

sitting in his chair, conversing in his usual strain, he paused for a moment, and then said, very calmly, 'I do not wish you to be alarmed, but I believe I am dying. I feel a strange alteration in me.'

"With the greatest calmness and composure he now gave his dying counsel to his wife, and all his family;—told Shubael's wife to say to him, 'You will see your father no more in this world. Tell him from his dying father, to prepare to meet me at the bar of God; tell him this is a delusive, ensnaring world; that its smiles are dangerous; that one thing is needful,—a portion in Christ; tell him it was that supported me in life, and now makes death easy and pleasant to me. I leave him and all his family with the Lord. May they seek the Lord while he may be found; and call upon him while he is near!'

"He said he might be mistaken as to his immediate dissolution,—that he was quite relieved from that deathly feeling which he felt awhile before; but the tranquil state of his mind was not changed. His countenance and words spoke the serenity and inward peace of his mind. His strength of voice, and wonted vigor of body and mind were so restored by night, that it was thought he might continue some time. His children went home—he walked to his bed, and his family went to rest, except a step-daughter, who sat by his bedside. He appeared to sleep sweetly, till he breathed no more; and the family and friends were called before morning to see his breathless corpse, and, in their contemplations, to follow his departed spirit to those mansions prepared for the righteous, in which for years he had desired to be."

The Rev. N. Pearson, of Horton, attended the funeral, and preached a sermon on the occasion.

Yours truly,
MENNO.

Jan., 21st 1860.

Christian Messenger.

HALIFAX, FEBRUARY 1, 1860.

THE CHRISTIAN REVIEW, January, 1860: Sheldon & Co., New York. The 99th number of this Quarterly comes to us filled, as usual, with articles of high literary merit. The 1st, on Sir William Hamilton's Lecture on Metaphysics and Logic. 2nd, Madison's (the 4th President of the United States) services to Religious Freedom. It is ably shewn in this how much the United States are indebted to the Baptists for the Religious Liberty they now enjoy. However much other denominations may now approve of perfect religious equality,—"soul liberty,"—to the Baptists almost exclusively are they originally indebted for the boon. They alone raised their voices in protest against the attempt to impose a church establishment upon the people; when just breaking the political bonds attempted to be placed upon them, they barely escaped those of a far more galling and injurious character. Madison became the champion of their sentiments and triumphed. 3rd, India. 4th, Sprague's Annals of the American Baptist Pulpit. The pen of this diligent book-maker has been well employed here in collecting the scattered materials of the men of God, who have done so much for the cause of Christ in the neighbouring Republic. The Review of this work is an excellent article. We shall probably give a good portion of it to our readers at some early day. 5th, Thomson's Logic. 6th, Relation of Romans i. 18-23 to the general argument of the whole epistle. 7th, Early Baptist History. 8th, Book Notices.

THE ACADIAN MINSTREL, by Joseph H. Webster, is a really nice little book of School Songs and Hymns, with music, collected by the late Teacher of the Model School at Truro.

The practice of singing in School has been too much neglected. Every child should learn the rudiments of Vocal Music at School. It has been almost impossible to do this hitherto in this country, from the want of some suitable book as a Manual. We suggested to the Principal of the Normal School some time since, that to avoid the appearance of sectarianism in that Institution, it would be well to have a book of melodies and hymns for devotional use, instead of employing for that purpose the Psalms and Paraphrases used by the Presbyterian Churches. This work will well supply that desideratum.

We have not had time to examine the harmony of the pieces, but presume, as the work is stereotyped, that has been carefully attended to.

It contains half a dozen pages of instruction in the rudiments, about fifty School pieces

and about fifty Psalm tunes. At the end are fourteen pages of hymns and psalms.

We advise all School Teachers to procure a copy, and make use of it in their Schools for oral instruction, where they can do no more. Where their pupils can be induced to obtain the book, there we recommend them to teach Musical Notation as a part of their regular course of instruction, and make use of this book for practice the same as they do their reading books and arithmetics for those branches of study.

THE TENTH ANNUAL REPORT of the MICMAC MISSIONARY SOCIETY, gives very gratifying intelligence of the progress made during the past year.

It is matter of deep regret that the entire stock of Scriptures, in Mic-mac, consisting of Genesis, Matthew, Luke and John, were consumed by the great fire in September last. They were in the upper part of Mr. Robson's store. Providentially, about 100 copies had been removed by Mr. Rand a short time previously.

"The Committee," the Report says, "have much pleasure in announcing that Mrs. Christmas, wife of the Assistant Missionary, has abjured the errors of Romanism and has joined a Protestant church at Truro."

Twenty-five pages of the pamphlet are occupied with an interesting account of the recent visit made by Mr. Rand and Benjamin Christmas to Canada and some of the Indian establishments there.

