

what by the Act 16 Char. I., c. 11, it was prohibited from doing as regards the Established Church—*i.e.*, to constitute the Privy Council, by its sole act, and without the authority of Parliament or the consent of the Church or Court for the revision of the acts and proceedings of this branch of the Church, thereby bringing it immediately under the control of the Crown and the Council. In other words, it appears to me to be in some danger of taking a step towards the revival of the Star Chamber (which was only the Privy Council meeting in the Star Chamber) for the government of the Colonial Churches. I shall be glad to find myself mistaken in this, but so far as I can see the step is unconstitutional, and full of danger to the liberties of the Colonial Churches. But this is not my only ground of regret. The issue, so far as this Church and myself are concerned, is raised, and our liberties are hazarded, perhaps necessarily, upon an imperfect and partial statement of the case.

“I claim to be Metropolitan of S. Africa, not merely because jurisdiction is given to me by letters patent, but because the Church also appointed me to that office, having decided before the Diocese was divided, at a meeting summoned by the late Archbishop of Canterbury for the consideration of this and other questions, that there should be a Metropolitan of S. Africa, and that the Bishop of Cape Town should fill that office. Dr. Colenso took the oaths of canonical obedience to me as Metropolitan, both at his consecration, before the issue of the letters patent, and after their issue as his own letters patent required. If, therefore, it were desired to obtain the opinion of the Privy Council in this whole case, for the benefit of all the parties concerned, a wider view of the subject should, I think, have been taken than Dr. Colenso’s petition is likely to do. The Council should have been asked if the whole case of this Church were to be before it, whether, if the Crown could not appoint a Metropolitan, the Church was debarred from doing so? Whether there was any law to prevent her from doing for those in communion with her in distant lands, what Romanists and Wesleyans could freely do for those in communion with them?

—*e.g.* give to her members that full and complete constitution of the Church and of the powers belonging to the several offices therein, which is essential, if not to its being, yet at least to its well-being. I regret that only half the case will be submitted to the Privy Council. It is not right to hazard our religious liberties upon a mere constitutional or legal question such as that to be submitted. And the hardship to myself and to the Church is this, that if the decision were to be against the Crown, and it was affirmed that for it to create a Metropolitan was *ultra vires*, or that there was any defect in my letters patent, and that consequently I had no legal jurisdiction over Bishop Colenso, the question as to the right to deprive him of his office of Bishop would by the world be supposed to be settled in his favour; and the highest Court of Judicature in the Empire would be regarded as ruling that the Church in this land has no power to remove a Bishop even though he were an infidel, or a murderer, or an adulterer;—while it would really have given no opinion on that point, and would say, if asked, that that question had never been submitted to it. Thus my own difficulties and those of the Church here may be greatly increased by the course which has been adopted, and we may have to carry on our struggle to maintain the faith and discipline of the Church in this land, seemingly, though not really, against the whole weight of the authority of the Crown and of the Privy Council. I need scarcely assure the Church that the struggle would be carried on, under whatever disadvantages, because we believe that to allow Dr. Colenso to resume his office as a Bishop of this Church would simply be to betray our Lord and to destroy His Church. We dare not leave the sheep of Christ's Fold to be devoured by the wolf, to become the prey of the unbeliever. We should feel constrained, in faithfulness to our Master, to appoint another Pastor to watch over the flock. Every portion of the Church of Christ has not only a right to do this, but is bound to do it. The law of man does not give the right, nor can it take that right away. The Church cannot part with her right nor abandon her responsibilities in such a matter, without being unfaithful to

her Lord. "His Bishopric let another take" is to be her rule in every age, if any should "by transgression fall." For courts, or other powers of the world, to deny her rights in this matter, would be to persecute. To say that we must receive back again an unbeliever, because the Crown had not the power to give the Church *legal* jurisdiction over him, which it has sought to give, would be to subject us to grievous wrong; we could not for a moment bow to such a decision. Be it that we are without legal powers, we are then only in the same condition as other religious bodies. The Privy Council has itself affirmed that if we are in no better we are in no worse position than they. We have therefore as much right to put in force our discipline as the Wesleyans have, and they can deprive their officers. We ask for no more liberty than they enjoy;—we will not be content with less. For the exercise of this we have our Lord's authority and commission. We need no higher."

Meanwhile, on June 27th, 1864, the first step was taken by Dr. Colenso in the matter of his petition to the Judicial Committee of the Privy Council. There were present the Lord Chancellor (Lord Westbury), Lord Wensleydale, Lord Kingsdown, Lord Cranworth, Lord Chelmsford, Sir Edward Ryan, and Sir J. T. Coleridge. Mr. James, Q.C., Mr. Fitzjames Stephens, and Mr. Westlake, appeared for Dr. Colenso. No counsel appeared on the part of the Bishop of Cape Town or the prosecutors, the proceedings being *ex parte*. The petition prayed that her Majesty would be pleased to declare the petitioner entitled to hold his See until the letters patent granted to him should be cancelled by due process of law for some sufficient cause of forfeiture, and to declare that the letters patent granted to the Bishop of Cape Town, in so far as they purported to create a Court of Criminal Justice within the Colony, and to give to the Archbishop of Canterbury an appellate jurisdiction, had been unduly obtained from her Majesty, and did not affect the petitioner's rights. He also "prayed that the pretended trial and sentence were void and of no effect, and that an inhibition, as was usual in ecclesiastical cases,

should issue against the proceedings under the sentence pending the appeal." The Lord Chancellor ordered the petition to stand over for six months, with liberty to Dr. Colenso to serve the petition on such persons as he might desire. Their Lordships declined for the present to entertain the question of inhibition, since to grant it would be to assume jurisdiction on the part of the Bishop of Cape Town. Dr. Colenso was present all the time.

Space makes it absolutely necessary to refrain scrupulously from entering upon what was at this time an absorbing object of interest among Churchmen, and of exciting debate in convocation—the *Essays and Reviews* subject. But it was impossible not to feel that this case and the no less weighty one of Dr. Colenso, his heresies and his deposition, hung together, and probably no Churchman throughout the land, in spite of all justice and reason, imagined that the Privy Council would give a judgment favourable to the Church or the Faith. Probably, too, the mind of most Churchmen was fairly expressed by a leader of the *Guardian* for July 6th, 1864, when saying that it might be conceived no one would feel it a matter of conscience to defer to a ruling of Lord Chancellor Westbury on a question of Christian doctrine; or that, were the name of her Majesty to be added, and the concurrence of Lord Kingsdown, an ex-chancellor or two, and one or both of the Lord Justices, it would make much difference. Yet this, with the concurrence (necessarily in criminal cases, possibly in others) of either the Prelates of Canterbury, York, or London, was the voice substantially claiming to pronounce absolutely and without appeal as to what was to be held as true and sound doctrine, or the reverse! No wonder that all the highest feeling and principle of the country revolted against such a "strange doctrine!"

It was while these proceedings were going on at home that Bishop Gray was scanning over a so-called pastoral letter from Dr. Colenso to the Laity of Natal;¹ and in a speech made at

¹ "The burden of the letter from the beginning to the end is simply, 'Great is the Committee of the Privy Council,' the supreme and ultimate authority on the principles of the Christian Faith! There is a flourish about the 'blood of the Reformers,' introduced with happy contempt of logic and history. But there is

D'Urban on S. Peter's Day (the seventeenth anniversary of his consecration) the Bishop felt it necessary to take some notice of certain untrue statements which it contained concerning himself, and which he thought it would be wrong to leave uncontradicted.

"As to such points as his letters patent being issued a few days before mine, or my having appointed Bishops Tozer and Twells so that his judges were my nominees, they are hardly worth noticing. I might, however, remark, that if Bishop Colenso had not seen my letters patent it was his own fault. They were in the public offices, they were open to all, and they were not the first letters patent that had been issued in relation to Metropolitans." The Bishop briefly repeated the circumstances of appointment of both the prelates named, reminding his listeners that Bishop Tozer had not been one of the judges, and that he had had nothing to do personally with the appointment either of the Bishop of Graham's Town or S. Helena, both of whom formally adhered to the judgment. But there were other points of greater importance which must be entered upon. In his letter Dr. Colenso charged the Metropolitan with a long-formed intention of separating the African Church from the Church of England. He said, "I have always resisted the notion of separation from the National Church, on which the Metropolitan has so long been insisting."

"Such language," Bishop Gray went on to say, "was simply intended as an appeal to the people's prejudices. I entirely repudiate so gross an imputation. I am a Bishop's son. I was brought up in the Communion of the Church of England, which I dearly love as the purest and truest Church on earth. I have ministered at her altars; it was against my will that I came out to Africa; until called to go forth I had never felt any inclination for foreign work, but wished to live and die in the service of my Mother Church, and therefore declined to go until summoned a second time by Archbishop Howley, now

no arithmetic, and Dr. Colenso, when not arithmetical, is nothing. If the Laity of Natal are induced by this pamphlet to alter their views, they must be easy of persuasion indeed!"—Leader, *Guardian* of May 11th, 1864.

with God. I entered to-day on the eighteenth year of my Episcopate, and feel it hard that, after spending seventeen years of great toil and many anxieties in endeavouring to extend our Church in Africa, I should have been publicly charged, by one who would not have ventured to make that charge in my presence, and had never hinted at it in all our intercourse (which on my part was always confidential and brotherly), with a long-cherished desire to separate the Church in this land from the Church of England! Such a desire never found entrance into my mind! I entirely deny and repudiate it. I have never concealed what my views are. We are one with the Church of England in faith and discipline and communion. We are the same Church, and I trust we shall ever remain such, neither of us falling away from the one true Faith; but the Church in England is *established*, while here it is not established. The highest Court of law has declared that we are a purely voluntary religious association, and that consequently we have nothing to do with the laws which establish the Church in England, *i.e.*, with statute law or Civil Courts. With these we have absolutely no concern; with all that the Church herself has ruled we are absolutely one. Most of our present difficulties and misconceptions arise from the transition state in which we are; from the transplanting a branch of the Established Church in England to a country where it is *not* established. As to titles, Churches have in all ages been designated by the countries to which they went. The Churches of Rome, Ephesus, Corinth, were called in apostolic days by the names of those places, while they were absolutely one Church with the Mother Church in Jerusalem; they were the one Church of Christ throughout the world. So in our day we have Churches in all parts of our dominions, one in Faith and Communion with the Mother Church in England. They do not cease to be one Church with her because their titles may be taken from Australia, or India, or Canada, or South Africa."

