

Selectio.

Our readers we dare say, have often heard or read of the celebrated Braintree case, which arose out of the opposition to the payment of Church-rates. The principle involved has been settled satisfactorily, so far as the right of the Church is concerned, altho' the final judgment has been adverse on the ground of informality in the proceedings. In publishing the following history of the case we have in view to show the nature of the opposition which the Church experiences in the pursuit of her legal rights, as well as to instruct Churchmen in the interesting details of the case. Although it is not likely that the object of the "statement," viz. the recompense of Mr. Veley, for his self-denying exertions in the cause, will be very largely promoted at this distance—yet no member of the Church we are sure, will withhold from him a tribute of admiration for his efforts to establish her just claims.—*Ed. Ch. Times.*

BRAINTREE CHURCH-RATE CASE.

The Archdeacons of the original diocese of London desire to call the attention of the lay and clerical members of the Church to the following statement of the origin and conduct of the Braintree church-rate case.

After the abolition of the church cess in Ireland by the Legislature in 1833, opposition to the church-rates in England, which had not previously existed to any serious extent, assumed a more determined and uncompromising character. The making of church-rates began now to be opposed in every parish where the parties hostile to the Church had influence. The clergy were harassed beyond measure by the constant recurrence of contention and disorder on this subject in their hitherto peaceful vestries, and in many large and populous parishes the churchwardens were entirely deprived of funds for repairs and church requisites. The law regarding church-rates, which was supposed to be undefined, encouraged this opposition, and the archdeacons and other ordinaries could not resort to the remedies prescribed by the ecclesiastical law against recusants in these matters, because those remedies were almost absolute, and not suited to the times. They were, moreover, anxiously awaiting the termination of a suit, instituted by the churchwardens of Braintree in Essex, acting upon their own responsibility, and without the intervention of any superior authority, which involved the whole question in dispute, and promised an early and satisfactory result.

At Braintree a church-rate had been refused for several years, and the church was verging upon a state of dilapidation. Mr. Veley, a resident solicitor, from a strong sense of duty and attachment to the Church, although entitled to exemption from the office by his profession, allowed himself to be elected one of the churchwardens in 1837, for the express purpose of trying the church-rate question in a new form; Mr. Veley entertaining an opinion, founded on a decision of Sir William Wynne, an eminent civilian of the last century, that churchwardens had a power of making a rate themselves for church expenses, whenever they failed to obtain one in the usual way, in vestry.

In accordance with this opinion, a rate having been again refused by a majority in the Braintree vestry, Mr. Veley and his colleagues proceeded to make one themselves, and afterwards commenced a suit, in the Consistory Court of London, against a dissenter, who refused to pay it. At the end of 1837 the churchwardens had judgment in their favour, and the rate was established. But the cause being carried into the Queen's bench, a prohibition was granted in 1840, overruling the favourable decision of the ecclesiastical court, and invalidating the rate.

Nearly four years had now been spent in the courts of law, and the real point at issue not yet satisfactorily determined; that eminent man, the late Sir W. Follett, with others of great authority, being of opinion that Mr. Veley's original position could still be maintained, and strongly advising an appeal against the decision of the Queen's Bench.

It had, however, by this time become a matter of serious consideration with the churchwardens whether they ought in prudence to carry a suit, in which they were only officially interested, any further. They were already responsible for costs in the two suits to the amount of £500 at least, exclusive of Mr. Veley's professional services, which he wished to be considered as gratuitous. Great legal skill and dexterity had been evinced on the part of the defendant, and it was no secret, that the defence was actually supported by contributions from the dissenting body at large, with a determination to resort, if driven to it, to the last Court of Appeal.

A. the crisis of the cause, the expediency of supporting and continuing it being submitted to the bench of

bishops by the late Archbishops of Canterbury and York, and the Bishop of London, their lordships the bishops concurred with them in opinion that, considering the great importance to the Church of the matter in dispute, and the ability and discretion with which the Braintree cause had been conducted, and that it brought to one point, and was calculated to set at rest, the question on church-rates, which now agitated the whole kingdom, it was advisable to adopt and support it on grounds of public policy. A subscription was entered into to reimburse Mr. Veley for the costs already incurred, and to provide for the future. The Archdeacons of the old diocese of London were accordingly directed to communicate with Mr. Veley from time to time, and two of them, the Archdeacons of London and Essex, entered into the requisite security to prosecute an appeal against the decision of the Queen's Bench in the Court of Exchequer Chamber, and thus continue the original cause.

