

The Church Times.

HALIFAX, SATURDAY, AUGUST 23, 1856.

PUBLICATION OF Banns OF MARRIAGE.

A doubt has lately been suggested in England as to the proper time for the publication of Banns of Marriage, Mr. Baron Alderson having observed in the course of a trial, "I have great doubt whether Marriage solemnized when the banns have been published after the second Lesson at Morning Prayer are valid under the Act of Parliament. At Morning Service the Rubric enjoins that the Banns be read at the Communion immediately before the Sermon, and the law has not altered that injunction.—When there was no Morning Service then it was provided by the Act that in Afternoon or Evening Service the banns should be published after the second Lesson."

We never could understand why the alteration was made, and why notices of Marriage should not be given at the same time as all other notices, after the Nicene Creed, instead of interrupting the course of the service after the Lesson. In Halifax the old practice is observed notwithstanding the modern rubric, and it seems from the following letter, extracted from an English Paper, that this is correct, and that the alteration in the Rubric was made without authority in consequence of the ambiguity of a clause in the Marriage Act:—

"It is well known that the first Act of Parliament affecting the publication of Banns was that of 26 Geo. II. c. 33, the exact words of which were enacted in that of 4 Geo. IV. c. 76. This Act of Geo. II. was passed in 1753, "for the better prevention of clandestine marriages," and not for the alteration of the existing Rubrics, except indeed in requiring Banns to be published *only* on Sundays, and in certain cases in the *Afternoon* Service.

"In all other respects the Rubrics were to remain precisely as they were settled at the Revision of the Prayer Book in 1662, just as they remain to the present hour by the statutable authority of the Act of Uniformity. So that this Act of 1753 was intended really not to supersede, but to enforce, under legal penalty, the observance of the existing Rubrics, while it supplied additional security for due publicity.

"I will now quote the exact words of our authorized Rubrics relating to the Publication of Banns; only promising that, although they are not ordinarily found in our present copies of the Prayer Book, yet they are still the unrepealed law of the land and of the Church. I shall leave to others to explain in what manner and at what time the unwarrantable liberty was taken of expunging them from the Book of Common Prayer.

"First, there is the Rubric after the Nicene Creed:—
"And then also (if occasion be) shall notice be given of the Communion; and the Banns of Matrimony published; and Briefs, Citations, and Excommunications read."

"Next, the Rubric prefixed to the Marriage Service:
"First, the Banns of all that are to be married together, must be published in the Church three several Sundays or Holidays, in the time of Divine Service, immediately before the Sentences for the Offertory."

"I shall now give the exact words of the Act referred to, copied from 'the Statute at large,' ed. 1769. It was enacted that from and after 25th March, 1754, "all Banns of Matrimony shall be published in an audible manner in the Parish Church, or in some public chapel, according to the form of words prescribed by the Rubric prefixed to the Office of Matrimony in the Book of Common Prayer, upon three *Sundays* preceding the solemnization of Marriage, during the time of Morning Service, or of Evening Service (if there be no Morning Service in each Church or Chapel upon any of those Sundays) immediately after the second Lesson . . . and that all other the Rules prescribed by the said Rubric concerning the publication of Banns, and the Solemnization of Matrimony, and not hereby altered, shall be duly observed."

"A comparison of the Rubrics with this enactment will show us

1. That the Act thenceforth limited the publication of Banns to *Sundays*, excluding Holydays.
2. That it provided for publishing them at Evening Service, in which case it was to be done 'immediately after the second Lesson.' This limitation is indicated by the punctuation.

3. That it did not repeal or alter the existing Ru-

brics, but on the contrary, expressly provided for their continued observance.

"The following are the remarks of Mr. A. J. Stephens in his elaborate annotated edition of the Prayer Book, vol. II. p. 1153.

