

TO CHARLES N. GRAY, Esq.

“ Bishop’s Court, November 18th, 1859.

“ My dearest boy—As your mother is writing to you, she will give you a much more graphic account of our late journey to Clanwilliam than I can do; therefore I shall be brief. We had some rough and some hot work, and a good deal of trouble with our horses. At S. Helena Bay we nearly stuck, for all our four horses, and Mr. Belson’s also, were laid up with sore backs, or were lame, and the Boers would not let us have a cart for love or money. One of the horses, as yet unaccustomed to the saddle, greatly resented my intrusion on his back, thinking so great a weight an intolerable burden. He would not budge an inch, but backed and backed, and then deliberately threw himself on the ground with his fore-feet stretched out, and rolled me quietly over! I have had a satisfactory journey as far as work is concerned. . . . I have not yet heard from Dr. Livingstone, but he has been heard of lately, and is now exploring a new part of the country. A steamer has gone up to carry him provisions, etc. I shall be very anxious to hear how you are getting on at Oxford, and how you like it. Pray, my dear boy, work steadily, keep out of debt, keep yourself pure, and pray fervently. I hope that you will feel that your character for life—probably for an endless life—will be fixed at College; that each day is fixing it, and that you will live accordingly. I am very anxious about you, and pray four times a day for you. I told you that you would soon take to boating. It is a very fascinating amusement. You must judge for yourself whether you are fit to enter a racing crew. One or two of my friends ruined their health by over-exertion in this way. Aggy and Blanche will, I hope, be confirmed in about a fortnight. . . . Louisa and Glover are delighted with the property which I have bought for the Kafir Institution.<sup>1</sup> It certainly is the

<sup>1</sup> In a letter, dated December 20th, 1859, Mrs. Glover says: “We move in a fortnight. . . . The boys do not like the idea at all, they are so very fond of this place (Bishop’s Court). Zonnebloem, however, is a delightful place—such a lovely view of mountains all round, and the town and bay lying at our feet. We shall also look down upon the railway when it is finished, and see all the ships coming in. . . . We hope in time to have a church built close to us.”

very thing which we wanted, and the best place for the purpose in the country."

The Bishop was sorry to part with his Kafir children when the time for moving came. "They have been good lads," he says, "and are far more like English lads than the European boys of the Colony;—more life and energy and fun and spirit."

The end of 1859 and the beginning of 1860 were occupied with Ordinations, Confirmations, etc., and the Bishop's thoughts were very much engrossed with watching the result of a Pastoral issued by him concerning the better maintenance of the Clergy. He was pleased with the practical results, though, as he said, the people discussed it very freely. Dr. Livingstone's exertions were another important interest. "We have lately heard from Dr. Livingstone" (he writes, January 14th, 1860): "He speaks very warmly of the country in the neighbourhood of the Lake Nyassa, and urges the Church to take up the work. He has not received my letters. They were all swamped. . . . Our Mission will, I think, need a small steamer. It may serve both for these objects and for the purposes of commerce, but it must be a better one than poor Livingstone's, which is a miserable failure. Our chief difficulty about that part of the country is the fact that nearly the whole coast belongs to the Portuguese, and we have recognised their claims. There is a hope that the mouth of the Rovuma is beyond their territory, and of finding a free course up it to the newly-discovered country. . . . This unfortunate country is now trembling about the vine disease. I believe we are only suffering from an unusually wet and cold season. It is a land of judgments, however, and these surely not ill deserved. The oppression of the black man is fearful. Judge Bell, who has just returned from a three months' circuit, says that he has had many cases of sheep-stealing to try, where the farmers had engaged myriads of Kafirs who have come into this country to escape famine in their own, at a shilling a month, and a pint of mealies per diem! Can we wonder that they steal, and hate us, and are returning as fast as possible to their own country, there to repay us with future wars?"

To the Rev. the Hon. HENRY DOUGLAS.

“January 7th, 1860.

“My dear Douglas—I must write a line to tell you by this mail that I consecrated S. John’s Church on S. John’s Day. I inclose you an *Argus*, which gives an account of the Consecration. The founder was in all our thoughts. . . . Other works are, I trust, being blessed. Lightfoot’s work in Cape Town is prospering greatly. I confirm now in every church. . . . We want a Mission Church greatly. . . . We need one or two more Missionaries in Cape Town. . . . Certainly the congregations all round are increasing. Mowbray, Rondebosch, and Claremont are all full. I confirmed forty-eight last Sunday at Claremont. Wilshere, who is there, is doing very well.”

To CHARLES N. GRAY, Esq.

“Cathedral, January 18th, 1860.

“My dearest boy—I write to you while sitting waiting for my people in the vestry, because I am doubtful whether, amidst the pressure of other things, I can write to you at home. I am glad that you are beginning to feel settled at college, and trust that you may make real and valuable friends there. Your town-and-gown row will, I hope, be the first and last during your college career. If you desire to prepare for the ministry, you must keep out of these larks. It was not unnatural that the celebration of the Prince’s birthday should have heated young and loyal blood. I am glad to hear that you had been to hear S. Oxon preach; his sermons will do you good if you take them to heart. . . . The Bishop of Graham’s Town is now staying with us, and I am asking all the Clergy to meet him. When he goes to Graham’s Town, Merriman will come up.”

To the Same.

“Bishop’s Court, February 10th, 1860.

“My dearest boy—I congratulate you on having got through your little-go early and well. I think that you will do quite right in reading steadily for honours. I do not re-

commend you to read so hard as to neglect full exercise and fair recreation—I think both these essential to a reading man. Neglected, he will probably break down, and certainly will not do as well as if he did not overtask nature. Avoid crams. Read not merely for the degree, but for development of your faculties, and the thorough mastery of your subject, whatever it be. Work quickly if you can, but work surely; you had far better be slow and sure than fast and slovenly. Think while you read. Do not be in a hurry to get through your books, especially in the first reading. If you have not mastered them when the time for going up arrives, do not be distressed if you have worked honestly. I should be very glad if you were to take honours, but I should be very sorry if you looked exclusively to these—if you did not make the laying the foundation for future usefulness in whatever situation God may see fit to place you, your chief object. If you work hard, have always some English literature for light reading at hand. Keep accounts, and pay ready money. If you don't adhere to these two things you will get into difficulties. We are, thank God, all very well, though your mother has not been strong. The Diocese has been quite stirred by a Pastoral which I addressed to it on the subject of the support of the Clergy. Prices are very high at present, and the Clergy are, I fear, in difficulties. The laity are showing a very good spirit. There is, of course, much difference of opinion, but there is, I trust, a real desire on the part of most to do their duty. We have now quite a French fleet, and perhaps 5,000 troops, in Table Bay, going on the China expedition, and Cape Town is full of them. They could take us in an hour, if they wished to do so. The Admiral and Lady Grey are with us, and we are finishing off our company before Lent, as, after Easter, I propose (D.V.) making a Visitation over the greater part of the Diocese, which will occupy between three and four months."

About this time an attack was made from some anonymous or obscure quarter upon the Hymn Book put forward by the last Diocesan Synod. Writing to Dr. Williamson on the sub-

ject (February 14th, 1860), the Bishop says: "I can only repeat Merriman's remark to me when alluding to some lies about Port Elizabeth—'It is a marvel that the devil should be so audacious!' I have long, however, felt that Evangelicals as a class are rapidly losing the moral sense, and are coming more and more under the influence of an evil spirit. They are certainly quite reckless and unscrupulous with regard to those with whom they differ, or think they differ. Our Hymn Book was adopted at the Synod, and each hymn discussed; all that were rejected were rejected by Clergy and laity; all that were adopted were adopted by both orders. I have looked over the book to see what could have given rise to the charge. I presume it is Hymn 24, which is an appeal to our Lord as Man, to aid and support and sympathise with those suffering in the flesh. The phrase, 'Son of Mary' is no more to be found fault with than 'Virgin-born,' 'Seed of the woman,' or 'Son of David.' Let those who shrink from it, see to it that they hold the Mystery of the Incarnation. . . . Mackenzie intimates that the Bishop of London will approve if he is consecrated in England, and asks my views, adding that he would then be under Canterbury, and not in this Province. I reply that I see no objection to his consecration in England; but that I protest against his separation from this Province on very many grounds. I have written a formal protest to the Archbishop. It is a very important question."

To CHARLES NORRIS GRAY, Esq.

"Bishop's Court, March 17th, 1860.

"My dearest boy . . . The torpid is the best place for you. In my day we used to take it easy. I dislike the racing boats. One fine fellow, a friend of mine, who pulled stroke, was, I believe, killed by it, and my dear friend —— has never had good health since. I see no objection to your joining the Rifle Corps if you are anxious to do so. But boats, cricket, and shooting, are all great temptations to idleness. What you do in the way of reading must be on principle—that is duty. I have confidence that you will not give up duty for amuse-

ment or dissipation. I quite sympathise with you in your feelings as to slovenly services. If ever you have a quiet talk with your tutor, let him know what your feelings are about it. The notion that these things shock young men does not perhaps enter into their minds. Nothing would be more likely to lead to improvement than the knowledge of this. The contrast to Bradfield must be very great. Remember, however, that it is no excuse for you not to pray. I am glad that you go to chapel every morning. I hope that you do not limit yourself to the minimum of attendance. You ask about my rooms: the staircase is the right hand corner of the main quad—the rooms were above the lecture room, on the left hand side, at the top of the staircase. Two windows looked into the High Street—one and the bedroom into the Fellows' Garden. They were very quiet, and I have spent many a happy and studious hour in them. . . . Next Friday your mother is going to ride with me up to Saldanha Bay. We shall probably be out just a week. There are about 700 coloured people there. They have petitioned me to buy a farm for them, and locate them upon it. I fear I shall not be able to afford this. We are quite wearied out with visitors,—since we came back we have never been alone. Archdeacon Merriman is now with us,—as fine a fellow as ever. He told me in letters that he was failing in strength and aged, etc.—I present him now in full vigour to all friends, as a decayed old gentleman! but he says that since he came down here he has leaped up like a jack-in-a-box. . . . The ——'s son is a very nice fellow — a little too much of the Kingsley school, but earnest and self-denying. What religious direction are young men running in now? Who are the leaders of opinion in the University? What sort of tutors have you got? Do they take any interest in their pupils, or see them at all in private? Remember me, when you come across them, very kindly to the Master and the President of Magdalen, whom I like, and the Provost of Oriel" . . .

To CHARLES NORRIS GRAY, Esq.

“Bishop’s Court, April 16th, 1860.

