

was condemned by the unanimous voice of the Court of appeal to \$400 damages, and Judge Caron, in rendering judgment, said that if the curé had more means, he would condemn him to \$2,000.

In the case of Mallette vs. the curé of Obataugay rendered 29th September, 1864, the curé was sued in damages for stating in a public meeting that any one who would vote for Mallette as church-warden, would receive no sacrament even in "articulo mortis," and he pleaded that he was directed by a letter of his bishop to hold that language. He was nevertheless condemned to \$100 damages.

In the case of Naud vs. Sartigne, the Court adjudicated on the merits in declaring that the curé had not proved his title not to be removed by his bishop, and that in the absence of such title the Court would not interfere, with the powers of the bishop to remove his subordinates from one Parish to another. We see in vol. 2 Edits. Ord. p. 322 and seq., that "intendant" Dupuy took the ground of the supremacy of the Civil Courts in adjudicating upon the scandalous quarrel raised around the body of the late bishop St. Valier, saying that the "Church" was in the State, and not the State in the Church.

An objection which seems at first sight to have some weight, consists in repelling the intervention of the courts, to force a process to give ecclesiastical burial, and accomplish clerical ceremonies. It is said that this would be a violation of the Church. Without speaking of the numerous judgments rendered in France, we had here the judgment of a court ordering a priest to administer the sacrament of baptism, which is much more important than burial, which is not a sacrament.

Now if we look into the canonical questions raised in this cause, find that the order given to the curé not to grant ecclesiastical burial to the deceased, is not founded on any canonical ground.

The Court proceeding at great length to discuss the merits of the case, held that the defendants had wrongfully refused to grant to the remains of Guibord sepulture in the Catholic Cemetery; that the defendants were not well founded in their pretension that burial could be refused because Guibord was a member of the Institute and accordingly under ecclesiastical censure; that their refusal was a violation of civil and ecclesiastical law and of the canons; that the prohibition of the administrator of the diocese was not sufficient; that said Administrator was without just defence in supporting his prohibition by a certain letter from the Diocesan, inasmuch as such letter concerned nothing but the refusal of abscolution; that even if Monseigneur had so ordered he would have been guilty of abuse of power; that Guibord was at the time of his death in possession of his status as a Roman Catholic parishioner, with all legal rights; and that the defence of defendants cannot be entertained.

His Honor then ordered that plaintiff should present the body of Guibord, with offer of legal dues for burial, and that peremptory "mandamus" should issue so commanding, such writ to be returned on 5th May instant.

We learn that an appeal is to be taken from the judgment.

Lafamme, Q. C., (with him Doutré, Q. C.,) for petitioner.

Lotte (with him Cassidy, Q. C., and Tardif) for defendants.

CHURCH OF ENGLAND.

Colonel Elphinstone, the promoter of the "Church Ornament" suit against the Rev. Mr. Purchas, of Brighton, which we have noticed in these columns, has recently died. His death puts an end to the appeal from Sir R. Phillimore's judgment, in the Court of Arches, now pending before the Privy Council.

The case of Mr. Bennet, of Frome, which came before the Privy Council by appeal, has been heard, before the Archbishop of York, the Bishop of London, the Lord Chancellor, Lord Justice Giffard, and Sir John Napier. The Court ruled unanimously that Sir R. Phillimore, in his previous decision, had erred in his interpretation of the Church Discipline Act. It was held that the work written by Mr. Bennet, sent up with the letters of request, might be made the materials of evidence in support of certain charges put forth in the letters of request and citation. On this point Sir Robert Phillimore had gone beyond the province of law, although he was justified in refusing them as evidence on the second ground—namely, that the subject of the reception, by the wicked, of the Lord's Body and Blood, contrary to the teaching of the Church of England, was not to be found in the two works annexed to the letters of request, but only referred to in a separate work by Mr. Bennett, who expressed his entire approval of it. The case, therefore, as it at present stands, will be remitted to the Court of Arches, whence it came, for hearing on the charges which are now admitted to proof. The *Rock*, in noticing this action of the Privy Council, and the course of Mr. Bennett, throughout the whole affair, says: "The history and present condition of this cause celebre in our Ecclesiastical Courts is singularly and typically significant of the deplorable state of our ecclesiastical law, and the absurdity, vexatiousness, uncertainty, and inconsistency of our Ecclesiastical Courts and their processes, from the lowest to the highest. Precedents and principles of equity, based on the clearest moral obligations, common

