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REQUEST FOR AN INJUNCTION REFUSED

(Continued from Page 1.)

Given from the pulpit on two previous occasions. Regarding authority for the action now in court, witness said a resolution regarding it was passed at a meeting of the congregation on August 17th, at which fifty were present. Notice of the meeting had been given. It was called on authority of the session which met in Day and Revelle's office. Mr. Gates was not present.

Evidence re Trustees.
James Anthony English gave evidence to show that he remembered the election as trustee of Robert Ballantyne. It was just before Mr. Lancaster came to the charge. David MacClement nominated him. A number of the church's records were burned in Mr. Ballantyne's fire about three years ago.

David MacClement stated that he was elected a trustee in 1916 at a meeting of the congregation and had acted ever since. Mr. Barnes had been elected two years later at a meeting of the congregation which he attended. He also remembered Mr. Ballantyne's election.

Robert Gates, the last witness for the plaintiffs, confirmed the minutes regarding Mr. Barnes' election as a trustee. This closed the evidence.

The Argument.
His Lordship asked for evidence regarding the formation of a new church on June 10th. No evidence was submitted and Mr. Cunningham assumed the responsibility. In his first address Mr. Robertson spoke briefly. He claimed that the plaintiffs included trustees of the church property, the duly called and inducted minister of the church, and members of the congregation, who had established their right to ownership. Who Rev. Mr. Craig or Rev. Mr. Fee were the court had not been shown. He claimed the plaintiffs were entitled to freedom from interference, had a legal title and were entitled to the benefit of the trusts and to carry on.

Action Improperly Brought.
Mr. Cunningham's first objection was that the action had been improperly brought, in that it had not the authority of the session or congregation. What took place in the office of the plaintiff's solicitors was of no account, as Mr. Gates had not been present. Nor had there been any proper meeting of the session to authorize the August 17th meeting, when the resolution regarding the action was passed.

The case was similar, he said, to the action of the directors of a joint stock company. Meetings of the directors could not be held in such an informal way. He also held that notice should be given to those concerned of what was to be voted on at the meeting. "But we don't dispute that," said Mr. Robertson. "He does not dispute your law on joint stock companies, but he does that on the salvation of souls," commented Justice Logie. Of course, he added, two members could not be called a quorum. Mr. Cunningham also claimed that the action should fail because it was not the action by trustees. The said trustees had not been properly appointed. They should be elected by the old trustees. If they did not elect them, then it is in the power of the congregation to do so. Nor is a man a trustee till his name had been entered in a book kept for the purpose.

Rev. Mr. Fee's Position.
Justice Logie asked Mr. Cunningham how he justified Rev. Mr. Fee's action in coming and disturbing the church service. He pointed out that the action had been brought in trespass and was still in trespass.

Mr. Cunningham replied that he still thought Mr. Lancaster moderator of the church, unless his actions in connection with the United Church had deprived him of it. But he claimed Mr. Fee had done no wrong. There was no legal wrong in going to the church and informing the congregation that he was representing the Continuing Presbytery, and that it still controlled the church. If the Presbytery had done nothing it might be thought to lose certain rights.

N. S. Macdonell.
N. S. Macdonell, in his address, said that Rev. Mr. Fee was not acting personally but as a representative of the Presbytery. He claimed

that Mr. Lancaster, if he had any grievance, should have taken it to the Synod of the Presbyterian Church. He also claimed that the Continuing Kingston Presbytery and the Presbyterian Church should have been joined as a party in the action, as they were really the most concerned.

Mr. Robertson, speaking again, claimed that the plaintiffs had been shown no authority why certain persons should come to their church making certain claims. In fact no evidence had been submitted to show that there is a Presbytery of the Presbyterian Church. Regarding the status of the action, he claimed that the trustees were entitled to sue any one who trespassed or interfered with their rights, and they were the only persons who were trustees.

The Judgment.
Justice Logie spoke for some time in giving judgment. He hoped that the matter would stop here. If it didn't, it was all the more reason why he should give judgment at once, which he considered a simple matter.

He claimed that the action was ill-founded, on the grounds that the Presbytery and the Presbyterian Church should have been included. He regarded Messrs. Ballantyne, Barnes and MacClement as trustees, regardless of any irregularity. The position which they claimed, that of trustees of an independent church, was untenable, he said, reading from the deed. It was not open to the trustees to take a position of independence on the motion of the congregation, but they were in the same relation to the new Presbyterian Church as they were to the old, if the congregation decided to remain out of union, which he claimed they had done on their first vote, which vote he held to be valid and the only one to which the congregation was entitled. The votes of March 16th and of August 3rd were nullities in his opinion.

February Vote Stands.
Mr. Lancaster's evidence was all that had been submitted regarding irregularities in the February vote. But even allowing for such irregularities, there would still be enough votes to carry against Union. The time to have decided who was not entitled to vote was before the signing of the lists. Mr. Lancaster would know who took communion. He therefore paid no attention to the alleged irregularities in this vote. If they desired to be independent, he did not think they could carry the St. John's property with them.

