It might perhaps have been raised before the Privy Council on the appeal brought by Dr. Colenso against Dr. Grey's decision (see 13 W. R. 550). But no doubt both parties were soundly advised in limiting their arguments to the question of jurisdiction. Again, the "merits of the case" might have been investigated before the Master of the Rolls in the *Bishop of Natal* v. *Gladstone and others*, 15 W. R. 29, L. R 3 Eq. 1. In that suit the defendants, if they had attempted to establish and had succeeded in establishing the plaintiff's heterodoxy, must have won the victory. They preferred to rest their argument on the supposed invalidity of the patent of Dr. Colenso, and abstained purposely from raising any argument on his opinions.

"I have not to consider" said the Master of the Rolls, in delivering his judgment, "whether the plaintiff, by false and erroneous teaching or doctrine, or in any other manner, has misconducted himself as a bishop. I have nothing to do with the question whether his works have or have not an heretical tendency. *That question might have been raised* and might have had an important bearing on the question whether the plaintiff is or is not entitled to be paid the salary in question; but that question not only is not raised but it seems to have been on both sides carefully excluded from the pleadings."

The result of this course of proceeding was total failure, and now the advisers of the Propagation Society, who were the real defendants, may possibly regret that a more extended line of defence was not adopted. The appeal from Lord Romilly would, moreover, have eventually reached the House of Lords, where the presence or at least advice of the bishops might have lent additional authority to the judgment which the lay peers would have delivered. This golden opportunity, however, was lost. Dr. Colenso still remains in possession of his bishopric and of the funds attached to it, and according to the opinion just published of the Solicitor-General, Sir Roundell Palmer, and Dr. Deane, it has become next to impossible to dislodge him. He cannot be proceeded against in Natal; he cannot be proceeded against, *as a bishop*, in England. As a clerk in holy orders, the learned writers intimate that he might be liable to penalties in an English Ecclesiastical Court. But this opinion is really theoretical, for it supposes first that Dr. Colenso should voluntarily put himself within the jurisdiction of our courts, and secondly, that his offence has been committed within two years of the commencement of a suit against him. With regard to the first point, there is little doubt from his public declarations that he would come to England on purpose to be tried, but the second is an insuperable objection. Much more than two years has elapsed since the famous commentary on the Pentateuch was published, and the bishop's ambition for martyrdom will scarcely be keen enough to induce him to publish the same opinions afresh in order to facilitate the action of his opponents.

But is it so certain, after all, that Dr. Colenso is not amenable to the general ecclesiastical law? He is continually claiming the position of a "Crown" bishop. Is he to be permitted to enjoy that distinction without submission to its inevitable disabilities? "It has been suggested," says the "opinion," "that the Crown, as visitor or as supreme in causes ecclesiastical or by virtue or in exercise of some other supposed power, may be able, either by Commissioners specially appointed or by means of the Privy Council to hear and determine the points raised against Dr. Colenso. We are unable to find the slightest ground on which this suggestion can be supported." On the other hand we venture to maintain that a trial "by Commissioners specially appointed" might legally be held. It is contended that such a mode of proceeding would be a revival of the High Commission Court which was abolished by the 16 Car. 1, c. 11. But that court existed under an Act (1 Eliz. c. 1), which was not an exacting, but a declaratory statute. By virtue of its provisions a permanent tribunal was erected, which was happily abolished by the Long Parliament, and the re-construction of which was forbidden by the 13 Car. 2, c. 2. The repeal of the sections of the 1 Eliz. c. 1, enabling the Sovereign to appoint a high commission court, leaves the ancient prerogative of the Crown as supreme visitor untouched. The law is laid down on this subject with great exactness in *Cawdrey's case*, Co. Rep. pt. v., p. 8. "It was resolved," says Lord Coke, "by all the judges that if that Act (*i.e.*, the 1 Eliz. c. 1) had never been made, the King or Queen of England, for the time being, may make such an ecclesiastical commission as is before mentioned by the ancient prerogative and law of England." If this statement of the law be accurate, the repeal of 1 Eliz. c. 1, really does not touch the question. The Crown had the power to appoint commissioners before the Act, and possesses it still, although the Act be now repealed. The point, at all events, we venture to submit, is worth discussion. It is by no means so clear as the "opinion" would seem to indicate. A suggestion supported by the high authority of Lord Coke can scarcely be deemed entirely destitute of foundation.

There remains a second method of trying conclusions with Dr. Colenso, which was pointed out in last Tuesday's *Times* by Mr. Forsyth. If the trustees of the Propagation Society again decline to pay Dr. Colenso his stipend, a new chancery suit will be the consequence; and on this occasion the defence that the plaintiff holds opinions not in accordance with the formularies of the Church of England can be set up. In either of these two ways, therefore, Dr. Colenso can, we believe, be brought to trial. It is certainly a "wrong," that if he really does hold heretical views, he should continue to draw the funds of the orthodox;