

abandon the duty of the office I hold, and to do that which the Legislature alone could do—to release the clergy of the Church of England from the obligations contained in the Articles, and to repeal by judge-made law, the provisions which Parliament has thought fit to enact by its authority. Before concluding, I think it right to explain why I do not advert to the many authorities which the zeal and learning of counsel have produced. My reason is this, that in my judgment not one of these authorities does that which was required in this case—namely, show that some divine of eminence has held without reproach from ecclesiastical authority doctrines in substance the same as those Mr. Heath has promulgated. Whatever opinions may have been held in the vast field of polemical divinity, I find none which can support Mr. Heath, or justify him. In the Gorham case, the Judicial Committee had the advantage of being able to quote in support of their judgment, and in justification of Mr. Gorham, passages from the writings of divines of the highest authority. I cannot conclude this judgment without observing that I am well aware of the fallibility of my own opinion, and especially in so peculiar a case as the present; but I have endeavoured, first, to make clear the principles which I intended should govern me, and secondly, to show plainly how I applied those principles to the case before me. If I have erred in either particular, the judgment of a superior court will correct me. It may be, however, that many will think that, though legally right, this judgment recognises too severe restrictions on the clergy, and shuts the door against inquiry and disquisition, which might tend to elucidate the truth. Now, even if this were so, it is not for a court of justice to open a door which the Legislature has shut. It is contrary to all sound principles for a court to seek, as has been formerly done by some judges, ingenious subterfuges to evade or weaken the law, and that upon a notion of its own power, to discover what is best and most convenient. Such a course is, I think, not only contrary to principle, but would be most injurious in its effect, for all such attempts to wrest the law according to supposed consequences invariably tend to postpone a remedy if there be a real evil. If there be bonds which press heavily on the clergy—as to which I give no opinion—I repeat that the Legislature imposed them, and the Legislature alone can loose them. I pronounce against Mr. Heath.

Mr. Bullar, in the absence of Dr. Phillimore, asked his Lordship to allow the defendant time to consider what course he should take after the judgment that had been pronounced. Under the statute retraction was open to Mr. Heath.

Dr. Lushington said he would allow ample time for consideration, and the cause was accordingly postponed for that purpose.

NOVA SCOTIA.

(Extracts from the Annual Report of the Society P. G. F. P. for the year 1861.)

Allusion was made in the last Annual Report to a great and noble design, which had been set on foot, and zealously promoted by the Bishop, to secure a permanent provision for the church in this province by means of endowment in land. The minimum required before any grant can be made, is £20,000, and vigorous efforts are making, spite of the failing fisheries for the last three or four years, to complete this amount. Meanwhile it will be seen, by reference to the subjoined returns, that much more than hitherto is being done by the several congregations for the support of the clergy, and the erection and furnishing of

their churches. Nova Scotia was the first colony formed into a Bishopric, and all will rejoice at the success of its efforts to place its church on a firm and secure foundation.

MILTON AND RUSTICO.—The Rev. J. S. Smith's report contains a vivid account of the difficulties which await the missionary in the northern regions.—

“The last winter (1860) I felt to be unusually severe, and the difficulties of travelling during the whole season unusually great. New Year's Day, which happened upon a Sunday, is not likely soon to be forgotten by me. I left home in my sleigh, accompanied by Mrs. Smith, to meet my usual engagements at Rustico. We had not proceeded far on our journey when the drifting of the snow, the raging of the storm, and the intensity of the cold, became almost intolerable. In addition to this the road, which was unbroken, was becoming more and more impassable. Several times we resolved to turn back, but again we thought it a pity not to persevere a little longer. In a little time the horse refused to exert himself, and he lay embedded in the snow, and unwilling to stir. With the assistance of some persons who saw our distress from a neighbouring house, I got the horse clear of the sleigh. We then laboured onward on foot, some leading the horse by the path they made, and some drawing the sleigh, until we thought we found the snow less deep, when we tackled up and started again. We did not go far, and the same was repeated, and then we turned back to the nearest house, which we reached perfectly exhausted, and not a little apprehensive that our feet or hands were badly frozen. After some rest, we were on our way back in time, as we hoped, for the afternoon service, but before I reached the Milton Church, three times more was I obliged (twice with only such assistance as my wife could afford) to take my horse out of the sleigh, and to proceed as in the first instance. It was much after the appointed hour when we arrived at the church, and the congregation, which consisted of but three or four persons had dispersed, so that, notwithstanding all my toil and suffering, I failed of both my appointments, and accomplished absolutely nothing that day.”

