

The Press and General Review.

GORHAM vs BISHOP OF EXETER.

The decision of the Privy Council upon the appeal of Mr. Gorham against the Bishop of Exeter has at length been delivered, and the substance of this judgment is embodied in the Report of the Judicial Committee to the Queen in Council, with the almost undivided sanction of the Prelates and the Judges who heard the case. Contrary to the opinion of a large portion of the churchmen of this kingdom, and to the expectation generally entertained at the commencement of the arguments in this cause, the judgment of the Court of Archies is reversed, and Mr. Gorham is to be inducted into the vicarage of Bramford Speke. Upon a careful review of this elaborate discussion, and a close consideration of the calm and careful judgment which was yesterday delivered in the Council Chamber, we are satisfied that no other decision could be arrived at consistently with the strict rules of legal construction and with those high considerations of public policy which are indissolubly united to the peace and stability of the Church. It is not necessary, in order to justify and maintain this view of the case, that we should enter any more than the Lords of the Council have entered, into a theological discussion, which is beyond our province and above our powers; and we do not intend to imply any participation in the peculiar opinions of Mr. Gorham, or any doubt that the doctrine of regeneration by and in baptism is the doctrine of the church of England. We apprehend that nothing has been said or decided in the course of these proceedings which can impugn the faith of the church in this doctrine: and that however Mr. Gorham's opinions may be grafted on the peculiar interpretation of an article, those of the Bishop of Exeter rest upon the broad ground of orthodoxy. But the real question, and the sole question which the Privy Council had to decide, is, whether the meaning attached by Mr. Gorham to the articles and formularies of the church of England is so "directly contrary and repugnant" to her established doctrine (to use the words of the statute of Elizabeth) as to disqualify him for the discharge of his duty as one of her priests. Mr. Gorham professes, it must be remembered, his readiness to subscribe without mental reservation the XXXIX. Articles, and to employ into their full sense and meaning the formularies of the church. He finds in those articles certain words which connect the efficacy of the sacraments with the *right reception* of the same; upon these he lays particular stress, and from them he constructs that peculiar system of opinions on infant baptism which have been assailed, and in the lower court condemned. We do not concur in those opinions; but are we prepared to say that opinions expressly based on a certain form of expression in the XXVth and XXVIIth Articles are so heretical that they amount to a deprivation of the Book of Common Prayer, and must expose the holder of such opinions to the penalties of heresy? The Lords of the Council have not thought so, and adhering to the close legal interpretation of those words of the article, they have held that a clergyman of the church of England may construe those expressions as Mr. Gorham does, without being guilty of an heretical deviation from the established doctrine of the church. That is the whole effect of their report to the Queen, on which Her Majesty, as Supreme Head of the church, will review this sentence.

As a matter of history, it is remarkable that the very words on which Mr. Gorham's qualification rests did not occur in the Articles of 1536, but were inserted and have been retained in those of 1552, 1562, and 1604, thereby denoting some distinct modification in the opinions of the latter Anglican reformers, which are still in force, as more strongly opposed to the baptismal doctrine of the church of Rome; and, moreover, it is incontestable that opinions very closely allied to those of Mr. Gorham, if not absolutely identical in form of expression with his own, have been held from Bishop Jewel to the present day by a considerable series of divines, who have ranked amongst the most eminent members of the church.

The church of England has from the dawn of the Reformation, and still more under the great Protestant reign of Elizabeth, combined the spiritual element of Catholic tradition with some of the great principles of the continental reformers. Seeking rather to include the several shades of opinion which might arise from the exercise of the right of private judgment, than to exclude all variation from the standard of rigorous orthodoxy, she laid no claims to universal despotic power over conscience, because she laid no claim to infallibility. This decision of the Privy Council has altered nothing in the policy of the church or in her teaching. It is an undoubted fact that for the last three centuries one portion of the clergy and the laity has inclined more to the views of the Calvinistic school, and another to the secular traditions of Catholic theology. Even the church of Rome, in the great Jansenist controversies of the 17th century, was not free from similar divergencies. But such differences having an acknowledged existence, it remained to be decided in our time that a condemnation of one class of opinions by the authority of the other, so as to exclude the holder of such opinions from a benefice, and even to exercise a ve-

to upon the patronage of the Crown, on the express ground of a diversity of interpretation of the received formularies, would not be sanctioned by the law. Such a case may serve for a lesson in toleration and justice. We render homage to the principle, without any undue consideration for the individual, who perhaps sought to provoke this painful investigation by his own refractory and disputatious character. But the Lords of the Council have wisely shown no disposition to narrow the sacred precincts of the church of England, or to decide this important question upon a mere point of personal fitness or conduct.

