his charges as to the "arbitrary way in which the Bishop of Capetown proceeded against" the Bishop of Natal, and his "deviation from justice and the law of the Church of England,"—says (I quote from the report in the *Guardian*), "The Bishop of Capetown assumed that even though these two Bishops" (Grahamstown and the Free State), "had differed from him, he would equally have had the right, as Metropolitan, to depose the Bishop of Natal." When told there was "no proof" of this,—he replies, "But he says so himself; when the trial was over, he said, in effect, that he was very much obliged to the other two Bishops, and that he took their advice only as the advice of assessors: and the sentence of Deposition which he pronounced was entirely by virtue of the power vested in him as Metropolitan. He thus implied that, if they had given him advice contrary to that which they did give, he should equally have felt himself justified in deposing the Bishop of Natal; so that the small residuum of check which the Synod may be supposed to have exercised over his proceedings is cut away by the fact that he acted upon his own sole responsibility as Bishop of Capetown, and quite independently of the Synod."

Again, he says,— "I foresee that some one will perhaps say that, although it is true the Metropolitan of Capetown claimed to himself the absolute power of deposing Bishops and clergy on any ground that seemed good to him, yet still, &c."

These few sentences contain several misrepresentations, which I feel bound to notice.

It is clear that Dean Stanley had seen the proceedings of the Synod, as well as those of the trial, for he refers to them. He knew, then, that a Synod had been held, after the Court had heard all the charges against Bishop Colenso, but before judgment was given; that the Synod put forth a report of certain "Acts and Constitutions," adopted in such Synod; that amongst these was one, signed by all the Bishops present, in which it was stated that "the Metropolitan communicated to the Synod the sentence which he proposed to deliver, after hearing the charges brought . . . and the grounds upon which he had arrived at his conclusion;" and that "the Synod desired to express its conviction that

the charges had been proved, and its approval of the sentence about to be passed upon the Bishop by the Metropolitan." With these facts before him,—with the knowledge that the Metropolitan did not pass sentence without consultation with his Synod,—that its judgment was desired,—that the grounds upon which the Metropolitan had formed his own opinion were submitted to the Synod,—that not its concurrence only, but its approval, was sought and obtained, all agreeing; Dean Stanley does not shrink from saying that the Metropolitan "acted quite independently of his Synod; and that he implied that, if they had given him advice contrary to that which they did give, he should equally have felt himself justified in deposing the Bishop of Natal."

But may there not be something in the language of the Metropolitan during the trial, or in his judgment, to justify that charge?

Dr. Stanley does not refer to any words of the Metropolitan in support of his accusation. I will supply his deficiency, premising only, as I have already observed, that the course actually pursued arose out of the position in which I was placed. The Letters Patent made no mention of suffragans as assessors or co-judges. They speak only of the Metropolitan as hearing charges brought against suffragans,—“We do further will and ordain, that, in case any proceedings shall be instituted against any of the said Bishops of Grahamstown and Natal, when placed under the Metropolitan See of Capetown, such proceedings shall be originated and carried on before the said Bishop of Capetown, whom we hereby authorize and direct to take cognizance of the same.” But they do not seem to exclude the suffragans, so as to make their presence unlawful, and thus invalidate the proceedings. They were, therefore, summoned to hear the case. Clearly, however, the judgment and the sentence, according to the provisions of the Letters Patent, must be given by the Metropolitan alone. The suffragans were present, because their presence was right and not forbidden. They did not give judgments, but opinions, because their doing so would not have been in accordance with the provisions of the Letters Patent. Had we departed from the course marked out in the

Letters Patent, can any one doubt that the lawyers and Dean Stanley would have eagerly fastened upon the fact, and made the most of it? Every thing that could be done to guard the privileges of my comprovincials was done.

The Canons require that a Deposition of a Bishop should be with the consent of the Synod of the Province. The Synod was called, and the matter laid before it. Had the suffragans not concurred, the deposition would have been uncanonical—absolutely null and void.

But what is the language of the judgment itself, which Dr. Stanley has ingeniously perverted into a claim of absolute, uncontrolled, arbitrary power? Every where the authority is shown to rest, so far as the terms of the Letters Patent admitted, not with the Metropolitan alone, but with the Episcopate of the Province. My very first words are,—“The case which has been brought before myself, and the Bishops of this Province;” and immediately again I speak of the “distress to the Bishops of the Province, called, as they are, to *sit in judgment* upon one who has been their fellow-labourer for so long a period.” Further on I say, “The Bishops of the Province may, of their own accord, in their Synod, call the accused to account, hear and discuss his teaching, and acquit or condemn him.” And at the close I say, “Considering the office of the accused—the almost entire absence of precedent—the novelty of my own position, and that of my brethren, who have been my assessors—the gravity of the charges brought,—I would gladly have shrunk, had it been possible, from the responsibility of acting, and have left this painful case to be dealt with by the Bishops and doctors of the mother Church. By general consent, however, it has been concluded that the burden must be laid upon the *Metropolitan and Bishops of the Province*, all of whom have been summoned as my assessors on this occasion.” Before giving judgment, I add, “In this opinion, and in the sentence which I am about to give, my assessors entirely agree.” And in the sentence itself, I say,—“Whereas, on the said 17th day of November, we did, as such Metropolitan, hold a Court in the said Cathedral Church, having previously invited certain of the Bishops of this Province to be present as assessors, and

the Bishops of Grahamstown and of the Orange Free State being present with us as such assessors." And again—"After due consultation with the said Bishops of Grahamstown and the Orange Free State, present with us as assessors, we do," &c.

Every where, except where it was absolutely required by the Letters Patent that the Metropolitan should appear, the assessors are put forward, though they are not even named in the instrument prepared and issued by the Crown.

Dr. Stanley, professing historical accuracy, furnishes a caricature. He does worse: he misleads the House by mis-statements—I do not say that they are wilful—as to facts. This is my first complaint against him.

But he is not content with this. He proceeds next to state the principles laid down in the judgment, and again grievously misrepresents one who could not easily reply. He says, "The Bishop of Capetown candidly confesses that the Thirty-nine Articles contain nothing whatever on some of the doctrines alleged against the Bishop of Natal. But then he says (I am not, of course, quoting his exact words, I have not had time to refer to them, but in effect he says), That does not concern me in my capacity as Metropolitan of the Church of South Africa—I am not to be bound by the *Thirty-nine Articles*. I take a much wider range. I go to Catholic antiquity, to a stream of divines, and to the concurrent testimony of remote ages of the Church. *These are the grounds on which he pronounced the Bishop of Natal's deposition.* Now this opens a very serious question." And again (he professes only to give the general sense of my words),—"I am not bound by the judgments of the Court of Arches. I rule the Church of South Africa. I rule it upon principles which I choose to take from early and remote ages, and by them I will judge, condemn, and deprive, the Bishops and clergy of my Province." What is my real language? (Judgment, p. 81.) "In forming a decision as to the soundness or unsoundness of the Bishop's views, *I shall be guided entirely by the language of the Articles and Formularies, including, of course, the whole Book of Common Prayer.* I do not mean thereby to imply that these are the only tests by which the Bishops of

this Church should try the teaching of her ministers. I am of opinion that the decisions of those Councils which the Church of England regards as Œcumenical are the very highest authorities by which they could be guided; and the received faith of the Church in all ages, even though not defined by any Council, if it can be ascertained,—as for example, on such a question as Inspiration, in connexion with the Holy Scriptures—must also be a guide to them, which cannot be disregarded. In the present case, however, though I may refer to these authorities as illustrating and confirming the doctrines of the Church of England, and compare the Bishop's teaching with them, I shall not base my judgment upon them." Accordingly, *each of the nine charges* (not six, as Dean Stanley says) *is compared with the written standards of the Church of England, and decided* (with a single exception, to which I will presently allude) *by that test alone.* My words are—"We have found it sufficiently proved, that certain of the said extracts . . . do contain opinions, as charged, which *contravene and subvert the Catholic Faith, as defined and expressed in the Thirty-nine Articles of Religion, and the Formularies of the Book of Common Prayer of the United Church of England and Ireland*; and certain other extracts . . . do in substance deprave, impugn, and bring into disrepute the Book of Common Prayer."