There was another point on which the Metropolitan had somewhat to say. Dr. Colenso had claimed for himself to be the representative of the principles of the Reformation, while

his Metropolitan was seeking to impose upon the people "a system of ecclesiastical despotism;" the "yoke of ecclesiastical tradition," depriving them of the liberty which "the blood of the Reformers" had won for them! Bishop Gray observed that he had read history amiss if the Reformers had not held the Bible to be the Word of God, and the Rule of Faith; if they had not held the Creeds to be the true interpretation of the written Word, because they were what the Church taught and held to be such from the beginning; if they had not fought for primitive apostolic Catholic truth, and rejected the corruptions of Rome because they were incrustations upon and additions to the Primitive Faith. Our Reformers always referred back to the First Ages as teaching what true Christianity was. But the late Bishop, Dr. Colenso, who now came forward as the champion of the Reformation, had taught that the Bible is not God's Word—that the Creeds are old worn-out documents, were "ecclesiastical traditions," that we are "steadily advancing" into greater liberty and light than the world has ever yet enjoyed, and that we may believe the old traditionary system has been, like the Jewish before it, our schoolmaster by God's appointment to bring us to Christ—to the Christ which is to be! This was to be our new religion according to Dr. Colenso. Not the Christ of history—not faith in Him Who is the Same yesterday, to-day, and for ever—not in Him Who was and is our Incarnate God; but in a new Christ, the creation and fabrication of our own intellect! His teaching was an entire departure from what had ever been held to be the Christian Faith from the beginning until now.

Before the Metropolitan left D'Urban, the Dean laid before him and the assembled Clergy a letter just received from S. P. G. announcing that the Society's grant would be reduced the following year from £1850 to £1270, out of which £400 was to be applied to Clergy ministering to the white population, and that no one was to receive more than £100 henceforth from the Society. This announcement aroused much bitterness of feeling, coming, as it did, at so critical a moment for the unfortunate Diocese of Natal, which was threatened with the return of

Dr. Colenso, probably accompanied by men of his own peculiar views and with funds. The Metropolitan ventured to assure the Clergy that the Society, when informed of the real state of things, would not play into Dr. Colenso's hands by withdrawing grants at this moment so wholly essential; but if by any possibility they did so, he promised to go to England himself, to raise the funds and find the men which he had led the Diocese to look for.

On July 2nd, 1864, the Metropolitan embarked for Cape Town, coming in for a more than ordinarily severe storm, during which the little steamer could make no way, though she rode it out well. Bishop Gray was kept to his berth for two days and three nights, and, as he lay there, he "thought of the storm-tossed Church, threatened by more fierce winds and waves than those which seemed likely to overwhelm us. May our Good Lord hear His people's cry, 'Save, Lord, we perish! and bring it safe through its fiery trial, and purify it thereby!'"

During the voyage the following letter was written:—

To JOHN MOWBRAY, Esq.

"At Sea, July 11th, 1864.

"My dear Mowbray—I have no objection to any subscriptions, but shall be thankful for any relief under the pressure of heavy expenses.¹ . . . All that I do object to is to having it

¹ A printed circular from Oxford, without date, probably is to be referred to this time.

"Members of the University are respectfully informed that a subscription in aid of the funds for defraying the legal expenses of the Bishop of Cape Town has been opened at the Old Bank, to which it is hoped that those who feel interest in the welfare of the Church in that distant province will take an early opportunity of contributing.

(Signed) F. C. PLUMPTRE, D.D., Master of University College.
 J. E. SEWELL, D.D., Warden of New College.
 F. K. LEIGHTON, D.D., Warden of All Souls' College.
 F. BULLEY, D.D., President of Magdalen College.
 C. C. CLERKE, D.D., Archdeacon of Oxford.
 R. W. JELF, D.D., Canon of Christchurch.
 E. B. PUSEY, D.D., Regius Professor of Hebrew.
 C. A. OGILVIE, D.D., Regius Professor of Pastoral Theology.
 W. W. SHIRLEY, M.A., R. Pro. of Ecclesiastical History.
 C. A. HEURTLEY, D.D., Margaret Professor of Divinity.
 J. W. BURGON, M.A., Fellow of Oriel.

supposed that I mean to be a party to any suit before the Privy Council, or other Civil Court. I cannot understand the course which the law officers of the Crown have resolved to adopt. The attempt to bring a Colonial spiritual cause under its review, which could not come under its review through the ordinary course of the law, seems to me a most unwarrantable stretch of the prerogative; and very like the re-establishment of the Star Chamber for the subjugation of the Colonial Churches. I am protesting against this.

“Then the submission only of the question of the letters patent seems to me most one-sided and unfair. Let the letters patent be rubbish. What then? The Bishops of the Church, summoned by the late Archbishop for the consideration of the question, resolved that Cape Town should be a Metropolitan’s See, and I Metropolitan. I claim that office on the ground that I have been called to it by Christ through His Church. If any questions were asked of the Privy Council, this should have been among the number—If the Crown cannot by letters patent create a Metropolitan, is there any law to prevent the Church from giving this completion of her acknowledged constitution to the Churches which she has founded in various lands, by the appointment of one of her Bishops in each country to act as Metropolitan?”

“I would compel the Privy Council to say yea or nay; Whether the Church can or cannot do what the Wesleyans can do? The unfairness to me and to the Church is, that if the Privy Council say the Queen had no power to create Metropolitans, the world will cry out ‘*Causa finita est*,’ and my difficulties will be increased a thousandfold. I believe that if the Privy Council can throw the Church it will; and I believe that the Church must defy and destroy it as a Court of Appeal, or be destroyed by it. In that body all the enmity of the world against the Church of Christ is gathered up and embodied. No justice in spiritual things is to be expected from it. The state of the Diocese of Natal is most shocking. . . . But the laity are very ignorant, and not a few put their faith upon the broken reed of the Privy Council.”

To the Rev. the Hon. HENRY DOUGLAS.

“D’Urban, July 2nd, 1864.

. . . “There are two points I have been anxious about. 1. That I should not be understood to be sending my cap begging round England for myself. 2. That I should in no way be represented as prepared to go to the Privy Council or any Civil Court in the Colenso matter. I have said that I would not do this, and I do not wish to appear hesitating or inconsistent. What you have done is precisely what I told my brother some time since I thought would raise enough to relieve me from costs incurred in the Church’s service, which have pressed heavily upon me. . . . Altogether in this extra way I have spent full £2,000, and have had to part with some of my own inheritance which I had trusted to transmit to my children, to meet it. Now I am quite willing to submit to the ‘spoiling of my goods’ if need be, but with you I believe that there are many in England who do not wish it. For my own part, I do not think committees needful, but I have no objection to them if others think differently.”

On July 13th the Bishop reached home. “As I travelled the length and breadth of the fair land of Natal, I know not whether disappointment or hope predominated,” he wrote. “I could not but feel disappointment as I saw how great opportunities had been thrown away, and lost for ever. It is in everybody’s mouth that no Bishop ever had a fairer field before him. Ten years ago little needed to be done to supply the scanty European population with means of grace. Gradually, by a little exertion, each district might have been supplied as its wants arose. The other religious bodies had exhibited no great activity, and were not in high repute. It is commonly said that the bulk of the people welcomed the appointment of a Bishop, and were prepared to accept the Church for their teacher. The Mother Church itself supplied ample means. Many thousand pounds were placed at the disposal of the Bishop. What has been the issue? what the fruits? These

—Wesleyanism has done the work the Church has left undone; has drawn into its ranks very many of our neglected people; confidence has been utterly destroyed; large sums of money have been frittered away and wasted upon plans which have come to nothing. There has been no labouring in season and out of season among the people; and the only valuable fruits of ten years' Episcopate—the Kafir translations—are not at all generally accepted, and are being supplanted by others. It was impossible to ride through the country as I have done, and look upon its spiritual condition, without deep distress. . . . And yet there is hope at least for a large part of the country. The fact that in ten places subscriptions have been eagerly entered into to support Clergymen, shows how much may yet be done. Were there but an earnest and faithful chief Pastor, the number of the Clergy would speedily be doubled." After going on to speak of the need for more attention to education and to Mission work, the Bishop says: "Unless a sound, earnest, laborious Bishop be speedily appointed to this Diocese, the Church must, humanly speaking, die out. It is impossible, even were my own energies not nearly worn out, that the Diocese should be worked up and its life restored by a Bishop resident in Cape Town. Nor, though an Edinburgh Reviewer is pleased to think that I have nothing to do, can one Bishop adequately discharge the duties of two Dioceses."

The English mail, which met the Bishop on his arrival at home, brought tidings of the death of his brother, the Rev. Henry Gray. He wrote at once to his brother and sister, Mr. Edward Gray and Mrs. Williamson, as follows:—

"Bishop's Court, July 19th, 1864.

"My dear Edward—So another dear brother is gone to his rest. I suppose we all felt that he could not last long under these repeated attacks. Another link has been broken. May we all be ready when our Lord calls us. I mourn for poor dear Emily, who has been a most loving and devoted wife. It is a marvel to me that, with the life I had led these seventeen years, I should have outlasted him! . . . We returned home on

Wednesday, and, thank God, found all well and happy, and are greatly enjoying the quiet and comfort of our beautiful home, though immersed in the work of two English mails and public correspondence *in re* Colenso. . . . I do not know whether indignation or distress was uppermost in my mind as I rode through Natal. . . . There must be another Bishop soon. . . . If I do not consecrate another, should Colenso go there, the Church in Natal would die out. Some would cling to the State Bishop, some become nothing; all earnest religious people would join the sects. . . . I think the Church feels itself strengthened by my visit; more united, too, and more determined to present a bold front against the apostate and the world. But there will be troubles, probably a schism, if the Privy Council denies this Church its liberties. We hope ever to look to our Lord and His Will for guidance—not to the world with its Courts;—and that Will clearly is that His Church should be preserved from false apostles. I have engaged four more men in Natal, but I want immediately six more Clergy. If they were at once forthcoming, I should feel much relieved about the future. Bishop Tozer is with us. He sails for Zanzibar on Friday, to establish his Mission there. Sophy will have given you an account of ourselves and our journey more full and graphic than I can do. She has been more gallant than ever through this journey. Her 700 mile ride seemed as nothing to her; but you know how patient and enduring she is, and how she makes the best of everything. Our Colonial Secretary, Rawson, goes home this mail, as Governor of the Bahamas. We are very sorry to lose him and his wife; they are very good people. I think our journey cost £250. . . . Charlie will, I trust, be ordained by S. Oxon at Christmas. I think his views and mind are deepening.”

