sided over or represented by him may look for from the law It is essential that if he occupies a false position, he should with all despatch be helped to struggle out of it into a true one Almost any thing would be less vexatious and less mischievous than the existing state of uncertainty, for the ill-disposed are morally sure to take advantage of it, and the well disposed are debarred by genuine scruples for making the best of the position which they really occupy. Mr. Long flatly says there is no Bishop of Capetown; and Mr. Justice Bell, with a vehemence seldom exhibited from the judgment seat, supports him. But the Supreme Court, as represented by the majority of the judges, asserts that there is a Bishop of Capetown, and the Bishop himself is naturally of the same opinion. It is high time that the doubt were set at rest, and that if the authority inherent in every true bishop in virtue of his orders and his mission is really laid open to contempt mainly by the fictitiousness of certain legal instruments which were issued with the design of strengthening it, those instruments should, as soon as possible, be recalled, disowned, and put in the fire But the true question at the bottom of those doubts is one which only the Judicial Committee of the Privy Council can now satisfactorily determine.

But we have other reasons for wishing that this case may come before the Privy Council—reasons grounded on the terms of the recent judgment, and relating especially to the South African Churches. The decision of Mr. Justice Bell was too passionate to deserve serious remark. The two other judgments are as conspicuous for the manifest care and conscientiousness with which they were worked out, and the laboriousness with which the judges had evidently applied themselves to the mastery of a new and difficult subject. The Chief Justice appears to have satisfied himself that "every church and religious community in the colony must be allowed to exercise church government, and to manage its own internal affairs without the interference of the Supreme Court, provided its proceedings" (the proceedings of such church or community) "were not illegal, or calculated to impair the security, peace, and tranquillity then happily enjoyed in the colony." Understanding the last clause of this sentence ("or calculated," &c) to be pleonastic—a more rhetorical amplification of the "illegal" just going before—we believe the conclusion so arrived at and expressed to be as sound as it is simple, and to be favourable to the Bishop of Capetown in the particular instance simply because it enunciates broadly and intelligibly the only principal upon which religious liberty and toleration can continue to subsist in South Africa. If it were contrary to imperial law for a colonial bishop to summon his clergy, and to invite the laity to elect and send representatives to a synodical gathering, to hold common counsel on the common interests of their common church; or if the legislature of the Cape Colony, anxious to discourage English Churchmen from settling in South Africa, had ever enacted a law rendering it penal to promote or attend such a synod, then, as we understand the Chief Justice, Mr Long would have been entitled to the interdict which he sought; and, let it be added, the Bishop would farther have been liable to a criminal prosecution. But inasmuch as the Bishop did not require of Mr. Long anything which he was forbidden by imperial or colonial law to do, there was in fact no case for the Civil Court at all. So much for the Chief Justice, and we agree with him.

But we are not sure that Mr. Justice Watermeyer is quite so satisfactory. The report is clearly imperfect, therefore, where so much depends on the exact words used, we would speak with caution. But there is an obvious consistency, as we think, pervading this able and acute judgment, which emboldens us to believe that we are probably right in the sense which we have attached to certain portions of it. And, as we read it, it seems to claim for the Supreme Court the power to review every case, doctrinal and every other, that may ever arise between the South African bishops within the colony, and their presbyters. If a bishop requires a presbyter to do any thing against the law of the land, Mr. Justice Watermeyer is as distinct as the Chief Justice, that the Supreme Court would be bound to interpose, and uphold the presbyter against his bishop. So far good. But Mr Justice Watermeyer seems to say that in the event of a bishop requiring any thing to be done by a presbyter which, although not in contravention of the law of the land, might be considered by such presbyter to be in violation of the voluntary contract implied by ordination and institution, the Civil Court would also possess the power to review the terms of the contract, and all the circumstances of the particular case. Of course so clear-sighted a judge has not failed to perceive that the Civil Court, provided it was ascertained that the contract had not been infringed, would have no farther function. But before this stage could be arrived at, it might be necessary in a given instance that the gravest and most vital doctrines of the faith should first have been ragged and tattered in open court, and adjudicated upon possibly by men openly disavowing their belief in them. Would this be tolerable? We trow not And, if we have not misunderstood Mr Justice Watermeyer, we should earnestly desire, even on this ground alone, that the case should be re argued before the highest tribunal of this realm competent to entertain it Either the Bishop of Capetown is a spiritual judge, or he is not If he is not, Mr. Long is right, and the Bishop has no jurisdiction. If he is a spiritual judge, how can a merely civil court, without express power given it by statute, take cognizance of his judicial sentence, merely on the assumption of his fallibility?