It is, therefore, simply untrue to say, as Dean Stanley has done, that these were not the grounds on which the Bishop of Natal was deposed. He has distorted and perverted facts to serve his own purpose, and to mislead the Lower House of Convocation.

The one point—there was only one, though Dean Stanley says "some"—on which I ventured to condemn Dr. Colenso's language, when it did not contradict any express statement or definition of the Church, was when he charged our Lord with error. I ruled that there might be offences against the Church's teaching, though not condemned by the express words of any formulary, and I held, and still do hold, that this is such an offence. The subject is discussed in a passage which is too long to quote, in pages 57, 58 of my Judgment. In deciding it, I say,—“Bearing these principles in mind, I

must rule that in denying that the five books commonly, almost universally, in all ages, ascribed to Moses, were really written by him, and in attributing them to Samuel, the Bishop does not contradict the express language of the Church of England. . . . But is it lawful for the Bishop to teach that Samuel, and not Moses, was the author of the Pentateuch? I think not. . . . It involves the rejection of our Lord's authority. . . . And this is one of those instances to which I have just referred, in which there may be an offence against the Church's teaching, while there is none against the express language of the Articles and Formularies."

Now, as Dean Stanley says, "this opens a very serious question,"—a question which requires very different treatment to that which it has received at his hands. The principle which I have affirmed is,—

I. That the decisions of Councils which the Church of England regards as Œcumenical, on matters of faith are standards, in addition to our Formularies, "by which the Bishops of this Church should try the teaching of her ministers."

II. That besides these, "the received faith of the Church in *all* ages," . . . "on such a question as Inspiration," . . . "must also be a guide to them which cannot be disregarded."

As to the first of these, Dr. Stanley suggests that it would lead to intolerable and absurd results. He says that, according to the principles thus laid down, I should be entitled to apply all the Canons of the Council of Nice, and the provisions of the Apostolical Canons, on such subjects as the "celibacy of the clergy," in dealing with offences of the clergy, and that if the Lower House of Convocation recognized the deposition of Dr. Colenso, it would be sanctioning this principle.

Now, in the first place, I did in my Judgment expressly limit the authority of Œcumenical Councils to matters of faith. Their decisions were to be standards by which the "Bishops of the Church should try *the teaching* of its ministers." In saying this, I declared nothing more than was authoritatively affirmed at the Reformation, in an Act to which (page 64) I referred. I spoke of "those great Œcu-

menical Councils whose decisions upon questions of heresy were made binding on the Church of England, by the Act of 1 Eliz. cap. 1, sect. 36."

And next, I not only never affirmed that the Canons of *discipline*, either of General or of other Councils, were binding upon the clergy of this, or other Churches of the English Communion, but I have expressly limited their authority, as I have shown elsewhere in this Statement. They are binding on us only in so far as they have been received by the Church of England, and have been acknowledged as in force by our Ecclesiastical Courts. Dr. Stanley has therefore again misstated the position of his adversary. I believe that position to be impregnable.

But what of the other proposition affirmed by me, and which he assails? Is it not full of danger? I beg that it may be judged of by my own language, and not by Dean Stanley's account of that language. What I have said is that "the received faith of the Church in *all* ages, on such a subject as the Inspiration of the Word of God, cannot be disregarded." That is, I hold to the old rule of St. Vincent of Lerins, as to "quod semper, quod ubique, quod ab omnibus."

Now the Dean has both misrepresented my rule, and has drawn conclusions from it for me, which might flow from his caricature of that rule, but are impossible to be drawn from the rule itself. He is good enough to put words for me into my mouth. As my spokesman, he says,—"I am not to be bound by the Thirty-nine Articles; I take a much wider range. I go to 'Catholic antiquity;' to a 'stream of divines,' and to the concurrent testimony of remote ages of the Church. These are the grounds on which he pronounced the Bishop of Natal's deposition. . . . I do not think that the Bishop of Capetown specified exactly the period from which his precedents were taken. They might have been taken from the second, third, or fourth centuries, or the period of the first four General Councils; or the first seven; or the first 1000 or 1500 years." And then he proceeds to show the evil fruits of the principle he is condemning.

"What will be the consequences if any one of these Metropolitans may go back to any period of the Church in which he

can find a 'concurrent testimony' in favour of any particular doctrine on which he finds no expression of opinion in the Thirty-nine Articles, or may even find in those Articles a contrary opinion? You may arrive at this kind of conclusion. In remote times you may find a concurrent testimony in favour of the Immaculate Conception, against which, it may be said, that no opinion has been expressed in the Thirty-nine Articles. . . . If, therefore, some Bishop did not teach the doctrine of the Immaculate Conception, it is quite possible that some Metropolitan who felt strongly in favour of it, would be equally justified in depriving him of his bishopric."

Now, in reply to all this, I say (first), that I expressly limited my assertion to that which had been "the received faith of the Church in *all* ages." I did not speak vaguely and indefinitely about a "stream of divines," and "Catholic antiquity," nor did I claim to select the second, third, fourth, seventh, or any other century, as my standard. I spoke distinctly, definitely. My words had exclusive reference to "the received faith of the Church in *all* ages." I know, and Dr. Stanley knows, that the Articles of the Church of England were not framed as a compendium of all theological truth; that they were not put forth as a statement of the whole faith as received by the Church of England, but were chiefly meant to meet the errors which prevailed at the period of the Reformation, both in the Church of Rome, and in bodies which had separated from that Church. There are questions which were not debated then, and as to which, therefore, no Article was framed. The Inspiration of Holy Scripture is one such question. It was one of those subjects to which the language of our Sixth Article may be applied—"Of which there was never any doubt in the Church." I claimed, therefore, as our inheritance, that which could be proved to have been received by the Church as part of the faith in *all* ages. And in doing this I am not at variance with an authority to which Dr. Stanley attaches more weight than I am prepared to do. The Court of Arches has admitted that it is possible that there may be offences against the teaching of the Church of England other than those expressly provided against by the Formularies. Its language is, "It is indeed a question of

deep importance whether or not there may be offences against the doctrine of the Church of England which cannot be included within the Articles and Formularies;" and again, "I think it true that, though nowhere distinctly expressed, the Articles were framed upon certain assumptions of fact and belief, in which it was then taken for granted that all Christian men were agreed."

If the principles which Dr. Stanley and others contend for are just, and their assertion as to the right of any clergyman to teach any error not condemned by our Articles be true, what is there to prevent one who holds that Mahomet is God's great Prophet, from teaching in our churches that he was so? The error is not expressly denounced in the Thirty-nine Articles, and consequently would not be punishable in Ecclesiastical Courts. Preachers, whose writings the Church has condemned, are admitted, by favour of the Dean, to instruct the members of the Church from the pulpit of Westminster Abbey. In the progress of liberalism, we may live to see the same post occupied by believers in the Divine Mission of Mahomet.