By the same mail the Bishop wrote to his son an account of the Visitation, going on as he so often did, to him especially, to matters of a more interior and restful character: “With regard to ———, contempt for parental authority prepared the mind for a contempt for all authority. Our Lord was pleased oftenest

to set before His disciples His Humanity (which has been as often denied as His Divinity), calling Himself the Son of Man. Among other reasons for this was their inability to receive the truth concerning Him and His Fulness. 'I have many things to say unto you, but ye cannot bear them now.' At times, and gradually as His Ministry passed on, He led them on to see and receive the whole truth. As when He told S. Peter that flesh and blood had not revealed, etc.; and replied to Philip, He that hath seen Me hath seen the Father, and declared that He and the Father were One.

"I have often marvelled that people should talk of the difference between S. Paul and S. James. They write from different points of view to meet opposite errors. I receive the teaching of both, and they harmonise with the convictions of my own mind. . . . I trust that as the period for ordination draws on, your inner life is deepening, and that you are weighing what the responsibilities you are about to undertake will bind you to. There is a great deal in Bridge's *Christian Ministry* (a Low Church book) which I found useful. But prayer and thoughtfulness will be your best preparation."

There was a lull now in the great struggle, during which Bishop Gray was thoughtfully and prayerfully making ready to strive for the Faith, come what might. He writes—

To the Rev. Dr. WILLIAMSON.

"Bishop's Court, August 17th, 1864.

"My dear Richard—Wishing to be prepared for whatever may happen, I am anxious that you, as my commissary, should be the receptacle for any recommendations of men to fight the Church's and her Lord's battle against the world and infidelity, if we should be driven out here to consecrate a Bishop. Will you please be so, and look out yourself for a true and good man? We have nothing to offer, though I have no fears about money. . . . A calm, well-judging, devoted, and firm man, and withal a scholar. . . . Of course, I have no power over Privy Councils, but I have a duty to perform to my Lord and to His Church; and if I can provide a faithful Bishop for this portion

of the flock, I will, let the Courts of the world say and do what they will. Help me to find a man, therefore. Let him come out in faith, looking up to God. I have no fear what the result will be. Of course, if the Privy Council judge uprightly, I leave the matter in the hands of the Archbishop. . . . Bishop Tozer and Dr. Steere have sailed for Zanzibar. Everything is in a very depressed state here, our people migrating to New Zealand."

To the Same.

"Bishop's Court, September 16th, 1864.

. . . "I think it very possible I may have to sail for England by the February mail. The conduct of S. P. G. will, I fear, drive me to this, even if I have not to go and look out for a Bishop. . . . They reduce their grant made to Colenso by one-third . . . and do not undertake to look for or send out any Clergy! I have met with no discouragement like this since the struggle began, and feel it not a little hard to be thrown thus by this professedly Church Society. Hawkins excuses their conduct on the ground of —— on the Standing Committee, and the presence of others with 'ecclesiastical crotchets.' Bullock would, I am sure, in his private capacity, examine men and send them out if we can find and pay them. Every day is of importance. . . . I have no fault to find with what the Judges did in Privy Council. They were very careful not to claim jurisdiction. I had the shorthand notes. The Lord Chancellor alone stood on tender ground. I daresay that he will do what he can against the Church."

To EDWARD GRAY, Esq.

"September 16th, 1864.

. . . "The papers did not give a correct report of P. C. proceedings. The shorthand was different. They did not deny my jurisdiction, but said they must guard against claiming any themselves. I confess that I believe the lawyers will find some loophole for deciding against the Church and the Faith. I am sending a protest to S. Oxon and Phillimore for

revision, to be put in under certain circumstances. I am not sure that even that is not an *appearance*."

To the Rev. JOHN KEBLE, Hursley.

"Bishop's Court, September 17th, 1864.

"My dear Mr. Keble—I am very glad that you and Dr. Pusey are likely to publish on the subject of the Court of Appeal. The Church of England is in a thoroughly false position, and, unless she destroys her Court, it will destroy her. The whole subject of the Supremacy wants a thorough discussion. I dread men sinking down into a passive condition, as they did after the Gorham Judgment. Every such act as that of the Convocation or Declaration should give courage to grapple with this fearful evil of the Privy Council. It must be remembered, after all, that men whose writings the Church declares to be heretical are witnessing in her name against Christ among our people. She must insist upon having the power to remedy so great a wrong. Instead of being established, she is persecuted, and her Lord is wounded. I have not seen J. H. N.'s *Apologia*, but have ordered it. I have urged the Central African Committee to support Bishop Tozer in his present attempt to penetrate into Africa from Zanzibar. . . . Bishop Tozer is a most energetic, single-minded, and devoted man. In some things I have differed from him, but I am sure he will not spare himself. I should not be surprised if Zanzibar itself with its Mahometan population attracted much of his attention. . . . After S. P. G.'s failure . . . I believe I shall be compelled to go home after my next Synod, and make a personal appeal in England, in order that I may not fail in my engagements, but I ought not (if it can be helped) to leave Africa at the present time; and as I grow older, I shrink from the toil, and the cost of these visits is very great. I shall, however, hold myself in readiness. In two days I start on another ride with my wife of 500 miles up our western coast."

This letter crossed one from Mr. Keble himself.

"Hursley, September 5th, 1864.

"My dear Lord—I have been waiting in the hope of having something more to write to you, and now have scarce time to write at all. Our last event, so far as I know, is Pusey's pamphlet, which I suppose you will receive by this mail. It is hardly time for it to have struck out many sparks either of opposition or of sympathy. He seems disappointed at people's apathy. I wrote somewhat intending to back him up, but it seemed to him and others imprudent, so it waits for correction. But I had better say at once the only thing which makes me fancy it worth while to write to you now. One sentence in your kind letter of July 15th (for which I was very thankful) startled me exceedingly. I had not heard the facts before—'The Law Officers have advised the Crown to refer to the Judicial Committee questions which could not come before it by the ordinary process of the law, as regards the Colenso affair.' I ventured in a sort of horror to ask Sir W. Heathcote about it, and I fancy I may as well send you his remark:—'If the fact is as the Bishop states, I should think that it was a step on the part of the Law Officers wholly unprecedented, and I cannot help thinking that the word '*advised*' must be used equivocally. If, indeed, the Law Officers have really '*advised*' (in the sense of recommended as expedient) any particular course, when others are at least equally eligible in point of law, it would seem that they have erred, not only in advising wrongly, if so it be, but in advising at all. But if they have advised only in the sense which is the ordinary one when the subject matter is law, *i.e.* have given *their opinion* that certain matters *are* within the Province of the Privy Council, then the Bishop is begging the question when he says that the advice is wrong.'

"I do not know, but I suppose that Sir W. had regard to the *immense* powers given to that Committee in the wording of the Act of Parliament (unless I misunderstand it) 3 and 4 William IV. s. 41, 73—'All complaints in the nature of appeals which, either by virtue of the act, or of any law, statute, or custom, may be brought before his Majesty from the sen-

tence of any court, *Judge or Judicial Officer* . . . shall be referred by his Majesty to the said Judicial Committee,' etc.; and vii. 4—'It shall be lawful for his Majesty to refer to the said Judicial Committee, for hearing or consideration, any such other matters whatever as his Majesty shall think fit, and such Committee shall thereupon hear and consider the same, and shall advise his Majesty thereon in manner aforesaid.' Heathcote himself seemed a little startled when I read those clauses to him. They *seem* to warrant almost any application of the Court's power. I asked him whether the Queen's Bench or other courts might grant a prohibition in case of excess of jurisdiction, as they can to the lower Ecclesiastical Courts. He did not know. Perhaps this may be worth considering. It would not be right (would it?) if we could anyhow raise the funds, to let judgment go by default in such a question as this, and to apply for a prohibition would be the contrary to acknowledging their jurisdiction. When you have applied and are refused, then will be the moment for considering how far we can go on acknowledging the supremacy. I cannot but think that we should raise the funds for such a purpose, if we go prudently to work; but I may say to you that the folks here are very jealous of one's saying beforehand that one would not obey such and such a law. One must, I dare say, sometimes do so, but it may make a great difference in the result how a person orders himself in so doing. People are very touchy about 'defiance,' and I suppose it is charitable to give them as little excuse as possible for holding off from us. All this you know far better than I, and I am ashamed to have gone on prosing about it; but you will excuse me, and believe me always most faithfully yours,

JOHN KEBLE."

From the BISHOP OF OXFORD.

"North Wales, September 3rd, 1864.

"My very dear brother—I have been in continual correspondence with our good patriarch on your matters. But he is altogether of opinion that whilst you, as being cast off by the State as an established Church, are free to act as you are doing

for the Faith of our Dear Lord ; that we, as still established by law, are not free to assume the settlement of a matter which has been appealed to the Queen. I have talked the matter over with Gladstone, and he thinks the Archbishop right in this. There is not the least shrinking back from you in the Archbishop's view, but a simple desire to act aright in the high post in which God has placed him, and of course his decision must bind us. I cannot but hope that the coming decision will leave us free to act, and, when we are, you need not doubt how we shall act. The ex-Bishop is doing all he can to make his place good. He is going to the British Association, at which I had promised to attend, but I have written to decline going, and told my intended host that I could not voluntarily expose myself to meeting Colenso under his present circumstances. . . . I really cannot tell you how thankful I feel that you have been enabled thus to stand in the gap. Your course seems to me perfectly unassailable. I was talking to Keble about it a little while ago, and especially about your charge: he said—"It is wonderful; it is like a piece out of the fourth century! It is really noble." May God in His Mercy uphold, direct, and comfort you to the very end of all. I shall feel very happy if I am able to ordain at Christmas your son and mine together. Oh, may they set out aright, and hold on till they meet with joy before the Great Bishop. Adieu for to-night, dear and honoured brother.—I am, your faithful S. OXON."

"Pall Mall, October 5th, 1864.

"My dearest Bishop—I thank you from my heart for your noble conduct in setting us free from this terrible reproach. Come what will, I say so; and so far as I can see at present, I think you are quite right in all your future plans. Phillimore and R. Palmer both think your every past step safe, and such as will hold against the shock if it be assailed. God grant it. On Monday next Lushington's Judgment in the Essays and Reviews is to be reversed by the Privy Council Committee, evidently packed for the purpose, no one who ever sat on such questions having been put upon it. S. OXON."

On his return from the 500 mile ride above mentioned the Bishop writes as follows, October 18th, 1864 :—

To the Rev. Dr. WILLIAMSON.

. . . “We have just returned from our ride up the west coast, and I have been writing almost ever since without ceasing, so that eyes are aching and arm stiff. I found our work in a healthy state everywhere, except at my Mission Station; and, in spite of want of means, I have committed myself to several fresh works. . . . In Belson’s parish alone I confirmed 112 persons, of whom full 105 were converts from heathenism. . . . I hope that no further delay took place in publishing my appeal. Promptness in all these cases is of vast importance. Men for Natal are wanted even more than money. . . . We have before us for next month a gathering of choirs in the Cathedral, a Conference of Clergy here, and a meeting of schoolmasters; then an ordination, then the Synod. I hope to get a little quiet in the intervals. I have just got children from two tribes in Natal to my college, and we are now, with lads from the Zambesi, quite full.