Transactions of the Nova Scotia Literary and Scientific Society.—Our notice of this pamphlet has been crowded out by press of matter from our two last issues. It contains a variety of useful information in the form of abstracts of some of the papers read before the Society during the last term. A list of the papers to be read during the present session is inserted. These are:

Jan 30.—The Saxons of Germany—their Land and their Language, by Professor Stiefel-hagen, King's College. Feb 13.—The Botany of the Carboniferous Rocks of Nova Scotia, by the Rev. D. Honeyman. Feb 27.—The Government System of Education in England, by Hugo Reid, Esq. March 12.—The Registration of Births, Marriages and Deaths, by the Rev. Dr. Cramp. March 25.—The Pre-Columbian Discovery of America; Part II: America, by Robert Morrow, Esq. April 9.—Electric Currents, by Andrew Mackinlay, Esq. April 23.—Recent Discoveries of Roman Remains in Britain, by W. Garvie, Esq.

THE ATLANTIC MONTHLY, February: Ticknor & Fields, Boston, contains Counting and Measuring; My last love; A Shetland Shawl; Roba di Roma; the Amber Gods; The Poet's friends; The Memorial of A. B., or Matilda Muffin; Semé account of a visionary: The truce of Piscataqua; The Maroons of Jamaica; The Professor's Story; Mexico; Reviews, &c., &c.

We have much pleasure in giving insertion to the following, from one well qualified to form an opinion on the subject.

The last issue of the Christian Messenger contains an appointment which ought, and no doubt will, give general satisfaction to the Baptist Denomination. By the resolution of the Board of Governors of Acadia College, which constitutes the Rev. Dr. Cramp the President of that Institution, no more than a simple act of justice is done to the Reverend gentleman himself, while a very essential step is taken towards advancing the interests of the Institution. It would seem indispensable that the College should have an acknowledged Head. Both its respectability, as a high Seminary of learning, its estimation in the eyes of the public, and its standing as regards other learned bodies in the Province and abroad, require that a man of competent knowledge and ability should preside over it. That Dr. Cramp is such a man, both his character in the Denomination and as a literary man, bear ample testimony. His christian consistency and independent deportment since he has been among us, speak the same truth, while his valuable services and unwearied activity since his connection with the Institution, in the promotion of its best interests, have been such as to silence detraction and ensure the approbation of its friends and supporters. The experience which we have had of the Doctor's character and habits, both as a writer and in the arduous duties he has hitherto had to perform as a public Teacher, as well as the active part he has often fulfilled in the Councils of the Baptist Denomination since his residence among us, have evinced a large share of the order and system that belong to the English mind, as well as the untiring perseverance which so much distinguishes the Anglo-Saxon race throughout the world. His unstained moral and christian deportment, his mature period of age, and his acknowledged literary acquirements as a gen-

eral scholar, and in those branches more especially demanded for the instruction of youth, in the higher walks of learning, point him out as the one best qualified to occupy the important position he holds, and fairly designates him, in a favorite phrase of the day, as "the right man in the right place." May he long be spared to fulfil, with credit and success, the honorable but onerous office to which the unanimous voice of the Board of Governors, and, we doubt not, with the approbation of the Denomination at large, has now called him.—Communicated.

Correspondence on Constitutional Questions.

THE DISQUALIFICATIONS.

A Royal Gazette Extraordinary was issued on Wednesday last, containing correspondence of His Excellency the Lieut. Governor, respecting the alleged disqualification of members elect of the Legislature.

His Excellency refers to a minute of Council of the 28th of July, in which it is alleged that certain members elect of the House of Assembly "labor under personal disqualification to be elected, and that they could not take the qualification oath without perjury, or vote without a bold and open defiance of law," and asks the Attorney General and Solicitor General to give him (Earl Mulgrave) "their joint opinion on the effect and scope of the Acts now in force," touching the questions at issue, and on "the position in which those gentlemen stand, who, holding certain offices, have been elected to serve in Parliament."

The Case prepared by the Hon. Attorney General and Solicitor General is given in full, with the Acts which cause the said disqualification, and copies of the commissions to the said members elect. The Opinion sent to Earl Mulgrave is also given.

His Excellency after obtaining this Opinion of the Provincial Law officers, transmitted it to the Duke of Newcastle, the Colonial Secretary, asking him to submit the case to the Law officers of the Crown, in order that he might "have the advantage of their opinion on the subject."

Our space will not allow us to give the opinion of the Attorney and Solicitor General in full. We shall, however, endeavour, to give our readers the substance of them, and putting the opinions of Sir Richard Bethell and Sir Henry S. Keating under that of the Provincial Law officers, our readers may form a better judgment of their general tenor than if each were placed apart from the other.

The important position which these questions now occupy, render it necessary that all should have an opinion upon them; as it appears not improbable that the people will have themselves to take part in their settlement.

They are given under seven different heads. First. The offices held by the said members elect are enumerated, and on them the Attorney General and Solicitor General remark:—

We do not think there is room for reasonable doubt on the subject; and are clearly of opinion that all the offices above named are within the operation of the act for securing the Independence of the Legislature, and that their incumbents are not eligible for seats in the Provincial Parliament, or legally capable of sitting or voting therein.

