

# British American Presbyterian

Vol. 6—No. 11.

TORONTO, CANADA, FRIDAY, APRIL 13, 1877

[Whole No. 271

## Contributors and Correspondents

### LEGAL ASPECTS OF THE MAGDONNELL CASE.

BY UNION.

This case manifestly arose out of what in ecclesiastical phrase is called a *fama clamosa* or a public fame.

1. The attention of the Presbytery of Toronto was called to it, and it was deemed by them of sufficient gravity to warrant inquiry.

2. The Presbytery according to usage and law entered upon a recognition of the case; the object of which is to ascertain the exact facts, and then to determine whether there is or is not *prima facie* ground for formal process by libel or trial. Great latitude is generally allowed to Presbyteries in recognizing any important case. They may either proceed in full court, openly or privately, or by committee, and they may have conference with and invite explanation from the party implicated. The proper and natural conclusion of a recognition is to bring the party to acknowledgment and repentance, and in the event of accomplishing this, to caution, admonish, or censure according to the gravity of the offence; or it is, in the event of no such acknowledgment, to determine whether there is or is not *prima facie* ground for formal process and to proceed accordingly.

3. A Presbytery having such a case in hand may, in virtue of its own powers, proceed directly with it to try the accused by libel and bring the same to a final issue. Two things may, however, prevent or retard this direct process by a Presbytery:—firstly, a dissent and complaint *in limine* from the resolution of the Presbytery to proceed, or at any stage of the process, to the next higher court and through it to the Supreme Court, on the part of any member of the Presbytery; secondly, a Reference, by the Presbytery itself, of any part of the case, or of the whole of it, *simpliciter*, for advice or determination, to the next Superior Court, and from that to the General Assembly.

4. In the case in question the Presbytery went no further than a recognition, and there was both a Complaint by a member and a Reference *simpliciter* by Presbytery; the former was, however, finally merged in the latter; the whole case passed regularly from the Presbytery to the Provincial Synod and from the Synod to the General Assembly. The Presbytery of Toronto said in effect to the Assembly—we have a case of difficulty and delicacy in hand about which we do not so much ask your advice as that you would take it into your own hands, relieve us of the burden, and "finally issue it."

5. There is certainly no legal reason why the Presbytery should not adopt this course. But manifestly it is for the Assembly to determine whether it will sustain or accept the reference; and if they agree to accept it then to determine what is the matter referred, and whether, according to the laws of the Church, they can issue it. In the case in hand the Assembly accepted the reference, and the thing which alone it can legally issue is the thing that was in the Presbytery's hands, namely, a recognition of a *fama clamosa* in a matter of doctrine. The very idea of a reference is that only the matter under consideration or treatment either in whole or in part can be referred. By the law of the Church a superior court, such as a Synod or Assembly, cannot originate any process immediately by itself. It may order and require a Presbytery to take original process, or it may appoint a special commission to do that which a Presbytery neglects or refuses to do, but original or summary process it does not take and cannot constitutionally take, excepting in cases of flagrant offence in its own presence or against itself.

6. It will thus appear that the Assembly when it meets at Halifax, has only a case of recognition before it—the case referred by the Presbytery of Toronto—this only it can issue. This fact should be well pondered by both parties in the case. The issue of a recognition in the Assembly is precisely the same as it would be in a Presbytery, namely, either that the case terminate with or without a caution, or that the Presbytery be informed that there is *prima facie* ground for libel, and ordered to proceed accordingly.

7. For the Assembly to deal otherwise with this case, or to give judgment on its merits, and to acquit, censure, suspend, or depose the party implicated but not accused, would be to violate the plainest constitutional requirements of the law of the Church, which requires trial, by a court of first resort, with all its technical forms of accusation, citation, proof and pleading before sentence of any kind can be reached.