“I have most hearty and affectionate letters from very many, from the Archbishop downwards, approving of and thanking me for what I have done. . . . I shall not leave Africa if I can help it; but if P. C. go against the Church and the faith, or my appeals for help fail, I shall hold myself in readiness to sail in February.”

To EDWARD GRAY, Esq.

“October 18th, 1864.

. . . “Phillimore wrote me word that I was not expected to do anything with regard to Colenso’s petition, and all I have done is to send S. Oxon a provisional protest, should jurisdiction be claimed for the Crown. I get most hearty and encouraging letters from the Archbishop, S. Oxon, Keble, Wordsworth, Neale, and others. It cheers me very much that the course I have adopted, and the Charge I have delivered, is approved by such men. May God give me grace to act wisely, faithfully,

humbly, at each stage of these proceedings. I cannot rid myself of my responsibilities as you desire, and throw them upon the Archbishop. The burden of the contest is at present laid upon me, and I must bear it alone. It would be to act cowardly and unfaithfully were I to back out and tell the Archbishop that he must stand in the breach; and I could not do so if I would. I dread nothing so much as the actual personal collision in Natal, should I be called to consecrate there, in the face of the opposition of the whole power of the State. I fear that, as all Asia was turned from S. Paul, so all Africa might be from me, and yet I may have to brave it. It is the excitement of these things, however, and the fear of making mistakes, that slays me. But sufficient unto the day is the evil thereof. Colenso's *Remarks* have been sent out here for gratuitous distribution—they are full of fallacies and falsehoods. I have scarce had time to read his pamphlet through. I must not let the matter sink to a mere controversy, but I ought to set some matters right. . . . I have given the Archbishop my views most fully and plainly, perhaps too much so."

TO CHARLES NORRIS GRAY, Esq.

"October 16th, 1864.

"My dearest boy—I think it is right that you should know that I possibly may be compelled to go to England by the February mail. If the Privy Council should advise the Queen that she can or ought to hear Colenso's Appeal, I should probably go. If they threw him over, and left the Archbishop free to appoint another Bishop, I should pretty certainly not go. In case of an unfavourable decision, I should have to make my appeal for funds, find a Bishop, make good my own position with the Church at home. You will be able to decide for yourself as to my course, probably, by the line taken by the Privy Council. . . . I do not know what your own views would be about a sphere of labour, but I believe it would be the greatest benefit to you who hardly know what a parish Priest's work is, or its duties, obligations, etc., to begin in a thoroughly worked parish, under a first-rate man. I believe

that your standard of ministerial duty through life may depend very much upon the circumstances under which you begin your ministry. I have the greatest dread and horror of the kind of half-hearted ministry to which I think many young men of the present day seem inclined, getting as much amusement as they can consistently with such a discharge of duty as satisfies the requirements of the world. The present Oxford Essay School is responsible for a great deal of this; it can never create an earnest ministry like that which the movement of 1833, with all its faults, has done.

"I know of no parish more efficiently worked than Kidderminster. If it continues what it was, it is an admirable school for Curates. If you took a Curacy I should like you to go there, but Claughton may be full. If not Kidderminster, would you like the idea of Newbury, under Archdeacon Randall's son? If in doubt, you can at any time consult the Bishop of Oxford. . . . Archdeacon Bickersteth would be an admirable man to be under, or to consult. I attach the greatest importance to the seeing how a parish is worked. You would get there as many new ideas as you have got at Cuddesden.

"You will have seen Colenso's pamphlet, probably, full of the grossest misstatements. I have been in doubt whether to answer it or not."

The following letter is one which must come home with a warm glow to the heart of every Christian Priest.

To the Rev. CHARLES NORRIS GRAY.

"Bishop's Court, November 10th, 1864.

"My dearest boy—By the time this reaches you, you will, I trust, have become a Minister of Christ. From henceforth you devote yourself, soul and body, all you have and all you are, to Him and to His service. He is to be Master, you servant. For His Sake, out of love to Him, you are to strive with all your might to spread His Truth and His Kingdom, and win His redeemed to Him. You pledge yourself to sacrifice tastes, wishes, inclinations, prospects, all that the world has to offer, to Him; count them all as dung, if you may win Him, and be

found in *that* day in Him. It is a blessed service. I would not, with all its anxieties, distresses, reproaches—and I have had my share of these—exchange it for *any* the world has to offer. Henceforth, dearest boy, you will be a fellow-labourer with your father; it may be in far-distant lands, in the Lord's vineyard. May He give you grace to fight a good fight, and of His Goodness to win a Crown. Be true and faithful; hold to the Faith once for all delivered. Witness for Christ, and you shall have a cross to bear, but He Whom you serve will support and strengthen and comfort you under its burden. I have a good hope that you will prove true, for I have seen a gradual growth which I trust will not be checked; but go on till you reach to the measure of the stature of the fulness of Christ. You are as yet but on the threshold of the spiritual life, and have much to learn, as your excellent friend Mr. King, who has written me a comforting letter about you, will tell you. May the life of God within your soul be deepened hour by hour. I lean, myself, if I should have to go home, to your continuing a little longer at Cuddesden, and helping Mr. King, if you may, in the parish, while you continue your studies. But choose for yourself. If all goes right, and the way is open for the Archbishop to consecrate, I shall not move. If there should be further proceedings before Civil Courts, I should probably leave at once. The Bishop of Oxford would be able to tell you, probably, whether there would be any necessity for me to leave. My object is to get a Bishop, and to consecrate myself if others cannot. If that point is safe I care for but little else. I have written a reply to Colenso's Remarks for my own satisfaction, but I shall probably not publish. Others cannot, for it consists almost wholly of corrections of gross misstatements of facts, of which the evidence is in my possession only. . . . I have at length read both your sermon and essays. The sermon is raw and youthful: I can quite believe you felt what you wrote. It is the feeling (not excitement) that gives power to preaching. Let us realise all we say, and the importance of it, and others will be impressed. The difficulty is to live as we preach. . . . Ever, dearest boy, your affectionate Father,

“R. CAPETOWN.”

To the Rev. Dr. WILLIAMSON.

“ November 11th, 1864.

. . . “The talk of separation from the Church is a mere device of the enemy. I am surprised that any should be weak enough to be taken in. We are one with the Church. We never were in connection with the State, and have not ever separated from it; but we are not (as a Church) one with it. With all that attaches to the Church of England, as an accident of her position as the Established Church of England, we have nothing to do. Colenso and his friends would force us under the iron despotism of the State, which bids fair to destroy the faith of the Church of England. God helping, we will not be brought under this. I do not ‘cast the Church off;’ with all my soul I would the State! The Church of England is in a false position. I will not, if I can help it, allow the State’s claims to be coiled round the necks of Colonial Churches. . . . We have had our Festival of Choirs, which went off very well, and this week a Conference of Clergy to consider the question of Mahometanism. The Sultan is going to build a great mosque in Cape Town. I nearly lost Badnall. The Graham’s Town folks petitioned the Bishop to make him Dean, but he decided not to go.” .

To the Same.

“ December 20th, 1864.

. . . “I am as anxious as any that the great questions at issue should not sink down to a personal controversy between Colenso and myself, which he strives with all his might to reduce it to. I have therefore refrained from publishing any reply to his numerous charges. On Sunday I ordained five men, one for Natal. . . . I have prepared my Charge and address. My Visitation is January 17th, and we open Synod the same day. Colenso’s pamphlets, circulated largely and gratuitously here, have had some little effect in disturbing minds, but it will force people to consider questions. I enter into all organic questions which have been most discussed, and endeavour to lay down the true platform for unestablished

Colonial Churches. Nothing very new. The Privy Council judgment may come out on the very day on which I charge: rather unfortunate if we be found to differ! My thoughts and prayers have been much with dear Charlie during the past week. I trust that he may grow up to be a true witness for Christ and the Faith, at a time of much falling away. . . . Sophy has been weak, but what a mercy it is that she can go on with one work after another, every day from morning to night!"

TO MRS. MOWBRAY.

"December 20th, 1864.

. . . "I am considerably advanced in my preparations for my approaching Synod, where we shall have little to do save to discuss principles arising out of the troubles of the present times. My Charge will be chiefly taken up with these questions. Your man is likely to have a more stirring session, I suppose, than the last. What does he think of the rising power of Gladstone? I sincerely hope that the University will keep him, in spite of my many disagreements with him. I have not lost confidence in him yet. We have had an emigration to the States going on here; 900 men were enrolled or rather enlisted. I believe that there is sufficient evidence to enable the Governor to suppress it. There has also been a great emigration to New Zealand, which has weakened the Church a good deal in the country districts. Men seem to shrink from this as a doomed land, and certainly it is an afflicted one.

"We are now in the midst of poor feasts, Christmas trees, tea-drinking for 300 children, choir dinner, servants' pic-nics. . . . It is pleasant to hear good accounts of all your children. . . . I am sure that Charlie will look back upon his year at Cuddesden as a very blessed one in after life. It has given him just what he needed."

It was on December 21st that the Bishop's son, here alluded to, was ordained at Cuddesden, by perhaps the most dearly loved of his friends, Bishop Wilberforce. He was at the time overwhelmed with work, but found time to write a

few loving words in Ember week : " You are, I need scarce say, a great deal in my thoughts this week, and in my prayers too. May God, of His Great Goodness, give you largely of His Holy Spirit, and make you a true and faithful witness and minister of Jesus Christ. I have myself five candidates whom I hope to ordain."

By this same mail (though dated a few days earlier) the Bishop wrote to Mr. Keble, asking counsel, which had in part been anticipated by his venerable friend at Hursley, and was already on its way. The two letters are subjoined :—

" Bishop's Court, December 14th, 1864.

" My dear Mr. Keble—My brother writes me word that you have been kind enough to send me another offering. Very many thanks for the same. I have quoted Hooker more than once in my judgment. His words have thus, in a double way, helped to vindicate, in our African Church, faith and discipline. My brother adds that you are kind enough to send me a copy of your edition. Of course we have it, and in the library, for which we are so largely indebted to you, but this copy shall have its due place of honour. This Colenso case shows the importance of good theological libraries in the Colonies.

