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LEGAL ASPECT OF UNION

A Toronto Lawyer Draws Attention to Matters Affecting Church Controversy.

By R. J. Macinnan, K.C. It seems to me that Presbyterians, both for and against union with the Methodists and Congregationalists, have all, as yet, overlooked one of the most vital resolutions adopted by the General Assembly at the Port Arthur meeting. After a long general debate the Assembly, by a vote of less than 4 to 1, adopted the five clauses in the report on church union. Later a sixth clause was added to the report and adopted. It is to this added clause I refer below.

The enactments in the first five clauses were, in substance, as follows: The Assembly (1) determined to proceed forthwith to union; (2) approved the draft bills in principle and generally as to form, as necessary to give legal effect to the union and to furnish legal authority requisite to corporate action; (3) required Presbyteries to furnish particulars of the tenure of all congregational property to complete schedule D to the bills; (4) arranged for the appointment of 50 members in the first general council, and (5) resolved to appoint a new Presbyterian committee with power to (a) favorably consider a printed memorandum of amendments to the draft bills, (b) co-operate with committees of the other churches in putting the bills in final shape and to procure their enactment, and (c) inform the membership of the church of the action taken, and to take such further steps in preparation for the consummation of union as would secure the fullest measure of spiritual benefit.

A number of those who voted for union seemed to be strangely moved by the fact that 129 delegates voted "nay," and having in mind, no doubt, the Assembly's chief duty, namely, "to preserve the unity of the church" (Blue Book, Sec. 112) they resolved to be consistent as far as possible, so they presented the new clause six, which, as adopted, is as follows:

"The committee is hereby empowered for and on behalf of the General Assembly in its conference with the like committees of the other negotiating churches, and by such conferences with representatives of the minority to use its best efforts, by amendment of the proposed legislation or otherwise consistently with the principle and general form of the legislation as approved by the Assembly) to maintain the unity of the church, or, if that be impossible, then to reach a satisfactory agreement with the minority in reference to the name and status of the non-concurring congregations and division of denominational property and rights of the Presbyterian Church in Canada

without recourse as far as possible to the commission referred to in the said legislation." (Official minutes, page 90.)

This is a resolution which is very wide in its scope, and it should be carefully examined and acted upon before discussion takes place. Its

supreme object is, notwithstanding all that has taken place, "to maintain the unity of the church." The union committee is empowered to confer with representatives of the minority. For this purpose it is necessary to ascertain in every congregation those who desire to maintain the Presbyterian church, for that is surely what "minority" in the resolution means, so that official representatives can be appointed to confer with the union committee. Power is given to reach unity by (1) amendment of the bills, or (2) otherwise. "Otherwise" covers every field outside of enabling legislation, and every other field should be well explored before the church is split.

If it be impossible to maintain the unity of the church, then the assembly has directed that the union committee reach a satisfactory agreement with the minority. In reference to the name and status of non-concurring congregations and a division of property without recourse to commissions. This again requires properly delegated representatives of the minority, and these can only be appointed by giving every congregation an opportunity to express itself in an official way.

It seems to me that it is the duty of every minister, no matter what side he takes, to inform his congregation of the will of the Assembly in clause 6, and to act accordingly. Some are not doing this. In an Ontario city, where the principal Presbyterian churches are in favor of preserving their church, the union committee had to hold its meeting, for the purpose of fostering union. In a Methodist church. If they had proceeded under clause 6 there might have been no difficulty. In another city an ardent unionist desired to preach in the church of a brother who had the opposite view, and the latter cordially offered his pulpit on condition that there should be an exchange, but this was not acceptable to the former.

Ministers and sessions ought to remember that congregational meetings are called on a requisition from a board of managers or from a number of persons in full communion, as well as by the session itself (Blue Book, Sec. 19.) Ministers will be wise, on their own account, to have their congregations express themselves and save surprises. From a town congregation the minister supported a certain side at the Assembly, and assumed, and his action suggested, that his congregation must follow his lead. His first surprise came when a group of his members asked the session for permission to hold a meeting, when he found that a majority of his elders did not agree with him. A meeting was held. This was followed by a house-to-house canvass, and when the communicants had expressed themselves, it appeared that the minister had not represented two-thirds of his flock by his vote. He is now, no doubt, on the horns of a dilemma.

