

with a statement of claim where there are other defendants who appear and defend, but this is not very clear, and, even in such a case, it would seem to be safer to follow the practice above laid down.

Notwithstanding the simplicity of this procedure cases have been brought to trial against appearing defendants without previously serving the statement of claim on, or noting the pleadings closed as against, the non-appearing defendants, and in consequence delay has taken place in issuing the judgment until the defect in the proceedings has been remedied and the action brought into a condition that it could properly be heard and judgment pronounced *pro confesso* against the defendants not defending.

CHURCH LAW.

Considerable discussion has taken place in the daily press as to the soundness in law of the Bishop of Toronto's position touching the appointment of a rector of St. James' Cathedral. The case does not involve any very abstruse question of ecclesiastical law.

In England, in virtue of the *jus patronatus*, the right to present a clergyman to the cure of souls is, in the majority of cases, not in the hands of the Bishops but in the Crown, in certain corporations, or in private persons (Cf. Burns' Ecc. Law, i. 5 d; Phill. Ecc. Law Vol. I. 330, 331; Blunt's "Book of Ch. Law", cap. III.). The *jus patronatus* is of ancient origin and largely grew out of the founding of churches by private persons, who naturally enough claimed, and were accorded, the right to have a voice in the selection of the clergy who should minister to them. But this affords us no criterion in the settlement of the St. James' controversy, as to which we must look at the Act of 32 Vict. c. 51. The position of matters in the Church at the time of its enactment would also be instructive for a thorough examination of the subject.

The above Act incorporated the Synod of the Diocese of Toronto and united the Church Society of the Diocese of Toronto therewith. Under the powers conferred the Synod proceeded to pass its canons, among which we find the following (sec. 3 of Consolidated Canons of 1894):—"On the vacancy of any rectory, incumbency or mission within the diocese (with the exception of missions sustained, in whole or in part, by the Mission Board, the