On this the Crown officers state: We agree in the answer given by these Gentlemen to this question, and generally with the reasons in support of that opinion.

Second. States that the Acts requiring resignation of offices previous to becoming candidates for the Assembly was passed when the House was near its close, and plainly referred to the impending general election. The opinion offered on this is that

"Resignations, as relating to the House of Assembly, made after the nomination day; and, as relates to the Legislative Council, made more than thirty days after the dissolution of the Assembly, are, under the express terms of the act, too late; and we also think that the act, construed according to its spirit and object, places on the same footing resignations made less than ten days before nomination day."

The Crown officers say on this: We do not concur in thinking that the true construction of the Provincial Act requires that the resignation which should render a Candidate eligible, must take place not less than ten days before the nomination. It is not so expressed. Whilst we agree that a resignation after the nomination would not qualify the Candidate, we think that a resignation sent in and signified to the Provincial Secretary, though less than ten days before, would have that effect.

Third. In those cases where notice was given of disqualification on Nomination day, the opinion given is that "the Candidate next on the polls is entitled to the seat in each case," but

"In the cases where the disqualification

existed, but was neither notified at the nomination court, nor at the polling, and the exercise of the office by the candidate within the period before which his resignation should have been made, was not of sufficient notoriety to bring the knowledge home to the electors, the election is void and can only be run over."

The Crown officers opinion on this is:

Considering this question by analogy to the proceedings of the British House of Commons, it would be for the House, either on a report of a committee or otherwise, to pronounce the Election void or declare the Candidate next upon the poll duly elected, according to the circumstances; but it has been more usual to declare the Election void.

Fourth.

"When the ineligibility shall be made known and the taking of the oath required—the intervention of the House to screen the party and defeat the law, would be an outrage of propriety and against right; and this would be aggravated if accomplished through the aid of the votes of the ineligible parties,—it being an established rule, that members shall not remain in the house while questions are discussed which affect themselves or their seats."

On this the Crown officers say:

There is nothing in the Act referred to which precludes a Member returned to the General Assembly from sitting and voting, until he has been decided by the House to have been ineligible. The Act seems to apply to the property qualification of the Member, not to his holding any office. Such a proceeding on the part of the Assembly, as that suggested, would no doubt be highly unconstitutional, but there seems no remedy for such conduct except the exercise of the Crown's prerogative to dissolve.

Fifth.

"The question of fact connected with the charge of ineligibility arising from possession of office, is so plain, and the law arising from it so inevitable, that any one thus ineligible who would venture to take the oath of qualification, we believe, would be liable to prosecution and conviction for false swearing."

Crown officers opinion is:

The Act marked A and B, provide that a person holding any of the offices therein mentioned (not being any of those in question) shall not only be incapable of being elected, but shall incur a penalty for sitting or voting: to be recovered in the Supreme Court.

A similar clause in the Act marked C, would have avoided the difficulty now apprehended; its omission places the power of dealing with such cases in the hands of the Assembly, subject to the exercise of the Crown before referred to.

Sixth.

A party exercising the functions of a member of the House of Assembly by reason of the oath of qualification falsely taken, would, on principle, be liable to prosecution for the wrongful usurpation. On the other hand, such a procedure would bring into controversy before the legal tribunals questions, over which Parliament has jealously claimed exclusive jurisdiction. We feel this enquiry, therefore, to be one of difficulty and doubt.

The ordinary mode of trying disputed rights to seats in Parliament is by committee. The case of personal ineligibility, such as we are considering, presents some aspects different from the ordinary cases in which elections are controverted for bribery or unqualified votes, and we find instances in England, when, on the personal ineligibility of the party returned, a new writ has been ordered by the act of the House without the intervention of a committee."

The Crown officers remark on this:

As before observed, we see nothing to prevent a Member (returned by the Sheriff as duly elected) from sitting and voting, although holding one of the offices in question, until he has been unseated by the Assembly; but we think that such an attempt by that body, as that suggested, deliberately to set the law at defiance, would deprive its acts of that consideration they would otherwise be entitled to, and render it necessary for the Crown to put an end to its existence.

Seventh. The Attorney and Solicitor General remark:—

Should a majority of the House—more especially if in that majority should be comprised the ineligible parties—go the length of removing the disqualifications by ex post facto Legislation, or resolution, we think that so great a violence done to the law and constitution, and wrong to the electors and candidates interested in the seats affected, would demand decisive resistance, and would call for the dissolution of the House and an appeal to the people, in vindication of the principles and rights attempted to be overborne; and we do not think that a vote of want of confidence, passed by a majority so constituted, ought to be regarded as a just exposition of the sentiments of the people, or the opinion of their representative, and therefore ought not to effect a change of Government, in which larger interests than those of the holders, or the aspirants of office, are concerned.

On the questions relating to the Election for East Halifax, we beg to remark that it has been settled that the mere fact of a poll not having