

The case against Bishop Colenso stands thus: He published some writings on the Pentateuch—very bad writings. No doubt there are Theologians who have read these. For most of us the first pamphlet was enough. It was sophistical, flippant, yet dull; few, that read it, travelled further. But scepticism coming from a bishop was novel—drew attention, and rumour spread the scandal. It was natural that the small sections of the English clergy, who meet in the Convocations of Canterbury and York, should notice these writings, and judging them, a few by knowledge, more by report, should condemn them.

I say nothing of the judicial proceedings at Cape Town; these have been characterized by the Bishop of St. David's, as a mockery of justice, "a complete emancipation from the rules and principles of English law and justice." (Chargo, p. 69.) Relying on this mockery, and on the judgment of two small assemblies of Clerics in England, Bishop Selwyn jumps to his conclusion, and pronounces judgment.

It is indeed a curious judgment. He says (p. 38), that the sentence of deprivation is valid, and therefore the See (of Natal) is vacant."

Let us test this judgment by the rules of justice. In Ireland, Mr. R. Pigott has published seditious libels in an Irish newspaper. He is arraigned, like Bishop Colenso, for his publications. He has appeared before a magistrate; has the magistrate condemned him? No. He sends him to be tried; and he now awaits his trial. The trial will be conducted according to the rules of justice, with the assistance of counsel, and the benefit of a strict interpretation of every word. This is one process of justice.

I turn to another.

I take a case, not of scandal, but of crime; not of words, but of acts. Bishop Colenso may be as bad as his enemies believe; he is not worse than the Fenians who suffered at Manchester. Let us regard him as a spiritual Fenian—as bad as O'Brien, Larkin and Allen—he can hardly deserve worse treatment or a different jurisdiction. These three Fenians were tried by Mr. Justice Blackburn, and we remember how he dealt with them.

Let us suppose then that Mr. Justice Blackburn had followed the example of Bishop Selwyn and his colleagues, his course would have been this: Commissioned by the Queen, he would have opened his court at Manchester, and when the case was called he would have said, "I know the facts; I have read the evidence; there are eye-witnesses here in the police; the crime is "notorious. Are we to suffer such red-handed criminals to escape through "the subtrefuges of law, and the subtleties of lawyers? I won't hear the "counsel; I don't want the witnesses; the acts are plain. I close the Court, "and sentence the criminals to be hanged!" Bad as the Fenians are, and strong as was the public wrath against them, I feel sure that we should have risen as one man, not against the culprit, but the judge. Such a violation of law would have roused the public indignation, and the horror of the crime would have been lost in the outrage on injustice. For justice is a sacred deposit, and, once lost in a country, it is rarely regained.

Yet this injustice, in dealing with the offences of Bishop Colenso, Bishop Selwyn and his colleagues have perpetrated. They have condemned a man untried, and who, in the same Report, they advise should be put on his trial.