" My mind is running forward a good deal to the future. I am continually pondering what our duty may be if Colenso should get a verdict in a Civil Court in his favour, and on the strength of it resume his Episcopal office. I have no doubt about excommunication. But am I to urge the Diocese to elect another Bishop? and my Comprovincials to consecrate? Hitherto the Crown has nominated to all Colonial Sees, and usually the Archbishop has consecrated or recommended to the Crown. The Civil Law would prevent both the Archbishop and Secretary for the Colonies from taking any step in the teeth of the decisions of a Civil Court. But is the Church here to acquiesce? How far may we fairly disregard the letters patent, and the claims of the Crown which they imply? What are the real rights of the Crown in such a matter? or has it any? How far are

we committed to the acknowledgment of its rights by our reception of letters patent? My own impression is that the Crown has no real right in the matter, and that we ought not to allow a deposed heretic, under its authority, to witness against Christ and mislead the flock. That duty to our Lord requires, that if the Church at home will not send out a true and faithful pastor, we should choose and consecrate one here. Am I right? Will you advise me in this matter?

"I am much struck with the reverent way in which our very flippant press has treated the whole case. Usually it writes presumptuously on all religious subjects: now scribblers seem restrained by awe—the subject is above them. With many grateful thanks, believe me, dear Mr. Keble, faithfully yours,
R. CAPETOWN."

Before this letter was written the saintly man to whom it was addressed had been struck with palsy. It was on the night of S. Andrew's Day (November 30th, 1864), that while writing, Mr. Keble lost power in the left side and right arm, but without losing consciousness or presence of mind. His writing became illegible, and his voice indistinct, and though the most alarming symptoms were relieved by the next day, he never entirely recovered his former strength. It is very touching to find a letter dictated by himself, and written by Mrs. Keble, to his beloved African Bishop only four days after this serious attack.

"Hursley, December 4th, 1864.

"My dear Lord—I am sorry to tell you that my husband is just at present disabled from writing with his own hand, but he is very anxious that you should be quite at ease about the £1,000, which he hopes to give an order for by the first week in January at latest. He desires me to add that he most earnestly hopes there may be no necessity for your coming to England in February." (Here the dictated part of the letter begins.) "What turn the Colenso case may take before the Privy Council we have no means of judging. You will see by the inclosed paper what we are trying to do, as to the *Essay*

and Review grievance: there has been delay through an endeavour to secure the co-operation of the Low Churchmen, but they are naturally afraid of damaging the Gorham Judgment, and so hang back for the present. But you will see by the papers that Disraeli has spoken favourably, and we have reason to be sure of the Archbishop of Canterbury and Mr. Gladstone's sympathy, although of course they do not pledge themselves—nor indeed does our association itself—to the especial form of remedy which this paper indicates. I think there is a fair chance of success, but I am quite prepared to fail this year or next year, and indeed for an indefinite time, provided only we can keep up a strong and real movement for redress; for I consider that this evil sadly touches the *well-being*, but leaves untouched the *being* of the Church. That it is, in fact, but one more instance of the decay and neglect of godly discipline, over which the Church, in all its branches, has had so long to mourn.

“That it is a sin, but not yet, so long as it is really resisted, a deadly sin;—and therefore it is no justification for breaking communion with a Church which endures it. That there is a real and strong resistance is clear, were it only from the proceedings in Convocation on the subject. Should anything else of the same kind occur, for instance in the Colenso case, I suppose that the same principle ought to be applied; and that we should be quite sure of the real participation of the Church as a Church in the schism or heresy before disowning communion with it. And here again I should say that we ought to make large allowance of time for so great and manifold a body as the Church of England to make up and manifest its real mind in. Supposing, *e.g.*, that your Lordship were compelled to excommunicate Dr. Colenso, I presume that very ample time of warning must be allowed before extending the same sentence to others, who, with more or less excuse, might be tempted to disregard it;—and again, that one would proceed in the way of *suspension* at first, and that, if need be, renewed ever so often, if by any means one might avoid the *ultima ratio*. Such a course, carried out in the same calm and religious

tone as all men acknowledged in the Acts of your late Synod at Cape Town, would, I feel sure, by the Blessing of God, do great things for us here, perhaps make all the difference in the conflict which seems to be coming on. You know all this much better than I do, but I know you will excuse my saying what came into my mind.

“‘I think I ought to say that the Low Churchmen, as far as I can see, are not wanting in indignation at what the Privy Council has done, but for the reason I have mentioned would wish the remedy to come rather by enlarging the powers of Convocation (to which they would add a large element) than by altering the Court of Appeal. Their plan might be feasible, and perhaps in some ways desirable (?), but it would take a very long time, and bring no redress to the immediate evil.

“‘Pray believe me, my dear Lord, that we are thinking and praying for you more than you can perhaps well imagine,—as I dare say you are for us. This day week seems fearfully near, and one feels as if it were drawing things to a point. He will help us,—may we only not prove unworthy.’ You will see, my dear Lord, that I have been writing down exactly my husband’s own words. He is not allowed to read, any more than to write,¹ just at present, but I am thankful to say he is mending daily. We are to leave home next week for Torquay.—Believe me, my dear Lord, yours very respectfully,

“CHARLOTTE KEBLE.”

Mr. Keble’s allusion to “things drawing to a point” was because on the 14th of December Dr. Colenso’s appeal was to come on before the Judicial Committee. Sir Hugh Cairns (now Lord Cairns) and the Queen’s Advocate appeared for the Metro-

¹ “But he can scarcely help *thinking*,” as Mrs. Keble wrote to Sir J. T. Coleridge, who adds: “This was the time when the issue between the Bishop of Cape Town and Colenso was submitted to the Judicial Committee, and he looked on that submission in the first instance, on the part of the Government, and the question being entertained by the Committee at all, as grievances. . . . I mention the matter, because there is no doubt that the general subject formed to the end of his life one of the sources of distress which helped to break down his strength, and accelerated its close.”—*Life*, p. 503.

politan. The case submitted for the latter said that he appeared "under protest, denying with all due reverence that her Majesty in Council has any jurisdiction in the subject matter of the said petition, or that any appeal lies from what he has done in the matter of the said complainant, either to her Majesty or to the Judicial Committee of her most honourable Privy Council." The four reasons (already so often stated¹) why the appeal should not be allowed were put forth, and the case concluded with the prayer that "their Lordships would be pleased to advise her Majesty to pronounce for the protest of the said Dr. Gray, and against the said pretended complaint and appeal.

ROBERT PHILLIMORE.

"H. M. CAIRNS.

"EDWARD BADELEY."

Mr. James, Q.C., opened with a sharp attack on the Bishop of Cape Town, and the Lord Chancellor "thought it desirable that the learned gentleman should confine himself to the question of jurisdiction," and accordingly the discussion was confined to that preliminary point. The case was argued, according to the judgment of the press, "with a dignity and propriety on the part of the Bishop of Cape Town's counsel, which contrasted strongly with the personal attacks, little less than scurrilous, to which Bishop Colenso's leading counsel thought fit to descend." The argument was continued on December

¹ "I. Because he, the said Rev. Dr. Gray, as Bishop of the See of Cape Town and Metropolitan Bishop, as aforesaid, possesses full right and title to exercise the powers and authority . . . upon and over the Suffragan Bishops . . . and upon and over the Bishop of Natal as one of them. . . .

"II. Because the petitioner received his Bishopric, and was appointed and consecrated thereto, upon the faith of his subjection and submission to the said power and authority . . . etc. etc.

"III. Because the said Metropolitan was not only fully entitled, but also solemnly bound, to receive and examine, to adjudicate and determine . . . the charges preferred . . . and the said judgment and sentence were duly pronounced and promulgated according to the duty, right, power, and authority of the said Metropolitan, etc. . . .

"IV. Because, looking at the said letters patent as constituting a contract, . . . any appeal would lie to the Archbishop of Canterbury," etc. etc.

19th. The *Guardian* of that week remarked that Dr. Colenso's advocates seemed "content if on any ground they could extract a decision unfavourable to the Bishop of Cape Town's authority, —we had almost said, if they can excite a feeling destructive of the Bishop of Cape Town's good name. Accordingly they rely on pleas irreconcilable with one another, and advance arguments alternately confirmatory, alternately subversive of their case. One of them maintains that the Bishop of Natal is a Suffragan of Cape Town, just as the Bishop of London is of Canterbury; another denies that Cape Town can legally claim any jurisdiction over the Bishop of Natal at all. At one point we meet with the extraordinary doctrine that the Crown possesses an immediate visitatorial power over the Colonial Churches; at another we are told that a Bishop is a servant of the Crown, in a position analogous to that of a Civil Governor, if not absolutely holding office at will. Now it is argued that a Colonial Bishop is irremovable until his patent is revoked; now again that the patent itself was *ultra vires*, and incapable of conveying the coercive authority it professed to confer."

Meanwhile the Visitation Charge, to which the Bishop of Cape Town had alluded in several letters, was delivered. It seems impossible to condense or make extracts from a document, every word of which is so important and so interesting, but the charge itself will be found in the volume of charges, etc., which it is hoped will speedily follow the publication of the Bishop's life.

It was not with Bishop Gray's own sanction that he appeared as a respondent, even under protest, in this case, as the following letter will show :—

To EDWARD GRAY, Esq.

"Bishop's Court, January 16th, 1865.

"My dear Edward—I do indeed very deeply regret the course adopted with regard to Colenso's appeal, as you will see by the accompanying note, which I now write in haste that I may not be taunted with having done nothing after a verdict given against me, but which I do not wish you to publish till

you hear from me again. My only hesitation about disavowal has arisen from my unwillingness to do anything displeasing to my dear kind friend the Bishop of Oxford, who has generously taken responsibility upon himself; but it is so in violation of my own deepest convictions, and so opposed to all that I have said publicly and privately for months past, that I must disavow the act. Look at my position. You tell me plainly that Phillimore does not agree with me. If he does not, Cairns, I am sure, will not. On the other hand, I am convinced that there is no middle ground between my principles and Colenso's; that my course can only be defended upon my own principles, and that those principles are true. I do not expect that Establishmentarians, and more especially lawyers, will take my view; and I think that their advocacy of my cause, on their principles, is likely to damage it. It makes me far more anxious about the result to know that I am represented by lawyers; for I do not think that they will render any real help, and if jurisdiction is claimed, and I still excommunicate, I shall be told by every one that my protest is a mere form; that by appearing before the Privy Council I acknowledged its jurisdiction, and I shall be in an infinitely worse position than if I stood aloof. One thing I must request, that all further proceedings be stayed. I have never done anything to recognise the jurisdiction of the Privy Council, nor has this Church; and I propose, God helping, to excommunicate Colenso if he comes back with the authority of the Crown to Natal, let the consequences to myself be what they may. I must protest, therefore, against being committed further. I will write to the Bishop of Oxford. The Charge which I shall deliver to-morrow will be in the teeth of the line which I am committed to at home! I know, my dear fellow, that you have done for the best, and I pray God that He will overrule it for good, but at present it appears to add greatly to my difficulties.—Ever affectionately yours,

“R. CAPETOWN.”