to almost every other court and method of procedure known to our legal practice, are, in our Ecclesiastical Courts, simply either put out of court, or outraged, or misapplied, if at all admitted *prima facie* into Court." The *Record* boldly arraigns the assessors in this case. It says: "We cannot congratulate either Mr. Bennett or the party he represents on their partial victory. If the 'Anglican Catholics' desired to have their teaching honestly brought to the test, they would agree upon a case with those whom they stigmatize as Protestants, and refer it to judicial decision. All questions might then be brought to fair issue without keeping anything in the background, and the teaching of the Church of England might then be judicially tested. The Court of Queen's Bench considered that this question respecting the reception of the wicked, had been fairly raised. The Judicial Committee have thought differently. It was possible for the Church Association to foresee this conflict of judicial opinion. We may, however, remark that we have every reason to believe that the Judicial Committee were not unanimous on this point. The most melancholy feature in the case is the abnegation of the episcopal vow, so solemnly taken at the consecration by the Bishops, with all faithful diligence to banish and drive away all erroneous and strange doctrine contrary to God's Word, and both privately and in public to call upon and encourage others to the same."

A correspondent writing to the *Record* says:—

SIR.—An impression seems to prevail in some quarters that in consequence of the death of the promoter in the case against the Rev. John Purchas, of Brighton, the appeal to the Privy Council cannot be proceeded with, and that, therefore, the points decided by Sir R. Phillimore in favour of Mr. Purchas are now law.

It is necessary to state that the appeal to the Privy Council will be proceeded with upon the points decided adversely to the promoter; and, consequently, that such points are, pending the appeal, not binding in law.—Yours faithfully,

W. C. PALMER, Secretary.
Church Association,
14 Buckingham st., Strand, W.C.

JEWISH HOLIDAYS.

SOME OF THE JEWISH RELIGIOUS OBSERVANCES DURING THE PRESENT MONTH.

The religious festivals among the Hebrews are scarcely less numerous than among the Roman Catholics. The first day of every month is a half-holiday, and is kept as a fast by those of the Jewish faith who are strict in their observances. In this year, 1870, which, according to Mosaic calculation, is rated by the Jews as the year 5633 from the creation of the world, the beginning and end of each month correspond in the two calendars. The first day of May, according to the Gregorian calendar, was the same as the first day of May according to the Jewish calendar. In this month some of the most important festivals of the year occur.

A very interesting one falls on the 15th inst., and is called Shenee Pesach. This festival was instituted for those who were absent from their homes on the day of Pesach, and could not appear in their temple to offer up the prescribed sacrificial gifts. For such Shenee Pesach was ordained, that after their return they might do what they could not on the regular day of the Easter festival. But the most important and religiously hallowed day for the Jews during the present month will be on the 19th, which is called Lag Beomer, it being the 23rd day from the first day of Pesach. By the 9th verse of the 16th chapter of the Deuteronomy the Jews were commanded: "Seven weeks shalt thou number unto thee; begin to number the seven weeks from such time as thou beginnest to put the sickle to the corn." In obedience to this, in all orthodox Jewish families the counting is begun from the first day of Pesach, each day being separately counted and an appropriate blessing said. These seven weeks extend from Easter to Pentecost, the latter being the feast of the law, Moses having received it on the 50th day after Pesach on Mount Sinai. It is a season of sorrow, and no Jew was, in former times, permitted to shave, and no marriages were allowed to be contracted during its continuance. But the 23rd day (Lag Gimmel) of the season of Omer, was, and

is even now, a day of rejoicing. Akiba, a slave, who had been converted to Judaism, and, owing to his genius and learning, became one of the Talmudists, had a number of disciples, a majority of whom were carried to the grave by a pestilence which had broken shortly after Pesach, but suddenly ceased its ravages on the 23rd day. Hence the restraints of the season of sorrow are removed on this day, and joy and hilarity and marriage are permitted.

There is also a symbolical interpretation of the institution on this festive day. After the Jews fled from Egypt they occupied 33 days in cleaning themselves from the pollution of slavery and preparing to receive the law, which was promulgated 17 days later, on the day of Shebnath, which comes this year on the fifth day of the month of Sivan, corresponding with the same date on the following month of June. On the 31st of May is observed Rosh Chodesh Sivan, or the first day of the month of Sivan, to which again the remarks are applicable made in regard to the first days of every month and to the days preceding them.