In 1841 the appeal was decided against the churchwardens, not on the ground taken by the Queen's Bench, but because they had, at a time subsequent to the vestry, by themselves, and not at any parish meeting, imposed the rate.

In the memorable judgment, delivered on this occasion by Lord Chief Justice Tindal, the correctness of Mr. Veley's original position was so distinctly intimated, that there was no hesitation in beginning the suit anew and in the form suggested by the Chief Justice.

Without entering into details, it may here be sufficient to state, that the cause was renewed in 1841, and after passing through the Consistory Court in 1842, the Court of Arches in 1843, the Queen's Bench in 1847, and the Court of Exchequer Chamber in 1850, in all which the only adverse decision was that of Dr. Lushington, the judge of the Consistory Court, it was finally determined in the House of Lords, in the year 1853, that this particular rate was made by the churchwardens of Braintree under circumstances, which rendered it invalid.

It is, however, satisfactory to observe, in reviewing the progress of this great cause, that the legal obligation of parishioners to repair their parish Church, the great principle really involved in the question, has been upheld, and affirmed, by all the judges of all the different courts, and in every stage of the proceedings; although the existing state of the law does not afford adequate means to enforce the obligation against persons who are wilfully determined, at whatever cost, to resist it: and it is now a matter of consideration, whether the Legislature ought not to take some steps to meet the case, in order that a remedy may be found for such disobedience to the law.

The costs of these proceedings, which were protracted from 1827 to 1853, a period of sixteen years, and consisted of eight distinct suits, in the different courts, amount to £2378 11s. 4d. After deducting £700, the amount of the subscription in 1841 before noticed, it appears that there remains due to Mr. Veley, for money actually advanced, or still to be paid, by him, the sum of £1678 11s. 4d.—independent of an outlay of more than £200 for travelling and personal expenses during 130 days spent in the cause—for which sum he it observed, he has made no claim.

Under these circumstances it seems absolutely necessary, that Mr. Veley should at least be immediately reimbursed for the expenses which he has incurred. This statement is put forth, with the sanction of the Archbishops of Canterbury and York, by the Archdeacons of the old diocese of London, in order to raise a fund, by subscriptions, for that purpose. It is hoped that many of the laity will readily concur with the bishop and clergy in doing him this act of justice. He undertook the case entirely on public grounds; he has conducted it with the utmost diligence, judgment, and ability; he was encouraged and directed to persevere by assurances of support from the highest ecclesiastical authorities; he claims no compensation for all the time and labour which he has for years devoted to the cause, and not even for his personal expenses: and being thus in every respect entitled to the gratitude of the Church, he cannot surely be allowed to incur pecuniary loss in consequence of his exertions in its behalf.

W. H. HALE, Archdeacon of London.

HUGH C. JONES, Archdeacon of Essex.

JOHN SINCLAIR, Archdeacon of Middlesex.

CHARLES PARN BURNBY, Archdeacon of Colchester.

ANTHONY GRANT, Archdeacon of St. Albans.

The Earl of Zetland, grand master of the masons, has given notice of a motion for a vote of £1,000 from the funds of the grand lodge to the Patriotic Fund.