On the 31st of the same month the Bishop wrote again on the same subject:—

“My dear Edward—I wrote to you, on hearing that I was to appear before the Privy Council, by the overland mail. Our steamer did not reach Mauritius in time to catch it, and consequently you will not receive it until after this. I now send a letter addressed to the Archbishop of Canterbury, which, if a judgment should be given by P. C. claiming jurisdiction, or denying mine, I must request you to send to him, and ask his Grace’s permission to publish. If the judgment should be favourable I am willing that it should be altogether suppressed, for I do not wish to seem to cast blame on those dear and kind friends who have taken responsibility upon themselves at an important crisis, and thought that they acted for the best, and perhaps did. The letter will speak for itself, so I need not say another word upon that subject. I should like to know why Lord Chelmsford, Lord Wensleydale, and Sir J. Coleridge, who sat at first, did not sit during the trial, and why Dr. Lushington and the Master of the Rolls were substituted for them.”

To the BISHOP of OXFORD.

“Bishop’s Court, January 16th, 1865.

“My dear Bishop—I need not say that I ought to feel thankful to you for not shirking from taking responsibility upon yourself at an anxious and critical time, when you think that by so doing you may serve me or the Church. But if I had been in England I would not have consented to appear by counsel, because I am persuaded that the act of pleading before the Court, let my protest be ever so loud, will be regarded as a recognition of its jurisdiction, or at least of its right to decide whether it has jurisdiction or not, and will hereafter, should it claim such, be quoted against me. The world will say, As long as you thought there was a chance of getting a verdict in your favour you acknowledged the Court—you only repudiate its authority when it decides against you. The appearance put in for me will, if the judgment is against me, greatly hamper my future proceedings. May God overrule the decision of the Council, and save me from the great trial to which an adverse

judgment will expose me. . . . Happen what may, I will not appear before the Council to plead the merits of this case."

Enclosed was the following letter to the Archbishop:—

"Bishop's Court, January 31st, 1865.

"My dear Lord—The last mail brought me word that I was to appear by counsel, and under protest, before the Judicial Committee of Privy Council, in the matter of Dr. Colenso's petition to the Crown. I had myself been unwilling to put in an appearance on the following grounds:—

"I. Because while admitting, I need scarce say, that that court is the highest Civil Court for this Colony, '*quoad temporalia*,' and is the final Court of Appeal for us in civil causes, I could not regard it as having any jurisdiction or authority over the Church here, '*quoad spiritualia*,' and I thought that by arguing before it the question of its jurisdiction, and by pleading my own jurisdiction or authority, I should, notwithstanding my protest, really acknowledge the authority of that Court in spiritual things.

"II. Because I did not think that counsel really could, before such a tribunal, defend the course which I had pursued, and argue my right to try, and if need be depose, a Suffragan, altogether on the grounds upon which I myself rested the right and the duty to do so. I felt that their position would compel them to restrict their arguments to questions of positive law, the relation in which this Church stands to English law and precedent, the force and value of the Queen's letters patent. Whereas, throughout these painful proceedings, while striving to keep as near as possible to English law and precedent, I have never lost sight of the fact that, if my letters patent conveyed absolutely no authority to me, I nevertheless accepted the office of Metropolitan by express mission and commission of the Church at home (as represented by the voice of her Bishops assembled for the consideration of this question), and am as much bound and entitled to exercise the office, in accordance with the Canons, as a Wesleyan Superintendent is entitled to exercise the office delegated to him by his Society.

“ I doubted whether this view of the case, which so intimately concerns the religious liberties of the Church in the Colonies, could or would be put forward by counsel before this particular tribunal.

“ For the above reasons I instructed my dear brother, who acts for me, not to put in an appearance; and it seems to me important that I should embrace this my first opportunity of placing it upon record that the appearance which has been put in for me is contrary to my instructions. I am deeply sensible that all has been done for the best, and am grateful to all who take trouble, or incur responsibility on my account; but I am compelled to write thus that I may not appear inconsistent or vacillating in your Grace’s eyes, or before the Church, should the Judicial Committee unhappily claim jurisdiction, and I, in consequence, be compelled still to pursue the course to which I believe my vows to Christ and to the Church bind me.

“ Your Grace, I am sure, agrees with me that this Church could not again hold communion with Dr. Colenso, unless he repented and retracted, without being partakers of his sin.

“ Had I consented to appear by counsel, I should have furnished those who appeared for me with information, which without communication with me they could not possess, as to circumstances which have a direct bearing upon points which are sure to be raised in the course of the trial, but which now it is too late to mention.—I have the honour to be, your Grace’s obedient servant,
R. CAPE TOWN.”

Meantime the Bishop of Oxford wrote:—

To the LORD BISHOP of CAPE TOWN.

“ London, January 9th, 1865. .

“ My dear Bishop . . . The arguing before the Privy Council, to my mind, has to the fullest degree justified my decision. (a) You are entirely uncommitted as to acknowledging its jurisdiction; (b) you have had your protest argued most ably; (c) you have shown all respect to your Queen, and put your

cause in a far better posture before the people of England. What will be the decision of the P. C. it is impossible to guess. Phillimore is sanguine; I am not. But at all events the questions raised prove that there was the most urgent need for the whole Colonial Church of arguing the matter throughout.

“I venture very strongly to advise you *not* to hurry back, be the issue what it may. Give *us* time at home to see if we can do anything. If *we* fail, *your* time for rousing England will be come . . . All men now feel the exceeding great difficulty of the questions raised, and I think your presence here would have more effect after a while than suddenly upon an adverse judgment. . . . Ever very affectionately yours, S. OXON.

The Bishop also addressed his Synod, which, before separating, passed seventeen resolutions, among which the first was one expressing the Synod's “sorrow at the great scandal occasioned by the writings of Bishop Colenso, and its deep sympathy with and conviction of the righteousness and justice of the course adopted by their Metropolitan.” Among the other resolutions passed in this Synod of January 1865, is one to establish the use of Hymns Ancient and Modern in the Diocese; and another, that, “as a first step to the establishment of a Penitentiary in Cape Town for fallen women, Sisterhoods in England be invited, through the Bishop, to send out Sisters to take charge of such an institution, and that country parishes be invited to co-operate in establishing the Penitentiary.”

In a letter (already quoted in part) to Mr. Edward Gray, of January 16th, 1865, the Bishop gives some account of this Synod:—

“We have just finished our Synod. The discussions on the questions of the day have been full and hearty, and the conclusions nearly unanimous. Archdeacon Badnall proposed that we should always vote by orders, to show that the laity had more power than was generally supposed: they unanimously rejected the proposal. They unanimously thanked me for my course in deposing Colenso. They rejected a proposal

of Mr. Foster expressing confidence in the Civil Courts in England, only two voting for it. All but three accepted Archdeacon Badnall's amendment, acquiescing in the decision of the Privy Council judgment, *in re* Long, that we are a purely voluntary association. They unanimously expressed sympathy with the Church of England under the infliction of the Privy Council, and hoped for a speedy alteration in the Court. They rejected the appointment of a Board of ten to manage the finances of the Diocese, of which the Bishop should be President, with one vote, and re-constituted the commission of four laity and three Clergy to advise the Bishop. All but the mover and seconder voted against the Board. The discussions have brought out the fact that Colenso's works have more or less influenced some of the laity out of doors. They do not avow themselves, but it is visible. . . . I thank God for the conclusions of our Synod. They will have their effect on our future. We had to provide luncheon in town every day for sixty, dinner at home each day for twenty-five—thermometer generally 80. Till this judgment reaches us I cannot decide upon my future. I shall not go home if it can possibly be avoided. . . . I feel very worn and weary, and longing for rest; but if need be I hope I shall be prepared to fight this battle unto death. God give me grace to fight it wisely and well. I am just now looking to Colenso's return; my excommunication,—action for damages—probable consequent spoiling of worldly goods. We passed a good number more of, I think, sound resolutions at the Synod. One was to found a Penitentiary. We want a good Sister or two for this." . . .

To the BISHOP of OXFORD.

"Bishop's Court, February 7th, 1865.

"Two things I have above all to guard against—apparent inconsistency in the eye of the Church if I should have to defy the Privy Council, and resting my duty of acting in this matter on the narrow ground of law and ecclesiastical jurisdiction. I need not say with what anxiety I look for the judgment. If

an adverse one, I shall half feel that it is my death-warrant, for I doubt whether, with my shattered nervous system, I could endure the great excitement which the struggle to which I should be committed would entail. But all is in God's Hands; and as I believe that I have a single eye, I trust that He may sustain me. . . . I see that in the argument much stress was laid upon the impropriety of our agreeing in Provincial Synod upon the decision which I ought to give, before it was given openly in Court. The reason for this was, because in Watson's case a great discussion arose as to whether Archbishop Tennyson should have condemned in his Provincial Synod, or in Court. Hody's work on this subject I examined at Lambeth. He first was for the Court, and the lawyers went with him. He then wrote laboriously to prove that it should be done in Synod. I wished to make sure of my ground, by condemning both in Court and in Synod. But how absurd to quarrel with what we did! I sat with my assessors: after hearing the case we retired and weighed the evidence alone for several days. We then met together in Synod, in the very assembly where we might most look for God's Presence, and after invoking His Presence, deliberated and concluded what ought to be done. . . . Each step was taken by us in the most solemn manner. . . .

"If the judgment should be in favour of Colenso, surely the time will have arrived when the Mother Church should break her silence, and encourage us to maintain the Faith at all hazards. I know how difficult it is for any, but more especially for the Bishops, to move in such a matter, but the Faith manifestly is in danger. . . . Do not think that I am shrinking under the burden laid upon me. I trust that I am prepared to go, if need be, to prison or to death for that which is so distinctly my Lord's Own Cause; but I would wish that no one thing should be left undone to save any portion of the flock from apostasy, and to give strength to His Cause. I think I feel the full weight of the responsibility of my position, and I hope to be preserved from doing anything rashly, but I see no reason to change my view of duty. . . . The whole proceedings seem to force upon us the conviction that the whole position of the Church of Eng-

land, as regards the State, is now, if it has not always been, wrong.

"It is my greatest comfort to know that you, and so many others, pray for me. I distrust myself and my judgment more than some seem to think, but I look hourly for guidance where alone I can hope to find it. What a comfort it would be if I could talk with you and Keble over my perplexities!"

TO EDWARD GRAY, Esq.

"Bishop's Court, February 10th, 1865.

