

British American Presbyterian.

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FRIDAY, DEC. 25, 1874.

TO SUBSCRIBERS.

A goodly number of subscribers have paid up arrears during the past few weeks. They have our best thanks for prompt attention to our request for an early remittance.

On the 1st of January a great many subscriptions expire. We trust that all, or nearly all, will promptly renew; but as we do not stop the paper, unless ordered to do so, it will confer a favor and save us from loss, if parties who do not wish to continue taking the PRESBYTERIAN, would send us an intimation to that effect, on a Postal Card, a couple of weeks before their subscription terminates.

SPECIAL SERVICES AT WALKERTON.

During the past week, the Canada Presbyterian Church, Walkerton,—Rev. R. C. Moffat, held a very profitable series of religious services. The services were held in the Church every evening of the week. Every evening Mr. Moffat gave a short pointed address, and was assisted in addresses and prayer by various of the elders, members, and others.

MIXED EDUCATION SIGNIFICANT.

In several of the daily papers attention has been called to the case of an Oxford pervert, whose Father Confessor required him to leave the University, as the Pope had forbidden the attendance of Catholic youths at institutions of learning where they mingled with Protestants.

Two thoughts are suggested to us by this event. First, that it illustrates what must take place if a Papal injunction stand in conflict with civil allegiance. Second, how manifest the determination is on the part of Ecclesiastical Authorities that Roman Catholics shall not form a part of a Protestant nation, but continue out of sympathy with everything not approved by the Roman See.

LADIES' COLLEGE IN MONTREAL.

Our attention has recently been called to certain letters which appeared last summer in the Montreal Gazette, in regard to the establishment of a "Female Institute."

The board of trustees we are further informed, is composed of clergy and leading laymen of the various Protestant denominations, many of them as a matter of course connected with the denomination, with which the generous donor has been long identified.

"If the corporation, constituted by Act of Parliament for carrying on, had nothing to rest upon but benevolent intentions, on the part of the founder, there might be occasion for inaction and delay. But if, as is generally understood, the former owner of Trafalgar Estate on the Mountain has assigned that property to Trustees as an endowment for a female college, and has given reasonable ground to believe that he will add to this munificent gift a large sum of money for maintaining it, one wonders that active steps have not been taken to give effect to his wishes, and let him see in his lifetime the good done by his beneficence, which most persons, with less practical good sense, in like circumstances, are content to leave it to posterity to witness."

"For all practical purposes the parchment upon which the deed of gift is written may be converted into battle-axes for the amusement of the children of these 'shuttlecocks,' who have shut the doors of the 'Institute' through the thwartness of their dispositions."

Now, sir, let these be put two or more plain, and I trust not impertinent questions to the parties concerned. Is the donor yet in earnest? Are all his virtues written in water? Is the good he intended to do to be interred with his bones? Or, are the clergy and professors of sound Protestant education divided among themselves? Is there no faithful Abdiel among the faithless to keep his love and zeal for a cause so professedly dear to his heart, viz: the securing a liberal, moral, religious culture for the Protestant daughters of Montreal without sending them to Villa Maria or the Sacred Heart?"

At this distance we have no means of knowing the facts of the case. But in the interests of our common Protestantism, and in the interests indirectly at least, of our own church, we trust that the statements made as to the inaction of the Trustees, are capable of satisfactory explanation. In a wealthy city such as Montreal, there should be no difficulty whatever in establishing a ladies institute of the kind referred to, apart altogether from the magnificent offer made by the gentleman in question. But with such a gift at the outset, there should be no delay in its creation.

In our own Province of Ontario, where the Roman Catholic element is but a partism of the population, (compared with Quebec) we have long felt the need of such institutions. The patronage afforded those already in existence, is evidence of their value. The college at Ottawa has not only a gratifying measure of success, while the Brantford Ladies College recently incorporated in connection with our own church, bids fair to attain a high position in the educational institutes of our Dominion. If these colleges have been so successful, without any such gifts either of lands or monies, as are held out to our Protestant friends in Montreal, what hinders their immediate action? We wait for a reply.

Sabbath Observance.

Editor BRITISH AMERICAN PRESBYTERIAN.

SIR.—The Conference of the Methodist Church of Canada having requested all their ministers to preach on Sabbath Observance on Sunday, the 17th of January, 1875, the Committee of the Kingston Sabbath Reformation Society, highly approving of this step, would earnestly beseech all ministers of the churches of the Dominion to avail themselves of the same opportunity to lay before their respective congregations the claims of the Christian Sabbath.