I am at one with Dr. Lushington in my view. But does Dr. Stanley really mean to say that the received faith of the Church in *all* ages is not to be the faith of the Church of England? that her ministers are at liberty to reject it? It would almost seem as if he did, for he condemns me for my supposed assertion that the faith of the whole Church, maintained consistently for the first 1000 or 1500 years, is our faith. And this apparently for reasons the most surprising—"In remote times you may find a concurrent testimony in favour of the Immaculate Conception." I had thought otherwise; I had imagined that we refuse to receive that modern dogma as an article of faith, because not taught in the word of God; because not the received faith of the Church in all ages. Is it because the rule that I abide by excludes rationalistic novelties, and preserves to us the faith, once for all delivered, without either addition or diminution, that Dr. Stanley so denounces it? At all events, while abiding by this rule, a Metropolitan of Africa can never lawfully depose, as the Dean seems to dread, a Suffragan, either for having

black hair, or red hair, or some personal defect; nor yet "for using incense, or for not having altar lights, for not elevating the Sacrament, for not having wafer-bread, or the like." Is it quite certain that English Ecclesiastical Courts will not think that they have greater power; or, having it, be less forbearing?

The Dean of Westminster is equally unfortunate on the subject of appeals. I give a lengthy passage from his speech on the subject: "The Bishop of Natal consented to appeal to the Primate, in his official capacity in the Court of Arches, which would have given him a further right to appeal to the Privy Council; but that the Bishop of Capetown would not allow. Such an appeal as the Bishop of Capetown was willing to grant, no clergyman and no Bishop could accept, for it was merely an appeal to one who, however mild and gentle he might be, could give him no security that he should have a fair trial. He would have afforded him a hearing, not as a great officer of Church and State, but in his private room, as a private individual; and he had, moreover, been writing private letters to the Bishop of Capetown and the Dean of Maritzburg, which were not intended to be published, but which had come before the world, and from which it appeared that the distinguished and venerable person to whom this appeal, in his private capacity, would lie, had already committed himself to the opinions of the Bishop of Capetown. The Bishop of Natal knew very well that he should have been appealing to one who, although he knew that he might have to sit in judgment on the case, had yet committed himself so strongly to the adverse opinion, that the whole matter was prejudged. It would have been perfect insanity in the Bishop of Natal to have appealed from the Bishop of Capetown to the Archbishop in his private capacity, when he had already pronounced judgment against him. The amendment of Chancellor Massingberd, therefore, will have no value in this matter, unless he carefully draws a distinction between this private appeal, granted as a matter of favour, to an individual prelate who had already prejudged the case, and an appeal in the face of day to an English court of justice, and with that further right of appeal which an English court of justice allows."

Now, all this is calculated greatly to mislead. Would any one, who read or heard these words, believe that the Metropolitan, at the time of the trial, expressed not only the willingness, but the satisfaction, with which he should see an appeal to Canterbury, or to the Bishops of the Church of England generally, if it were thought fit; that not one word was then said as to whether it would lie to the Archbishop in person or to the Court of Arches; that instead of appealing, Dr. Colenso "protested;" gave notice that he would treat the sentence "as a nullity, void of all force and effect," and would "if thereunto advised, appeal from, or otherwise contest, the lawfulness of these proceedings;" that he did not appeal, but petitioned the Crown; that while there was a probability (I may say a possibility) of any appeal being made to him, his Grace the Archbishop of Canterbury expressed no opinion?

The trial was concluded December 16, 1863. The Archbishop's letter, published by the Dean of Maritzburg, was dated October 8, 1865, two years afterwards. All this is not creditable to the Dean's accuracy; nor was it fair to leave the impression upon the House that that was the only course allowed.

If either the Privy Council or the Court of Arches could, or would, have heard Bishop Colenso, he needed not to wait for my consent. He might have made his appeal, and given notice; but this he did not. It was after two whole years' refusal or omission as to an appeal, that the offer came again from me (the trial was in December, 1863, my offer in December, 1865), to submit the case either to the Archbishop in person, or to the Bishops of the United Church of England and Ireland, or to a National Synod, including Colonial Bishops. The offer was declined, and the impossible alternative proposed, of which I have spoken before.

I have nearly finished my very disagreeable duty. There remain, however, one or two minor points which require a very few words.

The Dean of Westminster told the Lower House of Convocation that, if it recognized the deposition of Dr. Colenso, it would "assert that" the Metropolitan "has the power of

depriving a Bishop of his office without any appeal to any court whatsoever." Now, if by the word "*court*" the Dean meant a court established by law in England, he merely uttered what is a truism. An *appeal* cannot lie from that which is not a court in the eye of the law, to that which is. That there is no appeal to Ecclesiastical Courts is the result of the position, which we are ruled to hold, of a purely voluntary association.

But if the Dean meant that I had affirmed that there was no "redress" from an unjust sentence of the Metropolitan, and that the House ought not to lend itself to such an assumption, I beg leave to refer him to my letter to the Dean of Canterbury, in reply to the Bishop of London's Chaplain's article in the *Contemporary Review*, in which I have fully entered into this subject.

I have never said, or implied, that there is no authority in the Church which can revise or rescind the judgment of a Metropolitan. On the contrary, in my own case I have repeatedly affirmed that, very probably, the Archbishop of Canterbury has this right, and that certainly he may be overruled by the Provincial Synod; and after that by the National Synod. I have over and over again, in publications during these last ten years, said this.

Both the Dean of Westminster, and some of the Bishops in the Upper House of Convocation, speak of the smallness of the court that tried Dr. Colenso. I should have rejoiced if it could have been larger. We made it as large as we could. If the Church will help us to found a few more sees in Africa, the complaint will not occur again. But I would remind objectors that the lives, liberties, property, of Her Majesty's subjects, all over the world, are frequently at the disposal of a single judge; that the Supreme Court in this country consists only of three judges. But, perhaps it will be said. "These are judges trained to weigh evidence impartially and carefully, who have no theological bias to distort their judgment. You are ecclesiastics, and, as such, under the influence of strong party and professional feelings." I suppose that this lies at the root of such objections as Dr. Stanley has raised.

If so, I must remind him and others, I. That ecclesiastics have been the chief judges in spiritual questions, from the foundation of Christianity unto this day, in nearly every part of the world, including England, till within the last thirty years, when, by an accident *per incuriam* they ceased to be. II. That experience has shown, both in England and in Natal, that civil judges are by no means free from bias on religious questions. Indeed, I venture to say, that the decisions of civil judges on religious questions during the last few years have done a great deal to shake confidence in the administration of justice by our courts of law. They have lowered the position of judges in the eyes of many. III. That in our Army and Navy professional men, quite as liable as ecclesiastics to professional prejudices, have the characters, prospects, lives, of their subordinates, under their control; and that there is not the check upon them that there is upon us through sitting in open court.

The Bishop of Oxford so completely answered the objection that Dr. Colenso's deposition was unjust because he had never been heard in his defence, that I scarce think it necessary to say a word upon this point.

He was, however, present by his agent during the whole trial. He was heard, so far as he desired to be heard. He said, "I think it better to state at once the answer which, if you have any jurisdiction in the matter, I have to make to the charge brought against me. I admit that I published the matter quoted in the articles annexed to the citation; but I claim that the passages extracted be read in connexion with the works from which they are taken. And I deny that the publication of these passages, or any of them, constitutes any offence against the laws of the united Church of England and Ireland."

Again,—“For farther explanation of my meaning in some of the passages objected to, from my Commentary on the Epistle to the Romans, I beg to refer your Lordship to a letter which I addressed to you, in reply to one from yourself. I desire, also, to request your attention to the Preface to Part III., a copy of which I forward by this mail.”

Again,—“I have instructed Dr. Bleek, of Capetown, to

appear before your Lordship on my behalf." . . . "Secondly, to read this letter . . . as my *defence*." The letter alluded to was read in open court, and is printed with the other documents in the volume recording the transactions of the trial.