“My dearest boy . . . I have no objection to your joining the Rifle Corps, but I am rather anxious lest boating, to which I anticipated you would rush, and cricketing, and rifle practice, should dissipate your mind and thoughts, and give you a distaste for more sober and thoughtful occupations. Your natural temperament inclines you to active employments and amusements, and you must, if you would not receive injury, exercise some discipline over yourself. . . . The Bishop of Oxford is working vigorously to carry out my wishes about Missionary Bishops. I think we shall get all we want done. We have heard nothing lately from Livingstone, but we have now staying with us Mr. and Mrs. Percy Thompson, who have just been travelling across from east to west, by the Lake N’Gami. They have not very much to say about the country or people. Our Mission must not be there, but about the rivers Shire and Nyassa. We are thinking of beginning to make vineyards on this property, in spite of the reduction of the wine duty. It is beautiful land for it, and I am not improving it as I ought to do. But it is costly work. We are building a school chapel at Newlands also, and one or two cottages on this property.”

To Mrs. WILLIAMSON.

“Bishop’s Court, April 17th, 1860.

“My dearest Annie . . . Our Kafir Institution is going on exceedingly well<sup>1</sup> On Easter Day I baptized seven of the lads, all, I trust, believers, and in earnest. Others are anxious to be baptized, among the rest Sandilli’s daughter, who asked Miss Ainger with much emotion if she too might not be baptized?

<sup>1</sup> In a letter to Miss Cole (June 4th, 1860), the Bishop says :—“My daughter (Mrs. Glover) is very fond of her boys, and will hardly believe they have any faults. She teaches them drawing. We have an excellent young woman, a niece of Mrs. Ainger of Hampstead, for the girls, and a friend of hers is coming out to help her. So, with a carpenter, tailor, shoemaker, agriculturist, and schoolmaster, and another young man, and Mr. and Mrs. Glover, we have a pretty strong staff. All, however, have full employment, and the industrial part pays.

Miss Ainger has done the girls a great deal of good. In the hope that we shall be able to receive a larger number of them, a friend of hers, who has a private income, is coming out to aid in their education. I do trust that we shall be able to support more girls, for I am quite sure that this work will be a failure if we do not provide Christian wives for these young men. As it is, it is said that George Moshesh, who was here for a few months when I was in England, has married the daughter of the great heathen prophetess of this country. He is, according to all accounts, an exceedingly fine young man, and I hope that he is not lost to us, but he is at least in great danger. He came here too old;—he was not here long enough: and he had no chance of a suitable Christian and civilised wife. Recently I have been urged to found a Mission among Moshesh's people. I have replied that if the old chief asks me, and I can do so without interfering with the French Missionaries, I will pledge the Church of England to do so. Only yesterday I received a message from a French Missionary urging us to undertake this work, and saying that they greatly felt their want of a head; which I commend to the notice of our anti-Missionary Bishops' friends. This point, however, from all I hear, is now pretty well settled, and we are working with S. Oxon to provide safeguards against abuses and possible disruption. The necessity for bringing on these questions brings out the principles which the Church will need to guide her, when cut adrift from the State. They force minds like the Bishop of London to see that the Canons of the Universal Church, still recognised in our Courts, are the only guide to which we can look, and that they are a sufficient guide, and provide for all our wants. Now that the Colonies are likely to hold Provincial Synods, it makes it more and more necessary that there should be a National or Imperial one, to bind us all together in one Communion. I am still uncertain whether I can or ought to start in a few days on a three months Visitation. Sophy rode with me up to Saldanha Bay, about 200 miles, in a week."

To CHARLES NORRIS GRAY, Esq.

“Caledon, May 15th, 1860.

“My dearest boy—Your mother and I are detained here partly by a very severe cold which I have caught, partly by threatening weather. She rode 200 miles with me last week round this parish, and we hope to complete the 300 in a day or two. I have delayed my long Visitation till the heaviest of the winter weather shall be over. . . . Your mother has stood her riding very well, and so have the horses; old Klaas goes gaily with his pack-saddle, and trots ahead and stops to eat just as it suits him. We were to have gone to Villiersdorp to-day for a Confirmation; but I have been awake the whole night, and am not up to it. We shall, I trust, be *en route* to-morrow again.”

Some further account of this minor Visitation, such as the Bishop so frequently made, is given in a letter written a few days later to his sister after his return to Bishop's Court (May 19th, 1860), and the description is a complete sample of all similar expeditions:—

“We have just come off a ride of 300 miles round one parish, Caledon, and have tired our horses, though not ourselves. Sophy has borne it well, and thinks nothing of sixty miles, even on a very lazy horse. We started on Monday week, riding across the flats to Eerste River, where we have a little church and school, and I held a Confirmation. Then we went to sleep at the Cloetes at Sandvliet. Next morning we rode to Somerset (a most lovely village in a superb situation, with the sea in front, and mountains on two sides) to breakfast. There I arranged to have a service and meeting on my return about a school, chapel, and teacher. Then we rode up the mountain, and went to Palmiet River, to examine a poor school. From there to Houw Hock, where we have another school, and a small location of coloured people. In the evening we had service; the catechist and schoolmaster here is dying. From thence, by morning moonlight, we proceeded on a long day's

journey of sixty miles ; we crossed two sets of low mountains, and got drenched in the evening, arriving after dark at an English farmer's at the Strand. From this part of the country, I am sorry to say, the English farmers are withdrawing. Next morning we rode an hour and a half to an early service and examination of a school, which is doing good among the Dutch farmers and coloured children. Next we proceeded three hours to the Moravian Mission Station at Elim, where we passed the night, and had much talk with the brethren, one of whom had been as interpreter in the last expedition in search of Franklin. Next morning was very wet ; but we started amid their remonstrances, rejecting their offer of a cart, and rode three hours to Bredasdorp, where Mr. Barry received us. In the afternoon we saw the people, and in the evening had service ; I preached and also confirmed. Afterwards we had a meeting about the completion of a very pretty little chapel. Next morning we were off again by moonlight for a fifty miles' ride. After three and a half hours we got some bread and fat, and tea without milk, at a very kind Dutch farmer's ; then three hours more, and a substantial dinner at a Scotch farmer's ; then two hours more, a cup of tea at an Englishman's ; then one and a half hour in the dark to Colonel Shaw's. The horses were a little tired, having carried us 200 miles in the week. On the following morning we drove into Caledon. Early service with Holy Communion ; Confirmation in the afternoon ; evening service. Being very hot with preaching, the cold drive back gave me a severe cold. On Monday we came in again ; held a meeting about minister's stipend, towards which the people are to double (and do so most cheerfully) what they give. Then we had a tea meeting in the new Grammar School, not yet quite roofed in. Here I considerably added to my cold, and could not sleep all night from fever. Next day I was too unwell to proceed, which was a misfortune, as it prevented our reaching Villiersdorp, where there is a Catechist and new stone school chapel. On Wednesday we started with a view to reaching this place, though I was still far from well. But the rain came on so heavily that we saw plainly we could not hope to pass the river, in which,

two days before, a horse had been drowned. Giving up the hope, therefore, and disappointing the candidates for Confirmation, we rode on twenty miles in the rain to Houw Hock, and then, after taking a mouthful, and praying with the dying Catechist, twenty-five miles more to Somerset, where we spent the next day. In the evening we had service in the court-house, and then our meeting. The people are poor; but entered heartily into my plan, and we are to have a school chapel and a Catechist schoolmaster immediately. Next morning we breakfasted again with the Cloetes, and rode home thirty miles by three o'clock, and found, God be praised, all well at home."

There was an interval of comparative rest during the next two or three months (though, indeed, Bishop Gray's rest would have been hard work to many men), and he found time to write some valuable letters to his son, then an undergraduate.

TO CHARLES NORRIS GRAY, Esq.

"Bishop's Court, June 16th, 1860.

"My dearest boy—I am very glad that you write to me freely and fully, and conceal nothing from me, treating me as a friend and consulting with me. . . . Pictures should not be bought if they cannot be paid for. I do not remember that I ever bought a picture in Oxford, during my four years—the first year is in some respects an expensive one, but if habits of self-indulgence are not checked, you will find the longer you are at college the more your expenses will grow. The root of the matter is in yourself, not in external or accidental circumstances. Self-restraint alone will help you. . . . There is really nothing in boating or training which need draw a man off from hard study; there may be in the not unusual accompaniments of an idle life, suppers, etc. I hope you stand up for the right against the wrong, for God against the devil.

"There is one further point upon which you invite my opinion,—the observance of Sunday. I do not think that your description of yours is altogether a satisfactory one. To a walk on Sunday I see no objection. I think it desirable, and a

country walk preferable to sauntering about town. But sixteen or twenty miles, and a lunch at a wayside inn, cannot but occupy the greater part of the day. I do not think that that is a desirable, or even a lawful way of spending it, and I am very doubtful whether you have any right to frequent an inn, when provision is already made in college for food. Surely great exertion in the week makes much Sunday exercise less, and not more necessary, as you suppose? What, however, strikes me most in your way of putting the case is this, that you contend for the utmost latitude and indulgence, if it is not positively sinful, and you sail very near the wind indeed in deciding for yourself as to what is right or wrong. Now this sort of temper will lead a man on farther and farther; the more he takes, the more he will wish to take, and think it not wrong to take, and gradually his mind and judgment become warped. I do not think your Sunday calculated (as I believe Sunday occupations are intended to do) to deepen your religious convictions, and strengthen your spiritual life, but the reverse. And I think that your whole tone will be lowered and not raised, if you continue to give up so large a portion of that day to mere amusement. My view is that that is specially your day for theological work, and that if the University sermon is the only sermon you hear, you are bound to read some practical work, as, *e.g.*, Thomas à Kempis, the best of devotional books after the Bible. Now I think if you want to prepare for Orders, you should always have on hand some standard work: Wordsworth's *Commentary on the Epistles* to begin with; Hooker, especially his fifth book; Browne on the *Articles*; Palmer's Book on the Church; Milman's *Church History*; or others, *e.g.* Blunt, indeed any of Blunt's works. The careful study of these books will be a great blessing to you hereafter. Theology cannot be crammed in a day. I would advise you earnestly to shorten your Sunday walks to two hours, to give up your luncheons, and spend the two hours thus saved upon Hooker, Blunt, Browne, and Thomas à Kempis. Now you will think that I have written you more of a sermon than a letter, but the points touched upon in your letters are very important, and I am sure

that you would wish me to tell you exactly what I think. I do it not with a view to find fault, but to help you. . . . With many and earnest prayers for you, believe me ever, my dearest boy, your affectionate Father,  
R. CAPETOWN."

TO CHARLES NORRIS GRAY, Esq.

"Bishop's Court, July 16th, 1860.