THE CRIMEAN ARMY FUND, announced in its two first lists, subscriptions to the amount of £7,500. The Fairy yacht placed at the disposal of the committee by her owner, Mr. William Lyon, sailed from Portsmouth on the 7th; she took tobacco, pipes, tea, chocolate, leather, and stationery. A steam-vessel, capable of stowing 370 tons of goods, is now loading for immediate despatch in the river; and the Earl of Killmore's yacht will begin to ship a third cargo on Monday. Prince Albert ships a quantity of tobacco and pipe; the Prince of Wales, it is said, presents a Christmas pudding to Davies, the gigantic Grenadier, Mr. Jennings, the proprietress of a Berlin warehouse, in Southampton, has offered to provide wool for a thousand pair of cuffs, and a host of young ladies are busy making them. The same has been done by a tradeswoman at Bristol. Mrs. Chatterton has sent out for the men of the 4th Royal Irish Dragoon Guards (Major-general Chatterton's late regiment), three hundred pounds of tobacco. Two young ladies at Downside, the misses Evans, have forwarded for the use of the wounded, the large quantity of 5,793 yards of linen bandages, 108 yards of flannel bandages, 11 linen and 23 flannel shirts, made by themselves. The ladies of Weston-super-Mare exhibited at the town hall, on Tuesday last week, prior to their being sent to Colonel Yea, of the 7th Fusiliers, 151 jerseys, 23 comforters, 100 pair of socks, 189 pairs of stockings, 190 caps, 60 pairs of drawers, 60 pairs of gloves, 31 mufflers, gauntlets, &c., 72 flannel waistcoats, 11 blankets, 10 railway wrappers, besides several barrels of hams, cases of cocoa and tapioca, bundles of linen, stationery, tins of biscuits, knives, frying-pans, coffee-pots, also above 1,000 books, tracts, and newspapers. The Duchess of Montrose is on the Ladies' Crimean Fund Committee at Glasgow. The Duke of Portland's servants at Welbeck Abbey are actively engaged in potting and preserving beef, venison, pheasants, hares, and rabbits. A liberal supply of ale and milk, and a stock of flannel clothing is also to form a part of his grace's bounty. The Earl of Manservant last week sent off a waggon load of edibles and clothing.

At Cheltenham, Mrs. Close and other ladies have been very energetic. Fifteen deal cases were despatched on Thursday morning to the Admiral's office, Dockyard, Portsmouth, the Great Western Railway Company carrying them free. The articles sent were 195 railway rugs, 96 blankets, 729 pair of stockings, 673 pair of socks, 928 comforters and coats, 294 flannel shirts, 1,119 gloves, mitts, mufflers, &c., 36 coats and cloaks (some with fur, &c.), 187 chest preservers, 15 pair of drawers and trousers, 235 caps and hoods, 11 waistcoats and jackets, 17 dressing gowns, 60 shawls, 156 pocket-handkerchiefs, 5 pair of slippers, 144 pair of soles, 22 pieces of flannel, 932 jerseys and vests, 16 pounds of suet, 54 cork soles lined, 1 counterpane and pillow, and 15 towels, making a total of 6,063 articles, in addition to which there was a very large supply of old linen. The following articles have been forwarded by members of the University of Oxford:—126 overcoats, 32 dressing gowns, 504 flannel jackets, jerseys, &c., 212 flannel trousers, drawers, &c., 184 cloth trousers, 13 plaids and rugs, 12 blankets, 105 cloth waistcoats, 264 shirts, 324 pairs of socks, and stockings, 46 pairs of slippers, 278 handkerchiefs, &c., 103 caps, 100 pairs of woollen gloves, 12 pairs of gaiters, and 3 cases of books and newspapers. Cambridge has sent—250 pairs of trousers, 80 coats, 76 waistcoats, 15 dressing gowns, 265 flannel waistcoats and jerseys, 140 shirts, 110 pairs of stockings, 42 pairs of shoes, 40 caps, several dozen pairs of gloves, mufflers, handkerchiefs; 31 packets of tobacco, and some cigars; 1 box of pipes, 6 packets of cocoa, and some tea; 450 volumes of light literature, several Bibles and Prayer-books; a surplice, and 1 King's scholar's gown. The Countess of Wiltton has collected from various fair donors in Chester similar articles, and in addition her packet will contain—6 bags with needles, buttons, &c.; 6 tooth-brushes, 15 reams of writing paper, 2,000 envelopes, 7 dozen pencils, 4 gross boxes of steel pens. The Misses Collinson, of Bolton, sisters of the Arctic navigator, have made 100 woollen masks or boots to cover the face, similar to those used in their brother's vessel in the Polar regions. About 4,000 pairs of mittens, comforters, &c., have been collected by the exertions of Miss Hearncroft, residing in Worcester-shire. Mr. Edward Churchill, of the Calverley Hotel, Tunbridge, has put the resources of his establishment in requisition for the purpose of making and supplying our troops with 160 Christmas puddings. Mr. John Jones, of Chester, presents the men with 6,000 "cutty pipes."

Up to the latest date the subscriptions in Liverpool, in aid of the Patriotic Fund, amounted to £25,000. The Odd Fellows throughout the country have proposed to contribute one penny each.