"The printers of the Prayer Book have committed a flagrant breach, or rather a succession of flagrant breaches of the law, for they have not only chosen to put their own construction upon the Statute, which undoubtedly is a false one, but they have, in order to carry out their false construction, actually omitted that portion of the Rubric after the Nicene Creed which directs the publication of the banns, and also substituted a new Rubric of their own at the commencement of the Marriage Service, although the Statute says nothing which in the remotest degree authorizes any alteration of the Rubric, but rather guards against any unnecessary deviation from it. . . . Even if the Statute were inconsistent and irreconcilable with the Rubric, which it clearly is not, there could be no pretence for altering the Prayer Book; the printers were bound to print it in the form required by the Act of Uniformity; and it was for those who had to act upon it to reconcile it with the Statute, as they might have done."

"May we not respectfully invite the authorities of our University Press at once to consult the original Sealed Copy of the Prayer Book, preserved in Christ Church, and in all future editions to restore the mutilated Rubrics hitherto so strangely dealt with? This appears to be one of those particulars which justify Mr. Stephens's reproach, that "the Universities of Oxford and Cambridge and the Queen's Printers cannot at the present moment produce a single edition of the Book of Common Prayer which is in accordance with the Sealed Books."

"We copy the following paragraph relative to the doings of an American naval gentleman in British waters. We hope it is not correct, and can hardly credit it, Lord Clarendon's patient submission to the insults of the American government to the contrary notwithstanding. It would be strange certainly if our Republican neighbours repudiated the principle of an enlistment of foreign soldiers by the British government within their borders, and had acted upon it themselves by an open attempt to enlist sailors in a British colony. If it be a fact, we should think it would be rather too much for even the Christian forbearance of Lord Clarendon to put up with—but there is no knowing to what extent the subservience to commercial interests would involve the honor of England; and Provinces and Colonies from the American Revolution until now, have always been considered makeweights in any policy the Government may think it advisable to pursue:

"Some unpleasant feeling had been caused in St. John's Newfoundland by the singular conduct of the commander of the U. S. Steamer *Arctic*. On the 29th ult., that steamer entered the harbour and passed close under the stern of H. M. Ship *Pylades*, then riding at anchor there, without showing any act of courtesy such as is usual on such occasions; and it was not until a boat from the *Pylades* pulled along side of the *Arctic* that the latter dipped her flag.—The commander of the *Arctic* afterwards managed to make his presence further disagreeable by causing notices to be posted through the city, advertising for men to enter the United States Navy

"We find in the *Colonist* a letter from Revd. J. C. Cochran, on the subject of a school for the instruction of the deaf and dumb. Institutions like these in large countries, command support from the many cases of affliction that exist and claim public sympathy. There can be no doubt that a single instance is as much deserving of it, as the many; and that the few whose hard lot may be ameliorated by care and attention ought to be attended to in the exercise of a public philanthropy. We do not however think that Halifax is yet prepared to sustain in any degree of proper efficiency an Institution for the deaf and dumb. The cases in Nova Scotia are comparatively rare, and all collected would probably not give proper employment for one good instructor. While therefore we approve the intention, we would rather see public contributions directed towards assisting those who actually need assistance from the poverty of their friends or their own, to reach the more perfect Institutions of the United States, and with this object we think that upon a computation of the number of cases, the Legislature would equally wish the community at large, be inclined to render its aid. The whole subject however, is one upon which there may be a variety of opinions, and we do not put forth our own, as the best or the wisest upon the course that ought to be adopted.

Judge Wilkins took his seat on the Bench, at Chambers, on Tuesday last.

"A presentation of medals from Louis Napoleon, Emperor of France, to some of the soldiers of the 63rd Regiment at prisons in this garrison, took place on Tuesday last. The parties complimented for distinguished bravery and conduct, are Sergt. Major Hughes, Color Sergeants Ward and Morris, Sergt. Aberin, and Privates McGowan and Sullivan. The occasion was not generally known, or the people would have made a strong muster.

A disastrous fire occurred in St. John N. B. on Tuesday 12th, by which the tannery of Mr. Richey where it broke forth, and a number of other buildings were destroyed. Another fire occurred on the afternoon of the 15th.

"We learn that large shoals of very fine mackerel have straggled into St. Margaret's Bay, gladdening the hearts of the fisherman and merchant in that vicinity.