"My dearest boy—You will now be enjoying your long vacation. . . . You will, I hope, wherever you may be, not overlook work. I am very anxious to hear that you are immersed in *books* as much as in boats. When you wrote in your last that you were going in for the 'sculls,' I read the word 'smalls;' and the prize you were going to compete for, a silver cup, struck me as a strange one. As you are fond of what concerns the animal part of our nature, I may tell you that the people of Cape Town are getting up a subscription for your friend Tom Sayers. . . . Sir G. Grey has at last arrived. He closes Parliament, which has been very foolish and troublesome this session, on Tuesday next. We have been expecting Prince Alfred every day for the last fortnight. The Governor is to take him first to the Paarl and Stellenbosch, then to Port Elizabeth, by sea; from thence, in Government wagons, to Aliwal North; then to Moshesh, to see a little of savage life, and to hunt a lion; then across the Free State to Natal, where he is to embark for England—all to be done in six weeks. Would not you like to be with him? A son of Kate Whar-ton's is in the same ship with him. Now, God bless you, my boy, and keep you from all evil.—Ever your affectionate Father,  
"R. CAPETOWN."

TO CHARLES NORRIS GRAY, Esq.

"Riversdale, August 15th, 1860.

"My dearest boy—We are here on Visitation. The drought is so great that we can scarce procure forage, and have to pay enormously for it. I hope, D.V., to be at home by October 18th, but this will depend upon horses not knocking up, weather, etc. You will see that Archdeacon Mackenzie is to

be consecrated here. He talks of sailing in October. . . . I suppose the children will tell you about the Prince's visit. He is now on the frontier with Sir G. Grey. He is a nice lad, and plays his part well. He came to call upon me, with the Governor, by appointment, and I was out, but they had changed the hour. I met him frequently at Government House, and he was very cordial. We gave him a Bible and Prayer-book, and he gave an engraving of himself for the Kafir Institution. The Colony has made a great fuss about him. Sir G. Grey told him that if he would only marry Sandilli's daughter (who is under Louisa's charge) he would have the merit of putting an end for ever to all Kafir wars!"

To the Same.

"Beaufort, September 15th, 1860.

"My dearest boy—I cannot let the mail go without a line from some of us, and your mother is knocked up with a long journey, and must get some business done before the mail leaves this evening. We arrived here about noon, having travelled yesterday from about 5 A.M. to 9 P.M., with very short commons, over the Karroo. Your mother rode with me, as usual, all the way up to George in one day. The horses have stood their work well, but have 700 miles to do after they leave this, *i.e.* from September 19th to October 18th. Old Klaas, now near seventeen years old, is amongst them, and is the merriest of them all. We have had no adventures worth speaking of. . . . Altogether we shall have had enough of it by the end of the three months. I trust, my dearest boy, that you are working. I am somewhat anxious lest you should be practically making boating and cricketing the business of life, and overlooking the advantages and opportunities now within your reach, never to be renewed. Pray keep your proper work steadily in view, and remember that you are forming habits which will stick by you, and forming your character for life, and that a long life, even for ever and ever. . . . The Prince has not yet returned to Cape Town. He has been all round through the Free State to Natal,

hunting, shooting bucks by the hundred, looking at native war dances, and receiving addresses. He has met with a right royal reception, and must, I think, have enjoyed himself vastly under Sir G. Grey's admirable management."

To Mrs. WILLIAMSON.

"Robertson, October 6th, 1860.

"My dearest Annie . . . Hitherto, by the mercy of God, we have been able to keep all our engagements, and our horses, after 1,200 miles of journey, are still tolerably fresh. The only place where I have broken down was at Heidelberg. I was obliged on my arrival there to go to bed, and have no service. The wear and tear is considerable. The real anxieties are not many, but each case has its difficulties and requires consideration, and the mind is on the stretch the whole time; the topics for thought and future action accumulating as one proceeds. The work is, upon the whole, advancing steadily. No place now likes to be without the English Church in some shape or other. It is a necessary institution for every village. But our work looks very small alongside of the numerically strong Dutch Church. This place is an illustration. On several occasions, I have slept at an adjoining farm where there was not a single house—now there is a large and increasing village. It was formed by the Dutch. Out of the *erven* which they sell at high prices, they build a church, and support a minister by a tax of £1 per annum on each *erf*. Carpenters and masons and little shopkeepers come in, and these form the material for a future English Church. I sent a S. Augustine's man here a few months ago; he and his wife both keep schools. He is a Deacon. I give £50 a year. With the help of the people they get about £160—nearly £400 is collected for a church, and the little handful of Church members are full of life and zeal, and came out in carts to meet me, and, with the Civil Commissioner at their head, welcome me with an affectionate address, and a few flags, and firing of guns. Then there is a young coxcomb of a Dutch *Predikant*, who is much set up with his high position (and no wonder, for they are the Dagon before whom

the farmers prostrate themselves), and he preaches last Sunday upon the two orders of the Ministry, and almost scolds his more educated flock into rebellion, because they venture occasionally to look in upon an English service, and himself holds an English service to catch all the stray English he can. This is very much a picture of half the villages in the Colony. Should my life be spared another year, I hope that there will be scarce a village in my Diocese without Church of England ministrations of some sort. My energies get beat down by the continual demand upon spirits and the necessity for action, and the difficulties of the various posts, during a Visitation like this of near three months. I feel sometimes as if I could in some degree realise S. Paul's sense of oppression, when he spoke of that which came upon him *daily*, the care of all the Churches. I have just received most interesting and important letters from that noble fellow Livingstone. He is heart and soul with us. Our Mission, he thinks, must be along the Shire and around Lake Nyassa, and he speaks with much interest of the whole of the lake regions. He would not have us talk much of our field, because the Portuguese will do all in their power to oppose us. I have sent copies of his letters to the Bishop of Oxford for the Zambesi Committee. I have just issued my summons for my Synod in January. In December I hope to have a Conference of Bishops. On the fourth Sunday in Advent, the consecration of Mackenzie will, I hope, take place. The Bishop of Graham's Town will be ready to come down for this; at the last moment, however, the Bishop of Natal says that he cannot possibly leave Natal."

So important and interesting an event as the consecration of the first Missionary Bishop of the Church of England requires a special notice; but its whole history has been so admirably given in Bishop Goodwin's (then Dean of Ely) *Life of Bishop Mackenzie*, that it is only necessary to point out the most marked dates and features. Mr. Mackenzie had been first pressed in October 1854 by the Bishop of Natal to go out with him as Archdeacon. At that time he refused, though burning with

Missionary zeal ; but in the December following he determined to go. " 'The Lord hath need of him,' is a sufficient answer to all questionings, Why should I go ? " he said, and accordingly he went. His life, first at D'Urban, and afterwards at Umhlali, has been graphically described.<sup>1</sup> When the Bishop of Cape Town came to the conclusion, as we have seen, that Missionary Bishops were the true means for spreading the Kingdom of Christ among the African heathen, and when the fervour of his pleading and that of Dr. Livingstone stirred up the Universities to found the Central African Mission in 1859, it was not unnatural that when the question arose, Who should head the Mission ? Archdeacon Mackenzie should be named, well known as he was in Cambridge. He was urged to come to England, and was anxious to arrive there in time to catch the Bishop of Cape Town (then in England). But it will be remembered that the Bishop of Natal had expressed an intention (several times alluded to by Bishop Gray on the receipt of his letters) of going himself to the Zulu country ; and Archdeacon Mackenzie considered it as " pretty clear, quite in fact," that he was to return to his old place in Natal. Then came " the Great Zambesi Meeting " (November 1st, 1859), when the formal request to him to head the mission was resolved on and made,<sup>2</sup> and accepted.

The whole question of Missionary Bishops, their status

<sup>1</sup> *Life of Bishop Mackenzie*, by Harvey Goodwin, D.D.

<sup>2</sup> The Bishop of Carlisle says : " The invitation was given and speedily accepted. He seems to have considered it unnecessary to consult his friends ; concerning the sacrifice of himself he never entertained a doubt. . . . The deliberate purpose with which he undertook the work may be judged from the following anecdote. He was staying at the time with his sister, in the house of his friend Dr. Paget in Cambridge. It seemed right to Dr. Paget that they should both estimate at its true value the personal risk of the undertaking. Accordingly, he said to Miss Mackenzie : ' Consider what would be the view taken by a Life Assurance Company ? If your brother should wish to insure his life before going on this enterprise, and were to apply to any insurance company, I feel sure they would not estimate his chance of life at more than two years.' Miss Mackenzie was much shocked at first by this plain statement ; but just then Mackenzie himself came into the room, and when his sister told him what Dr. Paget had said, he took it as a matter of course, not treating it lightly, but as a subject which he had already well considered, and on which he had come to the same conclusion."

with regard to their Episcopal brethren both in England and elsewhere, their canonical obedience, to whom due, and the power of the Bishops of the Church of England to consecrate them, was now opened, and was duly considered by Convocation; and after a report had been adopted by both Houses, the Bishop of Oxford moved (June 8th, 1860)—“That this House having heard, with thankfulness to God, of the prospect of a Mission being led by the Venerable Archdeacon Mackenzie into Central South Africa, desire to express their deep interest therein, and their hope that the Bishop of Cape Town and his Comprovincials may be able to see fit to admit the head of this Mission into the Episcopal Order before he be sent forth to the heathen.” Of course this was simply carrying out the Bishop’s own plan.

While speaking of the Central African Mission, it may be as well to quote a letter giving a full account of its rise, from the Bishop of Cape Town to his brother, Mr. E. Gray, dated January 20th, 1860: “The Central African Mission, of course, owes its existence to the visits of Livingstone at both Universities. The memory of those visits was cherished at the Universities, more especially at Cambridge, where an impression was made upon men’s minds. But no steps were taken in either University to form a Committee, or to do anything, till my visit to Cambridge. I gave a terminal lecture there on a Saturday, preached twice on Sunday, and had a meeting on Monday. There appeared to me on the Sunday evening at the University Church to be a great interest felt in Africa, not owing to anything said by me (for I never spoke or preached worse than in Cambridge), but on account of Livingstone; and the thought occurred to me that a fresh impulse might be given at the Monday meeting, and something done for Central Africa. I consulted Richard about it, and asked whether he thought I had better make the attempt. He did not discourage it; but Dr. Atkinson, with whom we were staying, decidedly did. On the Sunday evening —— called upon me, and I broached the subject to him. He caught at it eagerly, spoke of his own longings, and I think also of others, for something to be done,

ever since Livingstone's visit; and I determined to make an attempt, if Archdeacon Heaviside, who had collected for me in Cambridge for the five previous years, did not disapprove. He concurred. At the end, therefore, of a very indifferent speech, reported very badly (as, of course, you know all my speeches *are* which do not read well!), I appealed to the University to attempt the foundation of a Mission in the regions explored by Livingstone. The idea took—a Committee was formed, and the thing started. Now I give you all this important gossip, as you ask it 'for your own information.' But it was all printed, miserable speech and all, by —— in a kind of pamphlet at the beginning of the move; and my letter was afterwards published with the names of enlarged Committees both at Oxford and Cambridge. Now, don't you go and fire up because some one has written an article in which the part of your would-be Hamlet is left out! It really does not matter a single straw what part I took in the formation of the Mission. What does matter is that it should succeed."

