

vorted to his having appointed the Rev. Messrs Thomas, London, England, Secretary to the Colonial Church and School Society, his secretary and treasurer for the procuring of a fund for the erection of a suitable residence in this city for the diocesan for the future. The secretary has already received from different quarters, towards the erection of the palace, two or three hundred pounds. His Lordship then closed his very excellent address by trusting that their deliberations and remarks might be characterised by that unanimity and christian deportment becoming such an assembly. That in the arrangement of their laws and canons, if they should err through unwitting neglect, they would rectify it the first opportunity.—He would, in the course of the meeting, lay before them a series of resolutions for their adoption, and finally he hoped they would, individually, (bishop, clergy, and laity) look into their own hearts, and see the objects for which they had come together, namely, the furthering of the interests of Christ's kingdom on earth, and the mutual benefitting and building each other up in their one common and great salvation.

The Bishop, clergy, and laity having closed proceedings at three o'clock, for the purpose of partaking of refreshments, met again in St. Paul's school room at half-past four o'clock, for the purpose of taking up the second subject for deliberation, viz.: the organization of the Church Society. In the evening the subject was taken up.

The following are the resolutions which were passed.

Moved by the Hon. J. G. GOODRICH, seconded by the Rev. F. EVANS, D. C. L., and

1. Resolved,—That we, the Bishop, clergy and laity of the diocese of Huron, legally convened, adopt the act of the Provincial Parliament, entitled "An Act to enable the members of the United Church of England and Ireland, in Canada, to meet in Synod."

Moved by EDMUND DEBES, Esq., seconded by the Rev. R. FLOOD, M. A., and

2. Resolved,—That, pending the adoption of a constitution by the synod at its first meeting, the synod shall consist of the bishop of the diocese, of the clergy duly licensed therein, and not under ecclesiastical censure, and of lay representatives, as hereafter provided.

Moved by L. LAWRIE, Esq., seconded by the Rev. J. C. USHER, and

3. Resolved,—That for the synod about to be convened, one lay representative, being a regular communicant, of at least one year's standing, of the full age of twenty-one years, shall be elected from among their own numbers, by the members of each congregation, duly organized, who shall declare themselves, in writing, in a book to be provided by the parish for that purpose, to be members of the United Church of England and Ireland, and to belong to no other religious denomination; and each representative shall receive from the minister or chairman of the meeting a certificate of his election, and shall continue in office until his successor is appointed.

Moved by SAMUEL PRICE, Esq., seconded by Rev. A. NELLES, and

4. Resolved,—That the first meeting of the synod shall be called together at such time and place as shall be appointed by the bishop, of which due notice shall be given through the clergy.

Moved by L. BURWELL, Esq., M. P. P., seconded by Rev. E. H. DEWAR, M. A., and

5. Resolved,—That a committee be appointed by the bishop to draft a constitution, to be submitted at the first meeting of the synod. Such constitution as recommended by them shall be printed and circulated among the congregations previous to the Easter meeting.

The following resolutions were passed at the evening sederunt:

Moved by J. WILSON, Esq., seconded by the Rev. C. C. BROUGN, M. A., and

1. Resolved,—That it is necessary for the management of the temporal affairs of the church, as well as to advance its spiritual welfare in this diocese, that a Church Society should be formed, having similar powers and like objects as those of the Church Society of the Diocese of Toronto, and that such Church Society be now formed and constituted, under the name of "The Church Society of the diocese of Huron."

Moved by Dr. HAMILTON, seconded by Rev. R. FLOOD, M. A., and

2. Resolved.—That the said Church Society of the Diocese of Huron shall consist of the Lord Bishop of the Diocese, the clergy and laity who were members of the Church Society of the Diocese of Toronto, and of all other members of the United Church of England and Ireland, within the diocese, who shall contribute to the society.

Moved by Mr. BUCKLEY, seconded by Rev. F. SANDYS, and

3. Resolved,—That the Lord Bishop of the Diocese be president, the chairmen of the district branches, and the gentlemen composing the committee of the Episcopal fund be vice-presidents, the Rev. J. W. March, secretary, and that the bishop do appoint a committee to draft a constitution.

Moved by S. PRICE, Esq., seconded by Rev. H. B. JESSOP, M. A., and

4. Resolved,—That the bishop be empowered to apply to Parliament at the next session, for an act of incorporation for the Church Society of the Diocese of Huron.

Moved by M. H. FOLEY, Esq., seconded by Rev. St. GEORGE CAYFIELD, and

5. Resolved,—That the bishop of the diocese be respectfully requested to confer with the bishop of Toronto, as to the best and most equitable mode of dividing the property and funds belonging to the former Church Society, of the Diocese of Toronto, to communicate the result to a future meeting of the society.