It was not a case for an injunction against Revs. Fee and Craig personally. They were not acting as disturbers of the peace but to notify the congregation of the claim of Presbytery. Mr. Fee's claim was made in good faith. In closing he again expressed the desire that the trouble would end now. The church was a small, struggling one, and he trusted that the good sense of the members would see that a great mistake would not be incurred in carrying the matter further. He hoped the two sides would get together and make some satisfactory arrangements. It would be unfortunate if any supposed settlement were followed, not by peace, but by war.

He said that as he had tried to make a settlement at the start without success, his best plan would be to dismiss the action without costs, unless it went farther, in which case the parties carrying it on would pay the costs of the proceedings to date. Five lawyers took part: R. S. Robertson, K.C., of Parkin, Robertson, Aitchison, Pickup and Calvin, Toronto and A. E. Day, represented the plaintiffs. E. M. Young, of Picton, appeared for Rev. Mr. Craig; N. S. Macdonell, of Maw, Macdonell, Thompson and Holme, Toronto, for Rev. Mr. Fee, and Mr. A. B. Cunningham, K.C., for the remainder of the defendants.

FATHER O'CONNOR, NAPANEE.
Was Received by the Pope and Presented With Medal.
Napanee, Sept. 16.—While in Ireland, Rev. Father T. P. O'Connor, of Napanee, visited the beautiful lakes of Killarney. When he got over to France he visited the Grotto of Lourdes, the most blessed and perhaps the most beautiful spot in the world. He told of many of the miraculous cures which took place there, due to the faith of the sufferers and of their friends.

After leaving Lourdes, he visited Monte Carlo, the smallest principality in Europe, ruled by one man, noted for its beauty of situation and buildings and for its gambling. From there the reverend father went to Rome where he spent ten happy days. Father O'Connor had the pleasure and privilege of a private interview with the Holy Father and on two occasions had the great honor of assisting His Holiness at the Holy Mass.

A pilgrimage from a distant country, of three thousand people were kept waiting while Father O'Connor had his audience. His Holiness gave him a medal with his own (the Pope's) likeness on one side and of St. Peter on the reverse side, and all his requests were granted to him including the right to bestow the Apostolic Benediction.

On leaving Rome to return home he visited Paris and other places in France. When in London he visited the Wembley Exhibition and said that Canada took first place there and Australia second. The great trouble both in Britain and France at the present time, he said, is the labor problem, which, said the speaker can only be solved on the principles of Christianity. The power of God is what will bring justice and right for both capital and labor. Father O'Connor has been forty years in holy orders.

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GANANOQUE

Gananoque, Sept. 17.—So far seventy-five prominent men from Toronto, Ottawa, Montreal, New York, and intermediate points have accepted Mayor Wilson's invitation to be at Gananoque on the 18th for the formal opening of the New Highway. Premier Ferguson will be here, Dr. Doolittle of Toronto, A. W. Campbell, chief of Highways for Canada, the mayors of Brockville, Perth, Cornwall, Watertown, N.Y., Carleton Place, and Clayton, ex-mayor Dr. Ferguson O'Connor of Kingston and J. M. Campbell, A. W. Gray and H. T. Stewart, M.P., and A. M. Rankin, member for Frontenac. All are to dine at Blinbourne Club House, guests of the Canadian Club. It has been proclaimed a half holiday for the Gananoque schools. The stores will remain open but it is expected the factories will also holiday.

At the council meeting Tuesday evening petitions covering paved streets were presented by the residents on Church, Market, Pine between Charles and Stone, Charles street-south to Wellington, and it is expected that others will follow. There was also a petition by those against daylight saving, asking for another vote. Nothing was done about this, as it is understood that those favoring daylight saving are also active at the moment.

Miss Muriel Britton returns today from New Britain, Conn., where she has been visiting her brother, Mr. R. B. Britton. C. S. Mackenzie is on a business trip to Toronto and Oshawa. J. P. Byers of Chatham, is with relatives in town for a few days. Mr. and Mrs. D. Drohan are with Mr. and Mrs. James Kane, Kingston, for a few days. Miss Kathleen Gaudier returned home to-day from a visit with friends in Toronto.

Cheese Board Sates.
Woodstock, 720 Boarded, 21c offered, no sales.
St. Paschal, Que., 135 at 20 27-32c.

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JAMES REID

THE LEADING UNDERTAKER. PHONE 147 FOR SERVICE.
Woman to Run for Mayor.
Boston, Sept. 17.—A woman's bonnet was added to the dozen masculine hats in Boston's political ring when Miss Frances G. Curtis, for thirteen years a member of the school committee, announced her candidacy for mayor.

W. R. Rosenbush, prominent realtor of Kitchener, pleaded guilty to uttering forged documents. Remanded for sentence.
County council accepted the equalized assessment for the county totalling \$49,255,700, a decrease of \$2,324,100.

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