Resisting the temptation to dwell on Archdeacon Mackenzie's preparations for work, or the interesting particulars of his departure, we must be content to note his arrival at Cape Town on November 12th, 1860, thus announced by the Metropolitan to his son:—

"Bishop's Court, November 17th, 1860.

. . . "Archdeacon Mackenzie and his party have arrived, and are now staying with us. I am engaged in writing long letters to my Suffragans, who are at the last moment raising all sorts of questions and difficulties<sup>1</sup> respecting the consecration. These will, I trust, be met and got over, and the consecration take place at the close of the year, or early in January. . . . Livingstone has been writing very interesting letters to me. He is heart and soul with us. Sir G. Grey already talks of

<sup>1</sup> As a specimen, the Bishop wrote to the Bishop of Oxford: "The Foreign Office is at present in a flutter about the possibility of issuing a license without defining the limits of the Central African Diocese. They have referred the question to the Law Officers!! Shall I name the Mountains of the Moon? I can easily give a wide berth of longitude and latitude!"

our founding another Mission beyond Mackenzie's in the Lake region explored by Burton and Speke, to which Speke has just returned, and which is supposed to be the source of the Nile. Speke is to trace the source, and follow it down to Egypt. Others are coming up to meet him."

The difficulties alluded to were prolonged through some weeks. The Metropolitan writes (December 20th, 1860): "I am greatly worried. This Zambesi Mission is not only a great expense, but a great anxiety. It is very difficult to know how to act, and poor dear Mackenzie has quite enough to do in settling his affairs. A portion of the party go up in the 'Sidon,' which is to tow up Livingstone's little steamer the 'Pioneer.' It is a great trial to him to have to separate his party, but it cannot be helped. The Bishops would not come together when I summoned them, and now they cannot. After all, we shall probably have to proceed with the consecration without the Bishop of S. Helena, after chartering a ship at a cost of £250 to fetch him. The Bishop of Natal is here, and I have great difficulty in keeping him. What success I shall have in our Conference I do not know. If S. Helena does not arrive, I fear but little. . . . We have to-day 300 children from the parish to tea and games, and all are already exhausted with the heat. It was near 90° yesterday, and is now 80° at 11 A.M. in the shade. . . . We have had a house full for a month, and are likely to be crammed for two months to come."

At last, on January 1st, the Feast of the Circumcision, 1861, the consecration took place in the Cathedral, the Bishops of Natal and S. Helena joining the Metropolitan in the laying on of hands. The latter wrote of this event to his son—"January 8th, 1861. . . . We have had long and anxious Episcopal conferences previous to the consecration of Arch-deacon Mackenzie, which took place on the Feast of the Circumcision. The Bishop of Graham's Town was not there, having missed his ship. I am still expecting him to turn up, as he is very anxious to meet the Bishops. The Bishop of Natal, however, and Bishop Mackenzie went down to Simon's Bay

last evening, after a large public meeting in Cape Town, and sail to-day in the 'Lyra,' some of the party having previously sailed in the 'Pioneer' and 'Sidon.' All this work has knocked me up a good deal, and I am scarcely fit to write these lines. . . . We had 200 people here to meet the Bishops, and made them speechify on the lawn." In another letter a few days later (January 18th) the Bishop exclaims, "Oh that I had wings like the dove, for then would I flee away and be at rest!" I should wonderfully enjoy a little quiet rest at your different firesides in England! I have no doubt that all our proceedings of late have been very important, and I think they are felt so to be. Certainly the Church is strengthening her stakes in this land, and her principles are taking root—the very opposition roused is evidence of this. It is a great comfort to me to find that my leading Clergy are struck with the amount done in our Episcopal Conference; not with what *I* feel—the imperfection of what is done, and the quantity left undone. It is very doubtful whether the Bishop of Graham's Town will reach us after all; he has messed his arrangements wonderfully. Though I should rejoice for him to have a talk with me and S. Helena, I hardly wish him now to come, because then Merriman will not be present at my Synod. The Bishop of S. Helena and Mrs. Claughton and their son are with us. He has been a great support to me in my Conference in every way. He sees principles, and is prepared to stand up for them. You may tell his brother that I believe the islanders are much attached to him, and that they support him heartily. . . . I do not feel sure that Mackenzie has even yet sailed from Simon's Bay, for it has been blowing a strong south-easter ever since he left us. If they are at sea, they will have enough of it! . . . (January 19th)—Since writing the above we have had the Bishop of Graham's Town among us. He has agreed to all the resolutions of our Conference, which is a great comfort. We have had two more influential meetings at Cape Town. At the first the Bishops of Natal and S. Helena gave an account of their work; at the second, last night, the Bishop of Graham's Town of his."

TO EDWARD GRAY, Esq.

“ January 20, 1861.

“ I am very thankful for the general state of things. The work grows, and the inclination of the people to support it grows daily. I have plenty of minor anxieties, but I cannot but hope that I shall never again, if my life be spared, have to go through what I have endured for the last twelve years. ‘ Without were fightings, within were fears.’ Our work is, I trust, established on a true Church basis. It is founded upon principles that will last. I see more and more every day that true Church principles *are* true. I wish your friend Short in Adelaide saw them more clearly. I had the Government statistics of religion in that Colony before me a few days ago. Church, 6,000; Wesleyans, 17,000: total of different bodies, more than 50,000!!!! Our proportions here, where we came after 200 years’ neglect, are better than that. We shall have, I doubt not, much difference of opinion about support of Clergy, patronage, etc.; but I believe there is quite enough good feeling and right principle to settle these points satisfactorily in another Synod. Therefore, those who do not want them to be thus settled will probably still oppose a Synod.”

Amid all these anxieties and engagements the Bishop did not fail to throw himself heartily into the interests and occupations of his undergraduate son. “ I am glad to hear,” he writes, “ that you are steadily at work at College again, only I get rather alarmed at the varied nature of your studies and amusements—geology, chemistry, oil-painting, water-colours, singing, boating, gymnastics, cricketing, rifle brigade. All these are very well if they do not divert you from the honest drudgery of difficult Latin and Greek authors. These latter are the solid pabulum, the others the dessert. But I cannot think that the classics stand their fair chance amid all this, and I do feel very anxious that the solid foundation for future improvement should now be laid in the study of the classics, and that through means of them your mind should be undergoing the training

and discipline which close application to them brings with it. I have been reading Pusey's *Commentary on Hosea*. It is very copious. He traces out sin in its most subtle forms very powerfully, and his literal exposition of the text will, I think, be a great safeguard against rationalistic error. He will soon, I believe, publish his *Commentary on Isaiah*.<sup>1</sup> I have no doubt it will be infinitely the best commentary on the Evangelical Prophet. You should read some portion of Scripture daily. You could not do better than take Wordsworth on the Acts and the Epistles. His *Commentary* is a compendium of sound theology. Have you got hold of Burrow's *Pass and Class*? it seems to be a useful book."

The Bishop held his Visitation on January 16th, and delivered a Charge containing much important matter. It will be found in the accompanying volume of sermons and charges. Upon that followed the Synod alluded to in the above letters. It took place in January 1861, and was in itself most successful,<sup>2</sup> but it was attended by circumstances of peculiar trial to the Bishop of Cape Town. On the occasion of an earlier Synod (1857) the Bishop had been opposed by some few persons who appear to have made a stalking-horse of the supposed "illegality" and injury to the Queen's supremacy which they perceived in this meeting, in order to oppose the Church and her discipline generally, and the Bishop in particular.<sup>3</sup> This opposition had been individually made by a certain Mr. Long, who, when called upon in December, 1856,

<sup>1</sup> A hope, alas! still *but* a hope, in 1875!

<sup>2</sup> "In spite of all that they might have learnt during the last four years, my old tormentors keep crying out about the unlawfulness of Synods, and the penalties of præmunire and violation of Royal Supremacy, and mislead some. I could not have believed that men who think themselves educated had such small powers of reasoning, and could venture to repeat such arrant nonsense!"

<sup>3</sup> A private letter from the Cape of this date says that the Attorney-General of the Colony was reported to have affirmed the Bishop's letters-patent so much waste-paper. The deep-felt jealousy of the Church and its growing influence and activity is alluded to; and the writer adds that no one at the Cape looked upon the trial as a mere personal matter between the Bishop and Mr. Long, but as a peg whereon to hang the whole question of the jurisdiction and *locus standi* of the Church in South Africa.

to summon his parishioners to elect a lay delegate, and himself to attend the summons on January 21st, 1857, did neither the one nor the other—this time without being called to account. The same neglect of his Metropolitan's orders occurring when a similar notice was issued, October 1st, 1860, the Bishop felt it was not possible to overlook so distinct an act of insubordination on the part of one of his Clergy. Mr. Long had been in Africa since 1845, having been ordained a year earlier by the Bishop of London for the colonies;<sup>1</sup> and on reaching Cape Town he had been appointed to the charge of Graaf Reinet by the Governor, where there was no endowment of any kind, nor had he any authority for holding his position save his Orders, and the direct appointment of the Governor. In 1848 Mr. Long was ordained Priest by the Bishop of Cape Town, taking the usual oaths of canonical obedience "in all things lawful and honest;" and the Bishop granted, and Mr. Long accepted, a license to the cure of souls in the parish of Graaf Reinet, the Bishop reserving to himself and his successors the usual full power to revoke such license if just cause arose. In the year 1854, Mr. Hoets, a Priest in English Orders, built and endowed an Episcopal church at Mowbray, and conveyed it to the Bishop and his successors in perpetuity, it being covenanted that he was to appoint the two first incumbents; and accordingly Mr. Long was appointed and duly licensed by the Bishop. When, in 1860, Mr. Long the second time declined to obey the Bishop's summons to his Diocesan Synod, or to convey it to his parishioners, charging the Bishop, Clergy, and Laity who had taken part in the Synod of 1856, with having "seceded from the English Church," and publishing his refusal, together with this charge, in the *Cape Monitor*, a correspondence ensued; and on Mr. Long's persistent refusal to give the required notice of the intended election, he was cited (November 27th, 1860) to appear before the Bishop and answer for his neglect. The Bishop named five Clergy as his assessors, offering to change any to whom Mr. Long had any personal

<sup>1</sup> Ordained Deacon "for Her Majesty's foreign possessions," in pursuance of the Statute 59 George III. 60.

objection. On February 4th, 1861, Mr. Long appeared and gave in a letter stating the grounds of his disobedience, and asserting his intention to persevere therein, at the same time repudiating the Bishop's authority to pass any sentence upon him. The Bishop's assessors (the Dean, the two resident Canons, and two city Incumbents) were unanimous in deciding that the Bishop could not allow such conduct to go unpunished, and Mr. Long was sentenced to three months' suspension, though, with the consideration which always marked the Bishop's treatment of others, he expressly refused to deprive the offending Priest of his emoluments. Mr. Long, however, entirely disregarded this sentence, and for four Sundays continued to officiate as before, administering Holy Communion, baptizing children, and solemnising at least one marriage. A second citation was in consequence served upon him, and upon his refusing to heed this, the Bishop deprived him for contumacy, and appointed another Clergyman, the Rev. W. Hughes, to take charge of the parish. Mr. Long at once applied to the Supreme Court for an interdict to prevent the Bishop disturbing him in his church. The Court granted the interdict for one Sunday, and called upon the Bishop to show cause why the interdict should not be made absolute. At this point begins the trial which was of such vast importance to the discipline of the Church in general, and the Colonial Church in particular. Mr. Long and his personal interests were merely the vehicle for an attack really aimed at the whole Episcopal jurisdiction in the Colonies, and most seriously affecting the status of the Colonial Church.

