

If we are to believe the *Independence Belge*, since the allied squadrons have withdrawn from the Gulf of Finland, and thanks to the unusual mildness of a winter, about a hundred vessels of all nations have succeeded in landing their cargoes at Riga, from whence foreign goods are conveyed into the interior of the country. Salt, especially, which was in great demand, has fallen 75 per cent., and great stores of Russian merchandise, unable to find a market, have been left to rot.

Prince Gortschakoff arrived at St. Petersburg from the Crimea, on the 24th.

General Mouravieff, returning from the campaign against Kara, made his triumphal entry into Tiflis on the 19th December. General Williams has been sent on to Moscow.

The Church Times.

HALIFAX, SATURDAY, FEB'Y. 23, 1856.

THE DITCHER AND DENISON CASE.

The following abstract of the progress of this case in the Court of Queen's Bench, will be interesting to some of our readers, who are curious about the disputes which party spirit give rise to, in the Church. The Archbishop of Canterbury by permitting proceedings in the first instance, has most reluctantly at length, been made a judge in the cause, fully convinced as his Grace at the same time is, that its decision can have no weight in determining questions of doctrine, or that any subsequent proceedings on appeal, or otherwise, in the present condition of the Church, could have that effect. Convocation would appear to be the proper tribunal for the settlement of all such disputes, if indeed it be possible to decide them on the ground of the phrase of doctrine implicated not being recognized by any interpretation of the articles or rubrics of the Church. The question in this case is between the dogmatic teaching of a party represented by Mr. Ditcher, and the opinions of an individual, Dr. Denison, relative to the Holy Communion—Mr. Ditcher challenging the doctrine preached by Dr. Denison as peculiar, not the teaching of the Church, and heterodox; and the latter justifying his opinions. There is just a mere possibility that the Archbishop has a discretion to stop the proceedings by way of return to the mandamus. The question of discretion was ably argued for his Grace by Sir F. Thesiger, but the space at our disposal forbids us to give more of the proceedings than is necessary to show the progress of the case:—

The argument in the case of "Ditcher v. the Archbishop of Canterbury," in the matter of Archdeacon Denison, came on in the Court of Queen's Bench on Monday. Sir F. Thesiger showed cause against a rule which had been obtained in this case by Sir Fitzroy Kelly, calling upon his Grace the Archbishop of Canterbury to show cause why a writ of *mandamus* should not issue, directed to him, commanding him to require, by writing, under his hand, the Venerable George Anthony Denison, Archdeacon of Taunton, and Vicar of East Brent, in the county of Somerset, in the diocese of Bath and Wells, to appear either in person or by law-agent, duly appointed, before him, at a time and place therein named, according to the provisions of the statute of the 3rd and 4th of Vic., chap. 86; and further, to proceed in the matter of the charge or complaint of the Rev. Joseph Ditcher against the said Archdeacon Denison:—

"The learned counsel said he appeared for his Grace the Archbishop of Canterbury—Archdeacon Denison, on whom the rule had been served, being represented by his own counsel. This case, as Lord Campbell had expressed when the application for the rule was made, was one of very considerable importance, and one in which the decision was undoubtedly looked forward to with very great anxiety. The Archbishop entertained a very strong opinion that, upon the matter in question, he was intrusted with a discretion by the Act of Parliament. He considered that it would not be for the good of the Church to institute these proceedings, and he declined to assist the Rev. J. Ditcher, and to advance his proceedings at all, unless he was compelled to do so by a court of law. Whether the Archbishop was right or wrong in the opinion he entertained, that the matter was within his discretion, there still remained a very serious question for the consideration of their lordships. Even supposing they should think it was not within his discretion, he (Sir F. Thesiger) believed that, under the circumstances of the case, they would be very reluctant to constrain the Archbishop to proceed, unless they felt that it was his imperative duty to do so. A *mandamus* was not a writ of right, but a prerogative writ, and the granting or withholding it was within the discretion of the Court.

Lord Campbell—That is the general rule.