But suppose there had been no defence. Is the refusal of a person to defend himself a reason for a judge quashing the whole proceedings? Ought he or ought he not, to hear the case, and decide it to the best of his power? What would the Bishop of St. David's do in such a case with a clergyman of his diocese? What would any civil court do? That one ought to surcease may be a very convenient doctrine for criminals, but it is doubtful whether it would be promotive of justice.

I have said that I do not feel called upon to touch upon the Dean of Westminster's views, to which he has challenged attention, or to vindicate my judgment from his criticisms. To one or two points, however, I perhaps ought to draw attention. Dean Stanley assails my judgment because, as he says, I do not condemn Dr. Colenso for differing from the Articles and Formularies of the Church, but from "Catholic antiquity." The charge I have shown to be untrue. But, curiously enough, when he undertakes Dr. Colenso's defence, he himself goes to "Catholic antiquity," and a "stream of divines." He says, if you condemn Dr. Colenso, you must condemn Gregory of Nyssa, and sundry other eminent men, both in ancient and modern times. It had been more to the purpose if he had shown that Dr. Colenso's language was in accordance with the Formularies of the Church, which is what he omits to do. He misrepresents the course which I have pursued, and denounces me for it; but, when he wishes to clear his client, he adopts himself the course which he had condemned.

On the subject of the Atonement, he says, "The Bishop of Natal, in his Commentary on the Romans, although he says *we may use the phrase that God is reconciled to man*, yet declares that, *on the whole*, he prefers the more Scriptural expression that man is reconciled to God." Dr. Stanley gives no reference, and I can find no such passage as he speaks of. What Dr. Colenso says (page 97) is this,—"The Apostle does not

say that GOD is reconciled to us, but that we are reconciled to GOD. *The difference in the meaning of these two expressions is infinite,* i. e. the difference between his own view and that affirmed by the Second Article is infinite.

Again, on the subject of Justification, Dean Stanley says, speaking of my judgment, "We must regard this as virtually amounting to a declaration that it is intolerable for any Bishop to declare that any heathen are saved." And yet he had these words of my judgment before him: "Had the Bishop contented himself with affirming that our Lord redeemed all mankind; that His sacrifice was offered for the sins of the whole world; that we know not how far His meritorious Cross and Passion may avail for those who never heard of His Name, or of His sacrifice of love; that God's mercy and love might exceed His own gracious promises; that, being the Lamb slain from the foundation of the world, Christ's redemption looked backward as well as forward, and might have an efficacy beyond what we had been willing to admit,—he would have expressed himself as many within the Church have without challenge expressed themselves before now. The Church has not dogmatized on such matters" (pages 19, 20).

Again, he says, "It is quite true that the Bishop of Natal believes that there was in the human nature" of our Lord "a partial knowledge, and therefore a partial ignorance."

Dr. Stanley knows full well that the Bishop taught far more than this,—that he taught that our Lord had erred. The language of the judgment is as follows:—"The question which the Bishop has raised is not a light one. It is not a mere question of words. If, as he affirms, our Lord while on earth was ignorant and liable to error,—if He quoted fiction for fact, legends for history,—if He mistook altogether the character of the Bible, believed a mere human composition to be the Word of GOD,—believed that GOD had really spoken to Moses when He had not,—made blunders about the most important matters, as to which it has fallen to the lot of Bishop Colenso to set Him right,—then, if these things be so, we have no sure ground for our faith. Mistaken on one point, He whom we call LORD may have been so on every matter. We could not admit the Bishop's statements without

shaking to its very foundation the whole Christian faith, as a revelation from God." (Judgment, p. 68, 69.)

I believe I have now given a full statement as to all that has hitherto taken place in this unhappy case; and have explained all that has been misapprehended in our proceedings. I have also, so far as I know, met every objection worth noticing that has been raised to the course pursued. It was due to myself,—due to my brethren who have acted with me,—due, above all, to the Church, that I should break the silence which I had hoped to maintain, and give such information as it was in my power to give. I trust now that I may be permitted to fall back into retirement, and devote myself exclusively to those duties which the sad troubles that have come upon this Church have greatly interfered with.

BISHOP'S COURT,

October 29th, 1866.

APPENDIX.

IN publishing a second edition of this Statement, I think that I ought to add what has passed in the matter of the election of a Bishop since the first edition was put forth; and that I ought also to notice, however briefly, the criticisms of the Bishop of St. David's and the Dean of Westminster (in his re-published speech) on me and my proceedings. The mis-statements of the *Times* newspaper I do not further notice. They are refuted already by the narrative which is here published; and I replied to them at the time through the *Guardian*, in a letter which the *Times* refused to publish.

At page 54, I said that I had not then heard the result of the meeting of the Clergy and communicants in Natal, summoned for October 25, 1866. The following is a brief account of the proceedings adopted at that meeting in the election of a Bishop; and of the course pursued by myself, and by the parties chiefly interested in England, in consequence of those proceedings. First, the whole of the Clergy and laity (I quote from the *Colonial Church Chronicle* of January 1, 1867), with the sole exception of the Rev. Mr. Tönnesen, who retained his seat, stood up and made the following Declaration:—

“We believe with firm and unhesitating faith that our crucified Lord, very God of very God, is adorable and worthy of all adoration; ever has been, and ever is to be adored, both in heaven and in earth. Amen.”

Next, the Conference made a second Declaration, all standing again,—“We, offering our most humble and hearty thanks to Almighty God, who hath planted, and through many ages upheld, in our native land of England, a pure branch of the Holy Catholic Church, do hereby declare the earnest desire of

our souls, the grace of God assisting us, so to build up the Church in this land, that we and our children may ever remain in union and communion with the Church of England; we one with it—it one with us; divided in place, but united in faith, doctrine, discipline, and worship.”

It further thanked the Convocation of Canterbury for its replies to the questions submitted by the Clergy and laity of Natal, touching the election of a Bishop, and then adopted the following resolution :—

“ Seeing the Apostle St. Peter, in Acts i. 22, declared there was a necessity to elect one to fill the Apostleship then vacant; and as the Convocation of the Province of Canterbury has declared that we shall not be in any degree separated from the communion of the Church of England by electing a godly and learned man to be consecrated at this time as Bishop over us—we do now, praying for guidance from Almighty God, choose a holy man whom we may present to the Metropolitan, to be consecrated Bishop over the Church in Natal.”

This resolution was carried by a majority of one amongst the Clergy, through the casting vote of the Dean, and by a large majority of the laity.

Another resolution to the following effect was then proposed, and carried *nem. con.*

“ That if the person now elected be hindered from accepting the holy office, the Bishops of Capetown and Graham’s-town be requested to choose, with the concurrence of the Archbishop of Canterbury, a fit and proper person; whom, when canonically consecrated, we hereby bind ourselves to receive as our Bishop.”

After that, the Clergy and laity present, the latter to the number of about fifty, repaired to the Cathedral where the election was appointed to take place, two only of the Clergy absenting themselves from the service. The electing Clergy, after the first lesson, repaired to the altar, and each there made the following Declaration :—“ I ——, having the fear of God before my eyes, and seeking the welfare and glory of His Church, believing William Butler, Priest, Vicar of Wantage, in the diocese of Oxford, in the kingdom of England, to be, by soundness in the faith, holiness of life, and Divine

learning, eminently qualified to be appointed Bishop over the Church in Natal, do now and hereby nominate him to that holy office."

While this was done, the other Clergy, together with the laity present, continued kneeling in the body of the Church. The Dean then pronounced that the Rev. W. Butler had been duly elected Bishop, and required, that if any one knew any cause why the said W. Butler should not be consecrated to that holy office, he should make it known, without delay, to the Metropolitan through the Clergy.

