

To the General Conference: On April 14, 1909, a resolution with preambles presented by the Council of Presidents of Seventy was referred by the conference to this quorum "for consideration and report."

The preambles and resolution are:

"Whereas, there has been difference of opinion, and conflicting methods of administration regarding men expelled from the Seventy's Quorum for cause; and

"Whereas, the Seven Presidents of Seventy have asked this quorum to express itself upon this point;

"Resolved, That when a man is expelled from a quorum for cause he is thereby silenced from acting in any official capacity in the church; and before he can be granted a license to act in any office, or be ordained to any office, he must make reconciliation with his quorum expelling him and be relieved from disability by said quorum."

If the question of status alone is considered, on the presumption that the procedure had in expulsion is legitimate, then perhaps the resolution might be correct; but inasmuch as the question seems to have been raised over differences of opinion relative to the status of seventy "dropped" according to certain action or "expelled" according to another action, the question of jurisdiction and procedure might properly be raised, and with this goes an allied question; viz, How was determination of facts of cause had?

Since the church courts are the tribunal under the law to pass upon such matters, we are of the opinion that the quorum has no right or power to determine facts of guilt or innocence, further than investigating as to the sufficiency of evidence justifying in the opinion of the quorum trial before the proper body authorized to hear and pass upon matters of facts of guilt or innocence of members. If we hold that the quorum has power to sit in judgment upon facts and find thereon, then perforce of logic the quorum must be held to possess the functions of a court. If not, then the quorum could go no further than investigate the evidence and cite to trial before a body possessing court functions.

Again, if it is held that the quorum has power to expel it would have power to enroll. But in the case of a seventy, General Conference determines eligibility to ordination as a seventy and authorizes enrollment. Naturally we must conclude if a body does not have power to enroll it could not expel; that is to say, to the authority which determines membership, must revert the final right to deny or cancel the membership.

Membership in church, once established, is canceled only on the findings of a court. Shall not discharge for cause from membership in a quorum be determined by some body possessing the function of a court?

Hence we must conclude that before determining the question of status after "expulsion," it would be well to determine the question of procedure in expelling, and we are of the opinion that expulsion from a quorum of seventy can be had properly only by General Conference on recommendation of the quorum, such recommendation being based on the finding of a proper court, the recommendation for expulsion being accompanied by a brief statement of the findings on which it is based.

We are of the opinion that such trial can be properly had before a bishop's court, right of appeal to a High Council being had.

Respectfully submitted,

FREDERICK M. SMITH,

Secretary of the Presidency.

INDEPENDENCE, MISSOURI, April 15, 1910.