

over it varied 10 per cent. they were entitled to add it where it increased in that ratio, and to lower it where it diminished 10 per cent. This was the plain and ordinary import of the section, and he thought that the Bench in Fermanagh, adhering to the literal rule of construction of the plain, unambiguous meaning of the words, came to a sound and a right conclusion, and the construction then sought to be put upon that section would in their decision have been a departure from the meaning of the Act altogether, and which, he would respectfully submit, would lead to inconveniences that the legislature never intended.

Mr. MCCARTIE said that in the arguments he had advanced he believed he followed precisely the words of the Act of Parliament. All he asked their Worships to do was not to import conditions which were not contained in terms in the Act of Parliament.

Their Worships then retired, and on their return to Court.

The CHAIRMAN said that although they had been but a short time away, they had discussed the matter fully; in fact Mr. McCarthy's argument had been put so shortly that it did not occupy them much time to discuss it. He might here state the difficulty the Court felt—that such a duty, so important a duty, should be thrown upon it as to decide a question of this importance at Quarter Sessions. The feeling

that he expressed upon the arguments in Fermanagh might strike them that if possible some means should be adopted so as to insure uniformity of decisions and prepare a case for the opinion of the Judges. However, even though they had the power to send a case for the decision of the Judges, that decision would not be obtained until the 1st of November, and he therefore thought the clerical men would possibly be more injured by this delay than by any decision of the sessions. The duty had been thrown upon them, and, reluctant as they were to come to a decision, they should only exercise their discretion as best they could upon so difficult and obscure a section of the statute. As to the arguments of the English practice, there was certainly very little light thrown upon the question by them. Upon the face of the Act of Parliament they did not find any declaration of the intention of the Legislature to support Mr. McCarthy's argument. They did not think they were at liberty to reconcile the meaning of the clause as Mr. McCartie would have it with the sound interpretation of the literal words of the section. There was no other term used throughout the whole statute than the "original certificate"; and they found the words "original certificate" suggested as the standard also by which one-tenth of the variation was to be measured and ascertained. Now, Mr. McCartie said that these words might be held to apply only to the first variation, and that the provision for the subsequent variations might be taken to commence from the words, "and such revised and new composition shall be in full force for three years then next ensuing," until such composition should be again varied. Now, if they were to limit these words to the application before the Magistrates, they (the Bench) thought they would find no standard for the variation whatever. They did not think it was consistent with the intention of the Legislature that there should be applications for variation in any measure whatever; still less did they think they could throw away the words "original certificate." They were also of opinion that the whole machinery of the Act from the commencement of the section applied not only to the first but to every subsequent application. They were not at liberty to enter into the questions of hardships or absurdities unless they found that the words of the section bore a somewhat ambiguous expression; and they were not at liberty to go from the express words of the section. Of course if any of the parties thought that the intention of the Legislature was otherwise than they (the Bench) considered it, there was a remedy by appeal open to them; but they were of opinion that they had no power to make any rule upon the application, and in that decision he might say there was no difference of opinion among the magistrates.

His WorsHIP adjourned at 6 o'clock until to-morrow (this) morning.

### APPROPRIATION OF CHURCH SITTINGS.

A case of considerable interest to Churchmen has been decided in the Consistorial Court by the Rev. Dr. Todd, Vicar-General of the diocese of Derry. This was a trial in the matter of the claims of parishioners of London for seats in the cathedral of that city, which had been lately repaired and altered. The church has been lately repaired, and the Dean and Chapter, wardens had, with the consent of the parishioners, but the allocated certain of the seats to parishioners, and the allocation was objected to by other parishioners, and the present proceeding was for the purpose of setting aside the allocation. The church of St. Columba, in Derry, was built by the Irish Society, in 1638, and granted by them to the Bishop of Derry under a license from Charles I. The patent having recited the grant to the Bishop and his successors proceeds—

"And, further, we will, and by these presents, for us our heirs, and successors, determine and ordain, that the said church, or the fabric of the said church, shall be consecrated and dedicated as well for a cathedral church for the Bishop of Derry and his successors, and the Dean and Chapter of the Cathedral Church of St. Columba of Derry, for the time being, as for a parish church, for the use of the inhabitants of the said city of Londonderry, and the parishioners of the parish of Derry, alias Templemore."

It is plain, then, that this church is both a cathedral and a parish church. As a parish church, non-parishioners are not entitled to have sittings in it. Two parishioners are not entitled to gentlemen who do not of the pews had been allocated to gentlemen and Mr. residue even in the diocese—Sir Robert Bateson and Mr. M'Clintock. This allocation, the Judge said, it was impossible to uphold, and it was set aside. The pews, however, are not given to the petitioners, who had no legal claim to them; but, as the number of free sittings had been greatly diminished in the alterations, the pews are to be so disposed of as to increase the number of free sittings. And, in regard to the rights of pew-holders generally, Dr. Todd laid down the law as follows—

"There is but one observation further I desire to make, and it is addressed to those who shall be allotted pews. I wish them to understand that such allocation gives them no property in the pew. All a parishioner acquires by an allocation of a pew by the churchwardens is a right to sit in it—a mere easement; he has no right to exclude others from it, if he and his family do not occupy the entire of it. The churchwardens have a right to fill the pews, even those allocated to parishioners. A man has no right to keep a pew unoccupied."

### SEPTENNIAL AVERAGES—TITHE COMMUTATION.

TO THE EDITOR OF THE GLOBE.  
SIR—As many of your readers may feel anxious to know the result of the corn averages for the seven years to Christmas, 1861, published by authority in the London Gazette of Friday evening, viz.:

Wheat	... 7s. 0d.	per imperial bushel.
Barley	... 4s. 7d.	ditto.
Oats	... 2s. 1d.	ditto.

I beg to state, for their information, that each £100 of tithe rent charge will, for the year 1862, amount to £104 13s. 6d., or very nearly 2 1/2 per cent. less than last year's value. The value for the year 1855 was only £89 15s. 8 1/2d., or nearly 20 per cent. below the amount of the present year.

The following statement from my "Annual Tithe Commutation Table" will show the worth of £100 of the rent charge for each year since the passing of the Tithe Commutation Act

Year	Value	Year	Value
1847	£97 7 11	1851	£96 11 4
1848	£95 7 9	1852	£91 13 5 1/2
1849	£95 15 9 1/2	1853	£90 15 5
1850	£102 13 5 1/2	1854	£91 13 5 1/2
1851	£105 8 7 1/2	1855	£98 18 1 1/2
1852	£108 12 5 1/2	1856	£99 13 7 1/2
1853	£104 3 5 1/2	1857	£105 16 2 1/2
1854	£103 7 1 1/2	1858	£108 19 6 1/2
1855	£102 12 8 1/2	1859	£110 17 9 1/2
1856	£98 18 10 1/2	1860	£112 3 4 1/2
1857	£102 1 0	1861	£109 13 0 1/2
1858	£100 3 7 1/2	1862	£109 13 0 1/2

General average for 26 years ... £100 15 3  
I am, Sir, your most obedient servant,  
CHARLES M. WILKIE,  
Actuary, University Life Assurance Society,  
25, Southwick-street, Pall-mall East, S.W., Jan. 11.