The election was officially communicated by the Dean and Vicar-General to the Metropolitan, and by him to the other Bishops of the Province, to the Bishop elect, and to the Primate of all England. The election was confirmed by the Bishops of the Province, though some doubts were expressed as to the canonicity of the election, owing to the narrowness of the majority of the Clergy. The Bishop elect referred the question to the Primate and his own Diocesan, and placed himself entirely at their disposal. The view which they took of the case is embodied in the following joint letter addressed to him.

Jan. 12, 1867.

"MY DEAR SIR,

"We have carefully weighed the difficult questions which you have proposed to us, as to your acceptance of your election to the Office of a Bishop in South Africa; and we have concluded:—That the decision of the Judicial Committee of the Privy Council having determined the position of our Church in South Africa to be that of a voluntary spiritual society, and that the Letters Patent held by Dr. Colenso confer on him no territorial jurisdiction or authority,—there is nothing in his legal position to prevent the election of a Bishop to pre-
side over them by those of our communion in South Africa, who, with ourselves, hold him to have been canonically deposed from his spiritual office. Considering, then, the post of Bishop to be vacant, and the needs of that district of South Africa to be urgent, we dare not advise you to refuse the call which has reached you. But, before we can advise you to accept it, there appear to us to be certain grave doubts which require to

be solved. It is evidently of the utmost moment that no room should be left in the action which you are invited to take for creating a schism, which would still further divide and weaken the Church. For the avoidance of so great a danger, it seems to us unusually important that the canonicity of your election should be clear from any reasonable doubt.

“Now we perceive—

“I. That the electing Clergy were a decided minority of the Clergy of the Diocese.

“II. That an equal number voted for and against the proceeding to an election.

“III. That some of those who opposed proceeding to an election, recorded their refusal to receive a Bishop, if he were consecrated as the result of so evenly balanced a vote.

“These considerations suggest to us the doubt whether there is, as yet, the proof which you have a right to require,—

“I. That the canonicity of the election is certain.

“II. That it will be recognized by the Metropolitan and Suffragans of the Province as canonical.

“III. That it will be so recognized by the Church at home.

“We further notice, that though a large majority of the lay communicants present voted for the election, yet that they amounted only to twenty-nine : so small a proportion of the whole number of the lay communicants in the Diocese, that we doubt whether their vote can properly be taken as expressing ‘the assent of the laity ;’ more especially as we do not perceive that they pledged their order to make the needful provision for their Bishop. We advise you, therefore, to suspend your decision until these important questions concerning your election shall have been completely answered.

“With earnest prayers to God to lead you in this matter to see and to do His will,

“We remain,

“Ever yours,

“C. T. CANTUAR,

“S. OXON.

“The Rev. W. Butler.”

In consequence of this letter, Mr. Butler wrote to the Dean of Maritzburg, inclosing a copy of the above letter, and express-

ing his inability to accept the office, until the difficulties which his advisers pointed out were removed. At the same time, he sent a copy of his letter to me; upon the receipt of which I wrote again formally to the Bishops of the Province, asking them to say whether they confirmed the election, and were willing to consecrate; and instructed the Dean of Maritzburg to obtain from the Clergy of Natal and of Zulu Land, "their matured and ultimate decision, as to whether they were prepared to receive Mr. Butler for their Bishop in case he should be consecrated to that office;" and at the same time to request them to "forward a list of communicants in their parish, and to notify which of them were prepared to receive Mr. Butler, and which of them would repudiate his office and authority."

The result of this appeal, which was equivalent to a second election, was communicated by me to Mr. Butler, in a letter dated April 16, 1867. After informing him of the fact that Mr. Lloyd did not appear to have been communicated with, nor Mr. Tönnesson, nor another who had lately gone to that country, I said, "There are seventeen clergymen in all whom we can recognize as in communion with the Church. Of these, twelve are prepared to welcome you heartily as their Bishop. One, who cannot remain long, has sent no answer. Four: Callaway, Newnham, Tozer, and I suppose, Lloyd, decline." "Nearly 300 communicants cordially welcome you; fifty wish not to express any opinion; twelve decline to receive you. This does not appear to embrace the whole number of communicants; for D'Urban, I suppose, had not the opportunity of fully declaring itself. Of course I cannot say positively what the whole number of communicants in the Diocese may be, but I do not myself believe that there are 100 who would repudiate you. I do not say that this represents the state of feeling in the outside world. I find it very difficult to estimate that. But I think that you have now fairly before you the voice of the living Church. I send all the documents. . . . You will see by them that notice of your election was read in eight churches; and the congregations appealed to to state objections, if they had them. At one place only five objected, on the ground of your being a

High Churchman. You have now the whole case before you as regards the Diocese."

The Bishops of Graham's-town and the Free State joined with the Metropolitan in confirming the election. The Bishop of St. Helena ultimately expressed his readiness to consecrate, and his anxious desire too for a Bishop to go forth; but thought there had been irregularities in the first election.

After the result of the second appeal to the Diocese and the Province was made known, the Archbishop and the Bishop of Oxford wrote the following letter to Mr. Butler:—

"REV. AND DEAR SIR,

"The communications which have passed between ourselves and the Metropolitan Bishop of Capetown, and the Bishops of Graham's-town and the Orange River Territory since their arrival in England, at length enable us to answer the important questions which you have proposed to us. We are of opinion: 1. That you are duly elected and chosen by a large majority of the Clergy and lay communicants, members of the Church of England resident within the territory of Natal, in South Africa, to be their Bishop and chief pastor, with your see at Pietermaritzburg. 2. We have ascertained that the Bishops of South Africa, who are in communion with the Church of England, are ready to confirm your election and to act upon it, on being assured of your acceptance of the same.

(Signed) "C. T. CANTUAR,
"S. OXON."

Circumstances of a personal nature, which have already been made public, and upon which therefore it is not needful here to enter, have led Mr. Butler after all to decline. This will occasion, it is to be feared, some delay; a Bishop, however, will have, D.V., to be consecrated and sent forth at the earliest possible period, with the full concurrence of the Primate of all England, whose last words on the subject are: "I am still of the same mind that a Bishop ought to go forth; and although I know no one who seems likely to accept the office, and would be fit for it, I shall cordially support the South African Bishops, should they proceed to consecration."

THE BISHOP OF ST. DAVID'S.

The Bishop of St. David's, in his Charge to his clergy, assailed me for my conduct in the Trial of Dr. Colenso, in language which I do not care to repeat. I replied to his accusations in a letter, which was published in the *Guardian*. The Bishop rejoined in a pamphlet, in language still more unmeasured than his Charge, which, in the judgment of a gentleman in Natal, as expressed in a letter to his friends in this country, was "quite enough to make men fight," and would, in his belief, lead to "bloodshed." The words to which I presume he referred are these:—"It is manifest on the face of your proceedings, that you and your assessors did not meet together to try the Bishop of Natal; but simply to accuse, condemn, and depose him in his absence." And again: "The greatest temptation to which a judge is exposed, is to sacrifice justice to expediency. I thought that you had unconsciously yielded to that temptation. You have defended yourself against the imputation in a way which renders it difficult not to believe that you made the sacrifice consciously and deliberately." And again, "It may be doubted whether the arguments of the presenting Clergy produced the slightest effect upon your mind; whether, so far as you were concerned, they were not a mere waste of breath; only echoing your own foregone conclusions." And again, "I should have been ready to admit, that if this right of appeal had been a serious reality; if it had insured him the benefit of a fair trial, such as he would have had if proceedings had been instituted against him in England; it might have cured the defect of your procedure, and the defendant would have had no cause to complain. But as, instead of this, it amounted to nothing more than if you had consented to try him at Lambeth instead of at Capetown, I can only regard it as an aggravation of the original 'mockery.'"

