

CHURCHWARDENS' REPORT.

EASTER, 1888.

To the Vestry and Congregation of St. James' Cathedral:

The past year has been marked by the virtual conclusion of two very important matters affecting the financial prospects of this Church.

First. The litigation over the so called Rectory lands.

Second. The re-settling of the ground rents of the property which, happily, still remains to the Church.

The favourable results in the one case make the Vestry financially independent of the less satisfactory result in the other.

The application for leave to appeal to Her Majesty's Privy Council, which was pending at the time of the last meeting of this Vestry, was an application in the name and on behalf of the Vestry. It therefore presented on its face the preliminary question already more than once argued:—Had the Vestry a *prima facie* right and interest to intervene in the suit on their own behalf?

This point the Privy Council after consideration, virtually decided in favour of the Vestry, by calling upon the counsel for the respondents to show cause against our application. Proceeding to the main question: Did the case seem to involve novel and doubtful questions of law sufficient to warrant Her Majesty in re-opening a decision of the Supreme Court of Canada, the Privy Council, after hearing argument from both sides, came to an adverse conclusion.

Their judgment refers to the apparent unanimity of the Judges in Canada as the circumstance which led the Privy Council to decide against the leave to appeal. It was our misfortune that the eminent Judge of the Supreme Court of Canada, from whom an opinion had proceeded in support of our position, was not among the Judges who took part in the final hearing by the Supreme Court. His judgment in our favour had been delivered on the occasion of giving the leave to appeal to that court; and not being delivered in writing and officially reported, it unfortunately could not be brought to the attention of the Privy Council.

A note of the terms of this judgment of Mr. Justice Strong was laid before the members of this congregation shortly after its delivery. The opinion of a Judge of such high authority, who moreover had been especially acquainted with the facts affecting the legal status of our lands, will always justify the action of this Vestry in the matter. For our fuller justification, we may be content to wait for the time