Moved by M. H. FOLEY M. P. P., seconded by Dr. HAMILTON, of Goderich, that his lordship do leave the chair, and that the same be taken by the Rev. Dr. EVANS, whereupon, it was moved and seconded that the thanks of this meeting be given to his lordship the bishop, for the kind, dignified, and impartial manner in which he has presided over this meeting. Carried.

The Bishop then returned thanks, and after a few remarks pronounced the benediction.—*Prototype*, Jan. 28.

THE QUEEN V. THE PROVOST AND COLLEGE OF ETON AND ANOTHER.

Court of Queen's Bench, Westminster, Nov. 25, Sittings in Banco, before Lord Campbell and Justices Colclough, Wightman, and Erie.

This was an action of *quare impedit*, brought by the Attorney-General against the Provost and College of Eton, and the Rev. John Alexander Clarke (clerk), in order to try the right of the Crown to present to benefices avoided by the appointment of the incumbents thereof to colonial bishoprics.

The declaration was as follows:—

"Be it remembered that the Provost of the College Royal of the Blessed Mary of Eton, near unto Windsor, in the county of Berks, and the same college, and also the Rev. John Alexander Clarke (clerk), were summoned to answer our Sovereign Lady the Queen of a plea that they permit our said Lady the Queen to present a fit person to the church at Stratford-Mortimer, in the county of Berks, which is void, and is in the gift of our said Lady the Queen. And therefore our

Sovereign Lady the Queen, by Sir Richard Bethell, Knight, Attorney-General of our said Lady the Queen, who for our said Lady the Queen prosecutes in this behalf, says that heretofore, to wit, on the 10th day of September, in the year of our Lord 1840, the said provost and college, being seized in fee of the advowson of the said church of Stratford-Mortimer, did present thereto the Rev. Henry John Chitty Harper, their clerk, who, on such presentation, was duly admitted, instituted, and inducted into the same; and the said church afterward, to wit, on the 10th day of August, in the year of our Lord 1856, became vacant by the appointment by our said Lady the Queen of the said H. J. C. Harper to be Bishop of the bishopric of Christ Church, in the colony of New Zealand, the same being within and part of the dominions of our said Lady the Queen, and by the consecration of the said H. J. C. Harper as such bishop. Whereby it then belonged, and now belongs, to our said Lady the Queen, to present a fit person to the said church so being vacant as aforesaid, but the said provost and college and the said J. A. Clarke unjustly hinder our said Lady the Queen from presenting a fit person to the said church," &c.

To this declaration the Provost and College of Eton pleaded a long plea, which in substance stated that they were seized in fee of the advowson of the living in question under a charter and letters patent of King Henry VI., confirmed by Parliament; and that, on the avoidance of the benefice, by the consecration of the former incumbent, H. J. C. Harper, on the 10th of August, 1856, as Bishop of Christ Church, in New Zealand, they, the Provost and College of Eton, as patrons of the said living, presented the other defendant (the Rev. J. A. Clarke) to the said church, who upon such presentation, was duly admitted, instituted and inducted as perpetual vicar and incumbent. The defendant (the Rev. J. A. Clarke) pleaded a plea, in which he alleged that he was vicar and incumbent of the said church, and that the Queen ought not to sue him, because he said that true it was that on the 10th of September, 1840, the Provost and College of Eton presented the said H. J. C. Harper to the said living, and that the same became vacant on the 10th of August, 1856, by the said consecration of the said H. J. C. Harper as such bishop, nevertheless, the defendant said, "That the said bishopric of Christ Church was and is a bishopric lately erected and constituted, and situate wholly in parts beyond the seas, and not within any part of the United Kingdom of Great Britain and Ireland; and that after the living became vacant—viz, on the 10th of August 1856,—the Provost and College of Eton presented him (the defendant) to the said church, upon which he was duly admitted, instituted and inducted." To these pleas the Crown demurred, and thus raised two questions for the consideration of the Court:—1. Whether, on the avoidance of a living by the consecration of the incumbent as a colonial bishop, the crown had the power to present to the living so vacated; and 2, whether in this particular case the claim was not inconsistent with the original grant of the advowson to the college.

The question was argued at great length on the 29th of May last, by the Attorney-General (with whom was Mr. Welsby) on the part of the Crown; and by Sir F. Thesiger on the part of the Eton College. The Court then took time to consider.

Lord Campbell now delivered the judgment of the Court as follows:—From the great importance and novelty of the main question raised in this case we have taken time to consider it very deliberately, after the able argument addressed to us upon it by the Attorney-General on one side, and Sir Frederick Thesiger on the other.