THE TEMPORALITIES' FUND OF THE PRESBYTERIAN CHURCH OF CANADA IN CONNECTION WITH THE CHURCH OF SCOTLAND.

VI.

The long struggle of sixty-three years was over; the Clergy Reserves were secularized; the claims on them commuted; the Fund constituted; there was no longer anything to be gained by professing warm attachment to the Church of Scotland. As in the case of the suitor of Hood's heroine, Miss Kilmansegg with the Golden Leg,

> "Who came to court that heiress rich,
> And knelt at her foot—I needn't say which—
> Besieging her Castle of *Sterling*,"

the Clergy Reserves being gone, all other reserve might be dispensed with. The ink was scarcely dry on the Act of Incorporation of the Temporalities' Fund Board, when the work of breaking up the Church was begun. In 1860, the first open attempt was made, but unsuccessfully. The design was not, however, abandoned, only postponed. I well remember a local politician in my salad days, whose nose, like Thackeray's, would have been improved by being "partially Romanised," who used to lay his finger over the inverted arch of that ruined bridge and whisper mysteriously: "If you want to manufacture public opinion, get hold of a lot of enthusiastic boys." This was the process adopted in the present case, by the two or three who were pulling the secret strings. In 1870, it was believed that the pear was ripe, and a letter was sprung upon the Synod, signed by the Rev. Dr. Ormiston, Moderator, in 1869, of the Canada Presbyterian Church, addressed to Rev. Dr. Jenkins, who, that same year, was Moderator of the Presbyterian Church of Canada, in connection with the Church of Scotland. It was represented that the appointment of a Committee to confer on union, the ostensible object of the letter, was simply an act of courtesy, and a resumption of the old negotiations for the re-admission of those who had seceded in 1844. Taken by surprise, the Synod allowed a Committee to be appointed, the only audible objection being the solitary protest from the Rev. Hugh Niven, *not recorded*. The Committee sat for two years, its proceedings attracting little, if any, attention. In 1873, when a substantive proposal was made, opposition was at once aroused. But in the meantime the official gentlemen interested had not been idle. They had secured control of the Church paper in 1872, and made of it a Union organ; many of the younger ministers of the Church, knowing nothing of the questions at issue, were easily influenced, and it was coolly assumed that the principle of Union had been conceded, and that all that remained was to settle the terms.

Two theories have been held as to the legislative powers of the Supreme Court of the Church (General Assembly or Synod, as the case may be). The one is, that all laws spring from the Supreme Court, the other that they originate in the inferior judicatories, before being considered by the whole Church. The distinction is one of very grave significance, and the latter had always been held as the true theory, as well as observed in practice by the branch in Canada of the Church of Scotland. By either theory, however, no legislation could be initiated in the Supreme Court, except on an Overture, that is a proposition, a representation, setting out the reasons for legislation. It is not a petition, although it may occasionally be in that form. Dr. Hill, in his "Church Practice,", in explaining the Barrier Act, thus describes the Overture:—

> "The proposal of making a new general law, or of repealing an old one, which, in our ecclesiastical language, is termed an Overture, originates with some individual, who generally lays it before his presbytery or synod, that it may be sent to the General Assembly as their Overture. The General Assembly may dismiss the Overture, if they judge it unnecessary or improper, or adopt it as it was sent, or introduce any alteration which the matter or form seems to require. If it is not dismissed, it is transmitted in its original or its amended form to the several presbyteries of the Church for their consideration, with an injunction to send up their opinion to the next General Assembly, who may pass it into a standing law, if the more general opinion of the Church agree thereunto; that is if not less than forty presbyteries approve."

Substitute for "General Assembly," the name of "Synod," the latter being the Supreme Court of the Church in Canada, and the above is a plain statement of how the question should have been submitted, if such a revolutionary proposal as the extinction of the Church could have been submitted to the Synod. There is, however, one essential point of difference between the Barrier Act in Scotland and here. In Scotland, as will be seen from the above extract, it requires the express consent of a majority of Presbyteries before an Act of the Church can become valid; in the branch in Canada, to meet a temporary difficulty with respect to its legislation, a radical charge was introduced, by which the adoption of a proposed law became dependent, not on the formal consent of Presbyteries, but on the absence of dissent on the part of the majority, so that by a little careful manipulation, a proposal might be carried in Synod, which had never been discussed at all in the inferior Church Courts, even although all formal steps had been taken.

The introduction of the proposal to put an end to the separate existence of the Church without an Overture has been represented as a trifling breach of technical practice, which was not of the slightest possible consequence. In reality it was a Revolution. The introduction of an Overture shows that the proposal has been carefully discussed beforehand, and has to some extent engaged the attention of the members of the Church. In this case a letter was addressed by one gentleman, Rev. Dr. Ormiston, not a member of the Church, to another, Rev. Dr. Jenkins, who had but a few years before been admitted to share its privileges. Each, it is true, was Moderator for the time being, but it was not even pretended that the letter was written officially. This private, unofficial document was read to the Synod by Dr. Jenkins, who having slid, with that easy grace which is his peculiar charm, from Arminianism to Calvinism, now made himself useful in the interests of officialism, in setting himself to create that wandering desire on the part of the Church he had so recently joined, with which he had himself been seized in his theologically nomadic life.