"My dear Edward—I had a long talk with Judge Watermeyer yesterday, *in re* my appearance. He seemed to think that my protest saved my position morally and legally. I do not therefore wish you to publish my letter to the Archbishop. . . . I have written by this mail to the Archbishop, S. Oxon, and Keble, to say that if Colenso is upheld by Civil Court, the time will have arrived for the Church to say to us, 'Stand fast in the Faith.' It is of great importance that she should do so. On Colenso's side will be the Crown. A silent Church will be deemed also to be with him. I have nothing to show to the contrary. It is too much to expect that the half-taught laity of a Colony will stand by the Faith and the Church, under the leadership of the Metropolitan alone. Already Colenso has raised the cry (and circulated his pamphlets gratuitously everywhere) that he defends the Crown and the Protestant faith. I am an ambitious pontiff, striving to aggrandise myself. For the poor flock's sake, more than my own, I think that the Bishops and the Church should take their side."

To Dr. Williamson the Bishop wrote in the same language about his appearance before the Privy Council and concerning the Synod. He also says: "Our Synod, thank God, showed no leaning to a truckling policy, nor did our Clergy. We had one very interesting day's conference of the Clergy in my library for the discussion of Missions and spiritual questions. Nothing could be better than the tone. The ten days nearly knocked up the servants and ourselves too. . . . Some mem-

bers of the Synod presented Sophy with a very magnificent pictorial Bible by way of acknowledgment for hospitality shown. The Clergy went back refreshed in body and spirit. . . . I look out with great anxiety for the next mail, which may bring this important judgment. God guide the Judges aright. If they oppress us, and send Colenso back, there will be a fearful struggle, and who shall say where it will end—what its results will be? I need not tell you that I pray daily, and in the night watches too, to be guided aright in each step I take. I ask for wisdom, patience, faithfulness, meekness, gentleness, humility, perseverance, firmness, courage, decision, determination. All these gifts or graces are much needed by me in my trying position. All the Collects of Epiphany which we have been saying lately are wonderfully suited to my present trials. What words more fitting for us all just now than these?—‘O Lord, we beseech Thee mercifully to hear the prayers of Thy people which call upon Thee; and grant that they may both perceive and know what things they ought to do; and also may have grace and power faithfully to fulfil the same, through Jesus Christ our Lord.’ To-morrow I preach on Jude 3,¹ in my Cathedral, calling upon my people both to stand by the Faith, and to seek after a deeper insight into it.”

TO JOHN MOWBRAY, Esq., M.P.

“Bishop’s Court, February 25th, 1865.

. . . “We are waiting calmly for the judgment. I should be very thankful if it should save me from a very painful struggle; but I fear, and am, I trust, prepared for, the worst. A Church that tolerates a Bishop holding and teaching what Colenso does, betrays Christ, and ceases to be a Church. May God preserve us from the temptation to abandon our Lord or His Truth. Jurisdiction or no jurisdiction, we can and must act. . . . As to politics, I am still for Gladstone. I should be very sorry to see one who fills the post he does, or the one he will fill, thrown off by the Church, even if my confidence in

¹ “Earnestly contend for the faith which was once delivered unto the saints.”

him was not still great. I believe that we owe him a very great deal, and I would still heartily support him. I shall be right glad if the elections should give you a good working majority, but I do not wish to see a weak Conservative ministry. It would be a worse thing for the country than a weak Liberal one." . . .

To the Rev. CHARLES NORRIS GRAY, Kidderminster.

"Bishop's Court, February 17th, 1865.

"My dearest boy—We all thought it possible that you might have come by this steamer, and the children were at Zonnebloem to meet you. Though I have given up the thought of going to England for the present, I am not sorry that you should see how a large English parish is worked. If Kidderminster is worked as it used to be twenty years ago, you will see, and, I hope, learn, a good deal there. . . . You will feel that it is with much anxiety that I look for the P. C. judgment. So much as to my own course, and the well-being, if not the being, of the Church depends upon it, that I am more than usually disturbed. I may at any moment be plunged into a struggle, the issue of which it is impossible to foresee, but which may end in my ruin and death. Gladly should I take counsel with devoted men in England at each step, but it is impossible. My presence is needed here, and men like Keble and the Bishop of Oxford urge me not to come. The difficulties which beset my path are very great, and nothing is easier than to make blunders amid manifold perplexities; but God, Whom I wish to serve, will, I trust, guide me aright, that I may do His Will. . . . You ask, what is the exact answer to any one who says—'You received letters patent from the Queen, and promised to obey her,—you must therefore hold yourself subject to the P. C. decisions.' The fact is not so. I received letters patent. They were a contract to which the Queen, the Archbishop of Canterbury, and myself as representing the Church in Africa, were parties. We mutually contracted that I should have and exercise the full power of Metropolitan, *i.e.* try my Suffragans; and so far from acknowledging

P. C., we contracted that the Archbishop of Canterbury in person should revise my proceedings, and ousted the jurisdiction of the Privy Council. The letters patent were sent to the Archbishop for his approval, and they were framed when the Chancellor was Attorney-General, and submitted to him."

To the Same.

" March 14th, 1865.

" My dearest boy—I am glad to have so full an account of your work at Kidderminster, but you are overstraining the machine, and cannot go on with that sort of life very long. The body and mind want rest and recreation, and you appear to be taking none. I like your method and system in work. . . . You say that you would like to remain where you are for some time. You must decide for yourself. I do not see any prospect of my going home. If I have a fight to fight, I believe I shall do it more effectually here than in England. I need not say that we shall be very glad to see you here, but I wish you to choose for yourself. I had desired to see you Curate to the Dean for a time, and there is a vacancy there just now; but I have a reluctance to influence you. . . . You will learn much, I doubt not, at Kidderminster, and Claughton is an excellent man to be under. . . . The girls say that I am to *order* you to come home!"

To the Same.

" April 11th, 1865.

" My dearest boy—Your letters describing your work interest me much. I am thankful, very thankful, to see you devoting yourself to it so zealously. I think, however, that you are inclined to stick too close to the house-to-house part of it, and that you should take some relaxation. You will find that this is necessary after a time. The mind must be unbent, and mind and body both need change. I should take some recreation, however short, daily. You will last the longer for this. Then I think that the work will become shallow, external, unreal, unless the flame of your own devotion is fed in private.

Holy Scripture read with a view to this is what I would chiefly commend to you; and then such a book as Thomas à Kempis. Your mother and I have both derived much good from that book. I have no doubt, however, but that you will feel your need of this, and that as you do your work unsparingly and conscientiously, you will grow in spiritual strength. You must remember, also, that you cannot always be letting out—that you must all along be taking in. Reading and thought are essential to freshness in ministrations. If there be, however, one thing that will help you, it will be the looking up continually to Christ on His Throne, the realising more fully, daily, His present and His past work for us. And now as to the future. You must decide for yourself. I confess that I should be glad to have you working for a time in Cape Town, but you must judge yourself what is best for you, and where you can serve God most. . . . Your mother and I have just returned from a short ride of 300 miles. We have been in the Cold Bokkeveld, where I never was before, and I have lamed my horse badly. . . . I have encouraging and interesting letters from Bishop Tozer and from the Bishop of Mauritius relative to the new Madagascar Mission.”

Meanwhile the much-discussed judgment of the Judicial Committee was given, March 20th, 1865,¹ the Chancellor, Lord Cranworth, the Dean of the Arches, and Master of the Rolls (Romilly), being present. The judgment in full will be found in the Appendix. The pith of their Lordships' opinion lies in their final sentence, which pronounces the Metropolitan's sentence on his Suffragan to be null and void in law, on the ground that by law the Crown has no power to constitute a Bishopric, or to give any coercive jurisdiction, in a Colony which has its own independent legislature; a decision which touches both the Sees of Cape Town and Natal, which received their existing letters patent after such independent legislature had been acquired by the respective Colonies. Practically it would seem that in the eye of the Privy Council there was no

¹ Appendix VIII.

See either of Cape Town or of Natal in existence, or any Bishop either! and consequently a judgment involving the existence of both must be null and void! "Does it follow," (was asked), "that the Crown has legal authority to declare it void?" In the beginning of the judgment the Judicial Committee stated that the Bishops are both ecclesiastical persons, created Bishops by the Queen in exercise of her authority as Sovereign of the realm and head of the Established Church;—that they received and held their Dioceses under grants made by the Crown, and are the creatures of English law;—at the end of it they say that the Queen, as head of the Established Church, is depositary of the ultimate ecclesiastical jurisdiction, and refer to Act 25 Henry VIII., which, coupled with a previous Act, defined the course of Ecclesiastical Appeals—from Archdeacon to Bishop, Archbishop, and finally the Crown;—and they say that if there were no final resort of the Sovereign in a case like this, there would be a denial of justice.

So far the Judicial Committee. But, as Churchmen were prompt to perceive, Lord Westbury's judgment involves two distinct propositions,—first, that the Metropolitan's proceedings were the exercise of nothing more than a voluntary jurisdiction, having no compulsory or legal force; and secondly, that the Crown has nevertheless jurisdiction to interfere with those proceedings, and as far as it can to annul them.

The two propositions (it was said in the *Guardian* of March 22nd, 1865), "are both, as it is obvious, of the greatest moment, but they involve very different considerations, and are, at first sight at all events, by no means equally tenable. . . . Indeed they seem to be hardly consistent the one with the other. . . . The Chancellor lays down the first of the two propositions with a breadth that is open at least to observation. He decides, to speak briefly, that there is no such thing in nature, or at least in law, as what is usually known as a Colonial Bishop. There may be indeed, if we look to foundations of the good old times of William IV. and George IV., or perhaps a little earlier, when Acts of Parliament were passed for sending Bishops out to

Calcutta or Jamaica, a Bishop or two to be found still in some of our Colonial dependencies, who, dating from these undeniable charters, have as good legal Dioceses as even the Archbishop of Canterbury or the Bishop of London. But the established 'Colonial Bishop,' the Bishop consecrated 'by virtue' of letters patent—the Bishop whom we have sent, in some cases but yesterday—in others ten, twelve, or twenty years ago, to perform the work of an Evangelist among the Africans or Australians,—to found in New Zealand a branch of the Christian Church, or to organise and overlook on the vast Continent of Australia the ministry of the Word of God;—this Bishop, who for years and years we have led ourselves and the world to believe was endowed with such powers as the Crown could confer, for exercising his office in the sphere which by that authority was allotted to him, now turns out after all to be a mockery and a sham; to have no Diocese; to have no patent, except one which is absolutely 'null and void;' and to be in fact, as far as the law of England goes, if a Bishop at all, at least a Bishop of nothing! This in effect, says Lord Westbury's last judgment, is the real result of all that has been done in this department for the last twenty years. Everything was done, or purported to be done, by the Crown. But the Crown, though it could or at least did command the consecration of a Bishop, had no power (without Parliament) to assign to him any Diocese—no power to give him any sphere of action,—and still further, no power to constitute in such assumed Diocese any coercive jurisdiction whether ecclesiastical or other.