I am, Sir, Yours faithfully, JOHN MAIR, M. D., Sec. Kingston S. R. Society.

At a social gathering at Rev. George Cuthbertson's residence a few evenings ago, the lady members of the Presbyterian congregation presented Mrs. Cuthbertson, with a silver cake basket and a purse containing \$100.

CHANCERY PROCEEDINGS REGARDING UNION.

The friends of Union must rejoice at the decision given by Vice-Chancellor Proudfoot, in the application for an injunction to prevent the Moderator or Clerk of the Kirk Synod from applying in the name of that church for Legislative sanction to the proposed Union. At the same time, all must see how narrow has been our escape from unpleasant complications and vexatious litigation. Had the application to the Court of Chancery been made before the Bill was introduced into Parliament, and had a minority of the Canada Presbyterian Church been recalcitrant, the irregularity of the proceedings of the Supreme Courts in November last might have led to delay, if not to a more unpleasant issue. We shall however, leave the case to speak for itself.

Rev. R. Burnett, of Hamilton, represented by the Hon. E. Blake, Q.C., and Thos. Moss, Esq., Q.C., made application for the injunction as above detailed. The ground taken is thus stated by the judge:

The plaintiff contends that from the irregularity in the mode of procedure, from the original sin in the inception of the proceedings without an overture from a Presbytery; the returns of the answers to the writ in a less period than a year; their presentation to an adjourned meeting of the Synod of 1874 in November, containing members who were not members of the Court in June; the voice of the Church has not been legally ascertained in a constitutional manner; and that although the defendants in their private capacity may present any petition to the Legislature, they have no right to represent that they apply with the authority and sanction of the church to any such petition.

The judgment deals with each point in order, in a most satisfactory and conclusive manner. Having given a full narrative of the proceedings which shows a thorough acquaintance with the action of the church courts, we are told:

1. That from the evidence submitted, the Synod may, and does, act on overtures from congregations and individual members, or of its own motion, without requiring proceedings to be initiated in a Presbytery, hence the first alleged irregularity is disproved. 2. In dealing with the next point the judge says:—The question arising out of the proceedings under the Barrier Act, and the adjourned meeting of Synod, seems to me much more difficult of solution. I would have thought it doubtful on the terms of that Act, that it was intended to apply to anything else than the enactment of laws for the regulation of an existing Church. It would appear to apply to laws for the management and conduct of the Church in connection with the Church of Scotland, and not to laws for the formation of another body. But the Synod might, or otherwise, assuming that it did apply to these, and directing the writ to be sent to the Presbyteries under it, I apprehend they must be bound by its requirements.

As to the question of adjournment, and the constitutions of the adjourned Synod which contained any members elected, as required during the interval between the June meeting and that of November, it is fairly and well said:

"I do not find in the laws of the Church anything to show that the Synod only exists for the purpose of an annual meeting, and I think it was not argued that it had not the power to adjourn; at all events I am of opinion that this meeting in November was an adjourned meeting, it was so treated by the Synod itself at the meeting in June—and by its refusal to elect a new Moderator in November—but the objection to this adjourned meeting is that it was not composed of the same material as the primary one. There was the same permanent element, the elders, had been to some extent changed by a new election, and the meeting in November, 1874, was in fact composed of members of the Synod for 1875. It was said that the change was so small that had all the new members voted nay, there would still have been an overwhelming majority for the union; and a reference was made to the case of an election for a member of Parliament where a wrong list had been used, but it was held not to vitiate the election as the votes thus admitted or rejected would have failed to turn the scale. At an adjourned meeting the Church had the right to have the counsel, wisdom, and advice of the members of the original Synod—and a meeting not composed of those members, but embracing others, apparently does not ensure to the Church that protection in its Courts it was entitled to possess—and the power of a member of a deliberative assembly is not to be measured by his vote. The regulation in regard to pro re nata meetings provides that the persons to be summoned are those whose names appear on the roll of the last preceding annual session. This implies that the body always exists, and may be summoned in the intervals between the annual sessions, but also indicates that the members to be summoned are not the ministers and actual representative elders, but the ministers and the representative elders of the preceding annual session. In this way showing that for some purpose the tenure of an elder's office does not terminate with the election of a successor. The rules also provide that a quorum of the Synod must consist of fifteen members, of whom eight at least must be ministers, and all I presume may be ministers. So that although a voting Synod always exists, yet the lay element is of such importance that those whose ordinary tenure of office has expired are required to be summoned. It may be that this is a technical objection, as it appears that the sense of the Church in favor of union had been pronounced very emphatically in June, 1874, in response to the writ of 1873. But though the modification of the basis of union may have been slight, it seems to have

been considered of sufficient importance to justify another writ."

