

long judicial experience, and the fact that none of his judgments have ever been reversed on appeal to the Privy Council, makes it of the highest importance :

“ MONTREAL, June 12th, 1875.

“ SIR—I have examined, with as much care as the limited time you have allowed me would permit, the various books and documents submitted to me in connection with your inquiry as to the legal effect of the contemplated Union of the Presbyterian bodies of the Canadas and of the Maritime Provinces into one independent denomination, under the name of the Presbyterian Church in Canada, upon the rights of the opposing minority, who continue, as from the first hitherto, Presbyterians in connection with the Church of Scotland, and also as to the effect of the recent local legislation at Quebec in connection with these matters.

“ It is true to say that the original body of Presbyterians in connection with the Church of Scotland is general throughout the Canadas, and their special quasi corporate existence has been recognized throughout the Canadas under the general name of the Church of Scotland, as the sister Church has been known as the Church of England, from the time at least of the division of the Clergy Reserves between them and others many years ago by Imperial legislation, followed up by permitted Canadian legislation in the Act for the establishment and incorporation of the management of the Widows' and Orphans' Fund of the Presbyterian Church of Scotland, in 1847, and in the Act for the Management of the Temporalities Fund of the same Church in 1858, as well as the law for the Commutation Fund Act for the stipends and allowances to ministers of that Church.

“ It is sufficient to add that these enactments were general to all such Presbyterians throughout the Canadas in connection with the Church of Scotland, nor were localized to any particular place in the Provinces.

“ It is common knowledge that secessions from this old and first established Canadian Presbyterian Church in connection with the Church of Scotland have taken place since 1844; but the seceders well knew that they could no longer participate in the rights attributed by legislation, both Imperial and Canadian, to the connection with the Church of Scotland, and it is plain to say that all who go out from her now and abandon the legislative landmarks, must leave their privileges behind to those who remain, and who choose to continue their original existing association and connection.

“ The new body, as constituted, is merely a Canada Dominion voluntary religious association, under a general provincial name and denomination, without coherence or corporate existence, entirely unrecognized by law, and subject to division, as they have separated and divided themselves from their former association. This merely nominal body the Local Legislature of Quebec has taken upon itself to invest with the temporalities and funds of the Presbyterian Church of Canada in connection with the Church of Scotland, and to abrogate those Acts of the United Province of Canada which are general in their nature, and indivisible in their disposition, under the unauthorized assumption of applying their local powers, restricted to local or private matters in the Province, or to a particular local Church or management, to general matters not assigned to the Local Legislature.

“ The Dominion Act of 1867 has not enumerated among the local subjects of legislation the General Acts for the management of the Temporalities' and the Widows' Fund of the Presbyterian Church of Canada in connection with the Church of Scotland, co-extensive with United Canada, and to that extent