

WINDSOR, March 14, 1857.

cannot separate Church and State. And yet Mr. Hills, &c., was right in saying that the Church is becoming more self-reliant and independent of the State. The ideas are not incompatible; by proper management these Acts of Parliament whose exigence proves the first case may be made safely to work out the second.

Mr. Hayward Cox, I believe, expressed truly the desire of the majority of the two Houses of Parliament to know the views of the laity, and their intention to give effect to them when expressed unanimously.

"I think the time is come for a further step, for asking the Upper House of Convocation, when it meets in the summer, to appoint a committee of both houses, to consider the expediency of establishing a central body for England, consisting of Bishops, clergy, and laity, whose function shall be to recommend such measures to Parliament as its three members, voting separately, shall agree on. It need not be called either Synod or Council, if any persons are better pleased that it should not; what is essential is that the clergy and laity should be purely representative, and should, if possible, be so chosen that important minorities in the different dioceses should not be practically disfranchised.

Correspondence.

The Editors of the Church Times do not hold themselves responsible for the opinions of their Correspondents.

THE CHURCH SQUARE, LUNENBURG. No. 2.

TO THE EDITOR.

Sir,—Since I last addressed you on this subject, notwithstanding an assurance given in a high and influential quarter, that St. John's Church Spoliation Bill would not be persevered in, I now perceive it has passed its second reading, and been referred to a Select Committee. The Trustees of that Church, placed by the Provincial Government itself in charge of the Square, resist this Bill, and have called upon their Government and Legislature to do the same, as an outrage of the Laws and Rights of Property.

It is, Sir, a Rule in Law that a party who would change the possession of an Estate must first establish a Legal Title in himself; and further, that 20 years adverse possession is a good bar to an Ejectment, just as 6 years neglect of the holder, outlaws a note; for by Statute 21 Jac. 1, no person may make an entry into lands, &c., but within 20 years next after his right or title which shall first descend or accrue to the same; and in default thereof, such person so not entering, and their heirs, shall be utterly excluded and disabled from such entry after to be made. The Title therefore to the Church Square can by no possibility be in any Trustees under the Grant of 1785, for never once from that period to the date present, a period of 70 years, have they or their heirs made entry. Neither is the Title any longer in the Crown, the Government or the Legislature, who have thrice parted with it, 1st. to the Church built by the British Government itself upon it, by direction of the Crown; 2nd, to 7 Trustees in 1785; and subsequently to 3 Trustees in 1820, receiving from the latter £10 18 2 in payment for the Grant, which is duly on record in their own offices. The successors of those Trustees made entry, and enclosure, and by Memorial they appear before the Legislature, and assert their Purchase, Possession and Claim. "Ownership is thus out of the Government, and for no consideration can they give to others what they long since first gave, then sold to us.

As long ago as 1749 the Lords of Trade and Plantations addressed to the Society for the Propagation of the Gospel, the following communication on the subject of Missions to this Province:

Whitehall, April 6th, 1749.

"His Majesty having given directions that a number of persons should be sent to the Province of Nova Scotia, in North America, I am directed by my Lords Commissioners for Trade and Plantations, to desire you will acquaint the Society P. G., that it is proposed to settle the said persons in 6 Townships, and that a particular spot will be set apart in each of them for Building a Church, and 400 acres of land adjacent thereto granted in perpetuity free from the payment of any Quit Rent, to a Minister and his successors." Signed, "John Pownall, Clerk of Reports." These Townships were laid out along the Atlantic Coast of Nova Scotia, of which Lunenburg is one. (T. B. Akins's Sketch, &c. chap. 1). Following these directions, the British Government itself erected St. John's Church, on the spot thus by the Crown set apart, and assigned a Glebe to its successive Ministers.—

On that spot stood the Church for 82 years without further Grant, and for 80 years more was included with other Squares in a General Grant to 7 Trustees, who never in any way whatever interfered with the Church's freedom of the Square.

In 1814, the last of those Trustees died without heirs. Our Laws, Sir, make Trust Estates devisable; and where they are not devised, they descend to the heirs of the person who was last entitled to them. Mr. Jossan left neither devise nor heir. The Law then enacts that where a Trustee dies without heirs, by which the lands escheat to the King, the King is authorized by Statute to execute a Trust where the legal estate becomes void in the Crown by the death of the Trustee without heirs. The Estate in the Church Square escheated to the Crown by Mr. Jossan's death. The Crown accordingly executed a new Trust in favour of the Congregation of St. John's Church, thus only carrying out its own first intention and direction, expressed and given in 1749.