"Grant that this be true, though perhaps great lawyers and statesmen must have been somewhat torpid only to have suddenly found it all out;—but grant that the Crown had exceeded its powers in affecting to make Colonial Bishops and Metropolitans—that for years most important powers should have been unhesitatingly disposed of and conferred without a question, until, suddenly, the very power which so conferred them asserts them to have always been unreal, worthless, and ridiculous;—how then can the Crown have power to interfere

and reverse the sentences of what itself declares to be a purely voluntary body?

“Lord Westbury says that ‘the question whether the Bishop of Cape Town’s proceedings have the effect which is attributed to them by him is one of the gravest importance;’ and therefore, he argues, ‘it is one which we are bound to decide.’ But the question is not whether the Council is *bound*, but whether it is *entitled*, to decide. Neither does his Lordship venture on the attempt to prove—what he also asserts—that ‘it was not legally competent for the Bishop of Natal to give, or the Bishop of Cape Town to accept or exercise, any such voluntary jurisdiction.’ We beg most respectfully to ask why it was not? The decision in *Long v. Cape Town* assumes that it was or would have been so, and the plainest and most elementary propositions of law are directly at variance with the contrary assumption. Now, according to that judgment, the Bishop of Cape Town is a Bishop of the Church of England duly consecrated, but holding no legal diocese, and possessing no legal jurisdiction, in a place where, according to that judgment, the Church is only a voluntary body, ‘in no better position, and also in no worse,’ than any other voluntary body, ‘where the Crown has no power to assign him a Diocese or give him a jurisdiction, and himself taking nothing and owing nothing from or to the Crown, except the letters patent, which purport to confer on him impossibilities and contradictions, and which on that very account are confessedly and purely a nullity. If this be so, the Bishop of Cape Town is, in the eye of the law, simply an unbeneficed clerk—personally a Bishop, no doubt, but a Bishop simply and absolutely without jurisdiction. Is it, then, possible to maintain that any assumed exercise of jurisdiction by such a Bishop—whether it assume to be Episcopal, Metropolitan, or other—is capable of being dealt with as if it were a legal act, and therefore of being appealed from to the regular tribunals of this country? Can such an assumption of jurisdiction stand, in short, on any other footing, or be in either a better or worse position, than the jurisdiction lately exercised in this country by Cardinal Wiseman, or that un-

doubtedly exercised by the Wesleyan Conference? The cases are not distinguishable; yet the Committee of Council actually claim, and are exercising, a right of sitting in judgment, by way of appeal, from the jurisdiction in question; a jurisdiction which in the very same judgment they have themselves pronounced to be, because it is thus voluntary, simply, and absolutely a nullity. . . . The Cape Town sentence on Dr. Colenso had, before this judgment, such force, and such force only, as it could derive from the rules and usages of the voluntary religious society in and for which it was pronounced; and such force, neither less nor more, it has now. Legal force it has none, nor did it ever pretend to any."

There are few intelligent Churchmen but must vividly remember the excitement and just indignation of that spring; and the newspapers were inundated with articles and letters upon a subject which roused all the best and strongest feelings of religion, justice, and loyalty to the Church among her sons, as well as ill-disguised triumph and hope of seeing her discomfited among her foes, and, alas! sometimes among those who should have been found her faithful children and supporters.

In the House of Commons Mr. Dunlop put two important questions (March 27th) to the Government, arising out of the decision of the Privy Council:—Whether the Government intended to advise her Majesty to abstain henceforth from issuing such illegal patents? and from appointing successors to Bishops who, now holding them, might die or resign?—referring especially to Canada, where all connection between Church and State was abolished.

Mr. Cardwell answered that, with respect to Canada, letters patent had been for some time discontinued, and that no more would be issued to any Colony until the matter had been duly weighed by Government.

Mr. Dunlop then asked, "To what extent and effects, if any, patents erecting Episcopal Sees in Colonies having representative legislatures, or in which the Church of England had not been previously by law established, and purporting to convey ecclesiastical jurisdiction, were valid and operative?"

To this the Attorney-General replied that it was very much easier, especially after the recent decision, to say what was *not* the effect of these letters patent than what it was. But he would endeavour to put the best interpretation he could upon that decision. "In the first place, I understand it to be determined that no legal Dioceses are created by these letters patent in the Colonies to which the question has reference. Secondly, that these letters patent create no legal identity between the Episcopal Church presided over by these Bishops and the United Church of England and Ireland. Thirdly, that the letters patent do not introduce into these Colonies any part of the English ecclesiastical law. Fourthly, that they confer on the Bishops no legal jurisdiction or power whatever, and add nothing to any authority which the Bishops may have acquired by law, or by the voluntary principle, without any letters patent or royal sanction at all. There remains nothing, therefore, that the letters patent could do, except it be, as I understand, simply to incorporate the Bishops and their successors as a legal Corporation, with all its ordinary incidents."

Perhaps this is the fittest place in which to record a few weighty words written by Dr. Pusey, upon the subject, to the *Churchman* :—

"Friends and foes seem to be agreed about the importance of this last decision of the Privy Council. It must have effects far other, probably, than its acute authors were aware of. It looks at first sight as if it were producing chaos; yet to us who believe that 'the Spirit of God moveth upon the face' of the wild waters, it is but the chaos over which God says, 'Let there be light, and there was light.' The judgment dissolves all legal jurisdiction which was supposed to exist in the African Church, but only to make an opening for Divine order. It is no loss to us that it is discovered that the Queen had no power to give the temporal powers which the former legal advisers of the Crown thought she could. It is the Crown deciding against itself. It is no concern of ours which of the two sets of lawyers was right. The present advisers of her Majesty have limited her powers, and we may thank God for

the limitation, and pardon gladly the gratuitous insolence of the Erastianism of the preamble for the results which, with no goodwill of Erastians, must result from it.

“The Church of South Africa, then, is free, and this freedom is far better than a temporal jurisdiction created by the State. It is the temporal jurisdiction which is the weakness of the Church. Had the decision against Dr. Williams and Mr. Wilson in the Court of Arches involved only spiritual consequences, it would not have been made legal for Clergymen to deny Hell or the Inspiration of God’s Word. The South African Church will have to organise itself as the Scotch Church and the Church in the United States had to do before it; and as the Church in the United States rose from the dust in which it had been trampled, and flourished as it did not when under the patronage of the State, so by God’s help will the African. We cannot doubt that the Bishops there (I do not of course speak of Dr. Colenso) will abide under the oath which they have taken, without troubling themselves to consider whether the Bishop of Cape Town was made Metropolitan legally, according to human law. He was Metropolitan *de facto*; as such they took their oaths to him. Cape Town is marked out naturally as the Metropolitan See, and such it will doubtless remain.

“The organisation of the South African Church is then complete. Had the Bishops been (as we are told by the Judicial Committee) ‘creatures of [human] law,’ they would have expired with the law. But since, as we know, the Episcopate has a Divine right, and is a Divine institution, the withdrawing of human props will only show that it endures through a Divine strength lodged in it. English Churchmen will have, doubtless, occasion to help to support the South African Clergy; but what seems to be defeat, in God’s Hands turns to victory. The Church of England is freed from all complicity with Dr. Colenso, over whom, neither directly nor indirectly, has it any jurisdiction, and the African Church is free.—Yours faithfully,

“E. B. PUSEY.”

Probably we may assume that the mind of very many

thoughtful men was represented in the following remarks contained in a letter to the *Guardian* of March 29th.

“I. It would appear that in future no Colonial Bishops will be appointed by the Crown. The Crown cannot, with dignity, appoint where it confers no authority; the temper of the Privy Council is sufficient warning to the Colonies not to desire what can only be a pretext for interference.

“II. With this reserve there is probably little to be apprehended from the arbitrary and illogical claims put in by the Privy Council. They are the last relics of an anomalous system. They will save Dr. Colenso from the honours of a pecuniary martyrdom, and having done this, we may hope they will be buried for ever. But,

“III. The decision opens for the Colonial Church questions of which it is hardly possible to overestimate the magnitude.”

Bishop Gray was meanwhile continuing his habitual earnest attention to the daily cares of his large Diocese, while awaiting the decision which anyway could not but affect him so considerably. He writes—

To Mrs. WILLIAMSON.

“Bishop’s Court, April 28, 1865.

“My dearest Annie—Our mail for England leaves before that from England arrives, which will, I presume, bring us the judgment. I have not much to say, but send you a few lines of brotherly feeling. For the first time these seventeen years and more I feel in a position to throw myself heartily into the pastoral work of my Diocese, and if the P. C. should not force me into a great struggle, I shall feel comparatively at leisure. A great anxiety and difficulty hanging over one absorbs the mind and checks its energies. I feel, however, that with a few more thousands (you will think me moderate!) I could work out many plans, as to which I am at present crippled.” (Here follows an account of several works going on in the Diocese.) . . . “I had a charming letter last mail from an American Bishop. He says the whole Episcopate of America goes with

me, and will be prepared to say so, if need be, in Synod. I am afraid that this is more than our English Bishops will do, judging from their most disappointing debate in Convocation about the Court of Appeal. May God guide us all aright in this matter. I have never seen any reason to change my view as to my duty, if the judgment should reinstate Colenso. I can have no doubt as to what our Master would have us do."

To the Same.

"May 12th, 1865.

. . . "The mail has not arrived, but the judgment has by a stray ship. It carves out plenty of anxious work for us all, but it does not alarm us. We will, God helping, use the opportunity to rid ourselves of all connection with the State, the royal supremacy in spiritual things, and all these claims which, alas! hang so fearfully about our Mother Church, and which she has not yet learnt cordially to hate. My chief anxieties now are as to how the Church in Natal will receive the excommunication, and whether the Mother Church will come boldly forth and witness for Christ. If she is silent now, I will do everything in my power to force her Bishops to say openly whether they are in communion with the orthodox Church of Africa, or with the heretical Bishop. With both they cannot be. I believe that this wicked judgment will be the means of conferring great blessings on the Church, and I am not at all disheartened. I pray daily, hourly, for guidance, and I believe I have it. My Clergy write very affectionately. . . . I have scarce a moment for writing, but I thought that you would like to have a line just to hear that, foreseeing much trouble and persecution, I am not in the least cast down. I have nothing to unlearn from this judgment, as some who have opposed me now feel they have. God helping, I will go forward in the course long since marked out; but I am thinking of having brass ikons of the Lord Chancellor put up in all our Churches, that all may do obeisance!"