While the Assembly, as representing the Church judicially and legislatively, possesses a large and acknowledged liberty in the maintenance of the Church's integrity and purity, it must yet be careful to observe its own laws and rules in dealing with its ministers and members, if its decisions are to be respected by its people or have efficacy at law. The powers of the Assembly are constitutional and not arbitrary; they are limited by its own usages and rules. These are the defences of justice and of the rights and liberties of its members. Not the highest stickler for ecclesiastical prerogative will claim that the Assembly can do arbitrarily just what it pleases. The *Cardross* case, in Scotland, clearly indicated that if the decisions of Assembly are to have weight in civil law as regards persons and property, they must be come to by the careful observance of its own laws. The civil courts will not make any claim to determine the right or the wrong of an ecclesiastical judgment in itself; but they will not likely hesitate to determine whether it has been fairly reached through the Church's own usages and rules; and if it has not they will surely protect both persons and property from the effects of any such decision.

8. It may therefore be hoped that the Assembly about to meet at Halifax will be careful of the honour of the Presbyterian Church in Canada, and while taking all proper and wise means to maintain, in its integrity, the system of doctrine contained in the Confession, it will yet be temperate in speech and action, and in all its processes avoid even the semblance of injustice. It will be a grief to many a Christian heart if by its dogmatic zeal and under the influence of undue feeling, it should precipitate the happily united Presbyterian Church in Canada into a course fatal to its unity and peace.

### INFANT SALVATION.

I have just had a pleasant and profitable half hour. I had returned from visiting a family in my congregation, who had been bereaved through the death of a dear child. The postman came to the door with a budget of papers and letters for me. The letter box was soon emptied and its contents examined. My eye caught the familiar handwriting of my old friend—brother McKay of Baltimore and Coldsprings. It was a pamphlet in a brown wrapper. I opened it, and to my delight found I had a sermon prepared with care and published on the above subject. At once I knew its history. Diphtheria had raged in his field of labor for several months past. Many children had been gathered into the upper fold, and amongst them his own sweet little Mary. (What a gathering the Mary's will make should they all be together somewhere in heaven!) Any one can understand how the subject of Infant Salvation under these circumstances, would come to be the uppermost thought in the mind, and the most likely theme for a sermon.

He states the doctrine fairly as held by the modern Protestant churches. I was surprised to find a quotation from the father of Methodism, John Wesley, that "outward baptism is generally in an ordinary way necessary to salvation." Baptismal regeneration finds no quarters in the sermon, and after disposing of the oft repeated scandal circulated against Calvinists with regard to "infants in hell not a span long," he vindicates the teaching of our Confession on this subject, and triumphantly points to the fact that there is nothing there to prevent those who hold to the Confession from believing that all infants dying in infancy are saved. This is his belief as it has always been mine.

He then gives eight clear logical and scriptural arguments to establish his view. To repeat these would be to reproduce the sermon and spoil it to the reader.

At the urgent request of many friends in his congregation, Mr. McKay consented to rewrite and publish it. Mr. Bain, bookseller, King street, Toronto, has it for sale, from whom it can be had for eight cents per single copy or seventy-five cents per dozen.

I have taken this opportunity of letting Mr. McKay's many friends and admirers through the Church learn about the sermon, and feel convinced that many of them will be thankful to me for bringing to their notice a very unpretentious, but at the same time a very terse, lucid and scriptural argument for the establishment of what I believe to be a truth not so clearly revealed as many others in God's Holy Word.

As I finished its pages, folded it up and laid it aside, my thoughts naturally centred in the manse at Baltimore, its minister, and his interesting and sweet, though bereaved family. Audibly to my lips came the well known words of Mrs. Hemans:—"Alas for love, if this were all and naught beyond the earth." Certainly "It is not all of life to live, nor all of death to die." Earth has its breakings up of families and its tearing asunder of the closest ties, but over yonder—and your readers all know the rest.  
JAMES LITTLE.  
St. John's Manse, Hamilton, 1877.

### THESE DEFICITS.

A deficit in Home Mission treasury, in Foreign Mission, in College funds, etc. is indeed startling, and all the more strange when some other bodies working within the same territory are already reporting a full, with a prospect of an overflowing, treasury. If *hard times* were the real cause of our deficits, it would produce like results in the case of other denominations too. It is surely time the question was asked and answered—Why is it our people don't do better? An exhaustive answer I shall not attempt to give at present, but would only specify one particular that has not a little to do with it. I mean the very general custom of indiscriminate giving to all and sundry who solicit, and most to those who beg oftenest and most persistently. Many seem to think that so long as they give a respectable sum to some good cause they have done their duty. Now, I don't mean to say that Presbyterians should never give to sister bodies; but nothing can justify the lavish contributions of many to their rivals, far wealthier than themselves, when our own church so pressingly needs help. Four, five, six different churches are often struggling for existence on the same ground. There is only work for half that number. They eke out an existence each in turn, or two or three at one time, make a raid upon the long-suffering Presbyterians, and come back with a small spoil. Juvenile cards, lady collectors, ticket vendors for socials, tea-meetings, readings, concerts, raffles, lotteries—these are only some of the methods employed to gain the end.