SHELBURNE.—The Rev. T. H. White thus sums up the history of this Mission, from his appointment to it in 1835:—

“The last year brought me to the close of the twenty-fifth of my residence in this mission, and the thirty-first of my ministry. I look back upon this long period of my life with fear and trembling, and in deep abasement of soul for my many negligences and ignorances, not unmingled, I trust, with heartfelt thanksgiving to the Author and Giver of all good for His manifold mercies vouchsafed unto me, and for the measure of success with which, I humbly hope, he has blessed the ministrations of his servant in this place. The late Bishop Ingles appointed me to this mission, December, 1835, Dr. Rowland, who had been rector for forty-one years, still retaining his title, and continuing to ‘render such assistance as he was able’ until the year 1849, when he finally retired, and left the province. Since that period, the entire work of the mission has devolved upon me, and I have found it increasing upon my hands year by year, until it is quite impossible for one man to perform it in a manner commensurate with the necessities of the mission or satisfactory to himself. I feel thankful that there has been a gradual enlargement of the number of communicants; so that, from less than sixty when I came to the mission, they have increased to 123: very few of those whom I found on the ‘list’ being now alive. There was but one church in the mission—now there are four. One of these

(at Barrington) being now the nucleus of another mission, which promises to be a successful one. There are also two other places of worship in which I have a right to officiate, which right I exercise from time to time. 1,553 children and adults have been baptized by the present incumbent, 403 couples married, 348 persons buried, and upwards of 62,000 miles travelled by him in the discharge of his various duties. I have mentioned these details to show in part what has been done through the instrumentality of the venerable Society for the Propagation of the Gospel in this place. I say in part, for all the blessings she has been the means of disseminating in this mission will only be known at the last great day. If it had not been for the aid of the venerable society, sad, indeed, would oftentimes have been the condition of this mission. Frequently for months, yea, years, has the Society's Missionary been the only minister of any kind in this place, so that all, of every name in this community, have cause to thank God for the Society for the Propagation of the Gospel, and to ‘rise up and call her blessed.’”

NEWFOUNDLAND.

No diocese has a more just claim on the sympathy and help of the mother church than Newfoundland. The isolation of many of the missions, the separation of one station from another by coves and arms of the sea, the severity of the climate and poverty of the fishermen, combine to render the position of a missionary in that island one of unusual trial. Yet it is gratifying to hear how cheerfully the clergy bear their daily burden, and how thankfully, upon the whole, their ministrations are received. The following extracts from the reports of the missionaries will serve to show that their labours have not been in vain. They will shew, also, how liberally the poorest are prepared to give, both of their scanty means, as well as of the labour of their hands, for building their own churches. But while those immediately benefitted are ready to help to the utmost of their power, it is most encouraging to hear that those whose means are greater, are mindful of their high privilege, in contributing of their substance to promote the highest spiritual interests of their brethren.

A noble instance of liberality, and not the first by many, on the part of a lady, is reported by the Bishop. He says (June 18):—

“I am just returned from the consecration of a new churchyard at Topsail, on the South shore of Conception Bay, twelve miles from St. John's. The church has been built, and partly endowed by the liberality of our most kind and excellent friend, Mrs. Johnson, who has given a very nice parsonage, and £1,000 for the support of the clergyman; and these gifts are besides, and in addition to £300 towards the erection of the church, which has been brought to completion by the Rev. Charles Palairet, who has taken charge of the church and district attached.”

PORTUGAL COVE.—The Rev. Algernon Gifford has sent copious reports of his new mission, in which he records with gratitude the hearty welcome given him by the people on his coming among them. Of the difficulties and failures connected with the task of improving the religious and social condition of the poor in this wild region, he writes thus:—

“It must be remembered that the great bulk of the population has arisen by very slow degrees under the auspices of a small knot of merchants, living in the capital, who have increased in number and wealth at their own centre, by successfully negotiating the common product of the people's labour in their country's only staple;