

be binding on those who expressly or by implication have assented to them." Also that "a Clergyman, taking the oath of canonical obedience, and accepting a license from the Bishop, submits himself to the Bishop's authority, to such an extent as to enable the Bishop to deprive him of his appointment for any lawful cause."

This was followed by the well-known Judgment, delivered last year, on the appeal of the Bishop of Natal, from the sentence pronounced by his Metropolitan and the other Bishops of the Province of Capetown. You are all probably aware, that the effect of this Judgment has been to determine, that the Crown, with the advice of some of the most eminent Lawyers of whom England can boast, has been for nearly fourscore years assuming a power, which does not belong to it, and misleading its unsuspecting subjects, by issuing with all due formality, under the Great Seal of the United Kingdom, illegal documents. I do not think that this decision is to be regretted, so far as it affects the Church; but it appears to me to throw doubt upon what was supposed to be most certain, and thus to produce a very uncomfortable feeling of insecurity, for we have been accustomed to rely with implicit confidence upon the great legal authorities in the Mother Country, and we may now reasonably feel doubtful how far the exercise of the Royal prerogative may be legitimate in any matter whatever.

How far the Judgment commends itself to lawyers I cannot say, but I may point out a few extraordinary statements, and errors as to facts. Thus Lord Westbury, who delivered the Judgment, states that the two Bishops are "the creatures of English law," and are dependent upon that law for their "existence, rights, and attributes," thus confounding the nomination by the Crown with their consecration, and ignoring the fact, that the existence of Bishops is to be traced to a date long antecedent to the beginning of English Law. Speaking of the clauses purporting to confer ecclesiastical jurisdiction, he says, "the forms of such Letters Patent were probably taken, by the official persons who prepared them, from the original forms used in the Letters Patent appointing the East Indian Bishops, without adverting to the fact, that such last mentioned Letters Patent were granted under the provisions of an Act of Parliament," whereas he might easily have discovered that those clauses appear in the original Patent constituting this Diocese,