

occasion was prepared in excellent style by the Ladies, and no pains spared to render the entertainment agreeable as well as interesting. At 8 o'clock, Capt. Joseph Haycock, one of the Church Wardens, by request, took the chair, and explained the object of the meeting; after which appropriate speeches were delivered by Deacon Coggins, Capt. G. D. Potter, and others. The greatest harmony was observed during the evening, and I believe the result was fully equal to the anticipation of all parties. The sum collected amounted to £20 6 s.

Those Ladies who were instrumental in effecting this praiseworthy object have certainly given a decisive proof of their zeal in promoting the interests of the Church; and much credit is due to those belonging to other denominations, who very kindly and liberally gave their assistance.

G. MUNRO.

Westport, 20th March, 1856.

Halifax, April 2nd, 1856.

SIR:

Herewith I forward to you for publication the legal opinions of Hon. J. W. Johnston and S. P. Fairbanks, Esq., as to the right of the Rector to take the Chair at the Parish Meeting on Easter Monday, and at all other Parish meetings; which opinions were offered to the adjourned meeting on Friday, the 28th ult., by the Rector, but were not permitted to be read.

I am, your obedient servant.

ROBERT WILLIS, Rector.

Mr. Wm. Gosip, Church Times Office.

REV'D. SIR,

In reply to the case submitted for my consideration, I am of opinion that the Rector of St. Paul's Church in Halifax, had a right to preside at the Annual Meeting held on the 21st March last, as incident to his office, and resulting from usage in this Province, and the understood law in England.

This right is strengthened, I think, by analogy, by the Provincial legislation from an early period to the present time; and is in no way weakened by the 50th Chapter of the Revised Statutes.

It extends to all meetings of the Church Wardens and Vestry; and I think the exclusion of the Rector, and the substitution of a Chairman in his stead, when he is present and reconvening, will render the proceedings of a parochial meeting, so presided over, illegal.

J. W. JOHNSTON.

Halifax, March 28th, 1856.

To the Rev. the Rector of St. Paul's Parish, Halifax.

Opinion of Mr. Fairbanks as to the right of the Rector to preside at Parish Meetings:

The same principles which have governed the decisions in England respecting the right of a Rector or Vicar, when present, to take the Chair at a Parish Meeting, are alike applicable to similar assemblies in this Province.

There exists no Act of Parliament which creates this Right; but in England it is an ancient and established usage;—as such, it has been recognized by the Courts of Justice, ecclesiastical and temporal, and the Rule given in Burns' Ecclesiastical Law—Title Vestry, is considered good authority.

Burns lays down this Rule as follows:—"Anciently, at the Common Law, every Parsonage who paid to the Church Rates, or scot and lot, had a right to come to these meetings; but this must not be understood of the minister, who hath a special duty incumbent on him in this matter, and must be responsible to the Bishop for his care herein, and therefore in every Parish meeting he presides for the regulating and directing this affair, and this equally holds whether he be Rector or Vicar."

The case of the Rev. Mr. Wilson vs. McMath, in 3d Phillimore 67, fully sustains the same doctrine. This was a proceeding instituted in an Ecclesiastical Court against Defendant for disturbing the Rector in the discharge of his duties as Chairman of the Vestry, and assuming that office. Sir John Nicholl, in pronouncing judgment, says, "The case may be said to be a new one, in far as regards any express Law; there is no Statute—no Canon—no reported Judgment, either expressly affirming or denying the Right—it nevertheless may exist as a part of the Common Law of the Land, which is as much binding on the Ecclesiastical as the Temporal Courts.—The fact of general usage for the minister to preside is notorious;—it has not been denied in argument. Now, such an usage, unless absurd or improper, I take to found a Common Law Right."—He adds, "the authority of Burns, as far as it goes, is direct and express—it is not indeed as an adjudged case or a Canon, but it is the understanding of a learned person, himself filling a judicial situation." A Prohibition having been moved for in the Common Law Court, was overruled.—Bayley J., in delivering his opinion, says, "The Rector was entitled to act as Chairman—Vid. 3 B & A, 244."