In 1833, the Trustees enclosed and beautified the ground, at which very date Mr. Henry Ernst, the avowed author of the hostile Bill, was a Vestryman of St. John's Congregation, and Mr. Henry Bailly, its mover in the House, was then, and from infancy had been, a member of the Church. This connection on the part of both has long since ceased, and the one has been for 17 years fashioning this barbed arrow; the other placed it on the bowstring designed to send it to his old mother's heart. Even as far back as 1840, Mr. Ernst laid the case of the Church's claim before Mr. (now the Hon. Mr.) Johnston, for his opinion. That Gentleman, as I have it from Mr. Ernst's own lips, even then told him the Trust of 1785 had failed for want of heirs, whence Mr. Ernst concluded he had no chance of success against the Church in any Court of Equity or Law, the same principles of limitation being adopted by both. And now, having suffered 17 years of Enclosure to pass over, in addition to the 7 years previous to 1840, he hopes by hostile influences in the Legislature to wrest the Trust from the Church. To justify his Bill, first, he and his friends raised the slanderous cry, the Church people are going to sell their Square for building lots. Then, they are going to shut out the public from crossing over it—and next, they are going to enclose the two vacant Squares. These charges being repeated, Mr. Ernst in a rage put forth a M.S., giving his own construction of the Bill, concluding it thus, "and who ever says to the contrary, are Liars.—Henry Ernst." By the Statutes of Limitation, 20 years adverse possession is a good bar to an ejectment; they give right of possession which cannot be divested by entry; they also give right of entry; so that if a person who has had such a possession is turned out, he may lawfully enter, and bring an action for its recovery, upon which he will be entitled to judgment. The Title of St. John's Church to this Square is, what our Laws call, Perfect, by Grant, Entry and Possession. The general public have a similar Title to the Rights of Way enjoyed for 10½ years across the Square. We could not therefore obstruct them, if we would. Besides which, in this Town, the Church of England members, according to the last Census, form half the population: to obstruct the public therefore would be to obstruct themselves. How again could we lay off the Square in building lots, intersected as it thus is by paths, crossing it like the Letter X? Moreover, if the Grant of 1785 is in force, why a Bill in 1857 at all, appointing new Trustees: if it is not in force, their own M. P. P. legal adviser himself told me, our Grant is good. That gentleman is now on the Select Committee.

Therefore, Sir, as one of its Trustees, I declare that the congregation of St. John's Church will look upon any new Trustees appointed by the same Provincial Government from whom we hold our Grant, justly paid for and recorded, as an impossibility, a nullity, as something even worse; and if such Trustees should be appointed, (and we ask Mr. Henry Ernst to be one of them), and attempt to make entry by daylight where we so honestly occupy, they will be dealt with as other trespassers on private rights, and the Government who received our money for the Title, ought to pay our costs.

In private transactions, what, Sir, would be thought of a man who should sell an Estate to strangers, take their money, and pass the Deeds; if he should then turn about, and give the same Estate to certain clamorous and poor relations! What would the gift be worth? About as much, Sir, as the gift, at this time of day, to poor Mr. Henry Bailly, of the Title to

OUR OLD CHURCH SQUARE.

Lunenburg, March, 1857.

Mr. Editor,—

Knowing that much interest is felt for the Parish of Windsor, and that many would rejoice to hear of its welfare, who now know scarcely anything of its sayings and doings, I have thought that a communication from the village where so many Churchmen have passed their early days might not be unacceptable to the readers of the Church Times. I had the privilege on Friday evening, the 18th inst., of attending a meeting of the Windsor Branch of the Diocesan Church Society, the largest and most interesting that has ever been held here. It was opened with singing the 100th Psalm and Prayer. The Chairman, the Rev. T. Maynard, made some very appropriate remarks, recommending our Society to our warmest regard. The first Resolution was moved by the Rev. Mr. Hensley, the Professor of Mathematics at King's College, who, in an admirable address, spoke of the obligations the Church in this parish were under to the Society at Home, and the hardships experienced by the first Missionaries sent out by the Society for P. G. F. some ninety years ago. This Resolution was moved by Charles Smith, Esq.

C. B. Bowman, Esq., moved the next Resolution, and closed his observations by expressing his determination to double his subscription to the Society, an example I sincerely wish may be followed by many others. The Resolution was seconded by Rev. D. W. Pickett, who, in an excellent speech, cordially recommended the Society to our notice.

The third and last resolution was moved by J. W. Teas, Esq., whose address, though rather extended, had some amusing anecdotes to recommend it. This was seconded by Henry Sterns, Esq., of Queen's County, who addressed the young most impressively, and won applause from all, especially the fair sex, as he referred particularly to the work done by them in Liverpool, the parish to which he belonged, and it is to be hoped his remarks will produce some good effect on the Ladies of Windsor. The 67th Psalm, and the Missionary and Dismissal Hymns were sung during the Evening, and, after the Benediction from the Rector, the crowded Assembly dispersed, apparently much pleased and gratified with the evening's proceedings. Though our present Rector has only been among us a few months, he has already done much good, and we confidently believe, if his life is spared, that much will be accomplished. May Christ be his strength, and may he neither fail nor be weary until he is called to finish his course with joy. When we compare our present congregations with the past, we may indeed thank God and take courage. And when we consider that every Sunday four, and frequently five churches in our Parish have the pure Gospel preached within their walls by ministers of our own holy Church, we feel that indeed to us much has been given, and much will be required. Our Sunday Schools are increasing, and we hope before long to have a School-house erected, as the ground has already been purchased.

But, Mr. Editor, I shall weary your readers, if I continue, and therefore will conclude with the earnest hope that Churchmen may in every parish in this diocese be increasingly alive to the glory of God and the welfare of the Church which Christ has purchased with His own blood; and that they all may learn from the Psalmist to pray for the Peace of our Zion, and that the blessing promised to those who do so may be experienced by all Christians, is ever the hearty prayer of

"A MEMBER OF THE CHURCH,
AND ONE WHO LOVES IT."

News Department.

Extracts from Papers by R. M. Steamer America
ENGLAND.

The merits of the Budget are that it takes off ninepence, that it has a certain air of straightforwardness and juvenile simplicity about it, and that it is—or seems to be—easily understood. "Take this ninepence, and be happy. Ninepence is nine millions sterling. Put it in your pocket, and let us have no more words." In a voice husky with *viva voce* ciphering, and with the recitement of many tabular statements, the Chancellor of the Exchequer thus addresses the nation; and he is efficiently supported by the Ministerial Press. Ninepence is Lord Palmerston's bid for power. Now there is certainly something handsome in ninepence, and it will make so good a figure in your domestic accounts, and responds so exactly to the late outcry on the subject, that resistance to the scheme seems thankless and uphill work. Nevertheless it is to be