This decision has in all probability saved the church and the country from a great calamity. As the matter stands, the orthodox doctrine of the Bishop of Exeter will be professed by the majority of English churchmen, without suffering any disparagement from the fact that a minority in the church continue, as they have done for centuries, to lay peculiar stress on a clause in the Articles, admitting the same efficacy in the sacrament of baptism but by different means of operation. A change and a novelty would have been introduced if such a variation had on a sudden been condemned as heresy, subjecting the holder of it to the penalty of forfeiture. Had Mr. Gorham been excluded from the vicarage of Bramford Speke, he ought, by parity of reasoning, to be ejected from his former living of St. Just in the same diocese, and it can hardly be doubted from the temper of a portion of the clergy on this subject, and from the recent example in the church of Scotland, that a considerable schism and secession of conscientious or irritable men, not perhaps all of them sharing Mr. Gorham's own opinions would have ensued. That most fatal consequence of the Bishop of Exeter's proceedings against Mr. Gorham, and of Mr. Gorham's contentious conduct towards his diocesan, has now, we trust, been averted.

The final decision of this question will doubtless not be received without some irritation, although upon reflection it will be acknowledged that this judgment is no party triumph, being no more than a failure of proof in that degree of unsoundness alleged by the Bishop of Exeter to disqualify Mr. Gorham. It seems likely, however, that the remonstrances of those who have approved the conduct of the Bishop of Exeter in these proceedings will henceforth be directed not so much against these peculiar opinions of Mr. Gorham as against the constitution of the church of England, and that undoubted supremacy of the Queen as the Head and supreme Governor of the national church which is the fundamental principle of its legal existence. That is the unequivocal language of all the acts of Parliament on which the structure of the Church of England rests, and that is the proposition which the Canons of 1604 positively assert. The only change which has taken place in the last three centuries in this jurisdiction of the highest spiritual court of the realm is that the appeals, which were transferred by the 25th Henry VIII. from Rome to the King in Chancery, are now addressed to the Queen in Council, being in fact referred to the same class of judicial advisers in both instances. The Queen is emphatically in all causes ecclesiastical and civil supreme, and to impugn her incontestable rights is to attack the prerogative, and to evade the judicial administration of the church since the Reformation. Upon the whole, we do not believe that it would be easy to compose a tribunal of men in this country more learned, able and dispassionate than those high legal functionaries who sat, with the assistance of the two Archbishops and the Bishop of London, to hear this cause, and the powers of the Crown have not in any age since the reformation been exercised by men more anxious to uphold the peace of the church, the authority of the law, the dignity of the Sovereign. The Queen in the courts ecclesiastical does not legislate for the church, or pronounce dogmatically on points of doctrine, which would manifestly be to arrogate to such courts or to the Privy Council the powers of Convocation; but taking the law of the church as it is established by act of Parliament and by the Canons, the Crown, as head of the church, administers it under the advice of its judicial councillors. The church of England is not an independent absolute, and self-governing body, but, like every other institution of this country, its powers are divided and limited by the other institutions of the realm. We fully acknowledge and, if need were, would joyfully defend her just rights and prerogatives; but we are satisfied that she could pursue no policy so fatal to her own interests and to the welfare of this nation as to throw off her connexion with the State, and repudiate the conditions of her own existence.

THE WEATHER.—During the past two weeks the weather has been generally fair, but remarkably cold. The snow is gone excepting a small patch here and there, where shaded from the sun, and the roads are already dry and dusty. The ice is leaving the Ottawa by degrees, but a good deal remains yet. At Bytown, persons on foot can still cross the river. Some fifty miles from Bytown up the Gattineau the snow is still deep in the woods, and the ice in some places fit for crossing. Up the Ottawa there is still considerable snow in the woods.—*Bytown Packet.*

EPIDEMICS.