On the ground therefore, that the adjourned Synod as then constituted was not competent to consider the returns to the writ, which ought to have been brought before the next annual meeting of Synod, it is said had the disposition of this motion depended on the validity of the meeting and proceedings of the Synod in November, I might have felt myself bound to grant the injunction. This is clear language, and shows the irregularity of that proceeding.

3. The objections grounded on the plaintiff's vested rights in the temporalities fund is thus disposed of.

"The plaintiff also contends that his resignation of an interest in the corpus of the communion fund entitles him to insist on its perpetual appropriation in the manner designated in the resolution of 1855, and had his object been to prevent the donors from diverting it from its original destination he would probably have been entitled to succeed. But it is an entirely different question when he seeks to restrain them from applying to the Legislature to modify or alter on public grounds the declaration of the trusts on which it is held; and I cannot apply to legislation on a matter effecting so large a community as the whole of the Presbyterians of Ontario, the same principles as would be applicable in the case of a private right. Every one besides must be assumed to know that the power of the Legislature in such matters is supreme, and that any gift he may make is liable to its action—an action that will not be presumed to be capricious or unjust."

And further:—"The court has no right to interfere by injunction to deprive the subject of the right of applying to Parliament for a special law to supersede the rules of property, by which he finds himself bound whether arising from contract or otherwise."

4. The chief point however, on which the motion was refused is entirely apart from the proceedings of the Church Courts. It is thus stated in the judgment:

"But whatever might have been the result had the application been made before the petition had been presented to the Legislature, it is, I apprehend, contrary to the practice of the Court to grant any such application after the Legislature has become seized as it were, of the matter after it has received the petition, has read a Bill founded on it for the first time, and when that Bill stands referred to Committee."

Thus by delay in making application, Mr. Burnett lost his opportunity, as the matter already was in the hands of Parliament which is supreme.

The vice-chancellor then points out the only remedy still within the power of the plaintiff where his objections can be fairly considered.

"The Parliamentary Committee on Bills to which this stands referred, are in the habit of hearing parties in favour of or in opposition to Bills, and are empowered to take evidence on oath. If the plaintiff is desirous of informing the Parliament that the defendants misrepresent the Church, he has an opportunity of doing so by going before the Committee and establishing all the allegations in the present suit. If he complains that the Bill introduced will work him an injury, he can secure the attention of the House to it, and as was long ago stated by Lord Eldon, and repeated by L. J. Turner, that even when you file a Bill to restrain a Company in the case of the Foreign Jurisdiction you always give credit to the House of Assembly for having a desire to do that which is right in the matter."

The judgment concludes "in accordance with these cases and principles, I think this is a case in which I ought not to interfere and the motion will be refused." Costs reserved.

We are not aware if the reverend gentleman or his associates intend prosecuting this matter before the Committee, but we hope that nothing will occur to prevent the consummation of the Union notwithstanding any irregularity, as we are sure the vast majority of all the churches are satisfied, and there is every disposition to deal fairly with any party that will not enter the United Church.

[Since the above was written the Bill has passed the Legislature with some amendments, which we hope are of such a nature as to satisfy all reasonable objections and bring every congregation and minister into the United Church "not a hoof left behind."]

On Saturday evening, the 29th Nov., a party of the members of Roxborough Congregation, in connection with the Canada Presbyterian Church, visited the manse to bid good bye to Rev. J. McLean, their late pastor, and family, before leaving Roxborough for Oro. After partaking of a splendid tea prepared by the ladies, Mr. Donald McGregor, Deacon, presented Mr. McLean with a purse containing \$52, (which afterwards amounted to \$59) as a token of their respect for Mr. McLean as a faithful and earnest minister of Christ. Mr. McLean thanked them for their valuable gift, and the respect paid to him since he came among them, and also for their continual kindness to himself and family. The last cent of his salary was paid before he left.

Ministers and Churches.