I do not intend to reply to charges couched in such language. I did, indeed, on the publication of the Bishop's pamphlet, write a reply; but I suppressed it, partly because, on the eve of our gathering together at Lambeth, as we trusted under the guidance of the Holy Ghost, I was unwilling to be

engaged in a strife of tongues with a brother Bishop—partly because I was counselled by eminent fathers in the Church, and others, that the pamphlet really needed no reply, the charges being wholly unsupported by any facts or evidence, and refuting themselves by their extravagance. The subject, indeed, was alluded to at that Conference, and the language of the Bishop severely condemned. It was not defended; and I was silent.

Be the proceedings what they may, the form at least which they assumed, of a trial before the Metropolitan in his own Court in Capetown, was advised by the Bishop of St. David's himself, in conjunction with the whole Episcopate of England; and the only supposed fault, as it would now appear, which justifies the language he has put forth, and which has already added so greatly to the embitterment of parties in Natal, and may yet produce still sadder results, is the fact that Dr. Colenso was tried in his absence; *i.e.*, though he refused, after due citation, to attend. "This," says he, "is not merely *a* ground, but *the* ground, on which I spoke of the trial as a mockery." In the Bishop's judgment, it is a moral fault—a wrong not to be condoned, to try a man in his absence. If he will not appear, the trial ought not to be carried on. The accusation is not to be heard. The accused is to be let alone.

I venture to question the soundness of such a view. I hold that the trial ought to be proceeded with. In this case, probably in every case, great wrong would be inflicted on others if it were not proceeded with. Almost a whole Diocese, nay, a whole Province, was in this case the aggrieved party, and was accusing one who had great power to injure, and was, in its belief, injuring it. Would the ends of justice have been answered if they who believed themselves to be judges had replied, "We can give you no redress; the accused will not appear, and we have no power to compel him to appear"? The Bishop of St. David's seems to think that justice to the accused demanded that such a reply should have been given. I answer, I do not think so; nor do I think that our courts act upon this principle. Certainly, Dr. Colenso does not view the matter in this light; for since the publication

of the Bishop of St. David's opinions in Natal, he has actually assumed, in open Court, to deprive four Clergymen in their absence.

If this were the view of our Courts of law, the Supreme Court of Natal would doubtless have refused, on this ground, the application of Dr. Colenso, to aid him in turning out of their houses and their churches the four Clergymen whom he has thus deprived, who did not appear before him, because they denied his jurisdiction. I do not hear, however, that they considered this a fatal objection to Dr. Colenso's request, though the Bishop of St. David's rests his justification for the language which he has applied to me upon it.

Indeed I do not see how they could well do so, because I believe the practice of our Courts at home, both Civil and Ecclesiastical, is to proceed in the hearing of a cause, if the respondent, after due citation, does not appear. I am informed that such is the practice of the Court of Chancery, and in civil cases at Common Law. The practice of the Privy Council, according to Macpherson (p. 141) is as follows;—"When the respondent does not appear, *ex necessitate*, the Court must hear and determine the case upon the best consideration of its merits which the matter before the Court enables it to give." This is precisely the course pursued by the Bishops of the Province of South Africa. *Ex necessitate* they heard the cause, the respondent having put in an appearance, but declining to argue the case, and offering only an explanation and defence already given. Bishop Colenso's course was very similar to that of the Bishop of Jamaica (*Bowerbank v. Bishop of Jamaica*, 2 Miss. P. C. C. 449). The latter Prelate appeared by his agent before the Privy Council, but merely to hand in a protest against the jurisdiction of the Court. The Court intimated that his non-appearance to defend his cause "could not preclude them from proceeding with the case" (*Macpherson*, p. 106).

The practice of our Ecclesiastical Courts is precisely similar, as appears from the Order of the Court of Arches, 13th Feb., 1830:—Order 111. "When a party shall have been duly cited, and shall not appear on the day assigned for his appear-

ance, such party shall be pronounced in contempt, and the proceeding shall, on the following Court-day and afterwards, be carried on in pain of his contempt."

Indeed, this seems to have been the practice of the Church of Christ from the beginning, as may be gathered from the language of the 74th of the Apostolical Canons: "If any Bishop has been accused of any thing by men worthy of credit, he must be summoned by the Bishops; and if he appears, and confesses, or is convicted, a suitable punishment must be inflicted upon him. But if, when he is summoned, he does not attend, let him be summoned a second time, two Bishops being sent to him for that purpose. If even then he will not attend, let him be summoned a third time, two Bishops being again sent to him. But if even then he shall disregard the summons and not come, let the Synod pronounce such sentence upon him as appears right, that he may not seem to profit by avoiding judgment."

I ventured to suggest, whether the Bishop himself would act upon his own principle in the case of a criminous clerk, who declined to appear before him. His reply does not appear to me a happy one. He says (page 18): "There is the greatest possible difference between your case and mine." Yes; there is this difference:—an English Bishop can enforce attendance, by pronouncing a clerk contumacious, and by suspending him till he does appear. A Colonial Bishop cannot do this. But the question is not, what can we do by law? but what is morally right. I asked, whether the Bishop who condemns my act as morally wrong and unjust, in trying a person accused in his absence, would not himself either proceed with the trial, or punish by suspension, a clerk who refused to appear before him. He does not say, "No! I would not;" it would be wrong;" but he says (page 15): "I would deal with my protesting clerk according to my own judgment, enlightened by the best advice I could procure." And again (page 18): "I think it sufficient to reply, that, in this case, as in every other, I should think it my duty to do exactly as I might be empowered and directed by the law;" *i. e.* if the law allowed me to proceed with the trial in the absence of my clerk, I am not prepared to say that I would not go on with it. It appears

to me that the Bishop has one rule for himself, and another for a brother Bishop.

But if the Bishop of St. David's feels so strongly the injustice of my proceeding, why did he not lift up his voice against it at the great meeting of Bishops on February 4, 1863, when I was strongly urged to such proceedings? On that occasion I said (see "Statement," p. 16), that if the Bishop of Natal were publicly accused before me, I should cite him to appear; that, "probably he would deny my jurisdiction: but that, however, would not prevent the trial from proceeding." Apparently the Bishop of St. David's saw no injustice then in such a course; for he did not, though keenly scrutinizing all that passed, utter one word against it, nor did any other of the forty Bishops then present do so.

The other portions of the Bishop's pamphlet, which are chiefly of a personal character, I forbear to notice. All the other questions which he has raised about the trial, and about appeals, have been fully discussed in the body of the "Statement," and elsewhere.

DEAN OF WESTMINSTER.

The Dean of Westminster has candidly acknowledged some of the inaccuracies of his speech delivered to Convocation, as reported in the "Guardian," which I have already pointed out, and he has erased or softened some of the passages of a personal character which appeared in the first report of the speech. There is nothing to complain of in this respect, as it now appears in its new form. With the latter half of the speech I do not feel called to deal. From it, it is plain that the Dean would desire to see a very wide latitude allowed with respect to what Bishops and Clergy may teach, as God's revealed truth, to their flocks, in the name and with the authority of the Church of England; and that even the language used by Dr. Colenso with regard to the adoration due to our Lord, in his Ninth Sermon, from which extracts are given in my "Statement" (page 33), ought to be allowed within the Church. It is quite clear, that if the Church is, in any sense,

to be a witness for her Lord,—a teacher and a guardian of revealed truth, she must have some standard as to what is truth,—some rule of faith to which all her ministers are to conform their teaching. The Dean ought to let us know what his standard is. We ought to be told whether, in his judgment, any limits should be placed upon the teaching of those who are called to the office of the ministry in the Church of England; and, if so, what these limits are. Clearly they are not to be the Articles and other formularies of the Church; because he is of opinion that a plain contradiction of the express words of an Article on the subject of our Lord's expiation for the sins of the world, ought not to subject a religious teacher to censure (see "Statement," page 70).