To understand this clearly, it is necessary to go back a little. The Bishopric of Cape Town was founded in 1847, and at that time all legislative authority in the Colony was vested in the Crown: there was no State Church; all denominations of Christians stood on an equal footing; there were no Ecclesiastical Courts as distinct from Civil Courts; the Supreme Court (under the Charter of Justice, granted 1832) had supreme jurisdiction in all cases arising within the Colony, as well as over all persons within the Colony, whether subjects of the

Crown or others. In 1847 letters patent were issued, erecting the Colony of the Cape of Good Hope and its dependencies, and the Island of S. Helena, into a Bishop's See, and appointing Dr. Gray to be the Bishop thereof. The letters patent empowered him to perform all the functions appropriate to the office of a Bishop within the Diocese, and especially to give institution to benefices, to grant licenses to officiate in all churches and chapels, to visit all Rectors, Curates, Ministers, and Chaplains, and Priests and Deacons in Holy Orders, and to cite them before him or before the officers whom he was authorised to appoint. He was given power to appoint Archdeacons, Vicar-General, Official Principal, Chancellor, Commissaries, and other officers, with provision for an appeal from any such to the Bishop, and from him to the Archbishop of Canterbury.

When the huge unwieldy Diocese came to be divided in 1853, a different arrangement became necessary, and accordingly the Bishop of Cape Town resigned his Bishopric (November 23rd, 1853) in order to have the Diocese divided into three; whereupon new letters patent were issued to the two fresh Dioceses, and additional letters patent granted to the See of Cape Town, creating it the Metropolitan See of South Africa. Previously to this the Crown had granted a constitution to the Colony, representative institutions had been founded, and a Colonial Legislature established; and Mr. Long and his supporters consequently set up the view that the letters patent were worthless, and that the Bishop possessed no jurisdiction; and in one of his letters he distinctly says, "that the contest is a struggle for civil and religious liberties."

In a private letter of December 20th, 1860, the Bishop says, "Against the Synods our Evangelicals have again been open-mouthed, as 'illegal,' 'violating the Queen's supremacy,' etc. And Mr. Long has put himself forward as their champion, or rather has been put forward, refusing to give notice in his church of a parish meeting to elect a delegate. After making fruitless efforts to convince him that he is bound to publish notices issued by the Ordinary, I am about to bring him to

a public trial, and shall have to suspend him. This raises a cry of persecution, and makes him a martyr. I have, however, only a choice between anarchy and a trial."

On February 8th, 1861, Mr. Long appeared under protest at the Cathedral; and as already said, on his continued refusal to submit to his Ordinary, the Bishop, as advised by his assessors, suspended him in the following terms:—

"Reviewing the whole case as now before me, considering how open and long-continued has been your resistance to lawful authority, how unprovoked this contest has been, how easily it might have been avoided, how fruitless have been the loving efforts made by others whose character and position you cannot but respect, to convince you of the false position you have taken up, seeing that the question you have raised is no less than this,—whether law and order or anarchy and confusion shall prevail in the Church; nay, whether there is any such thing as law among us,—assured that there can be no doubt that the laws and customs of the Church of England justify your Bishop in the course he has pursued (the rubric after the Nicene Creed, as I pointed out to you at our meeting, especially recognising his authority in this particular matter), and believing that you have no reasonable ground for thinking that you were called upon to do an illegal act, the evidence to the contrary, if you would have discussed the points with your Bishop, being conclusive;—I have no alternative left but to pass sentence upon you for your repeated acts of disobedience, and your defiance of the laws of your Church and the authority of your Bishop. I therefore pronounce you suspended from the cure of souls, and from the exercise of all ministerial functions and offices, for a period of three months . . . and thereafter until you shall have expressed regret for your past disobedience, and your willingness to render obedience for the future. I have only to add that as you have a wife and children, I should be sorry to deprive you of any portion of your ecclesiastical income; you will be allowed to receive this therefore, as heretofore, for the present."

In a letter to Dr. Williamson, of March 17th, 1861, the Bishop sums up these particulars, saying: "I have had great anxieties since I last wrote, and still have, about Mr. Long's conduct. He protested at my trial of him against my right to pass any sentence or judgment upon him whatsoever. I had in consequence to suspend him. He did not appeal to the Archbishop, as he should have done, but went on officiating. I delayed four Sundays, and cited him again. He refused to attend, and I deprived him on the three grounds of—

" I. Repudiating jurisdiction.

" II. Officiating after suspension.

" III. Refusing to appear on citation.

" On my depriving him, he still did not appeal to the Archbishop, as the letters patent provide, but to the Supreme Court, when I had to appear as defendant. We are miserably off for a Court and a Bar. The Court has an Irvingite for Chief Justice; a Glassite for senior puisne Judge; a Dutchman, a parishioner of Long's, for second Judge; a Lutheran, brother to the Counsel against me, for third Judge. The Attorney-General, a Presbyterian. The other Counsel, most bitterly anti-English Dutchmen. The only man whom I could with a quiet conscience employ, was a young advocate, just commencing work; or a Jew, who was anxious to have the case, but whom I could not think it right to employ to defend a Christian Bishop against a Presbyterian. The Attorney-General declined to act on either side. He and Sir G. Grey both urged me to take any counsel, though Sir G. Grey said not a Jew. The Clergy felt with me that I must go into Court and defend myself."

It was under these painful and trying circumstances that on Tuesday, March 12th, the Bishop went to the Supreme Court of Cape Town, where the Chief Justice, Sir William Hodges, and Justices Cloete and Watermeyer sat, to show cause why Mr. Long's application for the rule *nisi* to be made absolute, which he had obtained against his Bishop and the Rev. W. Hughes, should not be granted. The proceedings were according to the forms of the Roman-Dutch law, technically "a claim in convention by the original plaintiff, and a defence and claim

in reconvention by the defendant; so that, in fact, both parties were plaintiffs and both defendants.”<sup>1</sup>

The claim of Mr. Long insisted that he was aggrieved by the proceedings of the Bishop, and prayed the protection of the Court, and also a declaration of the law by the Court in conformity with his views on the several points in dispute; and, lastly, that he was entitled of right, and without any other license than his Letters of Orders, to exercise all lawful functions of Incumbent of S. Peter's Church, Mowbray.

The Bishop, as he said, had determined on being his own counsel. His speech (which is only preserved in the local papers, and is here quoted from the Cape *Argus* of Thursday, March 14th, 1861), was long and able. Opening it, he said:

“My Lords—I feel that in appearing in person to defend myself, and the course of proceeding which I have adopted in this case, some explanation is due to the Court. Various considerations have led me to do so. Most of the members of the Bar are absent on Circuit. There are facts mixed up with this case, and not unlikely to come under discussion, of which I only am cognisant. The time allowed for counsel to master a delicate and difficult subject has been very short; and under any circumstances it would be extremely difficult for an advocate, not a member of the Church, not even, it might be, an Englishman, to conduct a case which requires some knowledge of Ecclesiastical Law, of the customs and usages of the English Church, and I may add, of the constitution and principles of the Church universal, together with its relation to the laws of the Church of former ages, all of which have, as it appears to me, a very direct bearing upon the case now before us. Very reluctantly, then, and with great pain to myself, but almost of necessity, I stand here to-day to vindicate in my own person the course which I have felt it my duty to pursue in the case of discipline which has been brought in review before this Court, and to state the reasons which have weighed with me in giving the judgment which is now called in question.”

After alluding to his “novel and peculiar position,” never

<sup>1</sup> See Judgment of the Privy Council.

having been in any way mixed up with legal proceedings in his previous life, and ignorant of the forms and proceedings of the present Court, within the walls of which he had never before been, the Bishop went on to observe that "the connection which it has been sought to establish between the judgment given which led to these proceedings and the legality of Synods has no existence in fact. I do not wish," he said, "in any way to avoid the discussion as to the legality of Synods, and should in no way object to see the question tried in this Court. But the degradation of Mr. Long has nothing to do with it. His license has been withdrawn, because he refused to appear before his Bishop when cited to do so, to account for his proceedings in continuing to officiate for four successive Sundays . . . after suspension, and for repudiation of the authority of his Bishop, and of his right to pass any sentence upon him whatsoever."

The Bishop proceeded to explain the ecclesiastical status of Mr. Long and himself. "I care not," he said, "by what title Colonial Bishops may be called. They may be Bishops of the Church of England, or Bishops of any particular branch of the Catholic Church, in Australia, or the Indies, or Africa; or they may be, if you so will, Titular Bishops—a most incorrect expression, for a Titular Bishop is, I believe, one who has his functions in one country, while his title is derived from another. . . . I care not, I repeat, what men may please to call me; but I do claim the same authority over Mr. Long, and the same right to censure, suspend, or deprive him, which a Bishop of the Church of England has over the Clergy of his Diocese, and which a Bishop of the Church of the United States has over his Clergy; that is to say, I claim jurisdiction, and I claim it on the threefold ground of its being assigned me—I. By the laws of the particular religious association to which Mr. Long and I belong. II. By the Queen's letters patent. III. On the ground of personal contract entered into between Mr. Long and myself; and here let me observe that this word 'jurisdiction' is an ecclesiastical word, and has its own proper meaning, distinct and apart from what the civil law may attach to it. There may be spiritual jurisdiction attaching to a

person or a Court to which no temporal jurisdiction belongs. There may be jurisdiction *foro interiore* where there is none *foro exteriore*. A Court may have no legal coercive jurisdiction—no power to enforce its own sentences, and yet those sentences may be such as to be entitled to claim the support of Courts which have coercive jurisdiction. I venture to draw this distinction . . . because I see it has not been made in a case similar to this elsewhere, and because I think it has not been observed by parties here. . . . I in no way at present mean to define how far the Bishop of Cape Town's jurisdiction over the Clergy of this Diocese extends. That will be a point for future consideration."

