

courts in its entirety could not be introduced; neither could his Grace lay down any particular course to be followed on this occasion. The ordinary course must be taken, but still the defence should have every latitude possible given them; in fact, his Grace wished Dr. Phillimore to take the amplest means of defence which he could, whether it were technical, legal, or otherwise.

Dr. Phillimore then having indicated the course which he intended to follow proceeded to refer to each of the articles mentioned in the promoter's "indictment," and having quoted many portions of them, endeavoured to establish two principal, and, as he considered, fatal objections; namely, that the Archbishop, in his present capacity, had no jurisdiction over offences committed beyond the limits of the diocese of Bath and Wells; secondly, that the promoter had not conformed to the requirements of the Act of Parliament, by commencing his suit against the defendant within two years; the statute making that provision. Quoting the Tenth Article, the learned gentleman for the prosecution remarked that it was worded in a very vague manner, for it said, "sometime in the year of 1853 the reverend gentleman did write and publish a sermon," &c. The term "sometime" was a phrase which would not be used in the court of any indictment. He also objected that the locality in which the sermons complained of were published was, generally, not mentioned. The Eleventh Article complained of an offence committed in the diocese of London, while his Grace was adjudicating upon it in another diocese, and the learned gentleman quoted Sir Herbert Jenner Fust, who said that "articles must be confined to offences committed within the diocese;" and other eminent authority was quoted in support of the view that the time which the promoter had given was not sufficient, for the commission could not have had any charge before them of any offence committed in 1853, for they reported in 1854; and inasmuch as the whole foundation of the jurisdiction of the court rested upon the report of the commission, his objection was fatal to so much of the article as referred to 1853. He had another objection: it was this—the law required that the sermons complained of should be filed in the Registry Court of this diocese, and not as they had been in the diocese of London. The Twenty-third Article he supposed was intended to provide for the laches made in the others respecting the locality, but he had an equal objection to it. He objected also to the constitution and proceedings of the commission, and the articles were headed in the most loose, unsatisfactory way imaginable. No one could tell where the articles were registered, when the parties were proceeded against, nor where they were to appear. Recurring again to the question of citation and of time, the learned gentleman quoted from Sir H. J. Fust to prove that the commencement of proceedings dated from the time a citation was served; this was pronounced in a case before the Court of Arches, and he asked for the principle which was recognised in that court to be acted upon now. The learned gentleman having referred to other legal criteria,

Dr. Bayford, in reply, said, if the "notice" were to go back two years, and were to be taken as the commencement of the proceedings, they would have to go back to 1854, and consequently all the matters in their articles are altogether out of date, and the present proceedings must come to an end. Whether it would be desirable for the Archdeacon or the party against him was another thing—they probably would not let it drop in such a way: at any rate the proceedings would have to be commenced *de novo*. Therefore he applied himself to what had been said respecting the notice. First, it had been said that the citation was informal, and had surplusage. He was not aware that surplusage affected its validity, and his client was not responsible for any irregularity over which he had no control. The promoter had a control over the citation. As regards the "two years," he had anticipated the objection raised upon that point, and was satisfied that the promoter was right. The learned gentleman proceeded to say that the form of the articles complained of by Dr. Phillimore was precisely like that which had been used in Mr. Stone's case, and he submitted that the articles were entitled to be received. As to the charge that there was no locality stated—that was true, but the same form was observed in Mr. Stone's case, and there was one article which brought the publishing of all the sermons in this diocese, and he maintained that a Bishop might proceed in a case which did not occur in his own diocese. As to the charge that these articles were filed in London, and not in the diocese of Bath and Wells, the real truth was that they were "filed in both registries, and afterwards served on Mr. Denison. Having combatted each argument *seriatim*, he concluded

by stating that if there was anything wrong in the filing of the report, they were not responsible for it.

Dr. Phillimore said that he was bound to state that, in taking the objections which he had taken, he was only discharging his duty as the advocate of Archdeacon Denison, but he was far from conveying, even by implication or idea, that his client had either written, said, or done anything, at any time or place, that was inconsistent with allegiance to the Church of England. Indeed, he emphatically denied putting forth any plea of this kind whatever. Having made some remarks on the apologetic part of Dr. Bayford's address, Dr. Phillimore gave Burn's definition of the word "citation," thence he reminded Dr. Bayford that the law had been considerably altered since the case of Mr. Stone was heard, and therefore there was a necessity for altering the phraseology of the articles, &c. Having reiterated many of his former arguments and objections, he emphatically stated that those informality and irregularities were fatal to the further proceeding of the case.

A telegraphic despatch from our reporter this morning states that the Court ruled the citation good. Articles to be amended. The objection against the filing of the report not sustained. Dr. Phillimore had already said he should wish to appeal to a superior court; but this by implication has been refused.

The Church Times.

HALIFAX, SATURDAY, AUGUST 16, 1856.

CHURCH PAPERS.

The discontinuance of a religious periodical in Canada, which has done good service to the Episcopal Church, is suggestive of a few observations on the necessity for a better support of those which are left. There is sufficient proof in this event, that the patronage of any one Provincial Diocese, is not adequate to sustain a Church periodical in a high degree of usefulness; and that the consideration that we would endeavor to turn the attention of the Church authorities in the Lower Provinces. A co-operation of several dioceses would prevent all risk of failure; and we conceive that a periodical established upon this basis would strengthen the bond of union between them, so far as the common interests of the Church are concerned; while for all ecclesiastical and instructive purposes, of special application, it might be made an official medium for communicating useful intelligence in each of the separate Bishoprics.