Advantage is often taken of the presence of the more wealthy of our people at public meetings to call upon them for a contribution when a rivalry is a-going who shall give highest, and often the weak-kneed Presbyterian gives more than he does for all the schemes of our church put together for the poor, as he foolishly fancies that his liberality is on public trial.

Then our business men get a significant hint occasionally that their rates will fall off considerably unless they put their name down for a "V." or an "X." for this thing, or buy a couple of tickets for that.

At length our own collectors come round, but only to be put off with the convenient excuse—"hard times," and for another twelve months our operations must be crippled.

If the giving were reciprocal nothing need be said, but our church does not get one dollar back for ten it gives to others. This is due partly to the fact that our people feel too many to be ever begging from those outside, and partly to the fact that when they do try it the result seldom warrants a repetition. What is the remedy? First, this matter must be brought before our people in the plainest words possible, and the fact impressed upon them that so long as a man's own family are ill-clad and ill fed it is not his duty to be supporting every other body's children who are less needy than his own.

Second, more systematic collecting is wanted. To effect this, would it not be well if our Synods or Assembly would propose cards and books, properly ruled and headed, which every pastor could procure, say at meeting of Synod, at a small cost.

Three at least of the schemes should be attended to between June and October—the three least important—leaving the other three for the months that remain. And it is of the first importance that for missions most of the money be raised *before New Year*, as at that time merchants and others press their claims, and by February most farmers have parted with their money.

Third, let pastors go to pains to get the *BRITISH AMERICAN PRESBYTERIAN*, or *Record*, or better still—both, introduced into every family, that all may become interested in their own church.

Fourth—I think good results may be looked for from Dr. Poulfoot's overture, now *en route* to the Assembly, presuming it or something similar shall come into force.

### Criticism.

Editor *BRITISH AMERICAN PRESBYTERIAN*.  
SIR,—I am sorry to see in your paper a letter signed "D. G. D. V." virtually censuring you for admitting into your columns a criticism on the exposition of Sabbath School lessons in the *March Record*. Your correspondent has not even attempted to deny the unsoundness of interpretation to which "ignorance" took exception, save in the following: "He takes exception to calling the destruction of the children a miracle of Elisha's. Is not this the veriest quibbling? everybody knows that the miracle is God's, but instrumentally does not Elisha's curse stand to it as cause and effect."

Surely one who could so write is ill fitted to rebuke.

Ask even an infant class in Sabbath School: "Did Elisha's curse kill the children?" "No." Then it was not the curse "instrumentally." "Were they killed because Elisha cursed them?" "No." Then his prophetic curse was not the cause of the judgment at all, and Elisha was no more the author of it than of the destruction of Sodom. But "D. G. D. V." has avoided touching a fourth and more serious objection. In the exposition of the lessons it was taught that the destruction of the children was an act of mercy to them. It was asked "were they taken to heaven?" Certainly, if it was mercy and not judgment, it implies that they went the sooner to paradise. Is this a latent insinuation of limited punishment, or no punishment at all? If we are to teach all the Sabbath Schools of the Presbyterian Church, that cursed children were torn to pieces by divine appointment as an act of *kindness and mercy* to them, I fear they will soon learn to think little of future punishment. I do not say that was intentional on the part of the rev. expositor, but "Ignorance" may be excused for taking exception to it. I would remind "D. G. D. V." that when one assumes to give an interpretation of Scripture for the whole Presbyterian Church in Canada, even if the General Assembly had appointed him, he is not above the level of criticism, when his trumpet gives an uncertain sound. Few objections have been taken to the explanation of a few verses, and "D. G. D. V." though unable to vindicate the interpretation, turns a rebuke upon "Ignorance" for writing, and you for inserting the article. Rev. Geo. M. Grant is after all but "one," and "D. G. D. V." is another, but though the "one" worc Peter and the other Earnabas (Gal. ii. 11-13). We cannot allow them—unalloigned—to teach *ex cathedra* doubtful doctrine.  
April 7th, 1877. IGNORANCE.

