

Thus it is that titular Bishops have become territorial Bishops, not because there was or is really, when unconnected with the State, any distinction between the two, but because it was found conducive to the good of the Catholic Church (using that word as I do throughout in its proper comprehensive classical meaning), that the duties of the Bishop be limited practically to such a space as he could usefully superintend.

*Jurisdiction.*

In addition to the power of orders above mentioned, the letters patent purported to confer on the Bishop of Natal and his successors the Episcopal power *jurisdictionis*—that is, the power and authority over all rectors, curates, ministers, chaplains, Priests and Deacons within the diocese of Natal; and the letters patent direct that if any person should conceive himself aggrieved by any judgement, decree, or sentence pronounced by the Bishop of Natal or his successors, he shall have an appeal to the Bishop of Capetown, who should finally decide and determine the appeal. Beyond this, in the letters patent constituting the see of Capetown, a like right of appeal is professed to be given from the decision of the Bishop of Capetown to the Archbishop of Canterbury, who is finally to decide and determine the appeal. It is on this passage in the letters patent that the question has arisen. The Judicial Committee of the Privy Council have determined in the two cases—viz., “*Long v. Bishop of Capetown*,” and “*In the matter of the Bishop of Natal*,” that although in a Crown colony properly so called, or in cases where the letters patent are made in pursuance of an Act of Parliament, a bishopric may be constituted and ecclesiastical jurisdiction conferred by the sole authority of the Crown, yet that the letters patent of the Crown will not have any such effect or operation in a colony or settlement which is possessed of an independent Legislature.

I have failed to discover any of the functions or powers so enumerated which the Bishop of Natal is unable to exercise. No judgement of the Privy Council has deprived him of one of them. The law as declared by the Privy Council's Judicial Committee leaves all these functions to the Bishop exactly as by the law of the Church of England they belong to that office. He may as Bishop visit; he may as Bishop call before him the ministers within his diocese; and he may inquire respecting their morals and behaviour, and the doctrines that they preach; but the power which the letters patent seem to intimate an intention of conferring upon the Bishop—namely, the power of enforcing obedience to his orders in the performance of these duties, and the power of removing any obstruction which may be interposed to prevent his performing any of the functions of a Bishop—this power is not given to him personally, or to any officers of his or dependent on him. Is he therefore left powerless, and can any one with impunity resist his authority? This is not so; but to enforce obedience to his orders, or to remove obstructions interposed to prevent his performing his functions, he must have recourse to the civil tribunals which administer the law of the colony, before which tribunals the person who resists the acts of the Bishop may contest the validity or legality of the acts intended to be done by the Bishop or of the orders given him.

*Where the Letters Patent are inoperative.*

In other words, the Bishop of Natal can exercise all the duties and functions and perform all the acts which belong to a Bishop within the diocese of