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The returns explain another of the difficulties of this writer, who says that "the disease was not more formidable in places known to be infected by putrid emanations than in other localities," forgetting the *Murais*, and alluding to the open reservoirs of night soil then existing (but since removed) at Montaucon, near Montmartre, the highest ground in Paris. It would not be there on the hill top that there would be any great concentration of malignant vapour, and we have to remember that, as gases follow the same law as fluids, the exhalation from Montaucon on cooling at night, would descend, not on the spot whence they rose, but mixing with other vapors would seek the lowest level, as naturally as a running stream.

This is suggestive of the reason of the frequency of night attacks during severe epidemics, as remarked in the epidemics of the middle ages, as also during the late visitation, and in ordinary cases of marsh fever. It was in one night that 4,000 perished in the plague of London of 1665. It was at night that the army of Sennacherib was destroyed. Both in England and on the continent a large proportion of the cholera cases, in its several forms, have been observed to have occurred between one and two o'clock in the morning. The "danger of exposure to night air" has been a theme of physicians from time immemorial; but it is remarkable that they have never yet called in the aid of chemistry to account for the fact.

It is at night that the stratum of air nearest the ground must always be the most charged with the particles of animalized matter given out from the skin, and deleterious gases, such as carbonic acid gas, the product of respiration and sulphuretted hydrogen, the product of the sewers. In the day, gases and vaporous substances of all kinds rise in the air by the rarefaction of heat; at night when this rarefaction leaves them, they fall by an increase of gravity, if imperfectly mixed with the atmosphere, while the gases evolved during the night instead of ascending, remain at nearly the same level. It is known that carbonic acid gas at a low temperature partakes so nearly of the nature of a fluid, that it may be poured out of one vessel into another: it rises at the temperature at which it is exhaled from the lungs, but its tendency is towards the floor, or the bed of the sleeper, in cold and unventilated rooms.

At Hamburg, the alarm of cholera at night in some parts of the city, was so great, that on some occasions many refused to go to bed, lest they should be attacked unawares in their sleep. Sitting up, they probably kept their stoves or open fires burning for the sake of warmth, and that warmth giving the expansion to any deleterious gases present, which would best promote their escape, and promote their dilution in the atmosphere, the means of safety were thus unconsciously assured. At Sierra Leone, the natives have a practice in the sickly season of keeping on fires constantly burning in their huts at night, assigning that the fires keep away the evil spirits, to which, in their ignorance, they attribute fever and ague. Later, Europeans have begun to adopt the same practice; and those who have tried it, assert that they have now entire immunity from the tropical fevers to which they were formerly subject.

In the epidemics of the middle ages, fires used to be lighted in the streets for the purification of the air; and in the plague of London of 1665, fires in the streets were at one time kept burning incessantly, till extinguished by a violent storm of rain. Latterly, staves of gunpowder have been fired, and cannon discharged, for the same object; but it is obvious that these measures, although sound in principle, must necessarily, *out of doors*, be on to small a scale, as measures, against an ocean of atmospheric air, to produce any sensible effect.— Within doors, however, the case is different. It is quite possible to heat a room sufficiently to produce a rarefaction and consequent dilution of any malarial gases it may contain, and it is of course the air of the room, and that alone at night, which comes into immediate contact with the lungs of a person sleeping.

The mortality occasioned by cholera in Paris in 1849, appears to have very nearly corresponded with that of 1822, but there was this remarkable difference, in 1822, two-thirds of the deaths, 12,733, of the whole number occurred in the month of April, while, in the recent instance, the deaths in April were but 694, and the greatest mortality was in June.* In England, the disease reached its greatest height in August and September, and has been much more violent than on its former visitation. In 1831, the deaths from cholera in the metropolis were 5,275. In 1849, 13,631, exclusive of

2,981 deaths by diarrhoea; † and the registrar-general's reports for the whole of England and Wales show an excess of 60,492 deaths for the last summer quarter over the summer quarter of 1845—an excess principally to be attributed to the epidemic, the mortality of the quarter exceeding the average by 53 per cent. The effects of the epidemic may also be traced in a falling off in the number of births, which had been 140,361 for the summer quarter of 1848, but only 135,200 in 1849, exceeding the number of deaths by only 164; so that, if their be truth in the common estimate, that nearly 300,000 persons have left the shores of the United Kingdom within the last twelvemonth, we have now a rapidly decreasing population. It may be noted also as probable, that population has remained stationary, or been turned back in its course throughout the world during the past year, for no part of the globe appears to have wholly escaped the ravages of the disease, and we hear of it as appearing at about one and the same time in Russia and Spain, in Paris and New York, on the shores of the Mediterranean and the banks of the Mississippi, the mortality in some places extending to the lower animals.