### "Observer" and Prof. Smith.

My DEAR SIR:—Having attached my name to the several papers, entitled, "Modern Biblical Hyper-criticism," I naturally expected that any one who criticised them, would have followed the gentlemanly example of the Principal of Queen's College, and appended his name to his statements. To reply, therefore, to the few side-issues and remarks of "Observer" is not my intention, unless he adopt the manly course of giving his real name.

My only object in addressing you, is to put him right in regard to two of his statements. Near the commencement of my first article it is distinctly stated that "He (Prof. Smith) confines himself to the following topic."

"The present article," he (Prof. S.) writes, "seeks to give a general account of the historical and literary conditions under which the unique literature of the Old and New Testaments sprang up, and of the way in which the Biblical books were brought together in a canonical collection, and handed down from age to age."

In the face of this extract, "Observer" says: "Even if your contributor himself fully understood Prof. Smith's position in that article, which I venture to think he does not," etc.

The Professor's position is described in his own words, to show what it really is, as stated by himself. But your contributor, while doing this, has, if "Observer" is to be credited, so feeble an intellect that he cannot understand a plain paragraph, expressed in his native English tongue.

The second error in fact is that Dr. Donald Fraser is the "son of another minister well known also, in Canada." This statement can only be made good, by attaching the prefix "Reverend" to the name of one who was Commissioner for a British Land Company, in the Province of Quebec, and subsequently a Bank Agent in London, Ontario.

Hoping that you will excuse this further communication, I remain, yours,  
JOHN GRAY.

The Manse, Orillia, 6th April, 1877.

### "Presbyterian Year Book."

It is not necessary that the Editor of the "YEAR BOOK" should reply to the second letter of "Leumas," further than to say:—

1. That the Editor is glad that his critic and himself are able to close this correspondence on terms of good friendship, which is not always the case in reviews of this kind.

2. That the Editor knows well enough how Professor McKnight's name ought to be written. Might it not have occurred to "Leumas" that McKnight was an error of the press? Would "Leumas" think it fair for the Editor to hold him responsible for the typographical errors he sees in "Leumas" last letter? "Leumas" is too much of a scholar and a gentleman to defend, on reconsideration, such a style of criticism as is shown in these words:—"In correcting the misprint he falls into another. Our respected Professor of Dogmatic Theology is neither Knight nor McKnight. Let the Editor try again." The Editor was more chagrined than "Leumas" to see the wrong spelling of McKnight, and would have written in next paper to correct the typographical error, but he thought it unnecessary, as he judged any person would perceive that this was only one of several typographical blunders in the same letter such as *patrum* for *partem*, *chief* for *chieft*. It seems, however, that "Leumas" did not take that charitable view of the case, but sternly concluded that the Editor was like a bad boy who had not got up his spelling lesson well, and who under the awful frown of the pedagogue must be remitted to his

seat and his task with the merciful intimation that yet another chance is left him to "try again," and so retrieve his honor and regain his place in the class and in the esteem of his august master. On reflection "Leumas" will hardly approve of that style of criticism. But enough has now been said; and on the rest of the points at issue, the Editor, rather than prolong the discussion, will accord to "Leumas" the privilege of the last word.

Editor "PRESBYTERIAN YEAR BOOK."  
Oshworth, April 6th, 1877.