The teaching of Dr. Colenso relating to our Lord cannot be passed over in the light manner in which the Dean of Westminster, in his Postscript, desires to do. He evidently does not feel as, I may now venture to say, nearly all the Churches of our Communion feel on this grave subject, or he would not express himself as he has done in the following words:—"I trust there is yet a chance of a pacific settlement of this tedious and unprofitable controversy." "If our object be not to crush a particular person, but to vindicate the truth of certain doctrines, our course should be exactly opposite" to that already taken. "The question of the doctrine of the Trinity, and of the Divinity of the Second Person in the Trinity, does not enter into the matter at all." "The doctrines, as we have seen, of the Bishop of Natal are such as the Universal Church has never condemned; such as within the Church of England are by law allowed."

Now, as to the adoration due to our Lord, which has mainly led to the above remarks, I have no intention of adding to what has been already so well said by Mr. Liddon in his "Bampton Lectures," by Professor Heurtley, and others, on this solemn subject. I can only marvel that, after having read and quoted from the "Bampton Lectures," the Dean could express himself as he has done.

I allude to the subject merely to say that "the vindication of the truth" is the only object which any whose duty it has been to take part in these painful proceedings have had in

view; that so wicked a desire as to "crush" a brother, for whose recovery we continually pray, has never entered any of our minds; that it is because the central truth of the Incarnation is at stake—because the trustworthiness of our Lord has been assailed, and because along with it Christianity, as a Revelation from God, must stand or fall, that we feel that we cannot allow of any compromise, or yield what we have so earnestly contended for, or change our course of action. These words are our motto. By them we must ever abide. "To whom we gave place by subjection, no, not for an hour; that the truth of the Gospel might continue with you."

For the sake of those who may be misled by the Dean's words as to the gravity of the issue which is at stake, I give a very brief outline of views propounded by Dr. Colenso since his deposition, that all may see that the Church of England could not acquiesce in the teaching of such opinions in one calling himself a Bishop of the Church, without complicity with heresy, and without forfeiting her own character as a witness for Christ—her own position as a true Branch of the Church of Christ.

I. As to Holy Scripture. I need not say much on this head. It has been already shown in the trial how he has dealt with a large portion of the Old Testament, regarding it as containing many myths, legends, fables, mis-statements, falsehoods, forgeries. That, according to him, they are not an absolute guide to us in matters even of "faith and morals." That every living man is to judge for himself—by "the voice which he hears within," which is the "voice of his Lord," "the light of the Divine Word"—whether any or what portion of the Scriptures are the Word of God; that "by that light the words recorded to have been uttered by our Lord Himself must all be tried¹." Men "must try the spirit of the Prophets' words by that law which they have within them, written upon their hearts. . . . If the words which that Prophet speaks to them come home to their consciences as right and true words, in God's name let them acknowledge

¹ The references are given in my Pastoral; it would be wearisome to repeat them here.

and welcome them, and send them with a blessing of 'God speed' to others. If the voice which speaks within declares that the utterance from without is false, then shalt thou not hearken; the word is not God's, and he who hears it must not obey it" (p. 3; p. 629).

In his sermons preached in Natal since his deposition, as well as in other writings, he has been equally unsparing as to the New Testament. Thus:—

Serm. 7, p. 3: "The story of our Lord's Resurrection, as told in the Four Gospels, is full of difficulties." "That some portions, at all events, are legendary, cannot be doubted." "If there is any part of the Church's teaching depending on the New Testament which will not bear the test of truth [and *his* test of truth is "the voice which speaks within"], we shall of course, as servants of the God of truth, be bound to reject that also" (Part iii. Pref., p. 4). "Every living man" is at liberty to do this—nay, "is bound to do it."

Serm. 15, p. 1: "In former days, when the Four Gospels were believed to have been composed by the Apostles, or Apostolic men, whose names they bear." P. 7: "It is impossible to regard this narrative as historically true—that it is probably one of those numerous mythical additions to the real history of the life of our Lord, which have been added in a later age, and were no doubt current in the time when the first three Gospels were composed."

No. 8, Second Series, p. 5: "There are perplexities and contradictions in the Gospel narratives which we cannot unravel; some portions of them certainly—how much we cannot say—are of a legendary character."

No. 2, p. 6. "We can derive profit from the spiritual lessons which St. Paul draws for us, without accepting his method, or taking his interpretation of the ancient story as the only correct and natural one. In these days, indeed, it were unpardonable to treat the Scriptures thus. The proper treatment of history, the true method of investigating the remains of former ages, is one, in fact, of the great discoveries of our day; and it is no disparagement to St. Paul, nor any derogation from his right to be heard as a preacher of righteousness, an Apostle of Christ, that he was not acquainted

with it." P. 14: "I repeat, my brethren, St. Paul was the liberal, the ~~rationalist~~ of those days, so far as his eyes were opened, so far as it had pleased God to reveal the truth to him." "In many things he saw things darkly, which we see plainly in these our days; in many things he was no doubt mistaken. But so far as he did see clearly, he was, I repeat, the liberal religious teacher of that day." There is much more to the same effect throughout these painful Sermons.

II. Next as to our Lord. He distinctly teaches both that our Lord was ignorant and in error (Pent. Part i., Pref., pp. 30, 31.; Pent. Part iii. pp. 622, 623). That the language "attributed to our Lord Himself in the New Testament need not be received by us, because He was apparently much influenced by a spurious apocryphal work, especially on such subjects as the Judgment of the last day" (Pent. Part iv., p. 314 and note, 317 note, 319 note, 320, 321 note, 323. 325, 326, 327). That "it is not to be supposed," "it cannot be maintained," that "He possessed a knowledge surpassing that of the most pious and learned adults of His nation upon the subject of the authorship and age of the different portions of the Pentateuch," that "He knew more than any educated Jew of His age" (Pref., Part i.).

Now I confess that I do not see what is left to us by the system laid down in Dr. Colenso's writings, which the Dean of Westminster entreats the Church to acquiesce in.

The Bible—whether the Old or the New Testament, or both—does not convey to us a full, clear, unerring revelation of God's will concerning us. Both Testaments are full of error. Our Lord's own words cannot be relied upon, for He was ignorant, and in error, and influenced by the current ideas of His time. What have we left to us?—the creeds and formularies of the Church? No; they are "antiquated," "worn out," "formulæ of bygone days," which it would be well for us to lay aside. The Scriptures, purged of their errors? Yes, if we will allow that they are to share their authority with other writings, and to be subjected to the test of the inner light; for "men of learning and science" "believe that God reveals Himself to the spirit of man, though they do not suppose that His revelation of Himself is confined to one

nation, or one set of books." And there is an infallible guide to truth in every man—a gift, or an instinct—by which he can not only interpret Scripture, but try Scripture itself, whether it is to be believed or not; for "every question of morals or of faith is to be brought before it for judgment," because "the voice of the inner witness is closer to him than any that can reach him from without, and ought to reign supreme in his whole being. The light in which he thus sees light, the voice which he hears, is the light of the Divine Word, is the voice of his Lord." Com. p. 188, ch. viii. 18—23.