The Queen vs. D'Oyler, 12 Ad. & Ellis, involved a similar question. Lord Denman says,—"The proper place for the election of Wardens is some convenient place within the precincts of the Church, and the Rector is the proper person to preside as of Common Right, and as owing the Franchise of the Church." He further

observes,—"It is urged that the Rector ought not to preside because he has the nomination of one Churchwarden, and as Chairman he would have a casting vote, which might enable him indirectly to nominate a second; but it is clear that as a Parsonage he might give a vote deciding the nomination. If it be inconvenient that he should have the power in question, the Legislature should have provided against it; but this has not been done."

Such is the Law of England with respect to the Right of the Rector to occupy the Chair at Parish meetings. I can discover nothing either in the Statute Law or the customary usage at Parochial meetings in the Colony to vary that Right here.

Among the Constitutions adopted by the Settlers in North America in the time of Charles the First, we find that a minister was always to preside in the meetings of each Parish. This practice, corresponding with that of England, no doubt, was followed at the early Settlement of other Colonies as a proper and established rule. It is not contended, I believe, that there has ever been a deviation from it in the Parish of St. Paul's; my own experience testifies to the invariable observance of this practice in other Parishes.

The Act which defines the limits of the Parish of St. Paul's, giving power to choose the necessary officers to manage its affairs, passed in 1769—nearly a century ago. By the Act the Rector is required to give notice of the time and place of meeting, thus giving to him a prominent office in the Act itself. The Act is silent as to the Chairman. It gives no direction as to the mode of organizing the meeting. The reason is obvious—the very nature of his title and office pointed out the Rector as the proper person to preside over his Parishioners in matters connected with the Church, and there was any precedent for their guidance—it is evident that being unrestrained by Statute Law a usage was established, which has been maintained ever since the passing of the Parish Act.

A usage which dates as far back as a century—being neither absurd or improper—cannot in my opinion be overturned except by express enactment.

The new Act, Chap. 30 Revised Statutes, does not interfere with this Right—it rather establishes it. The Legislature, as Lord Denman observes, should have provided against it, if the power was improper; but it has not done so; the usage is left to its operation. Whilst the Act is an amendment of the former in many particulars, it does not restrain the usage, even by implication, much less by express words—which affords the reasonable inference, that no interference was intended.

I am of opinion, therefore, that the Rector of St. Paul's has a Right to occupy the Chair at all Parochial meetings. In case of his absence, or being present he declines to exercise his Right—the Parsonage, at their general meetings, or the Wardens and Vestry when they assemble in their Corporate capacity, may supply his place, but I consider it essential to the legality of their proceedings, that there be no violation of the Right of the Rector as Chairman.

SAMUEL P. FAIRBANKS.

Halifax, 20th March, 1856.

To the Archdeacon, Rector of St. Paul's.

FOR THE CHURCH TIMES.

The Easter Meeting of the Anglican Church congregation of Lower Stewiacke, in the Mission of Musquodoboit, was duly held at Lower Stewiacke on Easter Monday, the 24th of March.

After the usual business of the meeting was finished, the Rev. S. D. Green read to the meeting the authorized declaration of the principles, &c., of the Diocesan Assembly; explained its objects and constitution, and briefly replied to some of the objections which have been made to it. He was then unanimously chosen to preside during the election of a Lay Representative, when Mr. John Tays, of Lower Stewiacke, was duly elected by a majority of votes, as Representative.

A satisfactory Meeting of the Diocesan Church Society was then held, and subscriptions in cash received; after which a vote of thanks was given to the Rev. Mr. Green for his able conduct in the Chair. It was also moved, seconded, and carried unanimously, that the thanks of this meeting be presented to the Rev. T. C. Leaver for his handsome contribution of £40 towards the erection of the Parsonage, now nearly completed, in this settlement, and that this vote of thanks be recorded in the "Church Times." The meeting then thanked Mr. George Tays for his liberal contribution towards the Parsonage, and also for his present of a Surplice to the Church; after which the proceedings terminated.

A SUNSHINER.

March 25, 1856.

FOR THE CHURCH TIMES.