The Bishop went on to examine the grounds on which he asserted his spiritual jurisdiction over Mr. Long: "We stand in the relation to each other of a Priest and Bishop of the Church of England. The laws of that Church are those which govern and regulate our relations to each other. Those laws are not the laws of this land, and are, it may be, to some extent, inapplicable here. But they are, in their main features and in their great principles, laws for us, precisely as the laws of the Roman Catholic Church, or of the Wesleyan community, are laws for their respective societies. If there were no letters patent, if there were no written engagement—no personal contract between Mr. Long and myself—I should contend that on this ground alone it would be my duty to inflict upon him such punishments as the canons of the Church authorise for disobedience to its laws. But if it were contended that Mr. Long is not a Priest of the Church of England, and I not a Bishop of that same Church, but that we are simply a Priest and Bishop, then I maintain that he is either a Priest of this particular Diocesan Church, and is bound by the regulations which its governing body shall enact, or else that he is a Priest of that Catholic Church, of which we and the Church of England alike form a part, and is subject to such of its laws as are binding upon every portion of it.

"Whatever position he might be declared to fill, he would come equally under the control of those laws from which he seeks

to escape. For this particular Diocese has in its Synod (consisting of the Clergy and elected laity of this Diocese, who do not form an essential part of a Diocesan Synod, but have been invited to attend it), 'acknowledged the authority of the canons and constitutions of the Church in so far as they are in force in England, and as the existing circumstances of the Church in this Diocese permit.' And if he belong to any Church at all, he comes, by the necessity of his position, under the control of the laws which have ever governed the relations of Bishop and Priest in the Church of Christ; and these laws, in their main features and great principles, are the very laws of the Church of England."

These points the Bishop proceeded to establish. First, with respect to the last assertion, he showed from Blackstone that "it has been laid down as a sound principle of general application that colonists carry along with them to their newly adopted country so much of English law as is applicable to their situation and circumstances. Even in this Colony, from which, as a ceded country, English law is so largely excluded, any deficiency in law is supplemented, I believe, by the law of England;" and he quoted Judge Hoffmann on the Church of England in the Colonies, as recognising this principle in the United States. Judge Hoffmann says: "This great principle, which pervaded every Colony founded by Englishmen, prevailed in a particular sphere, wherever a Church upon the basis of the Church of England was founded. They who belonged to such a Church were members of the Church of England upon their arrival, or voluntarily joined it there. The former brought with them, the latter adopted, the doctrine and discipline, the rules and order of the English Church. . . . The proposition is not that the Church, as an establishment, with the statutes of supremacy and uniformity, formed part of the law of the Colonies; but . . . that all members of the Church of England in the Colonies were subject to the Ecclesiastical law of England, except where it was expressly altered, or necessarily inapplicable." And again: "The Church comprehended, as integral portions of its very existence, not merely Articles and Liturgy, but Laws and Canons for discipline and rule. On what possible

ground can this identity be asserted, if the latter important fundamental element be discarded?" "It is clear, I think," the Bishop went on to say, after quoting other extracts to the same purpose, "that in a general way Churchmen carry their Church with them into whatever land they go. Her laws are their laws, her principles their principles. *Foro conscientie*, whatever she has decided they are bound to observe, and they cease to be Churchmen if they refuse to acknowledge this."

The Bishop proceeded to show how, furthermore, Mr. Long, by his own affidavit as a Minister of the Church of England, acknowledged that whatever was binding on the Clergy of that Church was binding on him; as also how, by his own voluntary act in taking the oath of canonical obedience, he had repeatedly submitted himself to the laws of the Church of England, and to the jurisdiction of the authorities set forth to administer and enforce them.

Going on to the question of spiritual jurisdiction, as committed to the Bishop of Cape Town, he said:

"The next point for me to prove is that the Church of England does recognise and acknowledge the Bishop as judge within his Diocese, and does confer certain powers, or else own them to be in him. There are a great number of Constitutions and Canons ecclesiastical which do so. I will trouble the Court only with two,—the 122nd and the 38th. I refer to these especially, because they work out the course to be pursued with reference to delinquent Clergymen. Putting aside then the letters patent for the moment altogether,—supposing them to have no existence or no influence upon the decision of this case,—I contend that Mr. Long, by the very position which he asserts for himself as a Minister of the Church of England, is bound by those Canons which it has framed or recognised . . . and that the question—the sole question—for this Court to consider, is the extent of authority or jurisdiction which the laws and Canons of the Church give a Bishop over a Priest within his Diocese; and whether the Bishop of this Diocese has or has not exceeded the limits of the powers which the Church recognises as belonging to him. Further, I believe a temporal Court

could not go, without a violation of religious liberty—without establishing a precedent which would lead it at no distant day to interfere with the religious liberty of all denominations in the land,—without destroying all discipline,—and treading out the very life of Christianity. Into the facts of the case it is the province, I conceive, of this Court to inquire. Into its merits, I believe, it may not enter. The proper Court for this, recognised by the laws of the Church, and provided by the letters patent, is the Court of Arches of the Archbishop of Canterbury. It belongs to a Spiritual Court to examine and scrutinise the decisions of an inferior Spiritual Court, and the grounds upon which they are given. To that Court Mr. Long might have referred the ultimate decision of his case, and have appealed for a reversal of his sentence, had he thought it an unjust one. He could have no reason for not doing so but that he felt it was *just*, and would be confirmed. He preferred therefore to challenge the jurisdiction of his Bishop, in the hope that it might leave him independent of all law and all authority.”

The Bishop then quotes sundry authorities in support of his view as to the restrained judgment of the Supreme Court;—the course adopted in the United States; judgments given by the Civil Courts—*e.g.*, one of Justice Rogers’ in a case relating to the German Reformed Church, to the effect that “the decisions of Ecclesiastical Courts, like every other judicial tribunal, are final, as they are the best judges of what constitutes an offence against the Word of God and the discipline of the Church. Any other than those Courts must be incompetent judges of matters of faith, doctrine, and discipline; and Civil Courts, if they should be so unwise as to attempt to revise their judgments on matters within their jurisdiction, would involve themselves in a sea of uncertainty and doubt, which would do anything but improve religion or morals.” . . . And Lord Coke: “As in temporal causes the King, by the mouth of the Judges in his Courts of Justice, doth judge and determine the same by the temporal laws of England; *so in causes ecclesiastical and spiritual* . . . the same are to be determined and decided by Ecclesiastical Judges, according to the King’s Ecclesiastical Laws of this

realm." Passing on through a string of authorities proving the Bishop's power to deprive, he continues: "The only question which remains is, Whether the Bishop has deprived Mr. Long for just cause? To enter into this is to enter into the merits of the case—to submit the Spiritual sentences of a Spiritual Court to the consideration of a Temporal Court, which, with all deference to your Lordships, I venture to submit has no authority to revise them, no jurisdiction over them. The jurisdiction of this Court, it appears to me, does not extend to spiritual things. It can, if it pleases, assign to Mr. Long the payments which Mr. Hoets has stipulated to make, and keep him in possession of the building transferred to me personally and to my successors by the deed now upon the table. . . . Whose property this is,—who has the control over it, it is for the Civil Court to pronounce;—but to confer, or to compel a Bishop to confer or restore spiritual power, is not, as it appears to me, within the limits of its jurisdiction, and is not, I should imagine, claimed. Mr. Long's license, then, would still continue withdrawn, whatever the issue of the present trial might be. If he continued to officiate, he would do so without any authority from the Church, nay, in the teeth of that authority. It would be in open schism that he would do so, and under the pain of further censures of the Church. Having made these observations to guard myself against being supposed to have submitted my spiritual acts to the judgment of a Temporal Court, and with an apology to your Lordships, if it be needed, for the freedom of my remarks, I shall, as this is a question new to us all, show that Mr. Long has been removed for a 'lawful cause.' . . . What he may mean by a 'lawful cause' is not to my mind quite clear. If he mean by it a cause defined and laid down by the civil law,—by an Ordinance or Act of Parliament of this Colony, unquestionably no such law exists, and I hope no such law ever will exist. But a lawful cause may exist without this. The infringement of the laws of the Church,—the refusal to be bound by those laws,—or to obey the authority appointed to administer them, is a lawful cause,—just as the refusal to obey the laws of Freemasons or Methodists, or any

society, secular or religious, to which a man might belong, would be a lawful cause for ejecting him from that association. Now this is what Mr. Long has done. The laws and usages of the Church authorise the Bishop of the Church to cite any of his Presbyters before him. Mr. Long has refused to obey such a citation. They authorise a Bishop to suspend a Clergyman for causes of which he is the judge, with certain provisions as to appeals. Mr. Long, being suspended, has officiated in spite of his suspension. They authorise the Bishop to pronounce judgments and sentences. Mr. Long has repudiated such an authority, and denied that his Bishop is entitled to pronounce any sentence or judgment whatsoever. There never was a clearer case of a man utterly and entirely repudiating the authority of the religious association of which he is a member and a minister; and the officer charged with the administration of the laws of that society had, to say the least, a lawful cause for depriving such person of office in the body whose regulations and laws he so utterly defied."

The Bishop, however, continued to show that the acts he had done and the sentences he had given were done "under an authority, as I believe, as great as that under which the Governor of this Colony rules; or your Lordships administer justice; or the Parliament enacts laws." Alluding to the assertion that his letters patent were "so much waste paper," he said, "I am aware that my powers are called in question; that it is generally believed that I resigned the first letters patent, issued before the granting of a Constitution to the Colony; or that they were cancelled or revoked by the Crown, and that the letters patent subsequently issued are an instrument of inferior authority, and do not convey legal powers. But all this is a series of mistakes."

The Bishop then went through the history of the letters patent; the legal definition of the Episcopal office as Judge and Visitor of his Clergy; the meaning of a "reverent obedience" such as is promised by those ordained; and the nature of "a lawful and competent authority." In conclusion the Bishop said:

“I have now only, in conclusion, to apologise for the great length at which I have felt it necessary to address your Lordships, and, it may be, for the introduction of irrelevant matter in my ignorance as to what might be the points on which the Court would need information. The duty which I have had to discharge, in dealing as I have done with a brother Clergyman, your Lordships will believe has been a very painful one, but I have seen no escape from it. The course which he has pursued has been from the beginning one of persevering and determined resistance to the laws of the Church and the authority of his Bishop; and no efforts made in private, by myself or others, have had the least influence in inducing him to forbear a struggle which could only have a painful issue to himself. I neither have had, nor have, any personal feeling in the matter; but I owe it to the office which I fill, I owe it to the Church, I owe it to the Great Head of the Church, to maintain its laws and enforce its discipline. Mr. Long has set himself above the Church, has defied its spiritual powers, and has appealed to the Civil arm to protect and support him in the attitude which he has assumed. At whatever cost to myself—at the risk of being misunderstood, misrepresented—I may not shrink, whatever may be the anxiety or distress which it may occasion, from bearing the burthen which my office entails upon me. The great body of the Clergy do, I am thankful to say, fully concur in the course I have pursued, and believe that none other was open to me. The faithful laity will also, if some be perplexed and disturbed now, not knowing what to think in a case so novel, and attended by such sad circumstances, do justice to the motives which have influenced me in the proceedings which I have adopted, and perceive the necessity there has been for them.

