

the same. And if any party shall conceive himself aggrieved by any judgment, decree or sentence pronounced by the said bishop of Capetown, or his successors, it shall be lawful for the said party to appeal to the said archbishop of Canterbury, or his successors, who shall finally decide or determine the said appeal." And the letters patent creating the See of Natal, contain the following: "We do further will and ordain that the said John William Colenso, and every bishop of Natal, shall, within six months after the date of their respective letters patent, take an oath of due obedience to the bishop of Capetown, for the time being, as his metropolitan." Dr. Colenso accordingly took the oath 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 his successors."

All this seems plain enough. The jurisdiction of the bishop of Capetown over the bishop of Natal, appeared by these letters to be clearly enough established. Whatever might be our opinion of the mode of trying the question, it did seem as if, according to the episcopalian system, a competent tribunal was established, by which the doctrine and conduct of Colenso might be made the subject of judicial investigation. Accordingly the bishop of Capetown cited the bishop of Natal to his bar for heresy, and, having found him guilty, deposed him from his office. Colenso, however, appealed, not to the archbishop of Canterbury, but to the Queen in council.

The decision was looked for with interest, not only in the church of England, but among other christian bodies, whose members naturally were anxious to know whether a bishop of the church of England might deny the inspiration of the scriptures and still hold his office. The decision has now been given, but, unfortunately, this question upon which evangelical christians everywhere felt the deepest interest, has not been touched. The judgment given merely decides the question of the legality of the authority claimed and exercised by the bishop of Capetown. The questions

before the court were thus stated, "First, were the letters patent of the 8th December, 1853, by which Dr. Gray was appointed metropolitan, and a metropolitan See or province was expressed to be created, valid and good in law? Secondly, supposing the ecclesiastical relation of the metropolitan and suffragan to have been created, was the grant of coercive authority and jurisdiction expressed by the letters patent, to be thereby made to the metropolitan, valid and good in law. Thirdly, can the oath of canonical obedience taken by the appellant to the bishop of Capetown, and his consent to accept his See as part of the metropolitan province of Capetown, confer any jurisdiction or authority on the bishop of Capetown, by which this sentence of deprivation of the bishopric of Natal can be supported?"

The lord chancellor, in giving the decision of the judicial committee of the privy council, discusses the first of these questions very fully. The result of the whole is that the Queen's letters patent constituting these bishoprics are simply "void in law." It is admitted that the Queen has the right to command the consecration of a bishop, but when he has been consecrated, she has no power to assign him a diocese, without the concurrence of parliament. In England or Ireland, the Queen has no power to create a new diocese, without an act of legislature. Even in a crown colony, such as India, she can only do so with the concurrence of an act of the imperial parliament. But in those colonies which have legislatures of their own, new dioceses can be established, and new bishops appointed to them, only with the sanction of their legislatures. Therefore, the colonial bishoprics already founded, with the exception of Calcutta, Bombay and Madras, sanctioned by acts of imperial parliament,—and Jamaica, sanctioned by the local legislature, have no position in the eye of the law.

The second question is held as decided by the first.

On the third question, which is of some interest to other bodies, the lord chancellor says: "If then the bishop of Capetown had no jurisdiction by law, did he obtain any by contract or submission on the part