Dr. Colenso's system brings us to this:—Our Lord cannot be relied upon. Holy Scripture cannot be relied upon. Each man is above God's Word written. Man is the standard of truth to himself. There is no external standard by which to measure it. Each man is to try it by the inner light. As I have before said (Charge in Natal), If, of two men, one believes our Lord to be Incarnate, another believes Him not so to be, the contradictories are apparently both true. In other words, there is no such thing as external, objective truth, outside a man, which all ought to believe. There is no such thing as positive truth. If it is not received, it is not truth—the truth is a lie, and a lie the truth. This really seems to be the logical result of the teaching which Dean Stanley would have the Church of England acquiesce in; and this teaching overthrows the whole Christian faith.

There are yet some remarks in the earlier part of the republished speech to which I would call attention for a few moments.

(I.) I do not think that, after all that has been said or written (*e.g.* in my "Statement," and elsewhere) on the subject of the authority of the Metropolitan, that the Dean was justified in repeating the language of his speech. He says, "The office of Metropolitan in the Colony is given to him by Letters Patent, and has been given by nothing else whatsoever. It is simply a civil creation. He was not consecrated Metropolitan; nor did he become Metropolitan by any Ecclesiastical Act or appointment. His office of Metropolitan is simply an office created by Letters Patent." . . . "Both the office of the Bishop of Capetown as Metropolitan, and his jurisdiction depend entirely upon them."

I am weary of repeating that this is not a true statement of the case. The facts are these : The vast unwieldy diocese of the Cape, when first founded, was three times as large as Great Britain. After five years' labour, I came home to obtain a subdivision. On my arrival, I communicated with the Primate of all England, and with the Secretary of State, on the subject ; and made my appeal to the great Societies of the Church, and to the living Church, throughout the length and breadth of the land, for the funds needed for endowments for the Sees of Graham's-town and Natal, and these were provided. When it became certain that the division would take place, the question arose as to the relation in which these several Churches should stand to each other, and to the Mother Church. The Secretary of State invited the Primate to consult with the Bishops of the Church on the subject ; not only as regards Africa, but other branches also of the Colonial Church. The Primate summoned all the English, Irish, and Colonial Bishops then in England, for the consideration of the question. It was resolved that there should be Metropolitans for Canada, New Zealand, and South Africa. The State was asked to give its formal assent to this, and to clothe these offices with external jurisdiction. It did, or at least endeavoured to do, this ; and, *so far as external jurisdiction was concerned*, created the office of Metropolitan. I did not resign my charge over the whole country, till it was resolved, both by the Church as represented by her Bishops, who have, in every age of the Church, had the decision of such questions, and by the State, that the Diocese should become a Province ; no longer under me as Bishop, but under me as Metropolitan. Full forty Bishops agreed to this ; the Bishops of the new Dioceses took their oaths to me as Suffragans ; the different Dioceses have, ever since, acknowledged me as Metropolitan. Will the Dean point out by what higher authority any Province was ever created, any Metropolitan ever appointed ? I know of no more complete authority for the office in any part of the Church, *Ante Constantinum*. I know of none in any part of the Church since that time. In New Zealand, in Australia, in Canada, in Africa, the office thus constituted amongst ourselves has been recognized. It has been recog-

nized by the Church in the United States. It has been recognized by our great Lambeth Conference. I hope that we shall never hear again that "the office of Metropolitan is simply a civil creation;" has been "given by nothing else whatever;" that the Bishop of Capetown did not "become Metropolitan by any Ecclesiastical Act or appointment."

If the Resolution of the forty Bishops was not sufficient to decide such a question, in what position must our whole Colonial Episcopate stand? The foundation of Colonial sees, the appointment of particular Bishops, have been in almost every case the act of the individual Secretary of State, and the individual Archbishop for the time being. There has been no formal act whatever, upon the part of the Church at large. If there are no Provinces or Metropolitans, for lack of a more complete authority than they have; how can there be any Bishops, or any Dioceses in our Colonies, where the creative power has been so much lower?"

II. I trust that the Dean will forgive me for saying, that I should have thought that he would scarce have republished, after so many discussions, his language with regard to Appeals. I doubt not that the public is as weary of the subject as myself; but I must once more refute the statements he has made. He complains:—

1. That "the Appeal was granted, not as a matter of right, but as a matter of favour."

The reason is obvious. The Letters Patent do not expressly provide for any Appeal from a *Metropolitan* to the Primate. There is a provision for an Appeal from original causes in the Diocese, not from any causes of a Provincial character. While expressing my desire that there should be an appeal in this case, I was bound not to compromise the position of my successor.

2. He objects that "the Appeal was granted to the Primate, not in his official character, but merely to his Grace in his private capacity; *i.e.*, to the Archbishop in person, not to the Dean of the Court of Arohes. How could an Appeal be granted from a tribunal not recognized by law to a Court created by law? Appeals lie only from one legal Court to another. But if both were legal Courts, how could an Appeal

be granted to a Court which had no jurisdiction in the case? The Court of Arches has not jurisdiction, even in the Province of York. It has absolutely none in the Colonies. It could not have heard the case. How much should we have heard about "mockery," if I had affected to allow of an Appeal to it?

The Dean is equally wrong in his statement about the Appeal being given only to the Archbishop, and about the impossibility of Dr. Colenso accepting this, because the Archbishop had "committed himself" by writing "private letters to the Bishop of Capetown and the Dean of Maritzburg." The Appeal was given, in 1863, to the Archbishop, and, "if he should see fit, the other Bishops of the National Church" (Judgment, page 76). Dr. Colenso declined to avail himself of that Appeal at the time; and not, as the Dean says, "in 1865," two years afterwards, "when alone he had the opportunity of considering the proposal" (Speech, page 24). At that time he was offered the only Appeal that it was possible for me to offer; as I have shown in my "Statement" (page 67)—viz., an Appeal either—

- I. To the Archbishops and the Bishops of his Province; or,
- II. To a Synod of the Bishops of England and of the United Church; or,
- III. One composed of the Bishops of our Communion throughout the Empire, assembled in London.

It is therefore to be regretted that the Dean, with all this before him, should repeat that "it would have been perfect insanity in the Bishop of Natal to have appealed from the Bishop of Capetown to the Archbishop in his private capacity, when he had already pronounced judgment against him" . . . "to an individual prelate who had already prejudged the case."

III. I do not know that it is worth while to follow the Dean further, and expose his fallacies about the "absolute power" of Metropolitans, and their depriving men for having red hair or black hair, &c. I have never held or taught that Metropolitans are absolute, or have wished them to be so. That there is no appeal from their decisions to any legally constituted Court, is clear, from the necessity of their position in an

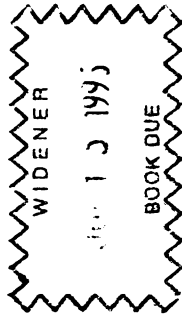
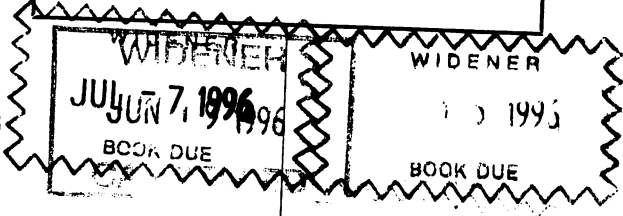
unestablished Church. The remedial power in such a state of things as exists in our Colonies, lies with the Provincial Synod. To its decision I have ever desired to submit every question affecting the Province. Whether there should be an Appeal from the Province, is a question upon which men may fairly differ. Many leading men in our Church, and great Canonists, have protested against Appeals from the Province to the Patriarch, or to any one else. I have repeatedly and publicly expressed my willingness that there should be such appeals. It remains for the Lambeth Conference to say whether there should be a final Court, and what its constitution should be; and if one is agreed upon—then, for our Provincial Synods to say whether they accept it.

THE END.

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