“If the views of Mr. Long are correct—if he be supported in them—then will the Church, whose laws are the most perfect of any corporation upon earth, and are the growth of eighteen hundred years, be pronounced in this land to be the most lawless of societies, and incapable, by law, of regulating her own internal affairs; for her officers would be

declared incompetent to administer discipline, even though the drunkard or adulterer should profane her altars, and desecrate her pulpits."

Mr. Watermeyer then addressed the Court in support of the rule being made absolute, endeavouring to stir up a sense of persecution and injury to the Clergy generally, as expressed in the Metropolitan's course, and regretting that they generally approved of the Diocesan's conduct, and that "the sympathies of the Clergy of the Diocese are not with their reverend brother, who, in defence of their rights as much as his own, has been trampled upon and attempted to be crushed by his Diocesan."

Apparently unconscious of how strongly such evidence must tell against his client and cause, the counsel went on to "urge that the laws of the Church are not what my right reverend friend thinks them to be." To this end Mr. Watermeyer asserted, *quantum valeat!* that (in his opinion, of course) "the Episcopal office in the Church of England has no necessary connection with what is called the dogma of Apostolical Succession by laying on of hands, from the twelve Apostles, or thirteen, as perhaps the truth may be. The Episcopal office in the Church of England is the creation of the law of England" (so Mr. Watermeyer believed at least); and he quoted Lord Bacon and Lord Macaulay as his authorities, inducing a remark from the Chief Justice that "if Mr. Long entertained the opinion of Lord Macaulay, he should not have sworn to render obedience to the Bishop." The counsel went on to argue that the Bishop is merely invested with certain powers to perform certain legal acts, without any jurisdiction; that "the Parliament, with the Sovereign as a constituent part of it, alone can legislate for the Colony;" that the Bishop certainly had a power to institute to benefices and license to cures, but not to take away any such license, and denying that he could exercise any restraint or discipline at all. On the Chief Justice inquiring whether the counsel supposed the Bishop unable to remove a man for crime—say adultery—he replied that the Bishop in such a case must come to the Supreme Court and present the culprit, and it would cancel the contract

between him and his Diocesan. "A person who is paid, I will not say for keeping, but for teaching the Commandments, would not be allowed, I should say, to break any of them!" The counsel closed his address (which lasted three hours) with an attempt to excite an impression that the whole thing was a struggle between "High Church and Low Church;" and to kindle sympathy for his client who "is suddenly told that his children may ask him to-morrow for their bread, and may ask for that bread in vain; and this not for any gross offence of which any gentleman would be necessarily ashamed, but because he has differed on a subject in which there is much ground for difference of opinion, and on honourable grounds, from his Bishop, who is his ecclesiastical superior I admit, but who is no more likely to be infallible than himself."

At this stage of proceeding the case was adjourned till the next day, when Mr. Watermeyer resumed his attack upon the Church, which, however, for present purposes, he was anxious to stamp as a "State Church," and in no ways a voluntary association; going on to use abusive language concerning the Bishop of Exeter, which led to a rebuke from the Chief Justice, who also remarked that many people believed "the Bishop of Exeter very manfully stood up for a true doctrine." After a long speech from this gentleman, the Metropolitan, expressing his regret that from physical causes he was less able to give his whole mind and attention to the subject than on the previous day, went on to say that he regretted the learned counsel should have introduced matters of a personal nature into the subject, and have imputed to him motives which he trusted had not at all influenced him in regard to Mr. Long.

"He has represented Mr. Long and myself as belonging to different sections of the Church, which possibly may be true; but he has also suggested that probably that had some influence on me in the course I pursued with regard to Mr. Long. As far as differences of opinion in the Church of England are concerned, those differences do to a certain extent exist; but I myself have always held and always felt that there is by no means that wide difference of opinion existing between what

is called High Church and Low which some are ready to suggest ; and I have felt that I could heartily and lovingly co-operate with many of those who are called Low Churchmen. I have lived on terms of great affection and regard with some of them in this Diocese. There are men who do not hold the same opinions as myself on many points, but I can appeal to the whole body of the Clergy of this Diocese, and I am sure what the answer would be to my appeal as to whether I have ever allowed my own individual feelings or opinions, be they what they may, to influence me in any of my public proceedings with regard to them and their interests. I quite feel that I may appeal to every one of the Clergy in this Diocese to ask whether it is so." The Bishop then briefly recapitulated the course of his proceedings with respect to Mr. Long, which the opposing counsel tried to stop, and was again rebuked by the Chief Justice, who reminded him that he had had full latitude allowed to himself. The Bishop went on to speak of the legality of Synods as held in the Colonial Churches, and to notice some of Mr. Watermeyer's assertions concerning the power given him by his letters patent as reducing the Clergy to a state of " indefinite subjection ;" of " the tremendous power of the Bishop ; that the Clergy are slaves to the Bishop's will," etc. etc.

" I may say here that England and her Church have both grown up under precisely the very system which is here claimed. I do not claim, I have never claimed, any power, jurisdiction, or authority, in this Diocese which a Bishop does not exercise in England ; and I do maintain that I exercise all such not as ' an indefinite power,' but as a definite power, a power well defined by law, which is binding upon me, and for the transgression of which I may be punished by the Archbishop of Canterbury. I say that I do exercise a strictly definite power, not as making the Clergy my slaves, not as having a complete control over them, but just as the Bishops in England exercise their jurisdiction. . . . It is not power, God forbid that it should be power, that I am seeking ;—it is not power, but it is a duty, a responsibility, which I believe God has committed to me, and which I believe the law of the land has committed

to me, for which I am responsible to God and to my immediate ecclesiastical superior, just as much that I should not infringe, so also that I should not diminish the power committed to me."

The Bishop could not pass over Mr. Watermeyer's assertion as to how discipline was to be exercised—*i.e.* through the Civil Court. "He has stated what his theory is of the position the Church and the Crown have assigned to Bishops in the Colonies almost in these words: 'Your office is to go and preach the Gospel, and though you have been judges in all ages in England, you cannot be so here;—you must go and exercise a superintendence over the Clergy; and then if you find your Clergy, some of them adulterers, some drunkards, some heretics, some of them transgressing the laws of the Church, you must go to the Governor or the Supreme Court and ask him or it to remove them.' That is his theory of what the Church and Crown of England have said to Bishops. Now, first of all, I would point out how I conceive that to be a monstrous proposition. He has said not only ought Bishops of the Church of England to bring all ecclesiastical cases and spiritual cases to be adjudged by this Court, but I would remind my friends of different denominations, that he has said that all religious bodies should bring their questions of internal discipline to be settled by this Court. I never did hear so Erastian a principle asserted; and I believe if that principle were carried out, it would speedily tend to crush the very life out of Christianity, for a Church without discipline is no Church at all. Well now, my learned friend says that all these cases are to be brought before this Court, and that it is the proper authority for their settlement, instead of the Bishop; in fact, that it is to be the Bishop of the Church of England in this Colony. He also stated, in reply to some remarks of the Chief Justice, that he did not believe that cases like those of adultery and drunkenness would very often come before the Court, but that is not the point. The point is whether it is absolutely necessary to bring such matters before this Court, and not only such matters, but also questions of doctrine. Now, in the course of my argument, it is necessary for me to state that I believe it is not essential that Judges of

the Supreme Court should be even Christians. I believe there would be nothing whatever to prevent an unbeliever sitting on the seat of judgment here. There would be nothing to prevent a Mahometan, there would be nothing to prevent a Jew, there would be nothing to prevent a heathen from sitting on this judgment-seat, if duly qualified; and I do say that to maintain that questions affecting doctrine, questions affecting Holy Scripture, the Divinity of our Blessed Lord, Atonement, and matters of that kind, ought to be decided by a Court which might be so composed, is really as dangerous a principle to establish as could possibly be established under any circumstances, and I do feel that the liberties of the whole Christian community of all the religious bodies in the Colony would be endangered if such a doctrine were to be held."

The Bishop concluded with these words: "I will only in conclusion say that I do believe myself that a great question is now under the decision of this Court, a great question affecting the religious liberties of every religious body in this land; and I do believe myself that if your Lordships should decide that you will go into the merits of the case,—that you will enter into all the questions which would be thereby opened out,—you would be taking a step which would be infringing the liberties of this particular Church, and undoubtedly endangering the liberties of all religious bodies in the country. I do hope that such a course will not be pursued,—a course different to that which is uniformly pursued in the United States of America,—a course different to that which is pursued by the temporal Courts of England, even with respect to the Church established there."

Herewith proceedings closed for the present, the Court promising to give judgment as early as possible. The Bishop's own account of the recent proceedings to his son may be interesting here.

"Bishop's Court, March 19th, 1861.

"My dearest boy—Your mother has sent you a Cape paper, which will show you that I have been figuring in a new character. I have just made my débüt as a pleader in Courts

of Law, and the world says with some success. The Attorneys say that I shall have all the business if I will continue in that line! Seriously, however, I have gone through a very anxious time and nearly broke down from distress of mind. Had I not gone into Court and defended myself, I must have placed my defence, as a Christian Bishop against one of my Presbyters, in the hands of a Jew. This I could not consent to do, and with many misgivings, both as to the propriety of the thing, and my capacity for conducting a case in Court against the learning of the Bar, I forced myself to try; and am complimented by Judges, Attorney-General, and others, with having argued the case better than any one else in the Colony would have done. It is said that judgment will be given before the mail leaves. If so, you shall know what it is. I cannot conceive that it will go against me, nor does any one else, I believe. . . . I am nearly well again, though needing and longing for quiet. Probably there will be an appeal in this case to the Judicial Committee of the Privy Council."

To JOHN MOWBRAY, Esq.

"Bishop's Court, March 19th, 1861.

"The Attorney-General says freely that judgment can only be given in my favour, and he is a great authority, and reckoned by Sir G. Grey and others as equal to some of your greatest lawyers. I fear that, under any circumstances, there must be an appeal. I should appeal against an adverse decision, and Long's churchwarden is a lawyer and avowed Presbyterian and obstinate man, and he will force him to appeal. If there should be a necessity to refer the case to the Judicial Committee, I want you to be kind enough to act for me, and to take counsel with the Bishop of Oxford as to how to proceed. My wish would be to employ Roundell Palmer, and, if he can practise before the Judicial Committee, R. Phillimore as junior. Unless advised to the contrary, I should not myself go home, but I will get up the case as well as I can here. All this has been forced upon me. I am told that the proceedings in Court have already done much good, and I am

greeted warmly on all sides. The Judges and the Bar unite in saying (such is the low state of the Bar) that there is no lawyer there who could have argued the case. It has been a very painful position for me to be in, but I think it has been already overruled for good."

To EDWARD GRAY, Esq.

"March 19th, 1861.