### Montreal Presbytery.

This Presbytery met in St. Paul's Church, on Tuesday 8th April—Rev. D. J. Adams, Moderator, the attendance of members being large. Among other items of business were the following:—Rev. J. McFarlane of Farnham Centre, resigned his charge owing to inadequate support and the uncertainty of receiving the Home Mission equipment. The resignation was laid on the table, and the congregation cited to appear at a special meeting on the 18th April. Rev. J. S. Black obtained leave of absence for three months from the middle of June, for the purpose of visiting Britain. The following minute respecting the late Rev. Archibald Henderson of St. Andrew's was adopted. "Whereas, it has pleased God to remove the Rev. Archibald Henderson, M.A., of St. Andrew's, who died on the 19th of January last, in the 94th year of his age, and the 67th of his ministry, the Presbytery would record their sense of the loss which they have sustained, and their high appreciation of the character and talents of their a. ceased father, who coming to this country in 1818, having been sent by the associate Synod of Scotland, was both characterised by ministerial fidelity, and distinguished by his extensive theological and literary attainments, and by his deep interest in the prosperity of the Church, which was evinced to the last by his wise beneficence in supporting the various schemes of the Church, and in bequeathing his valuable library to the Presbyterian College of Montreal." Carried.—Informal notice of the inclination of the Rev. R. Waterston, of the call from Ooto Street Church, was received. The Presbytery adopted an overture to the Assembly, submitted by Rev. J. S. Black, to the effect that the General Assembly recommend Presbyteries to adopt some uniform mode of electing its Commissioners to the Supreme Court of the Church, and that the Assembly suggest the method to be adopted. The Commissioners to the ensuing Assembly were elected by open vote, there being first a large number of nominations made. The election resulted in the appointment of the following: *Ministers*—Dr. Jenkins, Principal Macvicar, Prof. Campbell, J. C. Baxter, R. H. Warden, J. B. Muir, J. Watson, J. Springer, and D. Pateron (St. Andrew's). *Elders*—Messrs. W. King, J. Stirling, J. Walker, D. Morris, D. McFarlane, D. Akman, Dr. Rodgers, W. Drysdale, and Dr. Christie, M.P. The Home Mission Committee of the Presbytery was struck for the ensuing year; the members being—Rev. R. H. Warden, Convener; Rev. Messrs. Scrimger, Mackie, Black, R. Campbell, and Fleck; and Messrs. W. King, J. Croil, A. S. Ewing, A. McPherson and T. Davidson. Messrs. A. C. Morton, N. McPhee, M. F. Boudreau, F. McLennan and R. Hamilton. Students who have just completed their theological curriculum at the Montreal College, applied to be taken on trial for License. A committee was appointed to examine them. At a subsequent salsent they reported the examination as highly satisfactory, and the Presbytery resolved to apply to the Assembly for leave to license these gentlemen. The committee appointed to examine Rev. B'Outiere on the subjects prescribed, according to the instructions of last Assembly, reported that the examination was all that could be desired, and the Presbytery resolved to apply to the Assembly for leave to receive Mr. B'Outiere into full standing as a minister of the Church. Two French ministers—Rev. Messrs. Dacles and Provost—applied to be received as ministers of the Presbyterian Church in Canada. Mr. Dacles, who has a charge at St. Hyacinthe, is President, and Mr. Provost, who is minister of the Craig Street congregation, Montreal, is secretary of the French Protestant Synod of Canada. The Presbytery appointed a committee to meet with these gentlemen, and on their report unanimously agreed to apply to the General Assembly for leave to receive them as ministers of the Church. They bring their congregations with them into the Church. Principal Macvicar and Rev. R. H. Warden were appointed to support the application on the floor of the General Assembly. The Convener of the Presbytery's Home Mission Committee presented a report. It embraced the following among other items:—The Assembly's Home Mission Committee declined to increase the supplement to Lagnero beyond \$150 per annum, but had recommended the congregations of Mille Isles and Farnham Centre to the Assembly with a view to their receiving grants of \$200 each. A special grant of \$3 per Sabbath was given to Taylor Church, Montreal, for the last half year, and an additional grant of \$100 for the past six months to Arundel and De Salabery. A student had been secured for Hochelaga for the summer, and another for the Tanneries; grants of \$4 per Sabbath having been made to each of these missions, with the understanding that each was to receive morning and evening services every Sabbath. Rev. J. Wellwood, of Cote des Neiges, intimated that his charge was now self-supporting, and in the name of the congregation, thanked the Presbytery and the Home Mission Committee for their assistance in the past. After the transaction of a considerable amount of business, including some of the Remits of Assembly, the Presbytery adjourned at 4 p.m., on Wednesday, 4th April.