In all cases, however, we find the mortality has been greatest in *low lying Districts*. On high and naturally salubrious situation, comparatively few deaths by cholera have occurred, and the mortality has even been less than usual.—In London it was almost wholly confined to the banks of the river, the district between Waterloo Bridge and Battersea, which in the time of the Romans was an unreclaimed marsh; and the low, but slightly more elevated, levels of Whitechapel, Bethnal Green, and Shoreditch. In the large parishes of Marylebone and St. George's Hanover-square, the greater part of which lie between 50 and 100 feet above high water mark, deaths were scarcely above the average, and nowhere exceeded the births. Although most destructive on the Surrey side of the river, the cholera did not touch the Surrey Hills. The returns to the registrar-general from parts of the country where the towns are situated on elevated lands, as in central and North Devon, Leicestershire, and the West Riding of Yorkshire, state the population to have been unusually healthy, and the deaths below the average. The exceptions have everywhere been of the kind that prove the rule. Cholera was fatal at Huddersfield among some laborers' cottages, which although situated on a hill-side, were without drainage, surrounded by filth and refuse, and exposed to the malaria of an uncleaned fish-pond.

At Leeds, the deputy-registrar remarks, that although the ravages of cholera had been truly awful, it had been confined, in his districts, almost exclusively to that part of the population that dwelt in cellars, although sometimes better drained than the unoccupied cellars of other streets,—a circumstance which makes the deputy-registrar undervalue the importance of drainage, he not perceiving that malignant vapours are not necessarily confined to the spot where they rise, but may flow from their own gravitation, or be drifted by the wind, into cellars a mile distant.

The following is the proportion of deaths to the population in some of the towns where the mortality was greatest:—

Deaths from Cholera during the summer quarter of 1849:—

	Males.	Females.
Hull	1 in 28	1 in 22
Plymouth	1 " 38	1 " 46
Murthyr Tydvil	1 " 39	1 " 39
Portsea Island	1 " 44	1 " 50
Liverpool	1 " 47	1 " 43
Tynemouth	1 " 61	1 " 64
Bristol	1 " 66	1 " 78

Of the numerous communications published by the Board of Health to throw light upon the causes of the epidemic, perhaps the following, addressed to Lord Carlisle by Mr. K. B. Martin, harbor-master of Ramsgate, is one of the most important.

"During the heats of the last days of August, having a considerable body of officers and men under my surveillance, I watched their state and habits with great care and anxiety. I knew they were exposed in no common degree to all the admitted predisposing causes. Some were occasionally at work in a sewer in progress; others in a coffer-dam, surrounded by a fetid blue mud, and offensive sullage. All were employed in a harbor partially dry at low-water, and with a hot sun, liable to exhalations from decomposed marine exuvia; yet, to my great consolation, all these poor men, thus employed, continued well. The exception is extraordinary. The crew of my steam towing vessel *Stanton*, continually employed in the fresh sea-breeze, when at home living in well-ventilated comfortable houses, temperate in their habits, hale and young; and yet they were attacked, under the following curious and interesting circumstances. At midnight of the 31st

† Deaths in London from Cholera, 1849.		
Quarter ending March	31	516
" June	30	268
" September	30	12,847
		13,631
Deaths in London from Diarrhoea, 1849:—		
Quarter ending March	31	284
" June	30	249
" September	30	2,457
		2,981

* The deaths in Paris From cholera, of persons who died at their own residences in 1849, were as follows:—

March	130
April	694
May	2,426
June	5,769
July	419
August	810
September	670
October	32

To this must be added the deaths in the hospitals. The greatest mortality was in the neighborhood of the *Jardin des Plantes*.