The Easter Meeting of the English Church congregation of Musquodoboit was held in that Settlement on the 25th March, at 2 p.m. After the ordinary business of the meeting had been transacted, the Rev. S. D. Green was voted into the Chair, to preside during the election of a Representative of the Laity to attend the ensuing Diocesan Assembly. A printed Circular, without any date, place, or signature specified therein, but bearing the Wilnot post-mark, which had been forwarded to the Wardens of this District, and related to our Diocesan Synod, was here produced, and read to the meeting; upon which Mr. Green called upon Capt. Gladwin, as a layman, to defend the Bishop and

clergy of this Diocese from the injurious and under-handed insinuations against their character and principles contained therein,—which he did; and also overthrew the other false allegations of this notorious Circular, to the satisfaction of the meeting. After this, it was moved, seconded, and carried nearly unanimously, that H. A. Gladwin, Esq., be elected a Lay Representative, to attend the Diocesan Assembly at its ensuing session.

The Diocesan Church Society meeting was then held, and subscriptions thereto received. The meeting then separated.

Musquodoboit, 29th March, 1856.

[From Last Saturday's City Edition.]

The R. M. Steamship *Canada* arrived last night from Liverpool, after our country edition went to press. We have made room for some extracts from the English papers—the news is not however, of great importance. Prussia has been requested to take part in the Paris Conference, which appears to be in no hurry to settle the terms of peace. The only thing remarkable with reference to it, is an apparent coolness between Prince Orloff the Russian representative, and Count Buol who represents Austria.

Typhus fever was raging in the Crimea, and making much havoc amongst the armies—Alicia as well as Russians.

DELAY IN THE NEGOTIATIONS.

The conference of Saturday last, in Paris, was not quite so satisfactory as the preceding one. The term *satisfactory* ought not to be understood as implying that any new or insurmountable obstacle had arisen, but only that the business got over was not equal to the anticipations of some of the Plenipotentiaries. The sitting of Tuesday produced no sensible progress in the negotiations, and was confined to discussions of too general a character. We are now in the third week of the conference, and it is complained that affairs have not made way as they ought, or as they were expected. The Emperor is said to be of opinion that too much is said and too little done; that the work, in fact, bears small proportion to the words, and that a change in the course of proceeding is desirable. It would seem that at the next sitting it will be proposed to come to an understanding on the more important conditions, to adopt them formally and irrevocably, with a view to a definitive treaty of peace, and to leave other points of secondary interest to be settled by a commission. For instance, the principle of the ratification of the Ottoman territory being admitted by Russia, it will be considered whether it is absolutely necessary to spend much time in fixing the particular line in Bessarabia, which is to be the new frontier of Moldavia instead of the Pruth. Several of the Plenipotentiaries appeared to be little acquainted with the topography of those parts, and Count Orloff and Baron Brunow were said to have demonstrated that the character of the soil was not at all such as was described, and that the mountain chain reaching close to the sea only existed in their imagination. If the mountain does not come to Mahomet, Mahomet must go the mountain. If mountains do not rise at the bidding of the Plenipotentiaries, they must be sought for elsewhere than where they imagined them. Again, the principle of a change in the administration of the Principalities being once established and acceded to by Russia, and, of course, by Austria, what necessity is there to occupy the time of the Plenipotentiaries with long debates whether Prince Stirbey, or whoever else be chosen for Wallachia, shall be appointed for life or only for a term of years; whether the present or future Sovereigns of these unfortunate countries be a stranger or a native; or whether the provinces of Moldavia and Wallachia shall be united or continue separate?

On two great points we are informed Russia makes ample concession—namely, the neutralisation of the Black Sea with all its consequences, the dismantling of the fortresses, and the non-reconstruction of Bomarsund; but a commission might quite as advantageously fix the limits between the Russian and Ottoman territory in Asia. In a word it will be proposed to adopt with as little delay as possible the points the rejection of which involves a *casus belli*, and to leave to future arrangements by commission those which have not such a character. When the proceedings of the Congress are kept so secret it is hazardous to enter into particulars touching them, but the state of affairs just mentioned bears the impress of probability. Time is passing on rapidly, the days are getting long and the weather is becoming mild, and there is every necessity for haste. It is known that typhus is among the French troops at Constantinople, and is cutting off numbers; and though 25,000 men are ready to sail at a moment's notice from Marseilles and Toulon, to fill up all vacancies, yet the sooner we are out of our unwholesome