There is yet one other aspect of this important case, regarded at its present stage, which invites a word or two of remark. It will be remembered by most persons who take any deep interest in the South African Churches, that one of the principal topics debated in the last Capetown Synod (January, 1861), was a declaration of church-membership, and that it was ultimately determined by the Synod to refer the matter to convocation, and obtain its deliberate judgment on these three points; first, whether it was advisable that there should be any declaration of church-membership at all. Second, if any, what it was to be. Third, if none, what would be the best substitute. It will be remembered, too, that in the House of Bishops a lengthened debate ensued on the subject, the effect of which seemingly, has been to shelve it *sine die*. More recently the Bishop of London, whose own leanings were sufficiently apparent in the earlier debate, has presented to the Upper House a petition from certain persons in and about Capetown, in effect praying convocation to discourage all declarations of church-membership, but expressing a very particular repugnance to the form of declaration framed by the first Synod of Capetown, and made the basis of the elections of delegates to the second Synod. We have no fault to find, so far, with the petitioners. Certainly some of them, and probably a large majority of those who sympathise with them in and around Capetown, are not members of our church, have no idea of any church except as a number of unconnected and independent congregations, and no other conception of a clergyman than as of a man conventionally styled *Reverend*, and set apart to execute certain religious offices for those who may choose to attend his ministry in the way most agreeable to them. It is natural that persons holding these views should wish to enjoy the ministrations of English and regularly ordained clergymen on their own terms, and should regard bishops, synods, declarations of church-membership, and every thing else that contradicts their theory, or thwarts their undisturbed enjoyment of it, as at best a superfluity—to use one of their own phrases, "a something more than the pure Gospel!" Again, good and earnest churchmen vary in the colonies just as they do at home in the clearness of their perceptions, and the soundness of their judgment, and the extent and accuracy of their information. And this variety in the men themselves sufficiently accounts for the various degrees of readiness with which those who would themselves fall in readily with what is right and true, are ever ready to buy peace with malcontents by some process of compromise. Thus, both the revival of the subject in the last Synod, and the subsequent petition from "out of doors" are fully accounted for. Nor is convocation to be blamed for hesitating before it pronounces positively on a subject which the simple fact of its reference to convocation proves to have been the occasion of more or less perplexity to those most directly concerned in the settlement of it. But recent judgment, whilst it upholds the jurisdiction of the Bishop of Capetown as ordinary of the English Episcopal communion within the diocese of Capetown, establishes so unanimously, and in terms so emphatic as practically to have set the point at rest for ever, that it is a sheer misnomer to speak of a Church of England in South Africa, or to suppose that the church presided over by the South African Bishops has any political rights other than belong to every voluntary association. There is nothing in this to disturb a true churchman. And, having long been convinced ourselves that such was the fact we are thankful that the naked truth should at last be so proclaimed as that others, however they may mislike, must yet admit it. Particularly we trust that one of the collateral results of this judgment will be to set at rest the whole question relating to declarations of church membership. None who accept the decision of the Supreme Court of the Cape Colony can deny that the Church of that colony is a purely voluntary association. and surely no one who accepts that description of it, will refuse to acknowledge both that tests of membership are essential to its very existence, and that it cannot be adequately designated by any title which shall not at once define the portion of the world where the providence of God has planted it, and distinguish it from the Mother-Church, whose bishops are peers of parliament, and which is a church established by law.—*Colonial Church Chronicle.*

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