"I have gone through great anxiety about this trial, having no one who could thoroughly advise me. It is the fact that we have not a Church lawyer in the Colony, that has driven me from time to time to get up a little learning on the subject, which has just served me in good stead. . . . I do not regret the suffering that I have gone through. It was needful, and I believe the status of the Colonial Church had better have been tried in my Diocese than in most others. It will clear up the atmosphere, and let us all see precisely where we stand. The state of the Church here is already the better for what has passed. It has drawn out feeling towards myself, removed doubts, cleared up men's minds, and led Churchmen to look at the principles which have been set before them. But I am very very weary of excitement and disquiet, and long, I cannot tell you how keenly, for rest. . . . But I suppose this state of things will go on as long as life lasts, and it is well perhaps that it should be so. . . . Some sharp discipline is needful for us all, and mine these thirteen years has come in the way of great anxieties. In health, God be thanked, I am better. I have thrown off symptoms which seemed to threaten mischief, and when not under the pressure of any great anxiety, sleep well."

To Rev. Dr. WILLIAMSON.

"I worked for twenty-one hours on Monday last to prepare my opening speech, which all the papers said exhausts the whole subject. I was replied to by counsel for three hours on that day, and two hours on Wednesday, and replied in a speech of two hours, spoken so rapidly that it could not be reported. My reply was said by the Attorney-General and others to have been

crushing. He said so to me, and to others publicly out of Court . . . . but popular opinion has come round to my side. . . . The love and sympathy of the Clergy were my chief support. The Judges have themselves said that they never had a case put more forcibly before them, and the Attorney-General has told my solicitor that he is quite convinced, and that he could only give judgment in my favour. But I put not any trust in men. . . . Having been abused for the month past as a persecutor, I find myself for a brief moment a kind of hero, having been said to have conducted my case better than any lawyer could have done for me. All the Clergy are with me. . . . I hope that you will not think that all this is a love of strife. God knows how I long for rest and peace, but I have been forced into this, and every one who knows how unfixed and unsettled everything is in the Colonial Churches, knows that it is so. . . . The Church Laity are greatly drawn towards me, and I have many tender encouragements from unexpected quarters. But we are a strange medley here of Dutch, dissenters, etc. I believe that many dissenters now regard me as the champion of religious liberty. Even the Dutch say generally that I am right. Well, it little matters, so that the truth be established, but I have gone through a great deal!"

"The judgment did not come at once, as the Bishop here intimated. He writes to his sister:—

"Bishop's Court, April 12th, 1861.

. . . . "I have still this painful case of Mr. Long's on hand. He and his lawyers are always moving the Court upon some point or other, which puts me to expense and annoyance. The case cannot come on before May 15th, and probably will not then. No lawyer here can conduct it, and I shall probably have to take it in hand myself. . . . — says he would not have meddled with Long. People here think that after publishing an open defiance I could not help it. He and men like him have been driving these last ten years at this question, which must have come on sooner or later. It is law or no law—order or anarchy—jurisdiction or no jurisdiction. The discussion has

already done good. It educates people in Church questions. One effect is that the churchwardens round here and sidesmen, all of whom have hitherto stoutly refused to be admitted and make their declaration of office, all answered to the citation this time. It is a great step to Church order. I should not care for the abuse of the world, if the anxiety and excitement of so many works and subjects did not prove too much for me. I have not now for many nights slept after 3 A.M. If I could I would take a ride into the country for a few days."

To E. GRAY, Esq.

"Bishop's Court, May 16th, 1861.

. . . . "What with sick folks, and a home-hotel, and trial expenses, I have not all to give away that I could wish. Sophy and I have been making two or three little short trips to the country, as I have been holding confirmations in the various parishes within fifty-one miles round, and the result is that I sleep better. . . . I have no news for you. The working up of materials for my trial has occupied a good deal of time, and has given me more insight into Canon law. They set me down here now as an ecclesiastical lawyer. I shall be glad enough, however, to consign Spelman and Grindwood to the cobwebs, not but what Canon law is an interesting study, but I cannot afford time to go into it thoroughly. This case has been thrust upon me. . . . The plaintiff's pleadings appear to me weak. They compel me to go into almost all Church questions—*e.g.*, Synods, lawfulness of authority, constitution of the Church, etc. The sifting of these questions is an education for Churchmen. It will, I trust, do good, and repay me for some labour and more anxiety. It must have come somewhere sooner or later."

To Mrs. WILLIAMSON.

"Bishop's Court, June 12th, 1861.

"My dearest Annie—I must write a few lines to thank Richard for his letter of sympathy under my troubles; I have received many such. For myself I do not care; but it is a comfort to find that very many, best able to judge here and

elsewhere, think that this case must do the Church good service throughout the Colonies. It could not have been long staved off. . . . I am quite satisfied with my case, and it will require an immense amount of ingenuity to upset it, and great perversity in judges not to endorse it. I have asked all to whom I could speak to pick holes in my arguments and positions, and all say they are unassailable. I am down for next Tuesday, but I believe that the case will not come on then, as one of the Judges is ill, and the Chief Justice in Parliament as President of the Council every day. I have done all I can to push matters. It ought to have been heard a fortnight ago. . . . I have had a great deal of trouble in looking up authorities, and shall make a speech which will occupy, I daresay, four hours."

To the Rev. Dr. WILLIAMSON.

"Bishop's Court, August 12th, 1861.

"On Friday I have to go into Court once more to defend the liberties of the Church in person. I can have but little doubt as to the result, but I am afraid there will be an appeal to the Privy Council, and that I shall be put to great expense, as well as farther annoyance. Mr. Long's lawyers give it out that if defeated they mean to appeal, and I have no doubt that they will, as his supporters will not lose a chance of overthrowing the Church, and upsetting the letters patent. Dutch and dissenters alike would be glad to have it ruled that there is no law, discipline, or jurisdiction in the English Church; that our parishes do not constitute one Church, one body, but are a series of independent congregations, which would result from the endorsement of Mr. Long's standing ground."

"August 14th, 1861.

"These gentlemen subpoena Clergy and others in all directions, and appear to wish to make matters as disagreeable as possible. . . . I am afraid the matter will last several days. . . . I never had to cross-examine witnesses before on matters of any kind, still less on constitutional and legal questions. . . . We are all, thank God, well. Dearest wife more useful than

ever. I have, amidst many public anxieties, every private blessing that a man could have. For myself I have had for years nothing to desire, but more faith and love and holiness."

The case came on again in the Supreme Court at Cape Town on August 20th, and on that and the following day the Bishop made the speech to which he alludes in the above letters. It was published at the time *in extenso*. The Bishop began by recapitulating the points of his speech in March:—

I. That the Bishop of the Diocese had jurisdiction over the Clergy belonging to it—

- a. By the laws of the Church.
- b. By the Queen's Letters Patent.
- c. By contract and engagement.

II. That by the laws of the Church a Bishop's sentence or judgment is final and conclusive, unless or until reviewed and reversed by the Archbishop of Canterbury.

III. That the plaintiff ought to have appealed to the Archbishop for redress, not to the Supreme Court.

IV. That the case ought to be dismissed on that ground alone—*i.e.* that the Supreme Court is not the proper court of appeal.

V. That to constitute itself such would be to set aside, not the Queen's letters patent only, but the laws, customs, and usages of the Church; to oust the Archbishop from his jurisdiction; to decide that the Diocese should not be governed by its discipline administered in accordance with its own laws and customs, but by the Court and its rules and regulations.

VI. That to do this would be to depart from the system laid down in England as regards the office and functions of a Bishop of the Church; and also as regards non-established bodies by courts of law both in England and in the United States.

VII. That a case like this could not, in its present shape and stage, come before the temporal courts in England.

VIII. That the Supreme Court has no jurisdiction upon the merits of a case of ecclesiastical discipline, its proper

function being to keep the Bishop within the limits of his jurisdiction.

The Bishop proceeded to repeat his reasons for affirming the validity of the letters patent, and for believing that the Diocese of Cape Town no more ceased to be the original Diocese founded by his first letters patent, than the Diocese of York ceased to be York because the Diocese of Ripon was carved out of it. He examined the Charter of the Supreme Court, the powers conveyed by letters patent, in which it is expressly said that the See is founded for "the maintenance of discipline" as well as the doctrine of the Church of England within the Colony; and "the discipline of the Church" (he said) "implies its whole constitution, with its relationship of Bishop to Priest and Priest to Bishop. It involves the administration of the laws of the Church; there can be no discipline if there be no jurisdiction." He went on to define the functions of a Bishop; to examine the nature of courts of appeal, reaffirming that, while the Supreme Court had perfect right to determine as to the civil interests of any case, it had none in ecclesiastical or spiritual matters; and closing his preliminary remarks with these words: "I crave the indulgence of the Court if I seem over bold in asserting the rights of my order, or in questioning your jurisdiction . . . and declare that my sole reason for raising such a question is the fear lest I should compromise my office, and establish a precedent which might be injurious to the best interests of the Church, for the admission of which future generations would condemn me; and begging to assure you that, personally, I should be sorry that the whole case should not be thoroughly sifted and gone into, knowing that the more it is weighed and canvassed, the more my just dealing will appear, and the more it will be seen that this is a struggle between law and order on one side, and anarchy and confusion on the other; between Church or no Church, Independency or Episcopacy."

The Bishop then went through the plaintiff's allegations. I. That it was contrary to law and his just rights that he should be summoned to take part in a Synod, or bound by its deci-

sions; in reply to which he discussed the question as to what the Church in the Diocese of Cape Town really is. "Some amongst us affirm that its proper title is the Church of England in South Africa. I apprehend that it has no claim to such a designation. The letters patent do not call it by this name; it is, according to them, the Diocese of Cape Town—it has an African title. Lord Campbell's language in the trial of the Queen *v.* Eton College certainly seems to refuse it the title of Church of England in Africa. I apprehend that the dictum, 'There is no Church of England out of England,' would be confirmed in our courts of law. The Committee appointed by Convocation to consider this and other questions, recommends that this Church be called 'The Bishop, Clergy, and faithful in the Diocese of Cape Town, in the Church of South Africa, in union and full communion with the Church of England, etc.' . . . How does it become so? What links it on to the Mother Church? Individuals baptized and confirmed, and admitted to communion with it in England, carry their Churchmanship with them wherever they go. They are members of the church of their fathers, to which they are bound by the ties of love and affection, and by sacred ordinances, and by unity of faith. But how shall we link on the Church of this land itself, which consists mainly of persons baptized and confirmed here, to the Church of our fathers? Its Bishop and Clergy are in some way bound to it by the oaths taken at their ordination and appointment to cures; they receive at these times her Prayer Book, Articles, and Canons.—The letters patent constitute another link; they pretend at least to transplant to these shores something of the laws and constitution of the English Church, its doctrine and discipline . . . and that is all the mother land and Mother Church could do . . . they could not, without interference with the civil and religious liberties of this country, do more. They could not transplant to this land all the laws, the growth of more than a thousand years, which regulate the internal affairs of the Church. If any further step were taken in this direction it must be by the Church here. It is a sense of the lawlessness, *i.e.* the absence of all positive law in the Colonial