

## THE CASE OF BISHOP COLENZO.

THE Master of the Rolls has delivered judgement in the case of Bishop Colenso against the Trustees of the Colonial Bishops' Fund. Lord Romilly having premised that he had not to decide whether Dr. Colenso had misconducted himself as a Bishop, or whether his patents were null and void, held himself to be confined to the narrow question whether the Bishop had contravened the letters patent, or was no longer in a condition to carry out the functions delegated in them to him? His lordship decided in favour of the Bishop, and ordered that the costs should come out of the Fund.

The following extracts from that judgment are important.

"In all the works that I have consulted on this subject the powers and authority of a Bishop are classed under three heads:—1. Ordo; 2. Jurisdictio; 3. Administratio rei familiaris. The letters patent of the Crown profess to give the two first of these powers: they do not profess to give the third.

*The Power of Orders.*

"The first, which is the power of orders, he derives from consecration, which according to the doctrine of the Catholic Church of Christ, of which the Church of England is a branch, is a sacred authority, derived by direct descent from the Apostles. By this power so conferred upon him he may transmit the spiritual power he possesses to others; ordain Deacons and Priests; consecrate and dedicate churches; administer Confirmation. This is the first and most important class of powers which a Bishop possesses. These powers are not confined to this or that spot, but are universal. They extend over the whole world. But this, it is alleged, makes him only a titular Bishop, and not a territorial Bishop, for that by this he has no see or diocese attached to his office. In order to consider the force and value of this remark it is desirable to ascertain the origin of the distinction between a titular and a territorial Bishop; and here I may observe, to avoid misconception, that in the letters patent and in the judgements delivered in the Privy Council, the words "see" and "diocese" seem to be employed as equivalent expressions, although probably the word "see" has strictly a more confined meaning than the word "diocese." The primary reason why a diocese, or, in other words, a limited territorial space, was originally assigned to a Bishop was not, as I apprehend, because his functions or duties were confined to that space, but because, as the superintendence of the Bishop was found to be more effectual when exercised principally over a limited extent, a territorial district termed a diocese was assigned to him as the limits within which he should principally exercise his authority. Thus it is that England has been parcelled out into particular special dioceses, not that each Bishop could not exercise his authority universally, but because it was justly considered to be more beneficial to the cause of religion and morality that his superintendence and labours should be principally confined to a separate district, and that he should not actively interfere with those members of the Church who were not within its limits. The Bishops of the English Church have equal and universal powers in this respect, but the ordination of Deacons and Priests; the consecration and dedication of churches, and the confirmation of young persons is (unless in exceptional cases) confined to the Bishop of the diocese within which the exercise of the Episcopal function is locally required.