LATER FROM EUROPE.

New York, Aug. 17.—The steamer *Gallic* arrived this morning under favorable weather.

The panic in the broadstuffs market continues. Flour declined two to three shillings per barrel. Canadian (sweet) 30s. to 31s.; Western Canal 24s. to 27s.; Ohio 32s. to 33s.

Corn firm and unchanged. Wheat quoted at 9s. 11d. to 10s.; for Southern White, 8s. 6d. to 9s.; Western red 9s. 2d. to 10s. Provisions generally unchanged.

Money market active, no change from previous quotations.

Governorship of Jamaica is tendered to Mr. Darling, Governor of Newfoundland.

The Spanish insurrection is suppressed.

We understand that the Hon. Joseph Howe, Mrs. Howe and son, were thrown out of their carriage on Tuesday morning, about a mile to the eastward of the Sackville Station. It seems that the leading horse of the team, a tandem, took fright on meeting a lumber wagon of peculiar construction, when suddenly wheeling round he threw the shaft horse and the carriage down a ravine some fifteen or twenty feet deep. We are glad, however, to learn that the accident is not likely to be attended with serious consequences. No bones were broken, no shoulder dislocated as was stated in one of the papers, and beyond an internal shock to Mr. Howe, and a sprained wrist to his lady, no harm done. Master Howe escaped uninjured.—*Chron.*

"The Children of the Sunday Schools in St. Paul's Parish, including St. Paul's, St. Ives's, and the Bishop's Chapel, enjoyed themselves on 15th inst. at a picnic kindly contributed for their amusement, by their friends and teachers, at the Farm of Henry Pryor, Esq. North West Arm. The afternoon was spent delightfully. The Lord Bishop, the Clergy of St. Paul's, the Sunday School teachers, and other friends took great interest in the entertainment, and gave it zest by their presence. Many of the parents of the Children visited the scene, and upwards of 300 of the little folks enjoyed themselves amazingly.

APPOINTMENTS.

His Excellency the Lieutenant-Governor, in Council, has been pleased to make the following appointments, provisionally, until the signification of Her Majesty's pleasure:—

The Honorable Lewis Morris Wilkins to be one of the Justices of Her Majesty's Supreme Court of Judicature for the Province of Nova Scotia, in the place of His Honor Mr. Justice Thomas C. Haulturton, resigned.

The Honorable William A. Henry to be Provincial Secretary for the said Province, in the place of the Honorable Lewis Morris Wilkins appointed to be one of the Justices of the Supreme Court.

The Honorable Adams G. Archibald to be Solicitor General, in the place of the Honorable William A. Henry, appointed to be the Secretary of the Province.

The Honorable William A. Henry, to be Clerk of the Executive Council, in the place of the Honorable Lewis M. Wilkins, appointed to be one of the Justices of the Supreme Court.

The Honorable Adams G. Archibald to be one of the Members of the Executive Council of Her Majesty's said province, in the place of the Honorable Lewis M. Wilkins, vacant by his appointment to the Bench of the Supreme Court.

A VALUABLE FAMILY MEDICINE.

"So celebrated has Dr. McLane's Vermifuge, prepared by Fleming Bros. of Pittsburgh, Pa., become, that it is regarded as the only specific cure for worms. Families should never be without a supply of it. At this season particularly, when worms are so troublesome and frequently fatal among children, parents should be watchful; and on the first appearance of those distressing symptoms which warn us of their presence at once apply this powerful and efficacious remedy. We are confident that it only requires a trial, to convince all that it richly merits the praises that have been bestowed upon it. It is safe and infallible. Vomices of vermiciferes can be produced, show its great medical virtues.

Purchasers will be careful to ask for Dr. McLANE'S CELEBRATED VERMIFUGE, manufactured by FLEMING BROS. of Pittsburgh, Pa. All other Vermifuges in comparison are worthless. Dr. McLane's genuine Vermifuge, also his celebrated Liver Pills, can now be had at all respectable drug stores.—None genuine without the signature of

FLEMING BROS.

Sold in Halifax by Wm. Langley and John Naylor.—