Mr. H. Mill said he was instructed by Archdeacon Denison to appear before their lordships in obedience to the rule, and to say that, as far as he was personally concerned, he did not shrink in any way from meeting the charges which had been made against him, and justifying his conduct. As to the ground of the present discussion, the Archdeacon had nothing whatever to do: all he desired him to state was, that he would meet the charges in any court legally constituted, and which would have a right to decide the question which would be submitted to it, and he (Mr. H. Mill) would only offer one suggestion, viz., whether the tribunal before which this case would be brought could be one of that description. If the act meant that the party complaining must be a party aggrieved, then the

proceedings which had hitherto taken place were not statutable proceedings. This was a grave matter for the consideration of the Court, for undoubtedly these proceedings would entail considerable, and give rise to a vast amount of irritation; and, unless there was clear authority, the very object in view, of having a complete sentence pronounced by a properly authorized tribunal, would fail.

Sir F. Kelly was about to address the court in support of the rule, when

Lord Campbell said—We are all of opinion that the writ should go. If you wish us to express our deliberate opinion, we are ready to do so, if the parties will agree to be bound by it; but, otherwise, all we say at present is this, that there is sufficient ground for the *mandamus* to issue.

Sir F. Kelly—I think, then, my lord, I shall best discharge my duty by simply praying that the rule may be made absolute.

Lord Campbell—Then let the rule be made absolute.

Sir F. Kelly—Perhaps I may be permitted to say, before I sit down, that I must acknowledge with perfect simplicity that the Archbishop of Canterbury, in all he has done throughout these proceedings, has acted *optima fide*, and with an earnest desire at once to do justice and promote the best interests of the Church.

Lord Campbell—I have not the smallest doubt that his Grace proceeded *optima fide*, and with a view to the good of the Church over which he presides; but with the most profound respect and reverence for his sacred character and high position, I must express my regret that he did not exercise his discretion in the first instance, and refuse to proceed upon the complaint of the Rev. J. Ditcher. If, following the example of the Bishop of Bath and Wells, he had so refused, I think it would have been well for the Church of England.

Mr. Sumner—Will your lordship allow me to make one observation, merely as to the reason—

Mr. Justice Coleridge—We can not, Mr. Sumner.

Rule absolute.—*London Guardian*, Jan. 30.

We are glad to learn that a meeting of the friends of the National School took place on Friday week, which was very satisfactory with reference to the future hopes and prospects of that useful Institution. A School where nearly 200 children of both sexes receive the benefit of a good English education, in many instances free, and in others, at a nominal rate, and where the system of teaching is of the best, and where many of the present generation among us have been solely educated, has claims to the protection, not only of the religious body more immediately concerned, but of the country generally. If we have had occasion for reflection in general terms upon the neglect in this particular, we are glad of the opportunity to notice a contrary spirit, and we trust that hereafter, we shall have to chronicle nothing save special acts of support, well intended, and wisely administered on its behalf. Only let us be united in forwarding what is good, and we shall accomplish great things—without that requisite we shall be about as strong as a rope of sand. The Committee appointed is one that we have good reason to believe will do their duty faithfully. They are Messrs. Henry Pryor, Jno. Silver, Benj. Salter, W. Townsend, M. M'Ilreith, Wm. Metzler, B. J. Lordly.

R. M. S. CANADA.

It is to be hoped that a safe and honorable peace will be the result of the Conference at Paris, and yet we see nothing in the news received by the English mail, that can lead us to believe that Great Britain and France intend to propose terms that shall prove to the world that Russia is either humbled or powerless. All that seems to have been effected to deter her from the prosecution of her ambitious designs, is the destruction of one half of Sebastopol. Russian territory in the Crimea will be respected in the negotiations for peace. Odessa, Kinburn, Nicolaiff, will remain as they were. Some stipulations with reference to the opening of the Danube to general intercourse, and the freedom of navigation of the Black Sea, and some new arrangement of the Government of the Principalities, are the only security against further encroachments of the great northern power. Granted that these precautions answer a present purpose, it must be evident that they can only be effective while the alliance of France and England continues to prevent their infringement by Russia, and should this alliance terminate or be weakened by the interests of either party tending in an opposite direction, there is nothing to hinder the Czar from marching to Constantinople, and accomplishing the object of his ambition. It is of course idle to speculate upon the result of the Conference at Paris—but it is unfortunate for England that she has been forced into it just when her military power has suffered depreciation by a comparison with that of her ancient rival and enemy, and when she was just beginning to arise from that depreciation to her proper giant proportions and strength in the contest, both by land and sea. If the effect were to fix her at that point alone, it would be a triumph of Russian diplomacy very grateful to the French nation, which is evidently more inclined to peace, than to a further prosecution of the war, unless England would consent to be a party to French territorial aggrandizement, in a manner foreign to her continental policy. We find by the papers that petitions have