THE ESCAPE OF A NUN FROM A CONVENT.—Details on this subject, possessing special interest at this time, are given in the *Birmingham Gazette*. It appears that one called "Sister Agnes," a nun belonging to the Roman Catholic Convent, at Bedlam's End, Baddesley Clinton, near Knowle, Warwickshire, effected her escape; she was stopped on the highway by a female servant in the occasional employ of the nunnery, and ultimately brought back and consigned again to the institution. The reporter relates the discovery of poor "Sister Agnes" (who had been a great invalid) by Mrs. Heath (an occasional employé of the nunnery) on the highway on Sunday morning. Mrs. H. accosted her, and her story was that she had got away and wished to go to Warwick to see Father Crossbey. Mrs. H. offered conveyance, which, in spite of the illness having gone to her head, the sister accepted. They passed together towards the village. The nun was taken into one of the cottages while Mrs. Heath sent word to the Convent that Sister Agnes was under her care. Some of the sisters immediately came out to the village, and had an interview with the escaped nun. According to Mrs. Heath, Sister Agnes was brought

her back when the kindly and judicious matron interposed. Would it not be wise first for a doctor to see her and pronounce as to her sanity? This hint was not lost; and it is reported that several medical gentlemen saw her. Soon after Sister Agnes had been seen by the medical men, and (as we are informed) declared insane, she was taken back to the convent. In the village there was great excitement. Under the publicity which the event gained, delay would be dangerous. We are not fully informed of what action was taken, but we believe we state a portion of the exact facts when we say that Mr. Kimbell at once reported to the relieving officer of the parish that there was a case of insanity at the convent, and that he would be required to attend at the convent next day (Monday) at two o'clock. On Monday, at the hour stated, the relieving officer was waiting outside the convent, but Mr. Kimbell did not appear while our representative stayed, and he did not leave until three o'clock. To this narrative of simple facts it is needless to add comment. We must report, however, that a feeling approaching to excitement prevails for many miles surrounding the convent.

An English clergyman suggests that the Bible should be read in schools, in the original Greek or Hebrew. He thinks his plan would remove all objections, and increase the moral effect upon the children.

Caution! In our changeable climate, coughs, colds, and diseases of the throat, lungs and chest will always prevail. Cruel consumption will claim its victims. These diseases, if attended to in time, can be arrested and cured. The remedy is Dr. Wistar's Balsam of Wild Cherry.

Commercial.

Church Observer Office,
Wednesday, May 18, 1870.
Greenbacks bought at 13 dis., and sold at 12½. Silver 6 to 6½ p.c. dis. Exchange, 12½. Gold, 14½.

STOCK AND SHARE LIST.

Table with columns: BANKS, Am't of Shares, Paid up, Dividend last 6 m, Closing Prices. Includes entries for Bank of Montreal, Bank of B. N. A., Bank of Commerce, etc.

ROBERT MOAT, BROKER, North British Chambers, Hospital Street

GRAND TRUNK RAILWAY COMPANY OF CANADA.

1870. Summer Arrangements. 1870.

Trains now leave Bonaventure Station as follows:—

GOING WEST.

Table listing train schedules for the West, including Day Express for Ogdensburgh, Ottawa, Brockville, Kingston, Belleville, etc.

Trains for Lachine at 6.00 A.M., 7.00 A.M., 9.15 A.M., 12.00 noon, 1.30 P.M., 4.00 P.M., 5.30 P.M., and 6.30 P.M.

The 1.30 P.M. Train runs through to Province Line.

GOING SOUTH AND EAST.

Table listing train schedules for the South and East, including Accommodation Train for Island Pond and Intermediate Stations, Express for Boston, etc.

The Steamers "Chase" and "Carlotta" leave Portland every Wednesday and Saturday afternoon, for Halifax, N. S., respectively at 4.00 P.M.

The International Company's steamers, running in connection with the Grand Trunk Railway, leave Portland every Monday and Thursday, at 6.00 P.M., for St. Johns N.B., &c., &c.

Tickets issued through at the Company's principal stations.

For further information, and time of arrival and departure of all trains at terminal and way stations, apply at the Ticket Offices.

C. J. BRYDGES, Managing Director. Montreal, 9th May, 1870.

TO THE WORKING CLASS.—We are now prepared to furnish all classes with constant employment at home, the whole of the time or for the spare moments. Business new, light and profitable. Persons of either sex only earn from 20c. to \$5 per evening, and a proportional sum by devoting their whole time to the business. Boys and girls earn nearly as much as men. Those who see this notice may send their address, and test the business, we make this unparalleled offer. Touchans are not well satisfied, we will send \$1 to pay for the trouble of writing. Full particulars, a valuable sample which will do to commence work on, and a copy of *The People's Literary Companion*—one of the largest and best family newspapers published—all sent free by mail. Reader, if you want permanent, profitable work, address E. C. ALLEN & CO., AUGUSTA, MAINE.