There are to-day many sober heads and sad hearts in both camps. Surely some way can be found which will give the benefits of union without disruption, and with this in view, the assembly's committee ought to follow the Assembly's direction in clause 6 to the uttermost. They have ample power to call a halt, and to ascertain what the church members and adherents desire to-day by their votes.



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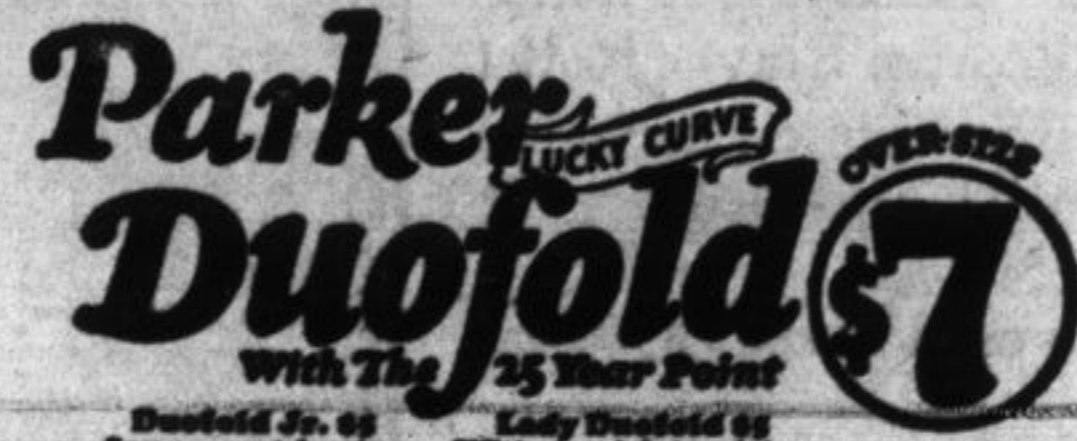
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THE LATE T. K. RUTHERFORD.

Collin's Bay Railway Man Forty-Two Years in Service.

The funeral of the late Thomas Kirkpatrick Rutherford, who died suddenly at Collin's Bay, took place on Tuesday, Dec. 18th, at 2.30 o'clock from his late residence to Union church, thence to Cataract cemetery. The service was conducted by Canon Smith, Cataract, assisted by Rev. Mr. Slaco.

Deceased is survived by his wife, formerly Annie Teasdale, Colborne; one brother, Harry, North Bay; one brother-in-law, George Teasdale, Collin's Bay, two sisters-in-law, Mrs. Richardson, Ottawa, and Mrs. Elizabeth Rutherford, Montreal. Amongst the out-of-town mourners were Sheriff and Mrs. Richardson, Ottawa, Mrs. Elizabeth Rutherford, Montreal; Harry Rutherford, North Bay; Mrs. W. Dolan, Carp; Mrs. W. Smith, Westboro; Mrs. H. Graham, Britannia Bay; Claude Riddell, South March; S. M. Bradley, Hazeldean. Amongst the associates of the C.N.R. were noticed S. C. Wright, Kingston; A. W. Latimer, Lansdowne; F. Bolte, Lyn; J. F. Griffin, Brockville; E. N. Granger, Scarboro Junction; F. B. Allison, Napanee; E. Scott, Yonge's Mills; J. La Marche, Kingston; L. Collins, St. John, N.B.

Amongst the floral tributes were: Broken circle from Order Railroad Telegraphers; wreath from Agents and Telegraphers of Sixth Division.

The late Mr. Rutherford was sixty-one years of age and the third son of the late Daniel and Emily Rutherford, Collin's Bay. He rail-roaded forty-two years and was a telegrapher at Collin's Bay for thirty-two years, being one of the oldest men on the road. He was a member of the Masonic Order, the Order of Railroad Telegraphers and the A.O.V.W. Mr. Rutherford was predeceased by his brother, Archie, about two years ago.

It is difficult to say how much men's minds are consoled by a kind manner and affability of speech.