been presented to the Queen praying Her Majesty to insist upon Russia paying the expenses of the war—and again we find that in the event of peace, for some time to come, there will be an English and French army of occupation in Turkey. Those and many suggestions like them, according to the tempo by which they are prompted, will be urged, without much chance of a thought being given to them by the high contracting parties.

The *Sydney C. B. News* gives a fearful account of a heavy rain storm, on the main post road between Sydney and St. Peters, which was attended with melancholy loss of life. An avalanche of snow from surrounding heights, caused by the rain, swept away the dwelling house, barn, and twenty head of cattle belonging to an industrious farmer named John Campbell, and sad to relate deprived Mrs. Campbell, her three children and a girl, of life. Mr. Campbell, his aged mother who lived with him, and another girl miraculously escaped death, but the former has received injuries from which it is doubtful whether he will recover. No such thing had ever before occurred in that country.

The *News* also gives the details of two other melancholy losses of life, one the death of a young lad named Thos. Lockman, caused by falling into a pit at the Sydney Mines, the other of a young man named Duncan McQueen, who was found frozen to death near Mira Bay.

Lieut. Donnelly, sentenced to death for cowardice has had the extreme sentence commuted to transportation for life. This of itself is an extreme punishment for no crime, and for a state of mind beyond the physical control of the individual, and of which he himself was most probably unconscious until circumstances compelled its publicity. The contrast between the case of Lord Forth and the poor Lieutenant is eminently striking.

The Charitable Irish Society held their seventieth annual meeting at Masonic Hall on Monday evening last, at which, officers for the ensuing year were appointed. The Society is said to be in a prosperous condition. Hon. B. Wier was chosen President.

His Excellency the Lieut. Governor, has been pleased to appoint Messrs. B. Wier and J. Locke, to be members of the Executive Council, and Mr. S. Chipman to be Financial Secretary, with a seat in the Executive Council, in the place of Mr. Creelman, who lost his seat at the last General Election.

LEGISLATIVE.

We have published, from the Legislative Council reports, some of the more interesting proceedings of that body. We have not found in those of the Assembly, any thing of great public interest. On Saturday last the House, on motion of the Hon. Attorney General, showed its estimation of the gallant conduct of General Williams, the hero of Kara, and a Nova Scotian, by voting 150 guineas for the purpose of presenting him with a Sword of Honour. Our readers will find, in the proceeding of the Legislative Council, that the vote was warmly acquiesced in by that body, with the appropriate condition, that the sword be made of *Nova Scotia steel*. Among the petitions was one that has given rise to some comment, from Messrs. John Northup and Richard McIlleffey, for a grant of land on the line of the railway.—The Attorney General explained that the Government were precluded from granting any land within ten miles on either side of the railway line.

On Monday Hon. J. W. Johnston introduced a bill to enable a Company to construct a railway from Windsor to Digby. On Tuesday the Committee on the petition of L. W. Desbrisay, for aid to a daily steam communication between Pictou and Charlottetown, reported, recommending a grant of £200 for the object, and the report was adopted. The Hon. Pro. Secretary presented petitions from Captain Chearnley relating to distress among the Indians at Guysboro and Chester. Several members spoke of other cases, in different parts of the Province. The petition was referred to Committee on Indian affairs. Hon. J. W. Johnston asked for information respecting the mines and minerals of the Province, and that a consideration of the subject should be entered upon at an early period. Hon. Attorney General alluded to despatches which had been received upon the subject, which were not likely to be agreeable either to the people or the Government. The petition of Jacob Miller demanding an investigation of charges preferred against him, and which it is hardly disguised, have been made for the purpose of vacating his office that it may be filled by a partisan of the government, after a good deal of warm discussion, was withdrawn.

On Wednesday the House adjourned, in consequence of the illness of the Speaker, until Monday at 12 o'clock. A rumor prevails of differences in the Executive branch.