with the tenor of the letters patent in which the said office was presumed to have been conferred.

IV.—With regard to the proceedings in Synod, which were superadded with a view to meeting any question that might be raised as to the coercive jurisdiction of the Bishop of Capetown, as presumed to have been conveyed by the letters patent, we are not equally agreed, some of us doubting whether these proceedings fully satisfied the requirements of a canonical trial before a Provincial Synod,—

(1) Because the accused was not formally cited before the Synod as a Synod, but before the Bishop of Capetown as Metropolitan, with the advice and assistance of such of the Suffragan Bishops of the province as could conveniently be called together.

(2) Because the comprovincial Bishops were not cited to the Synod as a Synod, because they were not all personally present, and because the number of those actually present was less than that required by the early canons of the Church.

(3) Because an appeal was granted, after the proceedings were concluded, to the Archbishop of Canterbury, which, on the assumption that the Synod was duly convened and the proceedings canonical, could not have been so granted in accordance with the decisions of some important early canons.

Others of us again do not consider these objections sufficient to invalidate the canonicity of the proceedings in the Synod,—

(1) Because we deem that the alleged necessity of a double citation is purely technical, and that such double citation was not essential to its validity, the accused having been duly cited to appear before the Metropolitan with his Suffragans, whose advice and assistance it was intimated would be given at the time and place mentioned in the citation.

(2) Because all the Bishops of the Province were summoned to the hearing of the case, and those who could attend were present during the trial and expressed their opinions, whilst of the two absent Suffragans, one sent afterwards his adherence to the judgment, and the other accepted the sentence as spiritually valid.

(3) Because, before the sentence was pronounced, it was submitted to and approved by the Bishops present in a Synod which had been summoned by the Metropolitan.

(4) Because we consider that the allowance by the Bishop of Capetown of an appeal to the Archbishop of Canterbury was made by him as Metropolitan from his court, in obedience to the possible requirements of his letters patent, and could not affect the judgment of the Synod; and because we believe that the allowance of an appeal which was never prosecuted cannot affect a precedent sentence; and further, because we believe that the Patriarchal character of the Metropolitan See of Canterbury would justify the allowance of an appeal from the decree of the Provincial Synod.

V. With regard, however, to the whole case, with its extreme difficulty, the various complications, the grave doubts in reference to points of law yet unsettled, and the apparent impossibility of any other mode of action, we are of opinion,—

(1) That substantial justice was done to the accused.

(2) That though the sentence, having been pronounced by a tribunal not acknowledged by the Queen's courts, whether civil or ecclesiastical, can claim no legal effect, the Church, as a spiritual body, may rightly accept its validity.

His lordship stated that in accordance with the same rule which had guided the committee he had appended his own views of the matter, which were as follows: —

I am unable to append my signature to the foregoing, inasmuch as it does not set forth those grounds which have chiefly prevented my acknowledging the validity of the trial and sentence.

1st. I consider the trial to have been altogether set aside by the decision given by the highest court in the empire, that it was null and void in law.

2nd. I consider that if it had been thought right that a trial of a purely spiritual character was to take place, without reference to any binding legal authority on