Whether a majority or minority agreed to break up the Church, and to ask the local legislation to set aside the conditions on which the Trust Funds and congregational properties were held, is not the point at issue. But as a matter of fact, apart from purely legal considerations the question was settled by a small minority, instead of by a majority. By the returns made to the Synod, it appeared that there were 138 congregations entitled to be represented in the Synod. According to ecclesiastical law, the minister and an elder from each congregation are members of the Synod, making 276 congregational representatives. The Professors of Queen's College, being ministers of the Church, are also members, and of these there were five, being 281 in all. In June, 1874, at Ottawa, 88 voted for Union, a little more than 33 per cent. In November, 1874, at Toronto, 68 voted for Union, about 26 per cent., or little more than one-fourth of the whole Synod, and on the representation that the Synod had decided by "an overwhelming majority" in favour of Union, legislation was granted, by which those who adhered to their Church were declared to have forfeited the rights carefully secured to them by their title deeds.

Those who took in hand the work of breaking up the Church boasted that they and their allies in the other bodies had been promised legislation, and that once granted, no Court of law would entertain the question as to what violation to the contracts between the parties interested had been committed. It may be so, yet even then it may not be useless to look for a little at the violations of law that took place.

It is exceedingly doubtful if the Synod had any right to discuss the proposal to break up the Church and to merge its existence into that of another body. By decisions of the highest Court of Scotland, confirmed in the Privy Council, it has been declared, that a resolution to form a union with a separate body is not an act of management properly falling to be regulated by the voice of the majority, but one affecting the use, possession and destination of the property of the body. Waiving, however, the question of competency, it cannot be doubted that, in so serious a step as was contemplated, the contract regulating the internal proceedings should have been strictly fulfilled. For the first time, on the contrary, the regulation as to the introduction of a serious change was broken and the Synod was made the originator of a most important measure, without any preliminary safeguard. Much stress has been laid by writers on Papalism and Vaticanism upon the evil influence of the *Curia* over the Church of Rome. Without discussing that particular point, there can be no question that under another name a *Curia* has been steadily gaining power and influence within the different Presbyterian bodies in Canada. Already there is a cry from the new United Presbyterians, that they are no longer a Presbyterian body, but a church governed by committees. Let me very briefly point out one or two of the illegal steps that were taken to carry out the will of this Protestant *Curia*, in the case before us.

I have shown already, that by a complete violation of all ecclesiastical procedure, the proposal to break up the Church, under the name of Union, was sprung upon the Synod. Had that proposal been competent, and had it been legally brought forward, the measure proposed would have been sent down to Presbyteries for consideration. Beyond Presbyteries, according to the gradations fixed by the Presbyterian form of Church government, the Synod had no right to go. If the Presbyteries thought it desirable, or had been instructed by the Synod, to consult Kirk Sessions they had the power to do so, and the Kirk Sessions, in turn, had the duty of bringing the matter before Congregations. There would thus have been preserved the right of reference from the Synod downwards, and of appeal from Congregations through the regular Church Courts upwards, as provided for in the polity of all Presbyterian bodies. But the ruling power, the *Curia* in the Synod, boldly violated the laws carefully devised for the deliberate consideration of every proposed change, even when that change is of a very unimportant character, and sent down the basis of Union direct to Congregations, without any provision being made for rectifying irregularities or settling disputes. Many of the returns were manifestly incorrect, congregations complained that their votes had been grossly misrepresented; the returns, in short, were so little to be trusted, that Dr. Snodgrass moved, at the Synod held in Ottawa in June, 1874, that a poll, carefully supervised, should be taken of all the congregations, shewing the numbers present and voting, before proceeding further, but this revolt against the *curia* would not be tolerated, and the resolution was withdrawn. Appeals from congregations were refused to be heard, on the ground that these must be made to Presbyteries, who had previously refused to hear them on the ground that the Synod had sent the basis of union direct to congregations, who were thus bound to send their findings direct to Synod. In this ingenious way the rights of the people were completely trampled on.

The illegalities did not end here. It was found that the basis of union was so unsatisfactory that a new one had become necessary. This new basis it was resolved to send down in the same way as the first, and it was moved that it be sent down in terms of the Barrier Act. By that Act, no proposal can be discussed at a special meeting, but must be taken up at a regular meeting of Presbytery, so as to prevent measures being carried by surprise; nor can it be considered until the next regular meeting of Synod, which would have been in the present case in June, 1875. But the official gentlemen were a phalanx; the general body of the members was unorganised, and it was resolved that the returns should be made to an *adjourned* meeting, to be held in Toronto in November. That adjourned meeting was constituted in violation of the laws of every Presbyterian body; the Barrier Act, one of the greatest constitutional safeguards we possess, and which had never been infringed upon before, was disregarded, in the face of protests and of the clearest proof of the illegality of the whole proceedings. There voted then for union, as I have already stated, only 67 out of 261, the merest fraction over one-fourth of the Synod, and this small minority was taken as representing the Synod, and on their demand, and on the demand of members of other Presbyterian bodies, numbering, we are told, 650 ministers and congregations, *whose demands no Legislature would dare to resist*, the Synod in connection with the Church of Scotland, with 138 congregations, was declared by local acts to be no longer entitled to the benefit of the Act of Toleration, its funds were transferred to another organization, and its adherents deprived of their congregational properties, which were handed over to other Presbyterian bodies, on the strength of these being a majority. Yet smug respectability, with uplifted hands, stands aghast at the spread of Communism!

Interesting as the case may be to one part of the community, it is not less so to every inhabitant of Canada. If any man choose to constitute a Trust,