The Presbytery of Hamilton met at Galt, on the 14th inst., to induce the Rev. Wm. Masson, of Russellton, into the charge of St. Andrew's congregation in that town. At 7.30 p.m. the Rev. E. W. Wait ascended the pulpit and preached a sermon from the words, "Thou art a priest forever after the order of Melchizedek." After which the Rev. Dr. Hoop put the usual questions to Mr. Masson, and having received a satisfactory answer to all, proceeded to admonish him as to his duties. A very stirring and eloquent address was given to the congregation by the Rev. Geo. A. Yeomans, B. A. At the close of the services the newly inducted minister received a very cordial welcome from his people. The quarterly meeting of the said Presbytery met in St. Andrew's Church, Hamilton, on the 16th inst. The sessor was not large. Nothing of special interest came before the meeting except the following:—The Rev. F. P. Sym, of Clifton, demitted his charge, and his demission was accepted by the Presbytery. Richwood & Showers' Corners Congregation made application to the Presbytery to moderate in a call for a minister. The application was granted, and Rev. Robt. Barnett was appointed to moderate the call on the 23rd inst.

Last week the Misses Tassie and Zimmerman, of the Nelson branch of the Nelson and Waterdown congregation, presented their pastor, the Rev. E. W. Waits, with a splendid cutter and handsome donation. Two ladies from the Waterdown branch, not wishing to be behind the Nelson friends, also presented their pastor with a sum of money.

The Ladies of the Canada Presbyterian Church, Inverness, Province of Quebec, on Saturday last in a quiet unostentatious manner presented their Pastor, the Rev. M. Mackenzie, with the very reasonable and valuable gifts of a Cariole, Buffalo Robe and Fur Overcoat. At the time of his settlement in March last Mr. Mackenzie was presented with a Cow and articles of a domestic nature too numerous to mention. Such gifts have a value far above their intrinsic worth, as furnishing gratifying evidence on the part of the people of feelings of esteem to him who labours among them in the Lord. The Rev. Mr. Parkhill and Macgillivray have just presented their Pastor, the Rev. D. F. Sage, with a cutter and Robes of a very handsome and costly description.

At a special meeting of the Presbytery of London, (Canada Presbyterian Church), the Rev. Hugh Currie was inducted into the pastoral charge of the congregation of Napier, on Tuesday, the 15th inst. The Rev. G. G. McRobbie, of Maudamin, preached an appropriate sermon; the Rev. A. Stewart, of Moss, addressed the ministers, and Rev. R. Scobie, of Strathroy, addressed the people. An opportunity was afforded to the congregation of becoming acquainted with their new minister, and from the many kind wishes that were expressed for his welfare and success, it was quite evident that they received him gladly.

Book Notices.

THE PRESBYTERIAN QUARTERLY AND PRINCETON REVIEW

For October. This closes the Princeton of 1874, and should have been sooner noticed with due meed of commendation, as still characterised by eminent talent, and by important articles. Every year new advances in discussions on Science, Theology, Ecclesiology, &c., and the Princeton is a safe guide in the great questions which come up for examination and settlement, so far as this can be done. The Review will still be supplied on very moderate terms to subscribers in Canada, but it is necessary to put a small addition of ten cents, making \$2.35 instead of \$2.25 formerly. This is still a reduced rate. Orders from old subscribers and new ones should be sent with the money, early in January, 1875, to the Rev. A. Kennedy, London, Ont., box 15 P. O. He takes this opportunity of notifying the readers of the B. A. PRESBYTERIAN that he is still agent for the publication of the PRESBYTERIAN Board at Philadelphia, the variety and religious merits of which are now tolerably known, but by no means sufficiently, nor availed of as they ought to be by Presbyterian Christians. The books are valuable to ministers, families and Sabbath schools for libraries; and the periodical papers for S. S. teachers and scholars, and Christian workers are eminently deserving of being taken. These are The Presbyterian at Work, monthly, especially recommended by the S. S. Committee of the General Assembly, and also the Westminster S. S. Lessons for 1875, in an improved form; the S. S. Visitor, monthly, or semi-monthly, and a new paper entitled "The Sunbeam," is four papers monthly for little children's classes. Any orders for books, Sabbath School registers, &c., will be supplied on the lowest terms, on being sent to the Rev. A. Kennedy, London, Ont., box 15. Catalogues sent free to men wishing them.