

Hatcham type has not occurred. A petition from a Herefordshire Rural Deanery has been adopted for presentation to both Houses of Convocation, pointing out the objectionable features of the Public Worship Regulation Act, and asking for influence to be brought to bear on Parliament for its amendment. Doubtless many like petitions will be sent in.

It is rash to assert for two consecutive weeks that the peace of Europe is secured; there is a spirit of restlessness and suspicion abroad which may at any time mar the pacific endeavours of the diplomatists. At present, however, the prospect is again brightening; General Ignatieff's visit to England seems to produce a good effect, and the Russian protocol, amended in some particulars by the English Government, is accepted by all the Powers, and not repudiated by Turkey. But now there are ugly rumours of religious fanaticism at Constantinople, of an outbreak in Arabia, of a pending insurrection in Candia and of disquiet in Greece and Albania. Peace between Turkey and Montenegro is not quite settled.

In the English Parliament, at the date of our last papers, the interminable Eastern Question was still in a languishing way, being debated by the Lords; but in the House of Commons the discussion had informally been adjourned *sine die* to the great relief of all concerned, all having been said that could be said on either side. Mr. Knatchbull Huggessen's Colonial Marriages Bill obtained a majority of 51 on its second reading, a result which several papers confidently predict will very shortly be reversed. On the pretext of removing the disabilities under which Australians labour, it is in fact another attempt to legalise in England Marriage with a deceased wife's sister. A law legalizing such marriages in some Australian colonies was, after much resistance, allowed by the Colonial Office to come into force. The children of such a marriage are in England recognized as legitimate, except in one particular—they cannot, in cases of intestacy, succeed to real estate. An owner of property can always exempt his children from the operation of this law by the sensible and natural course of making a will, so that the grievance is an infinitesimally small one, more theoretical than real. Exactly the same grievance applies to Scotland, where children are legitimized *per subsequens matrimonium*, a process not recognized in the English law of inheritance. As a matter both of religious and civil principle we prefer that the English law should remain as it is at present.

COURT OF CHANCERY, TORONTO.

DUNNETT vs. FORNERI.

THIS suit is one of the most important for the Church at large in this country which has ever come before the Canadian Courts, as it is a suit instituted by an unconfirmed member of the congregation of Christ Church, Belleville, in the diocese of Ontario

—to compel his pastor, the Rev. R. S. Forneri, B.A., to continue to admit him to the Holy Communion, when in the honest exercise of his judgment and conscience he had refused to administer it to him until the mind of the Lord Bishop should be made known in regard to the matter. The case was argued on Friday, the 16th inst., in Osgoode Hall, before Vice-Chancellor Proudfoot, upon "Bill and Answer," i.e., upon the statements of Mr. Dunnett's complaints and the Rev. Mr. Forneri's replies thereto. Thomas Hodgins, Esq., Q.C., appeared for the plaintiff, and John A. Boyd, Esq., Q.C., for the defendant. After reading the Bill, Mr. Hodgins proceeded to read also his cross-examination of the defendant on his Answer, when counsel for the defendant objected, and argued that no evidence should be read on a case which had been set down for hearing upon Bill and Answer only. The Vice-Chancellor ruled that the cross-examination might be read, which was done, and counsel for plaintiff then proceeded with his argument. He argued first upon the question of jurisdiction that this court had authority to deal with such matters, citing among other precedents the case of *O'Keefe vs. Cullen*. He also quoted the decision of the Supreme Court in the Charlevoix election case to prove that the courts had jurisdiction.

Mr. Hodgins next took up the complaints in the Bill, and argued that the plaintiff by being deprived of the Holy Communion was in danger of losing his seat in Synod, which was a civil right, inasmuch as it was conferred by statute. And also that as a contributor to the funds from which the bread and wine for Communion were purchased, he had a legal right to participate of them. In regard to the question of Confirmation he argued that it was not binding on a communicant to be confirmed, that this condition might be waived, and, in fact, in this case, had undoubtedly been waived, as the plaintiff had been admitted to the Sacrament after he was known to be unconfirmed. The plaintiff prayed to be restored by the court to his rights, and granted the costs of the suit.

Mr. Boyd, Q.C., in reply, denied the jurisdiction of the Court in such matters. The Bill showed no right of property to be involved, and it was not alleged or pretended that the defendant was actuated by malice in repelling the plaintiff, and without this no action of any kind could be sustained.

He contended that the plaintiff himself felt this difficulty, and had endeavoured to surmount it by setting up a trust, though there was no trust that the Court could take any notice of. For with regard to the danger alleged of losing his seat in Synod, it was in his own power to so conduct himself as to be entitled to receive the Sacrament and retain his seat, even if it was in danger, which was not alleged. And as to his right as a contributor to the purchase of the materials of the Communion, the alleged trust was so infinitesimal in character, that the Court would take no cognizance thereof.

He pointed out that the suit was prosecuted for costs only, as the plaintiff was now attend-

ing and receiving the Holy Communion at another church, St. George's, and the incumbent had resigned Christ Church for another in Belleville. He argued also that the canons and rubrics of the church sent the plaintiff to the Bishop for relief, and that until he had taken the proper steps to obtain relief in the church he could have no *locus standi* in this court. It was not a case of excommunication or ejection from the membership of the church, as the complainant stated, but of suspension merely until the bishop's order and direction were made known. He argued that a clergyman could not waive confirmation, which was plainly laid down as a condition of communion by the rules of the church, and that if he did so he rendered himself liable to prosecution for a breach of the rubrics. He maintained that a clergyman had clearly the discretionary power to refuse the Holy Communion to such as in his conscience and judgment were unfit to participate, and that such refusal was not actionable unless it could be shown that the clergyman had acted from malicious motives, which was not attempted in this case to be shown. The learned counsel argued the case with his usual ability and cited numerous cases to sustain his position. The discussion lasted over four hours. Mr. H. W. Murray, for defendant, also supported this view, though the exhaustive arguments of Mr. Boyd made it unnecessary for him to follow at any length. Mr. Hodgins, Q.C., in reply contended that it was not an ecclesiastical but a civil right the plaintiff sought to be enforced, and therefore this court had full jurisdiction. Judgment was reserved.

THE SUNDAY NEXT BEFORE EASTER.

THIS famous Sunday has been called by a great variety of names in different parts of the Church, and in various periods of her history. In some parts of Europe and the East it is termed Hosanna Sunday, from a manifest allusion to the exclamation of the multitudes that went before and that followed, in Christ's triumphal march towards His beloved city Jerusalem. By St. Jerome and some later writers it was called Indulgence Sunday; which some suppose to have originated in a custom of the Christian Emperors, who set prisoners free and closed all courts of law during this week; while others think that the name originally pointed to our Lord's work of redemption, and His great love in going forward willingly on this day to meet His sufferings. From the awfully important events which occurred in the last week of the Lord's life, the week has often been called The Great Week, and The Holy Week. As early as the days of St. Chrysostom there was during this week a cessation of business among Christians; fasting was observed with greater strictness than in the other parts of Lent; special acts of mercy and charity were engaged in by all; and the Christian Emperors set an official example by adopting ceremonies of which our Royal Maunday is a relic.

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