We believe that all or nearly so, of the other denominational papers published in Nova Scotia, derive a large share of support from those persuasions in the adjoining Provinces whose cause they advocate. They are thus able the more extensively to promote denominational interests. Why should the Church be an exception in this respect? Her organization is as perfect as theirs—her means as ample—her necessities as great. If they find it to their advantage, similar, if not better results would follow a good understanding in this respect, on her part. Nova Scotia and New Brunswick united, or joined with Newfoundland, could well sustain a Church Paper, not inferior in its editorial talent, amount of reading matter, and excellence of typography, to any publication on this side of the Atlantic.

It may be thought by many that the object is any of attainment, especially when it is recollected that this mainly depends upon its being earnestly recommended by the Bishops and Clergy, who are the best judges of its importance. In truth, however, it is at this point that the general design is in danger of being marred. Could the difficulty which here presents itself, and which consists in not being able to combine the earnest endeavors of the Church authorities of the separate Dioceses, be overcome, we should not have the least doubt of the ultimate success of the project. We trust that it may be overcome. Isolated efforts are liable to failures, and at the best can only be partially successful, but it will not be denied that they have had their value, in restraining bigotry, correcting misrepresentation, and conveying ecclesiastical information and sound religious instruction. They establish the fact however, that a combined exertion could not fail, and would be of much advantage to the Church in all her interests.

For the last seven or eight years we have been engaged in upholding a Church paper in this Diocese, always endeavouring to make it useful without committing it to party views. In this employment we have had to contend with many difficulties which can only be rightly estimated by those who have had to encounter them; but amidst them all our Paper has never forfeited the confidence of the authorities of the Church, nor the respect of Churchmen in general. We might have pursued a different course,

have engaged in fierce religious controversy, or become the champion of a class or party, and by so doing have added a few names to our subscription list, or retained a few others, who are too extreme in their views to bear the expression of a moderate opinion, if not all distinct from what they themselves entertain. We are not however disposed to acknowledge any class dogma as a standard of gospel truth, and prefer to have a safe conscience in such matters, taking as our guide the Bible, and for its commentary the Articles and Formularies of the Church, and inculcating them in a Christian spirit. The imperfections of the Paper, and it has many, may be fairly attributed to the difficulties to which we have alluded—and the only way to successfully overcome them is by united action. The middle course is, we are persuaded, the safe one, and the true—and we only take that upon principle, which the most extreme must acknowledge they are very often obliged to pursue from a Christian policy, which inculcates moderation in spite of their opinions.—We have lost none of our usefulness, by not being partisans, and we might ask those who are, with no fear of an affirmative reply, if theirs is at all increased by an avowal or enforcement of exclusiveness on either side of the mean. We would like to see this principle of moderation fairly tried, and to prove its effect in more than one diocese; and as we believe that a periodical published here, in which the Church authorities of the neighboring Dioceses would take an active interest, would be of as much service to them as to ourselves, we take the present opportunity to lay the matter before them for their careful consideration.

The R. M. Steamship *Canada* arrived on Monday afternoon last, in 9 days from Liverpool. We do not find much that is important in the intelligence by her arrival. We have published on the fifth page the opening proceedings in the Denison case. The London *Guardian* gives a full account of the subsequent arguments. They may be shortly summed up in the following paragraph from an English paper:

"The case against Archdeacon Denison, together with the defence, has been terminated at Bath. Dr. Lushington said the charge against the Archdeacon was not that the doctrines were not conformable to Scripture, but that they were not conformable to the articles of religion—which must be taken to be conformable to Scripture; and to adopt the other course would be to try whether the articles were conformable to Scripture, which the law did not allow the Court to do. The Archdeacon's task was to reconcile his sermons with the articles. Dr. Phillimore then proceeded with his reply on the part of the defendant, quoting a number of authorities in order to show that the opinions maintained by the Archdeacon were the opinions held by the Catholic fathers and the early churchmen. Dr. Bayford replied, and at the conclusion of his address the Court was declared to be adjourned."

We regret to have to record the death of the Right Rev. D. Anderson, Bishop of Natal. His Lordship was an active prelate, and the Diocese was flourishing under his care. His death, after a short career of usefulness, is much lamented.

The insurrection in Spain had been well nigh quelled, by the 11th of O'Connell. It does not appear that Espartero has been connected with the outbreak.

Parliament has been prorogued by Commission.—Her Majesty's Speech will be found in another column. The Central American Question is in a fair way of being settled after the usual British fashion in dealing with the United States.

The R. M. Steamship *Arabia*, which arrived yesterday morning from Boston, struck on Seal Island in the fog, on Thursday morning at 8 o'clock. The damage sustained has been considerable, and will deter her from proceeding on her voyage. A telegraphic despatch has been forwarded to the United States for another steamer of the line to proceed to England with the mails, &c. of the *Arabia*.

This Cape Breton News states that the sea serpent has again made its appearance on that coast. We think it high time for the Press to dismiss this lengthy subject from the coasts of Nova Scotia. Let it seek a more congenial clime.

Robert Hutchinson, Esq., has been reelected Mayor of Charlottetown, P. E. I.

ERRATUM.—Owing to a misapprehension of the corrector of the press—an omission occurred in the first paragraph of the leading Editorial in last week's *Church Times*, which should read thus:—

"We had intended to publish a letter signed *Clericus*, which has lately appeared in the *Church Witness*, together with the Bishop's reply to it, but the last number of that Paper has relieved us from the necessity of so doing, since the Editor now admits that the Bishop is not chargeable with the grave offence imputed to him, and 'Another *Clericus*' has addressed to the first writer a castigation which requires no addition from us."